

NOTICE 2023-03-006 BY THE CITY OF VANCOUVER

CLOSURE OF PUBLICLY OWNED REAL PROPERTY LOCATED AT 9299 NE 54th STREET, VANCOUVER, WASHINGTON

Pursuant to Emergency Order No. 2023-03

– Homelessness –

WHEREAS, at 09:05 hours on November 3, 2023, the City of Vancouver declared a civil emergency pursuant to Washington State Constitution Article VI, Section 11, Revised Code of Washington Chapter 38.52, and Vancouver Municipal Code Chapter 2.12 *et. seq.*, due to the humanitarian crisis and public health emergency posed by homelessness. (Declaration of Civil Emergency No. 2023-01); and

WHEREAS, on November 3, 2023, the City of Vancouver issued Emergency Order 2023-03 authorizing the closure of up to 48 acres of public property and public rights-of-way; and

WHEREAS, Emergency Order 2023-03 authorizes the Vancouver City Manager to issue a Notice controlling and closing public property and public rights-of-way so as to address and mitigate the adverse impacts of homelessness; such authority being subject to applicable availability, identification, and notice requirements.

NOW THEREFORE, as a result of the above-referenced situation, pursuant to Washington State Constitution Article VI, Section 11, Revised Code of Washington Chapter 38.52, and Vancouver Municipal Code Chapter 2.12, the undersigned hereby reaffirms that a state of emergency continues to exist in the City of Vancouver, and that Emergency Order Nos. 2023-01, 2023-02, and 2023-03 remain in full force and effect. Furthermore, based on the above situation and pursuant to Vancouver Municipal Code Chapter 2.12, the City hereby issues the following additional:

I. FINDINGS

Section 1. Availability. As referenced in Emergency Order 2023-03, the City of Vancouver is entrusted with safeguarding an estimated 2400.36 acres of publicly owned real property.

A. **Prior Closures.** As of the date of this Notice, the City of Vancouver has issued 5 prior Notice(s) of emergency public property closure. Of these Notices, the following remain in full force and effect:

- i. Notice 2023-03-01, consisting of 2.13 acres of public property.

- ii. Notice 2023-03- 02 , consisting of 2.54 acres of public property.
- iii. Notice 2023-03- 03 , consisting of 1.21 acres of public property.
- iv. Notice 2023-03- 04 , consisting of 1.57 acres of public property.
- v. Notice 2023-03- 05 , consisting of 1.01 acres of public property.

B. **Additional Closure.** The total amount of publicly owned real property described in **Section 2** of this Notice equals 1.52 acre(s).

C. **Total Closures.** As of the issuance of this Notice, the sum of all publicly owned real property closed pursuant to emergency orders issued by the City of Vancouver, including that which is closed pursuant to this Notice, is approximately: 9.98 acres of public property.

In view of the foregoing, and following consultation with the City of Vancouver’s Homeless Response Manager, the undersigned hereby Finds that the combined total of all land closed to camping and outdoor habitation pursuant to the City’s legal authority (i) does not exceed 48 acres; and (ii) when combined with other legal and regulatory tools, does not result in the closure of all Public Property and Rights-of-Way to camping and outdoor habitation.

Section 2. Identification of Subject Property. The following real property is publicly-owned, located within the jurisdiction of the City of Vancouver, Washington, and subject to control or closure pursuant to Emergency Order 2023-03:

The areas known as the undeveloped portions of Orchards Park West which are depicted on the following map as the cross-hatched rectangle west of NE 94th Ave and south of NE 54th street, and the cross-hatched triangle east of NE 94th Ave and north of NE 54th street. All three pieces of real property are included in the single address and parcel as follows.

9299 NE 54th Street Vancouver, WA 98662

Parcel Identification Number: 159568000*

*only two-thirds of the three pieces of the parcel are subject to closure (see map below). The developed park known as Orchards Park West, north of NE 54th street and west of NE 94th Ave, shall remain open and is not subject to this notice.

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In the judgement of the Vancouver City Manager, closure of the above-referenced property is necessary for the protection of life or property, so as to mitigate the adverse secondary impacts of homelessness including soil, surface water, and groundwater contamination, destruction of vegetation and trees, and other uses which are incompatible with the long-term environmental, sustainability and economic development interests planned for the long-term health, vitality and fiscal sustainability of the community as a whole.

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II. NOTICE AND ORDER

NOW THEREFORE, the publicly owned real property identified within **Section I.2.** of this Notice is hereby closed to Camping and Outdoor Habitation, at all hours and on all days, pursuant to the following terms and conditions:

1. Definitions. The terms “Camping and Outdoor Habitation” shall have the same meaning as provided within Title 8.22 of the Vancouver Municipal Code.
2. Notice. Notice of this closure shall be given by physical posting at the site of the subject property identified within Section I.2. of this Notice. Notice shall be in writing and posted on a sign that is readable by a person of normal vision at a distance of two hundred feet. Additionally, a copy of this Notice shall be posted online to the City of Vancouver website: www.cityofvancouver.us.
3. Effective Date and Time. This Notice shall be effective upon the later of (a) 24 hours after signature, or (b) issuance of all required notices set forth within Section II.2., above.
4. Duration. Unless rescinded or amended, this Notice shall remain in full force and effect until either: (a) Emergency Order 2023-03 is modified or terminated by the Vancouver City Council or Vancouver City Manager, or (b) the state of emergency is declared terminated as per VMC 2.12.030 and Emergency Order 2023-01.

SIGNED in Vancouver, Washington, this 30, day of August, 2024, at 10:45 a.m. hours.

ATTEST:

DocuSigned by:

Natasha Ramras

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Natasha Ramras

City Clerk

CITY OF VANCOUVER

DocuSigned by:

Lon Pluckhahn

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Lon Pluckhahn

Acting City Manager

APPROVED AS TO FORM

DocuSigned by:

Jonathan Young

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Jonathan Young

City Attorney