



Staff Report & Recommendations

Hung (Lockwood Meadows) Annexation and Rezone

Type IV Review

April 6, 2021 (File # 2021-004-ANX/SEPA)

PROPOSAL:	The proposed application is for annexation of 20 acres by 60 percent petition. The annexation area would be rezoned as Low Density Residential (LDR-7.5) with an Urban Holding (UH-10) overlay concurrent with annexation.
LOCATION:	2000 NE Lockwood Creek Road, La Center, WA 98629 The 20-acre annexation area consists of one tax lot and the adjacent right-of-way of NE 24th Avenue. Property Identification Number: 209113000 The site is located in NE 1/4 of Section 2, Township 4 North, Range 1 East, of the Willamette Meridian, Clark County, Washington.
APPLICABLE STANDARDS	La Center Municipal Code (LCMC) Title 18, Development Code: 18.30, Procedures; 18.290, Annexations; 18.310, Environmental Policy
SEPA	Annexations are not subject to review under the Washington State Environmental Policy Act (SEPA). The proposed rezone is subject to SEPA review per LCMC 18.290.030 and Washington Administrative Code 197-11. The City issued a SEPA threshold determination (Determination of Non-Significance) on March 30, 2021 (Washington State Department of Ecology SEPA Register #202101109).
HEARING	The La Center City Council will conduct a public hearing on Wednesday, April 14, 2021 beginning at 6:30 PM. The meeting will be conducted virtually using the City's GoToMeeting platform. A public hearing notice issued separately provides meeting connection information.
RECOMMENDATION	APPROVAL , subject to conditions
CITY REVIEWER	Ethan Spoo, AICP, Consulting Planner, WSP Emma Johnson, AICP, Consulting Planner, WSP Anthony Cooper, PE, City Engineer

I. CONTACT LIST

APPLICANT

Susanna S. Hung Trustee

PROPERTY OWNER

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APPLICANT'S REPRESENTATIVE

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II. OVERVIEW

The applicant is proposing to annex approximately 20 acres into the city of La Center. The annexation area consists of a 19.5-acre parcel and the adjacent right-of-way of NE 24th Avenue. All application materials are provided as Exhibit A and public comments are provided as Exhibit B. No development is proposed at this time.

The applicant previously submitted a 10% Notice of Intent to Annex (#2020-015-ANX), which was accepted by the City Council on August 12, 2020 without modification.

The property is located in the city's Urban Growth Area (UGA) and borders city limits to the north and west, which are currently in development as the Heritage Country Estates subdivision (annexed in 2008/2009). Land to the east is located outside the UGA. See Figure 1.

Most of the property is undeveloped, with a single-family home and barn located on the west side. See Figure 2. Across Lockwood Creek Road to the south is the new La Center middle school, currently under construction.

Figure 1 – Project Location

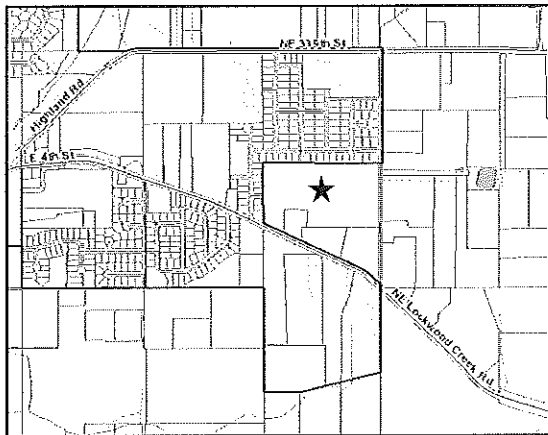
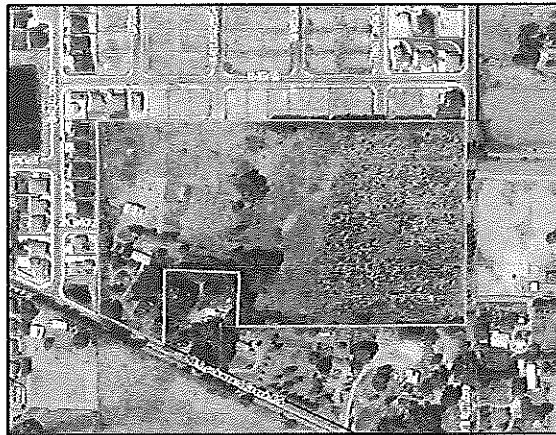


Figure 2 – Aerial



The three parcels immediately south of the annexation area are outside of city limits and within the UGA. During review of the 10% Notice of Intent to Annex, City staff reached out to the three property owners regarding the proposed annexation. Staff were not able to reach the owners of one parcel, and the owners of the other properties indicated they were not interested in annexation at that time. The City Council did not modify the Notice of Intent to include the three parcels to the south; therefore, the 60 percent petition is for the subject property only.

Zoning and Comprehensive Plan Designation:

The property is designated Urban Residential with an Urban Holding (UH-10) overlay by the City's comprehensive plan land use map. Surrounding designations are Urban Residential (City) to the north, west, and south, and Agriculture (County) to the east.

The parcel is zoned Low Density Residential (R1-7.5) by the County. There is a UH-10 overlay on the parcel and the adjacent section of NE 24th Avenue. Lands to the east are zoned Agriculture-20 (AG-20) by the County. The surrounding lands within city limits (to the north, west, and southwest) are zoned Low Density Residential (LDR-7.5) by the City.

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The applicant is proposing that the parcel be zoned LDR-7.5 with a UH-10 overlay by the City following annexation, consistent with the comprehensive plan and La Center Municipal Code (LCMC).

Utilities:

There is currently no water service available on the parcel. City staff previously spoke with Clark Public Utilities (CPU) about the proposed annexation during review of the 10% Notice of Intent to Annex. CPU stated that they would be able to provide water service to the property in the future. CPU indicated that they would likely need to construct a 12-foot by 12-foot booster on the southeast corner of the property to service a future subdivision.

There is currently no sewer service available on the parcel. The closest available gravity sewer is at the intersection of E 4th Way at E Spruce Avenue. The applicant proposes to connect the existing gravity sewer in E 4th Way, which was built as part of the Heritage Country Estates Development. The new middle school will build a sewer pump station to serve the sewer basin north of Lockwood Creek Road, as well as the school. The school has permits to build the pump station and force main for connection to public sewer in Lockwood Creek Road, and completion of the pump station is a requirement for building the school. Connection to this pump station is the preferred method of sewage disposal by the City. If the applicant decides to connect to this new pump station, they will need to coordinate extension of a gravity sewer through private property to connect to this pump station.

Stormwater facilities will be provided by the applicant at the time of subdivision development.

Critical Areas:

There are mapped critical areas within the annexation area, including riparian habitat associated with an unnamed, non-fish-bearing stream that bisects the property from north to south. Maps Online also shows a mapped wetland on the eastern part of the property and geologically hazardous areas at the northeast corner (slopes greater than 15 percent and Site Class D for ground shaking amplification). See Figures 3 and 4. The property and general vicinity are located in a Category 2 Critical Aquifer Recharge Area.

Figure 3 – Riparian Habitat and Wetlands

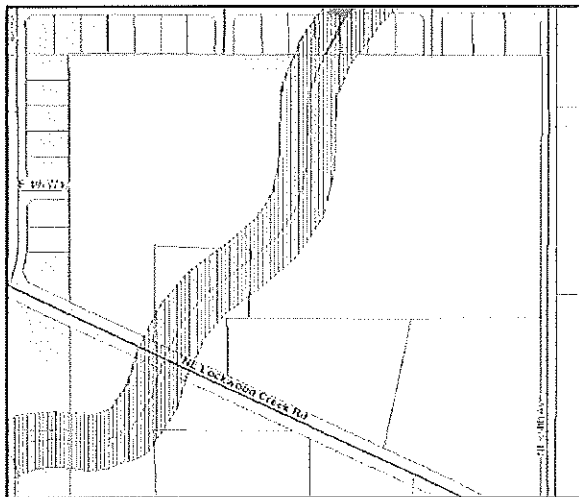
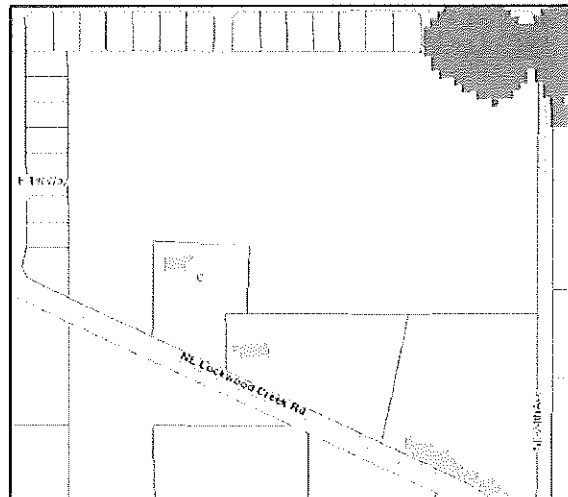


Figure 4 – Geologically Hazardous Areas



III. REVIEW

III.A Land Use Analysis

City of La Center Comprehensive Plan

Chapter 8 of the City of La Center comprehensive plan contains policies related to annexation, and a copy of these policies is provided as Exhibit C. In general, the policies encourage the City to ensure that development occurs in an orderly fashion and that adequate public facilities can be provided to annexation sites, and to coordinate annexations with other agencies. The annexation area is located adjacent to city limits and urban development (e.g., the Heritage Country Estates subdivision). The Capital Facilities Plan (CFP) shows that this parcel will be connected to a pump station south of Lockwood Creek Road. Since a new public gravity sewer was extended along Lockwood Creek Road, the applicant will need to verify that there is enough capacity in this gravity sewer to serve development on the Hung property. The Notice of Application and Washington State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) were sent to other public agencies and service providers, including Clark County Fire and Rescue, the La Center Police Department, and the La Center School District.

Policy 8.3.5 states that “La Center recognizes that annexation depends on the requests of those non-city property owners who would be annexed. The city will provide impacted parties with access to all information needed to make responsible decisions regarding annexation and shall encourage an open discussion of all related issues.” During the 10% Notice of Intent to Annex review, City staff reached out to the three property owners to the south regarding the proposed annexation. Staff were not able to reach the owners of one property, and representatives of the other properties indicated they are not interested in annexation at this time.

Therefore, the proposed annexation generally complies with the annexation policies of the City’s comprehensive plan.

LCMC Title 18, Development Code

LCMC 18.30 Procedures

Annexations are subject to Type IV (legislative) review with final approval by the City Council. The applicant previously submitted a Notice of Intent to Annex on June 24, 2020, which was accepted by the City Council on August 12, 2020 without modification. The application for annexation by 60 percent petition was submitted to the City on February 5, 2021 and was deemed complete on March 3, 2021. Written notice of the application and Optional DNS was mailed on March 5, 2021 and notice of the hearing was mailed on March 30, 2021.

Annexations are not subject to appeal or post-decision review before the City (LCMC 18.290.070). The City Council’s decision on the annexation will be final.

LCMC 18.130 Low Density Residential District (LDR-7.5)

18.130.020 Locational criteria.

(1) The city shall zone land designated for low density residential use on the La Center comprehensive plan map within the La Center corporate limits as follows [...]:

(2) Zoning of Residential Land Upon Annexation to the City. Newly annexed lands shall be incorporated into the city consistent with the comprehensive plan land use map.

Response: The City's comprehensive plan land use map (2016) shows the property designated as Urban Residential with a UH-10 overlay. In accordance with LCMC 18.130.020 and the comprehensive plan, the default zoning of the property upon annexation would be low density residential (LDR-7.5) with a UH-10 overlay, which is consistent with the zoning of surrounding properties.

(3) The city shall zone lands within the city limits, but which have identified capital facilities deficiencies, with an urban holding overlay. The UH-10 overlay shall limit residential densities to one unit per lot, or one unit per 10 acres, whichever is greater, until capital facilities deficiencies are resolved.

Response: The annexation area would be brought within city limits following annexation. The City's comprehensive land use map and zoning map identify the annexation area as within the UH-10 overlay, and the City has identified capital facilities deficiencies for sewer and access. In accordance with the above provision, development on the annexation area shall be limited to one residential unit per 10 acres until the capital facilities deficiencies are resolved. Compliance with the UH-10 overlay, and the subsequent removal process, is discussed below.

LCMC 18.190 Urban Holding-10 District (UH-10)

18.190.010 Purpose.

The city shall apply the urban holding-10 zone to protect lands identified within the city limits from premature development where capital facilities are inadequate to support development under the urban zoning designation.

Response: As previously described, the City has identified inadequate capital facilities (sewer and access) on the property. It is possible to provide these services to the subject property as long as they are funded by the developer. The City will apply the UH-10 overlay to the annexation area following annexation.

18.190.015 Application of UH zone.

The city council shall automatically apply the UH-10 zone at the time of rezoning to any property that fails to meet one or more level of service standards identified in the CFP.

(1) In conjunction with a legislative or site-specific rezone request the director of public works shall file a report with the city council which evaluates whether there are adequate capital facilities, as defined in the CFP, available to serve the property or properties that are the subject of the rezone action.

(2) The city council shall rely upon the reports from the director of public works as substantial evidence when determining whether to apply the UH overlay zone.

Response: As documented in this staff report, which includes input from Community Development and Public Works, there are inadequate capital facilities currently available at the site. The UH-10 overlay may be removed when the capital facilities deficiencies have been satisfactorily resolved. The process for removal of the overlay is detailed in LCMC 18.190.060 and is a Type II application.

LCMC 18.290 Annexations

18.290.010 Eligibility.

To be eligible for annexation, a property or properties must be contiguous to the existing city limits and within the current urban growth area boundary for the city of La Center.

Response: The property is contiguous to the existing city limits along the north and west boundaries of the parcel and is located within the La Center UGA. Therefore, the area proposed for annexation meets the eligibility criteria.

18.290.030 Sixty percent petition for annexation.

(1) Provided the city council has approved, or approved with conditions, a previous 10 percent petition for annexation, the initiating party or parties shall submit 10 copies of the following:

Response: The City Council accepted the applicant's 10 percent petition, without modifications, on August 12, 2020.

(a) A completed 60 percent petition form containing signatures of property owners representing at least 60 percent of the assessed value of the area to be annexed, as provided by the city planner for that purpose; provided, that a petition for annexation of an area having at least 80 percent of the boundaries of such area contiguous with a portion of the boundaries of the code city need be signed by only the owners of not less than 50 percent in value according to the assessed valuation for general taxation of the property for which the annexation is petitioned.

Response: The applicant owns the 19.5-acre parcel, and therefore their sole ownership interest exceeds 60 percent of the 20-acre annexation area. Clark County owns the portion of NE 24th Avenue adjacent to the project. Clark County Public works was notified of the proposal through the Notice of Application and SEPA DNS. The Clark County Assessor certified the petition as sufficient on March 9, 2021 (see Exhibit E). This provision is met.

(b) A statement of acceptance of proportionate share of city indebtedness and acceptance of city land use regulations.

Response: The submittal package included a statement of acceptance of proportionate share of the City's indebtedness and acceptance of the City's land use regulations.

(c) A legal description of the annexation area.

(d) A scale map of the annexation area prepared by a licensed surveyor including all rights-of-way proposed for annexation.

Response: The submittal package included a legal description and map of the annexation area prepared by a surveyor licensed in the state of Washington. These requirements are met.

(e) A completed SEPA environmental checklist for the zoning designation.

Response: The applicant provided a complete SEPA environmental checklist, dated January 22, 2021. The City conducted lead agency review of the applicant's environmental checklist and issued a SEPA DNS on March 30, 2021 (SEPA Register #202101109) (Exhibit D)

(f) The names and addresses of owners of land within a radius of 300 feet of the perimeter of the annexation area. Owner names and addresses shall be printed on mailing labels.

(i) 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.

(ii) 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.

Response: The applicant provided a certified owner mailing list from Clark County dated January 19, 2021. According to this list and the accompanying map, the applicant does not own any parcels located across a right-of-way or easement from the subject property. Notification of the application was mailed to properties within 300 feet of the applicant's property. This provision is met.

(g) Evidence demonstrating that all public facilities and services necessary to serve the annexation territory, at full build-out, are either constructed or planned for and funded at a level of service sufficient to meet the demands of the most intense development allowed on the property in question.

(i) The critical public facilities and services subject to this policy include water, wastewater, stormwater, transportation, parks and schools. The applicable level of service standards are those stated in the city's current adopted capital facilities plans or dictated by the calculated demand of the most intense development allowable on the subject property, whichever is greater.

(ii) This evidence shall include a narrative and explanation as to how and when each necessary public facility and service will be provided for the site in question concurrent with development and how the levels of service currently constructed or planned to be constructed will be adequate to serve the most intense development allowable on the subject property.

Response: The applicant provided a capital facilities analysis in their application materials, which evaluated the availability of transportation access, sanitary sewer, potable water, stormwater, fire and police protection, parks, and schools. The applicant is not proposing any development at this time; however, future development under the LDR-7.5 zone could include subdivision of the property and construction of single-family dwellings.

Although the exact number of residential units permissible in the annexation area is unknown without further analysis (e.g., critical areas assessments, proposed right-of-way), some assumptions can be made based on the proposed zoning and generalized location of critical areas. Approximately 16 acres of the tax lot are located outside of the mapped riparian habitat and wetland. Assuming that 20 percent of the land would be set aside for infrastructure, the parcel could accommodate approximately 72 single-family dwellings on 7,500-square-foot lots (the minimum lot size in the LDR-7.5 zone).

The City's analysis of public facilities and services is provided in response to item 2(b), below.

(h) All appropriate fees identified are paid in full.

Response: The applicant submitted the required fees.

(2) Upon submittal of the petition and supporting documentation, the city shall:

(a) Conduct a lead agency review of the environmental checklist and issue a SEPA threshold determination for the zoning designation pursuant to Chapter 18.310 LCMC.

Response: The City conducted lead agency review of the applicant's environmental checklist and determined that the proposed zoning is consistent with the La Center Comprehensive Plan land use designation map. The City issued a DNS on March 30, 2021 (Exhibit D).

(b) Review evidence regarding public facilities and services.

Response: The notice of application and SEPA DNS were sent to a variety of public service districts, including Clark County Fire and Rescue, the La Center Police Department, the La Center School District, Fort Vancouver Regional Library District, and other service providers. The City reviewed evidence regarding public facilities and services (see Section III.B, below). The following is a summary of those findings.

- *Sewer:* Based on the existing gravity sewer in E 4th Street or the proposed pump station that is being constructed south of Lockwood Creek Road, it is possible to provide these services to the subject property provided they are funded by the developer. A capacity analysis/sewer report will have to be provided to verify the capacity in the E 4th Way existing gravity sewer and the Lockwood Creek Road Sewer. See Section III.B for the Public Works and Engineering Analysis.
- *Stormwater:* Future development would be required to meet the City's stormwater standards (LCMC 18.320).
- *Transportation:* The applicant will need to provide access to the site per the LCMC 12.10 and the City's Engineering Standards. Widening of Lockwood Creek Road and along NE 24th Avenue will need to comply with the City's CFP and the LCMC. See Section III.B for the Public Works and Engineering Analysis.
- *Parks and schools:* Park and school impact fees will be collected when development is proposed and building permits are issued. If the property is annexed and more than 40 units are proposed, the applicant would have to provide public park space meeting the requirements of LCMC 18.147.

In accordance with LCMC 18.130(3), the UH-10 overlay will remain in effect (with development limited to one residential unit per 10 acres) until the identified capital facilities deficiencies are resolved as verified through development review. Compliance with the UH-10 overlay, and the process for removal of the overlay, is detailed in LCMC 18.190.060.

(c) Seek a certification of sufficiency from the Clark County assessor's office.

Response: The Clark County assessor's office provided the City with a certification of sufficiency, which is provided as Exhibit E.

18.290.040 Public hearings.

(1) Upon a determination by the city planner that a petition for annexation is complete, the city shall fix a date for a public hearing thereon and cause notice of the hearing to be published in one or more issues in the city's official newspaper of record, posted in at least three locations on or in the vicinity of the property subject to the application, and mailed to all property owners within 300 feet as provided in LCMC 18.30.120(2).

(2) Notice shall be mailed, posted and published in accordance with LCMC 18.30.120.

(3) Public hearings shall be conducted in accordance with LCMC 18.30.110.

Response: The City Council hearing is scheduled for April 14, 2021. Notice of the hearing was published in *The Columbian* on March 30, 2021 and mailed to all properties within 300 feet of the property and to other interested parties. The public hearing will be conducted in accordance with LCMC 18.30.110 (Type IV Procedure).

18.290.050 Ordinance providing for annexation.

- (1) The city council shall make an annexation effective by ordinance.*
- (2) Subject to RCW 35.02.170, the ordinance may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition.*
- (3) Upon passage of the annexation ordinance a certified copy shall be filed with the Clark County board of commissioners.*
- (4) A copy of the ordinance adopting such proposed zoning regulation(s), duly certified as a true copy by the city clerk, shall be filed with the board of county commissioners and recorded by the county auditor. A like certified copy of any map or plat referred to or adopted by the ordinance or resolution shall likewise be filed with the board of county commissioners and the county auditor.*

Response: If approved, the City Council will make the annexation effective by an ordinance (see Exhibit F). The ordinance meets the provisions listed above. City staff will transmit the ordinance and the annexation map to the Board of County Commissioners, subject to approval.

18.290.060 Effective date of annexation.

- (1) Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city.*
- (2) All property within the territory hereafter annexed shall, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for the portion of any then-outstanding indebtedness of the city to which said area is annexed, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation and that the city has required to be assumed.*
- (3) If the annexation petition so provided, all property in the annexed area shall be subject to and a part of the proposed zoning regulation as prepared and filed as provided for in RCW 35A.14.330 and 35A.14.340.*

Response: The annexation shall become effective in accordance with the above provisions. As stated in the ordinance, upon annexation the annexation area shall be assessed and taxed at the same rate and on the same basis as property within the city to pay for any outstanding indebtedness.

LCMC 18.310 Environmental Policy

Annexations are exempt from SEPA review; however, the proposed rezone is subject to SEPA review per LCMC 18.290.030. The applicant submitted a SEPA checklist with their application materials. The City reviewed the checklist and relevant materials, and the Responsible Official issued a DNS Threshold Determination on March 30, 2021. The City published notice of the DNS in *The Columbian* (the La Center newspaper of record) and the SEPA Register.

III.B Public Works and Engineering Analysis

Access

Roads would be extended from Heritage Country Estates to serve the Hung property. Lockwood Creek Road is classified as an Arterial Road per the recently adopted Transportation CFP. Connection to the

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Lockwood Creek Road from the property will not be allowed as it will not meet minimum spacing requirements for Arterial Roads per the CFP and Engineering Standards.

Water and Sewer

There are no existing utilities available on site. City staff spoke with CPU about the proposed annexation. CPU stated that they would be able to provide water service to the property in the future. CPU indicated that they would likely need to construct a 12-foot by 12-foot booster on the southeast corner of the property to service a future subdivision.

The closest gravity sewer available is at the intersection of E 4th Way at E Spruce Avenue. The new middle school will build a sewer pump station to serve the sewer basin north of Lockwood Creek Road as well as the school. The capacity of the gravity sewer system in Lockwood Creek Road, connection this sewer in E 4th Way will need to be verified for development of the Hung property. The school has permits to build the pump station and force main for connection to public sewer in Lockwood Creek Road, which is a requirement to build the school. The applicant will need to coordinate extension of a gravity sewer through private property in order to connect to this pump station

Verification of sufficient access and service will be verified at a future date when site development is proposed and additional studies have been conducted.

The UH-10 overlay will remain in effect until the identified capital facilities deficiencies are resolved, and development on the annexation area will be limited to one residential unit until the overlay has been removed. This is a previously recommended condition of approval.

IV. PUBLIC COMMENTS

City staff received two public comments on the Notice of Application for the proposed annexation (Exhibit B). One comment pertained to concerns about a drainage ditch along the north end of the property and current roadway conditions, including a lack of sufficient width and sidewalks. The second expressed concerns about runoff reaching properties to the south, including potential contamination of a seasonal creek.

As no development is proposed at this time, City staff finds that these concerns can be adequately addressed during future development reviews. The owner of the annexation property will be required to comply with requirements for on-site treatment and detention of stormwater, per the City's Stormwater Ordinance. The owner will also be required to provide half street improvements adjacent to the development and to construct roads within the annexation area to the City's standards, as well as comply with the City's critical areas ordinance for any impacts to the creek or its riparian area.

V. CONCLUSIONS

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. Therefore, the subject application is recommended to be **APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS.**

IV.A Land Use Conditions

1. Upon annexation, the annexation area shall be zoned LDR-7.5 with a UH-10 overlay. In accordance with LCMC 18.130(3), the UH-10 overlay will remain in effect until the identified

capital facilities deficiencies are resolved. Development in the annexation area will be limited to one residential unit until the UH-10 overlay has been removed.

2. When the identified capital facilities deficiencies have been resolved, the applicant shall remove the UH-10 overlay under a Type II review, in accordance with LCMC 18.190.060.
3. Once annexed, the property shall be assessed and taxed by the City in the same manner as other similarly situated and zoned property within the city as of the effective date of the annexation ordinance.

IV.B Public Works and Engineering Conditions

There are no conditions of approval for Public Works and Engineering at this time. Conditions of approval related to access and utilities will be evaluated in the future when development is proposed.

IV.C Clark County Fire and Rescue Conditions

There are no conditions of approval for fire and rescue at this time, as development is not proposed. Conditions of approval for fire and rescue, including emergency access, will be identified in the future when development is proposed.

VI. RECOMMENDATION/MOTION

Staff recommends that the City Council approve the Hung (Lockwood Meadows) Annexation. The annexation will become final after 75 days in accordance with the ordinance.

Proposed Motion: "Mayor, I move to adopt Ordinance 2021-07, annexing the Hung (Lockwood Meadows) annexation area, as legally described in Exhibit A to the ordinance, subject to the conditions of approval contained in this staff report."

VII. APPEALS

Annexations are not subject to appeal or post-decision review before the City (LCMC 18.290.070). The public record for this file is available at the City's Public Works Building, 305 NW Pacific Highway, La Center, Washington between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Please contact Sarah Dollar at 360-263-7665 for further information.



Ethan Spoo, AICP
Planning Consultant
WSP



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

Exhibits

Exhibit A – Application Materials

1. Table of Contents
2. Application Form
3. Statement of Acceptance
4. Legal Description of Annexation Area
5. Scale Map of Annexation Area
6. SEPA checklist
7. Mailing Labels
8. Narrative

Exhibit B – Public Comments

Exhibit C – City of La Center Comprehensive Plan Policies for Annexation

Exhibit D – SEPA DNS

Exhibit E – Certification of Sufficiency, Clark County Assessor’s Office

Exhibit F – Annexation Ordinance