

**BEFORE THE HEARING EXAMINER
FOR CITY OF VANCOUVER**

In the Matter of the Application of)	NO. PRJ-164354/LUP-83365
)	
)	
Grayrock Resources, LLC)	Harmony Subdivision
)	
)	
For Approval of a Subdivision and)	FINDINGS, CONCLUSIONS,
Variance)	AND DECISIONS
_____)		

SUMMARY OF DECISIONS

The request to subdivide 32.7 acres into 300 single-family residential lots and a variance to increase the maximum lot coverage for the single-family attached lots from 50% to 60% is **APPROVED** subject to conditions.

SUMMARY OF RECORD

Request:

Grayrock Resources, LLC (Applicant) requested approval of a subdivision to subdivide 32.7 acres into 173 single-family detached lots and 127 single-family attached lots (300 single-family residential lots total) and a variance to increase the maximum lot coverage for the single-family attached lots from 50% to 60%. The subject property is located at 18113 NE 18th Street and 913 NE 192nd Avenue in Vancouver, Washington.

Hearing Date:

The Vancouver Hearing Examiner conducted a virtual open record hearing on the application on September 19, 2023. In an abundance of caution, the record was held open two business days to allow for written public comment from members of the public who may have had difficulty joining the virtual hearing, with additional time arranged for responses by the parties. No post-hearing public comment was submitted, and the record closed on September 21, 2023.

Testimony:

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

Mark Person, Senior Planner, City of Vancouver

Dave Weston, Land Use Planner, Applicant Representative

Seth Halling, Civil Engineer, AKS Engineering

Cornell Rotschy, Applicant

LeAnne Bremer, Attorney, Applicant Representative

Exhibits:

The following exhibits were admitted in the record:

1. Staff Report, with the following attachments:
 - A. Application
 - B. Applicant Narrative
 - C. Development Plans
 - D. Evergreen School District letter, dated February 10, 2023
 - E. SEPA Checklist
 - F. Ecology letter, dated April 18, 2023
 - G. Clark County Public Health letter, dated November 14, 2022
 - H. Notice of Application, Public Hearing and Optional SEPA Determination, dated July 7, 2023
 - I. Final Determination of Non-Significance
 - J. Trip Generation & Distribution Report by Kittelson & Associates, dated March 3, 2023,
 - K. TIF Calculation worksheet, dated August 22, 2022
 - L. Geotechnical Report prepared by Columbia West, dated March 6, 2023
 - M. Preliminary Stormwater Report prepared by AKS, dated April 2023
 - N. C-Tran letter, dated November 23, 2022
 - O. Memo on vesting prepared by Miller Nash, dated April 17, 2023
 - P. 2006 Zoning Code
2. Applicant PowerPoint Presentation
3. City PowerPoint Presentation
4. City Staff Corrections of Staff Report Memo
5. Email from Sydney Hanson, DAHP dated November 2, 2022
6. Letter from Pat McDonnell, City of Vancouver to Elizabeth Holmes, MacKay & Sposito dated July 22, 2009

After considering the testimony and exhibits admitted in the record, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. Grayrock Resources, LLC (Applicant) requested approval of a subdivision to subdivide 32.7 acres into 173 single-family detached lots and 127 single-family attached lots (300 single-family residential lots total) and a variance to increase the maximum lot coverage

for the single-family attached lots from 50 to 60%. The subject property is located at 18113 NE 18th Street and 913 NE 192nd Avenue in Vancouver, Washington.¹ *Exhibits 1, 1.A, 1.B, and 1.C.*

2. Development of the subject property is governed by a Pre-Annexation Development Agreement (hereafter, “PADA”) recorded on December 8, 2006 under Clark County Auditor’s File No. 4258050. The PADA vests development to the land use ordinances and regulations in effect at the time that a use allowed by the PADA commences on the property. In this case, allowed uses were established as of the date the PADA was recorded. Consequently, the 2006 zoning code (Exhibit 1.P) applies to the subdivision application.² *Exhibits 1, 1.O, and 6.*
3. The subject property was annexed into the City of Vancouver in 2008, and the current zoning was adopted in 2009. *Exhibit 1.*
4. The Applicant owns a total of 181.53 acres, 30% of which (54.46 acres) may be developed with residential uses under the terms of the PADA. The proposed 32.7 acres of residential development falls within the residential allowance. *Mark Person Testimony.*
5. Each of the two parcels comprising the subject property is developed with a single-family residence and several outbuildings, all of which would be removed in conjunction with development of the site. Mining has occurred elsewhere on the parcels. *Exhibits 1.B, 1.C, and 1.L.*
6. Surrounding land uses include the following: Bonneville Power Administration (BPA) right-of-way to the north, with NE 18th Street to the north of the BPA right-of-way; a rockery (essentially a landscape supply) immediately to the west, and NE 172nd Avenue and Pacific Community Park to the west of the rockery; Harmony Elementary School and Pacific Middle School to the northwest of the subject property at the intersection of NE 18th Street and NE 172nd Avenue; an Applicant-owned undeveloped parcel to the east (the proposed site of a multi-family project that is not part of the proposed subdivision application); the Harmony Sports Complex to the east of that parcel; and Applicant-owned parcels, historically used for sand and gravel mining, to the south. *Exhibits 2 and 1.L.*
7. The subject property is zoned Employment Center Mixed Use (ECX) with two overlays, Surface Mining Overlay District and Section 30 Employment Center Plan District. Surrounding parcels are also zoned ECX. The land to the north of the BPA right-of-way and NE 18th Street is under Clark County jurisdiction and is zoned R1-6. *Exhibits 1, 2, and 3.*

¹ The legal description of the subject property is a portion of the NE ¼ and NW ¼ of Section 30 Township 2N, Range 3E of the Willamette Meridian; also known as Tax Parcels 176383000 and 176391000. *Exhibit 1.*

² Hereafter, references to Vancouver Municipal Code (VMC) Title 20 are to the 2006 version of the ordinance (Exhibit 1.P) unless otherwise indicated.

8. Although the current zoning of the subject property is ECX, the PADA allows the Applicant to select the residential zone that will govern the project. The Applicant has selected the R18 zone (2006 ordinance). *Exhibit 2.*
9. Under the 2006 R18 zoning regulations, both single-family attached and single-family detached residences are allowed in the R-18 zone, provided the minimum required residential density is met on an overall project basis. *VMC 20.420.030/Table 20.420-1.* The minimum net density in the R-18 zone is 3,600 square feet per unit, and the maximum net density is 2,400 square feet per unit. *VMC 20.420.040/Table 20.420-2.* In this case the subject property has a net area of 988,395 square feet, requiring a minimum of 275 dwelling units and allowing a maximum of 411 dwelling units. The proposed 300 units would fall within the allowed range. *Exhibits 1.B and 1.P.*
10. The applicable R18 development standards require a minimum lot size of 1,800 square feet, a maximum lot coverage of 50%, a minimum lot width of 20 feet, and a minimum lot depth of 60 feet. The minimum front and side street setbacks are 10 feet. The required side and rear yards vary depending on the height of the structure (a maximum height of 50 feet is allowed). For a building height of 30 feet as proposed, the minimum side and rear setbacks are seven feet, or zero feet when a project is designed in compliance with the zero lot line development standards. Garages or carports must be set back 18 feet. A minimum of 10% of the net area of each lot must be landscaped. *Exhibit 1.B; VMC Table 20.420.050-1; Exhibit 1.P.*
11. As proposed, all detached lots would be designed and developed consistent with the R18 standards. The proposed minimum lot area is approximately 2,921 square feet, and the maximum lot coverage is 50%. Minimum proposed lot width is 32.5 feet, minimum lot depth is 90 feet. Minimum proposed front and street side yard setbacks are 10 feet, and the minimum proposed rear yard setbacks are seven feet, minimum side yard setbacks would be zero or seven feet, minimum garage setbacks are 18 feet, and the maximum building height would be 30 feet. *Exhibit 1.B.*
12. The proposed attached lots are also designed consistent with the R18 standards except for the lot coverage. The Applicant requested a variance to increase the lot coverage from 50 to 60%. With respect to the other standards, the minimum proposed lot area is approximately 2,250 square feet, minimum lot width is 25 feet, minimum lot depth is 90 feet, minimum front and street side yard setbacks are 10 feet, minimum rear setback is seven feet, minimum side yard setbacks are zero or seven feet, minimum garage setback is 18 feet, and maximum building height proposed is 30 feet. *Exhibit 1.B.*
13. In support of the variance application, the Applicant argued that under current codes, the maximum lot coverage for attached residences in the R-18 and other higher density zones (which all reference the standards for the new R-17 zone for attached residences) is 65%.³ However, under the 2006 code under which the proposal vested, there is no

³ See current VMC Table 20.420.030-1, Note 25 and VMC Table 20.410.050-1 (R-17).

residential zone that allows a lot coverage of more than 50%.⁴ The Applicant submitted that the increase in lot coverage would likely not be noticeable as it would only result in slightly deeper townhomes. Development on the lots would otherwise comply with the applicable R-18 standards. *Exhibits 1.B and 2.*

14. The proposed lots would be designed consistent with the subdivision technical standards of VMC 20.320.070. The side lot lines would be perpendicular to facing streets to the extent practical. All lots except for Lot 105 (a flag lot) would have 20 feet of frontage on a public or private street. Lot 105 would be accessed from a 20-foot wide easement over Lot 104. Lots 104 and 105 would share a driveway within the easement. No lots would take access from an arterial street. *Exhibits 1.B and 1.C.*
15. The subdivision would be developed in phases as allowed by VMC 20.320.020.C. A total of nine phases are proposed (1A, 1B, 1C, 2A, 2B, 3, 4, 5A, and 5B), commencing with the lots in the northwest corner of the subject property. *Exhibit 1.C.*
16. Consistent with VMC 20.710, the Applicant had an archaeological predetermination survey performed for the site and transmitted the survey to the Washington State Department of Archaeological Preservation. No artifacts were found during the survey. Planning Staff recommended as a condition of approval that the plat include a note incorporating the stop work/notice requirement of VMC 20.710.090 if archaeological materials are discovered during construction. *Exhibits 1, 1.B, 1.P, and 5.*
17. The subject property does not contain any regulated critical areas. Steep slopes previously identified on the property as potential geologic hazards were the result of mining activity, and reclamation to remove the slopes has occurred. *Exhibits 1.B and 1.L; Testimony of Seth Halling and Mark Person.*
18. VMC 20.770 requires tree preservation and planting to achieve a minimum of 30 tree units per acre, net of dedicated right-of-way and required pervious surfaces. VMC 20.770.080; *Exhibit 1.P.* A minimum of 681 tree units of trees is required for the proposed development, based on a net site area of 22.69 acres. There are no trees to preserve on the subject property, because all were removed in conjunction with mining activities. The Applicant submitted a Level IV Tree Plan depicting the planting of 681 tree units on site, including within common areas and on individual lots. *Exhibits 1.B and 1.C.* The City's urban forester recommended conditions to increase species diversity and use native species, and to replace use of the Red Barron Crabapple with an approved species, which conditions were incorporated into the recommended conditions of preliminary plat approval. The City argued that the recommendations were consistent with the purposes of the tree conservation ordinance set forth in VMC 20.770.010. *Exhibit 1.*
19. Pursuant to VMC 20.925.030, at least 10% of the net lot area of each single-family lot must be landscaped. Satisfaction of this requirement would be verified at the time of

⁴ See Exhibit 1.P, VMC Table 20.420.050-1.

- building permit review for each lot. *Exhibit 1; Exhibit 1.P.*
20. The Applicant proposes to provide common open space in proposed Tract B. The conceptual plan for Tract B includes a pavilion, fire pit, picnic area, children's play structure, and landscaping. *Exhibits 1.B and 1.C.*
 21. The subject property is within Park Impact Fee District C. Provision for the acquisition of parks and open space would be made through payment of mitigation fees pursuant to current VMC 20.915. *Exhibit 1; see also Exhibit 1.O.*
 22. With respect to parking, each new single-family residence (whether attached or detached) is required to have one off-street parking space. *VMC 20.945, Table 20.945.070-2.* The Applicant proposes to provide four parking spaces per dwelling unit, including two in the driveway and two in the garage. Compliance with the off-street parking standard would be determined at the time of building permit review. *Exhibits 1, 1.B, and 1.P.*
 23. Vehicular access to the subdivision would be from two new collector arterial streets, proposed NE 179th Avenue, which would run along the western property line and connect to NE 18th Street to the north, and proposed NE 13th Street, which would run along the southern property line and connect to proposed NE 187th Avenue to the east. NE 187th Avenue is a proposed off-site north-south collector street that would also connect to NE 18th Street. It is expected that the proposed new collector streets will be extended in the future, with NE 13th Street extending west to NE 172nd Street and NE 179th Avenue and NE 187th Avenue extending south. *Exhibits 1, 1.C and 2.*
 24. The approved street section for NE 179th Avenue would include 34 feet of pavement and an 11-foot multi-modal trail, separated from the pavement with a seven-foot planter strip, on each side of the street. The total right-of-way width would be 70 feet. At the intersection of NE 179th with NE 18th Street, a westbound left turn lane would be added to NE 18th Street. A roundabout would be constructed at the intersection of NE 179th Avenue and proposed NE 13th Street. *Exhibits 1 and 2.*
 25. The approved street section for NE 187th Avenue and NE 13th Street would include 38 feet of pavement and an 11-foot multi-modal trail, separated from the pavement with a five-foot planter strip, on each side of the street. The total right-of-way width would be 70 feet. A T intersection would be installed at the intersection of NE 13th Street and NE 187th Avenue. A signalized intersection would be installed at the intersection of NE 187th Avenue and NE 18th Street. *Exhibits 1 and 2.*
 26. All of the proposed lots would take access from an internal network of local access streets or from an access tract extending from a local access street; no lots would take direct access from one of the exterior collector streets. The approved street section for the local access streets would include 32 feet of pavement and detached sidewalks and planter strips on both sides of the street. Each street would have a right-of-way width of 50 feet. *Exhibits 1 and 1.C.*

27. In addition to the proposed sidewalks and multi-modal trails, the Applicant proposes two pedestrian connections between the internal street system and the northern property boundary, which would connect to a future County regional trail system, and a pedestrian connection between the internal street system and the eastern property boundary, which would connect to the future multi-family project. *Exhibit 2.*
28. The Applicant has obtained City approval of a road modification request to increase the maximum driveway width for shared driveways from 35 feet to 38 feet and to decrease the driveway spacing requirement to less than 10 feet from an adjacent driveway and to less than one foot from a side property line. *Exhibit 1.*
29. The internal street system would be consistent with the subdivision technical standards of VMC 20.320.070. The blocks would not be less than 180 feet long or greater than 1,300 feet long between street lines. Although no blocks would be greater than 800 feet in length, pedestrian/bicycle trails would be provided to the exterior of the subdivision in those areas where the boundary exceeds 800 feet (described in Finding 27 above). *Exhibits 1, 1.B, 1.C, and 1.P.*
30. The Applicant submitted a professionally prepared trip generation and distribution report, which projected trip generation rates for the proposed lots from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, utilizing Land Use Code 210 – Single-Family Detached Housing and Land Use Code 215 – Single Family Attached Housing. The report concluded that the proposed subdivision would generate 2,545 average daily trips, including 183 AM and 238 PM peak hour trips. The report also considered the impacts of the Applicant’s separate multi-family residential development proposal (identified in the report as Phase 2), to be developed adjacent to the subject property at a later date. *Exhibit 1.J.*
31. With the traffic from the proposed subdivision, warrants are met for installation of a traffic signal at the intersection of NE 187th Avenue and NE 18th Street to the northeast of the subject property. Traffic signal warrants would be met for installation of a signal at the intersection of NE 179th Avenue and NE 18th Street only after the future multifamily residential development is constructed. *Exhibit 1.J.*
32. The City collects proportionate share fees for intersection projects affected by traffic from development. The proposed subdivision would add trips to 13 proportionate share intersections, resulting in a total fee of \$464,415.00. *Exhibits 1.J and 1.K.* The Applicant would also be required to pay traffic impact fees pursuant to VMC 20.915. These would be calculated on a per-lot basis and payable at the time of building permit issuance, with no fee charged for the first two lots as credit for the two existing residences on the subject property. *Exhibits 1 and 1.K.*
33. The subject property is within the #278 and 279 Transportation Analysis Zones and the subdivision would contribute PM peak hour trips to 20 Transportation Management Zones, resulting in a concurrency modeling fee of \$1,500, payable prior to issuance of civil plan approval. *Exhibits 1, 1.J, and 1.K.*

34. Pursuant to VMC 11.70.090, NE 162nd Avenue between SE 1st Street and Fourth Plain Boulevard is designated as a Category 1 concurrency corridor, which stipulates that the corridor is operating at or above the City's adopted level of service standards. The trips added to the corridor by the proposed development are not expected to cause the corridor to drop below the adopted level of service standard. *Exhibit 1.*
35. The subdivision would connect to the City of Vancouver municipal water system from an existing water main in NE 18th Street. The Applicant would be required to extend a water main in NE 179th Avenue from NE 18th Street south to the street terminus, in NE 187th Avenue from NE 18th Street south to NE 13th Street, and in NE 13th Street between NE 179th Avenue and NE 187th Avenue. City Staff determined that the application materials demonstrate that the standards for public water can be satisfied. *Exhibits 1 and 1.C.*
36. Off-site sewer system improvements are required to connect to the City of Vancouver municipal sewer system, including construction of a pump station and interim downstream gravity sewers. On site, sewers would be installed within the proposed streets and service laterals would be installed on each lot. *Exhibit 1.*
37. The off-site sewer pump station and public road improvements are being reviewed as stand-alone projects under City file numbers ENG-83397 and ENG-83223. *Exhibits 1 and 2.* Conditions requiring approval of the designs and construction of the improvements have been incorporated into the recommended conditions of preliminary plat approval. *Exhibit 1.*
38. All stormwater runoff would be infiltrated on site. Runoff from pollution-generating surfaces would be treated with catch basin filters prior to conveyance to infiltration trenches. The infiltration trenches would be designed to infiltrate all stormwater from a 50-year storm event. Overflow from the trenches would be piped south to an off-site reserve facility. City Staff submitted that the submitted stormwater plans demonstrate that the requirements of the City's stormwater ordinances can be satisfied. *Exhibits 1 and 1.M.*
39. The subject property is within the Evergreen School District (School District). The School District commented that students attending Illahee Elementary, Shahala Middle, and Union High Schools would be bussed to school. School impacts would be mitigated through payment of impact fees pursuant to current VMC 20.915. *Exhibit 1.D; see also Exhibit 1.O.*
40. The Vancouver Fire Department reviewed the proposed project and determined that with conditions it can meet the requirements of VMC Title 16 and the International Fire Code. The recommended condition of approval requires the Applicant to submit a fire response plan. *Exhibit 1.*
41. The Washington State Department of Ecology submitted written comments on April 18, 2023 to notify the Applicant and the City of applicable solid waste management and

water quality requirements. *Exhibit 1.F.*

42. Pursuant to the State Environmental Policy Act (SEPA), the City of Vancouver acted as lead agency for review of environmental impacts caused by the proposal. After review of the Applicant's environmental checklist and application materials, the responsible official issued a Notice of Application, Remote Public Hearing and Optional SEPA determination of non-significance (DNS) on July 7, 2023. After considering comments, the City issued the final DNS on August 8, 2023. No appeals were filed prior to the August 22, 2023 appeal deadline. *Exhibits 1, 1.H, and 1.I.*
43. Having heard all testimony, Planning Staff maintained their recommendation for approval of the subdivision and variance subject to the conditions recommended in the staff report as modified in the corrections memorandum offered at hearing. *Exhibits 1 and 4; Mark Person Testimony.* Applicant representatives waived objection to the recommended conditions as modified in the correction memo. *Testimony/Comments of Dave Weston and LeeAnn Bremer.*

CONCLUSIONS

Jurisdiction:

Per VMC 20.210.020.B and Table 20.210-1, preliminary subdivisions are Type III development applications, which are decided by the Hearing Examiner.

Although a Type II Variance (i.e., a variance modifying a numerical development standard by more than 10% and up to 20%⁵) is a Planning Official decision, when multiple applications are reviewed concurrently VMC 20.210.020.D requires the applications to be consolidated under the highest review process. The Hearing Examiner therefore has jurisdiction over the Type II variance.

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;

⁵ VMC 20.290.020.B.

- 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.

Variance Criteria for Review:

A Type II Variance is subject to the approval criteria set forth in VMC 22.290.040.B (Minor B Variance), which require the Applicant to demonstrate compliance with the following:

1. Unusual circumstances or conditions apply to the property and/or the intended use that do not apply generally to other property in the same vicinity or district;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district;
3. The variance requested is the least necessary to relieve the unusual circumstances or conditions identified in Subsection (1) above;
4. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located;
5. Any impacts resulting from the variance are mitigated to the extent practicable; and
6. If more than one variance is being requested the cumulative effect of the variances results in a project that is still consistent with the overall purpose of the underlying zoning district.

Conclusions Based on Findings:

A. Preliminary Subdivision

1. As conditioned, the proposed subdivision would make appropriate provisions for transportation, water, stormwater drainage, sewer, and erosion control. Street and intersection improvements would be made consistent with applicable City standards and

the approved road modification request. Traffic impacts fees would be mitigated through payment of code-based fees. Public water and sewer would be provided to the lots. Stormwater would be treated and infiltrated on site consistent with City standards. *Findings 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 43.*

2. As conditioned, the proposed subdivision would make appropriate provision for streets, utilities, and other improvements consistent with City and State standards. As conditioned, and with the approved street modification, street improvements would be provided consistent with City standards. Public water and sewer would be provided to all lots. Stormwater would be treated consistent with Department of Ecology and City standards, with the details to be reviewed through the civil engineering and building permit processes. As conditioned, all infrastructure improvements would be designed and installed in conformance with applicable City standards. *Findings 23, 24, 25, 26, 27, 28, 29, 35, 36, 37, 38, and 43.*
3. As conditioned, the subdivision would make appropriate provision for open space, parks, schools, dedications, easements, and reservations. Open space would be provided on site, and there are existing public parks in the vicinity of the site. Park and school impact fees would be paid. Easement requirements have been incorporated into the conditions of approval. *Findings 20, 21, and 39.*
4. The design of the subdivision takes into account the physical characteristics of the site. The soil conditions were evaluated in the technical reports that were submitted for the project. There are no critical areas requiring protection. *Finding 17.*
5. The proposal is not a re-plat of an existing subdivision. *Findings 2, 3, 4, and 5.*
6. As conditioned, and with approval of the variance, the proposed lots would comply with applicable 2006 R-18 development standards, and the landscaping, parking, and all other applicable provisions of the zoning code. *Findings 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 22, and 43.*
7. As conditioned, the subdivision would comply with the subdivision standards of RCW 58.17.110. 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, sidewalks would be provided along the internal streets and multi-modal trails would be provided along the exterior collector arterial streets. School bus service would be provided. The project was reviewed for compliance with SEPA and no probable, significant, adverse environmental impacts were identified. The proposal would result in residential development that is consistent with the pre-annexation development agreement. *Findings 2, 4, 39, 42, and 43.*

B. Variance

1. Unusual circumstances exist in that the property is subject to a PADA allowing the Applicant to select a residential zone (in this case, R-18), but based on the vested code neither the R-18 nor any other residential zone allows a lot coverage of more than 50%.

Other properties in the City zoned R-18 are subject to current code allowances, which allow up to 65% lot coverage for single-family attached housing.⁶ *Findings 8, 12, and 13.*

2. The variance is for the only mechanism that allows the Applicant to enjoy a substantial property right that is possessed by other owners of property within the PADA, which is development of attached housing at R-18 densities. The requested variance, which would allow increased lot coverage consistent with current standards, would make such development feasible. *Finding 13.*
3. The variance requested is the least necessary to provide relief, in that the variance would allow a lot coverage of 60%, whereas the current code allows up to 65% on lots of similar area as proposed by the Applicant. *Findings 12 and 13.*
4. The variance would not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located. The primary potential impact associated with the change is the increase in impervious surface coverage. This has been addressed with the proposed stormwater system. There should not be an adverse visual impact associated with the increased lot coverage because all other applicable development standards would be satisfied, including lot width and building setbacks, and because the increased lot coverage is allowed under current ordinances. *Findings 12, 13, and 38.*
5. Any impacts resulting from the variance would be mitigated to the extent practicable. The primary potential impact associated with the change is the increase in impervious surface coverage. This has been addressed with the proposed stormwater system. *Findings 12, 13, and 38.*
6. Because only one variance is being requested under the PADA, a cumulative effects analysis is not required.

DECISIONS

Based on the foregoing findings and conclusions, the request for a subdivision to subdivide 32.7 acres into 300 single-family residential lots and the variance to increase the maximum lot coverage for the single-family attached lots to 60% is **APPROVED** subject to the following conditions to be satisfied by the Applicant or successors in interest:

Prior to civil plan approval, the Applicant shall:

1. 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.

⁶ See current VMC Table 20.420.030-1, note 25, which incorporates the standards for the R-17 zone for single-family attached housing (VMC 20.410). VMC Table 20.410.050-1 allows a maximum lot coverage of 65%. The lot size range allowed in the R17 zone is 2,000 square feet to 5,000 square feet.

2. Pay grading plan review fees, which will be due upon submittal of civil plans for review. Contact Permit Center staff at 360-487-7802 to obtain a fee quote.
3. Pay concurrency modeling fees totaling \$1,500.
4. Place the following note on the engineering plans: “If any archaeological deposits are found during construction, work shall stop and the City of Vancouver’s Community Development and the Washington State Department of Archaeology and Historic Preservation shall be notified.”
5. Place this note on the Engineering Plans, “Development within this subdivision is subject to an approved tree plan. Tree removal is subject to approval by the City of Vancouver. Street trees must be planted prior to occupancy per the approved plan.”
6. Update landscaping plans to increase species diversity and use of natives as recommended by the City’s urban forester.
7. Update landscaping plans by removing the proposed Red Barron Crabapple. Select trees from the CDD Tree List.
8. Include this note on final landscape plans: “All shrubs within sight distance triangles shall be maintained so that foliage height above pavement does not exceed 2.5 feet. Street trees within sight distance triangles shall be limbed up to a height of 10 feet consistent with ANSI A300 standards to provide for sight distance visibility.”
9. Pay proportionate share fees on a per phase basis, totaling \$405,915.
10. Complete downstream civil designs for the Section 30 North Pump Station (ENG-83397) and the Section 30 Public (roadway) Improvements (ENG-83223) and secure civil plan approvals for both plan sets.
11. Complete the sanitary sewer design and civil drawings for the current Harmony Subdivision. Prepare according to Vancouver’s current General Requirements and Details for Design and Construction. Address redline comments and submit the final design for civil plan approval.
12. Submit a fire response plan.

During Construction, the Applicant or Agent shall:

13. Construct the Section 30 North Pump Station and the Section 30 Public (roadway) Improvements and secure final civil project acceptance for both projects.
14. Secure construction permits and schedule and attend a pre-construction meeting. Construct new public sewers and laterals as shown on the approved subdivision plans. Satisfy construction services inspection requirements and secure construction acceptance.

Satisfy submittal and other requirements itemized in the Notifications of Civil Plan Approval and secure final civil project acceptance.

Prior to Final Plat Approval

15. The following improvements to NE 179th Avenue must be provided, per the appropriate City of Vancouver standards:
 - a. Dedicate 70 feet of public right of way as necessary to meet the requirements discussed above.
 - b. Construct finished street with curb and gutter on both sides of the street and 34-foot curb-to-curb pavement width, as described above.
 - c. Construct an 11-foot multi-modal trail with a seven-foot planter strip between the trail and the curb, on both sides of the street, as described above.
 - d. Modify the intersection of NE 179th Avenue and NE 18th Street to add the south leg of the intersection and widen the east leg as necessary to install a westbound left-turn lane with at least 100 feet of storage.
 - e. Construct a roundabout at the intersection of NE 179th Avenue and NE 13th Street.
 - f. Street lighting must be installed to current standards, see street lighting comments below.
 - g. Install traffic control devices as warranted and storm drainage as required by the City stormwater ordinance.

16. The following improvements to NE 187th Avenue and NE 13th Street must be provided, per the appropriate City of Vancouver standards:
 - a. Dedicate 70 feet of public right of way as necessary to meet the requirements discussed above.
 - b. Construct finished street with curb and gutter on both sides of the street and 38-foot curb-to-curb pavement width, as described above.
 - c. Construct an 11-foot multi-modal trail with a five-foot planter strip between the trail and the curb, on both sides of the street, as described above.
 - d. Construct a standard T-intersection at NE 187th Avenue and NE 13th Street.
 - e. Construct a signalized intersection with 35-foot curb return radii at the intersection of NE 187th Avenue and NE 18th Street.
 - f. Street lighting must be installed to current standards, see street lighting comments below.
 - g. Install traffic control devices as warranted and storm drainage as required by the City stormwater ordinance.

17. The following improvements to must be provided for all these streets by phase, per the appropriate City of Vancouver standards:

- a. Dedicate 50 feet of public right of way as necessary to meet the requirements discussed above.
 - b. Construct finished street with curb and gutter on both sides of the street and 32-foot curb-to-curb pavement width, as described above.
 - c. Construct five-foot detached sidewalks on both sides of the street, as described above. (The sidewalk along the frontage of buildable lots may be deferred to time of home construction but must be constructed for each lot prior to issuance of final occupancy approval of that lot.)
 - d. All internal intersections in the subdivision must be constructed to city standards with 25-foot curb return radii and standard ADA ramps.
 - e. Street lighting must be installed to current standards, see street lighting comments below.
 - f. Install traffic control devices as warranted and storm drainage as required by the City stormwater ordinance.
18. Tracts A-X are to be owned and maintained by the Homeowners Association.
 19. The Applicant shall show, note, and specify public sanitary sewer easements over shared driveway tracts where required. Record separately or include standard required plat easement recording language and record with the plat.
 20. The Applicant shall submit a final plat application. Applications can be found under Building, Planning and Environment on the City of Vancouver website, www.cityofvancouver.us.
 21. 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. Provide a current report with lot specific conditions and compaction test results by final grading.

Notes Required on Plat

22. If any archaeological deposits are found during construction, work shall stop, and the City of Vancouver's Community Development and the Washington State Department of Archaeology and Historic Preservation shall be notified.
23. All lots within this plat are subject to a specific tree plan on file with the City of Vancouver. Required trees shall be planted on a per lot basis prior to final occupancy. No tree within the plat shall be removed without a permit.
24. A variance to the maximum lot coverage standard for attached single-family residences has been approved. The approved lot coverage for lots with attached residences is 60%.
25. Except for Lots 1 and 2 for which impact fees are waived, impact fees shall be assessed for impacts on schools and parks facilities.

Prior to Issuance of any Building/Development Permits

26. All required fees, including transportation, school, and park impact fees shall be paid.

Decided October 5, 2023.

By:

/Sharon A. Rice/

Sharon A. Rice
City of Vancouver Hearing Examiner