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PRE-APPLICATION CONFERENCE NOTES

Breeze Creek Trail Subdivision (2023-029-PAC)

Meeting conducted on Wednesday, August 23, 2023 – 2 P.M.

PROJECT INFORMATION

Site Address	No address. Parcel: 986044822
Legal Description	#49 John Timmons & Andrew Breezee HD CL 4.87A NE 1/4, S03, T4N, R1E
Applicant/Applicant's Representative	Chris Avery Minister-Glaeser Survey 360.694.3313 csa@mgsurvey.com 2200 East Evergreen Boulevard, Vancouver, WA 98661
Property Owner(s)	Breeze Creek Trails, LLC P.O. Box 928, Battle Ground, WA 98604
Proposal	The applicant proposes to subdivide the property into 15 lots for single-family detached residences in the LDR-7.5 zone. The site would be accessed via a public road, East 2nd Way, which would extend west from the Holly Park Subdivision.
Date of Issue	August 28, 2023

SUMMARY

The applicant is proposing to subdivide the site to create 15 fee-simple lots for single-family detached residences. The site is designated Urban Residential (UR) on the City's Comprehensive Plan map and is zoned Low Density Residential (LDR-7.5) on the City's adopted zoning map.

The site would be served by one public road (East 2nd Way) extending west from Holly Park Subdivision. An existing, historic access to the home on Parcel 209481000 will remain. Northeast Ivy Avenue, an unimproved, historic access north of the site will be gated and will only be accessible by the home directly south of the project site on Parcel 209481000. The applicant's preliminary plat plan appears to show 6 lots (Lots 1 – 6) that have lot lines within a riparian buffer, which is not allowed as further discussed below in Chapter 18.300. Lots 1 – 6 also exceed the maximum lot size requirement of 11,000 square feet. Additionally, one flag lot is proposed that is not compliant with the "flag-pole" width requirements as further discussed.

The site contains a fish and wildlife habitat conservation area, which is a 200-foot riparian buffer from an offsite, Type-F stream. The site is also within a category 2 critical aquifer recharge area (CARA), as is most of the City of La Center. There are no specific requirements for residential development regarding category 2 CARAs. The site also contains a Type IV wetland and geologically hazardous areas for

landslide and erosion hazards. See Chapter 18.300 for further discussion and requirements for the project's critical areas.

Based on a review of aerial photos, there appear to be several trees on the site. If trees exceeding five inches in diameter at breast height are proposed to be removed, a type II tree cutting permit is required under LCMC Chapter 18.350 "Tree Protection." The type II tree cutting permit can be reviewed concurrently with type II preliminary subdivision and critical areas application. A mitigation plan is required for trees 10 inches or greater in diameter that are removed.

The site is located in a moderate-high and high risk category for encountering archaeological resources. An archaeological predetermination report will be required for development in these areas as per Table 18.360.020-1.

PRELIMINARY REVIEW

Development Standards

Subsequent application(s) shall address the following development standards. Failure of the City to cite specific requirements of the La Center Municipal Code (LCMC) in this report does not relieve the applicant of the responsibility to meet all applicable criteria. If the proposal changes from what was presented in the pre-application conference, it may trigger other review standards and processes than what is identified in this report.

Applicable Criteria: The application will be reviewed for compliance with the La Center Municipal Code (LCMC): 3.35 Impact Fees; Title 12, Streets, Sidewalks & Public Ways; Title 13, Public Utilities; Title 18, Development Code Chapters: 18.30 Procedures; 18.130 Low Density Residential (LDR-7.5); 18.190 Urban Holding District (UH-10); 18.210 Subdivision Provisions; 18.225 Legal Lot Determinations; 18.240 Mitigation of Adverse Impact; 18.245 Supplementary Development Standards; 18.260 Variances; 18.280 Off-Street Parking Requirements; 18.282 Outdoor Lighting; 18.300 Critical Areas; 18.310 Environmental Policy; 18.320 Stormwater and Erosion Control; 18.350 Tree Protection; and 18.360 Archaeological Resource Protection.

Public Works and Engineering Analysis

Chapter 3.35 Impact Fees

The City charges impact Fees (per ERU) for commercial and residential developments. Impact fees may be deferred to the time of occupancy for residential units.

- **Park Impact Fee**
 - \$2,842.00
 - Single Family Residence
- **Traffic Impact Fee**
 - \$7,561.00
 - Single & Multi-Family Residence
- **Sewer Development Charge (North of Bridge)**
 - \$7,800.00
 - Single-Family Residence
- **School Impact Fee**
 - \$3,501.00

- Single-Family *as set by the La Center School District

Chapter 12.10 -- Public and Private Road Standards

City of La Center Engineering Standards for Construction shall apply to all public road improvements unless modified by the director. LCMC 12.10.040.

- 2nd Way, in Holley Park Subdivision has been constructed up westerly to connect to Ivy Avenue. Ivy Avenue appears to be owned by the applicant to the north end of 2nd Way. However there appears to be an easement on this property to access to property to the south. The applicant proposes to leave this easement in place to allow access south of the Brezee Creek Trail Subdivision.
- As part of Engineering approval, Local Street improvements and right of way dedication will need to be constructed from 2nd Way to the Brezee Creek Trail Subdivision. The applicant will need to show how full street improvements will be constructed from 2nd Way along Ivy Avenue, maintaining the easement shown on the plans.

Full street improvement per city standard detail ST-15 Local Access

The applicant shall provide full street improvements on interior streets according to the City of La Center Local Access standard ST-15. In addition to the interior street improvements, street lights, street trees, and stormwater improvements are required. LCMC 12.10.190.

The applicant proposes an offset cul-de-sac at the south end of the subdivision. CCF&R requires at least a 90-foot. The applicant will need to obtain approval from CCF&R for the cul-de-sac. The applicant will need to show that fire trucks or busses can maneuver these turns without impacting the oncoming traffic. It is likely that no parking signs will result at these turns.

Streets and Circulation

The applicant proposes to connect to 2nd Way, and there appears to be no curb radius at the curb returns along Ivy Avenue. A minimum radius of 25-feet is required.

The traffic study shall include traffic impacts, including level of service to all adjacent streets and intersections to the development; including but not limited to:

1. John Storm Road and Lockwood Creek Road
2. 4th Street and Highland Road
3. Aspen Avenue and 4th Street
4. La Center Road and Timmen Road.
5. La Center Road and Paradise Park Road.

The report shall include average daily traffic and peak hour traffic for intersections and streets as noted above. LCMC 18.215.050(n).

Chapter 13.10 -- Sewer System Rules and Regulations

Connection to public sewer is required. LCMC 13.10. All work is to be performed by a duly licensed contractor in the City of La Center. LCMC 13.10.230. Work will be performed using an open trench method unless otherwise approved per LCMC 13.10.200. There is no sewer connection from the new subdivision. A 2-inch diameter PVC force main was installed in 2nd Way to serve some of the homes in Holley Park Subdivision. The applicant can extend this 2-inch force main to the proposed subdivision that is

stubbed at the west end of 2nd Way. If a force main is installed in this subdivision, it will need to be installed in the public right of way and be installed per city standards. This will result in all the homes in Brezee Creek Trail Subdivision to install grinder systems. These grinder systems will need to be maintained by the property owners. The applicant will need to verify that the size of the existing force main can serve the existing houses in Holley Park, and the proposed houses in Brezee Creek Subdivision. Per the Engineering Standards, the applicant shall provide calculations with a report that shows the future upstream influent and the capacity of the downstream facilities. The applicant shall verify that the downstream sewer has enough capacity for the proposed development and any upstream future development can be supported by the existing downstream system.

Existing septic system must be abandoned or removed as necessary per Clark County Environmental Health permitting.

Chapter 18.320 (Stormwater and Erosion Control)

Section 18.320.120 (1) LCMC states that ground-disturbing activities of more than 500 S.F. are subject to the requirements of *City of La Center Erosion Control Guidelines*. Section 18.320.120 (2)(a) LCMC states that the creation of more than 2,000 S.F. of impervious surface is subject to stormwater regulation.

The applicant proposes to create new impervious interior streets in the subdivision. Per LCMC 18.320.210, treatment best management practices (BMP) shall be sized to the treat the water quality design storm, defined as the six-month, 24-hour storm runoff volume.

The applicant to install a detention pond the northwest corner of the site. The applicant will need to show how water quality and detention requirements per the LCMC will be met.

The applicant will demonstrate how stormwater treatment will be accomplished to meet the 1992 Puget Sound Manual and the City ordinance. In addition, water quantity will need to be managed to meet the engineering standard. The treatment will need to meet the City of La Center and 1992 Puget Sound Manual and the City of La Center standards, which requires compliance with the Water Pollution Control Act and the Water Resources Act.

Per LCMC 18.320.220, if infiltration is used for disposal of stormwater, the project must infiltrate the 100-year storm where local soil types and ground water conditions are suitable. Per the Puget Sound Manual, an emergency overflow above the 100-year storm event needs to be shown. If infiltration of stormwater is not feasible for quality treatment and quantity disposal, stormwater runoff must be detained meeting the requirements of Chapter 18.320 LCMC and then discharged into the existing low point on the site. Clark County Soil Groups or USDA may be used to determine the hydrology of the site. Isopluvials shall be used to determine the design storm frequency (attached). Per the City Ordinance, a forested condition must be used for the pre-developed surface condition. The HEC-1 flood hydrograph package or HEC HMS may be used for hydrologic computation of site quantity control.

The collection system shall be designed by the rational method using HEC-12 1984 edition standards for gutter and storm pipe capacity. As an alternate, WSDOT Hydraulics Manual can be used for inlet capacity design. The 100-year rainfall intensity must be used for pipe capacity design using the rational method. Attached is the City rainfall intensity chart.

Per LCMC 14.10.140, a preliminary stormwater plan and preliminary stormwater report shall be submitted for review as part of the land use application. The stormwater report must also address stormwater how energy dissipation will be accomplished so that the downstream property is not impacted by stormwater.

Downspouts connections from the houses must connect directly into the site stormwater system. Laterals from the storm main in the street must be shown to serve each lot. A Technical Information Report (TIR) is required along with the development plans for approval of the stormwater system.

Maintenance of Stormwater Facility

If the stormwater treatment and disposal facility is within public right-of-way, the applicant shall maintain the facility for two years after development. An operations manual must be submitted for City review approval for the maintenance of the facility in all cases. The City is disinclined to own or maintain the stormwater facility. Stormwater facilities must be located in a separate tract.

Grading

A grading and erosion control permit is required as part of the subdivision plans. As part of the grading plans, finished floor elevations need to be shown for the lots in addition to grading quantities. The plan shall show retaining walls necessary to grade the lots.

The City Erosion Control Standards require that any activity disturbance over 500 S.F. must comply with the City standards. As part of these standards a construction stormwater permit is required from the Department of Ecology and an SWPPP will be necessary as part of the plan submittal to the City. Soil disturbance is discouraged between November and May.

Geotechnical Study. A complete application will include a geotechnical study and report, prepared by a geotechnical engineer or geologist, licensed in the state of Washington. The report shall include at a minimum, testing to support the structural section of the roadway, site building construction, grading, retaining wall design, as applicable, and subsurface drainage. LCMC 18.212.050.

Chapter 15.05.050 Building and development application fees

The building fees and list of Impact fees can be found in the City municipal code. The City follows the most up to date valuation table as set by the International Code Council (ICC) to determine valuation of buildings based on square footage, occupancy type, and construction type.

Building Fee Schedule

- <https://www.codepublishing.com/WA/LaCenter/#!/LaCenter15/LaCenter1505.html#15.05.050>

Current Valuation Table

- https://www.iccsafe.org/wp-content/uploads/1676567050_BVD-BSJ-FEB23_SJH.pdf

Chapter 15.05 Building Code and Specialty Codes

If the property contains any existing structures (residences, buildings, structures, etc.) a demolition permit is required. The following criteria is required for submittal. Demolition permits can be applied for through our permitting website and are over-the-counter permits.

Materials required for submittal:

- Residential Building Permit Application
- Site Plan
- Asbestos Survey Report (SW Clean Air)
- Septic Tank Decommission Report (Clark County Public Health), if applicable

- Well (Water) Decommission Report, if applicable
- Fuel Tank Decommission Report, if applicable

Apply online: <https://lacenterwa.portal.iworq.net/portalhome/lacenterwa>

Fee: \$100.00

Land Use Analysis

Chapter 8.60 Sign Requirements

If proposed, signs must comply with this chapter including the general requirements (8.60) and requirements for signs in residential zones (8.60.060). One illuminated freestanding sign is permitted at the project entrance provided it is no larger than 32 square feet and no taller than five feet above average grade. Free standing signs must meet the dimensional and configuration requirements of the allowed sign types (monument, single pedestal, dual pedestal, single pylon, dual pylon).

Chapter 18.30.100 Type III procedure

The project would require preliminary plat approval, legal lot determination, urban holding (UH-10) removal, as well as critical areas permits and tree cutting permit. The subject parcel was formerly annexed in 2020 as part of the Schlentz Annexation application. As part of the approved annexation, the UH-10 overlay was added to the site. Preliminary plats are subject to a Type III review process. Critical areas permits, tree cutting permits, and UH-10 removal are subject to Type II review process. Variances are processed as a Type I or Type II permit, depending on up the degree of the variance request. The legal lot determination is subject to a Type I review. All applications would be grouped under one review process as permitted under LCMC 18.30.030 and reviewed under the highest order review process. The Type III process would include the following timelines:

- Completeness Review: following submittal of the application, the City will review the application to determine if it contains all required information. Projects which undergo pre-application conference reviews are subject to a 14-day completeness review.
- Notice period: Once deemed complete, the City has 14 days to issue a notice of application with a combined notice of State Environmental Policy Act (SEPA) review. The notice period runs for an additional 14 days after issued.
- Type III review period: Once deemed complete, the City has 78 days to schedule a hearing. The hearing examiner issues a decision on subdivision applications within 14 days following the hearing.
- Appeal: After issuance of a decision, there is a 14-day appeal period.

Further information regarding the Type III review process is contained in LCMC 18.30.100

Chapter 18.130 Low Density Residential

The site is zoned LDR-7.5, low density residential, with a minimum lot size of 7,500 square feet. Single-family detached residential dwelling units are a permitted use within the zoning district. The development must meet a minimum density of four units per net acre. Net acre is defined as gross area minus area for public rights-of-way, private streets, utility easements, public parks, and undeveloped critical areas and buffers. Density can be transferred from undeveloped critical areas and buffers under the provisions of 18.300.130 and reduce lot sizes for up to 10 percent of the lots on the site to 6,000 square feet. Individual parcels may not be smaller than 6,000 square feet or larger than 11,000 square feet with the exception of lots abutting the urban growth area boundary which may exceed 11,000 square feet pursuant LCMC 18.130.180.

Please note that the City is updating its critical areas density transfer code (LCMC 18.300.130) This update, if approved as proposed, would allow a density transfer to reduce lot sizes for up to 20 percent of the lots on the site to 6,000 square feet and with a maximum net density of 6.5 units per acre. This code will be adopted by City Council likely but the end of October.

The proposed conceptual plan shows lots ranging in size from 7,702 to 19,765 square feet. Lots 1 through 6 exceed the maximum lot size requirement of 11,000 square feet. Lots can only exceed 11,000 square feet when directly abutting the City’s urban growth area (UGA) boundary. These lots are directly abutting property within the City and not outside of the UGA. Also, these lots include a riparian buffer boundary with an associated offsite Type F stream. In accordance with LCMC 18.300.090(4)(h)(ii), land that is located wholly within a riparian ecosystem buffer may not be subdivided. Therefore, the proposed lot lines cannot occur as proposed as the riparian buffer must be within its own tract. The applicant shall redesign these lots or the layout to retain the riparian buffer in its own tract.

Lots 5 and 6 are proposed flag lots. The flag “pole” must be excluded from the area requirements under LCMC 18.210.040(3). Both of these lots meet the minimum lot size requirements. However, the “flag-pole” portion of the lot must be no less than 20-feet wide, which Lot 6 has a 10-foot-wide “flag-pole” with a 20-foot ingress, egress, and utilities easement. Please revise Lot 6 to have a minimum 20-foot-wide “flag pole”. In addition, lots 5 and 6 have proposed lot lines that subdivide a riparian buffer, which is not allowed. Therefore, these lots are subject to redesign to retain the riparian buffer in its own tract.

Lots in the LDR-7.5 zone are also required to be a minimum of 60 feet wide and 90 feet deep. Lot width is measured at the building setbacks and must average 60 feet at the front and building setback lines. Lot depth is measures from the midpoint of the front lot line and the opposite/rear lot line and must be a minimum of 90 feet. It appears all lots are meeting this requirement, except the minimum lot depth for Lot 15. LCMC 18.40 defines “lot depth” as “the horizontal distance between the midpoint of the front lot line and opposite lot line, usually the rear lot line.” Lot 15 appears to have a lot depth less than 90 feet when measured at the midpoint between the front and rear lot lines. Additionally, Lots 1 – 6 may have a lot depth less than 90 feet and lot areas less than 7,500 square feet when excluding the riparian buffer. A variance may be required for substandard lot widths and areas that remain after redesign where the riparian buffer is in its own tract. See Chapter 18.260 for variance requirements.

Setbacks are required to be 20 feet (front and back), 7.5 feet interior side, and 10 feet (street side). The LDR-7.5 is undergoing a code update that would allow the front setback to be reduced no less than 12 feet with a selection of a provided list of front façade treatments to a dwelling. This update, if approved, would also reduce the rear setback to 15 feet. This code update is scheduled to be adopted by late September.

See Table 1 for lot dimensional and setback standards.

Table 1. LDR-7.5 Lot Dimension and Setback Requirements

Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Front Yard Setback (feet) ^{1, 2}	Minimum Side Yard Setback (feet) ²	Minimum Street Side Yard Setback (feet) ²	Minimum Rear Yard (feet) ^{2, 3}
60	90	20	7.5	10	20

¹If there are dwellings on both adjoining lots with front yard setbacks less than the required depth for the district, the minimum front setback for the lot is the average of the front setbacks of the adjoining dwellings. If there is a dwelling on only one adjoining lot with a front yard setback less than the required depth for the district, the minimum front setback for the lot in question is the average of the adjoining front yard setback and 15 feet.

²Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required yard not more than 30 inches. Chimneys may not project into a required yard more than 24 inches. A deck not more than 30 inches in height (measured from the lowest grade in the setback to the deck surface) and not covered by a roof or canopy may extend up to 10 feet into a front yard setback, seven and one-half feet into a street side yard setback and is permitted in a side or rear yard regardless of the setback requirements.

³A detached accessory structure, other than a garage or carport, may be situated in a rear and/or side yard provided it is at least six feet from the primary structure on a lot or parcel and it is set back from interior side and rear lot lines by at least five feet and from street side lot lines by at least 10 feet. A garage or carport may be situated in a rear and/or side yard provided it is at least 20 feet from the front and street side lot lines.

Minimum density in the LDR-7.5 zone is 4 units per net acre. The site is 4.87 gross acres. Public and private roads can be deducted from the gross site area to obtain net site area under the definition of “net area” in LCMC 18.40. The minimum density for the gross site area is 19 units not excluding public and private rights-of-way. Once these are excluded, the minimum density will be reduced. At the time of formal application, the applicant should provide density calculations in conformance with the definition of “net density” in LCMC 18.40 excluding public right-of-way, private streets, and public utility easements, and preserved critical areas, if any.

Maximum building lot coverage shall not exceed 35 percent and maximum impervious surface area shall not exceed 50 percent per lot.

Chapter 18.147 Parks and Open Spaces

LCMC 18.147 requires single-family residential development of 40 units or more to provide publicly accessible park space at a ratio of 0.25 acres per 40 dwelling units. Based on the 15 lots proposed, the applicant does not need to provide publicly accessible park space.

Chapter 18.190 Urban Holding District (UH-10)

In conjunction with the subdivision application, the applicant shall request to remove the Urban Holding District (UH-10) overlay in accordance with LCMC 18.190.060. Removal of the UH-10 overlay is subject to a Type II review process in accordance with LCMC 18.30.090. The public works director is to review and certify that previously identified capital facilities deficiencies for the land in this overlay have been satisfactorily resolved for development.

Chapter 18.210 Subdivision Provisions

Submittal Requirements (LCMC 18.210.030)

A completed application form and the following materials will be required, prior to a determination of technical completeness:

1. The information listed in LCMC 18.210.010(2), provided an environmental checklist is required for a technically complete application unless categorically exempt.
2. Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Clark County assessor.

3. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance.
4. A legal description of the property proposed to be divided.
5. If a subdivision contains large lots or tracts which at some future time are likely to be re-subdivided, the application shall include a master plan of all land under common ownership in order to provide for extension and opening of streets at intervals which will permit a subsequent division of each divisible parcel into lots of smaller size. This requirement likely does not apply for this project.
6. A copy of the pre-application conference summary and all information required to address issues, comments, and concerns in the summary.
7. A written description of how the proposed preliminary plat does or can comply with each applicable approval criterion for the preliminary plat, and basic facts and other substantial evidence that support the description. See applicable subdivision review criteria below.
8. The names and addresses of owners of land within a radius of 300 feet of the site. Owner names and addresses shall be printed on mailing labels.
 - a. 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.
 - b. 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 notice shall be mailed to owners of property within a 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application.
9. Applications associated with the preliminary plat, such as 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 preliminary plat application as proposed.
10. A geotechnical study is required since the site slopes are as steep as 25 percent and may meet the definition of a "landslide hazard areas" in LCMC 18.300.030 and will contain substantial fill.
11. A tree protection plan is required and to be prepared by a certified arborist or landscape architect in accordance with LCMC 18.350.060(2). The plan shall include an inventory of all trees on-site, their health or hazard condition, and recommendations for treatment of each tree. The plan shall be drawn to scale and include the requirements as listed in LCMC 18.350.060(2) (a through j). A mitigation plan shall be required for trees that are 10-inches in diameter or greater in accordance with LCMC 18.350.050.
12. Preliminary grading, erosion control and drainage plans, which may be a single plan, consistent with applicable provisions of Chapter 18.320 LCMC.
13. Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.
14. A phasing plan, if proposed.
15. A critical areas report for the impacted FHWCA's and wetlands on the site in accordance with LCMC 18.300.090.
16. An archaeological predetermination report in accordance with LCMC 18.360.
17. Additional information:
 - a. A traffic study (please consult with the City Engineer regarding intersections to be studied.)
 - b. A completed SEPA environmental review checklist.

- c. A signed *Agreement to Pay Outside Professional Review Expenses Related to Land Use Application*. (Provided during the meeting.)

18. A preliminary stormwater report in conformance with LCMC 18.320.

Vesting: Applications are vested in the current version of the code on the date the City deems the application to be technically complete.

Subdivision Approval criteria (LCMC 18.210.040[1]): The applicant carries the burden of proof to demonstrate that the proposal complies with the following City regulations and standards:

- Chapter 12.05 LCMC, Sidewalks;
- Chapter 12.10 LCMC, Public and Private Road Standards;
- Chapter 15.05 LCMC, Building Code and Specialty Codes;
- Chapter 15.35 LCMC, Impact Fees;
- Chapter 18.245 LCMC, Supplemental Development Standards;
- Chapter 18.300 LCMC, Critical Areas;
- Chapter 18.310 LCMC, Environmental Policy;
- Chapter 18.320 LCMC, Stormwater and Erosion Control;
- The subdivision must make appropriate provision for parks, trails, potable water supplies and disposal of sanitary wastes; and
- The subdivision complies with Chapter 58.17 RCW.

Flag Lots (LCMC 18.210.040[3]):

Lots 5 and 6 are flag lots and flag lots are discouraged (although not prohibited) under LCMC 18.210.040. The applicant should explore other lot arrangements and demonstrate why flag lots are necessary and why a different lotting pattern is not possible. If the City allows the flag lots, the flag “pole” must meet the following requirements:

- Shall be 20 feet wide;
- Must be improved with an all-weather surface and have an unobstructed vertical clearance of 13.5 feet and an improved width of 20 feet;
- The pole portion cannot count toward the total lot size;
- If more than 150 feet long, an International Fire Code-approved turn-around is required;
- Where flag lots are not provided but access easements across abutting properties to public or private rights-of-way are provided, the standards of LCMC 12.10.220 shall apply.

Please note that the definition of a flag lot per LCMC 18.40 means a lot the developable portion of which is separated from the public right-of-way to which the lot has direct access by a narrow strip of land often used as a driveway. Creation of a flag lot is subject to additional standards in LCMC Chapter 18.210.

Subdivision General Issues:

1. To approve the preliminary plat, the Hearing Examiner must make an affirmative finding that “appropriate provision for potable water supplies and for the disposal of sanitary wastes, sidewalks and pathways provide safe routes for pedestrians and to schools, adequate protections and mitigations for critical areas, roadways are design for safe and efficient vehicle access, stormwater and erosion control is adequately addressed, and building and development codes are being met”.

2. All existing wells and septic systems must be properly decommissioned prior to final plat.
3. The City may refuse bonds in lieu of improvements at the time of final platting if such bonding has not been previously discussed and documented.
4. The preliminary plat shall expire five years from the date of the Final Order. RCW 17.58.140(3)(a).
5. Phasing is permitted. All phases must be identified on the preliminary plat and be consistent with the lot number sequencing.

18.225 Legal Lot Determinations

Staff will complete a legal lot determination concurrent with the review of the consolidated land use application. Please provide information required by this Chapter (see LCMC 18.225.010[4]) including any prior city/county short plat, subdivision, or legal lot determinations; a sales or transfer deed history dating back to 1969; prior segregation request, if any; prior recorded survey, if any; and any other information regarding the legality of the lot. Please note that staff did not locate any subdivisions in a preliminary review of Clark County information. An available survey from 2018 shows the subject site as part of an overall lot including the parcel immediately to the south.

18.240 Mitigation of Adverse Impacts

The applicant will need to respond to this code section in their narrative as part of the type III preliminary subdivision; type II critical areas permit, tree cutting permit, UH-10 removal, and variance; and Type I legal lot determination and variance.

18.245 Supplementary Development Standards

18.245.020 Height of fences and hedges

If fences are proposed, they must meet the requirements of this section including that:

- They are not more than 6 feet in height in the side yard, street side yard, or rear lot lines and cannot extend into the front yard. Site distance requirements must be met.
- Prohibited materials include fiberglass or plastic sheeting, barbed wire, razor ribbon or other similar temporary material.

18.245.040 Lighting

Lighting must meet the requirements of 18.282 Outdoor Lighting (i.e., be dark sky compliant) and must not cause more than one foot-candle measured at any property line.

18.245.060 Landscaping

Landscape screening is required between the Urban Public Facilities (UP) zone to the north of the subject property. However, The City has the ability to approve the use of existing vegetation on-site to satisfy landscaping requirements. The existing trees and other vegetation along the northern property boundary of the site might be able to substitute for the L5 screening requirements in conjunction with meeting the City's tree preservation requirements in LCMC 18.350. Please be aware that a riparian buffer has to be completely vegetated to fully function and meet the requirements of BAS per LCMC 18.300.100, which will require revegetation of the riparian buffer on the site.

- All landscaped areas must meet the landscape standards of 18.245 including:
 - Existing vegetation may fulfill landscape requirements if it provides an equivalent screening.
 - Landscaped stormwater areas may satisfy landscaping area requirements.
 - Rooftop and ground-level exterior equipment shall be screened to an F2 or L3 standard.
 - Landscaping must meet size requirements in 18.245.060(11-14).

- Permanent built-in irrigation is required or a statement from a landscape architect is required to have a temporary irrigation system during establishment. Alternatively, no irrigation system is required if plantings will survive by rainwater as certified by a landscape architect and plants must be monitored replacement of plants that don't survive is required.

LCMC 18.260 Variances

Minimum lot depth for lot 15 do not meet the City's requirements. Additionally, Lots 1 – 6 may not meet the minimum lot depth and size requirements when the lots are redesigned, and the riparian buffer is placed into its own tract. Therefore, these lots need to be redesigned prior to formal application or the applicant needs to apply for and receive approval of a Type I application if the varied standards are less than 10% or Type II application if the standards vary 10 to 20 percent.

If applying for variance, the applicant must respond to the variance criteria in LCMC 18.260.040. The variance criteria require that there be an unusual circumstance such as site size or shape and that the circumstance is not a result of actions taken by the applicant. Minor site redesign should be explored prior to applying for a variance. The variance application should address why it is not possible to comply with the LDR-7.5 lot dimensional standards.

LCMC 18.270.040 Temporary sales offices/model homes

Sales offices are subject to type I review. The temporary use shall be within the boundaries of an approved subdivision. It shall not be permanently approved for temporary use and will not be materially detrimental to public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity. It should meet the setbacks and vision clearance required of Chapter 18 and building and fire codes. The hours of operations should be specified. The use shall cease and convert to a permitted use with a year of approval. The applicant can reapply for the permit if an additional year of the use is necessary. Adequate utilities and parking should be available to serve the temporary use, and the use should not use required off-street parking areas for adjacent or nearby uses. This application is typically completed after final plat approval and recordation and at the time of building permit for the temporary sales office.

The required materials for submittal are:

- Land Use Application
- Authorization from property owner
- A legal description of the site
- Preliminary plan/site plan
- Written description (narrative) of how the application complies with code.

LCMC 18.280 Off-Street Parking and Loading

18.280.010 Off-Street Parking Requirements

Off-street parking requirements apply. Two spaces per dwelling unit are required which can be either in garages or in driveways or a combination.

LCMC 18.282 Outdoor Lighting

The City adopted new outdoor lighting requirements in 2019 to reduce light pollution and in compliance with dark sky guidelines. The code contains specifications for lighting spectrum and luminance limits. These standards apply to exterior residential lights such as front and rear porch lighting. Please review these requirements before selecting lighting fixtures.

18.300 Critical Areas

Critical areas mapped for the project on the project site include fish and wildlife habitat conservation areas (FWHCAs) for a riparian buffer with an off-site stream, wetlands, and geologically hazardous areas (landslide and erosion hazards). The applicant provided a critical areas report for wetlands and habitat areas as well as a geotechnical report for the pre-application review.

LCMC 18.300.090(1) Critical Aquifer Recharge Areas

The site and all of La Center is mapped as a Category II Critical Aquifer Recharge Area. However, La Center's code does not contain any requirements for Category II Critical Aquifer Recharge Areas. A critical areas permit is not required for development within a Category II Critical Aquifer Recharge Area.

LCMC 18.300.090(3) FWHCAs

According to Clark County MapsOnline and the submitted Critical Areas Report, the north and northwestern portions of the site is within a riparian habitat buffer. According to the submitted critical areas report unnamed fish-bearing (Type F) stream – see Figure 1. A Type F stream requires a 200-foot riparian buffer in accordance with Table 18.300.090(2)(f). A supplemental critical areas report will be required to accurately assess and include impacts from the proposed development and required mitigation. The report shall be completed and consistent with the requirements of LCMC 18.300.090(2)(d). If mitigation is required, a mitigation plan must be provided in consistence with LCMC 18.300.090(2) (i, j, and k). This critical areas report shall be provided at the time of preliminary subdivision application to determine if a critical areas permit is necessary. If necessary, the critical areas permit will be reviewed in conjunction with the preliminary plat. LCMC 18.300.090(2)(h) prohibits platting of urban residential lots within riparian buffers. Therefore, lots 1-6 will have to be redesigned to exclude the full riparian buffer width of 200 feet in this location.

The applicant is proposing to construct a stormwater facility for the development within the riparian buffer. This is an allowed use in critical areas and within associated buffers in accordance with LCMC 18.300.050(4)(b) when there is no other reasonable alternative, based on topographic and environmental conditions as determined by the director. Please provide additional narrative within the land use narrative describing why there is no other alternative to placement of the stormwater facility outside the buffer. This stormwater facility will be subject to the development standards of LCMC 18.300.110 and appropriate mitigation measures in LCMC 18.300.120. The supplementary critical areas report shall include and assess the impacted area for the facility, including the stormwater outfall, within the riparian buffer along with proposed mitigation measures.

Additionally, Clark County MapsOnline and DNR maps an offsite, unnamed stream to the southeast of the site – see Figure 1. DNR does not provide a stream type for this potential stream. Mapping sources are commonly inaccurate of actual onsite conditions; however, the supplementary critical areas report shall assess this potential stream and if present, it's stream type, buffer, and any resulting mitigation from the proposed development.

Please note that the City is updating its fish and wildlife habitat conservation regulations. Buffer widths may change and could increase. Anticipated adoption is fall or winter of 2023.

Figure 1: Mapped Streams (Blue lines) and Riparian Buffer (striped, green shading)



LCMC 18.400.090(4) Geologically Hazardous Areas

As shown in Figure 2, the southern portion of the project site has a mapped severe erosion hazard area. Additionally, Figure 3 indicates areas of slopes greater than fifteen percent and potential instability on the northwest and southeast corners of the project site.

The applicant has provided a geotechnical report for the occurrence of steep slopes, landslide hazard areas, and erosion hazard areas. The applicant's report should address LCMC 18.300.090(4) including alterations to geologically hazardous areas (b), general design standards for landslide and erosion hazard areas (c), and design standards for landslide hazards (d). The report indicates that the site is suitable for the project as long as the project follows the development recommendations, which include 15-foot setbacks from the slopes on the northwest corner of the site, 20-foot setbacks from the slopes along the western property line, and a 15-foot setback from the slopes at the southeast corner. Due to the suspected landslide scarp indicators at the southeast corner of the site, the report suggests doubling the setback to 30 feet. These suggested slope setbacks have been included on the proposed site plan. However, LCMC 18.300.090(4)(d)(A) requires a minimum buffer of 50-feet from the edge of the landslide hazard area and can be reduced to no less than 25-feet in accordance with LCMC 18.300.090(4)(d)(B). Therefore, the recommended setbacks on the northwest and southeast corners can be no less 25 feet instead of 15. Please revise plans to accommodate a setback of 25 feet from the slopes with the potential landslide hazard in the northwest corner of the site and maintain the recommended 30-foot setback at the southeast corner.

Figure 2: Mapped erosion hazard area (in brown).

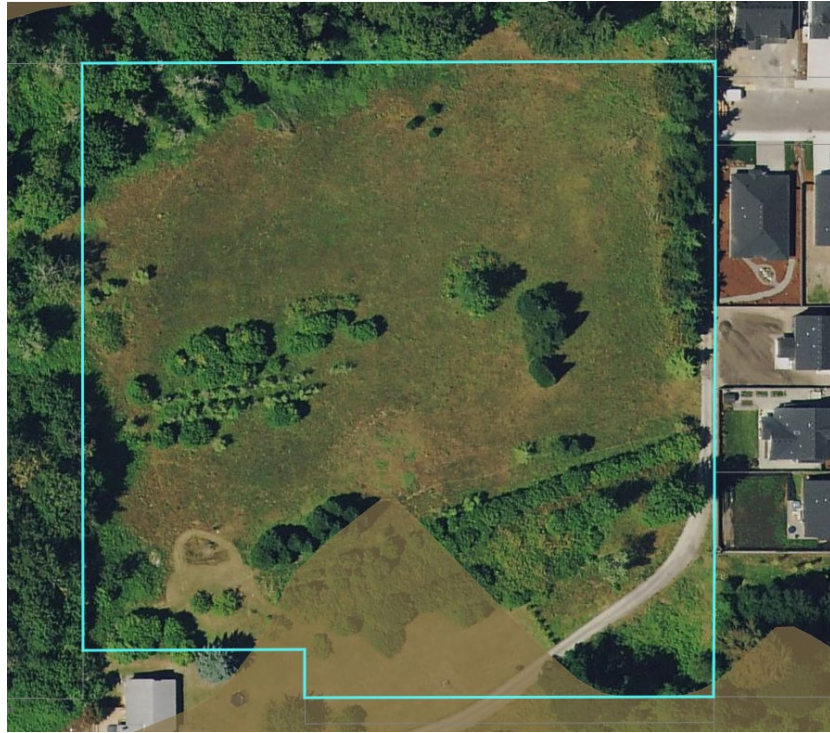


Figure 3: Areas of Steep Slopes and Potential Instability



LCMC 18.300.090(5) Wetlands

The provided critical areas report has determined that there is a 0.08-acre (3,484 square feet) Type IV wetland that occurs in the south-central area of the site (Figure 4). In accordance with LCMC 18.300.090(d), this wetland may be exempt eligible from the requirement to avoid impacts and may be filled if the impacts are fully mitigated. This applies to Type IV wetlands that are less than 4,000 square feet in size, are not associated with riparian areas or their buffers, are not associated with shorelines of the state or their associated buffers, are not part of a wetland mosaic, do not score five or more points for habitat function, and do not contain a priority habitat or priority area for priority species. This shall be determined by a supplementary critical areas report. If the report determines this is eligible for the exemption, the filled wetland shall be mitigated in accordance with LCMC 18.300.090(m through q). If the report determines it is not eligible for exemption, a critical areas permit will be required in accordance with LCMC 18.300.090(r and s) with a supplementary critical areas report to fully assess impacts from filling the wetland and a mitigation plan in accordance with LCMC 18.300.090(m through q).

Figure 4: Type IV Wetland from Critical Areas Report



Chapter 18.310 Environmental Policy

The proposed development which includes provision of more than four residential dwelling unit exceeds the City's SEPA exemptions. The applicant must provide an environmental checklist along with the

subdivision application. The City will issue a SEPA determination during the application review period and at least 15 days prior to the public hearing. The City will run the SEPA comment and land use comment period concurrently and will not make a decision on the land use application until after the close of the SEPA comment period.

Chapter 18.350 Tree Protection

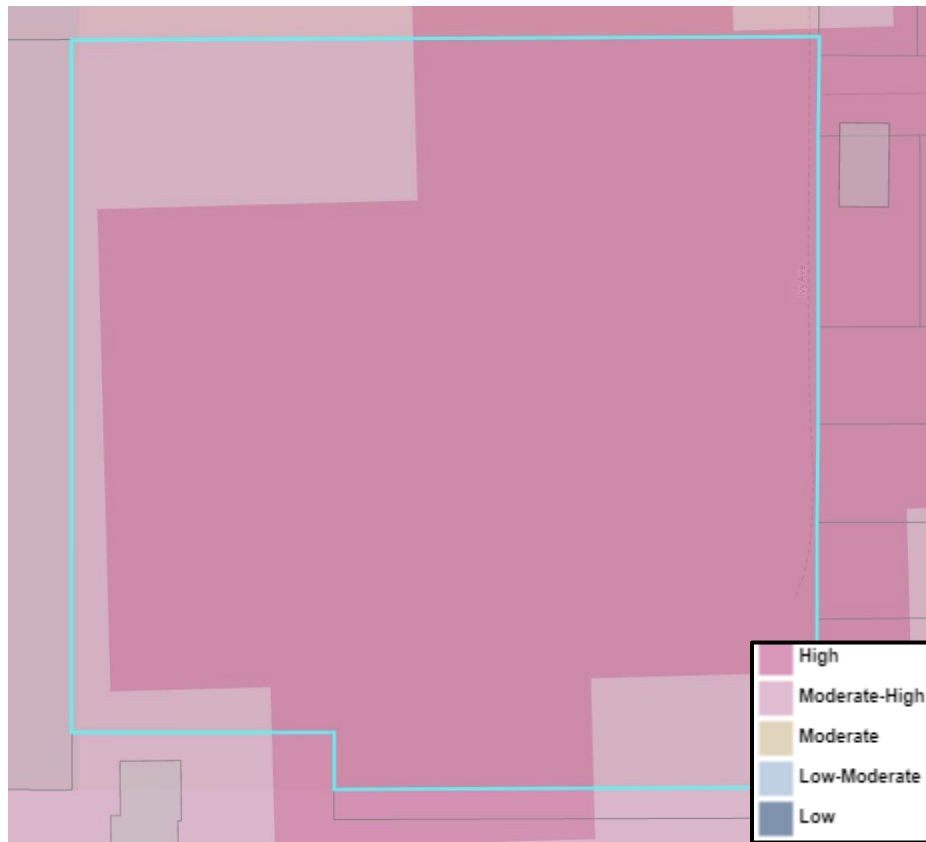
If any tree greater than 5” diameter at breast height (DBH) is proposed to be removed, a tree cutting permit and mitigation plan will be required. A tree protection plan will also be required in accordance with LCMC 18.350.060. The tree protection plan must depict all trees on the site, their health or hazard condition, and recommendations for the treatment of each tree. The tree protection plan must be prepared by an arborist or a landscape architect. The tree protection plan must show planting of new trees to replace the trees to be removed. It appears there are several trees on the site that are likely to be removed for the proposed development.

Mitigation may consist of replanting on or off-site or payment in lieu of planting. LCMC 18.350.050. For each tree that is greater than 10 inches in diameter, one, two-inch deciduous tree or a six to eight-foot evergreen tree is required to be planted. The City can require that the development design be revised to preserve existing trees.

Chapter 18.360 Archaeological Resource Protection

Using Clark County MapsOnline, Figure 5 shows the site is identified as having a moderate-high to high risk of containing archaeological resources and must file an archaeological predetermination report as per Table 18.360.020-1. Predetermination reports must contain the information in 18.360.080(4). Based on the findings of the predetermination report, further archaeological work or a full archaeological survey may be required.

Figure 5: Risk of Encountering Archaeological Resources



Application Fees

Based upon the information provided to date, we estimate that the land use application fees will include:

- Preliminary long plat: \$3,000 + \$125 per lot + cost recovery*
- Variances: Type I & II \$180 + cost recovery, Type III \$240 + cost recovery*
- SEPA: \$510 + cost recovery*
- Legal lot determination: \$425 + \$75/lot (> or = to 2 lots) + cost recovery*
- Tree cutting permit: \$60 + cost recovery*
- Final long plat: \$920 + \$60 per lot + cost recovery*

*Cost recovery (requires a reimbursement agreement); actual cost of staff, consultants, and/or hearing examiner plus 10 percent. This fee is applicable as part of a land use action or development review (i.e., traffic study, preliminary/final plat review).

Attachments

A: Pre-application Materials

August 23, 2023 – Attendees

Name	Organization Name	Email Address	Phone Number
Bryan Kast	City of La Center	bkast@ci.lacenter.wa.us	360-263-5189
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