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Staff Determination of Consistency and Compliance with Land Use Plans and Zoning Ordinances

Project Name Tesoro Savage Vancouver Energy Distribution Terminal

Report Date Dec. 16, 2013

Procedural Background RCW 80.50 establishes the Energy Facility Site Evaluation Council (EFSEC). RCW 80.50.040 enumerates the powers of the council, including review of energy plants.

RCW 80.50.020 (12) (d) defines energy plant as including the following;
Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction.

The proposal is to construct a facility that would receive more than 50,000 barrels of crude oil per day via rail, it would be stored on site and then loaded on to ocean-going tankers and shipped over marine waters to refineries.

As this proposal meets the definition of energy plant, it will be reviewed by the Washington State Energy Facility Site Evaluation Council.

RCW 80.50.120 addresses the effect of certification as follows:

- (1) Subject to the conditions set forth therein any certification shall bind the state and each of its departments, agencies, divisions, bureaus, commissions, boards, and political subdivisions, whether a member of the council or not, as to the approval of the site and the construction and operation of the proposed energy facility.
- (2) The certification shall authorize the person named therein to construct and operate the proposed energy facility subject only to the conditions set forth in such certification.

- (3) The issuance of a certification shall be in lieu of any permit, certificate or similar document required by any department, agency, division, bureau, commission, board, or political subdivision of this state, whether a member of the council or not.

The applicant has requested the city to review the proposal to determine whether it meets city standards and to certify to the Washington State Energy Facilities Site Evaluation Council (EFSEC) the findings of this review.

The applicant has not requested any city permits. All permits will be processed through EFSEC.

If this were not an EFSEC project, the city would have processed the application using the Type II process. However, City Council confirmed at its Nov. 4, 2013, workshop, staff was to review whether the applicant could meet city standards administratively.

Proposal

The following describes the specific proposal:

Area 200 – Administrative/Support and Rail Unloading

Area 200 is located at 5501 NW Lower River Road. The following Facility elements are proposed to be located in Area 200: administrative and support buildings, parking, rail access to the rail unloading facility, and the rail unloading facility. Area 200 is to be accessible from an unnamed private road owned and maintained by the Port of Vancouver. The Area 200 facilities are proposed to be constructed on approximately 7.59 acres.

Area 300 – Storage

Area 300 is located at the Port's Parcel 1A on the south side of NW Lower River Road, just east of the existing Farwest Steel facility. The following Facility elements are proposed to be located in Area 300: product storage consisting of 6, 380,000 barrel storage tanks and associated secondary containment, the Area 300 Boiler Building, and associated control and ancillary systems. Area 300 is to be accessible from NW Gateway Avenue. Area 300 facilities are proposed to be constructed on approximately 20.84 acres.

Area 400 – Marine Terminal

Area 400 is located at existing Port Berths 13 and 14 on the Columbia River south of the current Subaru facility. The following Facility elements are proposed to be located in Area 400: product conveyance and loading facilities located on the dock, marine vapor control units (MVCUs), emergency containment and response equipment, a fire water pump and

foam building, and control and ancillary facilities associated with vessel loading. This area is to be accessed from Gateway Avenue and Harborside Drive by a driveway to be constructed with the project. Area 400 is to be constructed on approximately 4.97 acres.

Area 500 – Transfer Pipelines

Area 500 consists of a non-exclusive easement located within Terminal 5, Parcel 1A, Terminal 4, and corridors adjacent to existing private Port roads. Area 500 includes the corridors for the approximately 38,500 lineal feet of transfer pipelines proposed to connect the Unloading (Area 200), Storage (Area 300), and Marine Terminal (Area 400) portions of the project. Area 500 is to be constructed on approximately 2.20 acres.

Location

The site is located in the SE ¼ of Section 18, NW ¼ of Section 19, and the N ½ of Section 20, Township 2 North, Range 1 East WM. Berths 13 and 14 are located at approximately Columbia RM 103.5.

The site is located on the north (Washington) shore of the Columbia River. State Route (SR) 501 (Lower River Road) is located immediately to the north of the site. Interstate 5 (I-5) is located approximately 2.5 miles east. Rail access to the site is available from the east.

The Port is located from approximately 103 to 106 river miles (RM) from the Pacific Ocean on the Columbia River at the head of the deepwater navigation channel.

Contact/Applicant

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SEPA

Under the provisions of WAC 463-47-050, the Energy Site Evaluation Council (EFSEC) is decisionmaker for SEPA. The city of Vancouver will not be processing the SEPA review for this project.

EFSEC has determined an Environmental Impact Statement (EIS) is required. The Scoping Comment period closes at close of business, December 18, 2013.

Staff has submitted comments to EFSEC regarding the scope of the EIS.

**Certification
Determination**

Staff has determined that subject to certain concerns and recommended conditions, the applicant has demonstrated the proposal is in compliance with the development regulations of the city of Vancouver.

Report Prepared By
Jon R. Wagner, AICP, Senior Planner/Case Manager

Date

Greg Turner, Manager
Land Use Team

Date

General Site Information

Zoning District	IH (Heavy Industrial)
Adjacent Zoning Designation	IH (Heavy Industrial) and GW (Greenway) Vancouver Lake
Comprehensive Plan Designation	Industrial
Parcel Size	Total of 41.5 acres
Adjacent Land Uses	Heavy Industrial
Access Roads	Lower River Road and Gateway Avenue
Existing Vegetation	None
Existing Structures	A water tower and Berths 13 & 14
Topography	Generally flat upland, sloping to the Columbia River
Habitats of Local Importance	No mapping indicators
Fish and Wildlife Habitat Conservation Areas	Riparian Management Area and Riparian Buffer
Frequently Flooded Areas	Portions of the site are in the floodplain and floodway
Geological Hazard Areas	Mapping indicators
Wetlands	Mapping indicators, however, these have been filled and mitigated
Shoreline Management Areas	The portion of the project at Berths 13 and 14 are within Shoreline jurisdiction
Archaeology	The area is indicated as a Level A; high probability for encountering artifacts
Drainage Basin	Vancouver Lake/Lake River
Wellhead Protection	No mapping indicators
Soils	PhB Pilchuck fine sand, 0 to 8% slopes
Park Impact Fee District	#1
School Impact Fee District	Vancouver
Impacted Schools	Not applicable
Traffic Impact Fee District	Vancouver
Transportation Analysis Zones	38
Sewer District	Vancouver
Water District	Vancouver
Fire Service	Vancouver
Neighborhood Association	Fruit Valley

Procedural History

Activity	Case #	Date
Pre-application conference	PIR-34550	06/27/2013
EFSEC Certification Application submitted to the city	LUP-34872	09/13/2013
Application determined fully complete	LUP-34872	10/04/2013

APPLICABLE REGULATIONS

Vancouver Municipal Code

The following code provisions are used to determine whether the proposal can be certified as being able to meet the city's review process:

VMC Chapters 11.80 Street Standards; 11.90 Transportation; 11.95 Transportation Concurrency; 14.04 Water and Sewer Use Regulations; 14.16 Water and Sewer Service Connections; 14.24 Erosion Control; 14.25 Stormwater Control; 14.26 Water Resources Protection, 16.04.160 Water Supply and Fire Hydrants; 16.04.150 Fire Apparatus Access; 16.04.170 through 16.04.210 Fire Protection Systems; 16.04.010 Premises Identification; 20.210 Decision Making Procedures; 20.440 Industrial Districts; 20.710 Archaeological Resource Protection; 20.740 Critical Areas; 20.760 Shoreline Management; 20.770 Tree Conservation; 20.790 State Environmental Policy Act Regulations; 20.915 Impact Fees; 20.925 Landscaping; 20.945 Parking and Loading; 20.960 Signs; and 20.970 Solid Waste Disposal and Recycling.

Public Works Publications

General Requirements & Details for Water Main Construction

General Requirements & Details for Sewer Main Construction

Other

Manual on Uniform Traffic Control Devices

ANALYSIS

Major Issues

Staff reviewed the proposal for compliance with applicable regulations, code criteria and standards in order to determine whether the proposal could be constructed and operated in conformance the applicable city of Vancouver development standards.

FINDINGS

Land Use

20.210 Decision Making Procedures

Finding: The applicant has requested that the city review the application materials and certify the proposal is consistent with local land use regulations. Under the provisions of RCW 80.50 and WAC Title 463, the city does not have the authority to issue permits for the proposal.

Staff has reviewed this application as Type I review. This is based on City Council's determination on Nov. 4, 2013, in a council workshop, staff was to review the application administratively.

20.270 Site Plan Review

Findings: The applicant is requesting the city of Vancouver to provide certification to the Energy Facility Site Evaluation Council indicating the proposal can meet the city's development standards.

If this were a application, staff would review the application materials and issue a decision approving, approving with conditions, or denying the application. VMC 20.270.020 states that all new developments and modifications to existing developments shall require site plan review and approval prior to the issuance of any building permits, establishment of any new uses, or commencement of any site work unless otherwise exempted in this title. Developments subject to site plan review shall comply with the Vancouver Municipal Code and all other State statutes and applicable laws and regulations.

For this proposal EFSEC will be responsible for issuance of any permits and imposition of any conditions of approval.

Staff has reviewed the standards that would be associated with an application of this type. The findings are contained in this report.

Zoning District

20.440.030 Industrial Districts Uses

Finding: The site is located within the IH zone. The proposed use is classified as warehouse/freight movement. This is defined as uses involving storage and movement of large quantities of materials or products indoors and/or outdoors associated with significant truck and/or rail traffic [emphasis added]. Examples include free-standing warehouses associated with retail furniture or appliance outlets; household moving and general freight storage; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals [emphasis added] and dispatch centers; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.

Per Table 20.440.030–1, warehouse/freight movement is allowed outright in the IH zone.

The proposal is part of the West Vancouver Freight Access (WVFA) project which has been determined to be a facility that has regional or state-wide significance and is classified as an Essential Public Facility by the provisions of the Growth Management Act. On April 17, 2008, the Hearings Examiner approved the WVFA, through the conditional use process outlined in 20.855.020, as an Essential Public Facility in conjunction with PRJ2007-00322.

Per the definition of Essential Public Facilities (VMC 20.150.040) Essential public facilities will be allowed in locations appropriate for the services provided and the people served.

The proposed use is permitted in the IH zone.

20.440.040 Industrial Districts Development Standards

Finding: The following is an excerpt from Table 20.440.040-1 relating to the IH zone and comparing those with the applicant’s submittal.

Standard	Required	Existing/Proposed
Minimum lot size	None	41.5
Maximum lot coverage	100%	N/A
Minimum lot width	None	N/a
Minimum lot depth	None	N/A
Minimum setbacks adjacent to non-	Pursuant to buffering and screening	Only the portions of the

residential districts	standards contained in VMC Tables 20.925.030-1 and 20.925.030-2	proposal along Lower River Road are subject to the setback standards, See below
Maximum height	None	N/A
Minimum landscaping requirement (percentage of total net area)	0%	None

*Tables 20.925.030-1 and 20.925.030-2 indicate the required setback and landscaping requirements for the various zoning districts in relationship to the adjacent zoning. The L1 standard indicates 5 foot of required setback and a minimum of one tree per each 30 lineal feet of lot width.

It is staff policy that these setback and landscaping standards are not appropriate to development within the Port of Vancouver. The boundaries between various parcels are fluid, depending on the need of the port's tenants.

The landscape standards do not apply to IH-zoned properties within the Port of Vancouver other than along public streets.

20.710 Archaeological Resource Protection

Finding: The site is located within a Level A area; an area with a high probability for encountering artifacts.

There have been several Cultural Resource Studies completed in this area and the applicant has provided a cultural resources report is attached as Appendix B of their application.

Under the provisions of 20.710.090, **in the event any item of archaeological interest is uncovered during the course of a permitted or approved ground-disturbing action or activity, all ground-disturbing activity shall immediately cease and the Vancouver Planning Official and Department of Archaeology and Historic Preservation shall be informed.**

The applicant has shown the proposal meets the requirements of 20.710.

20.740 Critical Areas- Non-Shoreline Jurisdiction

Finding: Various portions of the site contain fish and wildlife habitat conservation areas, frequently flooded area, and geologic hazard areas (seismic hazards). In this section the applicant has addressed the critical area standards in the non-shoreline areas.

The applicant's responses to critical areas within shoreline jurisdiction are addressed later in this report.

The applicant has indicated the only critical area in upland (non-shoreline jurisdiction) portion of the site is geologic hazards relating liquefaction or dynamic settlement. Staff has reviewed the materials available and concurs.

The applicant narrative on page 48 indicates some alternative measures for addressing the issue of liquefaction. These include:

- Ground improvement techniques such as vibro-replacement (stone columns), soil mixing, jet grouting, vibro-densification.
- Preloading or surcharging, with temporary fill soils.
- Pile foundation systems.

The applicant response indicates the proposed final design of the Facility will comply with the provisions of the building codes and requirements for seismic hazards that apply to the proposed location.

As the city does not have the authority to review the project under the EFSEC process, staff recommends that compliance with applicable city regulation be a condition of any approvals. Under a city review of this project, the methods of addressing liquefaction would be addressed in the Critical Areas Report and by the Building Plans Examiners at the time of building permit application.

20.760 Shoreline Management

Applicability

Under the provisions of WAC 173-27-040(2)(1), any project with a certification from the governor pursuant to chapter 80.50 RCW is exempt from the substantial development permit requirements. 80.50 RCW relates to Energy Facilities Site Locations. This exemption applies to this project. However, staff has reviewed the proposal for consistency with the Vancouver Shoreline Master Program. The analysis is set forth below.

Consistent with Section 2.1.1(a) on p. 2-1 of the Vancouver Shoreline Master Program (SMP), the SMP applies to all shorelands and waters within the City limits that fall under the jurisdiction of Revised Code of Washington (RCW) 90.58, including the following geographic area that includes the project site.

On the Columbia River from the eastern boundary of Wintler Park downstream to the eastern boundary of Parcel #153105000 (also referred to as “Port Parcel 3”) shorelands shall include those lands extending two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM); floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to the provisions of this Program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.

The SMP divides the shoreline jurisdiction on the site into two major designations: Aquatic and Upland. The Upland designation in the project area is further defined as high-intensity, and generally extends 200 feet landward of the Ecology Ordinary High Water Mark.

The proposed project involves work below the Ecology OHWM of the Columbia River in the aquatic shoreline environment and within 200 feet of the OHWM in the Urban High Intensity (UHI) shoreline environment. The following discussion addresses project consistency with the City’s SMP and its policies and regulations as they relate to both of these shoreline environments.

The table below identifies the specific Facility elements proposed within shoreline jurisdiction.

Shoreline Jurisdiction	Elements Falling within Shoreline Jurisdiction
Upland – High Intensity	<ul style="list-style-type: none"> • Portions of two designated rail tracks at Terminal 5. • Two transfer pipelines, each approximately 24 to 36 inches in diameter that will connect the storage tanks to the vessel loading system at Area 400. • A 6-inch return line that will return crude oil from the vessel loading system back to the storage tanks. • A 16- to 22-inch diameter line that will deliver hydrocarbon vapor generated during the loading of vessels to the marine vapor combustion unit (MVCU). • A vapor blower staging unit that will be constructed on an approximately 425-square foot concrete pad approximately 30 feet west of the Berth 13 access trestle. • Structures including: <ul style="list-style-type: none"> ○ An approximately 1,250-square foot single-story E-house located west of the Berth 13 access trestle. ○ An approximately 300-square foot single story motor control center (MCC) building located approximately 250 feet west of the Berth 13 access trestle. ○ 10 parking stalls that will be created in an existing gravel mobilization area approximately 110 feet east of the Berth 14 access trestle. ○ An Emergency fire water pump and foam building ○ Marine Vapor Combustion Units (MVCU). ○ An approximately 24-foot-wide access driveway ○ Portions of two designated rail tracks at Terminal 5. ○ Two transfer pipelines, each approximately 24 to 36 inches in diameter that will connect the storage tanks to the vessel loading system at Area 400. ○ A 6-inch return line that will return crude oil from the vessel loading system back to the storage tanks. ○ A 16- to 22-inch diameter line that will deliver hydrocarbon vapor generated during the loading of vessels to the marine vapor combustion unit (MVCU). ○ A vapor blower staging unit that will be constructed on an approximately 425-square foot concrete pad approximately 30 feet west of the Berth 13 access trestle.

<p>Aquatic</p>	<ul style="list-style-type: none"> • Two transfer pipelines, each approximately 24 to 36 inches in diameter, that will be installed on the existing Berth 13 trestle and T dock to connect the storage tanks to the vessel loading system at Area 400. • A 6-inch return line that will be installed on the existing Berth 13 trestle and T dock to return crude oil from the vessel loading system back to the storage tanks. • Vessel loading equipment that will be installed on the dock and include crane(s), piping manifold, high pressure hoses, hose support equipment, crane control room, dock safety unit, and safety equipment including skiff, boom reels and response equipment. • Modifications to the existing berths 13 and 14 dock including: <ul style="list-style-type: none"> ○ Removal of two mooring dolphins and two breasting dolphins including 48, 18-inch steel pipe piles and 8, 12 ¾-inch steel fender piles and approximately 1,330 square feet of existing concrete pile cap. ○ Installation of 4, new 27-foot diameter (approximately 2,150 square feet combined new, solid overwater coverage) mooring dolphins including 40, 36-inch steel pipe piles. ○ Removal of approximately 3,250 square feet of grated walkway associated with the existing breasting dolphins that will be removed. One existing 18-inch steel pipe pile supporting the walkways also will be removed. ○ Addition of 4 to 8, 24-inch steel pipe piles to Berth 13 dock platform. ○ Addition of 16, 24-inch steel pipe piles (all below the OHWM) to the existing bents at Berth 13 access trestle. ○ Addition of 6 to 12, 36-inch steel pipe piles at the existing trestle abutment at Berth 13, all above OHWM. ○ Installation of structural connection framing between the Berth 13 platform and the adjacent upstream and downstream breasting dolphins. Installation of grated walkways on top of the framing. Addition of 2, 24-inch steel pipe piles to support structural framing. ○ Addition of approximately 2,850 square feet of new grated walkways between mooring and breasting dolphins with 4, 24-inch steel piles to support the walkways. Grated walkways will mostly be reused portions of existing walkway that was removed. • Removal of existing structures and piles at Terminal 2
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According to Table 6-1 Shoreline Use, Modification and Development Standards of the SMP, water-dependent uses are permitted in the Aquatic and High-Intensity shoreline designations. The proposed project is a facility that will receive crude oil by rail, store it on site, and ship it via the Columbia River. The marine shipping component of the proposal require direct access to the shoreline for operation and, as such, meet the definition of a water-dependent use contained in Chapter 8 of the SMP. The definition of Water-Dependent Use or Activity is a use or a portion of a use which requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations.

The proposed as a marine shipping terminal is a water-dependent use

Criteria for SDP

Per RCW Section 90.58.340, the local jurisdiction, in this case the City of Vancouver is responsible for developing policies related to the use of its shorelines. These policies and the local shoreline management master program are required to implement the program contents identified in RCW 90.58.100. As such, the applicable policies and procedures per WAC 173-27-150 are those of the City's SMP.

Similarly, the provisions of WAC 173-27 generally reflect administrative provisions for the local municipality to adopt with its SMP. Thus, the regulations that apply are found in the City's SMP and addressed below. Sections 173-27-150 of the WAC identify the review criteria for shoreline substantial development permits (SDPs). They are as follows:

WAC 173-27-150 Review criteria for substantial development permits

- (1) A substantial development permit shall be granted only when the development proposed is consistent with:
 - (a) The policies and procedures of the act;
 - (b) The provisions of this regulation; and
 - (c) The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter 173-26 WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.
- (2) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

However, under the provisions of WAC 173-27-040(2)(1), any project with a certification from the governor pursuant to chapter 80.50 RCW is exempt from the substantial development permit requirements. 80.50 RCW relates to Energy Facilities Site Locations. This exemption applies to this project.

As indicated in this report, the applicant has demonstrated the project can meet the review criteria for a substantial development permit. However, in response to the applicant narrative addressing the VSMP provisions, staff has indicated certain conditions should be

required. Staff requests that EFSEC incorporate these conditions into any approval of the project.

Shorelines of Statewide Significance (SMP Section 3.2)

The Columbia River is identified as a shoreline of statewide significance and the City has designated the shoreline environment within the project site as areas 200 feet landward of the OHWM and Aquatic for areas below the OHWM. The following addresses the projects compliance with the state legislative intent for shorelines per RCW 90.58.020 and the City's shoreline management policies listed in Section 3.2 of the SMP:

1. *Preference shall be given to the uses that are consistent with the statewide interest in such shorelines. These are uses that:*
 - a. *Recognize and protect the statewide interest over local interest;*
 - b. *Preserve the natural character of the shoreline;*
 - c. *Result in long term over short term benefit;*
 - d. *Protect the resources and ecological function of the shoreline;*
 - e. *Increase public access to publicly- owned areas of the shorelines;*
 - f. *Increase recreational opportunities for the public in the shoreline; and*
 - g. *Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.*

Applicant Response:

The proposed project is consistent with these regulations because:

- The site of the proposed project does not include a natural shoreline, and thus no “natural character of the shoreline” will be affected by this request.
- The current riparian conditions of the project site reflect a developed and maintained industrial port. Most of the site is heavily disturbed by current industrial and port uses and, in addition, the surface of the project area is predominantly impervious because of paving, filling, and compacting of materials.
- The shoreline at the project site is currently developed as a marine terminal and berth, is owned by the Port of Vancouver, and is not accessible to the public.
- The proposed project establishes a water-dependent industrial use on an existing industrial site and repurposes and enhances existing Port assets for economic development. As such, the proposed project is not intended to increase recreational opportunities.

Staff Response:

The applicant has not addressed how the project recognizes and protects statewide interests over local interests. As this project is processed through the EFSEC process, it is exempt from substantial development permit requirement. **The determination statewide interest verses local interest should be addressed by EFSEC prior to any approvals.**

As the applicant has indicated, there are no natural shorelines along the project site. This reach of the Columbia has been an industrially-developed area for decades.

The applicant has not directly addressed the issue of long term over short term benefits. However, under subsection 5 on page 23 of this report, the applicant indicates this is a long term investment in the regional and local economy.

As the applicant has indicated, the current conditions reflect the property's long use as an industrial facility. As such, there are sparse natural resources or ecological functions associated with this reach of the Columbia River. The applicant has indicated there may be a minor impact on ecological functions of the shoreline in the project area. **Staff recommends that EFSEC require the applicant to quantify and address these minor impacts need to**

Although the shoreline along the proposal is public in that it is owned by the Port of Vancouver, it is not an area dedicated or planned for recreational development. Under the provisions of Section 5.4 of the Vancouver Shoreline Master Program, public access is not required or encouraged where there may be health and safety hazards or security requirements.

This is an active port area with shipping and heavy equipment. There are also security concerns. These limitations apply to the port's normal activities.

2. *Uses that are not consistent with these policies should not be permitted on SSWS.*

Applicant Response:

The proposed project is consistent with the applicable SMP policies and regulations as demonstrated by the responses in this narrative.

Staff Response:

The applicant has addressed applicable SMP policies and regulations. Staff has provided a response to each of the applicant responses in this report.

3. *Those limited shorelines containing unique, scarce and/or sensitive resources should be protected.*

Applicant Response:

Because of the history of development on the site, the limited amount of vegetation present, and the surrounding industrial activity, the project area provides low quality habitat with little functional value for native flora and fauna. (Part 3 of the Application for Site Certification discusses habitat on the site) By designating the site as UHI shoreline environment, the City has recognized the intent for water- dependent and water-related uses at the site.

Staff Response:

The use of the site for industry has displaced the native shoreline and vegetation and there is little to no functional habitat on this reach of the Columbia River.

Regardless of the shoreline designation, water-dependent and water-related uses have priority in all shoreline designations.

4. *Implementation of restoration projects on shorelines of statewide significance should take precedence over implementation of restoration projects on other shorelines of the state.*

Applicant Response:

The project is not a restoration project and therefore this provision is not applicable.

Staff Response:

The applicant has indicated that no restoration is proposed.

5. *Development should be focused in already developed shoreline areas to reduce adverse environmental impacts and to preserve undeveloped shoreline areas. In general, SSWS should be preserved for future generations by 1) restricting or prohibiting development that would irretrievably damage shoreline resources, and 2) evaluating the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.*

Applicant Response:

Like other upland industrial shoreline areas at the Port, the upland area of the site is designated UHI and the area waterward of the OHWM is designated Aquatic. Per Section 4.3.5.2 of the SMP, the UHI designation is intended for dense and developed urban areas with low to moderate ecological function and low to moderate opportunity for ecological restoration or preservation.

The project site is within the former location of aluminum processing facilities owned and operated by Alcoa. The site has been the location of intensive historic industrial use, dating back to 1940 when Alcoa first developed the site for aluminum smelting operations. Given the developed condition of the project site and its continued industrial waterfront use, the City has designated the property appropriately.

The project design and extensive operational protocols have been developed to avoid, minimize, and contain the inadvertent release of crude oil during operations. The project will implement several impact minimization measures and BMPs to minimize the potential for any construction-related temporary water quality impacts associated with leaks or spills or from temporarily increased turbidity. These measures include preparing and abiding by a spill prevention, control, and countermeasures (SPCC) plan, the operations manual, and the spill contingency plan; inspecting construction equipment daily to ensure that there are no leaks of hydraulic fluids, fuel, lubricants or other petroleum products; and locating temporary material and equipment staging areas above the OHWM of the action area waterbody and outside environmentally sensitive areas. With these measures, the project will be operated and managed in a manner that will ensure shoreline resources are not irretrievably damaged.

Lastly, given that the proposed project will use an existing developed marine terminal along a shoreline with low ecological function and the project involves a substantial long-term investment in the regional and local economies, the proposed development represents an appropriate use of the shoreline as described in SMP 3.2.

Staff Response:

As the applicant has indicated, this area is designated for industrial use in the Comprehensive Plan and the Land Use & Development Code. The area has historically been utilized for heavy industrial uses and these uses have displaced the natural shoreline resources.

The proposed use is a long-term investment. The second criterion directly addresses impacts to the natural shoreline. Along this reach of the Columbia River, there are no natural shorelines. All of the shoreline has been filled and the bank reinforced with various materials.

Vancouver Shoreline Master Plan

Staff Note: Under the provisions of WAC 173-27-040(2)(1), any project with a certification from the governor pursuant to chapter 80.50 RCW is exempt from substantial development permit requirement. 80.50 RCW relates to Energy Facilities Site Locations. This exemption applies to this project. However, the applicant has prepared findings addressing the applicable provisions of the Vancouver Shoreline Master Program and staff has responded.

Section 5.1 General Shoreline Use and Development Regulations

As acknowledged in the City of Vancouver staff report for the pre-application conference, dated June 27, 2013, the following policy sections and regulations are applicable to the proposed project:

Table 9 - SMMP Policies and Regulations

Section	Associated Regulation(s)
5.1	1-2, 4-6, 11, 15
5.2	All
5.3	All
5.4	2
5.6.1	All
5.6.2	1-5
5.6.3	All
5.7	All
5.8.1	All
5.9	1-7
5A	All
Table 6-1	All
6.3.3.5	1, 4-5
6.3.6	1, 5-6
6.3.13	1-5

The responses below address the project compliance with the applicable general shoreline use and development regulations described in Section 5.1 of the SMP.

- 1. Shoreline Uses and developments that are water-dependent shall be given priority.*

Applicant Response:

As indicated, the project is a water-dependent use. Consequently, the project is sited appropriately and is a prioritized use within the UHI shoreline designation.

Staff Response:

The shipping terminal is a water-dependent use. It must be located on a navigable waterway. The application indicates that the non-water dependent uses, such as the rail off-loading facilities, storage tanks and office are located upland, beyond the land/water interface.

2. *The applicant shall demonstrate all reasonable efforts have been taken to avoid and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline ecological function is achieved. Mitigation shall occur in the following order of priority:*
 - a. *Avoiding the impact altogether by not taking a certain action or parts of an action. This may necessitate a redesign of the proposal.*
 - b. *Minimizing unavoidable impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts. The applicant shall seek to minimize fragmentation of the resource to the greatest extent possible.*
 - c. *Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;*
 - d. *Reducing or eliminating the impact over time by preservation and maintenance operations;*
 - e. *Compensating for the impact by replacing, enhancing, or providing substitute resources or environments. The compensatory mitigation shall be designed to achieve the functions as soon as practicable.*
 - f. *Monitoring the impact and the compensation projects and taking appropriate corrective measures.*

Applicant Response:

By locating the proposed project at an existing terminal, effects to the shoreline environment have been avoided and minimized. As shown in Section 4.3.4.1 (of the applicant narrative) the regulatory RMA and RB will not be affected by the project elements. Construction BMPs will be employed as outlined in section 4.1.3.2, (of the applicant narrative) to avoid and minimize effects during construction. Where unavoidable impacts result from the project, the development of the project incorporates mitigation.

The following potential impacts to critical area and shoreline ecological functions have been identified, and mitigation has been provided to ensure no net loss of ecological function:

Direct Habitat Modification –

Applicant Response: The project will not result in any net increase in permanent impacts below the OHWM of the Columbia River (see attached JARPA, Exhibit 4). Removal of existing

overwater structures and piles will offset the additional overwater coverage and pile placement associated with the project. Approximately 395 square feet of new benthic habitat impacts will be associated with the installation of seventy-six 24- and 36-inch steel piles for the mooring dolphins and walkways, but this impact will be offset by the proposed removal of 56 steel piles restoring 92 square feet of benthic habitat at the project site and the removal of timber piles at (approximately 220) at the Port's Terminal 2 area restoring approximately 305 square feet of benthic habitat.

In addition to permanent piles, temporary piles are expected to be used during construction to support the guides that will position and align the permanent piles and for the concrete formwork. It is estimated that up to approximately 40 temporary piles may be required. These temporary piles will be 18- to 24-inch diameter open-ended steel pipe or H-piles and will be installed with a vibratory hammer. The temporary piles will result in approximately 126 square feet of temporary impact to benthic habitat. These piles will only be placed for short period of time (on the order of hours or days) and any temporary loss of productivity will be minor and the area is expected to rapidly recolonize following removal.

Additionally, the project will result in a net reduction of approximately 295 square feet of solid overwater coverage and a net increase of approximately 785 square feet of grated overwater coverage associated with walkways. The removal of solid overwater coverage in excess of the amount placed by 295 square feet and the location of this removal in shallow water compensate for the small increase in grated structures.

The aquatic portion of the project site provides habitat for a number of native fish species, including the 14 special status species identified in section 3.4-2 (of the applicant narrative). Nearshore habitats in particular (those less than approximately 20 feet deep) provide suitable migratory and foraging habitat for juvenile salmonids and trout, lamprey, minnows, eulachon, and other native fish species. Deep-water habitats provide these functions to a lesser degree, along with suitable migratory and foraging habitat for sturgeon and adult salmonids.

The project will not result in an increase in impacts to benthic habitat or overwater coverage and therefore impacts to fish habitat at the project site are not expected to result in any significant effect on the quality or function of the habitat. The impacts of both new benthic habitat and new overwater coverage will be offset by the removal of existing piles and overwater structure. Because the project will not result in a net increase in impact to either benthic habitat or overwater coverage, no significant impact is expected to the quality or function of habitat for special status fish species or to any designated or proposed critical habitats for them.

Staff Response:

The applicant has indicated that the above-enumerated actions will be taken and the project will not result in permanent impacts to the area below the OHWM of the Columbia River. The proposal is to remove some in-water and over-water structures to compensate for proposed construction.

The applicant has not indicated the specifications for the proposed grating. The city does not have a grating standard for over-water industrial developments. However, for joint use docks, the

standard is that the dock structure shall be constructed to allow a minimum of 60% light penetration over 60% of each structure.

Impacts to the habitat associated with the Columbia River will be reviewed by the Corps of Engineers, US Fish and Wildlife Service, National Marine Fisheries, Washington Department of Fish and Wildlife. The applicant must obtain all applicable approvals prior to commencing construction. These permit reviews will address issues of habitat impacts and compensation.

Temporary Water Quality Impacts – Applicant Response:

As with any construction project, there is a potential for leaks and/or spills from construction equipment. The proposed overwater work creates the potential for construction debris to enter the waterway. Any material that enters the water will be removed. Equipment and storage containers associated with the proposed project also create slight potential for leaks and spills of fuel, hydraulic fluids, lubricants, and other chemicals.

The proposed project also has the potential to disturb sediments and increase turbidity temporarily at the project site during pile installation and removal activities. Increased levels of turbidity could have temporary negative impacts on aquatic habitats and, if any special-status fish species are present during the time of construction, could affect them directly.

These potential temporary water quality impacts have the potential to affect fish habitat function and special status fish species both at the project site and within the project vicinity, by reducing water quality, reducing visibility and increasing potential exposure to predators, and reducing habitat suitability for prey species. These effects would be temporary, and conditions would return to baseline conditions following completion of construction. At the scale of the project shipping prism, fish and fish habitat would not be affected by any temporary water quality impacts associated with construction, as these effects would be localized to the project vicinity.

During the in-water work period (anticipated to be October 1 to February 28), out-migrating juveniles and migrating adult salmon, steelhead, and bull trout could be present within the action area, as could migrating adult Pacific eulachon. Larval and juvenile eulachon are not expected to be present during the in-water work period. Similarly, green sturgeon will not be exposed to any direct effects of temporarily decreased water quality, as they are not expected to be present within the project vicinity during the in-water work period.

Special status salmon, steelhead, bull trout, and Pacific eulachon, if present, likely will be migrating through the project site and vicinity, and are not expected to be present for any significant period. Habitat suitability for adult and juvenile salmonids, steelhead, bull trout, and adult Pacific eulachon is limited at the site, and provides little function aside from a suitable migratory corridor. Fish are expected to move rapidly through the site and vicinity. Exposure to temporarily decreased water quality conditions, including temporarily elevated turbidity levels and/or potential debris contamination, is expected to be limited, and effects to fish habitat and special status fish species will be minor.

Designated and proposed critical habitats within the action area also may experience temporarily increased levels of turbidity during the proposed action. The geographic extent and duration of any potential short-term increases in sedimentation or turbidity are expected to be limited, and are not expected to exceed baseline sedimentation conditions measurably. Any temporarily elevated sedimentation levels will not result in any significant effect to any primary constituent elements (PCE) of designated or proposed critical habitat for any species.

Staff Response:

The applicant must receive permits from various state and federal agencies relating to in-water water quality impacts. These will be review under the authority of the USACE under the Section 10 of the Rivers and Harbors Act of 1899 and the Washington State Department of Ecology under the Clean Water Act. The Marine Mammal Protection Act requires review and approval by the United States Fish and Wildlife Service and the National Marine Fisheries Service.

The Washington State Department of Fish and Wildlife has authority over the impacts of water quality on fish and wildlife through the Hydraulic Project Approval process.

Temporary Construction Noise

Applicant Response:

The proposed project has the potential to result in temporarily elevated terrestrial and underwater noise levels at the project site and within the project vicinity during pile driving activities.

The project will require the installation of approximately seventy-six 24- and 36-inch diameter steel pipe piles below the OHWM of the Columbia River. Pile driving will be completed using a vibratory hammer to drive all of the permanent structural piles to the extent practicable, as well as all of the approximately 40 temporary piles. Following vibratory driving to refusal (the point at which the pile will no longer advance with the vibratory hammer), the project will use an impact hammer to drive piles to their final tip elevations. As well, an impact hammer will be needed to proof the structural piles. Proofing is the process of striking piles with an impact hammer to verify their load-bearing capacity. As part of impact minimization, a vibratory hammer will be used to remove approximately 56 piles from below the OHWM of the river at the marine terminal area and an additional 220 timber piles from the Port's Terminal 2. Pile removal is not expected to generate levels of underwater noise that will result in significant effects to fish habitat or species.

The zone of influence for underwater noise has been determined using the practical spreading loss model, currently recognized by both USFWS and National Marine Fisheries Service (NMFS) as the best method to determine underwater noise attenuation rates, assumes a 4.5-decibel (dB) reduction per doubling of distance. The baseline underwater noise level in the portion of the Columbia River that is within the action area is conservatively assumed to be approximately 120 dBRMS1, although actual background underwater noise levels may be higher, given the amount of industrial shipping traffic. The impact pile installation of 24- and 36-inch diameter piles (with a bubble curtain providing 5 dB of noise attenuation) has the potential to generate temporary underwater noise levels of approximately 202 dBPEAK, 189 dBRMS, and 173 dBSEL. To obtain pile capacity, it is anticipated that each pile will require approximately 1,000 blows with an impact hammer. An installation rate of 4 to 6 piles per day is estimated. At a

maximum, the total number of blows per day will be approximately 6,000 requiring a total of up to 160 minutes of impact driving, spread out over each day. At a maximum installation rate of 6 piles per day, it is anticipated that 13 working days would be required to install 76 piles below the OHWM of the Columbia River. If pile installation is slower, fewer strikes per day can be struck, and additional days of pile driving may be required. A worst-case estimate is that installing all of the in-water piles to tip elevation could require up to 25 to 30 days of in-water work during the in-water work window.

NMFS has established 206 dBPEAK as an underwater noise injury threshold for fish of all sizes. The noise attenuation analysis indicates that peak underwater noise levels could exceed this injury threshold within approximately 30 feet of each pile being driven. Any fish present within approximately 30 feet of the pile being driven could be injured; therefore, the suitability of fish habitat within the immediate vicinity of the pile driving activities will be significantly degraded while pile driving is being conducted. Fish in the vicinity will be expected to avoid the area temporarily during pile driving activity.

Additionally, the noise attenuation analysis indicates that the worst-case estimate of up to 6,000 strikes per day that may be necessary to drive piles to final elevation will result in exceedances of the cumulative underwater noise injury thresholds for fish greater than 2 grams (187 dBRMS) and for fish less than 2 grams (183 dBRMS) within approximately 1,119 feet of pile driving activity, respectively. Given the nature and quality of the habitat, however, most fish are expected to be moving through the action area; their exposure to the sound from all 6,000 strikes per day is not expected. During the in-water work period, it is possible that native fish, including adults and/or juveniles of several Evolutionary Significant Units/Distinct Population Segment (ESU/DPS) of salmon, steelhead, bull trout, and Pacific eulachon, could be present within the portion of the project site and vicinity where underwater noise could be temporarily elevated. Although run timing within the river is different for each ESU/DPS, it is possible that some individuals could be present in the vicinity and could be exposed to temporarily elevated underwater noise levels resulting from pile installation.

Special status fish present within the portion of the project site where injury thresholds could be exceeded could be adversely affected, but this is unlikely. Special status fish species that could be present during the in-water work period will be expected to avoid the area within approximately 30 feet of the pile, and therefore will not be exposed to levels of peak underwater noise that would result in injury. Similarly, special status fish species are expected to be moving through the project site and vicinity, and therefore will not be exposed to the maximum 6,000 strikes per day. For this reason, special status fish species will not be exposed to cumulative underwater noise levels that could result in adverse effects.

While the underwater noise is temporarily elevated, fish may avoid the area temporarily, but this is unlikely to affect feeding and/or migratory activities significantly. Any elevated underwater noise levels associated with the proposed project will be temporary and will have no effect on any PCE of designated or proposed critical habitat.

Staff Response:

In-water noise impacts will be reviewed by the National Marine Fisheries and the US Fish and Wildlife Service in compliance with Endangered Species Act and the Marine Mammal Protection Act. The USACE will serve as the federal lead agency.

The applicant will be required to obtain all federal and state permits prior to construction. The agency reviews will address temporary water quality impacts. It is the city's standard procedure to rely on the expertise of these other agencies when addressing impacts to fish and wildlife.

Operational Water Quality Impacts – Applicant Response:

Operational water quality impacts that could be associated with the proposed project include an increased potential for impacts associated with stormwater management at the site and spills or leaks associated with on-site equipment and machinery, and a potential for catastrophic accidents such as an inadvertent crude oil release to surface water.

The project has the potential to increase stormwater runoff at the site, which could affect water quality and quantity as described in section 2.11 of this (the applicant) application. The entire Facility is located on 41.5 acres, and the proposed construction will result in approximately 38.2 acres of impervious surface. Treatment for stormwater will include enhanced treatment at Area 300 (Storage) and basic treatment at other areas of the Facility, with discharge to existing stormwater systems at Terminal 4 and Terminal 5. The proposed facilities will provide water quality treatment and conveyance and will be designed to handle the 6-month, 24-hour event as estimated using Ecology's Western Washington Continuous Simulation Hydrology Model (Ecology's hydrology model).

The operation of the Facility also has the potential to increase the risk of catastrophic accidents, such as an inadvertent release of crude oil to the environment. While the likelihood of such an event is exceedingly low, the possibility must be addressed. According to projected volumes, the proposed project will result in approximately one ship calling at the facility every three days initially increasing to one ship call per day at full capacity. Spills could occur at the project site while docking or filling, or in transit downstream on the Columbia River or in marine waters.

The project site and vicinity provide documented habitat for the adult and juvenile forms of several special status populations of salmon, steelhead, and bull trout as well as for Pacific eulachon, green sturgeon, Pacific and river lamprey, and leopard dace. While run timing differs by species and population, these populations may be present within the project site and/or vicinity at various times during the year. Because operational impacts will not be restricted to an in-water work window, each species and its habitat have the potential to be affected by water quality impacts associated with the operation of the Facility.

Habitat suitability for native fish (including special status species) is limited at the site. The project site and vicinity primarily provide habitat as a migratory corridor. For this reason, fish are expected to move rapidly through the vicinity.

Accidental leaks or spills of fuel or other chemicals into surface water or groundwater at the project site have the potential to reduce fish habitat suitability, which also could affect special

status fish species. However, the project has implemented several impact minimization measures and BMPs to reduce the potential for any spills or release of materials to occur, and to minimize the extent of any impacts resulting from any accidental spill or release.

Proposed stormwater treatment for new impervious surface at the site will minimize the potential for any adverse effects associated with stormwater. The proposed stormwater treatment will result in an improved water quality condition within the project site in the long term, and will not result in any adverse effects to fish habitat or to special status fish species.

A release to surface water has the potential to result in significant adverse effects to fish habitat and for special status fish species and their designated or proposed critical habitats. However, the likelihood of a spill is extremely low, and the proposed BMPs and safety and security measures will manage the risk of impacts to fish species and habitats effectively. The nature of the proposed Facility (offloading from rail, storage, and loading to marine vessels) and the nature of the product handled (crude oil) engender a comprehensive and rigorous regulatory environment for facility design, construction, operation, and spill response contingency planning. Local state and federal programs all regulate spill prevention of the proposed facility and offer significant redundancy in safety protocols for the proposed facility.

The Applicant will comply with the comprehensive regulatory context regarding Facility design, construction, operation, and contingency planning requirements and its actions will be fully coordinated to meet all applicable local, state, and federal requirements. The Applicant will also implement inspection and training processes to ensure long-term compliance with these requirements. Inspections and training relating to spill prevention and controls will be integrated into the overall day-to-day management of the Facility.

Impacts to fish habitat and to special status fish species and their designated or proposed critical habitats from water quality impacts associated with operation of the Facility are expected to be minor.

Staff Response:

The applicant has indicated the facility will comply with the comprehensive regulatory context regarding Facility design, construction, operation, and contingency planning requirements and its actions will be fully coordinated to meet all applicable local, state, and federal requirements. The applicant has not indicated how these will be addressed.

The project must comply with US Department of Transportation Hazardous Materials & Oil Transportation Regulations, WDFW Ballast Water Management Regulations, Ecology Oil Handling Regulations, Ecology NPDES Industrial Stormwater Permit regulations, Ecology Spill Prevention and Contingency Plan requirements, and Ecology Dangerous/Hazardous Waste Regulations.

Staff recommends EFSEC require the proposal to provide specific information on the proposal's ability to meet the standards of Vancouver Municipal Code Chapter 14.25 relating to stormwater and Chapter 14.26 relating to water resources protection. (also see page 67 of this report)

Operations Spill Prevention Control and Countermeasures Plan

Applicant Response:

Operations at the site will be governed by an SPCC plan, which will define specific BMPs to minimize the potential for leaks and spills and the extent of damage from any unavoidable leaks or spills. The impact minimization measures and BMPs mitigate for the potential direct and indirect effects of the Facility to the shoreline environment.

Staff Response:

As the applicant is required to obtain approval of a spill prevention control and counter measures from the Washington Department of Ecology. This will address the SPCC.

3. *In addition to compensatory mitigation, unavoidable adverse impacts may be addressed through voluntary restoration efforts.*

Applicant Response:

No restoration activities are planned.

Staff Response:

The applicant has stated, no restoration is proposed.

4. *Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline ecological functions on other properties.*

Applicant Response:

The project design avoids direct impacts to adjacent properties by avoiding actions that could lead to changes in river dynamics that could affect adjacent properties. During construction, noise has the potential to affect properties beyond the project footprint. These impacts would be short term and, considering the developed nature of adjacent properties and the location of the project within an industrial zone with existing sources of noise, the impacts would not require remedial action or result in loss of ecological functions.

Staff Response:

The applicant has indicated the proposal will not impact other properties along the waterfront. The proposal does not include any dredging or armoring of the shoreline. Issues associated with noise would be short term. The area is planned for and is zoned for heavy industrial uses.

Currently the ecological function is very low. Other properties along this reach of the Columbia River are also zoned for heavy industrial use are used as such. This proposal is not expected to create impacts which require remediation.

5. *Shoreline uses and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be demonstrated that stabilization is the only alternative*

that allows a reasonable and appropriate water-dependent use to become established or expand or protects public safety and existing primary structures.

Applicant Response:

The activities proposed within the shoreline environment will not result in the need for shoreline stabilization. The shoreline along this reach of the Columbia River is armored with riprap and no activities are proposed at the shoreline that will destabilize the shoreline embankment.

Staff Response:

Shoreline stabilization is not proposed for this project. This area is currently armored with an array of materials. This has successfully maintained the bank structure for the past several years. This area is not within an area indicated as susceptible to channel migration.

However, if the current bank stabilization is to be upgraded or repair, all such repairs should be required to meet all applicable city, state and federal standards.

6. *Land shall not be cleared, graded, filled, excavated or otherwise altered prior to issuance of the necessary permits and approvals including a statement of exemption for a proposed shoreline use or development to determine if environmental impacts have been avoided, minimized and mitigated to result in no net loss of ecological functions.*

Applicant Response:

No clearing, grading, or excavation activities will occur until all necessary permits and authorizations for such activities have been obtained.

Staff Response:

Under the provisions of the Vancouver Shoreline Master Program, no clearing or construction activities in an area subject to shoreline jurisdiction may commence prior to obtaining all permits and authorizations required. The applicant indicates that all permits will be received prior to clearing.

Normally, the city would require that all permits be obtained prior to allowing any grading or construction. However, this project may not be required to meet the shoreline standards as it is subject to the Energy Facilities Site Evaluation Council review process. **Staff recommends EFSEC require the applicant to certify that all applicable permits have been obtained prior to releasing any grading or building permits.**

9. *On navigable waters or their beds, all uses and developments should be located and designed to:*
 - a. *Minimize interference with surface navigation;*
 - b. *Consider impacts to public views; and*
 - c. *Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.*

Applicant Response:

The facility improvements that are proposed will be outside the Columbia River navigational channel and will not affect surface navigation on the river. Because the proposed project has been sited to use an existing dock structure and berth, the condition of the shoreline will remain industrial and in marine terminal use.

A visual assessment analyzing the impact of the proposed project on views from the Columbia River looking north toward the shoreline concluded that the project will have a low level of impact on views from the Columbia River. This low level of impact is because of the distance of upland facilities from the viewpoints and because the project is consistent with the existing industrial context of the viewshed.

Lastly, the number of piles that will be installed to support the proposed modifications at the loading terminal is the minimum necessary to meet safety and structural requirements. Their installation will occur in the same general location as the existing in-water dock and is not expected to obstruct the passage of fish and/or wildlife. In addition, to compensate for benthic impacts, significantly more piles will be removed than installed.

Staff Response:

As the applicant has indicated, the proposal will be outside the navigation channel. It will be located in the area of the existing dock structure and berth. No change in the type of use is proposed. The use will continue to be warehouse/freight movement.

The site is currently being developed for major industrial shipping uses. Only the marine terminal area and the proposed oil transfer lines are within shoreline jurisdiction.

As the applicant has noted, additional piles will be installed. Some existing piles will be removed. Further, the applicant is required to obtain approvals from the US Army Corps of Engineers and the Washington Department of Fish and Wildlife prior to commencing construction.

11. *In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.*

Applicant Response:

In-water work will occur during the approved in-water work window as established by USACE and WDFW. In addition, to reduce the amount of in-water work required, construction above the level of the water surface but below the OHWM may occur outside the work window when water levels are low.

Commercial fishing on the Columbia River near the project site is limited and the timing varies by year according to anticipated run sizes. According to information from the Oregon Department of Fish and Wildlife, the only commercial fishery that could coincide with the work window is the Columbia River mainstem late fall fishery, which typically occurs in September

and October, although the exact period varies by year. Construction activities will be limited to an area immediately surrounding the existing loading berth and will not obstruct fishing traffic.

Staff Response:

All in-water work must be permitted the USACE and the WDFW. These permits regulate the in-water work window.

12. *The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.*

Applicant Response:

The riparian area within the proposed project site is mostly devoid of vegetation, with the exception of scattered trees and vegetation below the top of the bank. Vegetation within the riparian habitat at the site consists primarily of small diameter black cottonwood (*Populus trichocarpa*) and willows (*Salix* spp.), and nonnative false indigo bush (*Amorpha fruticosa*) and Himalayan blackberry (*Rubus armeniacus*). The bank is armored with riprap, and above the riprap there is a narrow band of ruderal grass/forb habitat. No riparian trees or vegetation will be removed, and no impacts to bank margin habitat are anticipated.

The floodplain is located at approximately the top of bank. No fill is proposed within the 100-year floodplain. Therefore, the proposed project will not affect the 100-year base flood elevation of the Columbia River.

Historically, the Columbia River experienced channel migration but shoreline development and maintenance of the navigation channel in the project vicinity mostly confine the river to areas within the 100-year floodplain. The 100-year base flood elevation is generally located at the top of the bank at terminals 4 and 5 and it is not anticipated that project activities will result in changes to channel migration or the channel migration process.

Staff Response;

The area proposed for this development was studied for potential channel migration as part of the materials prepared for the update of the Vancouver Shoreline Master Program. Map 4 of the inventory and characterization for the Vancouver area indicated the probability of channel migration in this reach was low.

The application indicates no fill within the floodplain is proposed and that no riparian vegetation will be removed.

15. *Developments permitted in the Aquatic Shoreline Designation along the Columbia River shall be sited waterward of -15 feet CRD unless shallow water habitat will be created as mitigation.*

Applicant Response:

Pile installation is proposed in the Aquatic Shoreline Designation of the Columbia River and will occur in shallow water areas above-15 feet Columbia River Datum. The project does not propose to eliminate shallow water habitat in place of deep water habitat. Using piles and overwater

structures has an effect on the value of shallow water habitat, but the design minimizes these effects by placing structures in as deep of water as possible, by using the minimum possible number of piles, and by using grated structures to the extent practicable. The project will create shallow water habit by removing existing over-water structures equal to those being placed.

Staff Response:

The applicant has indicated the proposal will minimize the amount of shallow water habitat impact by placing the placing structures in as deep of water as possible. Under city review, the applicant would be required to provide a study to indicate the impact and, if there were impacts, how those would be mitigated.

Staff recommends a full study of the impacts on shallow water habitat be required and that applicant be responsible to provide mitigation if the study finds mitigation is necessary.

Archaeological, Cultural, and Historic Resources (SMP Section 5.2)

- 1. All shoreline uses and development shall comply with the applicable requirements of VMC 20.710, Archaeological Resource Protection.*

Applicant Response:

The proposed project will be conducted in accordance with RCW 27.53.060 (Archaeological Sites and Resources), RCW 27.44.020 (Indian Graves and Records), DAHP regulations, and all applicable requirements of VMC 20.710 Archaeological Resource Protection.

The cultural resources report prepared by AINW and dated July 5, 2013 concludes that there is a low likelihood of encountering cultural material during construction because much of the project area is located on areas of fill material from past dredging activities. However, the report indicates the desirability of conducting archaeological monitoring of excavation activities if project construction activities are proposed to a depth below that of past dredge deposits, and such materials are brought to the surface.

In addition, if any unknown archaeological or historic materials are encountered during project activities, work in the immediate area of the discovery will be halted, a professional archaeologist will assess the significance of the find, and DAHP and concerned tribes will be notified so that a course of action can be decided on and implemented.

Staff Response:

The applicant has indicated the proposal would be able to meet the city of Vancouver Archaeological, Cultural and Historic Resource provisions contained in the Shoreline Master Plan and within the Land Use and Development Code.

When the city processes an application proposed in an area of high probability for encountering artifacts, an archaeological predetermination is required. The predetermination is reviewed by a professional archeologist. If the proposal will be subject to Section 106 of the National Historic Preservation Act as administered by the Department of Archaeology and Historic Preservation, the intent of the city's archeology provisions would be met.

2. *When a shoreline use or development is in an area known or likely to contain archaeological artifacts and data, the applicant shall provide for a site inspection and evaluation by a professional archaeologist prior to issuance of any shoreline permit or approval including a statement of exemption. Work may not begin until the inspection and evaluation have been completed and the City has issued its permit or approval.*

Applicant Response:

The AINW report summarizes the findings of past archaeological explorations within the project area; these investigations did not reveal the presence of any known archaeological artifacts on the site.

Staff Response:

The AINW report presented three findings. These are:

- The project Area of Potential Effect has been previously surveyed for archaeological resources and no additional archaeological survey or testing are needed.
- If project construction reaches the depth of intact native soils, archaeological monitoring is recommended.
- If piles are driven into the ground, then archaeological monitoring would not be needed, even if they encounter native soils.

Based on the archeologist's finding, staff concurs the applicant can meet the provision of 2 above, provided monitoring is provided if excavation reaches the depth of native soils. Staff recommends EFSEC condition any approval on requiring monitoring should excavation encounter native soils.

3. *If any item of possible archaeological interest (including human skeletal remains) is discovered on site, all work shall immediately stop, and the City, State Department of Archaeology and Historic Preservation (DAHP), and affected Native American Tribes shall be notified of the discovery. A stop-work order will be issued. The shoreline permit will be temporarily suspended. All applicable state and federal permits shall be secured prior to commencement of the activities they regulate and as a condition for resumption of development activities. Development activities may resume only upon receipt of City approval.*

Applicant Response:

The applicant will implement an unanticipated discovery plan, including work stoppage in the location of an unanticipated archaeological or historical resource discovery and notification to EFSEC and other appropriate jurisdictional agencies.

Staff Response:

Under the provisions of VMC 20.710.090, Discovery Principal, in the event that any item of archaeological interest is uncovered during the course of a permitted or approved ground-disturbing action or activity:

Cessation of activity - All ground-disturbing activity shall immediately cease.

Notification - The applicant shall immediately notify the Planning Official and DAHP.

The applicant's proposal is similar to the city's provisions and would meet the intent of the city's Discovery Principal.

Staff recommends EFSEC require the applicant to provide an unanticipated discovery plan for review and approval.

- 4. If the discovery includes human skeletal remains, the find must be secured and protected from further disturbance; the Clark County Medical Examiner and local law enforcement shall be notified in the most expeditious manner possible. The County Medical Examiner will assume jurisdiction over the site and the human skeletal remains, and will make a determination of whether they are crime-related. If they are not, DAHP will take jurisdiction over the remains and report them to the appropriate parties. The State Physical Anthropologist will make a determination of whether the remains are Native American and report that finding to the affected parties. DAHP will handle all consultation with the affected parties as to the preservation, excavation, and disposition of the remains.*

Applicant Response:

If evidence of burials is encountered, all ground-disturbing activity in the vicinity will be halted immediately, and DAHP, the Clark County Sheriff's Office, and the appropriate tribes will be notified.

Staff Response:

Staff concurs with the applicant response. **This should be a condition of approval.**

Critical Areas Protection (SMP Section 5.3)

The following sections address the regulations in Section 5.3, Critical Areas Protection, of the SMP:

- 1. In addition to the provisions of this section, critical areas (fish and wildlife habitat conservation areas, frequently flooded areas, geologic hazard areas, and wetlands) located within shoreline jurisdiction and their buffers are regulated and protected by Chapter 5A, VMC 20.740, Critical Areas Protection as modified for consistency with the Act and this Program. All shoreline development shall comply with VMC 14.26, Water Resources Protection.*

Applicant Response:

The critical areas located within the shoreline jurisdiction of the site include fish and wildlife habitat conservation areas, frequently flooded areas, and geologic hazard areas. Additional information was included under section 4.2.4 Critical Areas Protection (of then applicant narrative. Section 4.1.3.4 of the (applicant) narrative addresses how the project complies with VMC 14.26.

Staff Response:

Staff has reviewed the information available as part of the pre-application process and has determined that the critical areas indicated by the applicant are the critical areas associated with the proposal.

Also, beginning on page 67 of this report, the provisions of VMC 14.26, relating to Water Resource Protection are addressed.

2. *Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered or land divided without full compliance with this Program whether or not a shoreline permit or written statement of exemption is required.*

Applicant Response:

Section 4.3 of this narrative is devoted to the City's SMP and includes details about how the proposed project is consistent with the policies and regulations of the SMP.

Staff Response;

Staff has reviewed the applicant narrative at Section 4.3. The applicant has indicated how the proposal can meet the provisions of the Vancouver Shoreline Management Program. The applicant based the analysis in Section 4.3 of the application narrative on the pre-application comments staff provided at the conference conducted on June 17, 2013.

3. *Any allowed use, development, or activity affecting a critical area proposed on a parcel located in the shoreline jurisdiction, whether or not exempt from obtaining a shoreline substantial development permit, shoreline conditional use, or shoreline variance, shall be regulated under the provisions of this Program.*

Applicant Response:

As stated above, section 4.3.4 of this narrative addresses regulations related to critical areas within the shoreline jurisdiction and the project's consistency with these provisions.

Staff Response:

The applicant has addressed the issues associated with critical areas with the shoreline in Section 4.3.4 of the applicant narrative.

4. *Shoreline uses and developments and their associated structures and equipment shall be located, designed and operated using best management practices to protect critical areas.*

Applicant Response:

The proposed project will be completed using BMPs to protect critical areas as described in sections 4.1.3 and 4.3.4 and 4.3.3.4 (of the applicant narrative).

Staff Response:

The applicant has indicated the project will employ best management practices to protect the critical areas. Section 4.1.3 of the applicant narrative addresses VMC Title 14, Water and Sewer. Section 4.3.4 of the applicant narrative addresses critical areas.

5. *The applicant shall demonstrate all reasonable efforts have been taken to avoid and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline ecological function is achieved. Mitigation shall occur in the following order of priority:*
 - a. *Avoiding the impact altogether by not taking a certain action or parts of an action. This may necessitate a redesign of the proposal.*
 - b. *Minimizing unavoidable impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts. The applicant shall seek to minimize fragmentation of the resource to the greatest extent possible.*
 - c. *Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;*
 - d. *Reducing or eliminating the impact over time by preservation and maintenance operations;*
 - e. *Compensating for the impact by replacing, enhancing, or providing substitute resources or environments. The compensatory mitigation shall be designed to achieve the functions as soon as practicable.*
 - f. *Monitoring the impact and the compensation projects and taking appropriate corrective measures.*

Applicant Response:

Impacts to critical areas have been avoided, to a large degree, by locating the proposed facility at an existing marine terminal, thus forestalling many of the direct environmental effects that could be expected from a new in-water facility. Modifications to the structures on berths 13 and 14 are necessary and are described above (of the applicant narrative) including necessary mitigation to minimize and offset impacts to aquatic resources.

During construction, the primary source of potential effects will be the generation of in-water noise during pile installation. To reduce the potential effects, the following BMPs will be employed:

- Using a vibratory pile driver to the maximum extent feasible.
- Employing a bubble curtain or other similar noise attenuation method (such as sound attenuation pile caps, increased hammer size, etc.) during impact pile driving.
- Implementing a marine mammal monitoring plan during pile driving activities to reduce the risk of potential impacts to ESA-listed marine mammals.
- Driving piles only during daylight hours.
- Using watertight forms during overwater concrete work to reduce the potential for spills to the environment.

Benthic habitat impacts will be associated with the installation of steel piles and the overwater structure for the mooring dolphins and walkways; these potential impacts will be offset by the

proposed removal of existing steel and wood piles and the overwater structures at berths 13 and 14 and Terminal 2.

Staff Response:

The applicant will be required to meet the USACE and WDFW standards for habitat. This would address the impact of the proposed structures on critical areas and ecological functions.

6. *In addition to compensatory mitigation, unavoidable adverse impacts may be addressed through restoration efforts.*

Applicant Response:

No restoration efforts are planned.

Staff Response:

The applicant has indicated that no restoration is proposed.

Public Access (SMP Section 5.4)

1. *Provisions for adequate public access shall be incorporated into all shoreline development proposals that involve public funding unless the applicant demonstrates public access is not feasible due to one or more of the provisions of Section 5.4.2 (a-e). Where feasible, such projects shall incorporate ecological restoration.*
2. *Consistent with constitutional limitations, provisions for adequate public access shall be incorporated into all land divisions and other shoreline development proposals (except residential development of less than five (5) parcels), unless this requirement is clearly inappropriate to the total proposal. Public access will not be required where the applicant demonstrates one or more of the following:*
 - a. *Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;*
 - b. *Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;*
 - c. *The cost of providing the access, easement, alternative amenity, or mitigating the impacts of public access are unreasonably disproportionate to the total proposed development;*
 - d. *Significant environmental impacts that cannot be mitigated will result from the public access; or*
 - e. *Significant undue and unavoidable conflict between public access requirements and the proposed use and/or adjacent uses would occur, provided that the applicant has first demonstrated and the City determines that all reasonable alternatives have been evaluated and found infeasible, including but not limited to:*
 - i. *Regulating access by such means as maintaining a gate and/or limiting hours of use;*
 - ii. *Designing separation of uses and activities (including but not limited to, fences, terracing, use of one-way glazings, hedges, landscaping); and*

- iii. *Provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system*

Applicant Response:

The project does not involve the use of public funds. Vessel loading and unloading areas at the Port are off-limits to the public in accordance with the requirements of the Maritime Security system and the National Terrorism Advisory System. In addition, the shoreline in the vicinity of the project site is devoted to heavy industrial activities and facilities, including shiploading and unloading, heavy vehicle use, and sand and gravel operations. Thus, public access to the shoreline at the project site is not allowed or appropriate and public access will not be incorporated into the project design.

Staff Response:

The applicant has not proposed any public access. This is appropriate as public access to the site would create issues with safety and security.

Site Planning and Development – General (SMP Section 5.6.1)

1. *Land disturbing activities such as grading and cut/fill shall be conducted in such a way as to minimize impacts to soils and native vegetation and shall comply with VMC 14.24, Erosion Prevention & Sediment Control and VMC 14.25, Stormwater Control.*

Applicant Response:

Ground-disturbing activities such as excavation for building foundations and site grading will be limited to the minimum areas necessary to construct the project. Land-disturbing activity in the shoreline area will be limited to excavating for building and pipeline foundations, modifying the trestle abutment, and constructing the driveway and potential ground improvements to address liquefaction and lateral movement during earthquake events. Site-specific BMPs for temporary erosion and sediment control are identified in the stormwater pollution prevention plan (SWPPP) and erosion and sediment control plans. BMPs will be used in accordance with the erosion control plan to ensure consistency with City and state regulations.

Staff Response:

Staff concurs with the applicant finding. The project has been reviewed by stormwater management. Comments relating to VMC 14.25 are found on page # of this report.

2. *Development shall be designed and land disturbing activities conducted to avoid impacts to healthy trees such that they are likely to become hazard trees.*

Applicant Response:

Proposed project construction activities will occur primarily on areas of existing impervious surface and in areas disturbed by past development activities and will not affect healthy trees in the shoreline areas. No tree removal is anticipated within the shoreline jurisdiction.

Staff Response:

The area is developed for in industrial use. The application does not indicate removal of any trees other than those already reviewed and approved for removal.

- 3. Impervious surfaces shall be minimized to the extent feasible so as not to jeopardize public safety. Impervious surfacing for parking lot/space areas, trails, and pathways shall be minimized through the use of alternative surfaces where feasible.*

Applicant Response:

Project elements within shoreline jurisdiction will be constructed primarily in areas of existing impervious surface. The construction of the MVCUs and the proposed access driveway will create some additional impervious surface within the shoreline. These surfaces are the minimum necessary for installing the equipment and driveway and will be located beyond the limits of the regulatory buffers for the riparian management areas (RMA) and riparian buffers (RB).

Staff Response:

Staff concurs with the applicant response. The proposed additional impervious surfaces are necessary to make the use proposed feasible.

- 4. When feasible, existing transportation corridors shall be utilized. Ingress/egress points shall be designed to minimize potential conflicts with and impacts upon vehicular and pedestrian traffic. Pedestrians shall be provided with safe and convenient circulation facilities.*

Applicant Response:

The project will use existing transportation corridors to the extent feasible for site access for rail and auto traffic. There is no pedestrian access to the project area. At Terminal 5, two additional rail loops will be located in an existing rail corridor landward of existing and permitted tracks. At Terminal 4, access will be provided by the construction of a driveway from the existing Harborside Drive connecting with the existing access road along the shoreline. This driveway will not conflict with existing roadways and will eliminate conflicts with the access to Berth 10, which is used for auto imports. During vessel unloading, access from the east would be restricted because of vehicles exiting the vessels.

Staff Response:

The project is the repurposing of an existing marine terminal. Generally, the transportation facilities are in place. Some minor modification and additions are proposed. The applicant has indicated potential conflicts will be eliminated by design or by restricting vehicles at certain times.

- 5. Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading, alteration of topography and natural features, and designed to accommodate wildlife movement.*

Applicant Response:

The proposed new driveway will be located perpendicular to the shoreline, reducing the length that will be in the shoreline. Minor grading will be necessary where the proposed driveway crosses existing stormwater facilities.

As indicated previously in this report, the site is has been significantly altered. The applicant does not indicate any significant grading. There are virtually no natural features on the upland portion of the project that would necessary for wildlife movement.

6. *Parking, storage, and non-water dependent accessory and appurtenant structures and areas shall be located landward from the OHWM and landward of the water-oriented portions of the principal use.*

Applicant Response:

A 10-stall parking area will be restriped in an area of existing parking landward of the OHWM along berths 13 and 14 to accommodate workers at the loading berth.

Staff Response:

The parking area is located along the shoreline to the downstream side of Berth 13. The parking area is upland of the OHWM upland of the berth.

7. *Trails and uses near the shoreline shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas, without blocking visual access to the water.*

Applicant Response:

Adjacent uses along the shoreline are industrial and are similar to the proposed project. There are no trails or public access areas immediately adjacent to project elements in shoreline jurisdiction that will require visual or noise buffering.

Staff Response:

There are no existing public trails or proposed public trails proposed along this reach of the Columbia River.

8. *Elevated walkways shall be utilized, as appropriate, to cross sensitive areas such as wetlands.*

Applicant Response:

The proposed project will not require access across sensitive areas or wetlands. Therefore, no elevated walkways are proposed.

Staff Response:

The proposal does not include areas where elevated walkways would be required.

9. *Fencing, walls, hedges, and similar features shall be designed in a manner that does not significantly interfere with wildlife movement.*

Applicant Response:

The shoreline area of berths 13 and 14 is completely surrounded by security fencing as mandated by federal regulations. Fencing may be modified or added based on the needs of the project. Fencing will not be located in the water or along the existing vegetated areas of the bank.

Because there are no other adjacent habitat areas or significant areas of wildlife use except for the river, the new fencing will not interfere with wildlife movement.

Staff Response:

There is very low probability of wildlife using the site. The applicant does not propose any significant alteration of the natural features that would impact wildlife movement. The area is predominantly developed industrial uses with little to no vegetation.

10. Exterior lighting shall be designed, shielded and operated to:

- a. Avoid illuminating nearby properties or public areas;*
- b. Prevent glare on adjacent properties, public areas or roadways;*
- c. Prevent land and water traffic hazards; and*
- d. Reduce night sky effects to avoid impacts to fish and wildlife.*

Applicant Response:

Exterior lighting within the shoreline will be installed on the dock to illuminate the shiploading area for safety as ship loading will include nighttime operations. Lighting will be shielded and directed toward work areas to prevent glare and avoid illuminating areas (such as the water surface) where there is no need for lighting. Adjacent areas are devoted to industrial uses and light and glare will not result in adverse effects to these areas.

Staff Response:

The applicant has indicated the lighting will be directed toward the shiploading and other work areas. The upland area of the project a heavy industrial area and no light or glare issues are anticipated on adjacent areas or public areas.

The issue of the lighting of the Columbia River and the impact on river traffic will be reviewed by the Coast Guard.

Impacts of lighting and glare on aquatic species will be reviewed by USACE.

Clearing, Grading, Fill and Excavation (SMP Section 5.6.2)

- 1. Land disturbing activities such as clearing grading, fill and excavation shall be conducted in such a way as to minimize impacts to soils and native vegetation and shall comply with VMC 14.24, Erosion Prevention & Sediment Control; 14.25, Stormwater Control; and VMC Chapter 17.12, International Building Code.*

Applicant Response:

Section 4.1.3.3 (of the applicant narrative) addresses consistency with the City's stormwater and erosion control provisions. Within the shoreline, most of the proposed project will be constructed on existing impervious surfaces and prior disturbed areas along an existing industrial waterfront. By locating on an existing and prior developed site, the project's grading plans are designed to minimize and control erosion and sedimentation. Using BMPs in accordance with the erosion control plan will ensure compliance with City and state regulations. Further, the site contains no native vegetation that would be removed with the construction of the proposed project in the shoreline area.

Staff Response:

The proposal's compliance with VMC 14.24, Erosion Prevention & Sediment Control; 14.25, Stormwater Control; and VMC Chapter 17.12, International Building Code, are addressed on pages 66 through 69 of this report.

EFSEC should require the applicant to address the applicable provisions of VMC Title 14 and VMC Chapter 17.12 as part of the final approval.

2. *Clearing, grading, fill, and excavation activities shall be scheduled to minimize adverse impacts, including but not limited to, damage to water quality and aquatic life.*

Applicant Response:

Clearing and grading will be minimized within shoreline jurisdiction. Clearing, grading, and fill activities will only be conducted upland and will be of limited extent; therefore, specific schedules will not be necessary.

Staff Response:

To assured compliance, **EFSEC should require the applicant to address the applicable provisions of VMC Title 14 relating to water quality.**

4. *Developments shall comply with the VMC 14.24, Erosion Prevention & Sediment Control during construction and shall ensure preservation of native vegetation for bank stability. Disturbed areas shall be stabilized immediately and revegetated with native vegetation.*

Applicant Response:

Excavation for the pipelines and structures and for the placement of the two additional rail lines within the Terminal 5 loop will occur within the shoreline area. Project construction will use appropriate BMPs to manage potential erosion or turbidity concerns. No impacts to native vegetation within the shoreline area are anticipated and, as a consequence, the project will not require the re-establishment of native vegetation

Staff Response:

As indicated by the applicant, no impacts to native vegetation are proposed. Compliance with the provisions of VMC 14.24, Erosion Prevention & Sediment Control are addressed beginning on page 66. **EFSEC should require the applicant to address the applicable provisions of VMC Title 14.**

6. *Fills shall be permitted only in conjunction with a permitted use, and shall be of the minimum size necessary to support that use. Speculative fills are prohibited.*

Applicant Response:

No fill, as defined in the SMP, is planned within the 100-year floodplain. Minor fill will be necessary to place the planned access driveway across the existing stormwater facilities located north of the berth area.

Staff Response:

The application indicates minor filling will take place during construction of the proposal. As this would be a permitted use, any fill would not be considered speculative.

7. Any fill activity shall comply with the fill provisions of VMC Chapter 17.12. Fill shall consist only of clean materials.

Applicant Response:

Fill materials will comply with VMC Chapter 17.12 and will consist only of clean materials.

Staff Response:

When the application is reviewed, it is assumed the reviewing agency will require the fill to be in compliance with VMC Chapter 17.12. **EFSEC should require the applicant to address the applicable provisions of VMC Chapter 17.12 in the project application review.**

8. Soil, gravel or other substrate transported to the site for fill shall be screened and documented that it is uncontaminated. Use of any contaminated materials as fill is prohibited.

Applicant Response:

All soil, gravel, or other minerals brought on site for project construction will consist of clean materials from an approved off-site source consistent with VMC 17.12 and Port protocols.

Staff Response:

When the application is reviewed, it is assumed the reviewing agency will require the fill to be in compliance with VMC Chapter 17.12. **EFSEC should require the applicant to address the applicable provisions of VMC Chapter 17.12 in the project application review.**

9. Fills shall be designed and placed to allow surface water penetration into groundwater supplies where such conditions existed prior to filling.

Applicant Response:

Fill will be placed only to accommodate the proposed driveway. Because the fill will be capped by impervious surfaces, it will not allow surface water penetration to groundwater. Runoff from the driveway will be directed to a stormwater system for discharge to the Columbia River. The subject site is not within an aquifer recharge zone.

Staff Response:

The application has been reviewed by stormwater management and found to be in compliance with the Chapter 14.24. In this particular example, stormwater runoff must be controlled and treated. Direct infiltration would not be appropriate given the proposed use of the site. **EFSEC should require the applicant to address the applicable provisions of VMC Chapter 14.24 during the project application review process.**

10. Fills must protect shoreline ecological functions, including channel migration processes.

Applicant Response:

Fill is proposed for an area that does not currently provide shoreline ecological functions because it is isolated from the river by existing development and is above the OHWM.

Staff Response:

As the applicant has indicated, there is no shoreline ecological function as the sites are isolated from the Columbia River. Further, as part of the preparation of the Vancouver Shoreline Master Program, a shoreline inventory and characterization report was prepared. Map 27 of Volume 1 of this report indicates there are no channel migration processes taking place currently on this reach of the Columbia River.

11. Fill waterward of OHWM shall only be allowed as a conditional use, and then only when it is necessary to support a water-dependent or public access use.

Applicant Response: No fill is proposed below the OHWM.

Staff Response:

The application does not indicate any fill below the OHWM.

12. In the Columbia River, fills shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless shallow water habitat will be created as mitigation.

Applicant Response: Consistent with this provision, no fill is proposed below the OHWM of the Columbia River.

Staff Response:

The application does not indicate any fill below the OHWM.

14. Upon completion of construction, remaining cleared areas shall be replanted with native species on the City's Native Plant List available from the Shoreline Administrator. Replanted areas shall be maintained such that within three (3) years' time the vegetation is fully re-established.

Applicant Response:

The proposed project will not remove any riparian vegetation on the site. However, any exposed soils that may result from proposed construction within the shoreline jurisdiction will be stabilized by reestablishing the area to pre-existing developed conditions.

Staff Response:

EFSEC should require the applicant to address the use of native vegetation when reestablishing areas.

Building Design (SMP Section 5.6.3)

1. *Non-single-family structures shall incorporate architectural features that provide compatibility with adjacent properties, enhance views of the landscape from the water, and reduce scale to the extent possible.*

Applicant Response:

Two new buildings are proposed in shoreline jurisdiction, proximate to berths 13 and 14. They consist of an approximately 300-square-foot and 15-foot-tall control room/E-house and an approximately 300-square-foot and 15-foot-tall MCC (motor control center) building. Both will be single-story and metal-clad, consistent with the industrial character of other structures at the Port. They are small structures, ancillary to the loading operations, and are significantly smaller than other existing and planned structures in the vicinity, such as the Farwest Steel facility approximately 1,900 feet north of the shoreline and the planned bulk potash handling facility approximately 2,000 feet to the west at Terminal 5. Therefore, compared to existing surrounding industrial structures, these structures in shoreline jurisdiction will be inconspicuous and will not dominate views of the shoreline at Terminal 4.

Staff Response:

The area of the proposal is zoned IH (Heavy Industrial). The area is developed or planned for heavy industry. Surrounding uses include storage tanks, shipping berths, rail loading and off-loading facilities, offices, outdoor storage areas and an array of warehousing structures. As indicted on pages 7 and 8 of this report, the proposal meets the dimensional requirements of the IH zone.

As little landscaping is proposed, the development will not enhance views of landscape from the water. This is a heavy industrial area; a working port and landscaping standards are minimal. The applicant is not required to provide landscaping adjoining the shoreline.

2. *Building surfaces on or adjacent to the water shall employ materials that minimize reflected light.*

Applicant Response:

The only buildings proposed within shoreline jurisdiction are the control room/E-house and MCC buildings which will be located near berths 13 and 14 and will support the unloading operations at the marine terminal. These structures will include metal clad siding and will be painted in gray or earth tones to minimize reflected light towards off-site locations.

Staff Response:

The applicant has indicated the surfaces will be painted with a low reflective surface to minimize reflected light. **Paint color is not normally reviewed with the building permit. EFSEC should require the applicant to provide information on the reflective qualities of the proposed buildings at the time of building permit application.**

3. *Façade treatments, mechanical equipment and windows in structures taller than two (2) stories, shall be designed and arranged to prevent bird collisions using the best available technology. Single-family residential structures are exempt from this provision.*

Applicant Response:

Only single-story structures are proposed within shoreline jurisdiction. Mechanical equipment, including the stack associated with the MVCU, the crane(s) on the dock, and the lighting towers, may be 45 feet in height or taller. Because the project will not employ reflective surfaces, large moving surfaces, solid red lights, guy wires, lattice towers, or other elements that present a hazard of bird strikes, no specific design measures are necessary to prevent bird strikes.

Staff Response:

The applicant has indicated the proposal will be designed to

4. *Interior and exterior structure lighting shall be designed, shielded, and operated to:*
 - a. *Avoid illuminating nearby properties or public areas;*
 - b. *Prevent glare on adjacent properties, public areas or roadways;*
 - c. *Prevent land and water traffic hazards; and*
 - d. *Reduce night sky effects to avoid impacts to fish and wildlife.*

Applicant Response:

Lighting within shoreline jurisdiction will be necessary for safe operation at night. In Area 400 within shoreline jurisdiction, four light poles are proposed to be located on the dock, with an additional four light poles along the causeway and two light poles located along the roadway in front of the dock area on either side of the causeway. In addition, two lighting fixtures will be located at the maintenance parking stalls near the MCC and the Control Room. The lighting fixtures will be shielded and directed toward work areas and no off-site glare impacts are expected to result from their use. Lighting on the proposed site will be designed to ensure compliance with VMC 20.935.030.D, which prohibits off-site glare impacts from direct or reflected light sources.

Staff Response:

The applicant has provided a lighting photometric plan showing the potential impact to the surrounding area. The plan indicates this impact will be minor.

5. *Accessory uses, including parking, shall be located as far landward as possible while still serving their intended purposes.*

Applicant Response:

The project will restripe an existing parking area at berths 13 and 14 within the shoreline area. This parking area is landward of the OHWM and, because of the limited depth of the area around berths 13 and 14 and the existing access road and stormwater facilities, the parking area cannot be located further from the shoreline.

Staff Response:

The applicant has indicated the parking is located as far landward as practicable and that the parking is to be the restriping of an existing parking area. Aerial photography from the Clark County GIS indicates the area proposed for parking is currently a parking area and has been since at least 1994.

Vegetation Conservation (SMP Section 5.7)

- 1. Existing native vegetation within shoreline jurisdiction shall be retained and allowed to grow naturally in the riparian area.*

Applicant Response:

Previous development and remediation activities filled, paved, and/or capped most of the project site. As a result, vegetation on the site is primarily limited to grasses, non-native weedy herbaceous vegetation, and shrubs located between the top of the bank of the Columbia River and the riprap at the water's edge. No removal of native vegetation is proposed.

Staff Response:

Staff concurs. Based on site visits to this area, there are no substantial areas of native vegetation within the shoreline area on this site.

- 2. Removal of native vegetation outside the riparian area shall be avoided. Where removal of native vegetation cannot be avoided, it shall be minimized and mitigated to result in no net loss of shoreline ecological functions. Lost functions may be replaced by enhancing other functions provided that no net loss in overall functions is demonstrated and habitat connectivity is maintained. Mitigation shall be provided consistent with an approved mitigation plan. See Chapter 5A, 20.740.030(B)(1)(f) on maintaining fire-defensible space.*

Applicant Response:

No native vegetation will be removed with the Shoreline jurisdiction.

Staff Response:

Staff concurs with the applicant response. Based on site visits and review of the aerial photograph available on the Clark County website, staff finds there is virtually no native vegetation on the site within shoreline jurisdiction.

- 3. If non-native vegetation is removed, it shall be replaced with native vegetation within the shoreline jurisdiction.*

Applicant Response:

Approximately 7,500 square feet of vegetation will be removed from areas near the stormwater facilities north of berths 13 and 14 to accommodate the pipelines, MVCU, and driveway. These areas will be covered by development and replanting is not feasible. If areas are cleared outside the limits of the new impervious surfaces, they will be planted with an appropriate groundcover native seed mix.

Staff Response:

The project is located in an area designated for heavy industrial uses. The applicant has indicated that “[i]f areas are cleared outside the limits of the new impervious surfaces, they will be planted with an appropriate groundcover native seed mix.” **As part of the final site plan approval process, the applicant should address whether such areas will be cleared and to what extent**

they will be landscaped. The applicant should indicate whether the proposed native seed mix is in compliance with the requirement to plant native vegetation.

4. Development shall be located to avoid clearing and grading impacts to more mature or multi-storied plant communities and to retain habitat connectivity.

Applicant Response:

There are no mature or multi-storied plant communities within the shoreline jurisdiction that will be disturbed by the project.

Staff Response:

Based on aerial photography and site visits, staff concurs with the applicant response.

5. Vegetation (such as a mature stand of trees) that cannot be replaced or restored within twenty (20) years shall be preserved.

Applicant Response:

No mature vegetation within the shoreline jurisdiction will be cleared with the proposed project.

Staff Response:

Based on aerial photography and site visits, there are no areas of vegetation that could not be replaced within 20 years.

6. *Maintaining vegetated riparian areas to protect shoreline stability and shoreline ecological functions takes precedence over vegetation clearing to preserve or create views.*

Applicant Response:

No vegetation will be cleared within the shoreline area to preserve or create views.

Staff Response:

As indicated in the response to 5 above, there is no areas of mature vegetation would be removed. Currently no views are blocked by vegetation.

Visual Access (SMP Section 5.8.1)

1. *Visual access shall be maintained, enhanced, and preserved as appropriate on shoreline street-ends, public utility rights-of-way above and below the ordinary high water mark, and other view corridors.*

Applicant Response:

None of the proposed shoreline elements will occur at a shoreline street end or along a public right-of-way that provides a view corridor through the site. The SMP defines view corridors as follows.

...portion of a viewshed, often between structures or along thoroughfares. View corridors may or may not be specifically identified and reserved through development regulations for the purpose

of retaining the ability of the public to see a particular object (such as a mountain or body of water) or a landscape within a context that fosters appreciation of its aesthetic value.

The shoreline areas of the project site do not adjoin existing residential uses or neighborhoods and are not part of their viewshed. Residential areas, including street ends and public parks, that are located approximately 1.75 miles or more northeast of the project site have general territorial views of the Port. The distance and intervening trees and buildings prohibit direct views of berths 13 and 14. While the crane on the existing dock may be visible from certain areas, it will occupy a very small portion of the viewshed and will be smaller in scale than existing cranes and shiploading features currently developed along the shoreline.

Staff Response:

There are no street ends, public rights of way, etc. which are appropriate for providing visual access.

2. *Development on or over the water shall be constructed to avoid interference with views from surrounding properties to the adjoining shoreline and adjoining waters to the extent practical.*

Applicant Response:

The surrounding properties are in current industrial use and the overwater structures are not located within a scenic vista from adjacent properties.

Staff Response:

As the applicant has indicated, the area is developed and planned for heavy industrial use. The shoreline master plan allows for industrial uses in the upland and aquatic designations. The proposal meets the use criterion and, per Table 6-1 in the Vancouver Shoreline Master Program, there are no height restrictions on industrial uses in the either the aquatic or upland shoreline designations.

3. *Maintaining vegetated riparian areas to protect shoreline stability and shoreline ecological functions takes precedence over vegetation clearing to preserve or create views.*

Applicant Response:

No vegetation will be cleared to preserve or create views.

Staff Response:

As indicated by the applicant, no vegetation will be cleared for the purpose of preserving views.

Water Quality and Quantity (SMP Section 5.9)

1. *The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and ground water adjacent to the site.*

Applicant Response:

Runoff from any new and/or reconstructed areas of impervious surface within the shoreline jurisdiction will be collected via catch basins, routed through a stormwater quality facility designed to comply with VMC 14.25, and ultimately conveyed to the Columbia River via existing Port outfalls. As described above in section 4.1.3.3, (of the applicant narrative) stormwater management facilities will be designed to meet all necessary regulatory requirements to protect the quantity and quality of surface- and groundwater on and adjacent to the site.

Staff Response:

Water quality has been reviewed by Surface Water Management in conformance with the provisions of VMC Chapter 14.25. These are addressed beginning on page 67 of this report.

2. *All shoreline development shall comply with the applicable requirements of the VMC Chapter 14.24, Erosion Prevention & Sedimentation Control; 14.25, Stormwater Control; and 14.26, Water Resources Protection.*
3. *Best management practices [BMPs] for control of erosion and sedimentation shall be implemented for all shoreline development.*
4. *Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or to be discharged onto the land except in accordance with VMC 14.26. Potentially harmful materials shall be maintained in safe and leak-proof containers.*

Applicant Response:

The project will be constructed using appropriate BMPs, as described in section 4.1.3.2 and 4.1.3.3 (of the applicant narrative), to manage potential erosion or turbidity concerns consistent with permits issued for the project and the requirements of VMC Chapter 14. Design and operation measures to minimize and respond to inadvertent releases of harmful materials as described in section 4.1.3.4 (of the applicant narrative).

Staff Response:

Water quality has been reviewed by Surface Water Management in conformance with the provisions of VMC Chapter 14.25. These are addressed beginning on page 67 of this report.

5. *Herbicides, fungicides, fertilizers, and pesticides shall not be applied within twenty-five (25) feet of a waterbody, except by a qualified professional in accordance with state and federal laws. Further, pesticides subject to the final ruling in Washington Toxics Coalition, et al., v. EPA shall not be applied within sixty (60) feet for ground applications or within three hundred (300) feet for aerial applications of the subject water bodies and shall be applied by a qualified professional in accordance with state and federal law.*

Applicant Response:

The construction of the proposed project does not involve the application of fungicides, fertilizers, and/or pesticides. If, in the operation of the facility, the management of invasive vegetation is required, it will be conducted in conformance with these provisions.

Staff Response:

Staff concurs with the applicant response. **If the applicant does propose management of invasive vegetation at some future time, the activity will require review and approval by the city.**

6. *Any structure or feature in the Aquatic shoreline designation shall be constructed and/or maintained with materials that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants.*

Applicant Response:

Additional steel piles and concrete decking will be necessary for structural improvements at the dock. WAC 220-11-060 contains technical provisions for dock construction established by WDFW. These provisions address the use of treated wood decking and structural elements. No wood elements are proposed consistent with these provisions.

Staff Response:

In addition to the standards contained in WAC 220-11-060, the applicant will be required to meet all applicable provisions of the Clean Water Act as reviewed and enforced by the Washington Department of Ecology.

7. *Conveyance of any substance not composed entirely of surface and stormwater directly to water resources shall be in accordance with VMC 14.26.*

Applicant Response:

The project does not propose to convey anything other than stormwater to the Columbia River. Process water from the operation of the facility will be conveyed to the City sanitary sewer system for treatment and discharge.

Staff Response:

Compliance with the provisions of VMC 14.26 are found on page # of this report. The findings presented there support the applicant response.

SMP Chapter 5A Critical Areas Regulations

For this project, fish and wildlife habitat conservation areas, frequently flooded areas, and geologic hazard areas fall within the shoreline jurisdiction and are subject to compliance with the critical area standards contained in Chapter 5A of the SMP.

VMC 20.740.060 Approval Criteria

Any activity or development subject to this chapter, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The City may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter. Activities shall protect the functions of the critical areas and buffers on the site. Mitigation shall occur in the following order of priority:

- A. *Avoid Impacts. The Applicant shall first avoid all impacts that degrade the functions and values of (a) critical area(s) by not taking a certain action or parts of an action. This may necessitate a redesign of the proposal.*
- B. *Minimize Impacts. The applicant shall minimize the impacts of the activity by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce the impacts. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.*
- C. *Rectify Impacts. The applicant shall rectify the impacts by repairing, rehabilitating, or restoring the affected environment.*
- D. *Reduce Impacts. The applicant shall reduce or eliminate the impacts over time by preservation and maintenance operations.*
- E. *Compensatory Mitigation. The applicant shall compensate for the impacts by replacing, enhancing, or providing substitute resources or environments. The compensatory mitigation shall be designed to achieve the functions as soon as practicable.*
- F. *Monitor Impacts and Mitigation. The applicant shall monitor the impacts and the compensation projects and take appropriate corrective measures.*

Applicant Response:

Fish and Wildlife Habitat Conservation Area – Impacts to fish and wildlife habitat conservation areas have been avoided, to a great extent, by locating the proposed facility at an existing marine terminal, thus forestalling many of the direct environmental effects that could be expected from a new in-water facility. As shown in Section 4.3.4.1 (of the applicant narrative), the only project elements located in regulatory conservation areas are the proposed dock improvements located waterward of the top of the bank. These modifications are the minimum necessary to obtain an optimal mooring configuration and to meet current seismic standards. To offset the additional piles and overwater structure, the project will remove existing piles and overwater structures at the project site, Terminal 5, and Terminal 2. See section 4.3.3.2 (of the applicant narrative) for additional discussion of impacts and mitigation to the aquatic habitat.

Frequently Flooded Areas – No fill is planned for the project within the 100-year floodplain. As a consequence, the proposal will not result in a net rise in the 100-year base flood elevation. Furthermore, no structures, other than improvements to the existing dock, will be located in the 100-year floodplain.

Geologic Hazard Areas – Clark County GIS data indicate that soils within the area of the project site have moderate-to-high potential for liquefaction or dynamic settlement during seismic events. This condition occurs over the entire site and across much of the land at the Port. Therefore, avoiding geologic hazard areas is not possible. Generally, critical area requirements for geologic hazard areas consist of compliance with the building code.

Staff Response:

The applicant has indicated that impacts to fish and wildlife areas have been avoided to a great extent...The applicant has not indicated if there will be any specific mitigation required. **A determination of whether mitigation is required should be considered by EFSEC.**

As noted by the applicant, relating to Geologic Hazard Areas, geological hazards are anticipated over the project area. Under the provisions of the city regulations, the applicant would be required to submit a geotech study for review and approval. The applicant has provided a geotech study as Appendix "C" of this application. This has been reviewed and found to be acceptable.

G. Type and Location of Mitigation. Compensatory mitigation shall be in-kind and onsite, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.

Applicant Response:

Mitigation for effects to conservation areas is described above and will occur primarily onsite through the design of the project and on other areas of the Port. Geologic hazard areas do not possess an ecological function that requires maintenance through mitigation or compensation. Rather, the geologic hazard is simply an indicator that the project must comply with building code standards regarding seismic hazards.

Staff Response:

The applicant has indicated mitigation will take place primarily on the site.

H. In addition to mitigation, unavoidable adverse impacts may be addressed through restoration efforts.

Applicant Response:

No restoration is planned.

Staff Response:

The application does not indicate any mitigation is proposed.

I. No Net Loss. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.

Applicant Response:

As shown in section 4.3.3.2 (of the applicant narrative), the proposed project will not result in a net loss of critical area functions and values.

Staff Response:

Staff concurs. Section 4.3.3.2 of the applicant narrative, reviews the critical areas found on the site, assess the potential impact from each of the critical functions and indicates there will be no net loss of critical function or value from what currently exists.

J. Consistency with General Purposes. The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;

Applicant Response:

Per VMC Section 20.740.010 as referenced in Section 5A of the SMP, the general purposes of the critical area provisions are: (A) to designate and protect ecologically sensitive and hazardous areas (critical areas) and their functions and values, while also allowing the reasonable use of property; (B) protect critical areas (wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas and frequently flooded areas); and (C) implement the goals and policies of the Vancouver Comprehensive Plan.

Consistent with these general purposes, the proposed project will use an existing port terminal and adjacent shoreline areas with limited ecological function to develop a new export facility that will expand economic opportunities in the City and the region. The shoreline development that is proposed will occur within existing developed areas and will not disturb or degrade environmentally sensitive areas. As described in section 4.3.3.2 (of the applicant narrative), the development of the Facility will include extensive systems to avoid, contain, respond to, and mitigate for any potential spill that could occur in the transfer of crude oil. As such, the proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site.

Staff Response:

The applicant has addressed the critical areas in the Land Use Consistency Review as indicated above. The applicant has addressed other relevant provisions of the comprehensive plan in the Application for Site Certification Agreement. These included the following:

Community Development Policies – The community development chapter of the City’s comprehensive plan provides policies that guide policy decisions on land use and development in the City. Table 1-5 of the comprehensive plan includes the City’s land use designations and definitions of corresponding zoning. Under the Industrial designation, IH-zoned lands include the following activities: “[i]ntensive industrial manufacturing, service, production or storage often involving heavy truck, rail or marine traffic, or outdoor storage and generating vibration, noise and odors.” Figure 4.2-4 of the Application for Site Certification Agreement is the adopted comprehensive plan map for the City indicating the designation of the site and surrounding areas as Industrial. The following policies apply to the project:

CD-1 Citywide land supplies

Establish land supplies and density allowances that are sufficient to accommodate adopted long-term City of Vancouver population and employment forecast allocations.

Applicant Response:

The project site is within the UGA and designated Industrial. It is part of the land area designated by the City to fulfill this policy.

Staff Response:

Staff concurs with the applicant response; this site is designated for heavy industrial uses on the comprehensive plan and the zoning which complies with the comprehensive plan.

CD-3 Infill and redevelopment

Where compatible with surrounding uses, efficiently use urban land by facilitating infill of undeveloped properties, and redevelopment of underutilized and developed properties.

Applicant Response:

The project site has been previously developed and its redevelopment is supportive of this policy.

Staff Response:

Staff concurs.

CD-9 Compatible uses

Facilitate development that minimizes adverse impacts to adjacent areas, particularly neighborhoods.

Applicant Response:

As indicated previously, the site and surrounding areas are zoned for the proposed use and contain similar industrial land uses with the exception of land used for wetland and tree mitigation activities. The Fruit Valley Neighborhood is the closest residential neighborhood to the site and is approximately 0.6 mile east of Area 300. Consistent with this policy, there are no anticipated impacts to the neighborhood from the proposal.

Staff Response:

The current zoning was determine to be appropriate as part of the development of the comprehensive plan. However, under the EFSEC review process, the city does not have SEPA review authority. There have been concerns voiced by residents of the Fruit Valley Neighborhood about potential impacts. These will be addressed by EFSEC. The city will make comments on the scope of the SEPA EIS.

CD-11 Archaeological and historic resources

Protect and preserve cultural, historic and archaeological resources. Promote preservation, restoration, rehabilitation, and reuse of historically or architecturally significant older buildings. Continually increase knowledge and awareness of historic and archaeological resources, further developing the city's identity and allure. Work with Clark County to maintain state Certified Local Government Status.

Applicant Response:

As shown in section 4.2.5, (of the EFSEC Application for Site Certification Agreement) consistent with this policy, there are no historic or archaeological resources that are known to be impacted by the project.

Staff Response:

There have been several archaeological predeterminations in this area of the port. None have indicated any anticipated impacts to artifacts. Further, as indicated elsewhere in this report, if excavation is required to the native soil, on-site monitoring will be provided.

Economic Development Policies – The economic development policies of the plan are aimed at encouraging development that leads to increased numbers of jobs for residents and ensuring that enough land is available for industrial development. The following policies apply to the project:

EC-2 Family-wage employment

Promote the formation, recruitment, retention and growth of businesses that provide a wide range of employment opportunities, particularly family-wage employment. Prioritize family-wage employment in land use policies and practices.

Applicant Response:

As shown in section 4.4, (of the EFSEC Application for Site Certification Agreement) the project will result in an additional 110 jobs when fully operational. The Socioeconomic Report (Appendix K of the EFSEC Application for Site Certification Agreement) estimates direct labor income associated with the full operation is estimated to be \$33.0 million (in 2013 dollars). Labor income includes both employee compensation (wages, benefits, and taxes) and proprietor’s income. Including both indirect and induced benefits, the operation of the terminal is projected to support a total of 890 jobs in Washington, with associated total income of \$64.1 million. The Socioeconomic Report estimates that the jobs directly associated with project operation of the project are likely to generate employee income that is substantially higher than the study area average wage.

Staff Response:

The applicant has indicated additional jobs will be created. However, there does not appear to be a universally-accepted definition of family-wage job. The Bellingham School District in a report entitled Family Wage Jobs in Washington State, 2004 to 2014..., defined family-wage jobs as follows:

Family-wage jobs are jobs where the mean hourly wage is at least as high as the family wage for a three-person household (with one adult worker, one preschool age child and one school-age child) as defined in the College and Work Ready Agenda 2007 Improving the Odds Report.

The applicant’s socio-economic analysis indicates on page 28, “...the jobs directly associated with the operation of the project are likely to generate employee income that is substantially higher than the study area average wage.”

EC-3 Public revenue enhancement

Promote development that enhances revenue generation for public services.

Applicant Response:

As discussed in section 4.4 and Appendix K (of the EFSEC Application for Site Certification Agreement), the project will result in additional revenues to the State and local agencies through property, business and occupation and sales taxes.

Staff Response:

The applicant has provided a report entitled Tesoro Savage, Vancouver Energy Distribution Terminal, Socio-Economic Analysis, prepared by BST Associates, dated Aug. 22, 2013. This document projects the revenue impacts for public services.

EC-6 Efficient use of employment land

Maximize utilization of land designated for employment through more intensive new building construction and redevelopment and intensification of existing sites.

Applicant Response:

Consistent with this policy, the project is part of the redevelopment of Terminal 5.

Staff Response:

The proposal is in an area designated for industrial development and is currently developed for industrial uses. The proposal is to more intensively use the area.

Environmental Policies – The plan’s environmental policies promote the protection and enhancement of the environment while still meeting other goals of the comprehensive plan such as community and economic development and housing and infrastructure goals.

EN-6 Habitat

Protect riparian areas, wetlands, and other fish and wildlife habitat. Link fish and wildlife habitat areas to form contiguous networks. Support sustainable fish and wildlife populations.

Applicant Response:

As shown in section 2.23 (of the EFSEC Application for Site Certification Agreement), the project is consistent with the City regulations regarding the protection of fish and wildlife habitat. The project will not impact riparian areas, wetland or other fish and wildlife habitat as shown in sections 3.4 and 3.5 (of the EFSEC Application for Site Certification Agreement).

Staff Response:

Section 2.23 of the EFSEC Application for Site Certification Agreement, indicates the permits normally required for a non-EFSEC application. Sections 3.4 and 3.5 directly address impacts and possible mitigation measures.

EN-7 Endangered species

Protect habitat for salmonids and other listed species and facilitate recovery. Encourage and support actions that protect other species from becoming listed.

Applicant Response:

As shown in section 3.4, listed salmonids and other species use portions of the site and the surrounding areas. As indicated in section 2.23 (of the EFSEC Application for Site Certification Agreement), the project will undergo review under Section 7 of the ESA as part of the federal permit process for the dock improvements. Minimization and mitigation measures will be employed as necessary to protect listed species and habitat that occur in the project area.

Staff Response:

The project is subject to the Endangered Species Act.

EN-8 Water quality and quantity

Enhance and protect surface water, stormwater, and groundwater quality from septic discharge, impervious surface runoff, improper waste disposal, and other potential contaminant sources. Ensure safe and adequate water supplies and promote wise use and conservation of water resources.

Applicant Response:

Stormwater and wastewater will be generated from impervious surfaces and site operations. Stormwater will be collected and treated to adopted City standards prior to discharge to the Columbia River. Wastewater from both domestic and industrial sources will be discharged to the City sanitary system. If necessary, industrial wastewater will receive pretreatment.

Staff Response:

The applicant has indicated the proposal will meet city standards for water quality and quantity. Water quality is addressed in this report relating to Title 14 beginning on page 66 of this report.

EN-9 Trees and other vegetation

Conserve and restore tree and plant cover, particularly native species, throughout Vancouver. Promote planting using native vegetation. Protect historic and other significant trees. Work towards the Vancouver Urban Forestry Program goal of covering 28% of Vancouver's surface area with tree canopy.

Applicant Response:

As shown in section 3.4 (of the EFSEC Application for Site Certification Agreement), most of the site is impervious and contains little vegetation. Some tree removal will be necessary for the pipeline but this will occur in an isolated area. The project will comply with VMC 20.770 and will plant additional trees to compensate for development that will impact pervious surfaces. In addition, trees will be planted as part of landscaped buffers and parking lot landscaping where currently no trees exist.

Staff Response:

The applicant has indicated the project can meet the city's Tree Conservation provisions.

EN-10 Air quality

Protect and enhance air quality, in coordination with local and regional agencies and organizations.

Applicant Response:

As indicated in sections 3.2 (of the EFSEC Application for Site Certification Agreement) the project will generate emissions during both construction and operations. A permit for air discharge, included in section 5.1 of this (the EFSEC Application for Site Certification

Agreement) application, will be obtained as part of the EFSEC process and the project will comply with all applicable regulations.

Staff Response:

The applicant will be required to meet the air quality adopted by EFSEC which include WAC Chapters 173-400, 173-401, 173-406 and 173-460. The applicant is not required to obtain a permit from the Southwest Clean Air Agency.

EN-11 Hazard areas

Manage development in geologically hazardous areas and floodplains to protect public health and safety.

Applicant Response:

The project area contains geologic hazards as described in section 3.1 and floodplains as described in section 3.3.3 (of the EFSEC Application for Site Certification Agreement). The project will be built to comply with adopted standards for construction in seismic hazard areas. The only project element in floodplains is the dock. It will be constructed to withstand flooding and the dock surface will be above the 100-year flood level.

Staff Response:

The applicant has addressed the geological hazards areas under the critical areas provisions. **EFSEC should require the applicant to meet all applicable provisions of the city's Critical Areas provisions relating to geological hazards and frequently flooded areas.**

K. Performance Standards. The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas VMC 20.740.110, Frequently Flooded Areas VMC 20.740.120, Geologic Hazard Areas VMC 20.740.130, and Wetlands VMC 20.740.140, as applicable.

Applicant Response:

Per the performance standard provisions for fish and wildlife habitat conservation areas, frequently flooded areas, and geologic hazard areas, the proposed project has been designed to ensure:

- No net loss of critical area functions,
- No increase in the base flood elevation, and
- Compliance with the seismic code provisions adopted by VMC Title 17, Building and Construction.

Staff Response:

The applicant has shown the performance standards of the applicable critical areas can be met. **EFSEC should require final review and approval of the critical areas reports during the final review process.**

VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas

Applicant Response:

This code section identifies the following fish and wildlife habitat conservation areas:

- Habitat used by any life stage of state or federally designated endangered, threatened, and sensitive fish and wildlife species
- Priority habitats and associated priority species (PHS)
- Water bodies
- Habitats of local importance
- Riparian management areas and riparian buffers

The Columbia River, a Type 1 water/Type S shoreline of the state, supports resident and anadromous fish species. The river is designated as priority habitat by WDFW and is designated critical habitat for several salmonids and bull trout listed under the Endangered Species Act (ESA). The river also provides migration and foraging habitat for out migrant juvenile salmonids. Marine mammals that occur in the river include California sea lions (*Zalophus californianus*), Steller sea lions (*Eumatopius jubatus*), and harbor seals (*Phoca vitulina*).

The City has established riparian management areas (RMA) and riparian buffers (RB) for the Columbia River. The RMA is defined as land 100 feet from the OHWM; the RB extends an additional 75 feet landward from the RMA along the Columbia River. However, Section 2.740.110(A)(1)(e)(A) specifies that where impervious surfaces from previous development functionally isolate the RMA and RB from the waterbody, the regulated area extends to the impervious surfaces. The Terminal 4 area was developed in 1993 and 1994 and included the installation of guardrails at the top of the bank and parking and other impervious surfaces landward of the guardrail. Therefore, the regulatory RMA/RB is limited to the riprap bank below the guardrail. At Terminal 4, vegetation within the functional portion of the riparian habitat at the site consists primarily of three small-diameter black cottonwood, willows, non-native false indigo bush, and Himalayan blackberry below the top of the bank. The bank is armored with riprap and above the riprap, there is a narrow band of ruderal grass/forb habitat. No vegetation clearance or disturbance is proposed within these limited functional areas of riparian habitat; therefore, the proposed project will not reduce the function of the fish and wildlife habitat conservation areas on the site.

Staff Response:

The applicant has provided the necessary information to meet the provisions of the Fish and Wildlife Habitat Conservation Areas standards. As the applicant indicates, much of the riparian management area and buffer is physically and functionally isolated from the shoreline. **Staff recommends these be incorporated into the review of the project by EFSEC.**

VMC 20.740.120 Frequently Flooded Areas

Applicant Response

As stated above, no net fill will occur within the 100-year floodplain of the site. Therefore, the project will not affect the 100-year base flood elevation and the proposed project is consistent with VMC 20.740.120.

Staff Response:

The applicant has provided information indicating the proposal will not impact the 100-year flood plain.

VMC 20.740.130 Geologic Hazards

Applicant Response:

As previously stated, Clark County GIS data indicated moderate-to-high potential for liquefaction or dynamic settlement within the project site area. The project will incorporate necessary structural and foundation design to comply with the seismic requirements of the building code.

Staff Response:

The applicant has prepared a geotech study. As previously indicated, the findings and recommended procedures would be reviewed by the Building Plans Examiners during the building review process and the findings and recommendations contained in the study would be incorporated into the final engineering and structural standards.

Specific Shoreline Use Regulations (SMP Chapter 6)

These responses illustrate how the project complies with the applicable specific shoreline use regulations described in Chapter 6 of the SMP.

Shoreline Use, Modification and Development Standards (SMP Table 6-1)

Table 6-1 in the SMP identifies development standards for uses in the shoreline. Shoreline uses included in the proposed project are identified in the table below.

Shoreline Use	Proposed Uses	Aquatic	Urban: High Intensity
Industrial Use (Water-Dependent)	<ul style="list-style-type: none"> • A 24- to 36-inch-diameter pipe that will connect the storage tanks to loading berths 13 and 14. • A 6-inch return line that will allow oil to return to the storage tanks in case of a shutdown of the ship loading system. • A 16- to 22-inch-diameter line that will deliver hydrocarbon vapor generated during the loading of vessels to a new MVCU. • A vapor blower staging unit that will be constructed on a concrete pad approximately 30 feet west of the Berth 13 access trestle. • An Emergency Fire Water Pump and Foam Building • Marine vapor recovery units for handling emissions for the ship 	Permitted	Permitted

	<p>holds during loading. The units will be installed on concrete slab and will include approximately 8, 25-foot-tall stacks.</p> <ul style="list-style-type: none"> • An approximately 300-square-foot single-story control room/E-house that will be located immediately east of the Berth 13 access trestle. • An approximately 300-square-foot single-story MCC building that will be located approximately 250 feet west of the Berth 13 access trestle. • Improvements to the existing dock structure, including <ul style="list-style-type: none"> – Removal of two existing mooring dolphins – Placement of four new mooring dolphins including catwalks connecting to the existing trestle and dock. – Removal of an existing breasting dolphin and catwalks. – Replacement of the existing pile fender system with a cone fender system. – Adding more structural piles to the access trestle and dock. • Placement of a crane(s), dock safety unit, crane control building, and other equipment on the dock for ship loading. 		
Setback= 0' Minimum in UHI/N/A in Aquatic	<ul style="list-style-type: none"> • Facilities proposed below OHWM and are in compliance as no minimum setback is required for a water-dependent facility 		
Height = Unlimited in both UHI and Aquatic	<ul style="list-style-type: none"> • The tallest structure within shoreline jurisdiction is 45 feet upland and approximately 60 feet above the OHWM in the aquatic zone 		

Parking (Accessory Use)	<ul style="list-style-type: none"> Proposed use of 11 existing parking stalls adjacent to Berth 13 in the HI designation. 	N/A	Permitted
Setback= 50' in UHI and N/A in Aquatic	<ul style="list-style-type: none"> The parking area is approximately 60 feet north of the OHWM of the Columbia River 		
Transportation Uses (Railroads)	<ul style="list-style-type: none"> The addition of 5,600 linear feet of rail associated with the construction of two additional rail loops no closer than 100 feet from the OHWM at Terminal 5. 	N/A	Permitted

Moorage Facilities: Docks, Piers, and Mooring Buoys (SMP Section 6.3.3.5)

- Mooring buoys shall be used instead of docks and piers whenever feasible.*

Applicant Response:

The proposed project will utilize the existing marine terminal at berths 13 and 14 in Area 400. Loading the vessel requires a direct ship-to-shore connection. Mooring buoys are not feasible for the type of loading and vessels needed for the proposed use as a direct connection with the shoreline is necessary for the loading process.

Staff Response:

The proposal will utilize an existing terminal. Construction of a new, separate mooring buoy would serve no purpose as it is not practical for the use proposed. The applicant has shown the proposal can meet the standards of Specific Shoreline Use Regulation 6.3.3.5 - 1

- Docks and piers for water-dependent commercial and industrial uses shall be allowed to the outer harbor line or combined U.S. Pierhead/Bulkhead line but no more than that required for the draft of the largest vessel expected to moor at the facility. These provisions are also applicable to multiple-use facilities where the majority use is water-dependent and public access can safely be provided.*

Applicant Response:

The proposed project will maintain the waterward line of the existing dock at berths 13 and 14 in Area 400 and will not extend the dock southward toward the Columbia River navigational channel.

Staff Response:

The applicant has shown the proposal can meet the provisions of Specific Shoreline Use Regulation 6.3.3.5 - 4

- Bulk storage (non-portable storage in fixed tanks) for gasoline, oil and other petroleum products for any use or purpose is prohibited on docks and piers.*

Applicant Response:

The proposed facility will transfer crude oil from upland storage at the storage tank area at Area 300 via above-ground and below-ground steel transfer pipelines to the vessel loading system in Area 400. Consistent with this provision, gasoline, oil, and other petroleum products will not be stored on the dock.

Staff Response:

The applicant has not indicated that storage of petroleum on the dock or pier is proposed. The applicant has shown the proposal can meet the standards of Specific Shoreline Use Regulation 6.3.3.5 - 5

Industrial Uses (SMP Section 6.3.6)

- 1. Water-oriented industrial uses and development are preferred over nonwater oriented industrial uses and development.*

Applicant Response:

Consistent with this provision, the proposed facility is a water-dependent facility and therefore is sited appropriately in shoreline jurisdiction.

Staff Response:

The proposed use of the terminal for loading petroleum on to marine tanker ships is a water-dependent use. The applicant has shown the proposal can meet the standards of Specific Shoreline Use Regulation 6.3.6 - 1

- 5. Proposed developments shall maximize the use of legally-established existing industrial facilities and avoid duplication of dock or pier facilities before expanding into undeveloped areas or building new facilities. Proposals for new industrial and port developments shall demonstrate the need for expansion into an undeveloped area.*

Applicant Response:

Consistent with this provision, the proposed facility will use an existing industrial site and will not expand into an undeveloped area. The marine terminal will use an existing legally established dock thereby avoiding the duplication of dock and pier facilities.

Staff Response:

The applicant has indicated the proposal will utilize existing structures, including the marine terminal. The applicant has shown the proposal can meet the standards of Specific Shoreline Use Regulation 6.3.6 – 5.

- 6. Proposed large-scale industrial developments or major expansions shall be consistent with an officially-adopted comprehensive scheme of harbor improvement and/or long-range port development plan.*

Applicant Response:

The proposed facility is consistent with the Port's mission to provide economic benefit to the community through leadership, stewardship, and partnership in marine and industrial development. The project is also consistent with the Port's strategic plan goals which include the

development of new railserved marine terminals to grow economic benefits for the community. The Port has indicated that the project does not require an amendment to its adopted Comprehensive Scheme of Harbor Improvements.

Staff Response:

The comprehensive scheme of harbor improvement and/or long-range port development plan is a port-generated document required by the provisions of RCW 53.20.010, Adoption of harbor improvement plan. This states “[i]t shall be the duty of the port commission of any port district, before creating any improvements hereunder, to adopt a comprehensive scheme of harbor improvement in the port district,…”

The port has indicated the proposal is consistent with the strategic plan. As the port is the entity responsible for creating the plan, and has indicated the proposal is consistent, staff concurs with the applicant response.

The applicant has shown the proposal can meet the standards of Specific Shoreline Use Regulation 6.3.6 - 6.

Transportation Uses (SMP Section 6.3.13)

1. *All transportation facilities in shoreline areas shall be constructed and maintained to cause the least possible adverse impacts on the land and water environments, shall respect the natural character of the shoreline, and make every effort to preserve wildlife, aquatic life and their habitats.*

Applicant Response:

The proposed project will require the placement of two rail loops on Terminal 5, portions of which are within shoreline jurisdiction. These rail tracks will be installed landward of existing rail loops in areas that are currently impervious gravel surfaces. The site of the relocated tracks is devoid of vegetation and provides no riparian habitat function. Therefore, the proposed rail lines will not involve adverse effects to the land and water environment at Terminal 5.

Staff Response:

As indicated by the applicant, the proposed rail loops at Terminal 5 will be installed upland of the existing tracks on an area devoid of vegetation and covered with impervious surfaces. It will not impact any natural areas as the entire site has been developed and used for heavy industrial uses for several decades.

The applicant has shown the proposal can meet the standards of Specific Shoreline Use Regulation 6.3.13 - 1

2. *New or expanded surface transportation facilities not related to and necessary for the support of shoreline activities shall be located outside the shoreline jurisdiction wherever possible, or set back from the ordinary high water mark far enough to make shoreline stabilization, such as riprap, bulkheads or jetties, unnecessary.*

Applicant Response:

The proposed rail lines will serve the facility, which is a water-dependent use; the lines are located landward of the existing rail lines. Thus, there is a direct connection between the proposed rail relocation and the shoreline activities of the proposal. Additionally, the relocated rail lines will not require modifications to the armored embankment at Terminal 5.

Staff Response:

As the applicant has indicated, the proposed additional tracks are proposed upland of the existing tracks in an area devoid of vegetation and wildlife. The tracks are to be used in conjunction with a water-dependent use and no additional shoreline stabilization is proposed. The applicant has shown the proposal can meet the standards of Specific Shoreline Use Regulation 6.3.13 – 2.

3. *Transportation facilities shall not adversely impact existing or planned water dependent uses by impairing access to the shoreline. All roads shall be set back from water bodies and shall provide buffer areas of compatible, self-sustaining native vegetation. Shoreline scenic drives and viewpoints may provide breaks in the vegetative buffer to allow open views of the water.*

Applicant Response:

The proposed rail lines will not obstruct access to the shoreline at Terminal 5, as an existing access roads and rail lines are located between the proposed tracks and the shoreline. The proposed driveway addition to allow access to Area 400 will be perpendicular to the shoreline and will provide access to a water dependent use.

Staff Response:

The proposed rail lines are in conjunction with a proposed water-dependent use; marine shipping. Further, there are no areas of self-sustaining native vegetation along this reach of the shoreline.

The applicant has shown the proposal can meet the standards of Specific Shoreline Use Regulation 6.3.13 – 3.

20.770 Tree Conservation

Finding: City policy does not require an applicant to include the existing impervious area when calculating the number of tree units required. As the applicant notes in their narrative, the only undeveloped portion of the site is a short section of the proposed pipeline located on the parcel owned by Clark County at the location of the Jail Work Center. A Level V Tree Plan was completed and approved for that area with the approval of the Clark Public Utilities Electrical Substation project (TRE2012-00096). The proposed pipeline will remove trees previously approved for removal associated with the development of the Clark Public Utilities proposed substation.

The impacts to trees associated with this proposal have been addressed related to city case TRE2012-00096.

20.790 SEPA Regulations

Finding: Under the standard review process, the city would be the lead agency for SEPA. With that authority, city would be authorized to require mitigation measures. This SEPA authority could be employed to modify the proposal. However, under the EFSEC process the Washington State Energy Site Evaluation Council is the lead agency on this proposal. On Oct. 01, 2013, the Energy Site Evaluation Council issued a Determination of Significance and Scoping Notice. The initial scoping meeting was conducted on Oct. 29, 2013, at the Gaiser Student Center, 1933 Fort Vancouver Way, from 6 to 9 PM. Final Scoping comments must be received by EFSEC by close of business, Wed., Dec. 18, 2013.

The EFSEC has the authority to determine the Scope of the EIS and the imposition of mitigation measures if they are deemed necessary.

Additional Development Standards

20.915 Impact Fees

Finding: As the site is not to be used for residential development, parks and school impact fees do not apply. The project is within the Vancouver Subarea which requires \$139 per trip. Transportation impact fees are based on the trip generation report submitted with the application. The following is the formula for calculating the transportation impact fee:
TIF = Average Daily Trips x \$139 x .85.

Based on Transportation's review, 332 new trips are anticipated. The required Transportation impact fee is \$39,225.80.

EFSEC should require the applicant to pay this fee prior to issuance of any building permits.

20.945 Parking and Loading

Finding: 20.945.040 sets forth the standards for approval of parking. For warehousing and freight movement, one parking space is required for each 2,000 square feet of floor area is required and one space per 400 square feet of floor area is required for office space. The applicant has provided a chart indicating the proposal can meet the required number of parking spaces.

The applicant has submitted plans for the proposed new parking areas, including dimensional plans and landscape plans. The applicant has shown the proposed parking areas can meet the standards of 20.945.040.

20.960 Signs

Finding: The applicant has not indicated any proposed signage for the project; however, if signage is proposed, it will be considered under a separate permit. The applicant would then be required to meet the standards of 20.960.

20.970 Solid Waste Disposal

Finding: The applicant has indicated an appropriate solid waste and recycling enclosure near the proposed office building and future "change room" building

20.985 Vision Clearance

Finding: The standards for vision clearance are contained in 20.985.020. Vehicular access to the site is provided by private internal roads in the port. The plans do not indicate any intrusions into the vision clearance areas at the access point to the site.

VMC Title 11 Streets and Sidewalks

11.70 Transportation – Concurrency

Finding: The applicant is proposing the construction of a new petroleum distribution facility. The facility will receive petroleum products by rail, provide a temporary on-site storage of the products and ultimately transfer the product to marine transport vessels for distribution to various users/refineries on the West Coast. The facility will employ a maximum of 110 employees. The project includes the construction of administrative and support buildings, rail unloading facilities, storage tanks, transfer pipelines and a marine terminal. The project is located at three different parcels within the Port of Vancouver, namely, Terminal 5, Parcel 1A and Berths 13/14 along the Columbia River. Access to the site is by way of NW Lower River Road and private roads within the Port of Vancouver.

The applicant submitted a Traffic Impact Analysis dated August 22, 2013 from Kittelson & Associates. Trip generation rates were based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, utilizing Land Use Code 110 – Light Industrial. Based on this information, the proposed project will generate 332 new Average Daily Trips (ADT), including 48 new AM peak hour trips and 46 new PM peak hour trips. The submitted documentation fulfills the City’s requirements for concurrency analysis.

Pursuant to VMC 11.70.090, Fourth Plain Boulevard between the Port of Vancouver and I-5 and Mill Plain Boulevard between Fourth Plain Boulevard and I-5 are designated as Category 1 Concurrency corridors, which stipulates that the corridor is operating at or above the City’s adopted level of service standards. As previously noted, the proposed development will generate 48 new AM peak hour trips and 46 new PM peak hour trips to this corridor. This is not anticipated to cause the corridors to drop below the adopted level of service standard.

The proposed use is located within the #38 Transportation Analysis Zone. The proposed project contributes PM peak hour trips to the following Transportation Management Zones (TMZ):

Corridor Name	Corridor Limit	PM Peak Trips
Mill Plain Blvd	Fourth Plain Blvd to I-5	23
Fourth Plain Blvd	POV to I-5	23

Based on the above table, **prior to the issuance of civil plan approval, the applicant shall pay concurrency modeling fees totaling \$1,500.00.** Pursuant to the applicant’s information, the project will not distribute trips to any other Transportation Management Zones.

Transportation Impact Fees (TIF) are imposed per VMC 20.915. See the section of this staff report addressing VMC 20.915 for calculation of TIF.

The proposed development can meet the requirements of VMC 11.70, provided the concurrency modeling fees are paid prior to issuance of civil plan approval. EFSEC should

require this payment be made.

11.80 Transportation – Street & Development Standards

Finding: The applicant is proposing the construction of a new petroleum distribution facility. The facility will receive petroleum products by rail, provide a temporary on-site storage of the products and ultimately transfer the product to marine transport vessels for distribution to various users/refineries on the West Coast. The facility will employ a maximum of 110 employees. The project includes the construction of administrative and support buildings, rail unloading facilities, storage tanks, transfer pipelines and a marine terminal. The project is located at three different parcels within the Port of Vancouver, namely, Terminal 5, Parcel 1A and Berths 13/14 along the Columbia River. Access to the site is by way of NW Lower River Road and private roads within the Port of Vancouver.

The existing public transportation infrastructure is adequate to serve the proposed development. No additional frontage improvements or right-of-way dedication will be required at this time.

The proposed development meets the requirements of VMC 11.80 as submitted.

VMC Title 14, Water and Sewer

14.04 Water

Findings: To provide domestic and fire protection water service to the Tesoro Savage Vancouver Energy Distribution Terminal, the proposed project will connect a new 16-inch water line to thru and across the site, connecting to the existing 16-inch water line in Old Lower River Road (Private) to the north 8-inch line to the west and to 12-inch line to the south. **EFSEC should require that all connection will be made consistent with applicable City regulations and all necessary permits will be obtained before the water lines are installed.**

14.04 Sanitary Sewer

Findings: General sewer conditions for sanitary sewer are outlined in a utility review filed under case number PIR-34550 (Exhibit 5). Public gravity sewers are currently available to serve the various sites. Piping flows to an area pump station which in turn delivers flows about one mile southeast to Vancouver's Westside Water Reclamations Facility.

An early estimate of the projects sewer discharge quantities triggered a City requirement to upgrade the existing pump station. The applicant revised the flow estimates down to an average between 16 and 25 gallons per minute. Staff notified the applicant that flows remaining within this lower range would not require pump station upgrades.

With the existing gravity sewers and no pump station improvements, public sewer construction is not required. One or more service lateral connections to the public sewers will be needed. **These sanitary sewer connections must be constructed and inspected to public standards, but will become the property owners' responsibility after connection. All onsite plumbing will be governed by the Building Departments plumbing code. The sewer connection will trigger a utility billing account. EFSEC should require the applicant to meet these standards.**

Vancouver maintains local jurisdiction for discharges of non-domestic wastewater to public sanitary sewer. The City's Industrial Pretreatment Program is federally-delegated, has a Pretreatment Ordinance (VMC 14.10), and is approved by the Washington Department of Ecology and the US EPA. **EFSEC should require that the facility secure a pretreatment permit.** Discharge limitations and conditions for pollutants, flow volumes, and rates will be specified in the permit.

Prior to civil plan approval, EFSEC should require the applicant complete the sanitary sewer design shown on the preliminary utility plan.

EFSEC should require that the applicant may be required to revise the civil design drawings during the plan review process to address redline comments and submit originals for civil plan approval.

During Construction, EFSEC should require that the applicant must construct all public improvements shown on the approved civil plans following the General Requirements, Standards, and Details. Satisfy testing and submittal requirements and secure Construction Acceptance.

Prior to Occupancy, EFSEC should require that the applicant must secure an Industrial Wastewater Discharge Permit from the City's Industrial Pretreatment Program prior to any process discharges. The applicant should apply for the permit early in the process. Coordinate with City Pretreatment Staff. Contact Mr. Frank Dick at 487-7130.

EFSEC should require that the applicant must pay water and sewer connection fees, secure permits, connect to the utilities, and satisfy inspections.

The applicant has demonstrated that the standards for public sewer can be met as conditioned.

14.24 Erosion Control

Finding: The proposed project will involve construction at 6 locations at the port ranging from 0.45 acres to 20.84 acres with a total of over 41 acres of land. A Construction Stormwater General Permit from the Department of Ecology will be required because the amount of disturbed area will exceed the one acre threshold and the site drains to the Columbia River. The applicant has indicated that a permit will be obtained prior to construction.

The soils are variable with unclassified fills, silty loams and fine sands. The silty soils present a potential erosion hazard if erosion control measures are not implemented. Over 15,000 cubic yards of fill will be utilized to level the grade for the proposed rail lines. Protecting the existing and proposed stormwater collection system from sediment will also be critical for the project.

The applicant has submitted detailed erosion/sedimentation control plans and a Stormwater Pollution Prevention Plan (SWPPP). The submittals have demonstrated that the requirements of the ordinance can be met for the project. **EFSEC should require that the applicant submit a final erosion/sedimentation plan for civil review and approval.**

14.25 Stormwater

Finding: The proposed project will site is mostly impervious industrial land. There is an extensive stormwater system throughout the port that has been designed to handle runoff from existing and future developments. The project will maintain or replace most of the existing impervious surfaces while converting over 2 acres to pervious landscaping. Runoff from pollution generating surfaces will be routed to new and existing water quality treatment systems prior to discharge to the Columbia River. Flow control is not required since the Columbia River is a flow control exempt water body.

The applicant has submitted detailed preliminary stormwater plans and stormwater report. The report clearly defines how runoff from the project will be routed to new and existing storm facilities and how the applicable stormwater requirements will be met. **A final stormwater plan and stormwater report shall be submitted for review and approval.**

14.26 Water Resources Protection

Finding: This proposed operation will manage petroleum products; therefore it will be considered a “classified” facility subject to the Greater Standards of the City’s Water Resources Protection Ordinance, VMC 14.26. Classified facilities shall implement all applicable best management practices (BMP’s) listed in ordinance sections 14.26.120 and 14.26.130. **EFSEC should require that the applicant meet the following standards:**

- **Above-ground tank storage (AST) areas shall include secondary containment systems capable of collecting and holding 110% of the largest tank or 10% of the aggregate tank volumes. Smaller containers of chemicals shall be stored inside or under a cover and will also require secondary containment capable of collecting and holding spills and leaks.**
- **Loading areas shall be designed and constructed to contain spills and leaks that might occur during loading and unloading. .**
- **A spill plan, training program and inspection schedule shall also be prepared by the owner/operator within 90 days of occupancy.**
- **The installation of floor or trench drains inside any buildings is not allowed unless approved by Industrial Pretreatment for connection to sanitary sewer.**
- **All facilities and operations in Vancouver are also subject to the Minimum Standards of the City’s Water Resources Protection Ordinance, VMC 14.26.120. These standards include maintenance of all stormwater treatment facilities and best management practices according the Stormwater Management Manual for Western Washington**

Fire

VMC Title 16 Fire

Findings: The Fire Department has reviewed the proposed project and determined that it can meet the requirements of VMC Title 16 and the International Fire Code.

**EFSEC should require the following Conditions for Approval:
Prior to Civil Plan Approval**

1. **Fire lane markings and details shall be shown.**
2. **Existing and new fire hydrants and water mains shall be shown.**
3. **Hydrants subject to vehicle impact shall have physical protection, such as bollards, shown on the plans with details of that protection.**
4. **Fire department connection locations shall be shown to meet minimum standards for spacing from the access lanes and fire hydrants.**
5. **A note shall be included in the civil water utility plans stating “Underground fire water lines are shown for reference only. A separate permit issued contractor with licensure in accordance with WAC 212-80 is required for this work.”**
6. **Add a note to the proposed civil water utility plans stating, “All fire protection system components shall be installed under separate permits to contractors holding a City of Vancouver Endorsement in accordance with VMC16.04.040.”**

Prior to combustible construction:

1. **Fire hydrants for fire protection shall be installed and placed in service.**

During construction

1. **Temporary address signage shall be visible and legible from the street fronting the property for emergency response during construction.**
2. **Provisions for emergency vehicle response to the construction site(s) shall be established.**

Prior to Issuance of Certificate of Occupancy

1. **Address signage shall be visible and legible from the street fronting the property for emergency response. If applicable, individual suite numbers shall be posted at the suite doors.**
2. **Permanent access provisions for emergency vehicle response shall be established and maintained.**
3. **Required fire protection systems shall be installed and approved.**

VMC Title 17 Building

Finding: Title 17 of the Vancouver Municipal Code contains rules and regulations for the technical codes as they regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment. In order to receive a building permit, the proposal must meet the minimum standards of the technical codes referred to in Title 17. Codes now in effect include the 2012 International Building Code, 2012 International Residential Code, 2012 International Fire Code, 2012 International Mechanical Code, 2012 Uniform Plumbing Code, 2008 National Electrical Code and updated amendments to the Washington State Energy Code. **EFSEC should require that the applicant meet the following requirements:**

- 1. The 2012 I-Codes have been officially adopted effective July 1, 2013 in the State of Washington. All building permit applications submitted on or after that date are subject to review under those codes and associated Washington Amendments.**
- 2. Site Plan Review process and related submittals are separate from the Building Permit application and related submittals. Approval of the Site Plan is a prerequisite to approval of the building plans but does not assure approval of the building plans or effect the necessary review time for the building plans.**
- 3. Accessible routes within the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones and public streets or sidewalks to the accessible building entrance served.**
- 4. Accessible parking spaces shall be required in accordance with IBC Chapter 11.**
- 5. Allowable building heights and areas shall be based on occupancy group and type of construction in accordance with IBC Table 503.**
- 6. All building plans for structures, tanks, and buildings shall require corresponding structural engineering and calculations.**
- 7. The occupancy classification of the Rail Unloading Building is not identified on the submitted plans. Designation and code requirements of this building shall be clearly addressed in accordance applicable code requirements of the 2012 International Building Code and the International Fire Code with Washington State Amendments prior to submittal of construction drawings.**

DECISION

The applicant has shown the proposal can meet the applicable zoning-related provisions of the Vancouver Land Use and Development Code, subject to the recommended conditions indicated in this report.

EXHIBITS

1. Planning Permit Application Form
2. Project Narrative for Land Use Consistency dated September 2013
3. Reduced Plans indicated as revised on Sept. 5, 2013
4. JARPA
5. Request for Utility Service, PIR34550

ATTACHMENT H