BEFORE THE HEARING EXAMINER
FOR CITY OF VANCOUVER

In the Matter of the Application of ) NO. PRJ-158661/LUP-70559
) )
Lennar Northwest, Inc. ) Bella Vista Subdivision
) )
For Approval of a Subdivision ) FINDINGS, CONCLUSIONS,
) AND DECISION

SUMMARY OF DECISION
The requested preliminary plat to allow the subdivision of 4.67 acres into 22 single-family detached residential lots is APPROVED subject to conditions.

SUMMARY OF RECORD
Request:
Mike Loomis on behalf of Lennar Northwest, Inc., (Applicant) requested approval of a preliminary plat to subdivide three parcels totaling 4.67 acres into 22 single-family residential lots. The subject property is comprised of three tax parcels addressed as 2202 SE Bella Vista Road in Vancouver, Washington.

Hearing Date:
The Vancouver Hearing Examiner held an open record hearing on the application on December 18, 2018.

Testimony:
At the open record hearing the following individuals presented testimony under oath:

Patti McEllrath, Senior Planner, City of Vancouver
Eric Hahn, Senior Civil Engineer, City of Vancouver Transportation/Concurrency
Mike Loomis, Applicant Representative
John Meier, AKS Engineering & Forestry, LLC., Applicant Representative
Bart Catching, AKS Engineering & Forestry, LLC., Applicant Representative
Leeanne Bremer, AKS Engineering & Forestry, LLC., Applicant Representative
Fred Garmire
Jeff Eastes
Cheryl Higgins
Dennis Schwartz
Richard Dyer
Karen Garmire
Pat Wilmoth
Exhibits:
At the open record hearing the following exhibits were admitted in the record:

1. Staff Report, dated December 4, 2018
2. Application, dated September 3, 2018
3. Applicant Narrative, dated September 2018
4. Preliminary Plat
5. Level 5 Tree Plan
6. SEPA Checklist, dated September 5, 2018
7. Final SEPA Determination of Non-Significance, dated November 13, 2018
8. Trip Generation & Distribution Report prepared by Lancaster Engineering dated May 8, 2018
9. Transportation Impact Fee Calculation Worksheet, dated November 19, 2018
9A. Transportation Warrant Analysis
10. Sanitary Sewer Map
11. Request for Utility Services, dated February 27, 2018
12. E-mail/Meeting notes prepared by Aaron Odegard, dated October 29, 2018
13. Public Sewer alignment map
15. Notice of Application and Optional DNS, dated October 10, 2018
16. Affidavit of Mailing and Posting NOA, dated October 10, 2018
17. Letter from Evergreen School District, dated August 31, 2018
18. Letter from Department of Ecology, dated November 9, 2018
19. Letter from Jeff and Lynn Eastes, dated October 30, 2018
20. E-mail from Jeff Eastes, dated October 31, 2018
21. Staff response to Eastes public comments
22. E-mails (2) from Fred Garmire, dated November 2, 2018
23. Staff response to Garmire public comments from Monica Tubberville, Parks Department
24. Staff response to Garmire public comments from Eric Hahn, Transportation Department
25. E-mail from Ruth and Pat Wilmoth, dated November 7, 2018
26. Staff response to Wilmoth public comment
27. E-mail from Dennis Schwartz, dated October 15, 2018
Upon consideration of the testimony and exhibits admitted in the record, the Hearing Examiner enters the following findings and conclusions:

**FINDINGS**

1. The Applicant requested approval of a preliminary plat to subdivide three parcels totaling 4.67 acres (the subject property) into 22 single-family residential lots. The subject property is currently addressed as 2202 SE Bella Vista Road in Vancouver, Washington. There are two existing residences, a church building, and associated parking located on site; all existing structures would be demolished. Exhibits 1, 2, 3, and 30.

2. The proposed subdivision is not a re-plat of an existing subdivision. Exhibit 1.

3. The preliminary plat application was submitted September 12, 2018 and determined to be complete on October 3, 2018. Exhibit 1.

4. The subject property has a Comprehensive Plan land use map designation of Urban Low Density Residential, a designation of “predominantly apartments and condominiums, with some allowance for attached housing (such as duplexes, townhouses, and small-lot single-family homes) and mixed use.” Comprehensive Plan, page 1-13; Exhibit 1, page 3. The Comprehensive Plan contains policies that: encourage development where services are already available; facilitate infill of underdeveloped properties; ensure new development pays a proportionate share towards traffic, parks, and schools through payment of impact fees; and promote street designs that are safe and accessible for all travel modes. Comprehensive Plan, Chapters 1 and 5; Exhibit 1.

5. There are no environmentally sensitive areas on or adjacent to the subject property, and no known geologic hazards, wellhead protection areas, or watercourses on-site. The legal description of the subject property is a portion of the NW Quarter of Section 02, Township 1 North, Range 2 East, Willamette Meridian; also known as Tax Parcels 91945000, 91946000, and 91948000. Exhibit 1.
subject property is generally flat sloping gently from north to south. Surrounding land uses are residential. *Exhibits 1 and 6.*

6. The subject property is zoned low density residential R-6. The R-6 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 7,500 square feet, a maximum lot size of 10,500 square feet, and a density of 4.5 to 5.8 units per net acre. *Vancouver Municipal Code (VMC) 20.410.020.C.* Single-family residential development is a permitted use in the R-6 zone. *VMC Table 20.410.030-1.*

7. For the purpose of density calculation, net lot area excludes public and private streets, stormwater facilities, and unbuildable critical areas. Net acreage for development is 3.9 acres. At 22 lots, the net density is 5.64, which is within the range of allowed densities. *Exhibit 30 (Sheet P3.0); Patti McEllrath Testimony.*

8. The City's adopted zoning ordinance allows for smaller lots than the above-stated minimum; within a development of two or more lots, the minimum lot size may be averaged as long as no lot is smaller than 80% of the minimum required lot size. *VMC 20.410.040.C.1(c).* Pursuant to this provision, assuming the average lot size in a given development meets the minimum, the smallest lot size allowed in the R-6 zone is 6,000 square feet. Proposed lots range from 6,284 (Lot 1) to 10,500 (Lot 10) square feet.² Lots 1, 2, 3, 4, 5, 6, 3, 17, 18, 19, 20, and 21 are all smaller than 7,500 square feet and larger than 6,000 square feet. The average area of the 22 lots is 7,669 square feet, meeting the 7,500 square foot minimum, meaning the proposed lot sizes are allowed. *Exhibits 1 and 30 (Sheet P3.0); VMC 20.410.020.C; VMC 20.410.040.C.1(c); Patti McEllrath Testimony.*

9. Lot standards applicable to subdivisions in the R-6 zone include a minimum lot width of 50 feet, a minimum lot depth of 90 feet, and a maximum lot coverage of 50%. *VMC Table 20.410050-1.* The narrowest proposed lot (Lot 12) is 54 feet wide. The shallowest lot (Lot 18) is 98.42 feet deep. Lot coverage would be reviewed at time of building permit. Proposed flag lots 7 and 8, 11 and 12, and 15 would each be provided with an access easement of at least 20 feet in width. *Exhibits 1, 3, and 30 (Sheet P3.0).*

10. A new public street, identified as SE 22nd Circle, would provide access to the proposed lots from Bella Vista Road at the east site boundary and end in a cul-de-sac near the west site boundary; it would be developed with detached sidewalks, planter strips, and street trees. No blocks would be created. The loop/cul-de-sac street requires a minimum 50 foot wide right-of-way to include at least 28 feet of paved street width per City standard plan T10-16. Prior to final plat approval, the Applicant would be required to install street improvements along SE 22nd Circle including full width right-of-way dedication, asphalt street, curb and gutter, driveway approaches, detached sidewalks, planter strip, street

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² The revised final plan set, submitted at hearing, addressed the issue of proposed oversize Lot 10, referenced by Planning Staff on page 10 of the staff report. *Exhibits 1 and 30.*
lighting, ADA ramps, traffic control devices as warranted, and storm drainage. *Exhibits 1 and 30 (Sheet P8.0).*

11. In the project vicinity, SE Bella Vista Road is designated as a collector arterial requiring a minimum 30-foot half-width right-of-way and 19 feet paved street half-width per City standard plan T10-13. The existing property frontage along SE Bella Vista Road includes asphalt roadway, curb, gutter and substandard attached sidewalks. Prior to final plat, the Applicant would be required to detached sidewalks, planter strip, street lighting, ADA ramps, traffic control devices as warranted, and storm drainage. If there is insufficient existing width, the Applicant would be required to dedicate right-of-way along the site frontage. The submitted plans demonstrate a 250-foot sight distance triangle at the proposed site entrance, which satisfies the minimum requirements of VMC 11.80.140. Additionally, SE Bella Vista Road is identified in the City’s Neighborhood Traffic Calming Program as a candidate for speed-reduction treatments. Because of this, the City has requested as a condition of approval that the Applicant be required to install three speed cushions on SE Bella Vista Road; the types and locations of these features would be determined by the City through the civil engineering plan review process. *Exhibits 1, 3, and 8; Eric Hahn Testimony.*

12. The Applicant submitted a professionally prepared trip generation and distribution report, dated May 8, 2018. The trip generation rates in the analysis were based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, utilizing Land Use Code 210 – Single-Family Detached Housing and 560 - Church. Because the City has not adopted the 10th Edition, the trip generation numbers were adjusted in City Staff's review to reflect those in the adopted ITE Trip Generation Manual, 9th Edition. With credit for trips from the existing development and based on the 9th Edition ITE manual, the project is expected to generate 159 net new average daily trips, including 12 net new am and 17 net new pm peak hour trips (with credit given for the trips from the existing development). *Exhibits 1 and 8.*

13. The Applicant's traffic study determined, and City Transportation Staff concurred, that the majority of project trips would travel to and from the site via SE McGillivray Blvd. The intersection of SE McGillivray Blvd and SE Bella Vista Road is currently stop-controlled on Bella Vista only. The Applicant's traffic consultant analyzed the intersection and concluded that signal warrants for all-way stop control would not be met with the addition of project traffic. *Exhibits 1, 8, and 9A.*

14. The subject property is located within the #240 Transportation Analysis Zone. The project would add 12 PM peak hour trips to the Mill Plain Boulevard corridor, the 164th/162nd Avenue corridor, and the 136th Avenue corridor. Based on these impacts, the Applicant would be required to pay transportation impact fees and concurrency modeling fees of $576.00. The transportation impact fees would be paid on a per-lot basis prior to building permit issuance. *Exhibits 1, 8, and 9.*

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3 Traffic counts conducted in 2017 indicated that the 85th percentile traffic speed on the corridor was approximately 34 MPH, while the posted speed limit is 25 MPH. *Exhibit 1.*
15. According to the application materials, each proposed lot would provide off-street parking for more than one vehicle. Pursuant to code, each lot requires at least one off-street parking space to be a minimum nine feet wide by 17 feet deep, paved, and located outside the minimum setbacks. Compliance with this requirement would be reviewed at the time of building permit; however, as proposed, the lots do contain adequate space to meet this standard. *Exhibits 1, 3, and 30 (Sheet P3.0); VMC Chapter 20.945.*

16. The proposal includes connecting all 22 lots to public water and sewer utilities. The public utilities have capacity to provide service, subject to Applicant installation of compliant infrastructure to each lot. At least one of the existing residences and the church on the subject property are served by public sewer; however there is an on-site sewage system on the property. The septic system would need to be abandoned in accordance with County and State requirements prior to final plat approval. Similarly, any wells discovered on-site would need to be properly abandoned. *Exhibits 1, 3, 11, and 30 (Sheet P7.0).*

17. In addition to the existing public sewers in Bella Vista Road, there is an existing public sewer flowing west through the site serving 2214 Bella Vista (091940-000, the Wilmoth parcel). The project would be required to abandon the existing traversing public sewer, to serve selected lots with private grinder pumps if required, and to provide service to Wilmoth parcel. After various design iterations, the Applicant proposed to serve the Wilmoth property by extending the public sewer in a tract (proposed Tract A) between Lots 4 and 5. *See Exhibit 30, Sheet P30.* Noting that a public easement would be required for any public water or sewer main, meter, or hydrant located outside of City right-of-way, Planning Staff indicated that a tract would be generally acceptable and requested a condition requiring a note on the plat stating that the public sewer easement in Tract A would be maintained by a homeowners association. *Exhibit 1; Patti McEllrath Testimony.*

18. Pat Wilmoth, owner of 2214 SE Bella Vista Road, testified at hearing, indicating that the Wilmoths and the Applicant had essentially reached agreement regarding the project’s extension of sewer to the Wilmoth parcel. However, he requested that Tract A not be owned by a homeowners association, but rather belong to the Wilmoths. He also stated that he desires to retain the existing row of Arbor Vitae along the shared property boundary. *Pat Wilmoth Testimony.*

19. The Fire Department reviewed the proposed project and determined that it can meet the requirements of VMC Title 16 and the International Fire Code. The Department recommended conditions of approval addressing fire hydrants, fire flow, and apparatus access, which were incorporated into Planning Staff’s recommended conditions of approval. *Exhibit 1.*

20. In determining the feasibility of subdividing the site, the Applicant commissioned a professionally prepared geotechnical engineering study to evaluate subsurface conditions at the site, and to provide geotechnical recommendations for site development. Considering seismic and groundwater conditions underlying the site, the study concluded
that the proposed development was feasible following prescribed geotechnical recommendations, including the removal of a substantial quantity of undocumented fill discovered on-site. The project would involve the clearing and grading of nearly the entire site. Proposed stormwater management includes collecting and conveying runoff from pollution generating surface areas (SE 22nd Circle and driveways) to be treated through mechanical catch basin filters prior to discharge into a publicly owned infiltration trench/drywell system proposed to be installed in SE 22nd Circle. Through these facilities, the project would infiltrate 100% of runoff from the new impervious surfaces. City Staff determined that the proposed stormwater management system is feasible on-site and capable of complying with City stormwater management regulations (VMC Chapter 14.25). Exhibits 1, 3, 14, and 30 (Sheet P6.0).

21. The project plans included a grading and erosion control plan, which City Staff found to be feasible and capable of complying with City erosion control regulations (VMC Chapter 14.24). The Applicant is required to submit a final erosion control plan and a Construction Stormwater Pollution Prevention Plan (SWPPP) for approval during civil engineering review. Exhibits 1 and 30 (Sheet P5.0).

22. The proposal is subject to the requirements of the City’s tree conservation ordinance, which requires tree preservation and planting to achieve a minimum of 30 tree units per net acre. For tree conservation ordinance purposes, net site area excludes right-of-way, shared driveways, and stormwater facilities. The net site area of 3.9 acres requires 117 tree units. The Applicant proposes to remove 103 of the 108 existing trees and to retain five trees totaling 13 tree units. The proposal would satisfy the tree density requirement by planting 104 new trees within the lots. Off-site trees would be protected. The City noted more trees on the south side of Lot 4 than are referenced in the tree retention report. Planning Staff recommended a condition of approval a revised/updated tree plan identifying all trees on-site to be submitted for review and approval prior to civil/grading plan approval. Exhibits 1 and 30 (Sheet P9.0). Street trees would be provided along the Bella Vista Road frontage and the new internal road, consistent with VMC Chapter 12.04, and would not be counted towards the project's required tree units. Exhibits 1, 3, and 30 (Sheets P8.0 and 9.0).

23. Consistent with VMC 20.925, at least 10% of the net lot area of each lot must be landscaped. The application materials include a landscape plan depicting this minimum to be met. Compliance with the landscaping requirement would be verified at the time of building permit review. Exhibits 1 and 30 (Sheet P9.0).

24. The subject property is located in the Evergreen School District. Students residing in the subdivision would attend Riverview Elementary, Wy East Middle, and Mountain View High Schools. Middle and high school student residents of the plat would walk to their respective schools, both within one road mile of the site; however Riverview Elementary is farther than one mile away. There are currently no school bus stop locations in the area. Future bus stop locations would be determined by the School District. Exhibits 1 and 17.
25. Currently, there are adequate pedestrian facilities for travel from the subject property to the high school and commercial amenities on the north side of SE McGillivray Blvd; however, no such pedestrian facilities exist to the west, which is the route to Wy'East Middle School. Planning Staff recommended a condition of approval requiring the Applicant to install new attached sidewalk along the south side of SE McGillivray Boulevard, from Bella Vista Road to SE 19th Street to pay cash in-lieu of these sidewalk improvements to fund a City sidewalk construction project in 2019 or 2020 as part of the ongoing Sidewalk Management Program. *Exhibit 1; Eric Hahn Testimony.*

26. The subject property is located within the bounds of Park District C, the Evergreen School District, and the I-205 Mill Plain Overlay District. The proposed plat would be required to mitigate impacts to these various public services and facilities through the payment of park, transportation, and school impact fees pursuant to VMC 20.915. A per-unit impact fee for each of the three types of fees is calculated at the time of preliminary plat approval, noted on the face of the final plat, and imposed on a per-lot basis at the time of individual building permit issuance. Planning Staff recommended conditions of approval requiring the payment of the fees and inclusion of a note(s) on the face of the final plat informing of the fees due. *Exhibit 1; VMC 20.915.*

27. Because the subject property is less than five acres and is mapped as level B (lower probability) for cultural resources, an archaeological predetermination was not required. Planning Staff recommended a condition to require a note to be added to the civil plans and the final plat addressing procedures in the event of unanticipated discovery of resources, consistent with VMC 20.710. *Exhibits 1 and 3.*

28. Pursuant to the State Environmental Policy Act (SEPA), the City of Vancouver assumed the role of lead agency for review of environmental impacts caused by the proposal. After review of the Applicant’s environmental checklist and application materials, the SEPA Responsible Official issued a combined notice of application, public hearing, and optional determination of non-significance (DNS) on October 10, 2018. The notice was mailed to surrounding property owners and transmitted to agencies on October 10, 2018 and posted on-site. After review of comments submitted during the comment period, the City issued a final DNS on November 13, 2018, with an appeal period ending November 27, 2018. No appeals were filed. *Exhibits 1, 6, 7, 15, and 16; Patti McEllrath Testimony.*

29. The Department of Ecology submitted written comment on November 9, 2018 regarding requirements relating to water resources, water quality, hazardous waste and toxic reductions, and solid waste management. *Exhibit 18.*

30. The City received public comment on the application from several neighbors. Concerns raised included: impact to the character of the existing neighborhood specifically relating to the number and density of proposed new residences; impacts to existing trees with request to retain the majority especially the Douglas Fir and existing curb and planter strip trees obtained through city grant funding 20 years ago; impacts to traffic congestion and safety; car light glare and vehicle turning conflicts due to the new access street not aligning with existing 22\textsuperscript{nd} Circle; a request for speed bumps and/or other traffic calming...
measures to be implemented on Bella Vista; safety concerns for pedestrians at the intersection of SE McGillivray Boulevard and SE Bella Vista Road due to limited sidewalks; and traffic impacts from increased residents related to an existing traffic problem stemming from non-neighborhood traffic utilizing Bella Vista Road to access SR14. One neighbor submitted concern that the proposed sewer connection could adversely impact their sewer connection. One neighbor requested that the Applicant be required to install an irrigation system in the Bella Vista Park. Some neighbors met with City officials and Applicant representative to address their concerns. The City and Applicant responded to the concerns and some mitigating measures addressed. *Exhibits 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28.*

31. Neighbors provided public comment at hearing, reiterating and adding restating concerns in their written comments. They contended the new access street and 22<sup>nd</sup> Circle would not meet standards and that this should be an intersection that aligns. Neighbors requested input on placement of traffic speed bumps, asked for four rather than three, and requested that one be a raised sidewalk. One person argued the driveways for Lots 1 and 22 do not meet the required 50 foot back from curb returns. One noted that the preliminary plat map reflects encroachment of fencing into the site. Several commented that the project would increase the amount of parking on Bella Vista, which was alleged to result in traffic safety concerns due road width as well as to increase car prowling. One neighbor expressed concern about construction noise. *Testimony of Fred Garmire, Jeff Eastes, Cheryl Higgins, Dennis Schwartz, Richard Dyer, and Karen Garmire; Exhibit 33.*

32. Specifically addressing the question of intersection alignment, City Senior Civil Engineer Eric Hahn indicated that the traffic group discussed the issue extensively. Existing SE 22nd Circle is classified as a private driveway serving four homes. Adjacent to it is a shared driveway serving two additional homes, meaning the traffic from a total of six residences accesses at this shared access point on the east side of Bella Vista approximately 50 feet south of the proposed site entrance (which accesses to the west). City Staff determined that there is low potential for conflicts created by the resulting offset condition, primarily based on the limited number of homes served to the east. In response to the argument by some members of the public that vacant land south east of those six homes could someday subdivide and seek access at that existing SE 22nd Circle driveway onto Bella Vista, Staff noted that owners of the four residences served by existing SE 22nd Circle would have to give permission to have their private road widened to serve that purpose and in the City's experience it is unlikely that all six property owners would consent. Additionally, City Staff has historically interpreted the 275 foot spacing as applying to access points on the same side of the street. Mr. Hahn testified that aligning the proposed plat entrance with existing 22nd Circle may create more confusion and potential hazard because of the adjacent existing private driveway serving two lots. Should the property southeast of SE 22nd Circle develop, it is likely to have its own entrance onto Bella Vista Road. Given the narrow width of the subject property's frontage on Bella Vista, it would not be possible to move the site entrance farther north. In the opinion of City Transportation Staff, to allow the offset condition is a safe option. *Exhibit 24; Eric Hahn Testimony.*
33. Addressing existing and future traffic speeds, Mr. Hahn testified that three speed humps on that corridor is a proportionate number based on trip generations projected; while a fourth speed cushion may be beneficial, it is less proportional. Mr. Hahn noted that one of the three required speed humps could be the requested raised crosswalk at the park. The Applicant would be dedicating additional right-of-way width along the site frontage on Bella Vista. Testimony at the hearing did not persuade Mr. Hahn that parking should be prohibited on both sides of Bella Vista in the vicinity of the site entrance. Neighbors should not hesitate to report parking violators. The proposed new internal street is designed consistent with City road standards and would allow parking on one side only. With respect to the off-street sidewalk needed to access the middle school, City Transportation Staff do not have an opinion as to whether the Applicant should be required to build the sidewalk or allowed to choose to pay a fee in lieu. Mr. Hahn testified that if the City were to build it, it could be done by 2020 or earlier. Addressing driveway spacing for proposed Lots 1 and 22, conflict between zoning and street standards such as this is a very common basis for road modification requests. Mr. Hahn testified that while reduced spacing for the two driveways from the site entrance can be awkward for the first two lots and can contribute marginally to safety concerns, he has not observed any accidents related to such reduced spacing. *Eric Hahn Testimony.*

34. Addressing non-transportation issues, Planning Staff responded to public comment as follows. As proposed, the project complies with off-street parking standards, which require one parking space on-site per lot. To address alleged encroaching fences, prior to commencement of construction the Applicant would be required to obtain a professionally prepared a survey and to deal with all existing conflicts outside of the City permitting process, as those are civil matters between property owners over which the City lacks jurisdiction. Construction hours of operation are codified in city code. Planning Staff suggested that if it is a construction noise problems, neighbors should feel free to deal directly with developer and, if operating outside allowed hours, to file complaints with the City's code enforcement department. Planning Staff clarified that the City has no vested interest in whether Tract A is retained within the plat and maintained by a homeowners association or owned and maintained by the Wilmoths, so long as it is maintained. Addressing concerns about tree protection, Staff noted that a conditions was recommended that would require the trees of concern to be shown on civil plans prior to their approval and to be protected during development. *Patti McEllrath Testimony.*

35. Applicant representatives address the offset intersection comments with photographs and conceptual circulation drawings, showing that it would be possible for the east and west sides of SE 22nd Circle to be developed into a standard intersection in the event future development finds that the best entrance location; of course such realignment would require permission of the property owners served by existing SE 22nd Circle. Regarding the driveway spacing for Lots 1 and 22 and VMC 11.80.110.2, the Applicant pushed the driveways as far to the west as possible on those two lots to meet this requirement. Representatives acknowledged that a survey would be obtained to address potential encroachments, which would be resolved through civil matters; they indicated that there are no significant ("deal breaker") encroachments known to exist. The contractors would
abide by codified hours of construction operation. Addressing speeding and pedestrian safety, representatives testified that the Applicant would be willing to add a fourth speed cushion in the form of a raised sidewalk, with its location to be determined in consultation with the City. Addressing congestion and cut through traffic concerns, they noted that the trip distribution memo and warrant analysis show definitely that concurrency is met, asserting that if there is a larger issue of cut through traffic, it is outside the scope of this application. An Applicant representative testified that 20 of the 22 lots are expected to be developed with three car garages, and all would have at least two car garages with two sparking spots in the driveways. Regarding safety concerns on Bella Vista, the project would be dedicating at least six additional feet of right-of-way width on the west side of the road, which should alleviate some of the concern about parking on one side. Testimony of John Meyer and Bart Catching.

CONCLUSIONS

Jurisdiction:
Per Vancouver Municipal Code 20.210.020 Table 20.210-1, preliminary subdivisions are Type III development applications, which are decided by the Hearing Examiner.

Subdivision Criteria for Review:
Pursuant to VMC 20.320.040, to obtain approval of a preliminary subdivision, the Applicant must demonstrate compliance with all of the following criteria:

A. Public facilities provision. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, storm drainage, erosion control and sanitary sewage disposal methods that are consistent with the City’s current ordinances, standards and plans;

B. Proposed improvements. Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the City’s current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable;

C. Open space and dedications. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations;

D. Physical characteristics. The design of the proposed short subdivision or subdivision site has taken into consideration the physical features of the site, including but not limited to: topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands;
E. **Re-platting of existing subdivisions.** When re-platting an existing subdivision, the short subdivision or subdivision shall comply with all of the terms and conditions of the existing subdivision’s conditions of approval;

F. **Compliance with all requirements of this title.** The proposed short subdivision or subdivision complies with all applicable requirements of this title unless modified through the approval; and

G. **Compliance with State requirements.** That the proposed short subdivision or subdivision complies with the requirements of RCW 58.17.110.

RCW 58.17.110 requires as follows:

1. The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

2. A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.
Conclusions Based on Findings:

1. As conditioned, the proposed plat would make appropriate provision for transportation, water, stormwater management, sewer, and erosion control. Street improvements and right-of-way dedication consistent with City standards would be provided internally and along the SE Bella Vista Road frontage. Stormwater would be treated and infiltrated on-site. Water and sewer would be extended to and through the site and the Wilmoth parcel would be connected to sewer through Tract A. Conditions would ensure that all utility requirements are addressed. Impacts fees would be collected to mitigate traffic impacts. As conditioned, all infrastructure improvements would be designed and installed in conformance with applicable City standards. Findings 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 30, 31, 32, 33, 34, and 35.

2. As conditioned, the proposed plat would make appropriate provision for streets, utilities, and other improvements consistent with City and State standards. Any existing septic systems or wells would be decommissioned in accordance with State and County requirements; all new lots would connect to the public water and sewer systems. Adequate off-street parking would be provided. As conditioned, all infrastructure improvements would be designed and installed in conformance with applicable City standards. Findings 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 30, 31, 32, 33, 34, and 35.

3. As conditioned to require payment of park and school impact fees, the proposed plat would make appropriate provision for parks, open space, and schools. The submitted plans show that at least 10% of each lot would be landscaped open space. Required dedications and easements for streets, utilities, and stormwater improvements are addressed in conditions of approval. Findings 23, 24, and 26.

4. The design of the subdivision takes into account the physical characteristics of the site. There are no environmentally sensitive areas or other unique features requiring consideration. A geotechnical engineering study confirmed the feasibility of the plat and a condition would require compliance with the geotechnical recommendations therein. The Applicant proposes to satisfy City tree density requirements by planting new trees. The City evaluated the project under the State Environmental Policy Act and issued a determination of non-significance, which was not appealed. Findings 5, 10, 11, 12, 13, 14, 20, 21, and 28.

5. The subject property has not previously been subdivided. Finding 2.

6. As conditioned, the proposed subdivision would comply with the applicable requirements of Title 20, including the R-6 density and development standards, and the archeological resource, tree conservation, landscaping, parking/loading, and impact fee standards. Findings 6, 7, 8, 9, 15, 22, 23, and 27.

7. As conditioned, the plat would comply with the subdivision standards set forth in RCW 58.17. These standards have been substantially incorporated into the City’s subdivision criteria for approval addressed in the foregoing conclusions. With respect to safe walking conditions, the subdivision would provide internal and external sidewalks that would
connect to existing sidewalks to allow for safe walking to school or school bus stops and additionally would require off-site improvements to provide pedestrian connectivity to the west of SE McGillivray Blvd. The public use and interest would be served by the subdivision’s consistency with the Comprehensive Plan and zoning ordinance. *Findings 4, 6, 7, 8, 9, 24, 25, 30, 31, 32, 33, 34, and 35.*

**DECISION**

Based on the foregoing findings and conclusions, the requested preliminary plat subdividing 4.67 acres into 22 single-family detached residential lots is **APPROVED** subject to the following conditions to be satisfied by the Applicant or successors in interest:

**Prior to Civil Plan Approval**

*If civil review will be submitted in paper:*

1. The Applicant shall submit for civil plan review with ten (10) new sets of checkprints showing all the revisions requested, two (2) sets of all necessary reports (geotechnical, hydrology, traffic analysis, road modification, etc.), and any redlined documents that were returned during the preliminary review process. These shall be submitted to the Community & Economic Development Department Permit Center; request engineering staff for counter assistance. For questions on these requirements please contact 360-487-7804.

*If civil review will be submitted electronically:*

The Applicant shall upload the civil plan review set showing all the revisions requested as well as all necessary reports (geotechnical, hydrology, traffic analysis, road modification, etc.). Include a detailed site plan in the civil plan review set. For questions on these requirements please contact 360-487-7804.

2. Grading plan review fees will be due upon submittal of civil plans for review. Contact Permit Center staff at 360-487-7802 to obtain a fee quote.

3. The following note shall be added to the civil plans: “If any archaeological deposits are found during construction, work shall stop and the City of Vancouver’s Community & Economic Development and the Washington State Department of Archaeology and Historic Preservation shall be notified.”

4. Prior to civil plan/grading approval, revise the tree plan identifying all existing trees on the plans and ensure adequate protection for offsite trees and vegetation.

5. The following note shall be placed grading/erosion plan “Development within this subdivision is subject to an approved tree plan. Tree removal is subject to approval by the City of Vancouver. All site and street trees must be planted prior to occupancy per the approved plan”.

6. The Applicant shall pay concurrency modeling fees totaling $576.00.

*Findings, Conclusions, and Decision*

*Vancouver Hearing Examiner*

*Bella Vista Subdivision, PRJ-158661/LUP-70559*
7. A final erosion control plan shall be submitted.

8. The Applicant shall revise and complete the sanitary sewer design shown on the application drawings. Prepare according to Vancouver’s current General Requirements and Details for design and construction. Submit the final design for civil plan approval.

9. The final plans shall show and note easements or tracts required to accommodate private building sewers for 2214 Bella Vista, 091940-000. Specify provisions to satisfy the Building Department and plumbing code and indicate plat recording.

10. The final plans shall show and note sanitary sewer connections for 2214 Bella Vista (091940-000). Specify private building sewers and service laterals.

11. Mains and fire hydrants shall be shown with minimum fire flow provided as required by 2015 International Fire Code Appendix B, B105.2 and Table B105.1.

Prior to combustible construction
12. Fire hydrants for emergency use shall be installed, approved and maintained.

13. Fire apparatus access shall be provided and maintained.

During construction
14. The Applicant shall secure construction permits and schedule and attend a pre-construction meeting. The Applicant shall construct new public sewers and service laterals as shown on the approved civil plans. The Applicant shall satisfy Construction Services testing and inspection requirements and secure Construction Acceptance.

15. The Applicant shall construct private building sewers as shown on the approved civil plans and as required by the Building Department.

16. The Applicant shall satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval and secure Final Civil Project Acceptance.

17. The Applicant shall prepare and submit easement release documents. A brief narrative requesting release and a legal description and exhibits for the portions of existing easement to be released shall be included.

18. Temporary address signage shall be visible and legible from the street fronting the property for emergency response during construction.

Prior to Final Plat Approval
19. The Applicant shall submit a final plat application along with five (5) full size copies and 1 reduced 8 1/2 x 11 copy of the proposed plat and tree/landscape plan. Applications can be found under Building, Planning and Environment on the City of Vancouver website, www.cityofvancouver.us.
20. The Applicant shall provide documentation that provisions have been made for school children to have a safe walking route to school in compliance with RCW 58.17.110.

21. The following note shall be added to the final plat: “If any archaeological deposits are found during construction, work shall stop and the City of Vancouver’s Development Review Services and the Washington State Department of Archaeology and Historic Preservation shall be notified.”

22. The following note shall be placed on the final plat: “Development within this subdivision is subject to an approved tree plan. Tree removal is subject to approval by the City of Vancouver. All trees must be planted prior to occupancy per the approved plan.”

23. The following note shall be placed on the final plat: “Pursuant to Chapter 20.915 of the VMC, the park, school and traffic impact fees for a single-family residence in this plat are $2,142.00 (Park Facility Plan District C); $6,100.00 (Evergreen School District); and $1,454.93 (Cascade Transportation Subarea/I-205-Mill Plain Overlay). The above impact fees are due on a per lot basis at the time of building permit issuance. Said fees will be recalculated for building permit applications filed more than three years after preliminary plat approval. These fees do not constitute liens against the lots in this subdivision, but are collected as a condition of initial building permit issuance. The above fees are due on a per lot basis at the time of building permit issuance.”

24. The Applicant shall install City of Vancouver standard frontage improvements along SE Bella Vista Road including detached sidewalks, planting strip, street lighting, ADA ramps, traffic control devices as warranted, and storm drainage as required by the City Stormwater Ordinance.

25. The Applicant shall install at least three speed cushions on SE Bella Vista Road. The types and locations of the speed cushions shall be determined by the City as part of the engineering plan review and approval process. A fourth speed cushion in the form of a raised sidewalk may also be added by the Applicant to address traffic speed issues and pedestrian safety.

26. The Applicant shall install new attached sidewalk along the south side of SE McGillivray Boulevard, from SE Bella Vista Road to SE 19th Street. Alternatively, the Applicant may opt to pay cash in-lieu of these sidewalk improvements and allow the city to install the new sidewalk in 2019 or 2020 as part of the ongoing Sidewalk Management Program.

27. The Applicant shall install City of Vancouver standard street improvements along the alignment for SE 22nd Circle including a full width right-of-way dedication as needed to meet the required standard, asphalt street, curb, gutter, driveway approaches, detached sidewalks, planting strip, street lighting, ADA ramps, traffic control devices as warranted, and storm drainage as required by the city stormwater ordinance.
28. Street lighting shall be installed and/or updated to meet the design standards per City standard plans T21-01A through T21-01D.

29. The Applicant shall add a note to the plat providing public maintenance access to the existing public sewer easement on Lot 12. Include a note similar to … “Access to the existing public sanitary sewer easement on Lot 12 is provided by this plat and VMC 14.04.035. The City of Vancouver and its agents and contractors shall have the right to enter upon the premises to access the easement.”

30. Sewer connection accommodating 2214 Bella Vista (091940-000) shall be installed in Tract A, and the ownership status and ongoing perpetual maintenance of Tract A shall be finally resolved to the City’s satisfaction, prior to final plat approval.

Prior to Issuance of any Building/Development Permits
31. All required fees including Transportation, Park and School Impact fees shall be paid.

32. A final summary report by the geotechnical engineer of record shall be prepared and submitted to the City of Vancouver that states that the project soils were prepared in accordance with the governing geotechnical report and construction documents. A current report with lot specific conditions and compaction test results by final grading shall be provided.

Prior to Issuance of Certificate of Occupancy
33. This project has been reviewed in accordance with the 2015 International Fire Code as adopted and amended by the Vancouver Municipal Code, Section 16.04. The Applicant will be required to comply with all applicable codes and ordinances even in the absence of plan review comments.

34. Safe walking routes to Mountain View High School and Wy'East Middle School shall be in place to the satisfaction of the City prior to occupancy of any residence in the plat.


By:

Sharon A. Rice
City of Vancouver Hearing Examiner