



Staff Report and Notice of Determination

La Center Middle School

Type II Tree Removal Permit

(2021-015-TRE) June 17, 2021

PROPOSAL:	The Applicant is requesting a tree removal permit for the La Center Middle School. The tree removal permit is subject to a Type II review according to LCMC 18.350.070.
LOCATION:	<ul style="list-style-type: none">1901 NE Lockwood Creek Road, #47 of SEC 2T4NR1EWM 2.10a Assessor's serial number: 209118000 and 209120000
APPLICABLE STANDARDS	This staff report addresses the following standards and approval criteria: LCMC Title 18, Development Code: LCMC 18.30.030, Type II Procedures; 18.350, Tree Protection
RECOMMENDATION:	APPROVAL , subject to conditions

CONTACT LIST

OWNER/APPLICANT

Dave Holmes
La Center School District
725 NE Highland Ave.
La Center, WA

APPLICANT'S REPRESENTATIVE

Keith Bloom
Educational Service District 112, Construction Services Group
16703 SE McGillivray Blvd,
Vancouver, WA 98683

LA CENTER STAFF

Anthony Cooper, PE, City Engineer
305 NW Pacific Highway
La Center, WA 98629
360.263.7665
acooper@ci.lacenter.wa.us

Ethan Spoo, AICP, Consulting Planner
WSP USA
210 East 13th Street, Suite 300
Vancouver, WA 98660
360.823.6138
ethan.spoo@wsp.com

Sam Rubin, AICP, Consulting Planner
WSP USA
210 East 13th Street, Suite 300
Vancouver, WA 98660
360.823.6108
sam.rubin@wsp.com

I. OVERVIEW AND PROCEDURAL BACKGROUND

Proposal

The applicant is seeking approval for the removal of 47 trees at the La Center Middle School site and in adjacent areas of the public right-of-way along Lockwood Creek Road. The trees removed are located on the La Center Middle School site and within the public right-of-way of Lockwood Creek Road. The La Center Municipal Code (LCMC 18.350, Tree Protection) requires that applicants obtain a tree cutting permit for all trees of five-inch diameter or greater and mitigate for all trees 10 inches or greater. The applicant is proposing to mitigate for the removal of the 47 trees by planting 95 trees on the La Center Middle School site and offsite on the property of Mr. John Stockman located to the west of the site.

The requested tree removal permit is a Type II review as it does not qualify as a Type I per LCMC 18.350.070 (1).

Application Timeline:

- Initial Conditional Use Permit approval for the Middle School (2018-027-CUP) January 3, 2019
- Initial tree removal of 47 trees-Fall of 2020
- Application materials filed on April 30, 2021
- The City issued a determination of completeness on May 26, 2021.
- Notice of application was mailed to property owners within 150-feet on May 26, 2021 with the public comment period closing on June 9, 2021.

Applicable Standards and Approval Criteria

This staff report addresses the following standards and approval criteria: LCMC Title 18 Development Code. 18.30.030, Type II procedures; 18.350, Tree Protection.

Public Comment

No public comments were received.

II. ENGINEERING REVIEW

The City Engineer does not have any review comments on this application.

III. LAND USE REVIEW

Chapter 18.30 -- Procedures

Findings: The application follows a Type II procedure outlined in LCMC 18.30.090 and was noticed in accordance with 18.30.050 and 18.30.120 to property owners within 150 feet, applicant, and agencies with jurisdiction. The notice of application was issued on May 26, 2021. The applicant submitted their application on April 16, 2021 and was deemed complete on April 30, 2021. Type II reviews do not require a public hearing.

Staff find that the applicant has met the burden of proving they meet the applicable regulations or can be conditioned to do so as summarized in this staff report.

Chapter 18.350— Tree Protection

18.350.010 Purpose

Findings: The purpose of this code section is to regulate the removal of trees, prescribe preventative protection measures, and require mitigation. Per the definition section of this chapter a “Tree” means any woody plant having a trunk five- caliper inches or larger at breast height (DBH). Only trees with a 5-inch DBH or greater require a tree cutting permit and per LCMC 18.350.050 only trees with greater than a 10-inch DBH require mitigation. A total of 47 trees are proposed for removal under this application.

18.350.050- Mitigation required

Findings: The proposed removal of 47 trees requires that the applicant replant either a minimum two-inch caliper DBH deciduous tree or a six-to-eight-foot-tall ever green for each tree removed and be planted according to specifications in LCMC 18.340. The applicant is proposing to plant 95 trees onsite and in the right-of-way as shown in Exhibit A and exceeds the required 1:1 mitigation ratio. A **condition of approval** is that the applicant shall plant the proposed 95 trees as mitigation for the 47 removed trees prior to occupancy. The 95 mitigation trees shall either be a minimum two-inch caliper deciduous or a six-to eight-foot tall evergreen tree.

18.350.060- Tree protection plan required

Findings: A tree protection plan is required for development activities that include but are not limited to clearing, grading, excavation, or demolition work on a property which requires a Type II or Type III permit. All of the trees covered under this permit have previously been removed. A **condition of approval** is that if any trees not proposed for removal under this permit shall be protected per protection provisions listed in LCMC 18.350.060.

18.350.070- Tree removal permits

Findings: The proposal is a Type II tree removal permit. As part of the tree removal permit the city would typically conduct verification of the trees to be removed prior to removal. Because the trees have already been removed verification of the trees to be removed is not applicable.

18.350.080- Approval Criteria

(1) Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks;

Findings: It is not anticipated that the 47 trees covered under this tree removal permit will have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks. The applicant is planting 95 trees onsite and within the right-of-way which exceeds the required 1:1 mitigation ratio for tree plantings. Stormwater will not be negatively impacted as the school construction was approved to address local and state stormwater requirements and to capture and treat stormwater runoff from the fully developed site. The applicant previously

applied for and was granted engineering approval including for grading and temporary erosion control under the previous permit 2018-027-CUP.

(2) Removal of the tree is not for the sole purpose of providing or enhancing views;

Findings: The 47 trees removed were for required for road widenings and sidewalk construction and onsite school improvements associated with the construction of a middle school and not for the purposes of enhancing views.

(3) The tree is proposed for removal for landscaping purposes or in order to construct development approved or allowed pursuant to the 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; and

Findings: The removed trees were removed for in order to construct sidewalks, road widenings, and school site improvements that has been previously approved by the City of La Center and the planner under 2018-027-CUP. Therefore, this requirement is met.

(4) Removal of the tree 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 exists 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.

Findings: The removal of the 47 trees is not anticipated to have a significant negative impact to the character, aesthetics, or property values of the neighborhood. The applicant is planting an additional 95 trees onsite and within the right-of-way as mitigation for the removed trees. The replanting ratio will exceed the trees removed by nearly double. Staff finds that newly planted trees will result in a net improvement in the character, aesthetics, and property values of the neighborhood.

(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.

Findings: The applicant is planting 95 street trees and yard trees which exceeds the required 1:1 mitigation ratio for the 47 removed trees.

(6) The city may impose conditions of approval on any tree cutting permit if the condition is reasonably related to preventing, eliminating or mitigating a negative impact or potential impact on natural features or processes or on the built environment of the neighborhood which is as created or contributed to by the approved tree removal. Conditions of approval may include, but are not limited to:

- (a) Cutting a tree or stump flush with the grade instead of grinding or fully removing a stump;*
- (b) Requiring modifications in the location, design or intensity of a development or activities on a site or to require or prohibit certain construction methods;*
- (c) Requiring vegetation not requiring a tree removal permit to remain in place or be planted;*
- (d) Requiring the removal of injurious vegetation (English ivy) from other trees on the property.*

Findings: The applicant has already removed the entire tree and its stump prior to obtaining a tree removal permit. A **condition of approval** is that the trees removed adjacent to the Stockman property (parcel# 209069000) will be replaced on the Stockman property to compensate for this impact. The replacement trees will be provided to the owners of the Stockman property and they will plant them.

IV. CONCLUSIONS & RECOMMENDATION

The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of the La Center Municipal Code. Therefore, **the subject application is recommended for approval, subject to the following conditions:**

A. Land Use

General Conditions

1. Prior to occupancy, the applicant must plant the 95 trees indicated in the project narrative which serve as mitigation for the 47 trees removed. The 95 mitigation trees shall either be a minimum two-inch caliper deciduous or a six-to eight-foot tall evergreen tree.
2. Prior to occupancy, the trees removed adjacent to the Stockman property (parcel# 209069000) will be replaced on the Stockman property to compensate for this impact. The replacement trees will be provided to the owners of the Stockman property and they will plant them.
3. Trees not proposed for removal under this permit shall be protected per protection provisions listed in LCMC 18.350.060.

V. APPEALS

A final decision regarding a Type II application may be appealed by the applicant, applicant's representative, or by any person, agency, or firm with an interest in the matter within 14 calendar days after the date of decision. Appeals shall contain all information specified in LCMC 18.30.130. The public record for this file is available at the City's Public Works Building, 305 NW Pacific Highway, La Center, Washington between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Please contact Sarah Dollar at 360-263-7665 for further information.



Signed: _____ Date: June 17, 2021
Ethan Spoo, AICP, Consulting City Planner

Ethan Spoo, AICP
Consulting City Planner

Anthony Cooper, PE
City Engineer

Sam Rubin, AICP
Consulting City Planner

VI. Exhibits

Exhibit A – Application Materials

1. Master Land Use Application
2. Application Materials (Site Plan/Tree Removal Plan)

Exhibit B – Staff Report