



Type III – Subdivision 2025-005-PLD

Project Name: Juniper Ridge Subdivision
Case Number: 2025-005-PLD/LLD/SEPA/ VAR/CAR/TRE
Date Issued: September 5, 2025

The attached decision is final unless an appeal is filed with the City Clerk. The appeal shall be filed within fourteen (14) calendar days from the date the notice of the final decision is mailed to the parties of record.

A final decision regarding an application subject to a Type III process may be appealed by the applicant or applicant's representative or by any person, agency or firm who offered oral or written testimony before the hearing's examiner closed the public record in the case.

Appeal Contents. An appeal shall include the appropriate fee (Type III decision \$1,100 + Cost recovery (requires a reimbursement agreement); actual cost of staff, consultants, and/or hearing examiner plus 10 percent. This fee is applicable as part of a land use action or development review (i.e., traffic study, preliminary/final plat review).) and the following information:

Any appeal of the final decision shall be in writing and contain the following:

- (a) A form provided for that purpose by the city;
- (b) The case number as designated by the city;
- (c) The name of the applicant;
- (d) The name, address and signature of each appellant;
- (e) The specific aspect(s) of the decision and/or SEPA issue being appealed;
- (f) The reasons why each aspect is in error as a matter of fact or law; and
- (g) The evidence relied on to prove the error.

For an appeal regarding a decision subject to a Type III process, the city clerk shall schedule a public hearing to be held by the city council not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for application subject to a Type III process in LCMC 18.30.100, except that the appeal shall be on the record except to the extent city council allows new evidence for good cause

Process for an appeal:

For an appeal regarding a decision subject to a Type III process, the city clerk shall schedule a public hearing to be held by the city council not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for application



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subject to a Type III process in LCMC 18.30.100, except that the appeal shall be on the record except to the extent city council allows new evidence for good cause.

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

In the matter of a Type III application for preliminary subdivision plat approval of a 67-lot subdivision on 24.94 acres zoned LDR-7.5, in the City of La Center, Washington, in anticipation of a rezone to MDR-16 zoning.

**FINAL ORDER
Juniper Ridge Subdivision**

2025-005-PLD

I. Summary:

This Order is the decision of the La Center Land Use Hearings Examiner approving with conditions this application for preliminary subdivision plat and related approvals (2025-005-PLD), creating 67 single-family residential lots (28 attached and 39 detached) and a 17.52-acre remainder lot from two parent parcels totaling 24.94 acres, currently zoned LDR-7.5, but anticipating rezone approval to MDR-16 zoning.

II. Introduction to the Property and Application:

Owner/Applicant TD West, LLC
Attn: Dan Korpela
5900 NE 152nd Avenue
Suite 120
Vancouver, WA 98682

Contact SGA Engineering, Inc.
Attn: Scott Taylor
2005 Broadway Street
Vancouver, WA 98663

Property Legal Description: Parcel Nos. 258945-000 & 258944-000 in the Southwest quarter of Section 34, Township 5 North, Range 1 East of the Willamette Meridian, Street address: 34011 and 34017 NE 9th Avenue, La Center.

Applicable Laws La Center Municipal Code (LCMC) Ch. 3.35 Impact Fees; Title 12, Streets, Sidewalks, and Public Ways; Title 13, Public Utilities; Title 18, Development Code; Ch. 18.10 General Provisions; §18.10.090 Concurrency; Ch. 18.30 Procedures; §18.30.100 Type III Procedure; Ch. 18.130 Low Density Residential (LDR-7.5); Ch. 18.140 Medium Density Residential (MDR-16); Ch. 18.147 – Parks and Open Spaces; Ch. 18.210 Subdivision Provisions; Ch. 18.225 Legal Lot Determination; Ch. 18.240 Mitigation of Adverse Impact; Ch. 18.245 Supplementary Development Standards; Ch. 18.260 Variance; Ch. 18.280 Off-Street Parking Requirements; Ch. 18.282 Outdoor Lighting; Ch. 18.300 Critical Areas; Ch. 18.310 Environmental Policy; Ch. 18.320 Stormwater and Erosion Control; Ch. 18.350 Tree Protection; and Ch. 18.360 Archaeological Resource Protection.

This development application proposes to subdivide two legal lots (Parcel Nos. 258945-000 & 258944-000), totaling 24.94 acres into 67 single-family residential lots (on 7.42 acres) with a 17.52-acre undeveloped remainder parcel containing protected habitat and openspace.

The project is proposed in three phases, with 28 lots for attached housing and the remainder (39 lots) for detached single-family homes. The proposal includes associated streets, openspace and park tracts (Tracts A & C), and a stormwater detention tract (Tract D). The remainder lot preserves the site's designated critical areas – wetland and riparian habitat associated with Bolen Creek – and associated buffers.

The site is currently accessed by NW 9th Avenue, which consists of a 20-foot public ROW extending up to the southern property line of the site. West F Place was constructed as a half-width roadway as part of the Hanna's Farm Subdivision along the development site's eastern boundary. Lots in this project will take access from a westward extension of West 14th Way from Hanna's Farm (West 14th Street). West F place will be widened to a full-width section to provide access for all of the lots along this development's eastern boundary. West 14th Street will run diagonally through the development, terminating at the southern property line in a temporary cul-de-sac that will be removed for future extension when the parcel to the property to the south develops. Additionally, the internal lots comprising Phase III (Lots 17-27) will be accessed via a new public cul-de-sac street – West G Court that will extend south off of West 14th Street. While future development of the property to the south will ultimately provide a secondary avenue of access for Juniper Ridge, until that happens, this development will take access solely via West 14th Street through Hanna's Farm development. Consequently, the analysis that follows addresses only the adequacy of access to/from the east via West 14th Street from Hanna's Farm.

The two parcels that comprise this development are situated west of the Hanna's Farm subdivision and are each currently developed with single-family dwellings. The northern portion of the development site contains a Type F stream (Bolen Creek) and is mapped as having habitat riparian areas, wetlands, geologically hazardous areas including steep slopes, erosion hazard areas, seismic hazards and unstable slopes. GIS mapping shows oak woodlands on the site; however, the applicant asserts there are no Oregon White Oaks present on the site. The applicant provided a critical areas report for wetlands and habitat areas (Ex. 1, tab R) a geotechnical report (Ex. 1, tab H).

The project proposes park, trail and open space amenities to comply with LCMC Ch. 18.147 and the City's Parks and Recreation Plan. Tract A is a 7,505 sf park and open space tract that includes playground equipment is proposed in the project's northeast corner. Tract C is a 1,517 sf open space area in the project's southwest corner. The 17.52 acre remainder tract is contains habitat and open space areas and includes 1,175 feet of trail improvements extending the Bolen Creek Trail. The project is proposed in three phases (Ex. 9), each of which must include the features and infrastructure needed to support each phase, and the Tract A park must be part of Phase I.

The property is currently zoned LDR-7.5, but the project includes a separate application to rezone the property to MDR-16. Consequently, the entire project plans and proposal assume MDR-16 zoning, which is yet to be applied. While the staff report (Ex. 13) and this decision analyze the project's compliance with the MDR-16 development standards, approval is contingent upon, among other things, final approval of the MDR-16 zone change, which is on a separate but concurrent procedural path. Notice of an August 27, 2025 city council hearing on the rezone proposal was issued July 24, 2025 (Ex. 8), and a staff report on the rezone request, recommending Planning Commission approval, was issued August 5, 2025 (Ex. 10).

III. Summary of the Local Proceeding and the Record:

The application consists of a binder (Ex. 1) that includes a set of full-sized development plans, a Type III Application for Subdivision (tab A), a Report from the November 15, 2024 Pre-Application Conference (tab B), Developers GIS Packet (tab C), Project Narrative (tab D), Preliminary Plats Abutting the Site (tab E), Preliminary Boundary Survey (tab F), Legal Lot information (tab G), Geotechnical and infiltration Report (tab H), Preliminary Stormwater Report (tab I), Project Engineer's Statement of feasibility and completeness (tab J), traffic study (tab K), SEPA checklist (tab L), Sewer Utility Review letter (tab M), archaeology predetermination (tab N), school bus letter (tab O), sight distance certificate (tab P), proposed CC&Rs (tab Q), and critical areas, wetland and habitat reports (tab R). Subsequently, the applicant supplemented the application with a phasing plan (Ex. 9).

The city conducted a preapplication conference for the project on November 15, 2024 (2024-030-PAC) and again on December 18, 2024 (2024-34-PAC). The applicant submitted a fully complete application on January 28, 2025 (Ex. 2), which the city deemed technically complete on June 9, 2025. The city issued notice of the application and a preliminary SEPA mitigated determination of nonsignificance on July 10, 2025 (Exs. 3 & 4). The city issued the staff report (Ex. 13) on August 6, 2025, the same day the city mailed, posted and published notice of an August 21, 2025 public hearing, 15 days pre-hearing (Exs. 12, 14, 15, 16 & 17).

The city received comments in response to these notices from the Washington Department of Ecology (Ex. 5), Washington Department of Fish and Wildlife (Ex. 6), and the Department of Archaeology and Historic Preservation (Ex. 7). City Community Development Department staff issued a comprehensive report on the project dated August 6, 2025 (Ex. 13) that addressed all of the applicable approval standards and city development standards recommending approval with conditions. A single public comment was received in response to the notice of the application (Ex. 18), but several more were received after issuance of the staff report (Exs. 21, 22 & 23). I address the concerns raised in these public comments in findings below.

The August 21, 2025 hearing was held at La Center City Hall and was simultaneously broadcast on an internet-based video conference platform; wherein, anyone could request the opportunity to testify, and everyone who participated could hear the testimony of everyone else. At the commencement of the August 21st public hearing, I explained the procedure and disclaimed any *ex parte* contacts, bias, and conflicts of interest. Present at the hearing were Angie Merrill, Associate City Planner, Anthony Cooper, City Engineer, and Alec Egurrola with WSP Consulting, the city's critical areas wetland and habitat consultant.

The applicant was represented at the hearing by Scott Taylor, of SGA Engineering, Jason Mattis, engineer, and Ezra Hammer, attorney. Mr. Taylor expressed the applicant's general acceptance of staff's proposed findings and conditions, except for the corrections listed in his pre-hearing memo (Ex. 20). Staff expressed general agreement with and acceptance of these changes.

Testifying in a neutral capacity was Al Filla who asked who would maintain the Bollen Creek Trail segment passing through the development property. Speaking in opposition to the project were John Ellingsen, speaking on behalf of the Hanna's Farm HOA, Wendy Halerbecker and Bob Stabig. I address the concerns raised by these comments in findings below. No one else requested the opportunity to testify, and no one submitted any public comments on the project by the time the hearing ended. I closed the record at the conclusion of the August 21st public hearing and took the matter under consideration.

IV. Findings:

Only issues and criteria raised in the course of the application, during the hearing and before the close of the record are discussed in this section. All criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument regarding these issues can be raised in any subsequent appeal. I find those criteria to be met, even though they are not specifically addressed in these findings. I adopt the following findings in response to the approval criteria addressed in the staff report (Ex. 13).

A. Findings Responsive to Opponent Arguments. Several residents of the Hanna's Farm development submitted comments and testified in opposition to this project: Mark and Myrna Ketsdever (Ex. 18), Jessica Wanke (Ex. 21), John Ellingsen (Ex. 22), Daina McLean (Ex. 24), Wendy Halerbecker and Bob Stabig. In response to the issues raised in these public comments, I adopt the following findings:

1. West F Place and the other local access streets in Hanna's Farm are too small to accommodate additional traffic from this project. This issue was raised by virtually everyone who commented on this proposal, and it goes to the capacity of the surrounding local transportation network to safely accommodate the traffic expected from this development. While the property south of this site – between this property and Pacific Hwy – will develop in the next few years (a preapplication conference has already been held), no particular development schedule for that property can be assumed. Instead, this project assumes that access will be taken through Hanna's Farm via W 14th Way and W F Place. Consequently, this project can only be approved if that transportation network has adequate capacity to safely accommodate the added traffic from this development.

The application includes a comprehensive traffic study (Ex. 1, tab K) that was prepared by a qualified Washington licensed transportation engineer and addresses the City's adopted concurrency standards. The traffic study estimates 551 new average daily trips, with 39 a.m. and 51 p.m. peak hour trips. The traffic study assessed existing capacity at the following regionally significant intersections as well as expected 2028 operational capacity with and without this development's traffic:

- Pacific Highway & W D Avenue
- Pacific Highway & W 10th Street
- Pacific Highway & W 5th Street
- Pacific Highway & W 4th Street
- La Center Road & Timmen Road
- La Center Road & Paradise Park Road

The City has adopted a minimum E level of service ("LOS") for unsignalized intersection operations. The applicant's traffic engineer calculated that all of these impacted intersections currently operate at an acceptable LOS, except for La Center Road & Paradise Park Road, which is at LOS E. This intersection is projected to operate at LOS F during the p.m. peak hour during the 2028 build-out year. The city is reportedly in the process of designing a roundabout at this intersection to mitigate this LOS deficiency.

The project's traffic is not expected to drop any of these intersections to a failing LOS except for La Center Road & Timmen Road, which will be at LOS E by 2028 with or

without this development's traffic. None of the local access street intersections internal to Hanna's Farm currently operate at a failing LOS, and none are expected to drop to a failing LOS in the 2028 build-out year with or without this development. This means that the Hanna's Farm local access streets currently have and will retain adequate capacity to serve both developments because of the extremely low volumes of traffic that are and will continue to pass through them. The City Engineer reviewed the applicant's traffic study and verified its methods, standards and conclusions.

Traffic volumes on local access streets in Hanna's Farm will, without doubt, increase, but are not expected to exceed planned capacity for these intersections or street segments. That reflects the assumptions built into the Hanna's Farm development which required sufficient capacity and cross-connections to abutting properties to serve future adjacent developments such as this one. The W. 14th Way stub is evidence of the planning that went into Hanna's Farm. As traffic volumes increase in Hanna's Farm, continued traffic and pedestrian safety will depend on consistent compliance with traffic signs, signals and posted speeds. If drivers consistently violate these traffic laws, that is a matter for local law enforcement and is not an impact attributable to this development.

Based on the applicant's traffic study and the city's review, I conclude that the surrounding transportation system, most notably Hanna's Farm internal streets, has sufficient capacity to handle safely the added traffic volume from Juniper Ridge. The volumes will go down if and when the property south of this develops and provides a secondary access for Juniper Ridge to the south.

2. This project should take access from the south via a direct connection to Pacific Highway rather than through Hanna's Farm. To follow-up on the previous issue, these comments, raised by several people, reflects everyone's long-term desire for this development. Evidence adduced at the August 21st hearing is that the property south of this site will develop in the next few years and has already had a preapplication conference. Development trends in La Center generally over the past few years shows there is market demand for more housing, and this property is suitable for residential development. As things currently stand, however, I lack the authority to prohibit the planned and available access through Hanna's Farm and/or require access to the south via NW 9th Avenue.
3. What measures will be constructed in Hanna's Farm to ensure that its streets remain safe for bikes and pedestrians? Most of the opponents to this project based their objections on what they perceived was a likely erosion of pedestrian and bicycle safety on the local access streets in Hanna's Farm. While there is a chance that may happen as a practical matter, the standards by which I judge this development proposal require that I rely upon credible evidence about whether the applicable approval standards are met. In that evaluation, I am entitled to rely upon the expert evidence of engineers, wetland and habitat biologists, transportation engineers and professional planners as to whether and how this project's design meets those standards. As explained below, I find that this applicant has made that demonstration with sufficiently credible evidence, including that the project meets the city's transportation concurrency requirements. That is the limit of what I can require of this or any developer, and this developer has made the requisite showing to merit conditional approval.
4. Many yards and streets in Hanna's Farm already experience winter flooding; how will this development not exacerbate this problem? I take at face value testimony that many

lots and the right-of-way for W F Place experience winter flooding. That situation is preexisting and is not caused by this development. No development can be obligated to remedy preexisting deficiencies that are not its fault. The most I can require is that this project applicant demonstrate with sufficient, credible evidence that the proposal meets the city's stormwater requirements. As explained below, I find that this applicant has made that demonstration with sufficiently credible evidence, including that the project meets the city's requirements for collection, treatment and dissipation of expected stormwater flows. This project, like all others, is obligated to accept the natural stormwater flows after development and to discharge those flows at the same rates, volumes and locations as before development. That is the limit of what I can require of this or any developer, and this developer has made the requisite showing to merit conditional approval.

5. There will not be enough space for parking for future residents and their guests. Many witnesses speculated that there would not be enough on-street parking to serve the 67 homes in this development. There is no evidence to support these fears; rather, this developer is required to provide the number of on-site parking spaces required by LCMC 18.280.040 (Off-Street Parking and Loading Requirements). This code section requires each single-family detached dwelling to have at least 2 off-street parking spaces. Each single-family attached dwelling is required to have at least 2 off-street parking spaces, plus one additional guest space for every 5 units. The plans submitted show that the project meets these requirements, which is the limit of what I can require of this or any developer, and this developer has made the requisite showing to merit conditional approval.
6. Site development will eliminate many trees; will those trees be replaced? The city regulates tree cutting under LCMC Ch. 18.350, and it requires landscaping of new developments. The tree cutting is evaluated under findings addressing the standards in LCMC 18.350.090 below, and this development is subject to landscaping requirements, which are also addressed in findings below. As a consequence, the site's existing mature trees will likely all be removed to facilitate this development, but only where development will actually be located. The application proposes development on only ~7.42 acres, and 17.52 acres will be preserved with habitat and openspace areas. Once the public infrastructure is in place and before the city allows building certificates, all of the required landscaping, including street trees, must be installed and inspected. That is the limit of what I can require of this or any developer, and this developer has made the requisite showing to merit conditional approval.

B. Findings Responsive to the Approval Criteria. I adopt the following findings in response to the approval criteria addressed in the staff report (Ex. 13):

Land Use

LCMC 8.60 Sign Requirements. No entry monument signs are proposed with the preliminary development plans. Signs in residential zones, per LCMC 8.60.060, are limited to an illuminated sign at the entrance to the subdivision of 32 sf. The applicant shall apply for and obtain a sign permit and building permit (if applicable) for a subdivision entrance sign prior to sign construction in accordance with LCMC Ch. 8.60.

LCMC 18.130 Low Density Residential District (LDR-7.5). The site is currently zoned Low Density Residential (LDR-7.5), and the applicant has applied for a zone change to Medium Density Residential (MDR-16) through a separate Type IV process. The zone change to

MDR-16 must be completed prior to Engineering approval and the beginning of any construction activities on the site.

LCMC 18.140 Medium Density Residential District (MDR-16). The application proposes a combination of detached & attached single-family dwellings, both of which are a permitted use in the MDR-16 zone. LCMC 18.140.020. Attached and detached single family buildings are limited to 35 feet in height. Similarly, MDR-16 zoned lots are limited to 60% maximum lot coverage for both attached and detached homes. While no homes are currently proposed, all homes constructed on lots in this plat shall comply with these and all dimensional requirements of the MDR-16 zone at time of building permit issuance.

The applicant is proposing to divide the property into 67 lots. LCMC 18.040.030 limits attached single family development to a density between 8 and 14 dwelling units per net acre, and detached single family development to a density between 8 and 12 dwelling units per net acre. The code also requires that when a project is phased, each phase must meet the density requirements. A net acreage is gross acreage minus public rights-of-way, private streets, public utility easements, public parks, and undeveloped critical areas and required buffers. The gross development area for this project is 7.41 acres. Table 1 below tabulates this proposal for purposes of determining allowed density.

Table 1: Net Area and Density Calculations

Total Gross Acres	7.41 acres
Deductions to Determine Net Area	
Public and Private Rights-of-Way	1.46 acres
Net Site Area	5.95 acres
Total Number of Residential Lots (all Phases)	67 d/u
Net Density (all Phases)	11 units/acre
Net Site Area (Phase 1)	1.43 acres
Number of Residential Lots (Phase 1)	16 d/u
Net Density Detached (Phase 1)	11.18 u/a
Net Site Area (Phase 1 & 2)	6.61 acres
Number of Residential Lots	57 d/u
Net Density (Phase 1 & 2)	8.62 u/a
Net Site Area (Phases 1, 2 & 3)	5.95 acres
Number of Residential Lots (Phase 2 attached)	67 d/u
Net Density (Phase 1, 2 & 3)	11.26 u/a
68 Lots Total (Remainder Lot) Net Area	7.55 Acres
Number of Residential Lots	68
Net Density (Phase 3)	9 d/u

LCMC 18.140.030 requires a minimum lot size of 1,400 sf for attached single family in MDR-16 zone with no maximum lot size and requires a minimum of 3,000 sf and a maximum of 15,000 sf for detached single family homes. The project proposes lots for attached dwellings as small as 1,684 sf, with lot sizes for detached dwellings ranging from 3,000 sf to 8,039 sf with an average lot size of 3,173 sf. The table below summarizes the dimensional requirements for development on lots in the MDR-16 zone from LCMC Table 18.140.030 (MDR-16 Density and Dimensional Requirements), all of which apply and shall be met in the development of lots in this project:

MDR-16 Dimensional Requirements for Housing	Attached	Detached
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Minimum lot area	1,400 sf	3,000 sf
Maximum lot area	none	15,000 sf
Minimum lot width	20 feet	30 feet
Minimum lot depth	60 feet	60 feet
Maximum building height for dwelling	35 feet	35 feet
Minimum Front setback	10 feet	10 feet
Minimum Front setback to garage door	20 feet	20 feet
Minimum Side setback	0 feet	4 feet
Minimum Street Side setback	10 feet	10 feet
Minimum Rear setback	10 feet	10 feet
Maximum lot coverage	60%	60%

All lots proposed in this plat can and shall meet these dimensional and development requirements. Compliance with setbacks may be complicated with the buffer requirements for the Geologic Hazard area, but development on lots abutting the Geologic Hazard area shall meet the greater of the minimum setbacks that apply (Ex. 1, tab H).

New perimeter MDR-16 lots abutting LDR districts must be “beveled,” which means these perimeter lots shall be no less than 90% of the lot area of the minimum lot size of the abutting LDR district, excluding public rights-of-way and dedicated public open space. Setbacks from the property lines of abutting land zoned LDR shall be no less than 80% of the setback required for the abutting LDR district. This project abuts LDR zoned property on all sides, however no lots are proposed bordering the north, west and east boundaries of the property. The LDR 7.5 zone has a minimum lot size of 7,500 sf, and 90% = 6,750 sf. All lots abutting the south property line shall be a minimum of 6,750 sf, and setbacks for these lot shall be no less than 80% of the setback requirements of the LDR-7.5 district. However, if prior to final plat approval, the parcel(s) abutting to the south are no longer zoned LDR, then no beveling is required, and this condition of approval will not apply.

LCMC 18.140.030(4) requires MDR projects of 10 gross acres or more, including abutting lands under common ownership, to have no more than 75% of one housing type. This project exceeds 10 gross acres and proposes 67 lots total, of which 28 are attached single-family lots and , with the remainder being detached single-family. This equates to 42% of lots being attached single-family, and 58% are detached single-family. The mix of housing types satisfies this requirement.

MDR projects are subject to design requirements in LCMC 18.140.040(1), which requires a unifying design theme throughout the project. The design theme can be created by the use of stone, wooden lap siding, or other natural material. Repetitive building massing and facade designs are to be avoided. A variety of scale and articulation is encouraged and can be accomplished by the use of design elements such as porches, balconies, bay windows, covered entries, and garages set back from the primary facade. Additionally, monotonous rooflines are required to be broken up using devices such as various elevations, gables, dormers, and chimneys, etc. While no buildings are proposed with this application, all homes constructed in this development shall demonstrate that building design requirements are met prior to issuance of a building permit for each lot.

LCMC 18.140.040(2) (Active Open Space – Family Parks) requires MDR-16 developments to meet the applicable criteria of LCMC 18.147.020 and provide parks and open space pursuant to the applicable requirements of Chapter 18.147 LCMC (Parks and Open

Spaces). The application site plan shows a 7,505 sf neighborhood park in Tract A, a 1,517 sf of park and open space located on Tract C, Improved Bolen Creek Trail with 14,100 sf of active open space and 50,162 sf of open space with trail system and public easement located on the remainder lot Tract F. These dedications will satisfy these requirements.

LCMC 18.140.040(3) (landscaping & open storage) requires the following:

- (a) Landscaping. On-site plantings, with individual character, are encouraged to provide multiple layers of plantings, including canopy trees, understory trees, shrubs and groundcover. Seasonal interest is encouraged to be enhanced through the use of blooming sequence, fragrance, fall color, and specimen plant materials. Introduction of other landscape architectural hardscape elements such as use of natural stone, sculpture, water features, enhanced paving, accent lighting, site furnishings, recreational facilities, and the like are strongly encouraged. Preservation of environmentally constrained areas as natural areas and the restoration of buffer areas with native plant materials and recreational opportunities are priorities.
- (b) All landscape plantings shall be irrigated with an automatic, underground irrigation system designed with water conservation in mind. Use of techniques such as separate water zones based on soil type, sun exposure, and plant water requirements is encouraged. All required plant materials shall meet or exceed specifications established by the American Association of Nurserymen for nursery stock.
- (c) At least 15 percent of the net acreage of the project site must be landscaped.
- (d) All setback areas shall be landscaped and maintained with live vegetation.
- (e) Street trees, if required by the director of public works, shall be planted on all street frontages and within all median planting strips. In addition, street trees shall be placed a minimum of two feet from the curb as measured from the center of the tree to the planter side of the curb, unless otherwise specified by the city's public works director. Street trees shall be a minimum of two-inch caliper, fully branched, and staked at the time of planting. Minimum spacing shall be 30 feet on center of planter length. Trees selected for use as street trees shall be long-lived species possessing qualities suitable for an urban streetscape including branching characteristics, rooting characteristics, disease resistance, drought resistance and nonfruiting. Planter strips abutting a public street shall be planted with live vegetation and irrigated, unless otherwise specified by the city's public works director.
- (f) Only under the following conditions may freestanding walls, fences and hedges be permitted along public or private streets or sidewalks:
 - (i) The maximum height of any wall, fence, or hedge shall be six feet so long as the fence height does not interfere with safe line of sight as determined by the city engineer.
 - (ii) Barbed wire, razor wire, electric and other dangerous fences are prohibited.
- (g) Open Storage. Open storage is prohibited. Trash and recycling containers located outside of a building shall be screened by a six-foot solid (100 percent opaque) fence or a combination of fence and vegetation.

Prior to engineering approval, the applicant shall provide a final landscape plan prepared by a registered landscape architect meeting these requirements of LCMC 18.140.040(3).

LCMC 18.140.040(4) requires that parking shall be provided either on the same lot as the dwelling, or in shared parking areas located primarily to the rear of or beneath the units. Parking is encouraged to be located behind the dwelling unit with access from an alley. Pedestrian access from the alley to the dwelling shall be provided for each lot. The final site plan shall show parking on the same lot as the dwelling unit or in a shared parking area.

LCMC 18.140.040(5) sets requirements for garages in the MDR zones. The garage must be set back a minimum of 20 feet from the property line and no more than 40% of the total wall area of a housing complex facing a public right-of-way shall be dedicated to garage door space. Twenty-five percent of the garage wall area facing a public right-of-way shall contain windows or doors placed to create the impression of habitable residential space. In each building of single-family attached units, no more than 50% of the garages may extend beyond the front plane of the primary facade of the dwelling unit. While no buildings are proposed in this application, the applicant shall demonstrate that the garage requirements of LCMC 18.140.040(5) are met prior to issuance of a building permit for each lot.

Access to MDR-16 developments shall be from collector or arterial streets; however, LCMC 18.140.040(6) prohibits individual dwelling units within an MDR-16 development from having direct access to an arterial or a collector street. This project ultimately takes access from Pacific Highway, an arterial street, via W F Place, W 12th way and W D Avenue. The project will provide a roadway stub to the property to the south that, once developed, will connect directly to Pacific Highway. From this, I conclude this satisfies the vehicular access requirements.

LCMC 18.140.040(7) requires an on-site pedestrian circulation system that links public and private streets and the primary entrances of all the structures on the site is required. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjoining developments if adequate safety and security can be maintained. Convenient delineated pedestrian access to transit stops shall be provided. The project proposes sidewalks on both sides of all streets, connecting all structures to the surrounding sidewalk network in the Hanna's Farm Subdivision. The project also proposes to construct a segment of the Bolen Creek Trail, that will eventually connect south to Pacific Highway and north to Heritage Trail. I conclude these measures satisfy the LCMC 18.140.040(7) requirement for pedestrian access.

LCMC 18.140.050 (Requirements for Single-Family Attached Housing) In addition to LCMC 18.140.040, a single-family attached proposal shall meet the requirements of LCMC 18.140.050. Where a conflict exists between general and specific standards the director shall apply the more specific standard.

- (1) Land divisions shall be reviewed according to Chapter 18.205 or 18.210 LCMC and Chapter 58.17 RCW. Building permits for attached developments may only be approved where fully consistent with the approved land division.
- (2) Notations on the plat and/or covenants running with the land, approved by the city attorney, shall guarantee that required side setbacks shall be kept perpetually free of obstructions.

- (3) Single-family attached housing shall not be permitted in buildings of greater than six units.
- (4) No portion of a unit may occupy space above or below any other unit, except underground shared parking.
- (5) Landscaping. Single-family attached development projects may satisfy the minimum landscaping requirement by:
 - (a) Providing 200 sf of enclosed private outdoor living area per bedroom for each individual dwelling unit, to be located in the rear or side yard of each individual lot; or
 - (b) Providing 200 sf of common indoor or outdoor recreation area per bedroom for each individual dwelling unit.

The applicant shall demonstrate that the requirements of LCMC 18.140.050 are met prior to issuance of a building permit for each lot.

LCMC 18.140.070 (Requirements of Single-Family Detached Housing). In addition to the requirements of LCMC 18.140.040, the single-family detached portion of this project shall meet the requirements of LCMC 18.140.070. Where a conflict exists between general and specific standards the more specific standard shall apply.

- (1) Garages facing a public street shall be set back a minimum of 18 feet from the front property line. The front plane of the garage door cannot extend beyond the front plane of the primary facade. Garages facing an alley shall be set back a minimum of 3 feet from the rear property line. Garage doors shall have a minimum of 50% of their area decorated with glazing, relief panels, or similar ornamentation.
- (2) Porches, balconies or similar entry appendages may project into the front yard setback up to 5 feet. Porches shall be designed as functional spaces with a minimum depth of 5 feet.
 - (a) Rooflines shall be a minimum of 6:12 for pitched roofs. Lower pitched roofs or parapet rooflines shall provide additional architectural detailing including but not limited to: cornice, cap, relief panels, bay windows, shade projections, rain protection, eaves, dormers, ledges or overhangs as approved by the planning director.
 - (b) Rain protection shall be located at the primary entrance which is effectively designed to provide a minimum of 25 sf of rain protection. This protection may utilize a single or combination of techniques such as: awning, eave, alcove, airlock, recessed entry or porte-cochere.
 - (c) Finished surfaces on building elevations shall emphasize use of architectural-grade natural building products such as wood, masonry, metal, glass, stucco, fiber cement, cultured stone or other stone materials. Use of plywood, vinyl, plastic composites, fiberglass or similar are prohibited unless otherwise permitted by the director.
 - (d) A diverse use of color is encouraged to display individuality within the community. Finished surfaces suitable for painting shall incorporate a color palette of at least two

colors, consisting of a base color and an accent (trim color). Repetitive or predictable alternate color schemes are discouraged.

While no buildings are proposed in this subdivision application, the applicant shall demonstrate that all of the design requirements of LCMC 18.140.070 are met prior to issuance of a building permit for each lot.

LCMC 18.147 (Parks and Open Spaces). This project proposes more than 35 dwelling units and therefore meets the applicability criteria of LCMC 18.147.020 and is required to provide parks and open space. This project shall provide one or more family parks at a ratio of ¼ acre per 35 dwelling units, which means 0.48 acres of park and open space is required for this 67-lot project. The parks must meet city and ADA regulations and be designed by a Washington licensed landscape architect. It is highly desirable the park be one contiguous space; however, the park need not be a single contiguous area if the applicant demonstrates that a noncontiguous park arrangement meets requirements of this section and the goals of the parks plan and better meets the needs of the residents, or the development topography does not make it feasible to provide a contiguous space for the required park. Each park element must be at least 0.25 acres. All parks shall be fronted by a public road for at least 40% 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.

The undeveloped play space shall be covered with live vegetation, which shall be irrigated by a permanent, below-ground, automatic irrigation system. The parks shall be designed to facilitate community policing through crime prevention through environmental design (CPTED) guidelines. Lighting as necessary shall be used to illuminate the park for citizen and police patrols to see into the park at night from a public street. The parks and their amenities should consider the range of ages of the target residents for the development. While the choice of park facilities and amenities is determined by the developer, each family park shall, at a minimum, contain the following amenities:

- (A) Paved pedestrian circulation path or sidewalk;
- (B) Two sitting benches, a minimum of four feet long each, for each 0.25 acre of park area or part thereof;
- (C) One trash receptacle for each 0.25 acre of park area or part thereof;
- (D) Bike rack(s) to accommodate a minimum of six bicycles for each 0.25 acre of park area or part thereof;
- (E) One play structure intended primarily for use by children ages two to 12;
- (F) One picnic table for each 0.25 acre of park area or part thereof.

Parks required by LCMC Ch. 18.147 shall be completed prior to the issuance of the occupancy permit of the 25th dwelling unit within the development. All park improvements required by LCMC Ch. 18.147 shall either be dedicated to the city or have public access easements established prior to or concurrent with final development approval.

The project proposes 3 park elements, a park with a playground designed for ages 5 to 12 at the northeast corner of the development, a trail and an open space at the southwest corner of the development. Of these elements, only the trail is over 0.25 acres. Each park element shall be at least 0.25 acres, or the individual park elements must be connected by

a paved pedestrian circulation path or sidewalk. Parks required by LCMC Ch. 18.147 shall be completed prior to the issuance of the occupancy permit of the 25th dwelling unit for the phase within which the park occurs. All park improvements required by LCMC Ch. 18.147 shall either be dedicated to the city or have public access easements established prior to or concurrent with final development approval. The developer shall submit a parks plan developed by a Washington licensed landscape architect that provides the park amenities required by LCMC 18.147.030(1)(b)(viii), including irrigation and lighting, prior to Engineering approval. All park improvements required by LCMC Ch. 18.147 shall have public access easements established prior to or concurrent with final development approval. The applicant shall retain ownership and maintenance responsibility for the parks, and a trail easement dedicated to the city shall be provided over the Bolen Creek Trail. The city will be responsible for maintenance of Bolen Creek Trail after the city accepts the dedication.

LCMC Ch. 18.210.020 Subdivision Review Process and Application Contents: The procedural requirements of this chapter have been met by the present Type III process. The submission requirements for preliminary subdivision applications do not constitute approval criteria.

LCMC 18.210.040(2) Phasing. Requires the following if phases are proposed:

- 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 each 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.

The application proposes three phases (Ex. 8), and the plans identify the boundaries of each phase. The main stormwater facility and parks are included in the first phase. The sequence of the phases allows the project to maintain compliance with all applicable standards, including the requirement that each phase stands on its own. The phases shall be submitted in order and developed as shown on the preliminary plan.

LCMC 18.210.040(3) Flag Lots. Flag lots are discouraged, but when they are 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, 6 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 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.

The application proposes Lots 26 & 27 as flag lots and includes a 20-foot-wide access easement to serve them (Ex. 1). The pole portion of the lots is not calculated toward the

minimum lot size, and the pole is no longer than 150 feet. All flag lots shall comply with LCMC 18.210.040(3).

LCMC 18.210.050 Expiration and extension of preliminary plat approval. This preliminary plat decision expires 5 years from the date of approval unless extended pursuant to LCMC 18.210.050(2) and (3).

LCMC 18.225 Legal Lot Determinations. According to LCMC 18.225.010(2), the legal lot determination standards apply to all subdivision applications, and the application included deed history documentation (Ex. 1, tab G). Staff reviewed this documentation distilled the following timeline affecting the parcels:

- **Pre-Zoning Status (1960–1969):** The parcels existed prior to the adoption of zoning regulations in Washington State, which came into effect in 1969. As such, the parcels are considered legal lots of record and are not subject to zoning or platting requirements that were enacted after their creation.
- **Configuration Change (1975):** In 1975, the configuration of the parcels was altered. Although zoning was in effect at that time, the change did not result in the creation of new lots but rather a reconfiguration of existing legal lots of record.
- **Boundary Line Adjustment (2012):** A Boundary Line Adjustment (BLA) was recorded in 2012, modifying the internal boundaries of the parcels. The BLA did not create additional lots and maintained the overall acreage of the combined parcels at 24.68 acres. The adjustment was properly recorded and complies with applicable local and state requirements.
- **Ownership Transfer (2019):** A Transfer on Death Deed was recorded in 2019, transferring ownership of the parcels to the current owners. This transfer did not affect the legal status or configuration of the lots.

Based on the foregoing and staff's favorable review, I conclude that the project parcels are 2 legal lots of record.

LCMC 18.230 Monumentation, Survey, and Drafting Standards. The developer shall comply with all Chapter 18.230 requirements for lot monumentation prior to final plat approval.

LCMC 18.240 Mitigation of Adverse Impacts. LCMC 18.240 authorizes the city to require developers to mitigate the direct impacts specifically identified as a consequence of proposed development, and to mitigation for impacts including, but not limited to, impacts upon the public health, safety and general welfare, for open spaces, drainage ways, streets, other public ways, parks, playgrounds, and sites for schools and school grounds. This project has the potential to impact public services, traffic, critical areas, and other elements of the environment. City staff reviewed all mitigation proposed by the applicant, which were evaluated in the staff report (Ex. 13) and are discussed throughout the substantive sections of this opinion. I summarize the mitigation necessary to address this development's impacts in findings that follow, and mitigation measures are required in the conditions of approval. The developer's fulfillment of all conditions contained herein satisfies the obligations of the LCMC's underlying substantive requirements and LCMC Ch. 18.240.

LCMC 18.245 Supplementary Development Standards. The standards in this chapter apply to development generally in the City of La Center and can be used in any review process where applicable to evaluate or condition a development application.

- **Street Lighting.** The application proposes street lighting but has not submitted a preliminary lighting plan. LCMC Ch. 18.282 (Outdoor Lighting) applies to this development and is discussed and conditioned later in this opinion. The applicant shall provide a photometric plan prior to final engineering plan approval showing how the proposed lights will not cause more than a one foot-candle measure at any property line in conformance with LCMC 18.245.040 Ch. 18.282.
- **Police, fire, and schools** shall be addressed before any development is given the required approval or is permitted to proceed, the review authority shall determine all impacts, if any, that are a direct consequence of the proposed development, and which require mitigation. The applicant shall coordinate with the fire marshal's office to meet all fire code requirements prior to final engineering.
- **Equipment screening.** LCMC 18.245.060(8) requires that ground-level exterior equipment be screened from adjoining property used or zoned for residential purposes or from an adjoining public road right-of-way to at least an F2 or L3 standard, if visible. All ground-level exterior equipment shall be screened from adjoining property used or zoned for residential purposes or from an adjoining public road right-of-way to at least an F2 or L3 landscape standard, is visible.
- **Landscaping.** LCMC 18.245.060(10) requires all landscaping shall be installed prior to issuance of occupancy or final inspection within 6 months after issuance of occupancy or final inspection if it would increase the likely survival of plants. The developer shall install all landscaping prior to issuance of occupancy or final inspection within 6 months after issuance of occupancy or final inspection if it would increase the likely survival of plants. LCMC 18.245.060(11-16) set for the plant material size and quality requirements. The applicant's final landscape plan shall show the required plant material, size and quality information required by this section. LCMC 18.245.060(18) contains irrigation requirements. All required landscape areas including within the planter strip along public roadways must meet the City's irrigation requirements. As a condition of approval, the applicant shall install all landscaping prior to issuance of final inspection for each dwelling unit or no more than 6 months after final inspection if it will increase plant survival. Installation after occupancy requires City notification and approval. All required landscape areas, including within the planter strip along public roads, must meet the City's irrigation requirements in LCMC 18.245.060(18). The applicant shall provide irrigation plans prior to final engineering approval.
- **Fences and Hedges.** If any fences or hedges are proposed prior to the final plat, the applicant shall provide information demonstrating that they comply with LCMC 18.245.020.
- **Lighting Plan.** The applicant shall provide a photometric plan prior to final engineering plan approval showing how the proposed lights will not cause more than a one foot-candle, measured at any property line in conformance with LCMC 18.245.040 and Ch. 18.282.

LCMC 18.260 Variance. The application seeks a variance to utilize those portions of the critical areas code that allow for buffer averaging and minor buffer reductions to the on-site habitat and wetland buffers. To merit approval, an applicant must provide credible evidence demonstrating compliance with the following criteria from LCMC 18.260.040:

1. Unusual circumstances or conditions, such as size, shape or topography of a site, or the location of an existing legal development apply to the property and/or the intended use that do not generally apply to other properties in the vicinity or zone. An unusual circumstance could also include another obligation under a different municipal code section or a state or federal requirement. The site has multiple areas with steep slope setbacks. The site's north, south and west sides have steep slopes that squeeze the remaining developable portions of the site. A minor reduction in the width of Lots 7-9 will help meet all remaining lots to meet the lot width requirements.
2. The unusual circumstance cannot be a result of actions taken by the applicant. The constraints currently on the site are no fault of the applicant or any actions the applicant has taken; rather, they are preexisting physical characteristics of the current site topography and environmental constraints.
3. The variance request is necessary for the preservation of a substantial property right of the applicant which is possessed by the owners of other properties in the vicinity or zone. The variance request is necessary to develop the property in a way that meets the city's urban density objectives reflected in the MDR-16 zone. Other properties within La Center with Environmental constraints could also apply for a variance to the lot width requirements to achieve these same dimensional and density objectives.
4. The variance request is the least necessary to relieve the unusual circumstances or conditions identified in subsection 1 of this section. The variance request is the least necessary to relieve the unusual circumstances caused by dimensional constraints due to the size, extent and location of the site's critical areas.
5. Any impacts resulting from the variance are mitigated to the extent practical. The impacts have been mitigated to the greatest extent possible. The lot areas exceed the minimum lot size and lot depth requirements. Increased open space and critical areas protection have been used across the entire development.
6. Granting the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the property is situated. Nothing in the record and no testimony before me indicate that granting the variance will be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the property is situated. Consequently, I conclude this requirement is satisfied.

Staff determined that the proposed variance meets the applicable approval criteria and as just explained, I agree. See Critical Areas section of this report for additional information.

LCMC 18.280.040 Off-Street Parking and Loading Requirements. Each single-family detached dwelling shall have at least 2 off-street parking spaces as required by LCMC Table 18.280.040. Each single-family attached dwelling shall have at least 2 off-street parking spaces, plus one additional guest space for every 5 units consistent with LCMC Table 18.280.040. Guest parking spaces shall be evenly dispersed throughout the development, with no more than 4 spaces being located in any one specific area per LCMC 18.280.060. The narrative (Ex. 1, tab D) states that each dwelling will have at least 2 driveway parking spaces and 2 garage parking spaces for a total of 4 parking spaces per dwelling unit, which exceeds the minimum parking requirements. The lots, as proposed in the plans, are large

enough to accommodate the required on-site parking spaces. The applicant shall demonstrate that each dwelling unit has at least 2 off-street parking spaces per LCMC Table 18.280.010 prior to building permit approval.

Critical Areas:

LCMC 18.300 Critical Areas. Protected critical areas were mapped and observed on the site and include a Category II critical aquifer recharge area (CARA), fish and wildlife habitat conservation areas (FWHCAs) (Type F stream/riparian habitat), geologically hazardous areas (seismic, landslide, and erosion hazard areas), and wetlands (Categories II and III).

- CARAs: The site is within a mapped Type II CARA, which is a mapped critical area; however, LCMC 18.300.090(1) only protects Category I CARAs. Therefore, no regulated CARAs exist on the project site.
- FWHCAs (stream and riparian habitat): The applicant provided a critical areas report prepared by a qualified professional that includes an unnamed fish bearing stream (Type F) within a forested ravine north of the subdivision. LCMC 18.300.090(2) requires a 200-foot riparian ecosystem area buffer. The applicant proposes permanent impacts within the stream buffer, for which mitigation and monitoring for riparian buffer impacts are proposed and are required as conditions of approval.
- Geological Hazard Areas - Seismic Hazards: Clark County MapsOnline indicates that the site has Site Class C - D soils for ground shaking amplification as mapped by the National Earthquake Hazards Reduction Program (NEHRP). The geotechnical report does not expressly confirm that the Site Class C - D seismic hazard occurs on site and whether or not seismic design should be used with design recommendations.
- Geological Hazard Areas - Landslide Hazards: Clark County MapsOnline shows 40% to 80% slopes proximate to the unnamed stream, which are also confirmed by geotechnical report. The geotechnical report includes setback recommendations from the slope and other design and construction recommendations discussed below, including for an identified landslide scarp.
- Geological Hazard Areas - Erosion Hazards: Clark County MapsOnline indicates the occurrence of a severe erosion hazard area along the south bank of the unnamed, Type F stream north of the subdivision. The applicant's geotechnical report discusses the site's erosion hazard areas and concludes that the relative level nature of the lots and the soil properties combined with the proper implementation of standard erosion and sediment control best management practices (BMPs) should adequately mitigate erosion risk on site.
- Geological Hazard Areas - Wetlands: The applicant provided a critical areas report prepared by a qualified professional that delineated Category II and Category III riverine wetlands located along the unnamed, Type F stream. LCMC 18.300.090 and the critical areas report call for 180-foot and 150-foot wetland buffers, respectively, for the Categories II and II wetlands. The applicant proposes permanent impacts to the wetlands plus buffer reductions and averaging. Mitigation and monitoring for wetland buffers impacts are proposed and are required as conditions of approval.

LCMC 18.300.060 [Critical Areas] Variances. An applicant who seeks to vary from the requirements of LCMC Ch. 18.300 may request a variance, which the city reviews through a Type III process. For frequently flooded areas that are designated as special flood hazard areas on the flood insurance rate map, LCMC 18.300.090(3) provides all relevant development regulations pertaining, including variances.

The applicant requested to reduce the required 200-foot riparian area buffer width for an on-site Type F stream with buffer averaging. The applicant is not proposing a variance for a special flood hazard area or any regulations for frequently flooded areas. To merit approval, the applicant must show that the variance request complies with all of the approval criteria in LCMC 18.300.060(2) a-e, for which I adopt the following findings:

- a. *There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to other properties.* The on-site unnamed Type F stream is contained in a valley, surrounded by steep slopes, that bisects the central portion of the site, from the northeast to the southwest. The on-site wetlands generally flank the stream habitat that bisects the central portion of the site. The western section of the site is highly constrained by critical areas. As a result, the southwest corner is the most encumbered area on site due to critical areas, steep slopes to the north, and the convergence of overlapping critical area buffers. The southwest corner is, therefore, the area where buffer modifications are proposed as the critical areas and buffer encroachment result in a narrow area in this location. The overall remaining developable uplands are also an odd shape, which further complicates the design effort to provide a project meeting the outlined density required by the zoning.

I conclude the applicant is attempting to balance two goals: (1) protect and preserve the significant quality and quantity of critical areas on the site while also (2) maximizing economic use of the property. Due to the special circumstances specific to the site, including the shape of the remaining developable area due to the significant environmental constraints and topographical features, such as steep slopes adjacent to the protect stream, associated wetlands, and riparian and wetland buffer requirements, the applicant has reasonable justification to request variance from the Type F stream riparian buffers as allowed by this chapter.

- b. *The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property, but which because of special circumstances is denied to the property in question.* The project asks for slight variations from the current code buffer allowances while still providing adequate on-site mitigation to offset all impacts. The project is not asking to modify buffers below what is considered a reasonable amount from the standard base buffers and only seeks the area needed to provide relief to the project while fully mitigating for the impacts.

I agree that the variance is necessary for the preservation and enjoyment of a substantial property right as the site contains significant quantity and quality of critical areas with substantial regulations. These regulations significantly limit developable areas of the site, and it appears the applicant is preserving the highest quality critical areas, including those areas subject to buffer averaging.

- c. *Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvement.* The applicant claims that this development will not be

detrimental to public welfare or injurious to the property or improvement. I agree that the project proposal will not be detrimental to public welfare or injurious to the property or improvement, including impacts to the on-site critical areas. The applicant proposes buffer averaging to ensure no net loss of ecological function from the reduced buffer area, including increasing buffer width in areas northwest of the proposed subdivision to preserve densely forested areas adjacent to the stream.

- d. *Granting the variance will not violate, abrogate, or ignore the goals, objectives, or policies of the La Center comprehensive plan.* The project proposal does not violate or ignore the Development Code's overall goals or objectives. The proposed impacts are fully outlined, and the applicant proposes adequate mitigation to offset the impacts to a "no net loss of habitat function or value" standard. I conclude the proposed mitigation meets the requirements of LCMC 19.300.090(2)(j) to provide no net loss of critical habitat functions or values. When reviewed against the overall goals, objectives, or policies of the La Center comprehensive plan, I find that granting this proposal and variance request would not violate, abrogate, or ignore the goals, objectives, or policies of the La Center comprehensive plan, most notably those found in the Land Use, Housing, and Environment chapters of the comprehensive plan.
- e. *In addition to the approval criteria above, an application to vary from the buffer requirements of a fish habitat conservation area or riparian area shall demonstrate that the requested buffer width modification preserves adequate vegetation to:*
- *Maintain proper water temperature;*
 - *Minimize sedimentation; and*
 - *Provide food and cover for critical fish and wildlife species.*

The applicant asserts that the total area contained in the buffer after averaging is no less than the area prior to averaging, therefore, there is no net loss of habitat area by the averaging proposal. By averaging over an area of on-site mature forested area, there will also be no net loss to the critical area functions and values from the proposed buffer modification. The existing mature forested habitat currently provides relatively high functions, such as regulating water temperature, minimizing sedimentation, and providing food and cover for fish and wildlife. Therefore, the proposed forested buffer averaging areas will provide greater habitat function and values over the areas of grass pasture proposed for impact. Furthermore, the 200-foot riparian buffer overlaps and exceeds the 130-foot wetland buffer, providing high functioning mature forested connection between the wetland and the stream that exceeds the recommended minimum width. Increasing the buffer by extending it into the mature forested habitat, currently located outside of critical areas, will ensure critical areas with high functions and values are protected and will provide a mature forested habitat corridor to the on-site wetland and fish-bearing stream.

I find that the variance proposal includes a total buffering averaging area for the riparian area that is no less than the area prior to averaging; therefore, there is no net loss of habitat. In addition to the remaining portions of the riparian buffer area, the buffer averaging area occurs over an area of an on-site mature forested area. I agree that the variance proposal with buffering averaging achieves the 3 above-quoted goals in LCMC 18.300.060(2)(e).

LCMC 18.300.090(2) FWHCA's. *Identified sensitive fish and wildlife habitat conservation areas shall be preserved or adverse impacts mitigated. Fish and wildlife habitat*

*conservation areas that must be considered for classification and designation include:
...Riparian.*

According to Clark County MapsOnline and the applicant's Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025), the northern portions of the site contain a riparian habitat buffer. The applicant's critical areas report verified the presence of an unnamed fish-bearing (Type F) stream on the property, which requires a 200-foot riparian buffer in accordance with Table 18.300.090(2)(f). However, the applicant also seeks a variance under LCMC 18.300.060 for a minor riparian buffer modification to allow residential lot construction (Lots 40-43 & Lots 46-54) and a stormwater facility over two small areas. The modifications are combined with mitigation, which includes on-site buffer enhancement in a mature forested area as further discussed below.

The project includes a Viewing Area proposed on a natural flat terrace within the riparian buffer that will include benches and picnic tables along the edge of the existing logging road. This location is within the outer 50% of the overlapping riparian and wetland buffer. By taking advantage of this existing road/trail system, new impacts to the buffer can be avoided. The trail surface will not interfere with soil permeability and will not exceed 5 feet in width, nor will it use the existing width with no widening proposed. This trail and viewing area will avoid impacts to established native woody vegetation. The benches and picnic tables will be located within areas devoid of vegetation, and a wood chip surface may be added to help prevent erosion of the area. No permanent impacts are associated with the Viewing Area; therefore, no mitigation is proposed or required.

f. Habitat buffers. Fish and wildlife habitat conservation areas and buffers are assigned to the lands regulated by this section according to Table 18.300.090(2)(a). Development activities are restricted within buffer areas as indicated in Table 18.300.090(2)(f).

Table 18.300.090(2)(f) – Riparian Areas

Fish and Wildlife Habitat Areas RIPARIAN AREAS	Characteristic	Riparian Ecosystem Area (in feet)
Type S (fish bearing)	East Fork of the Lewis River	250
Type F (perennial or fish bearing)	Breeze, Jenny and McCormick Creeks and stream < 5 feet wide, if fish bearing	200
Type Np streams, low mass wasting potential	Less than 3 feet in width on average	150
Type Ns stream, high mass wasting potential	Seasonal streams with a defined channel	75

The applicant's biological consultant delineated the site's Type F stream in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025), for which LCMC Table 18.300.090(2)(f) requires a 200-foot riparian buffer. The applicant seeks a variance under LCMC 18.300.060 to allow a minor riparian buffer modification along the outer edge of this required 200-foot buffer. These buffer modifications are to allow impacts to 2 areas for impacts from residential lot construction (Lots 40-43 & Lots 46-54) and a stormwater facility. The modifications are combined with mitigation, which includes on-site buffer enhancement in a mature forested area (discussed below) to offset impact and ensure no net loss of habitat function. LCMC 18.300.090(2)(h) prohibits platting urban residential lots within

riparian buffers. Therefore, Lots 40-43 & Lots 46-54 will exclude the full, reduced riparian buffer width to the back of the lots in these areas through a critical areas variance as discussed above under LCMC 18.300.060. A condition is warranted to require the final plat to show Lots 40 through 43 and Lots 46 through 54 as excluding the full, reduced riparian buffer width prior to final plat approval.

The applicant also proposes to construct a stormwater facility for the development within the riparian buffer. LCMC 18.300.050(4)(b) allows stormwater facilities in critical areas and within associated buffers when there is no other reasonable alternative, based on topographic and environmental conditions. I conclude from the project plans that there is no alternative placement of this stormwater facility somewhere outside the buffer. This stormwater facility will be subject to the development standards of LCMC 18.300.110 and appropriate mitigation measures in LCMC 18.300.120. The stormwater facility is proposed where currently a historic logging road and area of historic site access from the residential driveway occur. The critical areas report assesses impact from the stormwater facility combined with the impact of lots to the riparian buffer and provides mitigation measures, including riparian buffer averaging in accordance with LCMC 18.300.090(2)(i) and LCMC 18.300.120 through a critical areas variance as discussed in LCMC 18.300.060. LCMC 18.300.090(2)(j) requires the mitigation efforts to ensure that development activity does not yield a net loss of the area or function of the critical area, including for buffer averaging under the critical areas variance of LCMC 18.300.060, which was confirmed by the critical areas report and by the City's environmental review consultant, WSP USA Inc. Replacement or enhancement of the critical area shall occur on site wherever possible. The applicant's critical areas report also includes provisions for a monitoring program in accordance with LCMC 18.300.090(2)(i). A condition of approval is warranted requiring the applicant to implement the mitigation measures for the affected riparian areas recommended in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) prior to final engineering approval.

Other FWHCAs Requirements:

LCMC 18.300.090(2)(g)(ii) requires that the edge of the buffer area be clearly staked, flagged, and fenced prior to and through construction completion. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground. A condition is warranted requiring the applicant to stake, flag, and fence the riparian area buffer, including the riparian buffer averaging area as shown in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) prior to any site improvements and to maintain this markings prior through the duration of site construction.

LCMC 18.300.090(2)(n) requires (i) marking the outer extent of the habitat buffer throughout the duration of construction. This has been conditioned above. (ii) Permanent marking of the outer extent of the buffer using logs, a tree, hedgerow, wood or wood-like fencing, or other permanent physical marking approved by the direction shall be placed and also including signs that shall be posted at an interval of one per lot or every 100 feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the habitat buffer approved by the director and worded as follows: "Habitat Buffer – Please Retain in a Natural State."

A condition is warranted requiring the applicant to permanently mark the outer extent of the buffer, including the buffer averaging area as shown in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) in accordance with LCMC 18.300.090(2)(n)(ii) prior to final plat approval. The developer shall place the riparian buffer into a conservation

covenant in a recordable form approved by the City attorney as adequate to incorporate the other restrictions of this section and to give notice to obtain a permit prior to engaging in regulated activities within the riparian buffer. The buffer and covenant shall be referenced in a plat note.

FWHCAs Conditions. The following conditions are designed to ensure compliance with the Critical Areas Ordinance and related requirements:

- Lots 40 through 43 and Lots 46 through 54 on the final plat must exclude the full, reduced riparian buffer width prior to final plat approval.
- The applicant shall implement the mitigation measures for the affected riparian areas as outlined in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) (Exhibit 1) prior to final engineering approval.
- The applicant shall stake, flag, and fence the riparian area buffer, including the riparian buffer averaging area as shown in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) (Exhibit 1) prior to any site improvements prior to and through the duration of site construction.
- The applicant shall permanently mark the outer extent of the buffer, including the buffer averaging area as shown in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) (Exhibit 1) in accordance with LCMC 18.300.090(2)(n)(ii) prior to final plat approval.
- The applicant shall place the riparian buffer, including the buffer averaging area as shown in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) (Exhibit 1) in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording, including the riparian buffer, on the face of the final plat.

Geologically Hazardous Areas

LCMC 18.300.090(4) Geologically Hazardous Areas. The property has a mapped geological hazard: the slope associated the Type F stream. Any alteration to the site's geological hazard areas shall comply with the following requirements:

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

The applicant's December 2005 geotechnical report prepared by Columbia West Engineering, Inc. (Ex. 1, tab H) addresses these requirements in the context of the project's alterations to geologically hazardous areas (b), general design standards for landslide and erosion hazard areas (c), and design standards for landslide hazards (d). The report concludes that the site is suitable for this proposed development if the project follows the development recommendations contained in the report, which include 40-foot setbacks from

the top of the south ravine slope along the stream. The report also indicates a likely historic mass slope movement (scarp) occurred on the east portion of the south ravine slope, as shown on the preliminary plat, which flowed downslope towards the stream and away from the proposed development. The developer shall follow all recommendations of the December 2005 geotechnical report prepared by Columbia West Engineering, Inc. (Ex. 1, tab H) as conditioned in this decision.

General Design Standards for Landslide and Erosion Hazard Areas. LCMC

18.300.090(4)(c) provides the city's general design standards for alteration of landslide and erosion hazard areas, which includes this site's geologic hazard areas. The December 2005 Columbia West Engineering, Inc. geotechnical report did not address all of the general design standards for landslide and erosion hazard areas prescribed in LCMC

18.300.090(4)(c)(ii)(A through G), including structures and improvements being located away from hazard areas, minimization of contour alteration to the extent practicable, prohibiting vegetation removal in the recommended slope setback area, confirmation of no increase in surface water from the development, and a drainage plan. None of the uses or activities allowed on a landslide or erosion hazard area per LCMC 18.300.090(4)(c)(ii)(E) are proposed in the site's landslide or erosion hazard areas (stormwater retention and detention systems, on-site sewage disposal system drainfields or utility lines and pipes). Therefore, the developer shall comply with and implement all of the design recommendations, BMPs, and general standards described in the Geotechnical Site Investigation by Columbia West Engineering, Inc. (December 2005), as conditioned herein. The final engineering plans shall show these requirements and measures.

Design Standards – Landslide Hazard Areas. LCMC 18.300.090(4)(d) starts with establishing landslide hazard area buffers for all development and disturbance of 50 feet from the edge of the landslide area and can be reduced to no less than 25 feet under LCMC 18.300.090(4)(d)(i)(B). These buffers may only be reduced upon the recommendation of a qualified professional, and development encroachment within the buffer area may be allowed provided a qualified professional demonstrates that the site alteration will not impact a landslide area and/or the adjacent properties. The buffers shall be staked before and during any construction or clearing and shall be shown on the approved site plan and plat. An historic mass slope movement that occurred on the east portion of the south ravine slope on this site and flowed downslope towards the stream and away from the proposed development area of this site. The applicant's Geologic Hazard report notes the slope instability indicators and recommends a 40-foot buffer setback from the top of slope, which is shown on the proposed site plan. The landslide hazard areas and buffers shall be clearly staked before and during any construction or site clearing. The final plat shall show the 40-foot slope setback.

Design Standards – Erosion Hazard Areas. For erosion hazard areas, LCMC

18.300.090(4)(e) starts with the establishment of erosion hazard area buffers based on the recommendation in an approved geotechnical report, which shall also include an Erosion Control Plan. This plan shall recommend specific BMPs for soil and slope stabilization and demonstrate and include the following:

- That roads, driveways, and other vehicular accesses, trails, walkways, and parking areas are designed with lower gradients and/or are parallel to the natural contours of the site;

- Include stabilization best management practices (BMPs) such as temporary/permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, tree protection, and preservation of mature vegetation. Stabilization BMPs shall address conveyance outlets and streambanks;
- Demonstrate that no exposed or disturbed soils will be allowed to overwinter without erosion control BMPs in place;
- Preserve existing vegetation and undergrowth where feasible;
- Ensure cut and fill slopes will be designed and constructed to minimize erosion; and
- Demonstrate that clearing, grading, and impervious surfaces will be minimized.

The applicant's December 2005 geotechnical report prepared by Columbia West Engineering, Inc., states that the flat to shallow gradient portions of the site have a low occurrence of erosion hazards. Erosion hazards, however, generally increase in the moderate to steep-gradient areas associated with the ravine slopes of the unnamed Type F stream. The geotechnical report, however, recommends no particular erosion hazard area buffers.

The applicant shall comply with the erosion hazard recommendations in the December 2005 Geotechnical Site Investigation by Columbia West Engineering, Inc. and subsequent revisions as conditioned herein prior to final engineering approval. The applicant provided a preliminary grading and erosion control plan as part of its preliminary plat plan set. Prior to final engineering approval, the applicant shall provide a final grading and erosion control plan prepared in accordance with LCMC 18.300.090(4)(e)(ii).

Design Standards – Seismic Hazard Areas. LCMC 18.300.090(4)(f) requires any development proposed in seismic hazard areas to conform to the applicable provisions of the International Building Code concerning structural standards and safeguards to reduce risks from seismic activity. Clark County's MapsOnline and the Washington State Department of Natural Resources Geologic Survey characterize this site with Site Class C - D soils for ground shaking amplification by NEHRP. The applicant's December 2005 geotechnical report from Columbia West Engineering, Inc. does not expressly confirm that the Site Class C - D seismic hazard occurs on site and whether or not seismic design should be used with design recommendations. To correct this deficiency, the applicant shall update the December 2005 Columbia West Engineering, Inc. geotechnical report to directly confirm the occurrence of Site Class C – D seismic hazard on site prior to final engineering approval. If a report up-date confirms a seismic hazard on the site the report shall also include building and development design standards and recommendations to reduce risks from seismic activity prior to final engineering approval. The applicant shall comply with LCMC Title 15, Buildings and Construction, and the International Building Code (IBC) for constructing structures in the seismic hazard area.

Geologically Hazardous Areas Conditions. The development shall comply with all of the applicable provisions and requirements of LCMC 18.300.090, in addition to the following specific conditions:

- The developer shall implement or otherwise follow all recommendations of the December 2005 Geotechnical Site Investigation by Columbia West Engineering, Inc. and subsequent revisions as conditioned herein.
- The developer shall comply with and implement the design recommendations, BMPs, and general standards set forth in the December 2005 Geotechnical Site Investigation by Columbia West Engineering, Inc. and subsequent revisions as conditioned herein for final engineering approval.
- The developer shall clearly stake the landslide hazard areas and buffers before and during any construction or clearing.
- The developer shall show the 40-foot slope setback on the final plat for final plat approval.
- The developer shall comply with the erosion hazard recommendations in the December 2005 Geotechnical Site Investigation by Columbia West Engineering, Inc. and subsequent revisions as conditioned herein prior to final engineering approval.
- The developer shall provide a final grading and erosion control plan in accordance with the requirements of LCMC 18.300.090(4)(e)(ii) prior to final engineering approval.
- The developer shall update the December 2005 Geotechnical Site Investigation by Columbia West Engineering, Inc. to directly confirm the occurrence of Site Class C – D seismic hazard on site prior to final engineering approval. If a seismic hazard is confirmed on the site, the report up-date shall also include building and development design standards and recommendations to reduce risks from seismic activity prior to final engineering approval.
- The developer shall comply with LCMC Title 15, Buildings and Construction, and IBC for constructing structures in the seismic hazard area.

LCMC 18.300.090(5) Wetlands. The applicant included a wetland delineation with its April 2025 Critical Areas Report & Buffer Mitigation Plan, prepared by AshEco Solutions (Ex. 1, tab R) that documents two wetlands associated with the on-site, unnamed Type F stream. Wetland A is a Category II wetland with a habitat score of 7, which requires 180-foot buffer adjacent to high-intensity land use under LCMC Table 18.300.090(5)(i)(i)-3. Wetland B is a Category III wetland with a habitat score of 6, which requires a 150-foot buffer width adjacent to a high-intensity land use under LCMC Table 18.300.090(5)(i)(i)-2. The applicant proposes to reduce the buffer widths required for high-intensity uses to moderate intensity buffers as allowed by LCMC 18.300.090(5)(j)(iv), which would allow the wetland buffers to be reduced to 130 feet for Wetland A and 110 feet for Wetland B.

Table 28.300.090(5)(i)(i)-1 Buffers Required to Protect Hydrologic Functions

Wetland Rating	Low Intensity Use	Moderate Intensity Use	High Intensity Use
Category I	50 ft	75 ft	100 ft
Category II	50 ft	75 ft	100 ft
Category III	40 ft	60 ft	80 ft

Category IV	25 ft	40 ft	50 ft
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Table 18.300.090(5)(i)(i)-2 Buffers Required to Protect Habitat Functions in Category III Wetlands

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
≤ 5 points	See Table 1.	See Table 1.	See Table 1.
≥ 6 points	75 ft	110 ft	150 ft.

Table 18.300.090(5)(i)(i)-3 Buffers Required to Protect Habitat Functions in Categories I and II Wetlands

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
≤ 5 points	See Table 1.	See Table 1.	See Table 1.
6 points	60 ft	90 ft	120 ft
7 points	90 ft	130 ft	180 ft
8 points	130 ft	195 ft	260 ft
≥ 9 points	150 ft	225 ft	300 ft

The applicant proposes a buffer modification combined with buffer averaging because the bulk of the on-site buffer outside of the proposed project consists of mature forest, and there are no ideal enhancement opportunities on site as required for buffer reduction under LCMC 18.300.090(5)(j)(iv). The project proposes buffer averaging at a 1:1 ratio. Approximately 10,433 sf of the Category II reduced wetland buffer (130 feet) is impacted; therefore, 10,433 sf of buffer averaging will be provided to ensure no net loss. The stormwater facility has been designed in the western portion of the site adjacent to the Category III wetland (Wetland B), the historic logging road, and the historic site access from the residential driveway. LCMC 18.300.050(4) allows stormwater facilities to be located in critical areas and buffers when there is no other reasonable alternative, which appears to be the case here. Wetland B is the lowest functioning wetland unit on site; therefore, the proposed stormwater facility location is intended to avoid additional impacts to the site's higher category and higher functioning Wetland A unit. To mitigate for the buffer impacts, buffer enhancement surrounding stormwater ponds within the areas historically dominated by grass is proposed at a 1:1 ratio to ensure no net loss. City staff and the city's environmental review consultant, WSP USA Inc., reviewed the development proposal and concurred that the proposed buffer averaging is an effective way to ensure no net loss for the wetland buffer reduction. However, to guarantee achievement of no net loss of wetland functions and wetland buffer, the applicant shall implement all mitigation measures listed in LCMC 18.300.090(5)(j)(iv) to the greatest extent practicable. To accomplish this, the applicant shall revise the AshEco Solutions April 2025 Critical Areas Report & Buffer Mitigation Plan (Ex. 1, tab R) to incorporate all of the mitigation measures listed in LCMC 18.300.090(5)(j)(iv) to the greatest extent practicable prior to final engineering approval.

The applicant proposes a viewing area as discussed above in LCMC 18.300.090(2) within the wetland buffer. However, the proposed location of this viewing area is at, and adjacent to, a previously disturbed logging road and an area devoid of vegetation. Improvements will have low impacts and include benches and picnic tables. As proposed, this use and its

improvements will not have any impacts to the wetland buffer; therefore, no mitigation is proposed or required.

Other Wetlands Requirements

LCMC 18.300.090(5)(k) provides additional review criteria for impacts to wetlands and requires an approved mitigation or enhancement plan. The applicant proposes to mitigate for impacts to Wetlands A and B through on-site buffer averaging at a 1:1 ratio. In addition, LCMC 18.300.090(5)(k) also requires:

- The proposed activity will not cause significant degradation of groundwater or surface water quality or fish and wildlife habitat
- The proposed activity shall comply with all state, local, and federal laws, including those related to sediment control, pollution control, floodplain restrictions, stormwater management, and on-site wastewater disposal
- Wetland and wetland buffer impacts shall be avoided or substantially minimized consistent with the mitigation sequencing criteria

The applicant provided documentation that it has limited the project's impacts to the reduced wetland buffers, including mitigation measures, to help ensure that development activities do not cause significant degradation of groundwater or surface water quality or fish and wildlife habitat, that all development activities comply with applicable state, local, and federal laws, and that the wetland and wetland buffer impacts are minimized consistently with the mitigation sequencing criteria. To implement these protections and help ensure compliance with LCMC 18.300.090(5)(k) requirements, the following conditions are warranted:

- The developer shall revise the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) (Exhibit 1) to incorporate all the mitigation measures as listed in LCMC 18.300.090(5)(j)(iv) to the greatest extent practicable prior to final engineering approval.
- The developer shall provide a final mitigation plan in accordance with LCMC 18.300.090(5)(q) and LCMC 18.300.120 prior to final plat approval.
- The developer shall mark the buffer area prior to commencement of construction pursuant to LCMC 18.300.090(q)(iii).
- The developer shall permanent mark the buffer area consistent with LCMC 18.300.090(q)(iv), including a sign that reads "Wetland and Buffer – Please Retain in a Natural State" prior to final plat approval.
- The developer shall record the wetland buffers with a conservation covenant in a form approved by the City attorney prior to final plat approval. The conservation covenant shall be referenced and buffers shall be shown on the final plat.

Native Plant List. LCMC Ch. 18.340 requires all property owners throughout the city to avoid the use of plants from the nuisance plant list and to not landscape with any plants on the prohibited plant list. The applicant's preliminary landscape plan (Ex. 1) does not include any nuisance or prohibited species. A condition is warranted, however, that a note about the requirement to maintain trees will be placed on the face of the plat.

Tree Cutting and Removal.

LCMC Ch. 18.350 regulates the cutting and removal of trees from property in the city, and LCMC 18.350.090 provides the following approval criteria:

1. *Removal of the trees will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing wetlands.*

A condition is warranted requiring the applicant to submit approved erosion control plans, grading plans, stormwater facilities, and improvement plans to demonstrate that tree removal activities associated with the development will avoid or mitigate erosion and negative impacts to soil stability surface water quality. All trees proposed for removal shall be identified on the tree protection plan and shall be flagged in the field consistent with LCMC 18.350.060 so that the city and all contractors can easily identify all trees to be removed and those to be preserved consistent with 18.350.070(3). The applicant shall install construction fencing at the dripline of any trees that are to be preserved, that will not inadvertently be removed and grading does not occur within the trees' root zones.

2. *Removal of the trees are not for the sole purpose of providing or enhancing views.*

It is clear from this proposal that the applicant intend to not remove trees for the sole purpose of providing or enhancing views as the applicant's intent is discussed under the next criterion.

3. *The trees are proposed for removal for landscaping purposes or in order to construct development approved or allowed pursuant to La Center Municipal Code or other applicable development regulations. The city planner may require the building footprint of the development to be staked to allow for accurate verification of the permit application.*

The city planner has the authority to require the building footprint of the development to be staked to allow for accurate verification of the permit application.

4. *Removal of the trees will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood. The City may grant an exception to this criterion when alternatives to the tree removal have been considered, and no reasonable alternative exist to allow the property to be used as permitted in the zone. In making this determination, the city may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the La Center Municipal Code.*

Based on the project proposal, development plans and associated reports and representations by the applicant, I find that the removal of the trees will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood. Tree removal has been considered, and no reasonable alternative exists to allow the property to be used as permitted in the zone without the removal of trees as proposed.

5. *The city shall require the applicant to mitigate for the removal of each tree pursuant to LCMC 18.350.050. Such mitigation requirements shall be a condition of approval of the permit.*

A condition is warranted requiring the applicant to meet the mitigation requirements according to LCMC 18.350.050. Based on staff's review and favorable recommendation, the foregoing findings and conditions referenced herein, I conclude that the proposal meets the tree cutting criteria and permits to cut and remove trees are approved as proposed and conditioned herein.

The developer shall identify all trees to be removed on the plans and those trees shall be flagged in the field consistent with LCMC 18.350.060 so that the City can verify trees to be removed and preserved consistent with 18.350.070(3). Each tree 10-inches dbh or greater proposed to be removed shall be mitigated by planting one two-inch deciduous or a 6-foot tall conifer tree consistent with LCMC 18.350.050.

Archeological Resource Protection - LCMC Ch. 18.360.

According to the Clark County Maps Online archaeological predictive model, this property is an area containing High and Moderate High risk of encountering archaeological resources. Accordingly, LCMC 18.360.030(12) requires an archeological predetermination because this project will have a high impact due to excavations of 12 inches below the ground surface and more than 10,000 sf in moderate-high risk areas. The applicant's proposal will include excavation of more than 12 inches below grade for construction of roads and utilities which exceed 10,000 sf and for grading on some areas of the site. Therefore, an archeological predetermination is required for this project. The developer included an archeological predetermination report, completed by Archaeological Services LLC, with the application package (Ex. 1).

A SEPA mitigation measure requires the applicant to avoid work within the boundary of the archaeological site, and the applicant states it will not work within the boundary. A condition is warranted requiring a DAHP permit if the developer proposes or conducts work within the boundary of the archaeological site.

Based on the information included with the applicant's archeological predetermination, if avoidance of the archaeological boundary is not feasible, it is recommended that the developer conduct an archaeological survey.

A condition is warranted requiring a note to be placed on the face of the plat stating that, if any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archeology and Historic Preservation in Olympia and the City of La Center shall be notified. The developer's failure to comply with these state requirements may constitute a class C Felony subject to imprisonment and/or fines.

Public Works and Engineering.

LCMC Chapter 12.05 (Sidewalks), Chapter 12.10 (Public and Private Road Standards); Chapter 18.320 (Stormwater and Erosion Control), Chapter 15.05 (Building Code and Specialty Codes), Chapter 15.35 (School Impact Fees), Chapter 12.10 (Public and Private Road Standards) all apply to this development.

Public and Private Road Standards (Chapter 12.10). The city's Engineering Standards for Construction shall apply to all public road improvements unless modified by the director.

Engineering Standards section 2.12 (Street Ends) requires Cul-de-sacs to be provided at all public and private street ends. Where a street is temporarily dead ended (Temporary Dead

Ends), the developer shall make provision for a turn-around where the road serves more than one lot. The turn around may be a hammerhead if the dead end is less than 200 feet long. If it is longer than 200 feet, the developer shall provide a cul-de-sac for residential streets. LCMC 12.10.90 requires a minimum right-of-way roadway width for all city roads as specified in the engineering standards. The cul-de-sac needs to be on the applicant's property, dedicated as public right of way, have a minimum diameter cul-de-sac of 96 feet from curb to curb, per the city and CCF&R standard. The application shows a dead end at the south W. G Avenue that is ~300 lineal feet long. Per 2.12 B, this must be a cul-de-sac because it is over 200 lineal feet. It appears that the applicant is placing a connection to W. F Place, which will need to meet the half width of a Local Street Access or a 25-foot width with no parking on both sides of the street, per LCMC 12.10.110. The corner will require a minimum 25-foot curb radius, allowing for a fire truck to meet this turn.

F Place is a Local Access Street, for which the city's Engineering Standards require a 32-foot wide paved road. The developer shall design and construct Half Street Improvements for the portion of F Place that abuts the development property. The north end of the existing F Place only has a half-width street section of 20 feet per the minimum road width per CCF&R. Half Street improvements will need to be shown to complete this Local Street Standard per LCMC 12.10.190. The developer shall design and construct right-of-way and street improvements for all interior streets consistent with the city's Local Engineering Standards.

Phasing. The applicant proposes this development in 3 phases. Phase 1 includes 15 lots abutting the west side of F Avenue and the storm water pond southeast corner of the site. Phase 2 includes 40 lots along W. 14th Avenue. Phase 3 includes 11 lots on W. G Court connected to W. 14th Avenue. To construct phase 1, the developer shall construct half street improvements along F Place. The developer shall design and construct all phase 2 improvements along W. 14th Street, a Local Access Street along the length of the lots. The applicant proposes a temporary Cul-de-Sac at the south end of W. 14th Street on Lots 36, 37, 38 and 39. A temporary turnaround cul-de-sac is also shown on the property owned by someone else south of the development parcel. The applicant shall install at least one of these turnarounds to meet the city and CCF&R requirements. If the W 14th Street Cul-de-Sac is constructed on private property, the developer shall obtain an access and maintenance easement dedicated to the city.

Traffic

Streets and Circulation. Based on 67 new single-family dwellings, this subdivision is estimated to generate 551 new average daily trips, 39 new trips in the a.m. peak hour, and 51 new trips in the p.m. peak hour, according the ITE Trip Generation Manual, 11th edition. Based on the results of the applicant's traffic study and capacity analysis (Ex. 1, tab K), a minimum level of service ("LOS") E will be achieved with build out of the Juniper Ridge Subdivision at all affected intersections of regional significance, except for the NW Paradise Park Road/NW La Center Road intersection. This intersection is projected to operate at LOS F during the p.m. peak hour at build-out. That intersection, however, is predicted to operate at a failing LOS with or without this development. Accordingly, the City's Consultant is in the process of designing a roundabout at this intersection to mitigate the predicted LOS deficiency.

Sight Distance. The applicant's Traffic Report (Ex. 1, tab K) measured intersection sight distance in excess of 280 feet to the west and east at the intersection of Pacific Highway at W D. Avenue. Based on the criteria in AASHTO, A Policy on Geometric Design of Highways and Streets, 2011 and the posted speed limit of 25 mph on Pacific Highway the

recommended intersection sight distance is 280 feet. Therefore, the intersection sight distance standard is met at this intersection. A left turn lane improves safety and increases the capacity of the roadway by reducing the speed differential between the through and left turning vehicles. No additional turn lanes are required based on the WSDOT guidelines.

Grading.

The applicant shall submit final grading and erosion control plans as part of the subdivision plans that show the proposed contours on the plans and obtain a permit. The City Erosion Control Standards require that any disturbance exceeding 500 sf shall 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 LCMC Chapter 18.320 and the applicant's approved Construction Stormwater Permit.

Geotechnical Study

The application included a geotechnical study and report, prepared by a geotechnical engineer or geologist, licensed in the state of Washington. The final geotechnical 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.

Trail requirement

The Park Master Plan is in the process of being updated. In this plan and the existing 2017 park plan, it shows that a future trail extending from Pacific Highway on the applicants property. This trail will eventually connect to the existing trail north of Hannas Farm. The applicant shall dedicate right-of-way to the city and construct for an 8-foot wide trail along this corridor consistent the rustic trail section T3. The trail will eventually connect to Pacific Highway, via 9th Street public right-of-way. LCMC 18.60.010 allows a statutory development agreement to be authorized by city council. This procedure is discussed below under land use Type III procedures. If the developer chooses to enter into a Developer Agreement, one benefit to the city can be the dedication to the city of right-of-way and construction of a trail along the property, that aligns with the park plan.

Sewer System Rules and Regulations

Connection to Public Sanitary Sewer Required. LCMC Chapter 13.10 requires connection of this plat and all lots in it to public sewer. Consistent with LCMC 13.10.230, the developer shall have all work performed by a contractor duly licensed in the City of La Center. Consistent with LCMC 13.10.200, the developer shall have all work performed using an open trench method unless otherwise approved, and consistent with LCMC 13.10.110, the developer shall bear all costs associated with installing the side sewer.

Per the City Engineering Standards, sanitary sewers should be with adequate capacity for future flows 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). As stated above a sewer impact fee is assessed for every new home at the time the building permit.

Sewer Connection. The applicant proposes to connect to the existing sewer system in Hannas Farm subdivision for the proposed subdivision. The applicant is showing an easement from W 1 4th Street to the temporary street connection at the south end of the

site. The applicant proposes to connect to Hannas Farm Subdivision sanitary sewer at the south end of W. F Place.

To serve Phase 1, the applicant shall connect directly into the sewer main in W. F Place. To serve phase 2, the applicant shall extend an 8-inch sewer along a 15-foot wide public sewer easement along the property's south edge. A 15-foot wide easement will be extended between Lots 26 and 27 in Phase 3 to part of Phase 2 and Phase 3. A force main is proposed to serve some lots along the south edge of W. 14th Street that cannot flow by gravity. Since this will be a public gravity sewer, with manholes, a 15-foot wide gravel or paved easement will need to be dedicated by the applicant.

LCMC Chapter 18.320 (Stormwater and Erosion Control)

Applicability. LCMC 18.320.120(1) subjects all ground-disturbing activities of more than 500 sf to the requirements of City of La Center Erosion Control Guidelines. LCMC 18.320.120(2)(a) requires any project that creates more than 2,000 sf of impervious surface is subject to stormwater regulation. The applicant proposes to create new impervious public interior streets, that will be public 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.

Technical Information Report (TIR) requirements. The developer shall submit a TIR that demonstrates compliance with LCMC Ch. 18.320. LCMC 18.320.220 requires that, if surface water leaves the site, stormwater must be detained per LCMC. Runoff calculations shall 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 design must meet the requirements of LCMC Ch. 18.320 and the 1992 Puget Sound Manual for the design of the system. 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. The developer shall submit an operations manual for City review approval for the maintenance of the facility in all cases. The developer shall provide a financial guarantee (bond) in a form and amount suitable to the City Attorney to guarantee maintenance of the facility for a period of 2 years following final plat. To effectuate these requirements in perpetuity, the developer shall complete the following:

1. The developer shall establish a homeowner's association (HOA) to maintain in perpetuity the stormwater facilities that are not dedicated to the City. The developer shall prepare the HOA Articles of Incorporation, By-laws and CC&Rs that reflect the HOA's operation and maintenance costs for stormwater facilities shall be borne by the HOA. The applicant shall also prepare for city review a "Stormwater Covenant" that describes the scope of maintenance of the stormwater facility and be recorded and incorporated in the CC&Rs.
2. The HOA shall be empowered to assess its members fees to be reserved and used to reimburse the City for the operation and maintenance of the stormwater facilities if city enforcement or intervention becomes necessary.
3. The City shall have the right of third-party enforcement of HOA requirements related to the stormwater facilities and 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 shall 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 LCMC 18.320.230."

Street Lighting

The developer shall design and install street lighting consistent with city requirements. Design and installation shall be reviewed and approved by the City. Street lighting on local streets shall be Acorn full-cutoff, single-fixture on a black decorative fiberglass pole per the Engineering Standards. The developer shall submit a photometric analysis along with the street light design to verify compliance with the Engineering Standard.

Impact Fees.

All residential units created in this development will produce impacts on schools, parks, and traffic and related systems and facilities. Accordingly, each new dwelling unit shall pay the then-current School Impact Fee (SIF), Park Impact Fee (PIF), and Traffic Impact Fee (TIF) at the time of building permit issuance pursuant to LCMC Ch. 15.35. Impact fee amounts and are subject to change, and impact fees are calculated and paid using the rates in effect at the time building permits are issued.

SEPA Determination

The Applicant provided a SEPA Checklist (Ex. 1, tab L), which the city reviewed, along with the relevant supporting documentation, e.g., archaeological pre-determination report. The city's SEPA official issued a preliminary optional Mitigated Determination of Non-Significance (MDNS) (Exs. 3 & 4) in File No. 2025-005-PLD on July 10, 2025. The city published notice of the likely MDNS in the Washington Department of Ecology's SEPA Register, after which it received substantive comments from the Washington Department of Ecology (Ex. 5), Washington Department of Fish and Wildlife (Ex. 6) and the Department of Archaeology and Historic Preservation (Ex. 7). Staff issued a comprehensive report on the project (Ex. 13) on August 6, 2025, which was also the city's final SEPA determination for File No. 2025-005-PLD. The issues raised in the SEPA comments in the record are adequately addressed in the foregoing findings and the conditions of approval that follow, and no further response is warranted. The SEPA checklist is compliant with the applicable state and city requirements, and it is final.

V. Decision and Conditions:

Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the plans (Exs. 1, 9, 10, 11, 12, 13 & 14) and supporting documentation. On this basis, this development application is approved as proposed, subject to the requirement that the applicant, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions of approval. These conditions shall be interpreted and implemented consistently with the foregoing findings:

1. The developer shall ensure that any potentially dangerous or hazardous materials present, such as PCB-containing lamp ballasts, fluorescent lamps, and wall thermostats containing mercury, are removed prior to demolition.
2. The developer shall address all SEPA Mitigation Conditions as outlined in this report.

3. The developer shall apply for and obtain a DAHP Permit prior to any ground disturbing activities on the site.
4. If there is disturbance of an archaeological site, the applicant shall update its site plans to show full avoidance of the archaeological site with a safety buffer. The safety buffer shall extend to the first negative archaeological hole excavated out from the site. If any project activities occur within 50 feet of the site, the site buffer zone should also be physically marked on the ground with fencing, flagging, or some other readily visible materials. The marked buffer shall remain in place until all project related activities are completed. DAHP also recommends continued consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.
5. If the single-family residence constructed in 1974 is removed, the developer shall complete a Historic Property Inventory (HPI) form and file it with DAHP.
6. The developer shall apply for and obtain a sign permit and building permit (if applicable) for any subdivision entrance sign prior to sign construction in accordance with applicable requirements of LCMC Ch. 8.60.
7. The developer shall obtain a zone change of the property to MDR-16 prior to Engineering approval and the beginning of any construction activities on the site.
8. All buildings shall comply with the applicable building height limitations at the time of building permit issuance.
9. No lot may exceed the maximum lot coverage as demonstrated at the time of building permit issuance.
10. All lots abutting the southern property line shall be a minimum of 6,750 square feet, and setbacks for these lots shall be no less than 80% of the setback requirements of the LDR-7.5 zone. However, if prior to final plat, the parcels to the south are no longer zoned LDR, then no beveling is required, and this condition shall no longer apply.
11. No more than 75% of lots shall be used for a single housing type.
12. The developer shall demonstrate that building design requirements are met prior to issuance of a building permit for each lot
13. Prior to engineering approval, the developer shall provide a final landscape plan prepared by a licensed and registered landscape architect meeting the requirements of LCMC 18.140.040(3).
14. The developer shall provide parking on the same lot as the dwelling unit or in a shared parking area.
15. The developer shall demonstrate that the garage requirements of LCMC 18.140.040(5) are met prior to issuance of a building permit for each lot.
16. The developer shall demonstrate that the requirements of LCMC 18.140.050 (Requirements for single-family attached housing) are met prior to issuance of a building permit for each lot.

17. The developer shall demonstrate that design requirements of LCMC 18.140.070 (Requirements of single-family detached housing) are met prior to issuance of a building permit for each lot.
18. Each park element must be at least 0.25 acres, or the individual park elements must be connected by a paved pedestrian circulation path or sidewalk. Required parks shall be completed prior to the issuance of the occupancy permit of the 25th dwelling unit in the development. All park improvements required pursuant to this chapter shall be either dedicated to the city or have public access easements established prior to or concurrent with final development approval.
19. The developer shall submit a parks plan developed by a licensed landscape architect that provides the park amenities required by LCMC 18.147.030(1)(b)(viii), including irrigation, and lighting shall be provided prior to Engineering approval.
20. All park amenities shall be completed prior to the issuance of the occupancy permit of the 25th dwelling unit within the development.
21. All required park improvements shall have public access easements established prior to or concurrent with final development approval. The developer shall retain ownership and maintenance responsibility for the parks, and a trail easement dedicated to the City shall be provided over the Bolen Creek Trail.
22. Each phase must be submitted as shown on the proposed plan.
23. All flag lots shall comply with LCMC 18.210.040(3).
24. The preliminary plat shall expire 5 years from the date of preliminary plat approval, unless an application for final plat is submitted or an extension is approved per LCMC 18.210.050(2) and (3).
25. The developer shall comply with all provisions regarding monumentation outlined in Chapter 18.230 prior to final plat approval.
26. The developer shall provide a photometric plan prior to final engineering plan approval showing how the proposed lights will not cause more than a one foot-candle measure at any property line in conformance with 18.245.040 and LCMC 18.282.
27. The developer shall coordinate with the fire marshal's office to meet all fire code requirements prior to final engineering.
28. The developer shall screen all ground-level exterior equipment from view from adjoining property that is used or zoned for residential purposes or from an adjoining public road right-of-way to at least an F2 or L3 landscape standard.
29. The developer shall install all required landscaping prior to issuance of occupancy or final inspection within 6 months after issuance of occupancy. Alternatively, installation may be delayed until final inspection if that would increase the likely survival of plants.
30. The developer shall prepare a final landscape plan that contains plant material, size and quality information.

31. All required landscape areas including within the planter strip along public roadways must meet the City's irrigation requirements in LCMC 18.245.060(18) and shall be installed prior to final plat.
32. The developer shall provide information demonstrating that any proposed fences or hedges comply with LCMC 18.245.020.
33. The developer shall provide a photometric plan prior to final engineering plan approval showing how the proposed lights will not cause more than a one foot-candle measure at any property line in conformance with 18.245.040 and LCMC 18.282.
34. The developer shall install all landscaping prior to issuance of final inspection for each dwelling unit or no more than 6 months after final inspection if it will increase plant survival. Installation after occupancy requires City notification and approval.
35. The developer shall install all landscaping prior to issuance of final inspection for each dwelling unit or no more than 6 months after final inspection if it will increase plant survival. Installation after occupancy requires City notification and approval.
36. All required landscape areas including within the planter strip along public roadways must meet the City's irrigation requirements in LCMC 18.245.060(18). The developer shall provide irrigation plans prior to final engineering approval.
37. The developer shall demonstrate that each dwelling unit has at least 2 off-street parking spaces per LCMC Table 18.280.010 prior to building permit approval.
38. The final plat shall show Lots 40 through 43 and Lots 46 through 54 as excluding the full, reduced riparian buffer width prior to final plat approval.
39. The developer shall implement the mitigation measures for the affected riparian areas as outlined in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) prior to final plat approval.
40. The developer shall permanently mark the outer extent of the buffer, including the buffer averaging area as shown in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) in accordance with LCMC 18.300.090(2)(n)(ii) prior to final plat approval. The riparian buffer shall be placed into a conservation covenant and be recorded in a form approved by the City attorney as adequate to incorporate the other riparian buffer restrictions and give notice to obtain a permit prior to engaging in regulated activities within the riparian buffer.
41. The developer shall place the riparian buffer, including the buffer averaging area as shown in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.
42. The final plat shall show Lots 40 through 43 and Lots 46 through 54 as excluding the full, reduced riparian buffer width prior to final plat approval.

43. The developer shall stake, flag, and fence the riparian area buffer, including the riparian buffer averaging area as shown in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) (Exhibit 1) prior to any site improvements for the duration of site construction.
44. The developer shall permanently mark the outer extent of the buffer, including the buffer averaging area as shown in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) (Exhibit 1) in accordance with LCMC 18.300.090(2)(n)(ii) prior to final plat approval.
45. The developer shall place the riparian buffer, including the buffer averaging area as shown in the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) (Exhibit 1) in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording, including the riparian buffer, on the face of the final plat for final plat approval.
46. The developer shall follow all recommendations of the Geotechnical Site Investigation by Columbia West Engineering, Inc. dated December 2005, and subsequent revisions as conditioned in this decision.
47. The developer shall comply with and implement the design recommendations, BMPs, and general standards as provided by the Geotechnical Site Investigation by Columbia West Engineering, Inc. dated December 2005 and subsequent revisions as conditioned in this decision for final engineering approval.
48. The developer shall clearly stake the landslide hazard areas and buffers before and during any construction or site clearing.
49. The final plat shall show the 15-foot, 25-foot and 40-foot slope setbacks.
50. The developer shall comply with the erosion hazard recommendations provided by the Geotechnical Site Investigation by Columbia West Engineering, Inc. dated December 2005 and subsequent revisions as conditioned in this decision for final engineering approval. The applicant has also provided a preliminary grading and erosion control plan sheet as part of its preliminary plat plan set.
51. The developer shall provide a final grading and erosion control plan prepared in accordance with LCMC 18.300.090(4)(e)(ii) prior to final engineering approval.
52. The developer shall update the geotechnical report (Columbia West Engineering, Inc., December 2005) to directly confirm the occurrence of Site Class C – D seismic hazard on site prior to final engineering approval. If a seismic hazard is confirmed on the site, the geotechnical report (Columbia West Engineering, Inc., December 2005) shall be updated with building and development design standards and recommendations to reduce risks from seismic activity prior to final engineering approval.
53. The developer shall comply with LCMC Title 15, Buildings and Construction, and the International Building Code (IBC) for constructing structures in the seismic hazard area.

54. The developer shall follow all recommendations of the Geotechnical Site Investigation by Columbia West Engineering, Inc. dated December 2005, and subsequent revisions as conditioned in this decision.
55. The developer shall comply with and implement the design recommendations, BMPs, and general standards as provided by the Geotechnical Site Investigation by Columbia West Engineering, Inc. dated December 2005 and subsequent revisions as conditioned in this decision for final engineering approval.
56. The developer shall clearly stake the landslide hazard areas and buffers before and during any construction or site clearing.
57. The final plat shall show the 15-foot, 25-foot and 40-foot slope setbacks.
58. The developer shall comply with the erosion hazard recommendations provided by the Geotechnical Site Investigation by Columbia West Engineering, Inc. dated December 2005 and subsequent revisions as conditioned in this decision for final engineering approval.
59. The developer shall provide a final grading and erosion control plan in accordance with the requirements of LCMC 18.300.090(4)(e)(ii) prior to final engineering approval.
60. The developer shall update the geotechnical report (Columbia West Engineering, Inc., December 2005) to directly confirm the occurrence of Site Class C – D seismic hazard on site prior to final engineering approval. If a seismic hazard is confirmed on the site, the geotechnical report (Columbia West Engineering, Inc., December 2005) shall be updated with building and development design standards and recommendations to reduce risks from seismic activity prior to final engineering approval.
61. The developer shall comply with LCMC Title 15, Buildings and Construction, and IBC for constructing structures in the seismic hazard area.
62. The developer shall revise the Critical Areas Report & Buffer Mitigation Plan (AshEco Solutions, April 2025) (Exhibit 1) to incorporate all the mitigation measures as listed in LCMC 18.300.090(5)(j)(iv) to the greatest extent practicable prior to final engineering approval.
63. The developer shall provide a final mitigation plan in accordance with LCMC 18.300.090(5)(q) and LCMC 18.300.120 prior to final plat approval.
64. The developer shall mark the buffer area prior to commencement of construction pursuant to LCMC 18.300.090(q)(iii).
65. Prior to final plat approval, the developer shall install a permanent marking on and around the buffer area perimeter consistent with LCMC 18.300.090(q)(iv) that reads "Wetland and Buffer – Please Retain in a Natural State."
66. The developer shall record the wetland buffers with a conservation covenant in a form approved by the City attorney prior to final plat approval. The conservation covenant and buffers shall be shown on the final plat prior to final plat approval.

67. The developer or its builder shall plant all required trees in the public right-of-way adjacent to stormwater, parks or open space tracts prior to final plat.
68. The developer or its builder shall plant all required trees on individual lots and in public planter strips prior to issuance of final occupancy.
69. The developer shall place a note on the final plat stating that the trees shall be watered and maintained in a healthy condition year-round by the HOA.
70. The developer shall place a note on the face of the final plat stating that all required trees shall be maintained by the HOA or individual lot owners.
71. The developer shall submit approved erosion control plans, grading plans, stormwater facilities, and improvement plans to reduce negative impacts to erosion, soil stability, and flow of surface waters. Any trees proposed for removal shall be identified on the tree protection plan and shall be flagged in the field consistent with LCMC 18.350.060 so that the City can verify trees to be removed and preserved consistent with 18.350.070(3). In addition, the developer shall install construction fencing at the dripline of any tree required or determined to be preserved, so it is not inadvertently removed or damaged and to ensure that no grading occurs within its root zones.
72. The city planner may require the building footprint of the development to be staked to allow for accurate verification of the permit application.
73. The developer shall meet or otherwise comply with the tree removal mitigation requirements in LCMC 18.350.050.
74. The developer shall flag in the field and identify on the plan consistent with LCMC 18.350.060 all trees proposed for removal so that the city can verify which trees are to be removed and preserved consistent with LCMC 18.350.070(3).
75. Each tree 10-inches dbh or greater proposed to be removed shall be mitigated by the developer by installing one 2-inch deciduous or a 6-foot tall conifer tree consistent with LCMC 18.350.050.
76. A note shall be placed on the face of the plat stating that, if any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archeology and Historic Preservation in Olympia and the City of La Center shall be notified. Failure to comply with these state requirements may constitute a class C Felony subject to imprisonment and/or fines.

Public Works and Engineering Conditions

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.

1. The applicant shall provide full street improvements per standard ST-15 Local Access for Phase 1 of the phasing, per LCMC 12.10.190. Half Street per standard ST1-5 Improvements are required for F Avenue with phase 1 construction. A Cul-de-Sac shall be installed in Phase 2 of the phasing. An easement for access and maintenance will be required as part of the plat, for the temporary Cul-de-Sac on private property. A Cul-de-Sac will need to be installed at W. G Court has part of Phase 3 phasing. The Cul-de-Sac must

be a minimum of a 96-foot diameter cul-de-sac from curb to curb, per the city and CCF&R standard.

2. LCMC 18.212.050. 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.
3. To serve Phase 1, the applicant shall connect directly into the sewer main in W. F Place. To serve Phase 2, the applicant shall extend an 8-inch sewer along a 15-wide public sewer easement along the south edge of the property. A 15-wide easement will be extended between Lots 26 and 27 in phase 3 to part of Phase 2 and Phase 3. A force main is proposed to serve some lots along the south edge of W. 14th Street that cannot flow by gravity. Since this will be a public gravity sewer, the developer shall dedicate a 15-foot wide gravel or paved easement to facilitate access to the sewer structures. The applicant shall pave the length of at least one travel lane on F Place along the length of new sewer laterals connecting to the sewer.
4. The applicant shall follow all recommendations of the Geotechnical report prepared by Columbia West Engineering dated December 5, 2025.
5. The applicant shall follow all recommendations of the report prepared by Kelly Engineering dated January, 2025.
6. LCMC Chapter 18.320 (Stormwater and Erosion Control) LCMC 18.320.120(1) states that ground-disturbing activities of more than 500 sf are subject to the requirements of City of La Center Erosion Control Guidelines. LCMC 18.320.120(2)(a) states that the creation of more than 2,000 sf 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 6-month, 24-hour storm runoff volume. A Technical Information Report (TIR) will need to be submitted by the applicant and must comply with LCMC 18.320. LCMC 18.320.220 states that if surface water leaves the site, stormwater must be detained per LCMC. The design must meet the requirements of LCMC Ch. 18.320 and the 1992 Puget Sound Manual for the design of the system.
7. 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.
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 development of the housing units has occurred or at minimum of 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. 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:

- a. The developer shall establish a homeowner's 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.
 - b. 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.
 - c. 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 LCMC 18.320.230.
8. The developer shall dedicate right-of-way and construct an 8-foot wide trail along this corridor per the rustic trail section T3 per the park plan. The developer shall dedicate to the city a 12-foot wide easement consistent with the rustic trail standard for public access and maintenance. The city will maintain the trail after the dedication is accepted.

SEPA (MDNS) Mitigation Conditions

1. Air: The developer shall use best management practices to reduce dust during construction.
2. Air: Construction equipment shall not be permitted to idle and is required to be shut off while not in use.
3. Water: The developer shall comply with the recommendations of the Preliminary Technical Information Report.
4. Environmental Health: The developer shall obtain Health Department approval for the removal of a well or septic on the site.
5. Historic and cultural preservation: In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100-foot buffer; this number may vary by circumstance) must stop and the contractor or developer shall take the following actions:
 - a. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
 - b. Take reasonable steps to ensure confidentiality of the discovery site; and,
 - c. Take reasonable steps to restrict access to the site of discovery.

The developer shall notify the concerned Tribes and all appropriate county, city, state, and federal agencies, including the Washington Department of Archaeology and Historic Preservation and the City of La Center. The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural material and will reach an agreement with the applicant regarding actions to be taken and disposition of material. If human remains are

uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.

See the Revised Code of Washington, Chapter 27.53, "Archaeological Sites and Resources," for applicable state laws and statutes and Washington State Executive Order 05-05, "Archaeological and Cultural Resources." Additional state and federal law(s) may also apply.

Copies of the above inadvertent discovery language shall be retained on-site while project activity is underway.

Contact	Information
Cowlitz Indian Tribe, Nathan Reynolds, Interim Cultural Resources Manager	Phone: 360-575-6226; email: nreynolds@cowlitz.org
City of La Center, Tracy Coleman, Community Development/Public Works Director	Phone: 360-263-7665; tcoleman@ci.lacenter.wa.us
Office of the Clark County Medical Examiner (for human remains)	Phone: 564-397-8405; email: medical.examiner@clark.wa.gov
Washington DAHP, Dr. Allison Brooks, Ph. D, Director	Phone: 360-586-3066; email: Allyson.Brooks@dahp.wa.gov

6. Transportation: The applicant shall comply with the recommendations of the Traffic Analysis Report (Lancaster Mobley, March 6, 2024).

CCFR Fire Conditions

1. The developer shall comply with all applicable requirements and receive approval through Clark-Cowlitz Fire Rescue.
2. All homes with residential fire sprinklers, shall have a minimum of a 1" water meter.
3. Occupancies with limited fire flow or access (such as flag lots, substandard road widths or grade of greater than 10%, private bridges, private roads, etc.) shall be installed with automatic sprinkler system.
4. Any gate access points that have electronic gate(s), have a Knox key switch installed instead for emergency access.
5. IFC D103.4 Dead end Streets: Any dead-end required access road longer than 150' must be provided with an approved cul-de-sac or turn-around in accordance the International Fire Code design criteria. (96' Diameter Cul-de-sac; 120' Hammerhead with 20' clear width and 28' R corners; or a 60 foot Y).
6. IFC D107 One or Two-Family Residential Developments : Developments of one or two family dwellings where the number of dwelling units exceeds 30 shall be provided with two

separate and approved fire apparatus access roads. This requirement is for combined phases, not just one phase at a time. Phases 1, 2 & 3 have a total of 68 lots.

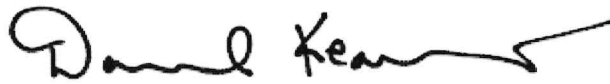
7. Where 2 fire apparatus access roads are required, they shall be placed a distance equal to not less than $\frac{1}{2}$ the overall diagonal of the lot or area being served, measured in a straight line.
8. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system accordance with the IFC Section 903.3.1.1, 903.3.1.2 or 903.3.1.3; access from two directions shall not be required
9. As proposed, this development has only one ingress/egress access point (via W 14th Street through Hanna's Farm). So long as there is only one access point, all homes shall be equipped with fire suppression sprinkler systems. The developer or builders shall submit all sprinkler plans separately and directly to Cowlitz Fire and Rescue for review and approval. In the event a second access is provided and approved by Clark-Cowlitz Fire Rescue, fire homes in this development will not require fire suppression sprinkler systems unless 3,600 sf or larger, including enclosed garage space.
10. Emergency apparatus roads shall be 26' wide in areas adjacent to hydrants. The hydrant layout and positioning shall be complete prior to approval of the underground.
11. All work subject to field inspection and correction as identified at the time of the on-site inspection; all work shall be compliant with the applicable Standards and Codes; including the adopted edition of the International Fire Code and the LCMC.
12. Required access roadways and hydrants shall be serviceable and unobstructed prior to combustible construction.
13. Until fire hydrants and pavement has been installed, there shall not be any above ground combustible construction.
14. IFC 507.5.4 Fire Protection Water Supply: Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants
15. Required access roadways and hydrants shall be serviceable and unobstructed prior to combustible construction.
16. Fire hydrants shall be on and along Fire Department access roads, unobstructed and maintained at all times. A 3-foot clear space shall be maintained around the circumference of the hydrant; hydrants subject to motor vehicle impact shall have protection per the IFC section 312 & 507.
17. Any gate access points that have electronic gate(s) shall have a Knox key switch installed; if a manual gate(s) will be used, a Knox padlock with a multi-locking device (e.g. Gate Keeper Locks) shall be installed for emergency access.
18. IFC 507.5.5: A 3-foot clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved.

19. Appendix D of the IFC, apparatus access roads shall be a minimum of 20 feet in width (26 feet in width where a fire hydrant is located) and shall be able to access all parts of the structure within 150 feet of the access road; as an alternate method the buildings shall be sprinkler in accordance with the IFC, with an approved NFPA 13D or NFPA 13R sprinkler system.

CPU Conditions

1. The developer shall comply with all applicable requirements and receive approval through Clark Public Utilities.

Date of Decision: September 5, 2025.



By: _____
Daniel Kearns,
Land Use Hearings Examiner

NOTE: Only the Decision and Conditions of approval, if any, are binding on the applicant, owner or subsequent developer of the subject property as a result of this Order. Other parts of the final order are explanatory, illustrative or descriptive. There may be requirements of local, state or federal law or requirements which reflect the intent of the applicant, city staff, or the Hearings Examiner, but they are not binding on the applicant as a result of this final order unless included as a condition of approval.

Notice of Appeal Rights and Post-Decision Review

Anyone with standing may appeal any aspect of the Hearings Examiner's decision, except the SEPA determination, to the LaCenter City Council pursuant to LCMC 18.30.130. An appeal together with the requisite fee and information must be received by the city clerk within 14 calendar days of the date of this decision.

The applicant may seek a post-decision review at any time pursuant to LCMC 18.30.150 to change any aspect of this decision by filing an application that describes the nature of and the basis for the proposed change to the decision, including the applicable facts and law, together with the fee prescribed for that application by the city council.

VICINITY MAP
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