

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

In the Matter of the Application of	)	NO. PRJ-168925/LUP-83811
	)	
<b>Ginn Group LLC</b>	)	<b>19th Street Terrace Subdivision</b>
	)	
For Approval of a Subdivision, Rezone, and	)	FINDINGS, CONCLUSIONS,
Critical Area Permit	)	AND RECOMMENDATION
	)	
_____	)	

**SUMMARY OF RECOMMENDATION**

The Hearing Examiner recommends to the Vancouver City Council that the requested rezone of 3.4 acres at 11101 and 11117 SE 19th Street from R-9 to R-17, the requested subdivision of the land into 46 single-family residential lots, and the associated critical area permit be **APPROVED** subject to conditions.

**SUMMARY OF RECORD**

**Request:**

Ginn Group LLC requested a preliminary subdivision to divide 3.4 acres of land into 46 single-family narrow lots, an associated critical area permit, and a rezone of the property from R-9 Lower Density Residential to R-17 Lower Density Residential. The subject property is located at 11101 and 11117 SE 19th Street, Vancouver, Washington.

**Hearing Date:**

The Vancouver Hearing Examiner conducted a virtual open record hearing on the application on June 18, 2024. The record was held open through June 21, 2024 to allow members of the public who were unable to participate in the virtual hearing due to technology or access barriers to submit written comments, with responses from the parties due on June 25, 2024. Post-hearing public comment and responses were timely submitted, and the record closed on June 25, 2024.

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

**Testimony:**

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

Mark Person, Senior Planner, City of Vancouver  
Eric Hann, Senior Civil Engineer, City of Vancouver  
Chad Stewart, Director of Land Development, Ginn Group  
Jayson Taylor, Project Planner, PLS Engineering  
Daniel Stumpf, Transportation Engineer, Lancaster Mobley  
Linda Ignoffo  
Brad Jones  
Brad Peterson  
John Ignoffo  
Jim Dohman  
Michael Rank  
Kelsie Rank

**Exhibits:**

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

1. Staff Report, with the following attachments:
  - A. Application, dated October 23, 2023
  - B. Applicant Narrative by PLS Engineering, dated February 2024
  - C. Development Plans
  - D. Evergreen School District letter, dated August 25, 2023
  - E. SEPA Checklist
  - F. Clark County Public Health letter, dated September 18, 2023
  - G. Washington Department of Fish and Wildlife comments, dated March 27, 2024
  - H. Department of Archaeology and Historic Preservation email, dated April 5, 2024
  - I. Department of Ecology comments, dated April 12, 2024
  - J. Transportation Analysis by Lancaster Mobley, dated September 18, 2023
  - K. Traffic Impact Analysis summary, dated April 30, 2024
  - L. Preliminary Stormwater Report prepared by PLS Engineering, dated November 2023
  - M. Geotechnical Report by Earth Engineering, Inc., dated August 11, 2023
  - N. Road Modification Requests by PLS Engineering, dated November 7, 2023
  - O. Approved Driveway Spacing Road Modification
  - P. Approved Street Section Road Modification
  - Q. Critical Areas Report by Ecological Land Services, dated October 23, 2023
  - R. Bank Use Plan by Ecological Land Services, dated February 22, 2024

- S. Notice of Application, Hearing, and Option SEPA, dated March 14, 2024
  - T. Final Determination of Non-Significance, dated April 18, 2024
  - U. Public Comment
  - V. Consulting Biologist Review
2. Applicant PowerPoint Presentation
  3. City PowerPoint Presentation
  4. Revised Staff Report
  5. PowerPoint slides submitted by Linda Ignoffo
  6. Written testimony submitted by Brad Peterson
  7. Post-hearing comment email submitted by Jennifer Brox, dated June 20, 2024
  8. Applicant response to post-hearing comment, dated June 25, 2024, with letter from Clark Public Utilities, dated December 27, 2023
  9. City response to post-hearing comment, dated June 25, 2024

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

### **FINDINGS**

1. Ginn Group LLC (Applicant) requested a preliminary subdivision to divide 3.4 acres of land into 46 single-family narrow lots, an associated critical area permit, and a rezone of the property from R-9 Lower Density Residential to R-17 Lower Density Residential. The subject property is located at 11101 and 11117 SE 19th Street, Vancouver, Washington.<sup>1</sup> *Exhibits 1, 1.A, 1.B, and 1.C.*
2. The subject property consists of four parcels containing a total of two single-family residences. There are no known prior subdivision conditions that would apply to the proposed subdivision. All existing structures would be removed from the site. *Exhibits 4, 1.B, 1.C, and 2.*
3. The subject property is presently zoned R-9 and has a Comprehensive Plan land use map designation of Urban Lower Density (UL). *Exhibit 1.* The purpose of the R-9 zone is “to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 5,000 square feet and a density of 5.9 to 8.7 units/net acre.” *Vancouver Municipal Code (VMC) 20.410.020.D.* The purpose of the UL Comprehensive Plan designation is to allow for “predominantly single-family detached residential development, with some allowances for duplexes, townhouses, and single-family homes on small lots using infill standards.” *Comprehensive Plan, Table 1-5;*

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<sup>1</sup> The subject property is comprised of Tax Parcel Numbers 113116000, 113115000, 113110000, and 113125000. *Exhibits 1.A and 1.C.*

*Exhibit 1.B.*

4. The proposed R-17 zone is compatible with the UL Comprehensive Plan designation. *Exhibit 1.* The purpose of the R-17 zone is “to accommodate detached and attached single dwellings with or without accessory residential units at a minimum lot size of 2,000 square feet and a density of 8.8 to 21.8 units/net acre.” *VMC 20.410.020.E.*
5. With respect to allowed housing types, the primary difference between the R-9 and R-17 zones is that multi-family housing (limited to two-family, three-family, or four-family dwellings) is allowed in the R-17 zone, subject to the density limitation and development standards of the zone, whereas in the R-9 zone two-family dwellings (i.e., duplexes) are allowed but not three- or four-family dwellings. Both zones allow single-family attached and detached housing. *VMC Table 20.410.030-1.* In this case, only single-family detached housing is proposed. *Exhibit 1.B.*
6. The subject property is bordered by SE 19th Street to the north, SE Maxon Road to the west and south, and single-family residential development zoned R-9 (Cascade Pointe Subdivision) to the east. Land uses across SE 19th Street from the subject property include a condominium development zoned R-22 (Ellsworth Springs Condominiums) and single-family residences zoned R-6 (Norwood Meadows Subdivision). There is a single-family residence zoned R-22 to the west of the subject property across SE Maxon Road, and SR-14 is on the south side of SE Maxon Road. *Exhibits 1, 1.C, 3, and 5.*
7. The Applicant is seeking - through a separate decision process - vacation of right-of-way located along the north side of the south leg of SE Maxon Road. The proposed plat design under review in this document assumes successful vacation of the right-of-way. If the City Council denies the right-of-way vacation request, the lots along SE Maxon Road would lose approximately 25 feet of depth, causing at least some of those lots to fail to meet the minimum lot size standard of the zone.<sup>2</sup> Thus, the lot boundaries would need to be reconfigured (such as by shifting the northern boundary of the southernmost row of lots to the north) and/or lots would need to be eliminated. These changes could be accomplished through an administrative decision process, not requiring Hearing Examiner or City Council review. The overall road configuration of the plat would not change, and frontage improvements would still be required along SE Maxon Road. *Testimony of Mark Person, Jayson Taylor, and Eric Hahn; Exhibits 1 and 1.C.*
8. The proposed rezone is consistent with the 2023 Vancouver Strategic Plan in the following ways. It would place additional density where there is existing street infrastructure, highway access, and transit service.<sup>3</sup> It would provide pedestrian improvements along fronting streets. Through the proposed small lot and unit sizes, it would increase housing options and “affordable” housing stock. The placement of the proposal on the subject property would integrate with the range of housing types already

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<sup>2</sup> The lot dimensions and lot areas printed on the preliminary plat map incorporate the right-of-way that is the subject of the right-of-way vacation request.

<sup>3</sup> Transit service is available slightly more than a mile from the site, but it does exist in the vicinity. *Exhibit 1.B.*

present in the surrounding neighborhood. The increased density would be near emergency services, provide energy-efficient homes, and incorporate retained trees into the site design. *Exhibit 1.B; City of Vancouver Strategic Plan, 2023-2029 Update.*<sup>4</sup>

9. The proposed rezone is consistent with Comprehensive Plan policies that encourage higher density and more intense development in areas that are more extensively served by facilities (CD-2), encourage efficient land use and redevelopment of underutilized properties (CD-3), provide for a range of housing types and densities for all economic segments of the population (H-1), and encourage affordable housing (H-2). *Exhibit 1.B; City of Vancouver Comprehensive Plan.*
10. The Applicant identified the City’s housing and affordability crisis as a change in circumstance warranting approval of the rezone. *Exhibits 1.B and 2.* Planning Staff noted that there are now state mandates to increase housing supply, and that upzoning is a means to create supply. *Mark Person Testimony.* As described in the preamble to Ordinance M-4377, which created the R-17 zone in 2022, the code update was designed to address the affordable housing challenges documented in the 2016 City of Vancouver Affordable Housing Task Force Report. *Ordinance M-4377.* The proposal is consistent with the goals of the update to add to the range of housing types, expand middle income and workforce housing choices, maintain neighborhood livability with incremental rather than wholesale change, provide housing options near schools and employment, and encourage efficient development in areas with existing public services. The proposed change from R-9 to R-17 represents an incremental change because it would facilitate development that would be consistent with the range of housing types already present in the neighborhood. There are detached houses on small lots (approximately 2,800 square feet) immediately east of the subject property, and there is undeveloped land zoned for multifamily housing to the west of the subject property. The proposal would serve as a transition between the two housing types. *Exhibits 1 and 1.B; Jayson Taylor Testimony.*
11. With respect to housing affordability, the Applicant is not proposing “affordable housing” *per se*, in that there would not be income restrictions, but prices are expected to be lower due to the small lot and residence sizes, and due to the increased supply of housing. The residences would be approximately 1,500 square feet in area. *Chad Stewart Testimony.*
12. With respect to critical areas, the subject property does not contain any wetlands or geologic hazards. The subject property slopes downward from north to south at a gradient of less than eight percent. *Exhibits 1, 1.M, and 1.Q.* However, the subject property contains eight Oregon white oak trees, which are considered a priority habitat by the Washington Department of Fish and Wildlife. Although the Applicant’s consultant submitted that the oaks do not constitute “oak woodland,” they should be considered priority habitat as individual trees. The oaks have diameters at breast height ranging from 10 to 50 inches, and the estimated canopy area of the eight oaks combined is approximately 10,463 square feet. *Exhibits 1.Q and 1.R.*

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<sup>4</sup> <https://www.cityofvancouver.us/wp-content/uploads/2023/11/2023-2029-Vancouver-Strategic-Plan.pdf>

13. The Applicant proposes to retain seven of the eight Oregon white oak trees (two within Tract A, four within Tract B, and one within Lot 46), and protect them with conservation covenants. It would not be feasible to retain one of the trees (referred to as Oak 1 in the Oak Bank Use and Onsite Enhancement Plan) because it would be within the SE 20th Circle right-of-way. Any possible reconfiguration of the road would result in the loss of a row of lots. Oak 1 has a diameter at breast height of 20 inches and a canopy area of 760 square feet. *Chad Stewart and Jayson Taylor Testimony; Exhibits 1.C, 1.R, and 2.*
14. The development plan represents a minimization of project impacts to Oregon white oak trees in that the original preliminary plat submittal was for a 47-lot project that required removal of two Oregon white oaks. Other plat features that minimize impacts include a modified sidewalk location along a portion of the east side of SE Maxon Road, which would increase the distance between two of the oaks and required frontage improvements, and an increase in the size of Lot 46 and change in building orientation to avoid impacting one of the oaks. Tree protection fencing would be placed based on arborist recommendations prior to commencing construction. *Exhibit 1.R.*
15. To compensate for removal of Oak 1 (760 square feet of impact), as well as for minor grading impacts beneath the canopies of the retained trees (426 square feet of impact total), the Applicant proposes to enhance Tracts A and B by removing invasive species such as English ivy from the oaks and the ground, planting native understory shrubs, seeding bare soils with native grass, retaining dead/dying/decaying oak branches on-site, and placing habitat features such as large woody debris and boulders. These measures would increase species diversity within the tracts and provide higher functioning habitat as compared to pre-project conditions for birds, insects, and small mammals. In addition, consistent with Washington Department of Fish and Wildlife guidance, non-oak trees would be removed to prevent competition that would disrupt oak canopy growth, and the removed trees would be repurposed as downed logs within the tracts. Because the increased habitat functions would take time to be established, the Applicant also proposes to purchase mitigation bank credits from Terrace Oak Bank to provide immediate compensation for oak impacts. The number of credits needed to mitigate the impact would be 0.09, which assumes a 6:1 mitigation ratio and a 50% risk reduction multiplier. With the on-site mitigation and the mitigation bank credits, the proposal would ensure no net loss of ecological function. The mitigation plan was reviewed by the Clark County wetland and habitat review manager, who determined that the mitigation meets relevant mitigation ratios and recommended approval subject to conditions that the Applicant purchase the mitigation bank credits prior to recording the final plat, provide a financial assurance for the enhancement plantings, and record a conservation covenant protecting the oaks. These conditions were incorporated into Planning Staff's recommended conditions of preliminary plat approval. *Exhibits 1.R, 1.V, and 4; Mark Person Testimony.*
16. Consistent with the allowed density range of the proposed R-17 zoning designation (8.8

to 21.8 dwelling units per acre, or 28 to 70 units based on the net site area of 3.19 acres<sup>5</sup>), the proposed 46 units would result in a density of 14.4 dwelling units per acre.  
*Exhibit 1.C.*

17. The R-17 development standards are set forth in two tables in the VMC, and there is a slight difference between the tables. VMC Table 20.410.040-1 specifies a minimum lot size of 2,000 square feet and a “maximum average size” of 4,900 square feet. VMC Table 20.410.050-1 specifies a minimum lot size of 2,000 square feet and a “maximum lot size” of 5,000 square feet. VMC Table 20.410.050-1 also requires a minimum lot width of 25 feet and a minimum lot depth of 65 feet. *VMC Table 20.410.050-1*. The proposed lots would be consistent with these width and depth standards. The lots would range from 2,167 to 5,546 square feet in area, with an average lot area of 2,730 square feet, and would be at least 25 feet wide and 85 feet deep. The one lot that would exceed 5,000 square feet in area would be encumbered by a critical area - an Oregon white oak and its dripline, which together occupy an area of 1,240 square feet and would be protected under a conservation covenant. As argued by the Applicant and by City staff, allowing the slightly oversized lot would be consistent with other provisions of the VMC, including VMC 20.150.040.C (which excludes wetlands and buffers, access easements, and other features from the definition of “lot area”) and VMC 20.410.040.C(2)(d), which allows sensitive areas to be excluded from the density calculation.<sup>6</sup> Further, retaining the entire oak dripline on a single lot would provide better protection for the tree than dividing it between multiple lots. *Exhibit 1; Testimony of Jayson Taylor and Mark Person.*
18. The Applicant proposes to develop the lots consistent with the zero lot line standards of VMC 20.910.050, which allow a side yard setback of zero feet on one side of the structure but require the setback on the adjacent lot to be either zero or at least five feet. The submitted site plan depicts that the building envelopes would meet this requirement; the proposed detached residences would be spaced at least five feet apart. VMC 20.910.050.B requires covenants guaranteeing that the minimum five-foot setback be kept free of permanent obstructions, and subsection C contains building wall requirements. *Exhibits 1.B and 1.C*. Compliance with these requirements would be reviewed at time of building permit.
19. The proposed lots would comply with the technical requirements for lot configuration contained in the subdivision ordinance. No flag lots are proposed, and each lot would have at least 20 feet of frontage. Lot lines would run perpendicular to the adjacent streets. *Exhibits 1 and 1.C; VMC 20.320.070.*

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<sup>5</sup> In Exhibit 2 and in testimony, the Applicant alleged that up to 62 rental units could be developed under existing R-9 zoning, but the Applicant did not provide any code citations in support, and the undersigned was not able to locate any code provisions that would allow so many units. VMC 20.410.040 allows a 50% density increase for affordable housing, which would allow up to 42 units, and VMC 20.260.060.D allows for transfer of density and an automatic 15% density increase for planned developments.

<sup>6</sup> Because the average lot area would be 2,730 square feet, the lot is only oversized if “maximum lot size” in VMC Table 20.410.050-1 is interpreted not to consider averaging.

20. Because all but one of the lots would be fewer than 40 feet wide, the narrow lot criteria of VMC 20.927.030 and the development standards of VMC 20.927.040 apply. The criteria require that conflicts on narrow lots be eliminated, that adequate guest parking be provided, and that solid waste and recycling collection and access be provided. The Applicant has submitted a narrow lot development plan showing that utilities, driveways, street trees, and other features have been located and designed to minimize conflicts with one another. With respect to parking, the narrow lot development standards require one guest parking space for each three narrow lots, which may be located on the street or in common parking areas. In this case, 15 guest parking spaces are required. The Applicant proposes to meet the requirement through on-street parking. Although not depicted on the narrow lot development plan, at least 17 guest parking spaces are available along the east side of SE Maxon Road and on the south side of SE 19th Street in front of Tract B. Staff recommended that the narrow lot development plan be revised to show street parking. With respect to solid waste collection, collection areas would be available on the street in front of the lots. *Exhibits 4 and 1.C; Mark Person Testimony.*
21. Access to the subdivision would be from existing SE 19th Street and SE Maxon Road, which border the subject property to the north, west, and south. Access to individual lots within the subdivision would be from SE 19th Street, SE Maxon Road, and from proposed SE 20th Circle, a cul-de-sac street that would extend east from SE Maxon Road into the project interior. The street layout would comply with the standards of VMC 20.320.070 relating to block length. No block would be sufficiently long as to require a pedestrian way through the block. *Exhibits 4 and 1.C.*
22. Southeast 19th Street is designated as a neighborhood circulator street. Along the site frontage, the street is not fully improved to neighborhood circulator standards, meaning the project would be obligated to install frontage improvements, including pavement widening and right-of-way dedication as needed to meet City standards and installation of a curb, gutter, planter strip, and detached sidewalk along the south side of the street. *Exhibits 4 and 1.C.*
23. Southeast 19th Street received a pavement overlay in July 2020 and, pursuant to VMC 11.80.100, is subject to a street cut prohibition through July 2025. The Applicant submitted and received City approval of a minor road modification to cut the pavement to install utility connections and other improvements. Staff's recommended conditions of approval address pavement restoration requirements. *Exhibits 1.N and 4.*
24. Southeast Maxon Road is designated as a local access street. Along the subject property frontage, the street is not fully improved to local access standards and frontage improvements would be required. The Applicant submitted and received City approval of a road modification request to allow rolled curbing and a five-foot curb-tight attached sidewalk along the south leg of SE Maxon Road instead of the vertical curb and detached sidewalk required by City standard plan T10-15B. A 5.5-foot wide planter strip would then be placed behind the sidewalk. The road modification increases the usable space within the planter strip for tree planting and installation of streetlights and water meters. With respect to the portion of SE Maxon Road running along the western plat boundary,



the road would be designed consistent with T10-15B, except that an attached sidewalk would be provided along one segment to facilitate Oregon white oak preservation. *Exhibits 4, 1.C, 1.N, and 1.P.*

25. Southeast 20th Circle would be designated a loop/cul-de-sac street, a designation requiring 28 feet of pavement, vertical curbs, five-foot planter strips, and five-foot detached sidewalks within 50 feet of right-of-way per City standard plan T10-16. The Applicant obtained City approval of a road modification request to allow rolled curbs and five-foot curb-tight attached sidewalks on both sides of the street. Planter strips would then be placed behind the sidewalks. The road modification increases the usable space within the planter strip for tree planting and installation of streetlights and water meters. *Exhibits 4, 1.C, 1.N, and 1.P.*
26. With respect to all streets, the Applicant obtained City approval of a road modification request to reduce the driveway spacing requirement of VMC 11.80.110.B(1), which requires driveways providing access from non-arterial streets to be spaced a minimum of five feet from the nearest property line. The approved modification allows the driveways to be set back 1.5 feet from the nearest property line. *Exhibit 4.* The modification was needed to facilitate zero lot line development of the lots and would provide sufficiently wide driveways for up to two vehicles to park, which would increase guest parking. *Exhibits 1.N and 1.O; Jayson Taylor Testimony.*
27. With respect to parking, each new single-family residence is required to have one off-street parking space. *VMC 20.945, Table 20.945.070-2.* Each of the proposed residences would have a one-car garage plus driveway parking. The driveways would have 12-foot wide curb cuts but would otherwise be 18 feet wide, allowing sufficient space to park one or two vehicles, depending on vehicle size. Compliance with the off-street parking standard would be determined at the time of building permit review. *Exhibit 4; Jayson Taylor Testimony.*
28. The Applicant submitted a professionally prepared transportation analysis, dated September 18, 2023. The trip generation rates in the analysis were based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, utilizing Land Use Code 210 - Single-Family Detached Housing. Based on the ITE trip rates, the project is expected to add 450 average daily trips to the local street system (net of traffic generated by the two existing residences on-site), including 33 AM and 45 PM peak hour trips.<sup>7</sup> City Staff submitted that the Applicant's trip documentation satisfies the City's requirements for transportation and concurrency analysis. *Exhibit 4.*
29. The subject property is located within the #114 Transportation Analysis Zone. The project would add PM peak hour trips to several Transportation Management Zone corridors, including Mill Plain Boulevard, Andresen Road, 112th Avenue, 164th/162nd Avenue, NE 18th Street, and 136th/138th Avenue. Based on this trip distribution, the

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<sup>7</sup> These numbers likely overstate the traffic generation slightly, as the report assumes 47 residences instead of the 46 proposed. Each residence is attributed 10 average daily weekday trips. *Exhibit 1.J.*

Applicant would be required to pay concurrency modeling fees of \$1,500. *Exhibits 1.J and 4.*

30. The subdivision would add PM peak hour trips to several intersections with proportionate share mitigation projects, including Leiser Road/St. Helens Avenue/MacArthur Boulevard, MacArthur Boulevard/Andresen Road, MacArthur Boulevard/Devine Road, NE 172nd Avenue/NE 18th Street, NE 179th Place/NE 18th Street, and NE 187th Avenue/NE 18th Street. Based on the subdivision's traffic impact to these intersections, the Applicant would be required to pay a total of \$8,911 in proportionate share mitigation fees. *Exhibit 1.J, 1.K, and 4.*
31. In addition to the concurrency modeling fees and proportionate share mitigation fees, the Applicant would be required to pay traffic impact fees pursuant to VMC 20.915 for the Cascade transportation zone. The fee would be calculated based on the rate in effect at the time of building permit application and collected prior to building permit issuance. *Exhibits 1.K and 4.*
32. C-Tran operates a bus route that is approximately 1.25 miles north of the subject property. *Exhibit 1.B.*
33. The proposed subdivision would connect to the municipal water system through an existing water main in SE 19th Street. A new eight-inch main would be extended south and east within SE Maxon Road. Planning Staff submitted that the Applicant's preliminary plans indicate the ability to comply with the City's water requirements. *Exhibits 4 and 1.C.*
34. There is an existing public sewer in SE 19th Street, which is at sufficient depth to provide gravity service for the lots facing SE 19th Street. Shared public pressure sewers would need to be constructed to provide service to the remaining lots, and each lot would need a private pump system. Staff submitted that the Applicant's preliminary plans indicate the ability to comply with City requirements. *Exhibits 4 and 1.B.*
35. The Fire Department reviewed the proposal and submitted that with recommended conditions the proposal would meet the requirements of VMC Title 16 and the International Fire Code. The recommended conditions of approval require a fire response plan and address fire hydrants, fire apparatus access, and signage. *Exhibit 4.*
36. The soils on-site were evaluated by a geotechnical engineer and determined to be suitable for infiltration, although the infiltration rate varies through the site. All stormwater runoff would be infiltrated on-site through proposed infiltration trenches. Media filter cartridges would be used to treat runoff from pollution-generating surfaces prior to infiltration. All stormwater improvements would be designed consistent with the City's stormwater ordinance (VMC 14.25) and Department of Ecology requirements. *Exhibits 4, 1.L, and 1.M; Jayson Taylor Testimony.*
37. Pursuant to VMC Title 20.770.080, a minimum tree density of 30 tree units per acre is

required, which may be satisfied by existing trees, replacement trees, or a combination of existing and replacement trees. There are currently 183 trees on the subject property, 176 of which would be removed from the site due to conflict with roads, utilities, building envelopes, and other subdivision features. The tree density required for the subject property is 97 tree units, and the seven trees proposed for retention (all Oregon white oak) would provide 74.5 tree units. The Applicant proposes to plant sufficient additional trees to result in 120.5 tree units, exceeding the requirements of the ordinance. City Staff recommended that tree protection measures for retained on-site and off-site trees be shown on the final grading plans. *Exhibits 4 and 1.C.*

38. Consistent with VMC 20.925, at least 10% of the net lot area of each lot must be landscaped, and street trees are required along all public and private street frontages. The Applicant has submitted a preliminary landscaping plan that depicts the planting of some street trees, but the plan does not meet the maximum tree spacing of 30 feet on center required by the ordinance. Planning Staff recommended that the Applicant narrow the driveways to 12 feet at the curb or notch the driveways to allow additional street trees to be planted. Compliance with the landscaping requirements applicable to individual lots would be verified at the time of building permit review. *Exhibits 4 and 1.C.*
39. The Applicant would mitigate park impacts by paying park impact fees for Park Impact Fee District B pursuant to VMC 20.915. The fee would be calculated based on the rate in effect at the time of building permit application and collected prior to building permit issuance. *Exhibit 4; VMC 20.915.*
40. The subject property is within the Evergreen School District, and would be served by Ellsworth Elementary School, Wy'east Middle School, and Mt. View High School. The School District provides bus service to all three schools, with the current nearby bus stop located at SE 113th Avenue and SE 19th Street, a short distance east of the subject property. With the proposed frontage improvements, there would be a safe walking route from residences within the proposed subdivision to the school bus stop. The Applicant would mitigate impacts to schools through payment of impact fees pursuant to VMC 20.915. *Exhibits 1.D, 2, and 4.*
41. The Applicant had an archeological predetermination report prepared for the site, which did not find evidence of archaeological materials. Planning Staff recommended that the project be conditioned to include a note on the final plat requiring notice to be provided to the City and to the Washington State Department of Archaeology and Historic Preservation if cultural resources are found, consistent with VMC Title 20.710.090. *Exhibit C1.*
42. Pursuant to the State Environmental Policy Act (SEPA), the City of Vancouver acted as lead agency for review of environmental impacts caused by the proposal. After review of the Applicant's environmental checklist and other project materials, the City issued a notice of application, remote public hearing, and optional determination of non-significance (ODNS) on March 14, 2024, which specified a comment period ending April 15, 2024. Comments were submitted by the Department of Ecology, the Washington Department of

Fish and Wildlife, and from members of the public. The City issued a final DNS on April 18, 2024, which was not appealed. *Exhibits 1.E, 1.S, and 1.T.*

43. Public comment on the application included concerns regarding the proposed increase in density, traffic (including along SE 19th Street, SE 113th Avenue, and Nancy Road), visibility at the intersection of SE 19th Street and Ellsworth Road, parking, housing affordability, groundwater impacts, and electrical grid impacts. Some neighbors argued that, with the apartment complexes to the north of the subject property, the development density within the neighborhood is already too high and would be worsened when other undeveloped parcels in the neighborhood zoned for multifamily uses are developed. Allegation was also made that there are springs and a stream roughly 100 feet from the subject property, across SE 19th Street and SE Maxon Road, respectively. *Exhibits 1.U, 5, 6, and 7; Testimony of Linda Ignoffo, Brad Peterson, John Ignoffo, John Dohman, Michael Rank, and Kelsie Rank.*
44. In response to public comment, the Applicant argued that the proposed project density is consistent with the density allowances potentially available in the R-9 zone for for-rent housing types.<sup>8</sup> The proposed development would create fee simple ownership opportunities. *Chad Stewart Testimony; Exhibit 2.*
45. With respect to parking, the Applicant argued that the proposed one-car garages are necessitated by the R-17 development standards, which limit the garage door width to 50% of the building façade and require main entrances to be visible from the street. *VMC 20.410.050.B(1).* Additional off-street parking would be available within the driveways for up to two cars. *Chad Stewart and Jayson Taylor Testimony.*
46. With respect to the springs and creek, these were not identified by professional consultants and do not appear on Department of Natural Resources, City, or other agency mapping. However, their presence would not affect the site design because the 60 feet of right-of-way between the water features and the subject property would interrupt any buffering requirement.<sup>9</sup> *Jayson Taylor and Mark Person Testimony.*
47. With respect to traffic volumes, the recommended standard for local streets is 2,000 vehicle trips per day. The traffic volume on SE 19th Street is approximately 450 to 500 vehicle trips per day. The traffic added by the proposed development would result in a total volume of approximately 900 vehicle trips per day, well within the design standard.

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<sup>8</sup> Specifically, the Applicant argued that 62 units could be provided, but did not offer code citations in support (see Exhibit 2 and Chad Stewart Testimony). Although VMC 20.950.010.A(1) allows up to twice the density of the underlying zone in a cottage cluster development, subsection A(2) limits the number of units within a cottage cluster development to a maximum of two, 12-unit clusters (24 units). The Hearing Examiner was not able to identify any other code provisions or density bonuses that would allow 62 primary dwelling units to be achieved on the site under R-9 zoning; however, VMC 20.810.030 authorizes accessory dwelling units on lots containing detached single-family residences in all residential zones.

<sup>9</sup> See VMC 20.740.110.A(1)(e)(1)(A): “When impervious surfaces from previous development completely functionally isolate the Riparian Management Area or the Riparian Buffer from the waterbody, the regulated riparian area shall extend from the ordinary high water mark to the impervious surfaces.”

*Daniel Stumpf Testimony.*

48. With respect to the quality of the intersection of SE 19th Street and Ellsworth Road, City Engineering Staff do not have significant sight distance concerns, as the estimated sight distance of the intersection would meet the standard for 45-mile per hour traffic, and the posted speed limit is 40 miles per hour. *Eric Hahn Testimony.* Further, the Applicant's transportation engineer evaluated the intersection of SE 19th Street and Ellsworth Road to determine whether a right-turn lane at the northbound approach to the intersection is warranted under Transportation Research Board and Washington State Department of Transportation guidance, and the result was that the right-turn lane is not warranted. *Daniel Stumpf Testimony; Exhibit 1.J.*
49. With respect to driving routes, the Applicant's transportation engineer expects that most traffic would use Ellsworth Road and SE 10th Street to reach McGillivray Boulevard (northeast of the subject property), because the route described in public comment - using SE 113th Avenue and Nancy Road - would require reduced driving speeds. Street parking is allowed along Nancy Road, there are no lanes delineated, the roadway curves, and there are speed bumps. Ellsworth Road and 10th Street are minor arterials with higher speed limits, no parking, and no horizontal curves. *Daniel Stumpf Testimony.*
50. With respect to groundwater concerns, although groundwater was not detected in test pits during the geotechnical evaluation (which occurred in August), piezometers were installed on-site to record groundwater elevations during wet weather months, so the information could be incorporated into the final stormwater design. *Exhibit 1.L; Chad Stewart Testimony.* City Staff are satisfied with the preliminary information that has been submitted and that any groundwater issues can be addressed during engineering review. *Mark Person Testimony.*
51. With respect to electrical grid capacity, the Applicant received correspondence from Clark Public Utilities regarding electrical service, which identified construction requirements but did not note any capacity issues or other issues of concern. *Exhibit 8.*
52. Having heard all testimony, including public concerns and Applicant responses, Planning Staff maintained their recommendation for approval of the requested permits subject to the conditions identified in the staff report and subject to one additional condition requiring installation of street trees prior to occupancy of the built residences. *Exhibits 1 and 4; Mark Person Testimony.* Applicant representatives waived objection to the recommended conditions in Exhibit 1 and requested for clarity purposes the additional condition recommended in Exhibit 4. *Testimony of Chad Stewart and Jayson Taylor; see Exhibit 2, Slide 16.*

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## CONCLUSIONS

### **Jurisdiction:**

The Hearing Examiner has jurisdiction to review and make a recommendation to City Council on the rezone - a Type IV application - pursuant to VMC 20.285.040.C(2).

Per Vancouver Municipal Code 20.210.020 Table 20.210-1, preliminary subdivisions are Type III development applications, which are decided by the Hearing Examiner, and critical areas permits are Type II development applications, which are decided by the Planning Official. Pursuant to VMC 20.210.020.D, when more than one permit is required for a given proposal, all applications are consolidated into a single review subject to the highest type of procedure that applies to any of the applications. Thus, the Hearing Examiner also has jurisdiction to issue findings and a recommendation to City Council on the subdivision and critical areas permit applications.

### **Rezone Criteria for Review:**

Pursuant to VMC 20.285.060, the approval criteria for a standalone zoning map amendment (i.e., a map amendment not involving a comprehensive plan amendment) require demonstration of the following:

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

### **Critical Area Permit Criteria for Review:**

Pursuant to VMC 20.740.060, any activity subject to VMC 20.740 must comply with the following criteria:

- A. *Avoid Impacts.* The Applicant shall first seek to avoid all impacts that degrade the functions and values of (a) critical area(s). This may necessitate a redesign of the proposal.
- 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.
- C. *Compensatory Mitigation.* The applicant shall compensate for the 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.
- 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.

- E. *Consistency with General Purposes.* The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site.
- F. *Performance Standards.* The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas VMC 20.740.110, Frequently Flooded Areas VMC 20.740.120, Geologic Hazard Areas VMC 20.740.130, and Wetlands VMC 20.740.140, as applicable.

**Subdivision Criteria for Review:**

Pursuant to VMC 20.320.040, to obtain approval of a preliminary subdivision, the Applicants must demonstrate compliance with the following criteria:

- A. 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;
- B. 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;
- C. 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;
- D. 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;
- E. 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;
- F. 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; and
- G. Compliance with State requirements. That the proposed short subdivision or subdivision complies with the requirements of RCW 58.17.110.
- H. 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.

**Narrow Lot Development Approval Criteria:**

Pursuant to VMC 20.927.030, in order for the City to grant approval of a preliminary short subdivision or subdivision that proposes narrow lots, the Applicant shall demonstrate compliance with the following 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., shall be considered in the design of the development and coordinated to eliminate conflicts with one another and meet minimum spacing requirements.
- B. Adequate guest parking shall be provided. The development has been designed to provide for 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 VMC 20.927.040.A(2).
- 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.

**RCW 58.17.110 requires as follows:**

- (1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.
- (2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication.

**Conclusions Based on Findings:**

- 1. The criteria for rezone are satisfied.
  - A. The proposed rezone to R-17 is more consistent with the Vancouver Strategic Plan and the Comprehensive Plan than the existing R-9 designation because it would



- provide additional density in an area served by infrastructure and public facilities, would add to the range of housing options, and would result in home and lot sizes that are more likely to be affordable to a broader swath of the community than standard R-9-sized lots and residences. *Findings 3, 4, 8, 9, and 11.*
- B. The City’s need for additional and affordable housing, as reflected in the 2022 housing code updates that created the R-17 zone and in the state legislature’s direction regarding upzoning, represents a change in circumstances since the R-9 zone was adopted. *Finding 10.*
2. As conditioned, the criteria for a critical area permit are satisfied.
- A. The Applicant has demonstrated that impacts to Oregon white oaks would be avoided to the extent possible through site design. Seven of eight trees would be retained. Removal of one tree is unavoidable. *Findings 13 and 14.*
- B. The Applicant has demonstrated that impacts to retained Oregon white oaks would be minimized. For example, sidewalk placement on SE Maxon Road would be modified to increase the distance of the sidewalk from retained oaks. *Finding 14.*
- C. Appropriate compensatory mitigation would be provided for unavoidable impacts. Mitigation would occur on-site (in the form of habitat enhancement), with mitigation bank credits also purchased to provide a more immediate benefit. *Finding 15.*
- D. The proposal would ensure no net loss of critical areas functions and values. *Finding 15.*
- E. The proposal would be consistent with the purpose of VMC 20.740 to designate and protect critical areas while also allowing for reasonable use of property (see VMC 20.740.010) and would not pose a threat to the public health, safety, or welfare. No public health, safety, or welfare concerns were identified in conjunction with the proposed tree removal and mitigation. *Findings 12, 13, 14, and 15.*
- F. The proposal meets the relevant performance standards, which incorporate a no net loss standard and prioritize on-site enhancement (see VMC 20.740.110.C(1)). *Finding 15.*
3. As conditioned, the criteria for a preliminary plat are satisfied.
- A. As conditioned, appropriate provision has been made for transportation, water, storm drainage, erosion control, and sewage disposal. The local street system has capacity to serve the development. Impact fees and proportionate share mitigation fees would mitigate the impact of the project’s increased trips on the surrounding transportation system. *Findings 21, 22, 23, 24, 25, 28, 29, 30, 31, 32, 33, 34, 36, 47, 48, 49, and 50.*
- B. As conditioned, appropriate provision has been made for streets, alleys, utilities, and other improvements consistent with City and State standards, as modified through the road modification process. Sufficient parking would be provided to satisfy City parking standards as well as the guest parking requirement of the narrow lot criteria. *Findings 20, 21, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36, 47, 48, 51, and 52.*

- C. Park and school impacts would be mitigated through payment of impact fees. *Findings 39 and 40.*
- D. The design of the subdivision takes into account the physical features of the site. The subdivision has been designed to avoid and minimize impacts to seven of the eight Oregon white oaks on-site. The proposed use of infiltration trenches for stormwater management is compatible with soil conditions. The final stormwater design would incorporate the results of wet season groundwater monitoring. *Findings 12, 13, 14, 36, and 50.*
- E. There are no prior subdivision terms or conditions that affect the proposal. *Finding 2.*
- F. As conditioned, the subdivision complies with the applicable requirements of VMC 20.320, which address subdivision layout and access requirements. *Findings 19 and 21.*
- G. The above criteria largely address the requirements of RCW 58.17.110. The RCW also includes a requirement that a subdivision make appropriate provision for safe walking conditions for students who only walk to and from school. In this case, students would be bussed to school and there would be continuous sidewalks within the subdivision and along the walking route to the bus stop. The public interest would be served by the provision of housing consistent with the Strategic Plan, Comprehensive Plan, and the standards of the R-17 zone. To ensure R-17 standards are met with the site design proposed, a condition is needed to ensure that the right-of-way vacation process is completed prior to civil plan approval. The proposal to develop detached residences is consistent with the UL Comprehensive Plan designation and adjacent land uses. *Findings 4, 5, 6, 8, 9, 10, 16, 17, 18, 22, 24, 25, 40, and 52.*
- H. As conditioned, the proposal is consistent with the narrow lot development criteria. *Finding 20.*

### **RECOMMENDATION**

The Hearing Examiner recommends to the Vancouver City Council that the requested rezone of 3.4 acres at 11101 and 11117 SE 19th Street from R-9 to R-17, the requested subdivision of the land into 46 single-family residential lots, and the associated critical area permit be **APPROVED** subject to the following conditions:

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

1. Upload the civil plan review set showing all the revisions requested as well as all necessary reports (geotechnical, hydrology, traffic analysis, road modification, etc.). Include a detailed site plan in the civil plan review set. For questions on these requirements, please contact (360) 487-7804.
2. Grading plan review fees will be due upon submittal of civil plans for review. Contact Permit Center staff at (360) 487-7802 to obtain a fee quote.
3. Pay concurrency monitoring fees totaling \$1,500.

4. Pay proportionate share fees totaling \$8,911.
5. Submit an inadvertent discovery plan for discovery of archaeological resources.
6. Place the following note on the grading plans: “If any archaeological deposits are found during construction, work shall stop, and the City of Vancouver’s Community Development and the Washington State Department of Archaeology and Historic Preservation shall be notified.”
7. Place this note on the Engineering Plans: “Development within this subdivision is subject to an approved tree plan. Tree removal is subject to approval by the City of Vancouver. Street trees must be planted prior to occupancy per the approved plan.”
8. Include this note on final landscape plans: “All shrubs within sight distance triangles shall be maintained so that foliage height above pavement does not exceed 2.5 feet. Street trees within sight distance triangles shall be limbed up to a height of 10 feet consistent with ANSI A300 standards to provide for sight distance visibility.”
9. Show tree protection fencing on Grading Plan for on-site and off-site trees.
10. Make design adjustments to meet street tree requirement by narrowing driveways at curb to 10-12 feet or notching driveways to allow for additional street trees where there are not street trees. Street trees shall be five feet from center of water meters and five feet from driveways.
11. Revise development plan to show on-street parking in accordance with narrow lot standards.
12. The new public dead-end cul-de-sac that will extend eastward from SE Maxon Road shall be named SE 20th Circle.
13. Include the City of Vancouver standard advanced pavement restoration requirement on the civil drawings.
14. Approved civil plans shall include specific sanitary sewer design features including (at a minimum) notes that identify lots that require minimum finish floor elevations for full gravity service, construction of public gravity sewer south in SE Maxon Road, lining (sealing) of new and existing manholes, two separate shared public pressure sewers, notes specifying private pump requirements, and provisions for the lot at the east end of SE Maxon Road.
15. Complete the sanitary sewer design on the civil drawings. Prepare according to Vancouver’s current General Requirements and Details for Design and Construction. Address redline comments and submit the final design for civil plan approval.

16. New and existing fire hydrant locations related to this project shall be shown.
17. An approved fire response plan shall be included in both the civil plans and the architectural plans.
18. Obtain City Council approval of final ordinance vacating the right-of-way along the south leg of SE Maxon Road.

**Prior to or During Construction:**

19. Comply with the applicable requirements in the letter from Ecology dated April 12, 2024.
20. Comply with the applicable requirements in the letter from Clark County Public Health dated September 18, 2023.
21. Construct new public sanitary sewers and service laterals as shown on the approved civil plans. Satisfy construction services inspection and testing requirements and secure construction acceptance. Satisfy submittal and other requirements itemized in the Notifications of civil plan approval and secure final civil project acceptance.
22. Fire hydrants for emergency use shall be established and maintained accessible.
23. Fire apparatus access roads shall be established and maintained.
24. Site security measures shall be installed to prevent unauthorized access.
25. Temporary street and building address signage shall be visible and legible from the street fronting the property for emergency response during construction.
26. All fire safety provisions of the International Fire Code shall be adhered to.
27. No smoking signage shall be posted throughout the site except in designated smoking areas.
28. Site security shall be maintained to prevent unauthorized access.
29. Consideration for emergency vehicle access shall be taken when staging materials for construction.
30. The general construction manager shall ensure that all requested inspections for fire protection system work are requested by the permit holder and that the systems were pre-tested to being scheduled.

**Prior to Final Plat Approval:**

31. Oak Mitigation Bank credits (0.09) shall be purchased. A financial assurance shall be provided for the proposed enhancement if the mitigation cannot be completed prior to recording.

32. A conservation covenant protecting Oregon White Oak Woodland functions and values in a form approved by the City Attorney shall be recorded.
33. Comply with all requirements set forth on the civil drawings pursuant to the minor road modification approval.
34. Provide the following improvements to SE 19th Street, per City of Vancouver standards:
  - a. Dedicate additional right-of-way if/as necessary to obtain the full 54-foot right-of-way width, per T10-14.
  - b. Install additional pavement width as necessary to obtain the full 36-foot street width, per T10-14.
  - c. Install curb, gutter, planter strip, and detached sidewalk, per T10-14.
  - d. Install driveway approaches, per the appropriate standard.
  - e. Remove the existing temporary asphalt ADA ramp at the east property line and connect the new sidewalk to the existing sidewalk at this location.
  - f. Street lighting must be installed or upgraded to current standards, see street lighting comments below.
  - g. Install traffic control devices as warranted, and storm drainage as required by the City stormwater ordinance.
35. Provide the following improvements to SE Maxon Road, per City of Vancouver standards:
  - a. Dedicate additional right-of-way if/as necessary to obtain the required 25-foot right-of-way half-width, per T10-15B.
  - b. Install additional pavement width as necessary to obtain the required 14-foot street half-width, per T10-15B.
  - c. From SE 19th Street to the south end of the property where SE Maxon Road bends to the east (a distance of approximately 350 feet), the developer must install standard curb, gutter, planter strip, and detached sidewalk, per T10-15B. (It will be allowable to install curb-tight attached sidewalk where necessary to protect existing trees.)
  - d. From the bend to the cul-de-sac at the end of the road (a distance of approximately 500 feet), the developer must install rolled curbing, five-foot curb-tight attached sidewalk, and a 5.5-foot planter strip behind the sidewalk, per applicable City standards and the approved road modification. The attached sidewalk must be thickened to six inches, minimum.
  - e. If the resulting total paved street width is less than 28 feet, "No Parking - Fire Lane" signs must be installed on both sides of the street. If the resulting total street width is 28 feet or greater, the parking restriction signs must be posted only on one side of the street.

- f. Install a standard curb return and diagonal ADA pedestrian ramp (T02-04B) at the corner of SE Maxon Road and SE 19th Street, per the appropriate standards. The radius of the curb return must be 25 feet.
  - g. Street lighting must be installed or upgraded to current standards, see street lighting comments below.
  - h. Install traffic control devices as warranted, and storm drainage as required by the City stormwater ordinance.
36. Provide the following improvements to SE 20th Circle, per City of Vancouver standards:
- a. Dedicate 50 feet of right-of-way and install an asphalt street with 28-foot paved width. Install rolled curb and gutter, and five-foot curb-tight attached sidewalk on both sides of the street, per the applicable City standards and the conditions of the approved road modification. The attached sidewalk must be thickened to six inches, minimum. Also, the 28-foot pavement width must be measured to the gutter flowline, not the top of curb.
  - b. Construct a new intersection on SE Maxon Road with 20-foot curb return radii and standard directional ADA ramps, per the applicable City standards.
  - c. Install “No Parking - Fire Lane” signs at appropriate spacing along one side of the street.
  - d. Construct a standard cul-de-sac with 35-foot radius, measured to the gutter flowline, per the applicable City standards.
  - e. Street lighting must be installed or upgraded to current standards, see street lighting comments below.
  - f. Install traffic control devices as warranted, and storm drainage as required by the City stormwater ordinance.
37. Identify lots that require minimum required finish floor elevations for gravity service and cite the civil record drawings for elevation requirements.
38. Identify lots that require private pump systems for public sanitary sewer service and cite the civil record drawings for private pump requirements.
39. Tracts A and B are to be owned and maintained by the Homeowners Association.
40. Submit a final plat application. Applications can be found under Building, Planning, and Environment on the City of Vancouver website, [www.cityofvancouver.us](http://www.cityofvancouver.us).
41. 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.

**Notes Required on Plat:**

- 42. If any archaeological deposits are found during construction, work shall stop, and the City of Vancouver’s Community Development and the Washington State Department of Archaeology and Historic Preservation shall be notified.
- 43. All lots within this plat are subject to a specific tree plan on file with the City of Vancouver. Required trees shall be planted on a per lot basis prior to final occupancy. No tree within the plat shall be removed without a permit.
- 44. Homeowners Association is responsible for maintenance of all open space tracts listed on this plat.

**Prior to Issuance of any Building/Development Permits:**

- 45. All required fees, including Transportation, School, and Park Impact Fees shall be paid.
- 46. Building permits shall be subject to the narrow lot development standards of 20.927.040.
- 47. Building permits shall be subject to the development standards of 20.410.050.B.
- 48. Street and address signage shall be visible and legible from the street fronting the property for emergency response. If applicable, individual suite numbers shall be posted at the suite doors. Where applicable, apartment building designations shall be visible and legible from all potential fire lane approaches.
- 49. Required fire lane signage shall be installed.

**Prior to Issuance of Certificate of Occupancy:**

- 50. Install required street trees and landscape buffer plantings per VMC 20.925.030.E.

Decided July 8, 2024, 2024.

By:



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Sharon A. Rice  
City of Vancouver Hearing Examiner