



STAFF REPORT & DECISION

CITY OF LA CENTER

GORDON CREST POST DECISION REVIEW
2012-019-PDR

-
- Proposal:** The applicant requests a post-decision review to: alter previously approved lot dimensions, and; to reduce the total number of approved lots.
- Location:** The site is located in the southwest quarter of Section 34, Township 5 North, Range 1 East of the Willamette Meridian and includes Clark County Assessor Tax Lots 258894-048 (lot 24); 258894-050 (lot 25); 258894-052 (lot 26); 258894-054 (lot 27); 258894058 (lot 29); 258894060 (lot 30); 258894062 (lot 31); 258894064 (lot 32); 258894066 (lot 33); 258894068 (lot 34) and; 258894128 (Tract D/new lot 61).

I. CONTACTS

Owner/Applicants:
Chris Wall
c/o Moody Holdings, Inc.
9811 NE 114th Circle
Vancouver, WA 98662

La Center Staff:
Jeff Sarvis, Public Works Director
Dale Miller, City Planner
City of La Center Public Works
419 E Cedar Avenue, Ste. A201
La Center, WA 98629

II. OVERVIEW

This post decision review regards **SUB2005-02 (Gordon Crest Subdivision)** which was approved on August 31, 2005. A copy of the original conditions of approval is attached. This post decision review does not alter these conditions except with regard to individual lot size and the total number of approved lots.

A post-decision review may change decisions and conditions of approval without necessarily subjecting the change to the same procedures as the original decision. Such changes may be warranted by ambiguities or conflicts in a decision and by new or more detailed information, permits or laws. A post-decision review cannot substantially change the nature of the development approved pursuant to a given decision and can only be conducted regarding a decision that approves or conditionally approves an application. LCMC 18.30.150.

III. REVIEW

Classification of application

Classification of Post Decision Review applications is regulated under LCMC 18.30.150.

The applicant proposes to reduce the number of permitted lots. Reducing the number of lots will reduce potential adverse impacts. The proposal is otherwise consistent with applicable zoning and environmental regulations and the original subdivision's conditions of approval. The City Planner determined that the proposed boundary line adjustments are not an issue of broad public interest based on the original record of decision.

2012-021-PDR
GORDON CREST

Therefore, the City Planner determines that the application is a Type I application because it: reduces the potential adverse impact of the development; is consistent with applicable law or variations permitted by law; does not involve an issue of broad public interest, and; does not require further environmental review. LCMC 18.30.150(5)(d).

Type I permits are generally issued within 21 calendar days of the City receiving a fully complete application. The application was deemed fully complete on October 29, 2012, with the submittal of legal descriptions.

LCMC 18.30.150 -- Post-Decision Review

Post-decision reviews may change decisions and conditions of approval without necessarily subjecting the change to the same procedures as the original decision. Such changes may be warranted by ambiguities or conflicts in a decision and by new or more detailed information, permits or laws.

Finding(s): The applicant proposes to change Tract D into Lot 61. Original Condition of Approval #18 states, "The turnaround for 13th Street shall be temporary and provided for with an easement on the lot or tract (Tract D)." The need for this turnaround is satisfied by the extension of West 13th Street east to Aspen Avenue¹. West 13th Street has been constructed east to Aspen Avenue as part of Gordon Crest II subdivision (2006-012-SUB). However, this subdivision has not yet received final plat approval and is not to be construed as final approval of the Gordon Crest II subdivision plat.

Condition(s): Lot 61 is approved contingence to the City's acceptance of West 13th Street.

LCMC 18.220.010 – Boundary Line Adjustments

The applicant proposes to alter the area of ten (10) lots and remove two (2) lots entirely.

Approval Criterion: No additional lots could be created that do not meet current zoning of the property. LCMC 18.220.010(4)(a).

Finding(s): The proposed revision reduces the number of approved lots. All resulting lots meet applicable density requirements of LCMC 18.130.080. See Table 1.

Table 18.130.080 -- Density Requirements

Zoning District	Minimum Lot Area ¹ (sq. ft.)	Minimum Lot Area When Critical Areas Are Present (sq. ft.) ²	Maximum Lot Area (sq. ft.) ³	Minimum Net Density per Acre ⁴
LDR-7.5	7,500	6,000	11,000	4

¹Duplexes (structures containing two separate dwelling units) require a minimum lot area of 10,000 square feet. ²The city may permit a minimum lot area of 6,000 square feet when critical areas are present and a transfer of density is proposed per LCMC 18.300.130. Under no circumstances may lots of less than 6,000 square feet be permitted. ³The maximum lot area of a lot abutting the urban growth area boundary may exceed 11,000 square feet pursuant to this section. A border lot also is subject to different setbacks. The maximum lot area also can be exceeded for multifamily development. ⁴Densities shall be calculated based on the gross area of the site minus any public rights-of-way.

Finding(s): As shown in Table 1, all resulting lots fall between the minimum and maximum allowable lots areas of Table 18.130.080, therefore meeting density requirements.

Table 1 -- Changes in Lot Area

Lot	Original SF	Change SF	Revised SF
Lot 23	7,660	+1,580	9,240

¹ The applicant will stub 13th and 16th Streets to the boundaries of the site to allow for future extension to the east and west respectively when the abutting properties redevelop.* Page 1 of the Final Decision.

Lot 24	8,397	+2,587	10,984
Lot 25	9,017	-9,017	0
Lot 26	7,891	+3,108	10,999
Lot 27	7,502	+1,740	9,242
Lot 29	8,714	+297	9,011
Lot 30	8,654	+2,304	10,958
Lot 31	8,413	+2,545	10,958
Lot 32	8,414	+2,544	10,958
Lot 33	8,655	-8,655	0
Lot 34	9,419	+793	10,212
Tract D / Lot 61	9,002	+179	9,181

Approval Criterion: The resulting lots must meet current dimensional requirements including minimum width and depth requirements. LCMC 18.220.010(4)(b).

Finding(s): The current dimensional requirements for LDR-7.5 zoning district are found in Table 18.130.090 below:

Table 18.130.090 -- Lot Coverage and Dimensions

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

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

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

³A detached accessory structure, other than a garage or carport, may be situated in a rear and/or side yard provided it is at least six feet from the primary structure on a lot or parcel and it is set back from interior side and rear lot lines by at least five feet and from street side lot lines by at least 10 feet. A garage or carport may be situated in a rear and/or side yard provided it is at least 20 feet from the front and street side lot lines, seven and one-half feet from an interior side lot line, 15 feet from a rear lot line; provided, further, if there is direct vehicular access from a garage or carport to the street abutting the street side lot line, then the garage or carport shall be set back at least 20 feet from that street side lot line.

Finding(s): The resulting lots, including Lot 61, satisfy all dimensional requirements of LCMC 18.130.090.

Approval Criterion: The resulting lots must be buildable. LCMC 18.220.010(4)(c).

Finding(s): The applicant's proposed lot configuration satisfies all density and dimensional requirements of the City and is therefore deemed buildable.

IV. CONCLUSIONS & DECISION

The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of La Center's Municipal Code. Therefore, the subject application is hereby

2012-021-PDR
GORDON CREST

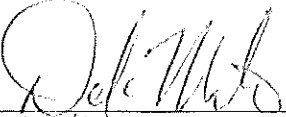
APPROVED, SUBJECT TO THE ORIGINAL CONDITIONS OF APPROVAL (attached) excepting the total number of lots herein reduced to a total of 59 and subject to the following condition:

1. Lot 61 is approved contingent upon the City's acceptance of West 13th Street.

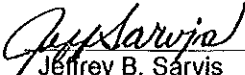
VI. APPEALS

The applicant and/or their representative must file any appeal of this Type I decision within seven calendar days. Upon receipt of an appeal, the City Clerk shall send to the Hearings Examiner a copy of the appeal and the case file together with any new evidence submitted with the appeal. The Hearings Examiner shall conduct a *de novo* review. Within 21 calendar days after a timely, complete appeal is filed, the Hearings Examiner shall send to the City Clerk a final decision for distribution to the applicant and applicant's representative.

Dated this 19th day of Nov, 2012.



Dale Miller
City Planner
City of La Center



Jeffrey B. Sarvis
Public Works Director
City of La Center

- Exhibits:
- Application materials
 - Site location
 - Final Order, SUB2005-02 (Gordon Crest)

**CONDITIONS OF APPROVAL FOR
SUB 2005-02 (Gordon Crest)**

1. Compliance with City regulations, plans and standards: Unless otherwise specified herein, at the time of construction and at all times thereafter, the applicant shall comply with all approval requirements established in applicable plans, policies, regulations and standards adopted at the time of this application, including but not limited to, the *La Center Urban Area Comprehensive Plan (LCUACP)*, the *La Center Capital Facilities Plan (LACFP)*, the *La Center Municipal Code (LCMC)*, the La Center engineering standards" current water and sanitary sewer plans, and the *Stormwater Management Manual for the Puget Sound Basin (Puget Sound Manual)*.

Zoning and Lots

2. The applicant shall provide two (2) off-street parking spaces per lot. One of the parking spaces shall be located within a garage containing at least 200 square feet. There shall be a minimum of 18 feet between the sidewalk and front door of a garage for all lots.
3. Prior to final plat approval, the applicant shall provide a site plan and detailed construction and cost estimates for all development activities associated with the on-site stormwater facilities. The agreement shall require payment of a maintenance fund of sufficient size to guarantee maintenance by the City of the stormwater facilities. The City may elect to accept dedication of this stormwater facilities, subject to a Level I Environmental Hazard Assessment or greater, if the area to be dedicated is shown to be free of contaminants, trash and nuisance or poisonous plants, and if the City Council determines that the City has the staffing and funding resources necessary to maintain said dedication.
4. Prior to the start of construction, the applicant shall apply for and receive building permits from the city for all proposed structures.
5. Prior to the issuance of building permits, the applicant must pay all applicable street, school and park impact fees.
6. Prior to final plat approval, the applicant shall provide the city with a landscaping plan meeting all criteria set forth in LCMC 17.84.030.
7. Prior to final plat approval the applicant shall record a boundary line adjustment to align the boundaries of the remainder lots with the boundaries of the site prior to final plat approval.
8. The applicant shall obtain a permit pursuant to LCMC 17.70 for any signs on the site.

Critical Areas

9. Prior to final plat approval or initiation of any soil disturbance, the applicant shall address outstanding wetland and riparian buffer requirements as follows:
 - a. The applicant shall either:
 - i. Record a conservation easements prohibiting building construction and removal of native vegetation within the wetland and riparian buffer areas; or
 - ii. Amend the preliminary plat to show that all lots are platted outside of the 105-foot riparian and 100-foot wetland buffer as proposed in Exhibit 14A.
 - b. In addition, the applicant shall provide the Public Works Director with the following detailed plans and specifications related to work performed in critical areas, when applicable: a vegetation removal and mitigation plan where protected native plants are to be removed; a wetland avoidance and buffer mitigation and enhancement plan, including proposed mitigation ratios; consistent with LCMC 14.20.060(1) and (2); a fill and removal plan for wetland impacts; a grading and re-vegetation plan; an erosion control plan; and a tree canopy plan and mitigation plan for tree removal within critical areas and buffers. Each report and plan shall consider the cumulative environmental impacts of each phase of development

- c. Prior to undertaking any land disturbing activities on the site the applicant shall identify the critical area boundaries in the field prior to construction consistent with LCMC 14.20.030(6)(e)(v).
 - d. Prior to final plat approval the applicant shall install physical demarcations along the upland boundary of the critical area buffer consistent with LCMC 14.20.030(6)(e)(vi). The applicant shall modify the text of the signs as necessary to require protection of the riparian area and wetland buffers. The applicant shall revise the CC&Rs to require that the homeowners association and/or lot owners permanently maintain the required signs and demarcation.
 - e. The applicant shall show the boundaries of the critical areas on the face of the final plat.
10. All buildings and structures requiring a permit and impervious surface greater than 120 square feet shall be set back 15 feet or more from the edge of a critical area buffer which shall be noted on the final plat and enforced at time of building permit application. Clearing, grading and filling within the 15-foot setback shall be prohibited unless the applicant demonstrates that the activities will not damage native vegetation within the buffer.
 11. If cultural or archeological resources are discovered on the site during construction activity, including burial sites, the applicant is to stop work immediately and notify the Office of Archaeology and Historic Preservation in Olympia and the City of La Center Public Works Department are to be notified immediately. Failure to comply with these requirements may constitute a Class C felony, subject to imprisonment or fines. The applicant shall place a note to that effect on the face of the final plat.
 12. Prior to final plat approval, the applicant shall construct a bio-swale and public pedestrian trail, including a bridge over the wetland/stream, in the wetland buffer as proposed on the preliminary plat. In addition, the applicant shall construct a pedestrian path between proposed Lots 6 and 7 to provide a connection between 16th Street and the east-west path within the wetland buffer. The applicant shall dedicate the completed facilities to the City.

Engineering

13. The design and construction of streets, streetlights, street trees and storm drainage systems, and site grading and erosion control plans, shall be in accordance with LCMC Title 12.
14. Proposed 16th Street shall be extended to the west edge of the site at a location coordinated with Hanna's Farm and in consideration of potential lot dimension standards on the adjoining land, water and sewer mains shall be extended with the street.
15. The applicant shall design and construct 16th Street as a Non-Arterial Local Access Street with a 50-foot right-of-way and 36-foot paved width consistent with LCMC 12.10.050, Schedule A.
16. The street centerline curve radius at Lot 29 shall be in accordance with city standards and the maximum street grade for the block north of this curve shall not exceed 10%.
17. Tract "D" currently does not satisfy the city's minimum lot area and dimension standards. Prior to final plat approval, the applicant must either amend the final plat so that tract "D" becomes an additional lot that meets city minimum lot area, depth and width standards or shall place a note on the plat stating that tract "D" is not intended to be nor shall it be construed that tract "D" is a legal buildable lot and dedicate the tract to the homeowners association.
18. The turnaround for 13th Street shall be temporary and provided for with an easement on the lot or tract (Tract D).
19. A reserve strip shall be provided across the street stub ends and barricades installed.
20. The applicant shall obtain City approval of a final stormwater management plan in compliance with LCMC Chapter 14.10.
 - a. For the northern end of the site the applicant shall provide sufficient detail to demonstrate that the proposed pre-treatment and treatment facilities will comply with the requirements of the Puget Sound Manual.

- i. The City may, but is not required to, allow the applicant to plant the biofiltration swale with wetland vegetation as an experimental BMP, provided the applicant shall demonstrate compliance with the 14.10.210(7).
 - b. For the stormwater management along the southern end of the site the applicant shall demonstrate compliance with the 14.10.210(7), Experimental BMPs. The applicant shall maintain the approved experimental facilities for two years after date of acceptance.
 - c. The applicant shall amend the CC&Rs to require the homeowners association pay the city for actual costs of maintaining the stormwater facilities on the site after the initial two-year monitoring and maintenance period.
21. Storm conveyance easements shall be provided in accordance with city standards.
 22. Prior to the initiation of any construction or final plat approval the applicant shall demonstrate to the city's satisfaction that:
 - a. The applicant shall establish a homeowners association (BOA) and the Articles of Incorporation, By-laws and CC&Rs of the HOA shall reflect that the city's operation and maintenance costs for the stormwater facilities shall be borne by the HOA.
 - b. The HOA shall be empowered to assess its member's fees to be reserved and used to pay the city for the operation and maintenance of the facilities.
 - c. The city shall have the right of third party enforcement to ensure that the HOA remains intact and collects the fees and the city shall have the right to recapture any fees and costs associated with enforcement actions.
 23. An NPDES permit must be secured from the Department of Ecology and a copy provided to the city prior to construction.
 24. The site grading within the wetland and riparian buffers shall be done during the dry weather season (May 1 and October 31) and completed early enough in the year to allow sufficient time for seeding and planting to become established before the onset of wet weather, prior to October 1. Grading and construction outside of the critical areas shall comply with the NPDES permit issued by the Department of Ecology.
 25. The recommendations of the March 18, 2005 geo-technical report prepared by GeoDesign, Inc. (Tab 6 of Exhibit 3) shall be incorporated herein and considered as conditions of approval through final design of the subdivision.
 26. The applicant shall provide the city with final plan documents prior the city's approval of the final plat for any phase of development

Streets

27. The applicant shall construct and dedicate public sidewalks, streets and public ways consistent with the applicable standards in Title 12, LCMC.
28. The applicant shall provide a minimum 3-inch diameter steel pipe of equivalent, weep hole through the curb at each lot line. This allows for connection of roof drains to the street and maintains the integrity of the curb, post construction. This detail or requirement must be shown on the construction drawings.
29. Streets will be constructed in two phases consisting of two inches of finished asphalt each.
30. In addition to the maintenance warranty requirements of LCMC 14.10.230(2) the applicant shall provide a maintenance warranty or assurance in a form acceptable to the city for a period of two years in the amount of 10% of the cost of construction as certified by a professional engineer following final acceptance by the city for all other public or city-owned improvements including streets, street lighting, landscaping, water and sanitary sewer systems.
31. The applicant shall pay \$7,568.81 as its proportionate share towards the cost of a stop light at the intersection of Pacific Highway and 4th or 5th streets, as determined by the Public Works Director.

32. The applicant shall provide the city with verification that sight distance at the intersection of Aspen Avenue and 16th Street is adequate and safe after the proposed bus stop, sign, water feature and landscaping facilities are completed within Tract B.
33. The final plat shall contain street names and addresses as provided by the city.
34. Title 16 outlines fees, subdivision provisions, monumentation, and survey standards. Monumentation shall be at the direction of the city's Consulting Engineer and shall be inside a cast iron monument case flush the final street grade and shall be a brass cap, in a 30-inch long pipe as set by the surveyor of record and shown on the final subdivision plat map.
35. As constructed drawing will be provided in '.dwg' electronic format as well as Mylar and paper as outlined in Title 16.

Stormwater Management

36. The applicant shall produce and provide the city with a copy of the operation and maintenance manual for any drainage facilities prior to final platting or issuance of any construction or building permits.
37. Catch basins shall be installed according to city Standard Specifications. During the first phase or lift of asphalt a Schedule 40 sweep shall be installed so to prevent ponding around catch basins. The city along with the development engineer shall develop a suitable method for installation prior to construction approval.
38. All lots will drain to the street. Separate stormwater laterals shall be provided at each lot as practicable. Roof drains shall be connected to the weep holes at the curb. Suitable alternatives for lot or roof must be identified and approved prior to construction.
39. Stormwater facilities shall be located in separate tracts or within public road rights of way.

Erosion Control

40. All erosion control measures shall be designed, approved, installed and maintained consistent with LCMC 14.10. All EC Measures shall be in place prior to removal of vegetation or any construction activity and maintained during all phases of construction.
41. Construction plans shall identify staging areas for all equipment, contractors, deliveries, and supplies prior to construction plan approval.

Utilities

42. All utilities in the street Rights-of-Way section shall be backfilled with approved imported granular material and be properly compacted in 6-inch lifts.
43. All compaction shall be @ 95% relative density and must be in accordance with AASHTO Method T-99 or T-180, as determined by the city.
44. Signature blocks will be placed on the front page of all construction plan drawings and will contain signature blocks for the city Engineer, city Public Works Director and Clark Public Utilities. Clark Public Utilities shall sign prior to city approval.

Fire Safety

45. The builder should plan for road widths in this project that will allow easy access for the Fire Districts aerial ladder truck. The ladder truck is 39 feet long and requires a clear area 20 feet wide to deploy its ladder outriggers. Any Cul-de-sac must have a 45-foot radius with no on street parking allowed. Roll over curbs are preferred on all Cul-de-sacs.
46. Fire hydrants should be spaced every 500' feet on streets around the buildings. The Fire District shall approve the location of these hydrants. A loop water main system is preferred. We urge the applicant to install these hydrants before road paving and sidewalk construction begins. The project engineering staff should work closely with Clark County Fire District # 12 in regard to hydrant and

FDC placement in this development. No obstruction will be allowed that would keep fire apparatus further than 10 feet from any hydrant in the project. Improvement Agreement

47. Consistent with city of La Center Resolution # 198, at the time of land use application, the applicant shall sign the form "Agreement to Pay Professional Review Expenses Related to Land Use Application." The cost of review by outside professionals beyond the normal and regular costs of application review includes, but is not limited to, out side professional assistance for engineering and land use planning services, traffic engineering, legal support, inspection, testing and sign installation.



DEVELOPMENT REVIEW APPLICATION FORM

419 E. Cedar Avenue, Suite 201
 La Center, Washington 98629
 T/360.263.7661 F/360.263.7666

File #
Planner
APPLICATION FEES submitted to: date paid: <i>\$950</i>
PROCEDURE <input type="checkbox"/> Type I <input type="checkbox"/> Type II <input type="checkbox"/> Type III <input type="checkbox"/> Type IV

PROJECT INFORMATION
Project Name: <i>Graden Crest</i>
Type(s) of Application; (see attached) <i>B</i>
Description of Proposal: <i>Lot line adjustment lots 13, 14, 15, 26, 29, 33 Conversion of tract D.</i>

APPLICANT INFORMATION	
Name of Applicant: <i>Chris Wall HMRW, LLC.</i>	Address: <i>9811 NE 111th Cir Vancouver WA 98662</i>
E-mail address: <i>evmsdevelopment@yahoo.com</i>	Phone: <i>503-849-8883</i> Fax:
Name of Property Owner: (list multiple owners on a separate sheet) <i>HMRW, LLC</i>	Address: <i>- Same -</i>
E-mail address: <i>- Same -</i>	Phone: Fax:
Contact Person Name: (list if not same as applicant) • <i>Chris Wall</i>	Address: • <i>- Same -</i> •
E-mail address:	Phone: Fax:

PROJECT SITE INFORMATION		
Site Address:	Cross Street:	
Comp. Plan Designation:	Base Zone & Overlay Zone:	Assessor's Serial #:
Township, Range, 1/4 of Section:	Legal Description:	Acreage of Parcels:

AUTHORIZATION

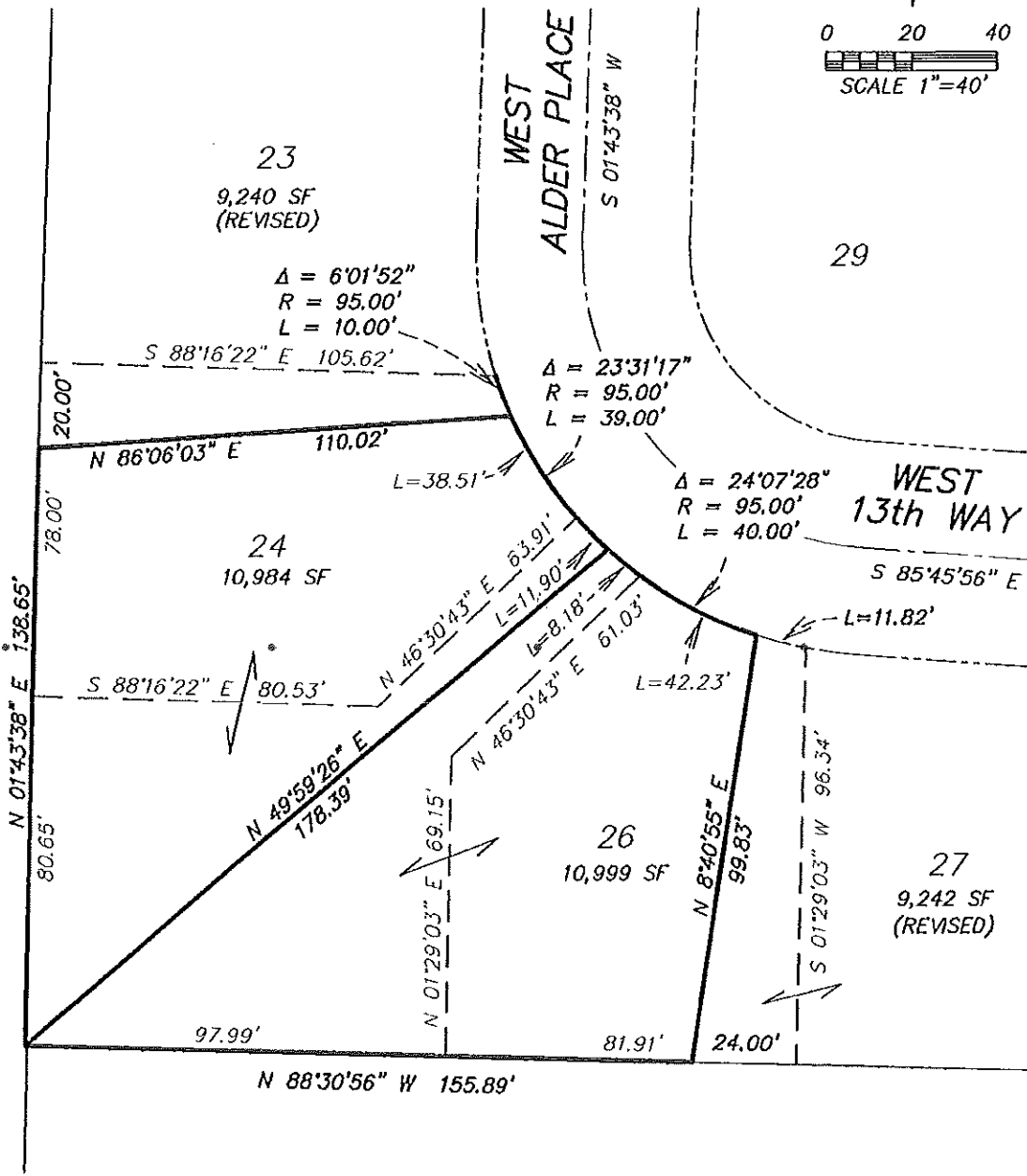
The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the City to enter the properties listed above.

Ch Wall
 Authorized Signature _____ Date *9/4/12*

EXHIBIT SKETCH of
 BOUNDARY ADJUSTING LOT 24 & LOT 26
 (ELIMINATING LOT 25)
 of GORDON CREST



0 20 40
 SCALE 1"=40'



SCALE: 1"=40' JOB NO.: 12-078 DRAWN BY: CC
 DATE: 10/25/12 CALC. BY: BPT DWG# 12-078-SKETCHES



October 24, 2012

**LEGAL DESCRIPTION
FOR
4M2W, LLC**

BOUNDARY ADJUSTED LOT 23:

Lot 23 and the following described portion of Lot 24 of "Gordon Crest" as recorded in Book 311 of Plats, Page 492, Clark County Auditor's Records, situated in the Southwest quarter of Section 34, Township 5 North, Range 1 East, Willamette Meridian, City of La Center, Clark County, Washington:

BEGINNING at the Northwest corner of Lot 24, thence South 01° 43' 38" West, along the West line thereof, 20.00 feet;

THENCE North 86° 06' 03" East, 110.02 feet to a point on the Westerly right-of-way line of West 13th Way / West Alder Place;

THENCE along said right-of-way, along the arc of a 95.00 foot radius curve to the right, the radial bearing of which is North 65° 53' 58" East, through a central angle of 06° 01' 52", for an arc distance of 10.00 feet to the Northeast corner of Lot 24;

THENCE North 88° 16' 22" West, 105.62 feet to the POINT OF BEGINNING.

SUBJECT TO easements and restrictions of record.

LD-2012\4M2W LLC - Boundary Adj Lot 23.bt
#12-078



10-24-12



October 24, 2012

**LEGAL DESCRIPTION
FOR
4M2W, LLC**

BOUNDARY ADJUSTED LOT 24:

A portion of Lots 24 and 25 of "Gordon Crest" as recorded in Book 311 of Plats, Page 492, Clark County Auditor's Records, situated in the Southwest quarter of Section 34, Township 5 North, Range 1 East, Willamette Meridian, City of La Center, Clark County, Washington:

BEGINNING at the Northwest corner of Lot 24, thence South 01° 43' 38" West, along the West line thereof, 20.00 feet to the TRUE POINT OF BEGINNING;

THENCE continuing South 01° 43' 38" West, along said West line and the West line of Lot 25, 138.65 feet to the Southwest corner of Lot 25;

THENCE North 49° 59' 26" East, 178.39 feet to the Southerly right-of-way line of West 13th Way / West Alder Place;

THENCE along said right-of-way, along the arc of a 95.00 foot radius curve to the right, the radial bearing of which is North 42° 22' 41" East, through a central angle of 23° 31' 17", for an arc distance of 39.00 feet to a point which bears North 86° 06' 03" East from the TRUE POINT OF BEGINNING;

THENCE South 86° 06' 03" West, 110.02 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO easements and restrictions of record.

LD-2012\4M2W LLC - Boundary Adj Lot 24.bt
#12-078



10-24-12



October 24, 2012

**LEGAL DESCRIPTION
FOR
4M2W, LLC**

BOUNDARY ADJUSTED LOT 26:

A portion of Lots 25 and 26 of "Gordon Crest" as recorded in Book 311 of Plats, Page 492, Clark County Auditor's Records, situated in the Southwest quarter of Section 34, Township 5 North, Range 1 East, Willamette Meridian, City of La Center, Clark County, Washington:

BEGINNING at the Southeast corner of Lot 26, thence North 88° 30' 56" West, along the South line thereof, 24.00 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North 88° 30' 56" West, along said South line and the South line of Lot 25, 155.89 feet to the Southwest corner of Lot 25;

THENCE North 49° 59' 26" East, 178.39 feet to the Southerly right-of-way line of West 13th Way / West Alder Place;

THENCE along said right-of-way, along the arc of a 95.00 foot radius curve to the left, the radial bearing of which is North 42° 22' 41" East, through a central angle of 24° 07' 28", for an arc distance of 40.00 feet to a point which bears North 08° 40' 55" East from the TRUE POINT OF BEGINNING;

THENCE South 08° 40' 55" West, 99.83 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO easements and restrictions of record.

LD-2012\4M2W LLC - Boundary Adj Lot 26.bt
#12-078



10-24-12



October 24, 2012

**LEGAL DESCRIPTION
FOR
4M2W, LLC**

BOUNDARY ADJUSTED LOT 27:

Lot 27 and the following described portion of Lot 26 of "Gordon Crest" as recorded in Book 311 of Plats, Page 492, Clark County Auditor's Records, situated in the Southwest quarter of Section 34, Township 5 North, Range 1 East, Willamette Meridian, City of La Center, Clark County, Washington:

BEGINNING at the Southeast corner of Lot 26, thence North 88° 30' 56" West, along the South line thereof, 24.00 feet;

THENCE North 08° 40' 55" East, 99.83 feet to a point on the Southerly right-of-way line of West 13th Way;

THENCE along said right-of-way, along the arc of a 95.00 foot radius curve to the left, the radial bearing of which is North 18° 15' 13" East, through a central angle of 07° 07' 40", for an arc distance of 11.82 feet to the Northeast corner of Lot 26;

THENCE South 01° 29' 03" West, 96.34 feet to the POINT OF BEGINNING.

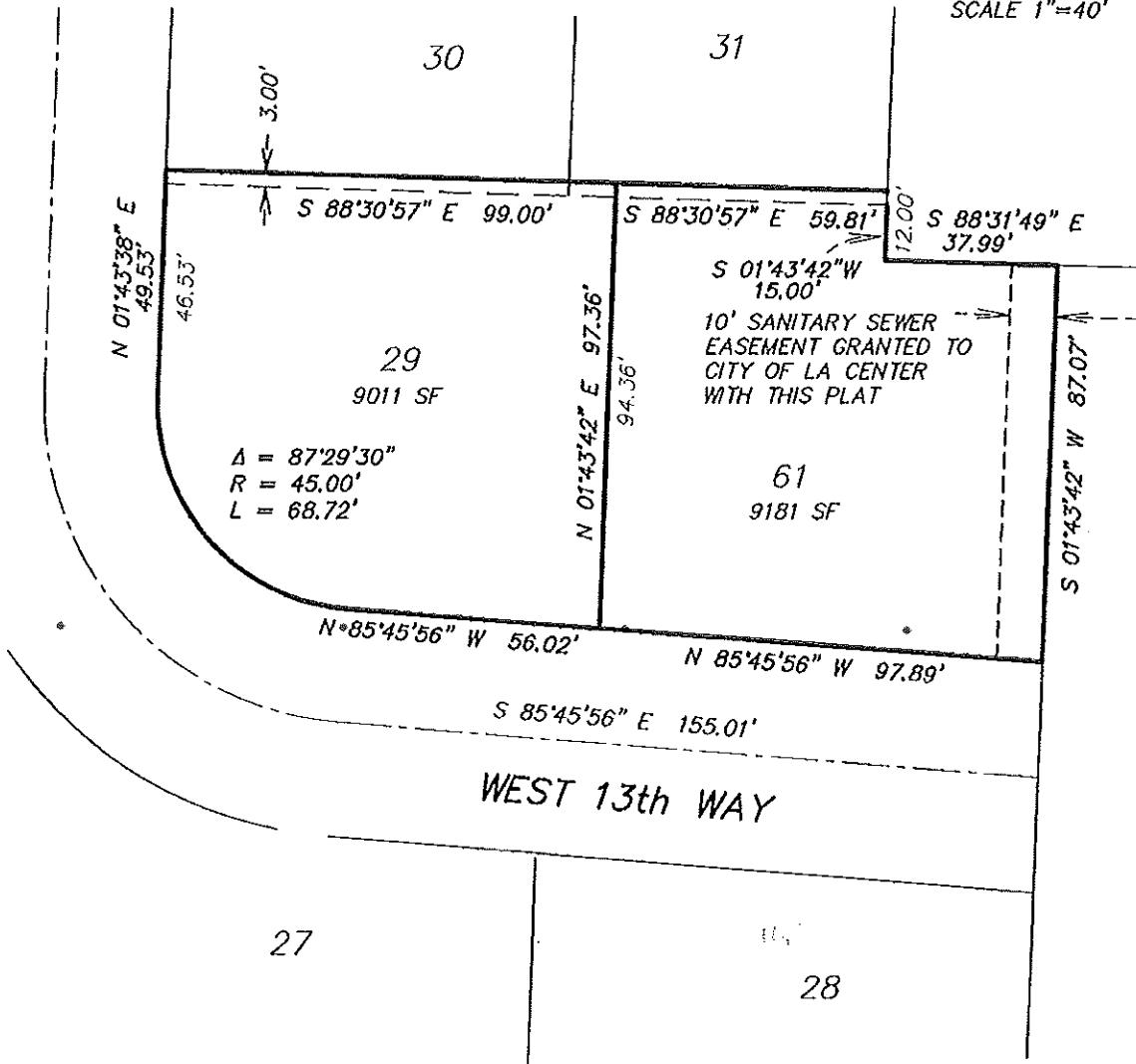
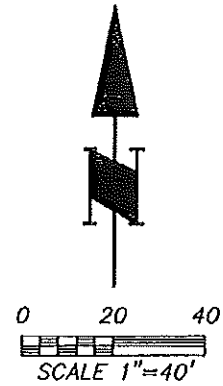
SUBJECT TO easements and restrictions of record.

LD-2012\4M2W LLC - Boundary Adj Lot 27.bt
#12-078



10-29-12

EXHIBIT SKETCH of
 NEWLY CREATED LOT 61
 (FORMERLY TRACT D)
 and BOUNDARY ADJUSTED
 LOTS 29 & 61
 of GORDON CREST



SCALE: 1"=40' JOB NO.: 12-078 DRAWN BY: BPT
 DATE: 10/24/12 CALC. BY: BPT DWG# 12-078-SKETCHES

1924 Broadway St., Suite B
Vancouver, WA 98663
www.hagedornse.com



HAGEDORN™
SURVEYING + ENGINEERING INC

office 360.696.4428
toll free 866.696.4428
fax 360.694.8934

October 24, 2012

**LEGAL DESCRIPTION
FOR
4M2W, LLC**

BOUNDARY ADJUSTED LOT 29:

Lot 29 and the South 3.00 feet of Lots 30 and 31 lying west of the Northerly extension of the East line of Lot 29 of "Gordon Crest" as recorded in Book 311 of Plats, Page 492, Clark County Auditor's Records, situated in the Southwest quarter of Section 34, Township 5 North, Range 1 East, Willamette Meridian, City of La Center, Clark County, Washington.

SUBJECT TO easements and restrictions of record.

LD-2012\4M2W LLC - Bdy Adj Lot 29.bt
#12-078



10-24-12

1924 Broadway St., Suite B
Vancouver, WA 98663
www.hagedornse.com



HAGEDORNTM
SURVEYING + ENGINEERING INC

office 360.696.4428
toll free 866.696.4428
fax 360.694.8934

October 24, 2012

**LEGAL DESCRIPTION
FOR
4M2W, LLC**

NEWLY CREATED LOT 61 (Boundary Line Adjusted Tract "D"):

"Tract D" and the South 3.00 feet of Lot 31 lying East of the Northerly extension of the West line of "Tract D" of "Gordon Crest" as recorded in Book 311 of Plats, Page 492, Clark County Auditor's Records, situated in the Southwest quarter of Section 34, Township 5 North, Range 1 East, Willamette Meridian, City of La Center, Clark County, Washington.

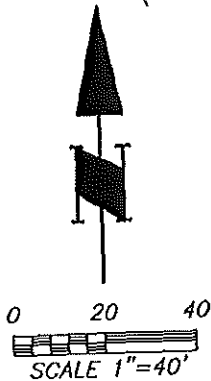
SUBJECT TO easements and restrictions of record.

LD-2012\4M2W LLC - New Lot 61.bt
#12-078

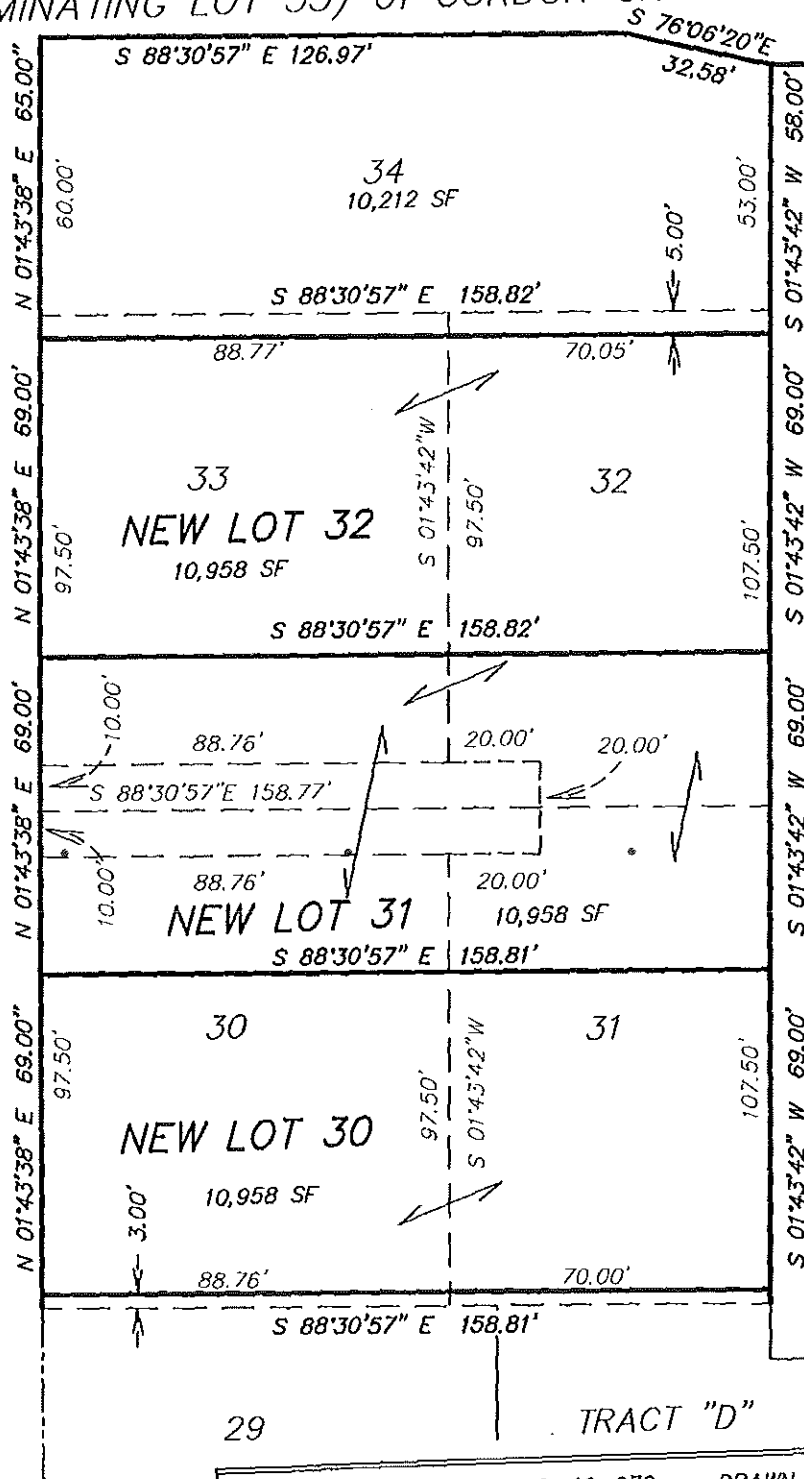


10-24-12

EXHIBIT SKETCH of
 BOUNDARY ADJUSTING LOTS 30, 31, 32 & 34
 (ELIMINATING LOT 33) of GORDON CREST



WEST ALDER PLACE



29 TRACT "D"

SCALE: 1"=40' JOB NO.: 12-078 DRAWN BY: BPT
 DATE: 10/24/12 CALC. BY: BPT DWG# 12-078-SKETCHES

1924 Broadway St., Suite B
Vancouver, WA 98663
www.hagedornse.com



HAGEDORNTM
SURVEYING + ENGINEERING INC

office 360.696.4428
toll free 866.696.4428
fax 360.694.8934

October 24, 2012

**LEGAL DESCRIPTION
FOR
4M2W, LLC**

BOUNDARY ADJUSTED LOT 30:

The North 69.00 feet of the South 72.00 feet of Lots 30 and 31 of "Gordon Crest" as recorded in Book 311 of Plats, Page 492, Clark County Auditor's Records, situated in the Southwest quarter of Section 34, Township 5 North, Range 1 East, Willamette Meridian, City of La Center, Clark County, Washington.

SUBJECT TO easements and restrictions of record.

LD-2012\4M2W LLC- Bdy Adj Lot 30.bt
#12-078



10-29-12

1924 Broadway St., Suite B
Vancouver, WA 98663
www.hagedornse.com



HAGEDORNTM
SURVEYING + ENGINEERING INC

office 360.696.4428
toll free 866.696.4428
fax 360.694.8934

October 24, 2012

**LEGAL DESCRIPTION
FOR
4M2W, LLC**

BOUNDARY ADJUSTED LOT 31:

Lots 30, 31, 32, and 33 except the North 74.00 feet of Lots 32 and 33 and except the South 72.00 feet of Lots 30 and 31 of "Gordon Crest" as recorded in Book 311 of Plats, Page 492, Clark County Auditor's Records, situated in the Southwest quarter of Section 34, Township 5 North, Range 1 East, Willamette Meridian, City of La Center, Clark County, Washington.

SUBJECT TO easements and restrictions of record.

LD-2012\4M2W LLC - Bdy Adj Lot 31.bt
#12-078



10-29-12

1924 Broadway St., Suite B
Vancouver, WA 98663
www.hagedornse.com



HAGEDORNTM
SURVEYING + ENGINEERING INC

office 360.696.4428
toll free 866.696.4428
fax 360.694.8934

October 24, 2012

**LEGAL DESCRIPTION
FOR
4M2W, LLC**

BOUNDARY ADJUSTED LOT 32:

The South 69.00 feet of the North 74.00 feet of Lots 32 and 33 of "Gordon Crest" as recorded in Book 311 of Plats, Page 492, Clark County Auditor's Records, situated in the Southwest quarter of Section 34, Township 5 North, Range 1 East, Willamette Meridian, City of La Center, Clark County, Washington.

SUBJECT TO easements and restrictions of record.

LD-2012\4M2W LLC - Bdy Adj Lot 32.bt

#12-07



10-29-12

1924 Broadway St., Suite B
Vancouver, WA 98663
www.hagedornse.com



HAGEDORNTM
SURVEYING + ENGINEERING INC

office 360.696.4428
toll free 866.696.4428
fax 360.694.8934

October 24, 2012

**LEGAL DESCRIPTION
FOR
4M2W, LLC**

BOUNDARY ADJUSTED LOT 34:

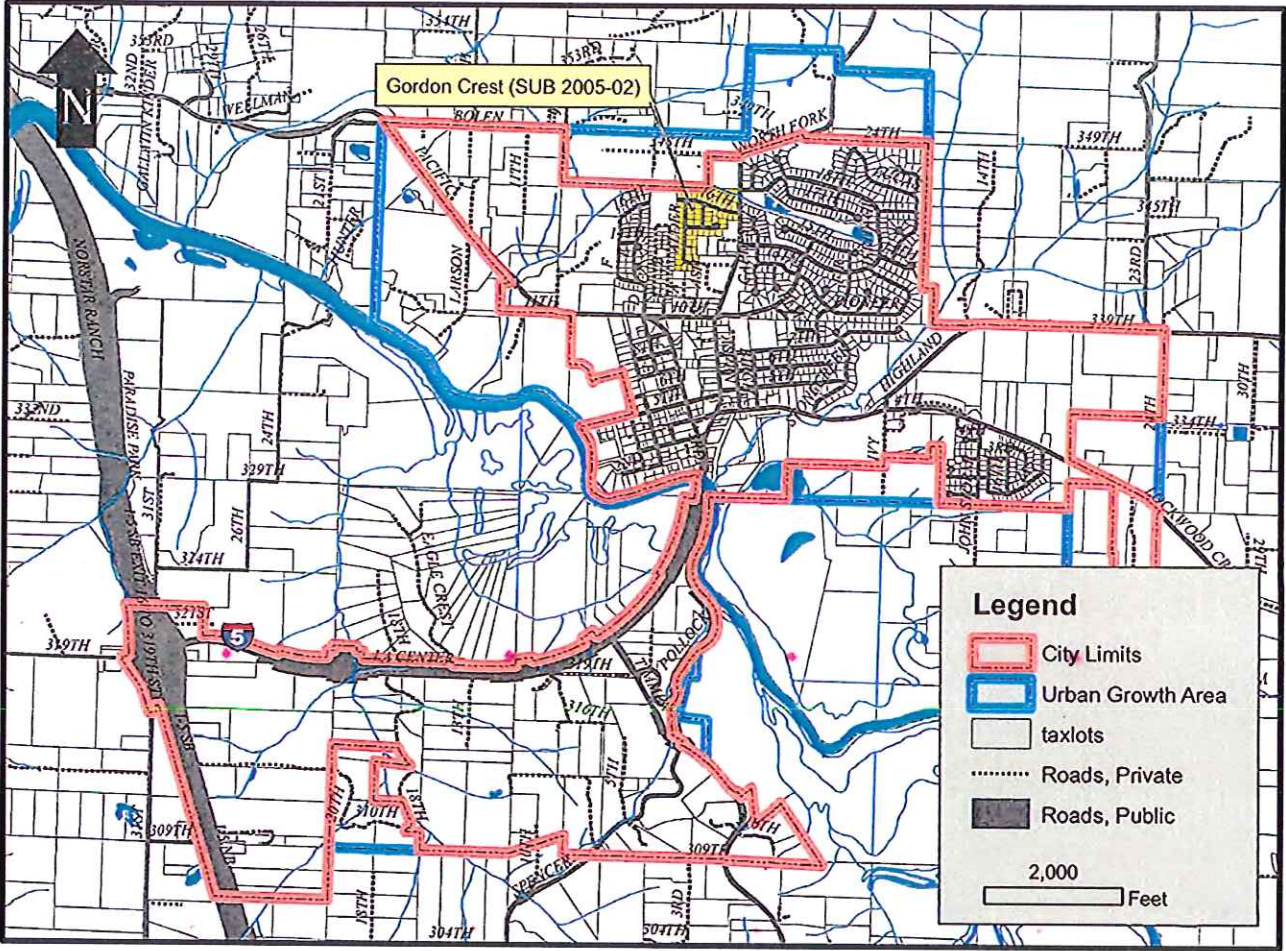
Lot 34 and the North 5.00 feet of Lots 32 and 33 of "Gordon Crest" as recorded in Book 311 of Plats, Page 492, Clark County Auditor's Records, situated in the Southwest quarter of Section 34, Township 5 North, Range 1 East, Willamette Meridian, City of La Center, Clark County, Washington.

SUBJECT TO easements and restrictions of record.

LD-2012\4M2W LLC - Bdy Adj Lot 34.bt
#12-078



10-24-12



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

Regarding a request by Moody Holdings, Inc. for a preliminary plat to divide 18.19 acres into 60 lots for single family detached homes in the UR zone west of Aspen Avenue and south of 18 th Street in the City of La Center, Washington)	<u>FINAL ORDER</u> File No. SUB 2005-02 (Gordon Crest)
--	---

A. SUMMARY

1. Moody Holdings, Inc. (the "applicant") requests approval of a preliminary plat to divide 18.19 acres into 60 lots for single-family detached homes. The applicant also proposes to create four tracts: a 2.94-acre open space tract to preserve and protect a stream corridor and wildlife habitat near the north boundary of the site (Tract A), a sign/landscaping tract near the proposed site access on Aspen Avenue (Tract B), a 0.15-acre tract consisting of the north/south flag pole portion of the site abutting 10th Street (Tract C), and a temporary turnaround at the end of proposed 13th Street (Tract D). The site is located west of Aspen Avenue between 18th Street and 10th Street. The legal description of the site is tax lots 258894-000, 258896-000, 258963-000, 258943-000 and 258969-000, Section 34, T5N, R1E, WM, Clark County (the "site"). The site is in the UR (Urban Residential) zone. Proposed lots vary from about 7500 to 11,500 square feet and do or can comply with applicable dimensional standards with two exceptions. The applicant proposed two lots between 6000 and 7500 square feet as allowed by Table 17.25.070.

a. The applicant will dedicate right of way for and construct several new public streets within the site. The applicant will extend an east-west street, proposed 16th Street, between Aspen Avenue and the west boundary of the site. The applicant will extend two new north/south streets, proposed Roads B and D, south of 16th Street. Road B will intersect proposed 13th Street near the southwest corner of the site. Road D will intersect proposed 15th Street/15th Court near the middle of the site. The applicant will extend 15th Street/15th Court east of Road B, terminating in a cul-de-sac east of the intersection with Road D. The applicant will extend 13th Street between B Street and the east boundary of the site. The applicant will stub 13th and 16th Streets to the boundaries of the site to allow for future extension to the east and west respectively when the abutting properties redevelop. The applicant also will improve the frontage of Aspen Avenue. All of the proposed lots will have direct access onto streets within the site. See Exhibit 4.

b. The applicant proposes to collect storm water from impervious areas and direct it to one of two underground storm water facilities within the street rights of way for proposed 13th and 16th Streets for treatment and detention. The applicant will release treated storm water from the detention facilities at less than predevelopment rates. The northern facility will discharge to the creek and wetlands in the north end of the site. The southern facility will discharge to the public storm sewer system in 10th Street south of the site. See Exhibit 5 and p 3 of Exhibit 4.

c. Clark Public Utilities will provide domestic water and sanitary sewer service to each proposed lot.

2. The City of La Center issued a Determination of Nonsignificance (DNS) for the subdivision pursuant to the State Environmental Policy Act ("SEPA"). See Exhibit 9. Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about the application. City staff and consultants recommended that the examiner approve the application subject to conditions as amended at the hearing. See the Revised Staff Report dated July 15, 2005 (the "Staff Report"). The applicant accepted those findings and conditions, as amended at the hearing, with certain exceptions. One person testified orally and in writing with questions and concerns. No one else testified orally or in writing, other than affected agencies. Disputed issues or concerns in the case include the following:

- a. Whether the proposed wetland and riparian area buffers are adequate to comply with the Code;
- b. Whether the applicant can reduce the riparian area buffer based upon "Best Available Science";
- c. Whether the applicant can include the riparian area and wetland buffers within the proposed lots;
- d. Whether and to what extent the applicant is required to mitigate for impacts caused by development within the critical areas;
- e. Whether the proposed development will cause or increase drainage and flooding problems on adjacent properties;
- f. Whether the applicant can construct storm water facilities within the wetland and riparian area buffers;
- g. Whether and under what conditions the proposed storm water treatment facilities are allowed as experimental BMPs;
- h. Whether traffic generated by the proposed development will exceed the capacity of area streets or otherwise create a hazard;
- i. Whether proposed improvements within Tract B will impact sight distance at the intersection of the site access and Aspen Avenue; and
- j. Whether the applicant is required to install a fence along the boundaries of the site.

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

B. HEARING AND RECORD HIGHLIGHTS

1. Hearing Examiner Joe Turner (the "examiner") received testimony at the public hearing about this application on July 19, 2005. That testimony and evidence, including an

audiotape of the public hearing and the casefile maintained by the City, are included herein as exhibits, and they are filed at City Hall. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. La Center consulting planner Eric Eisemann summarized the Staff Report and the proposed subdivision, highlighting issues of concern.

a. He noted that the applicant agreed to pay a proportionate share of the costs of a traffic signal at the intersection of 4th or 5th Street and Pacific Highway.

b. He noted that the site contains critical areas (wetlands and a riparian corridor) along the north boundary of the site. The Code requires a minimum 100-foot wetland buffer and a 105-foot riparian buffer to protect these critical areas. The Code generally requires that developments avoid critical areas. LCMC 14.20.045. However LCMC 14.20.030(6)(g)(iv) allows a reduced buffer width where the applicant demonstrates, based on best available science, that the proposed buffer reduction will not reduce the overall quality and function of the buffer. In this case the applicant proposed to reduce the wetland and riparian buffers by 40-percent, providing a 60-foot buffer combined with the required 20-foot rear yard building setback. However the applicant failed to provide any substantial evidence that the proposed buffer reduction will comply with the Code by maintaining the overall quality and function of the buffer.

c. He noted that LCMC 17.25.090(1)(a) requires that future dwellings on the site include a garage containing at least 200 square feet per unit and at least one additional uncovered parking space. He requested the examiner add a condition of approval to that effect.

d. He requested the examiner delete condition of approval 3. The City adopted a Determination of Nonsignificance ("DNS") for the proposed development. There are no SEPA mitigation measures.

e. He requested the examiner modify condition of approval 4 to require that the applicant adopt CC&Rs that require payment of a maintenance fund sufficient to guarantee City maintenance of the storm water facilities.

f. He requested the examiner modify condition 11 to clarify that the applicant is required to build the bioswale, pedestrian path and bridge within the wetland buffer. The City will accept dedication of the completed facilities. In addition, the applicant should be required to construct a pedestrian path between lots 6 and 7 to provide a connection between proposed 16th Street and the east-west pedestrian path.

g. He requested the examiner hold the record open for an additional two weeks to allow the City's environmental consultant to review the applicant's critical area analysis.

h. He agreed that the applicant's NPDES permit will regulate the timing of grading activities on the those portions of the site located outside of the critical areas.

However LCMC 14.20.060(2)(e) prohibits exposed soils within critical areas between November 1 and April 30. He requested the examiner modify condition 22 to that effect.

i. He noted that LCMC 17.14.210(7) requires that the applicant monitor "experimental" BMPs for a minimum two-year period.

3. City consulting engineer Dean Hergesheimer summarized the engineering analysis in the Staff Report.

a. He noted that City streets can accommodate the additional traffic generated by the propose development, with the exception of the intersection of 4th Avenue and Pacific Highway. The applicant will mitigate its impact on that intersection by paying a proportionate share of the cost of a traffic signal.

b. He testified that the City storm water standards, which are based on the 1992 edition of the Puget Sound Manual, do not allow the proposed "storm filter" treatment facility. However the City is willing to allow the storm filter as an "experimental" facility pursuant to LCMC 17.14.210(7). He noted that storm filter systems have been used for several years in many other jurisdictions in the region. They are not a truly "experimental" facility. However the City can only allow them pursuant to the experimental facility provisions of LCMC 17.14.210(7). A two-year maintenance period is adequate to ensure the facilities will continue to function as designed.

c. He requested the examiner add a condition of approval requiring that the applicant comply with the recommendations of the geotechnical report.

4. La Center public works director Jeff Sarvis testified that the City is willing to accept dedication of the storm water facilities, provided the applicant adopts Conditions, Covenants and Restrictions ("CC&Rs") that require the future residents of the site reimburse the City for the costs of maintaining the facilities. The City Council must accept dedication of storm water facilities that are located outside of the public rights of way prior to final plat approval. He requested the examiner add a condition of approval to that effect.

a. He noted that the Code requires that the applicant construct 16th Street with a minimum 36-foot paved width. He requested the examiner add a condition of approval to that effect.

b. He agreed with Mr. Ward's proposal to modify condition 29 to require that the applicant pay \$7,568.81 as its proportionate share of the cost of a traffic signal.

5. Attorney David Ward and professional engineer Bob Frentress testified for the applicant.

a. Mr. Ward requested the examiner hold the record open for one week to allow the applicant to submit additional analysis in support of the proposed wetland/habitat buffer reduction. He noted that the proposed buffer aligns with an existing dirt road/cart path that separates the forested area near the stream from the open pasture on the remainder of the site.

i. He submitted a memorandum addressing the storm water issues raised in the Staff Report as required by condition of approval 19.a. Exhibit 1. The applicant will adopt CC&Rs requiring that the future residents of the site reimburse the City for the cost of maintaining the storm water facilities on the site.

ii. He testified that the applicant will monitor and maintain the storm water facilities for two years as required by the Code. A longer maintenance period is not warranted. The proposed stormfilter system is a widely used and accepted treatment facility throughout the region. In addition, the residents of the site will reimburse the City for all maintenance costs incurred after the two-year maintenance period.

iii. He testified that the applicant is willing to pay its proportionate share of the cost of a traffic signal at the intersection of 4th Avenue and Pacific Highway. The applicant's proportionate share is \$7,568.81 based on the analysis in Exhibit 2. He requested the examiner modify condition 29 to that effect.

iv. He agreed to a condition of approval requiring that the applicant construct 16th Street with a 36-foot paved width.

v. He noted that the applicant proposed to construct a bus stop near the proposed site access onto Aspen Avenue, which will require a building permit. Therefore condition of approval 5 should be retained.

vi. He requested the examiner modify condition of approval 8 to reflect the revised wetland/habitat buffer analysis.

(A) The applicant would like to plant the biofiltration swale with wetland plants rather than grass as an experimental BMP, subject to City approval.

vii. He testified that the applicant will provide for ownership of Tract D prior to final plat approval. The applicant will dedicate the Tract to the homeowners association if it is too small to comply with City lot size standards.

viii. He argued that condition of approval 30 is not warranted and should be deleted. The applicant's traffic analysis demonstrates that sight distance is adequate to comply with Code requirements at the intersection of the site access and Aspen Avenue.

ix. He noted that LCMC 14.10.130(21) allows storm water facilities in public rights of way or separate tracts. He requested the examiner modify condition 38 to that effect.

x. He questioned the intent of condition 45 which "strongly encourages" residential sprinklers and alarms systems.

xi. He noted that the site consists of all or portions of several existing lots. The applicant will adjust the boundaries of the lots to coincide with the proposed

boundaries of the site. He agreed to a condition of approval requiring that the applicant record a boundary line adjustment prior to final plat approval.

xii. He requested the examiner modify condition 22 to require that the applicant comply with the requirements of the NPDES permit rather than specify a calendar limit on grading and construction activities.

b. Mr. Frentress testified that the applicant will install a storm drain line along the south boundary of the site to collect runoff from the southern row of lots and convey it to the storm water facilities. The proposed development is likely to reduce the volume of runoff flowing onto adjacent properties.

6. Arland Wood argued that condition of approval 22 should be modified to clearly define the "dry weather season" when grading is allowed on the site. He questioned how the applicant will accommodate drainage from lots on the south end of the site. He questioned whether the existing storm drainage system in 10th Avenue has sufficient capacity to accommodate increased runoff from the site. He argued that the applicant should be required to provide a longer, five to ten year, warranty period for the proposed "experimental" storm water treatment facilities rather than the two year period required by condition 19.b.

7. At the end of the hearing the examiner held open the public record for one week to allow the applicant an opportunity to submit additional buffer analysis. The examiner held the record open for an additional two weeks to allow the City and its consultant to review the applicant's analysis and for a final week to allow the applicant to submit a closing argument. The record closed at 5 PM on August 16, 2005. The following documents were submitted while the record was held open:

a. Pacific Habitat Services ("PHS") submitted a "Best Available Science" analysis of the wetland and riparian area buffer justifying the reduced buffer. Exhibit 12;

b. The Resource Company Inc. ("IRC"), the City's environmental consultant, submitted a critique of the PHS analysis. Exhibit 13; and

c. Mr. Ward submitted a final argument. Exhibit 14.

C. DISCUSSION

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

2. The examiner finds that the Staff Report accurately identifies the applicable approval criteria for the preliminary plat and contains affirmative findings that the proposed preliminary plat does or can comply with the applicable standards of the LCMC (including cited plans and codes) and the Revised Code of Washington, provided the applicant complies with recommended conditions of approval as amended herein. The examiner

adopts the affirmative findings in the Staff Report as his own, except to the extent that those findings are inconsistent with the findings in this Final Order.

3. There is a dispute about whether the proposed wetland and riparian area buffers are adequate to comply with the Code.

a. LCMC Table 14.20.035(B) requires a minimum 100-foot base buffer for the Category 3 wetland in the north end of the site. LCMC Table 14.20.035(A) requires a minimum 105-foot buffer “based upon BAS [Best Available Science]” for the Type IV intermittent stream located near the north boundary of the site.

b. The applicant proposed to reduce the buffers to 60 feet with an additional 20-foot rear-yard setback on the abutting lots. LCMC 14.20.035(4)(a) allows the applicant to reduce the wetland buffer by up to 40-percent, pursuant to LCMC 14.20.030(6)(g). LCMC 14.20.035(4)(b) allows an applicant for non-residential development to reduce the riparian area buffer by up to 50-percent, provided the applicant implements a mitigation plan to enhance the remaining buffer. However the Code does not allow reductions in the required riparian area buffer for residential development.

c. It is unclear whether the examiner has the authority to reduce the required riparian area buffer based upon “Best Available Science” (“BAS”). Table 14.20.035(A) specifies the required “riparian ecosystem area” (buffer) based on the DNR classification of the stream. However the buffer width specified for Type IV and V streams is followed by the qualifier “based upon BAS.” The Table does not include this qualifier for Type I, II and III streams.

i. It could be argued, as the applicant does, that the qualifier “based on best available science”¹ is intended to allow modifications to the required buffer based on additional site-specific analysis using best available science.²

ii. However it is also possible that the reference to “BAS” merely indicates that City Council relied on BAS in adopting the buffers for Type IV and V streams as required by WAC 365-195-900. WAC 365-195-905(3) provides that “the responsibility for including the best available science in the development and implementation of critical areas policies or regulations rests with the legislative authority of the county or city.”

iii. It may be possible to resolve this ambiguity based on additional statutory research and legislative history, which was not included in the record. However the examiner finds that it is unnecessary to resolve this ambiguity in this case, based on the following findings.

¹ LCMC 14.20.015(5) defines “best available science” as:

[A] valid scientific process or method of inquiry that is consistent with the criteria for establishing best available science as found in WAC 365-195-900, as amended.

² The applicant argues that the 105-foot riparian area buffer is “subject to adjustment based on best available science.” p 2 of the application narrative, Section 2 of Exhibit 3.

d. Assuming, without deciding, that the examiner has the authority to approve reduced riparian area buffers, the examiner finds that the applicant failed to bear the burden of proof that the Best Available Science supports the proposed 60-foot riparian area buffer.

i. PHS, the applicant's environmental expert, argues that the proposed 60-foot buffer is adequate to "preserve the overall quality and function of the riparian habitat area." Exhibit 12. PHS concluded that "only the first 60 feet of the riparian area provides the highest functioning wildlife habitat." p 2 of Exhibit 12. Areas more than 60 feet from the stream have been degraded by past agricultural and development practices (livestock grazing and a dirt road).

ii. TRC, the City's consulting environmental expert, disputes PHS's determination based on its own site specific analysis and concluded that the proposed 60-foot buffer is inadequate to protect the riparian quality and function of the riparian habitat area on this site. Exhibit 13. TRC argued that, although the inner 60 feet provides the highest quality buffer, the majority of the remaining 45 feet of the riparian buffer required by LCMC Table 14.20.035(A) "is dominated by a multi-tiered vegetation community.... [and] represents a significant fish and wildlife resource...." p 2 of Exhibit 13. "The areas immediately south of the unimproved access road are almost identical in composition to the 'inner' 60 feet." p 4 of Exhibit 13.

iii. The expert opinions expressed in the PHS and TRC analyses constitute substantial evidence. However the examiner finds that TRC's analysis is more persuasive, because its expert opinion analysis is supported by citations to several peer reviewed articles specific to riparian buffer requirements. See p 2 of Exhibit 13. PHS's conclusions are primarily based on its unsupported expert opinion.

(A) PHS cited to a single Department of Ecology ("DOE") report in support of its determination. However the cited DOE report was addressed towards the protection and management of wetlands, not riparian areas. There is no substantial evidence that the cited analysis also applies to riparian buffers.

(B) In addition, as TRC noted, the proposed 60-foot buffer is inconsistent with the DOE study cited by PHS. "The DOE classifies residential developments greater than a density of 1 unit/acre as high intensity uses", for which the DOE analysis requires an 80-foot wetland buffer. (Emphasis in original). See p 2 of Exhibit 13.

(C) The examiner further finds that the existing dirt road within the buffer is not a "substantial improvement such as an improved road..." sufficient to limit extension of the buffer south of the road pursuant to LCMC 14.20.035(3)(b).

d. The examiner finds that LCMC 14.20.035(4)(a) allows the applicant to reduce the wetland buffer to 60 feet, pursuant to LCMC 14.20.030(6)(g). However the riparian area buffer appears to overlap the majority of the wetland buffer. Therefore it

appears that the applicant cannot reduce the wetland buffer without impacting the riparian area buffer.

4. The examiner further finds that the applicant can include the riparian area and wetland buffers within the proposed lots, provided the applicant records conservation easements that prohibit building construction within these areas. LCMC 14.20.045(1). In the alternative, the applicant can revise the preliminary plat to locate the critical areas outside of the lots as proposed in the revised preliminary plat, Exhibit 14A. Condition of approval 8 should be modified to that effect. The applicant should be required to identify the critical area boundaries in the field prior to construction consistent with LCMC 14.20.030(6)(e)(v). The applicant should further be required to install and permanently maintain physical demarcations along the upland boundary of the critical area buffer consistent with LCMC 14.20.030(6)(e)(vi). The applicant shall modify the text of the signs as necessary to require protection of the riparian area and wetland buffers. A condition of approval is warranted to that effect.

5. LCMC 14.20.035(2)(a) requires an additional 15-foot setback from the outer edge of the critical areas. Construction of impervious surfaces greater than 120 square feet is prohibited within this setback area. Clearing, grading and filling are only allowed when the applicant demonstrates that “[n]ative vegetation within the buffer will not be damaged.” A condition of approval is warranted to that effect.

6. The proposed development will impact roughly 0.24-acres of wetland buffer, including impacts from construction of a pedestrian trail, sewer line and bio-swale within the wetland buffer. The applicant must mitigate these impacts pursuant to LCMC 14.20.060.

a. LCMC 14.20.060(2)(c) and Table 14.20.035(C) establish mitigation requirements for impacts to “wetlands.” The examiner finds that although wetland buffers are “critical areas” as defined by LCMC 14.20.020(3), they are not “wetlands” as defined by 14.20.015(55). Therefore the examiner finds that the specific mitigation requirements of LCMC 14.20.060(2)(c) and Table 14.20.035(C) are inapplicable to impacts to wetland buffers. The applicant is required to mitigate impacts to the wetland buffers pursuant to the general critical area mitigation requirements of LCMC 14.20.060(2)(a).

i. Based on the applicant’s preliminary site and utility plan, Sheet C1.0 of Exhibit 4, it appears that the proposed development will not impact the wetlands on the site. The applicant will construct the sanitary sewer line, bio-swale and pedestrian trail within the wetland buffer, outside of the delineated wetlands. The pedestrian trail will cross the wetland via a bridge, which avoids impacts to the wetland. The bridge abutments will be located outside of the wetland, within the associated buffer.

b. LCMC 14.20.060(1) requires City approval of a mitigation plan for any development activities on critical areas, including wetland buffers. Although the Code does not provide specific mitigation ratios for impacts to wetland buffers, LCMC 14.20.060(2)(a) requires that the mitigation plan must

[E]nsure that development activity does not yield a net loss of the area or function of the critical areas. No net loss shall be measured by:

- (i) Avoidance or mitigation of adverse impacts to fish life; or
- (ii) Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or
- (iii) Avoidance or mitigation of loss of area by habitat type.

Mitigation to achieve no net loss should benefit those organisms being impacted.

The applicant should be required to prepare and obtain City approval of a mitigation plan consistent with these requirements. This is required by condition of approval 8.b.

7. The examiner finds that the proposed development will not increase the volume of runoff flowing onto adjacent properties and streets. To the contrary, the proposed development is likely to reduce the volume of storm water runoff flowing onto adjacent properties and streets. Based on the topography maps in the record and the testimony of Arland and Linda Wood (Exhibit 10), storm water falling on the south end of the site flows downhill onto adjacent properties south of the site under existing conditions. The applicant proposed to collect storm water from the impervious areas of the site and to convey it to a detention facilities in the north and south ends of the site. In addition, the applicant proposed to install drains along the south boundary of the site to collect runoff from the rear yards of lots before it flows offsite. A condition of approval is warranted to that effect. The applicant will release treated runoff from the southern detention facility to the existing storm sewer facility in 10th Street at less than pre-development rates.³ The proposed storm water facilities will capture runoff that otherwise would flow onto adjacent properties and streets; it will divert it to the detention facilities and storm sewer, away from adjacent properties. The proposed preliminary drainage plan shows it is feasible for the applicant to prepare a final plan that will comply with City standards.

8. The examiner finds that the stormwater treatment and detention facilities can be located within the wetland and riparian area buffers on the north end of the site. The Code generally prohibits construction of private stormwater facilities within critical area buffers. LCMC 14.20.040. However public utility uses are permitted within critical area buffers. LCMC 14.20.040(4). In this case the City is willing to accept dedication of the stormwater facilities as a public utility, provided the applicant or the future residents of the site are financially responsible for all future maintenance, liability and other costs. The applicant agreed to adopt CC&Rs to require such financial responsibility. Conditions of approval 4 and 20 should be modified to that effect.

a. The City, not the homeowners association, will own and maintain the storm water facilities. Therefore condition of approval 34, which requires that the

³ The northern storm water facility will discharge treated runoff to the on-site wetlands at less than predevelopment rates.

Homeowners Association own and maintain the storm water drainage features outside the public rights-of-way or city easements, should be deleted.

9. The examiner finds that the Code allows storm water facilities in public rights of way or separate tracts. See LCMC 14.10.230(1)(a) and 14.10.240(1)(g). Condition of approval 38 should be modified to that effect.

10. The applicant proposed to treat storm water using a "stormfilter" system. The stormfilter system is not listed as an accepted treatment in the La Center Code, which is based on the 1992 edition of the Puget Sound Manual. However it is an accepted storm water treatment in many jurisdictions throughout the region and has been used for several years. The City may allow use of the stormfilter system as an "experimental BMP" pursuant to LCMC 14.10.210, provided it complies with the requirements of LCMC 14.10.210(b). The applicant is required to monitor and maintain the facility for at least two years to ensure that it continues to function as designed. LCMC 14.10.210(7)(b) and 14.10.230(2). The future residents of the site will be responsible for the cost of maintaining the facilities after the two-year monitoring period. The examiner finds that a longer monitoring period is not warranted in this case.

11. The applicant provided a narrative outlining how the northern storm water facility can be designed to "meet the intent of the Puget Sound Manual." See Exhibit 1. However the examiner cannot determine from the narrative and plan whether the proposed design complies with the specific requirements, as well as the intent, of the Puget Sound Manual and City Code. The applicant should be required to obtain City approval of a final storm water plan that complies with the requirements of the City Code and the Puget Sound Manual prior to final plat approval. Condition 19 should be modified to that effect.

12. The applicant also proposed to plant the biofiltration swale with wetland plants rather than grasses as an experimental BMP. The City may, but is not required to, allow the proposed design provided it complies with the criteria of LCMC 14.10.210(7). A condition of approval is warranted to that effect.

13. LCMC 14.20.050(20)(c) prohibits construction activity and exposed soils within critical areas during the "rainy season"(November 1st through April 30th). Grading and construction activities on lands outside of the critical areas are regulated by the applicant's NPDES permit. Condition of approval 23 should be modified to that effect.

14. The proposed development will generate increased traffic on streets in the area. That increased traffic will be perceptible to area residents. However the City's consulting engineer determined that it will not exceed the capacity of streets nor create a hazard, based on the applicant's traffic impact study See Exhibit 6. There is no substantial evidence to the contrary. Neighbors testified that the traffic from the development will exacerbate existing hazards. Neighbors' observations of existing traffic is substantial evidence. But their opinions that the traffic from the proposed subdivision will make the streets unsafe is not supported by substantial evidence, because they are not experts in such matters. The examiner finds that the expert testimony by the engineers for the applicant and the City is more persuasive than neighbors' testimony about the impact of traffic from the subdivision on area streets.

a. Higher traffic volumes create a proportionally higher risk for drivers, pedestrians and bicyclists. In response reasonably prudent people exercise more care personally and with family members. Those risks are consistent with the location of the site in the urban area where City plans call for the sort of development being proposed.

b. Although the examiner assumes that reasonably prudent drivers will observe the posted speed limits in the area and will further reduce their speed to accommodate road conditions and the presence of pedestrians, some percentage of the new traffic will speed. However there is no evidence that the use proposed in this application will contribute a disproportionate share of imprudent drivers. Increased traffic will require that parents and children exercise a higher degree of care when in the street. Delays at peak hours may increase. These changes no doubt inconvenience residents of the affected streets. But inconvenience and popular opinion are not approval standards or evidence of a safety hazard. The City decision must be based on the relevant criteria in the LCMC and RCW.

15. The applicant's traffic engineer determined that sight distance at the proposed intersection of the site access and Aspen Avenue exceeds City standards under existing conditions. See p 7 of Exhibit 6. There is no substantial evidence to the contrary. However the applicant proposed to construct a sign, bus stop, landscaping and water feature within proposed Tract B north of the intersection, which could restrict sight distance, depending on their location and design. Therefore the examiner finds that the applicant should be required to confirm that adequate sight distance is available after the proposed facilities are completed. Condition of approval 30 should be modified to that effect.

16. The applicant agreed to pay \$7,568.81 as its pro-rata share of the cost of installing a traffic signal at the intersection of 4th or 5th Avenue and Pacific Highway. Exhibit 2. Therefore the examiner finds that the signal is "reasonably funded" and the proposed development complies with the LOS requirements of the City's Capital Facilities Plan. Condition of approval 29 should be modified to that effect.

17. As noted in the Staff Report, 16th Street will function as a non-arterial Local Access street, which requires a 50-foot right-of-way and 36-foot paved width. LCMC 12.10.050, Schedule A. A condition of approval is warranted to that effect.

18. It was argued that the applicant should be required to install a fence along the boundaries of the site to protect the privacy of existing homes on abutting properties.

a. The examiner notes that the Code does not contain standards for determining where a fence should be required as a condition of approval of proposed subdivision. LCMC 17.84.060 contains standards for landscaping and screening. Based on Table 17.84.060, screening or buffering is not required where single-family detached homes adjoin other single-family detached homes. Therefore based on adopted City policy, a fence is not required in the circumstances presented by this case, which will result in adjoining single-family developments.

b. The examiner finds that a condition of approval requiring the applicant to install a fence is not warranted in this case. The applicant is proposing to develop lots for

single-family homes next to existing single-family homes. The owners of abutting properties and the future residents of this site are free to provide fences, hedges or buffers on their own property if they desire additional privacy.

19. The applicant proposed to develop single-family (one-unit) homes on the proposed lots. Therefore LCMC 17.25.090(1)(a) requires that each home include a garage containing at least 200 square feet per unit and at least one additional uncovered parking space per unit. A condition of approval is warranted to that effect.

20. The site consists of all or portions of five separate tax lots. The applicant proposed to record a boundary line adjustment to align the boundaries of the remainder lots with the boundaries of the site prior to final plat approval. A condition of approval is warranted to that effect.

21. The examiner finds that condition of approval 45, which "strongly encourage residential sprinkler and alarm system in all houses...", is not an appropriate condition, because it does not require any action by the applicant. It is advisory only. Therefore condition 45 should be deleted.

D. SITE VISIT

The examiner visited the site and surrounding area.

E. CONCLUSION

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

F. DECISION

In recognition of the findings and conclusions contained herein, and incorporating the reports of affected agencies and exhibits received in this matter, the examiner hereby approves File No. SUB 2005-02 (Gordon Crest), subject to the following conditions:

1. Compliance with City regulations, plans and standards: Unless otherwise specified herein, at the time of construction and at all times thereafter, the applicant shall comply with all approval requirements established in applicable plans, policies, regulations and standards adopted at the time of this application, including but not limited to, the *La Center Urban Area Comprehensive Plan (LCUACP)*, the *La Center Capital Facilities Plan (LACFP)*, the *La Center Municipal Code (LCMC)*, the *La Center engineering standards*, *current water and sanitary sewer plans*, and the *Storm water Management Manual for the Puget Sound Basin (Puget Sound Manual)*.

Zoning and Lots.

2. The applicant shall provide two (2) off-street parking spaces per lot. One of the parking spaces shall be located within a garage containing at least 200 square feet. There shall be a minimum of 18 feet between the sidewalk and front door of a garage for all lots.
3. Prior to final plat approval, the applicant shall provide a site plan and detailed construction and cost estimates for all development activities associated with the on-site storm water facilities. The agreement shall require payment of a maintenance fund of sufficient size to guarantee maintenance by the City of the storm water facilities. The City may elect to accept dedication of this storm water facilities, subject to a Level 1 Environmental Hazard Assessment or greater, if the area to be dedicated is shown to be free of contaminants, trash and nuisance or poisonous plants, and if the City Council determines that the City has the staffing and funding resources necessary to maintain said dedication.
4. Prior to the start of construction, the applicant shall apply for and receive building permits from the city for all proposed structures.
5. Prior to the issuance of building permits, the applicant must pay all applicable street, school and park impact fees.
6. Prior to final plat approval, the applicant shall provide the city with a landscaping plan meeting all criteria set forth in *LCMC 17.84.030*.
7. Prior to final plat approval the applicant shall record a boundary line adjustment to align the boundaries of the remainder lots with the boundaries of the site prior to final plat approval.
8. The applicant shall obtain a permit pursuant to *LCMC 17.70* for any signs on the site.

Critical Areas

9. Prior to final plat approval or initiation of any soil disturbance, the applicant shall address outstanding wetland and riparian buffer requirements as follows:
 - a. The applicant shall either:
 - i. Record a conservation easements prohibiting building construction and removal of native vegetation within the wetland and riparian buffer areas; or
 - ii. Amend the preliminary plat to show that all lots are platted outside of the 105-foot riparian and 100-foot wetland buffer as proposed in Exhibit 14A.

- b. In addition, the applicant shall provide the Public Works Director with the following detailed plans and specifications related to work performed in critical areas, when applicable: a vegetation removal and mitigation plan where protected native plants are to be removed; a wetland avoidance and buffer mitigation and enhancement plan, including proposed mitigation ratios; consistent with L.C.M.C. 14.20.060(1) and (2); a fill and removal plan for wetland impacts; a grading and re-vegetation plan; an erosion control plan; and a tree canopy plan and mitigation plan for tree removal within critical areas and buffers. Each report and plan shall consider the cumulative environmental impacts of each phase of development
 - c. Prior to undertaking any land disturbing activities on the site the applicant shall identify the critical area boundaries in the field prior to construction consistent with L.C.M.C. 14.20.030(6)(e)(v).
 - d. Prior to final plat approval the applicant shall install physical demarcations along the upland boundary of the critical area buffer consistent with L.C.M.C. 14.20.030(6)(e)(vi). The applicant shall modify the text of the signs as necessary to require protection of the riparian area and wetland buffers. The applicant shall revise the CC&Rs to require that the homeowners association and/or lot owners permanently maintain the required signs and demarcation.
 - e. The applicant shall show the boundaries of the critical areas on the face of the final plat.
10. All buildings and structures requiring a permit and impervious surfaces greater than 120 square feet shall be setback 15 feet or more from the edge of a critical area buffer, which shall be noted on the final plat and enforced at time of building permit application. Clearing, grading and filling within the 15-foot setback area shall be prohibited unless the applicant demonstrates that the activities will not damage native vegetation within the buffer.
11. If cultural or archeological resources are discovered on the site during construction activity, including burial sites, the applicant is to stop work immediately and notify the Office of Archaeology and Historic Preservation in Olympia and the city of La Center Public Works Department are to be notified immediately. Failure to comply with these requirements may constitute a Class C felony, subject to imprisonment or fines. The applicant shall place a note to that effect on the face of the final plat.
12. Prior to final plat approval the applicant shall construct a bio-swale and public pedestrian trail, including a bridge over the wetland/stream, in the wetland buffer as proposed on the preliminary plat. In addition, the applicant shall construct a pedestrian path between proposed lots 6 and 7 to provide a connection between 16th Street and the east-west path within the wetland buffer. The applicant shall dedicate the completed facilities to the City.

Engineering

13. The design and construction of streets, streetlights, street trees and storm drainage systems, and site grading and erosion control plans, shall be in accordance with LCMC Title 12.
14. Proposed 16th Street shall be extended to the west edge of the site at a location coordinated with Hanna's Farm and in consideration of potential lot dimension standards on the adjoining land, water and sewer mains shall be extended with the street.
15. The applicant shall design and construct 16th Street as a non-arterial Local Access street with a 50 foot right-of-way and 36-foot paved width consistent with LCMC 12.10.050, Schedule A.
16. The street centerline curve radius at lot 29 shall be in accordance with city standards and the maximum street grade for the block north of this curve shall not exceed 10%.
17. Tract "D" currently does not satisfy the city's minimum lot area and dimension standards. Prior to final plat approval, the applicant must either amend the final plat so that tract "D" becomes an additional lot that meets city minimum lot area, depth and width standards or shall place a note on the plat stating that tract "D" is not intended to be nor shall it be construed that tract "D" is a legal buildable lot and dedicate the tract to the homeowners association.
18. The turnaround for 13th Street shall be temporary and provided for with an easement on the lot or tract (Tract D).
19. A reserve strip shall be provided across the street stub ends and barricades installed.
20. The applicant shall obtain City approval of a final storm water management plan in compliance with LCMC Chapter 14.10.
 - a. For the northern end of the site the applicant shall provide sufficient detail to demonstrate that the proposed pre-treatment and treatment facilities will comply with the requirements of the Puget Sound Manual.
 - i. The City may, but is not required to, allow the applicant to plant the biofiltration swale with wetland vegetation as an experimental BMP, provided the applicant shall demonstrate compliance with the 14.10.210(7).
 - b. For the storm water management along the southern end of the site the applicant shall demonstrate compliance with the 14.10.210(7),

Experimental BMPs. The applicant shall maintain the approved experimental facilities for two years after date of acceptance.

- c. The applicant shall amend the CC&Rs to require the homeowners association pay the city for actual costs of maintaining the storm water facilities on the site after the initial two-year monitoring and maintenance period.
21. Storm conveyance easements shall be provided in accordance with city standards.
 22. Prior to the initiation of any construction or final plat approval the applicant shall demonstrate to the city's satisfaction that:
 - a. The applicant shall establish a homeowners association (HOA) and the Articles of Incorporation, By-laws and CC&Rs of the HOA shall reflect that the city's operation and maintenance costs for the storm water facilities shall be borne by the HOA.
 - b. The HOA shall be empowered to assess its member's fees to be reserved and used to pay the city for the operation and maintenance of the facilities.
 - c. The city shall have the right of third party enforcement to ensure that the HOA remains intact and collects the fees and the city shall have the right to recapture any fees and costs associated with enforcement actions.
 23. An NPDES permit must be secured from the Department of Ecology and a copy provided to the city prior to construction.
 24. The site grading within the wetland and riparian buffers shall be done during the dry weather season (May 1 and October 31) and completed early enough in the year to allow sufficient time for seeding and planting to become established before the onset of wet weather, prior to October 1. Grading and construction outside of the critical areas shall comply with the NPDES permit issued by the Department of Ecology.
 25. The recommendations of the March 18, 2005 geo-technical report prepared by GeoDesign, Inc. (Tab 6 of Exhibit 3) shall be incorporated herein and considered as conditions of approval through final design of the subdivision.
 26. The applicant shall provide the city with final plan documents prior the city's approval of the final plat for any phase of development

Streets

27. The applicant shall construct and dedicate public sidewalks, streets and public ways consistent with the applicable standards in Title 12, LCMC.

28. The applicant shall provide a minimum 3-inch diameter steel pipe of equivalent, weep hole through the curb at each lot line. This allows for connection of roof drains to the street and maintains the integrity of the curb, post construction. This detail or requirement must be shown on the construction drawings.
29. Streets will be constructed in two phases consisting of two inches of finished asphalt each.
30. In addition to the maintenance warranty requirements of LCMC 14.10.230(2) the applicant shall provide a maintenance warranty or assurance in a form acceptable to the city for a period of two years in the amount of 10% of the cost of construction as certified by a professional engineer following final acceptance by the city for all other public or city-owned improvements including streets, street lighting, landscaping, water and sanitary sewer systems.
31. The applicant shall pay \$7,568.81 as its proportionate share towards the cost of a stop light at the intersection of Pacific Highway and 4th or 5th streets, as determined by the Public Works Director.
32. The applicant shall provide the city with verification that sight distance at the intersection of Aspen Avenue and 16th Street is adequate and safe after the proposed bus stop, sign, water feature and landscaping facilities are completed within Tract B.
33. The final plat shall contain street names and addresses as provided by the city.
34. Title 16 outlines fees, subdivision provisions, monumentation, and survey standards. Monumentation shall be at the direction of the city's Consulting Engineer and shall be inside a cast iron monument case flush the final street grade and shall be a brass cap, in a 30 inch long pipe as set by the surveyor of record and shown on the final subdivision plat map.
35. As constructed drawing will be provided in '.dwg' electronic format as well as Mylar and paper as outlined in Title 16.

Storm water Management

36. The applicant shall produce and provide the city with a copy of the operation and maintenance manual for any drainage facilities prior to final platting or issuance of any construction or building permits.
37. Catch basins shall be installed according to city Standard Specifications. During the first phase or lift of asphalt a schedule 40 sweep shall be installed so to prevent ponding around catch basins. The city along with the

development engineer shall develop a suitable method for installation prior to construction approval.

38. All lots will drain to the street. Separate storm water laterals shall be provided at each lot as practicable. Roof drains shall be connected to the weep holes at the curb. Suitable alternatives for lot or roof must be identified and approved prior to construction.
39. Storm water facilities shall be located in separate tracts or within public road rights of way.

Erosion Control

40. All erosion control measures shall be designed, approved, installed and maintained consistent with LCMC 14.10. All EC Measures shall be in place prior to removal of vegetation or any construction activity and maintained during all phases of construction.
41. Construction plans shall identify staging areas for all equipment, contractors, deliveries, and supplies prior to construction plan approval.

Utilities

42. All utilities in the street Rights-of-Way section shall be backfilled with approved imported granular material and be properly compacted in 6-inch lifts.
43. All compaction shall be @ 95% relative density and must be in accordance with AASHTO Method T-99 or T-180, as determined by the city.
44. Signature blocks will be placed on the front page of all construction plan drawings and will contain signature blocks for the city Engineer, city Public Works Director and Clark Public Utilities. Clark Public Utilities shall sign prior to city approval.

Fire Safety

45. The builder should plan for road widths in this project that will allow easy access for the Fire Districts aerial ladder truck. The ladder truck is 39 feet long and requires a clear area 20 feet wide to deploy its ladder outriggers. Any Cul-de-sac must have a 45-foot radius with no on street parking allowed. Roll over curbs are preferred on all Cul-de-sacs.
46. Fire hydrants should be spaced every 500' feet on streets around the buildings. The Fire District shall approve the location of these hydrants. A loop water main system is preferred. We urge the applicant to install these hydrants before road paving and sidewalk construction begins. The project engineering staff should work closely with Clark County Fire District # 12 in regard to hydrant and FDC placement in this development. No obstruction

will be allowed that would keep fire apparatus further than 10 feet from any hydrant in the project.

Improvement Agreement

47. Consistent with city of La Center Resolution # 198, at the time of land use application, the applicant shall sign the form "Agreement to Pay Professional Review Expenses Related to Land Use Application." The cost of review by outside professionals beyond the normal and regular costs of application review includes, but is not limited to, outside professional assistance for engineering and land use planning services, traffic engineering, legal support, inspection, testing and sign installation.

DATED this 31st day of August 2005.

Joe Turner, AICP
City of La Center Hearing Examiner

EXHIBITS
SUB 2005-02(Gordon Crest)

Exhibit #	Date	Title
1	7/19/05	Storm water Memorandum from Bob Frentress
2	7/12/05	Traffic Impact Analysis Addendum
3	5/27/05	Preliminary subdivision application
4	N.D.	Large plan sheets
5	5/12/05	Preliminary storm water report
6	5/24/05	Traffic Impact Analysis
7	6/21/05	Environmental Checklist Review
8	6/23/05	SEPA and Land Use Notice
9	6/29/05	Determination of Nonsignificance
10	7/13/05	Letter from Arland and Linda Wood
11	7/15/05	Revised Staff Report
12	7/26/05	Letter from PHS re habitat buffer analysis
13	8/8/05	Letter from The Resource Company re habitat buffer analysis
14	8/15/05	Letter from David Ward, final argument
14A	n.d.	Revised preliminary plat

