

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

In the Matter of the Application of)	NO. PRJ-169060/LUP-83894
)	
)	
Ginn Group LLC)	South Cascade Terrace Subdivision
)	
)	
For Approval of a Subdivision and Rezone)	FINDINGS, CONCLUSIONS,
)	DECISION, AND RECOMMENDATIONS
and)	
)	
In the Matter of the Appeal of)	
)	
David and Susan Rehmann)	
)	
)	
of the March 12, 2024 SEPA)	
Determination of Non-Significance for the)	
<u>Application</u>)	

SUMMARY OF DECISION AND RECOMMENDATIONS

The appeal of the March 12, 2024 SEPA determination of non-significance for the South Cascade Terrace Subdivision is **DENIED**.

The Hearing Examiner recommends to the Vancouver City Council that the requested rezone of 4.46 acres at 1019, 1119, and 1201 SE 192nd Avenue from R-9 to R-17 and the associated subdivision of the land into 60 single-family residential lots be **APPROVED** subject to conditions.

SUMMARY OF RECORD

Request:

Ginn Group LLC (Applicant) requested a preliminary subdivision to divide 4.46 acres of land into 60 single-family narrow lots and a rezone of the property from R-9 Lower Density Residential to R-17 Lower Density Residential. The subject property is located at 1019, 1119, and 1201 SE 192nd Avenue, Vancouver, Washington.

Having reviewed the proposal as required under the State Environmental Policy Act, the City issued a final determination of non-significance (DNS) for the project on March 12, 2024. David and Susan Rehmann (Appellants) timely filed a procedural appeal of the DNS on March 26, 2024.

Hearing Date:

The Vancouver Hearing Examiner conducted a consolidated virtual open record hearing on the application and appeal on April 16, 2024. The record was held open through April 18, 2024 to allow any members of the public who experienced technology or access barriers to participation in the virtual hearing to submit written comments, with time scheduled for responses by the parties. No post-hearing public comment was submitted, and the record closed on April 18, 2024.

No in-person site view was conducted, but the Examiner viewed the subject property on Google Maps.

Testimony:

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

David Rehmann, Appellant

Kristian Corbin, Senior Planner, City of Vancouver

Ryan Lopossa, Transportation Manager, City of Vancouver

Eric Hann, Senior Civil Engineer, City of Vancouver

Chad Stewart, Director of Land Development, Ginn Group

Alexis Pam, Project Coordinator, Ginn Group

Jayson Taylor, Project Planner, PLS Engineering

Daniel Stumpf, Transportation Engineer, Lancaster Mobley

Edward Matthewson

Ruth Matthewson

Attorney Philip Gigler presented legal arguments on behalf of the City.

Exhibits:

The following exhibits were admitted in the record through the open record hearing process:

City Exhibits (“C” Prefix)

C1. Staff Report, with the following attachments:

A. Application

B. Applicant Narrative

C. Proposed Development Plans

D. SEPA Checklist

E. Notice of Application and Optional Determination of Non-Significance, dated February 9, 2024

F. Final Determination of Non-Significance, issued March 12, 2024

- G. Traffic Study by Lancaster Mobley, dated December 13, 2023
- H. Trip Calculations Worksheet, dated March 12, 2024
- I. Development Review Evaluation from Clark County Public Health, dated November 22, 2023
- J. Comment letter from Department of Ecology, dated March 8, 2024
- K. Stormwater Report
- L. Geotechnical Report
- M. Public Comment
- N. Evergreen School District letter, dated November 3, 2023
- O. Electronic Letter of Appeal submitted by David Rehmann, dated March 26, 2024
- C2. City PowerPoint Presentation
- C3. Memorandum from Daniel Stumpf, Lancaster Mobley, dated February 28, 2004 (Intersection Capacity Analysis)¹

Appellant Exhibits (“A” Prefix)

- A1. Request for Procedural Appeal, dated March 26, 2024
- A2. Correspondence between Appellant and City Staff
- A3. Appellant PowerPoint Presentation

Applicant Exhibits (“G” Prefix)

- G1. Letter from Chad Stewart, Ginn Group, in response to SEPA appeal, dated April 15, 2024
- G2. Applicant PowerPoint Presentation

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

FINDINGS

1. Ginn Group LLC (Applicant) requested a preliminary subdivision to divide 4.46 acres of land into 60 single-family narrow lots and a rezone of the property from R-9 Lower Density Residential to R-17 Lower Density Residential. The subject property is located at 1019, 1119, and 1201 SE 192nd Avenue, Vancouver, Washington.² *Exhibits C1.A, C1.B, and C1.C.*
2. The application was submitted on December 26, 2023 and deemed fully complete on

¹ This study was referenced by the parties in testimony, but during deliberations, the undersigned realized for the first time it was not in evidence and requested that the record be supplemented to include it. The City provided the document, and it is therefore listed as a City exhibit.

² The subject property is comprised of Tax Parcel Numbers 177228010, 177228005, and 177228000. *Exhibits C1 and C1.C.*

February 1, 2024. *Exhibits C1 and C1.E.*

3. The subject property consists of three parcels containing a total of four single-family residences plus associated outbuildings. There are no known prior subdivision conditions that would apply to the proposed subdivision. All existing structures would be removed from the site. *Exhibits C1.B and C1.C.*
4. The subject property is zoned R-9 and has a Comprehensive Plan land use map designation of Urban Lower Density (UL). The purpose of the R-9 zone is “to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 5,000 square feet and a density of 5.9 to 8.7 units/net acre.” *Vancouver Municipal Code (VMC) 20.410.020.D.* The purpose of the UL Comprehensive Plan designation is to allow for “predominantly single-family detached residential development, with some allowances for duplexes, townhouses, and single-family homes on small lots using infill standards.” *Exhibit C1, page 9.*
5. The proposed R-17 zone is compatible with the UL Comprehensive Plan designation. *Exhibit C1.* The purpose of the R-17 zone is “to accommodate detached and attached single dwellings with our without accessory residential units at a minimum lot size of 2,000 square feet and a density of 8.8 to 21.8 units/net acre.” *VMC 20.410.020.E.*
6. With respect to allowed housing types, the primary difference between the R-9 and R-17 zones is that multi-family housing (limited to two-family, three-family, or four-family dwellings) is allowed in the R-17 zone, subject to the density limitation and development standards of the zone, whereas in the R-9 zone two-family dwellings (i.e., duplexes) are allowed but not three- or four-family dwellings. Both zones allow single-family attached and detached housing. *VMC Table 20.410.030-1.* In this case, single-family detached housing is proposed. *Exhibit C1.C; Jayson Taylor Testimony.*
7. Surrounding land uses include detached single-family residences zoned R-4 to the north, detached single-family residences zoned R-9 to the south, detached single-family residences zoned R-2 to the east, detached single-family residences zoned R-6 across SE 192nd Avenue to the west, and commercial development zoned MX to the northwest across SE 192nd Avenue. A parcel on the west side of SE 192nd Avenue a short distance south of the subject property was rezoned from R-6 to R-22 in 2023. *Exhibits C1 and G2; Chad Stewart Testimony.*
8. The proposed rezone is consistent with 2023 Vancouver Strategic Plan because it would place additional density where there is existing street infrastructure and transit service; increase housing options within the low-density residential area; increase housing affordability through small lot and unit sizes; place additional density near services and amenities such as parks, schools, and shopping; and provide energy-efficient homes. *Exhibits C1 and C1.B; City of Vancouver Strategic Plan, 2023-2029 Update.*³

³ <https://www.cityofvancouver.us/wp-content/uploads/2023/11/2023-2029-Vancouver-Strategic-Plan.pdf>

9. The proposed rezone is consistent with Comprehensive Plan policies that encourage higher density and more intense development in areas that are more extensively served by facilities (CD-2), encourage efficient land use and redevelopment of underutilized properties (CD-3), provide for a range of housing types and densities for all economic segments of the population (H-1), and encourage affordable housing (H-2). *Exhibit C1.B; City of Vancouver Comprehensive Plan.*
10. The Applicant identified the City's housing and affordability crisis as a change in circumstance warranting approval of the rezone. *Exhibit C1.B; see also Exhibit G2.*
11. Planning Staff identified the City's 2022 housing code update as a change in circumstance that would support approval of the rezone. *Kristian Corbin Testimony.* As described in the preamble to Ordinance M-4377, which created the R-17 zone in 2022, the update was designed to address the affordable housing challenges documented in the 2016 City of Vancouver Affordable Housing Task Force Report. *Ordinance M-4377.* Planning Staff submitted that the proposal is consistent with the goals of the update to add to the range of housing types, expand middle income and workforce housing choices and ownership opportunities, maintain neighborhood livability with incremental rather than wholesale change, provide housing options near schools and employment, and encourage efficient development in areas with existing public services. The proposed change from R-9 to R-17 represents an incremental change because multi-family residential development would be restricted to four units; large multi-family buildings would not be allowed. In this case, because detached single-family residences are proposed, the incremental change would be the reduced lot sizes. *Exhibit C1; Kristian Corbin Testimony.*
12. The subject property is generally flat. It does not contain any geologic hazards or surface waters and it is not within a wellhead protection area. *Exhibit C1.*
13. Consistent with the allowed density range of the proposed R-17 zoning designation (8.8 to 21.8 dwelling units per acre), the net density of the proposed subdivision (i.e., based on buildable area of 3.19 acres) would be 18.8 dwelling units per acre. *Exhibit C1.*
14. The R-17 development standards require a minimum lot area of 2,000 square feet, a maximum lot area of 5,000 square feet, a minimum lot width of 25 feet, and a minimum lot depth of 65 feet. *VMC Table 20.410.050-1.* Consistent with these standards, each lot would be at least 2,080 square feet in area but no more than 3772 square feet in area and would have a minimum width of 26 feet and a minimum depth of 80 feet. Compliance with other development standards such as lot coverage, setback, building height, parking, and landscaping would be verified at the time of building permit application. *Exhibits C1, C1.B, and C1.C.*
15. The Applicant proposes to develop the lots consistent with the zero lot line standards of VMC 20.910.050, which allow a side yard setback of zero feet on one side of the structure but require the setback on the adjacent lot to be either zero or at least five feet. The submitted site plan depicts that the building envelopes would meet this requirement; the proposed detached residences would be spaced at least five feet apart. VMC

20.910.050.B requires covenants guaranteeing that the minimum five-foot setback be kept free of permanent obstructions, and subsection (C) contains building wall requirements. Planning Staff's recommended conditions of approval include a plat note referencing the standards. *Exhibits C1, C1.B, and C1.C.*

16. The proposed lots would comply with the technical requirements for lot configuration contained in the subdivision ordinance. No flag lots are proposed, and each lot would have at least 20 feet of frontage. Side lot lines would run perpendicular to the adjacent streets. *Exhibit C1.C; VMC 20.320.070.*
17. Because the lots would be less than 40 feet wide, the narrow lot criteria of VMC 20.927.030 and the development standards of VMC 20.927.040 apply. The criteria require that conflicts on narrow lots be eliminated, that adequate guest parking be provided, and that solid waste and recycling collection and access be provided. The Applicant has submitted a narrow lot development plan showing that utilities, driveways, street trees, and other features have been located and designed to minimize conflicts with one another. With respect to parking, the narrow lot development standards require one guest parking space for each three narrow lots, which may be located on the street or in common parking areas. In this case, 20 guest parking spaces are required. The Applicant proposes to meet the requirement through street parking along one side of the internal loop road (30 spaces) and three spaces each within Tracts A, B, and C (nine spaces total). With respect to solid waste collection, collection areas would be available on the street in front of most of the lots. Grouped collection areas would be provided for the lots served by private access tracts A, B, and C, as authorized by VMC 20.927.040.A(3)(c). Planning Staff submitted that the narrow lot plan must be revised to show cart set-out locations within the driveways or on sidewalks along the looped road to ensure emergency access road width requirements are satisfied.⁴ *Exhibits C1 and C1.C.*
18. Consistent with VMC 20.927.040.A(3)(c), the Applicant submitted a circulation plan demonstrating that the looped road and alley are adequate for collection vehicle circulation within the subdivision. *Exhibits C1 and C1.C.*
19. Access to the subdivision would be from a single right in/right out only entrance from SE 192nd Avenue. Access to individual lots would be from a proposed internal looped road (SE 12th Loop on the preliminary plat map⁵) or from private access tracts A, B, and C, each of which would serve four lots. No "blocks" would be created per VMC 20.320.070. Lots 35 through 48, at the center of SE 12th Loop, would have garages facing a rear alley, which, consistent with VMC 20.927.040.A(4), would have a right-of-way width of 20 feet and would connect to SE 12th Loop at both ends. The Applicant indicated in testimony that the alley would be public. *Exhibits C1 and C1.C; Jayson*

⁴ If collection areas are called out on sidewalks, the plan must provide sufficient information to demonstrate that the sidewalks would not be obstructed for all users. *VMC 20.927.040.A(3)(f).*

⁵ Planning Staff submitted that the street name must be modified for consistency with the street naming requirements of VMC 11.04, with the north segment SE 11th Way, the south segment SE 12th Way, the west segment SE 193rd Place, and the east segment SE 194th Place. *Exhibit C1, page 22.*

Taylor Testimony. City Staff were open to either a private or public alley. *Eric Hahn Testimony.*

20. Southeast 192nd Avenue is designated a principal arterial street. It is fully improved along the subject property frontage, although existing driveway curb cuts and sidewalk deficiencies would need to be restored. Of note, the SE 192nd Avenue street section includes a center landscape island that prevents left turns into or out of the subject property. As proposed, all access to the subdivision would be right-in, right-out only. The Applicant's transportation analysis indicated that a right-turn pocket or taper is warranted at the proposed intersection. City Staff recommended that a right-turn pocket (not taper) be required to avoid sight distance issues for exiting vehicles and to reduce vehicle speeds across the sidewalk. *Exhibits C1 and C1.G.*
21. Southeast 192nd Avenue received a pavement overlay in November 2022 and, pursuant to VMC 11.80.100, is subject to a street cut prohibition through November 2027. The Applicant submitted and received City approval of a minor road modification to cut the pavement to install utility connections and other improvements. Staff's recommended conditions of approval address pavement restoration requirements. *Exhibit C1.*
22. All segments of the internal loop road would be designated loop/cul-de-sac streets, requiring 28 feet of pavement, vertical curbs, five-foot planter strips, and five-foot detached sidewalks within 50 feet of right-of-way per standard plan T10-16. The Applicant obtained City approval of a road modification request to reduce the right-of-way width to 48 feet and allow a rolled curb and five-foot curb-tight attached sidewalk on one side of the street. The opposite side of the street would be developed with a standard vertical curb and detached sidewalk. *Exhibits C1 and C1.C.*
23. The Applicant obtained City approval of a road modification request to reduce the driveway spacing requirement of VMC 11.80.110.B(1), which requires driveways providing access from non-arterial streets to be spaced a minimum of five feet from the nearest property line. The approved modification allows the driveways to be set back 1.5 feet from the nearest property line. *Exhibit C1.*
24. The Applicant submitted a professionally prepared transportation analysis dated December 13, 2022. The trip generation rates in the analysis were based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, utilizing Land Use Code 210 - Single-Family Detached Housing. Based on the ITE trip rates, the project is expected to add 570 average daily trips to the local street system (net of traffic generated by the existing residences on-site), including 43 AM and 57 PM peak hour trips. City Staff submitted that the Applicant's trip documentation satisfies the City's requirements for transportation and concurrency analysis. *Exhibits C1 and C1.G.*
25. The subject property is located within the #418 Transportation Analysis Zone. The project would add PM peak hour trips to several Transportation Management Zone corridors, including Mill Plain Blvd, 164th/162nd Avenue, NE 18th Street, 136th/138th Avenue, and 192nd Avenue. Based on this trip distribution, the Applicant would be

required to pay concurrency monitoring fees of \$1,500. *Exhibits C1, C1.G, and C1.H*

26. The subdivision would add PM peak hour trips to several intersections with proportionate share mitigation projects, including SE 176th/SE 20th, NE 192nd/NE 13th, SE 192nd/SE 34th, 192nd Ave/SR-14, NE 187th/NE18th, NE 162nd/NE 9th, NE 192nd/NE 9th, and NE 187th/SE 1st. Based on the subdivision's traffic impact to these intersections, the Applicant would be required to pay a total of \$33,500 in proportionate share mitigation fees. *Exhibits C1, C1.G, and C1.H.*
27. In addition to the concurrency modeling fees and proportionate share mitigation fees, the Applicant would be required to pay traffic impact fees pursuant to VMC 20.915 for the Cascade transportation zone. The fee would be calculated based on the rate in effect at the time of building permit application and collected prior to building permit issuance. *Exhibits C1 and C1.H.*
28. Pursuant to VMC 11.70.090, the segment of 192nd Avenue between SR-14 and NE 18th Street 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. Based on the Applicant's documentation, the proposed development will add 36 new PM peak hour trips to this corridor, a number which is not anticipated to cause the corridor to drop below the adopted level of service standard. *Exhibits C1 and C1.G.*
29. In addition to the trip generation analysis, the Applicant's transportation engineer prepared an intersection capacity analysis dated February 28, 2024 to evaluate the effect of removing U-turn restrictions from the intersection of SE 192nd Avenue and SE Westridge Blvd to the north of the subject property and from the intersection of SE 192nd Avenue and SE 15th Street to the south of the subject property. Due to the right-in/right-out design of the subdivision and the configuration of the surrounding street network, the presence of U-turn restrictions on SE 192nd Avenue would be expected to cause southbound traffic to or from the site to make a loop using SE 195th Avenue to change direction. Southeast 195th Avenue runs through a lower-density single-family residential neighborhood to the east of the subject property. The result of the intersection capacity analysis was that removal of the U-turn restrictions would not lower the level of service (LOS) of either of the intersections based on traffic projections to year 2031; the intersection of Westridge Blvd and SE 192nd Avenue would operate at LOS B with or without the U-turn restriction, and the intersection of SE 15th Street and SE 192nd Avenue would operate at LOS C with or without the U-turn restriction. Further, both intersections would have sufficient left-turn lane storage capacity to permit U-turns. *Exhibit C3.* Based on this analysis, the City has already removed the U-turn restriction from the intersection of SE 192nd Avenue and Westridge Blvd and is considering removing the U-turn restriction from the intersection of SE 192nd Avenue and SE 15th Street. *Exhibit G2; Ryan Lopossa Testimony.*
30. In the summer of 2015, the City installed traffic calming devices (a series of speed tables) along the SE 195th corridor. Based on traffic data collected prior to installation and in subsequent years, the traffic calming has been successful in reducing traffic speeds and

traffic volume. Prior to installation, the 85th percentile speed was 31 miles per hour and the traffic volume was 1,078 trips per day. In the fall of 2015 after installation, the 85th percentile speed was 26 miles per hour and the traffic volume was 627 trips per day. Speed and volume data collected in 2016 and 2021, and volume data collected in 2024, support that the reduced traffic speeds and volumes have been maintained. In January of 2024 the traffic volume was only 481 vehicle trips per day. *Testimony of Ryan Lopossa and Daniel Stumpf.* The City's Transportation Manager expects that with the traffic calming in place, drivers are likely to choose to use SE 192nd over SE 195th. *Ryan Lopossa Testimony.*

31. Transit service is available to the subject property. C-Tran operates bus routes along SE 192nd Avenue, with the nearest stop approximately 315 feet north of the subject property. Bus rapid transit along SE Mill Plain Blvd is available approximately one-half mile from the subject property. *Exhibit C1.B.*
32. The proposed subdivision would connect to the municipal water system through an existing water main in 192nd Avenue. Planning Staff submitted that the Applicant's preliminary plans indicate the ability to comply with the City's water requirements. *Exhibits C1 and C1.C.*
33. Existing septic systems on-site would be decommissioned, and the lots of the proposed subdivision would be connected to the municipal sewer system through an existing sewer located to the south of the subject property within a public sewer easement. The sewer would be upsized and extended through the site via an easement between proposed Lots 5 and 6. Because the subdivision would be served by the Fisher's Grove Pump Station, a fee of \$635 per equivalent dwelling unit would be due at the time of connection. *Exhibits C1, C1.C, and C1.I; Chad Stewart Testimony.*
34. The Fire Department reviewed the proposal and submitted that with recommended conditions the proposal would meet the requirements of VMC Title 16 and the International Fire Code. The Fire Department's recommended conditions of approval require a fire response plan and address fire hydrants, fire apparatus access, and signage. *Exhibit C1.*
35. The soils on-site were evaluated by a geotechnical engineer and determined to be suitable for infiltration. All stormwater runoff would be infiltrated on-site through proposed infiltration trenches. Media filter cartridges would be used to treat runoff from pollution-generating surfaces prior to infiltration. All stormwater improvements would be designed consistent with the City's stormwater ordinance and Department of Ecology requirements. *Exhibits 1, C1.K, and C1.L.*
36. The Applicant has submitted a preliminary erosion control plan. To ensure consistency with VMC 14.24, Planning Staff recommended as a condition of approval that a stormwater pollution prevention plan be submitted prior to civil plan approval. *Exhibit C1.*

37. Pursuant to VMC Title 20.770.080, a minimum tree density of 30 tree units per acre is required, which may be satisfied by existing trees, replacement trees, or a combination of existing and replacement trees. There are currently 57 trees on the subject property, all of which would be removed from the site due to conflict with utilities, building envelopes, and other subdivision features. The Applicant proposes to meet the tree density requirement by planting 134 tree units of trees on-site. City Staff recommended that the Applicant revise the landscape plan to reflect species on the City's approved tree list and recommended that tree protection measures for off-site trees be shown on the final grading plans. *Exhibits C1 and C1.C.*
38. Consistent with VMC 20.925, at least 10% of the net area of each lot must be landscaped, and street trees are required along all public and private street frontages. The Applicant has submitted a preliminary landscaping plan demonstrating compliance with the street tree requirement. Compliance with the landscaping requirements applicable to individual lots would be verified at the time of building permit review. *Exhibits C1 and C1.C.*
39. Although no common open space is proposed on-site (and none is required by ordinance), private open space would be provided on the lots and Fisher Basin Park is within walking distance of the subject property. The Applicant would mitigate park impacts by paying park impact fees for Park Impact Fee District C pursuant to VMC 20.915. The fee would be calculated based on the rate in effect at the time of building permit application and collected prior to building permit issuance. *Exhibits C1 and G2 (vicinity map); VMC 20.915.*
40. The subject property is within the Evergreen School District. Families with school-aged children living in the plat would be served by Illahee Elementary School, Shahala Middle School, and Union High School. Because the subject property is within one-half mile of the elementary school and within one mile of the middle and high schools, the School District does not provide bus service to the area. *Exhibit C1.N.* There are continuous sidewalks between the subject property and the three schools. *Testimony of Chad Stewart and Kristian Corbin.* The Applicant would mitigate impacts to schools through payment of impact fees pursuant to VMC 20.915. *Exhibit C1.*
41. The Applicant had an archeological predetermination report prepared for the site, which did not find evidence of archaeological materials. Planning Staff recommended that the project be conditioned to include a note on the final plat requiring notice to be provided to the City and to the Washington State Department of Archaeology and Historic Preservation if cultural resources are found, consistent with VMC Title 20.710.090. *Exhibit C1.*
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 (which described, among other things, the proposed access to the subdivision, proposed transportation improvements, the project's trip generation, and traffic mitigation) and application materials, Planning Staff issued a notice of application, remote public hearing, and optional determination of non-significance

(ODNS) on February 9, 2024, which specified a comment period ending March 11, 2024. *Exhibit 1C.E and 1C.D.* Comments were submitted by the Department of Ecology and from members of the public, including the Appellants. *Exhibits 1C.J and 1C.M.* The City issued a final DNS on March 12, 2024. The DNS specified a 14-day appeal deadline ending March 26, 2024. *Exhibit 1C.F.* David and Susan Rehmann (Appellants) timely filed a procedural appeal of the DNS per VMC 20.790.640.C(1)(a) on March 26, 2024. *Exhibit A1.*

43. The errors alleged in the DNS on appeal included the following (paraphrased):
- The SEPA determination was based on inadequate information because the Applicant’s traffic study (referring to traffic counts taken in January of 2024 on SE 195th) did not address traffic speeds on SE 195th, a safety consideration.
 - The Applicant did not demonstrate compliance with the planned development approval criteria set forth in VMC 20.260.050.A(6), which require traffic management to limit conflicts with adjacent uses, and which require traffic impacts to be mitigated to the extent practicable.
 - The addition of traffic through the SE 195th corridor would be inconsistent with City SEPA policies (VMC 20.790.630) which “assure for all people of Washington safe, healthful, productive and aesthetically and culturally pleasing surroundings” (subsection B) and which “attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences” (subsection C).

Exhibit A1.

44. In support of the appeal, the Appellants submitted SE 195th Avenue traffic data recorded in 2021, which indicated that while the 85th percentile speed was 25 miles per hour, some drivers did speed and the highest speed recorded was 88 miles per hour. The Appellants also submitted traffic data collected in 2024 to demonstrate that it included traffic counts but not a speed analysis. Evidence submitted by Appellants included photos of an accident that occurred after the traffic calming was installed, in which a speeding vehicle jumped the curb and crossed the sidewalk into a neighbor’s yard. *Exhibits 1C.O, A.1, A.2, and A.3.* The Appellants requested that additional traffic study be conducted, that a traffic mitigation plan be implemented prior to construction (with suggested mitigation to include permanent removal of both U-turn restrictions on SE 192nd Avenue), and that the project be redesigned such that there would not be project-generated trips along the SE 195th corridor. *David Rehmann Testimony; Exhibit A1.*
45. The City argued that the Appellants’ arguments are inconsistent with a “procedural” appeal, which the City interprets as being limited to issues such as notice and timing. The City also argued that speeding is regulated through speed limits and not SEPA. *Philip Gigler Argument.* The Applicant also argued that the procedural appeal must be limited to procedural issues, and further noted that the planned development approval criteria referenced in the statement of appeal do not apply to the proposed development because the proposal is not a planned development. *Exhibit G1; Chad Stewart*

Testimony.

46. Although objecting to the Appellants' arguments as being outside the proper scope of a procedural SEPA appeal, the City provided the testimony of the City's transportation manager, Mr. Ryan Lopossa, in response. Mr. Lopossa does not consider there to be a traffic safety issue on SE 195th Avenue, as speeds are consistent with the posted speed limit, the WSDOT collision database does not show any officer-reported collisions from 2015 to 2023, and there are sidewalks on both sides of the street. Mitigation has already been implemented along the SE 195th Street corridor, which was successful in reducing traffic volume and traffic speed (see Finding 30 for details of Mr. Lopossa's testimony on traffic calming). With respect to the SEPA threshold determination process, Mr. Lopossa reviewed and was satisfied with the completed environmental checklist. *Ryan Lopossa Testimony.*
47. Public comment on the application included concerns that there would not be a homeowners' association and CC&Rs, that street parking would prevent fire access, that the units would be used as short-term rentals, and that there would be traffic impacts on SE 195th Avenue. There was objection to the proposed density and lack of open space. The Appellants, during the public comment portion of the hearing, requested that the project be conditioned on permanent removal of the U-turn restrictions on SE 192nd Avenue to discourage project-generated traffic from using SE 195th Street. *Testimony of Edward Matthewson, Ruth Matthewson, and David Rehmann; Exhibit I.M.*
48. In response to public comment, City Staff submitted that, with parking on one side of the proposed internal streets, there would be sufficient road width for emergency and waste collection vehicles. *Kristian Corbin Testimony.* The City cannot guarantee permanent removal of the U-turn restrictions because they might be needed in the future to address traffic operational issues. *Eric Hahn Testimony.* With respect to short-term rentals, the City now requires a short-term rental permit. *Kristian Corbin Testimony.* The proposed subdivision would be governed by CC&Rs and a homeowners' association. *Chad Stewart Testimony.*
49. Having heard all testimony, the City maintained its recommendations for denial of the SEPA appeal and approval of the rezone and subdivision subject to the conditions in the staff report. *Exhibit I; Kristian Corbin Testimony.* Applicant representatives waived objection to the recommended conditions. *Testimony of Chad Stewart and Jayson Taylor.*

CONCLUSIONS

Jurisdiction:

The Hearing Examiner has jurisdiction to review and make a recommendation to City Council on the rezone - a Type IV application - pursuant to VMC 20.285.040.C(2).

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. Pursuant to VMC

20.210.020.D, when more than one permit is required for a given proposal, all applications are consolidated into a single review subject to the highest type of procedure that applies to any of the applications. Thus, the Hearing Examiner also has jurisdiction to issue findings and a recommendation to City Council on the subdivision application.

Pursuant to VMC 20.970.640.D, SEPA appeals must be consolidated with the hearing on the underlying governmental action. VMC 20.970.640.F(2)(b) grants the Hearing Examiner jurisdiction to issue a final decision on SEPA procedural appeals.

SEPA:

The State Environmental Policy Act (Chapter 43.21C RCW or “SEPA”) specifies the environmental review procedures the City must follow for proposals that may have an impact on the environment. *RCW 43.21C.030(b)*. The SEPA threshold determination is a determination as to whether a proposal is “likely to have a probable significant adverse environmental impact.” *WAC 197-11-330*. The lead agency must make its threshold determination “based upon information reasonably sufficient to evaluate the environmental impact of a proposal.” *WAC 197-11-335*; *see also Moss v. City of Bellingham*, 109 Wn.App. 6, 14, 31 P.3d 703 (2001). When making the impact determination, the lead agency must consider mitigation measures that the agency or Applicant will implement, including any required by adopted development regulations, comprehensive plans, or other adopted laws. *WAC 197-11-330*.

The City’s procedures for appealing a SEPA threshold determination are set forth in VMC 20.790.640. Pursuant to VMC 20.790.640.C(1), procedural appeals “shall consist of an appeal of the responsible official’s compliance with the provisions of SEPA, the SEPA rules,⁶ and this Chapter with respect to the following:

- a. Determination of non-significance;
- b. Determination of significance;
- c. Adoption or issuance of a Final Environmental Impact Statement.”

VMC 20.790.640.C(1).

VMC 20.790.640.B specifies that the City’s appeal procedures are to be constructed consistently with RCW 43.21C.075.⁷ RCW 43.21C.075, in describing appeal procedures, distinguishes between procedural determinations and substantive determinations, with an appeal of a procedural determination including “the adequacy of a determination of significance/non-significance or of a final environmental impact statement.” *RCW 43.21C.075(3)(a)*. The question of the adequacy of a threshold determination requires consideration of facts relating to the environment. Thus, the Hearing Examiner is not persuaded by City arguments that a “procedural” appeal precludes discussion of facts other than those relating to the procedures of

⁶ The City has explicitly adopted by reference many of the SEPA rules, including WAC 197-11-060 (content of environmental review), WAC 197-11-158 (reliance on existing plans, laws, and regulations), WAC 197-11-330 (threshold determination process), and WAC 197-11-660 (appeals). *VMC 20.790.610*; *VMC 20.790.110*; *VMC 20.790.210*.

⁷ The specific citation given - 43.21.075 - appears to be in error, as the SEPA appeal procedures are codified in RCW 43.21C.075. RCW 43.21.075 (without a letter) does not exist.

timing and notice. The procedure at issue is the responsible official's decision to issue a particular threshold determination.

The City's SEPA procedural determination is entitled to substantial weight, and the burden is on the Appellant to establish a violation of SEPA, the SEPA rules, or the provisions of VMC 20.790. *VMC 20.790.640.F(2)(a)(1)(d)*.

Rezone Criteria for Review:

Pursuant to VMC 20.285.060, the approval criteria for a standalone zoning map amendment (i.e., a map amendment not involving a comprehensive plan amendment) require demonstration of the following:

1. How the proposal is more consistent with applicable policies of the Vancouver strategic plan and comprehensive plan than the existing designation; and
2. That a change in circumstances has occurred since the existing designation was established.

Subdivision Criteria for Review:

Pursuant to VMC 20.320.040, to obtain approval of a preliminary subdivision, the Applicants must demonstrate compliance with 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.
- H. Narrow Lot Additional Criteria. Land divisions which contain one or more residential lots having a width of less than 40 feet shall meet additional criteria of VMC 20.927.030.A, B, and C.

Narrow Lot Development Approval Criteria:

Pursuant to VMC 20.927.030, in order for the City to grant approval of a preliminary short subdivision or subdivision that proposes narrow lots, the Applicant shall demonstrate compliance with the following criteria:

- A. Conflicts on narrow lots shall be eliminated. The development has been designed to eliminate conflicts between on-site and off-site improvements and features associated with narrow lots. Specifically, the location, size, and design of features including driveways, public and private utilities (water, fire hydrants, sewer, roof infiltration, gas, cable, phone, electricity, etc.), on-street parking spaces, street trees, existing trees, light poles, common mailboxes, street signs, etc., shall be considered in the design of the development and coordinated to eliminate conflicts with one another and meet minimum spacing requirements.
- B. Adequate guest parking shall be provided. The development has been designed to provide for at least one guest parking space for every three narrow lots in the development. Such spaces may be located on-street (on local access or loop classification roadways only) or in common parking areas subject to the development standards of VMC 20.927.040.A(2).
- C. Solid waste and recycling collection and access shall be provided. The development shall be designed to provide for safe access and maneuvering by solid waste and recycling collection vehicles to designated collection points for each lot.

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.

Conclusions Based on Findings:

SEPA Appeal

1. The Appellants have not satisfied their burden of proving that the City's decision to issue a DNS was in error. The Appellants did not explicitly allege that a different threshold determination - such as a determination of significance (requiring preparation of an environmental impact statement) - is warranted. Lacking evidence from a qualified transportation professional capable of disputing that provided by the Applicant and accepted as adequate by the City, the record does not support a conclusion that the project would result in impacts that are probable, significant, and adverse as those terms are used in SEPA. The City based its decision on sufficient environmental information, including the environmental checklist and professionally prepared traffic reports. Based on previous complaints regarding cut-through traffic, the City has already installed traffic calming on SE 195th Avenue, and those measures have been successful. The City has also removed one of the U-turn restrictions on SE 192nd Avenue. The Appellants have not pointed to authority vested in the Hearing Examiner to direct the removal of the remaining U-turn restriction, nor authority for an Examiner-imposed requirement for the City to provide permanent assurance that U-turn restrictions would not be reimposed in the future if circumstances warrant. The Hearing Examiner is not convinced that updated traffic speed information is needed for the project threshold determination, as speed monitoring has occurred multiple times over the years, the information is not directly indicative of project-related impacts, and traffic speed is enforced outside of the SEPA process. Having failed to demonstrate error, the procedural appeal must be denied. *Findings 24, 29, 30, 42, 43, 44, 45, and 46.*

Rezone

2. By allowing for increased housing supply, and by providing higher-density housing in an area within walking distance of public transit and facilities such as parks and schools, the proposed rezone to R-17 is more consistent with the Vancouver Strategic Plan and the Comprehensive Plan than the existing R-9 designation. *Findings 5, 8, 9, 31, and 40.*
3. The City's need for additional and affordable housing, as reflected in the 2022 housing code updates that created the R-17 zone, represents a change in circumstances since the R-9 zone was adopted. *Findings 10 and 11.*

Subdivision

4. As conditioned, appropriate provision has been made for transportation, water, storm drainage, erosion control, and sewage disposal. The local street system has capacity to serve the development. Impact fees and proportionate share mitigation fees would mitigate the impact of the project's increased trips on the surrounding transportation system. *Findings 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35, and 36.*

5. As conditioned, appropriate provision has been made for streets, alleys, utilities, and other improvements consistent with City and State standards, as modified through the road modification process. *Findings 19, 20, 21, 22, 23, 32, 33, and 35.*
6. Park and school impacts would be mitigated through payment of impact fees. *Findings 39 and 40.*
7. The design of the subdivision takes into account the physical features of the site. The proposed use of infiltration trenches for stormwater management is compatible with soil conditions. There are no regulated critical areas on-site. *Findings 12 and 35.*
8. There are no prior subdivision terms or conditions that affect the proposal. *Finding 3.*
9. As conditioned, the subdivision complies with the applicable requirements of VMC 20.320, which address subdivision layout and access requirements. *Findings 16 and 19.*
10. The above criteria largely address the requirements of RCW 58.17.110. The state subdivision statute also includes a requirement that a subdivision make appropriate provision for safe walking conditions for students who only walk to and from school. In this case, there would be continuous sidewalks within the subdivision and along the walking routes to the public schools. The public interest would be served by the provision of housing consistent with the Strategic Plan, Comprehensive Plan, and the density standard of the R-17 zone. The proposal to develop detached residences is consistent with the UL Comprehensive Plan designation and adjacent land uses. *Findings 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, and 40.*
11. As conditioned, the proposal is consistent with the narrow lot development criteria. *Finding 17.*

DECISION AND RECOMMENDATIONS

Based on the foregoing findings and conclusions, the appeal of the March 12, 2024 SEPA DNS is **DENIED**.

The Hearing Examiner recommends to the Vancouver City Council that the requested rezone of 4.46 acres at 1019, 1119, and 1201 SE 192nd Avenue from R-9 to R-17 and the requested subdivision of the land into 60 single-family residential lots be **APPROVED** subject to the following conditions:

Prior to Civil Plan Approval

1. Upload the civil plan review set showing 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. Add the following note to the grading plans stating: “In the event that archaeological deposits are encountered during construction, work shall be halted immediately, and the City of Vancouver’s Community Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified in order for the findings to be investigated and assessed by a professional archaeologist.”
4. Revise the landscape plan to replace the Rocky Mountain Maple with a tree from the approved CDD Tree and landscape list.
5. Show tree and root protection on Grading Plans for street trees and off-site trees. Silt fencing shall go around tree and root protection areas not along the property lines and through tree and root protection areas.
6. Revise plans to show cart set-out locations on the driveways or sidewalks along SE 12th Loop in order to meet fire emergency access width requirements on SE 12th Loop.
7. Revise the street naming as follows: the south segment of the proposed loop shall be named SE 12th Way, and the north segment shall be named SE 11th Way. The west segment of the loop shall be named SE 193rd Place, and the east segment shall be named SE 194th Place.
8. Pay concurrency modeling fees totaling \$1,500.
9. Pay proportionate share fees totaling \$33,500.
10. Include the City of Vancouver standard advanced pavement restoration requirements on the civil drawings.
11. Complete the sanitary sewer design on the civil drawings. The design shall be completed in accordance with the City of Vancouver’s General Requirements and Details for the Design and Construction of Public Sanitary Sewers. Address redline comments and submit the final design for civil plan approval.
12. Provide a Construction Stormwater Pollution Prevention Plan (SWPPP) to the City.
13. The on-site stormwater facilities in the private tracts will be owned by the property owners. An easement in the form of a covenant running with the land shall be dedicated to the City of Vancouver around the stormwater facilities for access and inspection.
14. Add a note on the water utility pages as follows: “Underground fire sprinkler supply mains shall be installed only by contractors in compliance with WAC 212-80 and endorsed in accordance with VMC 16.04.095 under separate permit.”
15. Provide a fire response plan.

Prior to Commencing Public Improvement Construction

16. All fire hydrants for emergency use shall be established and maintained clear for emergency use.
17. Fire apparatus access roads shall be established.
18. 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. Please send to planreview@cityofvancouver.us.

During Public Improvement Construction

19. Secure construction permits and schedule and attend a pre-construction meeting. Construct new public sewer and service laterals as shown on the approved plans. Satisfy construction services inspection requirements and secure construction acceptance.
20. Satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval and secure final civil project acceptance.
21. Temporary address signage shall be visible and legible from the street fronting the property for emergency response during construction.
22. Fire hydrants shall not be obstructed in any manner.
23. Fire apparatus access roads shall be maintained clear for emergency response.
24. FDC/Standpipes shall be provided and accessible during construction, if applicable.
25. Fire Extinguishers and no smoking signs shall be provided during construction.

Prior to Final Plat Approval

26. Submit a final plat application. Applications can be found under Building, Planning and Environment on the City of Vancouver website, www.cityofvancouver.us.
27. Comply with all requirements set forth on the civil drawings pursuant to the minor road modification approval.
28. Provide the following improvements to SE 192nd Avenue, per City of Vancouver standards:
 - Construct a northbound right-turn pocket at the intersection of SE 192nd Avenue and SE 12th Way.
 - Remove all existing driveway accesses.

- There are open sidewalk code cases against the development parcels along SE 192nd Avenue (SWK-84424 and SWK-84425). The Applicant must repair the sidewalk deficiencies along the project frontage to ensure ADA compliance and conduct a street tree evaluation to determine if the existing trees are causing sidewalk trip hazards. For questions regarding the repairs that are required to be made, contact the Operations Department at sidewalks@cityofvancouver.us.
- The proposed development is located within one mile of a school. Therefore, all existing pedestrian routes shall be protected until completion of construction. A right-of-way construction permit is required for any project that intends to close or alter a sidewalk or curb ramp for construction purposes. Each permit must include a Pedestrian Traffic Control Plan (PTCP). In general, the PTCP must limit sidewalk closures and avoid detouring of pedestrians to the opposite side of the street during construction. The designers of the PTCP must make every effort to allow pedestrians to continue using the sidewalk on the same side of the street as the construction project, if possible. PTCPs will be evaluated on a case-by-case basis, specific requirements will vary depending on location.
- Street lighting must be installed or upgraded to current standards, see street lighting comments below.
- Install traffic control devices as warranted, and storm drainage as required by the City stormwater ordinance.

29. Provide the following improvements for all four segments of the looped public street:

- Dedicate 48 feet of right-of-way and install an asphalt street with 28-foot paved width. Install rolled curb and gutter, and five-foot curb-tight attached sidewalk on one side of the street, per the applicable city standards and the conditions of the approved road modification. The attached sidewalk must be thickened to six inches, minimum. On the other side of the street install curb, gutter, and detached sidewalk, per T10-16.
- Construct a new intersection on SE 192nd Avenue with 35-foot curb return radii and standard directional ADA ramps, per the applicable city standards.
- Install a stop sign with stop bar at the intersection with SE 192nd Avenue to stop-control westbound traffic approaching the intersection. Also install a stop sign and stop bar at the intersection of SE 12th Way and SE 193rd Place to stop-control southbound traffic approaching the intersection.
- Install ‘No Parking – Fire Lane’ signs at appropriate spacing along one side of the looped street.
- Street lighting must be installed to current standards, see street lighting comments below.
- Install traffic control devices as warranted, and storm drainage as required by the city stormwater ordinance.

30. Dedicate the alley right-of-way, whether public or private, and install City of Vancouver standard alley improvements including a 20-foot paved alley width, inverted crown section, a two-foot concrete gutter pan in the center of the ally, and storm drainage as required by the City stormwater ordinance. Also, Applicant must install ‘No Parking – Fire Lane’ signs at appropriate spacing along both sides of the alley.
31. Provide the following improvements to the private streets, per City of Vancouver standards:
 - Dedicate an appropriate easement or tract at least 15 feet wide and install a minimum 12-foot-wide paved street surface, per T10-18. (The Applicant may increase the width of the street, if desired or if required by the fire dept.)
 - If the paved street width is less than 28 feet, Applicant must install “No Parking – Fire Lane” signs on both sides of the street.
32. Provide a shared access and maintenance agreement recorded on all parcels that are party to the private roadway.

33. *Notes Required on Plat*

Archeology

If any cultural resources are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and the City of Vancouver Community Development Department shall be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.

Impact Fees

Pursuant to VMC 20.915, Park, School, and Traffic impact fees will be calculated at time of building permit application and shall be due and payable at the time the building permit is issued, except as provided in Section 20.915.075. Notwithstanding the foregoing, all impact fees shall be recalculated for building permit applications that have not been issued within one year of submittal.

Infiltration

Individual infiltration systems to be installed on each lot. Homeowner is responsible for the maintenance of the infiltration system.

Private Streets

City of Vancouver has no responsibility to improve or maintain the private streets contained within, or private streets providing access to, the property described in this plat, nor does the City of Vancouver have responsibility for any of the infrastructure associated with the roadway such as sidewalks, drainage facilities, streetlights, curbs, or landscaping.

Tracts

Tracts A, B, and C (private parking tracts, private roads, public stormwater) are to be owned and maintained by the Homeowners' Association.

Trees

Development within this subdivision is subject to an approved tree plan. Tree removal is subject to approval by the City of Vancouver. All trees shall be planted prior to occupancy per the approved plan.

Zero Lot Lines

Zero lot line development subject to the standards of VMC 20.910.050.

Alternative Process for Vacation or Modification of Dedicated Easements (VMC 20.320.080 and RCW 64.04.175)

Easements dedicated or granted to the City of Vancouver on this plat may be modified by City Council using the easement vacation process and by recording of an updated plat. A Type II or Type III plat alteration process shall not generally be required to modify and/or vacate City of Vancouver easements on this plat. All other easements created by this plat may be amended through a Type II plat alteration process and recording an updated plat.

Public Utility Easement

An easement is hereby reserved under and upon the exterior six feet of all boundary lines of the lots and tracts adjacent to public/private roads for the installation, construction, renewal, operation, and maintenance of electric, telephone, TV, cable, and water. All lots containing pad mount transformers are subject to the minimum clearances as defined by Clark Public Utilities Construction standards. All proposed building designs on these lots must provide adequate clearance for all combustible materials. Also, sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six feet along the front boundary lines of all lots and tracts adjacent to public streets.

Prior to Issuance of any Building/Development Permits

34. Pay all required fees, including impact fees.

Prior to Issuance of Certificate of Occupancy

35. Pay sewer application fees, Fisher's Grove Pump Station surcharge fee of \$635 per EDU, and system development charges. Secure connection permits and connect the new building sewers to the new laterals in accordance with the plumbing code.
36. A certificate from a licensed landscape architect shall be provided verifying that landscaping indicated on the final landscape plan has been installed, for all commercial, multi-family and industrial projects.
37. All UIC wells are required to be registered with Washington State Department of Ecology. Proposed public UIC wells shall receive Washington State Department of Ecology UIC Program rule authorization prior to civil plan approval. Provide a copy of

the authorization in the final stormwater report during the plan review process. A copy of the registration application will be accepted if rule authorization notification has not been received from Ecology within 60 days of application for well registration. Registration forms shall include the following: ownership, facility/site information, and NPDES number for proposed public UICs.

38. Install required street trees and landscape buffer plantings per VMC 20.925.030.E.

Decided May 9, 2024.

By:



Sharon A. Rice
City of Vancouver Hearing Examiner