

**BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL**

In the Matter of Application No. 2013-01

Docket No. EF-131590

TESORO SAVAGE VANCOUVER
ENERGY DISTRIBUTION
TERMINAL

CITY OF VANCOUVER'S
COMMENTS REGARDING
CONSISTENCY OF PROPOSAL WITH
LAND USE PLANS AND ZONING
REGULATIONS

INTRODUCTION

Tesoro Savage proposes to develop an oil terminal on approximately 45 acres of land leased from the Port of Vancouver. The oil terminal will receive up to 360,000 barrels of Bakken crude oil by rail per day; store on-site in tanks; and transfer it to ocean-going freighters. On average, the oil terminal will receive four unit trains per day and, up to six unit trains per day, transporting crude oil to the facility.¹ Additionally, four to six unit trains will leave the facility each day. Each unit train is estimated to be up to 1 ½ miles long.² The trains will operate on Burlington Northern Santa Fe (“BNSF”) rail lines running East and West along the Columbia River through the city of Vancouver. Within the city of Vancouver, the BNSF rail lines run through areas that consist of residential, commercial and industrial development. The oil terminal and rail lines also pass within 400 yards of the Clark County Jail Work Center.

In its Determination of Significance, EFSEC stated that “this proposal is likely to have

¹ Application for Site Certificate, August 2013, at 4-431.

² Ibid. at 2-91.

a significant adverse impact on the environment.”³ EFSEC determined that in environmental impact statement should address the “direct impacts at the site”; “would include a review and evaluation of direct cumulative impacts likely to occur within the state”; and discuss probable impacts outside of the state.⁴ EFSEC further stated the “direct, indirect and cumulative impacts will be evaluated” and the analysis should include “(detailed analysis of rail transportation impacts near the project site, specifically including Vancouver.”⁵ The purpose of the EIS was stated to be “(t)he DEIS will inform the public and decision makers about the impacts of the proposed project. It will identify the potential environmental impacts and discuss possible mitigation measures where appropriate.”⁶

In the discussion that follows, the city will review the pertinent comprehensive plan provisions and zoning regulations. As will be seen, the city believes that the proposed project is consistent with certain policies and regulations; is inconsistent with other policies and regulations; and notes that, at this point without the environmental analysis having been performed, there is insufficient information to conclude whether the proposed project is consistent or inconsistent with other policies and regulations.

I. Comprehensive Plan

The Vancouver Comprehensive Plan 2011 – 2030 sets forth policies to guide land use and development in the city over the next 20 years. The city of Vancouver adopted the Vancouver Comprehensive Plan 2011 – 2030 in 2011. That plan adopted the following plans by reference in Appendix E:

I. Facilities and Services Plans

- Vancouver Capital Facilities 6-year Project List

³ Determination of Significance dated October 1, 2013 at page 2.

⁴ scope of the draft environmental impact statement dated April 2, 2014.

⁵ Id.

⁶ Id.

- Transportation Improvement Program – TIP (6-year plan updated annually in June)
2011-2016
- Vancouver Capital Facilities Budget 2009-2010
- Vancouver Transportation System Plan 2004
- SW Washington Regional Transportation Council Metropolitan Transportation Plan
- Coordinated Consolidated Water System Plan 1999
- Vancouver-Clark Parks & Recreation Comprehensive Parks, Recreation and Open Space Plan 2009
- Vancouver Urban Parks, Recreation and Open Space Plan 2002
- Vancouver, Evergreen, and Camas School District Capital Facilities Plans (6-year),
2011
- Pearson Airfield Business Plan 2005
- Pearson Airport Master Plan 2001
- Vancouver Water System Comprehensive Plan 2007

II. Additional Plans

- Vancouver Consolidated Housing & Community Development Plan 2009-2014
- 2004 Vancouver Walking and Bicycle Master Plan – Path & Trails Element
(Central City Loop Trail amended 2009)
- Esther Short Subarea Plan 1998
- Fourth Plain Corridor Subarea Plan 2007
- Vancouver City Center Vision Plan 2007, Amended 2009
- Central Park Plan 2008
- Lower Grand Employment Area Subarea Plan 2008

- Riverview Gateway Subarea Plan 2009
- Shoreline Management Master Program, 1997, 2007
- Urban Forestry Management Plan 2007
- Section 30 Urban Employment Center Subarea Plan 2009
- Creating a more Sustainable Vancouver Plan, 2009
- 1990 Clark County Open Space Plan
- Vancouver Commute Trip Reduction Plan, July 2007
- Downtown Vancouver Growth and Transportation Efficiency Center Plan, September 2007

III. Technical Documents

- Visual Preference Survey 1994
- Clark County Plan Monitoring Report 2007, 2009
- Clark County Buildable Lands Report 2007
- Vancouver Plan Monitoring Report 2010
- Code and Regulatory Barriers to the Living Building Challenge for Sustainable, Affordable Residential Development, 2009
- Draft and Final Environmental Impact Statements - Comprehensive Growth Management Plans of Clark County, Camas, La Center, Ridgefield, Vancouver, Washougal and Yacolt, 2006
- July 2011 Transportation Analysis
- Individual City of Vancouver Capital project listings, 2011-16
- June 2011 Clark County Public Health Rapid Health Impact Assessment of Vancouver Comprehensive Plan

- The comments that follow relate to the Comprehensive Plan Policies germane to the Tesoro Savage oil terminal project

A. Land Use Designation.

The proposed site of the oil terminal is in an area designated as industrial by the comprehensive plan.

Comment:

The development of the proposed oil terminal is consistent with this designation.

B. Community Development Policies.

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.

Comment:

The site is designated industrial on the comprehensive plan. The area of the proposed terminal has historically been used for heavy industrial uses. However, the proposed oil terminal will generate additional rail traffic and the potential for spills along the Columbia Waterfront Development; a redevelopment project, located along the Columbia River, upstream of the proposed terminal. Thus, it may be incompatible, and therefore, inconsistent with this policy. A decision on consistency should be deferred until additional information is generated through SEPA environmental analysis.

CD-5 Mixed-use development

Facilitate development that combines multiple uses in single buildings or integrated sites.

Comment:

The site of the oil terminal is designated industrial. The area is owned and operated by the Port of Vancouver. The proposed site contains several industrial uses. However, the

proposed oil terminal will generate eight unit oil trains per day (four inbound and four outbound). There is a potential for spills and other potential impacts along the rail lines near the Columbia River, including the downtown, the proposed Columbia Waterfront Development (a redevelopment project) and several established neighborhoods including Esther Short and Fruit Valley. These may be impacted. The project may be inconsistent with this policy. A decision on consistency should be deferred until additional information is generated through SEPA environmental analysis.

CD-6 Neighborhood livability

Maintain and facilitate development of stable, multi-use neighborhoods that contain a compatible mix of housing, jobs, stores, and open and public spaces in a well-planned, safe pedestrian environment.

Comment:

The proposed use is to receive the crude oil by rail, store it on Port of Vancouver property and then ship it by tanker ships to refineries. The rail lines transporting the crude oil to the terminal run through the city center and raised concerns regarding safety of the existing neighborhoods in proximity to both the rail lines and the proposed storage and shipping facilities.

The storage areas at the Port are within approximately 1.5 miles of the Fruit Valley Neighborhood. The potential impact of an oil spill and other potential impacts will not facilitate development of stable, multi-use neighborhoods. A decision on consistency should be deferred until additional information is generated through SEPA environmental analysis.

CD-9 Compatible uses

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

Comment:

The current zoning of the oil terminal as IH (Heavy Industrial) was determined appropriate as part of the development of the comprehensive plan. However, the conveyance of the oil to the terminal by rail, through the downtown area does pose potential adverse impacts on the neighborhoods in proximity to the rail. Also there are neighborhoods and a correctional facility in proximity to the storage and shipping areas. The possibility for adverse impacts has been demonstrated by recent oil-by-rail accidents. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

CD-10 Complementary uses

Locate complementary land uses near one another to maximize opportunities for people to work or shop nearer to where they live.

Comment:

The proposed additional rail traffic and the associated impacts may reduce the opportunities for people to work or shop near where they live. Additional train traffic may reduce access at at-grade crossing causing delays in crossing the railroad right of way. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

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.

Comment:

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

CD-12 Integrated area planning

Promote cohesive, integrated planning of areas and sites through use of subarea planning, master planning, and planned developments, or other methods.

Comment:

The city adopted the Vancouver City Center Vision Plan (VCCV) in 2007 and as amended in 2009. This document is adopted as part of the Vancouver Comprehensive Plan 2011 – 2030 in Appendix E. This document included policies related to development in the downtown area.

The land use plan policies contained in that plan are:

- Encourage residential development including affordable housing as the key to city center vitality.
- Revitalize downtown uses along the Main Street corridor (between Broadway and Washington Street) from Eighth Street to Fourth Plain Boulevard and its connectors.
- Focus waterfront redevelopment on residential uses supported by significant public access, recreation, cultural, hospitality, entertainment and limited commercial uses.
- Protect key historic buildings and residential neighborhoods.
- Encourage key support services, such as a full-service grocery store and life style retail center.
- Encourage development within the west subarea of the VCCV primarily for government services complemented by residential, entertainment and cultural uses.

- Recognize and encourage arts, cultural and institutional uses as critical to economic development in the city center.

The proposal would increase rail traffic and the possibility of spills, accidents, and other potential impacts. The additional rail traffic, transporting crude oil, may not be consistent with the revitalization of the downtown areas. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

CD-14 Connected and integrated communities

Facilitate the development of complete neighborhoods and subareas containing stores, restaurants, parks and public facilities, and other amenities used by local residents.

Comment:

The shipment of crude oil through the downtown area may be inconsistent with the development of the downtown area as envisioned in the Vancouver City Center Plan 2007, as amended in 2009.

A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

CD-15 Public Health and the built environment

Promote improved public health through measures including but not limited to the following:

- (a) Develop integrated land use and street patterns, sidewalk and recreational facilities that encourage walking or biking.
- (b) Recruit and retain supermarkets and other stores serving fresh food in areas otherwise lacking them. Discourage supermarkets and fresh food stores that do relocate from using non-compete clauses that prevent timely replacement of similar uses. Encourage stores that locate near sensitive populations or

underserved areas to offer healthy food choices.

(c) Assess and promote opportunities for growing food in home or community gardens. Consider guidelines for service provision levels.

(d) Coordinate with Clark County Public Health to better integrate health impacts and land use and public facilities and service planning.

Comment:

Although not specifically contained in this policy, the proposal may present a health risk. From the time this project was submitted for review, there have been several reported oil spills related to the rail shipment of Bakken crude oil. These include:

- LaSalle, Colorado, May 9, 2014
- Lynchburg, Virginia, April 30, 2014
- Western Minnesota March 27 2014
- Along 68 miles of track between Red Wing and Winona, Minnesota, Feb. 3, 2014
- Near Casselton, N.D. Dec. 30, 2013
- Aliceville, Ala., Nov. 8, 2013

A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

C. 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.

EC-1 Jobs-housing balance

Increase the ratio of jobs to residents in the city of Vancouver and the region.

Comment:

The proposal is projected to result in an additional 110 jobs in the community. However, the developer of the Columbia Waterfront Development contends that the oil terminal will adversely affect the development of that project and the jobs associated with it. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

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.

Comment:

The proposal is projected to result in an additional 110 jobs. Per the materials submitted by the applicant, 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.

However, the developer of the Columbia Waterfront Development contends that the oil terminal will adversely affect the development of that project and the jobs associated with it. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

EC-3 Public revenue enhancement

Promote development that enhances revenue generation for public services.

Comment:

If allowed the use would generate additional reviews. However, there has not been a determination whether the revenue generated by the proposal would be greater than the potential costs to the city to provide services.

Further, the proposed terminal may negatively impact the revenue generated by other

developments, including the Vancouver Waterfront Project.

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.

Comment:

The proposal is in an area designated for industrial development and is currently developed for industrial uses. The proposal would add additional uses to the industrial area. However, the proposal may be a disincentive to other proposed developments, particularly the downtown redevelopment.

D. Housing Policies.

The city of Vancouver adopts the following policies to ensure an adequate supply of housing for all economic segments of the community. These policies are consistent with and implement Policy Section 2.0 of the Community Framework Plan, adopted by Clark County and local jurisdictions, and planning policy 36.70.A.020(4) of the Washington Growth Management Act.

H-5 Housing placement near services and centers

Facilitate siting of higher density housing near public transportation facilities and in designated centers and corridors.

Comment:

For this particular proposal, the siting of higher density housing in the city center may be impeded by the potential impact of oil trains traveling through the city center. This could be related to both safety and access issues. A decision on consistency should be deferred until additional information is generated through SEPA environmental analysis.

E. 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-1 Environmental protection

Protect, sustain, and provide for healthy and diverse ecosystems.

Comment:

The proposal is for a crude oil terminal. Oil is shipped via rail to the terminal facility. In the recent past there have been accidents associated with these trains. These include:

- LaSalle, Colorado, May 9, 2014
- Lynchburg, Virginia, April 30, 2014
- Western Minnesota March 27 2014
- Along 68 miles of track between Red Wing and Winona, Minnesota, Feb. 3, 2014
- Near Casselton, N.D. Dec. 30, 2013
- Aliceville, Ala., Nov. 8, 2013

There have been fires and spills. Such events indicate there is a potential for such accidents. Any such accident could have an adverse impact and would not be in compliance with this policy. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

EN-3 Energy Conservation

Promote and facilitate energy conservation and alternative energy sources and generation.

Comment:

The proposal is for storage and transportation of fossil fuel. It does not support energy conservation. This is not an alternative energy source. The proposal is inconsistent with this

policy.

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.

Comment:

The proposal has a certain risk factor for damaging riparian areas and wetlands. As indicated previously, there have been accidents involving the rail transportation of crude oil. There have been fires and spills. The rail facility is along the Columbia River and the river known to support threatened and endangered species. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

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.

Comment:

The project is subject to the Endangered Species Act. As indicated previously, there are concerns with possibility of spills, fire or other contamination of the Columbia River associated with the rail and waterborne shipment of crude oil. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

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.

Comment:

The city will not be the reviewing agency; the city has no authority to review the plans. This will be the purview of EFSEC. The city received preliminary stormwater engineering plans and a preliminary stormwater report. To approve the stormwater plans will require final engineering plans and a final stormwater report confirming the stormwater facilities will function in compliance water standards.

All of Vancouver is in a sole source aquifer. Other types of contamination related to the terminal and the methods of shipping are possible. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

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 percent of Vancouver's surface area with tree canopy.

Comment:

The applicant has submitted plans indicating the tree standards will be met. However, as indicated previously, under the EFSEC process, the city may not have the authority to review and approve the tree plans.

EN-10 Air quality

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

Comment:

The city has no direct responsibility for air quality other than that associated with erosion. The applicant will be required to meet federal air standards. At this time the city does

not have the information demonstrating how clean air standards will be met. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

EN-11 Hazard areas

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

Comment:

The oil terminal site is in an area indicated as having geological hazards and is subject to liquefaction. The applicant has provided a preliminary geotechnical study and indicated a range of options available for addressing geological hazards. The applicant has not provided a full geotechnical report, indicating it would be addressed at the time of building permit application.

The applicant has provided preliminary information. However, it is not adequate to determine specifically how these critical areas will be addressed. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

F. Public Facility and Service Policies.

PFS-1 Service availability

Consider water, sewer, police, transportation, fire, schools, storm water management, and parks as necessary facilities and services. Ensure that facilities are sufficient to support planned development.

Comment:

At this time, the city does not have adequate facilities to address a spill or fire associated with the proposed oil terminal and both the rail and waterborne transit facilities

associated with the proposal.

The city is undertaking an analysis of the plans for the oil terminal as well as the risks associated with transporting Bakken crude by oil by rail and the capacity or lack of capacity of the Vancouver Fire Department to respond to such risks. This study is being undertaken pursuant to sections 102.9 and 104.7 of the 2012 International Fire Code adopted by the Vancouver Municipal Code. In its scoping comments the city detailed the issues to be addressed in the study. Without this analysis, the city is unable to say that the proposed oil terminal is consistent with this policy. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

PFS-3 Impact fees

Establish and maintain policies and regulations, including traffic, park and school impact fees, to ensure that new development pay for a proportionate share. Impact fees should be reduced or eliminated for low-income housing developments.

Comment:

Under normal circumstance, traffic impact fees are required for industrial uses. At this point it has not been determined if impact fees will be required as a condition of development. The city is unable to say if the proposal is consistent with this policy.

PFS-8 Transportation circulation and system connectivity

Develop a transportation grid that provides good connections to surrounding land uses and activity centers and allows for multiple circulation routes to/from each location. Close gaps and complete system connections through the development and capital improvement processes.

Comment:

The proposal may have an impact on the connectivity between the north and south sides of the rail line. There are 19 private and four public at grade crossings along the BNSF rail line

within the city. There will be eight unit trains per day each being a mile and a half long. Increased train traffic will have a negative impact on transportation, particularly at at-grade crossings. A decision on consistency should be deferred until additional information is generated through SEPA environmental analysis.

PFS-10 Livable streets

Design streets and sidewalks and manage vehicular traffic to encourage livability, interaction, and sense of neighborhood or district ownership in linkage with adjacent land uses. Encourage multi-modal travel, and provide accessible, human scale opportunities for transferring between travel modes.

Comment:

This policy is directed toward the city and is not directly applicable to this proposal. However, for this particular project there are concerns that additional rail traffic will impact the connectivity by increasing the potential for delays at at-grade crossings. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

PFS-16 Economic development

In order to support the continued economic vitality of Vancouver, major transportation system investments should facilitate freight mobility, job creation, regional competitive position, and revenue growth.

Comment:

The proposal is projected to create jobs, facilitate freight mobility and could enhance revenue growth. It could also facilitate regional competitive position related to oil shipping. However, it could also create a situation that is not conducive to facilitating regional competitive position related to other commodities and services. As an example, the developer

of the Columbia Waterfront Development contends that the oil terminal will adversely affect the development of that project and the jobs associated with it. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

PFS-25 Stormwater management

Manage stormwater to safely pass floodwaters, maintain and improve water quality of receiving streams, lakes, and wetlands, protect and enhance fish and wildlife habitat, promote recreational opportunities, and enhance community aesthetics.

Comment:

Portions of the proposal are within the floodplain and floodway. Preliminary stormwater engineering plans and a preliminary stormwater report have been submitted. The final plans and report have not been generated yet. There is a potential impact to the Columbia River from additional shipping and the potential for spills. There is the potential for groundwater contamination from spills or other operational errors. A decision on consistency should be deferred until additional information is generated through the SEPA environmental analysis.

II. Land Use and Development Code (Zoning Code)

Process Synopsis.

The city of Vancouver processes applications in two steps; Preliminary and Final Site Plan Approval. At the preliminary review stage, staff reviews the applicant's submittal and any comments received from the public during the comment period.

Staff then prepares a staff report. The report notes any corrections, conditions or omissions. The staff report and preliminary engineering plans are returned to the applicant. The applicant then prepares a Final Site Plan Application that incorporates any required changes.

The Final Plan is then reviewed by staff to determine whether the applicant has met the requirements for approval.

The city has inspection authority and can, through this process, assure the project meets the approved plans.

For this project, the applicant provided information normally required for preliminary review. The following summarizes staff finding as to whether the proposal meets city ordinances regulating the use of land.

In the following discussion, the staff responses are generally one of the following:

- The applicant has shown the proposal meets the applicable standard.
- The applicant has provided preliminary information addressing this standard. The opportunity for public comment will occur at the land use consistency hearing which has not yet occurred. Additionally, the SEPA analysis will be undertaken by EFSEC and was not available for this review. Because environmental analysis and public input are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this criterion at this time.
- The applicant has provided sufficient information to grant preliminary approval related to this standard. However, further review is required to determine compliance.
- The applicant has not shown the proposal meets the applicable standard.

Zoning District

20.440.020 List of Districts

Comment:

The site is zoned IH (heavy industrial). The IH zone is intended for intensive uses associated with shipping and storage.

The uses proposed within the IH zone are allowed outright.

The applicant has shown the proposal meets the applicable standard.

440.025 Industrial Zone Function and Location Criteria

Comment:

The proposal is located in the IH zone.

The site is zoned IH and meets the location criteria and is currently used for heavy industrial uses including marine terminals.

The applicant has shown the proposal meets the applicable standard.

20.440.030 Industrial Districts Uses

Comment:

The site is located within the IH zone. The proposed use is classified as warehouse/freight movement. The proposal includes the use of a marine terminal, rail access and large volumes of storage. All of these uses fit within the description of warehouse/freight movement.

The use also includes a railroad yard. Table 20.440.030–1, the Industrial Zoning District Use Table, indicates warehouse/freight movement uses, as those proposed are allowed outright in the IH zone. That table also indicates railroad yards are a permitted use in the IH zone.

The proposed use is permitted in the IH zone.

The applicant has shown the proposal meets the applicable standard.

20.440.040 Industrial Districts Development Standards (Setbacks)

Comment:

Only the proposed storage tanks are located in an area requiring setbacks. The plan indicates a 5-foot setback to the containment berm and a 60 foot setback to the proposed tanks.

The landscape plan indicates the project will meet the setback and landscaping standards.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval of the final site plan, building plans and engineering plans is required to determine compliance.

20.710 Archaeological Resource Protection

Comment:

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 provided a cultural resources report.

The application indicates an unanticipated discovery plan will be implemented. This would meet the city's Archaeological Resource Protection standard.

The applicant has provided sufficient information to grant preliminary approval related to this standard. However, final review and approval is required to determine compliance.

20.740 Critical Areas- Non-Shoreline Jurisdiction

Comments:

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

The applicant indicates that within the upland (non-shoreline jurisdiction) portion of the site certain geologic hazards are indicated. These relate to liquefaction or dynamic settlement and frequently flooded areas. The applicant suggested several procedures for addressing these geological hazards, including:

- 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 has not completed the final design for construction. The applicant has not provided a final geological report. These would be required with the final engineering plans. The applicant has not provided sufficient preliminary data. Therefore, staff cannot determine that the proposal meets the city standards.

For the frequently flooded areas, the performance standards are contained in VMC20.740.120.(C).

Upland areas of the project are within isolated floodplain areas. The applicant indicates these will be impacted by some fill. As these are isolated areas, separated from the floodplain, no major impacts are anticipated.

The dock terminal is within the floodway. However, no major fill is proposed and no impact to the floodway is anticipated.

The applicant has provided sufficient information to grant preliminary approval related to this standard. However, final plans and technical reports are required prior to approval of fill and grading permits.

20.760 Shoreline Management Uses

Comments:

The table below identifies the specific elements of the project that are 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.

	<ul style="list-style-type: none"> • A six-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. ○ Ten 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 six-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.
Aquatic	<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 six-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

	<p>cap.</p> <ul style="list-style-type: none"> ○ Installation of four, 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 six 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 two 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 four 24-inch steel piles to support the walkways. Grated walkways will mostly be reused portions of existing walkway that was removed. <ul style="list-style-type: none"> ● 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 Vancouver Shoreline Management Program (VSMP), water-dependent uses are permitted by Shoreline Substantial Development Permit in the Aquatic and High-Intensity shoreline designations.

The marine shipping component of the proposal requires direct access to the shoreline. The proposal meets the definition of a water-dependent use contained in Chapter 8 of the VSMP.

The applicant has shown the proposal meets the definition of water dependent.

Substantial Development Permit Reviews

Comment:

To approve the shoreline substantial development the applicant must show the proposal

meets the standards of WAC 173-27-150, review criteria for substantial development permits.

The applicant has included the criteria for approval of a substantial development permit in the application. However, the applicant has not specifically addressed each of the criteria for this proposal. For city of Vancouver approval, the applicant would be required to show conformance with the standards relating to shoreline substantial development permit approval. Additional information would be required.

Shorelines of Statewide Significance (SMP Section 3.2)

Comment:

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 floodway and Aquatic for areas below the OHWM. The applicant must meet the following criteria

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.*
2. *Uses that are not consistent with these policies should not be permitted on SSWS.*
3. *Those limited shorelines containing unique, scarce and/or sensitive resources*

should be protected.

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

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.

The applicant did not address how this proposal would recognize and protect the statewide interest over the local interest, or how the proposal would result in long-term over short-term benefit. For city of Vancouver approval, the applicant would have to address each applicable criterion. Additional information is required.

Vancouver Shoreline Master Plan

Section 5.1 General Shoreline Use and Development Regulations

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.

Comments:

The proposal is a water-dependent use.

The applicant has shown the proposal meets the applicable standard.

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.*

Comment:

The applicant provided responses addressing the above criteria. However, without SEPA review and comments from other agencies, the city cannot determine whether the applicant can meet these standards.

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

Comment:

No restoration activities are required or proposed.

The applicant has stated no voluntary restoration is proposed. As additional compensatory restoration is voluntary, the applicant has met this standard.

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

Comment:

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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.

Comment:

This area is currently armored with an array of materials. The bank has been successfully maintained for years. This area is not in an area indicated as susceptible to channel migration.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of

gathering information during the review process, staff cannot determine that the applicant has met this standard.

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.

Comment:

The applicant has provided preliminary information addressing this criterion. The applicant may need permits from USACE and USEPA. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard. The applicant will need to provide proof of obtaining all required permits to comply with this requirement.

7. 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.*

Comment:

The proposal is located 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 city cannot certify that the proposal will allow for safe passage of migratory species.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

8. 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.

Comment:

The in-water work window is determined by other agencies.

The applicant has provided sufficient information to grant preliminary approval related to this standard. However, the city would require demonstration of obtaining required permits from other agencies to comply with VMC 20.760 prior to starting construction.

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

Comment:

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

10. Developments permitted in the Aquatic Shoreline Designation along the Columbia River shall be sited waterward of -15 feet Columbia River Datum (CRD) unless shallow water

habitat will be created as mitigation.

Comment:

The application indicates piling will be installed above-15 feet Columbia River Datum and shallow water habit will be created by removing existing over-water structures equal to those being placed.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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.

Comment:

The proposal will be subject to review by the Washington Department of Archaeology and Historic Preservation. This will meet the intent of the city's archeology standards.

The applicant has shown the proposal can meet the applicable standard.

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.

Comment:

The applicant prepared an archaeological report. The report indicated:

- 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.

As the city may not be involved in the archeological review, staff cannot determine that the project will be reviewed in compliance with city standards. However, it is city policy to accept the Department of Archaeology and Historic Preservation determination in lieu of following the city process. The city has not received a determination from DAHP to this date. The city is unable to state that this requirement has been complied with.

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.

Comment:

The applicant has indicated that in the event of an unanticipated archaeological or historical resource discovery, EFSEC and other appropriate jurisdictional agencies will be notified. This would meet the intent of the city archaeological procedures. This would also be required by the State Department of Archeology and Historic Preservation.

The applicant has shown the proposal meets the applicable standards.

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.

Comment:

The applicant indicates that 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.

The applicant has shown the proposal meets the applicable standard.

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.

Comment:

The critical areas located within the shoreline jurisdiction include fish and wildlife habitat conservation areas, frequently flooded areas, and geologic hazard areas.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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.

Comment:

Staff has reviewed the applicant narrative. The applicant has indicated how the proposal can meet the standards of the Vancouver Shoreline Management Program.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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.

Comment:

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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.

Comment:

The applicant stated the project will be completed using BMPs to protect critical areas.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval of the grading, stormwater, and erosion control plans and studies are required.

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.*

Comment:

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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

Comment:

The applicant has indicated that no restoration is proposed. Restoration is not mandatory. The applicant has met this standard.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval is required.

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.*

Comment:

The applicant has not proposed any public access. This is appropriate. Public access would create safety and security issues.

The applicant has met the standard as no public access is proposed or required.

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.

Comments:

The applicant has submitted detailed erosion/sedimentation control plans and a Stormwater Pollution Prevention Plan (SWPPP). The submittals have demonstrated that the standards of the ordinance can be met for the project. However, a final erosion/sedimentation plans for civil engineering review and approval is required prior to commencing construction.

The applicant also 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. However, a final stormwater plan and stormwater report would be required prior to final approval.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval is required.

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.

Comment:

Construction activities are proposed primarily on areas of existing impervious surfaces 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.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final civil engineering review and approval is required.

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.

Comment:

Project elements within shoreline jurisdiction are proposed to be constructed primarily in areas of existing impervious surface. The construction of the Marine Vapor Control Units (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 upland of the regulatory buffers for the riparian management areas (RMA) and riparian buffers (RB).

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final civil engineering review and approval is required.

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.

Comment:

The project proposes repurposing an existing marine terminal. Generally, the transportation facilities are in place. Some minor modification and additions are proposed. The

existing public transportation infrastructure is adequate to serve the proposed development. No public access is proposed.

The applicant has provided sufficient information to grant preliminary approval related to this standard. The applicant will need to obtain a certificate of concurrency. Final traffic and transportation reviews and approvals are required.

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.

Comments:

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.

The site has been significantly altered. There are few if any natural features on the upland portion of the project that would promote wildlife movement.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final civil engineering plans and studies relating to transportation, stormwater and erosion control review and approval are required.

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.

Comment:

A 10-stall parking area will be restriped in an area of existing parking landward of the OHWM.

The applicant has shown the proposal can meet this standard

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.

Comment:

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

The applicant has met this standard.

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

Comment:

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

The applicant has met this standard.

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

Comments:

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.

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.

The applicant has met this standard.

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 affects to avoid impacts to fish and wildlife.*

Comments:

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.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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.

Comment:

The applicant submitted Preliminary Stormwater Report prepared by BergerABAM dated Aug. 20, 2013.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval of plans and studies addressing erosion control, stormwater control and building regulation compliance is required.

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.

Comment:

Clearing, grading, and fill activities will only be conducted upland and will be of limited extent; therefore, specific schedules will not be necessary. The applicant meets this standard.

3. 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.

Comment:

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.

The applicant has provided sufficient information relating to erosion prevention and sediment control to grant preliminary approval related to this standard. Final review and approval of civil engineering plans and studies relating to erosion prevention and sediment control, is required.

4. 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.

Comment:

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.

The applicant has stated there will be no fill within shoreline jurisdiction. The applicant has met this standard.

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

Comment:

The applicant submitted preliminary grading profiles. However, the applicant has not submitted a grading/site development permit. Final review and approval of a grading plan for conformance with the building code is required.

6. 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.

Comment:

Soil and gravel fill are regulated by VMC Chapter 17.12 which adopted the International Building Code June 3, 2013. The applicant has not submitted a grading/site development permit application. Review and approval of a grading/site development permit conforming to the standards of the building code is required.

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

Comment:

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.

The applicant has provided sufficient stormwater information to grant preliminary approval related to this standard. Final review and approval of civil engineering plans and a final stormwater report is required.

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

Comment:

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. This report indicates there are no channel migration processes taking place currently on this reach of the Columbia River.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

9. 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.

Comment:

No fill is proposed below the OHWM. The applicant has shown the proposal meets the

applicable standard.

10. 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.

Comment:

The application does not indicate any fill below the OHWM. This criterion is not applicable to this request. The applicant has shown the proposal meets the applicable standard.

11. 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.

Comment:

The applicant has indicated exposed soil will be stabilized by reestablishing vegetation to the pre-existing developed condition. The city standard calls for the use of native vegetation. Compliance with this criterion is determined for the three years following completion.

The applicant has not provided specific information. Site plan review, including landscaping plans review and approval is required. Further, final site plan inspection is required to confirm the applicant has provided the required re-vegetation.

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:

Three 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 Motor Control Center building. Both will be single-story and metal-clad, consistent with the industrial character of other structures at the Port. The applicant has provided architectural drawings and preliminary landscape plans for each proposed building.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval of the individual site plans is required to show conformance with this standard.

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

Comment:

The buildings proposed within shoreline jurisdiction are the Control Room/Electric House and Motor Control Center buildings which are proposed near berths 13 and 14. These structures are proposed to be painted in gray or earth tones to minimize reflected light towards off-site locations.

The applicant has provided architectural drawing for each building. The applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval of the site plan is required.

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.

Comment:

Only single-story structures are proposed within shoreline jurisdiction. Mechanical equipment, including the eight stacks associated with the Marine Vapor Control Units, the crane(s) on the dock, and the lighting towers, may be 45 feet in height or taller. The submittal

states that buildings and structures will be finished in non-reflective finishes.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final site plan review and approval is required.

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 affects to avoid impacts to fish and wildlife.*

Comment:

The applicant has provided lighting photometric plans addressing this standard. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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

Comment:

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. Aerial photography from the Clark County GIS indicates the area proposed for parking was used as a parking area since at least 1994.

The applicant has provided sufficient information to grant preliminary approval related

to this standard. Final site plan review and approval is required.

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.

Comment:

Previous development and remediation activities filled, paved, and/or capped most of the project site. Based on site visits to this area, there are no substantial areas of native vegetation within the shoreline jurisdiction on this site.

The applicant has met this standard.

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.

Comment:

No native vegetation will be removed with the Shoreline jurisdiction.

The applicant has met this standard.

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

Comment:

Approximately 7,500 square feet of non-native vegetation will be removed from areas near the stormwater facilities north of berths 13 and 14 to accommodate the pipelines, Marine Vapor Control Units, 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 are to be planted with an appropriate ground cover native seed mix.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final site plan review and approval is required.

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

Comment:

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

The applicant has met this standard.

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

Comment:

No mature vegetation within the shoreline jurisdiction is proposed to be cleared with this project.

The applicant has met this standard

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

Comment:

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

The applicant has met this standard.

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.

Comment:

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 shoreline areas of the project site do not adjoin existing residential uses or neighborhoods and are not part of their viewshed. There are no street ends, public rights of way, etc. which are appropriate for providing visual access.

There are no existing view corridors in this area. The applicant has met this standard.

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.

Comment:

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.

There are no existing views from surrounding properties. The applicant has met this standard.

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

Comment:

No vegetation will be cleared to preserve or create views.

The applicant has met this standard.

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.

Comment:

The applicant submitted Preliminary Stormwater Report prepared by BergerABAM dated Aug. 20, 2013. The report has been reviewed by Surface Water Management for conformance with the standards of VMC Chapter 14.25. To approve the stormwater plans, final engineering plans and a final stormwater report confirming the stormwater facilities will function as designed is required.

All of Vancouver is in a sole source aquifer. Other types of contamination related to the terminal and the methods of shipping are possible. A decision on consistency should be deferred until additional information is generated through SEPA environmental impact statement is completed.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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.

Comment:

The applicant has provided a Preliminary Stormwater Report prepared by BergerABAM dated Aug. 29, 2013. The report been reviewed by the city's Surface Water Management engineer for compliance with the standards of VMC Chapter 14.26. The plans were determined adequate for preliminary approval and final civil engineering and a final stormwater report are required.

The applicant has indicated Best Management Practices will be employed. Regarding the release of potentially harmful materials, additional information is required. This information should address the potential harmful materials associated with the transportation of the product to and from the site.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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.

Comment:

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 should be conducted in conformance with these standards.

If no herbicides, fungicides fertilizers or pesticides are employed, the applicant has met this standard. However, the city will not have review authority to issue permits should the applicant need to apply these chemicals in the future.

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.

Comment:

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

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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

Comment:

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.

The applicant has provided a Preliminary Stormwater Report prepared by BergerABAM dated Aug. 29, 2013. The report was reviewed by the city's Surface Water Management Engineer for compliance with the standards of VMC Chapter 14.26. He determined the submittal was adequate for preliminary engineering review. Final civil engineering plans and a final stormwater report would be required to meet the standard.

The applicant has indicated Best Management Practices will be employed. Regarding the release of potentially harmful materials, additional information is required. Such information should address the potential harmful materials associated with the transportation of the product to and from the site.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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.

Comment:

The application indicates that impacts to fish and wildlife areas have been avoided to a great extent. No fill is proposed in the floodplain.

As noted by the applicant, relating to Geologic Hazard Areas, geological hazards are anticipated over the project area. Under the standards of the city regulations, the applicant would be required to submit a final geotech report for review and approval. The applicant has provided a preliminary geotech study. It addresses the possible means to be employed for protection of the facility from earthquakes, volcanic eruption, flood, tsunami, storms, avalanche or landslides, and other major natural disruptive occurrences. It does not propose specific measures.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

G. Type and Location of Mitigation. Compensatory mitigation shall be in-kind and on-site, 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.

Comment:

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

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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

restoration efforts.

Comment:

The application does not indicate any restoration is proposed. As the provision is optional, the meets the standard.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and the SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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.

Comment:

The application materials indicated there will be no net loss of functions and values of the critical areas associated with this proposal.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

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;

Comment:

Per VMC Section 20.740.010 as referenced in Section 5A of the SMP, the general

purposes of the critical area standards 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.

The development of the Facility is proposed to include extensive systems to avoid, contain, respond to, and mitigate for potential spill that could occur in the transfer of crude oil. However, no environmental review has yet been completed and no opportunity for public comment has been provided. Further, EFSEC has determined an EIS is required which signifies the proposal may have probable significant adverse Environmental impacts.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas

Comment:

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 applicant has provided information addressing how the proposal would meet the standards 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. However, no environmental review has yet been completed. Further, EFSEC has determined an EIS is required which signifies the proposal may have probable significant adverse environmental impacts.

The applicant has provided preliminary information addressing this criterion. Public comment is scheduled for May 28, 2014, (after the preparation of these comments) and SEPA analysis is not available. As public input and environmental analysis are essential parts of gathering information during the review process, staff cannot determine that the applicant has met this standard.

VMC 20.740.120 Frequently Flooded Areas

Comment:

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.

The applicant has met this standard.

VMC 20.740.130 Geologic Hazards

Comment:

Clark County GIS data indicates moderate-to-high potential for liquefaction or dynamic settlement within the project site area. The applicant has prepared a preliminary geotech study. This indicated the various measures that may be needed to address geological hazards. The applicant further states the geological hazards will be addressed by compliance with the standards of the building code. A final geotechnical report has not been provided.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final building and engineering review and approval is required.

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 holds during loading. The units will be installed on concrete slab and will include approximately 8, 25-foot-tall stacks. • An approximately 300-square- 	Permitted	Permitted

	<p>foot single- story control room/E-house that will be located immediately east of the Berth 13 access trestle.</p> <ul style="list-style-type: none"> • 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 		

As indicated above, each of the uses or activities proposed within shoreline jurisdiction is listed as permitted and will require a shoreline substantial development permit. No shoreline conditional use permits or shoreline variances are proposed. The applicant has met this standard.

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

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

Comment:

The proposal will utilize the existing marine terminal at berths 13 and 14. Loading vessel requires a direct ship-to-shore connection. Mooring buoys are not feasible for the type of vessels and loading proposed. The proposed use requires a direct connection with the shoreline.

The applicant has provided sufficient information to show substituting mooring buoys for the dock is not feasible. The applicant has met this standard.

2. *Docks and piers for water-dependent commercial and industrial uses shall be allowed to the outer harbor line or combined U.S. Pier head/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.*

Comment:

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

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final engineering, site plan and building plans review and approval is required.

3. *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.*

Comment:

The proposed facility would 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. The applicant has indicated no storage of petroleum on the dock or pier is proposed.

The applicant has shown the proposal is consistent with this standard.

Industrial Uses (SMP Section 6.3.6)

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

Comment:

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 is consistent with this standard.

2. 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.

Comment:

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

The applicant has shown the proposal is consistent with this standard.

3. 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.

Comment:

The comprehensive scheme of harbor improvement and/or long-range port development plan is a port-generated document required by the standards 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 comprehensive scheme. 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 is consistent with this standard.

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.

Comment:

The proposed rail loops at Terminal 5 would be installed upland of the existing tracks on an area devoid of vegetation and covered with impervious surfaces. It would 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 meets this standard.

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.

Comment:

The additional tracks are proposed upland of the existing tracks in an area devoid of vegetation and wildlife. The tracks would be used in conjunction with a water-dependent use and no additional shoreline stabilization is proposed.

The applicant has shown the proposal meets this standard.

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.

Comment:

The proposed rail lines would 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 rail lines are in conjunction with a proposed water-dependent use; marine shipping.

There are no areas of self-sustaining native vegetation along this reach of the shoreline.

The applicant has shown the proposal meets this standard.

20.770 Tree Conservation

Comment:

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 applicant proposes to remove a total of 24 trees for this project. Of those, eight were indicated to be removed in association with case TRE2012-00096. The additional 16 trees are located to the west of those originally approved for removal.

The application indicates the development area is 10,550 square feet or 0.24 acres. The city tree standard is 30 units per acre of disturbance. The minimum tree requirement for this proposal is 7.26 tree units. The applicant proposes eight tree units. The applicant as addressed the applicable standards of the city's tree conservation requirements.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval of the tree mitigation plan is required.

20.790 SEPA Regulations

Comment:

Oct. 1, 2013, the Energy Facility Site Evaluation Council issued Determination of Significance and Scoping Notice under Docket No. EF-131590. The city has provided scoping comments. That process has not been completed and the EIS has not been prepared. The city has the authority to deny a permit if the project results in probable significant adverse impacts that cannot be reasonably mitigated. VMC 20.790.620. Without an EIS, the city cannot determine that the application is consistent or in compliance with this requirement.

Additional Development Standards

20.912 Fences and Walls

Findings: The applicant indicates that security fencing will be installed at Area 300. Consistent with the VMC 20.915.050, if fencing will be located within required landscaping

setbacks, it will be limited to no greater than six feet in height. As permitted by 20.912.060, barbed wire and razor wire, if employed, will only be installed at the top of the fencing and will be no greater than two feet in height and oriented inward or vertical.

On page 0300-SP-001 of the applicant's plans, a six-foot chain-link fence topped with barbed wire is indicated. This complies with the city's standard.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final site plan review is required to confirm the proposal will meet this standard.

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: $TIF = \text{Average Daily Trips} \times \$139 \times .85$.

Based on Transportation's review, 332 new trips are anticipated. The city would require the applicant to pay the Transportation impact fee of \$39,225.80 prior to the issuance of the building permit.

20.925 Landscaping

Comment:

City policy states that where a proposed development within the Port of Vancouver only abuts other port property or port-owned, private internal streets, the landscaping standards do not apply.

If the development abuts public streets or non-port parcels, along those boundaries, landscaping is required.

Per this policy, the only landscaping required would be along the boundary of Area 300 adjoining Northwest Lower River Road and the Farwest Steel site.

The applicant provided a landscaping plan for this area at sheets 0300-LA-001 through 0300-LA-003. These plans indicate the applicant can meet the applicable city of Vancouver landscaping requirements.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final site plan review and approval is required.

20.935 Off-site Impacts

Comment:

VMC 20.935 addresses off-site impacts, including environmental noise; off-site drainage; smoke and particulate matter; light and glare; and vibrations.

The applicant has provided the following:

Noise generated by the proposed project will comply with this section and the applicable state statutes. The estimated hourly Leqs at the nearest residences (more than 3,000 feet) are well below the daytime noise level limit of 60 dBA and the nighttime noise level limit of 50 dBA that would apply to long-term operational noise. In addition, the calculated construction sound levels at the housing units of the Jail Work Center (the nearest sensitive receivers to the site at approximately 400 feet from the nearest construction area) would fall within the existing range of measured hourly Leqs.

Construction noise is restricted to between 7 a.m. and 8 p.m. by the Vancouver Municipal Code and is exempt from the Washington State noise limits during these hours. Restriction of construction to daytime hours, the temporary nature of construction noise, the distances between the residential uses and most of the construction areas, and the presence of existing noise at nearby sensitive receivers would serve to minimize potential noise impacts

from construction activities. If outdoor construction is required outside of these hours, the applicant will consult with the city, will notify EFSEC in advance, and will not conduct work until EFSEC has reviewed and approved the planned activities.

Off-Site Drainage: Consistent with this chapter, site grading has been designed to avoid stormwater runoff onto other properties through implementation of erosion control BMPs and compliance with VMC 14.24. Stormwater on the site will be collected at approved inlets and conveyed to water treatment facilities before being released to the Columbia River.

Smoke and Particulate Matter: In regards to smoke and particulate matter, the project will be subject to air quality permitting. As part of its Application for Site Certification, the applicant has submitted a Notice of Construction and Prevention of Significant Deterioration permit application. EFSEC will review these applications and, should the Facility be approved, issue permits consistent with applicable local, state, and federal regulations for air emissions.

Lighting: The project proposes to install outdoor lighting in various areas. This lighting will include low-level lighting around exits (minimum two-foot-candles) and general outdoor lighting (from 0.2 to five-foot-candles) including ground level operating areas, roadways, fuel storage areas, and shiploading, rail car unloading, and parking areas. This lighting will be provided for operator access and safety under regular operating conditions. Precise detailed placement of lighting fixtures has not yet been determined, but outdoor lights will be a combination of pole-mounted and structure-mounted lights and likely will be standard streetlight height (20 to 40 feet).

Outside lighting likely will be placed above doorways, walkways, and stairs around the exteriors of buildings and ancillary equipment. Generally, lighting angles will be determined by an evaluation of the economics of fixture wattage, light patterns, and light levels.

Spot lighting will be provided for illumination-level enhancement where needed around

loading equipment maintenance areas and stairwells and catwalks. This lighting will be higher in intensity than general outside lighting (up to 32-foot-candles), but will be limited to specific areas. This lighting can be adjusted to minimize light spillover or direct glare in response to specific site conditions. Lighting will be directed down and away from adjacent properties.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final site plan review and approval is required.

20.945 Parking and Loading

Comment:

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.

Area/Building	Building Size Square Feet	Parking Stalls Required
Administration and Support Buildings Area 200	6,800	17
Rail Car Unloading Building Area 200	168,350	84
Future Support Building Area 200	3,400	9
West Boiler Building Area 600	6,600	3
Storage Tanks and East Boiler Building Area 300	3,000	2
Marine Terminal Area 400	None	0
Total	N/A	115

In addition to the table, 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, including signing and striping; location of

the parking on the development; driveway locations; pedestrian access and circulation and connections; parking lot landscaping; parking lot surfacing; lot and access striping; wheel stops; drainage; lighting; and space and isle dimensions.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final site plan review and approval is required.

20.960 Signs

Finding: The applicant has not indicated any signage. The sign standards are not applicable to this proposal.

20.970 Solid Waste Disposal

Comment:

The applicant has indicated an appropriate solid waste and recycling enclosure near the proposed office building and future “change room” building.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final site plan review and approval is required.

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.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final site plan review and approval is required.

III. Other Code Provisions.

A. VMC Title 11 Streets and Sidewalks

11.70 Transportation – Concurrency

Comment:

The applicant submitted a Traffic Impact Analysis dated Aug. 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, the city would require the applicant pay the concurrency modeling fee of \$1,500 prior to the issuance of civil plan approval. The fee is required to pay for the updating of the city’s concurrency model program.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval is required.

11.80 Transportation – Street & Development Standards

Comment:

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 applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval is required.

B. VMC Title 14, Water and Sewer

14.04 Water

Comment:

To provide domestic and fire protection water service to the Tesoro Savage Vancouver Energy Distribution Terminal, the proposed project should connect a new 16-inch water line to through 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 the 12-inch line to the south.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval is required.

14.04 Sanitary Sewer

Comment:

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.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval is required.

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. Discharge limitations and conditions for pollutants, flow volumes, and rates will be specified in the permit.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final civil engineering review and approval is required.

14.24 Erosion Control

Comment:

The proposed project will involve construction at six 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 would be required because the amount of disturbed area will exceed the one acre threshold and the site drains to the Columbia River.

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.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final civil engineering review and approval is required.

14.25 Stormwater

Finding: The proposed project 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 two 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.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval is required.

14.26 Water Resources Protection

Comment:

Staff review determined the following items need to be addressed:

- Above-ground tank storage areas shall include secondary containment systems capable of collecting and holding 110 percent of the largest tank or 10 percent 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

The application indicates that each of these items has been addressed and the applicant will comply with the standards.

The applicant has provided sufficient information to grant preliminary approval related to this standard. Final review and approval is required.

C. VMC Title 16 Fire

VMC 16.04.010 adopts the International Fire Code. As part of the city's review of the project, the Vancouver Fire Official is undertaking an analysis of the plans for the oil terminal as well as the risks associated with transporting Bakken crude by oil by rail and the capacity or lack of capacity of the Vancouver Fire Department to respond to such risks. This study is being undertaken pursuant to sections 102.9 and 104.7 of the 2012 International Fire Code adopted by the Vancouver Municipal Code. In its scoping comments the city detailed the issues to be addressed in the study.⁷ Without this analysis, the city is unable to say that the proposed oil terminal is consistent with the fire code.

CONCLUSION

As can be seen from the foregoing discussion, the city believes that the proposed oil

⁷ A copy of the City's scoping comments are at Exhibit 5 of the City's Exhibits.

terminal is consistent with certain policies and regulations; is inconsistent with other policies regulations; and more information is needed to determine the consistency or inconsistency with a significant number of policies and regulations. Concurrently with the filing of these comments, the city is filing a request that EFSEC defer its land use consistency determination and leave this hearing record open until the SEPA environmental analysis provides the necessary information. The city does not believe that it is possible, or appropriate, for it or EFSEC to make a determination of land use consistency at this time.

Respectfully submitted this 25th day of May, 2014.

CITY OF VANCOUVER



Jon Wagner, Senior Planner