Schwarz Type I Site Plan Application

And

Variance Request

January 7, 2019

PARCEL:

625 ASPEN AVE

LACENTER, WA 98629

PARCEL NO 63750000

APPLICANT:

ROY HEIKKALA, COLF CONSTRUCTION

PO BOX 211

VANCOUVER, WA 98666

360 921-8244

royheikkala@gmail.com

OWNER:

BRENDA SCHWARZ-LESTER

PO BOX 284

LACENTER, WA 98629

360 518-4457

blslester@gmail.com

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TAB 2 APPLICATION AND PROJECT NARRATIVE

Master Land Use Application



City of La Center, Planning Services 305 NW Pacific Highway La Center, WA 98629

www.ci.lacenter.wa.us

Ph. 360.263.7665 Fax: 360.263.7666

www.ci.lacenter.wa.us

Property Information

Site Address 625 Aspen Ave LaCenter WA 98629
Legal Description Lot1 of Block 3 of Breezee's Addition
Assessor's Serial Number 637500000
Lot Size (square feet) <u>5,445 sf</u>
Zoning/Comprehensive Plan Designation C-1, Downtown Ovreray
Existing Use of Site Vacant
Contact Information
APPLICANT:
Contact Name Roy Heikkala
Company Colf Construction
Phone 360 921-8244 Email royheikkala@gmail.com
Complete Address PO Box 1434 Vancouver, WA 98668
1210
Signature(Original Signature Required)
APPLICANT'S REPRESENATIVE:
Contact Name Roy Heikkala
Company Colf Construction
Phone 360 921-8244 Email royheikkala@gmail.com
Complete Address PQ Box 1434 Vancouver, WA 98668
Net 1
Signature (Original Signature Required)
(eviginal organization required)
PROPERTY OWNER:
Contact Name Brenda Schwarz
Company PO Box 284 LaCEnter, WA 98629
Phone 360 518-4457 Email PO Box 284 LaCEnter, WA 98629
Complete Address PO Box 284 LaCEnter, WA 98629
Signature (Original Signature Required)

Development Proposal Project Name Type(s) of Application Schwarz Type 1 Site Plan Application and Variance Request for Schwarz-Lester Bed & Breakfag Previous Project Name and File Number(s), if known ______ Pre-Application Conference Date and File Number 2019-018CUP/BLA August 5, 2019 Description of Proposal Construct 1 single family residents with a 1 room Bed & Breakfast business in a C-1 zone. Office Use Only File # _____ Planner _____ Received By _____ Fees: \$_____ Date Received: Date Paid: _____ Procedure: Type I Receipt # _____ ☐ Type II Type III ☐ Type IV Notes _____

PROJECT NARRATIVE

This project consists of constructing a single family residents at 625 Aspen Avenue in LaCenter WA. The structure will also house a single Bed and Breakfast bedroom. This use was approved in the Commercial Zone through a Conditional Use Permit. Please see TAB 3 for the Final Staff Report and Hearing Examiner's Final Order 2018-027-CUP

This application also requests a variance from the Façade Requirements found in LaCenter Municipal Code 18.155.050 for the side of the structure facing 7th Street.

TAB 3

STAFF REPORT

FINAL ORDER 2018-027-CUP



Staff Report & Recommendations Schwarz-Lester Bed & Breakfast – Type III Conditional Use Permit/BLA

(File # 2019-018-CUP/BLA) August 5, 2019

PROPOSAL	Type III conditional use and boundary line adjustment relating to a proposed medium density residence with one bed and breakfast guest room - Commercial (C-1) zone and Downtown Overlay District
LOCATION	* 615 Aspen Ave., La Center, WA, BRAZEES ADD TO LACENTER LOT 3 BLK 3, PIN # 63760000 * 625 Aspen Ave, La Center, WA 98629 BRAZEES ADD TO LACENTER LOTS 1 & 2 BLK
	3, PIN # 63750000
PUBLIC COMMENT	July 22, 2019 through August 12, 2019
OWNER	Brenda L. Schwarz-Lester, P.O. Box 284, La Center, WA 98629. Contact: 360.518.4457
APPLICANT	Colf Construction, P.O. Box 1434, Vancouver, WA 98668. Contact: Roy Heikkala, 360.921.8240, royhekkala@gmail.com
HEARING	The La Center Hearing Examiner will conduct a public hearing on August 12, 2019 beginning at 5:30 PM at La Center City Hall, 214 East 4 th Street, La Center, WA
APPLICABLE STANDARDS	La Center Municipal Code Title 18: 18.30.100, Type III Procedures; 18.30.120, Notices; 18.150, Commercial Districts (C-1); 18.155 Downtown District Overlay, 18.245; Supplementary Development Standards, 18.260; Off-Street Parking and Loading Requirements, 18.320; Stormwater and Erosion Control, 18.340; Native Plant List, 18.350; Tree Protection, 18.360.
SEPA	The Applicant submitted a SEPA Checklist; after review of the materials, the city determined, consistent with LCMC 18.319.090, the proposal does not require additional SEPA review.
CITY REVIEWERS	City Engineer: Anthony Cooper, PE, 305 NW Pacific Highway, La Center, WA 98629
	360.263.7665, acooper@ci.lacenter.wa.us
	Consulting Planner: Eric Eisemann, E ² Land Use Planning Services, LLC 215 W 4 th St, # 201 Vancouver, WA 986609. 360.750.0038, <u>e.eisemann@e2landuse.com</u>
RECOMMENDATION	APPROVAL, subject to conditions

I. OVERVIEW

The project site is located at 615 and 625 Aspen Avenue, La Center. A manufactured home straddles the lot line between the two properties. 625 Aspen Avenue is largely vacant but does contain an accessory building. 615 Aspen Avenue contains the major portion of the manufactured home.

Public sidewalks, curbs and gutters abut the frontages along Aspen Avenue and E. 7th St. Public utilities are available in the street and currently serve 615 Aspen Avenue.

The neighborhood is developed with low density single-family dwellings. The subject properties are zoned Commercial (C-1) with a Downtown District Overlay. The lots to the west, east and south are zoned C-1. To the north, across E. 7th St. the area is zoned low density residential (LDR-7.5).

There are no natural resources on either lot that are classified as critical areas. The Clark County Archaeological predictive mode indicates that the site could have a medium to high probability for cultural resources. However, 625 Aspen Avenue is heavily disturbed due to an earlier residence. Therefore, the city waived submittal of an archaeological pre-determination and recommends a **condition of approval** relating to inadvertent discovery.

The Applicant proposes to adjust the lot lines between 615 and 625 Aspen Avenue to allow for the construction of a new building which will include a medium density dwelling unit and a commercial bed and breakfast enterprise.





Figure 1 - Project Location

Corner of Aspen Ave. & E 7th St.

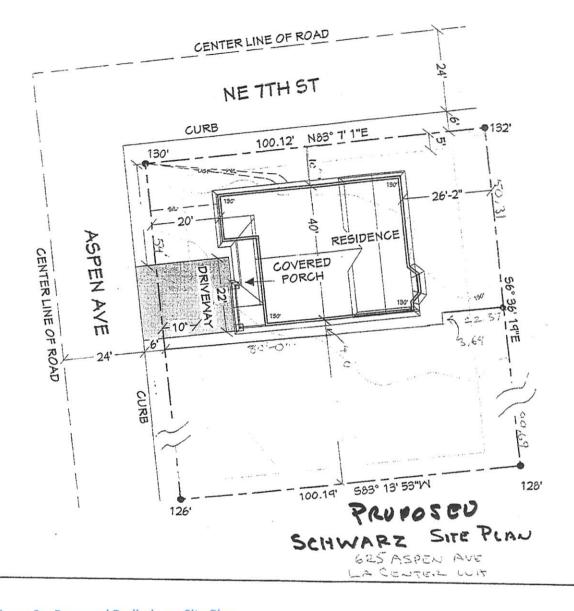


Figure 3 - Proposed Preliminary Site Plan

II. REVIEW

II.A. Jurisdiction

The site is within La Center City limits and is zoned Downtown commercial (C-1) with a Downtown District Overlay. The City of La Center provides sanitary sewer service and public streets. Clark Public Utilities provides potable water service. The project is within the La Center School District and the Clark County Fire and Rescue Fire District 11 service area.

II.B Applicable regulations

The relevant La Center regulations include:

18.30 Procedures

18.150 Commercial Districts: C-1

18.155 Downtown Overlay

18.220 Boundary Line Adjustments

18.245 Supplemental Development Standards

18.280 Off-street Parking and Loading Requirements

18.320 Stormwater and Erosion Control

18.340 Native Plant List

18.350 Tree Protection

La Center Engineering Standards

II.C Public Notice

The City issued public notice of the land use actions on July 22, 2019. The Columbian published legal notice of the land use application and public hearing scheduled for August 12, 2019. As of this writing the city has not received any public comments.

II.D Key Issues

The relevant issues to consider for a successful public hearing review include:

Existing single-family residences (without an increase in density) are permitted uses in the C-1 zone but new low-density residences are not permitted. Bed and breakfast establishments are a permitted use in the C-1 zone. Medium density residential uses are allowed as a conditional use. LCMC Table 18.150.020.

The minimum lot area in the C-1 zone is 2,500 S.F. LCMC Table 18.150.030(1). The Applicant proposes to adjust the boundary lines between 615 and 625 Aspen Avenue so that 625 Aspen Avenue is 5,445 S.F. and 615 Aspen Avenue 9,909 S.F. Thereafter, the Applicant will construct a residence with a bed and breakfast component.

Density is the number of permitted dwellings on an acre of land or fraction thereof. In La Center medium density means a minimum of 8 units and maximum of 16 units per acre the minimum. Because the Applicant proposes to construct a residence the number of units per acre may not be less than 8 units. By reconfiguring 625 Aspen Avenue to be 5,445 S.F. construction of one residence will meet the minimum requirement for medium density. As stated earlier, medium density residential uses, whether it includes a bed and breakfast or not, require conditional use review and a public hearing.

III. ANALYSIS

III.A Land Use Analysis - LCMC Title 18, Development Code

LCMC 18.30 Procedures

Because of the scale of the project, the city waived the requirement for a pre-application conference. The submitted application was deemed technically complete. Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing examiner. Public comments may be submitted either prior to or during the public hearing in writing or orally during the hearing

LCMC 18.150 (Commercial Districts)

Existing single-family residences (without an increase in density) are permitted uses in the C-1 zone but new low-density residences are not permitted. Bed and breakfast establishments are a permitted use in the C-1 zone. Medium density residential uses are allowed as a conditional use. LCMC Table 18.150.020.

LCMC 18.150.030 Development Standards

Site plan review is required for all new development. New lots and structures and additions to structures must comply with the applicable standards for lots and building height, and setbacks in Tables 18.150.030(1) and

18.150.030(2). Where zero lot line development is not proposed, not less than 15 percent of total lot area shall be landscaped. In the C-1 zone no landscaping is required between C-1 lots. LCMC Table 18.245.060 – Landscaping.

The minimum lot area in the C-1 zone is 2,500 S.F. The minimum lot width is 25 feet and minimum lot depth is 100 feet. There are no minimum setbacks in the C-1 zone. LCMC table 150.030(1) and Chapter 18.245. Maximum lot coverage is based on stormwater requirements in LCMC 18.320. Maximum building height is 60 feet.

Response: The proposed residence and B&B is 27 feet. 625 Aspen will be 5,445 S.F. The proposed lot width is 50 feet and the proposed lot depth is 100.12 feet. Stormwater facilities are not required for one single lot. <u>The proposed dwelling and B&B meet or can meet, the applicable requirements of 18.150 Chapter 18/150.</u>

LCMC 18.155 Downtown Overlay District (DT)

The purpose of the downtown overlay district is to implement the adopted La Center Downtown Design Plan and Guidelines (2005).

18.155.050 Development standards.

Development in the DT overlay district shall comply with the dimensional and development standards of the underlying zoning district(s) except as otherwise required under this chapter.

New development within the Downtown Overlay District must meet the applicable design standards, including:

(1) Buildings

Arts and crafts or Craftsman styles are acceptable styles and facades should be varied and articulated. Blank walls are prohibited. Ground floors should include ground floor services, retailor offices. Developments should extend the block pattern. Buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain, wind, and sun.

(2) Sidewalks, Crosswalks, and Streets

Awnings are required of all building frontages along sidewalks and over pedestrian entryways facing parking areas. Special treatment is required for new curb extensions and crosswalks.

(3) Street Trees and Landscaping

Street trees shall be provided at approximately 45 feet on center and should be coordinated with parking and streetlights to lessen conflicts with parked cars and pedestrian movements.

(4) Outdoor Lighting.

Exterior lighting fixtures shall complement the character, style, and scale of the building to reinforce the character of La Center. Streetlights poles and elements are prescribed by the City engineering standards. Security lighting shall be provided in all off-street parking areas to a minimum of one-half foot-candle level

City of La Center, Washington

with a maximum pole height of 14 feet and have either a full cut-off or partial cut-off standard. Commercial lighting shall not produce glare or light trespass onto any residential use.

(5) Parking.

Existing on-street parking is allowed. New parking lots are not allowed between the front of a building and the street. Driveway access to local streets shall be encouraged.

(6) Building Materials.

(a) Metal is prohibited as the primary exterior building material; but materials such as masonry, stone, stucco, and wood are encouraged. Exterior building materials shall convey an impression of durability. Wood siding must be bevel, shingle siding, or channel siding and must not be applied in a diagonal or herringbone pattern. T1-11 style siding is not permitted. Permitted colors for exterior building finishes are darkened and enriched shades of primary and secondary colors. White, earth tones, creams, and pastels of earth tones are also allowed. Primary and secondary colors, metallic colors, and black may not be used as primary wall colors.

(7) Roof Materials, Parapets, and Roof Pitch.

Pitched roof structures shall have a minimum roof pitch of 6:12. Rooflines shall establish a distinctive "top" to a building. Visible sloped roofs must be dark gray, black, or dark brown. Visible roof materials must be wood or architectural grade composition shingle or sheet metal with standing or batten seam.

(8) Windows.

storefronts, glazed doorways or glazed entries. Windows shall include sills at the bottom and pediments at the top. Required windows must have a sill no more than four feet above grade. Operable windows will be casement or sash, not sliding. At least half of all the window area in upper floors must be made up of glass panes with dimensions no greater than two feet by three feet. Windows that have mullions on an approximate one-foot by one-foot grid inside double-pane glass are appropriate and are encouraged.

(9) Building Heights.

Buildings should be multi-story wherever possible.

(10) Building Lighting.

Lighting must be a pedestrian scale and the source light must be shielded to reduce glare. All exterior building lighting shall be shielded and directed downwards.

(11) Environmental Design.

Roof systems that retain and treat rainwater are encouraged. The city encourages new buildings that are designed and built to achieve LEED (Leadership in Energy and Environmental Design) certification

Response: The Applicant proposes to construct a two-story building shown in Figure 4.



Figure 4: Architectural Facades

The B&B guest room is proposed for bedroom 2, a ground floor unit in the southeast corner of the house. It has a dedicated bathroom facility and can be closed off from the main living area. The guest room will be accessible from an exterior door adjacent to the driveway. (See Sheet 3 of architectural plans) Business services related to the B&B will occur on the first floor.

The proposed building includes elements of the Craftsman and local vernacular styles such as roof brackets, multi-level facades, a bay window, covered porches, double pane windows, horizontal siding, gables with board and batten siding and embellishments. The roof is not flat and has a pitch of 7:12 and 9:12. There are no blank walls. The color of the siding or roofing materials is not described. (See Sheet 1 of the Architectural plans) All mechanicals are interior to the building.

Exterior lighting fixtures and illumination levels are not specified. The driveway and exterior parking are to the side, not to the front of the building. Sidewalks are installed along both frontages. Streetlights are in place. City Engineering standards will govern street tree placement or replacement. (See Public Works and Engineering comments below.)

As a **condition of approval**, at time of final site plan application and building permit the Applicant must demonstrate compliance with the applicable site and architectural design standards in LCMC 18.155.050.

For these reasons the application can meet or can be conditions to meet the applicable regulations in LCMC 18.155, Downtown Overlay District.

LCMC 18.220 Boundary Line Adjustment

- (4) Approval Criteria.
 - (a) No additional lots could be created that do not meet current zoning of the property.
 - (b) Lots must meet current size requirements including minimum width and depth requirements.
 - (c) Lots must be buildable.

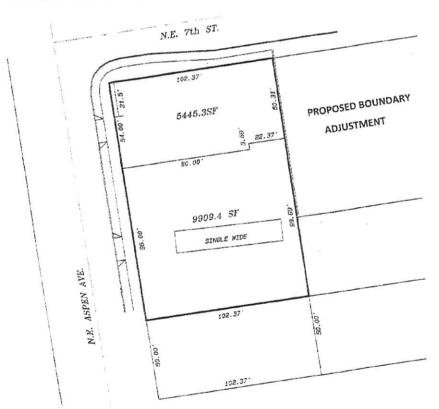
Response: The Applicant proposed the following lot area and dimensions:

	Lot Area S.F.	Lot Width Feet	Lot Depth Feet
Code Required Minimum	2,500 S.F.	25	100
Lot 1 (637500000 - 625Aspen Ave.)			
Existing	10,246	100	102
Proposed	5,445	50-54	102
Lot 2 (63760000- 615 Aspen Ave.)			
Existing	5,123	50	102
Proposed	9,909	96-99	102

Table 1 Lot Area & Dimensions



Exiting Lot Boundaries



Proposed Lot Boundaries

Response: No additional lots are created by this boundary line adjustment. As shown in Table 1 the proposed lot area and dimension after adjustment of the boundary line is consistent with the minimum lot area and dimension requirements. The lots have public access and are buildable. The proposal meets the boundary line approval criteria in LCMC 18.220.

As a **condition of approval**, the Applicant must record the boundary line with Clark County assessor's office and furnish the city with a recorded copy prior to application for building permits or site development.

LCMC 18.215 Site Plan Review

The Applicant has applied for preliminary site plan review as part of the conditional use application. As a **condition of approval**, at time of building permit application, the Applicant shall apply for a Type I Final site plan review to ensure that the conditions of approval have been met.

LCMC 18.215.060 Criteria for site plan approval.

- (2) In reviewing a site plan for approval, the director shall find that all the following have been met:
 - (a) The proposed plan shall meet all applicable provisions of this title and other appropriate provisions of the La Center Municipal Code; the following are enumerated to indicate the various requirements under which a plan must be found consistent. Failure to meet any one of these, and other requirements not necessarily specified here, shall be grounds for denial of site plan approval.
 - (b) The proposed use is permitted within the district in which it is located.
 - (c) The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located.
 - (d) The proposal meets the screening, buffering and landscape strip requirements, as set forth in LCMC 18.245.060.
 - (e) Minimum parking and loading space requirements are met, as required by Chapter 18.280 LCMC.
 - (f) All applicable conditions and criteria contained in other titles of the La Center Municipal Code are met.
 - (g) Improvement requirements are provided in accordance with the applicable sections of the La Center development code.
 - (h) All conditions of any applicable previous approvals (i.e., CUP) have been met.
 - (i) Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication.
 - (j) Public water, sewer and stormwater lines have been installed in conformance with the standards of the city code. Public water, sewer and stormwater lines within or along the frontage of a development have been extended to the

extreme property lines of that development unless it can be demonstrated to the city engineer that such extensions are impractical, infeasible or inappropriate.

(k) Proposed phasing plans do not exceed six years and all required public infrastructure is installed in the first phase of the development.

Response: A bed and breakfast is a permitted use in the C-1 zone. Low density residential uses are not allowed by medium density uses may be approved through conditional use review. Construction of one residential unit on a 5,445 S.F. meets the minimum density of the C-1 zone, 8 units an acre.

The minimum lot size in the C-1 district is 2,500 S.F. After boundary line adjustment both lots will continue to exceed 2,500 S.F. The adjusted will exceed the minimum lot width (25-feet) and depth (100 feet) of the C-1 zone. The 27-foot tall building will not exceed the 60-foot height limitation in the zone

The adjacent lots to the west, east and south are zoned C-1. There is no minimum landscape buffer between adjoining C-1 lots. To the north is E 7th Avenue.

As a **condition of approval**, the residential unit shall provide two off-street parking spaces for the residence and one dedicated space for the one permitted B&B guest room.

Public facilities and services are available to the site.

The residence/B&B is proposed as one phase of development.

For these reasons the proposed medium density residential use and B&B meets or as conditioned can meet the applicable requirements preliminary site plan requirements in LCMC 18.215.

Chapter 18.245 Supplementary Development Standards

The standards in this chapter apply to development generally within the city of La Center. They can be used in any review process where applicable to evaluate or condition approval of an application.

Response: No fences or hedges have been identified at the preliminary review stage. As a **Condition of Approval**, if any fences or hedges are proposed prior to the final site plan approval, the Applicant must provide information to the extent as regulated by LCMC 18.245.020.

LCMC 18.250 Conditional Uses

La Center considers conditional uses through a Type III hearing. 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 proof. The hearing examiner may impose conditions of approval to ensure that the proposal complies with the applicable development regulations.

LCMC 18.250.040 Criteria for approval, minor modifications and revocation

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

- (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;
- (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 site is relatively flat less than 5% slopes. The 615 Aspen Avenue has an existing residential structure. 625 Aspen Avenue is vacant. Two sides of the project area have existing residence. Both E. 7th St. and Aspen Avenue have frontage improvements.

The site is served by City sanitary sewer. Public water is provided by Clark Public Utilities. The streets bordering the lot are fully improved with curbs and sidewalks. There are stormwater facilities along Aspen Avenue.

Both lots are zoned C-1. The C-1 zoning may allow medium density residential use through a Conditional Use Permit. The Applicant's boundary line adjustment will adjust the 625 Aspen lot to 5,445 S.F. resulting in a density of 8 units per acre. The minimum sized lot in a C-1 zone is 2,500 S.F. with a minimum 25-foot width and 100-foot depth. The proposed lot is 5,445 S.F. with a 50-foot width and 102-foot depth. The height of the proposed structure is 27 feet, well less than the 60-foot height allowed in the district. The proposed site plan provides adequate setbacks for front yard (10'), side yard road frontage (10') side yard (4') and rear yard (10'). The driveway must be deep enough to prevent parked vehicles from obstructing the public sidewalk.

The site abuts C-1 lots containing residences on the south and west sides. A vacant commercial building is on the east side. The addition of one low density residence with small scale B&B use is in keeping with the existing character of the area.

For these reasons, the proposal meets or, as conditioned, can meet the conditional use approval criteria in LCMC 18.250.040.

LCMC 18.280 Off-Street Parking and Loading Requirements

Each dwelling unit shall be provided with at least two (2) off-street parking spaces per LCMC Table 18.280.010 and one designated parking spot for each B&B unit.

LCMC 18.300 Critical Areas

There are no critical areas regulated by this chapter on site.

Chapter 18.310 LCMC Environmental Policy

The Applicant submitted a SEPA Checklist. The City reviewed the checklist and relevant materials and concluded that the proposed action did not require additional SEPA analysis.

LCMC 18.340 Native Plant List

As a **Condition of Approval**, the final Landscape Plan, once submitted, shall avoid plants on the Nuisance List Table 18.340.040(3), and not use prohibited plants from Table 18.340.040(4).

LCMC 18.350 Tree Protection

Response: No trees are proposed for removal at this time.

LCMC 18.360 Archeological Resource Protection

Response: According to the Clark County Maps predictive model, the parcels have a moderate to high archeological resource probability. Staff concludes that because of extensive site disturbance an archeological resource survey, as detailed in LCMC 18.360.090, is not required for the proposed project. A **condition of approval** is required regarding inadvertent discovery of archeological or historical materials during project construction.

III.B. Public Works and Engineering Analysis

Chapters 12.05 LCMC, Sidewalks; 12.10, Public and Private Road Standards; 18.320, Stormwater and Erosion Control; 15.05, Building Code and Specialty Codes; and 15.35, School Impact Fees

Transportation Impact Analysis

Because the traffic will be limited to one residence and rental of one room for a bed and breakfast, a traffic study is not warranted for this project.

Chapter 12.10 -- Public and Private Road Standards

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

There is an existing sidewalk, curb and gutter along the frontage of the property that currently meets city standards. Some sidewalk and handicap ramp must be replaced as discussed below.

The Applicant is proposing a new 22-foot wide driveway and drive approach on Aspen Avenue. There is an existing drive approach on Aspen Avenue that does not align with the new driveway location. The Applicant will need to install a new drive approach per City Engineering Standards. The existing driveway will need to be removed and replaced with sidewalk per City standards.

Streets and Circulation

There is adequate circulation between Aspen Avenue and 7th Street for access. However, the handicap ramp at the intersection of 7th Street and Aspen Avenue, fronting the property, does not meet ADA accessibility. At a minimum the Applicant will need to install truncated domes at the existing ramp, but they also may be required to install a new handicap ramp complying with current ADA requirements.

In addition, there is some cracked sidewalk on the south side of 7th Street abutting the Applicant's property. The cracks in the sidewalk do not comply with ADA accessibility standards, and at a minimum, the Applicant will need to replace the sidewalk meeting the Engineering Standards.

Grading

The Applicant shall submit final grading and erosion control permit City Engineering Standards.

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 30th, no soils shall remain exposed for more than two (2) days. From May 1st through September 30th, no soils shall remain exposed more than seven (7) days.

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 1st and October 31st with planting and seeding erosion control measures completed by October 1st to become established before the onset of wet weather.

Chapter 13.10 -- Sewer System Rules and Regulations

Connection to public sewer is required. LCMC 13.10. All work is to be performed by a duly licensed contractor in the City of La Center. LCMC 13.10.230. Work will be performed using an open trench method unless otherwise approved. LCMC 13.10.200. All costs associated with installing the side sewer shall be borne by the Applicant. LCMC 13.10.110.

City records show that there is an existing 4-inch sewer lateral stubbed to parcel 63750000 and parcel 6376000. The Applicant will need to verify the condition of the existing sewer lateral to parcel 6375000 for connection to the bed and breakfast building as part of Engineering approval.

Street Lighting

Streets lights already exist on Aspen Avenue. The Applicant will not need to add any streetlights for the development.

Chapter 18.320 (Stormwater and Erosion Control)

Section 18.320.120 (1) LCMC states that ground-disturbing activities of more than 500 square feet are subject to the requirements of *City of La Center Erosion Control Guidelines*. Section 18.320.120 (2)(a) LCMC states that the creation of more than 2,000 square feet of impervious surface is subject to stormwater regulation.

However, LCMC 18.320.340 allows for single family homes, duplexes and accessory structures to be exempt from Article II and Article IV. For lots 15,000 SF or less, roofs constructed with roof downspouts meets this exception. Since this lot for the bed and breakfast will be less than 15,000 SF of area, it meets the stormwater exception.

There is no existing storm lateral to this property for connection of the building downspouts. The Applicant will need to install a curb drain inlet in the existing curb and gutter to connect the downspouts from the bed and breakfast building downspouts.

System Development Charges and Impact Fees

As a **Condition of Approval**, for each dwelling the City shall assess and charge the builder School, Park and Traffic impact fees in effect at the time of building permit application.

- For a bed and breakfast, the LCMC13.10.350 requires as sewer impact fee of 1 ERU plus 1 ERU per (5) rental rooms. The Applicant will need to pay for sewer impact fees based on how many rental rooms constructed.
- Impact fees will be based on one single-family residence for traffic, schools and parks.

IV. CONCLUSIONS & RECOMMENDATION

The review authority finds the Applicant has sustained the burden of proving the application complies with the applicable provisions of the La Center Municipal Code. The subject application should be **APPROVED**, **SUBJECT TO THE FOLLOWING CONDITIONS:**

IV.A Planning Conditions

- 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.
- Pursuant to RCW 27.53.060 it is unlawful to remove or alter any archaeological resource or site without
 having obtained a written permit from the Washington State Office of Archaeology and Historic
 Preservation. Upon any discovery of potential or known archaeological resources at the subject site prior
 to or during on-site construction, the Developer, contractor, and/or any other parties involved in

- construction shall immediately cease all on-site construction, shall act to protect the potential or known historical and cultural resources area from outside intrusion, and shall notify, within a maximum period of twenty-fours from the time of discovery, the City of La Center Public Works Department of said discovery.
- 3. The Applicant must record the boundary line with Clark County assessor's office and furnish the city with a recorded copy prior to application for building permits or site development.
- 4. This preliminary site plan shall <u>expire two years</u> from the date of approval by the hearing examiner. LCMC 18.215.100(2).
- 5. At time of filing for building permit issuance the Applicant shall apply for Type I Final site plan review to ensure all conditions of approval have been met. The Applicant shall identify the setbacks on the face of the final site plan.
- 6. At time of final site plan application and building permit the Applicant must demonstrate compliance with the applicable site and architectural design standards in LCMC 18.155.050.
- 7. To minimize impacts to pedestrian safety and mobility, driveway depth shall not be less than 20 feet from the interior edge of a sidewalk.
- 8. If any fences or hedges are proposed prior to the final site plan approval and building permit application, the Applicant must provide information to the extent applicable in LCMC 18.245.020.
- 9. The Applicant shall provide each dwelling unit with at least two (2) off-street parking spaces per LCMC Table 18.280.010 and a minimum of one (1) designated parking space for each bed and breakfast unit.
- 10. The Applicant shall file for a city business license as a bed and breakfast at time of final site plan review and shall demonstrate that all required state permits have been applied. Issuance of the final occupancy permit is dependent on demonstrating all required city and state business permits are current.

IV.B Public Works and Engineering Conditions

- The Applicant, at time of engineering approval, shall comply with all applicable City of La Center Engineering Standards for Construction, unless modified by the Public Works Department (LCMC 12.10.040).
- The Applicant, at time of engineering approval, shall demonstrate compliance with all applicable La Center regulations, goals and policies contained herein including the requirements and condition in Section III.H., Public Works and Engineering Analysis in the Final Staff Report.
- 3. As-constructed drawing(s) will be provided as a PDF and 24" by 36" paper copy of as-built plans.
- Construction plans shall identify staging areas for all equipment, contractors, deliveries, and supplies prior to construction plan approval.
- 5. Construction plans shall identify and show all utilities with trench and location details.
- 6. Street lighting installed shall be installed consistent with City and Clark Public Utility standards.
- 7. Site development earthwork for site grading and construction of sewer, storm drain, water, and street systems should occur during the dry weather season between May 1st and October 31st with planting and seeding erosion control measures completed by October 31st.
- 8. The Applicant shall inspect and confirm any property markers before grading and add new markers as may be necessary.
- Site improvements shall not proceed without an approved erosion control plan. All erosion control measures shall be designed, approved, installed and maintained consistent with Chapter 18.320 LCMC and

- City Engineering Standards. All erosion control measures shall be in place prior to removal of vegetation or any construction activity and shall be maintained during all phases of construction.
- 10. The Applicant is responsible for all costs associated with the service installation, hydrant installations, and any other needed water improvements.
- 11. For each dwelling the City shall assess and charge the builder School, Park and Traffic impact and system development fees in effect at the time of building permit application.

V. APPEALS

The Applicant, Applicant's representative, or any person, agency or firm with an interest in the matter may appeal the Critical area decision. The appellant shall file the appeal together with the requisite fee and information within 14 calendar days of the date of the decision being appealed. (18.030.130 LCMC.)

Anthony Cooper, P.E.

Eric Eisemann

City Engineer

Planning Consultant

Exhibits

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

Regarding an application by Colf Construction for CUP,) FINALORDER
site plan, and boundary line adjustment approval to) .
construct a new medium density residence and B&B at 615) File No. 2018-027-CUF
and 625 Aspen Avenue in the City of La Center, Washington	n) (Schwarz-Lester B&B)

A. SUMMARY

- 1. The applicant, Colf Construction, requests Conditional Use Permit ("CUP"), approval to build a new medium density residence with one Bed and Breakfast (B&B) guestroom. The applicant also requests approval of a boundary line adjustment to reduce the size of 625 Aspen Avenue so the proposed residence complies with the density requirements of the MDR (Medium Density Residential) zoning and Site Plan Review approval for the proposed development.
- a. The development is proposed on a 0.35-acre parcel located at 615 and 625 Aspen Avenue; also known as tax parcels 63760-000 and 63750-000 (the "site). The site and abutting properties to the east, west, and south are zoned C-1 (Downtown Commercial). Properties to the north, across NE 7th Street, are zoned R/P (Residential/Professional).
- b. The site is currently developed with a single-wide manufactured dwelling and an accessory structure. The manufactured dwelling is located on the boundary line between the two parcels that make up the site. The applicant proposed a boundary line adjustment to locate the existing dwelling on a single parcel and to create a smaller parcel that can be developed with a single-family residence consistent with the density requirements of the MDR (Medium Density Residential) zone. Single-family residences are permitted as conditional uses in the C-1 zone, provided they comply with the Medium Density Residential density. Bed and Breakfast facilities are permitted in the C-1 zone, subject to site plan review. Additional basic facts about the site and surrounding land are provided in the Staff Report and Recommendation to the Hearings Officer dated August 5, 2019 (the "Staff Report").
- 2. The Applicant submitted a State Environmental Policy Act ("SEPA") Checklist. The City reviewed the checklist and relevant materials and concluded that the proposed action did not require additional SEPA analysis. Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about the application. City staff and consultants recommended that the examiner approve the application subject to conditions in the Staff Report, as modified at the hearing. The applicant accepted those findings and conditions, as modified, without exceptions. One person testified in writing with questions and concerns about the proposed development. Disputed issues or concerns in the case include the following:
- a. Whether the applicant is required to build a fence along the south boundary of the site to buffer the existing residence on the adjacent property; and

- b. Whether the proposed dwelling complies with the minimum first floor glazing requirement of section 18.155.050(8) of the La Center Municipal Code (the "LCMC").
- 3. Based on the findings provided or incorporated herein, the examiner approves the applications subject to the conditions at the end of this final order.

B. <u>HEARING AND RECORD HIGHLIGHTS</u>

- 1. Hearing Examiner Joe Turner (the "examiner") received testimony at the public hearing about this application on August 12, 2019. 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 consulting planner Eric Eisemann and City engineer Tony Cooper appeared for the City.
 - a. Mr. Eisemann summarized the Staff Report.
 - i. He noted four typographical errors in the Staff Report:

(A) On p. 4, the first sentence of the fourth paragraph in section II.D should read, "Density is the number of permitted dwellings on an acre of land or fraction thereof. In La Center medium density means a minimum of 8 units and maximum of 16 units per acre the minimum."

(B) On p. 5, the first sentence of the third paragraph should read, "The proposed residence and B&B is 27 feet tall."

(C) The "Response" on p. 11 should read:

Response: A bed and breakfast is a permitted use in the C-1 zone. Low density residential uses are not allowed by but medium density uses may be approved through conditional use review. Construction of one residential unit on a 5,445 S.F. lot meets the minimum density of the C-1 zone, 8 units an acre.

The minimum lot size in the C-1 district is 2,500 S.F. After boundary line adjustment both lots will continue to exceed 2,500 S.F. The adjusted <u>lot</u> will exceed the minimum lot width (25-feet) and depth (100 feet) of the C-1 zone. The 27-foot tall building will not exceed the 60-foot height limitation in the zone.

- ii. The applicant proposed to develop the site with a single-family detached dwelling, which will include a single B&B unit. Low Density residential development is prohibited in the C-1 zone. However, Medium Density residential is allowed as a conditional use. Therefore, the applicant proposed a boundary line adjustment to reduce the size of 625 Aspen Avenue consistent with the density requirements of the Medium Density Residential zone. The applicant must record the boundary line adjustment with Clark County and provide the City with a copy of the recorded adjustment.
- iii. Development in the C-1 zone is also subject to the City's architectural design standards. The applicant will be required to demonstrate compliance with these standards through the building permit review process.
- iv. The owner of the abutting property south of the site requested the applicant be required to install a fence on the south boundary of the site to screen views of the existing, allegedly dilapidated manufactured home on 615 Aspen Avenue. The examiner can, but is not required to, impose a condition of approval requiring such a fence as a condition of the conditional use and site plan approvals.
- v. LCMC 18.155.050(2) is inapplicable in this case. This section requires awnings on building frontages that abut the sidewalk. The proposed residence will be setback ten feet or more from all sidewalks.
 - b. Mr. Cooper summarized the engineering issues.
- i. The applicant proposed to provide a 22-foot wide driveway onto Aspen Avenue from modified 625 Aspen Avenue. There is an existing driveway serving this lot, but the driveway wings do not meet ADA requirements. Therefore, the applicant will be required to rebuild or replace the existing driveway.
- ii. The existing curb ramp at the intersection of 7th Street and Aspen Avenue does not meet ADA standards. The applicant is required to modify or replace this ramp to accommodate truncated domes.
- iii. A portion of the existing sidewalk abutting the site's 7th Street frontage is cracked and broken and does not meet ADA requirements. The applicant will be required to repair this section of sidewalk.
- iv. There are two existing sewer laterals on the site, one for each lot. The applicant can connect the proposed residence to the existing lateral. However, the applicant must provide a video review of the existing lateral to determine if the condition is adequate to serve the proposed use or if it needs to be replaced.

- v. The proposed development will disturb more than 500 square feet of area. Therefore, the applicant must implement a City approved erosion control plan prior to undertaking any land disturbing activities on the site.
- vi. The applicant must connect the downspouts for the proposed residence to curb cores to allow roof runoff to discharge to the street.
- vii. The proposed development is subject to impact fees. The City will determine the specific fee amounts through the building permit review process.
- 3. Roy Heikkala testified on behalf of the applicant, Colf Construction. He accepted the Staff Report, as amended, without exceptions. He argued that a fence is not needed on the south boundary of the site. The existing residence at 615 Aspen Street will be retained and provide a buffer between the proposed commercial development and the neighbor's property.
- 4. The examiner closed the record at the end of the hearing and announced his intention to approve the application, subject to the findings and conditions in the Staff Report, as modified at the hearing.

C. <u>DISCUSSION</u>

- 1. City staff recommended approval of the application, based on the affirmative findings and subject to conditions of approval in the Staff Report, as modified at the hearing. The applicant accepted those findings and conditions without exceptions.
- 2. The examiner concludes that the affirmative findings in the Staff Report show that the proposed development does or can comply with the applicable standards for a Conditional Use Permit, boundary line adjustment, and site plan review, provided that the applicant complies with recommended conditions of approval. The examiner adopts the affirmative findings in the Staff Report, as modified, as his own, except to the extent they are inconsistent with the following findings.
- 3. The examiner finds that a fence or other buffer is not warranted on the south boundary of the site.
- a. The applicant is not required to screen the existing residence on the site. Although neighboring residents may not like to look at it, it is an existing structure that will not be altered by the proposed development. Therefore, there is no nexus (connection) between the impacts of the proposed development and a condition requiring screening of the existing manufactured home. The examiner has no authority to consider the habitability of the existing dwelling.
- b. The proposed commercial development will only occur on the northern parcel of the site, 625 Aspen Avenue, well north of the abutting property. The existing manufactured home on 615 Aspen Avenue, as well as the relatively large width of this

parcel, will provide a buffer between the proposed commercial development on 625 Aspen Avenue and the existing residential development on the property to the south.

4. LCMC 18.155.050(8) requires that, "First floor walls fronting streets shall have a minimum of 50 percent openings in the form of glazed storefronts, glazed doorways or glazed entries." The examiner finds that this requirement applies to both the west (abutting Aspen Avenue) and north (abutting 7th Street) frontages of the proposed residence. The applicant should be required to demonstrate compliance with this criterion through the building permit review process, unless the applicant requests and the City approves an adjustment to this standard.

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. 2018-027-CUP (Schwarz-Lester B&B) in general conformance with the applicant's preliminary plat, subject to the following conditions:

A. Planning Conditions

- 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.
- 2. Pursuant to RCW 27.53.060 it is unlawful to remove or alter any archaeological resource or site without having obtained a written permit from the Washington State Office of Archaeology and Historic Preservation. Upon any discovery of potential or known archaeological resources at the subject site prior to or during on-site construction, the Developer, contractor, and/or any other parties involved in construction shall immediately cease all on-site construction, shall act to protect the potential or known historical and cultural resources area from outside intrusion, and shall notify, within a maximum period of twenty-fours from the time of discovery, the City of La Center Public Works Department of said discovery.
- The Applicant must record the boundary line with Clark County assessor's office and furnish the city with a recorded copy prior to application for building permits or site development.

- 4. This preliminary site plan shall <u>expire two years</u> from the date of approval by the hearing examiner. LCMC 18.215.100(2).
- 5. At time of filing for building permit issuance the Applicant shall apply for Type I Final site plan review to ensure all conditions of approval have been met. The Applicant shall identify the setbacks on the face of the final site plan.
- 6. At time of final site plan application and building permit the Applicant must demonstrate compliance with the applicable site and architectural design standards in LCMC 18.155.050.
- 7. To minimize impacts to pedestrian safety and mobility, driveway depth shall not be less than 20 feet from the interior edge of a sidewalk.
- 8. If any fences or hedges are proposed prior to the final site plan approval and building permit application, the Applicant must provide information to the extent applicable in LCMC 18.245.020.
- 9. The Applicant shall provide each dwelling unit with at least two (2) off-street parking spaces per LCMC Table 18.280.010 and a minimum of one (1) designated parking space for each bed and breakfast unit.
- 10. The Applicant shall file for a city business license as a bed and breakfast at time of final site plan review and shall demonstrate that all required state permits have been applied. Issuance of the final occupancy permit is dependent on demonstrating all required city and state business permits are current.
- 11. Unless the City approves an adjustment, the applicant shall demonstrate through building permit review that the first floor walls facing Aspen Avenue and 7th Street comply with the glazing requirements of LCMC 18.155.050(8).

B. Public Works and Engineering Conditions

- 1. The Applicant, at time of engineering approval, shall comply with all applicable City of La Center Engineering Standards for Construction, unless modified by the Public Works Department (LCMC 12.10.040).
- 2. The Applicant, at time of engineering approval, shall demonstrate compliance with all applicable La Center regulations, goals and policies contained herein including the requirements and condition in Section III.H., Public Works and Engineering Analysis in the Final Staff Report.
- 3. As-constructed drawing(s) will be provided as a PDF and 24" by 36" paper copy of as-built plans.
- 4. Construction plans shall identify staging areas for all equipment, contractors, deliveries, and supplies prior to construction plan approval.

- 5. Construction plans shall identify and show all utilities with trench and location details.
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- 7. Site development earthwork for site grading and construction of sewer, storm drain, water, and street systems should occur during the dry weather season between May 1st and October 31st with planting and seeding erosion control measures completed by October 31st.
- 8. The Applicant shall inspect and confirm any property markers before grading and add new markers as may be necessary.
- 9. Site improvements shall not proceed without an approved erosion control plan. All erosion control measures shall be designed, approved, installed and maintained consistent with Chapter 18.320 LCMC and City Engineering Standards. All erosion control measures shall be in place prior to removal of vegetation or any construction activity and shall be maintained during all phases of construction.
- 10. The Applicant is responsible for all costs associated with the service installation, hydrant installations, and any other needed water improvements.
- 11. For each dwelling the City shall assess and charge the builder School, Park and Traffic impact and system development fees in effect at the time of building permit application.

DATED this __ day of August 2019

Joe Turner, AICP

City of La Center Hearing Examiner

F. Appeal (LCMC 18.30.130)

An appeal together with the requisite fee and information must be received by the city clerk within 14 calendar days of the date of the decision being appealed. A final decision regarding an application subject to a Type III process may be appealed by the applicant or applicant's representative or by any person, agency or firm who offered oral or written testimony before the hearing examiner closed the public record in the case. An appeal shall include the appropriate fee and the information required under LCMC 18.30.130.

TAB 4 APPEAL OF LCMC 18.155.050 FAÇADE REQUIREMENTS

Schwarz Appeal

625 Aspen Ave

Jan 6, 2020

Downtown Overlay District Requirement

18.155.050 Development Standard

Section (1) (g) (1) 50% Glass & Other Coverage

The Downtown Overlay District for a Commercial Development requires the first floors of buildings facing the street to have 50% or greater coverage with glass and alcoves. This project is a corner lot and fronts both Aspen Avenue and 7th Street. The project is a mixed use structure for both housing and a Bed and Breakfast business. Structures of this nature are typically houses. The primary street of travel is Aspen Avenue. The proposed structure has a 65% coverage of glass and alcove facing Aspen. However, the side facing 7th Street only covers 18% in glass with no alcove. A typical side of a house would not have 50% glass. This would be more in keeping with commercial buildings rather than residential construction.

On the north, west and south side of this lot are single houses. The east side is a vacant commercial building. The La Center Municipal Code 18.155.050 (1) (i) (i) states "Developments shall maintain and extend the existing block pattern in order to develop a bigger yet more cohesive district." The residential character of this structure and the neighborhood are consistent with this section of the code.

The Hearing Examiners Final Order (attached) allows for the City to adjust the 50% requirement. (C4 page 5). The report states that "the applicant should be required to demonstrate compliance with this criterion..... unless the applicant requests and the City approves an adjustment to this standard"

Therefore, for the above reasons, the Applicant requests that the City approve a variance from the City Code to allow for a 18% Glass coverage for the north side of the proposed structure at 625 Aspen Ave, LaCenter WA which faces 7th Street.

TAB 5

AUTHORIZATION FROM OWNER

Brenda Schwarz

PO Box 284

LaCenter, WA 98629

Dec 28, 2019

City of LaCenter

305 NW Pacific Highway

LaCenter, WA 98629

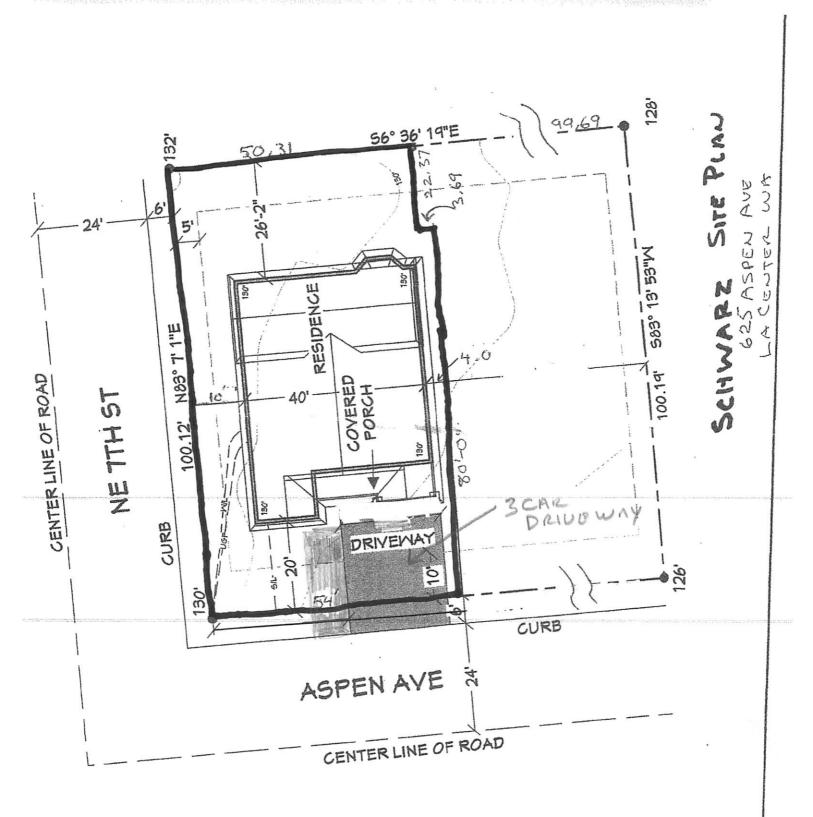
I am the owner of 625 Aspen Avenue in LaCenter, parcel numbers 63760000 and 63750000 respectively. This letter authorizes Roy Heikkala, Colf Construction to be the Applicant for any or all permits for the placement of a residence on 625 Aspen Avenue LaCenter, WA. He is also authorized to propose any easement necessary to accomplish the construction of the residence

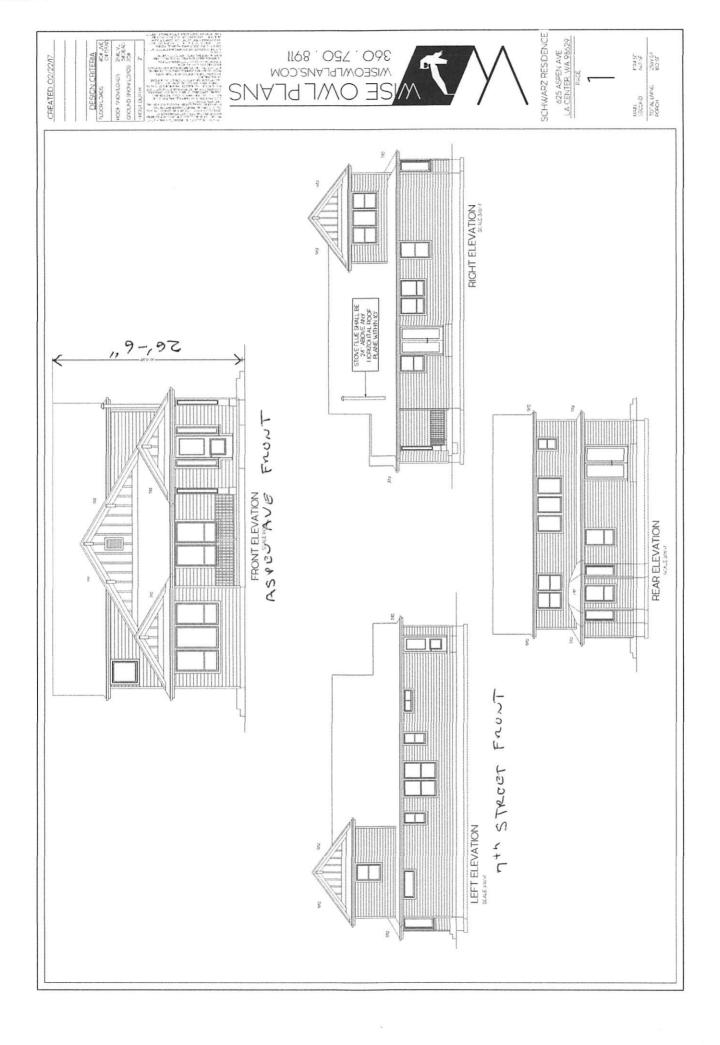
Brenda Schwarz

TAB 6

PLANS

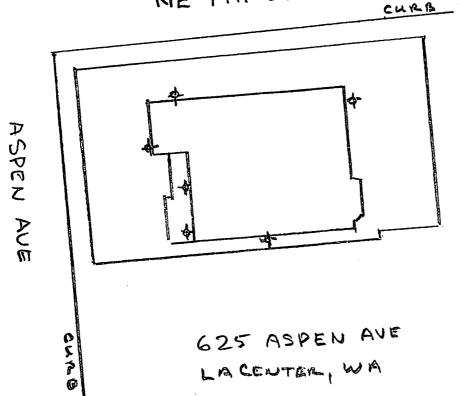
SITE PLAN; ELEVATIONS; LANDSCAPING PLAN; LIGHTING PLAN





SITE LIGHTING PLAN DEC 29, 2019

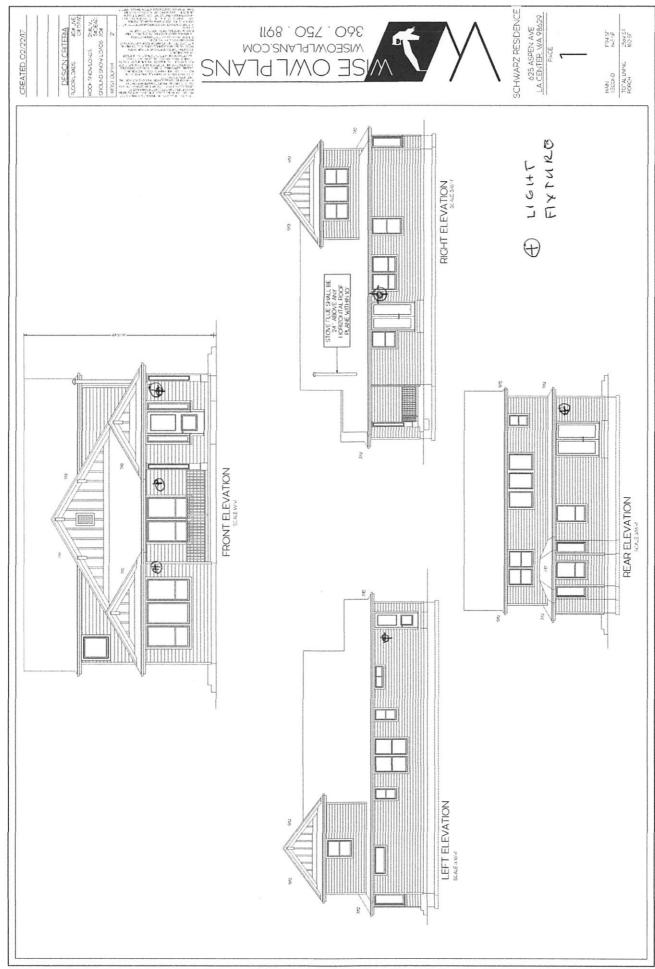
ME 7TH ST



LIGHT 'FIVEWARE

LA CENTER, WA

ALL EXTENIOR LIGHTING TO BE MOUNTED ON THE BUILDING SCUNCE LIGHTING TO DIRECT LIGHT UP AND DOWN



EXTERIOR LIGHTING PUND DEC 29, 2019