

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

Regarding a request by RK Land Development for ) **FINAL ORDER**  
preliminary plat approval to divide 34.4 acres into )  
120 single-family lots at 1908 NE Lockwood ) **File No. 2014-006-SUB**  
Creek Road in the City of La Center, Washington ) **(Sunrise Terrace)**

**A. SUMMARY**

1. RK Land Development (the “applicant”) requests approval of a preliminary plat to divide 34.4 acres into 120 lots for single-family detached homes. The development is located at 1908 NE Lockwood Creek Road. The legal description of the site is Tax Assessor Parcel No. 209488-000; also known as Assessor No. 209047-000, 209062-000, 986027-188 and 986027-189; NE ¼ of Section 2, T4N, R1E, WM (the “site”). The site and surrounding properties are zoned LDR-7.5 (Urban Residential). The site is currently developed with a single-family residence and associated accessory structures. The applicant proposed to remove all of the existing structures and construct a new single-family detached dwelling on each of the proposed lots. The applicant proposed to develop the site in four phases.

a. The applicant proposed to dedicate rights-of-way and construct public streets within the site. The applicant will stub the proposed streets to the boundaries of the site to allow for further extension when abutting properties redevelop. The applicant will also dedicate right-of-way and construct half-width improvements on the site’s NE Lockwood Creek Road, NE 24<sup>th</sup> Avenue and NE 339<sup>th</sup> Street frontages. All of the proposed lots will have direct access onto the proposed interior streets. No lots will access the streets abutting the boundaries of the site.

b. The applicant proposes to collect stormwater from impervious areas on the site and direct it to one of two proposed stormwater facilities on the site for treatment and detention: proposed Tract “A” in the southern portion of the site and proposed Tract B on the western boundary of the site. The applicant proposed to discharge treated stormwater to the existing public storm sewer system south of the site.

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

2. The City of La Center issued a Determination of Nonsignificance (“DNS”) for the subdivision pursuant to the State Environmental Policy Act (“SEPA”). 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 and preliminary plat subject to conditions. See the Revised Staff Report to the Hearing Examiner dated October 12, 2015 (the “Staff

Report").<sup>1</sup> The applicant accepted those findings and conditions, as amended at the hearing and during the open record period, with certain exceptions. Three persons testified orally with questions and concerns about the proposed development. Disputed issues or concerns in the case include the following:

- a. Whether the proposed development makes appropriate provisions for students who walk to the school, RCW 58.17.110(2).
- b. Whether, and to what extent, the proposed stormwater wetpond requires separation from seasonal high groundwater;
- c. Whether the applicant is required to provide gravity flow sanitary sewer service to this site; and
- d. Whether the applicant is required to mitigate vehicular traffic impacts to the intersection of NE Highland Avenue and E 4<sup>th</sup> Street.

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 October 12, 2015. That testimony and evidence, including a recording of the public hearing and the casefile maintained by the City, are included herein as exhibits, and they are filed at City Hall. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. La Center Consulting City Planner Eric Eisemann summarized the Staff Report.

- a. He noted that the applicant proposed to develop the site in four phases.
- b. The Clark County GIS maps indicate a potential wetland near the center of the site. However the applicant's wetland consultant reviewed the site and determined that there are no jurisdictional wetlands or riparian areas on the site. The mapped wetland is actually a man-made ditch.
- c. The proposed development will make adequate provisions for parks by paying Park Impact Fees.
- d. He argued that high school students living on the site will use NE 339<sup>th</sup> Avenue to walk to the high school. NE 339<sup>th</sup> Avenue provides the most direct route between the north end of the site and the La Center High School west of the site. In addition, the site slopes downhill from north to west, so students living in the north

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<sup>1</sup> The City issued an initial Staff Report on October 5, 2015. The October 12, 2015 Revised Staff Report replaced the October 5, 2015 Staff Report.

portion of the site would need to walk downhill, then back uphill, to reach the high school via Lockwood Creek Road.

3. La Center City Engineer Tony Cooper testified that there are continuous sidewalks on the south side of NE Lockwood Creek Road which, in combination with the sidewalks on and abutting the site, will provide a safe walking route between the site and the La Center Elementary and Middle Schools west of the site. Students can travel west on the sidewalk on the north side of NE Lockwood Creek Road abutting the site, then cross NE Lockwood Creek Road and continue west on the sidewalk on the south side of NE Lockwood Creek Road to the sidewalks within the neighborhood south of NE Lockwood Creek Road, which provide a safe walking route to the elementary and middle schools. High School students can use the same route and then cross back over NE Lockwood Creek Road at the existing crosswalk near the center of the park to access the La Center High School. This crosswalk is located in a designated School Zone. There are flashing beacons and signs that reduce the speed limit on the section of NE Lockwood Creek Road near the crosswalk to 20 MPH during school hours. There is adequate right-of-way on NE 339<sup>th</sup> Street to accommodate a temporary pedestrian path between the site and the high school.

a. Based on the applicant's traffic analysis, the stop-controlled intersection of NE Highland Avenue and E 4<sup>th</sup> Street is currently operating at Level Of Service ("LOS") E during the AM peak hour. This intersection will continue to operate at LOS E with the additional traffic from this development. LOS E is the minimum acceptable LOS at stop controlled intersections. However the City's Capital Facilities Plan predicts that this intersection will fall to LOS F and a traffic signal will be warranted by 2024. Therefore the applicant should be required to mitigate the impact of this development on this intersection prior to final plat approval. This is required by proposed condition of approval 15.

b. The applicant initially proposed to connect to the existing sanitary sewer line in NE Lockwood Creek Road, which drains to Pump Station #3 near the end of John Storm Road. This pump station pumps sanitary waste to a manhole located in NE Lockwood Creek Road near the park abutting the La Center Elementary and Middle Schools. As an alternative the applicant could construct a new gravity flow sewer line in NE Lockwood Creek Road that would drain directly to the manhole located in NE Lockwood Creek Road near the park, bypassing Pump Station #3. This alternative design is feasible and would avoid the need for the applicant to improve Pump Station #3.

c. He agreed with Mr. Whitten that the Washington State Department of Ecology ("DOE") stormwater regulations do not require a three-foot separation between the bottom of a wetpond and seasonal high groundwater. This requirement only applies to infiltration facilities. However groundwater should not be allowed to enter the "live storage" portion of the wetpond, because it would reduce the holding capacity of the stormwater pond. The applicant should be required to install a monitoring well to determine the seasonal high groundwater elevation in this area and design the wetpond to ensure that groundwater levels remain below the "live storage" portion of the pond.

d. The La Center Capital Facilities Plan allows non-signalized intersections like the 4<sup>th</sup> Street/Highland Avenue intersection to operate at LOS E. However the applicant should be required to review the signal warrants at this intersection. The City could convert this intersection to a four-way stop, but there may not be sufficient vehicle storage capacity to allow this change.

e. There are flashing beacons notifying drivers of the 20 mph School Zone speed limit on NE Lockwood Creek Road during certain hours of the day. The School Zone starts just east of the park abutting the La Center Elementary and Middle Schools, roughly 1,000 feet west of the site. The speed limit on NE Lockwood Creek Road changes from 35 mph to 25 at the City limits, just east of the site.

4. Planner Ed Greer and engineer Jeff Whitten testified on behalf of the applicant.

a. Mr. Greer summarized the proposed development.

b. Mr. Whitten noted that there is a continuous sidewalk on the south side of NE Lockwood Creek Road between the site and the La Center Elementary and Middle Schools which provides a direct route between the site and the La Center Elementary and Middle Schools and High School. It would be a good idea to locate a sidewalk across NE Lockwood Creek Road to provide a safe crossing between the proposed sidewalks on the site and the existing sidewalks on the south side of NE Lockwood Creek Road. The applicant is required to install streetlights along the site's NE Lockwood Creek Road frontage. The applicant could place streetlights to light a crosswalk in this area. The City could shift the 25 mph speed limit further east to enhance safety at this crossing.

i. The Staff Report assumes that this site will require improvements to the City's existing sanitary sewer pump stations. However the applicant would like the option of extending gravity flow sewer lines to the site, eliminating the need to improve Pump Station #3.

ii. The applicant proposed to treat stormwater runoff on the site in a wetpond located in proposed Tract B. The DOE stormwater regulations do not require separation between the seasonal high groundwater elevation and the bottom of a wetpond. This requirement only applies to infiltration facilities. DOE regulations actually encourage wetponds within groundwater.

iii. The applicant is not required to mitigate this development's impact on the existing LOS E at the 4<sup>th</sup> Street/Highland Avenue intersection. LOS E is acceptable under the La Center Code at this stop-controlled intersection. All development in the area contributes the existing LOS E. The applicant will pay Traffic Impact Fees ("TIFs") that the City can use to fund improvements to this and other intersections affected by traffic from this development.

5. Dr. Mark Mansell, La Center Superintendent of Schools expressed concern with school children crossing NE Lockwood Creek Road near the site. The speed limit on NE Lockwood Creek Road changes from 35 to 25 mph just east of this crossing. Vehicles

traveling at higher speeds will create a hazard for children crossing the street. The City has installed crosswalks and lights at intersections near the schools. Similar safety improvements are warranted here. In addition, streetlights are needed at this location to ensure that students using the crosswalk are visible.

a. High school students living on the site will use NE 339<sup>th</sup> Avenue to access the high school, as it provides the shortest, most direct route between the site and the high school.

b. The 4<sup>th</sup> Street/Highland Avenue intersection operates at failing conditions at the start and end of school as drivers are entering and leaving the school. Converting this intersection to a four-way stop would reduce congestion and improve safety.

6. Tom Wooldridge commended the applicant for preserving the historic residence and barn located on a portion of the site.

7. Ken Couch argued that the speed limit on NE Lockwood Creek Road changes from 35 mph to 25 mph at the site. The speed limit changes from 50 mph to 35 mph at the City limits east of the site.

8. At the end of the hearing the examiner held open the public record for one week to allow all parties to submit additional testimony and evidence regarding the issues raised at the hearing. The examiner held the record open for a second week to allow all parties to respond to the information submitted during the first open record period. The examiner held the record open for a third week to allow the applicant to submit a closing argument. The record closed at 5 PM on November 2, 2015. The following documents were submitted while the record was held open:

a. A “Supplemental Staff Report & Recommendation” dated October 16, 2015 (the “Supplemental Staff Report”); and

b. The applicant’s response to the Supplemental Staff Report dated October 22, 2015.

### **C. DISCUSSION**

1. City staff 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 and during the open record period. The applicant largely accepted those findings and conditions as modified, with exceptions discussed below.

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

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

3. The examiner finds that it is feasible to provide safe walking conditions for students who only walk to and from the school. RCW 58.17.110(2).

a. The applicant will construct sidewalks along the site's frontage on the north side of NE Lockwood Creek Road. As discussed at the hearing, the west end of the proposed sidewalks on the north side of NE Lockwood Creek Road will overlap with the existing sidewalks on the south side of NE Lockwood Creek Road.

i. The existing sidewalks on the south side of NE Lockwood Creek Road provide a continuous pedestrian connection to the La Center Elementary and Middle Schools west of the site. Pedestrians must cross three existing intersections, at E 18<sup>th</sup> Place, NE John Storm Road and E Ivy Avenue before they reach the elementary and middle schools. However these pedestrian crossings are located at existing intersections where conflicting, northbound, traffic is required to stop. In addition, there are existing crosswalks at all three of these intersections, which enhances the safety of these pedestrian crossings.

ii. There is an existing crosswalk with pedestrian signage between the existing sidewalk on the south side of NE Lockwood Creek Road and the La Center High School on the north side of NE Lockwood Creek Road. In addition, this pedestrian crossing is located within a designated School Zone where the speed limit is reduced to 20 mph at designated times.

iii. There is no evidence that these existing pedestrian crossings are hazardous. Therefore the examiner finds that safe walking conditions are available between the existing sidewalks on the south side of NE Lockwood Creek Road and all of the schools served by this development. An engineering analysis of these existing pedestrian crossings is not warranted as a result of the proposed development.

b. However students from this site must cross NE Lockwood Creek Road to access the existing sidewalks on the south side of NE Lockwood Creek Road.

i. This crossing will occur at a mid-block location, rather than a street intersection where drivers would normally expect pedestrians to cross. As noted at the hearing, the speed limit for westbound traffic on NE Lockwood Creek Road changes from 35 mph to 25 mph just before this proposed pedestrian crossing. In addition, unlike the pedestrian crossing to the High School, this crossing is not located within a designated School Zone with a reduced speed limit.

ii. The applicant proposed to install a marked crosswalk and streetlights to enhance pedestrian safety at this location. At a minimum a condition of approval is required to that effect.

iii. In addition, the applicant should be required to conduct an engineered traffic analysis to determine whether a traffic control signal or other pedestrian safety measures are warranted at this School Crossing location, based on Section 4C.06, Warrant 5, of the Manual on Uniform Traffic Control Devices (“MUTCD”). The applicant should be required to install any pedestrian crossing improvements that are warranted at this location based on the engineered traffic analysis and MUTCD requirements. A condition of approval is warranted to that effect.

c. The applicant is not required to provide additional off-site sidewalks or pathways between the site and the High School. The existing and proposed sidewalks on NE Lockwood Creek Road, in combination with the proposed sidewalks within the site, will provide a safe walking route between the site and the High School. High school students living in the north portion of the site are likely to use NE 339<sup>th</sup> Avenue to access the La Center High School west of the site, because this street provides the shortest, most direct route between the northern portion of the site and the High School. However there are no hard surfaced pedestrian connections between the high school and NE 339<sup>th</sup> Avenue, except the driveways located west of the school building. Even if the applicant provided a hard-surfaced offsite path between the site and the high school, most students would not use the western portion of the path; they would simply cut through the high school grounds to access the school building rather than undertaking additional out of direction travel to access the driveways. The grassy shoulder abutting NE 339<sup>th</sup> Avenue is flat and wide, providing ample room for pedestrians to walk within the right-of-way but away from vehicle traffic. Since students walking to the High School on 339<sup>th</sup> Avenue are likely walk through the grass to access the high school anyway, there is no reason to require the applicant to provide a hard surfaced path between the site and the high school grounds.

4. As discussed at the hearing, DOE standards to not prohibit groundwater within the lower, treatment portion, of the proposed wetpond. However the storage portion of the wetpond must be located above seasonal high groundwater to ensure that groundwater does not reduce the storage capacity of the pond. Therefore the applicant should be required to monitor “wet weather” groundwater elevations on this site and include the monitoring data in the final stormwater design. A condition of approval is warranted to that effect.

5. The applicant initially proposed to connect sanitary sewer within this site to the existing sanitary sewer line in NE Lockwood Creek Road. The existing sewer line connects to Pump Station #3, which is currently at capacity. The applicant will need to install new pumps and conduct other modifications to the pump station to accommodate sewage flow from this development. In the alternative, it may be feasible to extend a new gravity flow sewer line within Lockwood Creek Road that would bypass Pump Station #3. As noted in the Supplemental Staff Report, Section 5.3 of the City’s 2012 General Sewer Plan directs that new growth areas should be served by gravity sewers rather than pump stations. Therefore the applicant should be required to provide gravity flow sanitary sewer service to the site if technically feasible. A condition of approval is warranted to that effect.

6. The applicant is not required to modify the intersection of NE Highland Avenue and E 4<sup>th</sup> Street. The 2008 City of La Center Capital Facilities Plan (CFP) provides the minimum acceptable level of service for unsignalized two-way stop controlled intersections is LOS “E” with a v/c ratio of 0.95. Based on the applicant’s traffic analysis, this intersection will operate at LOS E with a volume to capacity (“v/c”) ratio of 0.53 with the additional vehicle traffic generated by the proposed development. Therefore this intersection will continue to operate at an acceptable level of service and no mitigation is required. The applicant will pay TIFs that the City can utilize to fund future improvements to this and other intersections in the City.

#### **D. 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.

#### **E. DECISION**

In recognition of the findings and conclusions contained herein, and incorporating the reports of affected agencies and exhibits received in this matter, the examiner hereby approves File No. 2014-006-SUB (Sunrise Terrace Subdivision) in general conformance with the applicant's preliminary plat, subject to the following conditions:

1. The applicant, at time of engineering approval, shall comply with all applicable City of La Center Engineering Standards for Construction, unless modified by the director (LCMC 12.10.040), all engineering recommendations contained in the October 12, 2015 Staff Report and applicable La Center land use regulations, goals and policies.
2. Pursuant to RCCW 27.53.060, it is unlawful to remove or alter any archaeological resource or site without having obtained a prior written permit from the Washington State Office of Archaeology and Historic Preservation. Upon any written discovery of potential or known archaeological resources at the subject site prior to or during construction, the developer, contractor, and/or any other parties involved in construction shall immediately cease all on-sit construction, shall act to protect the potential or known historical and cultural resources area from outside intrusion, and shall notify the City of La Center Community Development Department of said discovery within a maximum period of twenty-four hours from the time of discovery.
3. The applicant shall comply with all applicable SEPA mitigation measures described in the SEPA made by:
  - a. The Washington Department of Ecology, Southwest Regional Office (October 7, 2105) relating to wetlands, waste resources, water quality and water resources;

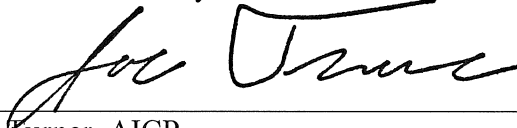


- b. The Cowlitz Indian Tribe (no date) relating to inadvertent discovery of archaeological resources; and
  - c. The Washington State Office of Archaeology and Historic Preservation (October 7, 2015) concurring that no additional archaeological work is necessary at this time and requiring notice of inadvertent discovery of archaeological resources.
4. The design and construction of storm drainage shall be in accordance with the LCMC and applicable city engineering standards for public works.
  5. Site development earthwork for site grading and construction of sewer, storm drain, water, and street systems should occur during the dry weather season between May 1<sup>st</sup> and October 31<sup>st</sup> with planting and seeding erosion control measures completed by October 1<sup>st</sup>.
  6. Construction shall not proceed without an approved erosion control plan. All erosion control measures shall be designed, approved, installed and maintained consistent with Chapter 18.320 LCMC and City Engineering Standards. Where these standards differ, the more stringent shall apply. All erosion control measures shall be in place prior to removal of vegetation or any construction activity and shall be maintained during all phases of construction.
  7. Prior to site disturbance, the applicant shall consult with the City Public Works Director and Public Works Engineer to incorporate the design recommendations in Section 5.0 of the Geotechnical Site Investigation prepared by Columbia West Engineering dated June 26, 2015.
  8. As-constructed drawing(s) will be provided in ‘\*.dwg’ electronic format as well as Mylar and paper.
  9. Construction plans shall identify staging areas for all equipment, contractors, deliveries, and supplies prior to construction plan approval.
  10. Construction plans shall identify and show all utilities with trench and location details.
  11. Prior to final plat approval, the developer shall identify the setbacks for all lots on the face of the final plat.
  12. The driveways within the flagpole portion of the flag lots, lots 30 and 32, shall be improved with a 20-foot wide all-weather surface with an unobstructed vertical clearance of at least 13 feet six inches and marked and signed as a fire lane. LCMC 18.210.040(3).
  13. The application for final plat approval must provide information regarding any proposed fencing, hedging, landscaping or solid waste, lighting, and noise impacts to the extent as regulated by Chapter 18.245.

14. New residential developments shall provide street or front yard trees at a minimum of 30-foot intervals near the street frontage of each lot. If planter strips are proposed between the sidewalk and curb, the applicant shall submit a road modification request describing how the proposed sidewalk and planter strip meets the “Criteria for Modification of Standards” per the City Engineering standards. Prior to final plat approval, the Developer shall provide the Public Works Director with a scaled plan showing the type, location, and planting method of street or front yard trees. A Street Tree bond shall be provided to the City guaranteeing the performance and maintenance of planted trees for two years.
15. Each dwelling unit shall be provided with two off-street parking spaces per Table 18.280.010(12).
16. Street lighting shall be installed consistent LCMC 12.10.190 and Clark Public Utility standards in effect at the time of final plat application.
17. The preliminary plat shall expire within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. LCMC 18.210.050(1) and RCW 58.17.140(3)(a).
18. The Final Plat shall include a note stating, “The City shall assess and charge the home-builder School, Park, Sewer and Traffic impact fees in effect at the time of building permit application for each dwelling.”
19. If technically feasible the developer shall provide sanitary sewer service to Sunrise Terrace heading westerly in/or adjacent to Lockwood Creek Road making connection to existing manhole #34 per the City’s sewer basin map. The applicant’s proposed pump station alternative may be allowed in lieu of the gravity connection only if the preferred gravity solution is not technically feasible. The City, as the owner and operator of the La Center sewer system, shall make the final determination as to whether the gravity sewer solution or the pump station solution is acceptable.
20. The applicant must submit additional information for the City to determine “wet weather” ground water elevations prior to final stormwater design. The additional information must be submitted in the Final Technical Report as required by LCMC 18.320. The applicant shall install a monitoring well during the winter to determine and verify the “wet weather” conditions necessary to design the proposed “live storage” pond area.
21. Prior to plat approval the developer shall provide the City with an analysis of the safety of the proposed pedestrian crossing connecting the sidewalks along the site’s NE Lockwood Creek Road frontage with the existing sidewalks on the south side of NE Lockwood Creek Road based on MUTCD procedures and advisories.
22. Prior to final occupancy approval of any home on this site the applicant shall install:

- a. A City approved crosswalk connecting the sidewalks along the site's NE Lockwood Creek Road frontage with the existing sidewalks on the south side of NE Lockwood Creek Road;
  - b. Streetlights along the site's NE Lockwood Creek Road frontage to adequately illuminate the crosswalk; and
  - c. Any additional lighting, signage, markings and/or other improvements warranted as a result of the MUTCD pedestrian safety analysis.
23. The applicant shall be responsible for maintenance of the stormwater facility for a minimum of 2-years after completion and acceptance of the subdivision by the City. The applicant may transfer ownership and maintenance responsibilities for the stormwater facility to a Home Owners Association ("HOA") established to maintain the facility after the two year period when occupancy permits have been issued for at least 50% of the housing units. When the HOA assumes responsibility of the facility, they will establish monetary funding of a reserve fund, for maintenance of the stormwater facility. An operations manual must be submitted for City review approval for the maintenance of the facility in all cases. Adequate bonding is required to guarantee maintenance of the facility for a period of two years following final plat. The minimum bond amount shall be 10% of the construction cost of the stormwater facility. Stormwater facilities must be located in a separate tract.

DATED this 23 day of November 2015.



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Joe Turner, AICP  
City of La Center Hearing Examiner



**Staff Report & Recommendations (Revised October 12, 2015)**

**Sunrise Terrace Subdivision: Type III**

**Preliminary Plat and SEPA DNS**

(2014-006-SUB) October 5, 2015

<b>PROPOSAL:</b>	Preliminary subdivision of 34.4 acres into 120 residential lots for detached homes. All lots exceed 7,500 square feet in area, except Lots 35 through 38, and Lot 114. Net density of the phased project is 4.6 lots per acre. The project will be built-out in several Phases. No parks or trails are proposed. An archeological investigation concluded there are no cultural resources within the project site. Critical area analysis by a qualified expert confirmed there are no regulated Critical Areas on site.
<b>LOCATION:</b>	1908 NE Lockwood Creek Road, La Center, WA; SW of the intersection of NE Lockwood Creek Road and NE 339 <sup>th</sup> St. Assessor No. 209047-000, 209062-000, 986027-188 and 986027-189; NE ¼ of Section 2, T4N, R1E, WM.
<b>HEARING:</b>	The La Center Hearing Examiner will conduct a public hearing beginning at <b>3:30 PM on October 12, 2015</b> at La Center City Hall, 214 East 4 <sup>th</sup> Street, La Center, Washington.
<b>APPLICABLE STANDARDS</b>	La Center Municipal Code 18.30, Procedures; 18.130, Low Density Residential; 18.210, Subdivision; 18.245, Supplemental Development Standards; 18.310, Environmental Policy; 18.320, Stormwater; 18.330, 18.350, Tree Protection; and 18.360, Archaeological Protection.
<b>RECOMMENDATION:</b>	<b>APPROVAL</b> , subject to conditions

## I. CONTACT LIST

### APPLICANT

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Lee Norden  
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### APPLICANT'S REPRESENTATIVE

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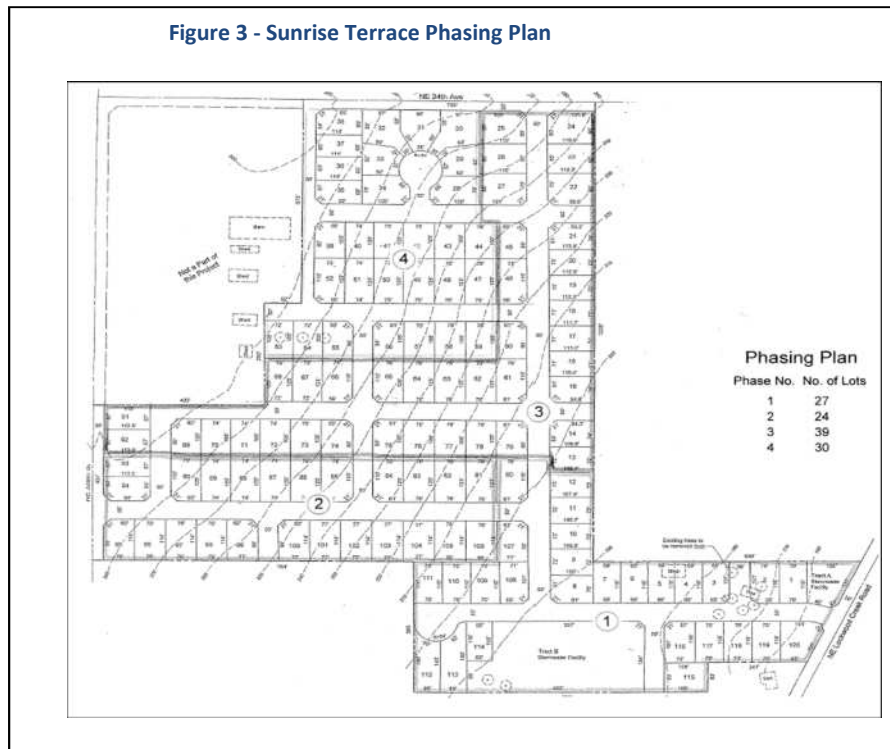
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Figure 3 - Sunrise Terrace Phasing Plan



### III. REVIEW

#### III. A Jurisdiction

The subject properties are within La Center City limits and are zoned LDR-7.5, 7,500 sq. ft. lots. The City of La Center provides sanitary sewer service and public streets. Clark Public Utilities provides potable water service. The project is within the La Center School District and the Clark County Fire and rescue service area.

#### III.B Applicable regulations

The relevant La Center regulations include:

- Low Density Residential, LDR-7.5, LCMC 18.130
- Critical Areas, LCMC 18.300
- Subdivisions, LCMC 18.600
- Environmental Policy (SEPA), LCMC 18.310
- Stormwater and Erosion Control, LCMC 18.320, and
- La Center Engineering Standards.

#### III.C Public Notice and SEPA

The Battle Ground Reflector published legal notice of the land use application, SEPA DNS, and public hearing on September 23, 2015. The Department of Ecology entered the SEPA Checklist and DNS in the Ecology SEPA Register on September 23, 2015. (Ecology SEPA # 201504864.) The SEPA comment period closed on October 7,

2015. The City received comments from the Washington Department of Ecology (October 7, 2015) relating to wetlands, waste 2 resources, water quality and water resources; the Cowlitz Indian Tribe, relating to inadvertent discovery of archaeological resources; and Washington Department of Archaeology and Historic Preservation (October 7, 2015) concurring that no additional archaeological work is necessary at this time and inadvertent discovery of archaeological resources. The Conditions of Approval have been modified to reflect these SEPA comments.

### III.D Proposal

The applicant proposes to subdivide 34.4 acres into 120 residential lots for detached single-family homes. All lots exceed 7,500 square feet in area, except Lots 35 through 38, and Lot 114. Net density of the phased project is 4.6 lots per acre. The project will develop in four (4) phases; Phase 1 will take access from NE Lockwood Creek Road. There are no Critical Areas or archaeological resource on the site. No recreational facilities are proposed.

### III.E Land Use Analysis

#### **LCMC 18.210 Subdivisions**

A preliminary plat is subject to pre-application review. LCMC 18.210.010. Technically complete review of a plat application is subject to a Type I process. After a preliminary subdivision application is deemed to be technically complete the review of the application for a preliminary plat approval is subject to a Type III process. LCMC 18.210.020.

#### Response

The City conducted a pre-application for Sunrise Terrace on January 8, 2015. PAC-2014-003. The City found the application Technically Complete on August 25, 2015. The La Center Hearing Examiner will consider the application for preliminary plat approval on October 12, 2015 at a Center City Hall beginning at 3:30 PM.

#### **18.210.040 Approval criteria for a preliminary plat.**

- (1) *The review authority shall approve a preliminary plat if he or she finds:*
- (a) *The applicant has sustained the burden of proving that the application complies with the following regulations of the La Center Municipal Code to the extent relevant:*
    - (i) Chapter [12.05](#) LCMC, Sidewalks, and Chapter [12.10](#) LCMC, Public and Private Road Standards;
    - (ii) Chapter [18.300](#) LCMC, Critical Areas;
    - (iii) Chapter [18.310](#) LCMC, Environmental Policy;
    - (iv) Chapter [18.320](#) LCMC, Stormwater and Erosion Control;
    - (v) Chapter [15.05](#) LCMC, Building Code and Specialty Codes;
    - (vi) Chapter [15.35](#) LCMC, School Impact Fees; and
    - (vii) LCMC Title [18](#), Development Code.

#### Response

The staff report evaluates compliance with the applicable Municipal Code regulations below.

- (b) *That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final plat is approved;*
- (c) *The subdivision makes appropriate provision for parks, trails, potable water supplies and disposal of sanitary wastes; and*
- (d) *The subdivision complies with Chapter [58.17](#) RCW.*



Response

Clark Public Utilities provides potable water service to La Center. The Developer will construct a new 10" water line, connecting at the end of the existing 8" water in the easterly cul-de-sac of E. 24th Circle, extending easterly and connecting to the north end of the existing 8" water line in NE 14th Avenue. Any existing wells located on the site will be properly decommissioned. The City of La Center provides sanitary sewer service. The City Engineer has provided several recommendations and conditions to ensure that the sanitary service is consistent with City policies and standards. Therefore, the proposed subdivision, as described and conditioned herein, can make adequate provisions for potable water and disposal of sanitary wastes.

The City development standards do not require dedication or install of parks and trails and the Applicant has elected to forgo public recreational amenities. In lieu of on-site recreational facilities and services, as a Condition of Approval, the builders shall pay park system development fees (PIF) in effect at the time of building permit application. The payment of PIFs satisfies the requirement to make adequate provisions for parks and trails.

RCW 58.17.110(1) requires a local jurisdiction to inquire into the public use and interest proposed to be served by the subdivision. The jurisdiction shall consider whether *"appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication."*

The City regulates open space through the Critical Areas Ordinance, LCMC 18.30. The proposed preliminary plat does not impact critical areas; therefore, the City does not require preservation of additional open space. This criterion is met. The Applicant provided a preliminary stormwater management plan consistent with City standards. Therefore, adequate provisions have been made for drainage. The applicant [provided a preliminary sanitary sewer disposal plan consistent with City standards and a preliminary water service delivery system plan consistent with Clark Public Utilities requirements. Therefore, the proposal makes adequate provisions for sanitary waster and potable water. There are no transit services within the project area. The builder shall pay school and park impact fees in effect at the time of building permit application. Therefore, adequate provisions have been made for schools, school grounds, parks and recreation facilities.

The Developer shall provide sidewalks along all public frontages including NE 339<sup>th</sup> Street thereby helping to assure safe walking conditions, proportionate to the subdivision, for students who walk to and from the nearby high school. The applicant has provided a preliminary plan for internal streets and shall be required to make partial frontage improvements along public right-of-ways abutting the project perimeter (NE 339<sup>th</sup>, NE Lockwood Creek Road and NE 24<sup>th</sup> Avenue). The builders shall pay Traffic Impact Fees (TIFS) in effect at the time of building permit application for each dwelling unit.

According to the applicant's Traffic Impact Study, Exhibit A13, page 15, *"The intersection of NE Lockwood Creek Road and NE Highland Avenue currently operates at LOS C during morning and evening peak hours. Under year 2017 background conditions, the intersection is projected to increase to LOS D during the morning peak hour and remain LOS C during the evening peak hour. Upon competition of the proposed development, the intersection is expected to increase to LOS E during the morning peak hour and remain at LOS C during the evening peak hour.* Consequently, as a Condition of Approval, prior to final plat approval the City and the Developer shall develop mitigation measures acceptable to the City to alleviate the projected LOS E at the intersection of NE Lockwood Creek Road and NE Highland Avenue.

For these reasons, the proposed preliminary plat, as conditioned, can make *appropriate provisions the public health, safety, and general welfare consistent with the requirements of RCW 58.17.110(1)*.

(2) *If phases are proposed, then the subdivision also complies with the following:*

- (a) The preliminary plat identifies the boundaries of each phase and sequence of phases;*
- (b) Each phase includes open space and other required public and/or private infrastructure at least in proportion to the number of lots in the phase;*
- (c) The sequence and timing of phases maintains compliance with applicable standards throughout the development of the subdivision; and*
- (d) The applicant completes or assures completion of public improvements consistent with LCMC [18.210.090](#).*

Response

Sunrise Terrace is divided into four phase. (See Figure 3 of this report.) Phase 1 will accommodate the stormwater facilities (Tract A and Tract B) for the entire development. Parks are not required and the proposal does not impact critical areas, however for each phase of the project, the builders shall pay PIFs in effect at the time of building permit application. The preliminary sanitary sewer and potable water system ensures that adequate public facilities and services are available for each phase of the development. Public right-of-way shall be dedicated and public streets and frontage improvements shall be installed at each phase of the development proportionate to the subdivisions impacts and to the extent necessary to ensure adequate circulation and mobility consistent with the City's level of service standards. Therefore, staff concludes that *each phase will provide required public and/or private infrastructure proportionate to the number of lots in each phase; the sequence and timing of phases maintains compliance with applicable standards throughout the development; and the application as proposed and as conditioned assures completion of public improvements consistent with LCMC 18.210.090.*

(3) *Flag lots are discouraged. When allowed, flag lots shall comply with the following standards:*

- (a) The flag "pole" shall be at least 20 feet wide instead of the frontage regulations of the zone.*
- (b) The flag "pole" shall be improved with an all-weather surface with an unobstructed vertical clearance of at least 13 feet, six inches. The improved surface shall be at least 20 feet wide and shall be marked and signed as a fire lane.*
- (c) The pole portion of the flag lot shall not be counted toward the minimum lot size.*
- (d) If the length of the flag pole is more than 150 feet, an approved turn-around in conformance with the current adopted edition of the International Fire Code shall be provided at the end of the driveway, and structures on the lot shall incorporate a fire-hazard warning, including a hard-wired, back-up smoke detector, and a sprinkler system.*
- (e) Where flag lots are not provided but access easements across abutting properties to public or private rights-of-way are provided, the standards of LCMC [12.10.220](#) shall apply.*

Response

Lots 30 (10,948 sq. ft.) and 32 (10,848 sq. ft.) meet the technical definition of a "flag lot", a narrow-throated lot. The "pole" of the flag of each lot is 30 feet, exceeding the 20-foot minimum pole width. **The City does not prohibit flag lots, it merely discourages them, recognizing that there may be conditions on the ground which necessitate a flag lot. In this case the proposed flag lots are located on a cul de sac, Circle D. Because of the slope of NE 24<sup>th</sup> Avenue the City did not encourage at through connection to NE 24<sup>th</sup> Avenue at this location, a cul de sac was acceptable. The maximum lot size allowed is 11,000 S.F. (LCMC 18.130.020(1).) The minimum density allowed in the R1-7.5 zone is 4 units/acre (LCMC Table 18.130.080) and Sunrise Terrace proposes to**

build-out at 4.6 units per acre. The City, as a jurisdiction fully planning under RCW 36.70A encourages densities above the minimum standard when possible. Therefore, in consideration of the slope on NE 24<sup>th</sup> Avenue, the large size of lots 30 and 32 and the need to encourage more than the minimum density, the City does not object to lots 30 and 32 being flag lots. The “pole” of each lot is less than 150 feet; therefore, the City does not require a fire turnaround or sprinkling of the dwellings on lots 30 and 32. As a **Condition of Approval**, the driveways of pole lots 30 and 32 shall be improved with an all-weather surface with an unobstructed vertical clearance of at least 13 feet, six inches. Therefore, the City allows lots 30 and 32 as flag lots and finds that the proposed lots are consistent with LCMC 18.210.040(3).

***LCMC 18.210.050 Expiration and extension of preliminary plat approval.***

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

Response

A preliminary plat shall expire within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. LCMC 18.210.050(1) and RCW 58.17.140(3)(a).

***Chapter 12.05 LCMC, Sidewalks’ Chapter 12.10 LCMC, Public and Private Road Standards; Chapter 18.320 LCMC, Stormwater and Erosion Control; and Chapter 15.05 LCMC, Building Code and Specialty Codes;***

Response

See Section III.F, Public Works and Engineering Analysis, below

***Chapter 18.300 LCMC, Critical Areas***

The Washington Department of Natural Resources (DNR) Forest Practices Application Review System (FPARS) mapping tool indicates the possibility of a class N seasonal stream traversing the southeast corner and northeast corner of tax lot 98027-189. Clark County GIS indicates a mapped National Wetland Inventory (NWI) and the presence of hydric soils (Odne) on tax lot 986027-189. Clark County GIS indicates the possibility of a wetland on parcel #986017189 and the Washington Department of Ecology made a similar comment in their October 7, 2015 SEPA comment letter.

The applicant provided a Technical Memorandum authored by Cascadia Ecological Services (Cascadia) dated May 16, 2015. Cascadia conducted wetland assessments and soil sampling in the mapped NWI wetlands and Odne soils. Cascadia concluded that based on field sampling and observations of “upland soils, lack of hydrophytic vegetation, and hydrology indicators, the property does not contain any City of La Center regulated wetlands ...”

Cascadia conducted a field visit in June 2016 and concluded that the possible class N seasonal stream is a man-made irrigation ditch. Cascadia did not find any indicators of wetland hydrology scour marks or defined channel within the flat ditch bottom. Cascadia observed, based on aerial photography, contained in their technical memorandum that the ditch did not exist prior to 2005. Because the ditch meets the definition of an artificial watercourse and does not provide any aquatic habitat Cascadia concluded the irrigation ditch would not be regulated by the Washington Department of Fish and Wildlife nor would it be regulated as a riparian habitat area by the City of La Center.

Based on the preliminary evidence of a possible wetland on parcel # 986027189, City staff asked the applicant to engage a qualified professional biologist to conduct additional on-site evaluations. Cascadia Ecological Services performed that requested additional evaluation. Based on the evidence provided by a qualified expert, City staff concludes the site does not contain any regulated critical areas, staff concludes that a critical areas permit is not required.

**Chapter 18.310 LCMC, Environmental Policy**

Response

The Applicant submitted a SEPA Checklist. The City reviewed the checklist and relevant materials, including an archaeological pre-determination, and the Responsible Official issued a Determination of Non Significance (DNS) Threshold Determination on September 23, 2015. The City published notice of the DNS in the Battle Ground reflector, a center newspaper of record, and the Ecology SEPA Register. As of this writing, the City has not received any SEPA comments.

**Chapter 15.35 LCMC, School Impact Fees;**

Response

As a **Condition of Approval** the for each dwelling the City shall assess and charge the builder School, Park and Traffic impact fees in effect at the time of building permit application.

**LCMC Title 18, Development Code.**

**LCMC 18.130 (Low Density Residential District)**

This chapter regulates uses within the Low Density Residential (LDR-7.5) zoning district and establishes design and dimensional requirements. Detached single family dwellings are a permitted use in the LDR-7.5 zone. (LCMC 18.130.030.) The maximum building height in all LDR districts shall be 35 feet measured from the lowest finished grade level to the highest point on the roof. Detached garages shall not exceed 18 feet in height. (LCMC 18.130.070.)

**Table 18.130.080  
– Density Requirements**

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

<sup>1</sup> Duplexes (structures containing two separate dwelling units) require a minimum lot area of 10,000 square feet.

<sup>2</sup> The 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.

<sup>3</sup> The 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.

<sup>4</sup> Densities shall be calculated based on the gross area of the site minus any public rights-of-way.

Maximum building lot coverage shall not exceed 35 percent. Maximum impervious surface area shall not exceed 50 percent. (LCMC 18.130.090(1).)

**Table 18.130.090  
– Lot Coverage and Dimensions (feet)**

<i>District</i>	<i>Minimum Lot Width</i>	<i>Minimum Lot Depth</i>	<i>Minimum Front Yard Setback<sup>1,2</sup></i>	<i>Minimum Side Yard Setback<sup>2</sup></i>	<i>Minimum Street Side Yard Setback<sup>2</sup></i>	<i>Minimum Rear Yard<sup>2,3</sup></i>
LDR-7.5	60	90	20	7.5	10	20

- <sup>1</sup> *If 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.*
- <sup>2</sup> *Cornices, 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.*
- <sup>3</sup> *A 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.*

New residential developments shall provide street or front yard trees at a minimum of 30-foot intervals near the street frontage of each lot. Prior to final plat approval, the Developer shall provide the Public Works Director with a scaled plan showing the type, location, and planting method of street or front yard trees. LCMC 18.130.100.

Response:

The proposal, as conditioned, is consistent with the base zone requirements in Chapter 18.130.

**Chapter 18.245 Supplementary Development Standards**

The applicant did not include specific information regarding the fencing, hedging, solid waste, lighting, noise, and landscaping requirements regulated by Chapter 18.245. As a **Condition of Approval** the application for final plat approval must provide information regarding and proposed fencing, hedging, and landscaping and solid waste, lighting, and noise impacts to the extent as regulated by Chapter 18.245.

**Chapter 18.260 Variances**

No variances have been requested.

**Chapter 18.275 Sign Requirements**

If proposed, monument signs are subject to separate application and shall be consistent with LCMC 18.275.

**Chapter 18.280 Off-Street Parking and Loading Requirements**

Each dwelling unit shall be provided with two off-street parking spaces per Table 18.280.010. This may be accommodated with a note on the plat requiring each lot to provide two off-street parking spaces. Parking

spaces within garages, carports and driveways serve to meet this requirement. Garage doors shall be a minimum of 18 feet from the interior edge of the public sidewalk.

### III.F. Public Works and Engineering Analysis

#### **Chapter 12.10 -- Public and Private Road Standards**

The applicant shall comply with all staff conditions of approval in addition to *City of La Center Engineering Standards for Construction* for all public road improvements unless modified by the director. LCMC 12.10.040.

A performance bond in the amount not less than 110% of the construction estimate shall be provided prior to issuance of building permits. LCMC 12.10.110.

The applicant shall provide full street improvements on interior streets according to the City of La Center Local Access standard ST-15 and Rural Minor Collector half street improvements per standard ST-13D for NE 339th and NE 24<sup>th</sup> Avenue adjacent to the Sunrise Terrace development.

In addition to the interior street improvements, as a **Condition of Approval** the applicant shall provide street lights, street trees and stormwater improvements per LCMC 12.10.190.

All pedestrian path of travel in public right of way including; sidewalks, curb ramps and street pedestrian crossings shall comply with the American Disabilities Act.

Fire hydrants shall be spaced every 500' per IFC or as otherwise approved by the Fire District. The location of all the hydrants must be approved by the Fire District.

The Fire District must approve access to all the lots per the IFC.

Clark Public Utilities must approve the water pipe system and service to all lots. CPU needs to be contacted about the existing water system pressure and the applicant must meet CPU approval for the new water system.

The final plat shall contain street names and addresses as provided by the City.

Monumentation shall be as directed by the City and shall be inside a cast iron monument case flush with the final street grade and shall be a brass cap, in a 30-inch long pipe as set by the surveyor of record and shown on the final subdivision plat map.

#### **Comments**

##### ***Streets and Circulation***

The north end of Avenue "A", on the site, shows an offset Cul-de-Sac serving lots 108, 109, 110, 111, , 112, 113 and 114. The applicant will follow city standard detail ST-30 for design of the offset cul-de-sac. If the applicant wants to submit a modification of this design, they will need to submit a design verifying that it will meet the IFC Appendix D, sections D103.1 to D103.5 for turning radius and dead end streets for Fire Department access to all the lots. A 6-foot wide sidewalk, per detail ST-23 including a full height 0.5-foot curb will be required in the partial cul-de-Sac with driveway access to lots per city standard ST-4. The applicant will place a sign at the end offset cul-de-sac at Avenue "A", stating that the street will be extended in the future. The applicant will need to follow city standard detail ST-29 for design of the cul-de-sac at the end of Circle "D" on site.

##### ***Grading***

The applicant shall submit final grading and erosion control permit as part of the subdivision plans showing the proposed contours on the plans.



The City Erosion Control Standards require that any activity disturbance over 500 SF must comply with the City standards. As part of these standards a construction stormwater permit is required from the Department of Ecology and an SWPPP will be necessary as part of the plan submittal to the City. All erosion control measures shall be designed, approved, installed and maintained consistent with Chapter 18.320 LCMC and the applicant's Construction Stormwater Permit. Per the City Erosion Control Manual, from October 1 through April 30<sup>th</sup>, no soils shall remain exposed for more than two (2) days. From May 1<sup>st</sup> through September 30<sup>th</sup>, no soils shall remain exposed more than seven (7) days.

Site development earthwork for site grading and construction of sewer, storm drain, water and street systems shall be limited to the dry weather season between May 1<sup>st</sup> and October 31<sup>st</sup> with planting and seeding erosion control measures completed by October 1<sup>st</sup> to become established before the onset of wet weather.

The applicant shall incorporate all recommendations for site construction as described in the Geotechnical Report by Columbia West Engineering Inc. dated June 26, 2015.

The streets shall be paved in two phases: The first is the base lift that shall be used during construction of the houses and the second lift shall be paved following a majority of the home construction. The minimum final asphalt lift shall be at least 2-inches thick. The requirements of the final lift of asphalt and the appropriate time of placement will be approved by the City Engineer.

The Geotechnical Report did not investigate the structural section necessary for the pavement, but referred to City standard detail sections. As a minimum the structural sections listed in the city standard street sections must be used. In addition the report must recommend the over-excavation section for unstable soil encountered during construction. The Geotechnical Engineer is responsible for determining the over-excavation stabilization section during construction for unstable soil encountered, but a recommended over-excavation section must be provided as part of the report and site plans.

#### **Chapter 13.10 -- Sewer System Rules and Regulations**

Connection to public sewer is required. LCMC 13.10. All work is to be performed by a duly licensed contractor in the City of La Center. LCMC 13.10.230. Work will be performed using an open trench method unless otherwise approved. LCMC 13.10.200. All costs associated with installing the side sewer shall be borne by the applicant. LCMC 13.10.110.

Per the City Engineering Standards, sanitary sewers should be designed to care for future loads that may reasonably be expected from full development upstream, consistent with the La Center Comprehensive Plan, Capital Facilities Plan, LCMC Title 13, and the Sewer Master Plan (General Sewer Plan).

The City Engineer has reviewed the Sewer Basin Capacity Analysis by the applicant's Engineer and found it to be adequate to support connection to the existing 8-inch sewer main in E. 18<sup>th</sup> Street with the following requirements as described in the report:

- Pump station #3 is at capacity and sewage flow to the pump station by Sunrise Development will exceed the capacity of the pumps and will require that new pumps be installed and the control panel be modified to support the new pumps. The pumps will need to be supplied with variable frequency drives (VFDs) to allow smoother start-up of pumps and to prevent water hammer and degradation of the force main. The applicant's engineer will need to provide a detailed analysis for design of the new pumps and alteration of the existing control panel, based on Department of Ecology (DOE) criteria, to support the new pumping system. The applicant's engineer prepared at Sewer Basin Capacity Analysis that supports the replacement of the existing pumps.

- Pump station #2 is near capacity and sewage flow to the pump station by Sunrise Development will require that new pumps be installed and the control panel be modified to support the new pumps. The pumps will need to be supplied with variable frequency drives (VFDs) to allow smoother start-up of pumps and to prevent water hammer and degradation of the force main. The applicant's engineer will need to a detailed analysis for design of the new pumps and alteration of the existing control panel to support the new pumping system. The applicant's engineer will need to a detailed analysis for design of the new pumps and alteration of the existing control panel, based on Department of Ecology (DOE) criteria, to support the new pumping system. Per section C2-1.8.3 from the DOE criteria, all sewage pump stations shall be designed with capability for emergency power in case the primary electrical feed is out of service. A portable generator and "quick disconnect" receptacles will need to be incorporated in the design by the developer's engineer, to comply with Department of Ecology criteria of operations of the pumps.
- The Sewer Basin Capacity Analysis, prepared by HPR for Sunrise Development, recommended the existing 4" force main from pump station #2 to the gravity manhole B7 (per the sewer basin map) on 4<sup>th</sup> Street replaced with a 6" force main to accommodate peak flows from the Sunrise Terrace Development. During peak conditions, the existing 4" force main may not be able to support peak flows when both pumps are activated. According to the DOE manual velocity in a force main should not exceed 8-feet per second. Each pump shall have a minimum flow rating of 177 gallons per minute per the applicant's engineer Sewer Basin Analysis with Sunrise Terrace Development. When both pumps are operating simultaneously, the flow will exceed 350 gallons per minute. Hydraulic calculations were completed by the City Engineer and this peak flow will result in a velocity of well over 8 feet per second in the existing 4-inch force main. The City supports the recommendation by the owner's engineer to replace the existing 4" force main with new 6" force main as part of Sunrise Development. A design shall be submitted by a Licensed Engineer for replacement of the existing 4-inch diameter force main with a new 6-inch diameter force main from pump station #2 to the existing gravity manhole in East 4<sup>th</sup> Street, just east of Cedar Avenue.

Connections shall be made at a manhole at the intersection of East 18<sup>th</sup> Place and Lockwood Creek Road. Connection to the manhole, sewer main open trench installation in Lockwood Creek Road shall be constructed per City Engineering Standards. LCMC 13.10.180. A minimum 8 inch diameter public main pipe will be installed between the proposed development and the point of connection at the City manhole. LCMC 13.10.190. A back water valve is required, if the lots are lower than the street, on each sewer connection from the lots and will be located at the property line within the applicants property. A cleanout is required at the property line. LCMC 13.10.110. *La Center Engineering Standards for Construction* are also applicable.

Video inspection of the existing 8-inch gravity line must be performed verifying its structural integrity and ability to accommodate the developer's preferred option. Should repairs be necessary in the existing 8-inch gravity line, the developer will perform such repairs using generally accepted methods at the developer's sole expense prior to connection or discharge from the development into the existing 8-inch gravity system.

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

#### **Chapter 18.320 (Stormwater and Erosion Control)**

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



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

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

The LCMC section 18.320.220 states that if surface water leaves the site, stormwater must be detained per LCMC. Runoff calculations need to consider undisturbed forest as the pre-developed condition in determining runoff curve numbers or a downstream analysis of the existing conveyance system is required. The applicant proposes to use “wet ponds” for water quality and quantity treatment before release of stormwater to the existing downstream roadside ditches in Lockwood Creek Road.

The use of a “wet pond” is allowed per the City of La Center standards and 1992 Puget Sound Manual which requires compliance with the Water Pollution Control Act and the Water Resources Act. The “wet pond” shall be constructed to provide at least 3-feet of vertical separation between the wet weather water table and the bottom of the “wet pond” per the 1992 Puget Sound Manual.

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

Downspout connections from the houses must connect directly into the site stormwater system. Laterals from the storm main in the street must be shown to serve each lot.

#### **Maintenance of Stormwater Facility**

The applicant shall be responsible for maintenance of the stormwater facility until an HOA is established to maintain the facility. When the HOA assumes responsibility of the facility, they will establish monetary funding of a reserve fund, for maintenance of the stormwater facility, when at least 50% of housing units has occurred or at minimum 2-years after completion and acceptance of the subdivision by the City, whichever is more. The applicant and future owners will be responsible for maintaining the stormwater facility. An operations manual must be submitted for City review approval for the maintenance of the facility in all cases. Adequate bonding is required to guarantee maintenance of the facility for a period of two years following final plat. The minimum bond amount shall be 10% of the construction cost of the stormwater facility. Stormwater facilities must be located in a separate tract.

Prior to initiation of any construction or final plat approval, the developer shall demonstrate to the City's satisfaction that:

1. The developer shall establish a homeowners association (HOA) and Articles of Incorporation, By-laws and CC&Rs of the HOA shall reflect that the HOA's operation and maintenance costs for stormwater facilities shall be borne by the HOA. The applicant will provide a “Stormwater Covenant” that shall describe the scope of maintenance of the stormwater facility and it shall be recorded and incorporated in the CC&Rs.
2. The HOA shall be empowered to access its members' fees to be reserved and used to reimburse the City for the operation and maintenance of the facilities, if enforcement becomes necessary.
3. The City shall have the right of a third party enforcement to ensure that the HOA remains intact and collects the fees and the City shall have the right to recapture any fees and costs associated with enforcement actions. Further, the following language is to be placed on the face of the plat: The City

shall be granted the right, but not the duty, to access and maintain the stormwater facility consistent with 18.320.230 LCMC.

### **Street Lighting**

Street light design and installation is reviewed and approved by CPU. LID for street lighting is preferred.

### **Additional Engineering and Public Works Requirements and Conditions**

1. The plat notes should stipulate amount of impervious/saturation development allowed (Maximum building lot coverage is 35 % and maximum impervious surface area is 50%).
2. Plat conditions for individual lot build out should include provision of adequate foundation drainage, in particular on the high side of the each lot.
3. If retaining walls are to be constructed there needs to be design details in the plat conditions for the builder(s). Any required walls shall be installed and approved before final occupancy approval. Other walls built shall be built to a plat standard detail.
4. An adequate absorption/dissipater design should be included in the plat conditions for storm water that can't flow by gravity to the storm lateral.
5. No lot's development shall create hazards or conditions for any adjacent lot.
6. Stormwater collected from newly created impervious sources or surfaces (roof, slabs, flatworks, etc.) shall be terminated in an approved manner.
7. Provide a plat note and detail for a concrete truck washout area which builders and contractors shall be required to use and maintain until final build out.
8. The Developer shall coordinate with Clark County Fire and Rescue (CCF&R) regarding hydrant spacing and related fire flow and fire protections issues and shall provide the Public Works Director with evidence of said coordination prior to final plat approval.

For these reasons, staff concludes that the proposed project has satisfied, or can satisfy as conditioned, the required burden of proof.

## **IV. CONCLUSIONS & RECOMMENDATION**

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

1. The applicant, at time of engineering approval, shall *comply with all applicable City of La Center Engineering Standards for Construction, unless modified by the director (LCMC 12.10.040), all engineering recommendations contained in the final staff report, and applicable La Center land use regulations, goals and policies.*
2. Pursuant to RCW 27.53.060 it is unlawful to remove or alter any archaeological resource or site without having obtained a written permit from the Washington State Office of Archaeology and Historic Preservation. Upon any discovery of potential or known archaeological resources at the subject site prior to or during on-site construction, the developer, contractor, and/or any other parties involved in construction shall immediately cease all on-site construction, shall act to protect the potential or known historical and cultural resources area from outside intrusion, and shall notify, within a maximum period of twenty-fours from the time of discovery, the City of Ridgefield Community Development Department of said discovery.
3. The applicant shall comply with all applicable SEPA mitigation measures described in the SEPA made by:

- The Washington Department of Ecology, Southwest Regional Office (October 7, 2015) relating to wetlands, waste 2 resources, water quality and water resources;
  - The Cowlitz Indian Tribe (no dated) relating to inadvertent discovery of archaeological resources; and
  - , and the Washington Department of Archaeology and Historic Preservation (October 7, 2015) concurring that no additional archaeological work is necessary at this time and inadvertent discovery of archaeological resources.
4. The design and construction of storm drainage shall be in accordance with the LCMC 12.10.190 and applicable city engineering standards for public works.
  5. Site development earthwork for site grading and construction of sewer, storm drain, water, and street systems should occur during the dry weather season between May 1<sup>st</sup> and October 31<sup>st</sup> with planting and seeding erosion control measures completed by October 1<sup>st</sup>.
  6. Construction shall not proceed without an approved erosion control plan. All erosion control measures shall be designed, approved, installed and maintained consistent with Chapter 18.320 LCMC and City Engineering Standards. Where these standards differ, the more stringent shall apply. All erosion control measures shall be in place prior to removal of vegetation or any construction activity and shall be maintained during all phases of construction.
  7. Prior to site disturbance, the applicant shall consult with the City Public Works Director and Public Works Engineer to incorporate the design recommendations in Section 5.0 of the Geotechnical Site Investigation prepared by Columbia West Engineering dated June 26, 2015.
  8. As-constructed drawing(s) will be provided in '\*.dwg' electronic format as well as Mylar and paper.
  9. Construction plans shall identify staging areas for all equipment, contractors, deliveries, and supplies prior to construction plan approval.
  10. Construction plans shall identify and show all utilities with trench and location details.
  11. Prior to final plat approval, the developer shall identify the setbacks for all lots on the face of the final plat.
  12. The driveways of the pole lots, lots 30 and 32, shall be improved with an all-weather surface with an unobstructed vertical clearance of at least 13 feet, six inches
  13. The application for final plat approval must provide information regarding any proposed fencing, hedging, landscaping or solid waste, lighting, and noise impacts to the extent regulated by Chapter 18.245.
  11. New residential developments shall provide street or front yard trees at a minimum of 30-foot intervals near the street frontage of each lot. The applicant shall submit a road modification request describing how the proposed sidewalk and planter strip meets the "Criteria for Modification of Standards" per the City Engineering standards. Prior to final plat approval, the Developer shall provide the Public Works

Director with a scaled plan showing the type, location, and planting method of street or front yard trees. A Street Tree bond shall be provided to the City guaranteeing the performance and maintenance of planted trees for two years.

12. Each dwelling unit shall be provided with two off-street parking spaces per Table 18.280.010.12.
13. Street lighting shall be installed consistent with LCMC 12.10.190 and Clark Public Utility standards in effect at the time of final plat application.
14. The preliminary plat shall expire within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. LCMC 18.210.050(1) and RCW 58.17.140(3)(a).
15. According to the applicant's Traffic Impact Study, Exhibit A13, page 15, upon completion of proposed development the intersection of NE Lockwood Creek Road and NE Highland Avenue is expected to increase to LOS E during the morning peak hour. Therefore, prior to final plat approval the City and the Developer shall develop mitigation measures acceptable to the City to alleviate the projected LOS E at the intersection of NE Lockwood Creek Road and NE Highland Avenue.
16. The Final Plat shall contain a note stating, "The City shall assess and charge the home-builder School, Park, Sewer and Traffic impact fees in effect at the time of building permit application for each dwelling."

## V. APPEALS

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

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

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Eric Eisemann, J.D.  
Consulting City Planner

## Exhibits

See Exhibits List - Attached