

# Type III - Conditional Use Permit

Project Name: City of La Center Public Works Operation Center

Case Number: 2025-010-CUP/PSR/SEPA/GEO/ CAR/ TRE

The attached decision is final unless an appeal is filed with the City Clerk. The appeal shall be filed within fourteen (14) calendar days from the date the notice of the final decision is mailed to the parties of record.

A final decision regarding an application subject to a Type III process may be appealed by the applicant or applicant's representative or by any person, agency or firm who offered oral or written testimony before the hearing's examiner closed the public record in the case.

Appeal Contents. An appeal shall include the appropriate fee (Type III decision \$1,100 + 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).) and the following information:

Any appeal of the final decision shall be in writing and contain the following:

- (a) A form provided for that purpose by the city;
- (b) The case number as designated by the city;
- (c) The name of the applicant;
- (d) The name, address and signature of each appellant;
- (e) The specific aspect(s) of the decision and/or SEPA issue being appealed;
- (f) The reasons why each aspect is in error as a matter of fact or law; and
- (g) The evidence relied on to prove the error.

For an appeal regarding a decision subject to a Type III process, the city clerk shall schedule a public hearing to be held by the city council not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for application subject to a Type III process in LCMC 18.30.100, except that the appeal shall be on the record except to the extent city council allows new evidence for good cause

# Process for an appeal:

For an appeal regarding a decision subject to a Type III process, the city clerk shall schedule a public hearing to be held by the city council not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for application subject to a Type III process in LCMC 18.30.100, except that the appeal shall be on the record except to the extent city council allows new evidence for good cause.

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

Regarding an application by the City of La Center ) to expand the City's existing Public Works Operation Center, adding a new maintenance shop building, at 291 ) SEPA/GEO/CAR/TRE E. Ivy Avenue in the City of La Center, Washington ) (Public Works Building)

# A. SUMMARY

- 1. The applicant, the City of La Center, requests approval of a Conditional Use Permit ("CUP"), Type II Site Plan Review, SEPA, Critical Areas Review and a Tree Cutting Permit to expand the City's existing Public Works Operation Center located on a 3.22-acre parcel at 291 E. Ivy Avenue; also known as parcels 62965235 and 986053994 NW ¼, Section 2, Township 4, Range 1 East of the Willamette Meridian.
- a. The site was zoned P/OS (Parks/Open Space); the City recently rezoned the site UP. Properties to the south of the site are zoned LDR-7.5 (Low Density Residential). Properties to the west are zoned UP (Urban Public). Properties to the north and east are zoned P/OS and developed as Holly Park.
- b. The northern part of the site is currently developed as the City of La Center's Public Works Operations Facility. The southern portion of the site is a vacant parcel containing a Type N seasonal creek, trees, and a trail that connects to Holley Park. The site access is off E. Ivy Ave, and this access is proposed to remain as a part of the improvements project. The site is bordered by E. Ivy Ave to the west, Holley Park to the North and east and a vacant parcel to the south. Further to the south is the Holley Park Subdivision.
  - c. With this application the applicant proposes to:
- i. Combine the two tax lots that make up the site into a single parcel;
- ii. Demolish an existing storage building and construct a new five-bay shop, covered parking, and associated paving, stormwater and site improvements. The proposed building will include 3,400 square feet of enclosed shop space and 2,400 square feet of new covered parking areas. An 800 square foot lean-to is proposed to be added to the existing building. The site footprint will be expanded to the south using fill slopes and retaining walls to minimize impacts to the critical areas south of the project site. The site will be re-paved with a combination of asphalt and concrete and new stormwater collection and detention infrastructure is proposed as a part of the project; and
- iii. The proposed development will result in 1,818 square feet of permanent and 1,712 square feet of temporary encroachment into the riparian buffer associated with the on-site stream. The applicant proposed to reduce the 75-foot riparian buffer to 37.5 feet as allowed by LCMC 18.300.090 (2)(I) and enhance the remaining degraded buffer as mitigation.

- 2. 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 in the Staff Report and Recommendation to the Hearings Officer dated July 7, 2025 (the "Staff Report"), as modified at the hearing. The applicant accepted those findings and conditions, as modified, without exceptions. One person orally testified with questions about the application. One other person testified in writing, requesting additional detail about the application. (Exhibit 4). No one else testified orally or in writing, other than public service providers and agencies.
- 3. Based on the findings provided or incorporated herein, the examiner approves the application subject to the conditions at the end of this final order.

# B. <u>HEARING AND RECORD HIGHLIGHTS</u>

- 1. Hearing Examiner Joe Turner (the "examiner") received testimony at the public hearing about this application on July 22, 2025. 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 planner, Angie Merrill, summarized the Staff Report.
- a. She noted that the site was zoned P/OS. However, P/OS is not a zoning district in the City, but a way to implement the La Center parks, recreation, and open space master plan, and for new residential subdivisions to dedicate property as parks and preserved open space. The site is designated Public Facilities/Open Space (PF/OS) in the Comprehensive Plan. The La Center City Council recently approved a zone change from P/OS to UP. The proposed use is permitted as a conditional use in the UP zone.
- b. The applicant will enhance the degraded riparian buffer on the site to mitigate for impacts caused by the proposed building.
- c. She noted a typographical error on page 16 of the Staff Report. The word "except" should be deleted from the "Findings" at the top of the page.
- d. Three new exhibits were introduced after the Staff Report was issued; Exhibit 16, amended conditions; Exhibit 17, a copy of the rezone approval; and Exhibit 18, revised conditions from the Clark/Cowlitz Fire District.
  - 3. La Center city engineer Tony Cooper, summarized the engineering issues.
- a. He noted that E. Ivy Avenue abutting the west boundary of the site is a private street owned by the School District. The City has an access and utility easement over the road. Therefore, the applicant will not be required to construct half-width frontage improvements.

- b. The applicant will collect and detain stormwater runoff from all new impervious areas on the site prior to discharge into an existing ditch. The applicant will be required to install rock rip rap to limit erosion in the ditch. Treatment of runoff is not required, as the proposed development will only create 200 square feet of new pavement area. The applicant will be required to install an oil/water separator and sumped catch basin for runoff from the proposed "washdown" area.
- 4. Consulting planner Hillary Harris, testified on behalf of the applicant, the City of La Center. She accepted the findings and amended conditions in the Staff Report without exceptions.
- 5. Al Filla argued that the proposed development should not encroach into the existing ballfields within Holley Park.
- 6. No one else testified at the hearing. The examiner closed the record at the end of the hearing and announced his intention to approve the application, subject to the findings and amended conditions in the Staff Report, as modified at the hearing.

#### C. DISCUSSION

- 1. City staff recommended approval of the application based on the affirmative findings and subject to amended conditions of approval in the Staff Report, as modified at the hearing. The applicant accepted those revised findings and conditions without exception.
- 2. The examiner concludes the Staff Report identifies the applicable approval standards in the LCMC for the application and contains affirmative findings showing that the proposal does or can comply with those standards, provided that the applicant complies with the recommended conditions of approval. The examiner adopts the affirmative findings in the Staff Report, as amended, as his own.
- 3. All development will occur within the boundaries of the site. The proposed development will have no impact on the ballfields or other improvements within Holley Park.

### D. CONCLUSION

The examiner concludes that the applicant sustained the burden of proof that the proposed development 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.

#### E. 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. 2025-010-CUP/PSR/SEPA/GEO/CAR/TRE (Public Works Building)

in general conformance with the applicant's preliminary plat, subject to the following conditions:

# **Planning Conditions:**

- 1. The approval of the Type IV rezone application is required prior to Final Site Plan Review.
- 2. Prior to the issuance of a building permit, a lot combination request shall be submitted through the Clark County Assessor's office combining the project parcels.
- 3. All development shall comply with the noise standards in Chapter 173-60 WAC.
- 4. The applicant shall continually maintain the required landscaping in a healthy manner. Any plants that die must be replaced with in-kind materials. A permanent or temporary irrigation system shall be used to ensure plant survival through the establishment period.
- 5. The applicant is required to comply with the planting of native plants.
- 6. The applicant shall install construction fencing around trees to remain, so they are not inadvertently removed, and grading does not occur within their root zones.
- 7. The applicant shall plant a minimum of one 2-inch caliper DBH deciduous tree for each deciduous trees proposed to be removed, as well as planting a minimum of one 6 to 8-foot tall evergreen tree for each evergreen tree proposed to be removed.
- 8. In the event that any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100-foot buffer; this number may vary by circumstance) must stop and the following actions must be taken:
  - Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
  - •Take reasonable steps to ensure confidentiality of the discovery site; and,
  - Take reasonable steps to restrict access to the site of discovery.

The applicant shall notify the concerned Tribes and all appropriate county, city, state, and federal agencies, including the Washington Department of Archaeology and Historic Preservation and the City of La Center. The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural material and will reach an agreement with the applicant regarding actions to be taken and disposition of material. If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.

See the Revised Code of Washington, Chapter 27.53, "Archaeological Sites and Resources," for applicable state laws and statutes. See also Washington State

Executive Order 05-05, "Archaeological and Cultural Resources." Additional state and federal law(s) may also apply.

Copies of the above inadvertent discovery language shall be retained on-site while project activity is underway.

#### Critical Areas

- 9. The applicant shall stake, flag, and fence the riparian area buffer prior to any site improvements prior to and through the duration of site construction.
- 10. Permanent impacts to the riparian buffer shall be mitigated at a ratio of 2:1.
- 11. The applicant shall follow the proposed performance and monitoring plan, including watering of enhancement plantings in dry months, weed suppression and invasive species control within the enhancement area, caging of plants to protect from animal damage, and re-planting of any vegetation required to meet the performance standards.
- 12. Marking Buffer During Construction The location of the outer extent of the habitat buffer, or if no buffer is required the habitat area, shall be marked in the field and such markings shall be maintained throughout the duration of the permit. [LCMC 18.300.090(2)(n)(i]
- 13. Permanent Marking of Buffer Area A permanent and perpetual physical demarcation along the upland boundary of the habitat buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedgerow, wood or wood-like fencing, or other prominent physical marking approved by the director. In addition, signs (measuring minimum size one foot by one foot and posted three and one-half feet above grade) shall be posted at an interval of one per lot or every 100 feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the habitat buffer approved by the director worded substantially as follows: "Habitat Buffer Please Retain in a Natural State." [LCMC 18.300.090(2)(n)(ii]
- 14. A conservation covenant shall be recorded in a form approved by the city attorney as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a permit prior to engaging in regulated activities within a habitat area or its buffer. [LCMC 18.300.090(2)(n)(iii]
- 15. The applicant shall avoid any impacts to any area within 15-feet of landslide or erosion hazard areas.
- 16. The La Center municipal code does not specify required enhancement ratios for stream buffers but requires no net loss of buffer function. The applicant originally proposed a 1.5:1 mitigation ratio for both temporary and permanent impacts to the buffer. Based on comments received from WDFW this mitigation ratio has been increased to 2:1 for permanent impacts.
- 17. The applicant shall follow the proposed performance and monitoring plan, including watering of enhancement plantings in dry months, weed suppression and invasive species control within the enhancement area, caging of plants to

- protect from animal damage, and re-planting of any vegetation required to meet the performance standards.
- 18. A Final Site Plan Review application shall be submitted and complete prior to occupancy.
- 19. All development of the property for which a site plan was approved shall conform to the approved site plan and any conditions imposed thereon unless amended or replaced by a subsequent city approval.
- 20. Site plan approvals are valid for two (2) years from the issuance date. Substantial completion of the project improvements shall have occurred.

# **Public Works and Engineering Conditions**

- 1. The City Erosion Control Standards require that any activity disturbance over 500 SF must comply with the city standards. All erosion control measures shall be designed, approved, installed and maintained consistent with Chapter 18.320 LCMC and the applicant's Construction Stormwater Permit. Per the City Erosion Control Manual, from October 1 through April 30, no soils shall remain exposed for more than two (2) days. From May 1 through September 30, no soils shall remain exposed more than seven (7) days.
- 2. 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 1 and October 31 with planting and seeding erosion control measures completed by October 1 to become established before the onset of wet weather.
- 3. A grading and erosion control permit will be required from the City of La Center, since the site will have more than 50 cubic yards of cut and fill of earthwork per LCMC.
- 4. The Technical Information Report (TIR) was submitted by the applicant, and it complies with LCMC 18.320 stormwater must be detained per LCMC. The design must meet the LCMC 18.320 and the 1992 Puget Sound Manual for the design of the system. The applicant shall follow the design recommendations of the TIR.
- 5. The applicant proposes to construct a 100-foot long 24-inch diameter detention pipe with flow control at the downstream end of the pipe, out-falling to the existing drainage ditch west of the building. Downspouts and the new catch basins are shown to connect to this detention pipe. The outfall of the 100-foot by 24-inch stormwater detention pipe will connect to the existing roadside ditch west of the building, on the east side of East Ivy Avenue. Staff recommend that rip rap be placed along the length of this ditch to protect the slope.
- 6. Per 18.320-210(4), CPS Oil-water separators shall be used to provide water quality for vehicle maintenance or high risk for high oil loading in runoff. Stormwater from the "wash down area" shall be treated with a CPS oil water separator.

7. The stormwater 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.

# SEPA (MDNS) Documentation and Mitigation Conditions

- 1. <u>Earth:</u> All grading and filling of land must utilize only clean fill, i.e., dirt or gravel from an approved source;
- 2. Earth: All debris removed off-site must be disposed of at an approved location;
- 3. <u>Air:</u> The applicant is required to sprinkle the site with water during construction to reduce dust.
- 4. <u>Air:</u> The applicant shall use vehicles fitted with standard manufacturer's emission's control equipment to reduce construction-period emissions. Construction vehicles shall not be permitted to idle when not in use.
- 5. Water: The applicant must use approved erosion control best management practices during construction in compliance with LCMC 18.320 and the final approved stormwater technical information report.
- 6. Water: The applicant must comply with the recommendations of the Critical Areas Report
- 7. Water: The applicant must comply with the recommendations of the critical areas report (
- 8. <u>Water:</u> The applicant must use approved erosion control best management practices during construction.
- 9. Water: A City stormwater permit, and Stormwater Pollution Prevention Plan (SWPPP) shall be required for the proposed project and shall be approved prior to construction.
- 10. <u>Plants:</u> The applicant shall plant a minimum of one 2-inch caliper DBH deciduous tree for each deciduous trees proposed to be removed, as well as planting a minimum of one 6 to 8-foot tall evergreen tree for each evergreen tree proposed to be removed.
- 11. Environmental Health (Noise): All construction equipment shall have muffled exhaust and construction activities are only permitted during City-approved construction hours. Contractors are required to comply with the maximum noise level provisions of WAC 173-60 during construction.
- 12. <u>Light and Glare:</u> The applicant shall comply with the requirements of LCMC 18.282 (Outdoor Lighting).
- 13. <u>Recreation:</u> The applicant shall comply with LCMC 18.147 (Parks and Open Space).
- 14. <u>Historic and cultural preservation</u>: In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100' buffer; this number may vary by circumstance) must stop and the following actions taken:
  - a. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
  - b. Take reasonable steps to ensure confidentiality of the discovery site; and,

- c. Take reasonable steps to restrict access to the site of discovery.
- 15. The applicant shall notify the concerned Tribes and all appropriate county, city, state, and federal agencies, including the Washington Department of Archaeology and Historic Preservation and the City of La Center. The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural material and will reach an agreement with the applicant regarding actions to be taken and disposition of material. If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.
- 16. See the Revised Code of Washington, Chapter 27.53, "Archaeological Sites and Resources," for applicable state laws and statutes. See also Washington State Executive Order 05-05, "Archaeological and Cultural Resources." Additional state and federal law(s) may also apply.

Copies of the above inadvertent discovery language shall be retained on-site while project activity is underway.

Contact	Information	
Cowlitz Indian Tribe, Nathan	Phone: 360-575-6226; email:	
Reynolds, Interim Cultural	nreynolds@cowlitz.org	
Resources Manager		
City of La Center, Tracy Coleman,	Phone: 360-263-5189; email:	
Public Works Director	tcoleman@ci.lacenter.wa.us	
Office of the Clark County Medical	Phone: 564-397-8405; email:	
Examiner (for human remains)	medical.examiner@clark.wa.gov	
Washington DAHP, Dr. Allison	Phone: 360-586-3066; email:	
Brooks, Ph.D., Director	Allyson.Brooks@dahp.wa.gov	

- 17. <u>Transportation:</u> The site is existing and the project will not cause further impact to traffic.
- 18. <u>Utilities:</u> The operations center is existing and is not proposing new utilities.
- 19. <u>Public Services:</u> The operations center is existing and will not have impact on public services

### **CCFR Fire Conditions**

- Plans must be submitted directly to Clark-Cowlitz Fire Rescue for review to include: Site plans with access and fire protection underground, building plans, fire suppression plans, and alarm plans (as identified in the fire code). https://clarkfr.idtplans.com/secure/.
- 2. Also inspections are to be requested directly through Clark-Cowlitz Fire Rescue for all permitted and reviewed work on our portal online as mentioned above.
- 3. Required access roadways and hydrants shall be serviceable and unobstructed prior to combustible construction.

- 4. Until fire hydrants and pavement has been installed, there shall not be any above ground combustible construction.
- 5. All Fire Alarm and Fire Sprinklers shall be submitted separately and directly to Clark-Cowlitz Fire Rescue.
- 6. All work subject to field inspection and correction as identified at the time of the on-site inspection; all work shall be compliant with the applicable Standards and Codes; to include the adopted edition of the International Fire Code and the City's Municipal Code.
- 7. Inspection of work and acceptance testing to be scheduled directly with Clark-Cowlitz Fire Rescue.
- 8. IFC 507.5.4 Fire Protection Water Supply: Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.
- 9. Required access roadways and hydrants shall be serviceable and unobstructed prior to combustible construction.
- 10. Any structures larger than 5,000 SF must be equipped with an automatic fire sprinkler system in accordance with NFPA 13. (Ridgefield Municipal Code 903.2).
- 11. Any gate access points that have electronic gate(s), have a Knox key switch installed; if a manual gate(s) will be used, a Knox padlock with a multi-locking device (e.g. Gate Keeper Locks) shall be installed for emergency access.
- 12. IFC section 509: Fire protection equipment and utility equipment rooms shall be identified with an approved sign constructed of durable materials, permanently installed and readily visible.
- 13. This shall be an all whether surface that supports the weight of our emergency apparatus.
- 14. Appendix D of the IFC, apparatus access roads shall be a minimum of 20 feet in width (26 feet in width where a fire hydrant is located) and shall be able to access all parts of the structure within 150 feet of the access road; as an alternate method the buildings shall be sprinkler in accordance with the IFC, with an approved NFPA 13D or NFPA 13R sprinkler system.
- 15. All sprinkler plans shall be submitted separately and directly to Clark-Cowlitz Fire Rescue. General Fire Safety precautions shall be maintained, in accordance with Chapter 33 of the International Fire Code; Fire Safety During Construction IFC D103.4 Dead end Streets: Any dead-end required access road longer than 150'

- must be provided with an approved cul-de-sac or turn-around in accordance the International Fire Code design criteria. (96' Diameter Cul-de-sac; 120' Hammerhead with 20' clear width and 28' R corners; or a 60 foot "Y").
- 16. It is a recommendation that this building be installed with an automatic fire sprinkler system for public safety and to reduce structural damage and loss.
- 17. All Fire Alarm and Fire Sprinklers shall be submitted separately and directly to Clark-Cowlitz Fire Rescue.

DATED this day of July 2025.

Joe Tarner, AICP

City of La Center Hearing Examiner

# **EXHIBIT LIST**

Project Name: City of La Center Public Works Operations Center Improvements

Case Number: 2025-010-CUP/PSR/SEPA/GEO/CAR/TRE

EXHIBIT NUMBER	DATE	SUBMITTED BY	DESCRIPTION
1	5/16/25	COL/ Applicant	Application Package
2		COL	TC Determination
3	6/3/25	CC Land Use	Notice of Application & SEPA
4	6/8/25	Paul Wemhoener	Comment Letter
5	6/16/25	DOE/ Garret Peck @ Derek Rocket	Comment Letter
6	6/17/25	Dept of Fish & Wildlife/ Isaac Holowatz, Habitat Biologist	Comment Letter
7	7/3/25	COL/ Crescent Consulting	Staff Report for Re-zone
8	6/13/25	Travis Goddard	Critical Areas Review for COL
9	6/16/25	DOE Joe Thomas	Statewide SEPA Register No 202502293
10	6/3/25	COL/ Planner	Affidavit of Mailing Notice of Application & SEPA
11	7/7/25	COL/Planner	Notice of Hearing
12	7/7/25	COL/ Planner	Affidavit of Mailing Notice of Hearing, Published Notice of Hearing in the Columbian and Posted Notice of Hearing on Site and on the Bulletin Board at City Hall
13	7/7/25	COL/ Planner	Staff Report for CUP
14	7/7/25	COL/ Planner	Affidavit of Mailing
15	7/7/25	HHPR	Response Memo Critical Areaas
16	7/15/25	COL/ Planner	Amendment to Staff Report/ Conditions of Approval
17	7/9/25	Cresent Design Bryan Kast	Rezone Staff Report
18	7/22/25	CC Fire/ Mike Lackey	FM Comments
19	7/28/25	Hearings Examiner	Final Decision

Copies of these exhibits can be viewed at:
Department of Community Development
Development Services Division
1300 Franklin Street
Vancouver, WA 98666-9810

