

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

Regarding Type III application for Preliminary Subdivision	)	
	)	FINAL ORDER
	)	
	)	PRJ-169657/ LUP-85734
Swifts Terrace Infill Subdivision	)	

APPLICANT/OWNER: Blake Wollam, HNWDC LLC, 7701 NE Greenwood Drive, Vancouver, WA 98662

LOCATION OF PROPOSAL: 2410 NE 54th Street, Vancouver, WA 98663. Tax lot 148882000, 148921000 & 148924000. Located within the NE ¼ of Section 14, Township 2N, Range 1E.

SUMMARY OF REQUEST: Subdivision of a 2.3-acre site into 18 residential lots within the R-9 zoning district utilizing Infill and Narrow Lot development standards. The proposal is subject to a Type III process

PROJECT: PRJ-169657/ LUP-85734
Swifts Terrace Infill Subdivision

SEPA DETERMINATION: Exempt from SEPA review per WAC 197-11-800(1)

APPROVAL CRITERIA: Subdivision – VMC 20.320
Narrow Lot Development – VMC 20.927
Infill Development – VMC 20.920

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

RECORD CLOSED: June 30, 2026

STAFF REPORT: June 2, 2026

SUMMARY OF DECISION:

The application is **approved**, subject to thirty-nine (39) conditions of approval

SUMMARY

The applicant proposes an 18-lot subdivision of a vacant 2.3 acre site for future construction of attached single-family homes utilizing the infill subdivision and narrow lot development standards in the City of Vancouver Municipal Code. Exhibits A, B and C. The subject property is located in an urban growth area of Vancouver and is surrounded by residential land uses in all directions. A single access to the subdivision will be via NE 54th Street, an existing collector arterial. The property is located in an urban growth area of Vancouver and is immediately surrounded by residential land uses in all directions. Each lot will be provided with sanitary sewer, storm sewer, water service, and other dry utilities. Vancouver Public Schools will provide busing for students within the subdivision.

All lots have been designed to comply with Narrow Lot Development Standards, Infill Development Standards, and low-density residential standards. Under VMC Chapters 20.920 and 20.927, the minimum parcel area for attached single-family homes within an infill development in the R-9 zoning district is 1,500 square feet. The planned minimum lot area in the proposed development is $\pm 1,946$ square feet. The proposed lots meet minimum width and depth requirements for infill lots in the R-9 zoning district. The future homes will utilize zero lot line standards.

Two private internal roads will be constructed, and the applicant will make right-of-way dedication to NE 54th Street. Two open space tracts totaling $\pm 23,956$ square feet are planned which will also protect existing trees. Eleven off-street parking spaces will be provided, in excess of the six

parking spaces required under VMC 20.297.030. These will be located in a common parking area within Tract A and as off-street parking along NE 24th Avenue. The guest parking common area has been designed so that backing maneuvers will occur on the private street only. The guest parking common area will be owned and maintained by a homeowners' association.

The site is hilly, with steep and overstepped slopes up to 40°. Clark County GIS shows that geological hazard areas exist on the property, including landslide and erosion hazards. However, the site is outside of any flood plain and does not contain critical area habitats or wetlands. The applicant submitted a Critical Areas and Geotechnical Soils Report (Ex. M) completed by True North Geotechnical Engineering. That report identified the location of critical slope areas on-site and provided recommendations for development in a manner consistent with critical area regulations to protect slopes. This information was considered by staff in its initial review, available for review and comment by the public, and was before the Hearing Examiner in this Final Order. No rebuttal evidence was submitted to show that conclusions in the report are in error. That refinement of the applicant's expert analysis is required as more information concerning grading of the project is developed does not result in impermissible delay of review. Rather, it is typical of project evolution. Conditions of approval are included to ensure that the conclusions in the Geotech report, that no significant threat to the public health, safety and welfare exists, remain, as additional grading and site development information is developed.

Because the proposal is for a subdivision of less than 30 lots, it is categorically exempt from review under the State Environmental Policy Act (“SEPA”) as minor new construction. WAC 197-11-800(1); VMC 20.790.840A.1. That the subject property contains mapped critical areas does not change the applicability of the categorical exemption. VMC 20.790.830.A.1. The City is required by state law to treat development proposals in critical areas “no differently than other proposals.” WAC 197-11-908(2). Because the City has not adopted an ordinance stating that categorical exemptions from SEPA do not apply in critical areas, the categorical exemption applies.

Robust public comment was received prior to, at and following the public hearing in an open record period. Commenters expressed numerous concerns regarding the proposal and requested denial of the application or imposition of additional conditions of approval. These concerns are generally summarized as: (a) the impact of small lot sizes on surrounding neighborhood character, property values, and expectations of property owners that minimum lot sizes of 5,000 square feet would be retained by the City; (b) increased traffic and pedestrian safety concerns, particularly given that sidewalks are not proposed; (c) retention of trees for slope stability, tree canopy and microclimate effects; (d) potential impact on off-site trees if root systems extended onto the property are damaged; (e) slope stability, potential erosion and stormwater runoff; (f) disputes regarding surveying, potential adverse possession claims and concerns that grading work and/or installation of retaining walls will encroach onto neighboring properties; (g) adequacy of parking; (h) challenge to the City’s determination the proposal is exempt from SEPA review; (i) wildlife impacts; (j) alleged inadequate

notice; (k) arguments that the City's infill subdivision ordinance is unconstitutional on its face; and (l) procedural and substantive due process constitutional arguments. Ex. H. Each of these arguments is addressed in more detail in findings and conclusions below.

The Hearing Examiner considered all public comment, the exhibits in the record, the staff report, and testimony at the public hearing in preparing this Final Order. The Examiner lacks authority to rule on constitutional claims and does not have authority to condition or deny the application based on a private dispute concerning a survey and related adverse possession claims. Approval of the application does not authorize trespass onto adjoining property; the applicant must be able to complete grading work, construction of retaining walls, and any other remediation measures to address steep slopes within the property boundaries, unless consent from adjoining property owners is obtained.

With respect to lot size and density concerns, including compatibility with the surrounding area, the proposal is consistent with applicable development regulations in the R-9 zoning district with application of infill subdivision and narrow lot subdivision standards. 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. Selected citations to Comprehensive Plan provisions that were in existence on the vesting date of the application do not change this determination. Arguments that property owners relied on existing zoning on the dates they acquired their properties do not present a basis for conditioning or denying the application. Legislative bodies

like the Vancouver City Council are entitled to enact new legislation to address evolving needs of its citizens and to effectuate public policy, provided such legislation is consistent with the Growth Management Act and other applicable state laws. In the City, 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-9 dimensional standards.

With respect to critical areas, multiple geotechnical reports have been submitted by the applicant and reviewed by staff and the Hearing Examiner. While some members of the public believe that the applicant is deferring full analysis of slope stability, the reports provide sufficient, detailed analysis to determine that, with compliance with conditions of approval, development will not result in public health, safety or welfare impacts. It is not unusual, nor impermissible, for geotechnical analysis to note the potential need for refined analysis as more information is developed (here, grading). Mitigation based on a submitted grading and erosion control plan, will use a combination of grading (filling existing over steepened slopes) and retaining walls. Engineering of the retaining walls will be required at building permit review. That does not change the conclusions in the submitted geotechnical information (Exs. M and J); commenters did not provide any evidence refuting those conclusions. Merely questioning the report's conclusions is not enough. Other concerns regarding potential encroachment have been refuted by evidence (Ex. J) and testimony. This Final Order does not permit the applicant to trespass onto adjoining property for grading and/or retaining wall work.

Substantial evidence in the record shows that traffic and safety impacts have been studied and will be mitigated by the applicant. The applicant's trip generation report (Ex. F) and trip calculations worksheet (Ex. G) were reviewed by qualified staff at the City of Vancouver. No evidence was presented to show that City staff erred in approving the three road modification requests submitted by the applicant – merely disagreement. Conditions of approval are included in this Final Order to ensure that the design and layout of the proposed infill subdivision will comply with all applicable requirements, with approved modifications. Enforcement-related issues concerning vehicles traveling at high speeds are not bases on which the proposal may be conditioned or denied. Nor is speculation regarding reduced property values. *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), infill subdivision (VMC 20.920), and narrow lot subdivision criteria (VMC 20.927). The proposal has been appropriately reviewed for compliance with the City's critical areas ordinance, VMC 20.740.130, with respect to mapped landslide and erosion hazard areas

on the site. Compliance with conditions of approval of this Final Order will ensure protection of public health, safety and welfare.

PUBLIC HEARING AND RECORD

An open record, quasi-judicial public hearing on the Application commenced at approximately 6:00 p.m., on Tuesday, June 16, 2026. The hearing took place in an online format using the Microsoft Teams platform with City Staff serving as the host. Applicant representative Michael Andreotti, provided testimony and presented the applicant's proposal. The City appeared through Krystal Sanchez, Planner/Case Manager, Ryan Paulsen, City Engineer, and Phillip Gigler, attorney with the City Attorney's office. Several interested property owners provided testimony with concerns about density, change in neighborhood character, traffic and pedestrian safety, impacts on critical areas/steep slopes, stormwater run-off, adequacy of parking, alleged inaccuracy of a survey, inadequate notice of the proposal, and other potential impacts of the development including on property values. 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 M thereto, and the applicant's presentation at the public hearing (Ex. 2).

The public hearing was closed at the conclusion of all testimony, and the record was left open. Mark A. Erikson, attorney with Erikson Law, submitted a supplemental comment letter on behalf of six property owners on June 24, 2026. Ex. N. The applicant submitted a response letter dated June 26,

2026. Ex. O. On June 30, 2026, the City advised it had no further written comment and requested the record be closed. The Hearing Examiner closed the record on June 30, 2026. All exhibits and records of testimony are filed at the City of Vancouver.

At the beginning of the hearing, the Examiner described how the hearing would be conducted and how interested persons could participate. The Examiner disclaimed any *ex parte* contacts, bias, and conflicts of interest. The following is a summary of selected testimony and evidence offered at the public hearing.

Applicant's Presentation. Mr. Andreotti of AKS Engineering presented a slideshow and testified regarding the proposal. The subject property is in the NW portion within the City limits and is comprised of three tax parcels. NE 54th Street, a collector arterial, is to the south of the site. He stated that 0.56 acres will be dedicated open space and 18 attached single-family homes are proposed to be developed. There will be 11 additional parking spaces and 72 new trees will be installed, including 12 street trees and 60 trees within the site. Stormwater will be collected and treated on site. Traffic, school and park impact fees will be paid. Mr. Andreotti addressed the over-steeped slopes on the site and the applicant's Critical Area and Geotech Report. Ex. M. He noted that there will be significant grading required for the development which will require retaining walls and structural engineering.

In response to submitted public comments, Mr. Andreotti stated that the lot sizes within the proposed subdivision meet all required dimensions for an infill subdivision with attached single-

family homes in the R-9 zoning district. With respect to sidewalks, he noted that most of the surrounding areas are not improved with sidewalks. Children will be bused to nearby schools.

City's Presentation. Krystal Sanchez, a planner and the case manager, presented a slideshow on behalf of the City. This showed an aerial overview of the site. Ms. Sanchez stated that the proposal is SEPA exempt as Minor New Construction. Ms. Sanchez noted that the proposal is utilizing the narrow and infill subdivision provisions of the Code. With respect to steep slopes/erosion hazard, an updated Geotech review with quantitative slope stability analysis if determined to be necessary as a result of proposed grading, an element of the project that continues to evolve. Ms. Sanchez testified that staff recommends approval of the proposal, subject to recommended conditions of approval.

Public Testimony. Six members of the public provided testimony in opposition to the proposal, including an attorney who represents several property owners. Public comments included opposition to the perceived density of the proposal, adequacy of parking, concerns regarding persons complying with posted speed limits and blocking driveways, concerns about NE 57th Street, pedestrian safety/safe walking conditions, impacts on property values, concerns regarding the adequacy of stormwater modeling and stormwater runoff, argument that the proposal is contrary to the purpose of zoning, which is for orderly development, concerns regarding compliance with the critical areas ordinance, and concerns regarding the ability of the site, given its steep slopes, to be developed with 18 homes. Several commenters argued that the proposal should be subject to SEPA review and others stated that public notice of the proposal was inadequate.

Attorney Mark Erikson argued that his clients relied on the City maintaining lot sizes of 5000 square feet in the R9 zoning district when they purchased their properties. He argued that the infill ordinance is facially unconstitutional. Other public comments expressed concerns regarding steep slopes and slope stability; persons testified that the applicant's Geotech report is incomplete and took issue with proposed conditions 3 and 27. Commenters stated that VCA 20.740.130 requires analysis of retaining walls to be part of the application and that, by approving the application subject to conditions of approval, the City would be making a decision based on information on which the public will not have an opportunity to comment. Attorney Erikson argued this violates procedural due process.

One commenter, Adria Ali, testified that she hired a surveyor who did not disclose the depth of his involvement with the proposal. She stated that the unofficial survey should be in the record, noted a "huge discrepancy," and stated that monuments had been removed. Ms. Ali testified that the boundary has been compromised and that, if an accurate survey is relied on, the proposed roads could not go in.

City's Response. On rebuttal, Ms. Sanchez testified that all parties received notice of the proposal and copies of the staff report. She also testified that the City's infill ordinance has been in effect since 2024. Ms. Sanchez addressed SEPA arguments, stating that the proposal of less than 30 lots is SEPA-exempt as minor new construction. Analysis under the critical areas ordinance is separate from SEPA review. Ms. Sanchez testified that no grading will be allowed until civil review, as set forth in the

proposed condition of approval concerning geotechnical review. She also testified that solid waste and transportation staff reviewed the applicant's proposal and, with a proposed turnaround, no backing up is required. Ms. Sanchez observed that the survey issue is a private matter.

Ryan Paulsen, a surface water engineer with the City, provided rebuttal testimony, stating that civil review is ongoing and that it is normal for several rounds of review to occur, with modifications along the way. Presently, the stormwater design has only undergone one round of review. If the City determines the design does not meet with SWWP, the City will require additional revisions. Mr. Paulsen also addressed public comment allegations that stormwater review conflicts with internal emails and used the wrong baseline measurement. Philip Gigler, with the City Attorney's office, briefly addressed the constitutional challenges raised by Mr. Erikson.

Applicant's Response. On rebuttal, Mr. Andreotti testified that the proposed attached homes will look like single-family homes. He addressed waste management collection set out points and the private road turnaround and noted the site plan adjusted collection points on the site. Mr. Andreotti testified that the curbs will direct stormwater away so as to prevent erosion onto neighboring properties. With respect to sidewalks and pedestrian safety, Mr. Andreotti testified that the safest route to school is via busing, which is provided by Vancouver Schools. The cost of installing sidewalks is disproportionate to the alleged impacts of the proposed development and does not make sense given that all surrounding streets lack sidewalks. With respect to Ms. Ali's comments regarding

her survey, Mr. Andreotti noted that such concerns are a private civil matter. He disagreed that a conflict of interest exists. No surveyors did work on the proposal.

The Examiner closed the record on June 30, 2026.

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

FINDINGS OF FACT

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

2. The applicant proposes the subdivision of a 2.3-acre site into 18 lots within the R-9 zoning district. Ex. 1; Exs. A, B and C. The proposal utilizes Infill and Narrow Lot development standards, which allow for reduced lot sizes and increased lot coverage. The proposed lots are intended to accommodate single-family residential development. The project site has mapping indicators for geological hazards. Ex. 1; Ex. M. Two private roads will be built (NE 24th Court and NE 55th Place) to serve the 18 lots and will connect to the existing public street (NE 54th Street). Ex. 1; Exs. A, B, C and J.

A. Procedural History

3. Approval of a preliminary subdivision requires a Type III process. VMC Table 20.210.020-1.

4. A pre-application conference was held on August 11, 2025 (Case No. PIR-85377). The applicant submitted an application on January 22, 2026 (LUP-85734). The City determined the application fully complete on March 27, 2026. By electing to use the concurrent review process, the Applicant waived all land use review timelines within Title 20. Ex. 1; Ex. A.

5. 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 39 proposed conditions of approval. *Id.* Staff's recommendation reflects review of comments received during the comment period. Ex. H; Ex. K (applicant response to public comments). The applicant accepted staff's findings and the conditions proposed in the Staff Report.

6. Notice of the application and hearing procedures were sent out on April 9, 2026, and was completed by city staff in accordance with VMC 20.210.060.E. Exs. D and 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. The City's Notice of Application and Remote Public Hearing included a Vicinity Map and a 3-page certified owner mailing list evidencing that notice was sent to 112 property owners. Ex. D.

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

8. 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

9. The currently vacant site is not addressed and is identified as Clark County Parcel Numbers 148924-000, 148882-000, and 148921-000 of the Northeast Quarter of Section 14, Township 2 North, Range 1 East, Willamette Meridian. Ex. 1; Ex. B. The site is zoned Low Density Residential-9 (R-9) and is surrounded by similarly zoned R-9 properties to the north, south, and east. West of the site are parcels zoned R-9 and Park (P) . The surrounding parcels are currently in use as single family homes and a city owned stormwater pond. Id. The site is served by NE 54th Street, which is an existing collector arterial. NE 54th Street is partially improved with a 40-foot-wide right-of-way and a ±30-foot paved width. No curbs or sidewalks exist on either side. Ex. B.

10. The site topography is hilly and vegetation consists largely of grass, shrubs, and various evergreen and deciduous trees. Ex. B. The site is outside of the flood hazard area. Ex. B; Ex. M. Clark County Geographic Information Services (GIS) indicates a moderate to moderate-high mapping probability for the presence of archaeological resources with no archaeological site buffer mapped on-site. Ex. B; Ex. 1. The site is located within a Critical Aquifer Recharge Area (CARA) (Vancouver) and is not within a 1,900-foot wellhead buffer area. Portions of the site are mapped as a severe erosion hazard area. Ex. B.

11. Existing site access is limited to a ±60-foot-wide strip connecting to NE 54th Street along the south boundary of the site. Ex. B. Single-family homes and a stormwater facility exist to the west. Single-family homes and steep slopes exist to the north and east of the site; therefore, only one access point along NE 54th Street can be constructed. Ex. B. Circulation to the north, east and west is not planned.

12. General Site Information is set forth on page 3 of the Staff Report (Ex. 1):

Zoning District	R-9
Adjacent Zoning Designation	R-9 on all sides
Comprehensive Plan Designation	Urban Low Density (UL)
Parcel Size	2.3 acres
Adjacent Land Uses	Single-family residential on all sides
Access Roads	NE 54 th Street
Existing Vegetation	Trees and landscaping
Existing Structures	Vacant land
Topography	Steep slopes
Geologic Hazards	Steep slopes
Seismic Hazard	Severe erosion hazard area
Habitat and Species Impacts	No mapping indicators
Flood Plains	No mapping indicators
Wetlands	No mapping indicators
Archaeology	Moderate-High
Wellhead Protection	None
Drainage Basin	Burnt Bridge Creek
Soils	Non-Hydric /HIB Non-hydric/HIE
Park Impact Fee District	District B
School Impact Fee District	Vancouver
Impacted Schools	Minnehaha, Jason Lee, Hudsons Bay
Traffic Impact Fee District	Columbia
Transportation Analysis Zone	1574
Sewer District	Vancouver
Water District	Vancouver

Fire Service	Vancouver
Neighborhood Association	West Minnehaha

C. Environmental

13. Chapter 43.21C RCW, codified in VMC Chapter 20.790, requires the City to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The proposal is exempt from SEPA review per WAC 197-11-800(1) as Minor New Construction, as set forth in more detail in the findings below.

D. Agency Comment

14. Clark County Public Health: CCPH issued a Development Review Evaluation for the project dated April 29, 2026. Ex. I.

15. 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. The presence of an existing OSS was not indicated in County records nor observed by CCPH staff during an April 28, 2026 field evaluation. Ex. I. It was noted that ground disturbance had occurred in several areas of the property and piezometers/monitoring wells were present. *Id.*

16. OSS components may exist at the site. Ex. I. Any OSS tanks or drywells discovered during development must be properly abandoned per CCC 24.17.210, with written notice provided to CCPH and Online RME Pumper Reports or receipts attached. 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 development site plan. Ex. I. Conditions of approval to address CCPH's comments are included in this Final Order.

17. Water Systems (WAC 173-160, WAC 246-290, CCC 40.370, RCW 58.17): Public water service is proposed and required for this project. The presence of an existing drinking water well on this parcel was not indicated within County records nor observed in the field by CCPH staff during an April 28, 2026 field evaluation. Ex. I.

Water wells may exist at the site. Any water wells discovered during development must be legally decommissioned by a Washington-licensed well driller per WAC 173-160-381, with written notice provided to CCPH and decommissioning well logs attached. Decommissioned well locations shall be marked on the final site plan.

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 development site plan final acceptance letter from the purveyor or the equivalent must be submitted along with the final plans. Ex. I. Conditions of approval to address CCPH's comments are included in this Final Order.

E. Public Comment

18. Per VMC 20.210.060.F, a 30-day public comment period was held from April 9, 2026, to May 11, 2026. Eight (8) public comments were received during this period and one public comment was received after the comment period. Ex. H. One of the public comment letters included

signatures of twenty-nine (29) persons opposed to the proposed development. All comments are included in the public record. Staff forwarded the public comments to the applicant; the applicant submitted a written response. Ex. K. The Staff Report includes analysis of written public comments prior to the public hearing. Ex. 1. Following the public hearing, the record was left open for one week in response to allegations of insufficient notice with an additional one week for response from the applicant and the City. One additional public comment was received (Ex. N); the applicant submitted a response thereto (Ex. O).

19. With respect to concerns regarding lot size, density and consistency with character of existing surrounding neighborhoods, per VMC 20.410.040, minimum and maximum density factors shall only be used for calculating densities of planned developments, density transfers, cottage clusters and situations where an existing house is allowed on a larger than maximum lot size. Ex. 1. The number of lots created by the subdivision process is determined by the dimensional standards of the underlying zone, such as lot width, depth, and area. *Id.* The proposal for attached single-family dwellings meets the minimum parcel area requirement of 1,500 square feet set forth in VMC Table 20.920.050-1.

20. Allegations regarding “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, in-fill subdivision criteria and narrow lot criteria, the application must be approved. VMC 20.320.020.A.2. Arguments regarding provisions in the

Comprehensive Plan and reliance by property owners on zoning provisions in existence at the time they acquired their property do not change this determination.

21. Addressing concerns regarding pedestrian safety, one comment (Ex. N) stated that busing students to schools (Ex. K) does not alleviate such concerns because the bus stop is on existing NE 54th Street, which lacks curbs, gutters and sidewalks. That condition pre-exists the proposed development. The City cannot condition or deny the application based on conditions of the existing street and sidewalk network in the area, which extend beyond the subject property. The condition of the street on which the bus stop is located is not the result of the proposed development.

22. The applicant requested a technical road modification of the frontage requirements for the 60-foot strip of NE 54th Street because none of the lots on the north or south sides of the street, for approximately 750 feet in each direction, has frontage improvements. Requiring the applicant to install frontage improvements on either side of the private street to be installed in this area, would result in an isolated and inconsistent segment of property, with curbs, gutters, and sidewalks that do not connect to anything. Curbs and sidewalks would abruptly end at the east and west boundaries of the property, and the gutter system would not shuttle water anywhere (other than onto neighboring land). Public safety concerning sidewalks has been adequately considered and addressed. The applicant's requested minor road modification will not materially impact public safety because the entire neighborhood lacks sidewalks, not merely just the frontage of the subject property. The applicant's requested technical road modification to be relieved of the requirement to install curbs,

sidewalks, and gutters, along a 40-foot stretch of NE 54th Street does not present a material public safety impact.

23. Per VMC 20.790.840, the proposal is exempt from SEPA review per WAC 197-11-800(1) as Minor New Construction. Projects that propose 30 single-family units or fewer are exempt from SEPA. That the subject property contains mapped critical areas does not change the applicability of the categorical exemption. VMC 20.790.830.A.1. Per WAC 197-11-908(1), categorical exemptions apply whether or not a proposal will be located in a critical area. VMC 20.740.030.C.1.g declares the soil erosion hazard area to be eligible for a statement of exemption. The City has not exercised its authority to pass an ordinance stating that categorical exemptions from SEPA do not apply in critical areas. VMC 20.790.810, and WAC 197-11-908 simply empower the City to declare certain categorical exemptions do not apply in certain, specified critical areas. It has not done so. The City is required by state law to treat development proposals in critical areas “no differently than other proposals.” WAC 197-11-908(2).

24. Addressing the concerns regarding mapped geologic hazards on the property, the applicant submitted a critical area assessment and geotechnical report from True North Geotechnical dated May 6, 2025, as required by VMC 20.740. Ex. M. The site was surveyed by a Professional Land Surveyor licensed in the state of Washington. A tree inventory of the site was completed by a Certified Arborist. Ex. C. No contrary evidence disputing the findings and conclusions in the applicant’s submitted reports was submitted. While another arborist report (PNW Tree Consulting,

LLC, Frank Krawczyk, ASA Registered Consulting Arborist) was submitted by a commenter and disputed some sizes and some species of certain identified trees, that arborist concluded the applicant's Level V Tree Plan nonetheless was sufficient and would have a protective effect if followed. There is no demonstrated need to require the applicant to update the Level V Tree Plan because it will not change the arborist's conclusions. Compliance with conditions of approval of this Final Order will address the stated concerns. Off-site trees were evaluated from the subject site to avoid illegal trespass. Ex. K. Tree protection fencing will be installed per approved plans and maintained throughout construction. *Id.*

25. This Final Order includes a condition of approval requiring the applicant to complete an updated geotechnical report prior to final engineering approval. The city also requires the geotechnical engineer of record to allow site inspections during construction and provide reports to the city. The proposed walls will be designed by a structural engineer in coordination with the geotechnical engineer, then submitted for building permit review by the city.

26. Additional public review and comment on refined geotechnical analysis is not required or necessary. *See, e.g., Knight v. City of Yelm*, 173 Wn.2d 325, 344-45, 267 P.3d 973 (2011) (recognizing that preliminary plat applications are meant to give local government and the public an approximate picture of how the final subdivision will look and acknowledging that it is expected modifications will be made during the "give and take of the approval process"). There is no basis on which the City may require independent third-party monitoring. That additional review is required

in conditions of approval does not constitute or result in impermissible delay of critical areas review. Condition 3 requires the applicant to submit an updated critical areas report and geotechnical report to verify conformance with recommendations in the geotechnical report (Ex. M). Only at that time can it be determined whether a quantitative slope analysis is required. Condition 27 similarly requires a final summary geotechnical report to confirm the soils were prepared in accordance with the submitted geotechnical report (Ex. M) and to report lot specific conditions and compaction test results by final grading.

27. This Final Order does not authorize or approve any encroachment onto adjacent properties. Ex. K (True North letter dated May 26, 2026). The Applicant is not proposing to grade any land it does not own, and thus, VMC 20.740.050 does not require a critical areas report addressing impacts on adjacent properties.

28. Conditions of approval require erosion control and stormwater measures to be installed before and maintained throughout construction to protect neighboring properties from erosion, along with the project being required to obtain an ECY Stormwater Pollution Prevention Permit (SWPPP). This permit will be required to be maintained throughout the project with periodic inspections of the site. No work is proposed or will occur on neighboring properties. The site construction will also be required to go through city inspections to ensure the work is being constructed per approved plans and to city standards. Additional findings concerning erosion and stormwater control are set forth below.

29. Subsequent review of the applicant's compliance with conditions of approval and of building permit applications are not subject to a Type III process under the VMC. The Hearing Examiner has no authority to add public notice, comment periods and a hearing for review of future submissions the applicant will make to comply with conditions of approval. There is no authority to require "notice of deviation," a term which is neither defined nor contemplated in state law or the VMC. There is no basis for the Hearing Examiner to require the applicant to pay for an independent surveyor, nor any basis to require the applicant to post a performance bond.

30. Speculation about decreased property values does not constitute substantial evidence. Nonetheless, such issues do not pertain to any preliminary subdivision criteria. *See* VMC 20.320.020.A.2.

31. One commenter, Adria Ali, raised concerns regarding the boundary of the subject site, arguing that she and her predecessors acquired title to portions of the property through adverse possession and/or recognition and acquiescence. There is no court order or agreement that supports this argument. While the argument may be advanced in a different forum, Ms. Ali's contentions do not provide a basis for conditioning or denying the application. Ms. Ali also raised questions regarding a conflict of interest impacting work that a surveyor she hired completed. This private dispute also is not relevant to the application. Ms. Ali speculates that a county survey monument has been moved within the past 18 months. Without more, this is not a basis for conditioning or denying the application. In her comment letter, Ms. Ali requests "full disclosure" of survey documents. This

appears to be a public records request and should be submitted to the City in accordance with established processes.

F. Applicable Regulations

32. 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; 14.26 Water Resource Protection; 16.04.160 Water Supply and Fire Hydrants; 16.04.150 Fire Apparatus Access; 16.04.170 through 16.04.210 Fire Protection Systems; 16.04.010 Premises Identification; 20.210 Decision Making Procedures; 20.320 Subdivisions; 20.410 Lower Density Residential Districts; 20.710 Archaeological Resource Protections; 20.740 Critical Areas Protection; 20.770 Tree Conservation; 20.790 SEPA Regulations; 20.915 Impact Fees; 20.920 Infill Development Standards; 20.925 Landscaping and Open Storage; 20.927 Narrow Lot Developments; 20.945 Parking and Loading; and 20.970 Solid Waste Disposal and Recycling.

33. In addition to the VMC provisions set forth in above, the proposal must be consistent with the City of Vancouver 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.

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G. Preliminary Subdivision Standards

34. 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.

35. 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.

36. 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: (a) Two private streets are planned with this project, NE 24th Court and NE 55th Place. Both private streets will be constructed with a 20-foot-wide asphalt surface; (b) curbs and gutters will be installed on both sides of the private roads; (c) streetlights will be installed on both sides of NE 24th Court and the south side of Ne 55th Place. Water and sewer mains exist in NE 54th Street and will be extended into the site with this project. Water and sewer service will be provided for each lot in the subdivision; (d) onsite stormwater will be managed according to the applicable standards; and (e) a grading plan has been included with the application. A SWPPP is included in the Stormwater report. Applicable regulations will be followed to minimize the risk of erosion related

impacts. The Hearing Examiner finds that, as conditioned, the proposal will meet this criterion, subject to civil plan review. This criterion will be met.

37. 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 conditions of approval in this Final Order, are consistent with the city’s current ordinances, standards, and plans. This criterion will be met.

38. 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.*” Two open space tracts are planned with this project to protect existing trees and provide open space for the project. Exs. A and B. The open space tracts total ±23,956 square feet in size. *Id.* All necessary easements will be provided over the private roads to allow access and utilities. Additionally, applicable impact fees will be paid with building permits. This criterion will be met with compliance with conditions of approval in this Final Order.

39. 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.*” A Critical Areas and Geotechnical

Soils Report was completed by True North Geotechnical Engineering on December 4th, 2026. Ex. M. Lots and roads are designed to limit the amount of grading required and well as integrate into the site topography to the greatest extent practicable. Exs. A and B. With compliance with conditions of approval in this Final Order, this criterion will be met.

40. 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 no known existing subdivision conditions that apply to the proposed project. This criterion is met.

41. 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 conditions of approval, the proposed subdivision will comply with all applicable requirements of VMC Title 20. This criterion will be met.

42. 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.

43. 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.

44. VMC 20.320.070(A) Subdivision Layout and Required Improvements. Subsection (1) Principles of acceptability, states that 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.* With compliance with 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. The site is surrounded by existing development and existing streets. There are no opportunities to create “blocks” with the proposed development. Ex. B. The length, width and shape of blocks have been designed with regard to adequate building site, as well as considering the needs for access and circulation based on the configuration of the lot. 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 existing streets. There are no opportunities to create “blocks” with the proposed development. No additional cross circulation is proposed or necessary with this plat. 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. Utility easements will be reviewed and approved by the appropriate utility provider. All easements located within the*

project site will be noted on the final plat. Utilities serving the lots will be located within an easement or PUE. Site access will be gained from private roads that will be constructed, owned, and maintained by the HOA. All private roads will exist within an access tract. Ex. B. This criterion will be met with compliance with conditions of approval of this Final Order.

- 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. This criterion is inapplicable because no watercourse traverses the property.*
- 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. This criterion will be met with compliance with conditions*

of approval.

- 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.* This criterion is inapplicable because no flag lots are proposed.
- 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 front on the proposed two private streets and 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. Nearby West Minnehaha Neighborhood Park will provide recreational opportunities for residents in this area. This criterion will be met with compliance with conditions of approval of this Final Order.
- 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.* As conditioned in this Final Order, the proposal will comply with VMC 20.770. Existing trees are addressed in the tree plan provided with the application and are discussed in more detail below. This criterion will be met.

45. VMC 20.410.030-1 Lower Density Residential District Use Table. The subject property is zoned R-9 Lower Density Residential and is therefore subject to the development standards and permitted uses in VMC 20.410 Lower Density Residential District. Single-dwelling detached residential uses are permitted outright in the R-9 zoning district. VMC 20.410.030.B. Minimum and maximum density factors in VMC 20.410.040 are not applicable 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.

46. VMC 20.410.050 Development Standards. Development standards for the R-9 Lower Density Residential district are applicable to the proposal. Compliance with requirements for garages (.050(a)), main entrances (.050(b)), and front façade variety (.050(c)) will be verified at building permit review. Alleys are not proposed. VMC 20.410.050(d). Narrow lot development standards are

discussed in the findings below. VMC 20.410.050(e). As proposed, the driveways do not meet at least one of the location and configuration requirements in VMC 20.410.050(f). A condition of approval requires the applicant, prior to civil plan approval, to demonstrate compliance with this requirement by meeting one of the standards of VMC 20.410.050(f). Compliance with solid waste requirements is addressed in the findings below. VMC 20.410.050(g).

47. VMC 20.710 Archaeological Resource Protection. The site is mapped as Moderate to High for Archaeological Probability, and the disturbance area is less than five acres in size. Therefore, no archaeological predetermination report was required. If any cultural or historical resources are discovered during construction activity, construction shall cease until a qualified archaeologist assesses the find and the applicant shall contact all applicable authorities. With compliance with conditions of approval, the proposal will be consistent with requirements of VMC 20.710.

48. VMC Table 20.410.050-1. The preliminary plat demonstrates that compliance with setbacks, building height, and landscaping standards can be met and will be verified at the time of building permit review. Exs. A, B and C; Ex. 1. All proposed lots are within the minimum and maximum lot size standards. All proposed lots exceed the minimum lot width and depth standards of this section. As conditioned, the proposal will be consistent with these criteria.

49. VMC 20.740 Critical Areas Protection. The subject property is mapped as containing geologic hazards, specifically slopes greater than 25 percent, constituting landslide and erosion hazard areas. Ex. 1. The applicant submitted a critical area assessment and geotechnical report from

True North Geotechnical dated May 6, 2025. Ex. M. The applicant also submitted the following documents: (a) Geotechnical Consultation – Slope Assessment/Setback – Swift’s Terrace”, True North report # 24-0241-1 dated August 30, 2024 (preliminary slope assessment to address site slopes and provide preliminary slope setback recommendations); (b) “Geotechnical Engineering Evaluation – Swift’s Terrace”, True North report # 24-0241-2- R2, dated May 6, 2025 – Revised December 23, 2025 (revision of the Geotechnical Engineering Evaluation) This report includes a detailed section titled “Critical Areas Report – Geologic Hazard Areas” in accordance with VMC 20.740.130 “Geologic Hazard Areas”; (c) “Infiltration Testing Report – Swift’s Terrace” True North report # 24-0241-2-R2 dated July 8, 2025 – Revised December 5, 2025; and (d) “Geotechnical Consultation – Vertiblock Wall Design – Swift’s Terrace”, True North report #24-0241-5 dated February 10, 2026 (wall design for the site walls based on grading plans and wall elevations provided by AKS). Broadly summarized, the analysis and conclusions in the Geotech report are that development of the site as currently contemplated and proposed takes into consideration the steep slopes and mitigates potential impacts of development through grading work and installation of retaining walls. Ex. M. No contrary expert evidence was submitted to refute the report.

50. With respect to concerns about the level and detail of analysis in the report, geotechnical engineering evaluation reports are written to inform the client about potential issues to address during design and construction. Ex. K (True North May 26, 2026 letter). It is not unusual or unlawful for a geotechnical report to note the need for future work as plans are developed. At the

time of the preparation of the original report, the proposed site grading was not known. As such, True North pointed out the potential need for slope stability analysis if the grading plan impacts the over steepened slopes. *Id.* Since the preparation of that report, True North had multiple discussions with AKS and Haven Development regarding the grading of the site. *Id.* In the end, AKS developed a “Grading and Erosion Control Plan, C050”, dated March 18, 2026, which uses a combination of grading (by filling onto existing over steepened slopes) and retaining walls (by intercepting the regraded slopes and allowing for the construction of the proposed development) to mitigate the over steepened slopes. *Id.* No expert evidence was submitted to refute the applicant’s geotechnical findings and conclusions. Building permits are required for retaining walls, which will require engineering, as set forth in conditions of approval.

51. The applicant’s geotechnical engineering team will be involved in providing geotechnical construction observation services during construction of the proposed development, at which time it will ensure that the subsurface conditions upon which it based our geotechnical engineering recommendations are valid (and modify/adjust them if unexpected conditions are encountered), and ensure its recommendations are properly implemented. Ex. K (True North letter dated May 26, 2026). True North’s geotechnical engineering reports are stamped with a valid Professional Engineer license and are based on field-acquired data, sound engineering analysis, and applicable City and State standards. It stated that it will continue to provide professionally performed geotechnical engineering services to ensure the continued proper implementation. *Id.*

52. VMC 20.740.060 Approval Criteria. Any activity subject to this Chapter, unless otherwise provided for in this Chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The city may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this Chapter. Activities shall protect the functions of the critical areas and buffers on the site.

- A. Avoid Impacts. *The applicant shall first seek to avoid all impacts that degrade the functions and values of a critical area. This may necessitate redesign of the proposal.* The applicant provided a geotechnical report that indicates the project will not be able to avoid impacts but that such impacts can be minimized by following the recommendations of the geotechnical engineer.
- B. Minimize Impacts. *Where avoidance is not feasible, the applicant shall minimize the impact of the activity and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.* Conditions of approval require the applicant to follow the recommendations of the geotechnical engineer; in so doing, impacts to the critical area will be minimized. Ex. M.
- C. Compensatory Mitigation. *The applicant shall compensate for unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation*

shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area. The geotechnical report states that there are various areas on the project site that are over steepened. Ex. M. Slopes steeper than approximately 27 degrees are considered over steepened and more prone to shallow soil creep, shallow sloughing, and erosion. Due to the slopes above the proposed attached dwelling units being over steepened, the face of the structures will need to be setback greater than the code minimum if the slopes are left “as-is”. Ex. M. The report recommends a 15-foot offset from the toe of over steepened slopes. *Id.* Retaining walls could be constructed to retain the uphill slopes thus supporting the slopes and eliminating the risk imposed by over steepened slopes adjacent to structures and allowing for reduced setback since the wall is retaining the slope. *Id.* The report recommends that the bottom front corner of foundations be setback from the face of slopes a minimum horizontal distance of 10 feet. *Id.* The report also recommends that once grading plans are more complete, True North should review those plans to ensure conformance with their recommendations and to determine if a quantitative slope stability analysis is required. Ex. M. A condition of approval requires the applicant, prior to civil approval, to submit an updated Critical Areas and Geotechnical report once the geotechnical consultant has been able to review updated grading plans to verify conformance with

recommendations and can determine whether a quantitative slope stability analysis is required. The proposed development is geotechnically feasible, provided the recommendations of the geotechnical report submitted with this application are incorporated into the design and construction phases of the project.

- D. No Net Loss. *The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.* The applicant is required to follow the recommendations of the geotechnical engineer (Ex. M); in doing so, the function of the critical area will be maintained, resulting in no net loss.
- E. Consistency with General Purposes. *The proposal is consistent with the general purposes of this Chapter and does not pose a significant threat to public health, safety, or welfare on or off the development site.* As conditioned in this Final Order, the proposal will be consistent with the general purposes of this chapter. The geotechnical report concludes that the proposed development will not result in a significant threat to the public health, safety, or welfare if development adheres to the findings therein. Ex. M. No contrary evidence was submitted.
- F. Performance Standards. *The proposal meets the specific performance standards of VMC 20.740.130, Geologic hazard areas.* The performance standards of the geologic hazard areas will be met with compliance with the proposed recommendations of the geotechnical report. Ex. M. The Hearings Officer finds that, as conditioned in this Final Order, the proposal will comply with the requirements of the critical areas ordinance for geological hazards.

53. VMC 20.770 Tree, Vegetation, and Soil Conservation. The applicant submitted a Level V tree plan with its application materials. Ex. C. Existing trees in the proposed disturbed area will be removed. The applicant states that all other on-site trees will be protected to the greatest extent practicable. The protected trees will be healthy, windfirm, appropriate for the site, and generally will be located adjacent to other trees. Ex. B. Replacement trees will be planted within planned open space and private street tracts. *Id.*

54. Per VMC 20.770.080.A, a minimum of 30 tree units per acre is required for new development. The site is approximately 2.3 acres, requiring 69 tree units. As of the date of the Staff Report, the applicant proposed to retain 21.5 tree units and plant 48 new trees. Ex. 1. However, 12 of the proposed trees are considered street trees and do not count towards tree density because the proposed development is attached single-family dwellings. Per VMC 20.770.070B.4.f, street trees can only be counted for commercial, industrial or multi-family projects. With removal of 12 street trees from the new tree total, 57.5 tree units were proposed which does not meet the required tree density. Ex. 1. Therefore, a condition of approval is included with this Final Order requiring the applicant, prior to civil plan approval, to revise the landscape plan to show where the additional 12 tree units will be provided or pay into the city's tree fund. With compliance with conditions of approval, the proposal will be consistent with VMC 20.770.080.

55. VMC 20.915 Impact Fees. This project is subject to park, transportation, and school impact fees. This site is in the Vancouver School District requiring \$2,786 per dwelling unit; Park

District B requiring \$5,756 per dwelling unit; and the Columbia transportation zone requiring \$247 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. Notwithstanding the foregoing, all impact fees shall be recalculated for building permit applications that have not been issued within one year of submittal. With compliance with conditions of approval in this Final Order, the proposal will be consistent with VMC 20.915.

56. VMC 20.920 Infill Development. The applicant elected to utilize infill development standard for the proposed development. Exs. A and B. The intent of the infill ordinance is to encourage the development of underutilized and challenged parcels in the R-9, R-6, R-4, and R-2 zoning districts. The parcel is eligible for infill development because it meets the following criteria as outlined in VMC 20.920.020.A:

- a) The parcel is within the R-9, R-6, R-4 or R-2 zoning.
- b) The parcel is two and one-half acres or smaller in area.
- c) The proposed development can and will be served by urban services at the time of final plat or development approval.
- d) There is urban development abutting the subject site on at least 50 percent of its nonstreet perimeter.

57. VMC 20.920.050 Infill Standards. Infill Standards allow for detached and attached

single-family dwellings. The applicant is proposing attached single-family dwellings; those standards apply to this proposal. The attached single-family units will not exceed four in a right of way. The minimum parcel area for single-family attached infill lots in the R-9 zoning district is 1,500 square feet. The smallest lot proposed is 1,946 square feet, exceeding the minimum requirement.

Within an infill land division, the minimum parcel width and minimum parcel depth standards of Table 20.410.050-1 (Development Standards in Lower-Density Residential Zones) may be reduced by up to 50 percent. The minimum parcel width and depth after a 50 percent reduction is 22.5 feet and 32.5 feet respectively. All proposed lots exceed the minimum lot width and depth standards of this section.

Maximum lot coverage may be increased by 30 percent over the standard for the R-9 zone, resulting in a maximum coverage of 65 percent. Compliance with this standard will be verified at the time of building permit review. Compliance with setback standards will be verified at the time of building permit review. No pedestrian pathways are planned between the future attached single-family lots, as no blocks are being created with this project and no pedestrian pathways connect to the site. Ex. B. No buildings are proposed with this application; however, this project has been designed so that all future buildings can be constructed to meet the maximum building coverage requirement. Building coverage for this project will not exceed 65 percent and building coverage will be reviewed during the building permit review process. *Id.* With compliance with conditions of approval, the requirements of this section will be met.

58. 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. The subject site is zoned R-9 and is surrounded by parcels similarly zoned R-9 to the north, east, and south. Southwest of the site is a Park zoned parcel. According to Table 20.925.030-1 landscape buffers are not required with this project. Ex. B. As conditioned in this Final Order, the proposal will comply with the requirements of this section.

59. 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.

60. VMC 20.927.030 Narrow Lot Development Approval Criteria.

- a) Conflicts on narrow lots shall be eliminated. *The development has been designed to eliminate conflicts between on-site and off-site improvements and features associated with narrow lots. Specifically, the location, size, and design of features including driveways, public and private utilities (water, fire hydrants, sewer, roof infiltration, gas, cable, phone, electricity, etc.), on-street parking spaces, street trees, existing trees, light poles, common mailboxes, street signs, etc., has been considered in the design of the development and coordinated to eliminate conflicts with one another and meet minimum spacing requirements.* The applicant provided a Narrow Lot Preliminary Plat. Exs. A, B

and C. The plat demonstrates that no conflicts due to lot width are present. The criteria outlined above have been addressed, including but not limited to, transportation, urban forestry, and utilities. Ex. B; Ex. 1. 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 three narrow lots in the development. Such spaces may be located on-street (on local access or loop classification roadways only) or in common parking areas subject to the development standards of 20.927.040A2.* A total of 18 narrow lots require six guest parking spaces. The proposal includes five guest parking spaces in a common parking area and off-street parallel parking will also be available along NE 24th Court. The guest common parking area will be owned and maintained by the HOA. With compliance with conditions of approval, this criterion will be met.
- c) Solid waste and recycling collection and access shall be provided. *The development shall be designed to provide for safe access and maneuvering by solid waste and recycling collection vehicles to designated collection points for each lot.* 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 conditions of approval, this criterion will be met.

61. VMC 20.927.040 Narrow Lot Development Standards.

- a) On and off-site improvements plan required. *A development plan that demonstrates that utilities, driveways, street trees, etc., have been located and designed to minimize conflicts with one another shall be submitted with the preliminary land division application and incorporated into the civil engineering plan set.* 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. This criterion is met.
- b) Standards for guest parking in common areas. *Common areas reserved for guest parking shall have no more than five parking stalls in each area unless applicant demonstrates required parking cannot otherwise be provided.* Five parking spaces are proposed for the common parking area at the dead end of NE 24th Court and five off-street parallel parking spaces are proposed at the beginning of the private road, consistent with VMC 20.927.040.2.a. The common guest parking area will be reviewed against City parking lot improvement standards of VMC Chapter 20.945, to ensure compliance with VMC 20.927.040.2.b. Backing movements can be contained to the guest parking area and will not interfere with a public street. Therefore, VMC 20.927.040.2.c will be met. VMC 20.927.040.2.d requires common parking areas to be maintained by a homeowners association according to a maintenance agreement to be recorded with the plat. With compliance with conditions of approval of this Final Order, the proposal will comply with

VMC 20.927.040.2.d. Due to site grades, shared driveways and a 5-foot separation from the nearest property line are not practicable. VMC 20.927.040.6.

62. VMC 20.945 Parking and Loading. The minimum number of off-street parking spaces required per unit is one. Each lot will have at least one parking space in the lot's driveway. It is also anticipated that each lot will have a garage space; however, the garage space will be determined with final building design. The driveway and garage will provide up to two parking spaces per unit. Ex. B. Per VMC 20.927.040, common guest parking areas shall be improved to city parking lot standards including a permanent surface, striping, curbing, 3-foot-tall screening, and treatment of stormwater runoff. Use of pervious paving is encouraged. Per VMC 20.945.040.I.2, parking areas shall be effectively screened by a sight-obscuring fence, wall or evergreen planting. The preliminary landscape plan depicts shrubs and trees on all sides of the proposed parking area. Striping is proposed for the parking area. Curbing and permanent paving surface will be evaluated during civil plan review. Stormwater is addressed in the findings below. With compliance with conditions of approval, the proposal will be consistent with applicable requirements of VMC 20.945.

63. 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 proposed subdivision must plan for future garbage and recycling service. Each lot will be most likely served as a single-family customer; each will have cart for garbage, a cart for recycling and a bin for glass. Ex. 1. Organics collection, using an additional cart is optional.

Inadequate truck turnaround on Road A and NE 24th Ave. make servicing in front of each lot infeasible. *Id.* Collection will take place along the proposed private road, NE 24th Ave. Each lot has a driveway and garage that could be used for cart storage on non-collection days. *Id.* Prior to final civil plan approval, the applicant must illustrate grouped cart set-out locations for all lots along NE 24th Avenue. The applicant adequately illustrated on plans grouped cart set out locations for each lot on plans submitted and reviewed with Cycle 2 ENG-85735. **(007 C020 Fire Response & Solid Waste Turn Mvmt Plan.pdf V2).** Ex. 1.

64. The proposed private road (NE 24th Ave.) with a width of 20 feet appears sufficient for collection trucks to safely access and service the development. Turnaround will need to occur using the proposed hammerhead east of Lot 13. Per VMC 20.927.040.A.3.c, all circulation and turnaround designs must be feasible using city-provided solid waste truck turning modelling templates and truck specifications. Collection vehicles shall be able to circulate the development and service receptacles with minimal backing required. Per VMC 20.927.040.A.3.e, collection vehicle turnaround must be provided in cases where more than four lots are sharing a grouped set-out or if the distance from the grouped set-out to a lot is greater than 150 feet. With compliance with conditions of approval, the proposed development will meet the requirements of VMC 20.927.040.A.3.

65. VMC 11.04 Transportation – Street Numbering and Naming. With compliance with conditions of approval, the proposal will comply with applicable requirements of this section.

66. VMC 11.70 Transportation – Concurrency. The applicant submitted a Trip Generation and Distribution Report, dated Jan. 9, 2026, prepared by AKS Engineering. Ex. F. The report shows the anticipated trip generation, trip distribution, and sight distance analysis for the project. *Id.*; Ex. B. The planned project will generate 130 average daily trips (ADT), with nine a.m. and 10 p.m. peak hour trips. *Id.* This study identifies concurrency corridors projected to receive additional traffic, and determines proportionate share contributions toward City of Vancouver transportation facility improvement projects based on development impacts. Ex. F. In addition, sight distances were evaluated at the planned access driveway along NE 54th Street. *Id.*

67. Trip generation rates in the report were based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, utilizing Land Use Code 215 (Single-family Attached Housing). Based on this information, the proposed project will generate 130 new ADT, including nine new a.m. peak hour trips and 10 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. Ex. 1.

68. The proposed use is located within the 1574 Transportation Analysis Zone. The proposed project contributes p.m. peak hour trips to the following Transportation Management Zones:

Corridor Name				Corridor Limit	PM Peak Trips
St.	Johns	Rd/	Ft.	Mill Plain Blvd to 63 rd St.	4

Vancouver Way		
Andresen Rd	SR-500 to 78 th St.	1

69. A condition of approval is included in this Final Order requiring that, prior to the issuance of civil plan approval, the applicant shall pay concurrency modeling fees totaling \$355. The project will not distribute trips to any other Transportation Management Zones. Ex. F. Transportation Impact Fees (TIF) are imposed per VMC 20.915. The applicant's submitted documentation fulfills the city's requirements for concurrency analysis.

70. VMC 11.80 Transportation – Street & Development Standards. Northeast 54th Street is designated a collector arterial which requires a minimum 30 feet half-width right of way and 19 feet paved street half-width per city standard plan T10-13. The existing road along the property frontage of NE 54th Street includes asphalt roadway only. The majority of adjacent parcels lack standard frontage improvements such as curb, gutter, and sidewalk. Ex. J.

71. Two private streets (NE 24th Avenue and "Road A") are planned with this project; therefore, the standards of VMC 11.80.050 apply. The site is subject to Infill Development Standards, and the planned private streets have been designed to meet the minimum design requirements of VMC Chapters 11.80.050 and 11.80.060 for private streets and infill streets. The planned private streets will serve all 18 proposed lots in the subdivision, as permitted under the infill street code. Ex. B. Planned private streets are permitted to serve more than 9 lots without the requirement for a road modification request. *Id.* Curbs and gutters will be installed on both sides of NE 24th Avenue and Road A. Streetlights will be installed on both sides of NE 24th Avenue and on the south side of Road

A. Due to site grades and the lack of sidewalk connection along NE 54th Street to the south of the site, no sidewalks are planned along either private street. *Id.*

72. Stormwater runoff will be collected and conveyed to on-site stormwater detention facilities prior to being discharged to an adjacent detention pond that is owned and maintained by the city of Vancouver. Pollution generating surfaces will be collected and treated by mechanical treatment facilities prior to being conveyed to the on-site stormwater detention system. Stormwater will be discharged at rates allowed by the Washington Department of Ecology (ECY) and City of Vancouver. Ex. B.

73. NE 24th Avenue and Road A are designed to meet minimum standards for emergency access, will be 20-feet wide and constructed with an asphalt surface. NE 24th Avenue is greater than 400 feet long; therefore, a turnaround for emergency vehicles is required. Ex. B. Road A is proposed to be approximately 160 feet long; therefore, only one entrance to the subdivision is required. Ex. B. The private streets will be included within a tract to be owned and maintained by a homeowners' association ("HOA"); street lighting and drainage improvements will also be maintained by the HOA. *Id.* A private street easement will be granted with final plat approval. *Id.* Street trees will be installed along NE 24th Avenue and will be planted in accordance with VMC 20.925.060. *Id.*

74. Per VMC 11.80.060.E.1, infill developments are required to provide half-street frontage improvements along arterial roadways. This requires improvements to NE 54th Street including additional pavement width, curb, gutter, planter strip, 6-foot sidewalk, and streetlights. The

applicant submitted a road modification request to waive the required frontage improvements and a second road modification request for a hammerhead turnaround within 200 feet from the end of NE 24th Street. Ex. J. Requiring standard frontage improvements would result in awkward street designs. Given that the proposed project has a limited frontage width of approximately 60 feet, constructing full half-street improvements would result in an isolated and inconsistent segment that is inconsistent with the existing street network. Ex. J. Such improvements would not align with the predominant condition of the roadway and would provide minimal functional or connectivity benefit at this time. *Id.* This would result in an unusual hardship for the project within this area of the city. The preliminary civil plans (Ex. C) and the applicant's accompanying road modification request (Ex. J) demonstrate that the proposed design maintains public safety and ensures logical extension of future improvements as the area continues to develop. Ex. J. Further, retaining the existing unimproved frontage along NE 54th Street meets the predominant characteristics and is functionally equivalent to the standard. The applicant will provide a 10-foot right of way dedication to meet the 30-foot half-width standard. This road modification request was reviewed and approved by city staff. Ex. 1.

75. The applicant's proposed minor deviations from VMC 11.80.060.E, 11.80.050.A, and 11.80.100 (B) (Ex. J) should be approved because: A disproportionate hardship would result to the applicant if the minor deviations for frontage improvement construction, street cutting, and private road design waiver are not approved. The proposed technical road modifications from the standards of VMC 11.80.070 (C), 11.80.060 (F)(3)(a), and 11.80.070 (C)(8)(a) should be approved because:

The alternate design provides a plan that is functionally equivalent to a standard cul-de-sac while providing additional parking, something that the cul-de-sac would not allow. Conditions of approval require the alternative design to be constructed according to Table 11.80.070.C-3.

76. Northeast 54th Street received a pavement overlay in November 2023. Pursuant to VMC 11.80.100.B., a 5-year street cut prohibition is in effect. The applicant proposes cutting the street to install utilities and construct the new intersection. To deviate from the 5-year street-cut moratorium, this proposed work requires a minor road modification pursuant to VMC 11.80.160. The applicant has submitted a minor road modification request for the proposed work and Transportation staff reviewed and approved the request. Conditions of approval require that, prior to civil plan approval, the applicant must include the City standard advanced pavement restoration requirements on the civil drawings. Prior to the issuance of final subdivision approval, the applicant shall comply with all requirements set forth on the civil drawings pursuant to the minor road modification approval.

77. The applicant included three Road Modification Requests with the application. Ex. B. One of the Road Modification Requests is to waive construction and frontage improvements along NE 54th Street and retain the existing substandard frontage. *Id.* Another Road Modification Request is to construct a hammerhead turnaround at the end of NE 24th Avenue. The last Road Modification Request is to sawcut into a pavement moratorium area along NE 54th Street. These Road Modification Requests are necessary given the site's unique topography, shape, and existing conditions. Two of the three modification requests do not require engineering analysis to demonstrate

compliance with approval criteria, do not involve impacts safety on or off-site, do not involve significant review for approval, do not involve broad public interest and are not unique in their requests. Therefore, they are minor modification requests. The request to construct a hammerhead turnaround at the end of NE 24th Avenue requires limited engineering analysis by the Applicant to demonstrate compliance with the approval criteria in Section 11.80.160.C, has a minimal potential to impact safety, requires moderate analysis and discretion in City review, and will generate minimal public interest; therefore, the request to construct a hammerhead turnaround at the end of NE 24th Avenue is a Technical Road Modification Request. With compliance with conditions of approval, the proposal will be consistent with applicable requirements of VMC 11.80.050.

78. Street lighting is required on private streets per VMC 11.80.050.L, and on public streets per VMC 11.80.090. Lighting on private roads shall have its own meter to bill the private road owners and the lights shall be maintained by private road owners. Any substandard street lighting shall be required to be upgraded to current city standards as part of this project. A street light analysis plan for the right of way is required if existing lighting exceeds maximum spacing requirements per T21-01A and development doesn't propose addition lighting. Lighting shall be installed/updated to design standards T21-01A through T21-01D. In new development, if the lighting proposal doesn't exceed city maximum spacing requirements per T21-01A standard, then photometrics are not required. With compliance with conditions of approval, the proposal will be consistent with street lighting requirements.

79. 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. Ex. 1. 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. *Id.* With compliance with conditions of approval, the proposal will meet requirements of VMC 11.80.

80. VMC 14.04 Water. Public water currently fronts the southern boundary of the site within NE 54th Street via a 10-inch Steel Outside Diameter (OD) water main. The project site is not currently fed by an existing water service line or service meter. There nearest fire hydrant is located at the intersection of NE 23rd Avenue and NE 54th Street. Developments are required to extend public water to and through the site and across frontages (VMC 14.04.280). The existing public water satisfies the frontage requirements. Code also requires at least one water service line and meter for each building.

81. The application was reviewed for water in January 2026. A preliminary water plan was included with the application. Ex. C. Water service will be provided by connecting to public water that currently fronts the southern boundary of the site within NE 49th Street via a 12-inch ductile iron (DI) water main. Ex. B; Ex. 1. North of the site, within NE 132nd Avenue is an existing 8-inch DI water main terminating at a blowoff valve. *Id.* The site is not currently fed by an existing service line or service meter. *Id.* To provide water service and sanitary sewer service to the site, new connections from NE 54th Street are needed. Ex. B. A trench will be sawcut into NE 54th Street, and

NE 54th Street will be repaired and restored to the standards of VMC 11.80.100. The applicant submitted a Road Modification Request Letter addressing saw cutting into the pavement moratorium area along NE 54th Street. *Id.* The Hearing Examiner finds that standards for public water can be met as conditioned.

82. VMC 14.06 Sanitary Sewer. Public sanitary sewer fronts the site to the south in NE 54th Street and is available for service. The site is currently vacant. Developments are required to extend public sewers to, through and along frontages (VMC 14.04.280). The proposal generally satisfies the code's service requirements. This is a concurrent application, and the civil plans have been reviewed and deemed complete with respect to sewer. The application was reviewed by staff for sanitary sewer in February 2026. Proposed sewer facilities are shown on sheets C300-C302 the associated civil plans. Public sewer mains will be extended into the subdivision within private roads as necessary to front each lot and provide a service lateral. The applicant sought concurrent review, the civil plans have undergone two rounds of reviews as of the date of this Final Order and the plans have been deemed complete with respect to sewer. Ex. 1. With compliance with conditions of approval, the proposal will be consistent with VMC 14.06. The applicant has demonstrated that the standards for public sewer can be met as conditioned.

83. VMC 14.24 Erosion Control. The proposed project will disturb the majority of the site during construction. Ex. 1. The project site requires grading of over 12,000 cubic yards with 2,500 cubic yard of import material. As shown on the Construction Plans (Ex. C), stormwater runoff

will be collected and conveyed to on-site stormwater detention facilities prior to being discharged to an adjacent detention pond that is owned and maintained by the city of Vancouver. Ex. B. As a condition of approval, a final erosion/sedimentation control (ESC) plan and stormwater pollution prevention plan (SWPPP) shall be submitted for review prior to civil approval and implemented before grading begins. Existing storm infrastructure, including the public storm system within NE 54th Street and the public storm facility at 5503 NE 23rd Avenue, must be protected from siltation, erosion and other forms of damage throughout the construction phase of the project. The applicable best management practices (BMPs) have been shown on the applicant's Grading and Erosion Control Plan (Ex. L) to control the discharge of sediment-laden runoff from the site. Ex. B. With compliance with conditions of approval, the proposal will meet requirements of the erosion control ordinance.

84. VMC 14.25 Stormwater. New impervious area will be created with the construction of the 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. The proposed plans include runoff treatment facilities and flow control facilities to meet the requirements of the ordinance. Due to steep slopes and low infiltration rates, onsite infiltration is infeasible and stormwater detention and discharge to the public storm system is proposed. Ex. 1. With compliance with conditions of approval, stormwater requirements in VMC 14.25 will be met.

85. VMC 14.26 Water Resources Protection. The site is located in a Critical Aquifer Recharge Area (CARA). Minimum Standards in VMC 14.26.120 are applicable to all sites within the City of Vancouver. The proposed project site is located within a Special Protection Area due to its proximity to municipal wells owned by the City of Vancouver. If infiltration is proposed, the applicant must provide a technical analysis prepared by a qualified professional to address pollutant loading potential and hydrogeological susceptibility. As conditioned, the applicant has demonstrated that the City of Vancouver water resources protection ordinance can be met

86. 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. As conditioned in this Final Order, the proposal will be consistent with Title 16.

87. 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. The Hearing Examiner adopts staff's findings that, as submitted and conditioned herein, the project could be approved under 2021 building code requirements pertaining to the proposed preliminary subdivision and could meet design requirements.

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

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the parties and the subject matter.
2. Any Conclusions of Law contained in the foregoing Background, Public Hearing and Record, and/or Findings of Fact sections of this Final Order are hereby incorporated herein by reference and adopted by the Hearing Examiner as her Conclusions of Law.
3. All public notice requirements for 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 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) and VMC 20.790.840.A.1 as a residential project containing 30 or fewer single-family units. That the proposed action is in an area containing critical areas does not

affect the applicability of categorical exemptions. See also VMC 20.740.030.C.1.g. The City has not explicitly provided otherwise in its SEPA procedures. WAC 197-11-908(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 not required to obtain a variance from minimum lot size requirements in VMC Table 20.410.040-1. VMC 20.920.050.A modifies the underlying land use code provisions set forth in VMC 20.920.030.A. The minimum parcel area for single-family attached dwelling units in the R-9 zoning district is 1,500 square feet. VMC 20.920.050-1.

9. The Hearing Examiner does not have authority to rule on constitutionally-based arguments, including allegations that approval of the application would be “arbitrary and capricious,” or would “fail to serve any legitimate government objective.”

10. None of the applicant’s three road modification requests seek approval of “major” modifications under VMC 11.80.160.B.3.a because the potential for resulting material impacts to public safety does not exist.

11. The proposal is consistent with applicable criteria and development standards in VMC 20.410, Lower Density Residential District.

12. Applicable water and sewer provision and connection requirements in VMC 14.04 and 14.16 will be met as conditioned.

13. Applicable erosion control, stormwater management and water protection requirements in VMC 14.24, 14.25 and 14.26 will be met as conditioned.

14. 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.

15. The proposal will comply with applicable Public Health requirements as conditioned.

16. Concurrency requirements in VMC 11.70 will be met as conditioned.

17. The proposal is consistent with applicable requirements in the Manual on Uniform Traffic Control Devices.

18. Applicable street and development standards and construction in right-of-way requirements in VMC 11.80 and 11.90 will be met as conditioned.

19. Applicable Archeological Resource Protection requirements in VMC 20.710 will be met as conditioned.

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

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

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

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

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

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

26. Approval of the Type III preliminary infill subdivision, as conditioned, will comply with all applicable requirements in the Vancouver Municipal Code.

27. Approval of the Type III preliminary infill subdivision, as conditioned, is consistent with RCW Chapter 58.17.

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

29. The Decision in this Final Order shall become final, if not appealed, on July 29, 2026.

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

DECISION

Based on the findings, discussion, and conclusions above, incorporated herein, the Hearing Examiner hereby **approves** PRJ-169657/LUP-85734 Swifts Terrace Infill Subdivision subject to the following:

CONDITIONS OF APPROVAL

Prior to Civil Plan Approval

1. Modify the location and/or configuration of driveways to meet a requirement of VMC 20.410.050(f).

2. Place a note on civil plans that reads; “If any cultural or historical resources are discovered during development, construction shall cease until a qualified archaeologist assesses the find.”
3. Provide an updated critical areas and geotechnical report once the geotechnical consultant has been able to review updated grading plans to verify conformance with recommendations and can determine whether a quantitative slope stability analysis is required.
4. Revise the landscape plan to show where the additional 12 tree units will be provided or pay into the city’s tree fund.
5. Illustrate grouped cart set-out locations for all lots along NE 24th Avenue.
6. Illustrate side loader truck modelling showing turnaround and servicing on the hammerhead with minimal backing. Attention to slopes, retaining walls, curb locations and parked cars is needed to ensure safe and feasible turning movements.
7. Revise the names of the two private roads to NE 24th Court and NE 55th Place.
8. Pay transportation concurrency modeling fees totaling \$355.
9. Include the City of Vancouver standard advanced pavement restoration requirements on the civil drawings.
10. Add a note on the water utility pages as follows: Underground fire sprinkler supply mains shall be installed only by contractors in compliance with WAC 212-80 and endorsed in accordance with VMC 16.04.095 under separate permit.
11. Connect to the existing 10-inch OD main located within NE 54th Street and extend a new 8-inch ZDI water main to and through the project site as needed.
12. 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.
13. Revise the storm design to meet the flow control standards of Minimum Requirement 7.

14. If infiltration is proposed, the applicant must provide a technical analysis prepared by a qualified professional to address pollutant loading potential and hydrogeological susceptibility. See Section I-4 of the 2024 SWMMWW for more information

Prior to Commencing Public Improvement Construction

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

During Public Improvement Construction

17. Secure construction permits and schedule and attend a pre-construction meeting. Construct new public sewers and service laterals as shown on the approved civil plans. Satisfy construction services testing and inspection requirements and secure construction acceptance. Abandon the existing septic system per Clark County Public Health requirements.
18. 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
19. Satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval and secure final civil project acceptance.
20. 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>
21. Temporary address signage shall be visible and legible from the street fronting the property for emergency response during construction.
22. Fire hydrants shall not be obstructed in any manner.
23. Fire apparatus access roads shall be maintained clear for emergency response.
24. FDC/Standpipes shall be provided and accessible during construction, if applicable.
25. Fire extinguishers and no smoking signs shall be provided during construction.

26. Existing storm infrastructure, including the public storm system within NE 54th Street and the public storm facility at 5503 NE 23rd Avenue, must be protected from siltation, erosion and other forms of damage throughout the construction phase of the project.

Prior to Final Grading

27. 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.

Prior to Final Plat Approval

28. Submit a final plat application. Applications can be found under Building, Planning and Environment on the City of Vancouver website, www.cityofvancouver.us.
29. Comply with Clark County Public Health Development Review Evaluation conditions regarding the discovery and decommissioning of sewage systems, water systems, storage tanks, and fueling pump.
30. Record a maintenance agreement for the common parking area.
31. Shared access and maintenance agreements shall be recorded on all parcels that are party to the private roadway.
32. Comply with all requirements set forth on the civil drawings pursuant to the minor road modification approval.
33. Provide the following improvements to NE 24th Court, per City of Vancouver standards:
- Dedicate an appropriate easement or private tract to accommodate the required street improvements.
 - Install a paved street surface with a 20-foot paved street width, with a shed section bounded by Type A-1 curb on the lower side and flat curb on the upper side, per the conditions of the road modification and the appropriate city standards.

- Construct a hammerhead turnaround near the end of NE 24th Court, per the conditions of the road modification and the appropriate city standards.
- Per the requirements of VMC 11.80.060.F-3, must install 'No Parking – Fire Lane' signs at appropriate spacing along both sides of the street.
- Street lighting must be installed or updated to current standards. See street lighting comments below.
- Install traffic control devices as warranted, and storm drainage as required by the city stormwater ordinance

34. Provide the following improvements to NE 55th Place, per City of Vancouver standards:

- Dedicate an appropriate easement or private tract to accommodate the required street improvements.
- Install a paved street surface with a 20-foot paved street width, with a shed section bounded by Type A-1 curb on the lower side and flat curb on the upper side, per the conditions of the road modification and the appropriate city standards.
- Per the requirements of VMC 11.80.060.F-3, must install 'No Parking – Fire Lane' signs at appropriate spacing along both sides of the street.
- Street lighting must be installed or updated to current standards. See street lighting comments below

35. 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.
- Roof runoff shall be infiltrated per the approved civil plan.
- All lots in this subdivision are subject to Development standards VMC 20.920 Development for the R-9 zoning district.
- Tract A & B is to be owned and maintained by the Homeowners Association.

- 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.
- 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.
- 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.
- Sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six feet along the front boundary lines of all lots and tracts adjacent to public streets

Prior to Issuance of Certificate of Occupancy

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

Prior to Issuance of any Building/Development Permits

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

DATED this 15th day of July, 2026



STEPHANIE E. MARSHALL
CITY OF VANCOUVER HEARING EXAMINER

This Decision was mailed on July 15, 2026.

A copy of the complete case file, including this Decision may be obtained by contacting the case manager, Krystal Sanchez by telephone at 360-487-7820, or by e-mail at krystal.sanchez@cityofvancouver.us.

Appeal Right

The hearing examiner's decision may be appealed to the Vancouver City Council within 14 calendar days after the date the examiner's decision is distributed, no later than July 29, 2026. Appeals must be made in writing and be received within this time period. The letter of appeal shall state the case number designated by the city and the name of the applicant, name and signature of each petitioner, a statement showing that each petitioner is entitled to file the appeal under VMC Chapter 20.210.130.B, the specific aspect(s) of the decision being appealed, the reasons each aspect is in error as a matter of fact or law, and the evidence relied upon to prove the error (VMC 20.210.130.A). The appeal review process is described in VMC 20.210.130.C.

A fee of \$2,537.00 must accompany the appeal. However, if the aggrieved party is a recognized neighborhood association, the fee assessed is \$191.00. The association must demonstrate at the time of appeal submittal that the decision to appeal was made pursuant to association bylaws. Due to the limited days the permit center is open for walk-in assistance, the appeal request shall be emailed to eplans@cityofvancouver.us as well as to the case manager's e-mail address below and the appeal fee electronically paid to the City of Vancouver.

For questions or additional information, you may contact the case manager by telephone at 360-487-7820, or by e-mail at krystal.sanchez@cityofvancouver.us.