

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

Regarding application for Preliminary)
Subdivision and Zone Map Amendment) HEARING EXAMINER
.) .RECOMMENDATION TO CITY COUNCIL
)
)
) PRJ-169743/LUP-85799
Mt. Hood Vista Subdivision)

APPLICANT: Chad Stewart, Ginn Group LLC, 502 NE 72nd St.,
Vancouver, WA 98665

OWNER: Intelli LLC, 2004 Senter Road, San Jose, CA 95112

LOCATION OF PROPOSAL: 5301 NE 34th St., Vancouver, WA 98682. Tax lot
164329000. Located within the NW ¼ of Section 24,
Township 2N, Range 2E

SUMMARY OF REQUEST: Subdivide a single 7.52-acre lot into 82 single-family
residential lots. The applicant is requesting a zone
change from R-9 to R-17, concurrent with this
proposal. The proposal is subject to a Type IV
process.

PROJECT: Mt. Hood Vista Subdivision with Zone Change
PRJ-169743/LUP-85799

SEPA DETERMINATION: Final Determination of Nonsignificance

APPROVAL CRITERIA: VMC 20.285 Text and Map Amendments
VMC 20.320 Subdivisions

PUBLIC HEARING: June 16, 2026 at 6:00 p.m.

RECORD CLOSED: June 16, 2026

STAFF REPORT: June 2, 2026
Prepared by Anthony Tortorici, Planner/Case Manager

SUMMARY OF RECOMMENDATION: The Hearing Examiner recommends **APPROVAL**, subject to forty-eight (48) proposed conditions of approval

SUMMARY

The applicant proposes the subdivision of an approximately 7.52-acre lot into 82 single-family residential lots for detached single-family residences, and requests a zoning map amendment from R-9 to R-17. Because both the existing and proposed zoning districts have an Urban Lower Density Comprehensive Plan designation, a comprehensive plan amendment is not required. A preliminary subdivision is reviewed pursuant to a Type III process and a zoning map amendment is a Type IV process. Under VMC 20.210.020.D, both applications are subject to Type IV review. The Hearing Examiner held a public hearing and considered the record and testimony in preparing this Recommendation to City Council for a final decision. VMC 20.210.020.B.4.

The subject property is generally flat and developed with several existing structures and radio transmission towers that will be removed. Surrounding development is primarily comprised of single-family residential, with a church located to the east of the site. Access is proposed from NE 34th Street, which abuts the site on the north, and NE 154th Avenue, with associated frontage

improvements, roadway extensions, internal public streets and a public alley with a 20-foot right-of-way, utilities, and stormwater infrastructure proposed to serve the development. Water and sewer lines will be extended to the individual lots. Stormwater will be collected, treated and then routed to infiltration trenches throughout the site. An Oregon white oak located on the western portion of the site is proposed to be retained, along with 9 other large, mature trees. Mitigation is required for impacts to multiple offsite intersections. One intersection is proposed to be improved, and the applicant will pay proportionate share fees for other impacted intersections at the time of building permit issuance. Ex. B.

The applicant proposes zero-lot line development¹ for most of the lots pursuant to VMC 20.910. It has demonstrated the proposal will comply with the criteria for preliminary subdivision in VMC 20.320, additional narrow lot criteria in VMC 20.927 and infill development criteria in VMC 20.920. The requested zone change may be approved under the change of circumstances of the current housing crisis and the proposed R-17 district more closely matches the comprehensive plan than the existing R-9 district.

Public comment at and prior to the public hearing raised concerns about: (a) traffic/safety impacts; (b) lot size, density and infill development; (c) incompatibility with existing neighborhoods; (d) inadequate infrastructure; (e) increased impermeable surfaces creating heat islands; (f) loss of

¹The applicant's burden of proof statement says that side yard setbacks in the development will either be 0 or 5'. The 5' side yards will be protected with a covenant to keep them free of any permanent obstructions. Building walls on zero-foot setbacks will be constructed of fire resistive construction per the IRC or IBC. Ex. B.

trees and tree canopy; (g) overflow parking; and (h) impacts on nearby parks, a nearby church and potential dangers to children and other pedestrians. Commenters were also generally against the proposed rezone from R-9 to R-17. A petition was circulated in opposition to the proposal, garnering hundreds of signatures. Ex. N. Multiple members of the public participated in the public hearing, providing testimony in opposition to the proposal.

The Hearing Examiner considered all public comment, the exhibits in the record, the staff report, and testimony at the public hearing. With respect to the density-related concerns, the proposal is consistent with applicable R-17 zoning regulations with and meets criteria for infill and narrow lot subdivision. Per VMC 20.410.040, minimum and maximum density factors only apply to planned developments, density transfers, and cottage clusters; none of these are proposed by the applicant. The number of lots that may be created by a subdivision is based on the underlying zone's lot width, depth and area standards. The lots created will be consistent with the R-17 dimensional standards. Alleged impact to the character of surrounding neighborhoods is not a criterion for approval or denial of a preliminary subdivision. While the Hearing Examiner understands the general concerns expressed in opposition to more intensive residential development, this is a policy issue the City Council has been weighing in the context of the current, urgent need for additional housing. Where, as here, a proposed subdivision complies with all applicable code criteria, the application cannot be conditioned or denied on this basis.

Substantial evidence in the record shows that traffic and safety impacts have been studied by the applicant and impacts to multiple offsite intersections will be mitigated. The applicant's traffic study (Ex. K) was reviewed by qualified staff at the City of Vancouver; no additional traffic analysis is required. The applicant indicated it will work with City engineering staff regarding potential traffic calming measures such as speed bumps. Compliance with proposed conditions of approval will ensure that the design and layout of the proposed subdivision will comply with all applicable requirements, including parking and landscaping/trees. Commenters' concerns about adequacy of existing infrastructure and increased heat islands and loss of shade are policy decisions for the Council that cannot be addressed in the context of this application. They are not bases on which the proposal may be conditioned or denied under existing regulations. *See* VMC 20.320.020.A.2 ("The hearings examiner shall approve, approve with conditions or deny an application for a subdivision preliminary plat by means of a Type III procedure, pursuant to VMC 20.210.060, using approval criteria contained in VMC 20.320.040, and additional requirements of Chapter 20.920 VMC if a qualifying infill development or Chapter 20.927 VMC if a narrow lot development").

The Hearing Examiner finds and concludes that the applicant has met its burden of proving consistency of the subdivision proposal with all applicable criteria for approval of a Type III preliminary subdivision (VMC 20.320) with additional infill subdivision requirements (VMC 20.920), narrow lot requirements (VMC 20.927) and zero-lot line requirements (VMC 20.910). Parking and landscaping will meet minimum standards. With compliance with conditions of

approval, the proposal will comply with applicable development standards and applicable provisions governing concurrency, water and sewer, solid waste disposal, parking and loading, tree conservation, landscaping, water supply, fire access and fire protection and impact fees. The proposal is consistent with the Comprehensive Plan and with RCW Chapter 58.17, governing subdivisions. The majority of public comments in opposition require policy considerations by the City Council. The proposed preliminary subdivision must be reviewed in accordance with existing regulations.

The Hearing Examiner recommends the City Council approve the applications based on the findings, conclusions and analysis herein. The applicant has met its burden of proving consistency of the subdivision proposal with all applicable criteria. The requested zone change is supported by a change of circumstances resulting from the current housing crisis, and the finding that the proposed R-17 zoning is more consistent with the comprehensive plan than the current R-9 zoning.

PUBLIC HEARING AND RECORD

An open record, quasi-judicial public hearing on the Application commenced at approximately 7:20 p.m., on Tuesday, June 16, 2026, following another item on the agenda. The hearing took place in an online format using the Microsoft Teams platform with City Staff serving as the host. Applicant representatives provided testimony and presented the proposal. The City appeared through Anthony Tortorici, Planner/Case Manager, Charles Ray, urban forester, and Eric Hahn, senior civil engineer. Many interested citizens provided testimony in opposition to the proposal. City of Vancouver Hearing Examiner, Stephanie Marshall, presided.

A verbatim recording was made of the public hearing and all testimony was taken under oath. Documents considered include the Staff Report dated June 2, 2026 (Ex. 1), exhibits A through Q thereto, and the applicant's presentation at the public hearing (Ex. 2). The public hearing and the record were closed at the conclusion of all testimony. 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, and conflicts of interest. The following is a summary of selected testimony and evidence offered at the public hearing.

Applicant's Presentation. Morgan Chadwick presented a slide show and testimony overviewing the applicant's proposal. Mr. Chadwick stated that the applicant has reviewed the staff report and recommended conditions of approval and agrees with the recommendations therein. He addressed the approval criteria for narrow lot subdivisions. There will be no conflicts with the narrow lots and adequate guest parking will be provided. Mr. Chadwick testified that a proposed alley will be public and there will be a private stormwater facility. He also addressed a tree grove that will be maintained in a separate tract by the homeowners association. Mr. Chadwick noted that the proposed subdivision is within walking distance to Diamond Park to the west. Bussing will be provided for school children.

Mr. Chadwick addressed the rezone request from R-9 to R-17. He noted that the City recently approved a new zoning map following its comprehensive plan update. The ordinance will take effect

on July 31, 2026. Among other things, the new legislation follows years of planning and is intended to address the housing crisis. The City policies are to promote density without delay. The change in circumstances supporting a zone change is the current housing crisis.

City's Presentation. Anthony Tortorici, Planner and Case Manager on the file, presented the staff report and a slide show of the proposal. With respect to critical areas, he stated that an Oregon white oak tree on the property will be preserved. Radio towers and structures will be removed before development. Mr. Tortorici noted that the zoning to the north is R-9 and to the south is R-4. He also addressed the review process for the applications. In this Type IV process, following the hearing examiner's hearing, a recommendation to City Council will be made. The Council will make a final decision on the applications.

With respect to the zone change application, Mr. Tortorici noted that no update to the comprehensive plan map is required. The proposed new zone is classified as Urban Low Density, as is the current R-9 zoning. He testified that the proposed R-17 zoning is more consistent with the comprehensive plan than the current R-9 zoning. It will help address ongoing housing needs and will allow for more compact development and greater lot coverages. Mr. Tortorici stated that the topics raised in public comment were primarily concerns regarding density, traffic and preservation of trees.

Public Testimony. Twelve members of the public provided testimony at the public hearing. Comments included the following: (1) impact on the future character of housing/lack of compatibility with existing neighborhoods; (2) a desire for reduced density alternatives; (3) objections to infill

development and small lots; (4) inadequate pedestrian infrastructure (safe crossings and traffic calming devices) and resulting safety hazards; (5) increased traffic, cut-through traffic, inability to make certain turns at intersections; (6) concerns that traffic impacts have not been fully evaluated; (7) concerns regarding impermeable surfaces with associated heat sink effects on the environment, increased ambient temperatures and negative health effects; (8) concerns regarding removal of trees/tree canopy, resulting in removal of shade and impacts on carbon sequestration; (9) concerns that development is preceding necessary supporting infrastructure (sidewalks, street lights, postponement of 28th Street project) and lack of maintenance of existing infrastructure; (10) impacts to Diamond Park; (11) objections to the requested rezone; (12) concerns regarding parking; (13) impacts on nearby church, including potential risks to children; (14) questions regarding original plan to maintain trees in two areas of the property (SW and NE corners); (15) conflict between removal of trees and the City's desire to have more tree canopy; (16) signatures on a petition opposing the rezone (375 signatures); and (17) comments that trees should be retained to preserve habitat and beauty.

City's Response. On rebuttal, Anthony Tortorici addressed concerns regarding density, noting that the City establishes dimensional standards with which a proposed preliminary subdivision must comply. He also testified that the City cannot require additional open space or reduced density under the adopted, applicable code provisions. Mr. Tortorici did note that one proposed lot is larger than

allowed. This proposed lot is nondevelopable and the homeowners' association will be required to retain control of this common space.

Charles Ray, an urban forester with the City testified that the City understands "heat islands" and noted that it is a valid concern. However, the applications are reviewed pursuant to approval criteria; the applicant has demonstrated compliance with applicable code provisions regulating trees and vegetation. Mr. Ray also testified that, in his professional opinion, it is not feasible to retain all trees due to grading and utilities work on the site. He further noted that tree canopy goals are not a requirement at this time.

Eric Hahn, a senior civil engineer with the City who was part of the review team on the application, addressed commenters' traffic concern. He testified that the spacing of the street network is good and volumes are very low. Therefore, the streets have a good ability to absorb increased traffic. Mr. Hahn also addressed comments regarding the intersection at 34th Street and noted that the signalization was unfunded originally. He said he does not see an unsafe situation. Mr. Hahn stated that the City will work with the developer regarding potential traffic calming devices, but that warrants are not yet met. There are few cars that travel at high speeds, but they are monitoring the situation.

Applicant's Response. Jason Taylor provided the applicant's testimony on rebuttal. He stated that the application will meet all current standards. He also commented that the applicant has a history of working with Mr. Hahn at the City regarding mitigation, such as speed bumps.

Mr. Taylor addressed questions about two areas of the property in which to retain trees. He clarified that the City originally asked whether trees could be retained in the NE corner, as well as the SW corner – it was not originally proposed by the applicant. He also stated that retention of both corners would result in the loss of proposed numbers of lots.

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

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. The applicant proposes the subdivision of an approximately 7.52-acre lot into 82 single-family residential lots. It also requests a standalone zoning map amendment from R-9 to R-17 concurrent with the subdivision application. Both the existing and proposed zoning districts have an Urban Lower Density Comprehensive Plan designation; therefore, a comprehensive plan amendment is not required. The proposal is subject to a Type III subdivision process and Type IV standalone zoning map change that proposes to shift from one residential zoning designation to the next most intensive designation.

3. Per VMC 20.320.080.D.1, a Type II Plat Alteration is required to vacate and reestablish access and utility easements for the existing plat. The applicant is submitting a separate application for this for this process. Ex. B.

4. The applicant is also proposing to modify the roadway section of NE 33rd Street, NE 152nd Avenue, and NE 155th Avenue. Ex. L. Standard plan T10-15B requires a minimum 50-foot full-width right-of-way with a 5-foot curb and planter and 5-foot detached sidewalk on either side with 1 foot of clear space behind the sidewalk. The applicant is proposing to replace the 5-foot curb and planter and 5-foot detached sidewalk on one side of the road with a rolled curb per standard plan number T01-01A, attached 5-foot sidewalk, and 5-foot clear space behind the sidewalk along one side of the roadway. This modification is proposed along one side of the frontages of the narrow lots in the subdivision along NE 33rd Street, NE 152nd Avenue, and NE 155th Avenue. The section details and plans showing exact locations where the modified section will be used are shown in the preliminary plans for the subdivision. Ex. C.

5. The proposed modification removes the planter strip on one side of the roadway and creates a clear zone at the back of sidewalk instead. Due to the narrow lot development, if a planter was provided on the frontage of the narrow lots, most of the area would be taken up by driveways and utilities. Ex. L. To meet the applicable standards, the applicant would need to plant street trees outside of the planter strip behind the detached sidewalk. The lengths of planter strip between driveways would be 7.5 feet wide, not including the required 3-foot driveway wing on either side of the driveway. At the back of curb, the planter strip will be as little as 1.5 feet wide. Where water meters are placed at the back of curb in the planter strip, there would be little room for street trees to also be planted with all the constraints. Ex. L.

6. The applicant is also requesting to fill the 1-foot clear space on either side with sidewalk on the standard curb side and planter on the rolled curb side. This will include a 28-foot roadway, one side with rolled curb, attached 5-foot sidewalk and 5-foot planter strip and the other with curb and gutter, 5.5 foot planter strip with curb and detached 5-foot sidewalk.

A. Procedural History

7. A pre-application conference was held on May 8, 2025 (Case No. PIR-80566). The applicant submitted an application on February 25, 2026 (LUP-85799). The City determined the application fully complete on March 25, 2026. By electing to use the concurrent review process, the Applicant waived all land use review timelines within Title 20. Ex. 1; Ex. A. Permit ENG-85798 was issued on March 25, 2026.

8. 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 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 development application. VMC 20.210.020.D. Therefore, the proposal is subject to a Type IV process. City staff provided a recommendation to the Hearings Examiner, who now provides this Recommendation to City Council.

9. A Staff Report was issued on June 2, 2026. Ex. 1. Staff recommended approval of the Application based on affirmative findings in the Staff Report, subject to 48 proposed conditions of approval. *Id.* Staff's recommendation reflects review of comments received during the comment period. The applicant accepted staff's findings and the conditions proposed in the Staff Report.

10. Notice of the application and hearing procedures were sent out on April 8, 2026, and was completed by city staff in accordance with VMC 20.210.060(E). Ex. E. A required 30-day public comment period following the mailing and publication of the Notice of Application was provided in accordance with VMC 20.210.060(F). Notice of SEPA DNS was sent on March 17, 2026. Ex. F.

11. The City held a Public Hearing on June 16, 2026 at 6:00 p.m.; Vancouver Hearing Examiner Stephanie Marshall presided.

12. City staff determined in affirmative findings in the Staff Report that the proposal does or can comply with applicable regulations, code criteria and standards and that all potential impacts will be mitigated by requirements of the code. 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. Property Location, Characteristics and Surrounding Properties

13. The site is generally flat and developed with several existing structures and radio transmission towers proposed for removal with redevelopment of the site. Exs. A, B and D. Access to the development is proposed from NE 34th Street and NE 154th Avenue, with associated frontage improvements, roadway extensions, internal public streets and a public alley, utilities, and

stormwater infrastructure proposed to serve the development. *Id.* An Oregon white oak located on the western portion of the site is proposed to be retained. *Id.* No other known critical areas are located on the site. Ex. 1.

14. General Site Information is set forth on pages 3-4 of the Staff Report (Ex. 1):

Zoning District	R-9
Adjacent Zoning Designation	R-9 to the north, east and west. R-4 to the south
Comprehensive Plan Designation	Urban Low Density (UL)
Parcel Size	7.52 acres
Adjacent Land Uses	Residential to the north, south and west. A church is to the east.
Access Roads	NE 34 th Street
Existing Vegetation	Grasses, shrubs and trees
Existing Structures	Non-residential structures and radio towers
Topography	Relatively flat
Geologic Hazards	No mapping indicators
Seismic Hazard	Very low
Habitat and Species Impacts	No mapping indicators
Flood Plains	Outside flood area
Wetlands	No mapping indicators
Archaeology	Moderate-High, High
Drainage Basin	Burnt Bridge Creek
Soils	Non-Hydric /LIB
Park Impact Fee District	District C
School Impact Fee District	Evergreen
Impacted Schools	Burton, Pacific, Evergreen
Traffic Impact Fee District	Pacific
Transportation Analysis Zone	1743
Sewer District	Vancouver
Water District	Vancouver
Fire Service	Vancouver
Neighborhood Association	Parkway East

15. The proposed development is located over 1 mile away from Burton Elementary, Pacific Middle School and Evergreen High School. Students living in the future development will be bused to schools. Ex. B.

C. Environmental

16. 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. A SEPA Determination of Nonsignificance (DNS) was issued March 17, 2026. Ex. F. After the public comment period, the Determination of Nonsignificance was retained. A SEPA Final Determination of Nonsignificance was issued April 9, 2026, with an appeal period concluding on April 23, 2026. Ex. G. No appeals were received.

D. Agency Comment

17. Clark County Public Health: CCPH issued a Development Review Evaluation for the project dated May 30, 2026. Ex. J.

18. On-Site Sewage Treatment Systems (CCC 24.17, WAC 246-272A, CCC 40.370, RCW 58.17): Public sewer service is proposed and required for this development. No operational on-site sewage systems (OSS) were observed in the field by CCPH staff during a May 30, 2025 field evaluation or indicated in County records. OSS components may exist on the development parcel. Any OSS tanks or drywells discovered during development, must be properly abandoned per CCC

24.17.210, with written notification provided to CCPH and Online RME Pumper Reports or pumper receipts attached. All abandoned OSS tanks, whether filled or removed, shall be accounted for within written abandonment notifications submitted to CCPH. The proposed development must be served by public sewer. A copy of the final acceptance letter (or equivalent) from the sanitary sewer purveyor shall be submitted to the City of Vancouver Community Development Department with the final plat. Proposed conditions of approval to address CCPH's comments are included with this Recommendation.

19. Water Systems (WAC 173-160, WAC 246-290, CCC 40.370, RCW 58.17): Public water service is proposed and required for this development. No water wells were indicated as present within the development parcel in County records nor observed in the field by CCPH staff during a May 30, 2025 field evaluation. Water wells may exist at the site. Any water wells discovered during development must be legally decommissioned by a licensed well driller per WAC 173-160-381 prior to final plat approval, with written notice provided to CCPH and decommissioning well logs attached. Decommissioned water well locations must be marked on the final plat. The proposed development must be served by public water. A copy of the final acceptance letter (or equivalent) from the water purveyor shall be submitted to the City of Vancouver Community Development Department with the final plat. Proposed conditions of approval to address CCPH's comments are included with this Recommendation.

20. Department of Ecology: A letter was received from the Washington Department of Ecology dated March 30, 2026, during the SEPA comment period. The email contains the following standards for hazardous waste and toxics reduction:

The applicant proposes to demolish an existing structure(s). In addition to any required asbestos abatement procedures, the applicant should ensure that any other potentially dangerous or hazardous materials present, such as PCB-containing lamp ballasts, fluorescent lamps, and wall thermostats containing mercury, are removed prior to demolition. It is important that these materials and wastes are removed and appropriately managed prior to demolition. It is equally important that demolition debris is also safely managed, especially if it contains painted wood or concrete, treated wood, or other possibly dangerous materials.

Please review the “Dangerous Waste Rules for Demolition, Construction, and Renovation Wastes,” posted at Ecology’s website, <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Dangerous-waste-guidance/Common-dangerous-waste/Construction-and-demolition> . The applicant may also contact Katy Harvey of Ecology’s Hazardous Waste and Toxics Reduction Program at katy.harvey@ecy.wa.gov.

The email contains the following standards for solid waste management:

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department or Department of Ecology for proper management of these materials.

Proposed conditions of approval to address Ecology’s comments are included with this Recommendation.

E. Public Comment

21. Public comments, electronic and written, were received during the 30-day public comment period. VMC 20.210.060.F. The messages raised concerns related to residential density,

parking and traffic, and tree preservation. Ex. M. A signed petition in opposition to the proposed development also was received during the public comment period. Ex. N. At the public hearing, twelve people provided testimony, all in opposition to the proposal.

22. Compatibility with other existing neighborhoods is not a criterion for preliminary subdivision approval. Where an applicant meets all criteria for approval of a preliminary subdivision and, in this case, infill criteria and narrow lot criteria, the application must be approved. VMC 20.320.020.A.2. Because the applicant is not proposing a planned development, cottage cluster or density transfer, maximum and minimum density factors do not apply. VMC 20.410.040. The proposed number of lots is based on the R-17 zoning district's lot width, depth and area standards. To the extent the density comments relate to the requested zone change from R-9 to R-17, the City Council may consider such comments in its review. The record demonstrates that the criteria for approval of a zone change are met given the change of circumstances of the current housing crisis, of which the Council is aware and addressing through new legislation. This warrants more opportunities for creation of additional housing units within the city. The record shows that the proposed R-17 zoning district more closely matches policies in the comprehensive plan to address housing concerns than the existing R-9 district.

23. Comments regarding infrastructure, safety and circulation will be addressed through proposed conditions of approval, requiring the applicant to mitigate numerous off-site intersections. The applicant's traffic report was reviewed by City staff. Trip counts were calculated based on the

standard Institute of Transportation Engineers (ITE) Trip Generation Manual using Land Use Code 210 (Single-Family Detached Housing). Ex. K; Ex. 1. Eric Hahn provided testimony at the public hearing regarding the warrants for signalization of intersections and discussed that certain traffic calming measures may be considered by the applicant when warrants are reached. Mr. Hahn also testified that the street network has ample capacity for additional vehicles. The Hearing Examiner understands that commenters may disagree that proposed mitigation is adequate, but no evidence was presented to demonstrate potential intersection failures or to undermine the conclusions reached by the applicant's traffic engineer, which report was reviewed and approved by City engineering.

24. As Charles Ray, urban forester, addressed in his testimony, City Council is aware of the heat island effect and that removal of trees and/or increasing impervious surfaces could have such an impact. Commenters' concerns about the number of trees being removed, impact on tree canopy, and creation of additional impervious surfaces do not undermine the evidence that the applicant will meet all tree retention and landscaping requirements set forth in the VMC and will manage stormwater runoff from impervious surfaces. To the extent commenters believe the existing regulations do not adequately protect public health, safety and welfare resulting from infill subdivisions like the one proposed, these are policy considerations for the City Council to make in consideration of future legislation. The proposal must be reviewed pursuant to the VMC provisions in effect on the date the application was determined to be complete. Where the applicant demonstrates compliance with such regulations, the City does not have authority to condition or deny the

application based on unwritten standards or considerations.

25. Enforcement-related issues related to parking and/or observation of speed limits, etc. are not bases on which the proposal may be conditioned or denied. VMC 20.320.020.A.2 (“The hearings examiner shall approve, approve with conditions or deny an application for a subdivision preliminary plat by means of a Type III procedure, pursuant to VMC 20.210.060, using approval criteria contained in VMC 20.320.040, and additional requirements of Chapter 20.920 VMC if a qualifying infill development or Chapter 20.927 VMC if a narrow lot development”).

F. Applicable Regulations

26. VMC Chapters: 11.70 Transportation Concurrency; 11.80 Street and Development Standards; 11.90 Construction in the Right of Way; 14.04 Water and Sewer Use Regulations; 14.16 Water and Sewer Service Connections; 14.24 Erosion Control; 14.25 Stormwater Control; Title 16 Fire; Title 17 Building; 20.210 Decision Making Procedures; 20.285 Text and Map Amendments; 20.320 Subdivisions; 20.410 Lower Density Residential Districts; 20.710 Archaeological Resource Protections; 20.740 Critical Areas Protection; 20.770 Tree, Vegetation and Soil Conservation; 20.790 SEPA Regulations; 20.910 Exceptions and Interpretations; 20.915 Impact Fees; 20.920 Infill Development Standards; 20.925 Landscaping; 20.927 Narrow Lot Developments; 20.945 Parking and Loading; and 20.970 Solid Waste Disposal and Recycling.

27. In addition to the VMC provisions set forth in above, the proposal must be consistent with the City of Vancouver Comprehensive Plan, Public Works Publications: General Requirements

& Details for Water Main Construction; and General Requirements & Details for Sewer Main Construction, RCW 58.17.110 and the Manual on Uniform Traffic Control Devices.

G. Text and Map Amendments

28. VMC 20.285.060 Approval Criteria – Standalone Zoning Map Amendments Zoning map amendments not involving associated comprehensive plan map amendments shall demonstrate the following:

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

29. The general intent of the zone includes allowances for smaller lots and homes (including townhomes). The intent of the new R-17 zone, adopted in 2022, and the proposed development is to provide efficient middle housing. Ex. B. The applicant’s narrative states, “Well-planned site-specific rezone requests are a way to increase the housing supply in the urban areas of the city. This increase in housing supply will help improve affordability within the city. Approval of this rezone request will result in a development that can be served by existing urban public services and will provide more flexibility in density and housing types, resulting in more affordable housing.” Ex. B.

30. The City adopted the 2023-2029 Strategic Plan that included eight focus areas. The applicant’s narrative (Ex. B) addresses the proposal’s consistency with five applicable focus areas:

Transportation and Mobility

The development will improve NE 34th Street abutting the site as well and provide internal streets with sidewalks that will improve pedestrian mobility in and around the site. The site is in an

established residential area with established roadways; this development will build upon the existing infrastructure and provide additional connections through the site which will provide quick and efficient vehicular access to and from the site. C-Tran bus routes 74 and 30 are approximately 0.4 miles east and 0.5 miles south of the site, respectively, and would be within a 10 minute walk from the site. The site is within the urban areas of the County and there is adequate roadway infrastructure to support the proposed development.

Housing and Human Needs

The proposed development would bring an additional 82 single-family homes to the market. These homes would be affordable to a large portion of the community as they would be smaller efficient homes on compact lots. These proposed homes would contribute to the diverse range of housing options within the city and help make home ownership attainable.

Vibrant and Distinct Neighborhoods

The proposed development will provide new residential homes within the existing residential neighborhood. The new proposed homes will provide smaller lots providing a wider range of housing in the area.

Safe and Prepared Community

Emergency services will be provided by the Vancouver Police Department and Fire District. The nearest Fire Station is 1.6 miles to the southeast of the site. The proposed site is also within an urban area that is served by public water. The site will be designed with fire hydrants that meet the spacing requirements of the current fire codes. The proposed homes will also meet the current building codes that continually include updates that improve the performance of buildings during natural disasters, including earthquakes.

Climate and Natural Systems

The proposed site development will include energy efficient homes. This will likely include smaller homes that maximize the utility of spaces while cutting down on overall building size. The homes will also be equipped with high-efficiency heat pump HVAC and water heater systems. The HVAC systems will include air conditioning to improve livability during the summer months. The site design will also retain 10 larger existing trees that provide habitat as well as shading for the area. 227 trees are also proposed to be planted to improve long-term tree canopy over the site. The site will include stormwater systems that will collect and treat stormwater from pollution generating surfaces. All stormwater is proposed to be infiltrated into the ground.

2022 Housing Code Update

In response to the 2016-2021 strategic plan and the 2016 Affordable Housing Task Force recommendations, the City Council studied and approved housing code updates in 2022. This code update resulted in the creation of the R-17 zone to provide additional housing options and improve affordability within the city.

The Housing Code Updates webpage states the following as a purpose of the update:

“Vancouver, like many communities, is facing a housing crisis. As the city continues to grow, there is a desire and need for new types of housing that would allow residents to live more affordably while also maintaining neighborhood livability. However, current city zoning rules prohibit many of these housing options. Changes to the development code can create opportunities for the private sector to deliver a more diverse, affordable housing stock.”

The project goals of the housing update are stated as the following: “The goal of the project is to update City codes to allow for different, smaller and more affordable types of housing choices. Many are recommended in the Affordable Housing Task Force report (2016) and many are similar to what is allowed in Clark County and other Washington cities nearby and statewide.”

The specific goals include:

- Allowing for the development of diverse housing types to meet changing demographic needs and consumer preferences
- Expanding market rate, middle income, and affordable housing choices
- Maintaining neighborhood livability with incremental, rather than wholesale, change
- Providing more opportunities for people to live near where they work and attend school, and reduce costly commutes
- Facilitating development in areas with full existing public services

The current proposal is consistent with this plan and will help meet the city’s goals. The subdivision proposal associated with the zone change will accomplish the following:

- The project will add diversity to the housing options in the immediate vicinity of the site.
- It will provide middle income housing geared toward families wanting to live in the City of Vancouver.
- The rezone is an incremental change in density and will blend with existing development in the immediate area.
- The site is located in the middle of the urban area of Vancouver and is surrounded by existing development.
- The project is in an area with full existing public services.

31. **Greater Consistency with Applicable Policies of the Vancouver Strategic Plan and Comprehensive Plan.** The applicant's request is consistent with the purpose of the existing Comprehensive Plan designation: Both the R-9 and R-17 zones are Urban Lower Density, though the R-17 zone was adopted in 2022 and does not appear in the 2021 text above. The general intent of the zone includes allowances for smaller lots and homes (including townhomes). The intent of the new R-17 zone and the proposed development is to provide efficient middle housing.

32. The request furthers the Community Development policies on page 1-14 to 1-15 of the Comprehensive Plan: "*CD-2 Efficient development patterns Encourage efficient development throughout Vancouver to ensure achievement of average density of 8 units per acre set by countywide planning policies. Encourage higher density and more intense development in areas that are more extensively served by facilities, particularly transportation and transit services.*" The site is in an urban area and with access to all required urban services including adequate transportation services. The nearest public transportation is approximately 0.5 miles to the east along NE 162nd Avenue and 0.5 miles south along NE 28th Street. This is within a 10 minute walk from the site.

33. "*CD-3 Infill and redevelopment- Where compatible with surrounding uses, efficiently use urban land by facilitating infill of undeveloped properties, and redevelopment of underutilized and developed properties. Allow for conversion of single to multi-family housing where designed to be compatible with surrounding uses.*"

34. The applicant proposes a relatively small infill project, where the intent is to convert the existing underutilized land into an efficient housing project. In addition, the request fulfills both CD-9, facilitating compatible uses adjacent to each other, and CD-10, placing housing near services (complementary land uses).

35. Chapter 3 of the Comprehensive Plan contains the City's Housing element. The Plan recognizes the need for diverse housing: *"As the baby boom generation ages over the next 20 years, there is likely to be a greater need and demand for smaller units, retirement homes, and assisted living."* Page 3-3: The plan notes that most residential housing is single-family housing (57%). *Id.* Housing affordability is also a City concern: *"The Growth Management Act requires local jurisdictions to demonstrate that regulations allow and encourage housing for all economic segments of the community. Table 3-3 provides a breakdown of local households by income ranges, and the general share of Vancouver housing they can afford to buy or rent without having to spend more than 30% of their income."*

36. Several policies would be furthered by the applicant's request, including:

- H-1 Housing options: "Provide for a range of housing types and densities for all economic segments of the population. Encourage equal and fair access to housing for renters and homeowners."
- H-2 Affordability: "Provide affordable housing by formulating innovative policies, regulations and practices, and establishing secure funding mechanisms. Target affordability programs toward households with incomes below the median."

37. The Hearing Examiner finds the proposed zoning map amendment to R-17 is more consistent with applicable policies of the Vancouver Strategic Plan and Comprehensive Plan than the existing R-9 zoning designation. The subject property is designated Urban Lower Density under the Comprehensive Plan and is located within an urbanized area surrounded by existing residential development and urban services. While both the existing R-9 and proposed R-17 zones are consistent with the Urban Lower Density designation, the proposed R-17 zoning more effectively advances adopted city policies supporting housing diversity, infill development, efficient urban land use patterns, and utilization of existing public infrastructure and services.

38. The R-9 zoning district is intended to accommodate detached single dwellings on lots with a minimum size of 5,000 square feet at densities ranging from 5.9 to 8.7 units per net acre. In comparison, the R-17 district is intended to accommodate more compact detached and attached single dwelling development on lots with a minimum size of 2,000 square feet at densities ranging from 8.8 to 21.8 units per net acre. The R-17 district also allows reduced minimum lot widths and increased lot coverage standards intended to facilitate compact urban residential development patterns. The proposed subdivision density of approximately 14.5 units per net acre falls within the permitted density range of the R-17 district while remaining consistent with the Urban Lower Density Comprehensive Plan designation.

39. The proposal represents an increase in residential density within an area already served by transportation, water, sewer, and other urban facilities. Staff further finds the proposal more

effectively implements adopted housing policy direction reflected in the city's 2022 housing code updates, which were intended to expand opportunities for smaller lot development and more diverse housing types within existing urban neighborhoods. For the foregoing reasons, the first criterion for approval of a text and map amendment in VMC 20.285.060(1) is met.

40. **Change in Circumstances.** The housing and affordability crisis represents a change in circumstance since the existing zoning designation was established. Well-planned site-specific rezone requests are a way to increase the housing supply in the urban areas of the city. This increase in housing supply will help improve affordability within the city. Approval of this rezone request will result in a development that can be served by existing urban public services and will provide more flexibility in density and housing types, resulting in more affordable housing. For these reasons, the Hearing Examiner finds the second criterion for approval of a text and map amendment in VMC 20.285.060(2) is met.

H. Preliminary Subdivision Standards

41. VMC Chapter 20.320 governs subdivisions. Per VMC 20.320.020.A.2, the hearing examiner shall approve, approve with conditions or deny an application for subdivision preliminary plat by means of a Type III procedure using approval criteria contained in VMC 20.320.040. An applicant must demonstrate compliance with six (6) approval criteria for a preliminary subdivision in VMC 20.320.040 as set forth in the following findings.

42. Public facilities provision: “*Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, storm drainage, erosion control and sanitary sewage disposal methods that are consistent with the City's current ordinances, standards and plans.*” There are adequate public facilities at or near the site to support the development as follows. Mitigation is required for impacts to multiple offsite intersections. One intersection is proposed to be improved, and the applicant will pay proportionate share fees for other impacted intersections. At the time of building permit, traffic impact fees will also be paid. Exhibits B and K. Public water access is available at the site and there is adequate capacity to support the development with minimal impacts. On-site stormwater will be managed according to the applicable standards. Any offsite impacts will be negligible. A grading plan was included with the application. Ex. C. A SWPPP is included in the Stormwater report. Ex. O. Applicable regulations will be followed to minimize the risk of erosion related impacts. Public sanitary sewer is available at the site and will be extended to serve all the proposed lots. The Hearing Examiner finds that, as conditioned, the proposal will meet this criterion, subject to civil plan review. This criterion will be met.

43. Proposed improvements: “*Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the City's current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable.*” The Hearing Examiner finds

that the proposed improvements, with compliance with proposed conditions of approval, are consistent with the city's current ordinances, standards, and plans. This criterion will be met.

44. Open space and dedications: *“Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations.”* Impact fees will be paid for parks and schools to offset the potential impacts. This criterion will be met with compliance with proposed conditions of approval.

45. Physical characteristics: *“The design of the proposed short subdivision or subdivision-site has taken into consideration the physical features of the site including but not limited to topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands.”* The Hearing Examiner finds that the subdivision design has taken into account the physical characteristics of the site. 10 large trees are proposed to be retained, including an Oregon White Oak tree. This criterion will be met with compliance with proposed conditions of approval.

46. Re-platting of existing subdivisions: *“When re-platting an existing subdivision, the short subdivision or subdivision shall comply with all of the terms and conditions of the existing subdivision's conditions of approval.”* There are two existing subdivision conditions that apply to the proposed project that the applicant proposes to remove through a Plat Alteration process, addressed below in VMC 20.320.080.D. This criterion will be met.

47. Compliance with all requirements of this title: “*The proposed short subdivision or subdivision complies with all applicable requirements of this title unless modified through the approval.*” The Hearing Examiner finds that, with compliance with proposed conditions of approval, the proposed subdivision will comply with all applicable requirements of VMC Title 20. This criterion will be met.

48. Compliance with state requirements: “*The proposed short subdivision or subdivision complies with the requirements of RCW 58.17.110.*” The comprehensive plan identifies goals and policies that guide development in the City of Vancouver for the benefit of the public health, safety and general welfare. The proposed plat complies with these goals and policies by providing new housing units affordable to a large segment of the population at anticipated densities; by providing the necessary infrastructure to serve the development, including the payment of impact fees for schools, parks and transportation; and by demonstrating all applicable laws can be complied with as conditioned. The proposed plat will assist in the expansion of the city’s housing supply; it will facilitate development in an area that is largely developed and has urban services; it will implement city goals promoting development while limiting urban sprawl. Based on the foregoing findings, the Hearing Examiner finds that this project complies with RCW 58.17.110, which meets this criterion.

49. Narrow Lot Additional Criteria: Land divisions which contain one or more residential lots having a width of less than 40 feet shall meet additional criteria of VMC 20.927.030.A, B and C. These criteria apply to the proposal and are addressed in the findings below.

50. The Hearing Examiner finds that substantial evidence in the record supports a finding that the proposed preliminary plat satisfies the approval criteria of VMC 20.320.040. The proposal includes adequate provisions for public facilities, utilities, stormwater, transportation improvements, easements, and other required infrastructure consistent with applicable city regulations and standards. The subdivision design appropriately responds to the physical characteristics of the site and applicable development standards of the Vancouver Municipal Code.

51. VMC 20.320.070.A Subdivision Layout and Required Improvements.

(1) Principles of acceptability. The short subdivision or subdivision shall conform to the comprehensive plans. The short subdivision or subdivision shall conform to the requirements of the state law and to the standards established by this title. These include:

- a) Street improvement standards. *All proposed streets and street improvements shall comply with the provisions of Title 11 and approved transportation standards details on file with Transportation Services.* The Hearing Examiner finds that with compliance with proposed conditions of approval, the proposal will comply with this criterion.
- b) Blocks. *The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated; consideration of the needs for convenient access, circulation, control, safety of motor vehicular, bicycle and pedestrian traffic and recognition of limitations and opportunities of topography.* Block lengths proposed provide for convenient access and circulation. This criterion is met.

c) Blocks – sizes. *Blocks shall not exceed 1,300 feet in length between street lines, except blocks adjacent to arterial streets or unless a previous adjacent layout or topographical condition justifies variation. The recommended minimum distance between intersections of arterial streets is 1,800 feet. Minimum length of a block shall not be less than 180 feet.* The site is surrounded by existing development and NE 34th Street to the north. NE 154th Avenue will be extended from the south to provide circulation and improve block length. This criterion is met.

d) Easements

- 1) **Utility lines.** *Easements for sewers, drainage, water lines, electric lines or other public use utilities shall be provided. The size and location of the easement shall be reviewed and approved by the appropriate utility provider. Easements are shown on plan for access and utilities.*
- 2) **Watercourses.** *If a subdivision is traversed by a watercourse, such as a drainage way, channel or stream, there shall be provided a stormwater easement for the width of the watercourse plus 15 feet on each side of the watercourse. Streets or parkways parallel to a major watercourse may be required.*
- 3) **Pedestrian/bicycle ways in and through residential subdivisions.** *In blocks over 800 feet in length, a pedestrian/bicycle way with a minimum width of 16 feet shall be required through the middle of the block when required by the*

Transportation Manager for public convenience and safety; 12 feet of the 16-foot corridor shall be paved in a durable material. If unusual conditions require blocks longer than 1,200 feet in length, two pedestrian/bicycle ways shall be required. When required by the Transportation Manager for public convenience and safety, pedestrian ways shall be required to connect cul-de-sacs or to pass through unusually shaped lots.

Easements for access and utilities are shown on plans. Ex. C. Utility easements will be reviewed and approved by the appropriate utility provider. The Hearing Examiner finds that with compliance with proposed conditions of approval, the proposal will comply with this criterion.

- e) Flag lots. *Flag lots may be permitted, provided that the minimum width of the flag stem is 15 feet for a single lot and 20 feet for a shared flag access. No more than four lots may be accessed from a single flag stem.* Four flag lots are proposed; this criterion will be met with compliance with proposed conditions of approval.
- f) Lot side lines. *Side lines, as far as practical, shall run at right angles to the street on which the lot faces.* The side lot lines run at right angles to the proposed streets. This criterion is met.
- g) Lot frontage. *With the exception of flag lots, all lots shall abut on a public or private street with a minimum frontage of not less than 20 feet.* All lots in the proposed subdivision meet the minimum frontage requirements of 20 feet. This criterion is met.

- h) Parks and playgrounds. *The review authority shall see that appropriate provision is made for parks and playgrounds to serve the proposed subdivision. Park impact fees will be paid at the time of building permit issuance for each lot. This criterion will be met with compliance with proposed conditions of approval.*
- i) Narrow Lots. *Land divisions which contain one or more residential lots having a width of less than 40 feet shall meet the development standards of VMC 20.927.040. The narrow lots comply with VMC 20.927 as further discussed below. This criterion is met.*
- j) Existing trees. *All subdivision developments shall comply with the tree and vegetation management provisions contained in VMC Chapter 20.770 Tree Conservation. With compliance with proposed conditions of approval, the proposal will comply with VMC 20.770. Existing trees have been addressed in the applicant's Tree Plan (Ex. C), discussed in more detail in the findings below. This criterion will be met.*

52. The Hearing Examiner finds that substantial evidence in the record supports a determination that the proposed subdivision satisfies the technical standards of VMC 20.320.070 and is generally consistent with applicable city standards and is designed to provide adequate circulation, access, utility service, and site functionality. Compliance with applicable provisions of VMC Title 20 is discussed in the findings below and subject to proposed conditions of approval.

53. VMC 20.410.020 List of Lower Density Residential Districts. R-17: Low-Density Residential District. The R-17 zoning district is designed to accommodate detached and attached

single dwellings with or without accessory residential units at a minimum lot size of 2,000 square feet and a density of 8.8 to 21.8 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. Per Table 20.410.030-1, Single Dwellings, Detached are permitted outright in the R-17 zoning district.

54. VMC 20.410.040 Minimum and Maximum Densities. The proposal does not trigger the minimum and maximum density factors in VMC 20.410.040 because applicant does not propose a planned development governed by VMC Chapter 20.260, density transfer, cottage cluster development and because an existing dwelling will not be retained on a lot larger than the maximum lot size. Table VMC 20.410.040-1, footnote 1. Lots must meet minimum dimensional standards and lot size requirements of the underlying zoning district. Nonetheless, the applicant included density calculations based on R-17 zoning in its burden of proof. Ex. B. Based on a net developable area of 5.64 acres, the proposal will result in a density of 14.5 units per acre, within the minimum and maximum allowable density of 8.8 units/net acre and 21.8 units/net acre (49-123 units). Ex. B.

55. VMC 20.410.050 Development Standards Development standards for the R-17 Low-Density Residential district are applicable to the proposal. Table 20.410.050-1. Compliance with requirements for garages (.050(a)), main entrances (.050(b)), front façade variety (.050(c)) and alleys (.050(d)) will be verified at building permit review. Narrow lot development standards are discussed in the findings below. VMC 20.410.050(e). As a proposed condition of approval, the applicant should be required to demonstrate compliance with proposed driveway development standards prior to civil

plan approval. VMC 20.410.050(f). Compliance with solid waste requirements is discussed in the findings below. VMC 20.410.050(g).

56. VMC Table 20.410.050-1

Development Standards in Lower-Density Residential Zones

Standard	Existing Zone (R-9)	Proposed Zone (R-17)
Minimum Lot Size ⁵	5,000 SF	2,000 SF
Maximum Lot Size	7,400 SF	5,000 SF
Maximum Lot Coverage	50%	65%
Minimum Lot Width ⁵	45'	25'
Minimum Lot Depth ⁵	65'	65'
Minimum Setbacks		
Front Yard	10' ⁶	10' ⁶
Rear and Through Yards ⁴	5'	5'
Side Yard	0'/5' ²	0'/5' ²
Street Side Yard	8'	8'
Garage from Public/Private Street ROW or Sidewalk Easement	18'	18'
Garage from Alley ³	5'	5'
Maximum Height	35'	35'

Minimum Off-Street Parking	1	1
Minimum Landscaping	10%	10%

¹ Subject to VMC 20.910.050.

² For each additional 10 feet of building height, or fraction thereof, over 25 feet, add two feet to the setback to a maximum of 10 feet on each side or rear yard.

³ There must be a minimum of 20 feet maneuvering space from entrance edge of the carport or garage to opposite edge of the alley.

⁴ A through lot will be treated as an interior rear yard, especially with respect to placement of principal and accessory structures, location of parking and height of fences only when there is no vehicular access to the abutting street. If access occurs then the through lot yard will be treated in all respects as a front yard.

⁵ Smaller lot sizes and dimensions may be allowed subject to Chapter 20.920 VMC, Infill Development Standards.

⁶ Covered porches, eaves, bay windows, columns, or other structural extensions may extend up to five feet into the front setback or in accordance with VMC 20.910.040(A).

57. The preliminary plat demonstrates that all lots comply with the minimum and maximum lot size requirements of the R-17 zoning district, except for Lot 33. Exs. A, B and C; Ex. 1. The maximum lot size of the R-17 zoning district is 5,000 square feet. Lot 33 is proposed to be 12,874 square feet. A proposed condition of approval requires that, prior to civil plan approval, the applicant shall adjust lot sizes so all lots are within the minimum and maximum lot size range of the R-17 zoning district. All lots meet or exceed the minimum lot width and depth standards of the R-17 zoning district. Exs. A, B and C; Ex. 1. Lot coverage, setbacks, building height, and minimum landscaping will be checked at the time of building permit review.

58. VMC 20.710 Archaeological Resource Protection. The site is mapped Moderate-High for Archaeological Probability. Ex. B. An archaeological pre-determination report was provided by the applicant and forwarded to the city's contracted archaeologist for review. The archaeological

predetermination report consisted of background research, a pedestrian survey, and subsurface testing, and identified no significant archaeological resources within the project area. While one isolated CCS flake (45CL1611) was documented, the report notes that the artifact's origin is uncertain due to the prevalence of naturally occurring material, extensive prior ground disturbance, and evidence of mechanical crushing. The flake was documented with the Washington State Department of Archaeology and Historic Preservation (DAHP) on an archaeological isolate inventory form "out of an abundance of caution." The investigation concluded that the site has been substantially disturbed, and that no further archaeological work is recommended. The city's contracted archaeologist reviewed the report and fieldwork, determined that the predetermination adequately addressed the study objectives, and concurred that no additional archaeological work is necessary. The requirements of VMC 20.710 have been met.

59. VMC 20.740 Critical Areas Protection. City of Vancouver staff utilize Clark County's MapsOnline to determine if a project site contains critical areas. The resource shows no mapped critical areas on tax lot 164329000. The applicant discovered an Oregon white oak tree on the west end of the site. Oregon white oaks are categorized as priority habitat by the Washington Department of Fish and Wildlife and critical areas by the City of Vancouver. The applicant is proposing to protect and retain the Oregon white oak.

60. VMC 20.740.030(C) Exemptions from Requirement to Obtain a Critical Areas Permit. Per VMC 20.740.030(C)(1), a proposal is exempt from obtaining a permit, but requires a

Statement of Exemption, if the on-site critical area will be avoided, subject to the following criteria:

- i. The critical area(s) and buffer(s) has/have been identified in the field, clearly mapped by a qualified professional, and documented by a limited-scope critical areas report (for example, a wetland boundary delineation without categorization or functional assessment, but with the minimum documentation necessary to justify the boundary location).
- ii. The site plan and preliminary plat show a development envelope that demonstrates that all activity will take place outside critical areas and buffers.
- iii. The boundaries of the development envelope are clearly outside of all maximum critical areas and all maximum buffers.

61. The landscape and tree plan identifying the Oregon white oak is stamped by Christopher A Baumann, a licensed landscape architect in the State of Washington. Ex. C. The Oregon white oak is clearly mapped on the provided plans and addressed in the applicant's narrative, which satisfies the requirements of a limited-scope critical areas report. Ex. C.

62. The preliminary plat depicts the dripline of the Oregon white oak but does not clearly depict a development envelope demonstrating that all activity will take place outside of the tree's dripline. A proposed condition of approval requires that, prior to civil plan approval, depict a development envelope demonstrating all activity takes place outside of the Oregon white oak dripline within Lot 41. With compliance with proposed conditions of approval, the proposal will be consistent with VMC 20.740; a critical areas permit is not required because the applicant qualifies for an exemption under VMC 20.740.

63. VMC 20.770 Tree, Vegetation, and Soil Conservation. Per VMC 20.770.080.A, a

minimum of 30 tree units per acre is required for new development. For a 7.52 acre site, 226 tree units are required. Retained existing trees account for 100 tree units and 126 new tree units are proposed, meeting the requirement of 226 tree units. Urban Forestry has reviewed the proposal for compliance with VMC 20.770 and determined that the applicable requirements have been met. The Hearing Examiner concurs.

64. VMC 20.910 Exceptions and Interpretations. The applicant indicates that most lots will utilize zero lot line standards. The following conditions shall exist before issuance of any building permit for zero lot line development:

- A. *Side-yard setbacks.* The setback on the adjacent lot to the zero setback side yard lot shall be either zero or at least 5 feet; for exceptions. VMC 20.902.020 VMC.
- B. *Covenants.* Covenants running with the land, approved by the City Attorney, which guarantee that the opposite side yard setback of not less than 5 feet shall be kept perpetually free of permanent obstructions (for exception, see VMC 20.902.020), shall be filed with the deed(s) or noted on a plat.
- C. *Building Walls.*
 - 1. The building wall on the zero-foot yard setback shall be constructed of window-free, fire resistive construction per the Building Code standards of Title 17, no portion of which shall project over any property line. The construction shall be subject to review by the Building Official.
 - 2. Covenants running with the land, approved by the City Attorney, shall convey a 4-foot maintenance easement with a 1-1/2-foot encroachment into the easement provision, in order to permit variations in design from the adjoining lot. No windows shall be allowed along this wall in any case.
 - 3. Zero lot line (common-wall) construction may be permitted, provided adjoining walls are fire- resistive and constructed according to the standards of sound transmission,

per the Building Code standards of Title 17. Common walls must be attached a minimum 60% of the length of the entire building wall.

D. *Exception.* Zero lot line development standards do not apply to free-standing fences and/or walls that are not directly connected to a roof structure.

With compliance with proposed conditions of approval, the requirements of VMC 20.910 will be met.

65. VMC 20.915 Impact Fees. This project is subject to park, transportation, and school impact fees. The site is in the Evergreen School District, requiring \$6,432 per single-family dwelling unit; Park District C, requiring \$6,130 per dwelling unit; and the Pacific Transportation Zone, requiring \$420 per average daily trip (ADT). Impact fees will be calculated at current rate in effect at the time of building permit submittal and collected prior to building permit issuance unless approved to be deferred per VMC 20.915.075 or VMC 20.915.076. Impact fee deferrals require a signed agreement and lien document. With compliance with proposed conditions of approval, the proposal will be consistent with VMC 20.915.

66. VMC 20.925 Landscaping. A total of 10 percent of the net lot area of each lot must be landscaped. Compliance with this standard will be verified at the time of building permit review. Ex. 1. Per VMC 20.925.060, all development projects fronting on a public street or a private street approved after the adoption of this Title shall be required to plant street trees in accordance with the standards in VMC 20.925.060(C). Urban Forestry has reviewed this proposal for compliance with VMC 20.925 and determined that the applicable requirements have been met. The Hearing Examiner concurs. With compliance with proposed conditions of approval, the proposal will comply with the

requirements of this section.

67. VMC 20.927 Narrow Lot Development Standards. The approval criteria and development standards of this chapter apply to any residential short subdivision or subdivision, including infill development, which has one or more narrow lots, defined as a lot with less than 40 feet in width, exclusive of flag lot. These standards apply to the proposed preliminary subdivision.

68. VMC 20.927.030 Narrow Lot Development Approval Criteria. The applicant shall demonstrate compliance with the following criteria, which shall be in addition to the preliminary subdivision approval criteria in VMC 20.320.040.A-G.

- a) Conflicts on narrow lots shall be eliminated. The development has been designed to eliminate conflicts between on-site and off-site improvements and features associated with narrow lots. Specifically, the location, size, and design of features including driveways, public and private utilities (water, fire hydrants, sewer, roof infiltration, gas, cable, phone, electricity, etc.), on-street parking spaces, street trees, existing trees, light poles, common mailboxes, street signs, etc., has been considered in the design of the development and coordinated to eliminate conflicts with one another and meet minimum spacing requirements. Ex. B; Ex. 1. No conflicts due to lot width are present. This criterion is met.
- b) Adequate guest parking shall be provided. The development has been designed to provide at least one guest parking space for every 3 narrow lots. The code allows guest parking to be located either within a common parking area or on-street along local access or loop

classification roadways. Parking will be allowed along one side of both all of the internal streets in addition to both sides of NE 34th Ave once it has been widened. Because lots 43-82 are accessed by an alley, there are not driveways that restrict street parking on all of the street within an adjacent to the site. The proposed streets can accommodate at least 70 cars for on-street parking. This criterion is met.

- c) Solid waste and recycling collection and access shall be provided. The development has been designed to provide for safe access and maneuvering by solid waste and recycling collection vehicles along public roadways. General locations of solid waste collection areas are shown on the proposed narrow lot subdivision. With compliance with proposed conditions of approval, this criterion will be met.

69. VMC 20.927.040 Narrow Lot Development Standards. Implementation of Performance Standards. Various design options may be proposed to address the approval criteria of VMC 20.927.030(A) through (C). For example, the use of alleys, narrow driveways, or shared driveways – either separately or in combination – are considered to be effective solutions to many identified conflicts. In addressing the above criteria, the following development standards shall apply:

- i) On and off-site improvements plan required. The applicant submitted development plans (Ex. C) showing that utilities, driveways, street trees, etc. have been located and designed to minimize conflicts with one another. At a rate of one guest parking space per three

narrow lots, 27 guest parking spaces are required for 81 narrow lots. Ample on-street parking is available to exceed the guest parking requirement, although the plan does not clearly depict guest parking spaces, as required by this section. A proposed condition of approval is included to require the applicant to clearly mark on-street guest parking spaces. With compliance with this proposed condition of approval, this criterion will be met.

- ii) Standards for guest parking in common areas. Guest parking is proposed on-street. No common area for guest parking is proposed. This criterion is inapplicable.
- iii) Standards for solid waste and recycling access and collection. A solid waste management analyst reviewed the proposal for compliance with the standards of this section. Their findings are outlined in findings on VMC 20.970, Solid Waste Disposal and Recycling.
- iv) Standards for alleys and lots with alley access. Lots with access from side or rear alleys are highly effective in addressing conflicts at the front street. Where provided, alleys and lots served by alleys shall meet the following standards:
 - a. Alleys shall consist of 16 feet paved width within a 20-foot public right of way or private easement, and shall be constructed in accordance with approved city standards. Width of alleys designated as fire apparatus access lanes shall be as approved by the fire marshal.
 - b. All lots adjacent to an alley, existing or proposed, shall provide access to the garage or parking space from the alley, not the adjacent street. Residences with access from alleys shall be oriented to face the public or private street, not the alley.

- c. Alleys shall connect with a public or private street at both ends, unless otherwise approved by the transportation manager.
- d. Maintenance of private alleys shall be the responsibility of the homeowner's association, and a maintenance agreement shall be recorded with the plat.
- e. Subdivisions which provide access from alleys to at least 50 percent of lots shall be eligible for modifications to certain development standards, as specified in VMC 20.927.050.

The proposed alley will be a 20-foot public right of way connecting NE 155th Avenue at its east end and NE 152nd Avenue at its west end. The alley configuration was reviewed by the Transportation Department and Fire Marshal's Office. Lots abutting the alley will take access from the alley. Compliance with street-facing orientation standards will be verified at the time of building permit review. A private alley is not proposed, and fewer than 50 percent of lots will take access from the alley.

- v) Shared driveways Where provided for narrow lots, shared driveways shall meet the following requirements:
 - a. Shared driveways serving two adjacent lots shall be no wider than 30 feet, measured at the driveway throat, unless the applicant demonstrates on the development plan that a wider driveway will not result in conflicts.
 - b. Shared driveways which provide access to more than two lots shall be no wider than 18 feet, measured at the driveway throat, and shall be within a 20-foot minimum wide easement.
 - c. Only one curb cut is permitted per shared driveway.
 - d. Shared driveways shall be constructed in accordance with approved shared driveway standards.

- e. Garages accessed from shared driveways shall be either single-car width and located no closer to the street than the front wall (not porch) of the residence or, if wider than a single-car garage, set back at least five feet from the front wall (not porch) of the residence.

vi) Narrow driveways. Where provided for a narrow lot, narrow driveways shall meet the following requirements:

- a. Narrow driveways shall be no wider than 10 feet measured at the driveway throat, unless the applicant demonstrates on the development plan that a wider driveway will not result in conflicts.
- b. Where possible, narrow driveways on adjoining lots shall be grouped in close proximity to create space along the frontage for parking, trees, utilities, etc.
- c. Narrow driveways shall be constructed in accordance with adopted narrow driveway standards.
- d. Garages accessed from narrow driveways shall be either single-car width and located no closer to the street than the front wall (not porch) of the residence or, if wider than a single-car garage, set back at least five feet from the front wall (not porch) of the residence.

Driveway configuration and width are not depicted on the preliminary plat and narrow lot plan. Ex. C. The applicant's narrative states that each lot will provide a minimum driveway width of 12 feet; therefore, narrow driveway standards are not applicable to this proposal. Ex. B. It is not clear if shared driveways will be proposed. A proposed condition of approval is included to require depiction of driveways prior to civil plan approval and stating that where proposed, shared driveways for narrow lots shall meet the requirements of VMC 20.927.040(5).

With compliance with proposed conditions of approval, the proposal will be consistent with these criteria.

70. VMC 20.945 Parking and Loading. Per Table 20.945.070-2, one parking space is required per detached single dwelling unit. The applicant's narrative indicates that each home will have a 12-foot- wide driveway and garage, meeting this requirement. Ex. B.

71. VMC 20.970 Solid Waste Disposal and Recycling. Narrow lot developments are subject to specific standards with regard to solid waste collection established by VMC 20.927.040.A.3. The proposal will have to plan for future garbage and recycling service. Each lot will be most likely served as a single-family customer; each will have a cart for garbage, a cart for recycling and a bin for glass. Organics collection, using an additional cart is optional. The applicant has illustrated on plans an 8-foot-wide cart set out location for some, but not all lots. Ex. C. Each lot has a driveway and garage that could be used for cart storage on non-collection days.

Lots 1-9 and 14-42

As proposed, the collection will take place in front of each lot along the public street.

Lots 10, 11, 12, 13

Grouped set-out is needed but not shown for all lots accessed by the private Tract A.

Lots 43-82

Serviced by an alley that provides access to the garage. Cart set-out in the alley is not shown.

With compliance with proposed conditions of approval, the proposal will satisfy solid waste requirements for providing adequate cart set out and storage area for non-collection days. The proposal will satisfy solid waste requirements for providing collector access with compliance with

proposed conditions of approval.

72. VMC 11.70 Transportation – Concurrency. The applicant submitted a Traffic Impact Study (TIS) dated August 11, 2025, from Lancaster Mobley. The TIS included trip generation, trip distribution, intersection level-of-service analysis, intersection queue analysis, and sight distance analysis. Trip generation rates were based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, utilizing Land Use Code 210 (Single-Family Detached Housing). Based on this information, the proposed project will generate 820 new ADT including 62 new a.m. peak hour trips and 82 new p.m. peak hour trips. It should be noted, the city adopted the 12th Edition of the ITE Trip Generation Manual Jan. 1, 2026. Staff will honor the calculations provided in the trip report and will adjust the entries into the city’s trip tracking software as necessary to match the trip numbers provided in the report.

73. The results of the TIS and the subsequent addendum include the following key findings:

- The analysis of MUTCD signal warrants indicates that 2033 future traffic volumes will trigger the need for a traffic signal at the intersection of NE 162nd Avenue and NE 34th Street. Rather than installing the signal, the applicant proposes to mitigate the impact at this intersection by installing a center median in NE 162nd Avenue, blocking left-turns entering NE 162nd Avenue from NE 34th Street.
- With the installation of the center median in NE 162nd Avenue, all study intersections are projected to operate within City of Vancouver operational standards during the 5-year design horizon.

Other than the installation of the center median in NE 162nd Avenue at NE 34th Street, no other traffic mitigation treatments are necessary.

Pursuant to VMC 11.70.090, the segment of NE 28th Street between NE 138th Avenue and NE 162nd Avenue is designated a Category 1 Concurrency corridor, which stipulates that the corridor is operating at or above the city’s adopted level of service standards. The traffic generated by the proposed development is not anticipated to cause the corridor to drop below the adopted level of service standard.

74. The proposal is located within the 264 Transportation Analysis Zone. Ex. 1. The project contributes p.m. peak hour trips to the following Transportation Management Zones:

Corridor Name	Corridor Limit	PM Peak Trips
Mill Plain Blvd	I-5 to Andresen Road	1
Mill Plain Blvd.	I-205 to 132 nd Ave.	3
Mill Plain Blvd.	164 th Ave. to 192 nd Ave.	1
Fourth Plain Blvd.	I-5 to Andresen Road	2
Fourth Plain Blvd.	Andresen Road to I-205	1
Fourth Plain Blvd.	I-205 to 162 nd Ave.	3
Andresen Road	Mill Plain Blvd. to SR-500	2
112 th Ave.	Mill Plain Blvd. to 28 th St.	7
112 th Ave.	28 th St. to 51 st St.	5
164 th /162 nd Ave.	SR 14 to SE 1 st St.	11
164 th /162 nd Ave.	SE 1 st St to Fourth Plain Blvd.	23
Burton Road/28 th St.	18 th St. to 112 th Ave.	9
Burton Road/28 th St.	112 th Ave. to 138 th Ave.	18
Burton Road/28 th St.	138 th Ave. to 162 nd Ave.	32
NE 18 th St.	112 th Ave. to 138 th Ave.	3
NE 18 th St.	138 th Ave. to 162 nd Ave.	1
136 th /137 th Ave.	Mill Plain Blvd. to NE 28 th St.	10
192 nd Ave.	SR-14 to NE 18 th St.	1

75. A proposed condition of approval is included with this Recommendation requiring that, prior to the issuance of civil plan approval, the applicant shall pay concurrency modeling fees totaling \$1,500. The project will not distribute trips to any other Transportation Management Zones. Ex. K. Transportation Impact Fees (TIF) are imposed per VMC 20.915. The applicant’s submitted documentation fulfills the city’s requirements for concurrency analysis.

76. The applicant’s traffic analysis provides distribution of trips used to establish the proportionate share contribution towards off-site traffic mitigation projects pursuant to VMC 11.80.080(C). A list of the intersection(s) slated for proportionate share contributions is as follows:

Proportionate Share Project Name	Fee Rate	Number of Trips	Proportionate Share Cost
Fourth Plain Blvd & NE 152 nd Ave.	\$333 per p.m. peak hour trip	3	\$999
NE 192 nd Ave. & NE 13 th St.	\$400 per p.m. peak hour trip	1	\$400
NE 172 nd Ave. & NE 18 th St.	\$300 per p.m. peak hour trip	2	\$600
NE 179 th Pl. & NE 18 th St.	\$900 per p.m. peak hour trip	1	\$900
NE 187 th Ave. & NE 18 th St.	\$1,200 per p.m. peak hour trip	1	\$1,200
NE 162 nd Ave. & NE 9 th St.	\$1,500 per p.m. peak hour trip	16	\$24,000
NE 187 th Ave. & SE 1 st St.	\$1,100 per p.m. peak hour trip	1	\$1,100
Total Proportionate Share Cost			\$29,199

77. The submitted documentation fulfills the city’s requirements for concurrency

analysis. Transportation Impact Fees (TIF) will be imposed per VMC 20.915. With proposed conditions of approval, the proposal will meet the requirements of VMC 11.70.

78. VMC 11.80 Transportation – Street & Development Standards. Four radio towers and their related structures on the subject property will be demolished. The proposed lots will take access by way of new and existing streets.

Northeast 162nd Avenue is designated a principal arterial. Northeast 34th Street is designated a neighborhood circulator which requires a minimum 54 feet full-width right of way and 36 feet paved street width per city standard plan T10-14. The existing road along the property frontage of NE 34th Street includes asphalt roadway only. Northeast 154th Avenue is an existing street which is stubbed to the south property line of this parcel. A 10-foot wide parcel, formerly owned by Clark County, exists between the end of the existing public right of way and the development parcel, apparently blocking any extension of this street northward. Connection to this street is required to meet city standards for circulation and connectivity, per VMC 11.80.070 (A-4). To remedy this, the City of Vancouver purchased the parcel from the county in December 2025. The required extension of NE 154th Avenue is now unimpeded. Northeast 154th Avenue is designated a local access street. The existing street section includes a 39-foot paved surface, flanked by vertical curb on both sides, and a 5-foot detached sidewalk on one side.

79. Proposed conditions of approval include requirements for improvements to NE 162nd Ave., NE 34th St., NE 152nd Ave., NE 154th Ave., NE 155th Ave., and NE 33rd St. per City of

Vancouver standards.

80. All the proposed internal streets in the subdivision are designated as local access streets. This includes NE 152nd Avenue, NE 155th Avenue, and NE 33rd Street. The standard for this type of street typically requires a minimum 50 feet full-width right of way 28 feet paved street width, and both sides of the street have vertical curb, detached 5-foot sidewalk, and 5-foot planter strip, per city standard plan T10-15B. The applicant submitted a request for a road modification, applying to all the internal local access streets, to construct mountable rolled curbing and a 5-foot curb-tight attached sidewalk on the side of the street where lots have no alley access. The opposite side of the street would be built to the typical standard. The proposed modification will reduce the overall footprint of the street and will greatly simplify the construction of driveways for all lots that have no alley access. This road modification request was reviewed and approved by city staff.

81. The applicant proposes a public alley to be constructed between NE 152nd Avenue and NE 155th Avenue. A public alley requires a minimum 20 feet full-width right of way and 20 feet paved street width per city standard plan T10-19. Four proposed lots in the southeast corner of the project will take access by way of a private street. The applicant shall, at a minimum, meet the requirements of VMC 11.80.050 and city standard plan T10-18. The applicant shall also provide a shared access and maintenance agreement for the private street to cover the cost of maintaining and operating street surface, signs and markings, and drainage system, as it applies to private streets and shared driveways. Any shared accesses shall be called out on the plat.

Any shared accesses shall be called out on the plat

82. VMC 11.80.050.H requires a statement with prescribed language on the face of any plat or short plat containing a private street. VMC 11.80.050.I requires that, where private streets are included in plats/subdivisions that include conditions, covenants and restrictions (CCRs), the CCRs must include terms and condition of responsibility for liability, maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easement, and other considerations. With compliance with proposed conditions of approval, the proposal will meet these requirements.

83. Per VMC 11.80.050.J, the city will not maintain streets, signs, streetlights, or drainage improvements associated with a private street. Prior to final inspection and approval of a private street, a maintenance agreement must be recorded with the Clark County Auditor as a covenant running with the land for any and all parcels served or potentially served. The agreement must set forth the terms and conditions of responsibility for liability, maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations. The agreement also must include the creation of a private street maintenance fund and the annual assessment. With compliance with proposed conditions of approval, the proposal will meet these requirements.

84. Street lighting is required on public streets consistent with requirements in VMC 11.80.090. With compliance with proposed conditions of approval, the proposal will be consistent

with street lighting requirements.

85. A right of way construction permit is required for any project that intends to close or alter a sidewalk or curb ramp for construction purposes. Each permit must include a Pedestrian Traffic Control Plan (PTCP). PTCPs will be evaluated on a case-by-case basis; specific requirements will vary depending on location. With compliance with proposed conditions of approval, the proposal will meet requirements of VMC 11.80.

86. VMC 14.04 Water. Public water currently fronts the north boundary of the site via an existing 10-inch Ductile Iron (DI) Water Main (E/W) in NE 34th street. An existing 8-inch DI water main (N/S) is stubbed to the south property line in NE 154th Avenue terminating at a blowoff valve. The nearest fire hydrants are located north, east, and south of the site at surrounding adjacent street intersections including NE 34th Street and NE 152nd Avenue, NE 34th Street and NE 154th Avenue, NE 154th Street and NE 32nd Street, and on neighboring adjacent property to the east (Parcel No. 164329005). Developments are required to extend public water to and through the site and across frontages (VMC 14.04.280). In this case the existing public water satisfies the frontage requirements. Code also requires at least one water service line and meter for each building. The application was reviewed for water in May 2026. Preliminary utility plans were included in this review package. The applicant has demonstrated that the standards for public water can be met as conditioned.

87. Developments are required to extend public water to and through the site and across frontages (VMC 14.04.280). The existing public water satisfies frontage requirements. Code also requires at least one

water service line and meter for each building. Ex. 1. The application was reviewed for water in March, 2026. A preliminary water plan and profile (Ex. C) (009 NE 132nd Avenue Storm Street Plan and Profile) was included with the application. With compliance with proposed conditions of approval, the standards for public water can be met.

88. VMC 14.06 Sanitary Sewer. Public sanitary sewer fronts the site to the north in NE 34th Street and is available for service. Sewer is also stubbed from the south in NE 154th Avenue. Developments are required to extend public sewers to, through and along frontages (VMC 14.04.280). In this case, public service does not need to be extended through the site to provide for service to adjacent parcels. Public sewer will need to be extended into the site, however, to provide direct service to each proposed lot, as code requires a separate service connection to the public main for each lot (VMC14.08.050, 14.16.010).

The application was reviewed for sanitary sewer in March 2026. Sewer service is discussed in the application narrative. Ex. B. Proposed sewer facilities are shown on sheet 8 of the associated civil plans. Ex. C. Public sewer mains will be extended from the stub in 154th Avenue to serve most of the project. The lots fronting 34th Street will be served from a combination of existing sewer mains and new extensions in that street. The proposal generally satisfies the code's service requirements.

This is a concurrent application, and plan review comments on the first submittal of the associated civil plans have been returned to the applicant. Once those comments are addressed the civil plans will be ready for approval for sewer. With compliance with proposed conditions of

approval, the proposal will be consistent with the standards for public sewer.

89. VMC 14.24 Erosion Control. The site is mostly undeveloped and will be disturbed during construction of the alley, roads, single family homes and utilities, and demolition of existing structures on-site. Ex. B; Ex. 1. A preliminary erosion control plan and Construction Stormwater Pollution Prevention Plan (SWPPP) was submitted. Ex. O. With compliance with proposed conditions of approval, the proposal will meet applicable requirements of the erosion control ordinance.

90. VMC 14.25 Stormwater. New impervious area will be created with the construction of the alley, roads and single-family homes. Ex. L. The proposed development is a qualifying project for minimum requirements 1 through 9. Calculations were submitted with the preliminary civil engineering plans indicating the amount of new impervious surface being created. Ex. C. Washington State Department of Ecology Minimum Requirement 6: Runoff Treatment will be satisfied by using Contech StormFilters. The applicant proposes to infiltrate runoff in underground infiltration facilities satisfying Department of Ecology Minimum Requirement 7: Flow Control. Ex. 1. The roof runoff will be infiltrated into the public alley system or onsite in private infiltration systems. The stormwater systems in the public right of way will be owned and maintained by the City of Vancouver. Ex. 1. With compliance with proposed conditions of approval, stormwater requirements in VMC 14.25 will be met.

91. Fire Title 16. VMC 16.04.010 -Adoption of the International Fire Code. (IFC). The proposal was reviewed against the following IFC chapters: Ch. 3 Fire Code General Requirements, Ch. 4 Emergency Planning and Preparedness, Ch. 5 Fire Service Features, Ch. 6 Building Services and Systems, Ch. 7 Fire and Smoke Protection Features, Ch. 9 Fire Protection and Life Safety Systems, Ch 33 Fire Safety During Construction and Demolition, and VMC 16.04.010 – 16.04.290. Ex. 1. The project can be approved through the fire and life safety fire plans review and permit process with compliance with applicable related code and national standard requirements. With compliance with proposed conditions of approval, the proposal will be consistent with Title 16.

92. Building Title 17. Per VMC 17.08.090, building department plan review and building permits will be required for this project. Buildings shall comply with the applicable codes listed in VMC 17.08.010 in effect at the time of building permit application. Filing of building permit applications with required fees and review material is required for a complete building code review. The proposed preliminary subdivision appears acceptable for building codes related issues and accessibility issues; however, a complete building plan review will be required to determine final compliance. Ex. 1. As submitted, the project can be reviewed for building code issues related to the site plan. The site plan review process is a separate and distinct process from the building permit process. Ex. 1.

93. The Hearing Examiner finds that, as submitted and conditioned herein, the project could be approved under 2021 building code requirements pertaining to the proposed preliminary subdivision.

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 Recommendation are hereby incorporated herein by reference and adopted by the Hearing Examiner as her Conclusions of Law.
3. All public notice requirements for the application and notice for the public hearing were met. VMC 20.210.120; VMC 20.210.060.E and .F.
4. The Hearing Examiner conducted the initial 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. The proposal is SEPA-exempt under WAC 197-11-800(1).
6. The applicant submitted for and attended a pre-application conference in compliance with VMC 20.210.080.

7. The applicant met its burden of proving consistency with applicable criteria required for a standard subdivision in VMC 20.320, the infill subdivision criteria in VMC 20.920, and narrow lot criteria in VMC 20.927.
8. The proposal is consistent with applicable criteria and development standards in VMC 20.410, Lower Density Residential District.
9. Applicable water and sewer provision and connection requirements in VMC 14.04 and 14.16 will be met as conditioned.
10. Applicable erosion control, stormwater management and water protection requirements in VMC 14.24, 14.25 and 14.26 will be met as conditioned.
11. Applicable fire protection standards, including water supply and fire hydrants, fire access and premises identification requirements in VMC 16.04 will be met as conditioned.
12. The proposal will comply with applicable Public Health requirements as conditioned.
13. Concurrency requirements in VMC 11.70 will be met as conditioned.
14. The proposal is consistent with applicable requirements in the Manual on Uniform Traffic Control Devices.
15. Applicable street and development standards and construction in right-of-way requirements in VMC 11.80 and 11.90 will be met as conditioned.
16. Applicable Archeological Resource Protection requirements in VMC 20.710 will be met as conditioned.

17. Applicable critical areas protection requirements in VMC 20.740 will be met as conditioned.

18. Applicable tree conservation requirements in VMC 20.770 will be met as conditioned.

19. Impact fees requirements in VMC 20.915 will be met as conditioned.

20. Applicable landscaping requirements in VMC 20.925 will be met as conditioned.

21. Applicable solid waste disposal and collection requirements in VMC 20.927.040.A.3 will be met as conditioned.

22. Applicable parking and loading requirements in VMC 20.945 will be met as conditioned.

23. Approval of the Type III preliminary infill subdivision, as conditioned, will comply with all applicable requirements in the Vancouver Municipal Code, the Comprehensive Plan and with RCW Chapter 58.17.

24. Approval of the Type IV requested text and map amendment will be consistent with the criteria in VMC 20.285.060. It will more effectively implements adopted housing policy direction reflected in the city's 2022 housing code updates and is supported by a change in circumstances resulting from the housing and affordability crisis that has developed since the existing zoning designation was established.

25. This Recommendation was issued within ten (10) working days after the public record closed.

26. The City Council will make a Final Decision on the Type III preliminary subdivision and Type IV zone amendment.

27. The Hearing Examiner recommends approval of the applications subject to the conditions set forth below.

DECISION

Based on the findings, discussion, and conclusions above, incorporated herein, the Hearing Examiner hereby recommends **APPROVAL** of PRJ-169743/LUP-85799 Mt. Hood Vista Subdivision and Zone Change subject to the following proposed:

CONDITIONS OF APPROVAL

Prior to Civil Plan Approval

1. Depict a development envelope on Lot 41 demonstrating all activity takes place outside of the Oregon White Oak dripline.
2. Depict on-street guest parking spaces on civil plans.
3. Depict location of driveways on the preliminary plat and narrow lot plan.
4. Revise plans to show designated collection point for two carts per lot. Adequate minimum frontage shall be provided; 10-foot set out for each lot is sufficient. All lots need to show a cart set-out location, including grouped set-out for Lots 10, 11, 12, 13 that are not accessible to collection trucks off of Tract A. Lots 43-82, with driveways and garages off of the alley should show cart set-out in the alley.
5. Illustrate side loader truck modelling showing turnaround and servicing along the public road and alley. Carts are serviced on the right side of the truck body. Templates available for users to model truck turning can be downloaded from the city's website: <https://www.cityofvancouver.us/publicworks/page/truck-turning-radius>.

6. Pay transportation concurrency modeling fees totaling \$1,500.
7. Pay transportation proportionate share fees totaling \$29,199.
8. Remove existing blowoff in NE 154th Avenue south of the site and connect to the 8-inch DI water main (N/S) in NE 154th Avenue and install a new 8-inch ZDI Water main and extend north and route throughout the site as needed to serve all required domestic meters, fire hydrants and fire protection lines.
9. Complete the water design on the civil drawings. Prepare according to Vancouver's current Public Water Design and Construction Standards. Address redline comments and submit the final design for civil plan approval.
10. Complete the sanitary sewer design on the civil drawings. Address redline comments and submit the final design for civil plan approval.
11. Secure construction permits and schedule and attend a pre-construction meeting. Construct the new sanitary sewer facilities as shown on the approved civil plans. Satisfy construction services testing and inspection requirements and secure construction acceptance.
12. Satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval, and secure final civil project acceptance.

Prior to Construction

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

Prior to Final Grading

15. A final summary report by the geotechnical engineer of record shall be prepared and submitted to the City of Vancouver that states that the project soils were prepared in accordance with the governing geotechnical report and construction documents. Provide a current report with lot specific conditions and compaction test results by final grading. Please send to planreview@cityofvancouver.us.

During Construction

16. Comply with the Department of Ecology's standards for hazardous waste, toxics reduction, and solid waste management.
17. 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.
18. Satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval and secure final civil project acceptance.
19. CONSTRUCTION SITE SAFETY FORM – Refer to this link and submit this form with the building plans (CMI permit) after fully completing: <https://www.cityofvancouver.us/wp-content/uploads/2025/08/Construction-Site-Safety-Form-and-Plan-Instructions.pdf>.
20. Temporary address signage shall be visible and legible from the street fronting the property for emergency response during construction.
21. Fire hydrants shall not be obstructed in any manner.
22. Fire apparatus access roads shall be maintained clear for emergency response.
23. Fire extinguishers and no smoking signs shall be provided during construction.

Prior to Final Inspection and Approval of a Private Street

24. Record a maintenance agreement with the Clark County Auditor as a covenant running with the land for any and all parcels served or potentially served. The agreement must set forth the terms and conditions of responsibility for liability, maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations. The agreement also must include the creation of a private street maintenance fund and the annual assessment.

Prior to Final Plat Approval

25. Submit a final plat application. Applications can be found under Building, Planning and Environment on the City of Vancouver website, www.cityofvancouver.us.

26. Properly abandon and decommission any on-site sewage system tanks or drywells discovered during development, with written notification provided to CCPH and Online RME Pumper Reports or pumper receipts attached. All abandoned OSS tanks, whether filled or removed, shall be accounted for within written abandonment notifications submitted to CCPH.
27. Legally decommission any existing water wells discovered during development, with written notice provided to Clark County Public Health and decommissioning well logs attached. Mark decommissioned water wells on the final plat.
28. Provide a final acceptance letter (or equivalent) from the sanitary sewer purveyor.
29. Provide a final acceptance letter (or equivalent) from the water purveyor.
30. Adjust the lot size of Lot 33 to comply with the maximum lot size requirements of the R-17 zoning district.
31. Record a covenant guaranteeing the opposite side yard setback of not less than five feet shall be kept perpetually free of permanent obstructions.
32. Record a covenant conveying a 4-foot maintenance easement with a 1-1/2-foot encroachment into the easement provision, to permit variations in design from the adjoining lot. No windows shall be allowed along this wall in any case.
33. Provide the following improvements to NE 162nd Avenue, per City of Vancouver standards:
 - Install a double-sided curb median at the intersection with NE 34th Street. The median must be designed to block eastbound and westbound left-turns from entering NE 162nd Avenue, while still allowing northbound and southbound left-turns to turn from NE 162nd Avenue onto NE 34th Street.
 - Per the direction of the Traffic Operations Division, install related signage, striping, and traffic control structures at the intersection as necessary to support and reinforce the performance of the new median
34. Provide the following improvements to NE 34th Street, per City of Vancouver standards:

- Dedicate additional right of way as necessary to obtain the 27-foot half-width right of way, per T10-14.
- Install additional street pavement as necessary to obtain 36-foot street width, per T10-14. It is important to establish 36 feet of paved width to allow much-needed on-street parking on both sides of the street.
- Install curb, gutter, planter strip, and detached sidewalk, per T10-14.
- Install ADA compliant pedestrian ramps on all street corners.
- Street lighting must be installed or upgraded to current standards, see street lighting comments below.
- Utility trenching must be restored per T05-04A&B and T05-05. Asphalt restoration shall meet T05-01A&B and T05-07. A single continuous width restoration is required.
- Install traffic control devices as warranted, and storm drainage as required by the city stormwater ordinance.

35. Provide the following improvements to NE 152nd Avenue, NE 155th Avenue, and NE 33rd Street, per City of Vancouver standards:

- Dedicate public right of way as necessary to provide 50 feet of full-width right of way, per city standard plan T10-15B.
- Per the conditions of the road modification, construct fully complete streets, including 28-foot full pavement width and mountable rolled curbing and a 5-foot curb-tight attached sidewalk on the side of the street where lots have no alley access. The opposite side of the street must be built to the typical street standard, which includes vertical curb, detached 5-foot sidewalk, and 5-foot planter strip
- Install ‘No Parking – Fire Lane’ signs on one side of the streets.
- Street lighting must be installed to current standards, see street lighting comments.
- Install traffic control devices as warranted, and storm drainage as required by the city stormwater ordinance.

36. Provide the following improvements to NE 154th Avenue, per City of Vancouver standards:

- Dedicate public right of way as necessary to provide a minimum of 50 feet of full-width right of way.
- Connect to the existing street stub and gradually transition the paved width of the street to the standard 28-foot local street width as shown on T10-15B.
- Construct a 5-foot detached sidewalk along the west side of the street, connecting to the existing sidewalk on the south side of the property line.

- Street lighting must be installed or updated to current standards. See street lighting comments below.

37. Provide the following items for the public alley, per City of Vancouver standards:

- Dedicate a minimum of 20 feet of public right of way, per T10-19.
- Install a paved alley surface with a minimum paved width of 20 feet, per T10-19.
- Install standard driveway approaches where the alley intersects with the public streets.
- Install “No Parking” signs on both sides of the alley.

38. Provide the following for the private street, per City of Vancouver standards:

- Dedicate an appropriate easement or private tract to accommodate the required street improvements.
- Per T10-18, install a paved street surface with a minimum width of 16 feet. (The applicant may opt to increase the width of the street, if desired.)
- Per VMC 11.80.050, since each private street serves four lots or less, curb, gutter, sidewalks, and streetlights are not required.
- Install a standard driveway approach where the private street intersects with the public street.

39. Record a shared access and maintenance agreement on all parcels that are party to the private roadway.

40. Notes Required on 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.

- Development within this subdivision is subject to an approved tree plan. Tree removal is subject to approval by the City of Vancouver. All trees shall be planted prior to occupancy per the approved plan.
- 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.
- An easement is hereby reserved under and upon the exterior six feet of all boundary lines of the lots and tracts adjacent to public/private roads for the installation, construction, 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 feet along the front boundary lines of all lots and tracts adjacent to public streets.
- WARNING: 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.
- All roof runoff shall be infiltrated per the approved civil plans.
- Tract A is to be owned and maintained by the Homeowners Association.

Language to be Included in Conditions, Covenants and Restrictions

41. WARNING: 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.

Prior to Issuance of any Building/Development Permits

42. Pay all required fees, including impact fees, unless the impact fees are approved to be deferred.

43. Demonstrate compliance with the development requirements of VMC 20.410.050(B)(1)(a-c).
44. Demonstrate that driveways for Lots 1-42 meet one of the requirements of 20.410.050(B)(1)(f).
45. Demonstrate that Lots 43-82, with access to the public alley, have garages and/or on-site parking accessible from the alley.

Prior to Issuance of Certificate of Occupancy

46. Pay application fees and secure water connection permits. Connect new building water meters according to the plumbing code.
47. Show, note and specify new public sewer easements over private roads and record with the plat with standard required plat easement language.
48. Pay application fees and secure sewer connection permits. Connect new building sewers according to the plumbing code.

DATED this 30th day of June, 2026



STEPHANIE E. MARSHALL
CITY OF VANCOUVER HEARING EXAMINER

This Recommendation was mailed on June 30, 2026.

A copy of the complete case file, including this Decision may be obtained by contacting the case manager, Anthony Tortorici by telephone at 360-487-7893, or by e-mail at Anthony.tortorici@cityofvancouver.us.

Appeal

This Hearing Examiner Recommendation will be forwarded to the Vancouver City Council for a final decision.

For questions or additional information, you may contact the case manager by telephone at 360-487-7893, or by e-mail at Anthony.tortorici@cityofvancouver.us.