

BEFORE THE LAND USE HEARING EXAMINER
OF THE CITY OF VANCOUVER, WASHINGTON

Regarding MAJ Development Co.)
application for master plan and site plan)
approval for mixed-use development at the)
southwest corner of NE 4th Street and) FINAL ORDER
NE 136th Avenue in the City of Vancouver) PRJ-169771/LUP-85557

APPLICANT: Mike Jenkins, MAJ Development Corporation,
300 W. 15th Street, Suite 200
Vancouver, WA 98660

OWNER: Stonemill Center II LLC
120 NE 136th Avenue, Suite 200
Vancouver, WA 98684

LOCATION OF PROPOSAL: 13205 NE 4th Street
Southwest Corner of NE 4th St. and NE 136th Ave.
Tax Lots: 164738018, 164738020, 164738022 and
164738024

SUMMARY OF REQUEST: Site Plan Review and Master Plan Process approval
for a phased 152-unit multi-family development with
1,590 square feet of office space with associated
surface parking and landscaping

PROJECT NAME: The Mav Mixed-Use Development

SEPA DETERMINATION: Categorically exempt per VMC 20.790.820.A

APPROVAL CRITERIA: Master Plan – VZO 20.21.306 (1997) per
Development Agreement

PUBLIC HEARING: March 17, 2026 at 6:00 p.m.

STAFF REPORT: March 3, 2026
Prepared by Keith Jones, Senior Planner/Case
Manager

SUMMARY OF DECISION: The application is **approved**, subject to 34
conditions of approval.

SUMMARY

The applicant requests approval of a master plan and site plan review for a mixed-use development in the OCI zone (the “Application”) pursuant to, and authorized by a 1997 Development Agreement (DA) between the City of Vancouver and the Haagen Family Trust, recorded under assessor’s file number 9612260158. The DA allows review of the proposal under the 1997 Vancouver Zoning Ordinance (the “1997 Zoning Ordinance”) (Ex. H). The applicant proposes to construct a phased mixed-use development with 152 multi-family units and 1,590 square feet of office use on an approximately 5.02-acre vacant site in the City of Vancouver. The proposal consists of:

- Two 3-story, 15-unit multi-family buildings (Buildings A and G) with 6 live/work units;
- One 3-story, 18-unit multi-family building (Building F);
- Three 3-story, 24-unit buildings (Buildings B, D and E);
- One 4-story, 32-unit multi-family building (Building C);
- One 3,750 square foot, 1-story community building and a separate 1,590-square-foot office use;
- One swimming pool, one tot lot/playground, multiple plaza areas and one dog park;
- Four solid waste and recycling enclosures; and
- Surface parking, landscaping and other infrastructural improvements.

Access is proposed by way of two existing driveways on NE 4th Street. Hours of operation for the office/retail use will be from approximately 7:00 a.m. until 6:00 p.m. Monday through Friday, with possible office hours on Saturday and/or Sunday. Ex. C. The applicant proposes development of the proposed project in eight (8) phases, described as follows (Ex. C):

- Phase 1 – Community and Office buildings along with the swimming pool, play area and dog run. Phase 1 will also include construction of the main internal drive aisle.
- Phase 2 – Building ‘D’.
- Phase 3 – Building ‘C’.
- Phase 4 – Building ‘G’ and associated parking along Buildings ‘E’, ‘F’ and ‘G’.

- Phase 5 – Building ‘F’.
- Phase 6 – Buildings ‘E’.
- Phase 7 – Building ‘B’.
- Phase 8 – Building ‘A’.

Phasing will not necessarily follow any predetermined order. Some or all phases may be constructed simultaneously. Infrastructure improvements will be constructed with each phase to provide for fire/life/safety which includes, but is not limited to, installation of fire hydrants, vehicular drive aisles for emergency vehicle access, parking stalls, etc., separately sufficient to support each phase. Ex. C.

The site is zoned Office Commercial Industrial (OCI). Within the OCI zone, multi-family housing is permitted only on floors above grade. Vancouver Municipal Code (VMC) Table 20.440.030-1, Footnote 2. The applicant requests review pursuant to the 1997 Zoning Ordinance (Ex. H), as permissible under the DA. The DA was clarified in 2022 and extended in 2012 and 2016. The applicant’s reliance on the DA for vesting of the mixed-use development requires application of the mixed-use (MX) overlay standards in Section 20-21-306 of the 1997 Zoning Ordinance. Ex. H. Because the site was zoned Industrial/Commercial (MC) at the time the DA was established, the MX provisions may be applied per Section 20.21.306.A of the 1997 Zoning Ordinance. Ex. H. The applicant has the burden of proof to demonstrate compliance with all applicable requirements. The Hearing Examiner reviewed the master plan proposal as a Type III application with a Type II site plan review together in a Type III quasi-judicial open record public hearing.

PUBLIC HEARING AND RECORD

An open record, quasi-judicial public hearing on the Application commenced at 6:00 p.m. on Tuesday, March 17, 2026. The hearing took place in an online format using the Microsoft

Teams platform with City Staff serving as the host. Applicant representative Mike Odren provided testimony and presented a PowerPoint slide presentation of the proposal (Ex. 2). The City appeared through Keith Jones, Senior Planner/Case Manager. City of Vancouver Hearing Examiner, Stephanie Marshall, presided. One member of the public pre-registered to provide testimony at the hearing. She stated she was primarily in attendance to listen, and commented that she appreciates how hard the developer has worked on the proposal.

A verbatim recording was made of the public hearing and all testimony was taken under oath. Documents considered include the Staff Report dated March 3, 2026 (Ex. 1), and exhibits thereto:

- Exhibit A: Application Form
- Exhibit B: Notice of Application and Public Hearing
- Exhibit C: Application Narrative
- Exhibit D: Plan Set (51 pages)
- Exhibit E: Traffic Analysis dated September 10, 2025
- Exhibit F: Stormwater Report dated November 3, 2025
- Exhibit G: Geotechnical Report dated August 18, 2025
- Exhibit H: 1997 City of Vancouver Zoning Ordinance

The public hearing and record were closed at the conclusion of all testimony. Additional exhibits received during the hearing and introduced into the record include:

- Exhibit 2: Applicant's PowerPoint Presentation

All exhibits and records of testimony are filed at the City of Vancouver.

At the beginning of the hearing, the Examiner described how the hearing would be conducted and how interested persons could participate. The Examiner disclaimed any *ex parte*

contacts, bias, or conflicts of interest. The following is a summary of selected testimony and evidence offered at the public hearing.

Applicant's Presentation. Mike Odren, the applicant's land use planner and architect presented a PowerPoint slide show depicting various aspects of the proposal and including numerous photographs of views from the site onto adjacent properties. Mr. Odren testified that there are multiple plaza areas planned throughout the development. He stated that the four lots will be combined into a single lot. Mr. Odren testified that the proposal is reviewed in accordance with a Development Agreement that vested the applicable land use standards in existence at that time. Except for current code requirements concerning solid waste, recycling and engineering, the proposal is subject to the 1997 Vancouver Zoning Ordinance. He addressed the current zoning and comprehensive plan designation for the site.

Mr. Odren testified that the majority of the site is vacant with no significant vegetation. He addressed the proposed stormwater facility and referred to the applicant's Level V Tree Plan. All trees along the southern portion of the site will be removed because they cannot be kept; trees just off the site will be retained. Some mature street trees will be removed for driveway approach, and will be replaced with new trees along 136th Avenue and 4th Street, as required by the urban forester. The proposal will meet the minimum tree density requirements.

Mr. Odren testified that this proposal is similar to another project to the east. He provided an overview of sidewalk access, commercial uses and direct access to the site. The proposal has been reviewed to date as a streamlined project. Mr. Odren testified that there are minor revisions to be made. Building C, a proposed 4-story building, will be adjusted so as to have minimal aerial access. Americans with Disabilities Act (ADA) parking will be shifted closer to the drive aisle.

One carport with a proposed location within a sewer easement will be removed. Mr. Odren stated that one of the aerial photographs should have shown that, in the northeast corner of the site, to the west, the east portion of an existing parking lot will be removed. He noted corrections to the Staff Report: 234 parking stalls will be provided, including 59 electric vehicle (EV) spaces, and five percent (5%) of the units will be ADA compliant, for a total of 8 units. Mr. Odren testified that the latest site plan meets minimum EV charging requirements.

Mr. Odren requested a revision to proposed Condition of Approval 16 (condition 19 in this Decision). As drafted, the Condition would require the applicant to show accessible route and indicate which play features have accessible components on the site plan (emphasis added). Mr. Odren commented that the City does not review private playground structures for ADA compliance. He confirmed that there are accessible routes shown throughout the site plan to all buildings, uses, sidewalks, the play area, dog park and pool. He also stated that there are several panels that are currently “lifting” in sidewalk areas and that these will be ground down to improve accessibility.

City’s Presentation. Keith Jones, Senior Planner and Case Manager, testified that he cannot verify Mr. Odren’s comments concerning proposed Condition of Approval 16. In response, Mr. Odren referenced email correspondence with the City Building Official on which the applicant is relying. Mr. Jones presented the Staff Report and procedures undertaken to date. He testified that mailed notice was sent to all properties within 500 feet from the outer boundaries of the site and published in the Columbia newspaper. SEPA review is not required for the proposal. No public comment was received. Mr. Jones stated that the Staff Report is Exhibit 1 and all other documents in the record are lettered thereafter. The applicant’s presentation is referred to as Exhibit 2.

Public Testimony. Margaret Milem, of the Fircrest Neighborhood Association, registered in advance to provide testimony at the hearing. When called upon to testify, she stated she was only in attendance to listen and expressed appreciation for how hard the developer has worked on the project.

City's Response. Mr. Jones did not have any further comment or testimony.

Applicant's Response. Mr. Odren concluded by stating that they presented the proposal to the Fircrest Neighborhood Association and that the Association was happy to have been provided that opportunity. He closed by emphasizing the retention of most street trees and reiterated that additional tree planting that will occur.

Having considered testimony at the public hearing and reviewed the record, the Hearing Examiner enters the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

1. Any Findings of Fact contained in the foregoing Summary and/or Public Hearing and Record Sections are incorporated herein by reference and adopted into these Findings of Fact.

2. In 1997, when the DA was adopted, site plan review was considered a minor action pursuant to the Section 20.00.240 of the 1997 Zoning Ordinance (Ex. H), which is comparable to the current Type II review process, involving a staff decision with public notice and an opportunity for public comment. The MX Master Plan process was considered a major action in 1997, equivalent to the current Type III process which requires a public hearing. 1997 Zoning Ordinance Section 20.00.250. Ex. H. The site plan review and master plan process for the proposal have been processed together as a Type III action, subject to a public hearing before the Hearing Examiner.

A. Procedural History

3. A pre-application conference for the proposed development was held on June 5, 2025 (PIR-85113), as required by Type III review process. VMC 20.210.060; VMC 20.210.080.

4. A concurrent review application was submitted for the proposal on November 5, 2025 (LUP-85557) (Ex. A), supported by a Project Narrative (Ex. C), a Plan Set (Ex. D), Traffic Analysis (Ex. E), Stormwater Report (Ex. F) and Geotechnical Report (Ex. G). The City determined the Application was fully complete on December 9, 2025.

5. A Staff Report was issued on March 3, 2026. Ex. 1. Staff recommended approval of the Application subject to 31 conditions of approval. Staff's recommendation reflects review of comments received during the comment period and knowledge gained from a site visit. Ex. 1.

6. The following staff participated in review of the Application: Keith Jones, Senior Planner/Case Manager; Eric Hahn, Transportation; Lucas Saylor, Fire; Joey Bradley, Water; Mark Castle, Sewer; Brandon Teetsel, Stormwater; Susan McNutt-Koning, Building; Amanda Romero, Solid Waste; Charles Ray, Urban Forestry. Ex. 1.

7. A Notice of Application and Remote Public Hearing was issued on December 18, 2025. Ex. B. No public comments were received within the public comment period that ended at 4:00 p.m. January 20, 2026.

8. The City held a Public Hearing on March 17, 2026 at 6:00 p.m.; Vancouver Hearing Examiner Stephanie Marshall presided.

9. City staff recommended approval of the proposal, based on the affirmative findings and subject to conditions of approval in the Staff Report. The applicant accepted those findings with several corrections noted in the Public Hearing and Record section above. The applicant

accepted the proposed conditions of approval, but requested revision of proposed Condition of Approval 16 to remove the requirement for ADA review of playground structures. The Hearing Examiner revised proposed Condition of Approval 16 accordingly, which is included as Condition 19 below.

10. City staff determined in affirmative findings in the Staff Report that the proposed development does or can comply with applicable standards of the VMC, the 1997 Zoning Ordinance to which the property is vested, and the Revised Code of Washington, provided the applicant complies with proposed conditions of approval. Ex. 1. The Examiner adopts and incorporates by reference the affirmative findings in the Staff Report as her own, as modified in these Findings.

B. Applicant's Proposed Use

11. The applicant proposes a phased mixed-use development on the site that will include 152 multi-family units and 1,590 square feet of office use and will be comprised of: (1) two 3-story, 15-unit multi-family buildings with 6 live/work units; (b) one 3-story, 18-unit multi-family building; (3) three 3-story, 24-unit buildings; (4) one 4-story, 32-unit multi-family building; (5) one 3,750 square foot, 1-story community building and a separate 1,590-square-foot office use; (6) a swimming pool, tot lot/playground, multiple plaza areas and a dog park; (7) four solid waste and recycling enclosures; and (8) surface parking, landscaping and other infrastructural improvements.

12. A map of the site in relation to the surrounding area is shown in Exhibit A to this Final Order, incorporated herein by this reference.

C. Property Location, Characteristics and Surrounding Properties

13. The site is located at 13205 NE 4th Street, Vancouver, Washington; it is at the southwest corner of NE 4th St. and NE 136th Ave. The site is comprised of tax lots: 164738018, 164738020, 164738022 and 164738024. Ex. 1 and Ex. C.

14. The site is approximately 5.02 acres in size, generally flat and currently undeveloped except for an approximately 70-foot strip along the southern property line being that is currently used for joint parking with the development to the south, and associated landscaping. The existing parking located on the subject parcels will be removed with development of the project. Ex. C. According to Clark County GIS, there are no mapped critical areas on the site. Ex. 1 and Ex. C.

15. Existing vegetation, both on site and within the NE 136th Avenue and NE 4th Street rights-of-way, consists of flowering pear and pin oak street trees, maple, ash, cedar, ornamental shrubs, ornamental groundcover and pasture grass. Ex. C.

16. General Site Information is set forth on page 6 of the Staff Report (Ex. 1):

| | |
|--------------------------------|--|
| Zoning District | OCI |
| Adjacent Zoning Designation | OCI & CC |
| Comprehensive Plan Designation | IND |
| Parcel Size | 5.02 acres |
| Adjacent Land Uses | Commercial, Multi-family & vacant |
| Access Roads | NE 4 th St. & NE 136 th Ave. |
| Existing Vegetation | Grass and trees |
| Existing Structures | None |
| Topography | Generally flat |
| Geologic Hazards | No Mapping Indicators |
| Seismic Hazard | No Mapping Indicators |
| Habitat and Species Impacts | No Mapping Indicators |
| Flood Plains | No Mapping Indicators |
| Wetlands | No Mapping Indicators |

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|------------------------------|---------------------------------|
| Archaeology | Moderate-High |
| Drainage Basin | Burnt Bridge Creek |
| Wellhead Protection | No Mapping Indicators |
| Soils | Non-Hydric / LgB |
| Park Impact Fee District | C |
| School Impact Fee District | Evergreen |
| Impacted Schools | Hearthwood, Cascade & Evergreen |
| Traffic Impact Fee District | Cascade |
| Transportation Analysis Zone | 1700 |
| Sewer, Water & Fire District | Vancouver |
| Neighborhood Association | Fircrest |

D. Environmental

17. The State Environmental Policy Act (SEPA), Chapter 43.21C RCW (Revised Code of Washington), codified in VMC Chapter 20.790, requires the City to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The City determined the proposal is categorically exempt from SEPA environmental review under VMC 20.790.840(A)(1) and (3), because the proposal is fewer than 200 residential units and less than 12,000 square feet in commercial space. Ex. 1. The Hearing Examiner adopts this finding.

E. Applicable Regulations

18. VMC Chapters 11.70 Transportation Concurrency; 11.80 Street and Development Standards; 14.04 Water and Sewer Use Regulations and Charges; 14.08 Connection to Public Sewers; 14.16 Water and Sewer Service Connections; 14.24 Erosion Control; 14.25 Stormwater Control; 14.26 Water Resource Protection; 16.04.150 Fire Apparatus Access; 16.04.160 Fire Protection Water Supplies; 16.04.170 through 16.04.200 Fire Protection Systems; Applicable provisions of the 1997 Zoning Ordinance vested under the DA.

19. Review of the proposal is pursuant to the 1997 Zoning Ordinance, as permitted by the DA. Applicable documents include the original DA adopted July 21, 1997 (Resolution M-3117), the

clarifying agreement executed April 29, 2002, and the DA extensions recorded April 20, 2012 and again in 2016. The DA is presently set to expire May 1, 2032. Ex. 1 and Ex. C.

20. While residential use is not permitted in the MC district under Chapter 20.31 of the 1997 Zoning Ordinance, the applicant requests this project be reviewed in accordance with standards of the mixed-use zoning overlay classification (MX) in Section 20.21.306. The MX provisions may be used for property zoned Industrial-Commercial (MC) at the time the DA was established, including the subject site. Section 20.21.306.A. The property is vested under the 1997 Zoning Ordinance.

21. There are no minimum lot sizes, lot widths or lot depths in the MC district. The project meets or exceeds the minimum setback requirements as indicated in the Mixed-Use Development Standards, with the applicant's requested relief to maximum setback requirements addressed in Section F of these Findings of Fact. While the proposed buildings will exceed the maximum height of 35 feet, the maximum height requirement of 65 feet in the MX standards will be met. Ex. C.

22. As required in Section 20.21.306.B of the 1997 Zoning Ordinance, the applicant submitted a Master Plan as part of the detailed Site Plan (Site, Master and Phasing Plan) and a Concept Plan and Development Plan. Ex. C. All plans included in the application are of the same scale. Exs. C and D. The proposed office and multi-family are permitted uses under Section 20.21.306.D of the 1997 Zoning Ordinance; no drive-through facilities are proposed. No existing buildings on site are being converted. No outdoor business activities are proposed. Ex. C.

23. Section 20.21.306.E of the 1997 Zoning Ordinance requires a mix of uses either within a single building or on a development site to be provided. Residential uses must be provided,

but are not permitted on the ground floor of mixed use structures. Staff determined, and the Hearing Examiner agrees the proposal includes a mix of office, multi-family residential (including live/work units), and recreational uses that complies with Section 20.21.306.E of the 1997 Zoning Ordinance. No mixed-use buildings with residential units on the ground floor are proposed. Ex. C.

24. Section 20.21.306.F of the 1997 Zoning Ordinance requires all development on a mixed use site to provide a minimum floor area ratio (FAR) of .5:1 or a total of 50 square feet of gross area per one square foot of site area. Minimum Setbacks from the front, rear and sides are 10 feet; maximum setback is 20 feet. No more than 85% of the lot may be covered with building and parking and 15% minimum landscaping is required.

25. The height of the tallest building in the development will be approximately 48 feet, in compliance with height requirements. Ex. C. The proposed floor area ratio is .86:1 which exceeds the minimum FAR of 0.5:1. Ex. 1. Setbacks are addressed in the Findings below. The applicant's plans (Ex. D) and narrative (Ex. C) establish that no more than 85% of the site will be covered by buildings and parking and that the 15% landscaping requirement will be met. Exs. C and D.

26. Section 20.21.306.F.11 requires primary building entrances to be oriented to the major street on which the building has frontage and a 5-foot wide paved pedestrian circulation system. No more than 25% of the frontage shall be used for surface parking. The bland wall provisions shall be addressed. Buildings located along NE 136th Avenue (Buildings 'E' and 'F') have building entrances oriented towards NE 136th Avenue. The buildings located along NE 4th Street (Buildings 'A' and 'G' and the office use) have building entrances oriented towards NE 4th

Street. Direct, barrier-free pedestrian access is provided to the entrances for all three buildings. Exs. C and D.

27. The length of right-of-way along NE 136th Avenue is approximately 468 feet. Exs. C and D. There are no proposed blank walls along either NE 136th Avenue or NE 4th Street. Garages are not proposed. Exs. C and D. The street front elevations for Buildings ‘A’, ‘E’, ‘F’, ‘G’ and Community Building/Office have been provided with pedestrian entrances, interest-creating reliefs, and landscaping to comply with the 75% width and 50% ground level wall area. Exs. C and D.

28. The Hearing Examiner adopts Staff’s finding that the applicant demonstrated compliance with all applicable requirements in Section 20.21.306.F of the 1997 Zoning Ordinance.

F. Setbacks

29. 1997 Zoning Ordinance Section 20.21.306.C, Master Planning Process, states that the following can be adjusted through the master planning process:

- a) The minimum front, rear and side yard setbacks may be reduced to as little as 0 feet.
- b) The special maximum setback of 35 feet provided in Section 20-21-306.F.3.b may be increased by up to 10% and the percentage of the building facade this setback may apply to may be increased to 65 %.
- c) The setbacks from a residential district required by Section 20-21-306.F.3.a may be varied by up to 10%
- d) The requirement that 15% of total net area be landscaped [refer to Section 20-21-306.F.5.a(1) and 20-83-200(8)(5) may be adjusted as necessary when any or all of the setback(s) is(are) reduced to 0 feet. However where all setbacks are not reduced to 0 feet every effort shall be made to meet the 15 % requirement in the remaining setbacks.

30. The applicant requests an adjustment to the front yard setback for Buildings E and F in excess of 20 feet (maximum building setback) due to existing sanitary sewer and utility

easements as shown on the Existing Conditions Plan (Ex. D). Buildings E and F have been placed along the edge of an existing utility easement (AF 9506080047) which results in a 25-foot setback from the right of way along NE 136th Avenue, five feet more than the maximum building setback. The location of the existing utility easement prohibits Buildings E and F from being located any closer to the right of way along NE 136th Avenue. Ex. C.

31. Staff recommended approval of a front yard setback adjustment (Ex. 1); the Hearing Examiner adopts Staff's finding and approves the requested front yard setback adjustment.

G. Parking and Loading

32. Chapter 20.81 of the 1997 Zoning Ordinance governs Parking and Loading. The minimum parking required for residential units is 1.5 spaces per unit and the minimum parking required for office uses is one space per 400 square feet. Maximum parking is established at 125% of minimum. The proposed 152 units require a minimum of 228 spaces, and the 1,590-square-foot office space requires four spaces for a total of 232 required spaces. The applicant will provide 234 parking spaces, exceeding the requirement by two spaces, but not in excess of 125% of minimum parking. Exs. C and D.

33. Parking is not proposed between building facades and the rights-of-way along either NE 136th Avenue or NE 4th Street. Exs. C and D. Parking lot landscaping will be provided to meet the requirements of 1997 Zoning Ordinance Chapter 20.83.200-.220 by providing a 6-inch curb around the landscape areas, designed to visually break up expanses of paving, and 1 tree is provided for every 500 average square feet of parking lot landscaping. Exs. C and D. The surface parking located between Building 'A' and the Community Building and between Building 'G' and the Office use has a total frontage of 64 feet (four 16-foot deep parking stalls), which is

approximately 14% of the total frontage along NE 136th Avenue. Exs. C and D. This is less than the maximum 25% allowed by this section. Exs. C and D.

34. Screening of parking does not apply because there are no adjacent residential districts. Parking lighting will be shielded to prevent off-site light intrusion. Parking has been designed to prevent backing movements into the rights-of-way along NE 136th Avenue and NE 4th Street. Parking stalls will be striped. Garages are not proposed; shared parking is not proposed. The site is not within an Off-Street Parking Improvement District. Exs. C and D.

35. The Hearing Examiner adopts Staff's finding that the applicant has demonstrated compliance with all applicable provisions in Chapter 20.81 of the 1997 Zoning Ordinance.

H. Solid Waste Storage, Access and Collection: VMC Chapter 20.970

36. Solid Waste Collection and Recycling is subject to VMC Chapter 20.970, which establishes Solid Waste Storage Volume Requirements for Multi-family. Per Section 20.970.030.C.1, multi-unit residential buildings containing five or more units shall provide a minimum weekly storage area to accommodate the equivalent of 32 gallons of garbage per residential unit plus 48 gallons of mixed recycling and 8 gallons of glass recycling.

37. The Hearing Examiner adopts Staff's finding that, as shown on plans (020 SP10 Site and Master Plan.pdf) (Ex. D), the proposal will meet solid waste storage requirements in VMC 20.970.030.C and solid waste tenant access requirements in VMC 20.970.030.C.1 and VMC 20.970.040.B.3.

38. Pursuant to VMC 20.970.030.C.2, the proposed office building (1,590 SF) is required to have a minimum solid waste storage area of 106 square feet. Staff determined that, as proposed the office use does not occupy more than 20 percent of the gross floor area of the mixed-

use development. Ex. 1. Therefore, Solid waste storage area space in addition to the multi-family storage requirements is not required. Ex. 1. The applicant proposes that the office share one of the 316-square-foot exterior trash and recycling enclosures with the multi-family buildings and states that service frequency can be adjusted to accommodate additional waste generation. (020 SP10 Site and Master Plan.pdf) (Ex. D).

39. The Hearing Examiner adopts Staff's finding that the proposal will meet the minimum size requirement for commercial solid waste storage area in VMC 20.970.030.C.2.

40. VMC 20.970.040.C.3 requires all circulation and turnaround designs to be feasible using city-provided solid waste truck turning modelling templates and truck specifications. Collection vehicles shall be able to circulate the development and service receptacles with minimal backing required. Per VMC 20.970.040.A.4, outdoor enclosures shall not be located in a side or rear yard setback that abuts a property not within the same development. VMC 20.970.040.A.7 requires the storage area to be accessible for collection vehicles and located so it will not obstruct pedestrian or vehicle traffic movement on the site or on public streets or sidewalks adjacent to the site.

41. As designed, the development appears serviceable by collection vehicles allowing for direct access and ease of circulation through the site with limited backing. There is sufficient turnaround within the development. Ex. 1. Enclosure service gates are eight feet wide. Receptacles can be rolled easily, on grade, to the truck for servicing. (020 SP10 Site and Master Plan.pdf) (Ex. D). The Hearing Examiner adopts Staff's finding that the proposal will meet solid waste collector access requirements in VMC 20.970.040.C.3, VMC 20.970.040.A.4 and .A.7.

I. Transportation Concurrency: VMC Title 11

42. Title 11 of the VMC – Streets and Sidewalks, sets forth Transportation Concurrently requirements in Chapter 11.70. However, the applicant is vested to the weekday p.m. peak hour standards in the DA. The DA provides that an applicant need only submit a trip generation report demonstrating that the trips associated with the proposed development are within the number of vested trips contained within the DA. Staff noted that the applicant submitted a trip generation and distribution report dated September 10, 2025, from Lancaster Mobley (Ex. E). Trip generation rates were based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, utilizing Land Use Codes 220 (Multi-family Housing – Low-rise) and 712 (Small Office). Based on this information, the proposed project will generate 1,046 new Average Daily Trips (ADT), including 64 new a.m. peak hour trips, and 81 new p.m. peak hour trips.

43. Pursuant to VMC 11.70.090, the segment of NE 136th Avenue between Mill Plain Boulevard and NE 28th 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 trip distribution information in the applicant’s trip generation report (Ex. E), new p.m. peak hour trips generated to this corridor by the proposed development are not anticipated to cause the corridor to drop below the adopted level of service standard. The proposed project is located within the 1700 Transportation Analysis Zone and, as described in the trip generation report (Ex. E), contributes p.m. peak hour trips to fourteen (14) Transportation Management Zones, shown in a table on page 12 of the Staff Report (Ex. 1).

44. Based on information in the applicant’s trip generation report (Ex. E) and staff’s analysis of the proposed project’s contribution of p.m. peak hour trips on certain Transportation

Management Zones, staff proposed requiring the applicant to pay concurrency monitoring fees totaling \$1,500. Ex. 1. Pursuant to the applicant's information, the project will not distribute trips to any other Transportation Management Zones. Ex. 1; Ex. E. Transportation Impact Fees (TIF) will be imposed pursuant to VMC 20.915.

45. The Hearing Examiner adopts Staff's finding that the applicant's submitted documentation satisfies the City's requirements for concurrency analysis. As conditioned, the proposed development will meet the requirements of VMC Chapter 11.70.

J. Streets and Sidewalks: VMC Chapter 11.80

46. Northeast 136th Avenue is designated as a minor arterial which requires a minimum 50 feet half-width right of way and 35 feet paved street half-width per city standard plan T10-08. No further right-of-way dedication or pavement width is required because the DA vests the current right-of-way and pavement width of NE 136th Avenue and NE 4th Street to their current configurations. The existing road along the property frontage of NE 136th Avenue includes asphalt roadway, curb, gutter, meandering detached sidewalks, ADA ramps, streetlights and storm drainage. The project does not propose any street cuts to extend utilities onto the site. As such, a Road Modification is not required and has not been submitted.

47. Staff's proposed conditions of approval require the applicant to complete listed improvements to NE 136th Avenue and NE 4th Street to current City of Vancouver standards. The Hearing Examiner adopts Staff's findings and proposed conditions of approval addressing streets and sidewalks and the applicant's compliance with VMC Chapter 11.80.

K. Trees and Vegetation: VMC Title 12 and Chapter 20.96 of 1997 Zoning Ordinance

48. Chapter 20.96 of the 1997 Zoning Ordinance constitutes the City's then-existing tree conservation ordinance. The applicant submitted a Landscape Plan and Level V Tree Plan (Ex. D) that exceeds City of Vancouver tree unit requirements. Based on an overall project area of 5.02 acres, 151 tree units are required and 153 tree units are proposed, exceeding the minimum requirement by 2 tree units. Credit has been taken for retention of the existing street trees along NE 4th Street and NE 136th Avenue, two existing trees in the northwest corner and one tree in the northeast corner of the site totaling 21.5 existing tree units. Exs. C and D.

49. The Hearing Examiner adopts Staff's findings addressing trees and vegetation and the applicant's compliance with VMC Title 12 and Chapter 20.96 of the 1997 Zoning Ordinance.

L. Water and Sewers: VMC Title 14

50. Public water does not currently front the northern boundary of the site. An existing 8-inch Ductile Iron (DI) main (N/S) is stubbed to the north portion of the site (near the northwest corner of project parcel No. 164738022). Northwest of the site, within NE 4th Street, is an existing 10-inch DI water main (W/E) which terminates at a tee that is connected to an 18-inch DI transmission main (N/S) which is located within the property limits, along the west property edge of the site (Parcel No. 164738018). Northeast of the site, within NE 4th Street, is an existing 6-inch DI water main that terminates north of the northeast corner of the site. Public water currently fronts the east boundary of the site via an existing 10-inch DI main within NE 136th Avenue.

51. The site is not currently served by an existing water meter or service line. Developments are required to extend public water to and through the site and across frontages (VMC 14.04.280). Staff determined that the existing public water does not satisfy frontage

requirements. Looping of water mains wherever possible is required per City of Vancouver Water General Requirements, Section 2-1.05 System Reliability.

52. Preliminary water plans and a discussion of water service are included with the application. (Exs. A, C and D). The preliminary water plans propose a connection to the 18-inch transmission main (N/S) located along the west portion of the project site, and the extension of a new 8-inch Zinc Coated DI main which is routed throughout the site. (Ex. D). The Staff Report states that the plans do not include a looping of the water system to any of the nearby existing public water mains which would be inconsistent with city water standards. Ex. 1.

53. VMC 14.04.280 requires developments to extend public sewer to and through the site and across frontages. Public sanitary sewer fronts the site in NE 136th Avenue, extends through the site from NE 4th Street, and is available for service. Therefore, staff determined, and the Hearing Examiner agrees that existing public sewers satisfy the frontage requirements and extensions through the site are not required for future service to adjacent parcels.

54. A separate 6-inch service connection to the public main for each building is required. VMC14.08.050; VMC 14.16.010. The sanitary sewer plan and associated profiles are shown on sheets C6.0 through C6.2 of the associated civil plans (Ex. D). The three easterly buildings will be served directly from the existing on-site sewer main, while a new public main will be extended within the site west and then north to serve the remaining buildings. On-site public sewer mains will be located within public easements accessible to city maintenance vehicles.

55. Staff noted that this is a concurrent application, and that plan review comments on the first submittal of the associated civil plans have been returned to the applicant. There are

several review comments for the applicant to address before the civil plans will be ready for approval for sewer. Conditions of approval requiring the applicant to address such comments are included in this Final Order. The Hearing Examiner adopts Staff's finding that as conditioned, the proposal will be consistent with applicable sewer requirements in VMC Title 14.

M. Erosion Control: VMC Chapter 14.24

56. The site consists of a relatively flat undeveloped area, with the exception of a parking lot that serves the property to the south. The site will be disturbed with the construction of a mixed-use development, including multi-family units and office space, with parking lots and drive aisles to serve the mixed-use development, and various community amenities. The Staff Report noted that a full construction stormwater general plan (CSWGP) stormwater pollution prevention plan (SWPPP) and an Erosion Control Plan were submitted with the application. Ex. F.

57. The Hearing Examiner adopts Staff's finding that the applicant's documentation demonstrates that applicable erosion control requirements in VMC Chapter 14.24 will be met.

N. Stormwater: VMC Chapter 14.25

58. An infiltration facility that manages runoff from the existing parking lot along the southern property line currently exists. This facility will be removed when the site is developed. Staff determined, and the Hearing Examiner agrees that the proposed development will constitute a Minimum Requirement 1 through 9 project. The applicant's Stormwater Report from Mackay Sposito (Ex. F) states that the applicant proposes to install filter cartridge catch basins for water quality treatment that discharge to infiltration trenches via proposed conveyance piping. Stormwater runoff from the on-site pavement, sidewalks, driveways and landscape areas will be

collected in catch basins and routed to biofiltration systems (Oldcastle Biopods or similar) for treatment. Roof downspouts and low point crawl space drains will be routed via individual lateral connections directly to an underground infiltration system. Quantity control requirements will be met with underground infiltration systems. All stormwater will be infiltrated on site. Ex. C.

59. Infiltration testing was performed and included in a geotechnical report from Columbia West Engineering, Inc dated August 18, 2025 (Ex. G). As a condition of approval, prior to civil plan approval, the applicant must update the stormwater report and plans per review comments.

60. The Hearing Examiner adopts Staff's finding that, as conditioned, the proposed stormwater management system will meet applicable water quality treatment and water quantity control requirements in VMC Chapter 14.25.

O. Water Resource Protection: VMC Chapter 14.26

61. The proposed project site is located in a Critical Aquifer Recharge Area (CARA). Minimum Standards in VMC 14.26.120 are applicable to all sites within the City of Vancouver.

62. The applicant's narrative describes how the project will protect and not further degrade groundwater. Stormwater and erosion control Best Management Practices, in accordance with City of Vancouver ordinances, will be employed during and following construction of the project. Ex. C. The project will not have any impact on any surface waters. Infiltration of stormwater will be employed for all surface runoff which will meet applicable City of Vancouver and State of Washington requirements. While no hazardous materials are proposed to be used in the project, should any be utilized during the construction process, all precautions will be undertaken by the owner/operator to prevent accidental releases of any hazardous materials into

the stormwater drainage system. Pesticides, herbicides, fungicides and fertilizers used in landscape maintenance will be applied according to the City of Vancouver stormwater manual. Ex. C.

63. The Hearing Examiner adopts Staff's finding that the applicant has demonstrated that applicable water resources protection requirements in VMC Chapter 14.26 will be met.

P. Fire: VMC Title 16

64. There is an existing fire hydrant located on the north side of NE 4th Street on the east side of the entry into the 7-Eleven property, another just south of the southeast corner of the site near the entry to parcel 165174000 and one on parcel 165174000 just south of the south property line approximately midway along the south property line. Ex. C. The applicant's narrative states that new hydrants will be installed to provide fire protection. Fire apparatus access will be provided to within 150 feet of any point of the proposed buildings. All fire apparatus roads shall have a minimum clear width of 20 feet and clear height of 13 feet 6 inches. Aerial apparatus access will be provided with 26-foot-wide drive aisles where required for access to buildings in excess of three stories. Ex. C.

65. The Hearing Examiner adopts Staff's finding that the applicant's submittal (Es. A, C and D) demonstrates the project can be approved through the fire and life safety fire plans review and permit process with compliance with applicable requirements in VMC Title 16 and national standard requirements.

Q. Buildings and Construction: VMC Title 17

66. This Type III review does not include building code review of plans. The City building department will review building permit applications, with applicant's payment of required fees. VMC 17.08.090. Building and site shall comply with the applicable codes listed in VMC

17.08.010 in effect at the time of building permit application. Building permit applications received after March 14, 2024 are reviewed under the 2021 building codes. Staff addressed International Building Code (IBC) 1104 accessible route requirements, the need for separate building permits, parking stall requirements per IBC 1106, access aisle requirements under WAC 51-50-1101.2.8, and requirements in WAC 51-50-0429 for Electric Vehicle Supply Equipment (EVSE), including charging stations, EV-ready and EV-capable parking spaces. Ex 1, pp. 16-17.

67. The Staff Report correctly states that the accessible route at accessible parking and accessible EV parking stalls and aisles shall minimum be maintained. Per IBC 1110.4.13 play areas containing play components designed and constructed for children shall be located on an accessible route. Ex. 1. The Staff Report notes that, per VMC 17.08.090, a separate demolition permit for removal of each existing building is required. Accessory buildings may be included in same demolition permit in some cases. If asbestos or lead paint is present, the applicant shall notify Southwest Clean Air Agency and Labor & Industries for additional requirements.

68. The Staff Report summarized IBC requirements in Table 1006.3.3.(1), Table 602, Table 506.2, Section 705.8. Compliance with these requirements will be determined during building permit review. The Hearing Examiner adopts Staff's finding that, as submitted, the project could be approved under 2021 building code requirements with the conditions noted at pages 16-17 of the Staff Report.

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Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

2. Any Conclusions of Law contained in the foregoing Background, Public Hearing and Record, and/or Findings of Fact sections of this Final Order are hereby incorporated herein by reference and adopted by the Hearing Examiner as her Conclusions of Law.

3. All public notice requirements for this Application and notice for the public hearing were met. VMC 20.210.120.

4. The Hearing Examiner conducted the public hearing in accordance with requirements set forth in VMC 20.210.120.B.4.

5. All SEPA requirements for this application have been met.

6. The property was zoned MC at the time of the Development Agreement and vested under the November 1997 Vancouver Zoning Ordinance. The mixed-use (MX) overlay standards in Section 20.21.306 of the 1997 Zoning Ordinance apply to the proposal.

7. Under the 1997 MX standards, a hearing and decision by the Planning Commission was required, which is functionally equivalent to a Type III conceptual master plan review under the current code. VMC 20.210.020.B.3; Table 20.210.020-1. The Planning Official properly classified the Application as a Type III application, reviewed by the Hearing Examiner, as permitted by VMC 20.210.020.E (Assignment of procedure type) and VMC 20.210.120.A.2.

8. A Type II site plan review also is required. VMC 20.210.020.B.2; Table 20.210.020-1; VMC Chapter 20.270. Both reviews were processed together under the Type III procedure in accordance with VMC 20.210.020.D (“When the city must approve more than one application for a given development, all applications required for the development pursuant to this chapter may be submitted for review at one time. When more than one application is submitted for a given development, and those applications are subject to different types of procedure, then all of the

applications are subject to the highest type of procedure that applies to any of the applications; provided, however that each development application shall only be subject to the relevant criteria applicable to that particular development application”).

9. The applicant complied with all requirements in the MX overlay provisions of the 1997 Zoning Ordinance for submission of a master plan in Section 20.21.306.C.

10. Approval of the Application, as conditioned, will comply with all applicable requirements and MX overlay development regulations in the 1997 Zoning Ordinance. An adjustment of the front yard setback as requested by the applicant may be approved pursuant to Section 20.21.306.C of the 1997 Zoning Ordinance.

11. Approval of the Application, as conditioned, will comply with all applicable parking and loading requirements in Chapter 20.81 of the 1997 Zoning Ordinance.

12. Approval of the Application, as conditioned, will comply with all applicable concurrency, traffic and transportation requirements in VMC Title 11 at the time of application completeness.

13. Approval of the Application, as conditioned, will comply with all applicable streets and sidewalks requirements in VMC Chapter 11.80 at the time of application completeness.

14. Approval of the Application, as conditioned, will comply with all applicable tree and vegetation requirements in Chapter 20.96 of the 1997 Zoning Ordinance and VMC Title 12 at the time of application completeness.

15. Approval of the Application, as conditioned, will comply with all applicable solid waste storage, access and collection requirements in in VMC Chapter 20.970 at the time of application completeness.

16. Approval of the Application, as conditioned, will comply with all applicable water, sewer, stormwater, erosion control and water resources protection requirements in VMC Title 14 at the time of application completeness.

17. Approval of the Application, as conditioned, will comply with all applicable tree requirements in VMC Title 11 at the time of application completeness

18. This Final Order is issued within ten (10) working days after the public record closed.

19. This Final Order is issued within the one hundred seventy (170) calendar day period after the date the fully complete determination was made on December 9, 2025, per VMC 20.210.060(G).

20. The Decision in this Final Order shall become final, if not appealed, on April 14, 2026.

21. The Application is approved subject to the conditions set forth below.

DECISION

Based on the findings, discussion, and conclusions above, incorporated herein, the Hearing Examiner hereby **approves** PRJ-169771/LUP-85557 (MAJ 4th Street and 136th Avenue Mixed-Use Development) subject to the following:

CONDITIONS OF APPROVAL

1. The mixed-use development shall be constructed and operated in compliance with all conditions of approval herein and with the plans submitted by the applicant, except where such plans are pending further review per these Conditions of Approval.

2. The applicant may request post-decision review to modify the approved site plan and master plan in accordance with VMC 20.210.140. Modification of the site plan and master plan other than by post-decision review shall be accomplished by means of a new application.

3. A lot consolidation or boundary line adjustment will be required before issuance of building permits. Buildings may not be constructed across property lines.

Prior to Civil Plan Approval

4. Pay concurrency modeling fees totaling \$1,500.

5. Complete the water design on the civil drawings (Ex. D). Prepare design according to Vancouver's current Public Water Design and Construction Standards. Address redline comments and submit the final design for civil plan approval.

6. Connect to the existing 10-inch DI main in NE 4th Street at the subject site's northwest frontage and extend a new 10-inch Zinc Coated DI main along the site frontage. Connect this new main to the existing 6-inch DI main at the site's northeast frontage.

7. The existing 8-inch DI main that is currently extended onto the site may be utilized by connecting to the newly required 10-inch main via a cross. If not utilized, the stub must be closed and capped at the tee serving the fire hydrant lead, (Hydrant No. H73923) located approximately 46 feet north and 225 feet west from the intersection of NE 136th Avenue and NE 4th Street.

8. Connect to the newly required 10-inch ZDI main and extend a new 8-inch or larger ZDI main to the site. Route this new main through the site to serve all required domestic water

meters, fire hydrants, and fire protection lines as needed and loop the water system by connecting this new main to one of the other nearby surrounding mains.

9. The standard minimum pipe size for main extensions is 8-inch diameter, or larger as master-planned or needed per hydraulic analysis and fire flow.

10. A dedicated 15-foot public easement is required for any new public water main that is installed outside of city right of way. Water meter service easements shall be a minimum of 10 feet in width (five feet each direction).

11. If wells are found to be on-site, future use or abandonment requirements from the Departments of Health, Ecology, and the city's Water Quality Department must be met.

12. Further requirements may be necessary depending on the final project configuration and will be determined at the time of project submittal.

13. Update the stormwater report and plans per review comments.

14. The approved plans shall clearly identify street tree AQ as proposed for removal due to its declining condition and replacement with a like-for-like species.

15. IBC 1104 Exterior Accessible routes within the site shall be clearly marked new code width 48 inches with hatching to demonstrate compliance.

16. Identify the five percent (8) Type A units on the site plan buildings and the required nearest ADA parking space to the accessible entrances.

17. Clearly identify the accessible route on the site plan, show accessible and van-accessible parking spaces, and demonstrate that the EV charger locations do not impede accessibility.

18. Show location of electrical vehicle supply charging elements.

19. Maintain accessible routes shown on site plan. Engineered wood fiber surfaces must meet ANSI & ASTM requirements for use in accessible routes.

Prior to Combustible Construction

20. All fire hydrants for emergency use shall be established and maintained clear for emergency use.

21. Fire apparatus access roads shall be established.

During Construction

22. Secure construction permits and schedule and attend a pre-construction meeting. Construct the water facilities as shown on the approved civil plans. Satisfy construction services testing and inspection requirements and secure construction acceptance. Construct the new public sewer and service laterals as shown on the approved civil plans and abandon any existing laterals that are not to be used per city requirements. Satisfy construction services testing and inspection requirements and secure construction acceptance.

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

24. Prepare an easement dedication for the on-site public sewer, satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval, and secure final civil project acceptance.

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

26. Fire hydrants shall not be obstructed in any manner.

27. Fire apparatus access roads shall be maintained clear for emergency response.

28. FDC/Standpipes shall be provided and accessible during construction, if applicable.
29. Fire extinguishers and no smoking signs shall be provided during construction.

Prior to Issuance of Certificate of Occupancy

30. Provide the following improvements to NE 136th Avenue, per City of Vancouver standards:

- a) Repair any existing sidewalk deficiencies along the project frontage to ensure ADA compliance. Recent inspections by city staff indicate that all of the sidewalk along the project frontage is out of compliance, with numerous trip hazards and cross-slopes that exceed maximum.
- b) The existing pedestrian ramp at the southwest corner of NE 136th Ave and NE 4th St must meet current ADA standards per VMC 11.80.070 (D). The applicant shall provide elevations, slopes, and dimensions on the plans for all existing ramps to demonstrate ADA compliance.
- c) Utility trenching must be restored per T05-04A&B and T05-06A&B (CDF). Asphalt restoration shall meet T05-01B and T05-07. A single continuous width restoration is required.

31. Provide the following improvements to NE 4th Street per City of Vancouver standards:

- a) Abandon and remove the existing westernmost driveway access and replace with curb, gutter, and attached sidewalk to match existing. Construct a new commercial driveway access approximately 100 feet east of the current location.
- b) Adjust the street striping if/as necessary to accommodate the new access location.

- c) Repair any existing sidewalk deficiencies along the project frontage to ensure ADA compliance.
- d) Utility trenching must be restored per T05-04A&B and T05-06A&B (CDF). Asphalt restoration shall meet T05-01B and T05-07. A single continuous width restoration is required.

32. Record a tree maintenance covenant.

33. Pay application fees and secure sewer connection permits. Connect new building sewers according to the plumbing code.

34. 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, keith.jones@cityofvancouver.us.

DATED this 30th day of March, 2026



STEPHANIE E. MARSHALL
CITY OF VANCOUVER HEARING
EXAMINER

This Decision was emailed on March 30, 2026.

A copy of the complete case file, including this Decision may be obtained by contacting the case manager, Keith Jones by telephone at 360-487-7887, or by e-mail at keith.jones@cityofvancouver.us.

Appeal Right

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, no later than April 14, 2026. 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). The appeal review process is described in VMC 20.210.130.C.

A fee of \$2,537.00 must accompany the appeal. However, if the aggrieved party is a recognized neighborhood association, the fee assessed is \$191.00. 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 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.

