



Type III – Conditional Use/ Short Plat Decision

Cover Letter

Project Name: Paradise Park Site Plan
Case Number: 2024-019-CUP/PSR/PLD/VAR/SEPA/CARA/GEO
Decision Date: December 17, 2024
Appeal Period: December 31, 2024

The attached decision is final decision unless an appeal is filed with the City Clerk. The appeal shall be filed within fourteen (14) days from the date of the Hearing's Examiner's final decision. The city shall mail out this notice within 7 days of the Hearing Examiner's Final decision date, only to the parties of record.

Appeal Process: An appeal can only be made by the applicant or applicant's representative or by any person, agency or firm who offered oral or written testimony before the hearing's examiner closed the public record for this case.

Appeal Contents: An appeal shall include the appropriate fee (Type III decision \$1100 + cost recovery). A reimbursable agreement is required (actual cost of staff, consultants, and/or hearing examiner plus 10%. This fee is applicable as part of a land use action or development review.

Appeals of the final decision shall be in writing and contain the following information:

A form provided for that purpose by the city;

The case number as designated by the city

The name of the applicant

The name, address and signature of each appellant;

The specific aspect(s) of the decision and/or SEPA issue being appealed;

The reason(s) why each aspect is in error as a matter of fact or law; and

The evidence relied on to prove the error.

For an appeal regarding a decision subject to a Type III process, the city clerk shall schedule a public hearing to be held by the city council 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 as for application subject to a Type III process in LCMC 18.30.100, except that the appeal shall be on the record except to the extent city council allows new evidence for good cause

**BEFORE THE LAND USE HEARING EXAMINER
FOR THE CITY OF LA CENTER, WASHINGTON**

Regarding a request by Luke Sasse for approval)	<u>FINAL ORDER</u>
of a hotel and restaurants on a 3.36-acre parcel)	File No. 2024-019-CUP/PSR/
southwest of NW Paradise Park and NW La Center)	PLD/VAR/SEPA/CARA/GEO
Roads, in the City of La Center, Washington)	(Paradise Park Site Plan)

A. SUMMARY

1. The applicant, Luke Sasse, requests Conditional Use Permit (“CUP”), site plan, and other approvals for a phased commercial development located on a 3.36 acre parcel located southeast of the intersection of NW Paradise Park and NW La Center Roads, known as Parcel number 209708000, located in Section 4, Township 4, Range 1 East of the Willamette Meridian (the “site”).

a. The site and all surrounding properties are zoned JP (Junction Plan).. The site is further designated as being located within the TC (Town Center) Plan District of the Junction Plan.

b. The site is currently vacant and slopes down from the northwest to southeast, with areas of steeper slopes in the eastern portion of the site. There is a 0.10-acre Category IV wetland located offsite to the southeast. An unnamed Type Ns (non-fish bearing, seasonal) stream flows northeast from the wetland, crossing the southeast corner of the site. The wetland and riparian buffers extend onto the southeastern portion of the site. A ditch flows from west to east across much of the south boundary of the site (See Exhibit 1, attachment 16, Figure 2). The site also contains ten jurisdictional trees, trees greater than ten-inches in diameter, which will be retained within the wetland buffer on the site.

c. The applicant proposed to partition the site into two lots: Lot 1, containing 54,246 square feet in the western portion of the site and Lot 2, containing 95,230 square feet in the eastern portion.

d. The applicant proposed to develop the site in two phases. Phase 1 consists of a 109-unit, five (5)-story hotel and associated parking on Lot 2. Phase 2 consists of a 2,090 square foot quick-service drive-through restaurant and a 3,900 square foot commercial building and parking on Lot 1. The applicant proposed to locate the buildings near the north boundary of the site, near La Center Road, with parking provided to the side and rear of the buildings, in the south and east portions of the site. The quick serve restaurant (QSR) requires a Type III Conditional Use Permit (CUP). Additional applications include a Type II Site Plan, Short Plat, Legal Lot Determination, SEPA, Variance, Geotechnical Review and Critical Areas Review.

e. The applicant will dedicate right-of-way and construct half-width frontage improvements on the site’s NW La Center Road frontage. Proposed frontage improvements include, but are not limited to, additional paved width, an eastbound right turn lane and a westbound left turn lane at the site entrance, a six-foot planter strip, and a

12-foot paved pathway. NW Paradise Park Road is fully developed to current City standards and the site has no frontage on that road, as there is an intervening property between the site and the road. The applicant will construct driveway access to the site from NW La Center Road on the west boundary of proposed Lot 2 as part of Phase 1 and a second access to NW La Center Road near the southwest corner of the site as part of Phase 2. The applicant proposed to construct the NW La Center Road driveway as a shared access, providing access to the site and the property to the south. The applicant will construct the western portion of the driveway within an easement over the intervening property to the west and the south half of the driveway within an easement on the property to the south.

f. Clark Public Utilities will provide domestic water and the City of La Center will provide sanitary sewer service to the site.

g. The applicant will collect storm water from all impervious areas on the site and convey it to the proposed underground storm water facility in the east portion of the site for treatment and detention. The applicant will discharge treated stormwater from the detention facility via a flow spreader at less than predevelopment rates.

2. The applicant also requests approval of ten (10) separate variance requests:

a. A variance to the LCMC 18.158.030(1)(4) requirement of an accessway/block every 400 feet and Figure 18.158.020-3 showing an A-street along the eastern edge of the site;

b. A variance to the roadway section for La Center Road within the JP zone to construct this road as a Major Arterial Section ST-11 through the development site;

c. A variance to LCMC 18.158.030(2) and Table 18.158.040-1(d), which require building façades to be located on the Required Building Line (RBL);

d. A variance to the primary street space entry in LCMC 18.158.030(2)(h);

e. A variance to allow enhanced vegetative instead of the street wall required by LCMC 18.158.030(3)(a) along the building line frontage;

f. A variance to the 18-foot maximum entryway width in LCMC 18.158.030(3)(d) to allow a 28-foot-wide entry;

g. A variance to the 60-foot maximum height in Table 18.158.040-1(a)(i) to allow a 65- foot-tall building without underground parking;¹

h. A variance to the 30-foot setback for parking in Table 18.158.040-1(e)(iii) to reduce it to 3.3 feet;

¹ The applicant subsequently withdrew this variance request and proposed to construct all buildings in compliance with the 60-foot height limit of LCMC 18.158.040(1)(a)(i). (Exhibit 31).

i. A variance to the 100-foot maximum building frontage in LCMC 18.158.060(1)(c); and

j. A variance to the requirement in LCMC 18.158.040-1(b)(i) that the ground story finished floor elevation shall be equal to, or greater than, the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 1.5 feet above or below the sidewalk.

3. The City of La Center issued a Mitigated Determination of Nonsignificance (“MDNS”) for the subdivision pursuant to the State Environmental Policy Act (“SEPA”). Hearing Examiner Joe Turner (the “examiner”) conducted a public hearing to receive testimony and evidence about the application. City staff recommended that the examiner approve the preliminary plat subject to conditions. See the Staff Report & Recommendations dated October 18, 2024 (the “Staff Report”), as amended at the hearing and during the open record period. The applicant accepted those findings and conditions, as amended, without exceptions. No one else testified orally or in writing. Disputed issues or concerns in the case include the following:

a. Whether it is feasible to comply with the 400-foot road spacing requirement of LCMC 18.158.030(1)(b) and shown in LCMC Figure 18.158.020-3;

b. Whether a variance is warranted to allow the applicant to construct the section of NW La Center Road the site to the City’s Major Arterial ST-11 standard;

c. Whether a variance is warranted to allow the applicant to construct a 28-foot wide vehicle entryway, exceeding the maximum 18 foot width allowed by LCMC 18.158.030(3)(d);

d. Whether a second access to NW Paradise Park Road is required and can be provided;

e. Whether the proposed short plat complies with RCW 58.17.110;

f. Whether the proposed development complies with the minimum parking requirement of LCMC 18.280.040;

g. Whether the proposed hotel complies with the facade design requirements of LCMC 18.158.030(2)(h)(i); and

h. Whether the proposed hotel complies with the building frontage requirements of LCMC 18.158.060(1)(c).

4. Based on the findings provided or incorporated herein, the examiner approves the application subject to the conditions at the end of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. Hearing Examiner Joe Turner (the "examiner") received testimony at the public hearing about this application on November 4, 2024. That testimony and evidence, including a recording of the public hearing and the casefile maintained by the City, are included herein as exhibits, and they are filed at City Hall. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. La Center city planner Angie Merrill summarized the Staff Report and the proposed development.

a. She noted that the 3.36-acre site is located in the Town Center District of the Junction Plan zone. The applicant proposed to divide the site into two lots. The applicant proposed to develop a 109-unit, five (5)-story hotel on Lot 2 and a 2,090 square foot quick-service drive-through restaurant and a 3,900 square foot commercial building on Lot 1. The applicant proposed to develop the site in two phases: the hotel in Phase 1 and the quick-service drive-through restaurant and commercial building in Phase 2. The drive-through restaurant is a conditional use in the JP zone. The applicant is also seeking approval of ten variances.

b. The City previously approved a street vacation for a portion of NW La Center Road. (Exhibit 11).

c. The applicant proposed to reduce the required parking on the site from 192 to 182. The applicant is maximizing the amount of parking on the site, given the constraints of the site (size/shape of the site and the location of critical areas). She requested the examiner add a condition of approval requiring the applicant record a joint parking agreement between the three uses proposed on the site.

d. She noted the following corrections to the Staff Report:

- i. Delete Planning Condition 49 or 52, as they are duplicative;
- ii. Delete Planning Condition 50 or 53, as they are duplicative;
- iii. Modify Planning Condition 20 to require an L4, rather than an L3 landscape buffer, consistent with LCMC 18.245.060;
- iv. Delete Planning Condition 48, as the applicant has submitted a critical areas mitigation plan (Exhibit 23);
- v. Delete the finding on page 11 of the Staff Report that a condition of approval is needed requiring a 30-foot setback from the Required Building Line (RBL). The applicant requested a variance to this requirement.
- vi. Finding (f) on page 20 of the Staff Report should be revised to read "Staff have ~~shall~~ determine that the applicable approval criteria found withing La Center Municipal Code are met."

vii. She requested the examiner modify Planning Condition 18 to note that the phasing plan cannot exceed six years, consistent with LCMC 18.215.060(2)(k).

viii. She requested the examiner modify Planning Condition 18 to note that the CUP approval expires after two years, pursuant to LCMC 18.250.050 and 18.30.140.

ix. The reference to LCMC 18.158.030(1)(4) on page 29 of the Staff Report should reference LCMC 18.158.030(1)(b).

x. The finding on page 35 of the Staff Report regarding the reduced parking setback should refer to the narrow width and shape of the site rather than the steep topography.

ix. The reference to a 111 room hotel on page 45 of the Staff Report is an error. The applicant is proposing a 109 room hotel.

3. City engineer Tony Cooper summarized the engineering issues for the proposed development.

a. The proposed development is projected to generate 1,349 Average Daily Trips (ADT), including 87 a.m. and 98 p.m. peak hour trips.

b. Traffic from the proposed development will impact two intersections that are projected to operate at Level Of Service (LOS) F: NW La Center Road/NW Timmen Road and NW La Center Road/NW Paradise Park Road. The City plans to construct roundabouts at both intersections. The roundabout at NW Paradise Park Road is currently in the design process. The roundabout at NW Timmen Road is listed on the City's Capital Facilities Plan and the City is currently pursuing funding for that project.

c. The applicant will collect, treat and detain all stormwater runoff from new impervious areas on the site. The applicant should be required to dedicate an easement to the City allowing maintenance access to the stormwater facility.

d. The applicant should be required to record easements from the owners of the properties to the west and south of the site for the offsite portion of the proposed access driveway to NW Paradise Park Road.

e. The City constructed a sanitary sewer system in NW La Center and NW Paradise Park Roads in 2018, with pipes stubbed to the low point of the site to allow for future connections to development on this site and the property to the south. The applicant proposed to connect to that existing sewer stub. He requested the examiner add a condition of approval requiring the applicant provide an easement to allow future sewer extension to the property to the south of the site. The City has an adopted late-comers agreement requiring the applicant and other users pay an additional sewer connection fee in addition the sewer System Development Charges (SDCs).

4. Attorney Steve Morasch appeared on behalf of the applicant, Luke Sasse. He agreed with the findings and conditions in the Staff Report with certain exceptions.

a. Planning Condition 34 should be amended to require an L4, rather than an L2 landscape buffer;

b. He agreed to provide a shared access easement for the proposed driveway to NW Paradise Park Road;

c. He agreed to provide a shared parking agreement for all uses on the site;

d. The applicant did not request a variance to the 12-foot ceiling height requirement as discussed on page 10 of the Staff Report. He requested the examiner delete that finding;

e. The 60-foot setback discussed on page 11 of the Staff Report conflicts with the Fire Code. The applicant cannot comply with both the LCMC and the Fire Code.

f. Public Works and Engineering Condition 2 on page 57 of the Staff Report should be modified to provide:

Half street improvements to the ST-11 standard are required along the entire length of the applicant's frontage on NW La Center Road the per LCMC 12.10.190. A 12-foot wide shared use path shall be constructed along La Center Road, adjacent to the applicant's property, meeting the American Disabilities Act.

g. He agreed to a condition prohibiting offsite grading without permission from the owner(s) of the affected property(ies).

5. No one else testified at the hearing. At the end of the hearing the examiner held open the public record for two weeks, until November 25, 2024, to allow anyone to submit additional written testimony and evidence. The examiner held the record open for a third week, until December 2, 2024, to allow all parties the opportunity to respond to anything submitted during the first two weeks, and for a fourth week, until December 9, 2024, for the applicant to submit a closing argument. The record closed at 5 PM on December 9, 2024. The following exhibits were submitted at the hearing or during the open record period:

a. A wetland Bank Use mitigation plan dated November 1, 2024 (Exhibit 23);

b. A Memorandum from Mr. Horenstein dated November 4, 2024 (Exhibit 24);

c. A copy of the hearing sign in sheet (Exhibit 25);

d. A Memorandum from Mr. Cooper dated November 22, 2024 (Exhibit 26);

e. A Memorandum from Frank Charbonneau, the applicant's traffic engineer, dated November 22, 2024 (Exhibit 27);

f. A Memorandum from Ms. Merrill dated November 25, 2024 (Exhibit 28);

g. Emails between the applicant and the City (Exhibit 29);

h. A Memorandum from the applicant's planner regarding the proposed variances dated November 24, 2024 (Exhibit 30);

i. A Memorandum from the applicant's planner withdrawing the proposed building height variance (Exhibit 31); and

j. An Updated Staff Report dated October 18, 2024.

C. DISCUSSION

1. City staff recommended approval of the application based on the affirmative findings and subject to conditions of approval in the Staff Report, as amended at the hearing and during the open record period. The applicant accepted those findings and conditions, as amended, without exception.

2. The examiner finds that the Staff Report, as amended, accurately identifies the applicable approval criteria for the preliminary plat and contains affirmative findings that the proposed preliminary plat does or can comply with the applicable standards of the LCMC (including cited plans and codes) and the Revised Code of Washington, provided the applicant complies with recommended conditions of approval as amended herein. The examiner adopts the affirmative findings in the Staff Report, as amended, as his own, except to the extent that those findings are inconsistent with the findings in this Final Order.

3. As discussed in Exhibit 26, it is not feasible to comply with the 400-foot road spacing requirement of LCMC 18.158.030(1)(b) and shown in LCMC Figure 18.158.020-3. A through-street located 400 feet from NW Paradise Park Road would conflict with the operation of the roundabout planned at the intersection of NW La Center and NW Paradise Park Roads. Steep slopes and wetland in the eastern portion of the site prevent the applicant from constructing a through road further east. LCMC authorizes the City to "[a]djust the street specifications for specific development activity as necessary ... to provide for vehicular safety or pedestrian/bicycle/vehicle separation." LCMC 12.10.310 authorizes approval of a road modification "[w]here unusual topographic conditions, nature of existing construction, unique development design or similar factors would make adherence to the width, design or alignment standards of this chapter undesirable or impracticable..." However, the applicant has not requested such a road modification.

Therefore, the applicant should be required to comply with the road spacing requirement of LCMC 18.158.030(1)(b) unless the applicant requests and the director approves a modification to that standard. A condition of approval is warranted to that effect.

4. The examiner finds that the proposed variance to the design of the La Center Road frontage should be approved based on the findings in the Staff Report. The Junction Plan requires that this section of NW La Center Road be constructed to a “B+” standard. (LCMC Figure 18.158.020-3). However, the sections of NW La Center Road to the east and west are, or will be, constructed to the City’s Major Arterial ST-11 standard. As discussed at the hearing and in Exhibits 26 and 27, the “B+” standard provides narrower lane widths than the ST-11 standard. Therefore, the lane widths on La Center Road would narrow from the ST-11 standard east of the site to the B+ standard for the short distance along the site frontage and widen again back to the ST-11 standard at the west end of the site. This could create a hazard as drivers would be confronted with variable lane widths over this relatively short section of roadway. Based on the expert testimony of the City engineer, constructing the entire frontage to the ST-11 standard would provide for a safer, more consistent road design. This is consistent with LCMC 18.158.080(2), which provides “The street-type specifications provide general configurations for street spaces within the JP zone. The city will configure and adjust street specifications for specific development activity as necessary to ... provide for vehicular safety or pedestrian/bicycle/vehicle separation.” Public Works and Engineering Condition 2 should be modified to require the applicant to construct half street improvements on the section of NW La Center Road abutting the site to the Major Arterial ST-11 standard.

5. LCMC 18.158.030(3)(d) limits vehicle entryways within required street walls to a maximum 18 feet in width. However, as discussed at the hearing and in Exhibits 26 and 27, limiting the primary site access to 18 feet wide would create a hazard by increasing vehicle queuing on NW La Center Road and limiting the ability of larger vehicles, including emergency vehicles, to access the site. LCMC 18.158.010(2)(i) provides “The requirements of this chapter are presumed to protect general public health, safety and welfare.” The examiner finds that the City and the applicant have rebutted this presumption based on the expert testimony at the hearing and in Exhibits 26 and 27. Therefore, a variance to LCMC 18.158.030(3)(d) to allow the proposed 28-foot wide entryway can be approved, as it will better promote public health, safety and welfare. To the extent a variance is required, this variance meets the approval criteria based on the findings in the Staff Report.

6. The applicant initially proposed to provide a second site access to NW Paradise Park Road. The applicant proposed a shared access with the property south of the site, which would also cross the property west of the site, between the site and NW Paradise Park Road, both of which are owned by the Cowlitz Indian Tribe (the Tribe). The applicant is discussing obtaining an easement from the Tribe for this access. However, the Tribe is currently seeking approval from the US Department of Interior, Bureau of Indian Affairs to have these properties taken into trust by the agency for the benefit of the Tribe and creation of an easement at this time could interfere with that process. Therefore, the applicant requested approval of the second access as an optional design. The applicant submitted a revised traffic analysis demonstrating that the proposed development will meet applicable standards with a single access, provided the applicant

extends the proposed westbound left turn lane to 150 feet and providing a right turn lane at the site access. The right turn lane could be reduced to a right turn pocket if the turn lane would conflict with operation of the planned roundabout at the intersection of NW La Center Road and NW Paradise Park Roads. (Exhibit 27). The applicant further agreed to a condition requiring authorization from the Tribe prior to undertaking any offsite grading or construction outside of public rights of way. The examiner finds that the modified design will comply with Code requirements and can be approved. Conditions of approval are warranted to that effect.

7. The examiner finds, based on the unrebutted staff testimony, that the 60-foot setback noted in LCMC 18.158.040, Table 1, item f is a typographical error. The correct setback is six feet, consistent with the Fire Code as discussed in Exhibit 14. She requested the examiner add a condition of approval to that effect.

8. The examiner finds that the proposed short plat complies with RCW 58.17.110 (incorrectly cited as RCW 58.17.010 on page 13 of the Staff Report). The applicant will promote public health, safety, and general welfare by dedicating right-of-way and constructing street improvements, installing utilities, providing adequate parking, and other improvements necessary to accommodate the proposed development. The applicant will preserve open space on the site and pay transportation, park, and sewer impact fees mitigating impacts to these facilities. This development will not provide housing, so the applicant is not required to ensure safe walking conditions for students who walk to school.

9. As noted at the hearing, the applicant did not request a variance to the 12-foot ceiling height requirement as discussed on page 10 of the Staff Report. That finding should be deleted.

10. The applicant should be required to provide a shared parking agreement for all uses on the site. A condition of approval is warranted to that effect.

11. The examiner finds that the proposed development complies with the minimum parking requirements of the Code. As discussed on page 19 of the Staff Report, LCMC Table 18.280.040 requires a minimum 192 parking spaces and the applicant proposed to provide 182, ten less than the minimum required. However, LCMC 18.280.040(4)(c) allows applicants to replace up to five-percent of the required parking with bicycle parking, replacing one required vehicle parking space for every three bicycle parking spaces or one bicycle locker. As discussed in Exhibits 28 and 29, the applicant proposed to provide 29 bicycle parking spaces to replace the required ten vehicle parking spaces. This equates to a five-percent reduction in the required parking and is adequate to meet the Code. A condition of approval is warranted to require the applicant to provide 29 bicycle parking spaces, or ten bicycle lockers, or some combination thereof that complies with LCMC 18.280.040(4)(c). All bicycle parking shall be designed consistent with LCMC 18.280.040(4)(c)(ii).

12. LCMC 18.158.030(2)(h)(i) requires a new facade design at an average street frontage length of no greater than 60 feet. This is required by Planning Condition 7. However, this section also requires that “Each facade composition shall include a

functioning, primary street space entry.” The proposed hotel will have roughly 187 feet of frontage on NW La Center Road, which requires three entries. The applicant proposed four entries on the north (rear) façade of the hotel, abutting NW La Center Road. (Exhibit 1, Attachment 10). The applicant requested, and the examiner approves, a variance to the street access section of this standard due to the elevation difference between the site and NW La Center Road; the applicant proposed a retaining wall along much of the NW La Center Road frontage abutting the hotel. However, as discussed at the hearing, it is feasible to provide a pedestrian connection to NW La Center Road at the west end of the proposed retaining wall, where the site and the roadway are at roughly the same elevation. This pedestrian connection would allow access to all four street facing entries. Therefore, the application should be required to provide a pedestrian access to the NW La Center Road sidewalk/path to ensure that these entries function as primary street space entries. A condition of approval is warranted to that effect.

13. LCMC 18.158.060(1)(c) provides “No building may exceed 100 feet of continuous attached building frontage.” The examiner finds that the proposed hotel design complies with this requirement as the building frontage is broken up by substantial indents and protrusions so that no continuous section of the building façade exceeds 100 feet in length. This criterion is met.

14. The applicant withdrew the proposed variance to allow the hotel to exceed the 60-foot maximum building height limit of the Code. (Exhibit 31). A condition of approval is warranted requiring all buildings to comply with the building height requirements of LCMC 18.158.040(1)(a)(i).

D. CONCLUSION

The examiner concludes that the applicant sustained the burden of proof that the proposed development does or can comply with the applicable provisions of the La Center Municipal Code and Revised Code of Washington, provided it is subject to reasonable conditions of approval warranted to assure compliance in fact with those provisions.

E. DECISION

In recognition of the findings and conclusions contained herein, and incorporating the reports of affected agencies and exhibits received in this matter, the examiner hereby approves File No. 2024-019-CUP/PSR/PLD/VAR/SEPA/CARA/GEO (Paradise Park Site Plan Subdivision) in general conformance with the applicant's preliminary plans, subject to the following conditions:

Conditions of Approval

A. Planning Conditions

1. As part of the final plat submittal packet, a plan shall be submitted showing the dimensioned building envelopes.

2. Windows and doors on the upper story facades shall comprise at least 20%, but not more than 60% of the façade area per story.
3. Awnings may not be supported by posts.
4. Awnings shall project a minimum of four feet. The maximum awning projection shall be one foot from the edge of the curb as measured vertically from the sidewalk to the bottom of the awning or canopy.
5. No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the code, shall encroach beyond the required building line.
6. The maximum building floor plate (footprint) is 50,000 square feet unless approved through the conditional use process.
7. Buildings along the required building line shall present a complete and discrete vertical facade composition (i.e., a new facade design) at an average street frontage length of no greater than 60 feet.
8. The applicant shall provide at least one pedestrian access between the NW La Center Road sidewalk/path the primary street space entries on the north façade of the hotel building.
9. All utility lines shall be placed underground.
10. The maximum height for the ground story of all buildings must be 20 feet.
11. The maximum floor-to-floor story height for stories other than the ground story is 12 feet.
12. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 10 feet.
13. The Fire Marshal distance requirement for aerial apparatus access is when buildings are over 30 feet in height; the Fire Marshal needs a drive aisle that is at a minimum of 26 feet in width and is no closer than 15 feet and no further than 30 feet from the building.
14. All buildings shall be setback a minimum six feet from all accessways and service drives, unless modified by the Fire Marshall. LCMC Table 18.158.040-1(f)
15. Windows and doors on the primary, street-facing, ground story facades shall comprise at least 40%, but not more than 80%, of the facade area situated between 2 and 10 feet above the adjacent public sidewalk on which the facade fronts.
16. Projections, such as balconies and stoops, shall not project closer than 5 feet to a common lot line.

17. Projections over the sidewalk shall maintain a clear height of at least 10 feet except as otherwise provided for signs, street lighting and similar appurtenances.
18. The applicant shall pay all system development fees in effect at the time of the building permit issuance.
19. The applicant shall obtain building permits in compliance with LCMC 15.05 prior to construction.
20. This approval is subject to the following expiration dates:
 - a. The Conditional Use Permit approval shall expire two years after the effective date of the decision unless, within that time, the applicant or a successor in interest files an application for an extension of the decision or submits an application for project review or a building permit, or undertakes substantial development of the use authorized by the decision, per LCMC 18.250.050 and 18.30.140
 - b. The preliminary plat shall expire five years from the date of approval by the hearing examiner, unless an application for final plat is submitted or an extension is requested per LCMC 18.210.050(2) and (3);
 - c. The phasing plan cannot exceed six years per LCMC 18.215.060(2)(k).
21. Prior to final plat approval, the Developer shall identify the setbacks for all lots on the face of the final plat.
22. The applicant shall install a L4 landscape buffer on the southern and western perimeters of the site.
23. The applicant shall install public infrastructure in the first phase of the development.
24. The final plat shall be drawn with ink upon three-millimeter Mylar film, or equivalent; said sheets are to be 30 inches by 21 inches, with a one-inch border on each side or as otherwise directed by the Clark County recording agency.
25. The applicant shall comply with all provisions regarding monumentation outlined in Chapter 18.230.
26. Solid waste 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.
27. All development shall comply with the noise standards in Chapter 173-60 WAC
28. The applicant shall provide a landscape island at least 100 square feet in size per 12 parking spaces

29. All landscaping shall be installed within six months after issuance of occupancy or final inspection.
30. All required groundcover plants and shrubs must be of sufficient size and number to meet the required standards within three years of planting. Mulch (as a groundcover) must be confined to areas underneath plants and is not a substitute for living groundcover plants, lawn or approved flowers.
31. Shrubs shall be supplied in a minimum of two-gallon containers or equivalent burlap balls, with a minimum spread of 18 inches to meet the L2 buffer requirement, and minimum of three-gallon containers or equivalent burlap balls with a minimum spread of 30 inches to meet the L3 buffer requirements. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.
32. Groundcover plants shall be placed not more than 30 inches on center and 30 inches between rows. Rows of plants shall be staggered for a more effective covering. Groundcover shall be supplied in a minimum four-inch size container or a two-and-one-quarter-inch container or equivalent if planted 18 inches on center. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive. A lawn or flowerbed of flowers approved by the review authority may be substituted for groundcover plants.
33. Trees shall be deciduous or evergreen unless otherwise provided. The required tree height shall be measured from the ground level at final planting to the top of the tree and shall meet LCMC 18.245.060.14
34. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in accordance with a list of plant materials adopted by reference as the Clark County plant list.
35. The applicant shall show and comply with the following:
 - a. Plant materials will be installed to current nursery industry standards.
 - b. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.
 - c. Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage, construction material

storage, vehicles and equipment shall not be allowed within the dripline of trees to be retained.

36. A 0-6 foot wall along the (RBL) with enhanced vegetation and the required L-4 landscape buffer shall be installed prior to occupancy.
37. The hotel building frontage shall be broken up with architectural features and changes in building materials to meet the 100-foot maximum building frontage.
38. The applicant shall provide one loading berth on the final site plan.
39. The applicant shall include the location of the EV charging spaces in compliance with WAC 51-50-0429 on the final site plan.
40. The applicant shall comply with the planting of native plants.
41. In the event that any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100-foot buffer; this number may vary by circumstance) must stop.
42. The applicant shall record an agreement allowing all uses on the site equal access and shared use of all on-site parking spaces.
43. The applicant to provide a minimum 29 bicycle parking spaces, or ten bicycle lockers, or some combination thereof that complies with LCMC 18.280.040(4)(c). All bicycle parking shall be designed consistent with LCMC 18.280.040(4)(c)(ii)..

Critical Areas

44. The applicant shall implement the stormwater treatment and BMPS, employee education and awareness training, and spill prevention and response measures as outlined Critical Aquifer Recharge Area Level 1 Hydrogeological Report by Columbia West Engineering, Inc. dated April 11, 2024, for final engineering approval.
45. The applicant shall stake, flag, and fence the riparian area buffer prior to any site improvements and through the duration of site construction.
46. The applicant shall permanently mark the outer extent of the buffer in accordance with LCMC 18.300.090(2)(n)(ii) prior to final plat approval.
47. The applicant shall place the riparian buffer in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.
48. The applicant shall follow all recommendations of the Geotechnical Investigation and Consultation Services by Redmond Geotechnical Services dated April 16, 2024, prior to building permit approval.

49. The applicant shall follow all recommendations of the Geotechnical Investigation and Consultation Services by Redmond Geotechnical Services dated April 16, 2024 prior to building permit approval.
50. The applicant shall implement the required wetland mitigation as provided by the revised Critical Areas report prior to final plat approval.
51. The applicant shall install required field markings on the outer extent of the wetland buffer during construction in accordance with LCMC 18.300.090(5)(q)(iii) prior to final engineering approval.
52. The application shall permanently mark the wetland buffer area boundary in accordance with LCMC 18.300.090(5)(q)(iv) prior to final plat approval.
53. The applicant shall place the riparian buffer in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat for final plat approval.
54. The applicant shall file a performance bond meeting the requirements of LCMC 18.300.090(5)(s) prior to engineering approval.
55. The applicant shall submit engineering, construction, final plat, and building permit documents in compliance with the preliminary plat documents unless otherwise modified by conditions of approval in this staff report or as approved by the City through subsequent approvals.

B. Public Works and Engineering Conditions

1. City of La Center Engineering Standards for Construction shall apply to all public road improvements unless modified by the director LCMC 12.10.040. General roadway and right-of-way standards shall apply.
2. Half street improvements to the Major Arterial ST-11 standard are required along La Center Road along the entire length of the applicant's property per LCMC 12.10.190. A 12-foot wide shared use path shall be constructed along La Center Road, adjacent to the applicant's property, meeting the American Disabilities Act.
3. The half street improvements, streetlights, street trees, and stormwater improvements per LCMC 12.10.190. Street lighting shall be LED and shall comply with the City Engineering standards or match the lighting to be consistent with the junction for the type and spacing of the lights.
4. The drive approach along Paradise Park Road shall be a commercial drive approach consistent with Engineering Standard Detail ST-3.
5. The City Erosion Control Standards require that any activity disturbance over 500 SF must comply with the city standards. 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 30, no soils shall remain exposed for more than two (2) days. From May 1 through September 30, no soils shall remain exposed more than seven (7) days.

6. 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 and October 31 with planting and seeding erosion control measures completed by October 1 to become established before the onset of wet weather.
7. Final grading and erosion control plans showing the proposed contours must be submitted as part of the final subdivision plans.
8. A construction stormwater permit is required per the Department of Ecology and an SWPPP must be included within the final plans submitted to the city.
9. The applicant shall provide a new sewer manhole, as shown on the applicant's sewer plan, to connect to this 8-inch sewer main in La Center Road per 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.
10. The applicant shall provide an extension of this eight-inch sewer main and an easement to the south side of the applicant's site for future extension to property to the south.
11. The applicant will need to install grease interceptors from commercial kitchens on site.
12. The applicant shall follow all recommendations by the report prepared by Redmond Geotechnical dated April 16th, 2024, except the city will require that all public improvements along La Center Road use a minimum depth of 0.6-feet or 7.2-inches of asphalt over 12-inches of aggregate base.
13. Connection to public sewer is required as per LCMC 13.10. All work is to be performed by a duly licensed contractor in the City of La Center. Work will be performed using an open trench method unless otherwise approved.
14. The applicant shall pay an SDC impact fee for commercial properties south of La Center Road Bridge of \$5841.00, and a Latecomers Fee of \$6,173.96 per equivalent ERU.
15. A final Technical Information Report (TIR) shall be submitted by the applicant and must comply with LCMC 18.320 and the 1992 Puget Sound Manual for the design of the stormwater system.
16. The Final Stormwater Report and design should address the following comments:

- a. There is a flow spreader shown for the stormwater outfall. Although this may work to distribute the storm flow evenly, it may not be enough to slow the overflow and prevent scouring of the adjacent property/critical area.
 - b. The stormwater report used a hydrologic curve number representing the existing vegetation condition today. Per LCMC 18.320.220 (2) (c), states that “if surface runoff leaves a development site, and the predeveloped runoff calculations do not assume undisturbed forest in determining the runoff curve number, then a hydraulic and hydrologic analysis of the capacity of the downstream conveyance system shall be required”.
17. 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.
 18. Street light design and installation shall be reviewed and approved by the City of La Center.
 19. The applicant shall record an easement approved by the City allowing City crews and equipment maintenance access to the on-site stormwater facilities.
 20. The applicant shall provide authorization from the Cowlitz Indian Tribe prior to undertaking any offsite grading or construction outside of public rights-of-way.
 21. The applicant shall comply with the road spacing requirement of LCMC 18.158.030(1)(b) unless the applicant requests and the director approves a modification to that standard.
 22. If the final plan for Phase 2 does not include driveway access to NW Paradise Park Road the applicant shall extend the westbound left turn lane to 150 feet and extend the right turn lane or right turn pocket as discussed in Exhibit 27.

C. SEPA (MDNS) Documentation and Mitigation Conditions

1. Earth: The applicant must comply with the design recommendations of the geotechnical site investigation by Redmond Geotechnical Services. dated April 16, 2024.
2. Earth: All grading and filling of land must utilize only clean fill, i.e., dirt or gravel from an approved source;
3. Earth: All debris removed off-site must be disposed of at an approved location;
4. Air: The applicant shall sprinkle the site with water during construction to reduce dust.

5. Air: The applicant shall use vehicles fitted with standard manufacturer's emission's control equipment to reduce construction-period emissions. Construction vehicles shall not be permitted to idle when not in use.
6. Water: The applicant must use approved erosion control best management practices during construction in compliance with LCMC 18.320 and the final approved stormwater technical information report.
7. Water: The applicant must comply with the recommendations of the Critical Areas Report prepared by Ecological Land Services, dated August 2, 2023, and any subsequent revision approved by the City.
8. Water: The applicant must comply with the recommendations of the Water Utility Review Letter dated February 27, 2024.
9. Water: The applicant must use approved erosion control best management practices during construction.
10. Water: A City stormwater permit, and Stormwater Pollution Prevention Plan (SWPPP) shall be required for the proposed project and shall be approved prior to construction.
11. Plants: The applicant shall provide mitigation required by LCMC 18.350 for all trees on-site of 10 inches diameter at breast height (dbh) or greater which will be impacted or removed as reflected on the Existing Tree Protection Plan, prepared by Planning Solutions, Inc. dated January 1, 2024. The applicant shall protect the Oregon white oak tree and associated drip line located at the eastern property line as reflected in the Existing Tree Protection Plan, prepared by Planning Solutions, Inc. dated January 1, 2024.
12. Environmental Health: The letter from Clark County Public Health dated November 22, 2023 indicated that there were no signs of the presence of an on-site sewage system.
13. Environmental Health (Noise): All construction equipment shall have muffled exhaust and construction activities are only permitted during City-approved construction hours. Contractors are required to comply with the maximum noise level provisions of WAC 173-60 during construction.
14. Light and Glare: The applicant shall comply with the requirements of LCMC 18.282 (Outdoor Lighting).

15. Recreation: The applicant shall comply with LCMC 18.147 (Parks and Open Space).
16. Historic and cultural preservation: 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:
- Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
 - Take reasonable steps to ensure confidentiality of the discovery site; and,
 - Take reasonable steps to restrict access to the site of discovery.
17. The applicant shall notify the concerned Tribes and all appropriate county, city, state, and federal agencies, including the Washington Department of Archaeology and Historic Preservation and the City of La Center. The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural material and will reach an agreement with the applicant 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.
18. See the Revised Code of Washington, Chapter 27.53, "Archaeological Sites and Resources," for applicable state laws and statutes. See also Washington State Executive Order 05-05, "Archaeological and Cultural Resources." Additional state and federal law(s) may also apply.

Copies of the above inadvertent discovery language shall be retained on-site while project activity is underway.

Contact	Information
Cowlitz Indian Tribe, Nathan Reynolds, Interim Cultural Resources Manager	Phone: 360-575-6226; email: nreynolds@cowlitz.org
City of La Center, Tracy Coleman, Public Works Director	Phone: 360-263-5189; email: tcoleman@ci.lacenter.wa.us
Office of the Clark County Medical Examiner (for human remains)	Phone: 564-397-8405; email: medical.examiner@clark.wa.gov
Washington DAHP, Dr. Allison Brooks, Ph.D., Director	Phone: 360-586-3066; email: Allyson.Brooks@dahp.wa.gov

19. Transportation: The applicant shall comply with the recommendations of the Traffic Analysis Report prepared by Charbonneau Engineering, dated December 2023.

20. Transportation: The applicant shall pay transportation impact fees prior to issuance of building permits.
21. Utilities: The applicant shall pay the applicable sewer system development charge for each residential unit. Applicable fees will be assessed at the time of building permit application and are due prior to issuance of final occupancy for each unit.
22. Public Services: The applicant shall pay school, and park impact fees prior to the issuance of building permits for the onsite units. Applicable impact fees will be assessed at the time of building permit application and are due prior to issuance of final occupancy for each unit.

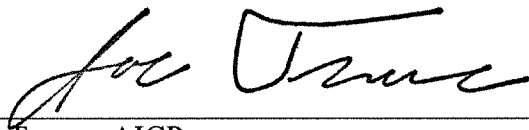
D. CCFR Fire Conditions

1. Applicant must comply with all applicable requirements and receive approval through Clark Cowlitz Fire & Rescue.

E. CPU Conditions

1. Applicant must comply with all applicable requirements and receive approval through Clark Public Utilities.

DATED this 17 day of December 2024

A handwritten signature in black ink, appearing to read "Joe Turner", is written over a horizontal line.

Joe Turner, AICP
City of La Center Hearing Examiner

Paradise Park Site Plan

Located in the SW $\frac{1}{4}$ of Section 4, T4N, R1E W.M.
La Center, Washington

SITE STATISTICS	
ZONE: JUNCTION PLAN (JP)	
Existing Site Area	146,501 SQ FT
Right of Way Dedication	1,353 SQ FT
Right of Way Vacation	4,286 SQ FT
Critical Areas	12,865 SQ FT
Developed Site Area	137,658 SQ FT
Total Building Footprint SF	17,875 SQ FT
Hotel	11,875 SQ FT
OSR / Commercial	6,000 SQ FT
REQUIREMENTS	PROPOSED
Total Parking Spaces	129 (11 Minored)
Standard Parking Spaces	114
Compact Parking Spaces	2
Handicap Parking Spaces	6
Hotel Building Height	60'
OSR / Commercial Building Height	60'



VICINITY MAP
NOT TO SCALE

APPLICANT:
Lake Shasta
9321 NE 72nd Ave Bldg C #7
Vancouver, WA 98665
PH (360) 301-0225
FAX (360) 301-0226
lake@shastawater.com
lake@shastawater.com

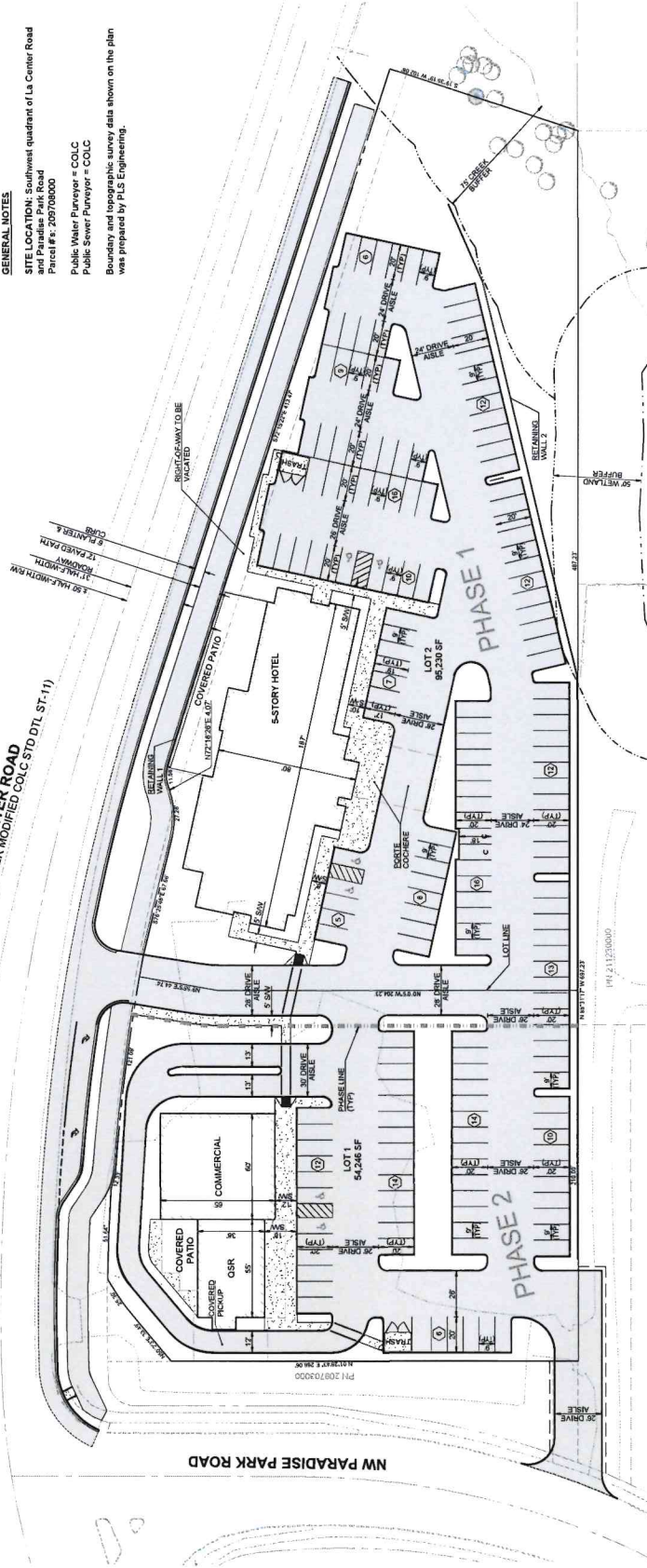
CIVIL ENGINEER:
PLS Engineering
Contact: Travis Johnson, PE
604 W Evergreen Blvd
Vancouver, WA 98660
PH (360) 544-6519
travis@plsengineering.com

OWNER:
John & Sharon Vanessum
10000 1st Ave SW
Vancouver, WA 98685

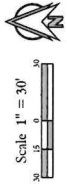
GENERAL NOTES
SITE LOCATION: Southwest quadrant of La Center Road
Parcel #s: 209708000
Public Water Purveyor = COLC
Public Sewer Purveyor = COLC
Boundary and topographic survey data shown on the plan
was prepared by PLS Engineering.

Paradise Park Site Plan

Preliminary Site Plan & Short Plat For:
A Site Located In The City Of La Center, Washington



Legend	
	Proposed Asphalt
	Proposed Concrete
	Proposed Retaining Wall
	Proposed Parking Count



Project No. 1004
Scale: 1" = 30'
Drawn By: TJS
Checked By: TJS
Reviewed By: TJS

03 09



EXHIBIT LIST

Project Name: Paradise Park Site Plan			
Case Number: 2024-019-CUP/SPR/ PLD			
EXHIBIT NUMBER	DATE	SUBMITTED BY	DESCRIPTION
1	8/12/24	Applicant	Application Package; Master Application; Proof of Ownership; Pre-Application Conference Report; Narrative and Variance Request; Legal Lot Determination Documents; Preliminary Stormwater Report; SEPA; Geotechnical Study; Water Utility Review; Public Health Review Letter; Traffic Study; Archaeological Pre-Determination; Mailing Lables; Critical Areas Report; Buffer Averaging Plan; Right of Way Vacation; CARA Hydrological Report, Preliminary Plans
2	8/26/24	COL Land Use	TC Determination
3	9/9/24	COL Land Use	Notice of Application
4	9/9/24	COL Land Use	Affidavit of Mailing
5	10/11/24	Dept Ecology	SEPA Record Published
6	8/29/24	City of La Center	Approved Resolution for Vacating ROW
7	8/28/24	City of La Center	City of La Center City Council Staff Report Resolution 24-478
8	9/5/24	COL Land Use	Notice of Public Hearing for ROW Ordinance 2024-016 ROW Vacation
9	9/5/24	COL Land Use	Affidavit of Mailing Notice of Public Hearing for ROW Ordinance 2024-016 ROW 10Vacation
10	9/4/24	City of La Center Clerk	Affidavit of Posting for ROW Hearing
11	9/26/24	City of La Center	Approved Signed Ordinance for ROW Vacation
12	10/11/24	COL Land Use	Request to Publish Notice of Hearing in Columbian
13	10/14/24	The Columbian	Confirmation of Publishing Notice
14	10/16/24	Clark-Cowlitz Fire Rescue	Email Regarding Drive Aisle Setbacks

Copies of these exhibits can be viewed at:
 Department of Community Development
 Development Services Division
 1300 Franklin Street
 Vancouver, WA 98666-9810

EXHIBIT NUMBER	DATE	SUBMITTED BY	DESCRIPTION
15	10/15/24	Applicant	Existing Conditions Signed & Stamped Survey
16	10/15/24	Applicant/Surveyor	Email Regarding Lot Size
17	10/17/24	WSP	Critical Areas Report Comments
18	10/18/24	COL Land Use	Notice of Public Hearing
19	10/18/24	COL Land Use	Affidavit of Mailing Notice of Public Hearing
20	10/18/24	COL Land Use	Final Land Use Staff Report
21	10/18/24	COL Land Use	Affidavit of Mailing Staff Report
22	10/18/24	COL Land Use	Affidavit of Posting Notice of Public Hearing
23	11/1/24	Applicant	Mitigation Plan
24	11/4/24	Steve Horenstein	Comment Memo
25	11/4/24	COL Land Use	Sign in Sheet
26	11/22/24	COL Eng/ Tony	Engineering's Response to Hearing Comments
27	11/22/24	Charbonneau Engineering	Traffic Support for Road Mod
28	11/22/24	COL Land Use	Land Use Response to Hearing Comments
29	11/25/24	Applicant	Request to utilize LCMC 18.280.040 for parking - bicycle memo.
30	11/25/24	Applicant	Variance Memo
31	11/25/24	Applicant	Memo to withdraw variance request for 65' building
32	12/2/24	Applicant	Ordinance Regarding Scrivner's error
33	12/2/24	Applicant	Scrivners Error Table 18.158.040-1 (f)
34	12/2/24	Applicant	Email Regarding Record Closing
35	12/5/24	Applicant	Final Legal Argument
36	12/5/24	Appliant	Request to close the record

Copies of these exhibits can be viewed at:
Department of Community Development
Development Services Division
1300 Franklin Street
Vancouver, WA 98666-9810

