



Staff Report & Final Decision

La Center I-5 Interchange Stormwater: Critical Area Review

(2016-005-CAR) April 21, 2016

PROPOSAL: The Federal Highway Administration (FHWA), Washington Department of Transportation (WSDOT), City of La Center, and the Cowlitz Indian Tribe (the "Tribe") are collectively pursuing improvements to the Interstate 5 (I-5) Interchange at NW 319th Street/La Center Road, including modifications to frontage roads (Paradise Park Road and 31st Avenue), as well as a partial relocation of 319th Street. These improvements are collectively referred to as the "Project" or "La Center Interchange Improvements". The La Center Interchange Improvements are proposed pursuant to an Interchange Justification Report Process as provided for and regulated by 23 United States Code Sections 111,134,135 and 450.

The overall interchange project will include the following:

- Construction of a new overpass.
- Modification of the existing northbound and southbound interchange ramp terminals to include multi-lane roundabouts.
- Modified northbound off-ramp.
- Modified southbound on-ramp.
- Partial relocation of Paradise Park Road and the development of a new intersection with NW La Center Road.
- Relocation of NW 319th.
- Partial relocation of NW 31st Avenue and the development of a new intersection with NW 319th Street.

The City of La Center has land use jurisdiction of land within its city limits. The La Center Interchange Improvements project also includes utility and stormwater improvements. Consequently, the Project will impact approximately 2,315 square feet of critical area buffers within the city limits on PIN # 211230000. The impact to critical area buffers associated with stormwater improvements within the City of La Center is the sole focus of this report and decision.

Location: City of La Center, La Center right-of way east of Interstate 5 and PIN #s: 211230000, 209704000, 209703000, and 211215000.

Property Owners: City of Las Center, Interchange Development Group, 1 Mohegansun Blvd., Uncasville, Ct 06382 and Carlson Investment. LLC, 873 S. Hillhurst Road, Ridgefield, WA 98642

La Center Zoning: Commercial – (C-2)

Key Issue(s): Critical Areas impacts and mitigation

Final Decision: APPROVAL, subject to conditions

I. CONTACT LIST

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II. OVERVIEW

The Project facilities within City right-of-way are composed of NW La Center Road from the west side of the new overpass to the end of the new tapers on the east side of the overpass. City facilities also include approximately 400 feet of the newly relocated NW Paradise Park Road north of NW La Center Road and all of the relocated NW Paradise Park Road south of NW La Center Road. Project facilities also include stormwater management areas primarily located on PIN 211230000.

All the parties to the project will use similar stormwater management guidelines, either WSDOT's 2014 "Hydraulic Runoff Manual" (HRM; WSDOT M 31-16.04) or the Washington State Department of Ecology (Ecology) "Stormwater Management Manual for Western Washington" (Ecology manual).

The Project will impact approximately 2,315 square feet of critical area buffers within the city limits, primarily on PIN # 211230000. The impact to critical area buffers associated with stormwater improvements within the City of La Center is the sole focus of this report and decision.

III. REVIEW

III. A Jurisdiction

La Center's jurisdiction is confined to the area within the City limits. Consequently, this review will not address the critical areas, such as, habitat, wetlands, and slopes outside of the City's land use jurisdiction.

III.B Applicable regulations

La Center does not zone city right-of way. The subject private property is zoned Commercial – (C-2). Stormwater facilities are allowed in public right-of-ways and on all zoned lands. Stormwater facilities are allowed in critical areas subject to limitations. LCMC 18.300.050(5)(c). Discussed below.

The relevant La Center Regulations include:

- Commercial 2 (C-2), LCMC 18.150,
- Critical Areas, LCMC 18.300,
- Environmental Policy (SEPA), LCMA 18.310,
- Stormwater and Erosion Control, LCMC 18.320, and
- La Center Engineering Standards.

III.C Public Notice

The Battle Ground Reflector published legal notice of the Type II Critical Area Review on December 22, 2015. The City Clerk circulated notice of the application to property owners within 300 feet of the project area and to interested parties.

The City received one comment in response to the notice of land use application. Clark County Prosecutors Office reminded the City that it does not have land use jurisdiction outside of La Center city limits. (Letter dated December 23, 2016.) The City assured the County that the city's project jurisdiction was limited to lands within the City limits and welcomed additional comments. Letter dated December 30, 2015. The city did not receive any other project comments.

The City did not issue a decision on the merits pending completion of the SEPA process.

III.D Environmental Review (SEPA), LCMC 18.810

La Center is the lead agency for SEPA compliance as it applies to those portions of the Project that are within the municipal boundary of La Center. This includes but is not limited to relocation of Paradise Park Road within La Center. See Washington Administrative Code 197-11-932.

The City issued a SEPA Determination of Significance (DS) and Amended Adoption of Existing Environmental Documents. The Battle Ground Reflector published Legal Notice of the SEPA DS and Amended Adoption of Existing Environmental Documents on March 9, 2016. Battle Ground Reflector Legal Add #89616.

The published DS contained the following appeal language:

"If the lead agency has not held a public hearing within its jurisdiction to obtain comments on the adequacy of adopting a federal environmental document as a substitute for preparing a SEPA EIS, a public hearing for such comments shall be held if, within thirty days of circulating its statement of adoption, a written request is received from at least fifty persons who reside within the agency's

jurisdiction or are adversely affected by the environmental impact of the proposal. The agency shall reconsider its adoption of the federal document in light of public hearing comments.” See, WAC 197-11-610(5).

The City did not receive any comments or written request from any persons within 30 days of circulating and publishing the DS and Amended Adoption of Existing Environmental Documents.

III.E Analysis

III.E.1 Commercial District, LCMC 18.150

This chapter regulates uses within the Commercial zoning districts.

Response: Stormwater management facilities are not prohibited within any commercial zoning district.

III.E.2 Critical Areas Protection, LCMC 18.300

The Project proposes development within critical areas and their associated buffers regulated under Chapter 18.300 of the City of La Center Municipal Code (LCMC). The overall Project area within the City of La Center site contains:

- critical aquifer recharge areas (CARAs) regulated under LCMC 18.300.090(1),
- fish and wildlife habitat conservation areas LCMC 18.300.090(2),
- geological hazard areas (i.e., landslide hazard areas) LCMC 18.300.090(4), and
- wetlands LCMC 18.300.090(6).

Frequently flooded areas regulated under LCMC 18.300.090(3) and slopes with a gradient of 25 percent or greater, as regulated under LCMC 18.300.090(5), are not found within the area of the transportation improvements project.

The City pre-application conference report, 2015-003-PAC dated November 16, 2015, required a “wetland delineation consistent with City standards” for the application to be technically complete. The applicant provided a wetland delineation and assessment and U.S. Army Corps of Engineers (USACE) Section 404 permit which verify the wetland boundaries. The applicant provided and relied upon multiple environmental references.¹

¹

- BergerAbam. 2015. “Biological Resources Technical Memorandum Addendum”, Vancouver, WA, 15 pp.
- BergerAbam. 2015 “Critical Areas Report: Cowlitz Tribe Reservation Development and I-5/La Center Interchange Improvements” Vancouver, WA, December 2015, 36 pp.
- BergerABAM. 2015a. “Biological Resources Technical Memorandum,” 17 March 2015, 27 pp.
- BergerABAM. 2015b. “I-5/NW La Center Road Intersection Improvements Project – Wetland Delineation and Assessment,” Vancouver, WA, February 2015, 13 pp.
- BergerABAM. 2015c. “I-5/NW La Center Road Interchange Improvements Project Biological Assessment,” Vancouver, WA, February 2015, 62 pp.
- Bureau of Indian Affairs (BIA). 2008. “Final Environmental Impact Statement: Cowlitz Indian Tribe Trust Acquisition and Casino Project,” Portland, OR, May 2008.
- National Marine Fisheries Service (NMFS). 2015. Letter of concurrence dated 2 June 2015.
- U.S. Army Corps of Engineers (USACE). 2015. NWS-2005-0017 – Cowlitz Indian Tribe (Casino Project) Nationwide Permit. 29 September 2015.

The applicant's materials identified the following critical areas in the City Project area:

Riparian – McCormick Creek Tributary

According to Clark County GIS there are four seasonal non-fish bearing (Type Ns) tributaries to McCormick Creek mapped within and adjacent to the project area within the City. The applicant's site investigations determined that the Type Ns stream mapped on Parcel No. 211230000 was mapped incorrectly; the actual headwaters to the stream occur west of the Project area.² The stream is less than 5 feet wide on average and is located east of the project; the stream flows north, crosses under La Center Road, and heads northeast to its confluence with McCormick Creek. No impacts are proposed for the McCormick Creek tributary.

Critical Aquifer Recharge Area, LCMC 18.300.090(1)

Category I Aquifer Recharge Areas (CARA I) underlie the northeast quadrant of the existing intersection of NW Paradise Park Road and NW La Center Road. The City regulates CARA I because of the importance of such ground waters as sources of public water supply.

LCMC 18.300.090(1)(v) prohibits the following uses in CARA I areas:

- Landfills
- Wells, including: Class V injection wells, agricultural drainage wells, untreated sewage waste disposal, cesspools, industrial process water and disposal wells;
- Radioactive disposal sites; and
- Surface mining operations.

The proposed improvements include the capture and treatment of resulting stormwater and will not have any adverse impacts on groundwater. Therefore, the City does not require critical areas review for CARA impacts.

Priority Habitat Species (PHS) and Buffers

The applicant reviewed the Washington Department of Fish and Wildlife (WDFW) PHS database and maps on the Web (<http://wdfw.wa.gov/mapping/phs/>). The WDFW site indicates that no priority areas or species are mapped as occurring within the site. Therefore, no additional City review of direct impacts to PHS areas is required.

Buffers: The City's critical areas code regulates PHS buffers [LCMC 18.300.090(1)(a)(v)] and fish and wildlife habitat conservation areas [LCMC 18.300.090(2)(f)]. The Type Ns tributary to McCormick Creek is protected by a 75-foot buffer riparian buffer dominated by sloping, agricultural hillsides adjacent to the project. No project activities are proposed to occur below the ordinary high water mark of the McCormick Creek tributary or within the 75-foot riparian buffer. The applicant does not propose to clearing, grade, or fill within 15 feet of the buffer setback, as required by LCMC 18.300.090(2)(g)(i), and states no native vegetation within the buffer will be damaged. Therefore, the proposed project will not affect any fish and wildlife habitat conservation area or buffer.

Wetland A_E³

▪ U.S. Fish and Wildlife Service (USFWS). 2015. Letter of concurrence dated 8 July 2015.

² BegerAbam determined the headwaters through visual observation of the stream water seeping from the ground surveyed the location through a professional land survey conducted by Olson Engineering, Inc.

³ The sub 'E' refers to east of Interstate 5.

Wetland Ae is a palustrine emergent (PEM) wetland located within the WSDOT right-of-way, east of the northbound on-ramp. The southern portion of the wetland is a swale feature that follows the on-ramp and conveys water to the north. The northern portion has formed on a cut slope. This wetland is hydrologically influenced by precipitation/runoff and hillside seeps.

Wetland B_E

Wetland B_E is a PEM wetland located south of NW La Center Road, in the eastern portion of tax lot 211230000. The wetland is located within a sloped vegetated swale and meets the HGM classification for a sloped wetland.

Wetland C_E

Wetland C_E is a PEM wetland found in the northwestern corner of tax lot 211215000 and extends off site to the east. This wetland is hydrologically influenced by precipitation and a high groundwater table. Wetland C_E sits in a topographic depression environment and meets the HGM classification of a depressional wetland.

Wetland D_E

Wetland D_E is a PEM wetland located within the WSDOT right of way, east of the northbound lane, starting north of the existing overpass. Wetland D_E has also formed on a cut slope and was delineated using the 2012 WSDOT guidance document. This wetland also meets the HGM classification of a slope wetland.

Wetland E_E

Wetland E_E is a palustrine wetland with more than 30 percent cover of trees taller than 20 feet, meeting the definition of a forested wetland (PFO). This wetland is located in the southwest corner of tax lot 211215000, south of Wetland C_E, and extends off site to the east. This wetland is hydrologically influenced by precipitation and a high groundwater table. Wetland C_E sits in a topographic depression environment and meets the HGM classification of a depressional wetland.

The proposed project avoids direct impacts to wetlands A_E, B_E, C_E, D_E, and E_E. However, the project will include approximately 2,315 square feet of buffer impacts to the buffers of wetlands C_E and E_E resulting from the realignment of NW Paradise Park Road.

Ditches

The numerous drainage ditches labeled wet ditch 2 and wet ditch 4 through wet ditch 13 in the City exhibit the three wetland characteristics needed to make a wetland determination. These drainage ditches are similar in structure, function, hydrology, and soil and vegetation composition. Drainage ditches within the study area are influenced by direct precipitation and stormwater runoff from the adjacent roads. These ditches were intentionally constructed adjacent to the existing roads to convey stormwater runoff. They meet the HGM classification of slope wetlands and PEM wetlands.

The City of La Center Critical Area regulations exclude drainage ditches from the category of regulated wetlands. *"Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches..."*. LCMC 18.300.030(76).

Wetland Buffers

The applicant's wetland delineations materials classify all five (5) wetlands in the Project area as class IV wetlands. The City of La Center imposes a fifty-foot (50 ft.) buffer around Category IV wetlands. LCMC Table 18.300.090(6)(h)(i).

Areas which are functionally separated from a wetland and do not protect the wetland from adverse impacts due to pre-existing roads, structures, or vertical separation are excluded from buffers otherwise required by LCMC 18.300.090(6)(i). The application materials state that the buffers adjacent to portions of wetlands A_E and D_E are functionally isolated by the existing I-5 northbound on-ramp and to Wetland D_E from north bound I-5. The western portion of the wetland buffer of Wetland E_E is functionally isolated due to the existing impervious surface of NW Paradise Park Road.

Wetland Buffer Reduction

If the development of the site has a low impact upon the critical area, the applicant may reduce the buffer width. LCMC 18.300.090(6)(i)(vi). LCMC 18.300.090(6)(i)(vi)(B) allows for the reduction of high land use intensity buffers (i.e. 50 feet) to moderate land use intensity buffers (i.e., 40 feet) for implementation of stormwater treatment measures that exceed adopted city standards. For example, stormwater facilities designed to the Western Washington Manual rather than the Puget Sound Manual would meet the criteria for low impact development. This includes measures such as pretreatment or tertiary treatment of runoff and limiting discharge from the site to predevelopment runoff flow and volume.

The applicant proposes to design the design solution for collecting and treating stormwater resulting from the proposed surface streets in accordance with the Western Washington Manual. Consequently, the applicant proposes to reduce the buffers for wetlands B_E, C_E, and E_E from 50 feet to 40 feet.

Uses

The City may allow disturbance of Category IV wetlands or wetland buffers for public purposes if the disturbance directly advances the provision of infrastructure facilities and services. Public purpose includes stormwater facilities and public utilities. LCMC 18.300.090(6)(e)(iii).

Stormwater facilities and public utilities, if approved by the City, may be located within the outer 25 percent (25%) of a Category IV wetland provided no other location is feasible and that it will not degrade the functions of the wetland or its buffer. Stormwater facilities may not be allowed in wetland buffers that have been reduced through the buffer reduction or buffer averaging provisions of this chapter. LCMC 18.300.090(6)(h)(iii) and LCMC 18.300(5)(c)(x). Consequently, as a **condition of approval**, if the City approves the wetland buffer reduction for Low Impact Development, no part of the stormwater facilities may be located within the 40-foot reduced buffers of wetlands B_E, C_E, and E_E.

Development Standards, LCMC 18.300.110(2)

(2) In order to approve application for development on lands subject to this chapter, the mayor or his or her designee shall find that the following standards have been met:

(a) All reasonable alternatives for locating the development activity in such a way so as to avoid critical areas have been considered and the development activity will be located in the least environmentally sensitive area as practicable and the purpose of this chapter, as described in LCMC [18.300.010](#), is fulfilled. If avoidance is not practicable, as determined by the city, development

shall minimize adverse impacts to critical areas and buffers consistent with the mitigation sequencing measures and mitigation and enhancement measures prescribed in this chapter.

Response:

Avoidance includes siting developments away from critical areas or redesigning the proposal. The Project design avoids direct permanent impacts to all of the wetlands within the City's jurisdiction; impacts to wetland are limited to one wetland buffer, previously disturbed for the construction of the existing NW Paradise Park Road.

If avoidance is not practicable, development must minimize adverse impacts to critical areas and buffers consistent with the mitigation sequencing measures and mitigation and enhancement measures prescribed in the chapter. The Project minimizes the impacts by: (a) using low impact development, (b) requiring a set of best management practices (BMPs)⁴ that should prevent incidental impacts to the sensitive areas on the site during construction, and (c) mitigating for the loss of functions.

The installation of the new interchange may result in short-term temporary impacts to wetlands and buffers associated with Wetland A_E and D_E. The Project will also result in 28 square feet of temporary impacts to the Wetland B_E buffer from the level spreader installation. To minimize impacts, the contractor shall identify these areas with high visibility fencing. Where areas cannot be fenced, they will be restored by maintaining their existing contours and conditions and by reseeded those with the native seed mixture shown described in Table 2, Section 6.2.1 of the applicant's Critical Area report.

(b) The city has approved the vegetation removal methods and the removal of native plants has been avoided.

Response:

Construction will occur within the wetland buffer that has been disturbed in the past from the construction of NW Paradise Park Road. The vegetation within this buffer is limited to mostly non-native herbaceous species and limited native grasses and rushes. No woody native trees or shrubs will be removed.

(c) All adverse impacts to all affected critical areas and buffers are either avoided or fully mitigated.

Response:

Unavoidable wetland buffer impacts will be fully mitigated in accordance with LCMC 18.300.120 and is detailed in Section 7.0, Mitigation Plan, of the applicant's Critical Area Report.

(d) The plan minimizes cuts and fills.

Response:

Cut and fill activities is limited to obtaining appropriate road grades consistent with the road standards of LCMC Chapter 12 – Streets, Sidewalks, and Public Ways.

(e) Soils are not exposed during the rainy season (November 1st through April 30th) and construction activity is limited to the dry season (May 1st through October 31st).

⁴ The Applicant's Critical Area report dated December 2015 is incorporated by reference and the recommendations contained therein shall be enforced as conditions of approval.

Response:

The applicant requested a waiver from this standard. However, the appeal period relating to this land use will expire after May 1st. It is not necessary to grant a waiver to the May 1st limitation on soil disturbance in critical areas and buffers.

(f) The mayor or his or her designee has reviewed and approved an erosion control plan, grading plan, and vegetation removal and replanting plan prior to construction activity.

Response:

As a **condition of approval**, prior to soil disturbance, the applicant shall provide the City Engineer with an erosion control plan, grading plan, vegetation removal and replanting plan.

(g) All activities have received applicable state and federal permits, and comply with SEPA requirements if the lead agency makes a threshold determination of significance (DS), or a mitigated determination of nonsignificance (MDNS).

Response:

The project adopted the NEPA decision as part of the SEPA process. See discussion above.

(h) Hydraulic permits are required for any activity occurring within the ordinary high water mark of any state-regulated Class I or Class II stream.

Response:

The project does not include work within, over, or under any state-regulated streams; hydraulic permit approval is not required.

(i) Compliance with this chapter does not constitute compliance with state and federal environmental standards. The applicant shall be responsible for demonstrating such compliance.

Response:

The applicant has demonstrated compliance with state and federal environmental standards as mentioned above and has fulfilled this development standard.

MITIGATION, LCMC 18.300.120

The City's overall goal relating to mitigation of critical area impacts is to ensure to ensure no net loss of critical area functions and values. LCMC 18.300.110(2)

All adverse impacts to affected critical areas and buffers are either avoided or fully mitigated. LCMC 18.300.110(2)(c). Construction of the NW Paradise Park Road realignment will permanently impact 0.05 acres (2,315 square feet) of wetland buffers C_E and E_E. The impacts will occur in public right-of-way, therefore, on-site buffer enhancements and buffer averaging are not feasible in accordance. LCMC 18.300.120(2)(c)(i). "Where the applicant can demonstrate that an off-site location is in the same drainage basin, and that greater biological and hydrological values will be achieved, the city may approve such off-site mitigation." LCMC 18.300.120(2)(c)(ii).

Off-site mitigation shall be within the same drainage basin. The applicant proposes off-site mitigation. The LCMC does not define the term 'drainage basin'. The United States Geological Survey (USGS) defines a drainage basin as "a part of the surface of the earth that is occupied by a drainage system, which consists of a surface stream or a body of impounded surface water together with all

tributary surface streams and bodies of impounded surface water.” The Washington Administrative Code (WAC) or Revised Code of Washington (RCW) do not specifically define the term. WAC 173-500 identifies 62 water resource inventories (WRIA) that cover the entire state of Washington. One of the 62 WRIAs is the Lewis River watershed, which includes the East Fork Lewis River, McCormick Creek, and the project site. The WAC and USGS definition indicate that that a basin is comprised of a larger drainage system, not the smaller sub-basins.

The permanent impacts to the wetland buffer will result in a loss of water quality functions. The existing vegetation consists mostly of a dense stand of grass species. The applicant proposes to use a local mitigation bank, Fargher Lake which is within the East Fork Lewis River basin. Hydrologically, the bank sits within the Fargher Lake area which displays greater hydrologic value than the project site which is sloped and cannot store precipitation. Therefore, the bank provides greater biological and hydrological values than could be achieved at the project site. To compensate for the loss of wetland buffer functions, the applicant proposes to purchase credits from the agency-approved East Fork Lewis River Mitigation Bank (bank). The applicant proposes to purchase 0.01 acre (0.2:1 ratio) of buffer credit from the bank. Typically, the mitigation ratio is recommended by the habitat bank and approved by the local jurisdiction on a case-by-case basis. Because the same ratio has been proposed in the past for similar critical area buffer mitigation projects, the applicant proposes to use the same ratio for this project. Table 3 shows the buffer mitigation bank credit calculations.

Critical Area	Permanent Impacts (acres)	Ecology Wetland Rating	Credit Needed per Buffer Impact Acre	Credits Proposed for Use
Wetland C _E Buffer	0.002	IV	0.2	0.0004
Wetland E _E Buffer	0.05	IV	0.2	0.01
Total	0.052			0.0104

Monitoring, LCMC 18.300.120

Because the project will purchase credits from the Fargher Lake mitigation bank, monitoring is not required.

Wetland Development Standards – General, LCMC 18.300.090(6)(j)

(i) Any development proposal that impacts a wetland or wetland buffer shall not be allowed without an approved mitigation or enhancement plan consistent with LCMC [18.300.120](#) and the mitigation sequencing preference. (See “mitigation” in subsection (6)(l) of this section.)

Response:

The applicant proposes to provide 0.01 acres of off-site mitigation at the Fargher Lake mitigation bank.

(ii) The city shall not approve a development proposal that impacts wetlands or wetland buffers without a finding that:

(A) The proposed activity shall not cause significant degradation of ground water or surface water quality or fish and wildlife habitat;

(B) The proposed activity shall comply with all state, local and federal laws, including those related to sediment control, pollution control, floodplain restrictions, stormwater management, and on-site wastewater disposal; and

(C) Wetland and wetland buffer impacts shall be avoided or substantially minimized consistent with the mitigation sequencing criteria.

Response:

The proposed activity will collect and detain resulting stormwater in accordance with an approved stormwater manual to ensure there is no significant degradation of ground water or surface water quality. The Project will not impact fish and wildlife habitat.

The proposed interchange improvements will receive approval from the USACE in accordance with Section 404 of the Clean Water Act, Section 401 water quality certification from Ecology, and City approval for stormwater management and sediment and pollution control. The project includes no floodplain restrictions or any on-site wastewater disposal.

The project design avoids wetland impacts completely, avoids wetland buffer impacts to the greatest extent practicable, and substantially minimizes impacts consistent with the required mitigation sequencing criteria.

IV. CONCLUSIONS & CONDITIONS of APPROVAL

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 is **APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The applicant, at time of engineering approval, shall demonstrate compliance with all applicable La Center regulations, goals and policies contained herein.
2. The design and construction of storm drainage shall be in accordance with the LCMC and applicable city engineering standards for public works.
3. Construction 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. Where these standards differ, the more stringent shall apply. 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.
4. As-constructed drawing(s) will be provided in '*.dwg' electronic format as well as Mylar and paper.
5. Construction plans shall identify staging areas for all equipment, contractors, deliveries, and supplies prior to construction plan approval.
6. Construction plans shall identify and show all utilities with trench and location details.

7. No part of the stormwater facilities may be located within the 40-foot reduced buffers of wetlands B_E, C_E, and E_E.
8. Prior to soil disturbance related to construction, the developer shall install flags, stakes, fencing and/or signs, consistent with LCMC 18.300.090 and 18.300.110 locating the outer extent of the wetland buffers. Wetland and wetland buffer marking shall be maintained throughout the duration of the permit. Signage will read "Wetland Buffer to Remain in Natural Vegetated State" or an approved equal. An affidavit of posting must be returned to the City prior to soil disturbance.
9. Site development earthwork for site grading and construction within critical areas is limited to the dry weather season between May 1st and October 31st with planting and seeding erosion control measures completed by October 1st.
10. The developer shall install a permanent physical demarcation along the upland boundary of the wetland buffer of Wetland B_E. The demarcation may consist of logs, a tree or hedgerow, fencing, or other prominent physical marking, such as the stormwater detention facility, approved by the City Engineer.
11. The findings and recommendations of this Decision and of the Critical Area Report prepared for this Project by BergerAbam and dated December 2015 are incorporated herein and considered conditions of approval through final design of the Project except as otherwise noted herein.
12. The city shall issue final approval of the wetland permit authorizing commencement of the activity permitted thereby upon: (A) Proof of purchase of wetland mitigation bank credits and installation and (B) approval of the required field markings.
13. Duration. Wetland permit final approval shall be valid for a period of two years from the date of issuance.
14. Revocation. In addition to other remedies provided for elsewhere, the city may suspend or revoke a permit if the applicant or permittee has not complied with any of the conditions or limitations set forth in the permit, has exceeded the scope of work set forth in the permit, or has failed to undertake the project in the manner set forth in the permit.

V. APPEAL

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.)



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