



Public Hearing

November 4, 2024, at 5:30 pm
210 East 4th Street, La Center, WA 98629

Public Hearing: Paradise Park Site Plan

Conditional Use Permit, Site Plan Review, Preliminary Plat, Legal Lot Determination, Variance, Mitigated SEPA DNS, Critical Areas Review, Geo Technical Review and Public Hearing: Type III Review

Hearings Examiner: Joe Turner

Applicant: Luke Sasse

Applicant Contact: PLS Engineering Travis Johnson

Hearing Materials:

Application Materials

- A. Table of Contents
- B. Proof of Ownership & Authorization
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Staff Report & Recommendations

Paradise Park Site Plan: Type III

Conditional Use/Preliminary Site Plan/Preliminary Plat/Legal Lot Determination/ SEPA/Variance/Geotechnical Review/Critical Areas Review

(2024-019-CUP) PSR/SUB/SEPA/LLD/VAR/CAR/TRE/GEO

October 18, 2024

PROPOSAL:	<p>The applicant is proposing a phased commercial development located on approximately 3.36 acres within the City of La Center's Urban Growth area. The site is designated Commercial/Mixed Use, zoned Junction Plan (JP) and further designated as being located within the Town Center TC Plan District of the Junction Plan. The proposal includes a two (2) phased, two (2) lot short plat.</p> <p>Phase one (1) Lot 2 will be approximately 95,530 square feet in size and will include a 109-unit, five (5)-story hotel. Phase two (2) Lot 1 will be approximately 56,357 square feet in size and will include a quick-service drive-through restaurant. The quick serve restaurant (QSR) requires a Type III Conditional Use Permit (CUP), additional applications include a Type II Site Plan, Short Plat, Legal Lot Determination, SEPA, Variance, Geotechnical Review and Critical Areas Review.</p>
LOCATION:	Address not assigned – Parcel 209708000 - SW ¼, Section 4, Township 4, Range 1 East of the Willamette Meridian
HEARING:	The La Center Hearing Examiner will conduct a public hearing on November 4, 2024, beginning at 5:30 PM at La Center City Hall, 210 East 4th Street, La Center, WA
APPLICABLE STANDARDS	The application will be reviewed for compliance with the La Center Municipal Code (LCMC): 3.35, Impact Fees; 8.60, Sign Regulations; Title 12, Streets, Sidewalks & Public Ways; Title 13, Public Utilities; Latecomer's Agreement requirements code section 13.10.240. Title 18, Development Code Chapters: 18.30, Procedures; 18.158, La Center Junction Plan Zoning District; 18.205 Short Plat Review; 18.215, Site Plan Review; 18.225, Legal Lot Determinations; 18.240, Mitigation of Adverse Impact; 18.245,

	Supplementary Development Standards; 18.250, Conditional Uses; 18.260, Variances; 18.280, Off-Street Parking Requirements; 18.282, Outdoor Lighting; 18.300, Critical Areas; 18.310, Environmental Policy; 18.320, Native Plant List; 18.340; Stormwater and Erosion Control; 18.350, Tree Protection; and 18.360 Archaeological Resource Protection.
RECOMMENDATION:	APPROVAL , subject to conditions

CONTACT LIST

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OVERVIEW

The project site is located in the junction south of NW La Center Road. The proposal includes a phased commercial development located on approximately 3.36 acres located within the City of La Center's Urban Growth area. The site is designated Commercial/Mixed Use, zoned Junction Plan (JP) and further designated as being located within the Town Center TC Plan District of the Junction Plan. The proposal includes a two (2) phased, two (2) lot short plat.

Phase one (1) Lot 2 will be approximately 95,530 square feet in size and will include a 109-unit, five (5)-story hotel. Phase two (2) Lot 1 will be approximately 56,357 square feet in size and will include a quick-service drive-through restaurant. The QSR requires a Type III Conditional Use Permit (CUP), additional applications include a Type II Site Plan, Short Plat, Legal Lot Determination, SEPA, Variance, Geotechnical Review and Critical Areas Review.

The site is identified as parcel 209708-000, located in the Southwest ¼ of Section 04, Township 4 North, Range 1 East of the Willamette Meridian. The site is vacant with scattered trees and grass. The site is bordered by NW Paradise Park Road on the west, NW La Center Road to the north and vacant parcels on the north and vacant parcels on the south and east.

Access to the site is proposed to be off NW La Center Road. The surrounding parcels are located in La Center's JP (Junction Zone).

Figure 1 – Project Location



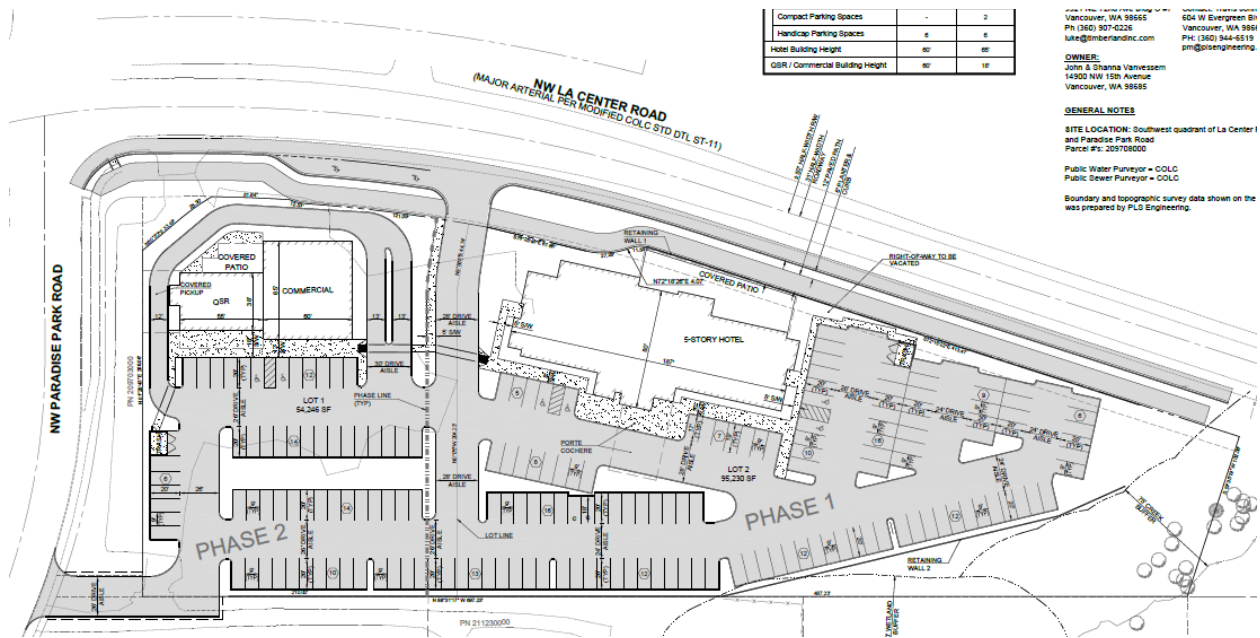
Figure 2 – Subject Site



Each lot will be served by public utilities including sanitary sewer (City of La Center) and potable water (Clark Public Utilities).

The applicant is seeking review for the preliminary conditional use, site plan, short plat, variance, SEPA, geotechnical and critical areas review.

Figure 3 – Proposed Preliminary Site Plan/Plat



REVIEW

Jurisdiction

The site is within La Center City limits and is zoned Junction Plan (JP) and further designated as being within the Town Center (TC) plan district of the Junction Plan. The City of La Center provides sanitary sewer service and public streets. Clark Public Utilities provides potable water service. The project is within the Clark-Cowlitz County Fire and Rescue Fire District service area.

Public Notice

The notice of application and a likely SEPA Environmental Mitigated Determination of Non-Significance (MDNS) and associated environmental checklist was mailed to property owners within 300 feet of the site on September 9, 2024. The public hearing notice was mailed to the property owners within 300 feet of the proposed development, published in The Columbian, and posted on the project site on October 18, 2024. The Department of Ecology entered the SEPA Checklist and MDNS in the Ecology SEPA Register on October 11, 2024 (Ecology SEPA # 202404507).

Public Comments

Staff did not receive any public comments for the proposed project.

Land Use Analysis

LCMC Title 18, Development Code

LCMC 18.30 Procedures

A pre-application conference was held with the applicant and other interested parties on February 22, 2023. A pre-application waiver was approved March 2024. The application was deemed technically complete on August 26, 2024. The City publicly noticed the SEPA MDNS on September 9, 2024. The City released the staff report on October 18, 2024, 15 days before the public hearing. Public hearings shall be

10/18/2024

Paradise Park Site Plan 2024-019-CUP/PSR/PLD/VAR/SEPA/CARA/GEO

conducted in accordance with the rules of procedure adopted by the hearings examiner. Public comments may be submitted either prior to or during the public hearing in writing or orally during the hearing. The City has not received public comments on the proposal.

LCMC 18.158 (Junction Plan Zone District) | (JP)

The site is zoned Junction Plan (JP). The JP zone includes four plan districts with their own character and standards. This site falls within the Town Center (TC) plan district of the JP. The TC district allows shop fronts, sidewalk cafes and commercial/office uses at the street level. Upper level residential and office use is also allowed. Wide sidewalks with shade trees are standard requirements to create a pedestrian friendly experience. Hotels, restaurants and commercial/retail uses are permitted while the drive-through associated with the quick service restaurant (QSR) requires a Conditional Use Permit (CUP).

Development of the La Center Junction Plan (JP) will help with building the city with a strong employment center, consistent with the comprehensive plan standard of nine (9) jobs per industrial acre and ten (10) jobs per commercial acre, along with the tax base. Therefore, this chapter is intended rather than limit economic development.

18.158.020 – Components of the Plan

The La Center junction plan zone (JP) consists of four districts each with an intentional unique character. The four districts share a common pattern of good architectural practices, such in relationship to the street, use of quality materials, and reference to the architectural history of the La Center area. The preferred architectural patterns and preferences can be expressed differently in each district. A significant element of the plan is how the districts are interconnected by an intentional network of streets, trails and view corridors.

Building Envelope Standards

The building envelope standards establish basic parameters governing building form, including the envelope for building placement (in three dimensions) and certain required or permitted building elements, such as shopfronts, doors, windows, balconies, and street walls. The building envelope standards establish both the boundaries within which things may be done and specific things that must be done. The applicable building standard for a lot or parcel is determined by its street frontage, as designated on the regulating plan. The building envelope standards also include broad parameters for flexible use.

The intent of the building envelope standards is to shape vital public space throughout each district through placement and envelope controls on buildings that frame the street space. The standards aim for the minimum level of control necessary to meet that goal.

As a condition of approval, a plan shall be submitted showing the dimensioned building envelopes.

18.158.030 – General Rules for New Development

Blocks/Accessways

City code requires that all lots must share a frontage line with a street and that no block shall have a greater length than 400 feet without an approved accessway such as a common driveway or access easement, street or driveway access easement, street, or pedestrian pathway providing access to another street or driveway/access easement. Further, lots with over 250 feet of frontage shall meet the above requirement within their lot, unless already satisfied within that block face.

The applicant has submitted a variance for the roadway connection.

Buildings

The building facade shall be built to the required building line (RBL) except for 45-degree corner entrances, or designated corner pedestrian plazas.

The applicant has submitted a variance to address the deviation in the JP code requirements as shown in their application submittal packet. The proposed hotel will have an outdoor seating area located on the *Required Building Line (RBL)*. In order for the applicant to meet the ADA compliance from the public right-of-way to the *Quick Service Restaurant (QSR)*/ Commercial Pad and Hotel, the grade of the hotel pad will sit 6 feet higher than the public right-of-way on the northeast corner of the project site and will require a large retaining wall.

Due to critical areas located on the site and the JP zone requirements the applicant will not be able to meet this code section and must apply for a variance to meet the requirements. Please see the variance request within the staff report.

At an intersection of A-plus and/or A-minus streets, corner buildings should be beveled or indented to create usable pedestrian areas at these important intersections.

There are no corner buildings located at an intersection of a-plus and/or a-minus streets. The QSR is proposing a covered patio that will face NW Paradise Park Road and NW La Center Road, therefore meeting the intent of a pedestrian area.

Windows and doors on the upper story facades shall comprise of at least 20 percent, but no more than 60 percent, of the facade area per story (measured as a percentage of the facade between floor levels).

As a condition of approval, windows and doors on the upper story facades shall comprise at least 20%, but not more than 60% of the facade area per story. The building plans have not been submitted at this time. The applicant notes that the hotel plans show windows and doors making up 43% of the facade. The QSR and commercial building are proposing at least 40% glazing.

As a condition of approval awnings may not be supported by posts.

As a condition of approval, awnings shall project a minimum of four feet. The maximum awning projection shall be one foot from the edge of the curb as measured vertically from the sidewalk to the bottom of the awning or canopy.

As a condition of approval, no part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the code, shall encroach beyond the required building line.

As a condition of approval, the maximum building floor plate (footprint) is 50,000 square feet unless approved through the conditional use process.

As a condition of approval, the maximum building floor plate (footprint) will not exceed 50,000 square feet unless approved through the conditional use process.

For each block face, all buildings along the required building line (RBL) shall present a complete and discrete vertical facade composition (i.e., a new facade design) at an average street frontage length of no greater than 60 feet for the TC district. Each facade composition shall include a functioning, primary street space entry. This requirement may be satisfied through the use of liner shops for large floor plate buildings. For projects on lots with frontage of less than 100 feet, only a single facade composition is required.

When the building envelope changes along a street frontage, the property owner has the option of applying the building envelope standards for a maximum additional distance of 75 feet in either direction along that frontage.

As a condition of approval, buildings along the required building line shall present a complete and discrete vertical facade composition (i.e., a new facade design) at an average street frontage length of no greater than 60 feet.

Street Walls

A street wall no taller than three feet is required along any required building line frontage that is not otherwise occupied by the principal building on the lot. The street wall shall be located not more than eight inches behind the required building line.

A variance for the street wall has been applied for. Please see the variance section of this staff report for wall deviation.

The height of the street wall shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the ground elevation once construction is complete.

Trellis, garden screens and similar features used may exceed the three-foot height limitation up to a combined wall height of six feet but screening features may not screen more than 50 percent of the opening.

A vehicle entryway no wider than 18 feet or a pedestrian entryway no wider than six feet shall be permitted within any required street wall.

The applicant has applied for a variance to the 18-foot maximum entry way in LCMC 18.150.030(3)(d) to allow a 28-foot wide entry for a safe and efficient vehicular and truck access. Please see the variance portion of the staff report.

Privacy fences may be constructed along a portion of a common lot line not otherwise occupied by a building.

The applicant is not proposing a privacy fence at this time.

Parking

Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.

A variance to the 30-foot setback for the parking in LCMC Table 18.158.040-1(e)(iii) is proposed for a 5-foot reduction based on topography, wetlands, stream corridor, visibility and the narrow configuration of NW La Center Road. Please see the variance section of this report.

Parking Structures

Access to a multi-story parking structure shall be at minimum of 40 feet from an intersection. Parking structures and parking lots should be located in the interior of a block. When a multi-story parking structure abuts a street, commercial uses must occupy the ground floor abutting the street for the entire length of a building except for the required vehicle entry and egress ways. The ground floor retail space shall be a minimum of 40 feet deep from the front of the street facade.

The applicant is not proposing a multi-story parking structure.

All utility distribution lines shall be located underground.

As a condition of approval, all utility distribution lines shall be located underground.

Public Art

The placement of art throughout the JP zone will enrich, stimulate and enhance the look and public experience of the La Center junction. The city encourages the placement of art in private places and requires placement of art in public places, such as civic greens and squares.

Visual art should:

- (i) Meet the artwork selection criteria art in public places;
- (ii) Allow for reasonable and safe public access to the artwork;
- (iii) Comply with all applicable building and technical codes; and
- (iv) The owner of private art visible from public rights-of-way must ensure that artwork, whether on public or private land, will be maintained and insured

18.158.040 Rules for New Development

Maximum building height for each plan district is 60'

A variance to the 60-foot maximum building height is proposed to allow for a 65-foot building without underground parking. Please see the variance portion of the staff report.

The ground story finished floor elevation shall be equal to, or greater than, the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 1.5 feet above or below the sidewalk.

A variance will be requested to meet the ADA requirements. Please see the variance portion of the staff report.

The ground story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.

As a condition of approval, the ground story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.

A variance has been applied for to allow for a 10 ft interior height. Please see the variance portion of this report.

The maximum height for the ground story is 20 feet.

As a condition of approval, the maximum height for the ground story must be 20 feet.

The maximum floor-to-floor story height for stories other than the ground story is 12 feet.

As a condition of approval, the maximum floor-to-floor story height for stories other than the ground story is 12 feet.

At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 10 feet.

As a condition of approval, at least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 10 feet

On each lot the building facade shall be built to the required building line (RBL) for at least 80% of the required building line length.

A variance based on topography is proposed. Please reference the variance portion of this staff report.

The building facade shall be built to the RBL within 30 feet of a block corner.

The applicant has submitted a variance to this approval criteria. Please see the variance portion of the staff report.

Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.

The applicant is not proposing a parking garage. The proposed drive aisles are located more than 75' from the block corner.

Garage entries shall have a clear height of no greater than 16 feet or a clear width exceeding 24 feet.

Not applicable. There are no proposed garage structures.

The parking setback line shall be a minimum of 30 feet from the designated required building line.

As a condition of approval, the plat must clearly show the required building line (RBL) and note that the parking setback line shall be a minimum of 30 feet from the designated (RBL).

According to Table 18.158.040-1, A 60 -foot required setback from an accessway or service drive subject to the fire district requirements. This setback is an error Per an e-mail from the Fire Marshal (See Exhibit 14). The Fire Marshal distance requirement for aerial apparatus access is when buildings are over 30 feet in height; the Fire Marshal needs a drive aisle that is at a minimum of 26 feet in width and is no closer than 15 feet and no further than 30 feet from the building.

As a condition of approval, The Fire Marshal distance requirement for aerial apparatus access is when buildings are over 30 feet in height; the Fire Marshal needs a drive aisle that is at a minimum of 26 feet in width and is no closer than 15 feet and no further than 30 feet from the building.

Blank lengths of wall exceeding 15 linear feet are prohibited on all required building lines.

Windows and doors on the primary, street-facing, ground story facades shall comprise at least 40%, but not more than 80%, of the facade area situated between 2 and 10 feet above the adjacent public sidewalk on which the facade fronts.

As a condition of approval, Windows and doors on the primary, street-facing, ground story facades shall comprise at least 40%, but not more than 80%, of the facade area situated between 2 and 10 feet above the adjacent public sidewalk on which the facade fronts.

Projections, such as balconies and stoops, shall not project closer than 5 feet to a common lot line.

As a condition of approval, projections, such as balconies and stoops, shall not project closer than 5 feet to a common lot line.

Projections over the sidewalk shall maintain a clear height of at least 10 feet except as otherwise provided for signs, street lighting and similar appurtenances.

As a condition of approval, projections over the sidewalk shall maintain a clear height of at least 10 feet except as otherwise provided for signs, street lighting and similar appurtenances.

Uses

According to table 18.158.050-1(8)(a), hotels are a permitted use. Therefore, allowed within the JP zone district.

Architectural Standards

General Principles, Intent and Specific Standards. Architectural standards serve to establish a coherent character within each plan district and encourage a high caliber, lasting quality of development. Proposed

development plans must be reviewed by the review authority to verify that they meet these architectural standards, as well as the building envelope and other standards established by this chapter.

The principles and standards shall be applied to all development projects within the JP zone. A statement of principle precedes each set of standards, defining the general intent and goals to be achieved.

The standards that follow each principle define more specific requirements for compliance. The standards are intended to provide some flexibility to the applicant, providing the project meets the general intent of the principle.

Building envelope elements on the primary facade must be clearly visible from the streetscape

As a condition of approval, the applicant is required to clearly show the required building envelope on the short plat and site plan.

The architectural standards apply only in conditions where clearly visible from the street space. Street space includes public rights-of-way, parks, civic squares, and civic greens. These standards minimize interference in the private realm. For example, an architectural element that is visible only through an opening in a street wall is not clearly visible from the street space.

The applicant must comply with the architectural standards found in LCMC 18.158.070

Equivalent or better. materials, techniques, and product types prescribed here are required; however, equivalent or better practices and products are encouraged.

External building materials must be of high quality. They must be durable, suitable for their intended use, and conform to manufacturers' specifications for manufacture and installation. Faux, artificial, cultured, imitation, or synthetic materials shall project the look and appearance of natural or genuine materials, and they must be attractive and pleasing to the eye.

Street and parking specifications

The streets within the junction plan zone are intended to balance the needs of all types of traffic – auto, bicycle, and pedestrian – to maximize mobility and convenience for all the citizens and users of the respective district. While all streets will appropriately balance pedestrian and automobile needs, their character will vary by specific location. Some streets will carry a large volume of both automobile and pedestrian traffic and provide a more intense urban experience while others will provide more intimately scaled street space.

The street-type specifications provide general configurations for street spaces within the JP zone. The city will configure and adjust street specifications for specific development activity as necessary to ensure consistency with the vision of this chapter and to provide for vehicular safety or pedestrian/bicycle/vehicle separation.

The city will create street sections for adoption in the engineering standards for public works to guide future development. The following preliminary street sections may be used to guide creation of future street sections and should be based on the street plan (Figure 18.158.020-3) and sound engineering principles.

The applicant must comply with the architectural standards found in LCMC 18.158.080

LCMC 18.205 Short Plat

A preliminary plat is subject to pre-application review (LCMC 18.205.010). A technically complete review of a plat application is subject to a Type I process. After a preliminary Short Plat application is deemed to

be technically complete, the review of the application for a preliminary plat approval is subject to a Type II review process (LCMC 18.205.020).

The City conducted a pre-application conference for the proposed project on February 22, 2023 (2023-006-PAC) and a pre-application conference waiver was approved in March 2024. The City received the request for the preliminary application on August 12, 2024. The City found the application “technically complete” on August 26, 2024. The City of La Center’s Hearings Examiner will consider the preliminary site plan, conditional use permit, short plat, variance, CARA, and geotechnical review applications on November 4, 2024, at La Center City Hall beginning at 5:30 PM.

18.205.040 Approval criteria for a preliminary short plat.

(1) The review authority shall approve the preliminary short plat and related applications if he or she finds:

(a) The applicant has sustained the burden of proving that the application complies with the following regulations of the La Center Municipal Code to the extent relevant:

- (i) Chapter 12.05 LCMC, Sidewalks, and Chapter 12.10 LCMC, Public and Private Road Standards;
- (ii) Chapter 18.300 LCMC, Critical Areas;
- (iii) Chapter 18.310 LCMC, Environmental Policy;
- (iv) Chapter 18.320 LCMC, Stormwater and Erosion Control;
- (v) Chapter 15.05 LCMC, Building Code and Specialty Codes;
- (vi) LCMC Title 18, Development Code;

(b) That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final short plat is approved;

(c) The application makes appropriate provisions for potable water supplies and for disposal of sanitary wastes; and

(d) The application complies with RCW 58.17.010.

(2) If the application includes the creation of one or more flag lots, those lots shall comply with LCMC 18.210.040(3).

18.205.050 Expiration and extension of preliminary short plat approval

A decision approving a preliminary short plat expires five years from the effective date of approval and can be extended as provided in LCMC 18.30.140

As a condition of approval, the applicant shall pay all system development fees in effect at the time of the building permit issuance.

As a condition of approval, the applicant shall obtain building permits in compliance with LCMC 15.05 prior to construction.

LCMC 18.205 Short Plat and extension of preliminary plat approval

Approval of a preliminary plat expires five years from the effective date of the decision approving it unless, within that time, an applicant files with the city clerk an application for a final plat for a subdivision or given phases of a subdivision or for an extension.

As a condition of approval, the preliminary plat shall expire five years from the date of approval by the hearing examiner, unless an application for final plat is submitted or an extension is requested per LCMC 18.210.050(2) and (3).

As a condition of approval, prior to final plat approval, the Developer shall identify the setbacks for all lots on the face of the final plat.

LCMC 18.215 Site Plan Review

18.215.010 Purpose

The purpose of site plan approval is to ensure compatibility between new developments, existing uses and future developments in a manner consistent with the goals and objectives of the comprehensive plan in order to create healthful and safe conditions. Site plan approval is required according to the provisions of this chapter in order to promote developments that are harmonious with their surroundings and maintain a high quality of life for area residents, to ensure that new developments are planned and designed to protect privacy, to determine appropriate lighting and noise mitigation measures, and to ensure adequate and safe access. Site plan approval is required for all developments as specified in this title.

18.215.020 Applicability

The provisions of this chapter shall apply to all changes of use, new construction, expansion or alteration of the use of land unless expressly exempted by this title. No use shall be established, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved plan which is in conformance with the requirements set out in this title.

Applications for site plan review are subject to LCMC 18.30.020, Pre-application review.

The City conducted a pre-application conference for the proposed project on February 22, 2023 (2023-006-PAC) and a pre-application conference waiver was approved in March 2024. The City received the request for the preliminary application on August 12, 2024. The City found the application “technically complete” on August 26, 2024. The of La Center’s Hearings Examiner will consider the preliminary site plan, conditional use permit, short plat, variance, CARA, and geotechnical review applications on November 4, 2024, at La Center City Hall beginning at 5:30 PM.

18.215.030 Exemptions

The following are exempt from the site plan review provisions of this chapter:

- (1) Single-family detached and duplex residential dwellings not occurring in an MDR-16 zoning district;
- (2) Modifications to the interior of an existing structure that does not change the use or the degree of a use;
- (3) Subdivisions or short plats;
- (4) The installation or replacement of underground utilities;

(5) Other development determined by the planning director to be exempt because it does not result in an appreciable increase in land use activity or intensity or in an adverse impact.

The exemptions are not applicable to the proposed development.

18.215.040 Site plan review types and procedures

(1) Site plan reviews shall be classified and processed as follows:

(a) Building Permit Reviews. These types of reviews shall be processed as a Type I land use action. These site plan reviews are typically relatively minor in nature, consistent with the zoning of surrounding land uses and do not have a substantial impact on the natural and built environment. The following are classified as Type I site plan reviews:

- (i) Changes in use of an existing structure or site;
- (ii) New construction or expansions of existing construction which do not exceed:
 - (A) Four thousand square feet of additional floor area;
 - (B) Twenty new parking spaces;
 - (C) Four new multifamily residential units.

(b) Development Reviews. These types of site plans shall be processed as a Type II land use action. These types of reviews are typically more substantial in nature and may have potential incompatibility with surrounding zoning or land uses or may have a more substantial impact on the natural and built environment. The following are classified as Type II site plan reviews:

- (i) Any development which is not listed as a Type I site plan in subsection (1)(b) of this section or listed as exempt under LCMC 18.215.030;
- (ii) Any development subject to SEPA pursuant to Chapter 18.310 LCMC, Environmental

Policy.

18.215.050 Submittal requirements

For Type II site plan review applications, the applicant shall submit the information required for a Type II application as set forth in LCMC 18.30.090, as well as the following:

- (a) Written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries and construction schedule including project phasing, if known;
- (b) Current list of names and addresses of all property owners within a 300-foot radius as shown upon the Clark County assessor's records. The list shall be no older than 90 days and shall be dated and certified as being a complete list of adjacent owners by the assessor's office, surveyor, or title company. This list shall also be provided on self-adhesive mailing labels;
- (c) Developer's GIS packet (can be obtained from the Clark County planning department);

(d) Copies of an existing conditions plan drawn to a minimum scale of one-inch equals 200 feet on a sheet no larger than 24 inches by 36 inches and including one reduced 11-inch by 17-inch copy. The existing conditions plan shall at a minimum indicate the following:

- (i) Vicinity map showing location of subject site within the city of La Center and the surrounding existing street system;
- (ii) Property boundaries, dimensions and size of the subject site;
- (iii) Graphic scale of the drawing and the direction of true north;
- (iv) Zoning and uses of subject site and of properties within 100 feet of the subject site;
- (v) Current structural or landscaped setbacks;
- (vi) Location of on-site driveways and access points within 100 feet of the subject site;
- (vii) Location of existing on-site structures and the approximate location of existing structures within 100 feet of the site;
- (viii) Location of existing aboveground electrical, telephone or utility poles and traffic control poles;
- (ix) Location of existing fire hydrants;
- (x) Location of existing structures within 100 feet of the site;
- (xi) Location, centerline and dimensions of existing public rights-of-way and easements on-site and within 100 feet of the site;
- (xii) Location, centerline and dimensions of existing private streets on-site and within 100 feet of the site;
- (xiii) Approximate on-site slopes and grades within 100 feet of the site;
- (xiv) Approximate location of significant natural conditions such as rock outcroppings, floodplain, drainage patterns and courses, slopes in excess of 25 percent, unstable ground, high seasonal water table or impermeable soils, areas of severe erosion potential, areas of weak foundation soils, areas of significant wildlife habitat, areas of known or suspected historic, cultural or archaeological resources and the location of trees or clusters of trees having a diameter of six or more inches measured four feet above grade;

(e) Copies of a site plan drawn to a minimum scale of one-inch equals 200 feet on a sheet no larger than 24 inches by 36 inches and including one reduced 11-inch by 17-inch copy. The site plan shall at a minimum indicate the following:

- (i) Property boundaries, dimensions and size of the subject site;
- (ii) Location, dimensions and height of proposed buildings;
- (iii) Location of building accesses;
- (iv) Proposed building and landscape setbacks;
- (v) Proposed project-phasing boundaries, if applicable;
- (vi) Legend indicating total site area, the total square footage of proposed building or structures including percentage of total site area, the total square footage amount of impervious area square footage including percentage of total site area, the total square footage amount of on-site landscaping including percentage of total site area, the total amount of dedicated parking area including percentage of total site area, the proposed number of parking spaces including the number of standard parking spaces, the number of compact parking spaces

and the number of handicapped-accessible parking spaces. The required number of parking spaces should also be indicated;

(vii) Location of proposed access points including vehicular driveways and designated pedestrian access points including the proposed depth of the vehicular driveway throats;

(viii) Location and dimensions of proposed on-site parking areas including required parking landscaping islands and indicating whether proposed parking is standard, compact or handicapped-accessible. Demonstrate compliance with applicable state and federal guidelines including, but not limited to, adequate sizing, the provision of handicapped access ramps and appropriate labeling and signing. On-site cross-aisles and circulation areas shall be indicated including their dimensions;

(ix) Location and dimensions of proposed on-site pedestrian connections between the public street and buildings, between on-site buildings, between on-site buildings and on-site or off-site parking areas;

(x) Location and size of off-site parking areas, if applicable, including details on the number and type of off-site parking spaces and existing or proposed cross-aisles and circulation areas including dimensions;

(xi) Location, centerline and dimensions of proposed on-site public or private streets and public and private easements;

(xii) Location, centerline and dimensions of proposed dedications, and identification of proposed frontage improvements including roadway improvements, curb and gutter installation, landscaped planter strip installation and public sidewalk installation;

(xiii) The location and dimensions of loading and service areas, recreational or open space features, aboveground utilities, existing structures to be retained on the site and their distance from the property line, proposed structures (including signs, fences, etc.) and their distance from property lines and the size and location of solid waste and recyclable storage areas;

(xiv) Specialized site treatments including but not limited to pedestrian plazas, heavy duty paving, concrete score patterns, bicycle parking and outdoor seating areas;

(f) Preliminary utilities plan indicating the proposed location, size, connection points to existing public systems, and terminus points for sanitary sewer, water and stormwater drainage and control. Stormwater information shall be provided in conformance with Chapter 18.320 LCMC and shall indicate compliance with all applicable standards of LCMC Titles 13 and 15. Public and private easements for sanitary sewer, water and stormwater shall also be indicated;

(g) Preliminary grading and erosion control plan indicating proposed on-site excavation and fill activities, and within public rights-of-way, if applicable, including demonstration of conformance with city of La Center erosion control measures;

(h) Landscape plan indicating the location of proposed vegetation, the common and botanical name of the proposed vegetation, the initial planting size (height or gallon) and the mature planting size, and proposed methods of irrigation, if any. Landscaping proposed in and around buildings, on the perimeter of the site and within proposed

parking areas shall be indicated. In addition, street trees or other forms of landscaping within the public rights-of-way shall be indicated;

- (i) Architectural elevations, showing north, south, west and east elevations and specifying a measurable scale, structural dimensions and structural heights;
- (j) Lighting plan indicating the location, height and type of proposed exterior lighting fixtures (pole-mounted or wall-mounted);
- (k) Legal description for the parcel(s) in question;
- (l) Most recent conveyance document (deed) showing current ownership;

(m) State Environmental Policy Act (SEPA) checklist, completely filled out in ink or type and signed, if applicable;

(n) Traffic study, if applicable;

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

(p) Copy of pre-application conference report and any other items requested in the pre-application conference report, if completed.

All applicable application submittal requirements were submitted and deemed Technically Complete on August 26, 2024.

18.215.060 Criteria for site plan approval

(1) In approving site plans, it shall be the responsibility of the planning director or his designee to review each plan for compliance with all provisions of this chapter and any other applicable regulations that may affect the final plan as submitted or revised.

(2) In reviewing a site plan for approval, the director shall find that all of the following have been met:

(a) The proposed plan shall meet all applicable provisions of this title and other appropriate provisions of the La Center Municipal Code; the following are enumerated to indicate the various requirements under which a plan must be found consistent. Failure to meet any one of these, and other requirements not necessarily specified here, shall be grounds for denial of site plan approval.

(b) The proposed use is permitted within the district in which it is located.

The proposed hotel, quick service restaurant, and commercial use are allowed in the JP zone district, therefore the criteria has been met.

(c) The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located.

Staff reviewed the maximum height and dimensional requirements of the JP zone. The maximum building height in the JP zone district is 60 feet and the applicant is requesting a variance to allow for five-foot deviation in the height requirement, allowing for a 65-

foot structure. Please see the variance section of the staff report for the height requirements.

The applicant is requesting a variance regarding the building location. The JP zone district requires that the building façade shall be built to the required building line (RBL) except for 45-degree corner entrances or designated corner pedestrian plazas. The applicant is unable to meet this request due ADA compliance and has applied for a variance. Please refer to the variance portion of the staff report.

The JP zone requires that the ground story finished floor elevation shall be equal to, or greater than, the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 1.5 feet above or below the sidewalk.

As previously mentioned, due to ADA requirements the applicant is unable to meet this requirement and is applying for a variance to deviate from this requirement. Please see the variance portion of the staff report.

The building façade shall be built to the RBL within 30 feet of a block corner.

The ADA connection from the public right-of-way to and from the QSR/ Commercial Pad and Hotel pad resulted in the pad being 8 feet below the roadway grade at the intersection of Paradise Park Road and La Center Road. A variance based on topography has been submitted and can be reviewed within the variance section of this report.

(d) The proposal meets the screening, buffering and landscape strip requirements, as set forth in LCMC 18.245.060.

According to LCMC 18.245.060 a L2 (Low Screen) 5-foot landscape buffer is required along lot lines that are abutting streets. When a lot line is not abutting a street, the required landscape buffer is L3 (High Screen) 5-foot landscape buffer. The submitted landscape plan and narrative note that a L2 – 5-foot landscape buffer is proposed around the perimeter of the site.

As a condition of approval, the applicant is required to install a L3 landscape buffer on the southern and western perimeters of the site.

(e) Minimum parking and loading space requirements are met, as required by Chapter 18.280 LCMC.

The required parking for the site is 192 stalls according to LCMC 18.280:

Hotel - 1.8 spaces/room @ 109 rooms = 129 spaces

Commercial – 10.52 spaces per 1,000 square feet @ 3,900 square feet = 41 spaces

QSR with drive-through window – 9.91 spaces per 1,000 square feet @ 2,200 square feet = 22 spaces

The proposed plan is showing 182 spaces that include 6 ADA spaces. The applicant is recommending 182 spaces because they are shared spaces, and the applicant believes that the commercial space will be closed in the evenings.

Please see the parking and loading section of the staff report for the condition of approval.

(f) All applicable conditions and criteria contained in other titles of the La Center Municipal Code are met.

Staff shall determine that the applicable approval criteria found within La Center Municipal Code are met.

(g) Improvement requirements are provided in accordance with the applicable sections of the La Center development code.

All improvements have been addressed in this staff report and staff has determined that the applicable approval criteria subject to conditions of approval have been met.

(h) All conditions of any applicable previous approvals (i.e., CUP) have been met.

The proposed application includes a site plan review, conditional use permit, short plat, legal lot determination, variance, CARA, and geotechnical review. The proposal is located within the JP zone district. Staff shall review all applications for the applicable approval criteria.

(i) Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication.

(j) Public water, sewer and stormwater lines have been installed in conformance with the standards of the city code. Public water, sewer and stormwater lines within or along the frontage of a development have been extended to the extreme property lines of that development unless it can be demonstrated to the city engineer that such extensions are impractical, infeasible or inappropriate.

Staff shall review the project to determine underground public and private utility lines have been installed. Please see the Engineering review and conditions of approval located within this staff report.

(k) Proposed phasing plans do not exceed six years, and all required public infrastructure is installed in the first phase of the development.

As a condition of approval, the applicant is required to install public infrastructure in the first phase of the development.

18.215.070 Appeals

Appeals of decisions on site plans shall be made and processed pursuant to LCMC 18.30.130.

18.215.080 Final site plan approval.

Where a site plan is issued subject to conditions that require the submittal of additional materials or changes to existing plans, the director may require that the applicant submit for final site plan approval

to determine if the revised plans comply with the conditions of site plan approval. Final site plans shall be considered as Type I applications.

18.215.090 Modifications to approved site plan

No approved site plan shall be modified or amended except after reapplication for site plan review and approval. Minor modifications may be completed through a Type I process if they do not result in an increase in the density or intensity of uses or other change that would result in significant changes to the site plan which would modify the impacts on adjacent properties or public facilities. All other modifications shall be processed through a Type II approval process.

18.215.110 Completion prior to occupancy

All required public and site improvements and other conditions of site plan approval shall be met prior to occupancy of any site unless required sooner as a condition of approval; provided, that completion and occupancy may be accomplished in phases if approved by the planning director as part of the site plan review process. Incomplete items may be secured by the issuance of a performance bond or other suitable security as a condition of approval of a site plan to secure applicant's obligation to complete the provisions and conditions of the approved site plan.

LCMC 18.225 Legal Lot Determinations

According to LCMC 18.225.010(2), the legal lot determination standards apply to all subdivision applications. Per 18.225.010(3)(a), the lot of record status may be formally determined as part of a development request for parcels that are not part of a platted land division and shall be reviewed by the City for compliance with the criteria standards of this section.

A request for a legal lot determination for parcel 209708000, was included with the subject application. All required information outlined in LCMC18.225.010(4) has been included with the proposal. The project parcel is 3.36 acres in size. Please see Exhibits 15 & 16. The applicant has submitted a recorded survey signed and stamped by a Washington State Surveyor along with an email stating that the size of the parcel is 3.36 acres and not 2.48 acres per GIS and the title company notes. The project site has been the same size and configuration since March 26, 1970. and declared exempt from platting regulations and found to be in conformance with zoning standards by the City of La Center Department of Community Development under case (2024-019-CUP) PSR/SUB/SEPA/LLD/VAR/CAR/TRE/GEO. Therefore, the project parcel has been determined to be a legal lot of record.

LCMC 18.230 Monumentation, Survey, and Drafting Standards

- 18.230.010 Imprinted Monumentation
- 18.230.020 Centerline Monumentation
- 18.230.030 Property Line Monumentation
- 18.230.040 Postmonumentation
- 18.230.050 Postmonumentation Bonds
- 18.230.060 Survey Standards
- 18.230.070 Elevations or Vertical Information
- 18.230.080 Preferred Scale Proportions

All sections apply to the applicant's development.

18.230 Monumentation, Survey, and Drafting Standards

As a Condition of Approval, the applicant shall comply with all provisions regarding monumentation outlined in Chapter 18.230.

As a Condition of Approval, as outlined in LCMC 18.230.090, the final plat shall be drawn with ink upon three-millimeter Mylar film, or equivalent; said sheets are to be 30 inches by 21 inches, with a one-inch border on each side or as otherwise directed by the Clark County recording agency.

LCMC 18.240 Mitigation of Adverse Impacts

Chapter 18.240.010 Purpose

This chapter provides the City with the authority to require prospective developers to mitigate the direct impacts the City has specifically identified as a consequence of proposed development, and to make provisions for mitigation for impacts including, but not limited to, impacts upon the public health, safety and general welfare, for open spaces, drainage ways, streets, other public ways, parks, playgrounds, and sites for schools and school grounds.

Chapter 18.240.020 Determination of Direct Impacts

(1) Before any development is given the required approval or is permitted to proceed, the review authority shall determine all impacts, if any, that are a direct consequence of the proposed development and which require mitigation, considering but not limited to the following factors:

- (a) Predevelopment versus post development demands upon city streets, drainage facilities, parks, playgrounds, recreation facilities, schools, police services, and other municipal facilities or services;
- (b) Likelihood that a direct impact of a proposed development would require mitigation due to the cumulative effect of such impact when aggregated with the similar impacts of future development in the immediate vicinity of the proposed development;
- (c) Size, number, condition and proximity of existing facilities to be affected by the proposed development;
- (d) Nature and quantity of capital improvements reasonably necessary to mitigate specific direct impacts identified as a consequence of the proposed development;
- (e) Likelihood that the users of the proposed development will benefit from any mitigating capital improvements;
- (f) Any significant adverse environmental impacts of the proposed development;
- (g) Consistency with the city's comprehensive plan;
- (h) Likelihood of city growth by annexation into areas immediately adjacent to the proposed development;
- (i) Appropriateness of financing necessary capital improvements by means of local improvement districts;
- (j) Whether the designated capital improvement furthers the public health, safety or general welfare;
- (k) Any other facts deemed by the review authority to be relevant.

(2) The cost of any investigations, analysis or reports necessary for a determination of direct impact shall be paid for by the applicant.

Chapter 18.240.030 Mitigation of Direct Impacts

(1) The review authority shall review an applicant's proposal for mitigating any identified direct impacts and determine whether such proposal is an acceptable mitigation measure considering the cost and land requirements of the required improvement and the extent to which the necessity for the improvement is attributable to the direct impacts of the proposed development. Such developments will not be approved by the review authority until provisions have been made to mitigate identified direct impacts that are consequences of such development.

(2) The methods of mitigating identified direct impacts required as a condition to any development approval may include, but are not limited to, dedication of land to any public body and/or off-site improvements.

The proposed project has the potential to impact public services, traffic, critical areas, and other elements of the environment. Mitigations proposed by the applicant are reviewed in this staff report for conformance with applicable standards and any additional mitigations and conditions addressing said impacts are highlighted throughout this report. How the project impacts public facilities and mitigations to these impacts are addressed in the following sections of this staff report.

- Parks
- Sewer
- Water
- Stormwater
- Streets, sidewalks, and traffic
- Police, fire, and schools
- Street lighting
- Impact fees

Chapter 18.245 Supplementary Development Standards

The standards in this chapter apply to development generally within the city of La Center. They can be used in any review process where applicable to evaluate or condition approval of an application.

The site is zoned JP (Junction Plan) and is surrounded by JP zoning on all sides of the project site. According to the submitted narrative, The applicant is proposing landscaping on the perimeter of the site. ***As a condition of approval***, the applicant is required to provide an L2-5 foot buffer along NW Paradise Park Road and NW La Center Road. The applicant shall provide an L3– 5 foot landscape buffer along the south and west property lines.

As a condition of approval, solid waste container(s) shall be screened from view from off-site by a sight-obscuring fence and/or evergreen landscaping and the area kept clean of all litter.

LCMC 18.245.050 Noise

As a condition of approval, all development shall comply with the noise standards in Chapter 173-60 WAC

LCMC 18.245.060(9) Parking, Landscape Islands

Parking areas that contain at least 12 spaces shall contain a minimum of one landscape island per 12 parking spaces. Landscape islands shall be equally distributed throughout the parking area and shall be located on each side of the drive aisles and at the ends of rows of parking. A landscape island shall contain at least 100 square feet, shall be at least five feet wide, and shall prevent vehicles from damaging trees, such as by using a wheel stop or curb. Adjoining rows of parking shall contain landscape islands on each side of the row of parking that are 100 square feet each and together total 200 square feet.

At least one tree shall be planted in each landscape island. Trees in landscape islands shall reach a mature height of 30 feet or more, cast moderate to dense shade in the summer, live at least 60 years, require little maintenance (such as by being insect-, disease- and drought-resistant and not producing fruit), and be suited for use in the proposed location (such as by being tolerant of pollution and direct and reflected heat). Within the junction plan zoning district trees shall be provided at the ratios specified in Chapter 18.158 LCMC.

Shrubs and groundcover must be provided in required landscape islands. Shrubs shall be planted at a density of five per 100 square feet of landscaped area. Up to 50 percent of the shrubs may be deciduous. Groundcover must be selected and planted so as to provide 90 percent coverage within three years of planting.

Bioinfiltration and raingardens with plantings recommended by a landscape architect may be substituted for the tree, shrub, and groundcover requirements of this section.

As a condition of approval, the applicant shall provide a landscape island at least 100 square feet in size per 12 parking spaces. The proposed landscape plan meets this requirement.

18.245.060(10) Landscaping

As a condition of approval, all landscaping shall be installed within six months after issuance of occupancy or final inspection.

18.245.060(11-16) Plant material size and quality requirements

As a condition of approval, all required groundcover plants and shrubs must be of sufficient size and number to meet the required standards within three years of planting. Mulch (as a groundcover) must be confined to areas underneath plants and is not a substitute for living groundcover plants, lawn or approved flowers.

As a condition of approval, shrubs shall be supplied in a minimum of two-gallon containers or equivalent burlap balls, with a minimum spread of 18 inches to meet the L2 buffer requirement, and minimum of three-gallon containers or equivalent burlap balls with a minimum spread of 30 inches to meet the L3 buffer requirements. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.

As a condition of approval, groundcover plants shall be placed not more than 30 inches on center and 30 inches between rows. Rows of plants shall be staggered for a more effective covering. Groundcover shall be supplied in a minimum four-inch size container or a two-and-one-quarter-inch container or equivalent if planted 18 inches on center. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive. A lawn or flowerbed of flowers approved by the review authority may be substituted for groundcover plants.

As a condition of approval, trees shall be deciduous or evergreen unless otherwise provided. The required tree height shall be measured from the ground level at final planting to the top of the tree and are required to meet LCMC 18.245.060.14 (a-d)

- (a) Required trees for parking and loading areas shall be a minimum caliper of two inches and a minimum height of 10 feet at the time of planting.
- (b) Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of one and one-half inches and a minimum height of eight feet at the time of planting.
- (c) Required evergreen trees (other than street trees) shall be fully branched and a minimum of six feet high at the time of planting.
- (d) The review authority may reduce the minimum size of trees (other than street trees) if the applicant submits a written statement by a landscape architect registered in Washington or expert in the growing of the tree(s) in question certifying that the reduction in size at planting will not decrease the likelihood that the trees will survive.

As a condition of approval, landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in accordance with a list of plant materials adopted by reference as the Clark County plant list.

As a condition of approval, the applicant shall show and comply with the following:

- (a) Plant materials will be installed to current nursery industry standards.
- (b) Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.
- (c) Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the dripline of trees to be retained.

18.245.060(18) Irrigation requirements

All required landscape areas must meet the City's irrigation requirements.

LCMC 18.250 Conditional Uses

The applicant is applying for a quick service drive-through restaurant. This use is allowed according to table 18.158 050-1(15)(a) with a conditional use permit. Lot 1 will contain the 2,200 square foot quick service restaurant (QSR).

Applications for conditional use permit or modification of a conditional use permit are subject to pre-application review consistent with LCMC 18.30.020. Pre-application review is not required for an exempt or minor modification to or extension of a conditional use permit. As noted previously in the report the applicant has applied for a pre-application and received approval for a pre-application conference waiver.

18.250.020 Review Process

Review of a technically complete application for conditional use permit is subject to a Type III process. See LCMC 18.30.100.

18.250.030 Application Contents

An applicant for a conditional use permit shall submit the requisite fee and the information required by LCMC 18.30.050, except as otherwise provided therein

18.250.040 Criteria for approval, minor modifications and revocation

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

- (a) The characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features;
- (b) All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use;
- (c) The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with the La Center Municipal Code;
- (d) The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.

Staff finds that characteristics of the site are suitable for the proposed use, engineering staff has reviewed the proposal for adequate capacity to serve the QSR, the proposed use complies with the applicable requirements of the zone except as otherwise approved by a variance or other means consistent with the LCMC, and the establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.

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

- (a) Increased setbacks, lot size or yard dimensions;
- (b) Additional design features necessary to minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;
- (c) Restrictions on the location, number and design of vehicular access points to the property;
- (d) Additional off-street parking or loading spaces;
- (e) Limits on the number, size, location, height and lighting of signs;
- (f) Limits on building height, coverage or location;
- (g) Restrictions on the hours, days, place and manner of operations;
- (h) Additional requirements for drainage and surfacing of maneuvering, parking and loading areas;
- (i) Limits on the location and intensity of outdoor lighting;
- (j) Requiring certain berming, screening, landscaping and/or fencing;
- (k) Requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed;
- (l) Requirements for periodic review of the permit.

The hearings examiner may revoke or amend a conditional use permit pursuant to a Type III process if he or she finds:

- (a) The conditional use is not being conducted consistent with the decision or conditions of approval authorizing the conditional use permit or other applicable standards of the La Center Municipal Code; and
- (b) The applicant has failed to remedy the alleged violation within a reasonable time required by the city clerk/treasurer or within 60 calendar days after the city clerk/treasurer mails notice of such alleged violations to the operator of the conditional use or owner of the property, whichever is first.

18.250.050 Expiration and extension

A conditional use permit expires and can be extended as provided in LCMC 18.30.140.

18.250.060 Transfer prohibited

An approved conditional use permit is specific to the subject property and cannot be transferred to another property.

18.260 Variances

The applicant has submitted the following variances for parcel 209708000 for the approval of Paradise Park Hotel:

The approval criteria for a variance in the City of La Center are set forth in LCMC 18.260.040:
The review authority shall approve or approve with conditions an application for a variance if he or she finds the applicant has sustained the burden of proving that:

- (1) Unusual circumstances or conditions, such as size, shape or topography of a site, or the location of an existing legal development apply to the property and/or

the intended use that do not generally apply to other properties in the vicinity or zone. An unusual circumstance could also include another obligation under a different municipal code section or a state or federal requirement;

(2) The unusual circumstance cannot be a result of actions taken by the applicant;

(3) The variance request is necessary for the preservation of a substantial property right of the applicant which is possessed by the owners of other properties in the vicinity or zone;

(4) The variance request is the least necessary to relieve the unusual circumstances or conditions identified in subsection (1) of this section;

(5) Any impacts resulting from the variance are mitigated to the extent practical;
And

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

Variances may not be used to change the required residential density or to allow uses that would not otherwise be permitted in a zone.

None of the requested variances would increase the required residential density or allow uses not otherwise allowed in the zone.

The applicant has ten (10) separate variance requests. Prior to discussing the individual variance requests, there are general findings that apply to most or all of the requested variances, with respect to Criteria 1 through 3. It is important to note that the La Center variance criteria only require the applicant to demonstrate “unusual” conditions, not “unique” conditions. Therefore, the applicant does not need to demonstrate that the conditions affecting its property are “unique,” just unusual.

There are also topographic challenges due to the narrowness of the subject property fronting along La Center Road, with a stream corridor and wetland at the east end of the property running diagonally from La Center Road to the southwest near the middle of the property. This is an unusual condition that does not generally apply to other properties in the vicinity. In addition to the narrowness of the subject property, the subject property has a significant grade change of about 50 feet from one end to the other. When this grade change is viewed in conjunction with the narrowness of the site with the wetland and stream corridor cutting to the southwest at the eastern end of the property, it becomes apparent how unusual the topographical constraints are. Many of the standards for the Junction Plan were adopted without analyzing how these standards could be applied to lands with significant grades, and many of these standards simply cannot be met on a property with the steep slopes present on the subject property.

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

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

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

Neither the topography nor the status of the property as only one of four properties that will end up being subject to the Junction Plan are the result of actions taken by the applicant, so Criterion 2 is met.

Under Criterion 3, relief from specific standards of the Junction Plan is necessary for the preservation of substantial property rights. Many of the existing properties are developed, have permits or held in a trust and exempt from the Junction Plan.

The six criteria for each of the requested variances are discussed separately and in detail below for each variance, but rather than repeating the above for each of the 11 requested variances, the above discussion of Criteria 1 through 3 is incorporated by reference into the findings under each of the specific requested variances below.

1. Variance to the LCMC 18.158.030(1)(4) requirement of an accessway/block every 400 feet and Figure 18.158.020-3 showing an A-street along the eastern edge of the site due to topography, wetlands and a stream corridor blocking potential accesses.

The unusual circumstances justifying this variance include the topography of the property, which is a long narrow lot facing La Center Road, with a stream corridor and wetland at the east end of the property running diagonally from La Center Road to the southwest near the middle of the property.

The site plan shows the proposed access to the property at a minimum safe distance from the La

Center Road/Paradise Park Road intersection. If the applicant installed a second access 400 feet or more to the east of the proposed access, there would be no way for that access to connect to surrounding properties because of the stream corridor and wetland, which block access in a southerly and easterly direction. There is also a storm pond blocking access to the south. Therefore Criterion 1 is met.

Neither the long and narrow configuration of the property nor the existing wetland and stream corridor or storm pond were created by the applicant, so Criterion 2 is met.

The requested variance will allow the property to be developed, so it is needed for the applicant to enjoy the same substantial rights as other properties in the area, so Criterion 3 is met.

The applicant is providing an access to NW Paradise Park Road at the southwest corner of the property. This access connects with the private accessway running east/west on the adjoining property. This satisfies Criteria 4, 5 and 6. The private accessway on the adjoining property to the south provides a connection to the east.

Staff finds that the applicant meets the six (6) applicable approval criteria for a variance per LCMC 18.260.040. In addition, the Transportation CFP recommends a minimum 600-foot spacing of intersections on an Arterial Roads. The intersection of A-street shown on the Junction Plan conflicts with the Transportation CFP and the Engineering Standards.

2. Variance to the roadway section for La Center Road within the JP allowing the Major Arterial Section ST-11 through the development site due to topography and for consistency with the roadway section to the east.

Although the roadway section called for in the Junction Plan is narrower than the Major Arterial Section ST-11, the applicant proposes meeting the full Major Arterial Section ST-11 in lieu of the roadway section set forth in the Junction Plan for consistency with surrounding properties.

The unusual conditions stemming from the stream corridor and wetlands extend offsite to the east and prevent the roadway from being redeveloped to the east. The roadway to the east will be developed at the wider ST-11 standard per the City's transportation plan, and the properties to the east are separated from the roadway by a treed critical area corridor. Even if those properties eventually develop, the roadway section won't change.

As noted above, the La Center variance criteria only require the applicant to demonstrate "unusual" conditions, not "unique" conditions. Therefore, the applicant does not need to demonstrate that the conditions affecting its property are "unique," just unusual. In this case, there are unusual conditions stemming from the fully developed roadway section to the east and the critical areas to the east separating the roadway from any redevelopment on the south side of La Center Road to the east.

Here, the offsite stream corridor and wetlands and the fact that La Center Road is already fully developed to the east all constitute unusual conditions because they restrict the ability of La Center Road from being redeveloped to the east. Even if the applicant were to provide the full road section outlined in the Junction Plan; the result would be a confusing inconsistency in the

road configuration since the road section to the east would never match the road section between the proposed future roundabouts at the La Center Road/Paradise Park Road intersection. No purpose is served by having a different (narrower) road section only along the applicant's property.

Having a consistent roadway section along applicant's frontage meets Criteria 3 because other properties in the area enjoy a consistent roadway section. It would be confusing to motorists if the roadway suddenly narrowed right at applicant's frontage.

Finally, the Major Arterial Section ST-11 standard meets Criterion 4, 5 and 6 because that standard will adequately serve the transportation needs of the City and will provide a consistent roadway section that would be less confusing to motorists than having a different roadway section along applicant's frontage.

Staff finds that the applicant meets the six (6) applicable approval criteria for a variance per LCMC 18.260.040. La Center Road is classified as a Major Arterial per the Transportation CFP. The Junction Plan recognizes La Center Road as a "B+ Street". The code does not show the wide a B+ Street will be, but it is less than the ST-11 Major Arterial Street section. The developer shall use the Major Arterial Section, per the Engineering Standards on La Center Road. The city is modifying the Transportation CFP to provided for the Major Arterial section east along La Center Road. This will match with the half street improvements the applicant will provide.

3. Applicant requests a variance to the requirement that the building façade needs to be on the RBL in LCMC 18.158.030(2) and Table 18.158.040-1(d).

Per LCMC 18.158.020(8)(a) "the required building line (RBL) [are shown] on Figure 18.158.020-2." That figure shows that the RBL for this property is set back from the right-of-way on the Paradise Park Frontage and the area along La Cener Road where the coffee shop and restaurant are proposed.

This indicates a legislative intent not to require compliance with the RBL requirement for the Paradise Park Road frontage, which makes sense because there is an intervening ownership along the full frontage of Paradise Park Road (APN 209703000 owned by Interchange Development Group, LLC, an entity owned by the Cowlitz Tribe) that prevents buildings from being placed on the Paradise Park frontage right-of-way.

Additionally, Table 18.158.040-1(d)(ii) requires buildings to be located on the RBL within 30 feet of the corner, but instead, the applicant is proposing to create a pedestrian area with a covered patio to create a pedestrian space in the corner, since grade differentials preclude putting the buildings on the RBL at this location.

Since Figure 18.158.020-2 shows the buildings set back from the right-of-way both on the corner and in the area of the coffee shop and restaurant, applicant believes the proposal satisfies the RBL requirements.

However, to the extent a variance is needed, applicant requests one based on topography and the other general findings under Criteria 1, 2 and 3 above. The intervening strip of land separating applicant's ownership from the Paradise Park right-of-way is an unusual topographical condition. There are also unusual topographical conditions along the La Center Road frontage stemming from the long, narrow property with wetlands and stream corridor along the southeast and with the sloped grade that varies by 50 feet from east to west.

The restaurant and coffee shop require an accessway around the back of the building to serve the drive through, so there is no way to put 80% of the building at the right-of-way line. Placing the drive-through lane away from the parking area also provides a safer pedestrian environment from the parking lot to the storefronts.

Additionally, the commercial pad would need to be sunk into the ground if we moved the buildings closer to La Center Road. If we don't wrap the drive thru around the buildings, only the roof of the commercial building would be seen from the road and not the façade.

The requested variance would be the minimum needed to enjoy the same substantial benefits of other properties in the vicinity. Landscaping between the drive-through lane and the adjacent street right-of-way is proposed to mitigate the view of the drive-through lane from cars passing by and covered pedestrian patios are proposed on both sides of the building, further mitigating any adverse impacts of a drive through. Having the drive through lanes separated from the parking allows for safer drive through lanes and one of the pedestrian plazas fronts the parking lot, that will create an area for pedestrians to gather. The other pedestrian plaza is on the street side of the building, where the grade difference between the street and the building further mitigates any adverse impacts of a drive through lane on the street side. Thus, Criteria 4, 5 and 6 are met.

Staff finds that the applicant has provided adequate information to determine that the applicable variance approval criteria has been met per LCMC 18.260.040

4. Variance to the requirement that there be a primary street space entry in LCMC 18.158.030(2)(h).

The applicant is requesting a variance to the requirement for a primary street space entry based on topography and the other general findings under Criteria 1, 2 and 3 above. A main entrance is physically impossible for the QSR/commercial pad as meeting ADA access from the street frontage to the building cannot be accommodated based on grade differences from the road to the commercial pad. Additionally, there is a wall that starts on the west side of the hotel and grows to be 6' tall on the east side of the hotel making a primary entrance physically impossible. The applicant is proposing a walkway from La Center Road to both the hotel and commercial pad and entrances will be on the south side of both buildings. Thus, Criteria 4, 5 and 6 are met.

Staff finds that the applicant meets the variance standards per LCMC 18.260.040 and is unable to create a main entrance from the street frontage due to the grade differences from the road to the building pads, additionally the proposal requires a wall along the hotel that will be 0-6 feet tall. This requirement will make the primary entrance from the street undoable. The applicant is proposing a walkway from La Center Road to the hotel and commercial pad. The entrances will

be located on the south side of the buildings. The applicant complies with LCMC 18.260.040 applicable approval criteria 1-6.

5. A variance to the requirement for a street wall in LCMC 18.158.030(3)(a) allowing for enhanced vegetative instead of a street wall that will provide a more aesthetically pleasing streetscape that is consistent with surrounding development.

LCMC 18.158.030(3)(a) requires street walls, but a vegetative buffer would be more aesthetically pleasing and would provide the same benefit as a street wall. The applicant requests a variance to this provision allowing a vegetative buffer in lieu of a street wall in places, and a wall that ranges from 0-6' tall along the RBL and parking area for the hotel based on topography and the other general findings under Criteria 1, 2 and 3 above.

There is also an unusual condition based on topography with elevation changes along the frontage that is of particular relevance to the street wall standard. A 3' wall along the RBL that fronts the QSR/Commercial building is not feasible as this building is already 8' below the road grade which makes the viability of this commercial building difficult. Further blocking the view with a wall will eliminate curb appeal and would be in direct conflict with the intent of the Town Center district of the JP zone, where streetscapes define the environment. A wall that ranges from 0-6' tall along the RBL and parking area for the hotel is proposed.

The applicant did not have a hand in any of these development agreements or the grades, so Criterion 2 is met. Criterion 3 is met because some variance to LCMC 18.158.030(3)(a) is needed to give the applicant the same benefits as other properties in the vicinity. If the applicant is the only property with a street wall, applicant's development will look out of place with the neighborhood.

An enhanced vegetation and applicants proposed 0-6-foot wall will fill the same need as the Junction Plan's 3' street wall standard, so Criterion 4, 5 and 6 are met.

Due to topography and elevation changes along the frontage of the proposed development and the building location, the applicant is unable to construct the required street wall no greater than 3 feet tall per the Junction Plan code 18.158.030(3)(a). Staff finds that the applicant meets the variance approval criteria 1-6 per LCMC 18.260.040.

As a condition of approval, staff will require a 0-6-foot wall along (RBL) with enhanced vegetation and the required L-2 landscape buffer prior to occupancy.

6. Variance to the 18-foot maximum entryway in LCMC 18.158.030(3)(d) to allow a 28-foot-wide entry for safe and efficient vehicular and truck access.

The applicant requests a variance to allow a 28-foot-wide entry for safety and efficient vehicular and truck access based on topography and the other general findings under Criteria 1, 2 and 3 above.

Other properties in the vicinity are not limited to an 18-foot-wide entryway, which would be unsafe. In order to provide the applicant, the same substantial benefits of a safe and efficient

entryway as other properties, a variance allowing a 28-foot-wide entryway is requested.

The 28-foot-wide entryway is the minimum needed for a safe and efficient entryway and will not be a detriment to other properties, so Criterion 4, 5 and 6 are met.

Staff finds that the applicant meets the LCMC 18.26.040, 1-6 variance approval criteria and recommends that a 28-foot entryway be allowed.

7. A variance to the 60-foot maximum height in Table 18.158.040-1(a)(i) to allow a 65-foot-tall building without underground parking based on topography, wetlands, stream corridor, poor visibility down La Center Road and constraints resulting from the narrow configuration of the lot.

Note 3 of Table 18.158.040-1(a)(i) would allow a 65-foot-high building with underground parking but underground parking is not needed to fully meet the parking requirements of the development and 65 feet is only an 8% height increase over the maximum allowed without underground parking. As discussed in the general findings, there are unusual circumstances relating to topography based on the long narrow configuration of the lot, the wetlands and stream corridor and the poor visibility down La Center Road justifying a very small increase in the building height.

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

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

Staff finds that the applicant has demonstrated that the approval criteria 1-6 per LCMC 18.260 will be met with the construction of the development.

8. A variance to the 30-foot setback for parking in Table 18.158.040-1(e)(iii) to reduce it to 3.3 feet based on topography, wetlands, stream corridor, poor visibility down La Center Road and constraints resulting from the narrow configuration of the lot.

The applicant requests a variance to reduce the minimum parking setback from the RBL from 30 feet to 3.3 feet in the northeast corner of the property based on the following unusual conditions: topography, wetlands, stream corridor, poor visibility down La Center Road and constraints resulting from the narrow configuration of the lot and the other general findings under Criteria 1, 2 and 3 above.

The lot gets narrower toward the east due to the wetland and stream buffers, which cut diagonally through the east end of the property. This narrow triangular portion of the property is not well suited for buildings due to its size and triangular configuration, but is suited for parking. There is also a change in grade from the west end of the site to the east end of the site of approximately 50'. This section of parking will be approximately 6 feet higher than the roadway which will not be visible from La Center Road. The applicant proposes decorative fall protection fencing and enhanced landscaping to provide an enhanced streetscape. The grade drops to the east because of the natural drainage channel. A setback of 30-feet would be difficult due to this steep topography.

Although the triangular area proposed for parking is along La Center Road, it is at the back end of the property behind the hotel building and it adjoins a wetland and stream buffer, so there will never be any buildings adjoining La Center Road on the property to the east.

These unusual conditions are sufficient to justify a variance to allow the applicant to enjoy the same benefits as other properties in the area.

The applicant is providing mitigation, including covered pedestrian plazas on the parking lot side of the quick service restaurant building and other pedestrian spaces along the parking lot side of all buildings, as well as a covered pedestrian plaza at the corner and along the street side of the hotel. The applicant will propose decorative fall protection fencing and enhanced landscaping to provide an enhanced streetscape. This section of parking will be approximately 6 feet higher than the roadway which will not be visible from La Center Road. Reducing this setback will not have any unmitigated effects on properties. Thus, Criteria 4, 5 and 6 are met.

Staff agrees with the applicant and that 30-foot setback would be difficult due to the steep topography of the site. The applicant is also providing mitigation measures. Due to the constraints of the JP code, staff finds that the applicant meets the applicable approval criteria per LCMC 18.260.240 1-6.

9. A variance to the 100-foot maximum building frontage in LCMC 18.158.060(1)(c) based on topography, wetlands, stream corridor, poor visibility down La Center Road and constraints resulting from the narrow configuration of the lot. The frontage will be broken up with architectural features and a change in building materials.

The applicant requests a variance to the 100-foot maximum building frontage in LCMC 18.158.060(1)(c) based on topography, wetlands, stream corridor, poor visibility down La Center Road and constraints resulting from the narrow configuration of the lot and the other general findings under Criteria 1, 2 and 3 above. The building frontage will be broken up with architectural features and a change in building materials as would be allowed in any other zone in the Junction Plan.

Due to the way the wetland and stream buffer cut diagonally through the property at the east end, the eastern portion of the property is not suitable for buildings. Consequently, a longer building is needed in areas of the property that are suitable for locating buildings. Additionally, a longer building is needed to develop a hotel.

Criterion 3 is met because the variance would allow the applicant to construct longer buildings just as any other property owner who is exempt from the Junction Plan would be allowed to do. Criteria 4, 5 and 6 are met because the variance is the minimum needed to address the issue and the architectural features and change in building materials will adequately implement the purpose of the requirement.

Staff finds that it is appropriate for the building frontage to be broken up with architectural features and changes in building materials to meet the 100-foot maximum building frontage according to LCMC 18.158.060(1)(c) and that the variance applicable approval criteria LCMC 18.260 1-6 is met.

As a condition of approval, the hotel building frontage shall be broken up with architectural features and changes in building materials to meet the 100-foot maximum building frontage.

10. A variance to the requirement in LCMC 18.158.040-1(b)(i) that the ground story finished floor elevation shall be equal to, or greater than, the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 1.5 feet above or below the sidewalk.

As previously mentioned, based on the requirement to meet ADA guidelines and the grades on the site this requirement will be impossible to meet and a variance is requested to deviate from this requirement based on topography and the other general findings under Criteria 1, 2 and 3 above. As mentioned, the commercial pad will sit eight feet below the roadway grade and the hotel starts out nearly flush with the road grade on the west side of the building and will be six feet above the road grade on the east side of the building.

The proposed ground story elevations are the minimum departure from the 1.5-foot standard needed for development of the property, and there are not any unmitigated effects on properties. Thus, Criteria 4, 5 and 6 are met.

Staff finds that the applicant meets the applicable approval standards according to LCMC 18.260.040 1-6.

18.280 Off-Street Parking and Loading Requirements

The development is required to have 192 parking spaces according to LCMC 18.280.040. The applicant is proposing 182 parking spaces in total and notes that the hotel only needs the maximum spaces at night, after the restaurant and commercial use closes. The parking is based on the calculations shown below:

Hotel: 1.18 spaces/room @ 109 rooms =129 spaces

Commercial Building (sit down restaurant assumed for parking): 10.52/ 1,000 square feet @ 3,900 square feet = 41 spaces

QSR with Drive-Through Window 9.91/ 1,000 square feet @ 2,200 square feet = 22 spaces

Total required parking: 192 spaces

Staff does not agree the maximum parking is only needing to be met in the evening hours, however staff finds that topography, environmental constraints, and requirements per the Junction Plan code makes it difficult to meet the required 192 parking space requirement and finds that the applicant has demonstrated that they are maximizing the amount of parking spaces available on the site.

LCMC 18.280.080

The narrative notes that the approximate square footage of the proposed hotel is 56,357 square feet. According to table 18.280.080-2 one (1) loading berth is required.

As a condition of approval, the applicant shall provide one loading berth on the final site plan.

LCMC 18.282 Outdoor Lighting

A preliminary lighting plan has been submitted with this application that provides outdoor lighting details complying with the outdoor lighting section. Lighting will not directly illuminate the critical areas on-site.

WAC 51-50-0429 Electric vehicle charging infrastructure

The Washington state code states that the provisions of this section shall apply to the construction of new buildings and accessory structures, including parking lots. According to Table 429.2, Group R occupancies require that 10% of total parking spaces require EV charging stations.

As a condition of approval, the applicant shall include the location of the EV charging spaces of the final site plan in compliance with WAC 51-50-0429.

LCMC 18.310 Environmental Policy

The Applicant provided a SEPA Checklist. The City reviewed the checklist and relevant materials, including an archaeological pre-determination report, and the Responsible Official issued an optional Mitigated Determination of Non-Significance (MDNS) threshold determination in conformance with Washington Administrative Code 197-11-355 on September 9, 2024. (Ecology SEPA # 202404507). The City published notice of the likely MDNS in Ecology SEPA Register. This staff report serves as a final SEPA determination for File# 2024-019-SEPA upon issuance at least 15-days prior the public hearing as required by WAC 197-11-310 and was issued October 18, 2024.

LCMC 18.340 Native Plant List

The landscape plan has referenced the native plant list. ***As a condition of approval***, the applicant is required to comply with the planting of native plants.

Please refer to the Preliminary Landscape Plan and Preliminary Tree Protection Plan included with the application submittal packet.

LCMC 18.350 Tree Protection

The applicant has submitted a tree removal permit with an associated narrative and preliminary landscaping plan which identifies 107 new, native species trees to be planted. The site currently contains 10 jurisdictional trees, of which are proposed to stay and are located within the wetland buffer. A tree protection plan was also included with the proposal identifying which trees are to remain and the new trees to be planted.

As a Condition of Approval, 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.

LCMC 18.360 Archaeological Resource Protection

10/18/2024

Paradise Park Site Plan 2024-019-CUP/PSR/PLD/VAR/SEPA/CARA/GEO

The site is located in an area mapped as having a high and moderate high risk for encountering archaeological resources by the Clark County Archaeological Predictive Model. The City required the applicant to complete an archaeological predetermination study in compliance with LCMC 18.360.

As a condition of approval, 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 Review

LCMC 18.300 Critical Areas

Mapped critical areas on the site include category I critical aquifer recharge areas (CARAs), wetlands (Category IV), fish and wildlife habitat conservation areas (FWHCAs) (riparian habitat), and a geologically hazardous area (landslide hazard areas).

- **FWHCAs (stream and riparian habitat):** The applicant provided a critical areas report by a qualified professional that includes an unnamed non-fish-bearing stream (Type Ns) just outside the eastern portion of the project site. The riparian ecosystem area buffer is required to be 75 feet under LCMC 18.300.090(2). There are no proposed permanent impacts to the riparian buffer.
- **CARAs:** A portion of the site is within a mapped Type I CARA which are mapped critical areas. The applicant has provided a CARA Level 1 Hydrogeological Report, in accordance with LCMC 18.300.090(1), that summarizes hydrogeologic information, stormwater treatment, Best Management Practices (BMPs), and describes how the risk of degradation of groundwater will be limited.
- **Geological hazard areas:** Clark County MapsOnline indicates that the site has "areas of potential instability" on the eastern portions of the site, which is an indicator of a landslide hazard area.

However, the provided geotechnical report has determined that the mapped landslide hazard area does not occur.

- **Wetlands:** The applicant provided a critical areas report by a qualified professional that identified one Category IV Slope wetland located approximately 30ft south of the project site. Under LCMC 18.300.090 the wetland buffer for a category IV wetland is 50 feet. The applicant proposes permanent impacts to the wetland buffer. The applicant is proposing to mitigate wetland buffer impacts using a Buffer Averaging Plan that was included in the application, however as further outlined below, the applicant does not qualify to use the Buffer Averaging Plan and must mitigate for these impacts.

LCMC 18.300.090(1) CARAs

*(a) Category I Aquifer Recharge Areas (CARA I). For purposes of this chapter, critical aquifer recharge areas include lands within the 10-year zone of contribution around wellheads[...]
Category I CARAs are subject to the following prohibitions:*

- (i) Development, other than the maintenance of vegetation, shall be prohibited within 50 feet of any wellhead within the UGA.*

Findings: According to the Washington State Department of Health (DoH) Source Water Assessment Program (SWAP) map, the site is within a 5-year and 10-year time of travel zones for a Group A wellhead (Figure 1). This is a regulated Category I CARA pursuant to LCMC 18.300.090(1)(a). The proposed use is not within 50 feet of the mapped wellhead and is not a prohibited use as listed under LCMC 18.300.090(1)(a)(ii) as the wellhead is located 1.3 miles from the site. Since the site occurs within a Category I CARA, the applicant shall demonstrate, through the land use approval process, that the proposed activity will not have any adverse impacts on groundwater in critical aquifer recharge areas, based on the Safe Drinking Water Act and the Wellhead Protection Area Program, pursuant to Public Water Supplies, Chapter 246-290 WAC; Water Quality Standards for Groundwaters of the State of Washington, Chapter 173-200 WAC; and Dangerous Waste Regulations, Chapter 173-303 WAC with a Level 1 Hydrogeological Report in accordance with LCMC 18.300.090(1)(d, f, and g). The applicant has provided the Critical Aquifer Recharge Area Level 1 Hydrogeological Report by Columbia West Engineering, Inc. dated April 11, 2024. The report addresses the Level 1 hydrogeological report requirements as outlined in 18.300.090(1)(d, f, and g). The report includes site recommendations for stormwater management and BMPs, employee education and awareness training, and Spill Prevention and Response Measures to be implemented to lower potential risk of ground water contamination. The report indicates the site is conducive for development within the mapped Category I CARA as long as the items as recommended are implemented. As a **condition of approval**, the applicant shall implement the stormwater treatment and BMPS, employee education and awareness training, and spill prevention and response measures as outlined Critical Aquifer Recharge Area Level 1 Hydrogeological Report by Columbia West Engineering, Inc. dated April 11, 2024, for final engineering approval.

Figure 1: 5-year (Green) and 10-year (Blue) time of travel zone for Group A wellhead



As a **condition of approval**, the applicant shall implement the stormwater treatment and BMPS, employee education and awareness training, and spill prevention and response measures as outlined Critical Aquifer Recharge Area Level 1 Hydrogeological Report by Columbia West Engineering, Inc. dated April 11, 2024, for final engineering approval.

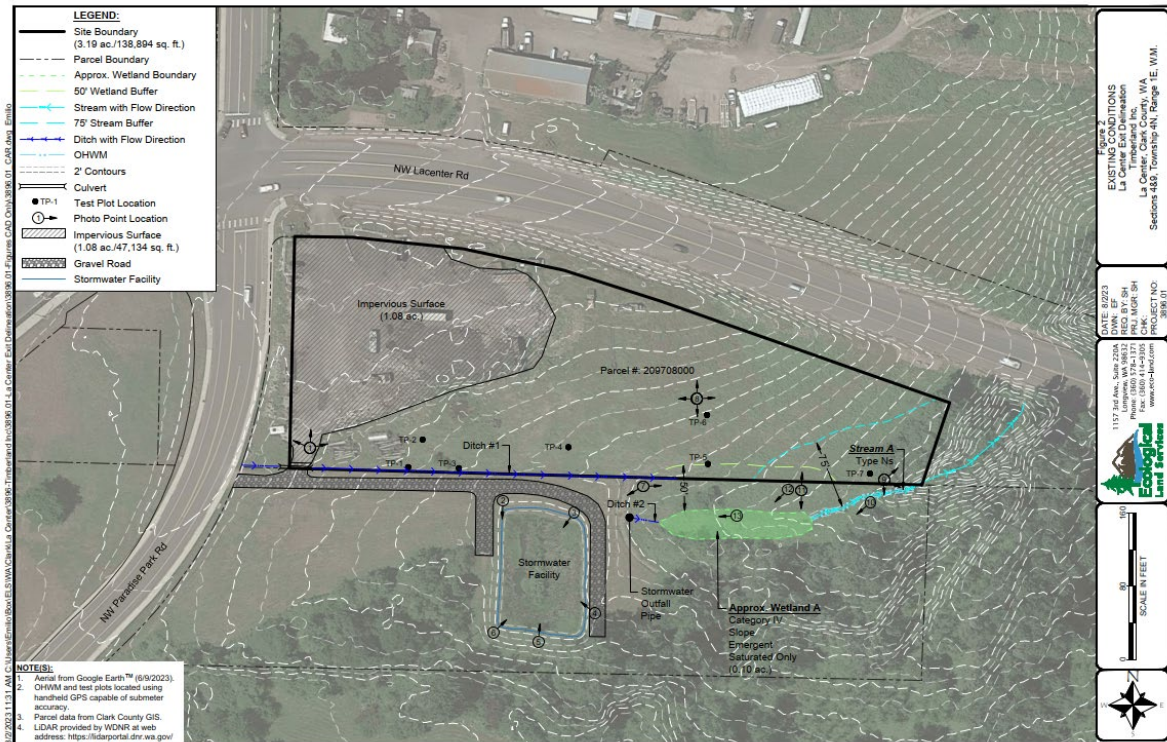
LCMC 18.300.090(2) FWHCAs

(a) Identified sensitive fish and wildlife habitat conservation areas shall be preserved or adverse impacts mitigated. Fish and wildlife habitat conservation areas that must be considered for classification and designation include:

(i) Riparian. [...]

Findings: According to Clark County Maps Online and the submitted Critical Areas Report, the eastern portion of the site is within a riparian habitat buffer. The submitted critical areas report verified an unnamed non-fish-bearing (Type Ns) stream – see Figure 2. A Type Ns stream requires a 75-foot riparian buffer in accordance with Table 18.300.090(2)(f). The applicant is not proposing any temporary or permanent impacts within the riparian buffer.

Figure 2: Mapped Stream and Riparian Buffer and Category IV Wetland



Pursuant to LCMC 18.300.090(2)(g)(ii), the edge of the buffer area shall be clearly staked, flagged, and fenced prior to and through construction completion. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground. As a **condition of approval**, 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.

LCMC 18.300.090(2)(n) requires (i) marking the outer extent of the habitat buffer throughout the duration of construction. This has been conditioned above. (ii) Permanent marking of the outer extent of the buffer using logs, a tree, hedgerow, wood, or wood-like fencing, or other permanent physical marking approved by the direction shall be placed and also including signs that 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 and worded as follows: "Habitat Buffer – Please Retain in a Natural State." As a **condition of approval**, the applicant shall permanently mark the outer extent of the buffer in accordance with LCMC 18.300.090(2)(n)(ii) prior to final approval. (iii) The riparian buffer shall be placed into a conservation covenant and be recorded in a form approved by the City attorney as adequate to incorporate the other restrictions of this section and give notice to obtain a permit prior to engaging in regulated activities within the riparian buffer. As a **condition of approval**, the applicant shall place the riparian buffer in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.

As a **condition of approval**, the applicant shall stake, flag, and fence the riparian area buffer prior to any site improvements and through the duration of site construction.

As a **condition of approval**, the applicant shall permanently mark the outer extent of the buffer in accordance with LCMC 18.300.090(2)(n)(ii) prior to final plat approval.

As a **condition of approval**, the applicant shall place the riparian buffer in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.

LCMC 18.300.090(4) Geologically Hazardous Areas

(b) Exempt, Prohibited, and Permitted Activities in Geologically Hazardous Areas

(i) Alterations. [...]

- (A) Will not increase the threat of the geologic hazard to adjacent properties beyond predevelopment conditions;***
- (B) Will not impact other critical areas adversely;***
- (C) Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than predevelopment conditions; and***
- (D) Are recommend by a qualified professional in a signed and stamped geotechnical report.***

The applicant's report addresses 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 does not have a landslide hazard area as mapped by Clark County MapsOnline and is suitable for the project as long as the project follows the recommendations contained withing the report are properly incorporated into the design and construction of the project. As a **condition of approval**, the applicant shall follow all recommendations of the Geotechnical Investigation and Consultation Services by Redmond Geotechnical Services dated April 16, 2024, prior to building permit approval.

As a **condition of approval**, the applicant shall follow all recommendations of the Geotechnical Investigation and Consultation Services by Redmond Geotechnical Services dated April 16, 2024 prior to building permit approval.

LCMC 18.300.090(5) Wetlands

The applicant completed a wetland delineation as part of their critical areas report which documents one wetland, Wetland A. Wetland A is a 0.10-acre (4,356 square feet) Category IV wetland with a required 50-foot buffer under LCMC Table 18.300.090(5)(i)(i)-1. The applicant is planning to mitigate using the Buffer Averaging Plan included in the application. Under LCMC 18.300.090(5)(j)(ii) a buffer for a category IV wetland may be reduced if (A) the buffer proposed for reduction has a habitat rating of five points or less. Wetland A is stated as having a habitat rating of six points according to the critical areas report. Therefore, the applicant cannot use the buffer averaging provision and must mitigate for the proposed 183 square foot area of impact to the wetland buffer. As a **condition of approval**, the applicant shall provide a revised Critical Areas report to include a mitigation plan in accordance with LCMC 18.300.090(5)(p), LCMC 18.300.090(5)(q), and LCMC 18.300.120 prior to final engineering approval. As a **condition of approval**, the applicant shall implement the required mitigation as provided by the revised Critical Areas report prior to final plat approval.

As a condition of approval, the applicant shall provide a revised Critical Areas report to include a mitigation plan in accordance with LCMC 18.300.090(5)(p), LCMC 18.300.090(5)(q), and LCMC 18.300.120 prior to final engineering approval.

18.300.090(5)(s) Wetland Permit – Approval

- (i) *The city shall issue a decision on a wetland permit when the applicant completes the following:*
 - (A) *Submittal and approval of a final enhancement/mitigation plan;*
 - (B) *Installation and approval of the required field markings;*
 - (C) *The recording of a conservation covenant.*

Findings: The applicant will submit a revised mitigation plan for the proposed buffer impacts as outlined in the previous condition above. **As a condition of approval**, the applicant will be required to install required field markings during construction in accordance with LCMC 18.300.090(5)(q)(iii) prior to final engineering approval. **As a condition of approval**, the application will also need to permanently mark the wetland buffer area boundary in accordance with LCMC 18.300.090(5)(q)(iv) prior to final plat approval. **As a condition of approval**, the applicant shall place the riparian buffer in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.

As a condition of approval, the applicant will be required to install required field markings during construction in accordance with LCMC 18.300.090(5)(q)(iii) prior to final engineering approval.

As a condition of approval, the application will also need to permanently mark the wetland buffer area boundary in accordance with LCMC 18.300.090(5)(q)(iv) prior to final plat approval.

As a condition of approval, the applicant shall place the riparian buffer in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.

- (ii) *Conditions. An approval of a wetland permit shall incorporate the following condition:*
 - (A) *Posting of a cash performance bond or other security acceptable to the city in an amount and with surety and conditions sufficient to fulfill the requirements of the required final plan, mitigation plan, and enhancement plan and to secure compliance with other conditions and limitations set forth in the permit.*
 - (B) *The city shall release the bond upon determining that[...]*

Findings: A condition of approval will require that the applicant post a performance bond meeting the requirements of this section prior to engineering approval implementing the requirements of the Wetland Mitigation Plan. The city will release the performance bond once all of the requirements of the Mitigation Plan are met including the 10-year annual monitoring requirements.

As a condition of approval, the applicant shall file a performance bond meeting the requirements of LCMC 18.300.090(5)(s) prior to engineering approval.

Right-of-Way Vacation Ordinance 24-478

The City received a request to vacate approximately 4,268 square feet of right-of-way along the south side of NW La Center Road, east of Paradise Park Road. The vacation is necessary for the construction of the this Project.

The existing half-width right-of-way of La Center Road along the site frontage is 60 feet, which is wider than necessary. La Center Road is classified as a Major Arterial which requires a 50' half-width. The requested right-of-way vacation includes only that portion of right-of-way that is excess for the Major Arterial cross-section and is needed to meet the proposed design.

Chapter 35.79 RCW governs the process to vacate right-of-way. The first step in the vacation process, after receiving a request, is for the City Council to consider passing a resolution beginning the vacation process and setting a time for the petition to be heard at a public hearing. This hearing must be between 20 and 60 days from the passage of the resolution.

Upon the passage of the resolution the City Clerk shall post written notice of the vacation hearing in three of the most public places in the city as well as in a conspicuous place in the right-of-way to be vacated. These notices must be posted no less than 20 days in advance of the public hearing.

Following the public hearing, if the City Council elects to pass the vacation ordinance, the ordinance may require the owners of the abutting property to compensate the City for up to one-half the appraised value of the area vacated. If the street has been part of a dedicated public right-of-way for twenty-five years or more, or if the right-of-way was acquired at public expense, the City may require the owners of the abutting property to compensate the City up to the full appraised value of the area vacated.

If the Council approves this resolution staff will review the appraisal for this area of right-of-way and research when and how the right-of-way was acquired. This information will be presented at the public hearing for the vacation ordinance.

The resolution was passed on August 28, 2024.

This hearing was scheduled between the required 20 and 60 days from the passage of the resolution. Upon the passage of the resolution the City Clerk posted the notice of hearing at City Hall, the Community Center, the City of La Center's Post Office and in the right-of-way to be vacated on September 5, 2024.

Following this public hearing, if the City Council elects to pass the vacation ordinance, the Council may require the owners of the abutting property to compensate the City for up to the full appraised value of the area vacated, as the street has been part of a dedicated public right-of-way for twenty-five years or more.

An appraisal was submitted by the abutting property owners and the City consulted with their own appraiser. After reviewing the appraisal information and researching the age of the right-of-way, staff was able to determine that the dedication of NW La Center Road happened in 1975. Council is able to request the full appraised value. It was determined by staff and the abutting property owners that \$25,563.00 would be an acceptable compensation amount equal to the full appraised value.

The City of La Center received one comment from Anna Burris with Clark Public Utilities on September 10, 2024. The comment was regarding a request for a 10-foot utility easement located along NW La Center Road and the project parcel. Clark PUD currently has underground utility facilities along NW La Center Road.

Staff replied to the comment, confirming that the utility easement will be retained over the vacated area.

Staff recommended that the City Council consider passing Ordinance 24-478 to vacate the right-of-way vacation along NW La Center Road.

Ordinance 24-478 for the vacation of approximately 4,268 square feet of NW La Center Road was passed. Please see (Exhibits 6,7,8,9,10 & 11)

Public Works and Engineering Analysis

Chapter 12.05 LCMC, Sidewalks; Chapter 12.10 LCMC, Public and Private Road Standards; Chapter 18.320 LCMC, Stormwater and Erosion Control; and Chapter 15.05 LCMC, Building Code and Specialty Codes, Chapter 15.35 LCMC, School Impact Fees;

Transportation Impact Analysis

Chapter 12.10 -- Public and Private Road Standards

- 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. Grading A grading and erosion control permit is required as part of the site plan approval. The City Erosion Control Standards require that any activity disturbance over 500 SF 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.

Transportation

Development of the La Center Retail Mix project will include construction of a hotel with 111 rooms, a separate 3,900 square foot restaurant (fast casual type), and a 2,200 square foot coffee shop with in-door seating and drive-through service. The project's location is situated on approximately 2.5 acres (tax lot #209708-000) near the corner of La Center Road and NW Paradise Park Road.

The 2021 ITE Manual was used to determine the ADT and peak hour trips. A total of 1,349 trips will be anticipated with at total 87 AM Peak AM hour trips, and 98 Peak PM hour trips.

The traffic impact analysis provided operations for existing (2023) and future (2026) conditions level of service

- Pacific Highway at W. 5th Street
- La Center Road at Timmen Road
- La Center Road at Paradise Park Road

In 2023 and 2026, the intersection of NW La Center Road and NW Timmen Road will operate at LOS F for the NB movement.

A roundabout is listed in the Transportation Capital Facilities Plan for this intersection. The City will work on obtaining design funding for the roundabout design.

In 2026, the intersection of NW La Center Road and Paradise Park Road will operate at LOS F for the NB movement.

The city has plans to construct a roundabout at the intersection of Paradise Park and La Center roads. The city has funding to design a roundabout and are negotiation with a consultant to design the roundabout. Once a roundabout is built, the mitigated LOS for the NB movement will be B.

- Per LCMC 12.10.190 Developments – Frontage improvements. ○ Half-width road improvement shall be constructed along the frontage of the property. Frontage improvements have been installed along Paradise Park Road, but not La Center Road. According to the CFP, La Center Road is classified as a Principal Arterial. The city’s standard for a Principal Arterial is a Major Arterial per ST-11. Attached. This requires 50-feet of half width improvements adjacent to the applicant’s property.

The applicant proposes to provide access to the site from Paradise Park Road with a 26-foot wide road access and La Center Road with a 28-foot wide roadway access, along with right turn access lane. The access at La Center Road requires a road access with curb returns to allow for vehicles to access. A paved access is necessary to accommodate the traffic. A commercial concrete drive approach will need to be installed for the Paradise Park Road access.

A line of site analysis was completed for the access from the site on La Center Road for the new access and found that there will be 400-feet to the west and over 600-feet to the east. A minimum of 390-feet is required for the 35 MPH speed zone. For a 40 MPH on Paradise Park Road, a minimum site distance of 445 feet is required. A site distance of 500-feet is provided in both directions north and south along Paradise Park Road, from the new site access location.

The report reviewed turn lane requirements. A left turn providing 100-feet of storage is warranted on La Center Road from the site. The applicant proposes to extend the turn lane on Paradise Park Road to meet the criteria. A right turn movement to the site from La Center Road was studied. A warrant of 100-feet is required per the report. This right turn length is shown on the plans.

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. LCMC 13.10.200. All costs associated with installing the side sewer shall be borne by the applicant. LCMC 13.10.110.

As part of the La Center Road Sewer Project, A 12-inch public gravity sewer system was installed along La Center Road. 8-inch diameter sewer laterals were extended from this 12-inch main stubbing up to the edge of the public right of way, north and south, to serve properties along La Center Road. These

laterals were placed at low points on La Center Road, east of Paradise Park Road, to serve many of the properties.

An 8-inch diameter sewer main stubbed to the south edge of the applicant's property is the closest point for connection to the city's sewer main.

A new sewer manhole is shown on the applicant's sewer plan is shown to connect to this 8-inch sewer main. The applicant is also providing extension of this 8-inch sewer main to the south side of the applicant's site for future extension to property to the south. The applicant will need to install grease interceptors from commercial kitchens on site.

- Per LCMC 13.10.350 a sewer impact fee shall be charged for commercial development based on the use of the proposed structures. The exact impact charge will be assessed at the time of building permit application or before occupancy is issued. Each equivalent ERU calculated for each structure on the site will be multiplied by the impact fee ERU to determine the total sewer impact. The SDC impact fee for commercial properties south of La Center Road Bridge is \$5841.00. This impact fee, along with the Latecomer's charge as described below, will be assessed for every ERU.

Any development east of the La Center Road Bridge is required to connect to the recently constructed sewer system in La Center Road. A Latecomer Agreement was approved by City Council in April of 2018, requiring that connection to this sewer system be assessed for development according to the cost per equivalent ERU. The latecomer cost is based on the location within the sewer basin as shown on the attached latecomer agreement and cost table. The site will connect to the sewer within basin A and will be assessed \$6,173.96 per equivalent ERU. The ERUs for the development will be calculated by LCMC 13.10.350 as stated above. The Latecomer agreement is attached for information.

Chapter 18.320 (Stormwater and Erosion Control) Section 18.320.120

- LCMC states that ground-disturbing activities of more than 500 square feet 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 square feet of impervious surface is subject to stormwater regulation. Stormwater treatment and quantity disposal will be necessary for development.

The applicant proposes to install an underground stormwater detention system under the parking lot and then treat the stormwater in a filter vault before outfalling to the existing natural drainage channel to the east of the site. A flow spreader is proposed to provide energy dissipation to prevent erosion of the natural drainage channel. The applicant will need to provide engineering for adequate energy dissipation to prevent erosion.

A final Technical Information Report (TIR) will need to be submitted by the applicant and must comply with LCMC 18.320.

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.

All pedestrian path of travel in public right of way including; sidewalks, curb ramps and street pedestrian crossings shall comply with the American Disabilities Act. The applicant proposes to install a 12-foot wide shared use path along the south side of La Center Road. The city has allowed roadway vacation along La Center Road to allow the applicants hotel covered patio and parking lot to accommodate the shared use path.

Fire hydrants shall be spaced per the IFC or as otherwise approved by the Fire District. The location of all the hydrants must be approved by the Fire District. The Fire District must approve access to all the lots per the IFC.

Clark Public Utilities must approve the water pipe system and service the site structures.

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.

A Geotechnical Report was completed by Redmond Geotechnical Services on April 16th, 2024.

Based on subgrade analysis, the report recommends, a site pavement section of 3" asphalt over 10 inches of aggregate base. It also recommends adding 0.5 inches of asphalt and 2" of aggregate base, for a total depth of 3.5-inches of asphalt over 12-inches of aggregate base.

Since La Center Road is classified as a Major Arterial, the minimum depth of asphalt is 0.55-feet, or 6.6-inches of asphalt. The report does not indicate the AASHTO soil classification, which is what is used by the city road classification to determine how much aggregate base to use. Based on the USDA soil map the soil at the location of the half street improvements, the AASHTO rating is A-4 for Gee silt loam. The minimum asphalt depth is 0.6-foot depth over 12-inch depth of aggregate base. **The city will require in public right of way that a minimum depth of 0.6-feet or 7.2-inches of asphalt over 12-inches of aggregate base be used.**

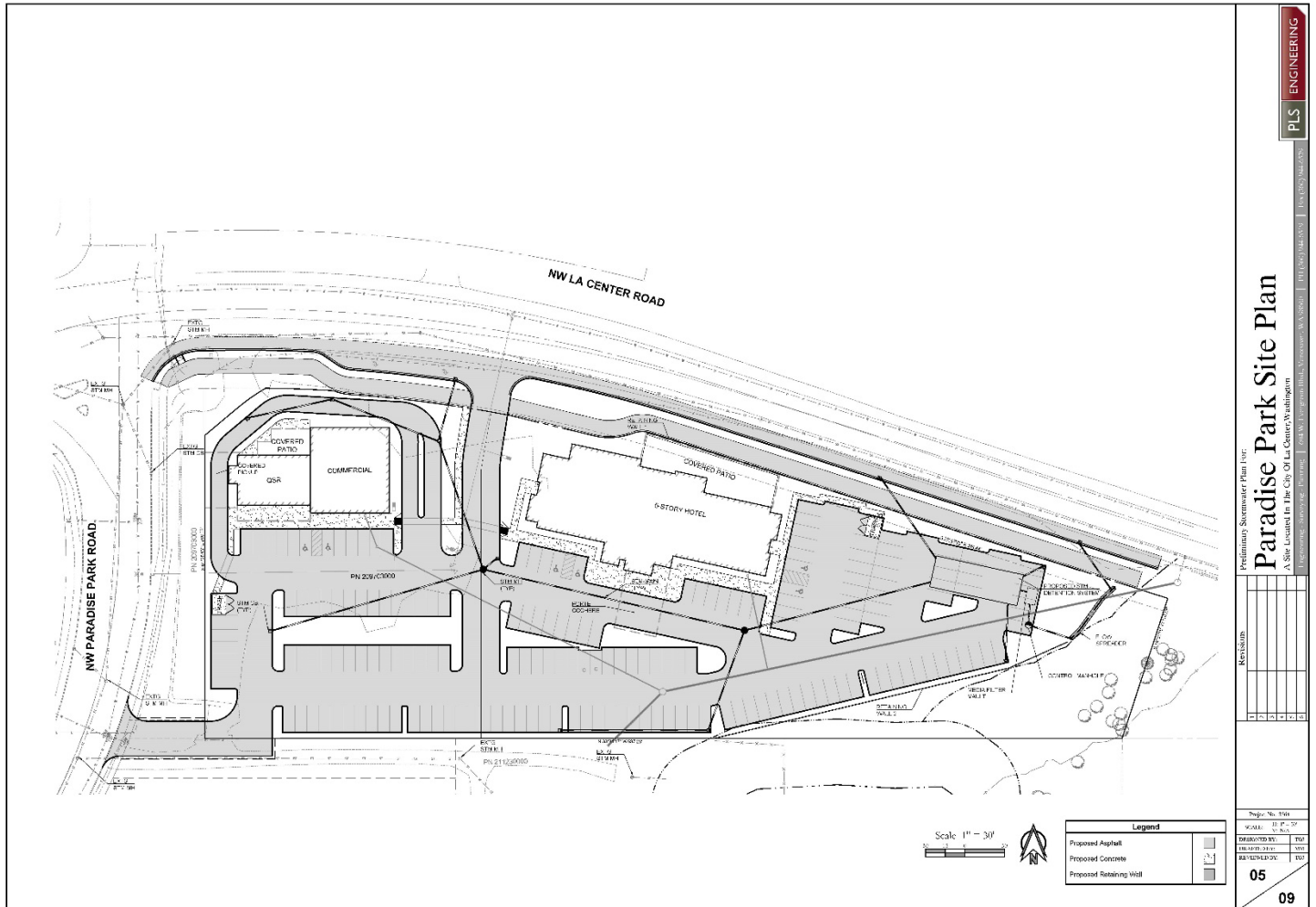
Retaining Walls shall be designed per the recommended parameters in the Geotechnical Report. Grading for retaining walls can be shown on the Engineering plans, but the applicant will need to obtain a building permit for any retaining wall design.

Street Lighting

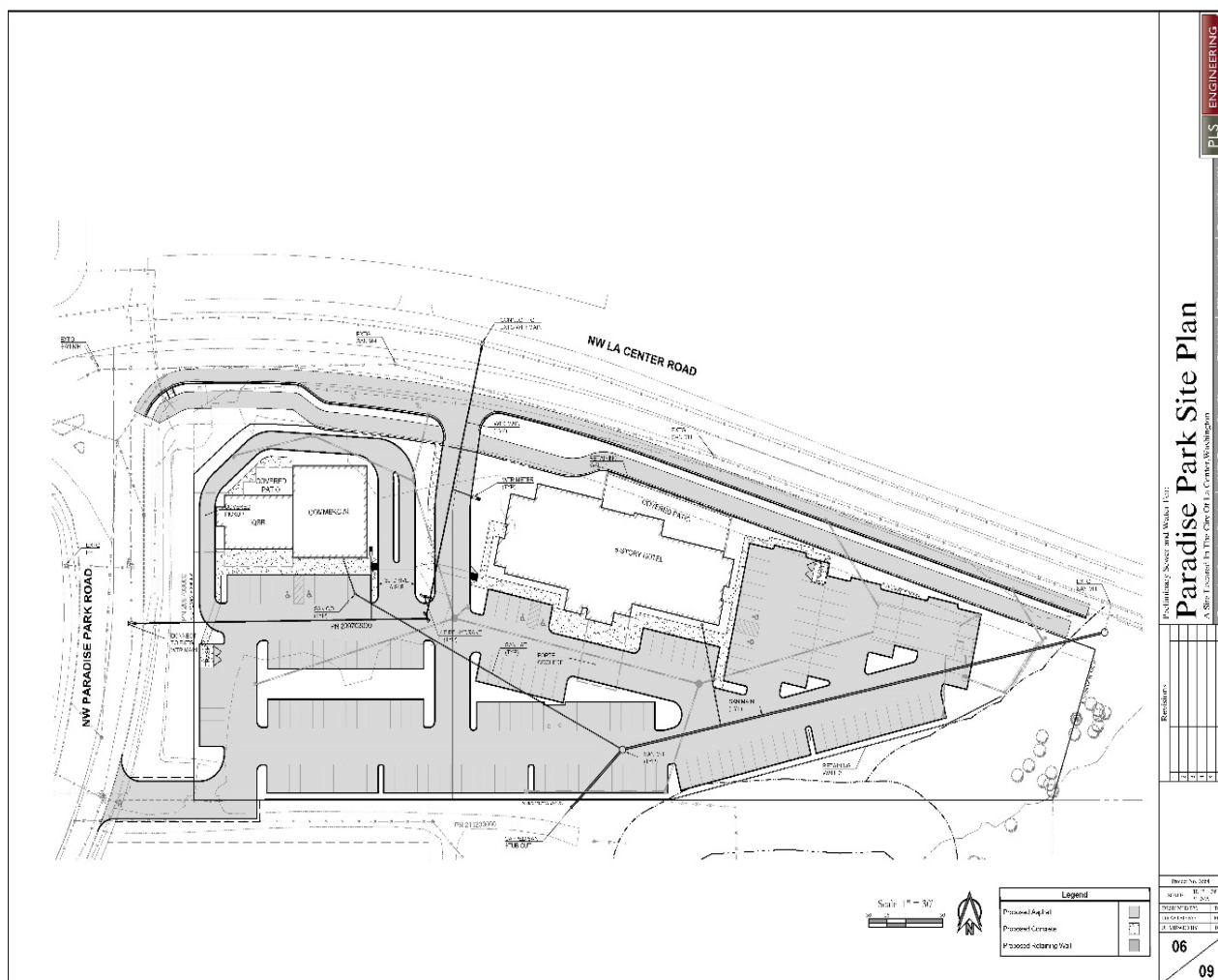
Street light design and installation is reviewed and approved by the City of La Center. Street lighting on La Center Road shall follow the Engineering Standards. The applicant shall submit a photometric analysis along with the street light design to verify compliance with the Engineering Standard.

Preliminary Grading Plan

Storm Plan



Sewer and Water Plan



CONCLUSIONS & RECOMMENDATION

The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of the La Center Municipal Code. The subject application should be **APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS.**

Planning Conditions

1. As part of the final plat submittal packet, a plan shall be submitted showing the dimensioned building envelopes.
2. Windows and doors on the upper story facades shall comprise at least 20%, but not more than 60% of the façade area per story.
3. Awnings may not be supported by posts.
4. Awnings shall project a minimum of four feet. The maximum awning projection shall be one foot from the edge of the curb as measured vertically from the sidewalk to the bottom of the awning or canopy.
5. No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the code, shall encroach beyond the required building line.
6. The maximum building floor plate (footprint) is 50,000 square feet unless approved through the conditional use process.
7. Buildings along the required building line shall present a complete and discrete vertical facade composition (i.e., a new facade design) at an average street frontage length of no greater than 60 feet.
8. All utility lines are required to be placed underground.
9. The maximum height for the ground story must be 20 feet.
10. The maximum floor-to-floor story height for stories other than the ground story is 12 feet.
11. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 10 feet.
12. The Fire Marshal distance requirement for aerial apparatus access is when buildings are over 30 feet in height; the Fire Marshal needs a drive aisle that is at a minimum of 26 feet in width and is no closer than 15 feet and no further than 30 feet from the building.
13. Windows and doors on the primary, street-facing, ground story facades shall comprise at least 40%, but not more than 80%, of the facade area situated between 2 and 10 feet above the adjacent public sidewalk on which the facade fronts.
14. Projections, such as balconies and stoops, shall not project closer than 5 feet to a common lot line.

15. Projections over the sidewalk shall maintain a clear height of at least 10 feet except as otherwise provided for signs, street lighting and similar appurtenances.
16. The applicant shall pay all system development fees in effect at the time of the building permit issuance.
17. The applicant shall obtain building permits in compliance with LCMC 15.05 prior to construction.
18. The preliminary plat shall expire five years from the date of approval by the hearing examiner, unless an application for final plat is submitted or an extension is requested per LCMC 18.210.050(2) and (3).
19. Prior to final plat approval, the Developer shall identify the setbacks for all lots on the face of the final plat.
20. The applicant is required to install a L3 landscape buffer on the southern and western perimeters of the site.
21. The applicant is required to install public infrastructure in the first phase of the development.
22. The final plat shall be drawn with ink upon three-millimeter Mylar film, or equivalent; said sheets are to be 30 inches by 21 inches, with a one-inch border on each side or as otherwise directed by the Clark County recording agency.
23. The applicant shall comply with all provisions regarding monumentation outlined in Chapter 18.230.
24. Solid waste container(s) shall be screened from view from off-site by a sight-obscuring fence and/or evergreen landscaping and the area kept clean of all litter.
25. All development shall comply with the noise standards in Chapter 173-60 WAC
26. The applicant shall provide a landscape island at least 100 square feet in size per 12 parking spaces
27. All landscaping shall be installed within six months after issuance of occupancy or final inspection.
28. All required groundcover plants and shrubs must be of sufficient size and number to meet the required standards within three years of planting. Mulch (as a groundcover) must be confined to areas underneath plants and is not a substitute for living groundcover plants, lawn or approved flowers.
29. Shrubs shall be supplied in a minimum of two-gallon containers or equivalent burlap balls, with a minimum spread of 18 inches to meet the L2 buffer requirement, and minimum of three-gallon containers or equivalent burlap balls with a minimum spread of 30 inches to meet the L3 buffer requirements. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.

30. Groundcover plants shall be placed not more than 30 inches on center and 30 inches between rows. Rows of plants shall be staggered for a more effective covering. Groundcover shall be supplied in a minimum four-inch size container or a two-and-one-quarter-inch container or equivalent if planted 18 inches on center. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive. A lawn or flowerbed of flowers approved by the review authority may be substituted for groundcover plants.

31. Trees shall be deciduous or evergreen unless otherwise provided. The required tree height shall be measured from the ground level at final planting to the top of the tree and are required to meet LCMC 18.245.060.14

32. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in accordance with a list of plant materials adopted by reference as the Clark County plant list.

33. The applicant shall show and comply with the following:

(a) Plant materials will be installed to current nursery industry standards.

(b) Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.

(c) Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the dripline of trees to be retained.

34. A 0-6 foot wall along the (RBL) with enhanced vegetation and the required L-2 landscape buffer shall be installed prior to occupancy.

35. The hotel building frontage shall be broken up with architectural features and changes in building materials to meet the 100-foot maximum building frontage.

36. The applicant shall provide one loading berth on the final site plan.

37. The applicant shall include the location of the EV charging spaces in compliance with WAC 51-50-0429 on the final site plan.

38. The applicant is required to comply with the planting of native plants.

39. 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.

Critical Areas

40. The applicant shall implement the stormwater treatment and BMPS, employee education and awareness training, and spill prevention and response measures as outlined Critical Aquifer Recharge Area Level 1 Hydrogeological Report by Columbia West Engineering, Inc. dated April 11, 2024, for final engineering approval.
41. The applicant shall stake, flag, and fence the riparian area buffer prior to any site improvements and through the duration of site construction.
42. The applicant shall permanently mark the outer extent of the buffer in accordance with LCMC 18.300.090(2)(n)(ii) prior to final plat approval.
43. The applicant shall place the riparian buffer in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.
44. The applicant shall follow all recommendations of the Geotechnical Investigation and Consultation Services by Redmond Geotechnical Services dated April 16, 2024, prior to building permit approval.
45. The applicant shall follow all recommendations of the Geotechnical Investigation and Consultation Services by Redmond Geotechnical Services dated April 16, 2024 prior to building permit approval.
46. The applicant shall implement the required mitigation as provided by the revised Critical Areas report prior to final plat approval.
47. The applicant shall implement the required mitigation as provided by the revised Critical Areas report prior to final plat approval.
48. The applicant shall provide a revised Critical Areas report to include a mitigation plan in accordance with LCMC 18.300.090(5)(p), LCMC 18.300.090(5)(q), and LCMC 18.300.120 prior to final engineering approval.
49. The applicant will be required to install required field markings during construction in accordance with LCMC 18.300.090(5)(q)(iii) prior to final engineering approval.
50. The application will also need to permanently mark the wetland buffer area boundary in accordance with LCMC 18.300.090(5)(q)(iv) prior to final plat approval.
51. The applicant shall place the riparian buffer in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.
52. The applicant will be required to install required field markings during construction in accordance with LCMC 18.300.090(5)(q)(iii) prior to final engineering approval.
53. The application will also need to permanently mark the wetland buffer area boundary in accordance with LCMC 18.300.090(5)(q)(iv) prior to final plat approval.

54. The applicant shall file a performance bond meeting the requirements of LCMC 18.300.090(5)(s) prior to engineering approval.

55. The applicant shall submit engineering, construction, final plat, and building permit documents in compliance with the preliminary plat documents unless otherwise modified by conditions of approval in this staff report or as approved by the City through subsequent approvals.

Public Works and Engineering Conditions

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

2. Half street improvements are required along La Center Road along the entire length of the applicant's property per LCMC 12.10.190. A 12-foot wide shared use path shall be constructed along La Center Road, adjacent to the applicant's property, meeting the American Disabilities Act.

3. The half street improvements, streetlights, street trees, and stormwater improvements per LCMC 12.10.190. Street lighting shall be LED and shall comply with the City Engineering standards or match the lighting to be consistent with the junction for the type and spacing of the lights.

4. The drive approach along Paradise Park Road shall be a commercial drive approach consistent with Engineering Standard Detail ST-3.

5. 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.

6. 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.

7. Final grading and erosion control plans showing the proposed contours must be submitted as part of the final subdivision plans.

8. A construction stormwater permit is required per the Department of Ecology and an SWPPP must be included within the final plans submitted to the city.

9. The applicant shall provide a new sewer manhole, as shown on the applicant's sewer plan, to connect to this 8-inch sewer main in La Center Road per 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. LCMC 13.10.200.

10. The applicant shall provide an extension of this 8-inch sewer main to the south side of the applicant's site for future extension to property to the south.

11. The applicant will need to install grease interceptors from commercial kitchens on site.

12. The applicant shall follow all recommendations by the report prepared by Redmond Geotechnical dated April 16th, 2024, except as follows:

a. The city will require that all public improvements along La Center Road use a minimum depth of 0.6-feet or 7.2-inches of asphalt over 12-inches of aggregate base.

13. Connection to public sewer is required as per LCMC 13.10. All work is to be performed by a duly licensed contractor in the City of La Center. Work will be performed using an open trench method unless otherwise approved.

14. The applicant shall pay an SDC impact fee for commercial properties south of La Center Road Bridge of \$5841.00, and a Latecomers Fee of \$6,173.96 per equivalent ERU.

15. A final Technical Information Report (TIR) shall be submitted by the applicant and must comply with LCMC 18.320 and the 1992 Puget Sound Manual for the design of the system.

16. The Final Stormwater Report and design should address the following comments:

a. There is a flow spreader shown for the stormwater outfall. Although this may work to distribute the storm flow evenly, it may not be enough to slow the overflow and prevent scouring of the adjacent property/critical area.

b. The stormwater report used a hydrologic curve number representing the existing vegetation condition today. Per LCMC 18.320.220 (2) (c), states that "if surface runoff leaves a development site, and the predeveloped runoff calculations do not assume undisturbed forest in determining the runoff curve number, then a hydraulic and hydrologic analysis of the capacity of the downstream conveyance system shall be required".

17. 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.

18. Street light design and installation shall be reviewed and approved by the City of La Center.

SEPA (MDNS) Documentation and Mitigation Conditions

1. Earth: The applicant must comply with the design recommendations of the geotechnical site investigation by Redmond Geotechnical Services. dated April 16, 2024.
2. Earth: All grading and filling of land must utilize only clean fill, i.e., dirt or gravel from an approved source;
3. Earth: All debris removed off-site must be disposed of at an approved location;
4. Air: The applicant is required to sprinkle the site with water during construction to reduce dust.
5. Air: 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.
6. 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.
7. Water: The applicant must comply with the recommendations of the Critical Areas Report prepared by Ecological Land Services, dated August 2, 2023, and any subsequent revision approved by the City.
8. Water: The applicant must comply with the recommendations of the critical areas report (August 2, 2023).
9. Water: The applicant must comply with the recommendations of the Water Utility Review Letter dated February 27, 2024.
10. Water: The applicant must use approved erosion control best management practices during construction.
11. 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.
12. Plants: The applicant shall provide mitigation required by LCMC 18.350 for all trees on-site of 10 inches diameter at breast height (dbh) or greater which will be impacted or removed as reflected on the Existing Tree Protection Plan, prepared by Planning Solutions, Inc. dated January 1, 2024. The applicant shall protect the Oregon white oak tree and associated drip line located at the eastern property line as reflected in the Existing Tree Protection Plan, prepared by Planning Solutions, Inc. dated January 1, 2024.
13. Environmental Health: The letter from Clark Conty Public Health dated November 22, 2023 indicated that there were no signs of the presence of an on-site sewage system.
14. 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.
15. Light and Glare: The applicant shall comply with the requirements of LCMC 18.282 (Outdoor Lighting).
16. Recreation: The applicant shall comply with LCMC 18.147 (Parks and Open Space).

17. Historic and cultural preservation: 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.
18. 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.
19. 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 Reynolds, Interim Cultural Resources Manager	Phone: 360-575-6226; email: nreynolds@cowlitz.org
City of La Center, Tracy Coleman, Public Works Director	Phone: 360-263-5189; email: tcoleman@ci.lacenter.wa.us
Office of the Clark County Medical Examiner (for human remains)	Phone: 564-397-8405; email: medical.examiner@clark.wa.gov
Washington DAHP, Dr. Allison Brooks, Ph.D., Director	Phone: 360-586-3066; email: Allyson.Brooks@dahp.wa.gov

20. Transportation: The applicant shall comply with the recommendations of the Traffic Analysis Report prepared by Charbonneau Engineering, dated December 2023.
21. Transportation: The applicant is required to pay transportation impact fees prior to issuance of building permits.
22. Utilities: The applicant shall pay the applicable sewer system development charge for each residential unit. Applicable fees will be assessed at the time of building permit application and are due prior to issuance of final occupancy for each unit.
23. Public Services: The applicant shall pay school, and park impact fees prior to the issuance of building permits for the onsite units. Applicable impact fees will be assessed at the time of building permit application and are due prior to issuance of final occupancy for each unit.

IV.D CCFR Fire Conditions

1. Applicant must comply with all applicable requirements and receive approval through Clark Cowlitz Fire & Rescue.

IV.E CPU Conditions

1. Applicant must comply with all applicable requirements and receive approval through Clark Public Utilities.

APPEALS

The applicant, applicant's representative, or any person, agency or firm with an interest in the matter may appeal the Critical area decision. The appellant shall file the appeal together with the requisite fee and information within 14 calendar days of the date of the decision being appealed. (18.030.130 LCMC.)

Angie Merrill
Associate Planner
City of La Center

Anthony Cooper, P.E.
City Engineer
City of La Center