

# Master Land Use Application



City of La Center, Planning Services  
305 NW Pacific Highway  
La Center, WA 98629

[www.ci.lacenter.wa.us](http://www.ci.lacenter.wa.us)

Ph. 360.263.7665 Fax: 360.263.7666

[www.ci.lacenter.wa.us](http://www.ci.lacenter.wa.us)

## Property Information

Site Address 2001 NE Lockwood Creek Road

Legal Description Portions of SW 1/4 NE 1/4 and NW 1/4 SE 1/4, Section 2, T4N, R1E, WM, Clark County, WA

Assessor's Serial Number 209118000 and 209120000 and the triangular portion of 209064000

Lot Size (square feet) approximately 17.32 acres

Zoning/Comprehensive Plan Designation LDR 7.5 with comprehensive plan designation Urban Residential

Existing Use of Site Grass field

## Contact Information

### APPLICANT:

Contact Name Ben Hill

Company NAC Architecture

Phone 206-441-4522

Email BHill@NACARCHITECTURE.com

Complete Address 2025 First Ave, Ste 300, Seattle, WA 98660

Signature \_\_\_\_\_

(Original Signature Required)

### APPLICANT'S REPRESENTATIVE:

Contact Name Anne Marie Skinner

Company PBS Engineering and Environmental

Phone 503-417-7684

Email annemarie.skinner@pbsusa.com

Complete Address 4412 SW Corbett Ave, Portland, OR 97239

Signature \_\_\_\_\_

(Original Signature Required)

### PROPERTY OWNER:

Contact Name Dave Holmes

Company \_\_\_\_\_

Phone 360-263-2131

Email \_\_\_\_\_

Complete Address \_\_\_\_\_

Signature \_\_\_\_\_

(Original Signature Required)

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*(Original Signature Required)*

### PROPERTY OWNER:

Contact Name Dave Holmes

Company La Center School District

Phone 360-263-2131

Email dave.holmes@lacenterschools.org

Complete Address P.O. Box 1840 La Center, WA 98629

Signature \_\_\_\_\_

*(Original Signature Required)*

## Development Proposal

Project Name

Type(s) of Application

Previous Project Name and File Number(s), if known

Pre-Application Conference Date and File Number

Description of Proposal

### Office Use Only

File # \_\_\_\_\_

Planner \_\_\_\_\_

Received By \_\_\_\_\_

Fees: \$ \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Paid: \_\_\_\_\_

Procedure:   Type I  
                  Type II  
                  Type III  
                  Type IV

Receipt # \_\_\_\_\_

Notes \_\_\_\_\_

# **Type III Conditional Use Permit**

La Center Middle School  
City of La Center, Washington

Property Owner:  
La Center School District  
725 Highland Road  
La Center, Washington 98629

October 26, 2018  
PBS Project No. 71282.000



415 W 6TH STREET, SUITE 601  
VANCOUVER, WA 98660  
360.695.3488 MAIN  
866.727.0140 FAX  
PBSUSA.COM

## TABLE OF CONTENTS

<b>INTRODUCTION &amp; SUMMARY .....</b>	<b>4</b>
<b>PROJECT LOCATION .....</b>	<b>5</b>
<b>PROJECT NEEDS AND GOALS .....</b>	<b>5</b>
<b>SITE DESCRIPTION .....</b>	<b>5</b>
<b>PROJECT DESCRIPTION.....</b>	<b>5</b>
Construction Schedule.....	5
Description of Uses .....	6
<b>TITLE 18 DEVELOPMENT CODE.....</b>	<b>6</b>
<b>CHAPTER 18.10 GENERAL PROVISIONS.....</b>	<b>6</b>
18.10.090 Concurrency .....	6
<b>CHAPTER 18.30 PROCEDURES .....</b>	<b>8</b>
18.30.010 Review required.....	8
18.30.020 Pre-application review .....	8
18.30.030 Application types and classification .....	8
18.30.040 Application contents.....	8
18.30.050 Review for technically complete status.....	8
18.30.070 Approval criteria .....	12
<b>CHAPTER 18.130 LOW DENSITY RESIDENTIAL DISTRICT (LDR-7.5).....</b>	<b>13</b>
18.130.030 Permitted uses.....	13
18.130.070 Height regulations .....	13
18.30.080 Density requirements .....	13
18.130.090 Lot coverage and dimensions .....	14
18.130.100 Street Trees.....	14
18.130.110 Active open space – Family parks.....	14
<b>CHAPTER 18.215 SITE PLAN REVIEW.....</b>	<b>14</b>
18.215.020 Applicability .....	14
18.215.030 Exemptions.....	14
18.215.040 Site plan review types and procedures.....	15
18.215.050 Submittal requirements .....	15
18.215.060 Criteria for site plan approval.....	17
<b>CHAPTER 18.240 MITIGATION OF ADVERSE IMPACT .....</b>	<b>18</b>
<b>CHAPTER 18.245 SUPPLEMENTARY DEVELOPMENT STANDARDS .....</b>	<b>18</b>
18.245.020 Height of fences and hedges.....	18
18.245.030 Solid waste .....	18
18.245.040 Lighting .....	18
18.245.050 Noise .....	19
18.245.060 Landscaping.....	19
<b>CHAPTER 18.250 CONDITIONAL USES .....</b>	<b>23</b>
18.250.010 Pre-application review.....	23

18.250.020 Review processes.....23  
18.250.030 Application contents .....23  
18.250.040 Criteria for approval, minor modifications and revocation .....23  
18.250.050 Expiration and extension .....27  
**CHAPTER 18.260 VARIANCES .....27**  
18.260.040 Approval criteria.....27  
**CHAPTER 18.280 OFF-STREET PARKING AND LOADING REQUIREMENTS.....28**  
18.280.010 Off-street parking requirements .....28  
18.280.020 Joint use of facilities .....28  
18.280.030 Parking design standards.....28  
18.280.040 Loading.....30  
**CHAPTER 18.300 CRITICAL AREAS .....30**  
18.300.040 Applicability and critical areas map .....30  
18.300.050 Allowed uses .....31  
18.300.060 Variances.....33  
18.300.070 Exemptions.....34  
18.300.080 Reasonable use exception .....35  
18.300.090 Critical lands .....35  
18.300.100 Best available science .....46  
18.300.110 Development standards.....46  
18.300.120 Mitigation .....50  
**CHAPTER 18.310 ENVIRONMENTAL POLICY.....54**  
**CHAPTER 18.320 STORMWATER AND EROSION CONTROL.....54**  
**CHAPTER 18.340 NATIVE PLANT LIST .....55**  
**CHAPTER 18.350 TREE PROTECTION .....55**  
**CHAPTER 18.360 ARCHAEOLOGICAL RESOURCE PROTECTION .....56**  
**TITLE 8 HEALTH AND SAFETY .....56**  
**CHAPTER 8.60 SIGN REGULATIONS.....56**  
8.60.060 Signs in residential zones.....56  
**TITLE 3 REVENUE AND FINANCE .....57**  
**CHAPTER 3.35 IMPACT FEES .....57**  
**TITLE 12 STREETS, SIDEWALKS, AND PUBLIC WAYS .....57**  
**CHAPTER 12.05 SIDEWALKS .....57**  
**CHAPTER 12.10 PUBLIC AND PRIVATE ROAD STANDARDS.....57**  
**TITLE 13 PUBLIC UTILITIES .....57**  
**CHAPTER 13.10 SEWER SYSTEM RULES AND REGULATIONS.....57**  
**TITLE 15 BUILDINGS AND CONSTRUCTION .....58**  
**CHAPTER 15.05 BUILDING CODE AND SPECIALTY CODES .....58**

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## INTRODUCTION & SUMMARY

This narrative is for the Type III Conditional Use Permit and Site Plan Review applications for La Center School District (property owner) and NAC Architecture (applicant) to develop a new public middle school on a vacant site. The application will be submitted to the City of La Center (City) pursuant to La Center Municipal Code (Code) Chapter 18.30 and will propose a 77,275-square-foot building to accommodate 550 middle school students, as well as landscaping, outdoor athletic areas, parking areas, and storm water facilities. Any required site development and building permits will be obtained prior to construction of the new school.

The following information lists the project team and contact information. Inquiries should be directed to Anne Marie Skinner as the primary point of contact.

<p>Property Owner:</p> 	<p><b>La Center School District</b> 725 Highland Rd La Center, WA 98629 360.263.2131</p> <p><b>Dave Holmes</b> dave.holmes@lacenterschools.org</p>
<p>Planner/Civil Engineer:</p> 	<p><b>PBS Engineering and Environmental</b> 415 W 6<sup>th</sup> St, Ste 601 Vancouver, WA 98660 360.695.3488</p> <p><b>Anne Marie Skinner</b> annemarie.skinner@pbsusa.com</p> <p><b>Maureen White, P.E.</b> <a href="mailto:maureen.white@pbsusa.com">maureen.white@pbsusa.com</a></p> <p><b>Elissa Peters, P.E.</b> <a href="mailto:elissa.peters@pbsusa.com">elissa.peters@pbsusa.com</a></p>
<p>Applicant/Architect:</p> 	<p><b>NAC Architecture</b> 2025 1<sup>st</sup> Ave, Ste 300 Seattle, WA 98121 206.441.4522</p> <p><b>Ben Hill</b> <a href="mailto:bhill@nacarchitecture.com">bhill@nacarchitecture.com</a></p>



## **PROJECT LOCATION**

The subject site (site) consists of two tax lots and the triangular portion of a third tax lot comprising approximately 17.32 acres, addressed as 2001 NE Lockwood Creek Road. The tax lots are identified as Property Identification Numbers 209064000 (#39 OF SEC 2 T4NR1E@M 10.92A), 209118000 (#99 SEC 2 T4N R1EWM 5.48A), and 209120000 (#101 SEC 2 T4N R1EWM 9.78 A M/L), in La Center, Washington. The site is in portions of the SW ¼ NE ¼ and the NW ¼ SE ¼ of Section 2, Township 4 North, Range 1 East, of the Willamette Meridian, Clark County, Washington. NE Lockwood Creek Road is the site's north boundary.

## **PROJECT NEEDS AND GOALS**

This project is needed to provide educational services for middle-school-aged individuals residing in the La Center School District. The new building is intended to serve approximately 550 pupils and is being funded by a bond which was approved through public voting in February 2018.

## **SITE DESCRIPTION**

The following information describes the existing conditions associated with the site.

### **Zoning**

The site is zoned Low Density Residential (LDR 7.5) with a comprehensive plan designation of Urban Residential.

### **Existing Conditions**

The site is approximately 17.32 acres in area. The site does not contain any existing structures or impervious surfaces. Portions of the site have a noted presence of wetlands with a combination of non-hydric and hydric soils. The site is primarily an open grassland field with a combination of non-native pasture grasses, nuisance woody vegetation, sparse native vegetation, and naturally-occurring emergent soft rush vegetation within the wetland areas. A large row of native tree canopy exists along the south boundary of the site consisting of Douglas fir and black cottonwood. The northern area of the site consists of tall sweet vernal grass, false rye grass, colonial bent grass, reed canary grass, spreading bent grass, and velvet grass. Vegetation in the upland areas along NE Lockwood Creek Road consists of black cottonwood, cascara, nootka rose, Himalayan blackberry, trailing blackberry, and reed canary grass. Sparse vegetation along the west property line consists of hazelnut, nootka rose, bitter cherry, and volunteer willow. There are wetlands in the southwest and north portions of the site.

The site is generally described as gently sloping, with the steepest slope on the site as 6.5 percent. Slopes range from 1 percent to 6.5 percent, progressively flattening as grades move from north to south and from east to west. The site is in the East Fork Lewis River watershed and the East Fork Lewis sub-watershed. The water resource inventory area for the site is LEWIS, East Fork Lewis sub-basin. The site is outside the flood hazard area and does not have a shoreline designation. Per Clark County GIS Maps, the site is within a Category 2 Critical Aquifer Recharge Area. Portions of the site have a noted presence of wetlands with a combination of non-hydric and hydric soils. The site does not have any mapped steep slopes, areas of potential instability, or severe erosion hazard areas. Liquefaction is noted as very low. The site is identified with Priority Habitat of Riparian Habitat Conservation Area. The site has a high archaeological probability, but it does not contain any mapping indicators that the site is a historic site.

## **PROJECT DESCRIPTION**

### **Construction Schedule**

Infrastructure installation and site development is anticipated to begin April 9, 2019. Completion of the school building and district occupation is expected to take place on July 20, 2020.

## **Description of Uses**

### **Middle School Building**

Upon approval of the land use applications, the applicant will submit applicable building permit applications for construction of the new school proposed as 77,275 square feet in area and approximately 50 feet tall. The building will be comprised of two levels with the main level at 53,048 square feet and the second level at 24,227 square feet. The school will include classrooms, a main gym, fitness room, band room, drama/stage auditorium, offices, reception and security area, conference and work rooms, art room, cafeteria and kitchen, staff lounge, health station, and student support area.

### **Access and Circulation**

The site is accessed from NE Lockwood Creek Road. Two new approaches will be constructed – one in the northwest corner of the site and the other in the northeast corner of the site. Both approaches are full approaches to accommodate two-way traffic in and out of the site. The northwest approach leads to a two-way drive aisle through the visitor parking area and the front of the school, looping back to the approach. A fire lane extends from the southwest corner of the parking area, to the south and around the rear of the building, connecting with the drive aisle on the east edge of the property.

The northeast approach leads to a one-way drive aisle for bus and staff parking spaces, then loops back on the east side of the site to the approach. The east portion of the approach leads to the two-way drive aisle along the east edge of the property and extends to the south property line for access to future development on the adjacent south parcel.

### **Parking**

Two parking areas are proposed – one in the northwest portion of the site for visitor parking and the second in the northeast portion of the site for bus and staff parking. Additional parking spaces for event parking will be placed around the perimeter of the northwest parking area.

### **Solid Waste and Recycling**

Dumpsters for solid waste and recyclables will be on the east side of the southeast area of the building. They will be screened from view by the building and an 8-foot-tall concrete wall.

### **Landscaping and Outdoor Recreation Areas**

The project proposes approximately 328,680 square feet of landscaped area. This includes two storm water ponds and several bioretention areas. Vegetative screens will be installed on the east and west edges of the site. A physical education field and a football field will be provided to the south of the building as well as a 100-meter dash strip, a private asphalt running track, a private gravel path, and a private wood chip nonmotorized path.

## **TITLE 18 DEVELOPMENT CODE**

### **CHAPTER 18.10 GENERAL PROVISIONS**

#### **18.10.090 Concurrency**

*(1) Transportation. The city shall not approve a land use action if the action proposed will cause the level of service (LOS) on a transportation facility to fall below the LOS adopted within the CFP for that roadway or intersection.*

**Response:** The city's adopted LOS standard for unsignalized intersections is LOS E or better. As shown in the Traffic Impact Analysis document, the project traffic impacts will not cause any studied intersection to fall below the LOS E standard. One intersection, Highland Road/Ivy Avenue/E 4th Street, will operate at LOS F

without or with the project, and the project results in a net improvement to intersection traffic conditions. Furthermore, the CFP recommends no traffic mitigation at this location, so neither is mitigation recommended with this project. The criterion is met.

*(2) Other Concurrency Requirements. The city shall ensure that all public facilities and services identified in the adopted CFP are adequate to serve the development at the time it is available for occupancy and use without decreasing current service levels below the levels of service established in the La Center CFP.*

**Response:** The City's adopted LOS standard for unsignalized intersections is LOS E or better. As shown in the Traffic Impact Analysis document, the existing intersection infrastructure and the proposed improvements at the project frontage (including roadway widening and driveway connections) will be adequate to maintain the LOS E standard. The exception is the Highland Road/Ivy Avenue/E 4th Street intersection: both the CFP and the project TIA find certain movements will operate at LOS F during peak traffic periods. Like the CFP, the project TIA recommends no mitigation, since relatively few vehicles will experience the long delays, shrinking the value of whatever improvements might be made. The criterion is met.

*(3) Approval.*

*(a) Exception. The city may approve a land use action which would result in a reduction of LOS below adopted CFP standards if the transportation improvements or strategies necessary to accommodate the impacts of the land use action are made concurrent with the development. Such strategies might include: increased public transportation services, ride sharing programs, demand management or other transportation systems management strategies, or proportional off-site improvements.*

**Response:** The city's adopted LOS standard for unsignalized intersections is LOS E or better. As shown in the Traffic Impact Analysis document, the project will not reduce intersection LOS below this standard. Other applicable City standards require the project to provide a pedestrian connection between the site and the City's existing pedestrian network. A proposed path along the south side of Lockwood Creek Road between the site's northwest corner and the end of the existing sidewalk approximately 270 feet to the northwest, will provide this connection until the adjoining parcel may provide full frontage improvements (such as, if it re-develops). This path will accommodate pedestrians' continuous travel between the site and the City-wide pedestrian network. In addition, the La Center School District will continue to promote students' use of the available school buses to prevent traffic congestion at the site and its frontage. The criterion is met.

*(b) For the purposes of this subsection, "concurrent with the development" means that improvements or strategies are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years.*

**Response:** The applicant intends to construct required improvements at the time of development. In the event construction is not possible, the appropriate financial guarantee will be in place to accommodate completion of the improvements within six years.

*(c) The burden is on the applicant to demonstrate, by a preponderance of evidence, that such action would not result in a reduction in the LOS for a transportation facility below the standards or LOS adopted within the CFP.*

**Response:** As shown in the submitted Traffic Impact Analysis document, with one exception, all studied intersections are anticipated to operate within the LOS E standard, both without and with the project trips applied. At the Highland Road/Ivy Avenue/E 4th Street intersection, background traffic demand is expected to generate LOS F conditions even without the proposed project. This condition was anticipated in the CFP,

which recommended no mitigation because adequate capacity remains available for the delayed movements, and relatively few vehicles are impacted. In fact, the evidence demonstrates the project will *reduce* average delays at the intersection as traffic shifts away from the existing middle school campus (located immediately southwest of the intersection). So, although the LOS may remain at F, the CFP rationale still applies: relatively few vehicles experience significant delay and adequate capacity remains available for even the most delayed movements. The criterion is met.

## **CHAPTER 18.30 PROCEDURES**

### ***18.30.010 Review required***

**Response:** This project is for a new middle school for La Center School District. Since it will be a conditional and new use, land use project review and approval are required prior to issuance of the building permit.

### ***18.30.020 Pre-application review***

**Response:** The required pre-application conference was held on August 23, 2018. A copy of the pre-application conference written summary prepared by the City is included as part of this application submittal. This application is being submitted October 26, 2018 which is within the required one-year timeframe from the date of the pre-application conference.

### ***18.30.030 Application types and classification***

**Response:** This application is being processed as a Type III Conditional Use and Site Plan Review, along with a Type III Variance, Critical Area Review, and SEPA.

### ***18.30.040 Application contents***

**Response:** The submitted application includes the requisite fee and the information required by the Code, including drawings showing the elevations of all sides of the proposed school building. Sheets A1.00 and A1.02 illustrate the floor plan for the new school. Sheet A1.02 shows the north, south, and east elevations of the building along with planned exterior materials. Sheet A1.03 shows the west elevation and its exterior materials as well as the section and profile for the monument sign. A color palette for the building has also been included as part of this submittal.

### ***18.30.050 Review for technically complete status***

#### *(1) Applicability and Schedule*

**Response:** The property owner and applicant acknowledge the 14-calendar day timeframe from the date of submittal for the City to determine technical completeness of the submitted application.

#### *(2) Standards for Technical Completeness. An application is technically complete if it includes the information required by the La Center development code section(s) that apply to the application question. If the La Center development code does not list the information a given application is required to contain, then such an application is technically complete if it includes four copies of the following information:*

- (a) A completed form provided by the city clerk for that purpose;*

**Response:** The required Master Land Use Application has been obtained, completed, and submitted as part of this submittal package.

*(b) The name, mailing address, and telephone number of the owner(s), engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;*

**Response:** The name, mailing address, and telephone number of the property owner, civil engineer, architect, and landscape architect are noted on Sheet Vol 1 of the submitted plan set. Official contact regarding this application should be made with the project planner, Anne Marie Skinner, as noted below.

Project Planner

Anne Marie Skinner  
PBS Engineering and Environmental  
4412 SW Corbett Avenue  
Portland, OR 97239  
503.417.7684  
[annemarie.skinner@pbsusa.com](mailto:annemarie.skinner@pbsusa.com)

*(c) An environmental checklist or EIS, if applicable under Chapter 18.310 LCMC;*

**Response:** The SEPA checklist required pursuant to Section 18.310.110(1) has been completed and included as part of this application submittal.

*(d) A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned;*

**Response:** Sheet L1.00 of the submitted plan set is the overall site plan for the new middle school. The scale, north arrow, date, and graphic scale are depicted. Due to the size of the site, the site plan has been enlarged showing greater detail for each section of the site. Enlarged site plan sheets are Sheets L1.01 through L1.06 and the sheets contain a scale, north arrow, date, and graphic scale. This is not a subdivision, so no proposed lots or tracts are needed. A 3-foot right-of-way dedication along the site's NE Lockwood Creek Road frontage is shown on Sheets L1.00, L1.01, and L1.02. Existing site information is depicted on Sheet C101 of the submitted plan set.

*(e) Proposed easements or dedications to the city or other agency, if applicable;*

**Response:** The 3-foot-wide right-of-way dedication to the City along the site's NE Lockwood Creek Road frontage is shown on Sheets L1.00, L1.01, and L1.02. The rectangular area around the pump station in the southeast portion of the site will also be dedicated to the City. This rectangular area is shown on Sheets L1.00, 1.04, and 1.06. The 24-foot wide driveway along the east portion of the site will serve as an access easement to the City for ingress and egress to the dedicated pump station area. The City will in turn grant an access easement over the east portion of the pump station right-of-way dedication area to the school district for ingress and egress to the 24-foot wide driveway which is to the south of the pump station dedication area.

- (f) *Written authorization to file the application signed by the owner of the property that is subject of the application, if the applicant is not the same as the owner as listed by the Clark County assessor;*

**Response:** The Clark County assessor lists the site's property owner as La Center School District #101. Dave Holmes, the superintendent of La Center School District #101, has signed the application.

- (g) *Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance;*

**Response:** Copies of the statutory warranty deed and the purchase and sale agreement showing the La Center School District as the property owner have been included with the submittal package.

- (h) *A legal description of the site;*

**Response:** A legal description of the site is contained within the statutory warranty deed and purchase and sale agreement. The site's legal description is also shown on Sheet L1.00 of the submitted plan set.

- (i) *A copy of the pre-application conference summary, if the application was subject to pre-application review, which shall include all information required to address issues, comments and concerns in the summary;*

**Response:** A copy of the pre-application conference summary for the pre-application conference held on August 23, 2018 is included with this submittal.

- (j) *A written description of how the application does or can comply with each applicable approval criterion, and basic facts and other substantial evidence that supports the description;*

**Response:** This narrative is the written description of how the application complies with each applicable approval criterion. The submitted plan set, as well as other reports and documents included in the submittal, provide facts and substantial evidence supporting the information presented in the narrative.

- (k) *The names and address of owners of land within a radius of 150 feet of the site for an application subject to Type II review and within a radius of 300 feet of the site for an application subject to Type III review. Owner names and addresses shall be printed on mailing labels.*

**Response:** The required mailing labels with property owner names and addresses within 300 feet of the site are included in the application submittal package.

- (i) *The applicant shall submit a statement by the assessor's office or a title company certifying that the list is complete and accurate, based on the records of the Clark County assessor within 30 days of when the list is submitted;*

**Response:** Documentation from the assessor's office has been included in the application submittal package certifying the completeness and accuracy of the mailing label lists. The lists were obtained on September 27, 2018 as noted on the *Certified Owner Mailing List* and *Certified Situs Address List*.

- (ii) *If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, then...*

**Response:** The school district does not own property adjoining or across a right-of-way or easement from the site.

- (l) Applications necessarily associated with the proposal, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the road standards in Chapter 12.10 LCMC that are required to approve the proposal;*

**Response:** A Type III Variance to exceed the maximum building height is being requested as part of this application submittal.

- (m) A wetlands delineation and assessment if required by Chapter 18.300 LCMC, prepared and signed by a qualified professional and an application for a critical areas permit and associated preliminary plan, if required;*

**Response:** Two "Wetland Delineation and Assessment" reports have been completed by Olson Environmental, LLC and included as part of the submittal package. Most of the site is surveyed in the report dated November 22, 2017 with an additional report dated September 28, 2018 discussing results of the survey of the north triangular portion of the site.

- (n) A geotechnical study, prepared by a geotechnical engineer or geologist, licensed in the state of Washington if:*

**Response:** A geotechnical study, dated October 3, 2018, has been completed by Columbia West Engineering, Inc. and included as part of the submittal package.

- (o) An archaeological predetermination if the area proposed for development contains lands classified as having moderate or higher probability of containing archaeological resources;*

**Response:** Archaeological Investigations Northwest, Inc. prepared a cultural resource survey report for the site. Most of the site is surveyed in the report dated May 16, 2018 with an addendum dated September 13, 2018 discussing results of the survey of the north triangular portion of the site. The reports have been submitted to DAHP.

- (p) Preliminary grading, erosion control and drainage plans may be required for Type I applications. Type II and Type III applications shall include such a plan and it shall be consistent with applicable provisions of Division 4, Critical Lands;*

**Response:** Sheets C201 through C205 of the submitted plan set comprise the preliminary erosion control plans and details for the development. Sheets C301 through C306 contain the preliminary grading plans for the site. Stormwater plans are contained in Sheets C401 through C406 of the submitted plan set. A preliminary Technical Information Report has also been included with this submittal.

- (q) Information about proposed utilities, including water and sanitary waste.*

**Response:** Sheets C501 through C505 of the submitted plan set provide the information for the proposed sanitary sewer and water delivery systems for the project.

### **18.30.070 Approval criteria**

*The review authority shall approve an application for project review if he or she finds the applicant has sustained the burden of proving that:*

- (1) *The application complies with the applicable regulations of the La Center development code; or that the application can comply with all applicable regulations by complying with adopted conditions of approval; or that necessary adjustments, exceptions, modifications or variations have been approved or are subject to approval prior to final plat approval.*

**Response:** This narrative, along with attached documents, reports, and drawings, shows the project's compliance with applicable regulations of the Code as well as addressing the requested variance from the maximum 35-foot building height to allow for the proposed 50-tall building.

- (2) *The development makes adequate provision for public services consistent with the level of service provided in adopted city policies, plans and regulations.*

The new building will be equipped with both fire sprinkler and fire alarm systems, and the installation of fire hydrants and fire lanes on the site will also take place as part of the project. Security measures will include a security camera system, security alarms on perimeter entries, card key access at designated points of entry, remote lockdown on main entries, and a controlled-access vestibule at the main entry. These items will assist in the City's fire and police responses and service to the new school.

Existing site drainage is characterized by two outflows. Drainage on the north side of the site discharges west to a 12-inch pipe and to the adjacent overland flow course towards the stream west of the site. On the south side of the site, a separate wetland receives surface runoff and discharges to an unpaved access drive at the southwest corner of the site. Runoff from both discharge points is conveyed to Lewis River, approximately 1/2 mile downstream.

The development will largely maintain existing drainage patterns by utilizing detention ponds with controlled outflows in accordance with the Stormwater Management Manual for the Puget Sound Basin ("Stormwater Manual" - Washington Department of Ecology, 1992), which has been adopted by the City to govern stormwater management. Bioretention facilities are proposed for water quality treatment, capturing runoff from pollution generating surfaces (the expanded frontage and parking lots) and all run-on to such surfaces from the surrounding site improvements (primarily landscaping and sidewalks). Pipe conveyance systems will carry runoff to detention ponds which will meet quantity control requirements, discharging to the existing pipe to the north and the existing wetland to the south.

A large drainage area north of NE Lockwood Creek Road is collected by roadside ditches and discharges through a 24-inch ductile iron culvert and an 8-inch CPP culvert onto the north end of the site and to the TDA #1 discharge point. Drainage through these two culverts will be conveyed through the site without entering pipe, detention, and/or bioretention facilities designed to manage runoff from site improvements. The proposed bypass culvert will maintain the same discharge point as existing conditions (the TDA #1 discharge).

The project will tap the existing water in NE Lockwood Creek Road (8-inch diameter pipe) to supply water for the project. An 8-inch fire loop with fire hydrants is proposed around the site, with a connection to the building off the fire loop for the building's sprinkler system. The FDC for the sprinkler system is proposed and located within 150 feet of a fire hydrant. Locations of fire hydrants and FDC were established with feedback from the Fire Marshal. A 3-inch water meter is proposed outside of the building with backflow prevention



proposed inside the school. An 8-inch water stub is provided to the property to the east for future development.

The sole source of sanitary effluent from the proposed improvement will be the new school building. Two sanitary lateral lines will exit the building footprint, one from the north side of the building, the other from the south. Each will connect to a separate 6-inch sanitary branch. The north lateral will include effluent from a kitchen that will be routed through a grease interceptor. The north lateral effluent will enter the 6-inch conveyance system with 2 percent slope extending past the east face of the building, where it will bend south, crossing beneath the east bioretention area and connecting to a manhole collecting effluent from both branches at the northwest corner of the proposed track and field. The south lateral will connect to a separate manhole on the south side of the building and will enter the 6-inch conveyance pipe with 2 percent slope extending east, directly to the intersection point with the north branch.

Effluent from the two branches will then be conveyed by gravity approximately 400 feet directly to the south, where it will enter a pump station wet well 24 feet in depth. The fenced, automated duplex pump station will be located near the southeast corner of the site, adjacent to the large stormwater detention pond and will include a 40 kW, natural gas emergency generator in a sound-attenuated enclosure, along with an automatic transfer switch, control panels, and site lighting. The pump station will be designed with full redundancy, with each pump sized to individually convey the maximum expected peak inflow to the station, such that the station will maintain full capacity should one pump fail. The station's PVC force main will be located at approximately three feet in depth throughout its 1,900-foot length. The force main will convey pumped flow northerly, approximately 1,000 feet, along the driveway on the east portion of the site. The force main crosses to the north side of Lockwood Creek Road prior to bending to the west, conveying flow an additional 900 feet to the connection point to the existing gravity sanitary sewer line at the intersection of NE Lockwood Creek Road and E Spruce Avenue.

## **CHAPTER 18.130 LOW DENSITY RESIDENTIAL DISTRICT (LDR-7.5)**

### ***18.130.030 Permitted uses***

**Response:** Table 18.130.030 in 18.130.030 lists public schools as permitted uses, noting in Footnote 4 that public schools with grades 7 – 12 require a conditional use permit. The proposed middle school encompasses grades 6 – 8, so a conditional use permit approval is required.

### ***18.130.070 Height regulations***

**Response:** The maximum building height in all LDR districts is 35 feet measured from the lowest finished grade level to the highest point on the roof. In this case, Sheet A1.03 of the submitted plan set shows the height of the proposed building at 49' – 0 1/2" (rounding up to 50 feet) from the lowest finished grade level to the highest point on the roof. The proposed building exceeds the maximum building height; accordingly, a variance has been requested as part of this application to vary the maximum height from 35 to 50 feet.

### ***18.30.080 Density requirements***

**Response:** No residential use is proposed as part of this application. The only use proposed is a new middle school. Density requirements are not applicable.

**18.130.090 Lot coverage and dimensions**

- (1) *Maximum building lot coverage shall not exceed 35 percent. Maximum impervious surface area shall not exceed 50 percent.*

**Response:** The gross area of the site is noted on Sheet L1.00 of the submitted plan set as 17.32 acres, or 754,617 square feet, which means building lot coverage can't be more than 264,115.95 square feet (35 percent of 754,617) and total impervious surface area can't be more than 377,308.50 square feet (50 percent of 754,617). As noted on Sheet L1.00, the building lot coverage is 53,048 square feet (7 percent), which is significantly less than the maximum allowance of 264,115.95 square feet (35 percent). Sheet L1.00 lists total proposed impervious surface area as 242,683 square feet (32 percent), which is less than the maximum allowance of 377,308.50 square feet (50 percent).

- (2) *Setbacks shall be measured from the nearest edge of the applicable property line to the nearest vertical wall or other element of the building or structure.*

**Response:** Sheets L1.02, L1.03, and L1.5 show the building as meeting minimum setback requirements.

- (3) *Side yard setbacks shall be consistent with Table 18.130.090, unless otherwise expressly allowed by this title.*

**Response:** Sheet L1.02 shows the building as 123 feet from the east side property line and 289 feet from the front (or north) property line. Sheet L1.03 shows the west side of the building at 157 feet from the west side property line. Sheet L1.05 shows the rear of the building as 540 feet from the south (or rear) property line.

**18.130.100 Street Trees**

**Response:** The required street trees will be planted along the site's north property line, which is also NE Lockwood Creek Road. Proposed trees are spaced at 30-foot intervals as shown on Sheet L1.00 of the submitted plan set. Sheet L1.00 shows a total of 19 street tree plantings, which accounts for the 30-foot interval spacing, the width of the two approaches and accompanying vision triangles, and the monument sign. The proposed tree to be used for the street tree plantings is the scarlet oak as identified on Sheet L2.07.

**18.130.110 Active open space – Family parks**

**Response:** The proposed project is for a new school, not a residential dwelling development. No dwelling units are being proposed or provided. Chapter 18.147 of the Code is not applicable to this application; therefore, 18.130.110 is not applicable either.

**CHAPTER 18.215 SITE PLAN REVIEW**

**18.215.020 Applicability**

**Response:** This project represents a request for new construction of a middle school; therefore, the provisions of Chapter 18.215 are applicable to this application. The required pre-application conference was held on August 23, 2018.

**18.215.030 Exemptions**

**Response:** This project does not qualify for any of the listed exemptions.

### **18.215.040 Site plan review types and procedures**

**Response:** This project requires a Type II Development Review. However, pursuant to 18.215.040(2) if a site plan review is part of an overall application that is subject to a higher review process, the site plan review shall be considered in conjunction with the overall application. This application seeks Type III Conditional Use Permit approval; accordingly, the site plan review is also being processed as a Type III procedure.

### **18.215.050 Submittal requirements**

- (2) *For Type II site plan review applications, the applicant shall submit the information required for a Type II application as set forth in LCMC 18.30.090, as well as the following:*
- (a) *Written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries and construction schedule including project phasing, if known.*

**Response:** This document is the written narrative description of the proposed middle school. Infrastructure installation and site development is anticipated to begin April 9, 2019. Completion of the school building and district occupation is expected to take place on July 20, 2020. The project will be completed in one phase.

Upon approval of the land use applications, the applicant will submit applicable building permit applications for construction of the new school proposed as 77,275 square feet in area and approximately 50 feet tall. The building will be comprised of two levels with the main level at 53,048 square feet and the second level at 24,227 square feet. The school will include classrooms, a main gym, fitness room, band room, drama/stage auditorium, offices, reception and security area, conference and work rooms, art room, cafeteria and kitchen, staff lounge, health station, and student support area. Normal hours of operation are generally from 7:00 a.m. to 4:00 p.m., Monday through Friday. The school is closed on holidays, summer break, weekends, and evenings, although occasional evening or weekend events are anticipated to occur such as track meets, football games, choir and band performances, and plays. The site's use as a school doesn't generate any type of commercial or industrial deliveries. The only deliveries that occur are those necessary to provide food and material supplies to the kitchen for meals and to the offices for office use.

The site is accessed from NE Lockwood Creek Road. Two new approaches will be constructed – one in the northwest corner of the site and the other in the northeast corner of the site. Both approaches are full approaches to accommodate two-way traffic in and out of the site. The northwest approach leads to a two-way drive aisle through the visitor parking area and the front of the school, looping back to the approach. A fire lane extends from the southwest corner of the parking area, to the south and around the rear of the building, connecting with the drive aisle on the east edge of the property.

The northeast approach leads to a one-way drive aisle for bus and staff parking spaces, then loops back on the east side of the site to the approach. The east portion of the approach leads to the two-way drive aisle along the east edge of the property and extends to the south property line for access to future development on the adjacent south parcel.

Two parking areas are proposed – one in the northwest portion of the site for visitor parking and the second in the northeast portion of the site for bus and staff parking. Additional parking spaces for event parking will be placed around the perimeter of the northwest parking area.

Dumpsters for solid waste and recyclables will be on the east side of the southeast area of the building. They will be screened from view by the building and an 8-foot-tall concrete wall.

The project proposes approximately 328,680 square feet of landscaped area. This includes two storm water ponds and several bioretention areas. Vegetative screens will be installed on the east and west edges of the site. A physical education field and a football field will be provided to the south of the building as well as a 100-meter dash strip, a private asphalt running track, a private gravel path, and a private wood chip nonmotorized path.

(b) *Current list of names and addresses of all property owners within a 300-foot radius...*

**Response:** The required property owner information was obtained on September 27, 2018 and is included with this submittal package. One set of the required mailing labels has been included in the original submittal.

(c) *Developer's GIS packet*

**Response:** The required Developer's GIS packet for the three parcels comprising the site is included with the submittal package.

(d) *Ten copies of an existing conditions plan...*

**Response:** Sheet C101 is the existing conditions plan for the project.

(e) *Five copies of a site plan...*

**Response:** The site plan is shown on Sheet L1.00 with enlargements of the site plan illustrated on Sheets L1.01 through L1.06.

(f) *Preliminary utilities plan...*

**Response:** Sheets C501 through C505 of the submitted plan set depict the preliminary utilities plan.

(g) *Preliminary grading and erosion control plan...*

**Response:** Sheets C2.01 through C2.05 provide the required erosion control plan and details. Sheets C3.01 through C3.06 show the proposed grading plan for the project.

(h) *Landscape plan...*

**Response:** The project's proposed landscaping is depicted on Sheets L2.00 through L2.07.

(i) *Architectural elevations...*

**Response:** The floor plans and architectural elevations for the new school are depicted on Sheets A1.00 through A1.03.

(j) *Lighting plan...*

**Response:** The on-site exterior lighting plan is depicted on Sheets E1.01A and E1.02A. The street lighting illumination plans are on Sheets C801 through C803.

(k) *Legal description...*

**Response:** The legal descriptions for the three parcels comprising the site are shown on Sheet L1.00 and are also included in the deeds submitted as part of the application.

(l) *Most recent conveyance document (deed) showing current ownership;*

**Response:** The statutory warranty deed and the purchase and sale agreement for the site are included in this submittal package.

(m) *State Environmental Policy Act (SEPA) checklist, completely...*

**Response:** The SEPA checklist has been completed and signed and is included in this submittal package.

(n) *Traffic study, if applicable;*

**Response:** A traffic study is required for this project. One has been completed and is included in this submittal package.

(o) *Sign plan(s) (if applicable);*

**Response:** The project proposes one monument sign with a reader board contained within it. Sheet A1.03 shows the profile and section of the proposed sign with details and dimensions.

(p) *Copy of pre-application conference report and any other items...*

**Response:** A copy of the pre-application conference summary is included in this submittal package along with all other items requested at the pre-application conference.

### **18.215.060 Criteria for site plan approval**

**Response:** The proposed use of the site as a middle school is allowed in the LDR-7.5 zone with conditional use permit approval. The lot, yard, building, and other dimensional requirements of the LDR-7.5 are being met and full compliance is discussed earlier in this narrative under Chapter 18.130. The height requirement is not being met, but a Type III variance is being requested as part of this application to vary the height from the 35-foot maximum to a proposed 50-foot tall building.

The project meets the requirements for screening, buffering, and landscaping. A full discussion of such compliance is given later in this narrative under Chapter 18.245.

The minimum parking and loading space requirements are being met, and the details of compliance are noted later in this narrative under Chapter 18.280.

Applicable conditions and criteria contained in other titles in the Code are discussed throughout this narrative.

All improvement requirements are being provided in accordance with the applicable sections of the Code.

The site does not have any previous land-use approvals.

Underground utility lines will be provided to the new school. Sheets C401 through C406 show the proposed stormwater plan in conjunction with the submitted preliminary Technical Information Report. Sheets C501 through C505 show the sanitary sewer and water plans.

## **CHAPTER 18.240 MITIGATION OF ADVERSE IMPACT**

**Response:** To mitigate for potentially unsafe walking areas for the students to walk to and from the school and to meet the intent of RCW 47.04.300 and WAC 393-141-340, in addition to the frontage improvements to the site's NE Lockwood Creek frontage, the project will also install an asphalt-paved pathway along the frontage of the adjacent west parcel addressed as 1901 NE Lockwood Creek Road. The proposed asphalt-paved pathway will connect the west end of the existing sidewalk west of the site with the east end of the new sidewalk to be installed along the site's frontage. The details for the proposed pathway are shown on Sheet C701 of the submitted plan set. Construction of this pathway will provide a vehicular-free, hard-surface connection for students to utilize in walking to and from the school site.

## **CHAPTER 18.245 SUPPLEMENTARY DEVELOPMENT STANDARDS**

### ***18.245.020 Height of fences and hedges***

**Response:** No fencing is proposed along the front lot line, so there won't be any fencing within any vision triangle areas. Sheets L.00, L1.01, L1.02, L1.05, and L1.06 show a 4-foot-tall, 3-rail wood fence around the riparian and wetland areas being preserved on the site. Sheets L1.04 and L1.06 show the proposed 6-foot-tall chain link fence and gate around the storm pond in the southeast corner of the site. Also shown on Sheet L1.04 is a 6-foot-tall chain link fence with slats in it around the pump station in the southeast area of the site.

Other than the plantings contained in the landscape screenings on the east and west property lines, no hedges are proposed. Sheets L2.00 through L2.07 provide details on the plantings proposed along the east and west property lines.

### ***18.245.030 Solid waste***

**Response:** Sheets L1.00 and L1.04 of the submitted plan set identify the area for the refuse containers on the east side of the southeast-most portion of the building. Placement of the containers beside the building, along with additional screening in the form of an 8-foot-tall concrete wall will provide full sight-obstruction of the solid waste containers. The trash enclosure will be secured with a chain-link double-swing gate with slats as noted on Sheet L1.04.

### ***18.245.040 Lighting***

**Response:** Sheets E1.01A and E1.02A comprise the exterior on-site lighting plan for the project. The three types of exterior on-site lighting fixtures are identified as Gleon-AF-01-LED-E1-5MQ-8030, Gleon-AF-01-LED-E1-SL2-8030-HSS, and Gleon-AF-01-LED-E1-5MQ-8030. The nine-page cut sheet for each of the three light fixtures has been included with this application submittal. The lighting details depicted in the lighting plan, as well as the cut sheets provided for the exterior light fixtures, show proposed lighting does not rotate, glitter, or flash. The selected light fixtures that are adjacent to property lines are provided with optics that reduce the

light that exits the fixture. The specified fixtures have a fixed arm for mounting so no rotation is allowed. The mounting arm and optic details of the light fixtures are highlighted in yellow on the submitted cut sheets. Sheet E1.02A provides the illuminance information for the proposed lighting at the property lines noting a minimum of 0.2 on all lines with an average of 0.63 on the east, 0.71 on the west, 0.98 on the north, and 0.85 on the south. Lumens per square foot is listed as 0.96.

Street lights to be installed along NE Lockwood Creek Road are being designed and installed per City standards to avoid conflict with the readability of traffic signs and control signals. No lighting along the street right-of-way is proposed other than the required City-standard street lights. Sheets C801 through C803 provide the details for the project's required street lights.

No illuminated signage is proposed. As indicated on Sheet L1.01 there will be a 32-square-foot monument sign installed on the east side of the northwest approach. This monument sign will not be illuminated either internally or externally. However, there will be a portion of the monument sign which will contain a digital reader board. The electronics for the digital reader board shall be designed to not conflict with traffic, readability of traffic signs and control signals, or produce glare into the adjacent residences to the north and west. Sheet A1.03 illustrates the dimensions of the monument sign, as well as placement and dimensions of the reader board within the monument sign.

#### **18.245.050 Noise**

**Response:** This application is for a new middle school for grades 6, 7, and 8. No manufacturing, processing, or industrial uses are proposed. It is not anticipated that the usual activities generated from use of the site as a middle school will violate the noise standards in Chapter 173-60 WAC. Normal business hours for the school are generally between 7:00 a.m. and 4:00 p.m., Monday through Friday. Occasional evening events such as school plays or sporting events will take place, but these events will end no later than what is allowed in Chapter 173-60 WAC.

#### **18.245.060 Landscaping**

(1) *The following standards apply to landscaping and screening on private property required pursuant to Table 18.245.060. Landscaping and screening within public rights-of-way shall comply with the applicable provisions in Chapter 12.10 LCMC.*

**Response:** Excepting one parcel to the west of the site which is zoned Clark County's Agriculture 20 (AG 20), the site is surrounded by other properties having single-family or low-density residential zoning. According to Table 18.245.060 of the Code, when the zoning of the site and the zoning of the abutting sites are the same, no screening is required; therefore, no landscape screen is required along the north, south, or east boundaries or along the north portion of the west boundary. Even though the Code doesn't require screening along these boundaries, the applicant is providing landscaping anyway. The applicant proposes to install a 20-foot-wide Type L1 landscape screen along the north portion of the west boundary and along the east boundary. There will be a designated 20-foot-wide strip along the south boundary to define the row of existing mature trees as a landscape screen.

Sheets L1.05 and L1.06 show the existing landscaping along the south boundary. This existing landscaping consists of mature trees that will remain as part of this project and will be designated as a 20-foot-wide landscape area to remain.

Sheets L1.02, L1.04, and L1.06 show the proposed 20-foot-wide Type 1 landscape screen along the east boundary. Sheets L1.01 and L1.03 show the Type L1 screen along the north portion of the west boundary. Even though the proposed Type L1 screen is not required as the site and the adjacent east and northwest properties are zoned residential, the applicant feels this additional screening will be aesthetically-pleasing to both the school and any future residential development to the east and west, will provide additional security measures for the school and residences, and will create a noise- and sight-reduction barrier between existing and future residences and the school site.

The Code does not have a listed screening requirement between residential and agricultural zones. With no requirement in place, the applicant proposes a 20-foot-wide Type L3 landscape screen along the south portion of the west boundary. The Type L3 landscape screen will end before reaching the wetland and wetland buffer in the southwest corner of the site as this area is remaining undisturbed. The proposed Type L3 screen along the south portion of the west boundary is depicted on Sheets L1.03 and L1.05.

Sheets L2.00 through 2.07 provide details of the proposed plantings. Types of trees, shrubs, and groundcover are listed on Sheet 2.07 along with sizes at planting and general landscaping notes.

- (2) *Regardless of the zoning of the abutting property, if an industrial or commercial use is proposed abutting or across a street from an existing single-family or multifamily dwelling, the industrial or commercial use shall landscape and buffer the property line abutting that dwelling as though the abutting property was zoned UR.*

**Response:** No industrial or commercial uses are proposed as part of this application, so this criterion is not applicable. The project does include, though, a Type L1 screen along the east boundary and a combination of Type L1 and L3 screens along the west boundary.

- (3) *Existing vegetation may fulfill landscaping and screening requirements of this chapter if that existing landscaping provides at least an equivalent level of screening as the standard required for the development in question.*

**Response:** The mature, fully-developed tree canopy along the south boundary will remain and will serve as landscaping along the south property line and screening between the proposed school and the existing field to the south. A 20-foot width for these existing trees is identified on Sheets L1.05 and L1.06.

- (4) *As a condition of approval of a conditional use or planned unit development, the city may require an applicant to provide landscaping and screening that differs from the standards in this section where necessary to comply with the other applicable approval standards for the use or development.*

**Response:** The property owner and applicant acknowledge additional landscaping and screening may be required by the City as a condition of approval.

- (5) *Landscaped areas required for stormwater management purposes may be used to satisfy the landscaping area requirements of this chapter, even though those areas may be inundated by surface water.*

**Response:** Bioretention areas and storm ponds are being landscaped. The total landscaped area of the site is 7.55 acres, which includes the bioretention and storm pond areas.



- (6) *Required landscaping and screening shall be located on the perimeter of a lot or parcel. Required landscaping and screening shall not be located on a public right-of-way or private street easement, unless authorized under Chapter 12.10 LCMC.*

**Response:** The east, west, and south perimeters contain landscape screening. The north lot line contains required street trees. No landscaping is being planted in the NE Lockwood Creek Road right-of-way.

- (7) *Outdoor activity areas shall be screened from property used or zoned for residential purposes or a public road right-of-way to at least an F2 or L3 standard if within 100 feet of the property or right-of-way and to at least an F1 standard if equal to or more than 100 feet from the property or right-of-way. Outdoor activity areas include storage of solid waste and recyclables from the site and, where permitted, storage of goods, materials or equipment.*

**Response:** Other than the storage of the school's solid waste and recyclables, no other outdoor activity areas are proposed. The trash enclosure is on the east side of the southeast portion of building as shown on Sheet L1.04. The dumpsters and remainder of the service area will be screened from sight by the building and an 8-foot high concrete wall. Sheet L1.04 also shows a chain-link, double-swing gate with slats to secure the trash enclosure.

- (8) *Rooftop and ground-level exterior equipment shall be screened from adjoining property used or zoned for residential purposes or from an adjoining public road right-of-way to at least an F2 or L3 standard if visible at grade from the property or right-of-way.*

**Response:** No rooftop exterior equipment is proposed. Ground-level exterior equipment will be placed in the service area shown at the rear southeast corner of the building on Sheet L1.04. This equipment will be screened by the building and an 8-foot tall concrete wall as noted on Sheet L1.04, and will be secured with a chain-link, double-swing gate with slats.

- (9) *Parking and loading areas shall be landscaped as follows:*  
(a) *A minimum five-foot-wide strip landscaped to at least an L2 standard or a minimum 10-foot-wide strip landscaped to at least an L1 standard shall be provided where vehicle parking or loading adjoins a public road right-of-way.*

**Response:** As seen on Sheet L1.00 of the submitted plan set, neither of the parking areas directly adjoin NE Lockwood Creek Road. Even though this standard is not applicable, landscaping is still being provided between the NE Lockwood Creek Road right-of-way and the parking areas. Street trees are being provided along the north property line at 30-foot intervals, and shrubs and groundcover will be planted adjacent to each entrance. Additionally, seeded lawn will be planted in all areas between the road and the school that aren't otherwise parking, vegetated, wetland, or riparian areas.

- (b) *Where a vehicle parking or loading area adjoins a property with zoning or land uses other than the proposed land use, the area shall be landscaped and screened as provided in Table 18.245.060 adjoining the other property.*

**Response:** The project proposes two parking areas – one in the northwest portion of the site and the other in the northeast portion of the site. Both the parking areas are adjacent to properties with similar zoning of single-family or low-density residential. However, the proposed use is a middle school and adjacent uses are residential. Accordingly, the entire area in the northwest corner of the site between the west property line and

the west edge of the drive aisle will be landscaped. Trees and shrubs will be planted along the west property line, avoiding the riparian and wetland areas and their buffers. This is depicted in detail on Sheets L1.01, L1.03, and L1.05 with details on types of plantings indicated on Sheets L2.01, L2.03, 2.05, and L2.07. Sheets L1.01, L2.00, and L2.01 depict an archaeological site boundary in the northwest corner in which only seeded lawn will be planted to avoid ground disturbance.

The east property line will contain a 20-foot-wide Type 1 landscape screen consisting of a mixture of trees and shrubs. This east landscape screen is depicted on Sheets L1.02, L1.04, and L1.06 with details on the types of plantings listed on Sheets L2.00, L2.02, L2.04, L2.06, and L2.07.

- (c) *Parking areas that contain at least seven spaces shall contain landscape islands equally distributed at a ratio of one island for every seven parking spaces. A landscape island shall contain at least 25 square feet, shall be at least four feet wide, and shall prevent vehicles from damaging trees, such as by using a wheel stop or curb.*

**Response:** Sheet L1.01 of the submitted plan set shows the northwest parking area as containing more than seven parking spaces and, accordingly, the required landscape islands are shown as well. A landscape island of 20 feet deep by 9 feet wide for a total of 180 square feet is proposed between every seventh parking space. Curbing shall be placed around the proposed islands to prevent damage to the plantings contained within the islands, said plantings to consist of one autumn fantasy freeman maple tree and a combination of shrubs and groundcover in each island. The ends of the rows of parking spaces will also be landscaped with a mixture of trees, shrubs, and groundcover as depicted on Sheet L1.01 and detailed on Sheet L2.07.

Sheet L1.02 of the submitted plan set shows the parking area in the northeast portion of the site. This parking area also contains more than seven spaces and, therefore, also proposes the required landscape islands. In this area, one landscape island is placed between seventh and eighth parking space on the west row of 12 spaces. The east row of nine spaces does not contain an island between the seventh and eighth space as this would eliminate one of the staff parking spaces and leave one parking space between the interior island and the landscaped bioretention area at the south end of the row. Instead, the east row of staff parking spaces is nine spaces with a landscape island at the north end and landscaped bioretention area at the south end as well as having landscaping along the west edge of the east spaces, dividing them from the west row of 12 spaces. The proposed landscaping is shown on Sheet L1.02 with details of plantings given on Sheet L2.07. To provide the required 21 staff parking spaces (two of which are disabled accessible and two of which have sub-outs for future EV charging stations), the applicant requests approval of the elimination of the one landscape island between the seventh and eighth space in the east row of staff parking spaces.

- (d) *At least one tree shall be planted in each landscape island. Trees in landscape islands shall reach a mature height of 30 feet or more, cast moderate to dense shade in the summer, live at least 60 years, require little maintenance (such as by being insect-, disease- and drought-resistant and not producing fruit), and be suited for use in the proposed location (such as by being tolerant of pollution and direct reflected heat).*

**Response:** Sheets L1.01 and 2.07 show the tree proposed for the northwest parking landscape islands as the autumn fantasy freeman maple. Sheets L1.02 and 2.07 show the tree proposed for the northeast parking landscape islands as the black tupelo sour gum. The trees as well as the other proposed plants shown on Sheets L2.00 through L2.07 have been selected by a licensed landscape architect, Andy Rasmussen, from Weisman Design Group.

(10) *The applicant shall install landscaping and screening required by this chapter consistent with the approved site plan or an approved modification thereto before the city issues an occupancy permit or final inspection for the development in question; provided, the city clerk/treasurer may defer installation of plant materials for up to six months after the city issues an occupancy permit or final inspection for the development in question if doing so increases the likely survival of plants.*

**Response:** The applicant acknowledges that the landscaping and screening shown as proposed on Sheets L1.00 through L2.07 will be planted prior to issuance of the occupancy permit or final inspection; however, if this is not feasible due to weather conditions, the applicant understands the required plantings may be deferred for up to six months after issuance of the occupancy permit or final inspection.

(18) *Irrigation*

**Response:** All new landscape areas will be watered with a permanent, automatic, water-efficient irrigation system. The system will provide all components including heads, piping, valves, valve boxes, controllers, wiring and backflow prevention, Rainbird and/or Hunter pop-up spray heads, and stream and gear drive rotor irrigation heads. Class 200 PVC lateral pipe will be used with Schedule 40 mainlines, Rainbird automatic control valves, time clocks, and rain sensors. This information has been noted on Sheet L1.02 as General Note 14.

## **CHAPTER 18.250 CONDITIONAL USES**

### ***18.250.010 Pre-application review***

**Response:** The required pre-application conference was held on Tuesday, August 23, 2018 at 9:30 a.m. A copy of the summary of the pre-application conference is provided with this application submittal.

### ***18.250.020 Review processes***

**Response:** The requested conditional use permit is subject to a Type III process. The application also includes a Type III Site Plan Review, a Type III Variance, a Critical Area Review, and a SEPA review.

### ***18.250.030 Application contents***

**Response:** The required fee has been paid with submittal of the application package. Detailed explanations of information required by 18.30.050 were given earlier in this narrative. All information required has been included with the submitted application package.

### ***18.250.040 Criteria for approval, minor modifications and revocation***

(1) *The hearings examiner shall approve or approve with conditions an application for conditional use permit if he or she finds the applicant has sustained the burden of proving that:*

(a) *The characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering the size, shape, location, topography and nature features;*

**Response:** A review of the site's existing conditions on Sheet C101 of the submitted plan set shows the site is mildly and gently sloping. The site is rectangular and large consisting of 17.32 acres overall. The mild sloping, basic rectangular shape, and large size lend the site perfectly to establishment of the proposed middle school by providing enough of an area to accommodate the building and all required appurtenances, outdoor

activity areas, parking areas, and bus loading/unloading areas without incurring exorbitant grading or filling, or the need for retaining walls. Additionally, because the project is a school containing one large building rather than a subdivision splitting the site into numerous small lots for houses, the development can accommodate complete preservation of the riparian and riparian buffer area and the site's three largest wetlands. A private wood chip pedestrian path will be added in a portion of the southwest wetland buffer, but no disturbance to the southwest wetland itself will take place. Bioretention areas will be utilized for stormwater management in addition to a small and large storm pond. The existing row of mature trees along the south boundary of the site will be preserved and will serve as a screen between the new school and the existing field to the south, and landscape screens will be planted along the east and west boundaries to provide screening between the adjacent east and west residential and agricultural uses and the new school.

Street frontage improvements to the site's NE Lockwood Creek Road frontage will be installed. Additionally, an asphalt-paved pathway will be constructed to the west of the site along the frontage of the adjacent west parcel to provide connection between the existing west sidewalk stub and the school's sidewalk to provide a safe walking route for the students.

*(b) All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve in the proposed use;*

**Water** – The project will tap the existing 8-inch diameter water main line in NE Lockwood Creek Road to supply water to the school. An 8-inch fire loop, accompanied with required fire hydrants, is proposed around the building with a connection to the building off the fire loop for the building's fire sprinkler system. The FDC for the sprinkler system is located within 150 feet of a fire hydrant as illustrated on Sheet C502. Locations of fire hydrants and the FDC were determined with feedback from the fire marshal. A 3-inch water meter will be placed outside of the building with backflow prevention devices being installed inside the building. An 8-inch water stub to the adjacent east property will be provided as part of this project for future development on the adjacent east parcel. The proposed 8-inch water stub is shown on Sheet C504.

**Sanitary Waste** – The sole source of sanitary effluent from the proposed improvement will be the new school building. Two sanitary lateral lines will exit the building footprint, one from the north side of the building, the other from the south. Each will connect to a separate 6-inch sanitary branch. The north lateral will include effluent from a kitchen that will be routed through a grease interceptor. The north lateral effluent will enter the 6-inch conveyance system with 2 percent slope extending past the east face of the building, where it will bend south, crossing beneath the eastern bioretention area and connecting to a manhole collecting effluent from both branches at the northwest corner of the proposed track and field. The south lateral will connect to a separate manhole on the south side of the building and will enter the 6-inch conveyance pipe with 2 percent slope extending east, directly to the intersection point with the north branch.

Effluent from the two branches will then be conveyed by gravity approximately 400 feet directly to the south, where it will enter a pump station wet well 24 feet in depth. The fenced, automated duplex pump station will be located near the southeast corner of the site, adjacent to the large stormwater detention pond and will include a 40 kW, natural gas emergency generator in a sound attenuated enclosure, along with an automatic transfer switch, control panels, and site lighting. The pump station will be designed with full redundancy, with each pump sized to individually convey the maximum expected peak inflow to the station, such that the station will maintain full capacity should one pump fail. The station's PVC force main will be located at approximately three feet in depth throughout its 1,900-foot length. The force main will convey pumped flow northerly, approximately 1,000 feet, along the driveway on the east portion of the site.

The force main crosses to the north side of Lockwood Creek Road prior to bending to the west, conveying flow an additional 900 feet to the connection point to the existing gravity sanitary sewer line at the intersection of NE Lockwood Creek Road and E Spruce Avenue. Sheets C501 through C505 depict the proposed sanitary sewer plan.

**Drainage** – Sheets C401 through C406 illustrate the storm water plan for the site. Existing site drainage is characterized by two outflows. Drainage on the north side of the site discharges west to a 12-inch pipe and to the adjacent overland flow courses towards the stream west of the site. On the south side of the site, a separate wetland receives surface runoff and discharges to an unpaved access drive at the southwest corner of the site. Runoff from both discharge points is conveyed to Lewis River, approximately ½ mile downstream.

The development will largely keep existing drainage patterns intact by utilizing detention ponds with controlled outflows in accordance with the Stormwater management Manual for the Puget Sound Basin (“Stormwater Manual” – Washington Department of Ecology, 1992), which has been adopted by the City to govern stormwater management. Bioretention facilities are proposed for water quality treatment, capturing runoff from pollution generating surfaces (the expanded frontage and parking areas) and all run-on to such surfaces from the surrounding site improvements, primarily landscaping and sidewalks. Pipe conveyance systems will carry runoff to detention ponds which will meet quantity control requirements, discharging to the existing pipe to the north and the existing wetland to the south.

A large drainage area north of Lockwood Creek Road is collected by roadside ditches that discharge through a 24-inch ductile iron culvert and an 8-inch CPP culvert onto the north end of the site and to the TDA #1 discharge point. Drainage through these two culverts will be conveyed through the site without entering pipe, detention, and/or bioretention facilities designed to manage runoff from site improvements. The proposed bypass culvert will maintain the same discharge point as existing conditions (the TDA #1 discharge).

**Grading** – The existing grades of the project area generally slope from the north to south as well as east to west. The proposed grading follows the existing topography to the greatest extent feasible, but it is limited by avoiding steep slopes for the parking/drive aisle connecting the frontage road to the building, as well as ensuring proper drainage throughout the site. The building finish floor elevation is established at 137, excepting the south wing of the building which drops 4 feet to an elevation of 133. The area surrounding the building has been designed to slope away from the building, and plaza areas have been maintained to be relatively level with local low points for drainage. The portion of the site north of the building is primarily fill area, where the area south of the building generally maintains existing grades. The building will be placed on fill, except the south wing will be placed in a cut area. In areas of improvement, 12 to 18 inches of strippings will be required and will be replaced with a structural fill. This project proposes approximately 30,000 cubic yards of cut and 29,000 cubic yards of fill. Approximately 27,000 cubic yards of cut material will be from strippings across the site, of which some of the material will not be re-useable and will require import of fill from off-site. The remainder of the strippings will either be disposed of off-site or stockpiled on school property.

**Erosion Control** – Erosion control for the site will apply a stabilized construction entrance, inlet protection, and silt fence at applicable locations across the site during construction. Stockpile areas will be designated and will require stabilization. A construction stormwater permit will be processed for the project prior to start of construction.

**Roads** – Sheets C701 through C703 show the proposed and required frontage improvements. The site fronts and takes access from NE Lockwood Creek Road. Two full approaches from NE Lockwood Creek Road are

proposed for the project. Improvements to the street include right-of-way dedication and installation of curb and sidewalk, as well as signing and striping for a bicycle lane, no on-street parking, and a center lane. Pedestrian connectivity to the site will be provided in the form of an asphalt-paved pathway along the frontage of the adjacent west parcel. This pathway will provide a connection between the site's newly-constructed sidewalk and the stubbed sidewalk farther west of the adjacent west parcel. No additional on- or off-site traffic-related improvements are required or necessary for this project as evidenced by a review of the submitted traffic study.

- (c) *The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with the La Center Municipal Code;*

**Response:** As stated previously in this narrative, the site is zoned LDR-7.5 which allows middle schools if conditional use approval is received. As shown on Sheets L1.00 through L1.06, all portions of the building are 30 feet or more from any property line, thus meeting setback requirements. The maximum building height of 35 feet is being exceeded, but a variance is being requested for the overage. Density and active open space requirements are not applicable as this is not a residential dwelling project. Required street trees will be planted along NE Lockwood Creek Road at 30-foot intervals as shown on Sheet L1.00. Compliance with lot coverage and dimensions is discussed earlier in the narrative under 18.130.090.

- (d) *The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.*

**Response:** The adjacent and surrounding properties are residential in zoning and use, excepting abutting sites in Clark County that are still agriculturally-zoned and being utilized for raising field crops. There are no commercial or industrial zones or uses in the vicinity, so the project won't be detrimental to workers in the area as there aren't any businesses. Residential neighborhoods inherently bring families with children. Children need to attend school. The construction of a new middle school adjacent to existing residential dwellings and subdivisions, rather than being detrimental to the neighborhood, instead enhances the neighborhood by providing very close access to the school for the nearby children which greatly decreases the number of miles traveled by buses and parents for delivery and pickup and lessens the distance children need to walk or ride bicycles to reach the school they are attending.

The school provides a beautiful and safe new structure for the area. Existing weeds and invasive plants on the site will be replaced with newly-planted trees, shrubs, flowers, and grass. Most of the site's existing wetlands and wetlands buffers will be preserved, and the site will be enhanced with native and non-invasive plantings.

The building will be compliant with current building and fire and life safety codes. This provides a safe place for school events as well as any community events that may be held at the site. In the event of an emergency, because the new building will be modern, up-to-date, and compliant with the most-current fire and life safety codes, the site could serve as a refuge for the neighborhood.

- (2) *The hearings examiner may impose, in addition to regulations and standards expressly specified in this title, other conditions of approval necessary to ensure the use complies with applicable approval standards. These conditions may include, but are not limited to, the following:*

**Response:** The property owner and applicant acknowledge the hearings examiner may impose conditions of approval necessary to ensure the middle school complies with applicable approval standards.

#### **18.250.050 Expiration and extension**

**Response:** The property owner and applicant intend to begin construction of the school building in 2019 with occupation taking place in 2020 for the 2020-21 school year.

### **CHAPTER 18.260 VARIANCES**

#### **18.260.040 Approval criteria**

- (1) *Unusual circumstances or conditions, such as size, shape, topography and location of an existing legal development on the site, apply to the property and/or the intended use such that the strict application of this title would deprive the owner of the subject property of rights and privileges enjoyed by owners of other properties in the vicinity in the same zone; and*

**Response:** The site, while containing 17.32 acres, is constrained by the presence of five wetlands and a riparian area. Two of the five wetlands are quite large eliminating the entire southwest portion and the middle of the northeast portion of the site from being developed. To meet the needs of the growing community, the intended middle school needs to be sized large enough to accommodate the current and future population for the foreseeable future as well as provide the features necessary to create a useable facility which will adequately provide for the physical, intellectual, and mental education of the students. These features include outdoor physical education and football fields, basketball courts, running tracks, walking paths, and an area for a 100-meter dash. The school grounds also need to contain safe access, bus loading and unloading areas, parking areas and fire lanes. The building itself needs to be large enough to contain classrooms for 550 students, as well as a gymnasium, band room, art room, health and fitness area, student support services, offices, reception, security, stage/auditorium, kitchen, and cafeteria. In addition to containing all the above-listed features, there is also a maximum impervious surface coverage requirement. When allowing for the non-developable wetlands and riparian area, the maximum impervious surface coverage requirement, and all the required features commensurate with a middle school for 550 students, the only way to accommodate everything is to increase the height of the building – going “up” rather than “out”. The height increase allows the project to meet all the outdoor requirements necessary for a middle school, preserve the site’s largest wetlands, stay under the maximum impervious surface coverage requirement, and still provide enough space in the new building to meet the educational needs of the 550 students who will inhabit the building during school hours. This height variance would not be necessary if the intended use was not a middle school and if the site did not contain any wetlands.

- (2) *The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the property is situated.*

**Response:** The proposed project is for a middle school needed for the growing community. The site is in a residential zone and is surrounded by residential zoning and dwellings, excepting the one parcel to the west that is agricultural in use and zone. Schools and residential use work together since residences with children are the very thing that generate the need for schools. The requested variance is to allow an additional 15 feet of height to the new school. In seeking this variance, the building has been placed as far from the property lines as possible with over 120 feet between the east and west sides of the building and the side property lines and more than 180 feet from the street front. This proposed placement so far inward eliminates negative impact to existing and future adjacent dwellings by not having a 15-foot taller building right next to them at

the property line. Additionally, a 20-foot-wide landscape buffer is being installed on both the east and west side property lines and will contain trees which will grow as tall, if not taller than, the school. By placing the building as far inward as proposed and planting trees on the property lines, any injury that might have been created from this variance has been alleviated.

## **CHAPTER 18.280 OFF-STREET PARKING AND LOADING REQUIREMENTS**

### ***18.280.010 Off-street parking requirements***

**Response:** Off-street parking shall be provided in compliance with the Code's Table 18.280.010 which lists a requirement of one space per 12 students, plus one space per two employees, based on maximum capacity, including temporary structures. The maximum capacity of the middle school will be 550 students with 41 employees as noted on Sheet L1.00 of the submitted plan set. This equates to a minimum requirement of 46 student and 21 employee off-street parking spaces. Sheet L1.00 shows 62 parking spaces are being provided for student parking and 21 spaces for staff. Included in the provided parking spaces are disabled-accessible spaces and spaces with stub-outs for future EV charging stations. Although not required, the applicant recognizes that school events generate the need for additional parking. Accordingly, the project proposes event parking stalls around the outer edge of the northwest parking area. The proposed event parking stalls will be 20 feet long by 8 feet wide. The event parking stalls are shown in detail on Sheet L1.01 of the submitted plan set.

### ***18.280.020 Joint use of facilities***

**Response:** No joint use of the parking facilities is proposed.

### ***18.280.030 Parking design standards***

#### *(1) Size of Parking Space.*

**Response:** As shown on Sheets L1.01 and L1.02, all required parking spaces are 9 feet wide by 20 feet deep for a total of 180 square feet in size for each space. These dimensions and area meet the parking space size requirements. All spaces have access to a 24-foot wide drive aisle for ingress and egress to NE Lockwood Creek Road.

#### *(2) Location.*

**Response:** As shown on Sheets L1.00, L1.01, and L1.02 the required off-street parking is being provided on the site. No off-site parking is proposed.

#### *(3) Materials, Design, and Lighting*

##### *(a) Off-street parking facilities shall be surfaced with a durable and dustless surface...*

**Response:** Sheets L1.01 and L1.02 show the proposed parking areas with an asphalt-paved surface. Sheet C401 shows the proposed stormwater plan for the northwest parking area, and Sheets C402 and C404 show the stormwater plan proposed for the northeast parking area. Sheet C406 shows the large stormwater facility in the southeast corner of the site serving as the main stormwater treatment facility with discharge to the wetland in the southwest corner of the site.

##### *(b) Except for a single-family or duplex dwelling, groups of more than two parking spaces per lot shall be:*



- (i) *Provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner; and*

**Response:** Sheet L1.00 of the submitted plan set shows the overall layout of the parking areas, fire lanes, turnaround areas, and parking areas. Sheet L1.01 shows details of the northwest parking area including the 24-foot wide drive aisles around the parking area and between the rows of spaces as well as the 26-foot wide fire lane extending south from the southwest corner of the northwest parking area. The full approach from NE Lockwood Creek Road leads into the looped two-way drive aisle so all vehicles may exit the site onto NE Lockwood Creek Road in a forward motion. Also shown on Sheet L1.01 are traffic flow arrows indicating the two-way flow on and off the site.

Sheet L1.02 shows details of the northeast parking area. The two-way approach on NE Lockwood Creek Road leads into a 20-foot one-way drive aisle for bus parking on the west side of the aisle and staff parking on the east side of the aisle. This aisle loops to the east and then runs to both the north and south as a 24-foot-wide two-way drive aisle where it connects back at the north with the NE Lockwood Creek Road approach, thus allowing for exiting from the northeast parking area in a forward motion. Traffic flow arrows are shown on the parking area, drive aisle, and 24-foot-wide east driveway showing the one-way flow through the parking area, but the two-way flow on and off the site through the east driveway and approach.

Additionally, a two-page fire truck turning exhibit for the northeast and northwest parking lots has been included in the submittal package showing the circulation route for fire trucks through the site.

- (ii) *Served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one-way driveways be less than 20 feet and 12 feet, respectively, and be so arranged so as not to use any part of adjoining public sidewalks, street, or alley rights-of-way, except for ingress and egress.*

**Response:** All proposed drive aisles are at least 20 feet wide as shown on Sheets L1.01, L1.02, L1.03, and L1.04. No adjoining public sidewalks or street rights-of-way are being utilized except for installation of two new approaches from NE Lockwood Creek Road and required public sidewalk along the site's street frontage. Concrete paving will be utilized at on-site crosswalk areas to differentiate pedestrian crossings from asphalt-paved vehicular travel areas. Sheets L1.01 and L1.02 show the proposed concrete crosswalk areas from the parking lots to the building's pedestrian plaza area leading to the main entrances.

- (iii) *Lighting used to illuminate off-street parking facilities shall be arranged so as to reflect light away from any adjoining residential area(s).*

**Response:** A review of Sheets E1.1A and E1.02A of the submitted plan set, along with the submitted cut sheets for the proposed exterior lighting shows proposed lighting for the off-street parking areas has been designed to prevent glare onto adjoining residential areas.

- (4) *Boats and Recreational Vehicles.*

**Response:** No boats or recreational vehicles will be parked at the middle school.

### **18.280.040 Loading**

**Response:** The proposed middle school has approximately 77,275 square feet of floor area which requires one loading berth as per the Code's Table 18.280.040(2). The proposed loading berth is in the rear southeast corner of the building as shown on Sheet L1.04. The berth is depicted as having no roof to avoid any conflicts with height requirements for the loading area. The berth is 19 feet deep and approximately 40 feet long. It is screened from view by the building and an 8-foot-tall concrete wall.

## **CHAPTER 18.300 CRITICAL AREAS**

### **18.300.040 Applicability and critical areas map**

- (1) *Applicability. The provisions of this chapter apply to lands within the La Center corporate limits and urban growth area that are either designated as critical areas and their buffers on the city's official areas maps, or are critical areas and buffers which are identified as part of a project specific application and land use review.*
- (a) *Properties containing critical areas are subject to this title.*
  - (b) *Buffers are protected and impacts to buffers are regulated to help improve the functional values of critical areas.*
  - (c) *When the requirements of this chapter are more stringent than those of other La Center codes and regulations, the requirements of this chapter shall apply.*
  - (d) *Where a site contains two or more critical areas, the site shall meet the minimum standards and requirements for each identified critical area as set forth in this title.*

**Response:** The site contains critical areas subject to this title and are accordingly addressed below and in attached reports.

- (2) *Critical Areas. Critical areas include:*
- (a) *Wetlands;*
  - (b) *Category I and II aquifer recharge areas;*
  - (c) *Wellhead protection areas;*
  - (d) *Fish and wildlife habitat conservation areas;*
  - (e) *Frequently flooded areas;*
  - (f) *Geologically hazardous areas; and*
  - (g) *Slopes with a gradient of 25 percent or greater.*

**Response:** Wetlands exist on the site as delineated in the attached wetland delineation reports. There is also a fish and wildlife habitat conservation area on the site as described in the attached habitat assessment report. Pages 4 and 5 of the attached Critical Areas Report also discuss the identified wetlands and fish and wildlife habitat conservation area. The site does not contain any other critical areas.

- (3) *Map Location.*

**Response:** Wetlands exist on the site as delineated in the attached wetland delineation reports. There is also a fish and wildlife habitat conservation area in the north portion of the west boundary. The site does not contain any other critical areas. The attached wetland delineation, habitat assessment, and critical areas reports include maps, photos, and figures illustrating the identified critical areas.

- (4) *Use of Existing Procedures and Laws*

**Response:** The property owner and applicant acknowledge the laws and procedures used to implement Chapter 18.300.

(5) *State and Federal Agency Review*

**Response:** The property owner and applicant acknowledge the required review process.

(6) *Applicability by Activity. Table 18.300.040 establishes the level of review required for uses or activities under this title.*

**Response:** As per Table 18.300.040 a Critical Areas Report is required for this project. The required Critical Areas Report is dated October 5, 2018 and is included as part of this application submittal.

**18.300.050 Allowed uses**

(1) *Unless the requirements of this chapter are met, La Center shall not grant any approval or permission to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement regulated through the following: building permit, commercial or residential; binding site plan; franchise right-of-way construction permit; site development permit; right-of-way permit; shoreline permit; short subdivision; use permit; subdivision; utility permit; or any subsequently adopted permit or required approval not expressly exempted by this chapter.*

**Response:** It is the intent of this application and attached documents, reports, and plans to show the requirements of this chapter are being met to allow the City to grant approval for the proposed new construction.

(2) *Compliance with these regulations does not remove an applicant's obligation to comply with applicable provisions of any other federal, state, or local law or regulation.*

**Response:** The applicant acknowledges compliance with these regulations does not remove the obligation to comply with applicable provisions of any other federal, state, or local laws.

(3) *The city may approve uses listed in subsection (4) of this section, Allowed Uses, subject to a Type II process, if the proposed development activity meets the standards in LCMC 18.300.110, Development standards, and LCMC 18.300.120, Mitigation.*

**Response:** Since this application requests approval for a use in subsection (4) of this section, namely a pervious trail for nonmotorized use, a discussion addressing this application's compliance with standards of 18.300.110 and 18.300.120 takes places later in the narrative.

(4) *Allowed Uses. The city may allow the following uses on critical areas and within buffer areas subject to the development standards of LCMC 18.300.110 and appropriate mitigation standards as described in LCMC 18.300.120:*

(a) *Pervious trails for nonmotorized use.*

**Response:** As allowed by 18.300.050(4)(a) this project proposes a 5-foot-wide, private, wood chip pedestrian trail running through a portion of the wetland buffer in the southwest corner of the site. The trail is shown on Sheets L1.00, L1.05, and L1.06 and is identified as a Type 3 Rustic Trail.

(b) *Below or aboveground utilities...*

**Response:** As indicated on page 6 of the Critical Areas Report, there will be temporary and permanent impacts to the buffer of the large wetland in the southwest portion of the site for installation of stormwater facility pipe, dispersal trench, and a junction structure. Most of the impact is to non-native, exotic grasses and noxious weeds and in areas considered to provide low to moderate functionality. These utility improvements are necessary to serve the development of the new middle school to meet the City's stormwater management requirements.

(c) *Removal of diseased or dangerous trees...*

**Response:** Any diseased or dangerous trees on the site will be removed as part of this project. Invasive and nuisance plants will also be removed.

(d) *Construction, replacement, or alteration of a single-family dwelling...*

**Response:** No construction, replacement, or alteration of a single-family dwelling is proposed as part of this application.

(e) *Existing agricultural practices on lands used continuously for agricultural...*

**Response:** No agricultural uses are proposed as part of this project.

(f) *Specific Uses Allowed in Wetlands.*

**Response:** As discussed in the submitted Critical Areas Report and shown on Appendix A and Appendix B of said report, both enhanced replacement and wetland banking are proposed for this project. The proposed methods are allowed pursuant to the Code's 18.300.050(4)f.

No platting is proposed as part of this project.

(5) *Limited Uses.*

**Response:** No subdivision or short plat is proposed or required as part of this application.

The required SEPA Review and Site Plan Review are taking place as part of this project and applicable documents associated with each are included in the application submittal package.

Stormwater facilities may be allowed in buffers of Class III and IV wetlands with low habitat function provided the facilities are built on the outer 25 percent of the buffer and they do not degrade the existing buffer function. Buffer impacts to the inner and outer 25 percent of the Category III wetland buffer in the southwest portion of the site will take place in association with the installation of the stormwater facility pipe, dispersal trench, and junction structure. Page 6 of the Critical Areas Report states most of the impacts are to non-native and exotic grasses, noxious weeds, and areas with low to moderate functionality. These impacts are due to the required discharge elevation for the stormwater pond outfall. The grade difference between the building, the large stormwater pond in the site's southeast corner, and the wetland is minimal. The pond design was kept very shallow to keep the pond discharge in the buffer and out of the wetland while still meeting stormwater requirements. Mitigation is proposed for the installation of the stormwater improvements in the buffer area.

### **18.300.060 Variances**

- (1) *An applicant who seeks to vary from the requirements of this chapter may seek a variance pursuant to this section. The city shall review a request to vary from the requirements of this chapter through a Type III review process.*

**Response:** The mitigation/enhancement plan proposes to mitigate with a total of 0.25 acres of buffer enhancement area at 1:1 ratio for both Category III and Category IV buffer impacts. This application seeks a variance to allow the 1:1 ratio enhancement and the impact to the wetland buffer area in the southwest portion of the site to install the stormwater facility pipe, dispersal trench, and junction structure.

- (2) *An application to vary from the requirements of this chapter shall demonstrate compliance with all of the following criteria:*

- (a) *There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to other properties;*

**Response:** In the southwest corner, the property naturally slopes from east to west. The existing drainage flow pattern currently deposits surface water into the existing southwest wetland. To avoid the least amount of ground disturbance, grading, cutting, and filling, it is necessary to install the dispersal trench and junction structure in the buffer area of the southwest wetland. This avoids having to change the existing drainage flow patterns. As also stated in the Critical Areas Report, the impacts are due to the required discharge elevation for the stormwater pond outfall. The grade difference between the building, the stormwater pond in the site's southeast corner, and the southwest wetland is minimal. The pond design was kept very shallow to keep the pond discharge in the buffer and out of the wetland while still meeting stormwater requirements.

- (b) *The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property, but which because of special circumstances is denied to the property in question;*

**Response:** A storm water discharge is required for all development. Accordingly, to build the new school building on the site, an area for storm water discharge to the newly-created impervious surfaces is needed, or the building can't be built. Because of the existing topography and surface flow drainage patterns, using the site for any development and maintaining the current flow patterns necessitates discharge to the southwest wetland area. To avoid unnecessary cut and fill and destruction of the natural ground surface and flow pattern, installation of the pipe, dispersal trench and junction structure is necessary in the buffer area of the southwest wetland.

As stated on page 6 of the Critical Areas Report, the project design has avoided and minimized the impacts to wetlands, wetland buffers, and riparian resources to the greatest extent practicable. The site and grading plans have gone through several iterations to minimize overall impacts. The parking lot, frontage entry, and access points were redesigned multiple times in relocation, size, and position to avoid the riparian buffer, the wetland along the west boundary, and the large wetland in the northeast area of the site to the greatest extent possible. Fill slopes were steepened to 3:1 where possible to reduce the extent of excavation and clearing limits resulting in no impacts to the wetland and buffer in the northeast portion of the site.

The temporary and permanent buffer impacts to the southwest wetland are due to the required discharge elevation for the stormwater pond outfall and the new pedestrian trail. The grade difference between the

building, stormwater pond, and wetland is minimal. The pond design was kept very shallow to keep the pond discharge in the buffer and out of the wetland while still meeting stormwater requirements.

The proposed 5-foot-wide wood chip pedestrian trail running through the buffer of the southwest wetland will be installed with hand labor and light equipment. This trail provides connectivity with the gravel and asphalt running track being constructed around the football field, physical education field, and large grassy area to allow for pedestrian circulation throughout the south portion of the site.

*(c) Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvement;*

**Response:** The proposed project is for a middle school needed for the growing community. Storm water discharge is required for the development. Construction of the proposed storm water plan will follow the existing natural ground surface and flow patterns, thus creating the least disturbance to the site as possible. Not granting the variance would be materially detrimental as it would impede the development process of the needed new school and would require greater disturbance, cutting, and filling to the site to achieve discharge and could ultimately result in further disturbance to the wetland itself; whereas, the proposed plan avoids impact to the wetland by installation of the trench and junction structure in the buffer area and eliminates excessive amounts of cutting and filling which would create an unnatural flow pattern and deviate from the natural, existing flow pattern.

*(d) Granting the variance will not violate, abrogate, or ignore the goals, objectives, or policies of the La Center comprehensive plan;*

**Response:** Among other things, the City's comprehensive plan seeks to provide safe schools for the community, along with required public services of sanitary sewer and water, transportation, and appropriate drainage. The comprehensive plan also seeks to protect critical areas to the greatest extent possible. Granting of this variance will allow construction of a new middle school with street frontage improvements, a sanitary sewer pump station, water system, and a storm water system which discharges to an existing wetland in the same manner prior to development. This allows for no disturbance to the wetland and limited disturbance to the buffer of that wetland. All the items provided in this development comply with the comprehensive plan.

*(e) In addition to the approval criteria above, an application to vary from the buffer requirements of a fish habitat conservation area or riparian area shall demonstrate...*

**Response:** The affected buffer is a wetland buffer, not a fish habitat conservation or riparian area buffer, so these criteria don't apply.

*(f) When granting a variance, the city may attach specific conditions to the variance that will serve to meet the goals, objectives, and policies of this chapter, including the preparation and implementation of a mitigation and monitoring plan consistent with LCMC 18.300.090(6)(l).*

**Response:** A mitigation and monitoring plan has been included as part of the Critical Areas Report submitted as part of this application. Pages 9 through 15, as well as Table 2 and Appendix B, of the Critical Areas Report provide the full details of the mitigation and monitoring plan proposed for this project.

### **18.300.070 Exemptions**

**Response:** In installation of the private wood chip pedestrian path and stormwater pipe, dispersal trench, and junction structure, the applicant will be removing invasive vegetation encountered in the way of such construction. Such removal will take place with hand labor and light equipment. The exemption request and review process for such removal is included with this application.

**18.300.080 Reasonable use exception**

**Response:** This application is for conditional use permit approval for a new middle school. No structures currently exist on the site, so there won't be any expansions or replacements of existing structures. No new single-family residences are proposed as part of this application. None of the reasonable use exceptions are applicable to this application.

**18.300.090 Critical lands**

(1) *Critical Aquifer Recharge Areas*

**Response:** The site includes CARA 2 coverage, but the proposed school use will not trigger additional CARA 2 review and is not included in the Critical Areas Report.

(2) *Fish and Wildlife Habitat Conservation Areas*

**Response:** A report titled "Fish & Wildlife Habitat Conservation Areas Assessment", dated November 30, 2017, prepared by Kevin Grosz of Olson Environmental LLC, provides information pertaining to Fish and Wildlife Habitat Conservation Areas on the site.

Regarding riparian habitat areas, page 3 of the report states the following:

"It appears that the stream in the northwest corner has been previously piped across the property north of the study area. Currently, the pipe outfall is located near the west property line of the study area as shown in Figure 5. The stream on or near the southeastern portion of the property is located in a roadside ditch as shown in Figure 5. Both of these streams are Type Ns. According to LMC Table 18.300.090(2)(f) Type Ns streams are protected by a 75-foot riparian buffer (Fig. 5)."

Page 3 of the report provides the following information regarding endangered and threatened species:

"No species listed as threatened or endangered or their habitats were identified on the study area. However, threatened fish species listed under the Federal Endangered Species Act occur in the East Fork of the Lewis River which is the project watershed."

Page 3 of the report provides the following information regarding local habitat areas:

"Locally important habitats and species areas are legislatively designated and mapped by the City. No locally important habitats or species are mapped within the study site."

Regarding priority habitat and species, the report notes at the top of page 4 that the only priority habitat identified within the study area is the riparian habitat described above and that the review indicated that no known occurrences of any ETR plant species are located within Section 2 of Township 4 North, Range 1 East, Willamette Meridian.

The report lists only one habitat type occurring within the study area, namely *Agriculture, Pasture and Mixed Environs*. The plant community consists of native and non-native grasses and forbs with most of the site in hay or pasture. Vegetation consists of reed canary grass, tall false rye grass, bent grass, blackberry, velvet grass, and sweet vernal grass. The tree row along the south boundary consists of Douglas fir and black cottonwood trees. A shrub row along the west boundary consists mainly of hazelnut.

Resident wildlife observed during the site visit are also included in the report. Animals observed included western scrub jay, steller's jay, robin, black-capped chickadee, and red-tailed hawk. The report notes that, due to the historic agricultural uses on the site, wildlife habitat is of low quality.

The report concludes with the following:

"The City has implemented the FWHCA (18.300.090(2)) to provide protection for critical habitat areas within the City's jurisdiction. This ordinance establishes protective buffers for critical areas and specifies that certain permits and approvals be obtained for projects containing habit conservation areas or their associated buffers. Through the course of this study two Type Ns streams were identified on or near the property. Both of these streams are protected by a 75-foot riparian buffer according the LMC 18.300.090(2)."

The only identified Fish and Wildlife Habitat Conservation Area buffer is shown on Sheet L1.00 in the upper northwest portion of the site. No disturbance is taking place to the riparian area; minimal (300 square feet) temporary disturbance is taking place to the outer sliver of the buffer area. Page 9 of the Critical Areas Report states the following:

"With moderate to low habitat scores, the temporal functional habitat loss will be minimal...The anticipated success of enhancement for temporary and permanent wetland/riparian buffer impacts is obtainable with the appropriate methods outlined in the wetland buffer restoration and planting concept."

Appendix B of the Critical Areas Report shows the proposed plantings in the riparian buffer area to mitigate for the temporary disturbance of the 300 square feet for grading to accommodate the driveway and parking area.

(3) *Frequently Flooded Areas*

**Response:** A review of the City's "Critical Areas Frequently Flooded" map shows the site is not an area that is frequently flooded.

(4) *Geologically Hazardous Areas*

**Response:** A review of the City's "Critical Areas Geohazards/Slopes" map shows the site does not contain any geologically hazardous areas.

(5) *Slopes with a Gradient of 25 Percent or Greater*

**Response:** A review of the existing conditions and existing slopes shown on Sheet C101 of the submitted plan set shows the site does not contain any slopes with a gradient of 25 percent or greater. The highest slope gradient is 6.5 percent.



(6) *Wetlands*

- (b) *Applicability. The provisions of this chapter apply to any soil disturbance occurring or land use proposal affecting a Category I, II, III, or IV wetland or its buffer.*

**Response:** As shown in the submitted wetland delineation reports dated November 22, 2017 and September 28, 2018, the site contains wetlands. The 2017 report assessed the south portion of the site and identifies two wetlands – one in the northeast area and one in the southwest area of the site. Neither of these two wetlands will be disturbed, but the buffer around the southwest wetland will be disturbed for installation of a private wood chip pedestrian path and stormwater pipe, dispersal trench, and junction structure.

The 2018 report studied the north triangular portion of the site and identified three wetlands – two along the site’s NE Lockwood Creek Road property line and one along the west property line in the north corner. The two wetlands along the street property line will be completely removed, along with their buffers. The wetland along the west property line will not be disturbed, but its buffer will have temporary disturbance during grading of the site for installation of the driveway and parking area.

(c) *Exempted Wetlands*

**Response:** None of the site’s wetlands are exempted.

(d) *Interpretation*

**Response:** A completed SEPA is included with this application.

(e) *City Policy Towards Disturbance of Wetlands and Wetland Buffers*

- (i) *The city has limited oversight, staffing and expertise in monitoring and management of impacted wetlands or wetlands buffers. Therefore, as a matter of public policy, the city prefers avoidance of wetlands and wetland buffers and discourages disturbance of wetlands or wetland buffers for private purposes.*

**Response:** The project will be avoiding completely both wetlands identified in the 2017 report. There will be limited disturbance in the buffer around the large southwest wetland to install the private wood chip path and the stormwater pipe, dispersal trench, and junction structure. The 2018 report identified three wetlands in the north triangular piece of the site. The two adjacent to NE Lockwood Creek Road will be eliminated, as will their buffers. The one along the west boundary and its buffer will be preserved, although there will be temporary disturbance in the buffer area during site grading.

- (ii) *The city prohibits platting of privately held lots in wetlands or wetland buffers.*

**Response:** No platting is proposed as part of this project.

- (iii) *The city may allow disturbance of Category III and IV wetlands or wetland buffers for public purposes if the disturbance directly advances the provision of infrastructure facilities and services. Public purpose includes streets, potable water, sanitary sewer, stormwater facilities, schools, and utilities.*

**Response:** The two wetlands identified in the 2017 report are designated as Category III wetlands. One is in the northeast portion of the site and the other is in the southwest portion of the site. The one in the northeast portion will not be disturbed, nor will its buffer. The one in the southwest portion will not be disturbed, but the buffer will be disturbed to install a private wood chip pedestrian path and the stormwater pipe, dispersal trench, and junction structure. These installations directly advance the stormwater facility needed for the school and the development of the school itself, which is allowed under this subsection. The proposed pervious path is an allowed use in a wetland buffer.

Three small wetlands were identified in the 2018 report which studied the north triangular portion of the site. These three wetlands are designated as Category IV wetlands. The two along NE Lockwood Creek Road, and their buffers, will be eliminated. Such elimination is necessary to install required street frontage improvements, including sidewalk, and required access for the new public middle school. The third of these wetlands will not be disturbed, but the buffer will be temporarily impacted during site grading for the school's driveway and parking area.

- (iv) *The city may allow impacts to Category III and IV wetlands and wetland buffers if the mitigation area is owned by a homeowner's association or similar entity recognized by the city and if the city finds that the accepting entity has the means and ability to inspect, monitor, and maintain the mitigation area for a minimum of 10 years.*

**Response:** The site, and thus any mitigation area on the site, is owned by the school district. The school district has the means and ability to inspect, monitor, and maintain any mitigation area resulting from this project.

- (v) *In limited circumstances, the city may allow impacts to Category I and II wetlands...*

**Response:** The site does not contain any Category I or II wetlands.

- (f) *Wetland Delineation and Marking*
  - (i) *An application for wetland impacts shall not be deemed technically complete until completion (if required) of a wetland delineation.*

**Response:** Two wetland delineations have been completed. Copies of the subsequent reports are included with this application submittal.

- (ii) *The mayor or his or her designee shall determine whether a wetland delineation is required based upon...*

**Response:** Two wetland delineations have been completed. Copies of the subsequent reports are included with this application submittal.

- (iii) *Wetland Delineation.*
  - (A) *Methodology. The location of a wetland and its boundary shall be determined through the performance of a field investigation, to be performed by a qualified scientific expert...*
  - (B) *Information Requirements. Wetland boundaries shall be staked and flagged in the field and a delineation report shall be submitted to the city.*
  - (C) *Responsibility. The wetland delineation is the responsibility of the applicant.*

**Response:** The “Wetland Delineation and Assessment” report for the large south portion of the site was completed on November 22, 2017 by Kevin Grosz, PWS, at Olson Environmental LLC. The “Wetland Delineation and Assessment” report for the small north triangular portion of the site was completed on September 28, 2018 by the same individual and company. The onsite wetland delineations and assessments were conducted using the methodology found in the Regional Supplement to the Manual (USACE 2010). In addition, applicable guidance and any supporting technical guidance documents issued by the USACE, Ecology, and Clark County GIS were also utilized. Page 3 of the submitted 2017 report provides two paragraphs discussing the delineation methods and wetland boundaries determinations. Two wetlands were identified and delineated on the large south portion of the site as shown in Figure 5 of the 2017 report. Wetland delineation flags were placed around the identified wetland areas.

Pages 1 and 2 of the submitted 2018 report provide three paragraphs discussing the delineation methods and wetland boundaries determinations. Three wetlands were identified and delineated on the north triangular portion of the site as shown in Figure 5 of the 2018 report. Wetland delineation flags were placed around these identified wetlands.

- (iv) *Buffers. All buffers shall be measured perpendicularly outward from the delineated wetland boundary.*

**Response:** Figure 6 of the submitted 2017 report shows the required buffers around the delineated wetland areas on the large south portion of the site. Figure 6 of the submitted 2018 report shows the buffers around the delineated wetlands on the north triangular portion of the site.

- (v) *Marking Buffer during construction. The location of the outer extent of the wetland buffer shall be marked in the field and such markings shall be maintained throughout the duration of the permit.*

**Response:** Site construction details and specifications will be noted in the final construction drawings to be prepared and submitted after preliminary land use approval has been received. Sheets C201 through C306 identify the wetlands boundaries and buffers.

- (vi) *Permanent Marking of Buffer Area. A permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedgerow, fencing, or other prominent physical marking approved by the hearings examiner. In addition, small signs shall be posted at an interval of one per lot or every 100 feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer worded substantially as follows: “Wetland and Buffer – Please Retain in a Natural State.”*

**Response:** Sheets L1.01, L1.02, L1.05, and L1.06 of the submitted plan set show and note the proposed 4-foot-tall, 3-rail wood fence around the buffer of the riparian area and the preserved wetlands as the permanent physical demarcation. Additionally, these same sheets note the required signage will be placed every 100 feet around the buffers.

- (vii) *A conservation covenant shall be recorded in a form approved by the city attorney as adequate to incorporate the other restrictions of this section and to give notice of the*

*requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer.*

**Response:** Any required conservation covenants shall be recorded by the property owner within the City's designated timeframes. This has been so noted on Sheet L1.02 as General Note 15.

(viii) *In the cases of plats, short plats, and recorded site plans, include on the face of such instrument the boundary of the wetland and its buffer and a reference to the separately recorded conservation covenant provided for in subsection (6)(f)(vii) of this section.*

**Response:** This project does not involve any plats or short plats. Should the site plan have to be recorded as a condition of approval, the boundaries of the two identified wetlands and their respective buffers shall be shown and the required reference to the recorded conservation covenant shall be noted.

(g) *Wetland Rating.*

**Response:** Pages 4 and 5 of the submitted 2017 report note the identified wetlands in the large south portion of the site as being Category III wetlands. The report states that "through a series of questions, the wetland rating system generates a number for water quality functions, hydrologic functions, and habitat function, which creates as (sic) overall wetland function score" and that "based on the total score, the wetland is categorized as a Category I, II, III, or IV wetland." Table 1 on page 5 of the 2017 report summarizes the wetland type for each of the two identified wetlands on the large south portion of the site, lists the total score of functions, and provides the category of wetlands identified on the site as Category III wetlands. The total score for each wetland is listed as 16.

Pages 5 and 6 of the submitted 2018 report note the identified wetlands in the north triangular portion of the site as being Category IV wetlands. The report states that "through a series of questions, the wetland rating system generates a number for water quality functions, hydrologic functions, and habitat function, which creates as (sic) overall wetland function score" and that "based on the total score, the wetland is categorized as a Category I, II, III, or IV wetland." Table 1 on page 6 of the 2018 report summarizes the wetland type for each of the three identified wetlands, lists the total score of functions, and provides the category of wetlands identified on the north triangular portion of the site as Category IV wetlands.

(h) *Base Buffer Width.*

(i) *Buffer width, measured in feet, shall be based upon...*

**Response:** The wetland specialist has identified the buffer width as 80 feet around the two wetlands identified in the 2017 report and 50 feet around the three wetlands identified in the 2018 report. Figure 6 in each of the reports shows the buffers.

(ii) *New urban residential lots shall not be platted within wetland buffers.*

**Response:** No residential uses, lots, or platting are included as part of this project.

(iii) *Stormwater facilities and public utilities, if approved by the city, may be located within the outer 25 percent of Category III or IV wetland provided no other location is feasible and that it will not degrade the functions of the wetland or its buffer. Stormwater*

*facilities may not be allowed in wetland buffers that have been reduced through the buffer reduction or buffer averaging provisions of this chapter.*

**Response:** Part of the stormwater system will involve placement of pipe, a dispersal trench and junction structure in the buffer of the southwest wetland. This installation will take place in the inner and outer 25 percent of the buffer. A variance has been requested for the installation in the inner 25 percent and the discussion for said variance takes place earlier in this narrative.

(i) *Wetland Buffer Reduction*

**Response:** No buffer reductions are requested for this project.

(j) *Wetland Development Standards – General*

- (i) *Any development proposal that impacts a wetland or wetland buffer shall not be allowed without an approved mitigation or enhancement plan consistent with LCMC 18.300.120 and the mitigation sequencing preference. (See “mitigation” in subsection (6)(l) of this section.)*

**Response:** A mitigation and enhancement plan has been included as part of this application submittal. A complete discussion on its consistency with 18.300.120 and the mitigation sequencing preference takes places later in this narrative.

- (ii) *The city shall not approve a development proposal that impacts wetlands or wetland buffers without a finding that:*  
(A) *The proposed activity shall not cause significant degradation of ground water or surface water quality or fish and wildlife habitat;*

**Response:** A Type Ns stream through a 10-inch concrete culvert was identified through the west property line on the north portion of the site. The stream riparian buffer is 75 feet per Table 18.300.090(2)(f) of the Code. The Clark County PHS Maps were reviewed to determine likelihood of priority habitat species within the site. No priority habitat species were identified within the site other than the riparian corridor. No disturbance is taking place to the riparian corridor itself. There will be a small area (300 square feet) of temporary disturbance at the eastern-most area of the riparian buffer, but since there is no identified fish and wildlife habitat there will be no degradation of non-existent fish and wildlife habitat.

The buffer requirements in Table 18.300.090(6)(h)(i)-1 of the Code are for protection of hydrologic functions. The site has two Category III wetlands and three Category IV wetlands. There will be no disturbance to either of the Category III wetlands and one of three Category IV wetlands. Two of the Category IV wetlands will be removed due to City-required street frontage improvements to NE Lockwood Creek Road, which equates to 0.08 acre of permanent wetland disturbance as shown on Table 1 of the submitted Critical Areas Report. Other than the very small 0.08-acre permanent disturbance, there will be no other disturbance either temporary or permanent to the site’s wetlands. There will be a 0.07-acre permanent and 0.04-acre temporary disturbance to the buffer of the large wetland in the southwest area of the site. There will be a 0.05-acre temporary disturbance to the buffer of the wetland along the west boundary in the north corner of the site. These figures are cited to show that the proposed disturbances are so small that significant degradation of ground water or surface water quality is not possible because such a small portion of wetland and wetland buffers is being disturbed. Additionally, the design of the stormwater pond in the southeast corner of the site was kept very

shallow to keep the pond discharge in the buffer and out of the wetland while still meeting stormwater requirements.

Installation of the proposed 5-foot wide pervious pedestrian trail will be accomplished with hand labor and light equipment to avoid ground disturbance which would impact ground water or surface water quality. All clearing limits, staging areas, and preservation of vegetation will be clearly marked prior to commencement of construction and will be maintained until all work is completed. Best Management Practices will be maintained in good working order throughout all construction activities. Proposed erosion control plans are shown on Sheets C201 through 204 of the submitted plan set. All these items combined serve to protect the existing ground and surface water quality.

*(B) The proposed activity shall comply with all state, local and federal laws, including those related to sediment control, pollution control, floodplain restrictions, stormwater management, and on-site wastewater disposal; and*

**Response:** Plans for erosion and sediment control, stormwater management and on-site wastewater disposal have been designed in compliance with applicable laws and are included in the submitted plan set. Also submitted with this application is the preliminary Technical Information Report (stormwater report) which has been prepared in accordance with applicable stormwater rules and regulations. The site does not contain any flood plain areas.

*(C) Wetland and wetland buffer impacts shall be avoided or substantially minimized consistent with the mitigation sequencing criteria.*

**Response:** The mitigation sequence in 18.300.30(46)(a) lists “avoiding the impact by not taking a certain action or parts of an action” as the most-preferred type of mitigation. As shown on the submitted plan set and addressed in the Critical Areas Report, this method has been utilized to the extent practicable. The Critical Areas Report labels the site’s five wetlands as Wetland A (the large wetland in the southwest corner); Wetland B (the large wetland in the northeast area); Wetland D (the small wetland along the west boundary in the north corner); and Wetlands E and F (the two small wetlands along the site’s north boundary which is NE Lockwood Creek Road); it is noted there is not a “C” wetland and that letter has been purposely omitted from the labeling sequence.

Impacts are completely avoided to Wetlands A, B, and D. Impacts are completely avoided to the buffer of Wetland B and most of the buffer of Wetlands A and D. Several iterations to the layout were developed and discarded before the completion of the final layout (which is the submitted layout). The various iterations came about as the design team worked through the best way to avoid wetlands and buffers, the riparian area buffer, and still provide the necessary access to the site, required street frontage improvements, and maintain the ground’s natural slope and drainage flow pattern as much as possible to alleviate the need for excessive grading, cutting, and filling. The iterations are included with this application submittal to demonstrate the efforts made to avoid impact to the wetlands and riparian buffer.

The Code’s 18.300.30(46)(b) notes “minimizing impacts by limiting the degree or magnitude of the action and its implementation” as the second most-preferred type of mitigation. Street frontage improvements are required along NE Lockwood Creek Road and the development needs two approaches for safety reasons and for traffic flow. Because of their proximity to NE Lockwood Creek Road, neither Wetlands E or F can be preserved and still provide frontage improvements and two approaches at a grade compliant with the Code.

Referring to the submitted previous iterations, the project attempted several times to avoid complete impact to all the wetlands and had to settle for minimizing impact to just Wetlands E and F.

The project does propose installation of a 5-foot-wide wood chip pedestrian trail running through a portion of the buffer around Wetland A. The trail will be installed with hand labor and light equipment. The pedestrian trail provides connectivity with the gravel and asphalt running track being constructed around the football field, physical education field, and large grassy area to allow for pedestrian circulation throughout the south portion of the site. The portion of the path that goes through the buffer area of Wetland A will consist of wood chips rather than an impervious surface to minimize buffer impact and has been limited to the shortest length possible while still providing a connection between the gravel and asphalt running track and avoiding the actual wetland. It is possible to eliminate the path completely through the buffer, but consistent with 18.300.050(4)(a) of the Code, pervious trails for nonmotorized use are allowed within buffer areas subject to development and mitigation standards, and elimination of this portion of the path decreases the length of pedestrian trails being provided as part of the school's development. Elimination of this portion of the path also eliminates opportunities for students to have a designated area to walk around the native wetland and view and study its native vegetation and any wildlife visiting the wetland. Accordingly, in keeping with 18.300.30(46)(b) the path in the buffer area is limited to enough of the buffer to provide connectivity and viewing area but to avoid as much buffer area as possible by not making a complete loop through the entire buffer.

Section 18.300.30(46)(c) lists "rectifying the impact by repairing, rehabilitating, or restoring the affected environment" as the third most-preferred type of mitigation. The project proposes installation of stormwater pipe, dispersal trench, and a junction structure in the southeast portion of the buffer around Wetland A. The site has approximately 6 inches of elevation drop to get water out of the storm pond in the southeast corner of the site, and the lowest area for such dispersal is near Wetland A. The installation of the trench and junction structure in the wetland buffer is, therefore, completely unavoidable simply due to elevations. As noted in the Critical Areas Report, these buffer impacts are due to the required discharge elevation for the stormwater pond outfall. The grade difference between the building, stormwater pond in the southeast corner of the site, and Wetland A is minimal. The pond design was kept very shallow to keep the pond discharge in the buffer and out of the wetland while still meeting the stormwater requirements. However, upon completion of the installation of the pipe, trench, and junction structure and consistent with 18.300.30(46)(c) the disturbed buffer area will be repaired and will be restored with native vegetation plantings as depicted on Appendix B of the Critical Areas Report.

- (k) *Wetland Activities. Activities that trigger a wetland permit shall meet the following standards:*
  - (i) *Wetland impacts to Category I wetlands that are bogs or...*

**Response:** The site does not contain any Category I wetlands.

- (ii) *All other wetland impacts shall meet the compensation ratios stated in Table 18.300.090(6)(k), Wetland Mitigation Ratios, for projects in the La Center urban growth area*

**Response:** Avoidance and minimization strategies are discussed on pages 6 and 7 of the submitted Critical Areas Report. The mitigation proposal is noted on pages 9 and 10 of the submitted Critical Areas Report.

- (l) *Wetland Enhancement – Preliminary Plan. The preliminary enhancement/mitigation plan consists of two parts, baseline information for the site and a conceptual plan.*

- (i) *Baseline information shall include:*  
(A) *Wetland delineation report;*

**Response:** The required "Wetland Delineation and Assessment" reports were prepared by Kevin Grosz at Olson Environmental LLC and are included with this application submittal.

- (B) *Description and maps of vegetative conditions at the site;*

**Response:** The "Wetland Delineation and Assessment" reports include descriptions, maps (Figures 5 and 6), and photos (Photo-Sheet 1) of vegetative conditions at the site.

- (C) *Description and maps of hydrological conditions at the site;*

**Response:** The "Wetland Delineation and Assessment" reports discuss hydrological conditions and provide Figure 3 as a map of said conditions.

- (D) *Description of soil conditions at the site based on a preliminary on-site analysis;*

**Response:** Soils are discussed in both the 2017 and 2018 reports and Figure 4 "Clark County Web Soil Survey" is included as part of both reports.

- (E) *A topographic map of the site;*

**Response:** The "Wetland Delineation and Assessment" reports include a Topographic Map as Figure 2 of the reports.

- (F) *Assessment of the functional uses of the existing wetland and buffer.*

**Response:** A wetland functional assessment is included on pages 4 and 5 of the 2017 report and pages 5 and 6 of the 2018 report.

- (ii) *The contents of the conceptual plan shall include:*  
(A) *Goals and objectives of the proposed project;*

**Response:** Sheet L1.00 of the submitted plan set shows the concept for a new middle school.

- (B) *Description of wetland type to be created;*

**Response:** No wetlands are being created.

- (C) *Map showing proposed wetland and buffer. This map should include the base buffer and the proposed buffer;*

**Response:** Appendix B of the submitted Critical Areas Report has a map identifying the wetlands and wetlands buffers.

- (D) *Site plan;*



**Response:** Sheet L1.00 of the submitted plan set is the overall site plan for the project. Sheets L1.01 through L1.06 are enlarged maps of specific portions of the site plan to show greater detail and more specificity.

*(E) Discussion and map of plant material to be planted and planting densities;*

**Response:** Appendix B of the submitted Critical Areas Report provides details on the quantity, type, percent of mix, size, spacing, and location of proposed plant material for the buffer mitigation/enhancement.

*(F) Preliminary drainage plan identifying location of proposed drainage facilities including detention structures and water quality features (e.g., swales);*

**Response:** Sheets C401 through C406 of the submitted plan set provide stormwater plan details including the storm ponds and bioretention areas.

*(G) Discussion of water sources for the wetland;*

**Response:** Pages 2 and 3 of the submitted Critical Areas Report discuss water sources for the wetlands.

*(H) Project schedule;*

**Response:** Construction activities and project scheduling is noted on page 3 of the submitted Critical Areas Report.

*(I) Discussion of how the completed project will be managed and monitored;*

**Response:** Pages 11 through 15 of the Critical Areas Report provide a detailed discussion of managing and monitoring the site's preserved wetlands.

*(J) Discussion of contingency plans in case the project does not meet the goals initially set for the project.*

**Response:** A contingency plan is listed on pages 14 and 15 of the submitted Critical Areas Report.

*(m) Wetland Enhancement – Final Plan. The contents of the final enhancement/mitigation plan shall include:*

**Response:** The final Wetland Enhancement plan will be prepared and submitted after preliminary land use approval has been obtained.

*(n) Wetland Permit – Application.*

*(i) Applications for wetland permits shall be made to the city on forms furnished by the city. The city shall process a wetland permit application as a request for land use approval pursuant to Chapter 18.30 LCMC.*

**Response:** The required Master Land Use Application has been completed and included as part of this submittal package.

*(ii) Wetland permit applications shall include:*

(A) *Wetland delineations and required buffer width;*

**Response:** The submitted plan set illustrates the wetland delineations and required buffer widths identified in the "Wetland Delineation and Assessment" reports.

(B) *A site plan for the proposed activity overlaid on an aerial photograph at a scale no smaller than one inch equals 400 feet showing the location, width, depth and length of all existing and proposed structures, roads, stormwater management facilities, sewage treatment, and installations within the wetland and its buffer;*

**Response:** The submitted Critical Areas Report contains Appendix A and Appendix B, both of which are aerial photos with the proposed building, parking areas, stormwater facilities, approaches, drive aisles, and outdoor fields overlaid onto them.

(C) *The exact sites and specifications for all regulated activities including the amounts and methods;*

**Response:** Appendix A of the submitted Critical Areas Report provides the critical area resource, water quality score, hydrologic score, habitat score, size, buffer width, and permanent and temporary resource and buffer disturbance. Appendix B of the report provides the on-site restoration area specifications with a listing of the exact locations and quantities of proposed restoration plantings, along with the name and size at planting. The report itself on pages 9 through 15 contains a complete discussion of the temporary and permanent disturbances to the resources and their buffers, as well as the proposed mitigation plan.

(D) *A proposed preliminary enhancement/mitigation plan meeting the requirements of this chapter.*

**Response:** The submitted Critical Areas Report provides the preliminary enhancement/mitigation plan. Appendix B shows the quantity, name, percent of mix, size, spacing, and location of proposed trees and shrubs, all of which has been selected from the City's approved list. Page 9 of the report provides the mitigation proposal. Table 2 on page 10 of the report shows the impact area and proposed mitigation type with a discussion of the wetland buffer restoration and planting concept below Table 2. Performance criteria and monitoring standards are listed on pages 11 through 14 of the report, with a contingency plan listed at the bottom of page 14 and top of page 15.

### **18.300.100 Best available science**

**Response:** Two wetland delineation assessments were performed for the site – on November 2017 for the large south portion of the site and one in September 2018 for the north triangular portion of the site. A full discussion is given on pages 1 through 3 in both reports detailing the methods utilized in the assessment. Pages 1 and 2 of the submitted "Fish & Wildlife Habitat Conservation Areas Assessment" report prepared November 30, 2017 provide details of the method used in determining fish and wildlife habitat on the site. All assessments were performed by Kevin Grosz, PSW, of Olson Environmental, LLC.

### **18.300.110 Development standards**

(1) *These development standards apply to uses on critical areas and within buffers unless otherwise exempted in this title.*

**Response:** The site contains critical areas and buffers that are not exempted.

(2) *In order to approve application for development on lands subject to this chapter, the mayor or his or her designee shall find that the following standards have been met:*

- (a) *All reasonable alternatives for locating the development activity in such a way so as to avoid critical areas have been considered and the development activity will be located in the least environmentally sensitive area as practicable and the purpose of this chapter, as described in LCMC 18.300.010, is fulfilled. If avoidance is not practicable, as determined by the city, development shall minimize adverse impacts to critical areas and buffers consistent with the mitigation sequencing measures and mitigation and enhancement measures prescribed in this chapter.*
- (b) *The city has approved the vegetation removal methods and the removal of native plants has been avoided.*

**Response:** Vegetation will be removed by hand in the buffer areas of Wetlands A and D to reduce the removal of native plants to the extent practicable. No activity is proposed in Wetland B or its buffer. Wetlands E and F are being removed to complete required street frontage improvements.

(c) *All adverse impacts to all affected critical areas and buffers are either avoided or fully mitigated.*

**Response:** No impact is taking place to Wetland B or its buffer. No impact is taking place to Wetland A or D. Limited impact is taking place to the buffers of Wetlands A and D. Very limited impact is taking place to the riparian area buffer, and no impact is taking place to the riparian area itself. The limited impact that is taking place to the buffers of Wetlands A and D and the riparian buffer is being fully mitigated along with the unavoidable removal of Wetlands E and F. A detailed discussion of the complete mitigation plan takes place later in this narrative under 18.300.120.

A complete discussion of the avoidance strategy and mitigation sequencing takes place earlier in this narrative and is repeated here. A discussion of avoidance and minimization strategies also takes place at the bottom of page 6 and top of page 7 of the submitted Critical Areas Report.

The mitigation sequence in 18.300.30(46)(a) lists "avoiding the impact by not taking a certain action or parts of an action" as the most-preferred type of mitigation. As shown on the submitted plan set and addressed in the Critical Areas Report, this method has been utilized to the extent practicable. The Critical Areas Report labels the site's five wetlands as Wetland A (the large wetland in the southwest corner); Wetland B (the large wetland in the northeast area); Wetland D (the small wetland along the west boundary in the north corner); and Wetlands E and F (the two small wetlands along the site's north boundary which is NE Lockwood Creek Road); it is noted there is not a "C" wetland and that letter has been purposely omitted from the labeling sequence.

Impacts are completely avoided to Wetlands A, B, and D. Impacts are completely avoided to the buffer of Wetland B and most of the buffer of Wetlands A and D. Six different iterations to the layout were developed and discarded before the completion of the final and seventh layout (which is the submitted layout). The various iterations came about as the design team worked through the best way to avoid wetlands and buffers, the riparian area buffer, and still provide the necessary access to the site, required street frontage improvements, and maintain the ground's natural slope and drainage flow pattern as much as possible to alleviate the need for excessive grading, cutting, and filling. The six iterations are included with this application submittal to demonstrate the efforts made to avoid impact to the wetlands.

The Code's 18.300.30(46)(b) notes "minimizing impacts by limiting the degree or magnitude of the action and its implementation" as the second most-preferred type of mitigation. Unfortunately, street frontage improvements are required along NE Lockwood Creek Road and the development needs two approaches for safety reasons and for traffic flow. Because of their proximity to NE Lockwood Creek Road, neither Wetlands E or F can be preserved and still provide frontage improvements and two approaches at a grade compliant with the Code. Referring to the submitted six previous iterations, the project attempted several times to avoid complete impact to all the wetlands and had to settle for minimizing impact to just Wetlands E and F.

The project does propose installation of a 5-foot-wide wood chip pedestrian trail running through a portion of the buffer around Wetland A. The trail will be installed with hand labor and light equipment. The pedestrian trail provides connectivity with the gravel and asphalt running track being constructed around the football field, physical education field, and large grassy area to allow for pedestrian circulation throughout the south portion of the site. The portion of the path that goes through the buffer area of Wetland A will consist of wood chips rather than an impervious surface to minimize buffer impact and has been limited to the shortest length possible while still providing a connection between the gravel and asphalt running track and avoiding the actual wetland. It is possible to eliminate the path completely through the buffer, but consistent with Section 18.300.050(4)(a) of the Code, previous trails for nonmotorized use are allowed within buffer areas subject to development and mitigation standards, and elimination of this portion of the path decreases the length of pedestrian trails being provided as part of the school's development. Elimination of this portion of the path also eliminates opportunities for students to have a designated area to walk around the undeveloped wetland and view and study its native vegetation and any wildlife visiting the wetland. Accordingly, in keeping with 18.300.30(46)(b) the path in the buffer area is limited to enough of the buffer to provide connectivity and viewing area but to avoid as much buffer area as possible by not making a complete loop through the buffer's entirety.

Section 18.300.30(46)(c) lists "rectifying the impact by repairing, rehabilitating, or restoring the affected environment" as the third most-preferred type of mitigation. The project proposes installation of stormwater pipe, dispersal trench, and a junction structure in the southeast portion of the buffer around Wetland A. The site has approximately 6 inches of elevation drop to get water out of the storm pond in the southeast corner of the site, and the lowest area for such dispersal is near Wetland A. The installation of the trench and junction structure in the wetland buffer is, therefore, completely unavoidable simply due to elevations. As noted in the Critical Areas Report, these buffer impacts are due to the required discharge elevation for the stormwater pond outfall. The grade difference between the building, stormwater pond in the southeast corner of the site, and Wetland A is minimal. The pond design was kept very shallow to keep the pond discharge in the buffer and out of the wetland while still meeting the stormwater requirements. However, upon completion of the installation of the pipe, trench, and junction structure and consistent with Section 18.300.30(46)(c) the disturbed buffer area will be repaired and will be restored with native vegetation plantings as depicted on Appendix B of the Critical Areas Report.

*(d) The plan minimizes cuts and fills.*

**Response:** As noted on page 6 of the submitted Critical Areas Report, the project design has avoided and minimized the impacts to the wetlands, wetland buffers, and riparian resources to the greatest extent practicable. The site and grading plan have gone through several iterations to minimize overall impacts. The parking lot, frontage entry, and access points were redesigned multiple times in relocation, size, and position to avoid the riparian buffer and Wetlands B and D to the greatest extent practicable. Fill slopes were steepened to 3:1 where possible to reduce the extent of excavation and clearing limits resulting in no impacts to Wetland B or its buffer.

- (e) *Soils are not exposed during the rainy season (November 1<sup>st</sup> through April 30<sup>th</sup>) and construction activity is limited to the dry season (May 1<sup>st</sup> through October 31<sup>st</sup>).*

**Response:** It is acknowledged soils in the wetland buffers of Wetlands A, B, and D will not be exposed during the rainy season of November 1<sup>st</sup> through April 30<sup>th</sup> and construction activity in the wetland buffers of Wetlands A, B, and D is limited to May 1<sup>st</sup> through October 31<sup>st</sup>. No construction activity is proposed at all in the wetlands themselves for Wetlands A, B, or D.

- (f) *The mayor or his or her designee has reviewed and approved an erosion control plan, grading plan, and vegetation removal and replanting plan prior to construction activity.*

**Response:** An erosion control plan, grading plan, and vegetation removal and replanting plan have been included with this submittal package for review and approval prior to any construction activity on the site.

- (g) *All activities have received applicable state and federal permits and comply with SEPA requirements if the lead agency makes a threshold determination of significance (DS), or a mitigated determination of nonsignificance (MDNS).*

**Response:** The required SEPA has been completed and submitted as part of this application, along with the Critical Areas Report and requested permits. The project will comply with all SEPA requirements through either the threshold determination of significance or the mitigated determination of non-significance.

- (h) *Hydraulic permits are required for any activity occurring within the ordinary high water mark of any state-regulated Class I or Class II stream.*

**Response:** The site does not contain any Class I or II streams.

- (i) *Compliance with this chapter does not constitute compliance with state and federal environmental standards. The applicant shall be responsible for demonstrating such compliance.*

**Response:** The applicant acknowledges compliance with the City's Code does not constitute compliance with state and federal environmental standards and intends to comply with all state and federal regulations as well as those in the City's Code.

### (3) *Review Process*

**Response:** The submitted Critical Areas Report, SEPA, wetland delineation assessments, and the habitat conservation area report are all included for review with the Type III Conditional Use Permit application and hearing process.

### (4) *SEPA Review*

**Response:** A completed SEPA has been submitted with this Type III Conditional Use Permit application for review.

### **18.300.120 Mitigation**

- (1) *Approval. City approval of a mitigation plan is a prerequisite for approval of any development activities on critical areas.*
- (a) *The applicant shall submit a written request describing the extent and nature of the proposed development activity on critical areas and buffers. The request shall include boundary locations and identification of all designated critical areas and buffers.*

**Response:** The submitted Critical Areas Report provides a written description of the proposed development activity on the wetlands, riparian area, and associated buffers. Specific details are given on Page 6 of the report, along with avoidance and minimization strategies. Appendix A of the report provides a visual illustration of the critical areas in relation to the proposed development, along with buffers and temporary and permanent impacts designated.

As a summary, the site contains five wetlands and one riparian area. The riparian area will remain undisturbed. The buffer for the riparian area will experience temporary disturbance during construction of 300 square feet. This temporary disturbance is for grading to accommodate the new impervious surfaces of the northwest drive aisle and parking area. This very small area is shown on the eastern-most portion of the buffer area on Appendix A of the report.

There is a large wetland in the northeast area of the site which the Critical Areas Report identifies as Wetland B. No temporary or permanent disturbance will take place to this wetland or its buffer. This area is shown as completely clear of disturbance on Appendix A.

There is a larger wetland in the southwest area of the site which the Critical Areas Report labels as Wetland A. No temporary or permanent disturbance will take place in the wetland. To the buffer, however, there will be both temporary and permanent disturbance. A 5-foot-wide private wood chip pedestrian trail will be installed in a portion of the buffer area to remain as a permanent feature. There will be permanent installation of stormwater pipe, dispersal trench, and junction structure in the buffer area as well. Both the path and the location of stormwater items are shown in the buffer area of Wetland A on Appendix A. The table in Appendix A lists the temporary disturbance in the buffer area as 1,470 square feet and the permanent disturbance in the buffer area as 3,050 square feet.

There is a small wetland on the west boundary in the north corner of the site, which is labeled as Wetland D in the Critical Areas Report. Again, no temporary or permanent disturbances will take place in this wetland, but there will be a small amount (2,017 square feet) of temporary disturbance to the buffer during site grading to accommodate new impervious surfaces of the northwest drive aisle and parking area.

Finally, there are two very small wetlands along the north boundary line of the site, which is also NE Lockwood Creek Road. These two wetlands are labeled as Wetland E and F. Wetland E is directly in line with the proposed northwest approach and both Wetland E and F are in line with City-required street frontage improvements to and right-of-way dedication of NE Lockwood Creek Road. Accordingly, the permanent removal of both Wetland E and F is unavoidable.

- (b) *The application for development shall include a mitigation plan prepared in compliance with this section.*

**Response:** The required mitigation plan is part of the submitted Critical Areas Report with discussion beginning on page 9 of said report through the end of the report and Appendix B providing an illustration of written mitigation/enhancement plan.

*(c) The city may require the applicant to prepare special reports evaluating potential adverse impacts upon critical areas and potential mitigation measures as part...*

**Response:** This submittal includes a stormwater plan shown on Sheets C401 through C406 and a preliminary Technical Information Report (stormwater report); geotechnical engineering soils report; grading and erosion control plans shown on Sheets C201 through C306; two wetlands delineation assessment reports; a critical areas report; and a fish and wildlife habitat conservation area assessment. A discussion of native vegetation on the site is included in the wetland delineation assessment reports, Critical Areas Report, and the fish and wildlife habitat conservation area assessment.

*(d) The city shall consult with state and federal resource management agencies and, in order to protect wildlife habitat or natural resource values, shall attach such conditions as may be necessary to effectively mitigate identified adverse impacts of the proposed development activity.*

**Response:** The applicant acknowledges the City shall consult with state and federal resource management agencies with attachment of resulting conditions as necessary to effectively mitigate impacts of the proposed project.

*(e) The city may request third party "peer review" of an application by qualified professionals and may incorporate recommendations from such third party...*

**Response:** The applicant acknowledges the City may request third-party peer review of the critical areas report.

*(f) All reports recommending mitigation shall include provisions for monitoring of programs and replacement of improvements, on an annual basis, consistent with report recommendations and at years one, three, five, and seven. The city reserves the right to require reporting at year 10.*

**Response:** The submitted Critical Areas Report states that the school district will monitor the mitigation areas for 10 years after completion of the project. Additionally, the site will be monitored in years 1, 3, 5, 7 and 10 by a third-party representative hired by the school district to evaluate compliance with stated performance standards, with preparation of a form report. Additional monitoring will occur in intervening non-report years to inform and guide site development activities.

*(g) The city may require replacement mitigation to be established and functional prior to project construction.*

**Response:** While the applicant acknowledges the city may require replacement mitigation to be established and functional prior to project construction, the applicant suggests that survivability of the replacement and enhancement plantings is much better after site grading, installation of underground utilities, and construction of the school building has taken place. Specifically, the buffer areas that will need to be replaced and enhanced are where site grading and installation of stormwater pipe, dispersal trench, and junction structure will occur.

(2) *No Net Loss.*

(a) *Mitigation efforts, when allowed, shall ensure that development activity does not yield a net loss of the area or function of the critical areas. No net loss shall be measured by:*

(i) *Wherever possible, replacement or enhancement shall occur on site.*

**Response:** As stated on page of the submitted Critical Areas Report, the mitigation/enhancement plan proposes to mitigate with a total of 0.25 acres of buffer enhancement area at a 1:1 ratio for both Category III and IV buffer impacts. The large wetland in the southwest area of the site will have buffer enhancement of 0.20 acres. The small wetland along the west boundary in the north corner of the site will have 0.05 acres of enhancement in its buffer area on the site. Remaining buffer enhancement area of 0.08 acres will be available to account for any changes during design development and construction which may impact additional wetland buffers due to unforeseen issues. Table 2 at the top of page 10 of the Critical Areas Report shows the bulk of the enhance is occurring on the site.

Temporary impacts will be restored to previous conditions using native grass and plantings where feasible. The proposed buffer enhancement mitigation area will convert existing non-native grass to a dense mixed-coniferous forest restoring and enhancing both riparian and wetland buffer function. Functions restored and enhanced include light and glare screening, general habitat function, vertical structure, habitat interspersion, riparian corridor connectivity, shading, and increase in primary food chain support.

As stated on Page 10 of the report, the buffer mitigation site will consist of soils restoration and planting/establishment of a dense mixed-coniferous forest community. Soils restoration will include clearing to remove invasive brush species and competitive non-native pasture grass sod, de-compaction of formerly grazed and mowed soils, addition of a compost blanket to establish an O soil horizon, and a bark mulch blanket to mimic a forest duff layer. The mulch amendments will improve soil texture, infiltration, and soil fertility, help retain soil moisture into the growing season, and significantly reduce competition with invasive weeds and grasses. Logs and root wads will be placed within the buffer mitigation area as woody habitat structures throughout the buffer mitigation site as appropriate.

(ii) *However, where the applicant can demonstrate that an off-site location is in the same drainage basin, and that greater biological and hydrological values will be achieved, the city may approve such off-site mitigation.*

**Response:** No off-site mitigation is proposed excepting the 0.068 acres purchased from the mitigation bank to compensate for the 0.08 acres of Category IV wetland impacts. The second-to-last paragraph on page 9 of the submitted Critical Areas Report gives full details of the mitigation bank and how this will re-establish approximately 100 acres of wetland habitat to the East Fork Lewis River Watershed, of which the site is a part.

(iii) *Wetponds established and maintained for control of surface water shall not constitute mitigation for wetland alterations.*

**Response:** No wet ponds are proposed for this project.

(iv) *Where there is a wetland within 25 feet of the toe of a slope equal to or greater than 25 percent, the buffer shall be...*

**Response:** As evidenced by a review of existing conditions shown on Sheet C101 of the submitted plan set, the site does not have any slopes equal to or greater than 25 percent.



- (3) *Mitigation Plan. A mitigation plan shall provide for the design, implementation, maintenance, and monitoring of mitigation measures. A mitigation plan shall include but is not limited to the following:*
- (a) *Methods and techniques to be used to mitigate impacts to critical areas;*

**Response:** The mitigation proposal for the project is outlined in the submitted Critical Areas Report. Page 9 begins the discussion of the proposed mitigation. The following paragraphs are excerpts from page 9 of the Critical Areas Report.

"The mitigation/enhancement plan proposes to mitigate with a total of 0.25 acres of buffer enhancement area at 1:1 ratio for both Cat III or Cat IV buffer impacts. Wetland A (CAT III) buffer will be enhanced for 0.20 acres. Wetland D (IV) buffer will be enhanced for 0.05. Wetland D buffer overlaps with the regulated riparian buffer and result a mutual enhancement benefit to both critical areas. The remaining buffer enhancement area (0.08 acres) will be available to account for changes during design development and during construction that may impact additional wetland buffers and direct functional losses due to unforeseen issues.

The primary impacted functions are water quality and habitat. The proposed stormwater management plan is anticipated to fully treat for the water quality impacts. With moderate to low habitat scores, the temporal functional habitat loss will be minimal. Impacts to habitat will be mitigated on-site by enhancing the existing non-native grass areas within Wetland A and Wetland D buffers to a native mixed-coniferous forest reference community. The proposed mitigation will see an overall increase in habitat function with established tree canopy, native understory, vertical structure, corridor connectivity, screening, food chain support and shading. The anticipated success of enhancement for temporary and permanent wetland/riparian buffer impacts is obtainable with the appropriate methods outlined in the wetland buffer restoration and planting concept.

Permanent direct impacts to wetlands, (Wetland D and E) will be mitigated using credit purchase from the East Fork Lewis Mitigation Bank (EFLMB). The East Fork Lewis Mitigation Bank (EFLMB) received final approval and certification in June 2011 and can transfer both wetland and critical area buffer credit to permit applicants within the service area, WRIA 27. The EFLMB will re-establish approximately 100 acres of wetland habitat to the East Fork Lewis River Watershed. The Bank site is located along a portion of the greater Fargher Lake system, a large, shallow basin that is part of a 423-acre peat deposit thought to have formed in an ancient volcanic caldera. Prior to agricultural activity in the area, the US Army Corps of Engineers historical mapping identified habitat types such as forested, shrub and emergent wetlands that historically would have been present on the property. Per the approved documentation of the mitigation bank, Cat IV wetland impacts are mitigated at a rate of 0.85:1. The project has 0.08 acres of Cat IV wetland impacts and will purchase 0.068 acres from the mitigation bank."

- (b) *Explanation of methods and techniques, such as construction practices to be used to implement the identified mitigation methods;*

**Response:** The full mitigation plan is provided in the submitted Critical Areas Report. The top of page 9 notes that future impacts will be avoided to the greatest extent practicable during construction. Removal of vegetation will be limited to what is only required for the grading and approved plans. All clearing limits, staging areas, and preservation of vegetation will be clearly marked prior to commencing construction and

maintained until all work is completed. Best Management Practices will be maintained in good working order throughout all construction activities.

It is also noted at the top of page 7 that the wood chip pedestrian trail will be installed with hand labor and light equipment.

*(c) Methods and techniques for monitoring said mitigation and a proposed time frame for such monitoring.*

**Response:** The full mitigation plan is provided in the submitted Critical Areas Report. Pages 11 through 13 outline the performance standards and the monitoring methods for each standard. Pages 13 and 14 provide the monitoring schedule, noting that the school district will monitor the On-Site Buffer Mitigation Areas for 10 years after completion of the project.

*(4) Stormwater Management. Any development on critical areas shall be consistent with either Chapter 18.320 LCMC, Stormwater and Erosion Control, or the most recent version of...*

**Response:** The submitted stormwater plan shown on Sheets C401 through C406 and the preliminary Technical Information Report were prepared in accordance with Chapter 18.320 of the Code.

*(5) Buffer Enhancement. Where a development avails itself of the buffer reduction opportunity...*

**Response:** No buffer reductions are proposed.

## **CHAPTER 18.310 ENVIRONMENTAL POLICY**

**Response:** The required SEPA has been completed and is included as part of this submittal.

## **CHAPTER 18.320 STORMWATER AND EROSION CONTROL**

**Response: Drainage** – Sheets C401 through C406 of the submitted plan set illustrate the stormwater plan for the site, along with the submitted preliminary Technical Information Report. Existing site drainage is characterized by two outflows. Drainage on the north side of the site discharges west to a 12-inch pipe and to the adjacent overland flow courses towards the stream west of the site. On the south side of the site, a separate wetland receives surface runoff and discharges to an unpaved access drive at the southwest corner of the site. Runoff from both discharge points is conveyed to Lewis River, approximately ½ mile downstream.

The development will largely keep existing drainage patterns intact by utilizing detention ponds with controlled outflows in accordance with the Stormwater management Manual for the Puget Sound Basin (“Stormwater Manual” – Washington Department of Ecology, 1992), which has been adopted by the City to govern stormwater management. Bioretention facilities are proposed for water quality treatment, capturing runoff from pollution generating surfaces (the expanded frontage and parking areas) and all run-on to such surfaces from the surrounding site improvements, primarily landscaping and sidewalks. Pipe conveyance systems will carry runoff to detention ponds which will meet quantity control requirements, discharging to the existing pipe to the north and the existing wetland to the south.

A large drainage area north of Lockwood Creek Road is collected by roadside ditches that discharge through a 24-inch ductile iron culvert and an 8-inch CPP culvert onto the north end of the site and to the TDA #1

discharge point. Drainage through these two culverts will be conveyed through the site without entering pipe, detention, and/or bioretention facilities designed to manage runoff from site improvements. The proposed bypass culvert will maintain the same discharge point as existing conditions (the TDA #1 discharge).

**Erosion Control** – Erosion control for the site will apply a stabilized construction entrance, inlet protection, and silt fence at applicable locations across the site during construction. Stockpile areas will be designated and will require stabilization. A construction stormwater permit will be processed for the project prior to start of construction. Sheets C201 through C204 of the submitted plan set show the details of the proposed erosion control plan.

**Grading** – The existing grades of the project area generally slope from the north to south as well as east to west. The proposed grading follows the existing topography to the greatest extent feasible, but it is limited by avoiding steep slopes for the parking/drive aisle connecting the frontage road to the building, as well as ensuring proper drainage throughout the site. The building finish floor elevation is established at 137, excepting the south wing of the building which drops 4 feet to an elevation of 133. The area surrounding the building has been designed to slope away from the building, and plaza areas have been maintained to be relatively level with local low points for drainage. The portion of the site north of the building is primarily fill area, where the area south of the building generally maintains existing grades. The building will be placed on fill, except the south wing will be placed in a cut area. In areas of improvement, 12 to 18 inches of strippings will be required and will be replaced with a structural fill. This project proposes approximately 30,000 cubic yards of cut and 29,000 cubic yards of fill. Approximately 27,000 cubic yards of cut material will be from strippings across the site, of which some of the material will not be re-useable and will require import of fill from off-site. The remainder of the strippings will either be disposed of off-site or stockpiled on school property. Sheets C301 through C306 of the submitted plan set show the details of the proposed grading plan.

#### **CHAPTER 18.340 NATIVE PLANT LIST**

**Response:** The submitted mitigation and enhancement plan in Appendix B of the Critical Areas Report lists the following native plants as proposed plantings: quaking aspen, Douglas fir, Oregon ash, western red cedar, vine maple, red osier dogwood, beaked hazelnut, oceanspray, tall Oregon grape, Indian plum (or osoberry), nootka rose, salmonberry, and snowberry. All these plants have been selected from Table 18.340.040(2) of the Code's Chapter 18.340.

#### **CHAPTER 18.350 TREE PROTECTION**

**Response:** Sheets L0.00 through L0.6 of the submitted plan set comprise the Tree Protection Plan for the project. A review of these sheets shows there are existing trees along the north boundary line and along the south boundary line. The large row of existing trees on the site's south boundary will remain and will be preserved in a 20-foot-wide landscape buffer area as shown on Sheets L0.00, L0.5, L0.06, L1.05 and L1.06. The tree protection fencing method is shown on Sheet L0.05. The existing trees along the north line must be removed to install City-required street frontage improvements to the site's NE Lockwood Creek Road frontage.

A letter from Keith Bloom dated September 5, 2018, with attached site photographs, addresses the health of the existing trees on the site. This letter with attached photographs is included in the submittal package.

To mitigate for removal of any of the healthy trees along the north boundary, noting that removal of dead, dying, diseased, or hazardous trees are exempt from mitigation requirements, additional tree plantings will take place as part of the mitigation and enhancement plan shown on Appendix B of the Critical Areas Report

to include 15 quaking aspen, 40 Douglas fir, 30 Oregon ash, and 25 western red cedar. 19 street trees will be planted along the site's north boundary identified on Sheet L2.07 as the scarlet oak. Sheet L2.07 also lists freeman maple, Oregon ash, sour gum, Serbian spruce, Douglas fir, western red cedar, vine maple, amur maackia, ruby vase Persian parrotia, bitter cherry, and cascara as trees to be planted throughout the site in the Type 1 and 3 landscape buffers, interior landscaping, and parking landscape islands. Sheets L2.00 through 2.06 show the placements of the proposed tree plantings. It appears roughly 16 existing trees will be removed from the site, over 100 existing trees on the site's south boundary will be preserved, and over 200 new trees will be planted.

## **CHAPTER 18.360 ARCHAEOLOGICAL RESOURCE PROTECTION**

**Response:** This is an application for a Type III Conditional Use on approximately 17.32 acres; therefore, Chapter 18.360 of the Code is applicable.

The bulk of the site was assessed in a report dated May 16, 2018, prepared by Archaeological Investigations Northwest, Inc. The north triangular portion of the site was assessed with findings noted in a memo dated September 17, 2018, also prepared by Archaeological Investigations Northwest, Inc. Copies of both the May and September 2018 documents are included with the application submittal. Copies of both documents have also been submitted to DAHP, and the email confirming such submittal is included with this application package. The applicant acknowledges these documents are exempt from any public disclosure requests pursuant to RCW 27.53.070.

The May 2018 document states no additional archaeological work is recommended. Additionally, the document states should unanticipated archaeological or historic resources be encountered during construction of the La Center Middle School Development, all ground-disturbing activity near the find should be halted, and DAHP should be promptly notified.

The September 2018 document shows the presence of a possible archaeological resource which has been identified on the plan set in the northwest corner of the site. Sheet L1.01 shows the archaeological site boundary in the northwest corner, and Sheet L2.01 shows the same boundary with a note to not disturb the ground and add 3 inches of topsoil and re-seed as needed.

## **TITLE 8 HEALTH AND SAFETY**

### **CHAPTER 8.60 SIGN REGULATIONS**

#### ***8.60.060 Signs in residential zones***

- (3) *Signs Allowed with a Permit. The following signs are allowed in the city's residential zones so long as a permit is first obtained:*
- (a) *One illuminated freestanding sign may be placed at each street entrance to a subdivision, neighborhood, apartment or condominium complex; provided, that it is not larger than 32 square feet in area and not greater than five feet in height above the average grade at the sign. Such a sign shall not be in the public right-of-way.*

**Response:** As allowed in the site's residential zone, one freestanding monument sign is proposed on the east side of the northwest approach. Sheet L1.01 of the submitted plan set shows the proposed location south of NE Lockwood Creek Road and east of the northwest approach, outside of the public right-of-way. Sheet A1.03 of the submitted plan set shows the dimensions of the proposed sign with a height of four feet from finished grade to the top of the sign and 32 square feet in area.

- (o) *Electronic Reader Board. An electronic reader board is not a separately allowed sign. Where they are allowed they may be integrated within an allowed freestanding sign. An electronic reader board shall comply with each of the following requirements:*

**Response:** An electronic reader board will be contained within the 32-square-foot area of the monument sign. The reader board, as shown on Sheet A1.03, will be 1-foot-6-inches-tall by 7-feet-2-inches wide for an approximate area of 10.74 square feet. The reader board shall only be active during business hours. When the reader board is running, the only motion shall be instantaneous change to the message, the minimum hold between messages shall be at least four seconds if not more, certified data pertaining to maximum luminance shall be submitted with the sign permit application, and the reader board will contain features to provide automated control of sign luminance based on current ambient lighting conditions. These requirements will again be reviewed for compliance during the permitting stage of the sign.

### **TITLE 3 REVENUE AND FINANCE**

#### **CHAPTER 3.35 IMPACT FEES**

**Response:** Development is construction of any building or building space. Impact fees are imposed and required for any development. This application proposes construction of a 77,275-square-foot school for 41 employees and 550 students. Applicable impact fees will be determined and paid as part of the building permit application process.

### **TITLE 12 STREETS, SIDEWALKS, AND PUBLIC WAYS**

#### **CHAPTER 12.05 SIDEWALKS**

**Response:** The project will construct new sidewalk along its NE Lockwood Creek Road frontage. The sidewalk will be constructed in accordance with the City's standards. Sheets C701 through C703 illustrate the sidewalk design showing compliance with the Code.

#### **CHAPTER 12.10 PUBLIC AND PRIVATE ROAD STANDARDS**

**Response:** The project will not install any new public or private streets. There will be a 3-foot right-of-way dedication along the site's NE Lockwood Creek Road frontage along with City-required half-street improvements for the Minor Arterial "A" cross section. Sheets C701 through C703 illustrate the proposed frontage improvements in compliance with City requirements. Required street tree plantings are shown on Sheet L1.00. Street illumination plans are Sheets C801 through C803. On-site street and parking plans are depicted in Sheets C601 through C606 showing the two proposed approaches, drive aisles, fire lanes, and a two-way driveway along the east boundary line. Sheets C301 through C306 comprise the site's grading plan and Sheets C401 through C406 show the proposed stormwater plan. The required construction stormwater permit and SWPPP will be prepared and submitted as part of the final construction drawing review process.

### **TITLE 13 PUBLIC UTILITIES**

#### **CHAPTER 13.10 SEWER SYSTEM RULES AND REGULATIONS**

**Response:** Sheets C501 through C505 are the sanitary sewer and water plans. The sole source of sanitary effluent from the proposed improvement will be the new school building. Two sanitary lateral lines will exit the building footprint, one from the north side of the building, the other from the south. Each will connect to a separate 6-inch sanitary branch. The north lateral will include effluent from a kitchen that will be routed through a grease interceptor. The north lateral effluent will enter the 6-inch conveyance system with 2

percent slope extending past the east face of the building, where it will bend south, crossing beneath the east bioretention area and connecting to a manhole collecting effluent from both branches at the northwest corner of the proposed track and field. The south lateral will connect to a separate manhole on the south side of the building and will enter the 6-inch conveyance pipe with 2 percent slope extending east, directly to the intersection point with the north branch.

Effluent from the two branches will then be conveyed by gravity approximately 400 feet directly to the south, where it will enter a pump station wet well 24 feet in depth. The fenced, automated duplex pump station will be located near the southeast corner of the site, adjacent to the large stormwater detention pond and will include a 40 kW, natural gas emergency generator in a sound-attenuated enclosure, along with an automatic transfer switch, control panels, and site lighting. The pump station will be designed with full redundancy, with each pump sized to individually convey the maximum expected peak inflow to the station, such that the station will maintain full capacity should one pump fail. The station's PVC force main will be located at approximately three feet in depth throughout its 1,900-foot length. The force main will convey pumped flow northerly, approximately 1,000 feet, along the driveway on the east portion of the site. The force main crosses to the north side of Lockwood Creek Road prior to bending to the west, conveying flow an additional 900 feet to the connection point to the existing gravity sanitary sewer line at the intersection of NE Lockwood Creek Road and E Spruce Avenue.

## **TITLE 15 BUILDINGS AND CONSTRUCTION**

### **CHAPTER 15.05 BUILDING CODE AND SPECIALTY CODES**

**Response:** It is noted that this application is for land-use approval, and it is not seeking approval of any building permit applications. After land-use approval has been obtained, the applicant will submit all necessary building, mechanical, electrical, and plumbing permits for review and approval prior to any building construction. This application includes the basic floor plan and building elevations for purposes of site plan review and conditional use permit approval. Full building plans, along with mechanical, electrical, and plumbing plans will be prepared in accordance with the Code and submitted with the applicable building permit applications after this current application has been approved.