

**Public Works Operation Center Improvements**  
**Narrative & Findings Document**  
*Zone Change and Conditional Use Permit*

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**SITE ADDRESS:** 291 East Ivy Avenue

**ZONING DESIGNATION:** Urban Public District

**SUMMARY OF REQUEST:** The City of La Center’s Public Works Department proposes a zone change and the construction of a second maintenance building and a lean-to on the current property.

**DATE:** May 23, 2025



## Project Team

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## TABLE OF CONTENTS

I.	Project Overview	4
	Existing Conditions	4
	Vicinity Map	4
	Proposal	5
	Zone Change	5
	Conditional Use Permit	5
	Critical Areas	5
II.	Response to Applicable Development and Code Standards	6
	Chapter 18.170: Urban Public District (UP)	6
	Section 18.170.010 Establishment Of District Designation	6
	Section 18.170.020 Permitted Uses	6
	Section 18.170.030 Conditional Uses	6
	Section 18.170.040 Development Standards	6
	Chapter 18.245: Supplementary Development Standards	7
	Section 18.245.020: Height of Fences and Hedges	7
	Section 18.245.030: Solid Waste	8
	Section 18.245.040: Lighting	8
	Section 18.245.050: Noise	8
	Section 18.245.060: Landscaping	8
	Chapter 18.250: Conditional Uses	8
	Section 18.250.010 Pre-application Review	8
	Section 18.250.020 Review Processes	9
	Section 18.250.030 Application Contents	9
	Section 18.250.040 Criteria For Approval, Minor Modifications And Revocation	9
	Chapter 18.280: Off-Street Parking and Loading Requirements	10
	Section 18.280.020: Applicability	10
	Chapter 18.300: Critical Areas	11
	Section 18.300.050: Allowed Uses with Critical Areas Review or Permit	11
	Section 18.300.090: Critical Lands	11
	Section 18.300.100: Best Available Science	18
	Section 18.300.110: Development Standards	18
	Section 18.300.120: Mitigation	19
	Chapter 18.310: Environmental Policy	22
	Chapter 18.360: Archaeological Resource Protection	22
	Section 18.360.030: Applicability	22
III.	CONCLUSION	23

## I. PROJECT OVERVIEW

### EXISTING CONDITIONS

The project site is located at 291 East Ivy Avenue, directly south of Holley Park. The property is zoned Parks and Open Space, with some mapped Critical Areas to the south of the property. The City of La Center Public Works Department currently owns and operates the site where an existing maintenance shed and storage facility is located. Vehicle access to the site is off East Ivy Avenue, and utilities are connected from the Ivy Avenue right-of-way.

### VICINITY MAP



## PROPOSAL

The City of La Center (the property owner) proposes to perform a Zone Change prior and construct a new Public Works maintenance building with associated site improvements. Details on each of the requested reviews is provided below.

### ZONE CHANGE

The proposed zone change is needed because the current zoning of Parks and Open Space (P/OS) is not a zoning district in the City, but a way for new residential subdivisions to dedicate property to neighborhood parks. The site is designated Public Facilities/Open Space (PF/OS) in the Comprehensive Plan, and should be zoned Urban Public (UP) zoning district instead of P/OS. Therefore, with this application the property owner is proposing to rectify the mistake on the City's current Zoning Map and rezone the property to UP.

### CONDITIONAL USE PERMIT

The existing City Public Works maintenance site includes two buildings. With this proposal, the southern shed will be demolished and a new building with covered parking will be constructed in its general location. The new building is a five bay maintenance shop that will be approximately 3,400 square feet with a 1,200 square foot covered parking area on either side of the building. The existing building to the north will remain, and a new 800 square foot covered parking area will be extended on the east side of the building. New impervious surfacing will be provided on site, as well as a new retaining wall for erosion control along the southwest corner. Upgrades to site stormwater facilities and utility connections will also be provided with the site improvements. Government buildings are a conditional use in the UP District and will therefore require a Conditional Use Permit (CUP) for the site and improvements.

### CRITICAL AREAS

A mapped Fish and Wildlife Habitat Conservation Area is located on the project site. With the proposed development, a reduction to the standard Critical Areas Buffer is proposed to ensure all development is located outside of the buffer. Mitigation and buffer enhancement are provided to comply with Chapter 18.300 and to ensure no net loss in function or value to the Fish and Wildlife Habitat Conservation Area and associated buffer.

## II. RESPONSE TO APPLICABLE DEVELOPMENT AND CODE STANDARDS

**Note:** Responses to all applicable development standards are included below. Sections that are not applicable or do not require a response may be omitted from the narrative text.

### CHAPTER 18.170: URBAN PUBLIC DISTRICT (UP)

#### SECTION 18.170.010 ESTABLISHMENT OF DISTRICT DESIGNATION

*The urban public (UP) district shall apply to areas so designated at the time of the adoption of the ordinance codified in this chapter. This designation may be applied to additional areas pursuant to a zone change.*

**Response:** The current zoning of the subject site is Parks and Open Space (P/OS). With this application, the property owner is requesting a zone change to Urban Public (UP) to bring the site into compliance with the La Center Comprehensive Plan.

#### SECTION 18.170.020 PERMITTED USES

*The permitted uses in the UP district include public parks, playgrounds, open spaces, natural resource preservation or enhancement, and similar uses subject to the applicable provisions of this and other applicable La Center Municipal Code titles.*

**Response:** The existing building and proposed addition are both considered a maintenance facility, owned and operated by the City of La Center. This is considered a Conditional Use under Section 18.170.030.

#### SECTION 18.170.030 CONDITIONAL USES

*The following are conditional uses in the UP district, subject to the applicable provisions of this and other applicable La Center Municipal Code titles:*

- 1) Public schools;*
- 2) Community centers;*
- 3) Public and private utility uses such as electrical substations and telecommunication facilities;*
- 4) Other governmental buildings or structures.*

**Response:** The existing Public Works maintenance building on site is a government building, and the proposed addition and improvements will be the same use. This is considered a Conditional Use in the UP district under Standard (4) above. Therefore, a Conditional Use Permit is required and included in the application package.

#### SECTION 18.170.040 DEVELOPMENT STANDARDS

- 1) All conditional use requests shall participate in the pre-application process.*

**Response:** The property owner (the City of La Center) has requested a pre-application waiver with this application. Therefore, no pre-application process is required for this project.

- 2) In general the dimensional and development standards of the base zone shall apply. At the time of pre-application conference the director shall determine which base zone standards shall be required or whether additional standards are necessary.*



**Response:** The Urban Public District is proposed to be the base zone and there are no specific development or dimensional standards within this section.

## CHAPTER 18.245: SUPPLEMENTARY DEVELOPMENT STANDARDS

### SECTION 18.245.020: HEIGHT OF FENCES AND HEDGES

- 1) *Heights. Fences not more than six feet in height may be maintained along the side yard, street-side yard, or rear lot lines; provided, that such fence does not extend into the front yard area. The front yard area is the distance between the front property line and the nearest point of the building specified in the zoning districts under this title. Fences shall not exceed four feet (48 inches) in height in the front yard. Height shall be measured from grade level on which the fence is installed to the highest point on the fence structure.*

**Response:** An existing six foot tall chain link fence runs along the perimeter of the project site to ensure access to the site is restricted to only City employees. Where necessary due to demolition and construction of the new building, the fence will be removed and relocated to run along the perimeter of the site. The fence is considered security fencing, exists within the front yard setback, and is therefore allowed to be maintained with the proposed improvements.

- 2) *Sight Distance. Fencing shall not conflict with the sight distance requirements of the La Center Engineering Standards for Construction.*

**Response:** The perimeter fence will not conflict with any sight distance requirements or engineering standards for construction.

- 3) *Security Fencing. Security fencing may be permitted within commercial or industrial land uses, provided the fencing consists of not more than four strands of barbed wire located on the top of a six-foot high fence.*

**Response:** The existing fence is security fencing that includes three strands of barbed wire located at the top of the six-foot fence. Where new or replacement fencing is proposed with this application, the fence type will be consistent with the existing fence design.

- 4) *Temporary Fences. Vacant property and property under construction may be fenced with a maximum six-foot high, non-sight-obscuring fence.*

**Response:** Any temporary fencing needed for construction will comply with the above height and material standards.

- 5) *Prohibited Materials. Fiberglass or plastic sheeting, barbed wire, razor ribbon or other similar temporary material shall not be permitted as a fencing material.*

**Response:** None of the listed prohibited materials are proposed to be installed or incorporated on the project site with this application other than the barbed wire on top of the security fencing, which is allowed under Standard (3) above.

6) *Modifications. [...]*

**Response:** No modifications to this chapter are proposed with this application. Therefore, the above standard does not apply, and the remaining code language has been omitted from the narrative.

**SECTION 18.245.030: SOLID WASTE**

- 1) *If refuse containers are used by more than one unit for temporary storage of solid wastes, the container(s) shall be screened from view from off-site by a sight-obscuring fence and/or evergreen landscaping and the area kept clean of all litter.*

**Response:** The project site has existing solid waste containers to serve the site, and no changes are proposed with this application to type or location of solid waste storage.

**SECTION 18.245.040: LIGHTING**

- 1) *Lighting, including permitted illuminated signs, shall be designed and arranged so as not to do the following:
  - a) *Reflect or cast glare into any residential zone;*
  - b) *Rotate, glitter, or flash; or*
  - c) *Conflict with the readability of traffic signs and control signals.**
- 2) *Lighting on any site shall not cause more than one foot-candle measured at any property line.*

**Response:** The existing building has existing wall mounted lighting. Any proposed lighting with the new building and parking area will comply with all illumination standards above, including preventing glare onto adjacent properties.

**SECTION 18.245.050: NOISE**

- 1) *All development shall comply with the noise standards in Chapter 173-60 WAC.*

**Response:** All noise standards in Chapter 173-60 WAC will be met with the proposed development. The new maintenance building and associated site improvements are not anticipated to be in violation of any noise standard or regulation implemented by the City or State.

**SECTION 18.245.060: LANDSCAPING**

**Response:** The proposed building and site improvements will be primarily located on the existing impervious surface and gravel areas on site. The UP zoning district does not have minimum landscaping standards, and with all sides of the property being either existing development (Holley Park and Ivy Street) or critical areas and vegetation, no landscaping is proposed with this project. Any on-site temporary impact will be seed planted after construction is complete.

**CHAPTER 18.250: CONDITIONAL USES**

**SECTION 18.250.010 PRE-APPLICATION REVIEW**

- 1) *Applications for conditional use permit or modification of a conditional use permit are subject to pre-application review consistent with LCMC 18.30.020. Pre-application review is not required for an exempt or minor modification to or extension of a conditional use permit.*



**Response:** The property owner (the City of La Center) has requested a pre-application waiver with this application. Therefore, no pre-application process is required for this project.

#### **SECTION 18.250.020 REVIEW PROCESSES**

- 1) *Review of a technically complete application for conditional use permit is subject to a Type III process. See LCMC 18.30.100.*

**Response:** The applicant understands that the application will be processed as a Type III, and all applicable standards of Section 18.30.100 of the development code are met with the proposed development and submittal package.

#### **SECTION 18.250.030 APPLICATION CONTENTS**

*An applicant for a conditional use permit shall submit the requisite fee and the information required by LCMC 18.30.050, except as otherwise provided therein.*

**Response:** The property owner will submit the appropriate fee for a Conditional Use Application (and all associated applications) required by Section 18.30.050 of the La Center Municipal Code.

#### **SECTION 18.250.040 CRITERIA FOR APPROVAL, MINOR MODIFICATIONS AND REVOCATION**

- 1) *The hearings examiner shall approve or approve with conditions an application for conditional use permit if he or she finds the applicant has sustained the burden of proving that:*
  - a. *The characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features;*

**Response:** The project site is currently developed with a Public Works maintenance building and parking area. The proposed improvements expand the existing maintenance building and add a shed and additional parking for employees. The property has been used as a Public Works facility for many years, and the proposed improvements are suitable for the site. No adverse impacts of the continuation of the property for this use are anticipated.

- b. *All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use;*

**Response:** The property is currently served by all necessary public facilities, including water, sanitary sewer, stormwater facilities, and public streets. All connections come from the right-of-way to the west (Ivy Street) and will continue to serve the site with the new building and site improvements.

- c. *The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with the La Center Municipal Code;*

**Response:** No variances or adjustments are needed for the development to be in full compliance with the zoning district. Please see Chapter 18.170 for details on compliance with the Urban Public (UP) District.

- d. *The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general*

*welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.*

**Response:** The Public Works maintenance building's maintenance and operations do not currently have any significantly detrimental aspects to the surrounding neighborhood. The proposed improvement to the site have the same nature of use and operation as the existing facility and will continue to avoid any detrimental impact to the health, safety or general welfare of the area.

- 2) *The hearings examiner may impose, in addition to regulations and standards expressly specified in this title, other conditions of approval necessary to ensure the use complies with applicable approval standards. These conditions may include, but are not limited to, the following:*
- a. Increased setbacks, lot size or yard dimensions;*
  - b. Additional design features necessary to minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;*
  - c. Restrictions on the location, number and design of vehicular access points to the property;*
  - d. Additional off-street parking or loading spaces;*
  - e. Limits on the number, size, location, height and lighting of signs;*
  - f. Limits on building height, coverage or location;*
  - g. Restrictions on the hours, days, place and manner of operations;*
  - h. Additional requirements for drainage and surfacing of maneuvering, parking and loading areas;*
  - i. Limits on the location and intensity of outdoor lighting;*
  - j. Requiring certain berming, screening, landscaping and/or fencing;*
  - k. Requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed;*
  - l. Requirements for periodic review of the permit.*

**Response:** The applicant understands that the hearings examiner may impose conditions of approval on the proposed development.

- 3) *The review authority may approve a minor modification, alteration or expansion of an approved conditional use pursuant to a Type II process if: [...]*

**Response:** The proposed development requires a Conditional Use Permit, not a minor modification or alteration. Therefore, Standard (3) above does not apply to this application, and the remaining code language has been omitted.

## **CHAPTER 18.280: OFF-STREET PARKING AND LOADING REQUIREMENTS**

### **SECTION 18.280.020: APPLICABILITY**

- 1) *Off-street parking shall be provided consistent with this chapter in the following situations:*
- a. For all new development;*
  - b. Expansion of the square footage of an existing structure by 20 percent; provided, that parking requirements shall be determined base on the use expansion area only*
  - c. When construction valuation exceeds 80 percent of the existing site and building valuation;*
  - d. Concurrent with construction of any parking lot, whether required or not; or*

- e. *When there is a change in use, which increases the required number of spaces by more than 10 percent.*

**Response:** The proposed site improvements will demolish an existing building that is approximately 2,500 square feet and construct a new building that is 3,400 square feet. This is a 900 square foot addition, or 14% increase in square footage of buildings on the site with the expansion. The use on site will be the same (City Public Works) and no formal parking lot is being proposed with the new building. Therefore, under Standard (1) above, Chapter 18.280 does not apply to this application and the remaining code language has been omitted from this narrative.

## **CHAPTER 18.300: CRITICAL AREAS**

### **SECTION 18.300.050: ALLOWED USES WITH CRITICAL AREAS REVIEW OR PERMIT**

- 1) *Unless the requirements of this chapter are met, La Center shall not grant any approval or permission to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement regulated through the following: building permit, commercial or residential; binding site plan; franchise right-of-way construction permit; site development permit; right-of-way permit; shoreline permit; short subdivision; use permit; subdivision; utility permit; or any subsequently adopted permit or required approval not expressly exempted by this chapter. For frequently flooded areas that are designated as special flood hazard areas as shown on the flood insurance rate map, refer to LCMC 18.300.090(3) for all regulations pertaining to development in these areas.*
- 2) *Compliance with these regulations does not remove an applicant's obligation to comply with applicable provisions of any other federal, state, or local law or regulation.*
- 3) *The city may approve uses listed in subsection (4) of this section, Allowed Uses, subject to a Type II process, if the proposed development activity meets the standards in LCMC 18.300.110, Development standards, and LCMC 18.300.120, Mitigation.*
- 4) *Allowed Uses. The city may allow the following uses on critical areas and within buffer areas subject to the development standards of LCMC 18.300.110 and appropriate mitigation standards as described in LCMC 18.300.120: [...]*
- 5) *Limited Uses. Limited uses, as described in this section, shall avoid critical areas, to the greatest extent reasonable and practicable. Limited uses may be allowed within critical area buffers subject to the mitigation measures and implementation of a monitoring plan as described in LCMC 18.300.120. Applications for development within critical areas or buffers shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas and buffers. All limited uses shall be consistent with the provisions of this chapter and shall be subject to SEPA review. [...]*

**Response:** The applicant is requesting a buffer reduction of the mapped riparian habitat on the project site. With this reduction, no uses other than enhancement plantings will be located within the critical area and critical area buffer.

### **SECTION 18.300.090: CRITICAL LANDS**

- 2) *Fish and Wildlife Habitat Conservation Areas.*
  - a. *Identified sensitive fish and wildlife habitat conservation areas shall be preserved or adverse impacts mitigated. Fish and wildlife habitat conservation areas that must be considered for classification and designation include:*
    - i. *Riparian.*
    - ii. *Endangered or Threatened.*

- iii. *Local Habitat Area.*
- iv. *Priority Habitat Species Areas.*
- v. *Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat.*
- vi. *Waters of the state.*
- vii. *Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.*
- viii. *State natural area preserves, natural resource conservation areas, and state wildlife areas.*
- ix. *Buffers.*

**Response:** Natural Resource scientists at HHPR conducted an extensive study of the property site and included the above habitat conservation areas in their consideration. One stream and one ditch were observed within the study area. Please see the attached Critical Areas Report for details.

- b. *Sources. The city consulted the following sources to identify critical fish and wildlife habitat areas and protective measures. [...]*

**Response:** HHPR prepared a Critical Areas Report using the most applicable and up to date information available. Please see the attached Critical Areas Report for details.

- c. *Education and Information. A voluntary education program to explain the need for and methods of habitat management may provide for long-term protection and enhancement of critical fish and wildlife habitat areas. By informing citizens about the declining populations of several fish and wildlife species in La Center, the diminishing animal habitat available, and the management techniques that individuals can use to preserve and restore fish and wildlife habitat areas, the city can foster good stewardship of the land by property owners. [...]*

**Response:** Acknowledged by the applicant.

- d. *Critical Area Report. A critical area report is required where specifically indicated and when an activity is proposed within a critical area or buffer that is not specifically exempt, or is permitted only with review. Where a critical area report is required, it must:*
  - i. *Be completed by a qualified professional.*
  - ii. *Use scientifically valid and professionally recognized and accepted methods and studies or best available science in the analysis of critical area data and field reconnaissance and refer to the source of science used. The critical area report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this chapter.*

**Response:** The Critical Areas Report was prepared by a Natural Resource professional at Harper Houf Peterson Righellis using the most scientifically valid and applicable data and methods. Please see the attached Critical Areas Report for details.

- iii. *Minimum Report Contents. At a minimum, the report shall contain the following:*

- A. *The name and contact information of the applicant, the name and address of the qualified professional who prepared the report, a description of the proposal, and an identification of the permit requested;*
- B. *A copy of the site plan for the development proposal showing:*
  - I. *Identified critical areas, buffers, and the development proposal with dimensions;*
  - II. *Limits of any areas to be cleared;*
  - III. *A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations; and*
  - IV. *General location and types of vegetation;*
- C. *The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;*
- D. *Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;*
- E. *A statement specifying the accuracy of the report, and all assumptions made and relied upon;*
- F. *A description of reasonable efforts made to apply mitigation sequencing pursuant to LCMC 18.300.030(52) to avoid, minimize, and mitigate impacts to critical areas;*
- G. *Plans for adequate mitigation, as needed, to offset any impacts, in accordance with mitigation plan requirements, LCMC 18.300.120, including, but not limited to:*
  - I. *The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area; and*
  - II. *The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;*
- H. *A discussion of the performance standards applicable to the critical area and proposed activity;*
  - I. *Financial guarantees to ensure compliance; and*
- J. *Any additional information required for the critical area as specified in the corresponding chapter.*
- iv. *Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared, by a qualified professional, for and applicable to the development proposal site, as approved by the director.*
- v. *The director may waive specific requirements of the critical area reports where less information is required to address the impacts to the critical area adequately or where existing information is on file with the city that addresses the impacts.*
- vi. *The director may require additional information that is necessary to determine compliance with the standards of this chapter.*
- vii. *A qualified professional shall be a person who has the education, training, experience, and/or certification that meets the specific requirements to evaluate fish and wildlife habitat.*

**Response:** The Critical Areas Report was prepared by a Natural Resource professional at Harper Houf Peterson Righellis and includes all of the above applicable information. Please see the attached Critical Areas Report for details.

- e. *Best Available Science. Critical area reports and decisions to alter fish and wildlife habitat conservation areas shall rely on the best available science to protect the functions and values of critical habitat areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat. Best available science is that scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional or team of qualified scientific professionals, and that is consistent with criteria established in WAC 365-195-900 through 365-195-925.*

**Response:** The Critical Areas Report was prepared by a Natural Resource professional at Harper Houf Peterson Righellis using the most scientifically valid and applicable data and methods. Please see the attached Critical Areas Report for details.

- f. *Habitat Buffers. Fish and wildlife habitat conservation areas and buffers are assigned to the lands regulated by this section according to Table 18.300.090(2)(a). Development activities are restricted within buffer areas as indicated in Table 18.300.090(2)(f).*
  - i. *Water types are defined and mapped based on WAC 222-16-030 or 222-16-031, whichever is in effect on the date of application. While the WAC definitions control, generally, Type S streams include shorelines of the state and have flows averaging 20 or more cubic feet per second; Type F streams are those that are non-Type S but still provide fish habitat; and Type N streams do not have fish habitat and are either perennial (Np) or seasonal (Ns). Erosion gullies or rills, and streams which are manmade, or streams less than six inches wide or not having a defined bed and/or bank are not included.*

**Response:** The project team identified one stream (Stream 1) and one ditch (Ditch 1) on site; no wetlands were present within the study area. Stream 1 is an intermittent, non-fish bearing stream and is considered a Type Ns and is required to have a 75 foot buffer. Ditch 1 is an artificially created roadside ditch located along NE Ivy Avenue and the standards of Fish and Wildlife Habitat Conservation Area do not include artificial features such as drainage ditches and is not required to have a buffer under the code. Please see the attached Critical Areas Report for details.

- g. *Buffer Standards.*
  - i. *Building Setback and Construction near Buffer. A minimum setback of 15 feet from the buffer shall be required for construction of any impervious surface(s) greater than 120 square feet of base coverage from the head or toe of a slope where the overall slope is greater than 35 percent. Clearing, grading, and filling within 15 feet of the buffer setback shall be allowed only when the applicant can demonstrate that native vegetation within the buffer will not be damaged. The additional impervious surface setback from the toe and head of a slope may be waived if the applicant demonstrates, by credible evidence, that the proposed impervious surface will not significantly affect the stability of the slope.*
  - ii. *Marking of the Buffer Area. The edge of the buffer area shall be clearly staked, flagged, and fenced prior to and through completion of construction. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground.*
  - iii. *Fencing from Farm Animals. Permanent fencing shall be required from the buffer when farm animals are introduced on a site.*



**Response:** Required setbacks from the buffer will be met with the requested buffer reduction under Standard 18.300.090(2)(I). This includes setbacks to the new building as well as to the retaining wall and any necessary grading. The buffers will be staked and marked prior to any construction. Please see the attached Critical Areas Report for details.

- h. Riparian Area Ecosystem Buffers. Regulated activities proposed along rivers and streams shall provide for habitat protection.*
  - i. The riparian ecosystem buffer is generally an area of no building, consisting of undisturbed natural vegetation. The buffer shall be required along all streams as classified by the DNR water typing classification system (WAC 222-16-030). The buffer shall extend landward from the ordinary high water line of the water body.*
  - ii. Land that is located wholly within a riparian ecosystem buffer may not be subdivided.*
  - iii. Land that is located partially within a riparian ecosystem buffer may be subdivided; provided, that:*
    - A. New urban residential lots are not platted within riparian ecosystem buffers; and*
    - B. New lots located outside the riparian buffer must meet the minimum lot size requirements of the city zoning code or the residential density transfer section of this code (LCMC 18.300.130).*
  - iv. The buffer of a river or stream shall not extend landward beyond an existing substantial improvement such as an improved road, dike, levee, or a permanent structure which reduces the impact proposed activities would have on the river or stream.*

**Response:** The only activity proposed within the riparian buffer is native planting to mitigate the buffer reduction. No net loss of the riparian buffer function is proposed or anticipated and the approximately 5,300 square feet of on-site riparian buffer will be enhanced with the proposed development. Please see the attached Critical Areas Report for details.

- i. Mitigation.*
  - i. Approval. City approval of a mitigation plan is a prerequisite for approval of any development activities within a designated habitat area or habitat buffer.*
  - ii. Application. The applicant shall submit a written request describing the extent and nature of the proposed development activity on critical areas and buffers. The request shall include boundary locations of all critical areas and associated buffers.*
    - A. The application for development shall include a mitigation plan prepared in compliance with this section.*
    - B. The city may require the applicant to prepare special reports evaluating potential adverse impacts upon critical areas and potential mitigation measures as part of the land use application process. These reports may include, but are not limited to, the following: stormwater management plan; hydrology, geology, and soils report; grading and erosion control plan; native vegetation report; fish and wildlife assessment and impact report; water quality report; wetlands delineation; and other reports determined necessary by the city.*
  - iii. The city may consult with state and federal resource management agencies and, in order to protect wildlife habitat or natural resource values, shall attach such conditions as may be necessary to effectively mitigate identified adverse impacts of the proposed development activity.*

- iv. *The city may request third party “peer review” of an application by qualified professionals and may incorporate recommendations from such third party reports in findings approving or denying the application.*
- v. *All reports recommending mitigation shall include provisions for monitoring of programs and replacement of improvements, on an annual basis, consistent with report recommendations and at years one, three, five, seven, and, if mitigation measures will result in reclassification of the resource to a higher category, year 10 shall be required.*
- vi. *The city may require replacement mitigation to be established and functional concurrent with project construction.*

**Response:** The applicant is requesting a buffer reduction under Standard (l) below. This reduction will result in no development within a designated habitat or habitat buffer and, therefore, no mitigation is required as outlined above. Mitigation will be provided in the form of vegetative buffer enhancement as required under Standard (m) below. Please see the responses within this narrative as well as the Critical Areas Report for details.

- j. *No Net Loss.*
  - i. *Mitigation efforts, when allowed, shall ensure that development activity does not yield a net loss of the area or function, including fish and wildlife habitat values, of the critical area. No net loss shall be measured by:*
    - A. *Avoidance or mitigation of adverse impacts to fish or wildlife; or*
    - B. *Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or*
    - C. *Avoidance or mitigation of loss of area by habitat type.*
  - ii. *Mitigation to achieve no net loss should benefit those organisms being impacted.*
  - iii. *Where development results in a loss of habitat area, the mitigation plan shall demonstrate that habitat area is replaced at an equal or greater functional value(s).*
    - A. *Wherever possible, replacement or enhancement shall occur on site.*
    - B. *However, where the applicant can demonstrate that off-site mitigation will provide greater functional values, the city may approve such off-site mitigation.*

**Response:** Onsite enhancement in accordance with Section 18.300.120 is proposed for the encroachment into the 75 foot riparian buffer which will result in a total of 1,818 of permanent impacts and 1,712 of temporary impacts to ensure there is no net loss of habitat function within the stream buffer. To compensate for the permanent and temporary impacts at the proposed mitigation ratio of 1.5:1, a total of 5,300 square feet of onsite enhancement will be installed for long term net increase in functions and values. Please see the attached Critical Areas Report for details.

- k. *Mitigation Plan. A mitigation plan shall provide for the design, implementation, maintenance, and monitoring of mitigation measures. A mitigation plan shall include but is not limited to the following:*
  - i. *Methods and techniques to be used to mitigate impacts to the critical area;*
  - ii. *Explanation of methods and techniques, such as construction practices to be used to implement the identified mitigation methods;*
  - iii. *Methods and techniques for monitoring the proposed mitigation and a time frame for such monitoring.*

**Response:** A Mitigation Plan has been prepared by a natural resource professional in accordance with the above standards. Please see the attached Critical Areas Report for details.

- l. Buffer Reduction. The city may allow the reduction of Np and Ns stream buffers by no more than 50 percent of the required buffer width if the area proposed for buffer reduction:*
- i. Is currently adversely impacted by development such as roads, parking areas, buildings, or public facilities; or*
  - ii. Has primarily nonnative vegetation, such as grass pasture; and*
  - iii. The proposed reduction will not significantly reduce the water quality and habitat functions of the buffer;*
  - iv. When buffer reduction is allowed, the applicant shall provide the city with a vegetative buffer enhancement plan for review and approval;*
  - v. Stormwater facilities are not permitted in the remainder of buffers reduced by operation of this buffer reduction provision.*

**Response:** Under the above standard, a buffer reduction of an Ns stream is allowed up to 50% of the buffer width (37.5 feet wide after reduction) which the applicant is requesting with this application to keep all development outside of the critical areas buffer. The area proposed for buffer reduction has primarily invasive species in the underbrush, including English ivy, English holly, and Himalayan blackberry that are crowding out native shrubs and ferns identified elsewhere on the hillslope. Buffer enhancement is proposed to be provided to mitigate for the buffer reduction.

- m. Vegetative Buffer Enhancement. Where the city permits the use of buffer reduction opportunities described in this section, the following enhancement standards shall apply:*
- i. The applicant shall submit to the city a written request describing the extent and nature of the proposed development activity and shall submit an enhancement plan prepared by a professional biologist, landscape architect or other equally qualified person;*
  - ii. Buffer shall not be reduced to less than 50 percent of the base buffer width listed in Tables 18.300.090(2)(a) and 18.300.090(2)(f);*
  - iii. The enhancement plan shall include calculations and maps that illustrate:*
    - A. Required boundary locations of all critical areas and associated buffers;*
    - B. Proposed buffer areas after reduction;*
    - C. The nature and extent of the enhancement measures proposed;*
    - D. A timeline for completion of the enhancement plan;*
    - E. A financial surety mechanism acceptable to the city;*
    - F. Methods and techniques used to mitigate impacts to critical areas, consistent with best management practices (BMPs);*
    - G. An explanation of methods and techniques, such as construction practices to be used to implement the identified mitigation methods;*
    - H. Methods and techniques for monitoring said mitigation and a proposed time frame for monitoring;*
  - iv. The enhanced area shall be of equal or greater habitat value(s) based on best available science;*
  - v. Enhancement shall occur on site, unless the applicant can demonstrate that off-site mitigation will provide greater functional value(s);*

- vi. *The city may elect to submit the vegetative buffer enhancement plan to one or more qualified experts for peer review.*

**Response:** A buffer enhancement plan has been prepared by a natural resource professional and is included in the Critical Areas Report. The proposed plantings will uplift habitat function and value by creating a diverse understory of native shrubs and ferns. No net loss of function or value will occur with the reduction and enhancement plantings. Please see the attached Critical Areas Report for details on proposed enhancement plan, plantings, and timeline.

- n. *Standard Requirements. All applications requiring review under this section shall have the following minimum conditions applied:*
  - i. *Marking Buffer During Construction. The location of the outer extent of the habitat buffer, or if no buffer is required the habitat area, shall be marked in the field and such markings shall be maintained throughout the duration of the permit.*
  - ii. *Permanent Marking of Buffer Area. A permanent and perpetual physical demarcation along the upland boundary of the habitat buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedgerow, wood or wood-like fencing, or other prominent physical marking approved by the director. In addition, signs (measuring minimum size one foot by one foot and posted three and one-half feet above grade) shall be posted at an interval of one per lot or every 100 feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the habitat buffer approved by the director worded substantially as follows: "Habitat Buffer – Please Retain in a Natural State."*
  - iii. *A conservation covenant shall be recorded in a form approved by the city attorney as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a permit prior to engaging in regulated activities within a habitat area or its buffer.*

**Response:** All standard requirements will be met with the proposed project, including marking of the buffer during construction and recording any required covenants.

#### **SECTION 18.300.100: BEST AVAILABLE SCIENCE**

*Critical area reports and decisions to alter critical areas shall rely on the best available science to protect the functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat. Best available science is that scientific information applicable to the critical area prepared by local, state or federal natural resource agencies, a qualified scientific professional or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through 365-195-925.*

**Response:** The Critical Areas Report and proposed enhancement has been based on best available science to protect the function and value of the on-site critical areas. Please see the attached Critical Areas Report for details.

#### **SECTION 18.300.110: DEVELOPMENT STANDARDS**

*Within critical areas and their buffers, the city shall prohibit soil excavation, grading, removal of native vegetation species, draining, intentional burning, planting of invasive or nuisance vegetation, placement of structures and new construction on critical areas unless otherwise authorized in this chapter.*

- 1) *These development standards apply to uses on critical areas and within buffers unless otherwise exempted in this title.*

**Response:** After the requested buffer reduction under Standard 18.300.090(2)(I), there are no uses proposed within the critical areas or associated buffers other than enhancement plantings. Therefore, the standards of Section 18.300.110 do not apply and the remaining code language has been omitted from this narrative.

#### **SECTION 18.300.120: MITIGATION**

- 1) *Approval. City approval of a mitigation plan is a prerequisite for approval of any development activities on critical areas.*
  - a. *The applicant shall submit a written request describing the extent and nature of the proposed development activity on critical areas and buffers. The request shall include boundary locations and identification of all designated critical areas and buffers.*
  - b. *The application for development shall include a mitigation plan prepared in compliance with this section.*
  - c. *The city may require the applicant to prepare special reports evaluating potential adverse impacts upon critical areas and potential mitigation measures as part of the land use application process. These reports may include, but are not limited to, the following: stormwater management plan; hydrology, geology, and soils report; grading and erosion control plan; native vegetation report; fish and wildlife assessment and impact report; water quality report; wetlands delineation; and other reports determined necessary by the city.*
  - d. *The city shall consult with state and federal resource management agencies and, in order to protect wildlife habitat or natural resource values, shall attach such conditions as may be necessary to effectively mitigate identified adverse impacts of the proposed development activity.*
  - e. *The city may request third party "peer review" of an application by qualified professionals and may incorporate recommendations from such third party reports in findings approving or denying the application.*
  - f. *All reports recommending mitigation shall include provisions for monitoring of programs and replacement of improvements, on an annual basis, consistent with report recommendations and at years one, three, five, and seven. The city reserves the right to require reporting at year 10.*
  - g. *The city may require replacement mitigation to be established and functional prior to project construction.*

**Response:** The Critical Areas Report included with this application outlines the request for a buffer reduction and the proposed buffer enhancement planting and mitigation to ensure no net loss of function or value of the critical area habitat. The report and mitigation plan are based on the most current science and are based on site specific studies. Please see the attached report for details.

- 2) *Mitigation Sequencing.*
  - a. *Prior to authorizing impacts to critical areas or their buffers, the applicant shall demonstrate and the city shall verify that the applicant has met the following sequence in order of priority:*
    - i. *Avoidance. Avoid the impact altogether by not taking a certain action or parts of an action;*
    - ii. *Minimization. Minimize the impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;*

- iii. *Rectification. Rectify the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project or activity;*
- iv. *Reduction or elimination. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action;*
- v. *Compensation. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and*
- vi. *Monitoring. Monitor the impact and the compensation projects and take appropriate corrective measures.*

**Response:** With the requested buffer reduction allowed under Standard 18.300.090(2)(I), the entire critical area and buffer will be avoided with the proposed development. Mitigation is provided through riparian buffer enhancement that will remove invasive species and plant and monitor native ferns and shrubs within the remaining buffer. Please see the Critical Areas Report, as well as the responses within section 18.300.090, for details.

- b. *Development shall avoid critical areas and their buffers, and where avoidance is not practical, development shall minimize adverse impacts to critical areas and buffers, as determined by the city after review of a critical area report filed by the applicant and consistent with the provisions of this chapter. To determine whether avoidance is practical, the city shall consider issues such as:*
  - i. *Substantial evidence presented by the applicant demonstrating the avoidance measures the applicant considered;*
  - ii. *The quality of the critical resource and buffer functions and values to be impacted, avoidance of impacts to higher quality resources and buffers is preferred;*
  - iii. *The nature and extent of mitigation and enhancement measures proposed to compensate for the proposed impact;*
  - iv. *Whether the impacts proposed are necessary to implement the city's capital facilities plan; and*
  - v. *Other factors the city determines are relevant. The city may also consider the financial implications of avoidance but shall not give private gain greater weight than resource management founded upon best available science.*

**Response:** With the requested buffer reduction allowed under Standard 18.300.090(2)(I), the entire critical area and buffer will be avoided with the proposed development. Please see the Critical Areas Report, as well as the responses within section 18.300.090, for details.

### 3) *No Net Loss.*

- a. *Mitigation efforts, when allowed, shall ensure that development activity does not yield a net loss of the area or function of the critical areas. No net loss shall be measured by:*
  - i. *Avoidance or mitigation of adverse impacts to fish life; or*
  - ii. *Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or*
  - iii. *Avoidance or mitigation of loss of area by habitat type.*
- b. *Mitigation to achieve no net loss should benefit those organisms being impacted.*
- c. *Where development results in a loss of wetland area, the mitigation plan shall demonstrate that wetland area is replaced consistent with the ratios described in Table 18.300.090(5)(I), Wetland Mitigation Ratios. The created or enhanced wetland shall be, acre for acre, of equal or greater*



*biological values, including habitat value, and with equal or greater hydrological values including storage capacity.*

- i. Wherever possible, mitigation, replacement or enhancement shall occur on site.*
- ii. However, where the applicant can demonstrate that an off-site location is in the same drainage basin, and that equal or greater biological and hydrological values will be achieved, the city may approve such off-site mitigation.*
- iii. Wetponds established and maintained for control of surface water shall not constitute mitigation for wetland alterations.*
- iv. Where there is a wetland within 25 feet of the toe of a slope equal to or greater than 25 percent, the buffer shall be a minimum of 25 feet beyond the toe of the slope.*

**Response:** Onsite enhancement in accordance with Section 18.300.120 is proposed for the encroachment into the 75 foot riparian buffer which will result in a total of 1,818 of permanent impacts and 1,712 of temporary impacts to ensure there is no net loss of habitat function within the stream buffer. To compensate for the permanent and temporary impacts at the proposed mitigation ratio of 1.5:1, a total of 5,300 square feet of onsite enhancement will be installed for long term net increase in functions and values. Please see the attached Critical Areas Report for details.

- 4) *Mitigation Plan. A mitigation plan shall provide for the design, implementation, maintenance, and monitoring of mitigation measures. A mitigation plan shall include but is not limited to the following:*
- a. Methods and techniques to be used to mitigate impacts to critical areas;*
  - b. Explanation of methods and techniques, such as construction practices to be used to implement the identified mitigation methods;*
  - c. Methods and techniques for monitoring said mitigation and a proposed time frame for such monitoring.*

**Response:** A Mitigation Plan has been prepared by a natural resource professional in accordance with the above standards. Please see the attached Critical Areas Report for details.

- 5) *Stormwater Management. Any development on critical areas shall be consistent with either Chapter 18.320 LCMC, Stormwater and Erosion Control, or the most recent version of the "Stormwater Management Manual for Western Washington," Washington State Department of Ecology, at the discretion of the public works director.*

**Response:** All applicable stormwater and erosion control standards have been met with the proposed development. The site improvements have been designed by a licensed and professional civil engineer familiar with the most recent version of the Stormwater Management manual for Western Washington.

- 6) *Buffer Enhancement. Where a development avails itself of the buffer reduction opportunity described in this chapter, the following enhancement standards shall apply:*
- a. The applicant shall submit to the city a written request describing the extent and nature of the proposed development activity and shall submit a written enhancement plan.*
  - b. The enhancement plan shall include calculations and maps that illustrate:*
    - i. Required boundary locations of all critical areas and attendant buffers;*
    - ii. Proposed buffer areas after reduction;*
    - iii. Proposed areas to receive enhancement measures;*

- iv. *A timeline for completion of the enhancement plan;*
- v. *Methods and techniques to be used to mitigate impacts to critical areas;*
- vi. *An explanation of methods and techniques, such as construction practices to be used to implement the identified mitigation methods; and*
- vii. *Methods and techniques for monitoring said mitigation and a proposed time frame for monitoring.*
- c. *The enhanced area shall provide an equal or greater level of functions, including habitat functions.*
- d. *Enhancement shall occur on site.*
- e. *Wetponds established and maintained for control of surface water shall not constitute mitigation for wetland alterations.*
- f. *Surface water management or flood control shall not be considered enhancement.*

**Response:** A buffer enhancement plan has been prepared by a natural resource professional and is included in the Critical Areas Report. The proposed plantings will uplift habitat function and value by creating a diverse understory of native shrubs and ferns. No net loss of function or value will occur with the reduction and enhancement plantings. Please see the attached Critical Areas Report for details on proposed enhancement plan, plantings, and timeline.

#### **CHAPTER 18.310: ENVIRONMENTAL POLICY**

**Response:** A SEPA Checklist was prepared by the project team in accordance with Chapter 18.310 and is included with the submittal package. Please reference the checklist for details on required information.

#### **CHAPTER 18.360: ARCHAEOLOGICAL RESOURCE PROTECTION**

##### **SECTION 18.360.030: APPLICABILITY**

1. *Notwithstanding subsections (2) and (3) of this section, the provisions of this chapter shall apply:*
  - a. *When any item of archaeological interest is discovered during the course of a permitted ground-disturbing action or activity.*
  - b. *When the city planner determines that reliable and credible information indicates the probable existence of an archaeological site in a disturbance area for which an application for a permit or approval for a ground-disturbing action or activity has been submitted for review.*

**Response:** The property owner understands that if an item of archaeological interest is discovered during permitting or the city planner determines, the standards of this chapter apply.

2. *General. [...]*
3. *Exemptions. Applications for the following permits, approvals or other ground-disturbing activities shall be exempt from the provisions of this chapter, except where the provisions of subsection (1) of this section apply:*
  - a. *Land use permits handled as Type I actions under LCMC 18.30.080, except grading; or*
  - b. *Sign permits (Chapter 8.60 LCMC); or*
  - c. *Conditional use permits for a change in use only, not involving ground-disturbance for structural modification; or*
  - d. *Zoning variance approvals; or*
  - e. *Ground-disturbing actions or activities classified as exempt actions under LCMC 18.310.090 except landscaping activities and single-family and duplex dwellings not requiring an environmental review; or*

- f. Ground-disturbing actions or activities where the city planner determines that the disturbance area was adequately investigated and documented per LCMC 18.360.050(1) in the past and the existence of an archaeological site was determined not to be probable based upon prior predetermination(s), or not to be actual based upon prior survey(s); or*
- g. Applications for permits or approvals for ground-disturbing actions or activities which have vested prior to the effective date of this chapter; or*
- h. Ground-disturbing actions or activities where the provisions of this chapter were previously applied to a related application for a larger, more comprehensive, ground-disturbing action or activity which encompasses the scope of the current application; or*
- i. Ground-disturbing actions or activities where a prior application for a larger, more comprehensive ground-disturbing action or activity which encompasses the scope of the current application was exempt from the provisions of this chapter pursuant to this subsection (3); or*
- j. Ground-disturbing actions or activities where the disturbance area is within one-quarter mile of a known, recorded archaeological site as measured on a horizontal plane extending in all directions may be exempted by the city planner when appropriate due to the effects of a geographic barrier; or*
- k. Ground-disturbing actions or activities proposed in areas in which the city planner determines that previous substantial disturbance has been documented.*

**Response:** For the Holley Park Subdivision Land Use Application, an archaeological study was conducted by the Applied Archaeological Research Inc (AAR) in March 2019 that overlaps with the portion of the project site that is currently undisturbed. The study determined that no onsite building or building within the vicinity was older than 45 years or qualified to be listed on any preservation register. The study also stated that one isolated artifact was found within the vicinity of the site, and it was determined that no additional investigation was necessary or needed. The portion of the site included with this study is undisturbed, and the rest of the project site has been previously disturbed during construction of facilities, making the likelihood of discovering additional artifacts relatively low. Under Standard (3)(h) above, this project is exempt from providing an archaeological predetermination.

### III. CONCLUSION

This written statement and the accompanying supporting documents demonstrate compliance with the applicable approval criteria for a Zone Change and Conditional Use Permit in the City of La Center. Therefore, the applicant respectfully requests that the City approve the application.