



CITY OF LA CENTER
SEPA DNS – Final Decision
VanVessem Tree Clearing
(File # 2019-007-SEPA)

Department of Ecology	#201901306
Property Owner	John VanVessem, 1490 NW 15th Ave., Vancouver, WA 98685; 360.518.2521
Location	NE North Fork Ave., no situs; #51 SEC 34 T5NR1EWM 1.50A La Center, WA, Parcel: 258914000
Proposal	John VanVessem proposes to clear trees and brush for the purposes of building a road to access a portion of the property to be used for future development not part of this SEPA review.
Public Comment Period	The City of La Center Issued a SEPA DNS on March 13, 2019. The public comment period closed March 17, 2019.
Lead agency	City of La Center
Applicable Standards and Approval Criteria	La Center Municipal Code 18.30, Procedures; 18.310, Environmental Policy, 18.350 Tree Protection
Decision	Issue Final DNS

DISCUSSION

After submittal of the SEPA Checklist, at the request of staff, the applicant clarified that the access for the tree and brush clearing will be from the property to the north. Mr. Link Wolverton, on behalf of the property owner, Chinookan LLC, provided the following statement via email:

On behalf of Chinookan LLC, I hereby grant John Vanvessem and Tyrel Koistenen and their contractors to make incidental crossings of Chinookan parcel 258898000 until July 1, 2019, provided that any damage to such property is made whole. (March 29, 2019)

The proposal is limited to the removal of brush and trees as described in the SEPA checklist. No other development is approved or authorized by this final DNS. If the applicant proposes development of the site, the Property owner shall file the appropriate land use and SEPA documents and receive the necessary city approvals prior to and other soil disturbance or site development.

SEPA COMMENTS

The City of La Center Issued a SEPA DNS on March 13, 2019. The public comment period closed March 27, 2019. The city received the following comments:

Cowlitz Indian Tribe

Nathan Reynolds, Interim Cultural Resources Manager requested the city add a condition relating to

inadvertent Discovery of archaeological resources. (March 27, 2019)

Response: See Conditions of Approval.

Washington Department of Ecology

Chris Montague-Breakwell requested the city condition the tree clearing activity relating to construction and stormwater management. (March 27, 2019)

Response: See Conditions of Approval

Glandon, Wayne, 1030 E 24th Circle, La Center, WA. (March 27, 2019)

Mr. Glandon made the following comments:

1. No Site Plan or erosion control plan
2. Not sure how it is planned to access the East end of the property.
3. I have concerns with rain water run off after the trees are removed. At the present time the land section between the West end and the East side of the parcel has limited tree coverage and during a rain event the water will run off this hillside over the curb and down 24th Circle after the rain event has passed. During heavy to moderate rain, events the rain water can run off the property and down 24th Circle for up to two days after the event has passed.
4. The lots on The NW corner of South View Heights VIII that are directly South of the property are considered to be in steep slope areas and high shrink/swell areas and required geo technical engineering and observation during development and construction on the properties and copies of the reports delivered to the City of La Center regarding the status and how these soils were dealt with, per the Hearings Examiner File No. 99-04-SUB. The SEPA property being discussed' appears to have the same soil and slope issues as the lots in South View Heights VIII adjacent to the property being discussed. I believe the geo technical conditions should also be required of the new property being developed so to protect the stability of the existing adjacent properties.
5. Not sure if the property being developed is zoned LDR-7.5 if so, it appears to be over the maximum lot area allowed. Or if it is UH-10 in which case I do not know how it would comply with LCMC 18.190.070 that requires a natural vegetated buffer of 20 feet along all property lines.

Response: A site plan will be required for future site development and is not required for tree and brush removal. The site is zoned LDR 7.5. Future development of the property for residential uses will be governed by LCMC 18.130. (See, <https://www.codepublishing.com/WA/LaCenter/#!LaCenter18/LaCenter18130.html#18.130>) At the time of development permit, the Urban Holding (UH) will be removed and the 20-foot vegetated buffer will no longer apply.

The city will require the applicant to provide an erosion control plan, consistent with adopted city standards, and approved by the City Engineer prior to tree or brush removal or on-site work.

The applicant must comply with adopted city standards related to stormwater management and erosion control.

Access to and from the site will be from the parcel to the north owned by Chinookan LLC not from 24th Circle.

No other development is approved or authorized by this final DNS. If the applicant proposes development of the site, the Property owner shall file the appropriate land use and SEPA documents and receive the necessary city approvals prior to and other soil disturbance or site development.

Tucker, Stephen, 1002 E 24th St., La Center, WA (March 27, 2019)

B. Environmental Elements (*in regard to the 'driveway: especially near the East end of 24th Circle*)

- a. The applicant indicated the site as "Flat" It is not Flat. Especially at the East end of 24th Circle.
 - b. There is a steep bank along the road and a grade steeper than 6% from West to East along most of it down the hill.
 - c. The cul-de-sac, where the site map ends, has a 4ft. retaining wall.
 - d. The bank of the road is a spring after a rain.
3. Water
- c. Water runoff (on the East end of the project)
 - 1) A great deal of water already runs off the VanVessem property onto 24th Circle. During heavy rains, the East end of 24th Circle is a river. Removal of the trees will not improve this.
 - 2) This checklist says it does not alter or affect drainage patterns in the vicinity of the site. That doesn't seem possible. This area will be significantly impacted if it is not addressed.
 - d. This checklist proposed no measures to reduce or control surface, ground and runoff water and drainage impacts. This is a problem for our street. How will it be handled?
4. Plants (on the East end of the project)
- b. Some of the trees across from our homes are quite large. Care should be taken to ensure safety of our homes.
 - d. The existing road has already compromised the roots of some of the trees.
6. Energy and Natural Resources (on the East end of the project)
- The trees themselves are huge and the roots of some are compromised. Their removal and further root damage to remaining trees is a risk to us.
 - 4) Will a fire truck be able to access and negotiate the gravel road to the new home sites in case of fire?
7. Environmental Health (on the East end of the project)
- d. The existing road has already compromised the roots of some of the trees.
9. Housing (on the East end of the project)
- a. Is it one lot or three? One home or three? Traffic? Aesthetics (on the East end of the project)
 - b. Will the electric lines be totally underground? We don't want to be looking at powerlines across the street.
14. Transportation (on the East end of the project)
- a. Questionnaire does not mention or describe proposed access to 24th Circle. This is very important to us. Will the driveway begin at the cup-de-sac? Through the retaining wall? What about runoff, water diversion for driveway, etc.
 - d. Yes, it will require new modifications to existing roads.
14. Public Services (on the East end of the project)
- a. Yes, it would result in increased need for public services. (fire, police, school buses, cable services, trash pickup, etc.
14. Utilities (on the East end of the project)
- a. No, there are no utilities currently available at the East end of the project for the driveway, lot(s) and structure(s).

D. Supplemental sheet for nonproject actions (*in regard to the East end of 24th Circle*)

Although the questionnaire stated that "it is not necessary", those of us who are most affected, are very interested in whether the proposal may conflict with local, state or federal laws or requirements for protection of the environment.

Response: La Center generally considers slopes between 15 percent and 25 percent to be buildable. Lands with slopes of 25 percent or greater are considered unbuildable and development is not allowed. (See LCMC 18.300.090(5), <https://www.codepublishing.com/WA/LaCenter/#1/LaCenter18/LaCenter18300.html#18.300.090>) The city will require the applicant to provide an erosion control plan, consistent with adopted city standards, and approved by the City Engineer prior to tree or brush removal or on-site work.

If the existing road has compromised some of the tree roots public safety concerns may support removal of compromised trees.

No site development, including construction of new homes is authorized by this DNS. Future development of the site will be subject to all applicable city of La Center development regulations and City Engineering Standards.

Access to and from the site will be from the parcel to the north owned by Chinookan LLC not from 24th Circle.

Demonstration of available public services will be required at the time of application for site development.

The proposal for brush and tree removal was reviewed by state agencies through the SEPA review and comment process (RCW 43.21C and WAC 197-11. All state agency concerns are addressed incorporated into the conditions of approval. There are no known threatened, or endangered species within the project area and there are no federally regulated waterways within the project area. Neither the city or any commenting agency have identified any other federal regulations in conflict with this proposal to remove brush and trees.

Gregory, Sherri and William, owners of Parcel # 63472930. (March 27, 2019)

1. We were told by public works on Wednesday, February 20, 2019 that this tree clearing project was necessary to ascertain the lot and the access to the lot. The application stated that no slope exceeded 6%. I do not have an issue with that estimation as far as the lot is concerned, however the line between Mr. VanVessen and my parcel is most assuredly exceeds a 6% slope. Removing vegetation to determine what obstacles there will be in providing access seems a bit backwards. There is no indication of where and how Mr. VanVessen plans to access the build site by road.
2. The GIS has changed within the past two months, indicating a shift in Parcel 258914000 and Parcel 258898000 south lines. The new lines make the driveway access even more confusing as far as what the access plans are to the build site.
3. Our drive/lot already has water runoff issues. There is a significant amount of water that flows and percolates at the fence line between Mr. VanVessen parcel and ours. Due to the slope of the drive leading to our house, there is already a significant amount of water and forest debris coming down the asphalt that ends up in my front yard and driveway. I have a hard time visualizing access to the build site and means of addressing the runoff issue, which would be further complicated by a potential driveway paralleling ours.
4. There is indication of a gravel driveway. We are all concerned about the dust and potential mud issue at the access point, wherever that may be.
5. The application states the job site at NE North Fork Avenue. There is no indication if forested material is coming out at that address or coming out at the physical location on 24th Circle.
6. The overriding concern of the neighbors is where the driveway will be cut and why trees and vegetation need to be removed to determine how the site will be accessed and built upon. It seems to be ill conceived, or possibly details lacking, on what the plan is and removing the vegetation to assist in making that plan seems reckless. Two of the three homes are new residents to 24th Circle and I can say with the utmost confidence that the attraction to the lots were the isolation and beauty of the natural landscaping those lots provided.

Response: La Center generally considers slopes between 15 percent and 25 percent to be buildable. Lands with slopes of 25 percent or greater are considered unbuildable and development is not allowed. (See LCMC 18.300.090(5), <https://www.codepublishing.com/WA/LaCenter/#1/LaCenter18/LaCenter18300.html#18.300.090>) The city will require the applicant to provide an erosion control plan, consistent with adopted city standards, and approved by the City Engineer prior to tree or brush removal or on-site work.

The applicant must comply with adopted city standards related to stormwater management and erosion control.

Access to and from the site will be from the parcel to the north owned by Chinookan LLC not from 24th Circle.

No other development is approved or authorized by this final DNS. If the applicant proposes development of the site, the Property owner shall file the appropriate land use and SEPA documents and receive the necessary city approvals prior to and other soil disturbance or site development.

CONDITIONS OF APPROVAL:

- A. General Limitation. The proposal is limited to the removal of brush and trees as described in the SEPA checklist. No other development is approved or authorized by this final DNS. If the applicant proposes development of the site, the Property owner shall file the appropriate land use and SEPA documents and receive the necessary city approvals prior to and other soil disturbance or site development.
- B. Access. Access shall be limited to the property owned by Chinookan LLC. Access is not proposed or allowed via 24th Circle.
- C. Archaeology: In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100' buffer; this number may vary by circumstance) must stop and the following actions taken:
 1. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; and
 2. Take reasonable steps to ensure the confidentiality of the discovery site; and,
 3. Take reasonable steps to restrict access to the site of discovery.
 - The project proponent will notify the concerned Tribes and all appropriate county, state, and federal agencies, including the Department of Archaeology and Historic Preservation. The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural material, and will reach an agreement with the project proponent regarding actions to be taken and disposition of material.
 - If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.
 - 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.
 - *It is strongly encouraged copies of inadvertent discovery language/plan are retained on-site while project activity is underway.*

D. Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.

- a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, and discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
 - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
 - b) Reasonably expects to cause a violation of any water quality standard.
4. If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

APPROVED subject to conditions



Greg Thornton, Mayor
SEPA Responsible Official

4-15-19
Date

APPEAL

Any appeal of an action taken by the city of La Center shall be made in accord with Chapter [18.30](#) LCMC, Procedures. Where this section or Chapter [18.30](#) LCMC is silent or ambiguous, the city shall consult WAC [197-11-680](#) to determine appropriate appeals procedure. **The time limit for commencing an appeal of a city decision shall be 14 days from the effective date of the decision. A person with standing may appeal a city decision at any time prior to the end of the effective date of a decision. LCMC 18.310.212**