

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

In the Matter of the Application of	)	NO. PRJ-169176/LUP-84936
	)	
	)	
<b>The Landing at Vancouver, LLC</b>	)	<b>Lithia Auto Dealership at</b>
	)	<b>The Landing at Vancouver</b>
	)	
For Site Plan Approval,	)	FINDINGS, CONCLUSIONS, AND
Conditional Use Permit, and Master	)	DECISIONS
<u>Plan Modification</u>	)	

**SUMMARY OF DECISIONS**

The requests for site plan approval and a conditional use permit to construct a 227,277 square foot auto dealership and associated improvements on Lot 5 of The Landing at Vancouver master plan, and modification of the master plan to reduce the parking specified for Lot 5, are **GRANTED** subject to conditions.

**SUMMARY OF RECORD**

**Request:**

Kelsy Laughnan of LRS Architects, on behalf of The Landing at Vancouver, LLC (Applicant), requested site plan approval and a conditional use permit to construct a 227,277 square foot auto dealership and associated improvements on Lot 5 of The Landing at Vancouver master plan, and a modification of the master plan to reduce the parking specified for Lot 5. The subject property is located at 417 SE Olympia Drive, Vancouver, Washington.

**Hearing Date:**

The Vancouver Hearing Examiner conducted a virtual open record public hearing on the application on June 17, 2025. As described in the Hearing Examiner's *Post-Hearing Schedule and Order Reopening Record for Limited Additional Information*, the record was held open through June 25, 2025 for the following:

- 1) Additional information from the Applicant on parking;
- 2) Opportunity for written public comment from any members of the public who may have had technical difficulty joining the virtual hearing; and
- 3) Opportunity for written public comment on the parking reduction proposed as part of the master plan modification.

The Applicant timely submitted the requested parking information, and no public comment was submitted. The record closed on June 25, 2025.

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

**Testimony:**

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

Keith Jones, Senior Planner, City of Vancouver  
Bryon Balogh, Senior Architect, LRS Architects  
John Meier, Civil Engineer  
Rich Fox, General Manager, Mercedes Benz Portland  
Matthew Harrell

**Exhibits:**

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

1. Staff Report, dated June 3, 2025
  - A. Application Form, submitted March 10, 2025
  - B. Application Narrative
  - C. Transportation Fee Estimate, dated May 1, 2025
  - D. Proposed Development Plans
  - E. Notice of Application and Remote Public Hearing, dated April 10, 2025
  - F. Stormwater Report, dated February 2025
  - G. Geotechnical Report, dated June 12, 2024
  - H. Trip Generation and Distribution Report, dated February 26, 2025
2. Memorandum from Keith Jones, City of Vancouver, dated June 17, 2025
3. Applicant PowerPoint
4. Memorandum from Kelsy Laughnan, dated June 20, 2025, with the following attachments:
  - A. Cover Sheet A01
  - B. Master Plan P3.0 with color-coded parking
  - C. Site Plan A02 with color-coded parking
  - D. Roof Overall Floor Plan with color-coded parking
  - E. Zoning Parking Takeoff/Display Area Parking Calculations SK2

Also included in the record of these proceedings is the *Post-Hearing Schedule and Order Reopening Record for Limited Additional Information*, issued by the Hearing Examiner on June 18, 2025.

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

## FINDINGS

1. The Landing at Vancouver, LLC (Applicant) requested site plan approval and a conditional use permit to construct a 227,277 square foot auto dealership and associated improvements on Lot 5 of The Landing at Vancouver master plan. The Applicant also submitted an application requesting approval of a modification of the approved master plan to reduce the parking specified for Lot 5. The subject property is located at 417 SE Olympia Drive, Vancouver, Washington. *Exhibits 1, 1.A, 1.B, 1.D, and 2.*
2. The application was submitted on March 10, 2025 and deemed fully complete on April 3, 2025. *Exhibit 1.*
3. The subject property is part of a multiple building mixed use master plan that was first approved in 2005 and last amended in October of 2024. The approved master plan provides for motor vehicle sales in a building of the same total floor area proposed (227,277 square feet) in the location proposed. The only difference between the use as described in the approved master plan and the use now proposed is that the master plan map indicates that the minimum required parking on Lot 5 - and the amount that would be provided - is 101 parking spaces, whereas, based on updated parking calculations, 40 spaces are required, and 46 spaces are proposed. The Applicant requested a modification of the master plan to reflect solely these changes to parking. *Exhibits 1, 1.B, 1.D, and 2.*
4. A preliminary binding site plan to subdivide Phases 1 and 3B of the master plan into nine lots and five tracts was approved in October of 2024. The proposed car dealership would be located on Lot 5 of the binding site plan. Lot 5 is 118,811 square feet in area. Each site dimension is more than 300 linear feet. *Exhibits 1 and 1.D.*
5. The subject property is zoned Mixed Use (MX) and has a Comprehensive Plan designation of Commercial. *Exhibit 1.* The purpose of the MX zone is as follows:

Mixed use developments allow for placement of a mix of uses in a single building or integrated site of multiple buildings. Mixed use developments are intended to allow for efficient use of land and public services in an urban setting; encourage human interaction and sense of place; create safe, attractive, and convenient environments; and increase development alternatives.

*Vancouver Municipal Code (VMC) 20.430.060.* Mixed use developments consisting of separate structures within a site or contiguous sites are allowed in the MX zone with approval of a multiple building mixed use master plan. *VMC 20.430.060.C(1).* The master plan governing the subject property was approved in 2005 and was last amended in October of 2024. *Exhibit 1.* Motor vehicle sales are allowed in the MX zone with conditional use permit approval, provided the criteria set forth in VMC 20.430.030-1 are satisfied. These criteria require: minimum site dimensions of 200 feet by 200 feet (or 100 feet by 100 feet if a corner lot); approval by the City transportation manager of circulation, access, and parking; location on a primary arterial with average traffic in excess of 10,000 vehicles per day; provision of employee/customer parking at a rate of one space plus an additional space per 5,000 square feet of lot area; and landscaping of

all setbacks. No vehicle display is allowed in setback areas. *Exhibit 1; VMC Table 20.430.030-1.*

6. Conditional use permits (CUPs) and master plan modifications to reduce parking by more than 10% are decided through a Type III process by the Hearing Examiner. *VMC 20.245.020; VMC 20.260.030.B(3)(c)(3); Exhibits 1 and 2.* The requested site plan review is a Type II application, typically decided by the Planning Official. *VMC 20.270.030.* However, the VMC consolidates multiple related applications for consideration in one proceeding subject to the process required for the highest level permit. As such, all items are reviewed using the Type III process and decided by the hearing examiner. *VMC 20.210.020.D.*
7. The subject property is surrounded on three sides (west, north, and east) by MX-zoned land that is within the same master plan as the subject property and to the south by MX-zoned street right-of-way. Within the master plan, the designated adjacent land uses include car dealerships to the east and west and an open space tract to the north. Southeast Mill Plain Boulevard, a principal arterial with an average traffic volume exceeding 10,000 vehicles per day, borders the southern site boundary. The centerline of the street is the dividing line between the MX and Community Commercial zone. There are assorted commercial uses, including auto-oriented uses, on the south side of SE Mill Plain Boulevard. *Exhibits 1, 1.B, and 1.D; Google Maps Site View.*
8. The proposed four-story car dealership building (which would also include rooftop parking) would include a showroom, office space, restrooms, parts storage, vehicle service bays, employee parking, and vehicle inventory parking. An adjacent surface parking lot would provide parking for sales customers, vehicle service, and display vehicles. Of the 227,277 square feet of building gross floor area (including the roof top), 29,092 square feet would be used for showroom purposes. *Exhibits 1.D and 4.E.*
9. The proposed hours of operation for the showroom would be 9:00 am to 7:00 pm Monday through Saturday and 10:00 am to 6:00 pm Sunday. The hours of operation for the parts center would be 7:00 am to 6:00 pm Monday through Friday and 8:00 am to 4:00 pm on Saturday. The hours of operation for vehicle service would be 7:00 am to 6:00 pm Monday through Saturday and 10:00 am to 5:00 pm on Sunday. *Exhibit 1.B.*
10. Pursuant to Vancouver Municipal Code (VMC) Table 20.430.040-1, there are no minimum lot size, width, or depth requirements in the MX zone. The MX zone also has no minimum setback requirements unless the property abuts an R zone. The lot coverage may reach 100%, and the maximum building height varies depending on adjacent zoning and building setback. When the abutting zone is MX, the maximum building height is 35 feet, with an additional two feet of building height allowed for each additional foot the structure is set back from the property line, to a maximum building height of 75 feet. At least 15% of the site must be landscaped. *VMC Table 20.430.040-1; Exhibit 1.*
11. The proposed building would be four stories tall, with rooftop parking adding a fifth floor of use. Consistent with the height limitation of the zone, the building height would be 65

feet, four inches. The building would be set back approximately 70 feet from the west, north, and east property lines, and approximately 20 feet from the south property line. *Exhibit 1.D; Byron Balogh Testimony.*

12. Consistent with the site mix standard of VMC 20.430.060.C(2)(b), including the car dealership under consideration in the instant proceedings, at least 20% of the combined gross floor area of the buildings within the master plan area would be devoted to residential uses, and at least 20% would be devoted to nonresidential uses. As shown on the most recently amended master plan map, approximately 26% of the gross floor area of the master plan (408,467 square feet) would be devoted to residential uses (which residential uses have already been constructed) and approximately 74% of the gross floor area of the master plan (1,155,794 square feet) would be devoted to nonresidential uses. *Exhibits 1.B and 4.B.*
13. The functional and physical integration of land uses within the master plan, required by VMC 20.430.060.C(2)(c) and (d), was reviewed in conjunction with the most recent master plan amendment, which provides for a car dealership in the location proposed. The site plan for the proposed car dealership includes pedestrian paths connecting to the larger pedestrian path system proposed for the master plan. Pedestrian paths would connect the building to SE 139th Avenue and Mill Plain Boulevard (both of which have or would have sidewalks), and to a path along the eastern lot line. The path system would connect the site to the Tract B open space to the north as well as to other elements of the master plan, including a planned hotel, medical office, and restaurant. The proposed building would have modern design characteristics that would be consistent with the character of existing and future commercial development. As required by VMC 20.430.060.C(2)(d)(4), at least five percent of the master plan area would consist of open space, most of which would be adjacent to the project site. *Exhibits 1, 1.B, 1.D, and 4.B.*
14. Consistent with VMC 20.430.060.C(2)(e)(2), which requires a floor area ratio of at least 0.5, and the approved master plan, which requires a floor area ratio of at least 1.05, the proposed development would have a floor area ratio of 1.99. *Exhibits 1.B and 1.D.*
15. Consistent with VMC 20.430.060.C(2)(f)(1), less than 50% of the site frontage on SE Mill Plain Boulevard would be devoted to off-street parking or vehicular access. Most of the site frontage would be occupied by the proposed dealership building. The single driveway from SE Mill Plain Boulevard would be limited to emergency access only, with access controlled by bollards. There would be landscaping between the street and the nearest parking spaces. The building entrance would be identifiable from SE Mill Plain Boulevard. There would be no blank walls facing any street. *Exhibits 1.B and 1.F.*
16. Pursuant to VMC Table 20.945.070-2, the motor vehicle sales use requires one parking space for each 1,000 square feet of gross floor area, plus four spaces, and an additional one parking space for each 10,000 square feet of open sales area in excess of 10,000 square feet. As applied to the proposed car dealership, which would have 29,092 square feet of showroom space and 75,476 square feet of open vehicle display, the total number of parking spaces required is 40. *Exhibit 4.E.* Per VMC 20.430.060.C(2)(h)(1), the

maximum number of parking spaces is 125% of the minimum for sites under 10 acres, or 50 spaces for the proposed auto dealership. *Exhibits 1 and 4.E.*

17. The Applicant proposes 46 parking stalls (within the range allowed by code) to serve as sales and parts customer parking and employee parking, with the customer parking within a surface lot outside of the building and the employee parking on the roof of the building. These 46 stalls would also comply with the standard of VMC Table 20.430.030-1 (one space plus an additional space per 5,000 square feet of lot area, or 25 spaces for the 118,811 square foot site). An additional 473 parking spaces would be provided for inventory storage and display and for service department use. These spaces would be located within the surface lot and on the first, second, fourth, and rooftop levels of the building. *Exhibits 4, 4.B, and 4.E.*
18. The reason for the discrepancy between the amount of parking specified in the master plan and the amount proposed is calculation methodology. The original methodology, which was based on a conservative interpretation of the Code and had not been fully vetted by City Staff, overstated parking demand by considering portions of the structure not actually used by people. The current agreed-upon methodology limits the first portion of the calculation (based on gross floor area) to showroom areas. It should be noted that the proposed reduction in calculated code-mandated parking would not reduce the overall number of parking stalls below what was originally contemplated for the use at the time of master plan approval, (and in fact the proposed site plan depicts a higher number of surface parking stalls than depicted on the original conceptual master plan map); the difference is only one of parking stall characterization. The change would not affect other uses within the master plan, which each have to satisfy their own minimum parking requirements. *Testimony of Keith Jones and Byron Balogh; Exhibits 2 (see attached 2024 Master Plan Map) and 4.E.*
19. The City's tree conservation ordinance (VMC 20.770) requires a minimum tree density of 30 tree units per acre of site disturbance and requires that trees be retained where feasible. The tree density requirement for the subject property is 83 tree units. The only existing trees on-site are the street trees within the planter strip along SE Mill Plain Boulevard. These street trees (totaling 4.5 tree units, based on VMC 20.770.070.B(4)(f)) would be retained, and the remainder of the tree density requirement would be met through planted trees. The Applicant proposes to plant eight new street trees (four tree units) and 79 trees elsewhere on-site (79 tree units), for a total of 83 tree units of new trees. The number of tree units including the existing street trees would be 87. The City's urban forester has reviewed the proposal and has determined that it complies with City requirements. *Exhibits 1 and 1.D.*
20. Consistent with the landscape standards of VMC 20.925, the Applicant would ensure through tree retention and planting that there is one street tree per 30 feet of street frontage, provide L2 buffers along the subject property's street frontages, and provide L1 buffers along the western and northern property lines. Parking lot landscaping would also be provided. Overall, approximately 17% of the site would be landscaped (15% is required) and, consistent with VMC 20.430.030-1, all setbacks would be landscaped and

not contain displayed vehicles. The City's urban forester reviewed the Applicant's landscape plan and recommended conditions to ensure all applicable requirements are satisfied, including a condition requiring the street trees along SE 139th Avenue to be shifted to provide additional clearance for the streetlight, and a condition to replace one of the existing street trees along SE Mill Plain Boulevard so that it is the same species as the other trees. In addition, Planning Staff recommended a condition prohibiting vehicle display within landscaped areas and pedestrian paths. *Exhibits 1 and 1.D.*

21. Consistent with the solid waste storage requirement of VMC 20.970.030.C(2)(d) (100 square feet plus four square feet per 1,000 square feet of gross floor area, calculated to exclude inventory storage areas, which would not generate waste), the Applicant proposes a 410 square foot solid waste enclosure (326 square feet is required), which would be within the proposed building and accessed through a 12-foot-wide overhead coiling door. The solid waste storage area would be accessible to collection vehicles. Planning Staff submitted that the proposal satisfies applicable solid waste requirements. *Exhibits 1, 1.B, and 1.D.*
22. Vehicular access to the car dealership would be from SE 139th Avenue, a recently completed non-residential local access street. *Exhibit 1.D; John Meier Testimony.* The circulation plan also includes a driveway stub to the lot to the east (Lot 3), which fronts on SE Olympia Drive. With respect to SE Mill Plain Boulevard, which runs along the southern site boundary, the street is improved along the subject property frontage, but Planning Staff recommended that project approval be conditioned on the Applicant repairing any sidewalk deficiencies along the property frontage to ensure ADA compliance, restoring any utility trenching, and - to limit the driveways on SE Mill Plain Boulevard - dedicating an access easement for Lot 3 to ensure its access to the emergency access on the subject property. *Exhibits 1 and 1.D.*
23. Because the conditions of the master plan required payment of proportionate share fees and construction of transportation improvements, traffic analysis for the proposed development was limited to ensuring that the cumulative traffic impact would not exceed the assumptions of the master plan. Based on the rates contained in the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition), the proposed car dealership is expected to generate 1,260 net new average daily trips, including 98 PM peak hour trips. This trip generation would be consistent with the traffic budget of the master plan and less than what was estimated for the use at the time of the last master plan revision. *Exhibits 1 and 1.H.*
24. Southeast Mill Plain Boulevard between SE 136th Avenue and SE 164th Avenue is a designated Category 1 concurrency corridor, which stipulates that the corridor is operating at or above the City's adopted level of service standard. The traffic generated by the car dealership is not expected to cause the corridor to drop below the adopted level of service standard. *Exhibit 1.*
25. The subject property is located within the No. 268 Transportation Analysis Zone and would contribute new PM peak hour trips to several Transportation Management Zones,

including corridors along Mill Plain Boulevard, 164th/162nd Avenue, Burton Road/28th Street, NE 18th Street, and 136th/137th Avenue. Based on this impact, the Applicant would be required to pay concurrency modeling fees of \$1,500 prior to civil plan approval. *Exhibits 1 and 1.H.*

26. The project is subject to payment of transportation impact fees pursuant to VMC 20.915, which would be calculated at the time of building permit application and paid prior to building permit issuance. *Exhibit 1.*
27. Stormwater runoff would be managed on-site in accordance with City standards through use of a mechanical filter vault for water quality treatment and an underground infiltration trench. Based on analysis by a geotechnical engineer, the soils on-site are suitable for infiltration. After reviewing the stormwater proposal, City Staff submitted that an oil/water separator is required for the use and recommended that it be provided as a condition of project approval. *Exhibits 1, 1.F, and 1.G.*
28. Water and sewer utilities are available to the site. The project would connect to the City water system from a main proposed within SE 139th Avenue. The project would connect to the City sewer system from a main extended across the northern edge of the site as part of the binding site plan improvements. City Staff submitted that the Applicant has demonstrated that the City's water and sewer requirements can be satisfied. *Exhibits 1, 1.B, and 1.F.*
29. The subject property does not contain any geologic hazards, wetlands, or other water features. *Exhibit 1.*
30. An archaeological predetermination was prepared in 2005 in conjunction with the original master plan, and it was determined that no further survey was required. The Washington Department of Archaeology and Historic Preservation was notified of the most recent master plan amendment request and did not submit any comments. *Exhibit 1.*
31. State Environmental Policy Act (SEPA) environmental review was conducted on the 2024 master plan amendment, which included the proposed car dealership. A final determination of non-significance (DNS) was issued for the master plan on July 9, 2024. Because the proposed car dealership is consistent with the master plan, no further SEPA review is required. *Exhibit 1.*
32. Notice of application and public hearing was issued on April 10, 2025. *Exhibit 1.E.* There was no public comment on the application. *Exhibit 1.*
33. Having considered all testimony and documents submitted, Planning Staff recommended approval of the conditional use permit, site plan, and master plan modification, subject to the conditions detailed in the staff report. *Exhibits 1 and 2; Keith Jones Testimony.* The Applicant waived objection to the recommended conditions of approval. *Byron Balogh Testimony.*



## CONCLUSIONS

### **Jurisdiction:**

The Hearing Examiner has jurisdiction to conduct an open record hearing and decide applications for conditional use permits and master plan modifications - both Type III procedures - pursuant to Vancouver Municipal Code 20.210.060, VMC 20.210.020-1, and VMC 20.260.030.B(3)(c)(3). 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.

### **Conditional Use Criteria for Review:**

Pursuant to VMC 20.245.040.A, the Hearing Examiner shall approve, approve with conditions, or deny an application for a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide adequate area for the needs of the proposed use;
2. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography, and natural features;
3. All required public facilities have adequate capacity to serve the proposed development;
4. The applicable requirements of the zoning district and other applicable documents are met except as amended by the conditional use permit or variances requested pursuant to Chapter 20.290 VMC; and
5. Identified impacts on adjacent properties, surrounding uses, and public facilities have been adequately mitigated.

### **Site Plan Criteria for Review:**

Pursuant to VMC 20.270.050 - Site Plan Approval Criteria, a site plan shall be approved when the following criteria are satisfied:

- A. Compliance with applicable standards. The proposed development shall comply with all applicable design and development standards contained in this Title and other applicable regulations.
- B. Adequacy of public facilities. The applicant shall demonstrate availability of adequate public services, e.g., roads, sanitary, and storm sewer and water, available to serve the site at the time development is to occur, unless otherwise provided for by the applicable regulations.

### **Master Plan Modification Criteria for Review:**

Pursuant to VMC 20.430.060.C(3)(a)(2), mixed use master plans shall be approved, or approved with conditions, upon findings demonstrating the following:

- a. The Master Plan and associated conditions of approval ensure future development will meet all applicable criteria of this chapter; and
- b. The proposal complies with applicable rezone criteria of VMC 20.285.080; and

- c. There is or will be sufficient capacity within the transportation system and public sewer, water, police, fire, and stormwater services to adequately serve all portions of the site at the time of development; and
- d. A change in circumstances has occurred since existing zoning designations at the site were originally adopted. For the purposes of a multiple building mixed use plan only, compliance with the development standards of VMC 20.430.060C2 and the applicable Comprehensive Plan policies shall be sufficient to demonstrate that a change in circumstances has occurred.

**Conclusions Based on Findings:**

1. As conditioned, the criteria for approval of a conditional use permit are satisfied.
  - a. The site size and dimensions provide adequate area for the use. The site dimensions exceed the minimum required by VMC 20.430.030-1. The site provides sufficient area to accommodate the use while providing building setbacks, parking, landscaping, and solid waste storage that meet or exceed minimum code requirements. *Findings 4, 5, 8, 10, 11, 15, 16, 17, 20, 21, and 33.*
  - b. The impacts of the use would be accommodated considering size, shape, location, topography, and natural features. The location of the use within a master-planned development and adjacent to existing and future commercial uses minimizes the potential for adverse impacts. There are no topographic or other natural features that would be affected by the development. There are no known cultural resources that would be affected by the development. *Findings 7, 29, and 30.*
  - c. With proposed improvements and as conditioned, required public facilities have adequate capacity to serve the development. *Findings 22, 23, 24, 25, 26, 27, 28, and 33.*
  - d. As conditioned, all applicable MX and other development standards would be satisfied. The use would be located on a sufficiently large lot on a principal arterial, and setbacks would be landscaped and not used for vehicle storage. More than 15% of the site would be landscaped. The development plan is consistent with the approved master plan, which provides for a building mix that is consistent with VMC 20.430.060.C(2)(b) and integrates the land uses as required by VMC 20.430.060.C(2)(c) and (d). The development plan provides connections to the walkway system contemplated within the larger master plan, provides for a floor area ratio exceeding 0.5, and satisfies street frontage requirements. The proposed parking would meet the requirements of VMC 20.430 and VMC 20.945. The requirements of VMC 20.770 would be satisfied by tree retention and tree planting. The site would be landscaped consistent with applicable standards. Sufficient area would be provided for solid waste storage. Stormwater and utility infrastructure would be installed consistent with City standards. *Findings 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 27, 28, and 33.*

- e. Identified impacts on adjacent properties, surrounding uses, and public facilities have been adequately mitigated. No specific impacts to adjacent properties or uses have been identified; planned land uses to the east and west are identical to the proposed use, and existing land uses to the south are compatible auto-oriented uses. The proposed hours of operation are reasonable and consistent with the commercial character of the area. Minimum setbacks would be met or exceeded on the site. With respect to public facilities, the conditions of approval address fire department requirements and require sidewalk repair and utility trenching restoration as needed along Mill Plain Boulevard. The traffic generated by the proposal would be within the scope of that reviewed through the master plan process. The project would be subject to payment of traffic impact fees. *Findings 7, 9, 10, 11, 22, 23, 26, 31, and 32.*
2. With conditions of approval, the criteria for site plan approval are satisfied.
  - a. As described in more detail in Conclusion 1.d, the proposal as conditioned complies with applicable design and development standards. *Findings 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 27, 28, and 33.*
  - b. With construction of proposed improvements and as conditioned, there would be adequate public facilities/services to serve the use. *Findings 22, 23, 24, 25, 26, 27, 28, and 33.*
3. The criteria for master plan modification are satisfied. Consistent with criterion (a), the change in parking would ensure that future development of Lot 5 meets the criteria of VMC 20.430, including the requirement that parking does not exceed 125% of the minimum calculated per VMC 20.945. Criteria (b) and (d) are inapplicable because no change in zone or land use is proposed. Because the modification would not affect the type or scale of development, there would be no new impact on public facilities. *Findings 3, 16, 17, and 18.*

## **DECISIONS**

Based on the preceding findings and conclusions, the requests for a conditional use permit, site plan, and master plan modification are **GRANTED** subject to the following conditions.

### **General**

1. Vehicles, including for sale inventory display, shall not be parked or displayed within the landscaping areas and pedestrian pathways as identified on the landscaping plans, LA sheets dated February 21, 2025 prepared by LRS Architects/Dougherty Landscape Architects.

### **Prior to Civil Plan Approval**

2. Pay concurrency modeling fees totaling \$1,500.
3. Remove and replant existing street tree 9 along SE Mill Plain Boulevard with a Green Vase *Zelkova* (*Zelkova serrata* ‘Green Vase’) to match existing.

4. Shift the southernmost five *Amur maackia* street trees along SE 139th Avenue to the south five to seven feet to provide more clearance to the streetlight of approximately 15 to 20 feet.
5. Arrange and retain all necessary shared access agreements with adjacent parcel if the City's contracted waste services provider (Waste Connections) will be using the adjacent parcel to access the solid waste storage area.
6. Complete the sanitary sewer design on the civil drawings. Prepare according to Vancouver's current Public Sanitary Sewer Design and Construction Standards. Install new private service laterals/building sewers as required. Size and include an outside oil/water separator with project-specific details. Address redline comments and submit the final design for civil plan approval.
7. Submit a final erosion and sediment control plan and a stormwater pollution prevention plan (SWPPP) and make updates per review comments.
8. Include an API or CP type oil/water separator as a part of the stormwater management system and update the Stormwater Report and Plans per review comments.
9. Show location of electrical vehicle supply charging types and elements.
10. Clearly identify the accessible route and demonstrate that the EV charger locations do not impede accessibility.
11. Provide a parking table for site parking to include all types of parking spaces that include EV chargers, EV ready, and EV capable types of accessible parking spaces, and EV location(s) for accessible space(s).
12. 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."
13. Provide a fire response plan, including the following:
  - Fire hydrant locations related to the project.
  - Fire lane marking locations and details.
  - Aerial apparatus location along one side of the building shown as hashed area (where applicable).
  - Vehicle gate locations (where applicable).
  - Emergency vehicle tracks.
  - Fire Department Connection location.

- Sprinkler riser location(s).
- Fire-pump location (where applicable).
- Fire alarm panel room location.
- Fire Command Center location or Fire Control Room (where applicable).
- Electrical and gas utility control room location(s).
- Electrical meter and gas meter location(s).
- Generator location.
- Mechanical room location(s).
- Knox-Box location (at main entry, or at fire protection equipment exterior door where adjacent to a fire lane).
- Standpipes and floor control valves.
- Location of elevator and stairwell shafts.
- Roof access door/hatch location, (where standpipes and sprinkler floor control valves are required, this shaft shall be the roof access shaft).
- Fire access doors (where applicable).
- Emergency or standby power generator location (where applicable).
- Hazardous materials locations (if known or where applicable).
- Fuel dispensing locations.
- Anticipated hazards to emergency operations (overhead power lines, slopes/cliffs, or hazardous processes).
- Presence of car stackers (where applicable).
- Hash line the required fire rated walls.

#### **Prior to Combustible Construction**

14. All fire hydrants for emergency use shall be established and maintained clear for emergency use.
15. Fire apparatus access roads shall be established.

#### **During Construction**

16. Secure construction permits and schedule and attend a pre-construction meeting. Construct the sewer facilities as shown on the approved civil plans. Satisfy construction services testing and inspection requirements and secure construction acceptance. Satisfy Building (plumbing) and Operations oil/water separator inspections.

17. Satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval and secure final civil project acceptance. Acceptance for this project is contingent on acceptance of the BSP improvements.
18. Temporary address signage shall be visible and legible from the street fronting the property for emergency response during construction.
19. Fire hydrants shall not be obstructed in any manner.
20. Fire apparatus access roads shall be maintained clear for emergency response.
21. FDC/standpipes shall be provided and accessible during construction, if applicable.
22. Fire extinguishers and no smoking signs shall be provided during construction.

**Prior to Issuance of Certificate of Occupancy**

23. Provide the following improvements to SE Mill Plain Boulevard, per City of Vancouver standards:
  - The Applicant must repair the sidewalk deficiencies along the project frontage to ensure ADA compliance. For questions regarding the required repairs, contact the Operations Department at [sidewalks@cityofvancouver.us](mailto:sidewalks@cityofvancouver.us).
  - Utility trenching shall be restored per T05-04A&B and T05-06A&B (CDF). Asphalt restoration shall meet the criteria of T05-01B and T05-07. A single continuous width restoration is required.
  - The Applicant proposes an emergency-only fire access on Mill Plain Boulevard. Only one emergency access will be allowed on this block of Mill Plain Boulevard, between SE 139th Ave and SE Olympia Drive. Therefore, the proposed emergency access for this lot must also be designed to serve the neighboring lot to the east (identified as Lot 3 on the Master Plan). The Applicant must dedicate an appropriate access easement across this lot for the benefit of Lot 3 and must construct a vehicular connection between the two lots near the south end of the shared property line. Contact staff if there are any questions.
24. Provide the following improvements to SE 139th Avenue, per City of Vancouver standards:
  - Construct site access driveways, unless they were installed with the overall street construction associated with the binding site plan.
25. Record a tree maintenance covenant.
26. Pay application fees and secure sewer connection permits. Connect new building sewers according to the plumbing code.

27. A licensed landscape architect shall provide a certificate verifying that the landscaping has been installed per the city-approved construction documents. Please submit to Keith Jones at [keith.jones@cityofvancouver.us](mailto:keith.jones@cityofvancouver.us).

Decided July 7, 2025.

By:



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Sharon A. Rice  
City of Vancouver Hearing Examiner

Note:

The hearing examiner's decision may be appealed to the Vancouver City Council within 14 calendar days after the date the examiner's decision is distributed. Appeals must be made in writing and be received within this time period. The letter of appeal shall state the case number designated by the city and the name of the applicant, name and signature of each petitioner, a statement showing that each petitioner is entitled to file the appeal under VMC Chapter 20.210.130.B, the specific aspect(s) of the decision being appealed, the reasons each aspect is in error as a matter of fact or law, and the evidence relied upon to prove the error (VMC 20.210.130.A).

A fee of \$2,468.00 must accompany the appeal. However, if the aggrieved party is a recognized neighborhood association, the fee assessed is \$186.00. The association must demonstrate at the time of appeal submittal that the decision to appeal was made pursuant to association bylaws.

Due to the limited days the permit center is open for walk-in assistance, the appeal request shall be emailed to [eplans@cityofvancouver.us](mailto:eplans@cityofvancouver.us), as well as to the case manager's e-mail address below, and the appeal fee electronically paid to the City of Vancouver.

For questions or additional information, you may contact the case manager by telephone at (360) 487-7887, or by e-mail at [keith.jones@cityofvancouver.us](mailto:keith.jones@cityofvancouver.us).