

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

In the Matter of the Application of	)	NO. PRJ-169176/LUP-84272
	)	
<b>Landing at Vancouver LLC</b>	)	<b>The Landing at Vancouver</b>
	)	<b>Master Plan Amendment</b>
	)	
For Approval of a Master Plan Amendment	)	FINDINGS, CONCLUSIONS,
and Binding Site Plan	)	AND DECISIONS
_____	)	

**SUMMARY OF DECISIONS**

The requested master plan amendment and binding site plan are **APPROVED** with conditions.

**SUMMARY OF RECORD**

**Request:**

Landing at Vancouver LLC requested a Type III amendment of a previously approved multi-building mixed-use master plan and a binding site plan to divide 28.7 acres of the property into nine lots and five tracts. The subject property is located at 417 SE Olympia Drive, Vancouver, Washington.

**Hearing Date:**

The City of Vancouver Hearing Examiner conducted a virtual record hearing on the request on September 17, 2024. The record was held open through September 19, 2024 to allow members of the public who were unable to participate in the virtual hearing for technology reasons to submit written comments, with time scheduled for responses by the parties. The record was also held open through September 19, 2024 to allow the Applicant to submit a written response to pre-hearing public comment. No post-hearing public comment was received, and the record closed on September 19, 2024.

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

**Testimony:**

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

Keith Jones, Senior Planner, City of Vancouver

Eric Hahn, Senior Civil Engineer, City of Vancouver

David Weston, Land Use Planner, AKS, Applicant representative

Allison Reynolds, Attorney on behalf of Holman Automotive Group

**Exhibits:**

At the open record hearing the following exhibits were admitted in the record:

1. Staff Report, dated September 3, 2024
  - A. Application Form
  - B. Applicant Narrative
  - C. Department of Ecology comments
  - D. Approved Master Plan 2019
  - E. Proposed Development Plans (14 sheets)<sup>1</sup>
  - F. Level V Tree Report
  - G. 2005 Master Plan Decision
  - H. Stormwater Technical Information Report (TIR)
  - I. Traffic Information
  - J. Geotechnical Report
  - K. Final SEPA Determination of Non-Significance
  - L. SEPA Checklist
  - M. Notice of Application
  - N. Public Comment/party of record requests (timely submitted after the hearing)
2. Updated Master Plan Map (Sheet P3.0)
3. Applicant PowerPoint Slides
4. Email from Dave Weston, re: Exhibit 1.N, dated September 19, 2024 (timely submitted after the hearing)

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

**FINDINGS**

1. Landing at Vancouver LLC (Applicant) requested a Type III amendment of a previously approved multi-building mixed-use master plan and a binding site plan to divide 28.7 acres of the master plan property into nine lots and five tracts. The subject property is located at 417 SE Olympia Drive, Vancouver, Washington. *Exhibits 1, 1.A, 1.B, 1.E, and 2.*
2. The Landing at Vancouver is a 48.92-acre master plan that was approved by the City of Vancouver Planning Commission in 2005. The Planning Commission also approved a conditional use permit for a drive-through building in conjunction with the master plan

---

<sup>1</sup> Of note, the Updated Master Plan Map at Exhibit 2 replaces the information in Attachment E.

approval. *Exhibits 1, 1.G, and 3.*

3. The project developer and the City entered into a development agreement in 2006, and from that time until the development agreement's expiration in 2019, master plan amendments were made pursuant to the process outlined in the development agreement. Exhibit 1.D, a site plan map dated November 25, 2019, represents the currently approved master plan. *Exhibits 1 and 1.D.*
4. Portions of the master plan have been developed since the original approval, including a hotel in the northeast portion of the campus and apartments and an assisted living facility in the northwest portion of the campus. The proposed master plan amendment and binding site plan would affect the undeveloped 28.7 acres in the central and southeastern portions of the campus (Phases 1 and 3B of master plan). *Exhibits 1, 2, and 3.*
5. The subject property is zoned Mixed Use (MX) and has a Comprehensive Plan designation of Commercial. *Exhibit 1.* The purpose of the MX zone is as follows:

Mixed use developments allow for placement of a mix of uses in a single building or integrated site of multiple buildings. Mixed use developments are intended to allow for efficient use of land and public services in an urban setting; encourage human interaction and sense of place; create safe, attractive and convenient environments; and increase development alternatives.

*Vancouver Municipal Code (VMC) 20.430.060.* Mixed use developments consisting of separate structures within a site or contiguous sites are allowed in the MX zone with approval of a multiple building mixed use master plan. *VMC 20.430.060.C(1).* The master plan governing the subject property was approved in 2005. *Exhibit 1.G.* No rezone is proposed in conjunction with the master plan amendment. *Exhibit 1.*
6. Surrounding land uses include a variety of commercial uses (retail, restaurants, groceries, and personal services) within the Community Commercial zone - on the south side of Mill Plain Boulevard, the west side of SE 136th Avenue, and to the east along Hearthwood Boulevard - and office uses within the Light Industrial zone on the north side of Olympia Drive. Although not immediately adjacent to the portion of the master plan affected by the proposed amendment, there is also multifamily development to the west and single-family residential development to the north of the residential portion of the master plan. *Exhibit 3.*
7. Approved land uses in the Phase 1 portion of the site include eight retail buildings, two restaurants, one bank, two office buildings, a parking structure, and surface parking. Approved land uses in the Phase 3B portion of the site include three retail buildings, two restaurants, and surface parking. *Exhibit 1.D.*
8. The mix of land uses proposed for Phases 1 and 3b with the master plan amendment include motor vehicles sales (Lots 1, 2, 3, 5, and 7 along Mill Plain Boulevard), a hotel (Lot 4, across Olympia Drive from the existing hotel), a restaurant with drive-through (Lot 6, along Olympia Drive), a convenience store with fuel sales and car wash (Lot 8, at

the corner of Mill Plain Boulevard and SE 136th Avenue), and a medical office (Lot 9, along Olympia Drive). *Exhibits 2 and 3*. While the medical office and restaurant uses are allowed in the MX zone, the hotel, fuel sales, motor vehicle sales, and car wash uses require conditional use permit approval. *Exhibit 1; VMC Table 20.430.030-1*. No conditional use permit requests were submitted in conjunction with the requested master plan amendment; conditional use permits would be required prior to development of any conditional uses on the lots. *Exhibit 1*

9. Pursuant to VMC 20.430.060.C(2)(a), drive-through facilities are prohibited within multiple building mixed use sites. In this case, a drive-through was approved through the conditional use process in 2005, and the City considers the proposed drive-through to be vested to that approval as part of the current master plan.<sup>2</sup> *Exhibit 1*.
10. The proposed changes would increase the building area by more than 10,000 gross square feet and would reduce the parking by more than 10%. *Exhibits 1.D and 2*. Consequently, Type III review (i.e., review by the Hearing Examiner) is required for the changes. *VMC 20.260.030.B(3)(c)*.
11. Consistent with the site mix standard of VMC 20.430.060.C(2)(b), at least 20% of the combined gross floor area of the buildings within the master planned area would be devoted to residential uses, and at least 20% would be devoted to nonresidential uses. With the proposed changes to the master plan, 26% of the gross floor area (408,467 square feet) would be devoted to residential uses (which residential uses have already been constructed) and 74% of the gross floor area (1,155,794 square feet) would be devoted to nonresidential uses. *Exhibits 1, 2, and 3 (see slide 7 for clarification)*.
12. The Applicant proposes to physically integrate the uses, as required by VMC 20.430.060.C(2)(d), by providing a network of pedestrian paths between the uses, which would be located within Tracts A, B, and C, as well as on individual lots. The tracts would be landscaped with trees and groundcover. *Exhibits 1, 1.E, and 2*.
13. Addressing the requirement of VMC 20.430.060.C(2)(d)(3), the commercial buildings would have modern architectural design and have similar landscaping. *Exhibit 1*. Of note, this standard requires, “One or more similar design characteristics among separate structures shall be provided, including but not limited to similar or complimentary building facades, surface materials, colors, landscaping, or signage.”
14. Consistent with VMC 20.430.060.C(2)(d)(4), the Applicant would provide at least 5% of the site area as an outdoor publicly accessible feature. Tracts A, B, and C would total 101,599 square feet in area. The tracts would provide centrally located, landscaped open space with paved walking paths. All common areas, including landscaping and paths,

---

<sup>2</sup> Of note, VMC 20.430.060.C(2)(a) also prohibits automobile service stations. This use is not defined in Title 20 and was not discussed in the record. These findings are based on the assumption that automobile service stations are a distinct use from vehicle fuel sales which are allowed in the zone, and of which one is proposed and was recommended for approval by Planning Staff.

would be maintained in perpetuity by the Applicant or successors in interest. *Exhibits 1 and 2; Dave Weston Testimony.*

15. The proposed amendment would not affect the residential density of the master plan, which, at approximately 26 units per net acre, would remain compliant with the requirement of 12 units per net acre established in VMC 20.430.060.C(2)(e). *Exhibits 1, 1.B, and 2.*
16. The overall floor area ratio of the nonresidential uses would exceed 0.5, as required by VMC 20.430.060.C(2)(e)(2). As proposed, the overall floor area ratio would be 1.05. Minimum floor area ratios have been established for each lot (see Exhibit 2) so that each is developed in a manner that ensures that the standard is satisfied for the development as a whole. *Exhibits 1, 1.B, and 2.*
17. Compliance with the development standards of the MX zone, as required by VMC 20.430.060.C(2)(e)(3), would be evaluated during site plan review for each lot. *Exhibit 1.*
18. None of the proposed non-residential uses would directly abut a residential use, and thus none would trigger the screening requirement of VMC 20.430.060.C(2)(e)(4). *Exhibits 1, 2, and 3.*
19. Consistent with VMC 20.430.060.C(2)(f)(1), no more than 50% of each site frontage along arterial or collector streets would be devoted to off-street parking or vehicular access. In this case, all three streets fronting the proposed lots (SE Mill Plain Boulevard, SE Olympia Drive, and SE 136th Avenue) are arterial or collector streets. The submitted site plan depicts placement of the buildings adjacent to the streets (with no parking between the buildings and the streets), with parking rows perpendicular to the streets in most cases to minimize the street frontage occupied by parking. *Exhibits 1 and 2.*
20. Compliance with the entrance requirement of VMC 20.430.060.C(2)(f)(2) and blank wall restriction of VMC 20.430.060.C(2)(f)(3) would be evaluated during site plan review for each lot. *Exhibit 1.*
21. Compliance with the City's parking requirements would be evaluated on a lot-by-lot basis through the site plan review process. However, based on the calculations provided, a total of 717 parking spaces is required for the uses proposed within the undeveloped portion of the master plan, and 788 spaces would be provided. This represents a reduction in parking demand from the mix of uses originally approved for the area. *Exhibits 1, 1.D, and 2.*
22. There are no minimum lot size, width, or depth standards applicable to the MX zone. However, sales lots for motor vehicles require lot dimensions of 200 feet by 200 feet, or 100 feet by 100 feet if a corner lot, and require frontage on a primary arterial with average daily trips exceeding 10,000. *Exhibits 1 and 1.B; VMC Table 20.430.030-1; VMC Table 20.430.040-1.* The dimensions of each of the lots proposed for auto sales

(Lots 1, 2, 3, 5, and 7) would exceed 200 feet by 200 feet, and each of the lots would front Mill Plain Boulevard, a principal arterial with average daily trips exceeding 10,000. *Exhibits 1.B and 1.E.* Consistent with the technical standards of VMC 20.320.070, the side lot lines would approach fronting streets at right angles to the extent practical and would have at least 20 feet of frontage on a public or private street. *Exhibit 2.*

23. In addition to SE Mill Plain Boulevard, the subject property has frontage on SE 136th Avenue, SE Olympia Drive, and an unnamed private street that separates the residential portion of the master plan from the subject property, connecting SE 136th Avenue and SE Olympia Drive. *Exhibits 1, 1.E, and 2.*
24. SE Mill Plain Boulevard is a principal arterial that is fully improved along the property frontage. No right-of-way dedication or frontage improvements are required, other than sidewalk repair to ensure compliance with ADA requirements. Consistent with VMC 11.80.110.A, none of the lots would take direct access from SE Mill Plain Boulevard. *Exhibits 1 and 2.*
25. Southeast 136th Avenue is a minor arterial street that is fully improved along the subject property frontage. City Staff did not identify the need for additional improvements on SE 136th Street (other than possibly sidewalk repair, which would be addressed during site plan review), but noted that if the Applicant finds it necessary to cut into the street, approval of a minor road modification would be required, as the street is subject to a street cut prohibition due to a recent pavement overlay. None of the proposed lots would take direct access from SE 136th Street. *Exhibit 1; Eric Hahn Testimony.*
26. Southeast Olympia drive is a collector arterial street that is fully improved along the subject property frontage. No right-of-way dedication or frontage improvements are required, other than sidewalk repair to ensure compliance with ADA requirements. *Exhibits 1 and 1.E.*
27. The unnamed private street is 24 feet wide and has a detached sidewalk and planter strip on its north side (adjacent to existing development). As recommended by the City, sidewalk and planter strip improvements would be installed on the south side of the street in conjunction with development of the adjacent lots. *Exhibits 1 and 1.E.*
28. Consistent with the general circulation plan that was originally approved for the master plan, the Applicant proposes to construct a new cul-de-sac street (SE 139th Avenue) from SE Mill Plain Boulevard into the interior of the site to provide access to some of the lots. The new street would be designated a non-residential local access street, requiring 54 feet of right-of-way, 36 feet of pavement, and curbs, gutters, landscape strips, and sidewalks. As recommended by City Planning Staff, the improvements would be constructed prior to occupancy of any development using SE 139th Avenue for access. *Exhibits 1, 1.B, 1.E, and 2.*
29. Based on the trip generation rates contained in the Institute of Transportation Engineers' manual *Trip Generation, 11 Edition*, the amended master plan (including previously

constructed components), is expected to generate 12,866 net new daily trips, including 1,062 PM peak hour trips. This represents a reduction from the traffic expected from the originally approved mix of uses (13,070 daily trips and 1,290 PM peak hour trips). As recommended by City Planning Staff, a trip compliance memo would be required prior to site plan approval for each lot to ensure that the traffic generated by the use is consistent with the assumptions of the master plan report. Traffic impacts would be mitigated through payment of impact fees. *Exhibits 1 and 1.I.*

30. The proposed modifications to the master plan would not significantly change the stormwater requirements for the project. As described in the April 2024 Preliminary Stormwater Technical Information Report, stormwater runoff from pollution generating surfaces would be treated with catch basin filter units and discharged to infiltration trenches. Final stormwater information would be submitted and reviewed in conjunction with development of the individual lots. *Exhibits 1 and 1.H.*
31. The proposed modifications to the master plan would not significantly change the sanitary sewer requirements for the project, and the sewer conditions from the original master plan approval still apply. Public sewer is available to the site within SE Olympia Drive and would be extended to the proposed lots. *Exhibit 1.*
32. There are existing water mains in SE Mill Plain Boulevard, within the private road to the northwest of the project area, within portions of SE Olympia Drive, and within private roads in the vicinity. City Staff submitted that the submitted project plans demonstrate that City water requirements can be satisfied. *Exhibit 1.*
33. The binding site plan includes utility easements through the site, as well as access easements for lots that would be accessed from a private drive. Although Lot 1 fronts Mill Plain Boulevard, access to the lot would be via an existing access easement from SE Olympia Drive across Lot 2 of the binding site plan and other parcels within the master plan. *Exhibits 1.B and 1.E.*
34. Compliance with the City's solid waste collection requirements (VMC 20.970) would be evaluated at the time of site plan review for each lot. *Exhibit 1.*
35. Each lot would be responsible for its own landscaping and tree retention/planting, which would be reviewed as part of the site plan review process. Only the landscaping within the common tracts would be installed as part of the binding site plan process. The submitted plans depict that a sufficient number of trees would be planted within Tracts A, B, and C to meet the tree density standard of VMC 20.770. *Exhibits 1, 1.B, and 1.E.*
36. An archaeological predetermination was prepared in 2005 in conjunction with the original master plan, and it was determined that no further survey was required. The Washington Department of Archaeology and Historic Preservation was notified of the amendment request and did not submit any comments. *Exhibit 1.*
37. Based on the preliminary plans, City staff is satisfied that the project can meet applicable

fire standards through future review and permit processes. *Exhibit 1.*

38. 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 materials, the City issued a notice of application, remote public hearing, and optional determination of non-significance (ODNS) on June 6, 2024, which specified a comment period ending July 8, 2024. *Exhibit 1.L and 1.M.* After considering comments submitted by the Department of Ecology (Exhibit 1.C), the City issued a final DNS on July 9, 2024. *Exhibit 1.K.*
39. During the written public comment period, several individuals expressed interest in the application and its potential impacts, but no specific objections were noted. *Exhibit 1.N.*
40. Having heard all testimony, Planning Staff maintained their recommendation for approval subject to conditions in the staff report. *Exhibit 1; Keith Jones Testimony.* Applicant representatives waived objection to the conditions in the staff report, with minor requests for correction of scrivener errors in the findings within the staff report, detailed on slide 7 of the Applicant's PowerPoint presentation. *Dave Weston Testimony; Exhibit 3 (slide 7).*

## CONCLUSIONS

### **Jurisdiction:**

VMC 20.210.020 grants the Hearing Examiner jurisdiction to hear and decide Type III development applications, which include modifications of mixed-use concept plans that meet the criteria of VMC 20.260.030.B(3)(c). *VMC 20.430.060.C(3)(a)(3).*

A binding site plan is a Type II development application. *VMC 20.330.020.A.* VMC 20.210.020.D states that when more than one application is submitted for a given development, and those applications are subject to different types of procedure, then all of the applications are subject to the highest type of procedure that applies to any of the applications. In this case, Type III review by the Hearing Examiner is the highest procedure type. The Hearing Examiner therefore has jurisdiction to hear and decide the binding site plan application.

### **Criteria for Review:**

#### *Master Plan*

Pursuant to VMC 20.430.060.C(3)(a)(2), mixed use master plans shall be approved, or approved with conditions, upon findings that:

- a. The Master Plan and associated conditions of approval ensure future development will meet all applicable criteria of this chapter; and
- b. The proposal complies with applicable rezone criteria of VMC 20.285.080; and
- c. There is or will be sufficient capacity within the transportation system and public sewer, water, police, fire, and stormwater services to adequately serve all portions of the site at the time of development; and
- d. A change in circumstances has occurred since existing zoning designations at the site were originally adopted. For the purposes of a multiple building mixed use plan only,



compliance with the development standards of VMC 20.430.060.C(2) and the applicable Comprehensive Plan policies shall be sufficient to demonstrate that a change in circumstances has occurred.

### *Binding Site Plan*

Pursuant to VMC 20.330.020.B, approval of a binding site plan requires consistency with the following:

1. Applicable requirements of this title [Title 20];
2. Technical standards contained in Section 20.320.070; and
3. Required mitigation measures imposed as a part of the SEPA review process.

### **Conclusions Based on Findings:**

1. With the proposed amendments and conditions of approval, the master plan remains compliant with the criteria for approval.
  - a. As conditioned, the proposal is consistent with the standards for multiple building mixed use sites. With respect to proposed uses, future conditional use permit approval is required for several of the proposed uses. This approval does not address the conditional use criteria and does not alleviate the Applicant or its successors from the need to comply with the permitting requirement. The 2005 conditional use approval authorizes the restaurant drive-through and is still valid. As proposed, the uses should have functional integration in that the restaurant and medical office uses might serve the residential uses, as well as employees of the auto sales uses. Physical integration would be achieved through interior open spaces with walking paths. The building density/intensity, frontage, and parking requirements would be met with the proposed amendments. While future development would be subject to the site plan review process (in addition to conditional use review where required), sufficient information was presented to conclude that the applicable requirements could be satisfied. *Findings 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 40.*
  - b. The rezone criteria are not applicable because no rezone is proposed. *Finding 5.*
  - c. As conditioned, there is or will be sufficient capacity within the transportation and public utility systems to serve the site at the time of development. Most of the surrounding street network has already been fully constructed, and the conditions of approval address construction of SE 139th Avenue. Based on the amended mix of uses, the master plan would generate less peak hour traffic than contemplated and approved in 2005. *Findings 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 37, and 40.*
  - d. Because the project is a multiple building mixed use plan, change of circumstance is demonstrated by compliance with VMC 20.430.060.C(2) and the Comprehensive Plan. The amendments are consistent with the Commercial land use designation, and their compliance with VMC 20.430.060.C(2) is described in Conclusion 1.a., above. *Findings 2, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 40.*

2. As conditioned, the criteria for binding site plan approval are satisfied.
  - a. The submitted plans demonstrate that the requirements of Title 20 have been met or can be met through a future site plan review process. There are no minimum dimensional standards that apply to the lots, except for the standards to establish the vehicle sales use. The lots on which vehicles sales are proposed meet the applicable standards. *Findings 22, 34, 35, 36, and 40.*
  - b. The site plan demonstrates compliance with the applicable technical standards of VMC 20.320.070, which address streets, easements, lot design, and public improvements. *Findings 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, and 33.*
  - c. The City reviewed the proposal pursuant to SEPA and did not impose any mitigation measures. *Finding 38.*

## **DECISIONS**

Based on the foregoing findings and conclusions, the requested master plan amendment and binding site plan are **APPROVED** subject to the following conditions.

### General

1. Applicant shall comply with the requirements of the Washington State Department of Ecology letter dated July 8, 2024.
2. Once the landscaping in the open space areas is completed, a licensed landscape architect shall provide a certificate verifying that the landscaping has been installed per the City-approved construction documents. Please submit to Keith Jones, keith.jones@cityofvancouver.us.

### Prior to Recording the Binding Site Plan

3. 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).
4. Submit for a civil plan review for construction of improvements related to the binding site plan including final landscaping plans for improvement of common open space areas. Installation of landscaping and trees may be deferred by the Planning Department as allowed on under VMC 20.909 Escrow and Assurances. Installation of infrastructure associated with the binding site plan including, water, sewer, stormwater and road improvements must be installed or deferred as allowed by the City Public Works Department.
5. Submit a tree maintenance agreement for the open space areas.

### Prior to Site Plan Review Approval

6. Submit an updated geotechnical report or formal documentation from the original geotechnical engineer indicating that their original findings and recommendations are still

valid based on recent site observation. The updated report shall include all requirements in 2021 IBC Section 1803, such as liquefaction potential.

7. Each lot will be required to meet the minimum floor area ratio (FAR) as shown on the nonresidential table indicated on the master plan map, Sheet P3.0, prepared by AKS Engineering & Forestry, dated September 5, 2024 (see Exhibit 2).
8. Submit a trip compliance memo demonstrating that the trips generated by the proposed use are consistent with the assumptions in the Master Plan. Each trip compliance memo must include trip generation and distribution analysis. The Applicant will be required to pay TIF and concurrency modeling fees for each project submitted within the Master Plan area.

Prior to Issuance of Certificate of Occupancy

9. For any development taking access from SE 139th Avenue within the Master Plan, the Applicant must provide the following improvements to SE 139th Avenue, per City of Vancouver standards:
  - a. Dedicate 54 feet of right-of-way and install an asphalt street with a 36-foot paved width. On both sides of the street, install curb, gutter, planter strip, and five-foot sidewalk, per the applicable City standards.
  - b. Construct a standard cul-de-sac with 45-foot radius, measured to the face of curb, per the applicable City standards.
  - c. Complete the fourth leg of the intersection on Mill Plain Boulevard and update the intersection to meet current ADA compliance requirements. This includes:
    - 1) Repair the existing ADA ramps at both corners.
    - 2) Adjust the pedestrian push button types and locations on both corners.
    - 3) Install FLIR detection equipment at all four legs of the signalized intersection.
    - 4) For questions, contact Erik Bjerke at erik.bjerke@cityofvancouver.us.
  - d. Install traffic control devices as warranted and storm drainage as required by the City stormwater ordinance.
10. The instant approval only authorizes the one, vested drive-through use approved in 2005 in the Master Plan. No additional drive-through uses are permitted.
11. Any use that requires a conditional use permit must submit and obtain approval for said conditional use permit.

**Decided** October 7, 2024.

By:



---

Sharon A. Rice  
City of Vancouver Hearing Examiner

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 mailed. 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).

A fee of \$2,396.00 must accompany the appeal. However, if the aggrieved party is a recognized neighborhood association, the fee assessed is \$181.00. 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](mailto:eplans@cityofvancouver.us) as well, as to the case manager's e-mail address below, and the appeal fee electronically paid to the City of Vancouver. For questions or additional information, you may contact the case manager by telephone at (360) 487-7887 or by e-mail at [keith.jones@cityofvancouver.us](mailto:keith.jones@cityofvancouver.us).