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PRE-APPLICATION CONFERENCE

La Center Heights Code Amendment, Shoreline Permit, Critical Areas Permit, and Site Plan Review (2021-038-PAC)

Meeting conducted on Thursday, January 6, 2022– 11:00 A.M.

PROJECT INFORMATION

Site Address	32324 Pollock Road, Ridgefield, WA (within La Center city boundary). Parcel nos.: 209282000, 209290000, 209284000, and 209286000
Legal Description	#11 and #20 SEC 3 T4N R1EWM 2.33A
Applicant	Ott Gaither, IDM. 1101 SE Tech Center Drive, Suite 160, Vancouver, WA 98683
Applicant’s Representative	Contact: Scott Taylor, SGA Engineering, 2005 Broadway St., Vancouver, WA 98683
Property Owner(s)	Steven and Lesley Headley (parcels 209282000 and 209290000) Tom and Daniel Broadwater (parcels 209286000 and 209284000)
Proposal	<p>The applicant proposes to develop 180 multifamily units in 18 apartment buildings and including a community center with accessory parking, open spaces, fitness center, and pool. Site access would be from La Center Road. The development of multifamily units with accessory improvements will require preliminary and final site plan review approval.</p> <p>Critical areas mapped on the project site include: (1) geologic hazards – landslides, erosion, and seismic hazards (2) wetlands (3) fish and wildlife habitat conservation areas – riparian habitat and (4) Category II Critical Aquifer Recharge Areas. The applicant will need to obtain a critical areas permit for development in these areas or associated buffers.</p> <p>The northern and eastern extents of the site are located in the City’s Urban Conservancy shoreline environment designation and development in this area will need to comply with the City’s adopted shoreline master program (SMP) and require approval of a shoreline substantial development permit and a shoreline conditional use permit. Critical areas in shoreline require review under the SMP.</p>

	<p>The site is located in a high risk area for encountering archaeological resources and an archaeological predetermination is required.</p> <p>To achieve proposed densities on the site an associated code text amendment to LCMC 18.140 (Medium Density Residential District) and 18.165 (Mixed Use District) to allow for densities of greater than 14 dwelling units per net acre, to raise the limitation on multifamily dwelling units above 10 units per cluster, and to remove unit mix limitation of no more than 65% of one product is required.</p>
Date of Issue	January 20, 2022

SUMMARY

The applicant proposes a 180-unit multifamily development in 18 apartment buildings with a fitness center, pool, and open spaces and served by onsite parking and access. The development would be accessed from La Center Road and stormwater detention and treatment would be provided onsite. A Type II Site Plan Review application would be required to permit multifamily development and associated site improvements in compliance with LCMC 18.215 (Site Plan Review).

Clark County maps critical areas on the site including wetlands along the far southeastern and northern extents of the property. Wetlands at the far southeastern portion of the property would be contained in a proposed open space area, but it is uncertain how far buffers from these wetlands extend, if the wetlands exist. Wetlands at the property’s northern extent would also be contained in an open space and stormwater detention/treatment area. Other critical areas on the site include riparian habitat and geologic hazards in the form of landslide, erosion, and seismic hazards. The standard riparian habitat buffer width is 250 feet, but LCMC 18.300.090(2)(h(iv) says that riparian buffers do not extend beyond substantial improvements such as roads; in this case, the riparian buffer does not extend beyond Pollock Road east of the site. The geologic hazards appear to encompass much of the eastern and northern half of the site. Development in critical areas (but outside of shoreline jurisdiction) would be require a Type II critical areas permit in compliance with LCMC 18.300. However, areas within 200 feet of the East Fork of the Lewis River and including any associated wetlands would be subject to the critical area provisions of the City’s SMP (2021).

For any development proposed within shoreline jurisdiction, which would appear to be limited to stormwater infrastructure (detention/treatment pond and outfall). Above-ground utilities parallel to the shoreline (pond) are a permitted use in the Urban Conservancy environment designation requiring a shoreline substantial development permit (SSDP) and underground utilities perpendicular to the shoreline (outfall) are a conditional use and require a shoreline conditional use permit (SCUP). City staff have final approval authority for SSDPs and the City’s hearing examiner makes a final recommendation on SCUP’s with final approval by the Washington Department of Ecology (DOE) in a Type III process.

Review under the State Environmental Policy Act (SEPA) would also be required and the City would need to issue a determination. The applicant would be required to file a SEPA checklist and the City would conduct a SEPA threshold determination and issue a determination of significance or non-significance.

The site is located in a high risk area for encountering archaeological resources and an archaeological predetermination would be required and a follow-up archaeological survey may also be required depending on the findings of the predetermination.

The City's MDR-16 code specifies that 1.75 parking spaces are required while the Off-Street Parking and Loading code (LCMC 18.280) specifies that three parking spaces are required for each unit. LCMC 18.10.100 specifies that the most restrictive provision governs. Therefore, three spaces are required per dwelling unit. A Type II administrative variance is required to request that 1.75 spaces per unit apply.

Finally, the applicant indicates they will adjust and/or consolidate existing lot boundaries to preserve the existing historic Pollock home on the site and configure lot boundaries around proposed development. Boundary line adjustments are reviewed under a Type I administrative process.

The City could process the Preliminary Site Plan Review, Critical Areas Permit, SSDP, SCUP and with critical areas review, Variance and BLA simultaneously under a consolidated Type III process.

The development is located in the City's Mixed-Use (MX) zone. Residential Development in the MX zone is required to adhere to the Medium Density Residential (MDR-16) standards including adhering to a limitation of 14 dwelling units per net acre. The density proposed by the applicant far exceeds the density that would normally be permitted on the net area of the site after deducting critical areas and infrastructure. Therefore, a code amendment would be required allowing for the applicant to transfer density from critical areas on the site to buildable portions of the site. The City's critical areas ordinance already allows for density transfers (see 18.300.130), but the MDR-16 zone limits density to 14 units per net acre and furthermore does not allow multifamily development in "clusters" of greater than 10 units. Additionally, both the MDR-16 and MX zones specify that one housing type (i.e. multifamily, single-family attached, or single-family detached) cannot exceed a certain percentage of the total product mix (75 percent for MDR-16 and 50 percent for MX). Therefore, to achieve the density the applicant envisions, a code amendment to 18.300 (critical areas) and/or 18.140 (MDR-16) and 18.165 (MX) or all of these sections is required. Code amendments are a Type IV process with review and recommendation by the Planning Commission in a public hearing and final decision by the City Council. The code amendment would need to be completed before all development permits are filed.

General Comments on Site Layouts

The applicant provided a layout showing 180 multifamily apartment units for the purposes of the pre-application meeting. At the conclusion of the meeting, the applicant provided a second layout showing a combination of townhomes on individual lots and multifamily apartment units totaling 134 units. The pre-application notes below primarily pertain to the 180-unit multifamily layout, but many comments are applicable to both layouts. Issues staff noted with these layouts include the following:

- Density: The 180-unit layout does not comply with the City's density requirements and would require code amendments as described in these pre-app notes. The 134-unit layout appears to comply with the City's 14-unit per acre net density requirement in the MX (MDR-16) zone.
- Unit Mix: The MX code limits unit mix to no more than 50% of one type that can be increased to 65% by meeting the MX code. Neither layouts meet this requirement and require a different mix of units or a code amendment.

- According to LCMC 12.10.140, private roads can be used to serve a short plat with 4 or less lots. Public street requirements: For more than 4 lots developed public streets are required for access.
- MX site design: The MX code requires a pedestrian-oriented character. Ways to achieve this are included in LCMC 18.165.050(2 and 3). This includes fronting buildings on streets and placing parking lots at the rear and setting buildings back no more than 15 feet from lot lines. Buildings must meet architectural requirements in 18.165.050(4). View preservation requirements in LCMC 18.165.070 must be met including with a general alignment of streets toward the mounts and river. Please review these requirements carefully prior to submitting a site design for review.
- Park space: Neither layout appears to meet the publicly accessible park requirements of LCMC 18.147.

PRELIMINARY REVIEW

Development Standards

Subsequent application(s) shall address the following development standards. Failure of the City to cite specific requirements of the La Center Municipal Code (LCMC) in this report does not relieve the applicant of the responsibility to meet all applicable criteria. 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; Chapter 8.60 Sign Regulations; Title 12, Streets, Sidewalks & Public Ways; Title 13, Public Utilities; Title 18, Development Code Chapters: 18.30 Procedures; 18.120 Plan Amendments and Zone Changes; 18.140 Medium Density Residential District; 18.147 Parks and Open Spaces; 18.165 Mixed Use; 18.215 Site Plan Review; 18.220 Boundary Line Adjustments; 18.225 Legal Lot Determinations; 18.240 Mitigation of Adverse Impact; 18.245 Supplementary Development Standards; 18.280 Off-Street Parking Requirements; 18.282 Outdoor Lighting; 18.300 Critical Areas; 18.310 Environmental Policy; 18.320 Stormwater and Erosion Control; 18.330 Shorelines; 18.340 Native Plant List; 18.350 Tree Protection; and 18.360 Archaeological Resource Protection.

Public Works and Engineering Analysis

LCMC: 3.35 Impact Fees;

Per LCMC 3.35, impact fees will be collected for traffic, sewer, park and schools. In addition, the latecomer's fee will be charged for connection to the public sewer system in La Center Road. These fees will be imposed at the time when building permits are issued.

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.

La Center Road is classified as a Principal Arterial per the updated Capital Facilities Plan. The City has designated La Center Road as a Major Collector per the Engineering Standards. General roadway and right-of-way standards shall apply and provide half street improvements per LCMC 12.10.090.

Half street improvements will need to be constructed along the frontage improvements for either a short plat or plat per the Major Collector Standard Detail. For more than 4 lots developed, the streets

within the development shall be either a Neighborhood or Local Street Standard per the Engineering Standards.

All pedestrian path of travel in public right-of-way including; sidewalks, curb ramps and street pedestrian crossings shall comply with the American Disabilities Act.

Fire hydrants shall be spaced every 500' per IFC or as otherwise approved by the Fire District. The location of all the hydrants must be approved by the Fire District.

The Fire District must approve access to all the lots per the IFC.

Comments

Streets and Circulation

The proposed access to La Center Road shall be justified by a traffic report. Recommendations shall be provided for safety of vehicles accessing the development and may include acceleration or deceleration lanes, flashing beacons, etc.

The recent 2019 CFP recommends a roundabout be constructed at the intersection of La Center Road and Timmen Road. The access to the development, and any other improvements required for the development, will need to be considered with the roundabout configuration.

A Traffic Engineer, licensed in Washington State, will need to assess the impacts to La Center Road or Timmen Road resulting trips from the development.

Grading

The applicant shall submit final grading and erosion control permit as part of the subdivision plans showing the proposed contours on the plans.

The City Erosion Control Standards require that any activity disturbance over 500 SF must comply with the City standards. As part of these standards a construction stormwater permit is required from the Department of Ecology and a 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 Chapter 18.320 LCMC and the applicant's Construction Stormwater Permit. Per the City Erosion Control Manual, from October 1 through April 30th, no soils shall remain exposed for more than two (2) days. From May 1st through September 30th, no soils shall remain exposed more than seven (7) days.

As a minimum, the structural sections listed in the city standard street sections must be used. In addition, the report must recommend the over-excavation section for unstable soil encountered during construction. The Geotechnical Engineer is responsible for determining the over-excavation stabilization section during construction for unstable soil encountered, but a recommended over-excavation section must be provided as part of the report and site plans.

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

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.

Per the City Engineering Standards, sanitary sewers should be designed to care for future loads 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).

The applicant is proposing to connect the sanitary sewer piping from the La Center Heights Development to the sewer system in La Center Road. For connection to this gravity sewer system, a latecomer's agreement has been approved by the city and the applicant will need to pay connection for each lot proposed per this agreement. Basin D is designated as the latecomer's ERU charge that will be assessed to this development.

The sewer system in La Center Road consists of a gravity and force main system. There is an actuator valve in the sewer system approximately 500-feet east of the proposed development intersection. This actuator valve closes to back up flow to the manhole about 200-feet west of the site access. This sewer pipe east of the manhole will be under pressure, and no connection can be made to the system east of the manhole. Partial plans of the existing sewer system are included.

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.

The applicant proposes to create new impervious interior streets, that will be either private or 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.

A Technical Information Report (TIR) will need to be submitted by the applicant and must comply with LCMC 18.320.

The LCMC section 18.320.220 states that if surface water leaves the site, stormwater must be detained per LCMC. Runoff calculations need to 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 LCMC 18.320 and the 1992 Puget Sound Manual for the design of the system.

The collection system shall be designed by the rational method using HEC-12 1984 edition standards for gutter and storm pipe capacity. As an alternate, WSDOT Hydraulics Manual can be used for inlet

capacity design. The 100-year rainfall intensity must be used for pipe capacity design using the rational method.

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. 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.

Street Lighting

Street light design and installation is reviewed and approved by the City of La Center. Street lighting on local streets shall be Acorn full cutoff single fixture on a black decorative fiberglass pole and the frontage improvements will need to have Cobra Head LED light per the Engineering Standards. The applicant shall submit a Photometric analysis along with the street light design to verify compliance with the Engineering Standards.

Potable Water

Water system connections are regulated by Clark Public Utility (CPU) and a permit and plan approval will be required for City plan approval.

Clark Public Utilities must approve the water pipe system and service to all lots. CPU needs to be contacted about the existing water system pressure and the applicant must meet CPU approval for the new water system.

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

Land Use

Chapter 8.60 Sign Requirements

If proposed, signs must comply with this chapter including the general requirements (8.60) and requirements for signs in the MX zone (8.60.090). Signs in the MX zone are limited to one square foot per linear foot of primary street frontage plus one-half square foot per linear foot of secondary frontage. Free standing signs are limited to 20 square feet and five feet in height and must meet the dimensional and configuration requirements of the allowed sign types (monument, single pedestal, dual pedestal, single pylon, dual pylon).

Chapter 18.30 Procedures

18.30.030 Application types and classification

The project would require that the City review applications in two stages: (1) a code amendment for the density provisions of the MDR-16 (MX Zone) and Critical Areas Ordinance and (2) land use permits for the proposed multifamily development.

The code amendment would be reviewed under a Type IV process requiring review and recommendation by the Planning Commission and final approval by the City Council. A Type IV process is the City's highest level of review and are legislative actions requiring revisions to City policy and regulations. There is no time limit in which the City is required to make a decision for this type of application. Staff's experience is that code amendments generally take 2-3 meetings with the Planning Commission and one public hearing with the following steps:

- A pre-application review meeting (Meeting conducted 1/6/2022)
- A 14-day application completeness review during which staff will review the application to make sure all necessary information is provided.
- Review of the code amendment application by staff with a recommendation to the Planning Commission.
- Planning Commission would review the code amendment in a series of meetings and a public hearing and make a recommendation to the City Council.
- City Council would conduct a public hearing and make a final decision.

The request for a consolidated land use review (Preliminary Site Plan Review, Critical Areas Permit, SSDP, SCUP with Critical Areas Review, Variance, Boundary Line Adjustment, and SEPA) would be processed as a Type III quasi-judicial review before the City's hearing examiner. The City is required to issue a decision within 78 days for a Type III application. The Type III process would require the following steps:

- A pre-application review meeting (Meeting conducted 1/6/2022)
- A 14-day application completeness review during which staff will review the application to make sure all necessary information is provided.
- A 78-day application review period during which staff will review the application against all applicable code standards.
 - Included in the review period is a 14-day notice of application and SEPA. The SEPA determination would be made after the 14-day notice of application and before the end of the review period and would have another 14-day notice on the determination period.
 - The application would be reviewed by the City's hearing examiner in a public hearing with a recommendation made by the examiner on the SCUP to DOE.
- DOE would review the SCUP in a 30-day review following the hearing examiner's decision.
- A 21-day appeal period would follow DOE's issuance of a decision.

18.30.050 Review for technically complete status

LCMC 18.30.050 provides a list of general submittal requirements applicable to all applications. Additional submittal items for code amendments, preliminary site plan review, boundary line adjustments, critical areas permit, and shoreline permits are contained in LCMC 18.120.040, 18.215.050, 18.220.010(3), 18.300, and the City's adopted SMP.

Submittal requirements for Code Amendment

The following list includes required submittal items from LCMC 18.30.050 and 18.120.040.

- An application form with original signatures by the applicant and property owners. If there is more than one property owner, separate application forms and signatures are required.
- SEPA Checklist
- A copy of this pre-application conference summary

- A narrative description of how the proposed code amendment complies with the approval criteria in 18.120.050 and describing potential effects the proposal will have on public services, including streets, schools, parks, and utilities
- The complete proposed text amendment
- An analysis of the cumulative effects of the proposal

Submittal requirements for Preliminary Site Plan Review, Critical Areas, Boundary Line Adjustment, Shoreline Permit.

The following list includes required submittal items from LCMC 18.215.050, 18.220.010(3), 18.300, and the City's adopted SMP.

- An application form with original signatures by the applicant and property owners. If there is more than one property owner, separate application forms and signatures are required.
- SEPA Checklist
- Proposed easements or dedications to the city or other agency, if applicable;
- Proof of ownership document such as deeds
- Legal description of the site
- A copy of this pre-application conference summary
- Developer's GIS packet (from Clark County GIS)
- A written description of how the application does or can comply with each applicable approval criterion, and basic facts and other substantial evidence that supports the description including a description of uses, types of structures proposed, hours of operation, abutting properties, frequency of deliveries and construction schedule and responding to the following code sections:
 - LCMC 18.140 Medium Density Residential District (MDR-16)
 - LCMC 18.147 Parks and Open Spaces
 - LCMC 18.165 Mixed-Use (MX)
 - 18.215 Site Plan Review
 - 18.220 Boundary Line Adjustments
 - 18.225 Legal Lot Determinations
 - 18.240 Mitigation of Adverse Impact
 - 18.245 Supplementary Development Standards
 - 18.280 Off-Street Parking and Loading Requirements
 - 18.282 Outdoor Lighting
 - 18.300 Critical Areas
 - 18.340 Native Plant List
 - 18.350 Tree Protection
 - 18.360 Archaeological Resource Protection
 - The City's SMP including:
 - II.H Shoreline Conditional Use Permit
 - IV.C.4.c Shoreline Designations (Urban Conservancy), Management Policies
 - V.A General Shoreline Use and Development Regulations
 - V.B Archaeological, Cultural and Historic Resources
 - V.C Critical Areas Protection
 - V.E Public Access
 - V.H Vegetation Conservation
 - V.J Water Quality and Quantity
 - VI.B Shoreline Use, Modification, and Standards Table

- VI.C Use Specific Development Regulations (Utility Uses)
 - Appendix B: Critical Area Provisions (same as LCMC 18.300)
- Names and addresses of owners of land within a radius of 300 feet:
 - The applicant shall submit a statement by the assessor’s office or a title company certifying that the list is complete and accurate, based on the records of the Clark County assessor within 30 days of when the list is submitted;
 - If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, then notice shall be mailed to owners of property within a 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application;
- Applications necessarily associated with the proposal, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the road standards in Chapter 12.10 LCMC that are required to approve the proposal;
- A wetlands delineation and assessment as required by LCMC 18.300 (see further discussion in 18.300)
- A geotechnical study prepared by a geotechnical engineer or geologist addressing landslide, erosion, and seismic hazards and proposed mitigations (see further discussion under LCMC 18.300).
- An archaeological predetermination based on the site’s high risk level for encountering resources and an archaeological survey if recommended by the predetermination.
- An existing conditions plan, site plan, preliminary utilities plan, preliminary grading and erosion control plan, landscape plan, architectural elevations, and lighting plan meeting the requirements of 18.215.050(2)(d-j).
- Tree protection and mitigation plan as required by LCMC 18.350
- A traffic study and a parking analysis (for reduction in parking below standard).
- A sign plan (if signs are proposed)
- For the boundary line adjustment, a sales history dating to 1969 and plans showing existing and proposed conditions and lot boundaries as required by LCMC 18.220.010(3).

Chapter 18.140 (Medium Density Residential)

The site is zoned Mixed-Use (MX). The MX code requires that residential developments comply with the requirements of the MDR-16 zone. Multifamily dwellings are permitted uses in the MDR-16 and MX districts.

18.140.030 Density and Dimensional Requirements

Density for multifamily developments is limited to 8-14 units per net acre, but the applicant is proposing a code amendment to allow density to be calculated by the gross acre. Density and dimensional requirements are contained in Table 18.140.030:

Standard	Multifamily (Apartments)	Single-family Attached
Net Density	8-14	8-14
Minimum Project Area	2.5 acres	2.5 acres
Minimum Lot Width	20 feet	20 feet

Minimum Lot Depth	60 feet	60 feet
Minimum Area	1,400 square feet	1,400 square feet
Maximum Area	N/A	N/A
Maximum Lot Coverage	85%	60%
Maximum Height	45 feet	35 feet
Setbacks		
Minimum Front Setback	10 feet	10 feet
Minimum Garage Setback from Public Street	5 feet	18 feet
Minimum Garage Setback from Alley	3 feet	3 feet
Minimum Side Setback	0 feet attached, 10 feet abutting single-family	0 feet attached/4 feet nonattached
Minimum Street Side Setback	0 feet	10 feet
Minimum Rear Setback	20 feet	10 feet

No more than 75 percent of one housing type (multifamily, single-family attached, or single-family attached is permitted. The applicant’s design does not comply with this requirement. However, 18.165.040 (Mixed Use Zone) requires no more than 50 percent of one housing type which can be modified up to 65 percent. See discussion in 18.165 below.

18.140.040 General Standards for developments within the MDR-16 district

- Projects must have a unifying design them for each cluster of units using stone, wooden lap siding, or other natural materials.
- MDR housing must avoid repetitive building massing and façade designs
- MDR projects shall avoid monotonous rooflines
- Active open space and family parks are required as per LCMC 18.147.
- At least 15% of the net acreage of the project site must be landscaped and all setbacks must be landscaped.
- Street trees are required along all project frontages
- Trash and recycling containers must be screened by a six-foot solid fence or combination of fence and vegetation.
- Parking: The MDR-16 code requires 1.75 spaces per unit. However, LCMC 18.280 requires 3 spaces per unit. An administrative variance is required to deviate from this standard (see discussion below under 18.260).
- Garage design standards apply (if proposed) including that they must be setback 18 feet from right-of-way; no more than 40 percent of the garage wall of a housing complex facing a right-of-way shall be dedicated to garage door space; 25 percent of the garage wall must contain windows; no more than 50 percent of garages for single-family attached may extend beyond the front plane of the façade; garages must be setback 3 feet from an alley.
- An onsite pedestrian circulation system is required connecting streets and building entrances of all structures and to the existing pedestrian system and adjoining developments; public sidewalks are required; lighting must be provided for pedestrian ways and parking lots – lighting shall be integrated

18.140.050 Requirements for single-family attached housing

- Given unit mixture requirement (65% of one type max allowed), see design requirements for single-family attached housing in this section. Single-family housing is not permitted in

clusters of greater than six units; one dwelling unit shall occupy each lot; units cannot be stacked vertically; landscaping is required at the ratio of 200 square feet of private outdoor living area per bedroom or 200 square feet of common indoor or outdoor area per bedroom.

18.140.060 Requirements of multifamily attached housing – Apartments

- Multifamily is not permitted in clusters of greater than 10 units.
- Ground level units shall have an outdoor private area containing 48 square feet and shall be screened from view.
- Shared recreation areas are required meeting the requirements of LCMC 18.147.

Chapter 18.147 Parks and Open Spaces

LCMC 18.147 requires multifamily residential development in the MX zone of 35 or more dwelling units to provide publicly accessible park space at a ratio of 0.25 acres per 35 dwelling units in excess of the first 35 units. Based on the 180 units proposed, the applicant is required to provide 1.03 acres of park space. The minimum contiguous park sizes is 0.25 acres. The land use application shall include a preliminary park site plan and landscape plan showing the location of elements. The property owner or homeowner's association is responsible for park maintenance. The park must be publicly dedicated or publicly accessible and cannot be for the exclusive use of residents of the development.

LCMC 18.165 Mixed Use

18.165.040 General Standards

- No single dwelling type shall be more than 50% of the total number of units but can be modified up to 65% if, it meets the purpose and intent of LCMC 18.165: complies with the La Center comprehensive plan, and provides a housing type under-represented in La Center.

18.165.050 Site Design Standards

- Buildings shall be arranged to facilitate plazas, courtyards, and other pedestrian use areas.
- Sites shall be designed to create an identifiable pedestrian character while avoiding the appearance of automobile domination. See standards in 18.165.050(2)(c)
- See building orientation and design standards in 18.165.050(3). Building shall be generally oriented to streets and primary entrances must face the street.
- Architectural building character including common design themes and compatibility, yet distinction from neighboring buildings is required. See 18.165.050(4).
 - Buildings must be modulated on streets.
 - Blank walls for more than 15 feet are prohibited - breaks must be provided with windows, entries, other architectural features, or modulation facing public areas (open spaces, streets, or parking lots).
 - Buildings must select from a menu of design elements.
 - Buildings at street intersections must have specialized architectural treatments such as chamfered corners with a building entrance, balconies, turrets, corner accentuating roof line, sculptures, distinctive use of materials, canopies, and bay windows.
 - Building material requirements and earth tone color standards apply

18.165.070 View Preservation

- View preservation standards apply
- The applicant must provide a view preservation analysis demonstrating how views of the mountains, river and La Center Bottoms will be preserved. The view preservation analysis must include: present and future public rights-of-way with a general alignment toward a view

preservation element; view preservation features such as parks, open spaces, trails, and view points; and building orientation.

- Trails must be provided along the north and east portion of the parcels overlooking the La Center Bottoms. Trails must be 10 feet wide and an all-weather surface and include benches and view points with linkages provided to the La Center and regional trail system.

18.165.070 Off-Street Parking and Loading

- The maximum off-street parking allowed is 125% of the minimum in 18.280
- Parking lots shall be located at the rear or sides of buildings
- Parking lots fronting on streets must be screened by trellises, walls, planters, or a 10-foot wide landscape buffer of trees 25 feet on center and shrubs to form a solid screen 3 feet high.
- No more than 12 parking stalls in row are allowed without a landscape break of 8 feet wide.
- An average of one tree shall be provided per four parking spaces.
- 5-foot wide pedestrian connections are required from the parking lot to the building.

18.165.100 Process

- This code section requires that all sites five acres or larger provide master plan for the MX zoning district.
- Since the applicant is providing a residential-only project and there is no limitation on the amount of residential in the MX zoning district, staff are not requiring that a master plan for the entire MX zoning district be provided.
- However, because one of the primary intents for the MX zoning district and the master plan requirement requires that the pedestrian, bicycle, and street circulation system be shown, staff is requiring the applicant show how the project site will connect to surrounding MX properties to ensure that transportation is circulated across sites and that this site is not an “island” with no connections to other MX properties.

18.215 Site Plan Review

The proposed project will require a Type II Preliminary Site Plan review followed by a Type I Final Site Plan Review. The Type II Preliminary Site Plan Review application can be grouped and reviewed with the critical areas permit, boundary line adjustment, variance, and shoreline permit. See 18.215.040(1)(b).

Please see submittal requirements pertaining to the consolidated land use application under 18.30.050 above and 18.250.050.

Development subject to site plan review are subject to the criteria in 18.215.060 including:

- The proposed plan shall meet all applicable provisions of this title and other appropriate provisions of the La Center Municipal Code; the following are enumerated to indicate the various requirements under which a plan must be found consistent. Failure to meet any one of these, and other requirements not necessarily specified here, shall be grounds for denial of site plan approval.
- The proposed use is permitted within the district in which it is located.
- The proposal meets the lot, yard, building, height, and other dimensional requirements of the district within which it is located.
- The proposal meets the screening, buffering, and landscape strip requirements, as set forth in LCMC 18.245.060.
- Minimum parking and loading space requirements are met, as required by Chapter 18.280 LCMC.

- All applicable conditions and criteria contained in other titles of the La Center Municipal Code are met.
- Improvement requirements are provided in accordance with the applicable sections of the La Center development code.
- All conditions of any applicable previous approvals (i.e., CUP) have been met.
- Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication.
- Public water, sewer and stormwater lines have been installed in conformance with the standards of the city code. Public water, sewer and stormwater lines within or along the frontage of a development have been extended to the extreme property lines of that development unless it can be demonstrated to the city engineer that such extensions are impractical, infeasible or inappropriate.
- Proposed phasing plans do not exceed six years and all required public infrastructure is installed in the first phase of the development.

18.220 Boundary Line Adjustment

Boundary line adjustments are reviewed under a Type I process. The applicant can choose to file the proposed boundary line adjustment with the consolidated land use application or request that it be processed separately. There is no maximum lot size in the MX zone for multifamily uses that are reviewed under the MDR-16 zoning standards (see Table 18.140.030).

18.225 Legal Lot Determinations

Staff will complete a legal lot determination concurrent with the review of the consolidated land use application. Please provide information required by this Chapter (see LCMC 18.225.010[4]). The lots must be legal to develop on them as opposed to just being tax parcels.

18.240 Mitigation of Adverse Impacts

The applicant will need to respond to this code section in their narrative as part of the consolidated land use application documenting impact and mitigation s for public facilities.

18.245 Supplementary Development Standards

18.245.020 Height of fences and hedges

If fences are proposed, they must meet the requirements of this section including that:

- They are not more than 6 feet in height in the side yard, street side yard, or rear lot lines and cannot extend into the front yard. Site distance requirements must be met.
- Prohibited materials include fiberglass or plastic sheeting, barbed wire, razor ribbon or other similar temporary material.

18.245.030 Solid Waste

Refuse containers must be screened from off-site by sight obscuring fencing and/or evergreen landscaping and the area kept clean of all litter.

18.245.040 Lighting

Lighting must meet the requirements of 18.282 Outdoor Lighting (i.e. be dark sky compliant) and must not cause more than one foot-candle measured at any property line.

18.245.060 Landscaping

No landscape buffering is required between MX zoned properties. Landscaping along the La Center Road project frontage must provide an L1 or L2, 5 foot wide screen. Where single-family uses abut the site (east, south, and west) it must be landscaped to an L1, 5-foot standard.

All landscaped areas (minimum 15% for MDR standards and buffer areas) must meet the landscape standards of 18.245 including:

- Existing vegetation may fulfill landscape requirements if it provides an equivalent screening.
- Landscaped stormwater areas may satisfy landscaping requirements.
- Rooftop and ground-level exterior equipment shall be screened to an F2 or L3 standard.
- Parking and loading areas must be landscaped as follows:
 - A minimum 5-foot wide strip landscaped to at least an L2 standard or 10-foot wide to an L1 standard where adjoining a public road.
 - Parking areas of at least seven spaces shall contain landscape islands at a ratio of one island for every seven parking spaces. Trees shall be planted in the landscape islands.
- Landscaping must meet size requirements in 18.245.060(11-14).
- Permanent built-in irrigation is required or a statement from a landscape architect is required to have a temporary irrigation system during establishment. Alternatively no irrigation system is required if plantings will survive by rainwater as certified by a landscape architect and plants must be monitored replacement of plants that don't survive is required.

Chapter 18.260 Variances

As explained above in the summary, 18.280 requires three parking spaces per dwelling unit (2 per unit + 1 for guests) for residential developments four units or larger. LCMC 18.140 only requires 1.75 spaces per MDR-16 dwelling unit and MX residential development must meet MDR-16 standards. LCMC 18.10.100 requires that the most restrictive requirement be met, meaning that three spaces per dwelling unit are required unless the City approves a variance to require 1.75 spaces per unit. An additional reduction to 1.25 spaces per unit is allowed for ¼-mile proximity to transit service. Based on the above, a variance is required to reduce the required number of parking spaces from three spaces per unit to either 1.75 spaces or 1.25 spaces per unit. The applicant must respond to the variance criteria in LCMC 18.260.040. One of the unusual circumstances recognized by code is another obligation under a municipal code section; the reduction should be accompanied by a parking analysis consistent with the ITE parking manual demonstrating that the reduced number of spaces will still be adequate to serve the use.

LCMC 18.280 Off-Street Parking and Loading

18.280.010 Off-Street Parking Requirements

Off-street parking requirements apply. Three spaces per dwelling unit are required or a total of 540 spaces unless a variance is approved in accordance with LCMC 18.260. If a variance is requested and approved, no less than 1.75 spaces per unit or 315 spaces are required in accordance with LCMC 18.140.

18.280.030

Parking must meet the requirements of this section including that each space has no less than 180 square feet and a width of no less than 9 feet. Parking lot aisles widths for 90-degree parking are 24 feet. ADA parking must be provided as required by the building code. Off-street parking areas must have a durable surface.

18.280.070 Multifamily parking lots and circulation

Multifamily parking lots and circulation areas have additional requirements including:

- Parking lots shall be located in the rear portions of the property with building construction occurring in the front. Parking lots located between buildings and streets are not permitted.
- Access to MDR projects must be to arterial and collector streets.

LCMC 18.282 Outdoor Lighting

The City adopted new outdoor lighting requirements in 2019 to reduce light pollution and in compliance with dark sky guidelines. The code contains specifications for lighting spectrum and luminance limits. These standards apply to exterior residential lights such as front and rear porch lighting. Please review these requirements before selecting lighting fixtures.

18.300 Critical Areas

Critical areas mapped for the project on the project site by Clark County Maps Online include: (1) wetlands (2) fish and wildlife habitat conservation areas (3) geologically hazardous areas and (4) critical aquifer recharge areas (Category II). Critical areas inside shoreline jurisdiction are regulated by the critical area provisions in Appendix B of the SMP. Critical areas outside shoreline jurisdiction are regulated by LCMC 18.300. However, the critical areas provisions in the SMP and LCMC 18.300 are the same.

LCMC 18.300.090(1) Critical Aquifer Recharge Areas

The site and all of La Center is mapped as a Category II Critical Aquifer Recharge Area. However, La Center's code does not contain any requirements for Category II Critical Aquifer Recharge Areas.

LCMC 18.300.090(2) Fish and Wildlife Habitat Conservation Areas

The standard riparian buffer of the East Fork of the Lewis River extends 250 feet from the ordinary high water mark. However, LCMC 18.300.090(2)(h)(iv) says that the buffer does not extend landward beyond a road (Pollock Road in this case). Therefore, no known fish and wildlife habitat conservation areas exist onsite.

LCMC 18.300.090(4) Geologically Hazardous Areas

The site is mapped as containing landslide, erosion, and seismic hazards. The applicant must provide a geotechnical engineering report from a qualified professional addressing these hazards and proposed mitigation.

Development in or near landslide and erosion hazards must meet the requirements of City code including a 50-foot buffer from the edge of the landslide hazard which can be reduced to 25 feet upon the recommendation of the geotechnical engineer. Seasonal clearing restrictions apply in landslide and erosion hazards. Erosion hazard buffers are as recommended by a professional. Erosion control plans are required in erosion hazards.

Development in seismic hazard areas must meet the International Building Code.

LCMC 18.300.090(5) Wetlands

Since wetland are mapped on the project site, the applicant must complete a wetland delineation in accordance with LCMC 18.300.090(5)(g) or provide a letter from a qualified professional that wetlands do not exist on the site. If wetlands will be impacted, they must be mitigated onsite or offsite through purchase of credits at a wetland bank. Impacts to jurisdictional wetlands must obtain a Section 404

approval from the Army Corps of Engineers and a Section 401 Water Quality Certification from the Washington Department of Ecology.

Wetland buffer requirements apply if wetlands exist. Wetland buffers may be averaged or reduced to 75 percent of their standard width meeting the requirements in 18.300.090(5)(j).

If either wetlands or buffers are impacted, a wetland mitigation plan is required in compliance with LCMC 18.280.090(5)(p & q). Impacts must be mitigated at prescribed ratios in Table 18.300.090(5)(l) or offsite at bank.

Chapter 18.310 Environmental Policy

The project review application must include a SEPA checklist and appropriate processing fees. The City will run the SEPA comment and land use comment period concurrently and will not make a decision on the land use application until after the close of the SEPA comment period.

Chapter 18.350 Tree Protection

If any tree greater than 5" DHA is proposed to be removed, a tree cutting permit and mitigation will be required. A tree protection plan will also be required in accordance with LCMC 18.350.060. Mitigation may consist of replanting on or off-site or payment in lieu of planting. LCMC 18.350.050.

Chapter 18.360 Archaeological Resource Protection

The site is identified as having a high risk of containing archaeological resources and must file an archaeological predetermination report as per Table 18.360.020-1. Predetermination reports must contain the information in 18.360.080(4). Based on the findings of the predetermination report, further archaeological work or a full archaeological survey may be required.

Shoreline Master Program

The City's SMP applies to all lands within 200 feet of ordinary high water mark of shoreline waterbodies and to associated wetlands of these waters. The East Fork of the Lewis River is a shoreline waterbody. The site is located in the Urban Conservancy designation meant to "protect and restore ecological functions of open space, floodplains, and other sensitive lands where they exist alongside urban and developed settings. The applicant is proposing to locate stormwater infrastructure (detention, treatment, and outfall) in shoreline jurisdiction. These uses are considered to be utilities and require the approval of a shoreline substantial development permit (SSDP) and shoreline conditional use permit (SCUP). The SCUP would require final review and approval by the Washington Department of Ecology (DOE) in a 30-day period following City review.

Key requirements of the City's SMP include the following:

- Archaeological resources must be protected per Section V.B
- Critical areas within shoreline jurisdiction are subject to review under Appendix B of the SMP and Section V.C. The critical areas provisions are the same as outside shoreline jurisdiction.
- Public access to the shoreline must be provided in accordance with Section V.E
- Vegetation in shoreline jurisdiction must be preserved onsite or replaced elsewhere within shoreline jurisdiction onsite per Section V.H.
- Utility uses constructed parallel to the shoreline (detention and treatment) must be setback a minimum of 100 feet while the outfall (a perpendicular utility) does not require a setback.

Application Fees

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

- Boundary line adjustment (425 + \$75/lot)
- SEPA (\$510);
- Critical Area review (\$340 per type of critical area);
- Legal lot determination: \$425 + \$75/lot (> or = to 2 lots)
- Variances (if requested) (\$850)
- Rezone (code amendment) \$2,125
- Site Plan Review Type II (\$1,275 +\$85/1,000 SF of floor area)
- Shoreline SSDP: \$340
- Shoreline SCUP: \$850

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 was provided at pre-application conference. Please include a signed agreement with the application.

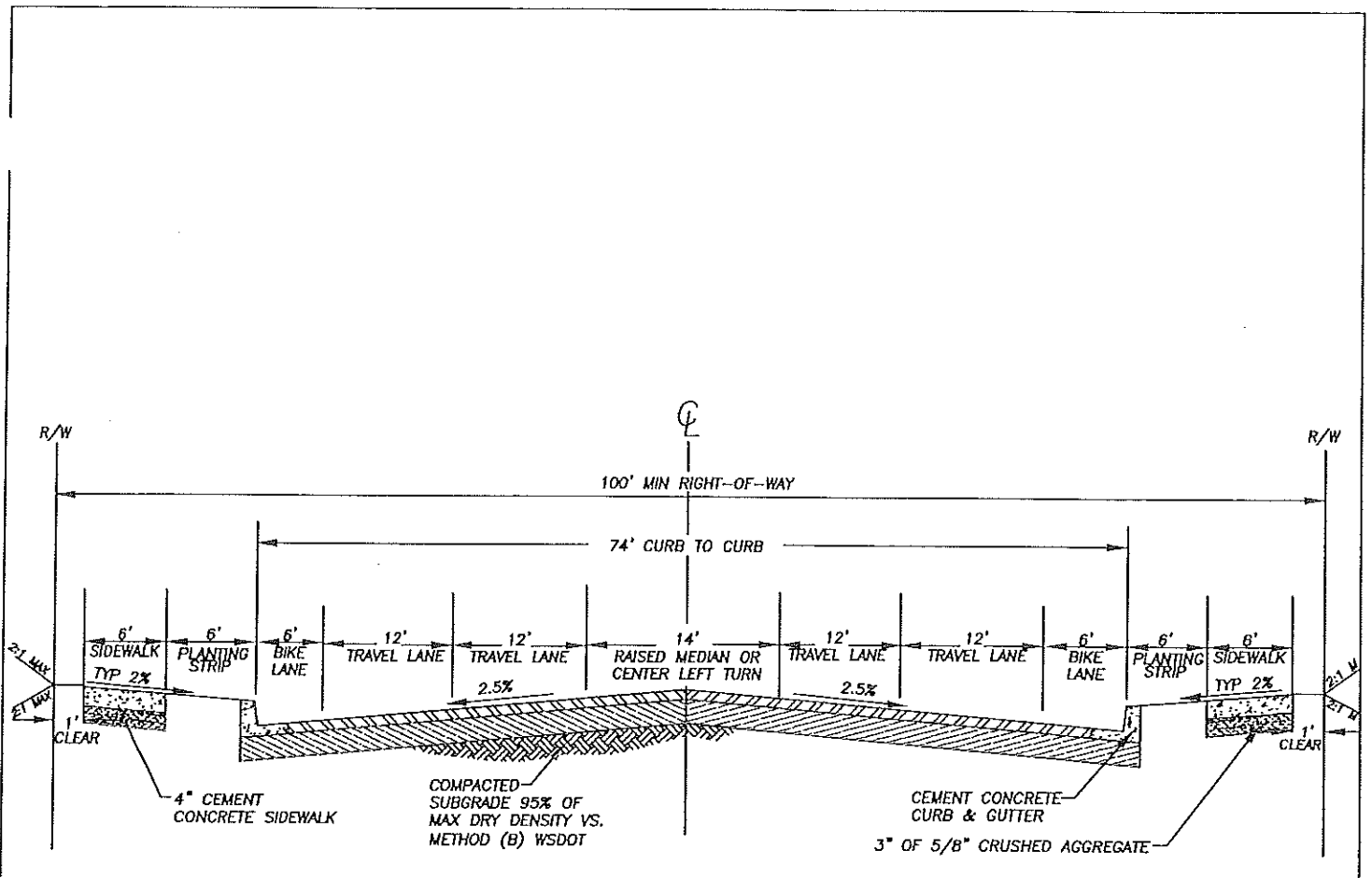
Please note that the City is due to update its land use fees. Timeline for that is uncertain, but the fees listed above could change in the near future.

Attachments

- Clark County Fire and Rescue pre-application meeting notes

January 6, 2022 – Attendees

Name	Organization Name	Email Address	Phone Number
Sarah Dollar	City of La Center	sdollar@ci.lacenter.wa.us	360-263-7665
Tony Cooper	City of La Center	acooper@ci.lacenter.wa.us	360-263-7665
Jessica Nash	City of La Center	jnash@ci.lacenter.wa.us	360-263-7665
Jeff Swanson	Exigy Consulting	jswanson@ci.lacenter.wa.us	360-975-9466
Ethan Spoo	WSP	ethan.spoo@wsp.com	971-219-5169
Mike Jackson	Clark Cowlitz Fire & Rescue	Mike.Jackson@clarkfr.org	360-887-4609
Scott Taylor	SGA Engineering	staylor@sgaengineering.com	360-993-0911
Ott Gaither	IDM	ott.gaither@idmbuilds.com	360-798-2282
Steve Headley	Property Owner	Steve.Headley@banfield.com	360-921-2353
Lloyd Taylor	Berkshire Hathaway	lloydtaylorgroup@gmail.com	360-241-7298
Eric Golemo	SGA Engineering	egolemo@sgaengineering.com	360-993-0911
Kevin Billups	IDM	kevin.billups@idmbuilds.com	360-241-8726
Kevin Taylor	Berkshire Hathaway	kevintaylor@bhhsnw.com	360-241-7298

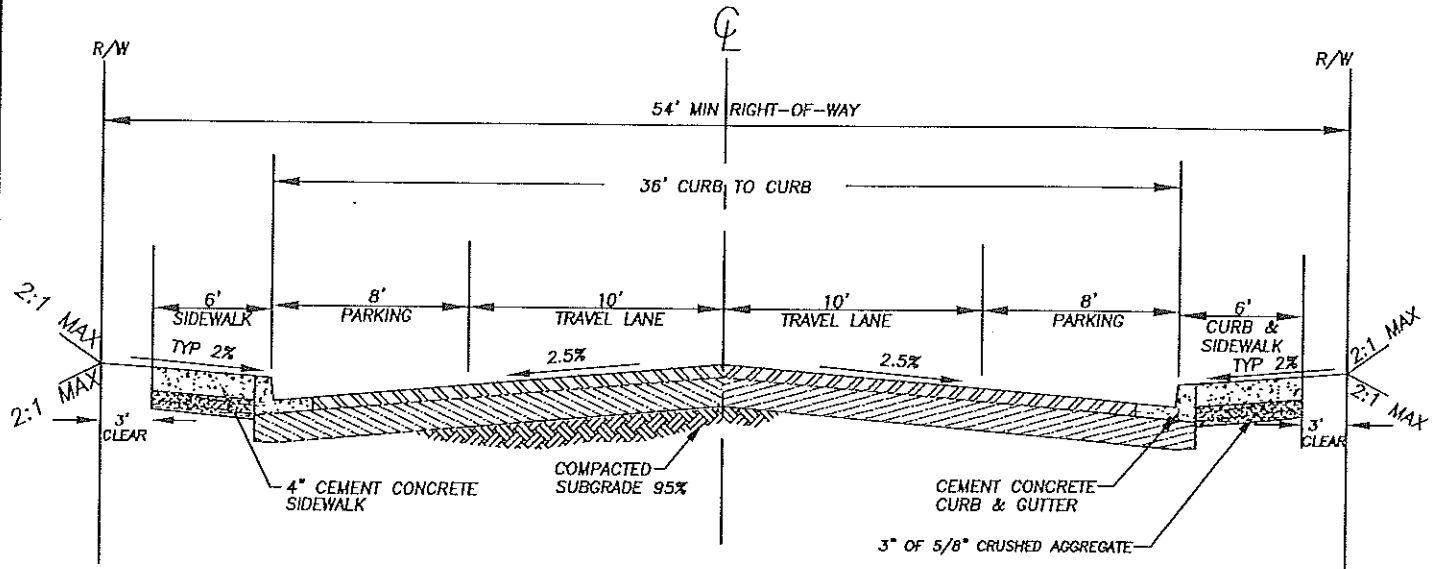


CONVENTIONAL CONSTRUCTION			THICK ASPHALT CONSTRUCTION		
AASHTO SOIL TYPE	ASPHALT THICKNESS	BASE ROCK THICKNESS	AASHTO SOIL TYPE	ASPHALT THICKNESS	BASE ROCK THICKNESS
A-1	0.55'	0.40'	A-1	0.60'	0.25'
A-2	0.55'	0.55'	A-2	0.65'	0.25'
A-3	0.55'	0.80'	A-3	0.72'	0.25'
A-4	0.60'	1.00'	A-4	0.82'	0.25'
A-5	0.60'	1.35'	A-5	0.92'	0.25'
A-6	0.60'	1.80'	A-6	1.05'	0.25'
A-7	0.90'	1.45'	A-7	1.25'	0.25'
OTHER	NO SECTION	ESTIMATED	OTHER	NO SECTION	ESTIMATED

NOTES:

1. WIDER SIDEWALKS MAY BE REQUIRED BY REVIEWING AUTHORITY UNDER CERTAIN CIRCUMSTANCES.
2. SUBGRADE REINFORCEMENT GEOTEXTILES SHALL BE INSTALLED OVER A-6 AND A-7 SOILS PRIOR TO CONSTRUCTING THE BASE AND SURFACING.
3. ASPHALT SURFACE FOR ALL ROADS SHALL BE CLASS 1/2" PG 64-22 PER WSDOT STANDARD SPECIFICATIONS.
4. THE PAVEMENT STRUCTURE THICKNESSES IDENTIFIED FOR THESE SOIL TYPES ARE REQUIRED UNLESS A SITE SPECIFIC PAVEMENT DESIGN IS DONE. THE TOTAL PAVEMENT STRUCTURE SHALL NOT EXCEED 2.5 FEET.
5. EITHER CONVENTIONAL OR THICK ASPHALT CONSTRUCTION IS ALLOWED.
6. BASE ROCK SECTION SHALL BE TWO (2) INCHES OF 5/8" - 0" TOP COURSE, OVER REMAINING DEPTH OF BASE ROCK PER WSDOT STANDARD SPECIFICATION SECTION 9-03.10. TOTAL BASE ROCK SECTION THICKNESS AS INDICATED IN THE TABLES.

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CONVENTIONAL CONSTRUCTION			THICK ASPHALT CONSTRUCTION		
AASHTO SOIL TYPE	ASPHALT THICKNESS	BASE ROCK THICKNESS	AASHTO SOIL TYPE	ASPHALT THICKNESS	BASE ROCK THICKNESS
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A-2	0.35'	0.50'	A-2	0.42'	0.25'
A-3	0.35'	0.50'	A-3	0.42'	0.25'
A-4	0.35'	0.60'	A-4	0.45'	0.25'
A-5	0.35'	0.90'	A-5	0.55'	0.25'
A-6	0.35'	1.20'	A-6	0.62'	0.25'
A-7	0.40'	1.60'	A-7	0.80'	0.25'
OTHER	NO SECTION	ESTIMATED	OTHER	NO SECTION	ESTIMATED

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3. ASPHALT SURFACE FOR ALL ROADS SHALL BE CLASS 1/2 PG 64-22 HMA PER WSDOT STANDARD SPECIFICATIONS.
4. THE PAVEMENT STRUCTURE THICKNESSES IDENTIFIED FOR THESE SOIL TYPES ARE REQUIRED UNLESS A SITE SPECIFIC PAVEMENT DESIGN IS DONE. THE TOTAL PAVEMENT STRUCTURE SHALL NOT EXCEED 2.5 FEET.
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NEIGHBORHOOD ACCESS

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CITY OF LA CENTER APPROVED

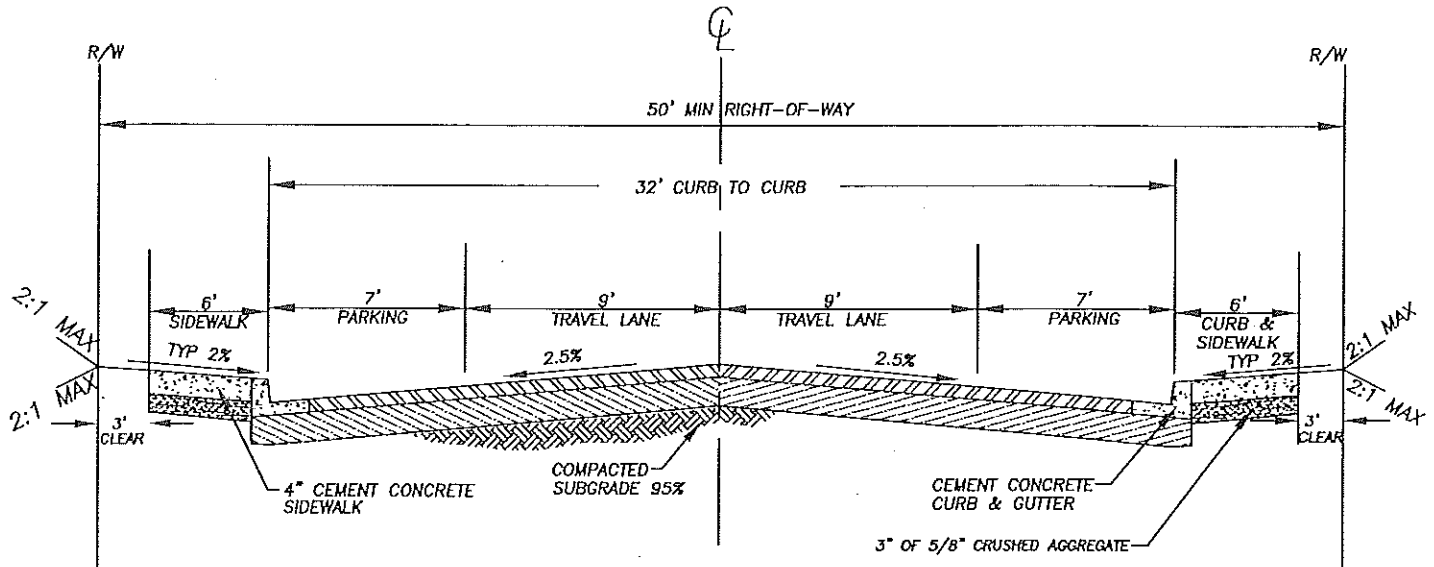
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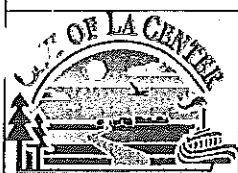
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LOCAL ACCESS

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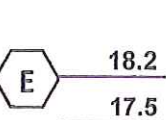
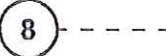






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SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT
[HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
		Areas of Minimal Flood Hazard <i>Zone X</i>
OTHER AREAS		Area of Undetermined Flood Hazard <i>Zone D</i>
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary

For information and questions about this with this FIRM, including historic versic products, or the National Flood FEMA Map Information eXchange at Map Service Center website at http: issued Letters of Map Change, a Floo Many of these products can be ordered o

Communities annexing land on adjacent Fll the current FIRM Index. These may be orc above.

For community and countywide map dat

To determine if flood insurance is available Flood Insurance Program at 1-800-638

Base map information shown on this FIRM (USGS). This information was derived from 2017

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NW EAGLE CREST DR



CITY COUNCIL AGENDA ITEM

Department: Finance

Staff Contact: Paul Lewis, Finance Consultant

Agenda Date: September 12, 2018

Item: Proposed Latecomer Agreement with the Cowlitz Indian Tribe

Action Requested: None; Receive Briefing and Provide Opportunity for Public Comment

Background:

The Cowlitz Indian Tribe spent \$4.26 million to construct a sewer pump station and trunk line from the wastewater treatment plant up La Center Road to the I-5 junction. State law and La Center Municipal Code (LCMC) provide the opportunity for the Tribe to recover their costs over time from property owners that benefit from the infrastructure. Wallis Engineering developed the methodology to allocate the cost of the pump station and trunk line to benefitting property owners who will pay the fee when they develop their property and connect to City sewer service. The Latecomer Agreement will outline the terms under which the City will collect the fee and the Tribe will receive payment. LCMC 13.10.240 requires two notices to property owners that benefit from any privately financed infrastructure and that will be subject to the latecomer fee. The first notice, the Preliminary Notice identified in LCMC 13.10.240 (3), was mailed on or around August 15th and is attached for reference.

Briefing and Public Comment on Proposed Latecomer Agreement:

The Preliminary Notice to property owners indicated that additional information and an opportunity to provide City Council with comments would be available at the September 12 City Council meeting. See the attached presentation on the proposed latecomer agreement with the Cowlitz Indian Tribe to be reviewed at the City Council meeting. After the presentation the public will be invited to provide comments to City Council.

Budget/Financial Impact:

Not applicable.

Recommendation/Council Action:

None.

Attachments:

- Preliminary Notice to Property Owners Regarding Latecomer Agreement
- Presentation on Proposed Latecomer Agreement with the Cowlitz Indian Tribe



**CITY OF LA CENTER PRELIMINARY NOTICE TO PROPERTY OWNERS
LATECOMER AGREEMENT FOR LA CENTER ROAD SANITARY SEWER IMPROVEMENTS**

August 14, 2018

Dear Property Owner:

As authorized by R.C.W. 35.91 and La Center Municipal Code 13.10.240, the City of La Center has received an application from the Cowlitz Indian Tribe for the establishment of a Latecomer Agreement for reimbursement of costs associated with the construction of the La Center Road Pump Station and Sanitary Sewer Improvement project. Establishment of the Latecomer Agreement will create a requirement for pro rata reimbursement (e.g., fair share reimbursement) of project costs by benefitting properties. The reimbursement will be due at the time a benefitting property connects to the City's sewer system. Benefitting properties are shown on the map includes as Attachment A. Latecomer Fee assessments will be due only if a property within the benefitting area boundaries connects to the public sewer system within a 20-year timeframe.

The amount of the Latecomer Fee assessment that will be due at the time of connection is based on the project costs and the estimated Equivalent Residential Units (ERU) served by the project in each basin (see Attachment A). The preliminary Latecomer Fee for each basin/benefitting area is as follows:

Sewer Basin (See Attachment A)	Latecomer's Assessment per ERU
A	\$6,173.96
B	\$4,616.00
C	\$972.21
D	\$972.21

The ERUs associated with a specific development will be calculated at the time of connection in accordance with La Center Municipal Code 13.10.350 (see Attachment B). The fee estimate per ERU above is based on preliminary final costs for the project.

Establishment of the Preliminary Latecomer Fee will be discussed at the La Center City Council meeting at 6:30 pm on September 12, 2018. Public comment will be taken at that time.

Property owners may, upon payment of a \$250.00 appeal fee, request an appeal hearing. The appeal request and the fee must be received by the City within 20 calendar days of the mailing of this Preliminary Notice. The appeal based on receipt of a Preliminary Notice is limited to the issue of whether or not a specific property benefits from the La Center Road Pump Station and Sanitary Sewer Improvements and should be included in the area required to pay the Latecomer Fee. A Final Notice will be mailed to property owners 20 days before the final Latecomer Agreement takes effect. An appeal on the methodology used to calculate the final Latecomer Fee may be made after the Final Notice is mailed.

P:\Admin-Office\Construction Management\Shared Folders\Construction Folders\1435B 700 Construction\712 Latecomer's Agreement\DRMT Technical Memorandum\Exhibits\LaCenter Road Basin Map.dwg, 3/13/2018

Westerly Gravity Sewer

Northeasterly Gravity Sewer

Central Force Main

Pump Station Location

NW La Center Road

Basin A

Basin D

Basin B

Basin C

I-5 Corridor



0 350 700
SCALE IN FEET

Legend

- Parcel Lines
- Service Area
- Basin A
- Basin B
- Basin C
- Basin D
- Gravity Sewer
- Force Main

Latecomer's Agreement Service Area

City of La Center
La Center Road Pump Station and Sanitary Sewer

WE:1436B

March 2018

Class of Service	ERU Assignment
Residential	
1. Single-family dwelling	1 ERU
2. Multifamily dwelling	1 ERU per dwelling
3. Trailer courts	1 ERU per rental space provided sewer service
– Permanent mobile home parks	0.33 ERU per RV site provided sewer service
– Transient RV parks	1 ERU, plus 1 ERU per 5 rental rooms
4. Bed and breakfast	1 ERU
5. Home business (residential primary use)	1 ERU
Nonresidential	
6. High schools, junior high/middle schools and community colleges	1 ERU per 24 students
7. Elementary schools, preschools, day care	1 ERU per 54 students
8. Churches	1 ERU per 150 seats
– If parsonage	1 ERU additional
– If weekday child care or church school	1 ERU per 54 students additional
9. Hospitals – General	1 ERU per bed
10. Convalescent/rest homes	1 ERU per 2 beds
11. Hotels, motels	1 ERU per 2 rooms
– If quality restaurant	1 ERU per 8 seats additional
12. Quality restaurants	1 ERU per 8 seats
13. Fast food	1 ERU per 9 seats
14. Tavern	1 ERU per 15 seats
15. Service stations (without car wash)	2 ERUs
16. Car wash	1.5 ERUs per stall
– Wand	7.0 ERUs
– Rollover	7.5 ERUs
– Tunnel	1 ERU per machine or actual or projected flow calculations approved by the city engineer. See subsection (1)(b) of this section for more information about actual and projected flows.
17. Laundromats	

Class of Service	ERU Assignment
18. Commercial (commercial shall include all classes not otherwise included in this table)	1 ERU per 1,600 sq. ft. or less of interior floor space. For commercial establishment in excess of 1,600 sq. ft. of interior floor space, the city may use actual or projected flow calculations approved by the city engineer; provided, however, the minimum connection fee shall not be less than one equivalent residential unit. If projected flow calculations are used, the connection fee shall be adjusted after the first year of operation of the establishment to reflect actual flow usage in the event the flows were underestimated. (See subsection (1)(b) of this section for more information about actual and projected flows.)
19. Light industrial waste with: – 30 lbs. to 200 lbs. of S.S. per day, or – 30 lbs. to 200 lbs. of BOD per day, and – Less than 10,000 gallons per day	Based on projected average monthly flows during peak season – 700 cu. ft. If projected flows are unknown then basis is same as Class 16.
20. Heavy industrial waste with more than: – 200 lbs. of BOD per day, or – 200 lbs. of S.S. per day, or – 10,000 gallons or more per day	Same as Class 17, 1 ERU per machine

(a) Where seating is on benches or pews, the number of seats shall be computed on the basis of one seat for each 18 inches of bench or pew length.

(b) Where actual or projected flows are used, the minimum connection fee shall not be less than one equivalent residential unit. If projected flow calculations are used, the connection fee shall be adjusted after the first year of operation of the establishment to reflect actual flow usage in the event the flows are underestimated. If projected flow calculations are proposed, it shall be the responsibility of the applicant to provide the engineered water consumption or other information necessary to determine the sewer flow, expressed in gallons per day.

(2) Capital Facility Charge.

(a) So that the property owners shall bear their equitable share of the cost of the wastewater system and as authorized in RCW [35.92.035](#), there shall be paid a capital facilities charge at the time the application is approved for wastewater service. The city council by resolution will establish the amount of the capital facilities charge and may amend the charge as the council may deem necessary.

(b) For projects not completed within 180 days after approval and where the permit has expired in accordance with LCMC [13.10.145](#), the capital facilities charge shall be refunded to the applicant subject to a five percent processing fee. Latecomer and permit inspection fees are nonrefundable. Applicant shall be charged fee rates in effect at time of payment. [Ord. 2011-02 § 2 (Exh. 1), 2011.]

13.10.360 Effective date of charges.

Rates, capital facilities and systems development charges shall be in full force and effect August 1, 2006, as established per LCMC [13.10.030](#). [Ord. 2011-02 § 2 (Exh. 1), 2011.]

City of La Center City Council Meeting

Latecomer Agreement with the Cowlitz Indian Tribe:
Council Briefing and Public Comment

September 12, 2018



Agenda

- Latecomer Agreement Summary
- Regulatory Framework
- Overview of the Project
- Project Expense Summary
- Expense Allocation Methodology
- Proposed Fee & Payment
- Process Overview & Next Steps

Latecomer Agreement Summary

- The Cowlitz Indian Tribe spent \$4.26 million to construct a sewer pump station and trunk line from the wastewater treatment plant up La Center Road to the I-5 junction
- State law and La Center municipal code provide the opportunity for the Tribe to recover their costs over time from property owners that benefit from the infrastructure
- Wallis Engineering developed the methodology to allocate costs to benefitting property owners who pay the fee when they develop their property and receive City sewer service
- The Latecomer Agreement outlines the terms under which the Tribe will receive payment

September 12, 2018

La Center City Council Meeting
Latecomer Agreement Briefing and Public Comment

3

Regulatory Framework

Revised Code of Washington 35.91.020

- Authorizes private property owners to construct required water or sewer infrastructure and to be reimbursed for their costs from other property owners
- Infrastructure has to comply with City infrastructure standards and City comprehensive planning
- Reimbursement from property owners who subsequently connect to or use the water or sewer facilities, but who did not contribute to the original cost of the facilities
- Reimbursement occurs over 20 years

September 12, 2018

La Center City Council Meeting
Latecomer Agreement Briefing and Public Comment

4

Regulatory Framework

La Center Municipal Code 13.10.240

- Provides local requirements for submitting and processing requests by private parties to build infrastructure and be eligible for reimbursement
- Provides guidance on allocating project costs among the property owners based on their pro rata share of costs
- Identifies that payment is due when a building permit is issued or when a connection is made to the City system
- Requires two notices to property owners that will be subject to the latecomer agreement

Regulatory Framework

La Center Municipal Code 13.10.240

- Provides for property owner appeal with each notice
 - Preliminary Notice: Appeal only based on property's inclusion in area subject to the latecomer fee/reimbursement
 - Final Notice: Appeal of costs and fee methodology
- Provides a 15 year term for reimbursement
 - Needs to be updated to conform to State law
 - On Council agenda for September 26
- Outlines City Council approval process

Overview of the Project

Constraints

- Much of the area is characterized by steep slopes and/or landslide hazards
- McCormick Creek in center is low point



September 12, 2018

La Center City Council Meeting
Latecomer Agreement Briefing and Public Comment

9

Project Expense Summary

- Total Project Cost = \$4,256,508

Cost Category	Amount	Vendors
Bond Issuance & Wire Fees	\$ 197,258	Various
Interest Expense to June 30, 2018	\$ 209,488	Columbia Bank
Initial Design & Engineering	\$ 179,300	Kittleson Engineering
Construction	\$ 3,328,789	Tapani Construction
Material Testing, Engineering & Misc.	\$ 29,745	Columbia West; Olson Engineering
Project Management	\$ 224,298	Wallis Engineering; City of La Center
Power/Electricity	\$ 57,510	Clark PUD
System Testing & Integration	\$ 30,121	The Automation Group (TAG)
Total Project Costs	\$ 4,256,508	

September 12, 2018

La Center City Council Meeting
Latecomer Agreement Briefing and Public Comment

10

Expense Allocation Methodology

- Each property owner is required to pay a fee equal to their proportionate share of the new sewer pump station and trunk line cost – if and when those properties connect to the City's sewer system
- Project costs were allocated to the four basins based on the cost of the infrastructure used to serve each basin
 - Properties in Basin A furthest away from the City's wastewater treatment plant and near the La Center Road/I-5 junction will pay a higher fee than properties in Basins C & D closer to the wastewater treatment plant and near NW Timmen Road

Expense Allocation Methodology

- Project costs were allocated to the properties in the four basins using the same methodology used for the design
 - The project was designed to handle the estimated future demand in total Equivalent Residential Units (ERUs) – the estimated sewer service demand associated with one single family home
 - The ERUs associated with each basin were based on developable acres and Clark Regional planning guidelines for sewer demand
 - Estimated developed acres were adjusted for acres required for streets and other infrastructure and for environmental constraints
 - Estimated ERUs/Acre per CRWD: Commercial = 4.4; Industrial = 6.7; Mixed Use = 7.0; and Residential = 4.95

Expense Allocation Methodology

■ Expense Allocation and Fee by Basin

Basin	Allocated Costs	Estimated Basin ERU	Estimated ERU (Cumulative)	Basin Cost/ ERU	Cumulative Cost/ERU	Total Cost by Basin
Basin A	\$ 708,947	455	455	\$1,558.13	\$ 6,174.61	\$ 2,809,447
Basin B	\$ 2,507,193	233	688	\$3,644.18	\$ 4,616.48	\$ 1,075,640
Basins C&D	\$ 1,040,368	382	1,070	\$ 972.31	\$ 972.31	\$ 371,421
TOTAL	\$ 4,256,508	1,070				\$ 4,256,508

Source: Wallis Engineering

- Flow from ERUs in Basin A flows through Basins A, B, C & D and pays a prorated share of each segment's cost
- Flow from ERUs in Basin B use the pump station and flows through Basins B, C & D and pays a prorated share of costs for those segments only
- Flow from ERUs in Basins C & D pay a prorated share of Basin C & D cost

September 12, 2018

La Center City Council Meeting
Latecomer Agreement Briefing and Public Comment

13

Proposed Latecomer Fee & Payment

- The proposed latecomer fee per ERU by basin:
 - Basin A: Junction Area = \$6,174.61 per ERU
 - Basin B: Middle Section = \$4,616.48 per ERU
 - Basins C & D: Lower Section = \$972.31 per ERU
- The actual latecomer fee charged for any proposed development will be based on the ERUs associated with that development as determined by the schedule provided in La Center Municipal Code Section 13.10.350
 - Example: General commercial = 1 ERU per 1,600 square feet
 - Example: Hotel = 1 ERU for every two rooms

September 12, 2018

La Center City Council Meeting
Latecomer Agreement Briefing and Public Comment

14

Proposed Latecomer Fee & Payment

- Payment of the latecomer fee is due at the time the building permit is issued or, for a subdivision, when a connection is made to the City sewer system
- The latecomer fee is in addition to the system development charge (SDC) of \$5,841 for all basins subject to the fee
 - The SDC primarily pays for treatment plant expansion and would be higher if the sewer line had not been built by the Cowlitz Tribe
- Total latecomer fee and system development charge:
 - Basin A: Junction = \$12,015.61 per ERU
 - Basin B: Middle Section = \$10,457.48 per ERU
 - Basins C&D: Lower Section = \$6,813.31 per ERU

September 12, 2018

La Center City Council Meeting
Latecomer Agreement Briefing and Public Comment

15

Process Overview & Next Steps

Process Overview

- Preliminary notice to property owners – mailed August 15
- Presentation and public comment to City Council – September 12
- City Council approval of latecomer agreement – Scheduled for September 26
- Final notice to property owners – After City Council approval but before agreement is signed
- Agreement signed 20 days after Final notice mailed – if no property owner appeal is filed

September 12, 2018

La Center City Council Meeting
Latecomer Agreement Briefing and Public Comment

16

Process Overview & Next Steps

Next Steps

- Tonight
 - Opportunity for public comment and Council feedback
- September 26: Consideration of Latecomer Agreement
 - Opportunity for Council feedback on proposed agreement
 - Code change: make maximum term for latecomer agreement 20 years to conform to State law
- October: Final agreement signed by the City and the Cowlitz Indian Tribe if no appeal
 - Consideration of Final Notice appeals if any are filed

Questions/Discussion

- Agreement and Process Summary
- Regulatory Framework
- Overview of the Project
- Project Expense Summary
- Expense Allocation Methodology
- Proposed Fee and Payment
- Process Update/Next Steps