


MEMO OF UNDERSTANDING FOR VAN MALL NORTH ANNEXATION, AUGUST 1, 2017
between
CITY OF VANCOUVER COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
AND FIRE MARSHAL'S OFFICE
and
CLARK COUNTY COMMUNITY DEVELOPMENT, COMMUNITY PLANNING, AND PUBLIC
WORKS DEPARTMENTS

- 1 **Purpose.** The city of Vancouver will annex an area known as Van Mall North effective August 1, 2017. The purpose of this agreement is to document an understanding between the City of Vancouver Community Development Department and the Clark County Community Development, Community Planning and Public Works Departments for the operational transfer of active projects files, historical files and other items as a result of the annexation. This MOU focuses on projects under development, comprehensive plan and building review. It includes building, fire, stormwater, land use, Growth Management and code enforcement.
- 2 **Authorization** A Master Interlocal Agreement and subsidiary Interlocal Agreements between the City of Vancouver and Clark County authorize department heads to develop Memoranda of Understanding for the transfer of active project files historical files and other items. Memoranda may not transfer physical assets such as land or equipment, and may not transfer fees, loans or other financial resources. Memoranda may not set policies reserved for action by the city or county council. The controlling Interlocal Agreements specify provisions for dispute resolution, the geographic area covered by the agreements and memoranda, noticing requirements, hold harmless and indemnification requirements, and beneficiaries.
- 3 **Responsibilities of the City.** Responsibilities are outlined in Attachment A.
- 4 **Responsibilities of the County.** Responsibilities are outlined in Attachment A.
- 5 **Amendment:** Amendments to the MOU may be executed by the City and County Manager.

IN WITNESS WHEREOF, CITY and COUNTY executed this Agreement on the date and year indicated below

By:  Date: 8-21-17
Vancouver City Manager

By:  Date: 8-29-17
Clark County Manager

ATTACHMENT A

Guiding Principles of Agreement

City Responsibilities	The City will, assume full responsibility for planning, engineering, fire and building permits, inspections, and enforcement actions and all long range planning and growth management services as of the effective date of the annexation. Exceptions will be approved on a case by case basis.
County Responsibilities	The County may complete processing of active permit applications, inspections, enforcement activities, and long range planning services on behalf of the City with the written permission of both parties. The county may complete only the currently active phase of activity .
Discretionary Actions	County completion of an active phase of an application shall be administrative and ministerial only. All discretionary actions shall be made by the City unless mutually agreed otherwise
Code Compliance	City will assume full responsibility for code enforcement as of the effective date of the annexation with the exception of all appeals received prior to annexation.
New Permit Applications	All new applications received, inspections requested and enforcement actions initiated on those properties within the annexed area as of the date of the annexation shall be submitted to the City for processing
Renewals and Extensions	For active applications remaining with the County, City shall be responsible for all requests for permit extensions or renewals, provided that County may accept requests for ancillary permits for mechanical or fire systems for buildings under construction only when such permits are necessary to complete construction under the terms of the agreement. The City will be responsible for accepting permit applications that seek to extend the use or dimensions of the project under construction, or which seek approval for free-standing signs, tenant improvements, or accessory structures.
List of Applications in Process	The County will prepare and send to the city a list of pending projects and actions on July 1 2017 and August 1 2017. The list shall show the project identifier information (applicant, address, project type, etc.) and the phase of completion on the report dates.
Vesting	The City recognizes the County's vesting and contingent vesting process. Land use applications or counter complete pre-applications filed with the County prior to the date of annexation and determined to be fully complete per County Code, shall continue to be processed under County development regulations. Applications not contingently vested shall be treated as new applications and subject to City development regulations, even if transferred by County. Vested rights shall not extend to any development review fees.
Withdrawal of Project from County	Applicants filing an application with the County may submit an application to the City for the same project under city rules subject to the withdrawal of their application from the County. Applicants who voluntarily withdraw and resubmit their project to the City shall be subject to applicable City regulations and fees.
Final Transfer of Uncompleted Projects	August 1, 2018, any project retained by the county for completion of an active phase of activity, which has not been completed, shall be transferred to the city for review and completion under County regulations.
Fees and Fines	No fees, fee waivers, or fines shall be transferred between jurisdictions.

County Staff as City Contractors	City may contract with County staff to help with applications processed under county regulations
Existing Agreements	The City will recognize and enforce existing agreements enacted by the County prior to the annexation, including development agreements, code compliance agreements, etc.
Document Transfer	Transfer of active building and development files will occur at each phase of project completion, in accordance with the principles below. Closed\historical files will be transferred to the city no later than August 1, 2018.

Responsibilities in Transitioning Development Applications to City

COLOR KEY:

Transfers to City	Stays with County
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LAND USE PERMITS/ APPLICATIONS	STAGE OF PROCESS AT TIME OF ANNEXATION EFFECTIVE DATE	WHO REVIEWS?	CITY OR COUNTY STANDARDS?
Pre-Application Conference Request	Pre-application conference request submitted but meeting has not been held	County transfers file to City	City standards since County pre-app report has not been issued
	Pre-application conference meeting has been held but staff summary required by CCC Title 40.510.020, A.8 has not been issued	County completes and distributes staff summary and then transfers file to City	County standards (CCC 40)
New Land Use Applications	Applicant tries to submit to County after date of annexation	County directs Applicant to submit to City	County standards if contingently vested; City if not contingently vested (new pre-app required)

Land Use Applications Already in Process	Submitted to County prior to annexation but not yet fully complete	County keeps project until determined complete (even if several cycles required), then file is transferred to City for processing (Possible deadline given to app.)	County standards (CCC 40) if contingently vested
	Project is fully complete	County processes prelim approval (including any hearing); transfers file to City once approved	County standards (CCC 40)
	Project is at County in review for final approval	County finalizes approval; transfers file to City	County standards (CCC 40)
Land Use Appeals	Appeal of County decision received <u>prior</u> to Annexation; no County decision may be appealed after effective date of annexation	County processes appeal; transfers decision/file to City	County standards (CCC 40)
CIVIL ENGINEERING REVIEW/INSPECTION	STAGE OF PROCESS AT TIME OF ANNEXATION EFFECTIVE DATE	WHO REVIEWS?	CITY OR COUNTY STANDARDS?
Civil Engineering Plan Review	Applicant tries to submit new civil plans	County directs Applicant to submit to the City	City standards
	Submitted to County prior to annexation but processing and plan review has not started	County completes civil plan review and transfers approved civil plans to City	County standards
	Civil plans have been reviewed one or more times and still require corrections	County completes civil plan review and transfers approved civil plans to City	County standards
	Mylars submitted to County prior to annexation but not signed	County reviews and signs mylars	County standards

	County has approved civil plans, mylars not submitted yet	Applicant submits mylars to County for signature then County transfers file to City; applicant submits plan set copies to City	County standards
Construction of Public Improvements	Mylars approved but construction has not commenced on streets or utilities	County transfers plans and file to City, which will be responsible for inspection of public improvements	County standards
	Utilities and/or streets under construction	County finalizes inspections and accepts public improvements once completed	County standards
	County has given construction acceptance but has not completed paperwork (e.g. dedications, cost & quantity, as-built approvals)	County completes acceptance process and finalizes paperwork. Transfers to city at end of process.	County standards
BUILDING AND FIRE PERMITS – REVIEW/INSPECTION	STAGE OF PROCESS AT TIME OF ANNEXATION EFFECTIVE DATE	WHO REVIEWS?	CITY OR COUNTY STANDARDS?
Building and Fire Plan Review and Inspection	Applicant wants to submit building plans/permit application for first time	Applicant submits to City for review	City Building Code, County Land Use standards if vested
	Building plans submitted to County, but first review has not been completed	County transfers plans and file to City	County standards
	Building plans have been reviewed by County and comments returned to applicant one or more times; not ready for approval	County reviews plans until permit can be issued; but does not issue permit. County transfers files before issuing a permit.	County standards
	Building permit has been issued	County retains project through inspection and certificate of occupancy.	County standards

Building/Fire Codes Enforcement	Enforcement action pending at County prior to annexation	County responsible for completing any enforcement actions that are pending; County to provide a list to City of all pending actions	County standards
CODE COMPLIANCE	STAGE OF PROCESS AT TIME OF ANNEXATION EFFECTIVE DATE	WHO REVIEWS?	CITY OR COUNTY STANDARDS?
New complaint	County receives a new complaint	County transfers complainant to City Code Compliance Hotline	City
Pending case	County has opened a code compliance case	County transfers file to City; City determines whether County violation is also a violation of City ordinance; if so, case is processed under city standards but if not, case is closed	City
Code Appeals	Appeal of County code enforcement action received <u>prior</u> to annexation; no appeal of county decision may be submitted after the effective date of the annexation	County processes appeal; transfers decision and file to City when issued; City becomes responsible for enforcing any conditions; fines payable to County.	County
GROWTH MANAGEMENT	STAGE OF PROCESS AT TIME OF ANNEXATION EFFECTIVE DATE	WHO REVIEWS?	CITY OR COUNTY STANDARDS?
New GMA related request			
Rezone Request	County code prohibits acceptance of rezone applications within a UGA if the property is in the process of being annexed. The applicant is referred to the city.	City	City

FIRE MARSHAL ACTIVITIES

FIRE MARSHAL'S OFFICE	STAGE OF PROCESS AT TIME OF ANNEXATION EFFECTIVE DATE	WHO REVIEWS?	CITY OR COUNTY STANDARDS?
Fire Origin and Cause Investigations	Existing fire investigation is on-going	Clark County Fire Marshal processes to completion.	County standards
	Fire investigation initiated prior to 8/1/2017, 12:00 AM the date of the annexation.	Clark County Fire Marshal processes to completion.	County standards
	Fire investigation initiated at or after 8/1/2017, 12:00 AM the date of the annexation.	City Fire Marshal processes to completion.	City standards
	New investigations initiated at or after 8/1/2017 that directly relate to on-going investigations in Clark County (I.E. Serial Arsonist).	The City Fire Marshal will process the investigation and then work in with the Clark County Fire Marshal as an Investigation Task Force.	City standards
Existing Occupancy Fire Inspections & Fire Code Enforcement Actions	First inspection has taken place prior to the date of the annexation. (8/1/2017)	City Fire Marshal will be responsible for completing any subsequent enforcement actions that are pending; County to provide a list to City of all pending fire inspections and fire operational permits. Dates, times and status reports of pending code cases will be provided to City Fire Marshal.	County standards
	A regular "annual" fire code inspection has been scheduled (after 8/1/2017) but not yet completed.	County Fire Marshal will notify the business that the scheduled inspection will be postponed. Future inspections will be conducted City Fire Marshal.	City standards
	Complaint received but no inspection has taken place (Before 12:00 AM is Clark County after 12:00 AM is City Fire Marshal)	County transfers the complaint to the City Fire Marshal who will process the complaint.	City standards

	Fire code operational permits issued prior to annexation.	Will remain valid in the City until the next regular fire and life safety inspection.	County standards
	Administrative decisions or rulings issued by the Clark County Fire Marshal prior to annexation, to include alternate materials and methods of construction, prior to annexation.	County transfers documentation of the decision or ruling to the City. The applicant remains vested to that decision unless revoked for cause and/or serious fire and life safety threat.	County standards
Documentation Transfer - Fire Inspection Files, Approved Plans and ITM's.	The County Fire Marshal shall transfer all documentation (fire sprinkler, fire alarm, fixed fire protection, hood suppression final approved plans (as built) for all annexed building inventory. Also to include, general fire inspection records and inspection testing and maintenance records of fire protection systems.	Paper / Electronic.	County Standards
Fire Department Public Education	County Fire Marshal has agreed to provide a public education service scheduled for a date after the annexation date.	County Fire Marshal will provide a list of educational services to the City Fire Marshal.	City standards
	Requests for public education services as of the annexation date.	County Fire Marshal will forward or refer the request to the City Fire Marshal.	City standards
Fireworks – Retail Sales	Pre-order 2018 Retail Fireworks	County Fire Marshal shall inform retail firework permit holders (annexation area); the COV does not permit sales/use within City limits.	City standards