



**PRE-APPLICATION CONFERENCE NOTES  
Tapani Rockery (File # 2021-034-PAC)**

**PROJECT INFORMATION**

Site Address	31313 NW Paradise Park Road, Ridgefield, WA 98642. Legal Description: #24 Sec 9T4N R1EWM 4.42 A
Parcel Numbers:	211226000
Applicant	Shane Tapani Company: Tapani Materials 1904 SE 6th Place Battle Ground, WA 98604 Ph: 360-907-8629
Applicant's Representative	Same as applicant
Property Owner	Skip Carlson Company: Carlson Investments LLC 873 S Hillhurst Road Ridgefield, WA 98642 Ph: 360-910-3591
Proposal	<p>The applicant proposes to sell building material/landscape products on 50,000 sq ft of the lot. Products will consist of rock, bark products and soils that will be stored in bins constructed out of concrete eco blocks. Each bin will keep products separated. This will all be on the existing gravel parking lot. There will be a gated entrance and exit. Approximately 50 trips per day are anticipated. Sanitary sewer service will be served by a temporary porta potty. The office will be a temporary mobile office. Clark County Public Utility District (PUD) serves water across the front of the property. Existing power already serves the site. There would be approximately 2-4 employees on site.</p> <p>The applicant intends to establish the use for up to three years as a temporary use. Following the three-year period, the applicant would establish the use permanently at the site or at another location and be subject to all City requirements that normally apply to permanent uses.</p>
Meeting Date	Tuesday November 23, 2021 at 2:00 p.m.
Date of Issue	Tuesday, January 4

**SUMMARY**

The applicant proposes the opening of a “rockery” selling landscape products such as rock, bark products, and soils using 50,000 sq ft of the lot. All of the materials will be stored in separate bins constructed out of eco blocks. These bins will be located on the existing gravel parking lot. Under a 2011 development agreement

between the owner of the land and La Center (AFN 4791050), the lot is zoned as C-2-commercial, a zone which has since been repealed by La Center. Development on the site is vested to the City's zoning standards at the time the development agreement was signed in 2011. Under LCMC Table 18.150.020, "Lumber and other building materials stores and yards..." are a permitted use.

Based on discussion with key City staff, a Type II temporary use permit will be required to establish the use. The City's temporary use permit code LCMC 18.265) limits the duration of temporary uses to one year including extensions. Given the applicant's desire to establish the use for three years at the site, an amendment is required to revise the temporary use permit code to allow for certain temporary uses to be established for up to three years. The applicant will need to apply for the code amendment which is a Type IV review process requiring recommendation by the Planning Commission in a public hearing and approval by City Council. Based on prior experience, the process to amend the City's code could take six months to complete. Following expiration of the one year temporary use permit and assuming the code amendment is approved, the applicant will need to apply for an extension to allow for the use to operate for three years.

The project will be exempt from the City's site plan review standards under LCMC 18.215.030.

The northern portion of the site is mapped as a wetland and a non-fish bearing (Type N) stream and riparian habitat area by Clark County. In addition, portions of the site are also mapped as potential landslide hazards. Wetlands, riparian areas, and landslide hazards are regulated critical areas under LCMC 18.300 of the City's ordinance and developing in these areas requires a Type II critical areas permit. It is uncertain if these mapping indicators are correct. Development in critical areas or buffers would require approval of a critical areas permit. However, the applicant indicated during the pre-application meeting that they would remain entirely within the previously cleared and graded area on the site. The riparian area appears to be entirely contained within the forested area on the northern portion of the site or north of it. Provided the applicant does not develop outside of the cleared and graveled area and does not remove vegetation on the site around the northern stream/drainage, a critical areas permit for wetlands and streams will not be required since this area is functionally isolated under the provisions of LCMC 18.300.090(6)(h)(i). For the purposes of the pre-application conference notes, staff assume the proposed rockery operation and all improvements will remain entirely within the previously cleared areas of the site. Should uses or operations be placed or be conducted outside these areas, a critical areas permit will be required.

#### **PRELIMINARY REVIEW**

Subsequent application(s) shall address the following development standards. Failure of the City to cite specific requirements of the La Center Municipal Code (LCMC) in this report does not relieve the applicant of the responsibility to meet all applicable criteria. If the proposal changes from what was presented in the pre-application conference, it may trigger other review standards and processes than what is identified in this report.

**Applicable Criteria:** The application will be reviewed for compliance with the La Center Municipal Code (LCMC): 3.35 Impact Fees; Title 12, Streets, Sidewalks & Public Ways; Title 13, Public Utilities; Title 18, Development Code (18.120 Plan Amendments and Zone Changes; 18.150 Commercial Districts; 18.215 Site Plan Review; 18.265 Temporary Use Permit; 18.300 Critical Areas; 18.310 Environmental Policy; 18.320 Stormwater and Erosion Control; and 18.350 Tree Preservation. As noted, the 2011 version of the City's zoning standards apply for the following code sections: 18.150, 18.215, 18.300, 18.310, 18.320, and 18.350. However, the City's current process and procedures for zoning code text amendments (LCMC 18.120) temporary use permits (LCMC 18.265) will apply.

### [Public Works Engineering Analysis](#)

#### **3.35.070 Imposition of fees.**

*(1) No development review approval shall be granted for development in a designated service area as defined in this chapter unless the impact fee is calculated and imposed pursuant to this chapter. Except if otherwise exempt, the city shall not issue a required development review approval unless and until all impact fees have been paid prior to issuance of the development review approval.*

### **Traffic Impact Fee**

Since the definition of development is a permanent use of the trips generated, the impact for this cannot be assessed with total peak trips. However, there will be some impact to the city streets by the temporary use.

The city will assume that a percentage of the peak hour trips be applied for a traffic impact fee. The city will assume that a 20-year duration will be considered a permanent impact from development. The temporary impact for one year, could be calculated as a ratio of 1-year divided by a 20-year duration, or 0.05 percentage of impact. If the temporary use is extended to 3 years, the TIF will be calculated as a percentage of 0.15 of the total peak hour trips.

### **Comments**

#### **Grading**

A grading and erosion control permit is required as part of the site plan approval. The location of the material walls will need to be shown, and how this may affect drainage on the site.

The City Erosion Control Standards require that any activity disturbance over 500 SF must comply with the city standards. If the temporary building does not exceed 500 SF, no erosion control is required.

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

*City of La Center Engineering Standards for Construction shall apply to all public road improvements unless modified by the director. LCMC 12.10.040. LCMC 12.10.190, the applicant will need to provide half street improvements adjacent to the site.*

#### **Public Improvements**

The LCMC code does not address a temporary use as being considered development. Therefore, no public improvements will be required adjacent to the site.

### **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.*

*Since only a porta potty is proposed, no sewer connection will be made.*

*Per LCMC 13.10.350 a sewer impact fee shall be charged for commercial development based on the use of the proposed structures. The exact impact charge will be assessed at the time of building permit application or before occupancy is issued. Each equivalent ERU calculated for each structure or residential unit on the site will be multiplied by the impact fee of \$7,800 per ERU to determine the total sewer impact.*

### **Sewer Impact**

**Since no sewer connection is proposed, as a porta-potty will be used for the site, no sewer impact fee will be charged.**

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

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

Per LCMC 18.320.340, the construction of single-family residents, duplexes and accessory structures that will be connected to a downspout area exempt from the stormwater ordinance requiring water quality and quantity disposal.

### **Stormwater Plan**

**The downspout connection to the existing grade will need to be shown in the plans, and how it will drain away from the site.**

## Land Use Analysis

### **LCMC 18.30 Procedures**

Review of the project will be processed in two stages: (1) a Type II Temporary Use Permit and (2) a code amendment to LCMC 18.265 to allow the temporary use to extend for up to two years.

### **LCMC 18.30.100 Type II Procedures (Temporary Use Permit)**

The request for a Type II Temporary Use Permit will require the following:

- A pre-application review meeting (already completed)
- A 14-day application completeness review during which staff will review the application to make sure all necessary information is provided to review the application.
- A 56-day application review period during which staff will review the application against all applicable code standards. The 56-day review period does not include times during which staff requests additional information or updated application materials when the review clock would be stopped.
  - Included in the 56-day review period is a 14-day public notice period for the Temporary Use Permit and State Environmental Policy Act (SEPA) environmental checklist. The notice of application would be sent to property owners within 300 feet.
  - Following the 14-day notice period and prior to the conclusion of the 56-day review period, the City would issue a determination on the SEPA checklist.
  - Prior to the end of the 56-day review period, staff would issue a draft staff report as a courtesy to the applicant to provide an opportunity to review the report and conditions of approval.
  - The City would issue a notice of decision on the Temporary Use Permit either approving, approving with conditions, or denying the temporary use permit.

### **LCMC 18.30.110 Type IV Procedure (Code Amendment)**

The request for a Type IV code text amendment will require the following:

- A pre-application review meeting (already completed)
- A 14-day application completeness review during which staff will review the application to make sure all necessary information is provided to review the application.
- Meetings with the Commission to discuss the code amendments. Staff anticipates that three meetings with the Commission would be necessary, but either more or less could be necessary.

- Meetings with the City Council. City Council would issue a final decision on the code amendments following their own public hearing.

#### **LCMC 18.30.050 Review for Technically complete status**

Upon receipt of the Type II Temporary Use Permit application, staff will conduct a completeness review.

LCMC 18.30.050 provides a list of general submittal requirements applicable to all applications. **Bold** items are required for this application.

#### Submittal requirements (Temporary Use Permit)

- **A completed application form that features the name, mailing address, and telephone number of the owner(s), engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application**
- **A SEPA environmental checklist based on the site location in archaeologically sensitive areas.**
- **An existing conditions plan drawn to a minimum scale of one inch equals 200 feet on a sheet no larger than 24 inches by 36 inches.**
- **A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned.**
- **A preliminary grading and erosion control plan containing the items in 18.215.050.**
- **Proposed easements or dedications to the city or other agency, if applicable**
- **Written authorization to file application by the owner of the property that is the subject of the application if the applicant is not the same as the owner listed by the Clark County assessor**
- **Proof of ownership document such as deed**
- **A legal description of the site**
- **A copy of the pre-application summary**
- **A written description of how the application does or can comply with each applicable approval criterion and basic facts and other substantial evidence supportive of the description**
- **The names and addresses of owners of land within a 300 foot radius of the site for a type II review (can be obtained from Clark County for \$10). A statement to the assessor's office certifying the list is complete within 30 days of completion.**
- **Applications necessarily associated with the proposal such as applications for exceptions, adjustments, or variances.**
- **A wetlands delineation and assessment as required by LCMC 18.300. (not required as long as development and operations remain entirely within the previously cleared gravel area).**
- **A delineation of the stream and riparian area and critical areas report for the onsite riparian area (not required as long as development and operations remain entirely within the previously cleared gravel area).**
- **A Geotechnical report, if there are landslide hazards on the site and they will be impacted. If a geotechnical engineer provides a letter that no such areas are located on site and/or that mapped landslide hazard areas will not be impacted, a complete geotechnical information report is not required.**
- **Preliminary grading and erosion control plans showing how block walls will be placed for materials and the drive aisle.**
- **Information about proposed utilities, including water and sanitary waste and hydrant locations.**

#### Submittal requirements (Code Amendment)

Upon receipt of the Type IV Temporary Use Permit application, staff will conduct a completeness review.

LCMC 18.30.050 provides a list of general submittal requirements applicable to all applications. **Bold** items are required for this application.

- ***A completed application form that features the name, mailing address, and telephone number of the owner(s), engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application***
- ***A non-project SEPA environmental checklist describing the impacts of amending the code to allow temporary use permits for a period of three years.***
- *An existing conditions plan drawn to a minimum scale of one inch equals 200 feet on a sheet no larger than 24 inches by 36 inches.*
- *A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned.*
- *A preliminary grading and erosion control plan containing the items in 18.215.050.*
- *Proposed easements or dedications to the city or other agency, if applicable*
- ***Written authorization to file application by the owner of the property that is the subject of the application if the applicant is not the same as the owner listed by the Clark County assessor***
- ***Proof of ownership document such as deed***
- ***A legal description of the site***
- ***A copy of the pre-application summary***
- ***A written description of how the application does or can comply with each applicable approval criterion in LCMC 18.120.050 and basic facts and other substantial evidence supportive of the description. The narrative should also describe the potential effects the proposal will have on public services, including streets, schools, parks and utilities, to the extent practicable and the cumulative effects of the proposal as per LCMC 18.120.040.***
- ***The names and addresses of owners of land within a 300 foot radius of the site for a type II review (can be obtained from Clark County for \$10). A statement to the assessor's office certifying the list is complete within 30 days of completion.***
- *Applications necessarily associated with the proposal such as applications for exceptions, adjustments, or variances.*
- *A wetlands delineation and assessment as required by LCMC 18.300. (not required as long as development and operations remain entirely within the previously cleared gravel area).*
- *A delineation of the stream and riparian area and critical areas report for the onsite riparian area (not required as long as development and operations remain entirely within the previously cleared gravel area).*
- *A Geotechnical report, if there are landslide hazards on the site and they will be impacted. If a geotechnical engineer provides a letter that no such areas are located on site and/or that mapped landslide hazard areas will not be impacted, a complete geotechnical information report is not required.*
- *Preliminary grading and erosion control plans*
- *Information about proposed utilities, including water and sanitary waste.*
- *The complete proposed text amendment, if applicable*

#### **LCMC Chapter 18.150 (Commercial Districts (C-2), Temporary Use Permit]**

The Community Commercial District (C-2) is intended for more intensive, auto-oriented commercial areas that are intended to provide for the regular shopping and service needs for the community as a whole and adjacent service areas.

The applicant proposes use of the site to sell landscape materials (rock, bark, and soils) which is a permitted use in the zone under Table 18.150.020 "Lumber and other building materials stores and yards." New structures

must comply with the setback, lot coverage, and building height standards contained in Table 18.150.030(2) as excerpted below.

Minimum Setbacks	Pursuant to buffering and screening standards contained in Chapter 18.245 LCMC. A 5-foot wide, L3 screen is required along the southern property line and a 5-foot L2 screen is required along the east/north side of the property, but the existing natural vegetation can substitute. See discussion in response to LCMC 18.245.
Maximum lot coverage	Maximum determined by compliance with screening and buffering standards contained in Chapters 18.245 and 18.320 LCMC, and all other applicable standards. See discussion in response to 18.245.
Maximum building height	60 feet

**18.245 Supplementary Development Standards (Temporary Use Permit)**

Based on the discussion with the applicant, fences are not likely to be proposed. If fences are proposed, they must be no taller than 6 feet, however security fences of 6 feet with four strands of barbed wire on top are permitted in the C-2 district.

As per LCMC 18.245.030, Solid waste containers must be screened from view from off-site by a sight obscuring fence and/or evergreen landscaping.

On-site lighting must not cause more than one foot-candle measured at the property line.

Noise must comply with the requirements in Chapter 173-60 WAC at a minimum. The property to the south of the site is used for residential purposes (Class A EDNA) and the subject property would most closely approximate a Class C EDNA (Industrial Use). Noise cannot exceed 60 decibels from the subject property per the WAC. Given the proximity of the residential use to the south, staff would likely require a condition of approval that the 60 decibel standard not be exceeded or the operation of the use may subject to code enforcement.

Landscape screening is not required between a site zoned C-2 and sites zoned Mixed Use (south) or LI (east) or C-2 (north). However, staff may believe that a 5-foot, L3 buffer to separate uses on the site from residential uses to the south may be appropriate in this case to screen the impacts of the use and reduce noise. Staff would require the screening as part of the SEPA process. Standards for an L3 screen are contained in LCMC 18.245.060 and include shrubs 6 feet high and 95 percent opaque and trees planted every 30 lineal feet and groundcover to fully cover the remainder 5-foot landscaped area. A six-foot high wall or fence that is fully sight obscuring may substitute for the shrubs.

A 5-foot L2 screen is required along the north and east of the site, but LCMC 18.245.060(3) allows existing vegetation to substitute if it will provide at least an equivalent level of screening.

Landscaping shall meet the material requirements in LCMC 18.245.060(11-16) and must be irrigated with a permanent system unless a statement is provided from a landscape architect certifying the materials will survive without watering.

**LCMC 18.275 Sign Regulations (Temporary Use Permit)**

If a sign is proposed, it must meet the requirements of 18.275 including obtaining a permit.

### **LCMC 18.280 Off Street Parking (Temporary Use Permit)**

By Industrial standards set by LCMC 18.250, one parking space will be required for every 500 sq ft of floor area and one parking space for every two employees. A durable and dustless surface is required for parking. Parking spaces must be 180 square feet and aisles must be adequately dimensioned to allow vehicles to enter the public right-of-way moving forward. Aisles must be 20 feet (2-way) or 12 feet (one way). Parking spaces and drive aisles must be dimensioned on the site plan.

### **LCMC 18.300 Critical Areas (Temporary Use Permit)**

Clark County maps show a potential wetland on the northern part of the site. Wetland maps are only indicators and are often inaccurate. LCMC 18.300 for protection of critical areas applies where critical areas are shown on the City's critical areas maps or as delineated on a site specific study. Provided the proposed rockery places all proposed uses (job shack, material piles, eco blocks, etc.) and operate within the existing cleared area, LCMC 18.300.090(6)(h)(i) allows the mapped wetland and buffer to be functionally isolated and a critical areas permit and wetland delineation are not required. However, if the applicant proposes to improve or operate within the outside of the cleared and graveled area, a critical areas permit, wetland delineation, and mitigation plan will be required.

The Department of Natural Resources also map a Type N (non-fish-bearing) stream on the project site. Type N streams require a 75 to 150-foot buffer depending on whether the stream is seasonal or flows year-round. If the stream buffer will be impacted, it will require a critical areas permit. Prior to a filing a critical areas permit, a wetland scientist or habitat biologist should visit the site and delineate the stream and the edge of the riparian area and all proposed activities should stay outside the buffer to avoid the need for the critical areas permit. If activities cannot stay outside this area, a critical areas permit along with a critical areas report describing impacts to the buffer and proposed mitigations is required. See LCMC 18.300.090(2).

Finally, portions of the site are mapped as landslide hazards. A geologist or geotechnical engineer should visit the site to determine whether or not these areas are present. If present a geotechnical engineering report must be filed and a critical areas permit must be approved for impacts to these areas in compliance with LCMC 18.300.090(4).

### **LCMC 18.310 Environmental Policy (Temporary Use Permit)**

The application must include a SEPA checklist if development in critical areas or buffers or archaeologically sensitive areas is proposed. The site is located in an area of moderate-high risk of encountering archaeological resources, therefore the applicant is required to complete a SEPA checklist. The city will run the SEPA comment and land use comment period concurrently and will not make decision on the land use application until after the close of the SEPA comment period. The City's SEPA checklist is available at: [https://www.ci.lacenter.wa.us/city\\_departments/pw\\_planning.php](https://www.ci.lacenter.wa.us/city_departments/pw_planning.php). The City will issue a determination on the SEPA prior to issuing a decision on the application and any mitigations from the SEPA will be incorporated into the final decision for the temporary use permit.

A primary concern for the proposed use will be noise and fumes and how these are mitigated given the proximity of residential uses to the south of the site. Mitigation for noise and fumes may be required such as not leaving engines running and limiting hours of operation to daylight only and isolating loading activities to the most northern part of the site. The applicant should consider how they will mitigate noise and vehicle fumes as part of their proposal.

During SEPA environmental review, staff will determine the need for an archaeological predetermination report. Based on the findings of the predetermination report, further archaeological work or a full archaeological survey may be required.



### **18.350 Tree Protection (Temporary Use Permit)**

No person shall remove a tree or top a tree without first obtaining a tree cutting permit from the city. For every live, healthy, and non-hazardous tree removed the applicant is required to mitigate following the mitigation requirements laid out in LCMC 18.350.050. A tree protection plan will also be required in accordance with LCMC 18.350.060.

### **Application Fees**

An estimated fee schedule was provided during the meeting. Based upon the information provided to date, we estimate that the land use application fees will include:

- Temporary Use Permit (\$172);
- SEPA (\$510);
- Critical Area review (If required;\$340 per critical area);
- Zoning Code Text Amendment (\$2,125)

The City requires an applicant pay actual costs of outside professional services including engineering, legal, and planning. Impact fees shall be assessed against each lot at time of building permit. (La Center Resolution No. 13-372). A copy of the agreement is attached to the City's Master Application form. Please include a signed agreement with the Temporary Use Permit and the code amendment application.

Please note that the City is due to update its land use fees. Timeline for that is uncertain, but the fees listed above could change.

### **November 23, 2021 – Attendees**

<b>Name</b>	<b>Organization Name</b>	<b>Email Address</b>	<b>Phone Number</b>
Sarah Dollar	City of La Center	<a href="mailto:sdollar@ci.lacenter.wa.us">sdollar@ci.lacenter.wa.us</a>	360-263-7665
Tony Cooper	City of La Center	<a href="mailto:acooper@ci.lacenter.wa.us">acooper@ci.lacenter.wa.us</a>	360-263-7665
Jeff Swanson	Exigy Consulting	<a href="mailto:jswanson@ci.lacenter.wa.us">jswanson@ci.lacenter.wa.us</a>	360-975-9466
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