



305 NW Pacific Highway,  
La Center, Washington 98629  
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**PRE-APPLICATION CONFERENCE**  
**HILLSIDE FARM SUBDIVISION** (2017-014-PAC)  
Meeting conducted on Thursday, November 2, 2017 – 9:30 AM

**PROJECT INFORMATION**

Site Address	37400 NE North Fork Road, La Center, WA 98629
Legal Description	La Center, WA on tax parcel numbers 258901-000, 258919-000, 258922-000, 258971-000, 258972-0000
Applicant	Carleen Stephens, 24600 NE 98 <sup>th</sup> Court, Battle Ground, WA 98604 360-606-2408 <a href="mailto:StephensHillsideFarm@gmail.com">StephensHillsideFarm@gmail.com</a>
Applicant's Representative	Ed Greer, Greer & Greer, Inc. 13023 NE Hwy 99, Suite 7-126, Vancouver, WA 98686 Contact: 360.904.4964; <a href="mailto:ed@edgreer.net">ed@edgreer.net</a>
Property Owner	Carleen Stephens, 24600 NE 98 <sup>th</sup> Court, Battle Ground, WA 98604 Contact: 360.606.2408; <a href="mailto:carleenstephens@gmail.com">carleenstephens@gmail.com</a>
Proposal	<p>The applicant proposes to subdivide 43 acres into 86 residential lots that, upon annexation, will be zoned LDR-7.5 with an Urban Holding Overlay, and construct the associated infrastructure to support the proposed development.</p> <p>All existing structures will be removed except the residence in 208 N 348 ST will be retained on a new lot. A 0.61 acre park is proposed within a stream buffer. All lots will be 7,500 S.F. or less. (Lots 78,79,81,82 are less than 7,500 S.F.)</p>

**REVIEW**

**Development Standards**

Subsequent application(s) shall address the following development standards. Failure of the City to cite specific requirements of the La Center Municipal Code (LCMC) in this report does not relieve the applicant of the responsibility to meet all applicable criteria.

**Public Works and Engineering**

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

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

In lieu of the completion of any required public improvements prior to approval of a final plat, short plat or the issuance of building permits, the director may accept a bond in an amount and with surety and conditions satisfactory to him or other secure method as the director may require, providing for and securing to the City of La Center the actual construction and the installation of such improvements within the period specified by the director and specified in the bond or other agreement, and to be enforced by the director by appropriate legal and equitable remedies. In no case shall the bond be less than 110 percent of the cost to complete construction, per LCMC 12.10.110.

General roadway and right-of-way standards shall apply and provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels; LCMC 12.10.090.

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

Aspen Avenue is classified as a collector street but the draft Capital Facilities Plan classifies it as a Major Collector between 18<sup>th</sup> Street and North Fork Avenue. A Rural Major Collector street section shall be used for the street frontage between 18<sup>th</sup> Avenue and North Fork Avenue.

The applicant proposes to use temporary cul-de-sacs at the north termini of the street stubs to the north of the site. Section 2.12 of the Engineering Standards requires a turn-around be provided for roads serving more than one lot. The turn-around may be a hammerhead if under 200-feet and a cul-de-sac for dead end streets over 200-feet. In order to provide for future extension of the streets stubbed to the north, a temporary cul-de-sac may be used as long as it meets Fire Department approval for fire service. Attached are city standard details of a cul-de-sac (ST-29) and offset cul-de-sac (ST-30) for design of the site. The applicant can propose another cul-de-sac design as long as it meets Fire Department approval.

For driveways to each lot the applicant will need to comply with maximum driveway width as shown on the standard detail attached.

### **Streets and Circulation**

The applicant proposes to connect to the existing horizontal curve between Aspen Avenue and North Fork Avenue with a new roadway to the development. The applicant will need to provide a traffic study and line of site analysis to support the location of the street connection. For site plan review, a traffic study shall be prepared.

The Transportation Capital Facilities Plan (CFP) shows a connection from Bolen Street to NE 348<sup>th</sup> Street for a future east and west connection. The CFP recommends that this connection be a Rural Major Collector Street. The applicant proposes to extend an interior street through the site from North Fork Avenue to the west end of the subdivision. In order to provide for future connection to Bolen Street, the applicant will need to provide an easement on the property west from the proposed street to Bolen Street. This easement must be recorded as part of the plat to be able to be used by the city in the future for road right of way across the existing stream. The limits of the road right of way required to build this connector street is unknown now and the easement will have to be described to be wide enough for future road right of way. This proposed road, described as street A on the site plan, will need to be constructed as a Rural Major Collector per standard detail ST-13A. Once constructed, the future Rural Major Collector must be dedicated as a public right-of-way.

The traffic study shall include traffic impacts, including level of service to all adjacent streets and intersections to the development; including but not limited to: 18<sup>th</sup> Street and Aspen Avenue, 4<sup>th</sup> Street and Pacific Highway, 4<sup>th</sup> Street and Aspen Avenue, 5<sup>th</sup> Street and Aspen Avenue, E. Heritage Loop and Aspen Avenue, W. 10<sup>th</sup> Street and Aspen Avenue, 4<sup>th</sup> Street and Highland Road, East 4<sup>th</sup> Street, Pacific Highway. A roundabout is proposed to be constructed at the intersection of W. 4<sup>th</sup> Street and Pacific

Highway in 2017. The report shall include average daily traffic and peak hour traffic for intersections and streets as noted above. LCMC 18.215.050(n).

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

Connection to public sewer is required. LCMC 13.10. All work is to be performed by a duly licensed contractor in the City of La Center. LCMC 13.10.230. Work will be performed using an open trench method unless otherwise approved. LCMC 13.10.200. All costs associated with installing the side sewer shall be borne by the applicant. LCMC 13.10.110. The Applicant's Engineer proposes to add 86 homes to the existing 8-inch diameter sewer in Aspen Avenue at 18<sup>th</sup> Street per the Engineering Standards, the applicant shall provide calculations with a report that shows the future upstream influent and the capacity of the downstream facilities. The applicant shall verify that the downstream sewer has enough capacity for the proposed development and any upstream future development can be supported by the existing downstream system.

Connection to the manhole, sewer main open trench installation in Aspen Avenue 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 to 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 applicant's property. A cleanout is required at the property line. LCMC 13.10.110. *La Center Engineering Standards for Construction* are also applicable.

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

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

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

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

The applicant proposes to treat stormwater from pollution generating surfaces (impervious) with bioswales and detain stormwater in a detention pond. The bioswales are in the buffer of the stream buffer. It may be possible to incorporate stormwater treatment into the outer 25 percent of the stream buffer. The bioswale and detention pond system will need to be maintained by the developer. However per LCMC 18.300.900 6 (e) (iii), the City may allow disturbance of Category III and IV wetland or buffers for public purposes if the disturbance directly advances the provision of infrastructure facilities and services. (There are no similar provisions for disturbing Category I and II wetlands or buffers.) Public surfaces includes streets, potable water, sanitary sewer stormwater facilities...per LCMC 18.320.240 (2) (c) For stormwater facilities for which the city of La Center will not provide long term maintenance, the applicant shall make arrangements with the existing and future occupants or owners of the subject property for assumption of maintenance in a manner subject to the approval of the city.

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

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

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

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

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

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

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

#### **Grading**

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

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

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

#### **Potable Water**

Water system connections are regulated by Clark Public Utility (CPU) and a permit and plan approval will be required for City plan approval. CPU will provide a copy of the Water Availability report. An east-west water line will need to be installed within the required street between W. 12<sup>th</sup> Way and NW 9<sup>th</sup> Avenue on

the north side of the subdivision. You will need to provide proof that the on-site well was properly abandoned.

### **Street Lighting**

Street light design and installation is reviewed and approved by CPU. LED, shielded street lighting is preferred and may become a requirement.

### **Building**

The plat is reviewed and approved by Public Works Building Services. Proposed setbacks for each lot will be required on the plat. The plat notes should stipulate amount of impervious/saturation development allowed (maximum building lot coverage is 35% and maximum impervious surface area is 50%).

Development of the lots shall not create hazards or conditions for any adjacent lot. A geotechnical report will be required analyzing the development design and for lot infill. The report should propose plat development conditions for the builders, by lot if required. Plat conditions for individual lot build out should include provision of adequate foundation drainage, in particular on the high side of each lot. An adequate absorption/dissipater design that cannot flow by gravity to the storm lateral should be included in the plat conditions for stormwater. Stormwater collected from newly created impervious sources or surfaces (roof, slabs, flatworks, etc.) shall be terminated in an approved manner. A plat note and detail shall be provided for a concrete truck washout area which builders and contractors shall be required to use and maintain until final build out.

If retaining walls are to be constructed, there design details will need to be included 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. Fence detail will need to be provided. Fencing should be uniform.

Coordinate with Chief Mike Jackson, Clark County Fire & Rescue regarding hydrant spacing and related fire flow and fire protections issues.

### **Land Use**

**Municipal Code:** <http://www.codepublishing.com/WA/LaCenter/#!/LaCenter18/LaCenter18.html>

### **Legal Lot Determination:**

An application package should include an application for legal lot determination.

### **Chapter 18.130 (Low Density Residential)**

The site is zoned LDR-7.5, low density residential, with a minimum lot size of 7,500 feet. Single-family detached residential dwelling units are a permitted use within the zoning district. The minimum average lot size in the district is 7,500 S.F. and the development must meet a minimum of 4 units per gross acre, minus right-of-way. A technical complete application must calculate and demonstrate compliance with the city's lot size and density standards. Densities shall be calculated based on the gross area of the site minus any public rights-of-way.

Ninety percent (90%) of all new parcels in this district must average within 10 percent of 7,500 S.F. as a total development and any phase within the development. The remaining 10 percent of lots may be reduced to 6,000 S.F. as a result of density transfer per LCMC 18.300.130. Individual parcels may not be smaller than 6,000 S.F. or larger than 11,000 S.F. LCMC 18.130.020(1)(a). Four of the 86 lots are proposed to be less than 7,500 S.F. Lot 13 appears to exceed the maximum standard however; lots abutting the UGA may exceed 11,000 S.F. LCMC Table 18.130.080 <sup>FN 4</sup>.

Each lot shall comply with the dimensional standards within Table 18.130.090.

Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Front Yard Setback (feet) <sup>1,2</sup>	Minimum Side Yard Setback (feet) <sup>2</sup>	Minimum Street Side Yard Setback (feet) <sup>2</sup>	Minimum Rear Yard (feet) <sup>2,3</sup>
60	90	20	7.5	10	20

<sup>2</sup> The City may permit a minimum lot area of 6,000 S.F. 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 S.F. be permitted.

<sup>3</sup> The maximum lot area of a lot abutting the urban growth area boundary may exceed 11,000 S.F. pursuant to this section. A border lot also is subject to different setbacks. The maximum lot area also can be exceeded for multifamily development.

Maximum building lot coverage shall not exceed 35 percent. Maximum impervious surface area shall not exceed 50 percent. A technically complete application must calculate building lot coverage per lot and total amount of impervious surface area to be created.

Street trees must be planted at a minimum of 30-feet on center. The City will require LED street lighting. The new development shall provide parks and open space pursuant to the applicable requirements of Chapter [18.147](#) LCMC (Parks and Open Spaces). (LCMC 18.130.100)

**Chapter 18.147 Parks and Open Space**

Any development in an LDR-7.5 zoning district that includes 40 or more dwelling units must provide a park consistent with LCMC 18.147.020. Each development in an LDR-7.5 zoning district shall provide one or more family parks at a ratio of one-quarter acre per 40 dwelling units (0.25 ac/40 du). LCMC 18.147.030(1)(i). An 86 unit LDR subdivision is required to provide 2.15 units of park land (86/40 = 2.15) which is equivalent to 20,261 S.F. of park land. The proposal is for 0.61 acres or 26,571 S.F. of park. The smallest allowed is 0.25 acres. The proposal exceeds this standard.

Park Standards:

- The central park shall not be located on streets of a minor collector or higher classification. The classification of proposed Street A is Rural Major Collector. The options for meeting this standard are to: (a) relocate the park, (b) serve the park by a lower classification street, or (c) apply for a variance as part of the preliminary plat application and demonstrate compliance with all approval criteria in LCMC 18.260.040.
- All parks shall be fronted by a public road for at least 40 percent of their perimeter. If it is not feasible or practical to meet this standard because of location and/or physical site constraints, a pedestrian pathway or other design element approved by the review authority to assure free and open public accessibility shall be established through a dedication or perpetual easement with a minimum width of 20 feet. This pedestrian pathway connection shall be made from the public street to the park.
- All parks shall have at least 75 percent of their area improved with usable active play areas and open space. LCMC 18.147.030.
- A complete application must respond fully to the park design standards in LCMC 18.147.030(1)(b).
- The park must be fully functional by the time of the 25<sup>th</sup> occupancy permit.
- A technical complete application must include a preliminary facilities plan consistent with LCMC 18.147.040.

A complete preliminary land use application shall include a preliminary park site plan and landscape plan. LCMC 18.147.040. The applicant retains maintenance and liability responsibilities for the parks and trails developed pursuant to this chapter unless these responsibilities are accepted by the city. LCMC 18.147.050.

Within a Critical Area or buffer, open space, and parks and recreational facilities may be allowed where there is no other reasonable alternative, based on topographic and environmental conditions, as determined by the director. LCMC 18.300.050(4)(b). The burden of proof rests on the applicant.

#### **Chapter 18.190 Urban Holding District**

The property currently is subject to an annexation petition. When the Public Works Director or City engineer certifies that the capital facility deficiencies associated with the property have been resolved, the City may remove the UH-10 overlay. The overlay can be removed concurrently with the approval of the Final Plat for development or as a separate Type II application and land use review not associated with subdivision approval. LCMC 18.190.060.

#### **18.210 Subdivisions**

**Submittal Requirements (LCMC 18.210.030)**: A completed application form and the following materials will be required, if applicable, prior to a determination of technical completeness (ten copies and an electronic version of all materials), please):

1. The information listed in LCMC 18.210.010(2), provided an environmental checklist is required for a technically complete application unless categorically exempt.
2. Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Clark County assessor.
3. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance.
4. A legal description of the property proposed to be divided.
5. If a subdivision contains large lots or tracts which at some future time are likely to be re-subdivided, the application shall include a master plan of all land under common ownership in order to provide for extension and opening of streets at intervals which will permit a subsequent division of each divisible parcel into lots of smaller size.
6. A copy of the pre-application conference summary and all information required to address issues, comments and concerns in the summary.
7. A written description of how the proposed preliminary plat does or can comply with each applicable approval criterion for the preliminary plat, and basic facts and other substantial evidence that support the description.
8. The names and addresses of owners of land within a radius of 300 feet of the site. Owner names and addresses shall be printed on mailing labels.
  - a. The applicant shall submit a statement by the assessor's office or a title company certifying that the list is complete and accurate, based on the records of the Clark County assessor within 30 days of when the list is submitted.
  - b. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, then notice shall be mailed to owners of property within a 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application.
9. Applications associated with the preliminary plat, such as exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the road standards in Chapter 12.10 LCMC that are required to approve the preliminary plat application as proposed.
10. A wetland delineation and assessment is required by Chapter 18.300 LCMC and an application for a critical area permit. The wetlands on site must be reclassified using the 2015 Ecology wetland rating system.

11. A geotechnical study is required for public road sections analyzing the strength of the existing soil with the proposed roadway section. If infiltration is proposed for the site stormwater disposal, the report will need to analyze existing infiltration rates. The report may also need to address building code design requirements per the building code.
12. Preliminary grading, erosion control and drainage plans, which may be a single plan, consistent with applicable provisions of Chapter 18.320 LCMC.
13. Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.
14. A phasing plan, if proposed.
15. An archaeological predetermination report
16. Additional information:
  - a. A traffic study (please consult with the City Engineer regarding intersections to be studied.)
  - b. A signed *Agreement to Pay Outside Professional Review Expenses Related to Land Use Application*. (Provided during the meeting.)

**Vesting:** Applications are vested on the date the City deems the application to be technically complete.

**Subdivision Review Process:** All correspondence must be submitted to the La Center City Clerk. Subdivision applications are processed as a Type III land use review requiring a public hearing before the La Center Hearing Examiner. Within 14 days after the City finds the application technically complete, the Clerk shall mail a Notice of Application to you and adjacent property owners. The comment period shall remain open for a minimum of 14 days. The City will schedule a hearing within 78 days after the City finds the application to be technically complete. The City shall issue a staff report a minimum of seven calendar days prior to the hearing date. An appeal of the Hearing Examiner's decision must be made to the City Council within 14 days after the date of issuance of the decision.

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

- Chapter 12.05 LCMC, Sidewalks;
- Chapter 12.10 LCMC, Public and Private Road Standards;
- Chapter 15.05 LCMC, Building Code and Specialty Codes;
- Chapter 15.35 LCMC, Impact Fees;
- Chapter 18.245 LCMC, Supplemental Development Standards;
- Chapter 18.300 LCMC, Critical Areas;
- Chapter 18.310 LCMC, Environmental Policy;
- Chapter 18.320 LCMC, Stormwater and Erosion Control;
- Title 18, Development Code;
- The subdivision must make appropriate provision for parks, trails, potable water supplies and disposal of sanitary wastes; and
- The subdivision complies with Chapter 58.17.110 RCW.

**Subdivision General Issues:**

1. To approve the preliminary plat, the Hearing Examiner must make an affirmative finding that "appropriate provision for potable water supplies and for the disposal of sanitary wastes".
2. All existing wells and septic systems must be properly decommissioned prior to final plat.
3. The City may refuse bonds in lieu of improvements at the time of final platting if such bonding has not been previously discussed and documented.
4. Flag lots are discouraged.



5. The preliminary plat shall expire five years from the date of the Final Order. RCW 17.58.140(3)(a).
6. Phasing is permitted. All phases must be identified on the preliminary plat.

**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. The subsequent application must address these specific issues.

**Chapter 18.260 Variances**

No variances have been requested.

**Chapter 18.275 Sign Requirements**

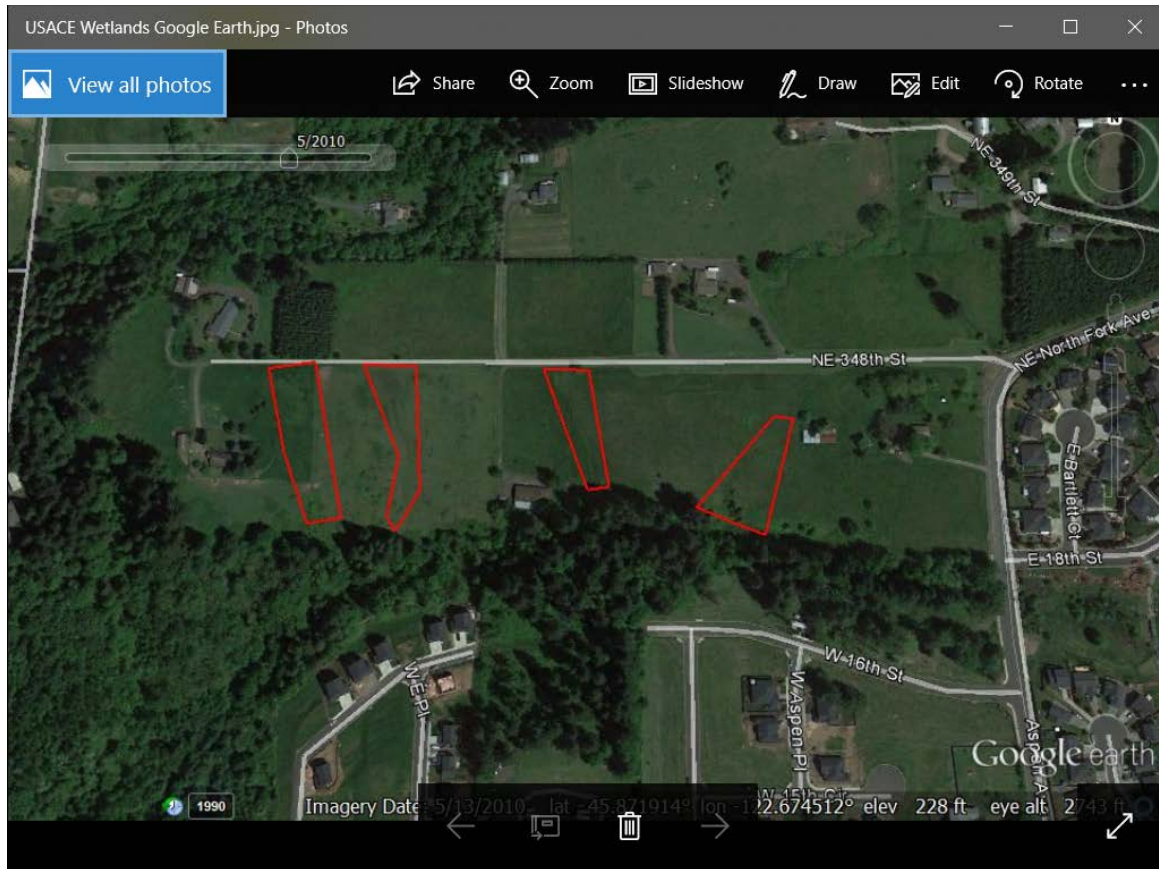
If proposed, monument signs must comply with this chapter.

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

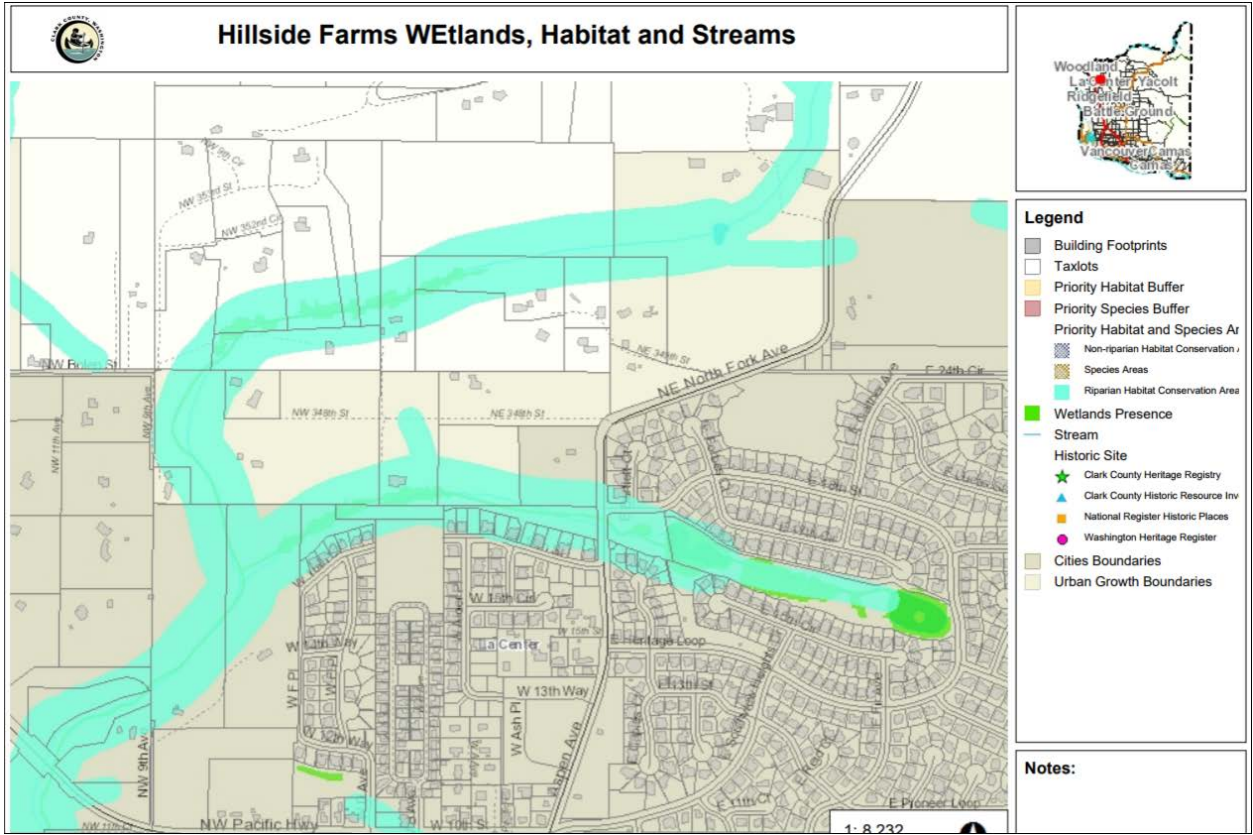
Each dwelling unit shall be provided with two off-street parking spaces per Table 18.280.010. This may be accommodated with a note on the plat requiring each lot to provide two off-street parking spaces. Parking spaces within garages, carports and driveways serve to meet this requirement. The front plane of the garage must be setback a minimum of 18 feet from the interior edge of the sidewalk.

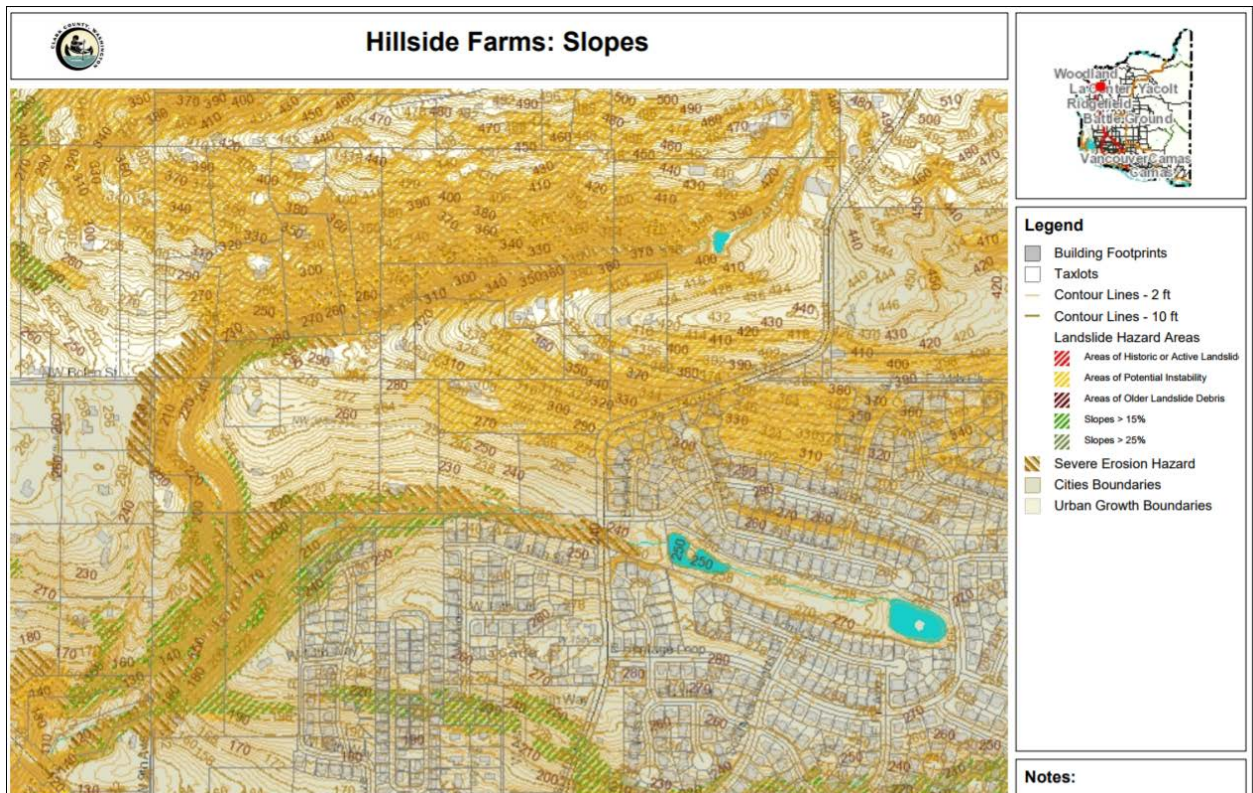
**Chapter 18.300 Critical Areas**

**Potential Critical Areas:**



POTENTIAL WETLANDS PER COMMUNICATION FROM U.S. ARMY CORPS OF ENGINEERS (OCTOBER 2017)





- Wetlands on the site must be reclassified using the 2015 Ecology Rating System (Hruby).
- Pervious trails and public facilities and utilities are allowed in wetland buffers, where there is no other reasonable alternative, based on topographic and environmental conditions.
- New lots shall not be platted in critical areas or critical area buffers (e.g., Lots 21, 22, and 23). (LCMC 18.300.050(4)(f) and 18.300.090(6)(e).
- Applications for development within critical areas or buffers shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas and buffers. LCMC 18.300.050(5).
- Any new building or structure affecting critical areas or buffers shall be subject to site plan review, unless otherwise exempted in this chapter. LCMC 18.300.050(5)(b).
- Stormwater Facilities. LCMC 18.300.050(5)(c). Stormwater facilities may be allowed in buffers of Class III and IV wetlands with low habitat function (less than 4 points on the habitat section of the rating system form); provided, the facilities shall be built on the outer 25 percent of the buffer and not degrade the existing buffer function and are designed to blend with the natural landscape. Unless determined otherwise by the responsible official, the following activities shall be considered to degrade a wetland buffer when they are associated with the construction of a stormwater facility:
  - (i) Removal of trees greater than four inches diameter at four and one-half feet above the ground or greater than 20 feet in height;
  - (ii) Disturbance of plant species that are listed as rare, threatened or endangered by the county or any state or federal management agency;
  - (iii) The construction of concrete structures other than manholes, inlets, and outlets that are exposed above the normal water surface elevation of the facility;
  - (iv) The construction of maintenance and access roads;

- (v) Slope grading steeper than four to one (4:1) horizontal to vertical above the normal water surface elevation of the stormwater facility;
- (vi) The construction of pretreatment facilities such as fore bays, sediment traps, and pollution control manholes;
- (vii) The construction of trench drain collection and conveyance facilities;
- (viii) The placement of fencing; and
- (ix) The placement of rock and/or riprap, except for the construction of flow spreaders, or the protection of pipe outfalls and overflow spillways; provided, that buffer functions for areas covered in rock and/or riprap are replaced;
- (x) Stormwater facilities may not be placed in a buffer area that has been reduced through approved buffer averaging or buffer reduction measures.

**Wetlands.** LCMC 18.300.090(6)(f)

- (iv) Buffers. All buffers shall be measured perpendicularly outward from the delineated wetland boundary.
- (v) Marking Buffer during Construction. The location of the outer extent of the wetland buffer shall be marked in the field and such markings shall be maintained throughout the duration of the permit.
- (vi) Permanent Marking of Buffer Area. A permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedgerow, fencing, or other prominent physical marking approved by the hearings examiner. In addition, small signs shall be posted at an interval of one per lot or every 100 feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer worded substantially as follows: “Wetland and Buffer – Please Retain in a Natural State.”
- (vii) A conservation covenant shall be recorded in a form approved by the City attorney as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer.
- (viii) In the cases of plats, short plats, and recorded site plans, include on the face of such instrument the boundary of the wetland and its buffer and a reference to the separately recorded conservation covenant provided for in subsection (6)(f)(vii) of this section.

**Wetland buffer reduction.** LCMC 18.300.090(6)(I)

- (iv) A buffer for a Category III or IV wetland may be reduced by no more than 50 percent of the area of the buffer if:
  - (A) The buffer proposed for reduction has a habitat rating of 5 points or less;
  - (B) The proposed reduction will not create a net loss of buffer function;
  - (C) Buffer width shall not be less than 50 percent of the base buffer width at any point; and
  - (D) Mitigation and enhancement measures, consistent with the provisions of this chapter, are approved by the City and implemented by the developer.
  - (E) The City may elect to submit the mitigation and enhancement plans to one or more qualified experts for peer review.(There are no similar buffer reduction provisions for Category I or II wetlands and buffers.)

**Fish and Wildlife Habitat Conservation Areas.** LCMC 18.300.090(2)

The WA Department of Fish and Wildlife currently classifies Bolen Creek as a fish-bearing stream. Table 18.300.090(2)(f) requires a 200-foot riparian buffer on either side of the ordinary high water mark (OHWM) Water types are defined and mapped based on WAC [222-16-030](#) or [222-16-031](#), whichever is in effect on the date of application. While the WAC definitions control the Critical Area code allows an applicant the opportunity to prove that state or county designations are inaccurate by applying Best Available Science. See,

LCMC 18.300.090(2)(e). Only buffer reductions are allowed on Type Np and Np streams. See LCMC 18.300.090(2)(l).

A Species and Habitat Assessment Report is required consistent with LCMC 18.300.090(2)(d). The buffer standards in LCMC 18.300.090(2)(g) and (h) apply. If impacts to habitat conservation areas or their buffers is proposed a technically complete application shall include a mitigation plan (see LCMC 18.300.090(2)(i) and (k)) which demonstrates there will be no net loss of function. LCMC 18.300.090(2)(j). The standard requirements regarding buffer marking and conservation easements must be addressed in a technically complete application. See LCMC 18.300.090(2)(n).

**Local Habitat Areas: Oregon white oak trees** are protected and regulated per LCMC 18.300.090(2) Fish and Wildlife Habitat Conservation Areas. The critical areas report must identify Oregon white oak trees on site and avoid impacts within the dripline of such trees.

### **Chapter 18.310 Environmental Policy**

The project review application must include a SEPA checklist and appropriate processing fees.

The City will run the SEPA comment and land use comment period concurrently and will not make a decision on the land use application until after the close of the SEPA comment period. An archeological predetermination is required.

### **Chapter 18.350 Tree Protection**

If the oak tree on-site is proposed to be removed, a tree cutting permit and mitigation will be required. A tree protection plan will also be required in accordance with LCMC 18.350.060. Mitigation may consist of replanting on or off-site or payment in lieu of planting. LCMC 18.350.050.

### **Applications and Fees:**

#### Forms:

- ✓ Application Form: <http://www.ci.lacenter.wa.us/forms/LandUseApplication.pdf>
- ✓ SEPA Checklist: [http://www.ci.lacenter.wa.us/city\\_departments/pdfs/Environmental%20Checklist.pdf](http://www.ci.lacenter.wa.us/city_departments/pdfs/Environmental%20Checklist.pdf)
- ✓ Application Fee Schedule: <http://www.ci.lacenter.wa.us/pdfs/FeeSchedule072716.pdf>
- ✓ Agreement to Pay Outside Services: [http://www.ci.lacenter.wa.us/city\\_departments/pdfs/AgreementPayOutsideProfessionalReview.pdf](http://www.ci.lacenter.wa.us/city_departments/pdfs/AgreementPayOutsideProfessionalReview.pdf)

#### Fees:

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

- Critical Area review (\$340);
- Legal Lot Determination (\$425 + \$75/lot);
- Preliminary subdivision plat (\$3,400 + \$135/lot);
- SEPA (\$170 x 3);
- Variances (Estimated as a Type III Variance, Critical Areas – when considered with a development) - \$825;
- The applicant is responsible for payment of fees related to development/engineering review costs as contained in La Center Resolution No. 13-372.
- Impact fees shall be assessed against each lot at time of building permit.

**November 2, 2017 – Attendees**

<b>Name</b>	<b>Address</b>	<b>Phone</b>	<b>Email</b>
Jeff Sarvis, Public Works Director	305 NW Pacific Highway La Center, WA 98629	360.263.7661	jsarvis@ci.lacenter.wa.us
Tony Cooper, P.E., City Engineer	305 NW Pacific Highway La Center, WA 98629	360.263.2889	acooper@ci.lacenter.wa.us
Eric Eisemann, E <sup>2</sup> Land Use Planning	215 W 4 <sup>th</sup> St., #201 Vancouver, WA 98662	360.750.0038	e.eisemann@e2landuse.com
Nick Flagg, Clark Public Utilities	8600 NE 117 <sup>th</sup> Ave Vancouver, WA 98668	360.992.8021	nflagg@clarkpud.com
Jeff Whitten Wolfe Group	2401 W Main St, # 210 Battle Ground, WA 98604	360.687.2699	jeff@wolfe_group.com
Mike Jackson CCCF&R	911 N 65 <sup>th</sup> Ridgefield, WA 98649	360.887.4609	mike.jackson@clarkfr.org
Mark Stephens Property Owner	208 NW 348 <sup>th</sup> St La Center, WA 98629	360.947.6149	ron&eugene@aol.com
Perry Stephens Property Owner	24600 NE 98 St, Battle Ground, WA 98604	360.606.5666	??
Ed Greer Applicant's Consultant	13023 NE Highway 99 Vancouver, WA 98686	360.904.4964	ed@ed-greer.net