

**BEFORE THE LAND USE HEARING EXAMINER
FOR THE CITY OF LA CENTER, WASHINGTON**

Regarding a request by Altius Corp. for a preliminary plat) **FINAL ORDER**
to divide 25.3 acres into 100 lots for single-family detached)
homes in the UR zone between NW Pacific Highway) **File No. 2006-019-SUB**
and NW Bolen Street in the City of La Center, Washington) **(Highland Terrace)**

A. SUMMARY

1. Altius Corporation(the "applicant") requests approval of a preliminary plat to divide 25.3 acres into 100 lots for single-family detached homes. The site is located between NW Pacific Highway on the south and NW Bolen Street on the north, south of the intersection of Bolen Street and NW 14th Avenue. The legal description of the site is tax lots 16 (258636-000), 26 (258644-000), 87 (258702-000), 88 (258703-000), 89 (258704-000), 112 (258727-000) and 148 (258763-000), Section 33, Township 5 North, Range 1 East, of the Willamette Meridian, Clark County (the "site"). The site and abutting properties to the southeast are zoned UR (Urban Residential). Properties to the east are located outside the City Limits but within the UGA and zoned R1-7.5. Properties to the north, southwest and west are located outside of the City Limits and the UGA and zoned R-5 (Rural, five-acre minimum lot size). Proposed lots vary from 7500 to 9856 square feet and do or can comply with applicable dimensional standards.

a. The applicant will dedicate right of way for and construct 14th Avenue through the site between Bolan Street on the north and Pacific Highway on the south. The applicant will dedicate right of way for and construct three new streets to the west of 14th Avenue: proposed 17th, 18th and 19th Streets. The applicant will extend two new streets to the east of 14th Avenue, proposed 15th and 18th Streets. The applicant will extend another street south of 15th Street, proposed 12th Court. The applicant will extend 18th Street to the east and west boundaries of the site and 15th Street to the east boundary to allow for further extension and cross-circulation when the abutting properties redevelop. The remaining streets will terminate in cul-de-sac turnarounds. The applicant also will dedicate right of way and construct half-width improvements on the site's NW Pacific Highway and NW Bolen Street frontages. All of the proposed lots will have direct access onto streets within the site. See Exhibit 14.

b. The applicant proposes to collect stormwater from impervious areas and direct it to a stormwater facility near the southeast corner of the site for treatment and detention. The applicant will release treated stormwater from the detention facilities to the public storm sewer system in NW Pacific Highway south of the site at less than predevelopment rates. See Attachment Q of the application and Sheet 3 of Exhibit 14.

c. Clark Public Utilities will provide domestic water and the City of La Center will provide sanitary sewer service to each proposed lot.

2. The City of La Center issued a Mitigated Determination of Nonsignificance ("MDNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA"). See Exhibit 11. Hearing Examiner Joe Turner (the "examiner") conducted a public

hearing to receive testimony and evidence about the application. City staff and consultants recommended that the examiner approve the application subject to conditions, as amended at the hearing. See the Staff Report dated November 9, 2006 (the "Staff Report"). The applicant accepted those findings and conditions, as amended at the hearing, with certain exceptions. Four persons testified orally with questions and concerns. Disputed issues or concerns in the case include the following:

- a. Whether the applicant can be required to realign the proposed 14th Avenue/Pacific Highway intersection with the existing Larsen Road/Pacific Highway intersection;
- b. Whether the alignment of the proposed stub streets will impact existing development on abutting properties;
- c. Whether traffic generated by the proposed development will exceed the capacity of area streets or otherwise create a hazard;
- d. Whether the applicant is required to construct offsite street improvements; and
- e. Whether the applicant is required to consider traffic and other impacts of the proposed development on the planned school north of the site.

3. Based on the findings provided or incorporated herein, the examiner approves the subdivision subject to the conditions at the conclusion of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. Hearing Examiner Joe Turner (the "examiner") received testimony at the public hearing about this application on December 5, 2006.¹ That testimony and evidence, including a recording of the public hearing and the casefile maintained by the City, are included herein as exhibits, and they are filed at City Hall. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. La Center city planner Dale Miller summarized the Staff Report.

a. He noted that the proposed intersection of 14th Avenue and Pacific Highway, a secondary arterial street, does not comply with the City's intersection spacing requirements. LCMC 12.10.050.A requires a minimum 500 feet between intersections on this street. The Code delegates authority to the public works director to approved access

¹ The City originally scheduled the public hearing in this matter for November 16, 2006. However the City failed to mail notice of the application to the owners of surrounding properties as required by LCMC 17.200.090(5)(b)(ii). The examiner opened the hearing on November 16, 2006, noted the procedural error and continued the hearing to December 15, 2006. No substantive testimony about the application was offered at the November 16, 2006 hearing, although several area residents appeared with questions and concerns about the City's long-term plans for a second bridge across the East Fork Lewis River south of the site. After the hearing Mr. Miller provided a summary of the City's long-term planning process.

to Pacific Highway. Larson Drive is located on the south side of Pacific Highway, roughly 350 feet southeast of the proposed intersection. The applicant must realign the 14th Avenue with the existing Larson Road intersection or shift the access to the east or west boundaries of the site in order to meet the City's intersection spacing requirements. Realigning 14th Avenue with Larson Road will impact more of the wetlands on the site. However the additional impacts are unlikely to require an individual wetland permit from the US Army Corps of Engineers (the "Corps").

b. He testified that it is not feasible to provide gravity flow sewer service to the site at this time. Therefore the applicant proposed to install force main sewer service. The applicant should be required to design the sewer system to allow connection to the gravity flow system in the future. In addition, the applicant should be required to provide sufficient "wet well" capacity to serve development within the entire basin.

c. He noted that the applicant originally proposed to develop several flag lots on the site. Although the flag lots are consistent with the Code, the applicant proposed to eliminate the flag pole portion of the lots and provide access via individual easements across the adjacent lots. Exhibit 15. He requested the examiner modify the conditions of approval to allow either flag lots or easements.

d. He agreed that the conditions 21, 22 and 38 addressing geotechnical issues can be merged into a single condition.

e. He noted that the applicant's cross-circulation plan, Exhibits 17 and 21, are only intended to demonstrate that it is feasible to extend the proposed stub streets when abutting properties redevelop. Future developments are not required to comply with the street alignments shown in the applicant's circulation plan. He opined that the applicant can realign 18th Street to center it on the common boundary between tax lots 10 and 149, which would allow the developer of either property to extend the street. He requested the examiner add a condition of approval to that effect.

f. He noted that the City mailed notice of the proposed development to Clark County. The City will work with the County and the School District regarding development of the school. However traffic generated by the proposed development will not exceed the capacity of area streets or create a hazard, based on the applicant's traffic analysis. The majority of traffic generated by the proposed subdivision will travel to the south and east, away from the proposed school. The applicant will pay Traffic Impact Fees, which the City will use to fund transportation improvements within the City to help mitigate the impacts of the development. The City does not require bike lanes on Pacific Highway.

g. He noted that the "Goode" property is currently outside the City Limits and the UGB. The City has no authority to review development on that property at this time.

h. He noted that the MDNS was not appealed and is final. Therefore the examiner has no authority to modify the SEPA conditions. However the Code clearly

requires that the owners of the individual lots pay the impact fees when they apply for building permits.

3. Attorney Randy Printz testified for the applicant and summarized the proposed development.

a. He requested the examiner modify conditions f, i and s of the MDNS to clarify that impact fees are payable at the time of building permit issuance.

b. He noted that the City required the applicant to review the condition of the existing sewer lines downstream from the site to confirm that they can accommodate increased effluent generated by the proposed development. He requested the examiner modify condition 45.c to provide for appeal to the examiner in the event the applicant and the City disagree about the condition of the existing sewer system. Exhibit 20.

c. He testified that the applicant is willing to realign the 14th Avenue intersection with Pacific Highway to align with the existing Larson Road intersection as shown in Exhibit 21. However realigning the road will cause additional wetland impacts on the site. The Corps preferred the proposed road alignment, because it has less impact on the wetlands, but it appears willing to approve the proposed alignment. He requested the examiner modify condition 5 to require that the City public works director designate an alternative access location if the necessary environmental permits for the proposed alignment are denied. Exhibit 22. He agreed to a condition of approval requiring City approval of the revised wetland mitigation plan.

i. He objected to the condition proposed by Mr. Spoo, that the applicant coordinate with neighboring property owners regarding the alignment of 14th Avenue. The public works director will consider the impacts on adjacent properties if and when realignment of 14th Avenue is required.

ii. He noted that the existing Larson Road/Pacific Highway intersection does not comply with City standards. The City will likely require realignment of the road to provide a 90-degree intersection when future development is proposed on the abutting properties. The proposed 14th Avenue/Pacific Highway intersection alignment will allow for the future realignment of the Larson Road intersection.

d. He objected to the condition proposed by Mr. Hergesheimer, that the applicant realign 15th Street. The applicant's cross-circulation plan, Exhibit 21, demonstrates that it is feasible to extend the proposed streets when abutting properties redevelop. Modifications to the alignment may cause additional wetland impacts and/or eliminate one or more of the proposed lots. He agreed to realign 18th Street to center the stub road on the common boundary between tax lots 10 and 149.

e. He noted that the grade school mentioned by Ms. Alexander is still in the planning stage. The County will review the existing transportation network and traffic conditions at the time actual development is proposed. Traffic generated by the proposed subdivision will not exceed the capacity of area streets or create a hazard, based on the

applicant's transportation analysis. There is no substantial evidence to the contrary. The County received notice of the subdivision application and could have submitted comments orally or in writing, but it chose not to.

4. Ethan Spoo testified on behalf of Vision Land Management, the developer of the "Goode" property south of the site, across Pacific Highway at Larson Road. His client supports the proposed development with the revised alignment of 14th Avenue. He requested the examiner modify condition 5 to require that the applicant coordinate with surrounding property owners if any changes to the 14th Avenue alignment are proposed or required, because changes to the 14th Avenue alignment will affect development of his client's property. He noted that Larson Road does not intersect Pacific Highway at a 90-degree angle. The applicant should be required to design the 14th Avenue/Pacific Highway intersection to align with the existing Larson Road intersection.

5. Val Alexander, chair of the East Fork Hills Rural Association, expressed concerns with increased traffic on Pacific Highway. Pacific Highway provides the only access between La Center and Woodland. In addition, the School District purchased property and is planning to develop a new grade school at the intersection of 14th Avenue and Bolen Road north of the site. Increased traffic on Pacific Highway may impact the safety of students attending this school. There are no existing sidewalks or bike lanes on Pacific Highway. She contacted Mike Maybry with Clark County long range planning and he was unaware of the proposed development. She requested the examiner hold the record open to allow Clark County to comment on the transportation issues.

6. Doug Burtwell expressed concerns with the impact of proposed 18th Street on his property east of the site, tax lot 149. He questioned whether he will be required to construct a full-width street on his property when 18th Street is extended to the east and north.

7. City consulting engineer Dean Hergesheimer opined that the alignment of 15th Street may impact the existing home on tax lot 152. He requested the examiner impose a condition of approval authorizing the City to require modifications to the alignment to ensure that it is feasible to extend this street when the abutting property redevelops.

8. At the end of the hearing, the examiner closed the public record and announced his intention to approve the application subject generally to the conditions of approval recommended by the city, with amendments warranted by the discussion at the hearing. The examiner denied Ms. Alexander's request to hold the record open. The City mailed notice of the hearing to Clark County and the County chose not to submit any comments about the application or appear at the hearing.

C. DISCUSSION

1. City staff and consultants recommended that the examiner approve the preliminary plat, based on the affirmative findings and subject to conditions of approval in the Staff Report, as modified at the hearing. The applicant largely accepted those findings and conditions as modified, with exceptions discussed below.

2. The examiner finds that the Staff Report accurately identifies the applicable approval criteria for the preliminary plat and contains affirmative findings that the proposed preliminary plat does or can comply with the applicable standards of the LCMC (including cited plans and codes) and the Revised Code of Washington, provided the applicant complies with recommended conditions of approval as amended herein. The examiner adopts the affirmative findings in the Staff Report as his own, except to the extent that those findings are inconsistent with the findings in this Final Order.

3. The applicant agreed to revise the plat to align the proposed 14th Avenue/Pacific Highway intersection with the existing Larsen Road/Pacific Highway intersection. See Exhibit 21. The revised intersection complies with the spacing requirements of the Code and creates a safer four-way intersection with Larsen Road. However the revised alignment will increase the impact of the development on the onsite wetlands. In the event the applicant is unable to obtain all required environmental permits for the revised alignment, the City public works director should be authorized to designate an alternative intersection location, with an opportunity to appeal that designation to the examiner. Condition of approval 5 should be modified to that effect.

a. Mr. Spoo argued that the applicant should be required to coordinate any alternative alignment with the owners of abutting properties. However the examiner finds that the public works director will adequately represent the needs of the general public, including surrounding property owners.

b. The revised alignment is likely to cause additional impacts to the wetlands on the site, requiring modifications to the proposed wetland mitigation plan. The applicant should be required to obtain City approval of the revised wetland mitigation plan. A condition of approval is warranted to that effect.

c. As noted at the hearing, Larsen Road does not intersect Pacific Highway at a 90-degree angle. The City will likely require realignment of this intersection as a condition of future development approval on the abutting properties. The proposed 14th Avenue/Pacific Highway intersection alignment is designed to align with the future realignment of Larsen Road.

4. LCMC 12.10.210 requires cross-circulation streets every 800 feet or less. The applicant proposed to comply with this requirement by extending proposed NW 18th Street to the east and west boundaries of the site and by extending NW 15th Street to the east boundary of the site. However there is a dispute about whether it is feasible to extend these street stubs when the abutting properties redevelop.

a. The applicant agreed to realign the eastern leg of NW 18th Street to align the centerline of the street with the common boundary between tax lots 10 and 149. Such an alignment will allow the owner of either property to extend the street as a half-width improvement, which may facilitate development of the abutting properties and will ensure that the costs of the street extension are shared equally between the two properties. A condition of approval is warranted to that effect.

b. City staff expressed concerns that the future extension of proposed NW 15th Street will impact the existing residence on the abutting property, tax lot 152. The Code does not expressly address this issue. It merely requires that developments provide cross streets, without reference to impacts on adjacent properties. However the examiner finds that such impacts must be considered if the cross streets are to serve their intended function of providing cross-circulation and connectivity when abutting properties redevelop. Streets stubbed to the boundaries of a development may never be extended if such extension would impact existing development on adjacent properties. In this case the examiner finds that it is feasible to extend proposed 15th Street through the abutting property, tax lot 152, without impacting the existing residence, based on the applicant's circulation plans, Exhibit 17.

i. However the examiner notes that the eastern end of NW 15th Street appears to be located further south in Exhibit 21 than is shown in the preliminary plat, Exhibit 14. As shown in Exhibit 21, the north boundary of 15th Street is just south of the southernmost point of the existing residence on tax lot 152. As shown in Exhibit 14, the north boundary of 15th Street is located roughly 35 feet north of the southernmost point of the existing residence on tax lot 152. Extension of the 15th Street alignment shown in Exhibit 14 would require a tighter curve radius in order to shift the road to the south to avoid the residence on tax lot 152. Therefore the examiner finds that the applicant should be required to provide a conceptual alignment plan demonstrating that the final alignment of NW 15th Street will allow the future extension of this street in compliance with the City roadway standards (i.e., curve radii) and setbacks for the existing residence on tax lot 152. A condition of approval is warranted to that effect.

c. The future street plan submitted by the applicant is merely conceptual. It is intended to show the feasibility of extending the streets proposed on this site to connect with other existing and planned streets in the area. The future street plan is not binding on the owners of adjacent properties. The developers of adjacent properties will be required to connect to and extend the stub streets on this site. However the future developers may propose alternative alignments for the extension of the stub roads that best serve the development planned on those lots.

5. The examiner finds, based on the expert testimony of the City engineer and the applicant's transportation impact analysis, that the transportation system has sufficient capacity and level of service to safely accommodate the additional traffic generated by the proposed subdivision. The proposed subdivision will generate additional traffic on area streets. This additional traffic will be perceptible to area residents, but there is no substantial evidence in the record that the additional traffic will exceed the capacity of these streets or create a hazard. The applicant is not required to consider potential future traffic generated by the planned, but undeveloped, school north of the site. The County and/or the City will review the traffic impacts of the school when actual development is proposed.

a. The proposed development will construct streets and sidewalks within and abutting the site, which will improve pedestrian and vehicular travel in the vicinity. The City cannot require that the applicant construct off-site improvements because the cost of such improvements would likely be disproportionate to the impact of the

subdivision on the need for such improvements. Although the proposed development contributes to problems with substandard streets in the area, those problems exist largely because of existing development. It would be inequitable to require an applicant to bear the full burden of improvements where the proposed development is only responsible for a small portion of the problem. The need for sidewalks and other street improvements is one that exists generally along streets in the area, and is a need to which all adjoining properties contribute, not just the lots being created in this case. The proposed development will pay traffic impact fees to the City to mitigate some of the traffic impacts of the proposed development. The City will use the fees to fund needed transportation improvements in the area.

b, The Code does not require bicycle lanes on Pacific Highway or other streets in the area.

6. The applicant proposed to revise the area calculations for the proposed flag lots to be consistent with the Code or to eliminate the flag pole portion of the lots and provide access via easements over the abutting lots. See Exhibit 16. The examiner finds that either option is consistent with the Code. Condition 49 should be modified to that effect.

7. The examiner finds that conditions 21, 22 and 38 should be combined into a single condition of approval requiring compliance with the recommendations of the applicant's geotechnical report.

8. The City issued the MDNS on October 17, 2006. The SEPA determination was not appealed and is now final. Therefore the examiner has no authority to modify the substantive requirements of the MDNS conditions. However the examiner finds that the conditions may be reworded as proposed in Exhibit 19 to eliminate any confusion without modifying the substance of the conditions.

D. SITE VISIT

The examiner visited the site and surrounding area prior to the initial hearing. The examiner announced at the beginning of the hearing that he had visited the site and invited witnesses to ask what he observed during the visit.

E. CONCLUSION

The examiner concludes that the applicant sustained the burden of proof that the proposed subdivision does or can comply with the applicable provisions of the La Center Municipal Code and Revised Code of Washington, provided it is subject to reasonable conditions of approval warranted to assure compliance in fact with those provisions.

F. DECISION

In recognition of the findings and conclusions contained herein, and incorporating the reports of affected agencies and exhibits received in this matter, the examiner hereby approves File No. 2006-019-SUB (Highland Terrace), subject to the following conditions:

1. The findings and recommendations of the Traffic Impact Analysis prepared by CTS Engineers and dated June 5, 2006, shall be incorporated herein and considered as conditions of approval through final design of the subdivision except at otherwise noted herein.
2. Prior to final plat approval, the applicant shall pay a proportionate share (\$13,608) towards the cost of a traffic signal at the intersection of W Pacific Highway and W 4th streets.
3. The applicant shall be required to dedicate additional right-of-way as needed and construct half-width frontage improvements in accordance with §§12.10.050 (Schedule A) and 12.10.190 LCMC
4. No lot shall have direct access onto W Pacific Highway.
5. Proposed W 14th Avenue shall be aligned to provide for a future 4-way intersection with W Larsen Drive. In the event the application for the environmental permits necessary for construction of this intersection are denied by the relevant agencies, the director of public works shall designate an alternative location for the 14th Avenue/Pacific Highway intersection. The applicant may appeal the public works director's intersection designation to the examiner. The examiner shall consider such an appeal at a Type III hearing pursuant to LCMC 17.200.100.
6. The applicant shall revise the alignment of the eastern leg of proposed 18th Street to align the centerline of the street with the common boundary between tax lots 10 and 149 east of the site.
7. The applicant shall provide a conceptual alignment plan demonstrating that the final alignment of NW 15th Street will allow the future extension of this street without impacting the existing residence on tax lot 152. The conceptual alignment plan shall demonstrate compliance with the City roadway standards (i.e., curve radii) and setbacks for the existing residence on tax lot 152.
8. The applicant shall provide a maintenance warranty or assurance in a form acceptable to the city for a period of two years in the amount of 10% of the cost of construction as certified by a professional engineer, and accepted by the City Public Works Director, following final acceptance by the city for all other public or city-owned improvements including streets, street lighting, and landscaping, water and sanitary sewer systems.
9. The design and construction of streets, streetlights, street trees and storm drainage systems, sanitary sewers, site grading and erosion control plans, shall be in accordance with LCMC.
10. Streets shall be paved in two phases consisting of two inches of finished asphalt each.
11. All utilities in the street rights-of-way shall be backfilled with approved crushed aggregate material and be compacted in 6-inch lifts to 95% relative density in accordance with AASHTO Method T-180 (modified), as determined by the city.
12. Construction shall not proceed without an approved grading and erosion control plan.

13. The applicant may use shared and substantially contiguous paired driveways to comply with §12.10.290(2) LCMC. Where it is not feasible to comply with this standard, driveways may—upon City review and approval—be situated less than 50 feet apart.
14. Prior to site disturbance, the applicant shall consult with the City Public Works Director and consulting City Engineer to incorporate the recommendations made by Columbia West Engineering into the site grading, erosion control plans, structural fills, and suitable crushed aggregate trench backfill.
15. The final plat shall contain street names and addresses as provided by the city pursuant to Chapter 12.20 LCMC.
16. The applicant shall receive approval for and install all street name and other signage (on and off-site) related to the subdivision.
17. The findings and recommendations of the Preliminary Stormwater Plan prepared by Sturtevant Golemo and Associates and dated May 22, 2006, shall be incorporated herein and considered as conditions of approval through final design of the subdivision except at otherwise noted herein.
18. Storm conveyance easements shall be provided in accordance with LCMC 14.10.220(4).
19. Prior to the initiation of any construction or final plat approval the developer shall demonstrate to the City's satisfaction that:
 - a. The developer shall establish a homeowners association (HOA) and the Articles of Incorporation, By-laws and CC&Rs of the HOA shall reflect that the HOA's operation and maintenance costs for the stormwater facilities shall be borne by the HOA.
 - b. The HOA shall be empowered to assess its members fees to be reserved and used to reimburse the City for the operation and maintenance of the facilities, if enforcement becomes necessary.
 - c. The City shall have the right of third party enforcement to ensure that the HOA remains intact and collects the fees and the City shall have the right to recapture any fees and costs associated with enforcement actions. Further, the following language is to be placed on the face of the plat: The City shall be granted the right, but not the duty, to access and maintain the stormwater facility consistent with §14.10.200 LCMC.
 - d. The applicant shall produce and provide the city with a copy of the operations and maintenance manual for approval for any drainage facilities prior to final platting or issuance of building permits.
20. Catch basins shall be installed according to City Standard Specifications. A minimum 3-inch diameter steel pipe, or equivalent, weep hole through the curb shall be provided at each lot line and must be shown on the construction drawings. All lots will drain to the street. Separate stormwater laterals shall be provided at each lot as practicable. Roof drains shall be connected to the weep holes at the curb. Suitable alternatives for lot or roof must be identified and approved by the Public Works Director prior to construction.

21. Stormwater facilities shall be located in separate tracts, fenced and landscaped.
22. The findings and recommendations of the Geotechnical Site Investigation prepared by Columbia West Engineering, Inc., and dated September 30, 2006, shall be incorporated herein and considered as conditions of approval through final design of the subdivision except as otherwise noted herein. The recommendations shall be followed during final design and construction and a geotechnical engineer shall review the grading and earthwork construction plans prior to final plan approval, and observe, inspect and document earthwork activities with copies provided to the City.
23. An NPDES permit must be secured from the Department of Ecology and a copy provided to the city prior to construction. Grading and construction shall comply with the conditions of the NPDES permit.
24. All erosion control measures shall be designed, approved, installed and maintained consistent with Chapter 14.10 LCMC and the applicant's NPDES permit. Where these standards differ, the more stringent shall apply. All erosion control measures shall be in place prior to removal of vegetation or any construction activity and shall be maintained during all phases of construction.
25. Construction plans shall identify staging areas for all equipment, contractors, deliveries, and supplies prior to construction plan approval.
26. Site development earthwork for site grading and construction of sewer, storm drain, water, and street systems shall be limited to the dry weather season between May 1st and October 31st with planting and seeding erosion control measures completed by October 1st to become established before the onset of wet weather.
27. The applicant shall comply with mitigation measures identified in the associated MDNS published on October 17, 2006.
28. The applicant shall comply with SWCAA 400 regulations during construction.
29. The applicant shall provide the City with documentation of compliance with SWCAA 476 regulations prior to demolition or renovation of any on-site structures.
30. The applicant's Final Stormwater Plan / Technical Information Report—to be submitted, reviewed and approved by the City—shall comply with *Stormwater Management Manual for Western Washington* standards.
31. The findings and recommendations of the Archeological Predetermination Report prepared by Archeological Services of Clark County, and dated March 7, 2006, shall be incorporated herein and considered as conditions of approval through final design of the subdivision except as otherwise noted herein.
32. If significant cultural or archeological resources are discovered on the site during construction activity, including burial sites, the Office of Archaeology and Historic Preservation in Olympia and the City of La Center Planning Department are to be notified immediately. Failure to comply with these requirements may constitute a Class C felony, subject to imprisonment or fines. A note to this affect shall be placed on the face of the plat.
33. The findings and recommendations of the Wetland Delineation prepared by Ecological Land Services, and dated October 11, 2006, shall be incorporated herein

and considered as conditions of approval through final design of the subdivision except as otherwise noted herein.

34. The findings and recommendations of the Wetland and Buffer Mitigation Plan prepared by Ecological Land Services, and dated May 22, 2006, shall be incorporated herein and considered as conditions of approval through final design of the subdivision except as otherwise noted herein. The applicant shall obtain City approval of a revised Wetland Mitigation plan addressing the modified wetland impacts caused by realignment of the 14th Avenue intersection with Pacific Highway.
35. Prior to construction, the applicant shall provide documentation to the City that the US Army Corps of Engineers has no objection to the intended filling of on-site wetlands.
36. Prior to soil disturbance, the developer shall install flags, stakes, fencing and/or signs, consistent with LCMC 14.20.035(2)(b), along the stream corridor buffer, stormwater detention facilities, and bio swales to direct contractors to avoid and protect these areas from compaction, erosion and sedimentation.
37. The developer shall install permanent signs along stream corridor(s) or other critical area buffers every 100 feet, or on every lot, whichever is greater, advising the public of the presence of protected areas. Signage will read "Wetland Buffer to Remain in Natural Vegetated State" or an approved equal. An affidavit of posting will must be returned to the City prior to final platting. CCR's shall include a provision requiring that such signs be permanently maintained.
38. Approved flag lots (Lots 2, 12, 15, 35, 38 and 98) shall provide a 20-foot wide unobstructed access road marked *Fire Lane* on per IFC 503.2.1
39. Lots 79 through 82, Lots 83 through 86, and Lots 90 through 92 shall provide a 20-foot wide unobstructed access road marked *Fire Lane* on per IFC 503.2.1 within 20-foot wide access easements.
40. The applicant shall provide approved fire hydrants every 400' feet within the development per IFC 508.5.1. The applicant is urged to install these hydrants before road paving and sidewalk construction begins. No obstruction will be allowed that would keep fire apparatus further than 10 feet from any hydrant in the project. A three (3) foot clear radius shall be maintained around all hydrants. The location all hydrants should be approved by the Fire District.
41. Approved cul-de-sacs shall have a minimum 45-foot radius.
42. Impacts fees for schools shall be assessed and payable prior to issuance of building permits.
43. The applicant shall extend a twelve-inch (12") water main in W Pacific Highway from the proposed Hannah's Farm subdivision (approximately located at the intersection of W "E" Avenue and Pacific Highway) and then northerly through the site to Bolen Street. The developer shall secure all appropriate permits for work within the jurisdictions right of way.
44. The applicant shall provide gravity-based wastewater connections to the City wastewater system consistent with the adopted General Sewer Plan. Alternatively, the City may accept a forced-main system provided:

- a. The pumping station provides sufficient capacity for development within the drainage basin.
 - b. The proposed system, in the City's opinion, does not preempt eventual connection to, and integration with, the planned gravity-based system, and
 - c. Video inspection of the existing 8-inch gravity line must be performed verifying its structural integrity and ability to accommodate the developers preferred option. Should repairs be necessary in the existing 8-inch gravity line, the developer will perform such repairs using generally accepted methods at his/her sole expense prior to connection or discharge from the development into the existing 8-inch gravity system.
 - i. In the event the applicant and the City cannot agree upon the adequacy of the existing downstream sewer line and/or improvements necessary to ensure sufficient capacity receive effluent from the proposed development the applicant may request a Type III hearing pursuant to LCMC 17.200.100 to determine the sewer improvements necessary for the proposed development.
 - d. The following minimum design features for the pumping station are met:
 - i. Wet well sized large enough to accommodate all basin flows,
 - ii. Magnetic flow meter,
 - iii. Telemetry consistent with City's existing system,
 - iv. Dedicated diesel generator for stand-by power,
 - v. CMU building housing generator and flow meter in one room and electrical in the other room,
 - vi. Fenced, paved, and landscaped site, and
 - vii. Odor control provisions, with the focus on using air injection as opposed to Bioxide as practical.
45. Sanitary sewer construction, inspection and acceptance shall comply with Title 13 (Public Utilities) and Chapter 13.10 (Sewer System Rules and Regulations).
46. The developer shall provide a six-foot wide public easement along all lots fronting public streets for utilities such as gas, power, telecommunications, and cable.
47. All flag lots shall provide a six-foot wide public easement for utilities such as gas, power, telecommunications, water, sewer and cable.
48. The lot size of Lots 2, 12, 15, 35, 38, and 98 shall be recalculated to exclude "the pole portion of the flag lot" per §16.25.040(5)(c) LCMC. In the alternative, the applicant may reconfigure the lots to eliminate the flagpoles and utilize access easements across neighboring lots instead. The applicant shall demonstrate that the revised lots comply with the minimum dimensional requirements of LCMC Table 17.25.050.
49. Monumentation shall be as directed by the City and shall be inside a cast iron monument case flush with the final street grade and shall be a brass cap, in a 30-inch long pipe as set by the surveyor of record and shown on the final subdivision plat map.

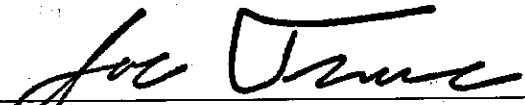
50. As-constructed drawing(s) will be provided in '.dwg' electronic format as well as Mylar and paper.
51. Construction plans shall identify staging areas for all equipment, contractors, deliveries, and supplies prior to construction plan approval.
52. Signature blocks will be placed on the front page of all construction plan drawings and will contain signature blocks for the City Engineer, City Public Works Director and Clark Public Utilities.
53. Construction plans shall identify and show all utilities with trench and location details including street lighting.
54. Impacts fees for parks and roads shall be assessed and payable prior to issuance of building permits.
55. All easements necessary to provide lawful lot access shall be recorded prior to final plat.
56. The applicant shall provide full frontage improvements along the southern boundary of Adjusted Tax Lot 88 (Assessor's Tax Lot #258703-000).
57. The applicant shall list appropriate building setbacks on the face of the plat. Alternatively, the applicant may indicate buildable envelopes for each parcel on the face of the plat.
58. The face of the plat shall note that each lot shall provide two off-street parking spaces, inclusive of garages.

SEPA MDNS MITIGATIONS

- a. Approved stormwater and erosion control plans in accordance with the City of La Center standards will be required prior to any construction activity. The portion of the site involved in construction will be secured with erosion controls prior to beginning activity. Where possible, the site will be (re)vegetated soon after construction activity to reduce runoff. Specific erosion control responsibilities and record-keeping requirements shall be assigned to the construction contractor.
- b. Prior to construction and final plat, the applicant will be required to submit final engineered grading, erosion control, stormwater control, and construction plans and profiles in accordance with the City of La Center standards, and the International Fire Code (2003 Edition).
- c. The recommendations of the Wetland Delineations (October 2005, and January 2006), and the Wetland and Buffer Mitigation Plan (May 2006) published by Ecological Land Services, Inc. shall be incorporated herein and considered as conditions of approval through final design of the subdivision.
- d. The applicant shall provide documentation to the City of compliance with Washington State Department of Ecology's Construction Stormwater National Pollutant Discharge Elimination System and State Waste Discharge General Permit prior to issuance to any construction permit.
- e. New home construction must meet all Washington State energy codes.

- f. The owner of each lot will be assessed and will pay Park Impact Fees at time of building permit issuance
- g. The findings and recommendations of the archaeological pre-determination report prepared by Archaeological Services of Clark County and dated March 2006 shall be incorporated herein and considered as conditions of approval through final design of the subdivision.
- h. If cultural or archeological resources are discovered on the site during construction activity, including burial sites, the Office of Archaeology and Historic Preservation in Olympia and the City of La Center to be notified immediately. Failure to comply with these requirements may constitute a Class C felony, subject to imprisonment or fines. A note to this affect shall be placed on the face of the plat.
- i. The owner of each lot will be assessed and will pay Traffic Impact Fees at time of building permit issuance
- j. System development charges will be assessed as appropriate to offset the cost of public services for each new home. The owner of each lot will be assessed and will pay School Impact Fees at time of building permit issuance.
- k. Existing septic systems and wells, if found, shall be properly decommissioned and approved by Clark County Health District prior to final plat. Documentation of such decommissioning shall be provided to the City. Locations shall be noted on the face of all construction plans and the final plat.

DATED this 18th day of December 2006.



Joe Turner, AICP
City of La Center Hearing Examiner