



NARRATIVE

For

PARADISE PARK SITE PLAN

**A TYPE II POST DECISION
REVIEW APPLICATION**

Submitted to
CITY OF LA CENTER

**FOR
LUKE SASSE
9321 NE 72ND AVE BLDG C#7
VANCOUVER, WA 98665**

January 2025

General Information

Applicant:

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Location:	SW ¼ Section 4, T4N R1E, WM
Site Address:	No Situs Address
Project Size:	3.36 acres
Jurisdiction:	La Center
Zoning:	JP – Junction Plan
Comprehensive Plan:	JP - Junction Plan
Comprehensive Plan Overlay:	None
Current Use:	Vacant
Tax Lot Information:	209708000
School District:	La Center
Water District:	Clark Public Utilities
Sewer District:	Rural/Resource
Fire District:	Clark Co Fire

Project Description

The Paradise Park Site Plan was approved under 2024-019-CUP/PSR on December 17, 2024. The project approval included a phased commercial development on a 3.36-acre site comprised of a 3,900 sf commercial building (specific use to be determined), a 2,200 square foot quick-serve restaurant (QSR) with indoor seating and drive-through service, and a 109-unit 5-story hotel with approximately 56,357 total square feet and associated parking.

The applicant requests the following to be reviewed as a Type II Post Decision Review:

1. A variance to the height limit restricting the hotel to 60 feet.
2. A road modification to the LCMC 18.158.030(1)(b) requirement of an accessway/block every 400 feet and Figure 18.158.020-3 showing an A-street along the eastern edge of the site due to topography, wetlands and a stream corridor blocking potential accesses.

1. Variance:

A Type I variance to the 60-foot maximum height in Table 18.158.040-1(a)(i) is requested to allow a 65' tall building without underground parking. This request is justified based on topography, wetlands, stream corridor, and constraints resulting from the narrow configuration of the lot.

The approval criteria for a variance in the City of La Center are set forth in LCMC 18.260.040:

The review authority shall approve or approve with conditions an application for a variance if he or she finds the applicant has sustained the burden of proving that:

- (1) Unusual circumstances or conditions, such as size, shape or topography of a site, or the location of an existing legal development apply to the property and/or the intended use that do not generally apply to other properties in the vicinity or zone. An unusual circumstance could also include another obligation under a different municipal code section or a state or federal requirement;
- (2) The unusual circumstance cannot be a result of actions taken by the applicant;
- (3) The variance request is necessary for the preservation of a substantial property right of the applicant which is possessed by the owners of other properties in the vicinity or zone;
- (4) The variance request is the least necessary to relieve the unusual circumstances or conditions identified in subsection (1) of this section;
- (5) Any impacts resulting from the variance are mitigated to the extent practical; and

(6) 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.

Variations may not be used to change the required residential density or to allow uses that would not otherwise be permitted in a zone. [Ord. 2021-03 § 2 (Exh. A), 2021; Ord. 2006-17 § 1, 2006.]

The requested variance will not increase the required residential density or allow uses not otherwise allowed in the zone.

An excerpt from the original Variance Request Memo for the project, written by Steve Morasch with Landerholm states,

“... there are general findings that apply to most or all of the requested variances, with respect to Criteria 1 through 3. It is important to note that the La Center variance criteria only require the applicant to demonstrate “unusual” conditions, not “unique” conditions. Therefore, the applicant does not need to demonstrate that the conditions affecting its property are “unique,” just unusual.

There are also topographic challenges due to the narrowness of the subject property fronting along La Center Road, with a stream corridor and wetland at the east end of the property running diagonally from La Center Road to the southwest near the middle of the property. This is an unusual condition that does not generally apply to other properties in the vicinity.

In addition to the narrowness of the subject property, the subject property has a significant grade change of about 50 feet from one end to the other. When this grade change is viewed in conjunction with the narrowness of the site with the wetland and stream corridor cutting to the southwest at the eastern end of the property, it becomes apparent how unusual the topographical constraints are. Many of the standards for the Junction Plan were adopted without analyzing how these standards could be applied to lands with significant grades, and many of these standards simply cannot be met on a property with the steep slopes present on the subject property.

Finally, LCMC 18.260.040 defines “unusual conditions” to “include another obligation under a different municipal code section or a state or federal requirement.” In this case the lack of a development agreements similar to those affecting surrounding properties constitute “unusual conditions” because obligations under the Junction Plan (a municipal code section) do not apply to surrounding properties per the development agreements, which subject those properties to regulation under a “different municipal code section.”

Based on the exhibits provided by PLS Engineering, it appears there are only four properties within the Junction Plan that are actually required to comply with the Junction Plan. The rest are either already fully developed prior to the Junction Plan, or obtained approvals prior to application of the Junction Plan, or are subject to development agreements vesting them to the prior code such as the Minit Management development (2020-009-CUP/SPR/SPL/SEPA) that was approved in May 19, 2020, or are owned by the Cowlitz Tribe and will be placed in trust, exempting these lands from City of La Center zoning and land use authority. Based on the exhibits provided by PLS Engineering, only four properties are subject to the Junction Plan, and being one of those four properties is in itself an unusual circumstance.

Thus, the subject property meets Criterion 1 both because of the unusual topography of the site and because of the unusual way the Junction Plan was adopted and implemented to apply only to four properties within the rather large areas subject to the Junction Plan.”

Specific to the height variance request, it should be noted that Note 3 of Table 18.158.040-1(a)(i) would allow a 65-foot-high building with underground parking however underground parking is not needed to fully meet the parking requirements of the development. The 65’ request is only an 8% height increase over the maximum allowed height. The unusual circumstances noted above relating to topography and the few parcels subject to the Junction Plan criteria justifies this minor increase in the building height.

In addition, Table 18.158.040-1(b)(ii) requires a 12’ ground ceiling height and Table 18.158.040-1(c)(ii) requires a 10’ ceiling height for other floors. Only four properties within the Junction Plan that are actually required to comply with the Junction Plan, so most properties in the Junction Plan area do not have to deal with these ceiling height requirements. Ceiling heights of 12 feet on the ground floor and 10 feet on the other floors are not really needed for this type of development but they will make the building higher than it would need to be with slightly smaller ceiling heights. Compliance with these ceiling heights increases the need and justification for a small variance to the overall height of the building.

This small increase will not be detrimental to other properties and is the least necessary being less than a 10% increase over the 60’ standard that can be developed without structured parking. Since the property is adequately parked, there are no unmitigated detrimental impacts. Thus, Criteria 4, 5 and 6 are met.

2. Road Modification:

A road modification is submitted with this application for the following:

1. To modify the standards of LCMC 18.158.030(1)(b) requiring an accessway/block every 400 feet
2. To exempt the applicant from providing an A-street along the eastern edge of the site is required as depicted in Figure 18.158.020-3.

The road modification is requested in response to Discussion item 3 of the Hearing Examiner Final Order (page 7) which states,

“As discussed in Exhibit 26, it is not feasible to comply with the 400-foot road spacing requirement of LCMC 18.158.030(1)(b) and shown in LCMC Figure 18.158.0201-3. A through-street located 400 feet from NW Paradise Park Road would conflict with the operation of the roundabout planned at the intersection of NW La Center and NW Paradise Park Roads. Steep slopes and wetland in the eastern portion of the site prevent the applicant from constructing a through road further east. LCMC authorizes the City to “[a]djust the street specifications for specific development activity as necessary...to provide for vehicular safety or pedestrian/bicycle/vehicle separation.” LCMC 12.10.310 authorizes approval of a road modification “[w]here unusual topographic conditions, nature of existing construction, unique development design or similar factors would make adherence to the width, design or alignment standards of this

chapter undesirable or impracticable...” **However, the applicant has not requested such a road modification. Therefore, the applicant should be required to comply with the road spacing requirement of LCMC 18.158.030(1)(b) unless the applicant requests and the director approves a modification to that standard. A condition of approval is warranted to that effect.”**

Futher, Condition B.1 states,

“City of La Center Engineering Standards for Construction shall apply to all public road improvements **unless modified by the director LCMC 12.10.040**. General roadway and right-of-way standards shall apply.”

The bold text in the quotes above specifically require a road modification to address requests 1 and 2. A separate Technical Road Modification Request is submitted with this narrative addressing how topography, wetlands and a stream corridor block potential accesses and justify the above requests.

CODE COMPLIANCE

A review of the pertinent code sections are as follows:

Title 12 Streets, Sidewalks and Public Ways

Street Standards:

No changes are proposed.

Circulation:

The included road modification provides justification for not providing an A-street along the eastern edge of the site as shown on Figure 18.158.020-3.

Concurrency:

No changes are proposed.

Title 13 Public Utilities

No changes are proposed that will affect public utilities.

Title 15 Buildings and Construction

No changes are proposed that will affect this section. Buildings will be required to go through building permit review; the Grading and Erosion Control Plan will be followed; all recommendations from the Geotechnical Report for the development will be followed during construction.

Title 18 - Development Code

No changes to proposed uses are proposed.

Blocks/Accessways:

The original narrative for the project included discussion regarding the requirement that blocks shall not be greater than 400' without an approved accessway as well as the A-street requirement to the east. This Post Decision Review request provides justification for both requests in the form of a formal Road Modification Request, attached.

Buildings:

A variance is requested to the maximum height limit of 60' for the hotel building only.

Parking:

No changes are proposed.

Short Plat:

No changes are proposed.

Site Plan Review:

The project went through all required reviews and received approval.

Mitigation of Adverse Impact:

No changes are proposed that would affect proposed mitigations.

Conditional Uses:

No changes are proposed.

Outdoor Lighting:

No changes are proposed.

Critical Areas:

No changes are proposed.

SEPA:

No changes are proposed that affect SEPA.

Stormwater & Erosion Control:

No changes are proposed.

Landscape & Tree Protection:

No changes are proposed.

Archaeological Resource Protection:

No changes are proposed.

Justification for Type of Review

This application will likely be processed as a Type II review.

Per LCMC 18.30.030.3”

“(a) A Type I process generally involves nondiscretionary standards or standards that require the exercise of professional judgment about technical issues. It is generally exempt from SEPA review.

(b) A Type II process generally involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion about nontechnical issues and about which there may be a limited public interest. It may be subject to SEPA review.

(c) A Type III process generally involves standards that require the exercise of substantial discretion and about which there may be a broad public interest. SEPA review is generally required.

(d) A Type IV process involves the creation, implementation or amendment of policy or law by ordinance. In contrast to the other three procedure types, the subject of a Type IV process applies to a relatively large geographic area containing many property owners. SEPA review is generally required.”

This application does not result in an increase in land use activity or intensity. The application will not result in an increase in traffic to the site. This application will not result in an adverse impact. There are no additional impacts made by the proposed changes. A SEPA was submitted with the original application that includes the proposed changes, therefore a new SEPA is not warranted.

The proposed site plan modifications are minor and do not involve an issue of broad public interest therefore it is likely that it will be reviewed under a Type II process.