

**BEFORE THE LAND USE HEARINGS EXAMINER
OF CITY OF VANCOUVER, WASHINGTON**

Regarding an application by MAJ Development Co. for) **FINAL ORDER**
approval of a mixed-use master plan on a 1.43-acre in the) **PRJ-169802/LUP-85519**
southwest corner of the intersection of NE 9th Street and) **(MAJ 136th & 9th Street**
NE 136th Avenue in the City of Vancouver, Washington) **Master Plan)**

A. SUMMARY

1. The applicant, MAJ Development Co., request approval of a mixed-use master plan development with 36 multi-family units in a single three-story building, 2,400 square feet of retail space in a separate building and associated parking. The development is proposed on a 1.43-acre tract of land located in the southwest corner of the intersection of NE 9th Street and NE 136th Avenue, known as property identification number 164776000. The applicant also requests approval of a two-lot short plat to create separate parcels for the retail and residential portions of the development.

a. The site and properties to the north, east, and west are zoned CC (Community Commercial) and subject to the MX Mixed Use) overlay zone. Properties to the south are zoned Park.

b. The site is currently vacant, with the exception of a driveway providing access between NE 136th Avenue and the abutting property to the west. There are mature trees on the east boundary of the site and on both sides of the existing driveway. The applicant proposed to remove the trees abutting the driveway and retain the majority of the remaining trees on the site.

c. The applicant proposed collect stormwater from new impervious areas on the site and convey it to the storm facility that was constructed with the 136th Avenue Plaza project west of the site for treatment and infiltration. The 136th Avenue Plaza project storm system was designed to accommodate runoff from this site.

d. The City of Vancouver will supply domestic water and sanitary sewer service to the proposed development.

2. The proposed development is categorically exempt from review under the State Environmental Policy Act ("SEPA") pursuant to VMC 20.790.840(A)(1).

3. Hearings Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about the application. City staff recommended the examiner approve the preliminary plat subject to conditions. See the Staff Report and Recommendation to the Hearings Examiner dated February 3, 2026, (the "Staff Report"). The applicant accepted those findings and conditions without exceptions. A representative of the Fircrest Neighborhood Association testified orally in support of the application. No one else testified orally or in writing, other than public agency staff.

4. Based on the findings provided or incorporated herein, the examiner approves the subdivision subject to the conditions at the conclusion of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on February 17, 2026. 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 by the examiner of selected testimony and evidence offered at the public hearing.

2. Planner Mike Odren appeared on behalf of the applicant and summarized the proposed development and his PowerPoint presentation.

a. He noted that the proposed development is subject to the 1997 version of the Vancouver Municipal Code (“VMC”) pursuant to a 1997 development agreement.

b. The applicant proposed to develop the site with a three-story 36 unit multi-family apartment building, a 2,400 square foot single-story retail building, and associated parking. No road improvements are required on either NE 9th Street or NE 136th Avenue, other than replacing portions of the existing sidewalk as necessary to meet ADA standards. The applicant also proposes a two lot short plat to create separate lots for the retail and residential portions of the development.

c. The applicant will retain the existing 16- to 42-inch trees on the site to the greatest extent practical. The applicant will plant additional conifer trees on the site to replace the removed trees and enhance the buffer between the site and NE 136th Avenue. The proposed development will far exceed the minimum tree unit requirements of the Code.

d. The applicant will collect stormwater runoff from new impervious areas of the site and convey it to the existing stormwater facility on the property west of the site for treatment and discharge via infiltration.

e. The applicant proposed to provide 61 on-site parking spaces, five of which will be shared between the apartment and retail uses. The applicant will install a hedge to screen the parking areas from NE 136th Avenue.

f. The applicant has already planted additional trees on the south portion of the site as required by the Staff Report.

3. City planner Kristian Corbin summarized the Staff Report. He noted that the proposed development is exempt from SEPA review. The site is zoned CC and subject to the MX overlay zone. The applicant is requesting approval of a two lot short plat with retail development on the south lot and residential on the north. The applicant is also requesting adjustments to the maximum front yard setback requirements: increasing the

setback from 20 feet to 28 to 39 feet in order to protect the existing trees on the east boundary of the site. The Code requires 66 parking spaces for the proposed development. The applicant proposed to provide 61 spaces, with five parking spaces shared between the residential and retail uses.

4. Margaret Milem appeared on behalf of the Fircrest Neighborhood Association and expressed the Association's appreciation for retaining trees on the site.

5. No one else testified orally or in writing, other than public agency staff. The examiner closed the record at the end of the public hearing and announced his intention to approve the application subject to the conditions of approval in the Staff Report.

C. DISCUSSION

1. City staff recommended approval of the proposed preliminary plat, based on the affirmative findings and subject to conditions of approval in the Staff Report. The applicant accepted those findings and conditions without exceptions or corrections.

2. The examiner concludes the affirmative findings in the Staff Report show that the proposed preliminary plat does or can comply with the applicable standards of the City Code and Revised Code of Washington, provided the applicants complies with recommended conditions of approval. The examiner adopts the affirmative findings in the Staff Report as his own.

D. CONCLUSION

Based on the findings and discussion incorporated herein, the examiner concludes that PRJ-169802/LUP-85519 (MAJ 136th & 9th Street Master Plan) should be approved, because it does or can comply with the applicable standards of the Vancouver Municipal Code and the Revised Code of the State of Washington, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

E. DECISION

Based on the findings, discussion, and conclusions incorporated herein and the public record in this case, the examiner hereby approves PRJ-169802/LUP-85519 (MAJ 136th & 9th Street Master Plan), subject to the following conditions of approval:

CONDITIONS OF APPROVAL

Prior to Civil Plan Approval

1. Upload the civil plan review set showing the revisions requested as well as all necessary reports (geotechnical, hydrology, traffic analysis, road modification, etc.). Include a detailed site plan in the civil plan review set. For questions on these requirements please contact 360-487-7804.
2. Grading plan review fees will be due upon submittal of civil plans for review. Contact Permit Center staff at 360-487-7802 to obtain a fee quote.

3. Place the following on the grading plans: If any cultural resources are discovered in the course of undertaking the development activity, work shall stop and the Department of Archaeology and Historic Preservation in Olympia, concerned Tribes and the City of Vancouver Community Development Department shall be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.
4. Plant at least four buffer trees along the south property line offset 20-25 feet from any off-site trees.
5. Pay concurrency monitoring fees totaling \$1,500.
6. Revise and complete the public sanitary sewer design on the civil drawings. Prepare according to Vancouver's current Public Sanitary Sewer Design and Construction Standards. Address redline comments and submit the final design for civil plan approval.
7. 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.
8. Satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval and secure final civil project acceptance.
9. Provide an easement in the form of a covenant running with the land shall be dedicated to the City of Vancouver around the stormwater facilities for access and inspection.
10. 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.
11. IBC 1104 Exterior Accessible routes within the site shall be clearly marked new code width 48 inches with hatching to demonstrate compliance.
 12. Clearly identify the accessible route and demonstrate that the EV charger locations do not impede accessibility.
 13. Updated Geotechnical report or formal documentation from the engineer indicating that their findings and recommendations are based on recent site observation.

Prior to Commencing Public Improvement 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 Public Improvement Construction

16. Protect existing trees where sidewalk will be replaced. Shave roots if necessary. Do not rip or shatter roots.
17. Secure construction permits and schedule and attend a pre-construction meeting. Construct the new public sanitary sewer mains and service laterals as shown on the approved civil plans. Satisfy construction services testing and inspection requirements and secure construction acceptance.
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 Final Plat Approval

23. Submit a final plat application. Applications can be found under Building, Planning and Environment on the City of Vancouver website, www.cityofvancouver.us.
24. Show, note, and specify any public sanitary sewer easements to the City of Vancouver. Include standard required plat easement recording language.
25. Place the following notes on the plat:
 - If any cultural resources are discovered in the course of undertaking the development activity, work shall stop and the Department of Archaeology and Historic Preservation in Olympia, concerned Tribes and the City of Vancouver Community Development Department shall be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.
 - Pursuant to VMC 20.915, Park, School and Traffic impact fees will be calculated at time of building permit application and shall be due and payable

at the time the building permit is issued, except as provided in Section 20.915.075. Notwithstanding the foregoing, all impact fees shall be recalculated for building permit applications that have not been issued within one year of submittal.

- **Infiltration:** Stormwater from the site will be treated and infiltrated in the storm facility that was constructed with the 136th Avenue Plaza project. This system was designed for the runoff from this site.
- City of Vancouver has no responsibility to improve or maintain the private streets contained within or private streets providing access to the property described in this plat, nor does the City of Vancouver have responsibility for any of the infrastructure associated with the roadway such as sidewalks, drainage facilities, streetlights, curbs, or landscaping.
- The on-site stormwater facilities will be owned and maintained by the property owner.
- Development within this plat is subject to an approved tree plan. Tree removal is subject to approval by the City of Vancouver. All trees shall be planted prior to occupancy per the approved plan.
- **Alternative Process for Vacation or Modification of Dedicated Easements (VMC 20.320.080 and RCW 64.04.175)** Easements dedicated or granted to the City of Vancouver on this plat may be modified by City Council using the easement vacation process and by recording of an updated plat. A Type II or Type III plat alteration process shall not generally be required to modify and/or vacate City of Vancouver easements on this plat. All other easements created by this plat may be amended through a Type II plat alteration process and recording an updated plat.
- **Public Utility Easement:** An easement is hereby reserved under and upon the exterior six (6) feet of all boundary lines of the lots and tracts adjacent to public/private roads for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, and water. All lots containing pad mount transformers are subject to the minimum clearances as defined by Clark Public Utilities Construction standards. All proposed building designs on these lots must provide adequate clearance for all combustible materials. Also, sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots and tracts adjacent to public streets.

Prior to Issuance of any Building/Development Permits

26. Pay all required fees, including impact fees.
27. Revise Trash Enclosure A and Trash Enclosure B to contain the required space for the anticipated services. Include receptacle footprints. Add a note regarding collection frequency for each material type.

28. Provide receptacles for all material types in each enclosure (garbage, mixed recycling, glass).

Prior to Issuance of Certificate of Occupancy

29. A certificate from a licensed landscape architect shall be provided verifying that landscaping indicated on the final landscape plan has been installed.

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

- Repair any existing sidewalk deficiencies along the project frontage to ensure ADA compliance.
- The existing pedestrian ramp at the SW corner of NE 136th Avenue and NE 9th Street 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.
- 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 9th Street, per City of Vancouver standards:

- Repair any existing sidewalk deficiencies along the project frontage to ensure ADA compliance.
- 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.

DATED this 3rd day of March 2026



Joe Turner, AICP
City of Vancouver Land Use Hearings
Examiner

NOTE: *Only the decision and the conditions of approval are binding on the applicants as a result of this order. Other parts of the final order are explanatory, illustrative and/or descriptive. They may be requirements of local, state, or federal law, or requirements which reflect the intent of the applicant, the city staff, or the Examiner, but they are not binding on the applicants as a result of the final order unless included as a condition.*

APPEAL: Decisions of the Hearings Examiner may be appealed to the City Council within 14 days after written notice of the Hearings Examiner decision pursuant to the procedures set out in VMC 20.210.130

In the absence of a valid appeal within the timelines specified above, the Hearings Examiner's decision shall become final and conclusive.