



**NOTICE OF DECISION**  
**Heritage Center, Building B**  
**Site Plan Review, Type II Review**  
(2019-010-SPR/SEPA)

<b>PROPOSAL</b>	Building B, of the Heritage Business Complex will be a two-story wood frame building approximately 8,800 Sq. Ft. in area. Building A and C were approved and are constructed. A private residence, 404 E 5 <sup>th</sup> St. will be demolished as part of the project. Parking, landscaping, access and utilities will be provided. All utilities are stubbed to the site. There are no known critical areas on or adjacent to the proposed site.
<b>LOCATION</b>	405 and 419 East Cedar Avenue, La Center, WA.
<b>LEGAL DESCRIPTION</b>	<ul style="list-style-type: none"><li>▪ #80 JOHN TIMMONS &amp; ANDREW BREZEE HD CL; PIN 62702000</li><li>▪ #94 JOHN TIMMONS &amp; ANDREW BREZEE HD CL .16 A M/L; PIN 62715000</li><li>▪ #72 &amp; #73 JOHN TIMMONS &amp; ANDREW BREZEE CL .47A; PIN 62694000</li></ul>
<b>ZONING</b>	Commercial 1 (C1) and Downtown Overlay (DT)
<b>OWNER(S)</b>	Genteel Investments, LLC, PO Box 1434, Vancouver, WA 98668. Richard Colf, 360.606.6564
<b>APPLICANT</b>	Rite-Menter Investments, Inc., PO Box 211, Vancouver, WA 98666. Contact: Roy Heikkala, 360.921.8241, <a href="mailto:royheikkala@gmail.com">royheikkala@gmail.com</a>
<b>CITY STAFF</b>	Anthony Cooper, P.E. La Center City Engineer Naomi Hansen, La Center Associate Planner Eric Eisemann, E <sup>2</sup> Land Use Planning, Consulting Planner
<b>REVIEW</b>	Type II Site Plan review and SEPA
<b>RECOMMENDATION</b>	Approval with conditions
<b>DATE</b>	May 2, 2019

## I. Procedural Background

### Prior Land Use permits

- Conditional Use Permit (01-3-ZC/01-4-CUP/01-2-PR) - Comprehensive Plan amendment, zone change, conditional use, site plan review, and SEPA for a 19,056 square foot commercial complex including four office/retail buildings, three island gas station, parking and associated landscaping and site improvements.
- Site Plan Review (2006-006 SPR) - Building C, 4,245 square feet
- Post Decision Review (2007-008-PDR) – Modify Conditional use permit conditions of approval B.12.d and B.6.d to eliminate condition for a center medium on 4<sup>th</sup> Street.
- Site Plan Review (2009-021-SPR) – Building B, 8,800 square foot office/retail building (expired)

### Current SEPA

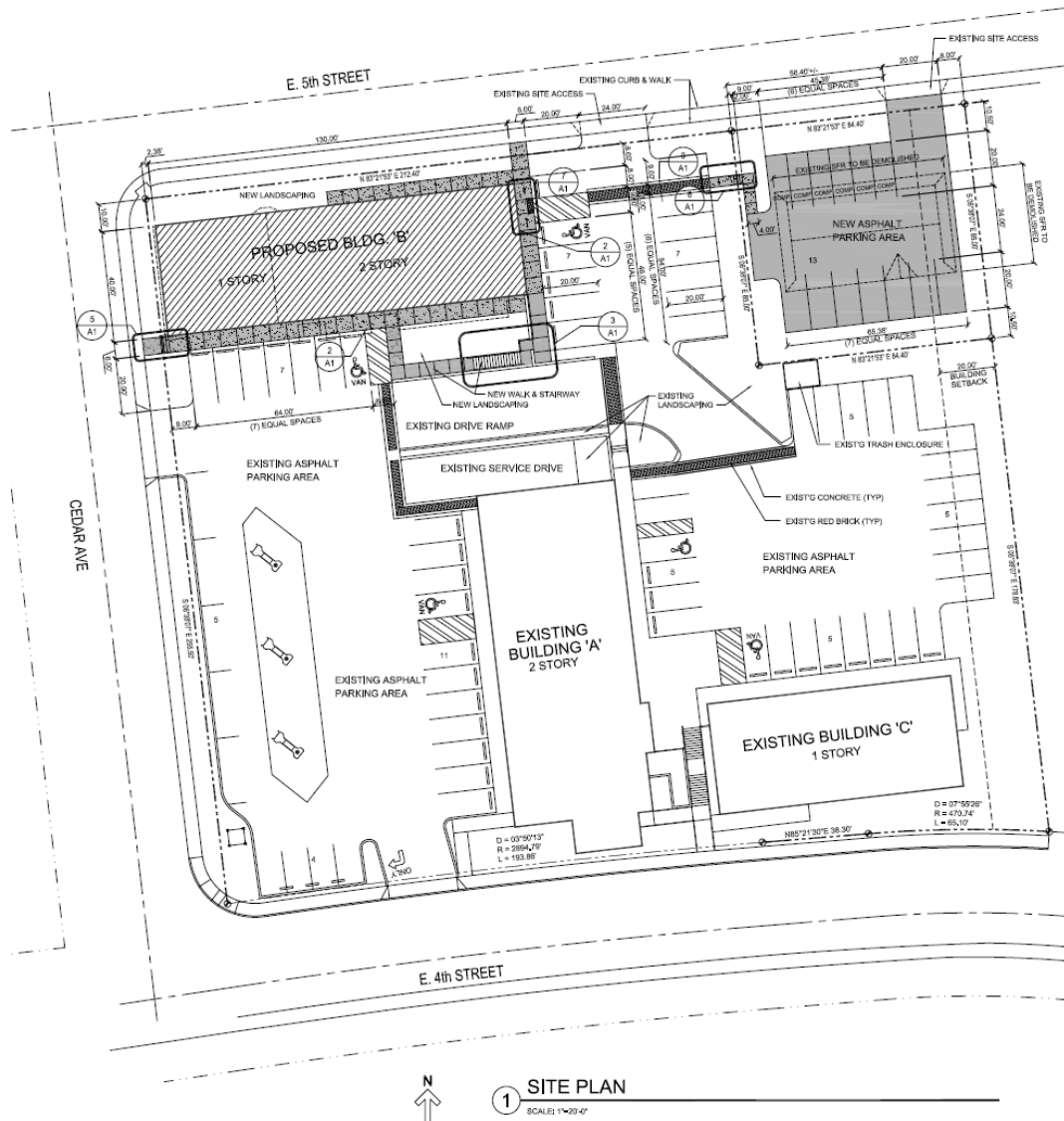
- SEPA DNS – Issued April 10, 2019
- Comment period ended April 24, 2019
- One Comment received: Southwest Washington Clean Air Agency (SWCAA), April 23, 2019.
  - SEPA Mitigation Measure: Demolition/Asbestos (SWCAA 476) Prior to demolition or renovation of a structure, a thorough asbestos inspection must be conducted by an AHERA-Certified inspector in order to determine the presence of asbestos containing material (ACM) in all affected structure(s) or areas. A Copy of the AHERA asbestos inspection report must be posted at the project site.

### Applicable Standards and Approval Criteria

La Center Municipal Code 13.10.110 Side Sewer and Connections, 18.30, Procedures; 18.150, Commercial Districts; 18.155, Downtown Overlay District; 18.215, Site Plan Review; 18.245, Supplemental Development Standards; 18.280, Off-Street Parking and Loading Requirements; 18.310 , Environmental Policy; 18.230, Stormwater and Erosion Control and La Center Engineering Standards.

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## II. Heritage Center Building B Site Plan



## III. REVIEW

### Chapter 12 LCMC (Street, Sidewalks and Public Ways)

*City of La Center Engineering Standards for Construction* shall apply to all public road improvements unless modified by the director. LCMC 12.10.040.

#### Finding(s):

**General:** The applicant shall provide frontage improvements adjacent to the development according to the City of La Center Local Access standard ST-15. Since both Cedar Avenue and 5<sup>th</sup> Street have already been widened to full street width along with curb gutter and sidewalk. The applicant will not need to widen the roadway or provide new sidewalk.

**Streets and Circulation:** There is adequate circulation of existing streets adjacent to the development.

**Grading:** The City Erosion Control Standards require that any activity disturbance over 500 SF must comply with the City standards. Per the City Erosion Control Manual, from October 1 through April 30<sup>th</sup>, no soils shall remain exposed for more than two (2) days. From May 1<sup>st</sup> through September 30<sup>th</sup>, no soils shall remain exposed more than seven (7) days.

**Conditions of Approval**

- In lieu of completing public improvements, a performance bond in the amount not less than 110% of the construction estimate shall be provided prior to issuance of a building permit. LCMC 12.10.110.
- All handicap ramps must comply with current ADA standards, including street trees and street lighting according to the engineering standards. Any sidewalk that is damaged must be repaired to meet ADA current standards.
- 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 applicant shall submit final grading and erosion control permit as part of the engineering review showing the proposed contours on the plans.
- Site development earthwork for site grading and construction of sewer, storm drain, water and street systems shall be limited to the dry weather season between May 1<sup>st</sup> and October 31<sup>st</sup> with planting and seeding erosion control measures completed by October 1<sup>st</sup> to become established before the onset of wet weather.

**Chapter 13.10 -- Sewer System Rules and Regulations**

**Finding(s):** 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.

The sewer mapping shows there is an existing sewer lateral stub connected to the manhole in Cedar Avenue that is extended to the site.

The applicant was provided an estimate of sewer development charges at the pre-application conference. The fees were based on the information at the time.

**Conditions of Approval**

- To verify the condition of the existing sewer lateral, a video inspection of the existing sewer lateral must be performed verifying its structural integrity and ability to accommodate the developer's preferred option.
- The City will reassess the sewer development charges when engineering plans are submitted. based on the proposed plans.

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

**Findings(s):** 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 limits the creation of more than, 1,000 square feet of impervious surface for

commercial structures is subject to stormwater regulation. The applicant proposes to create new impervious surface for the new parking lot east of the site and the commercial building footprint.

A storm report was completed and submitted to the City for review. The City reviewed the storm report and determined that the area of the proposed building was included in the stormwater report and on-site construction previously completed.

**Conditions of Approval:**

- 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.
- Provide a final stormwater Technical Information Report (TIR) that complies with LCMC 18.320.
- Downspouts connections from the building must connect directly into the site stormwater system.

**Findings: Maintenance of Stormwater Facility.** The applicant shall be responsible for maintenance of the stormwater facility is established to maintain the facility.

**Condition of Approval**

- Provide maintenance records to the city yearly showing that the detention and water quality system is maintained per the manufactures recommendations.

**Findings: Street Lighting.** Street light design and installation is reviewed and approved by the City of La Center. The existing streets adjacent to the development has cobra head LED lights on Clark Public Utility Poles.

**Condition of Approval**

- To be consistent with the type of light of Cedar Avenue and East 5<sup>th</sup> Street, new cobra head lights shall be added as necessary for the development. New street lights may be needed to accommodate existing lighting on Cedar Avenue and meet the current lighting standards in the Engineering Standards.
- A Photometric analysis along with the street light design may be needed to verify compliance with the Engineering Standards.

**Findings: 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. CPU 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.

**Findings: Building.** The site improvements are reviewed and approved by Public Works Building Services. Proposed setbacks for each lot are required on the site plan.

Development of the lots shall not create hazards or conditions for any adjacent lot. A geotechnical report is required analyzing the development design and for lot infill. The report should propose development conditions for the builders. Plan conditions should include provision of adequate foundation drainage. An adequate absorption/dissipater design that cannot flow by gravity to the storm lateral should be included. Stormwater collected from newly created impervious sources or surfaces (roof, slabs, flatworks, etc.) shall be terminated in an approved manner. Construction plans

shall provide for a concrete truck washout area which builders and contractors are required to use and maintain throughout construction.

**Conditions of Approval**

- A geotechnical report will be required analyzing the development design and for lot infill.
- Retaining walls and perimeter fencing are subject to building permit review.

**Chapter 3.35 Impact Fees**

**Findings:** The applicant was provided an estimate of traffic impact fees based on the ITE manual for office and retail uses. The applicant stated that office use is proposed, not retail. Therefore, the city will anticipate calculating the TIF based on exclusive office use until tenant improvements are completed and the actual use is known. At that time the city will calculate TIFs for the uses reflected by tenant improvements. The city will rely on the then current version of the ITE Manual or a new traffic memo estimating expected PM peak hour trips for their intended uses.

Park and school Impact Fees are not assessed for commercial uses.

**Conditions of Approval**

- Traffic impact fees will be assessed and collected at the time of building permit issuance.

**Chapter 18.150 Commercial Districts**

**Findings:** The proposed office/retail use is a permitted use within the C-1 (Downtown Commercial) zoning district. See LCMC Table 18.150.020. The property meets or exceeds dimensional and density standards within the C-1 district Table 18.150.130(1). The site abuts the LDR 7.5 zone to the east. There is a 5-foot minimum setback with L2 (Low Screen) landscaping requirements LCMC18.245.060.

**Conditions of Approval**

- The eastern property line shall include a 5-foot minimum setback from the abutting property and be landscaped to an L2 standard.

**Chapter 18.155 Downtown Overlay District**

**Findings:** This chapter contains many standards. Those listed below are applicable to the proposed Building B and site improvements.

**Conditions of Approval**

- Facades shall be varied and articulated. Larger projects shall create the appearance of several smaller buildings with a maximum apparent storefront width of 60 feet.
- Sidewalks within the available 60-foot right-of-way shall generally be 11 feet wide with a three-and-one-half-foot street furniture and landscaping zone and a seven-and-one-half-foot pedestrian zone. The street furniture zone is to accommodate street trees, lighting, benches, street signs, mail boxes, newspaper boxes and other urban accessories.
- Street trees shall be provided at approximately 45 feet on center. Street trees shall be coordinated with parking and street lights.
- All street and parking lot lighting to have optics or shielding to direct the lighting downward.
- Commercial lighting shall not produce glare or light trespass onto any residential use.

- All parking lots shall contain a consistent distribution of street trees in order to enhance the lot's appearance and to provide shade, thereby lowering air temperatures.
- Off-street parking areas that abut streets must be adequately screened.
- Permitted colors for exterior building finishes are darkened and enriched shades of primary and secondary colors. White, earth tones, creams, and pastels of earth tones are also allowed.
- Pitched roof structures shall have a minimum roof pitch of 6:12.
- Buildings are limited to 35 feet high or two stories, whichever is greater, for office, service, and retail uses.
- All building entrances and exits must be well lighted. The minimum lighting level for building entries is four foot-candles. Lighting must be a pedestrian scale and the source light must be shielded to reduce glare.
- All exterior building lighting shall be shielded and directed downwards.

**LCMC 18.215 -- Site Plan Review**

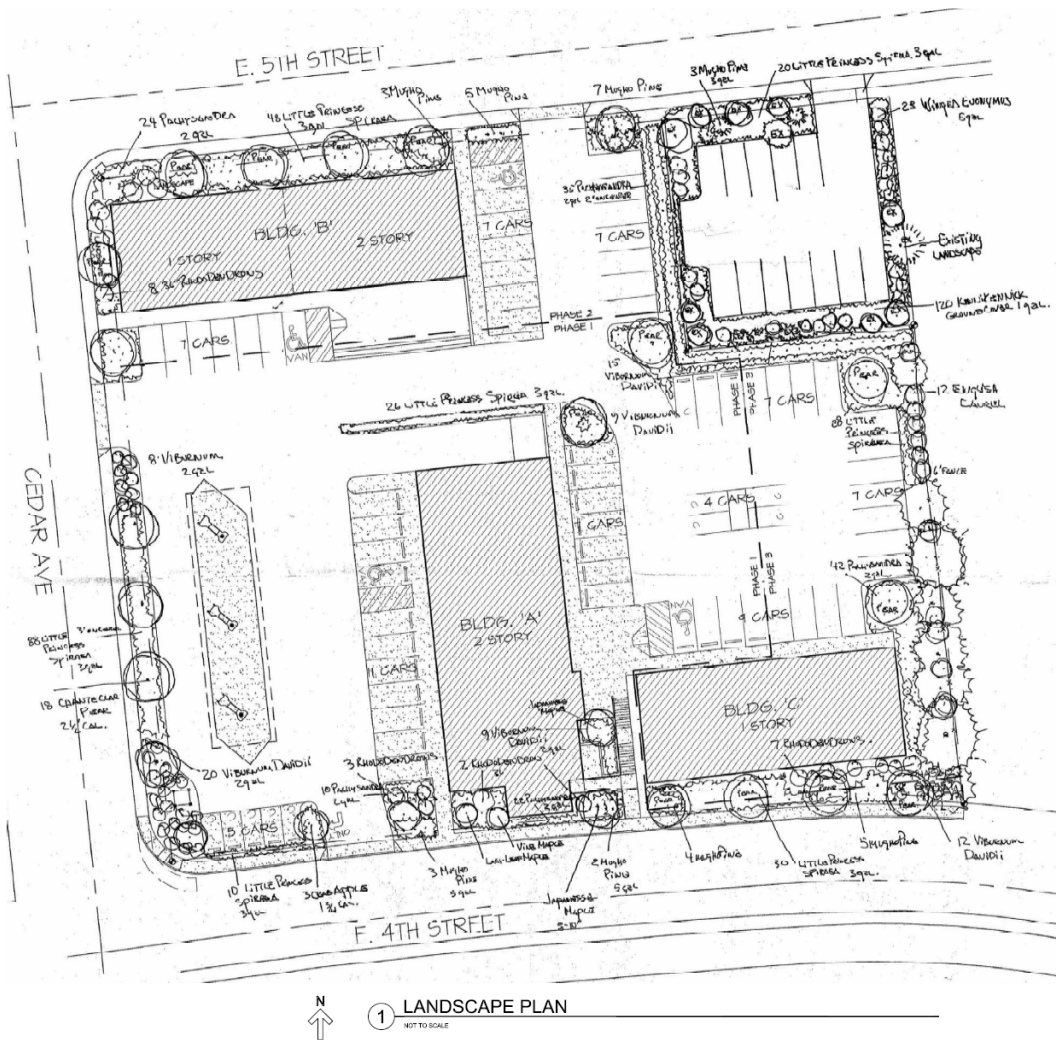
**Findings:** This application is classified as a Type II site plan review because it involves new construction exceeding more than 4,000 square feet LCMC 18.215.040(1)(a). The proposed use is permitted within the district in which it is located and meets the dimensional and density requirements of the district within which it is located.

**Chapter 18.245 Supplementary Development Standards**

**Findings:** The applicant provided the following site and landscape plan which are consistent with earlier approvals on-site and with this chapter.

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Heritage Center Building B Landscape Plan



<b>Richard Bixby-Architect</b> 1631 NE BROADWAY #421 PORTLAND, OR 97232 503-752-7923
<b>COMMERCIAL DEVELOPMENT</b> <b>HERITAGE CENTER BUILDING 'B'</b> LA CENTER, WASHINGTON
DRAWN/DATE: _____ LANDSCAPE PLAN PROJECT NUMBER: 2003 DATE: 12/14/2009 REVISION: _____

**Conditions of Approval**

The applicant shall provide site improvements related to fencing, waste handling, parking and landscaping as depicted in Heritage Building B landscaping and site plan figures contained in this decision.

**Chapter 18.275 Sign Requirements**

**Findings:** No signage is proposed under this application. Future signs must be reviewed and approved through an application for sign permit.

**Chapter 18.280 Off-Street Parking and Loading Requirements**

One parking space per 400 square feet of floor area, plus one parking space for every two employees shall be provided per Table 18.280.010.

**Findings:** The applicant proposes to construct an 8,800 square-foot building and two buildings are present on-site. The applicant proposes to create a total of 74 parking spaces to serve the three buildings which meets the 64 spaces required for all three buildings.



**Chapter 18.300 Critical Areas**

**Findings:** There are no mapping indicators for critical areas.

**Chapter 18.310 Environmental Policy**

**Findings:** The city issued a SEPA DNS on April 10, 2019 and received one comment from SWCAA.

**Chapter 18.350 Tree Protection**

**Condition of Approval**

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.

## IV. CONCLUSIONS & DECISION

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

**A. Land Use**

1. The Applicant, at time of engineering approval, shall comply with all applicable City of La Center Engineering Standards for Construction and all engineering recommendations contained in the Staff Report unless modified by the Public Works Department (LCMC 12.10.040); and the Applicant shall comply with all applicable La Center land use regulations, goals and policies.
2. Archaeology. In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100' buffer; this number may vary by circumstance) must stop and the following actions taken:
  - a. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; and
  - b. Take reasonable steps to ensure the confidentiality of the discovery site; and,
  - c. Take reasonable steps to restrict access to the site of discovery.
  - d. The project proponent will notify the concerned Tribes and all appropriate city, county, state, and federal agencies, including the DAHP. The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural material and will reach an agreement with the project proponent regarding actions to be taken and disposition of material. If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.
4. The preliminary site plan approval shall expire within two years of the date of Final Notice of Decision for this proposal.
5. The applicant shall provide site improvements related to fencing, waste handling, parking and landscaping as depicted in Heritage Building B landscaping and site plan figures contained in this decision.

6. Signs and reader Board. Applications for sign permits are not subject to land use review. Future signs are subject to sign permit application and must demonstrate compliance with LCMC 8.60, Signs.
7. 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.
8. SEPA: Follow the applicable recommendations and conditions Southwest Washington Clean Air Agency (SWCAA) SEPA comment letter dated April 23, 2019, including - Demolition/Asbestos (SWCAA 476) Prior to demolition or renovation of a structure, a thorough asbestos inspection must be conducted by an AHERA-Certified inspector in order to determine the presence of asbestos containing material (ACM) in all affected structure(s) or areas. A Copy of the AHERA asbestos inspection report must be posted at the project site.
9. Downtown Overlay Design Standards
  - a. Facades shall be varied and articulated. Larger projects shall create the appearance of several smaller buildings with a maximum apparent storefront width of 60 feet.
  - b. Sidewalks within the available 60-foot right-of-way shall generally be 11 feet wide with a three-and-one-half-foot street furniture and landscaping zone and a seven-and-one-half-foot pedestrian zone. The street furniture zone is to accommodate street trees, lighting, benches, street signs, mail boxes, newspaper boxes and other urban accessories.
  - c. Street trees shall be provided at approximately 45 feet on center. Street trees shall be coordinated with parking and street lights.
  - d. All street and parking lot lighting to have optics or shielding to direct the lighting downward.
  - e. Commercial lighting shall not produce glare or light trespass onto any residential use.
  - f. All parking lots shall contain a consistent distribution of street trees in order to enhance the lot's appearance and to provide shade, thereby lowering air temperatures.
  - g. Off-street parking areas that abut streets must be adequately screened.
  - h. Permitted colors for exterior building finishes are darkened and enriched shades of primary and secondary colors. White, earth tones, creams, and pastels of earth tones are also allowed.
  - i. Pitched roof structures shall have a minimum roof pitch of 6:12.
  - j. Buildings are limited to 35 feet high or two stories, whichever is greater, for office, service, and retail uses.
  - k. All building entrances and exits must be well lighted. The minimum lighting level for building entries is four foot-candles. Lighting must be a pedestrian scale and the source light must be shielded to reduce glare.
  - l. All exterior building lighting shall be shielded and directed downwards.

**B. Engineering and Public Works**

Streets, Sidewalks and Public Ways

1. In lieu of completing public improvements, a performance bond in the amount not less than 110% of the construction estimate shall be provided prior to issuance of a building permit. LCMC 12.10.110.
2. All handicap ramps must comply with current ADA standards, including street trees and street lighting according to the engineering standards. Any sidewalk that is damaged must be repaired to meet ADA current standards.
3. 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.
4. The applicant shall submit final grading and erosion control permit as part of the engineering review showing the proposed contours on the plans.
5. Site development earthwork for site grading and construction of sewer, storm drain, water and street systems shall be limited to the dry weather season between May 1<sup>st</sup> and October 31<sup>st</sup> with planting and seeding erosion control measures completed by October 1<sup>st</sup> to become established before the onset of wet weather.

Sanitary Sewer

6. To verify the condition of the existing sewer lateral a video inspection of the existing sewer lateral must be performed verifying its structural integrity and ability to accommodate the developer's preferred option.
7. The City will reassess the sewer development charges when engineering plans are submitted. based on the proposed plans.

Stormwater and Erosion Control

8. Per LCMC 18.320.210, treatment BMPs shall be sized to the treat the water quality design storm, defined as the six-month, 24-hour storm runoff volume.
9. Provide a final stormwater Technical Information Report (TIR) that complies with LCMC 18.320.
10. Downspouts connections from the building must connect directly into the site stormwater system.
11. Provide maintenance records to the city yearly showing that the detention and water quality system is maintained per the manufactures recommendations.

Lighting

12. Street lighting on local streets shall be Acorn full cutoff single fixture on a black decorative fiberglass pole per the Engineering Standards. To be consistent with the type of light of Cedar Avenue and East 5<sup>th</sup> Street, new cobra head lights shall be used instead of the acorn lights
13. Submit a Photometric analysis along with the street light design to verify compliance with the Engineering Standards.

Building

14. A geotechnical report will be required analyzing the development design and for lot infill.
15. Retaining walls and perimeter fencing are subject to building permit review.
16. Traffic impact fees will be assessed and collected at the time of building permit issuance.

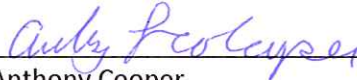
## V. APPEALS

A final decision regarding an application subject to a Type II process may be appealed by the applicant or applicant's representative or by any person, agency or firm with an interest in the matter. An appeal together with the requisite fee and information must be received by the City Clerk within 14 calendar days of the date of the decision being appealed. For an appeal regarding a decision subject to a Type II process, the City Clerk shall schedule a public hearing to be held by the hearing examiner not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal.



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Eric Eisemann  
Consulting City Planner



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Anthony Cooper  
City Engineer