



## Public Hearing

**May 26, 2020 at 6:30 pm**

Due to the ongoing public health threat posed by COVID-19 and social distancing guidelines, the hearing will be conducted online via GoTo Meeting (a video conferencing service).

**Type III Review: Minit Management Redevelopment Project**  
Conditional Use Permit, Site Plan Review, Short Plat, and SEPA MDNS

**Hearings Examiner:** Joe Turner

**Applicant:** Minit Management, LLC

### **Hearing Materials:**

Exhibit A – Staff Report

Exhibit B – Application Materials

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- D. [GIS Packet](#)
- E. [Narrative](#)
- F. [Request for Early Notice of DS](#)
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- J. [Quarter Section Map and Mailing Labels](#)
- K. [Trip Generation Letter](#)
- L. [Preliminary Stormwater Report](#)
- M. [Geotechnical Report](#)
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- T. [Development Agreement between Minit Management and Cowlitz Tribe](#)
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Exhibit C – SEPA

- A. [Mitigated DNS Notice](#)
- B. [SEPA Checklist](#)
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Exhibit D – La Center Municipal Code Title 18 (vested on March 28, 2016)

Exhibit E – Correspondence with Department of Health, Drinking Water Division

# Exhibit A



## Staff Report & Recommendations

Minit Management, LLC: Type III

Conditional Use Permit, Site Plan Review, Short Plat, and SEPA MDNS  
(2020-009-CUP/SPR/SPL/SEPA) May 19, 2020

<b>PROPOSAL:</b>	The Applicant proposes a phased commercial development that includes the following: a 101-unit 5-story hotel; a 11,600 square foot, one-story, multi-tenant commercial building; a 4,510 square foot one-story convenience store with a drive-through window; a 2,800 square foot one-story drive-through restaurant; a 12-pump automobile fueling island; and associated parking, utility, and other infrastructure improvements. There is an existing well on site categorized as a critical area that the Applicant plans to decommission.
<b>LOCATION:</b>	<ul style="list-style-type: none"> <li>▪ 2814 NW 319th Street, Ridgefield, WA</li> <li>▪ #17 #55 SEC 4 T4N R1EWM 3.97A M/L</li> <li>▪ Property Identification Number: 209738-000</li> </ul>
<b>HEARING:</b>	The La Center Hearing Examiner will conduct a public hearing on May 26, 2020 beginning at 6:30 PM. The hearing will be conducted online via GoTo Meeting (a video conferencing service).
<b>APPLICABLE STANDARDS</b>	La Center Municipal Code (LCMC) <i>as vested on March 2016</i> : This staff report addresses the following standards and approval criteria: 3.35, Impact Fees; 13.10.110, Side Sewer and Connections; 18.30, Procedures; 18.150, Commercial Districts; 18.205, Short Plat Provisions; 18.215, Site Plan Review; 18.245, Supplemental Development Standards; 18.250, Conditional Uses; 18.275, Sign Requirements, 18.280, Off-Street Parking and Loading Requirements; 18.300 Critical Areas; 18.310, Environmental Policy; 18.320, Stormwater and Erosion Control; and La Center Engineering Standards.
<b>RECOMMENDATION:</b>	<b>APPROVAL</b> , subject to conditions

## CONTACT LIST

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## I. OVERVIEW AND PROCEDURAL BACKGROUND

### Proposal

The Applicant proposes a phased commercial development that includes the following: a 101-unit 5-story hotel; a 11,600 SF, one-story, multi-tenant commercial building; a 4,510 SF one-story convenience store with a drive-through window; a 2,800 SF one-story drive-through restaurant; a 12-pump automobile fueling island; associated parking, utility, and other infrastructure improvements; and four-lot short plat. The applicant will also remove 5 trees and has applied for a tree removal permit.

The application is vested to the development regulations in place at the time when the City and applicant entered into a development agreement regulating future development activity on this property. The effective date of the development agreement is March 28, 2016, and a copy of applicable sections of the code is provided with this staff report.

There is an existing water well on site, and portions of the project site are within the wellhead protection area and 1-year and 10-year wellhead zone of travel (designated as a critical aquifer recharge area category 1 [CARA 1]). CARAs are a type of critical area otherwise regulated under LCMC 18.300. Because the applicant intends to decommission the wellhead, this staff report recommends the applicant be conditioned to decommission the wellhead and deactivate the water system before development can proceed within the CARA, thereby removing the critical area prior to development.

Clark County Maps Online indicates the site also has a “high” probability of archaeological resources. The applicant submitted an archaeological predetermination which recommended that no additional archaeological work be completed on the site, but recommended that the applicant implement an inadvertent discovery plan during construction to address the procedure for unexpected discovery of archaeological or cultural resources during development. This staff report includes a corresponding condition of approval.

The proposal is subject to review under SEPA per WAC 197-11. The applicant submitted a completed SEPA checklist with their application materials. During application review, the City reviewed the SEPA checklist and issued a mitigated determination of nonsignificance (MDNS) as further discussed in this staff report.

### Application Timeline:

- Staff conducted a pre-application conference with the applicant on June 11, 2019.
- The applicant filed the application materials on March 16, 2020.
- The City made a completeness determination on March 27, 2020.
- Notice of application was mailed to property owners within 300-feet on April 10, 2020, with the public comment period closing on April 24, 2020. No public comments were received on the notice of application.
- The SEPA threshold determination for MDNS was distributed to agencies and other interested parties on May 6, 2020. The public comment period closed on May 20, 2020. Staff will submit any public comments received into the public record and recommend any appropriate revisions to the staff report at the hearing.

## Applicable Standards and Approval Criteria

The application is vested to the development regulations in place at the time when City and applicant entered into a development agreement regulating future development activity on this property. The effective date of the development agreement is March 28, 2016. *Therefore, the zoning regulations pertaining to the C-2 zoning district and other development regulations in effect on that date govern this land use application.*

This staff report addresses the following standards and approval criteria: 3.35, Impact Fees; 13.10.110, Side Sewer and Connections; 18.30, Procedures; 18.150, Commercial Districts; 18.205, Short Plat Provisions; 18.215, Site Plan Review; 18.245, Supplemental Development Standards; 18.250, Conditional Uses; 18.275, Sign Requirements, 18.280, Off-Street Parking and Loading Requirements; 18.300 Critical Areas; 18.310, Environmental Policy; 18.320, Stormwater and Erosion Control; and La Center Engineering Standards.

## II. DEVELOPMENT AGREEMENT

The proposed development is subject to two existing development agreements (La Center & Minit Management dated March 28, 2016, and Cowlitz Tribe & Minit Management dated March 23, 2016). The development agreements regulate future development activity on the subject property. The applicant provided copies of the agreements with the application materials (Exhibit A). A condition of approval under the engineering and land use review, below, is that the applicant comply with the development agreement with the City. Certain provisions of the development agreements have already been fulfilled, while others remain outstanding. Staff conducted a review of the development agreements and noted the following: The realignment of Paradise Park Road to accommodate the roundabouts and La Center Road was completed during construction in 2016. The construction of the site storm system on the Minit Management site was completed to accommodate the current site plan meeting LCMC 18.320. The sewer system connection to the Minit Management site was installed in 2016 to provide sewer connection to the proposed site plan.

**Condition of Approval:** The applicant shall comply with all provisions of the development agreement with the City, dated March 28, 2016.

## III. ENGINEERING REVIEW

### Chapter 3.35 -- Impact Fees

**Findings:** Park and school Impact Fees are not assessed for commercial uses.

Per the Developer's Agreement between the City of La Center and Minit Management in March of 2016, Transportation Impact Fees (TIFs) will be assessed by the City on the redevelopment or change in use at the Minit Management Property. The City will credit the Average Daily Trip (ADT) generation and the P.M. peak hour trips from the Minit Management operation on the Property. The trip generation credit is 2,000 ADT, 187 a.m. peak hour trips and 199 p.m. peak hour trips. The TIF will be due for the redevelopment or change in use of the Minit Management Property will be based on the increase in ADT generation. Capacity for the current p.m. peak hour trips from the current use of Minit Management Property shall be reserved by the City and vested for Minit Management. The City received a Traffic Report as part of the redevelopment application recently submitted to the City.

Charbonneau submitted a Trip Generation Assessment as part of the documentation to determine the peak p.m. peak hour trips that will be used to determine the TIF rate assessed based on the redevelopment. DKS, the City's Transportation Consultant, reviewed the trip generation calculations and found them to be reasonable. The assessment shows that there will be a net p.m. peak hour trips of 52, which is less than the 199 p.m. peak hour trips vested per the agreement. As a result, the applicant will not be assessed any TIF dollars with this redevelopment. Below is an excerpt from the Developer's Agreement that describes the vested trips.

**Section 7. Vesting of Vehicle Trips.** For purposes of future concurrency management and Transportation Impact Fees (TIFs) that would be assessed by the City on the redevelopment or change in use at the Minit Management Property, the City will credit the Average Daily Trip (ADT) generation and p.m. peak hour trips from the Minit Management operation on the Property as of the effective date of this Agreement. That trip generation credit is 2,000 ADT, 187 a.m. peak hour trips and 199 p.m. peak hour trips. The TIF that will be due for the redevelopment or change in use of the Minit Management Property will be based on the increase in ADT generation attributable to the new development or use beyond the current level of trip generation. Capacity for the current p.m. peak hour trips from the current use of the Minit Management Property shall be reserved by the City and vested for Minit Management. If the ADT generation for the use on the Minit Management Property decreases over time, the ADTs attributable to the Property's use on the effective date of this Agreement shall serve as the basis for any TIF calculation performed within 5 years of the Effective Date of this Agreement.

**Condition of Approval:** Traffic impact fees are typically assessed and collected at the time of building permit issuance. Traffic impact fees will not be assessed based on the plans, unless the uses change from the original site plan when P.M Peak hour trips were vested and the trip cap per the Development Agreement is exceeded.

## Title 12 -- Street, Sidewalks and Public Ways

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

### Findings:

**General:** As part of the improvements completed during realignment of Paradise Park Road, sidewalk and street improvements were completed adjacent to the Minit Management property. According to the Engineering Company designing the realignment of Paradise Park Road, *"it is assumed that street lighting will be provided by the adjacent property owner as development occurs"*. Streetlights were not constructed along the frontage improvements along Paradise Park Road adjacent to the Minit Management site.

According to LCMC 12.10.190 Developments – Access road – Frontage improvements.

*(1) Unless already fully developed, and subject to the limitations of LCMC [12.10.180](#) and the modification provisions of LCMC [12.10.310](#), a half-width road improvement shall be constructed to the applicable standards set out in this chapter to that portion of an access road which abuts the parcel being developed, as a requirement of approval of a final plat, final short plat or proposed use requiring approval under city ordinances and regulations.*

As part of the frontage improvements, streetlights need to be installed per the Engineering Standards. As part of the realignment of La Center Road and Paradise Park Road completed in 2016, streetlights



were installed on La Center Road. Paradise Park Road is classified as a Rural Major Collector. In order to comply with “Dark Sky” compliance requirements, Cobra Head LED lights are required per the Engineering Standards, section 2.27 (F). A photometric plan will need to be submitted to determine the spacing to meet the standards. Street trees are also required to be installed per the Engineering Standards spaced at 30-feet on center minimum along Paradise Park Road.

**Streets and Circulation:** There is adequate circulation of existing streets adjacent to the development.

**Grading:** The City Erosion Control Standards require that any activity disturbance over 500 SF must comply with the City standards. Per the City Erosion Control Manual, from October 1 through April 30<sup>th</sup>, no soils shall remain exposed for more than two (2) days. From May 1<sup>st</sup> through September 30<sup>th</sup>, no soils shall remain exposed more than seven (7) days.

#### **Conditions of Approval**

- In lieu of completing public improvements, a performance bond in the amount not less than 110% of the construction estimate shall be provided prior to issuance of a building permit. LCMC 12.10.110.
- All handicap ramps must comply with current ADA standards, including street trees and street lighting according to the engineering standards. Any sidewalk that is damaged must be repaired to meet ADA current standards.
- Fire hydrants shall be spaced every 500’ per IFC or as otherwise approved by the Fire District. The location of all the hydrants must be approved by the Fire District.
- The applicant shall submit final grading and erosion control permit as part of the engineering review showing the proposed contours on the plans.
- Site development earthwork for site grading and construction of sewer, storm drain, water and street systems shall be limited to the dry weather season between May 1<sup>st</sup> and October 31<sup>st</sup> with planting and seeding erosion control measures completed by October 1<sup>st</sup> to become established before the onset of wet weather.
- Submit a Photometric analysis along with the streetlight design to verify compliance with the Engineering Standards.
- Install Cobra Head streetlights on Paradise Park Road as required in section 2.27 (F) of the Engineering Standards.

### **Chapter 13.10 -- Sewer System Rules and Regulations**

**Findings:** 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.

As part of the street realignment and utility construction done as part of the Cowlitz casino, as sewer main was placed in La Center Road, with 8-inch lateral installed to serve future Minit Management site redevelopment.

Per LCMC 13.10.350 a sewer impact fee shall be charged for commercial development based on the use of the proposed structures. The exact impact charge will be assessed per LCMC at the time of building permit application or before occupancy is issued. Each equivalent ERU calculated for each structure on the site will be multiplied by the impact fee of \$7,800 per ERU to determine the total sewer impact. If

development is phased, impact fees will be charged for the structures permitted at the time of occupancy.

Any development west of the La Center Road Bridge is required to connect to the recently constructed sewer system in La Center Road. A latecomer agreement was approved by City Council in April of 2018, requiring that connection to this sewer system be assessed for development according to the cost per equivalent ERU. The latecomer cost is based on the location within the sewer basin as shown on the attached latecomer agreement and cost table. The Minit Management Site will connect to the sewer within basin A and will be assessed \$6,173.96 per equivalent ERU. The ERUs for the development will be calculated by LCMC 13.10.350 as stated above. The Latecomer Agreement is included with the application materials.

**Condition of Approval**

- To verify the condition of the existing sewer lateral, a video inspection of the existing sewer lateral must be performed verifying its structural integrity and ability to accommodate the developer's preferred option.
- The City will reassess the sewer development charges and latecomer's fees when building plans are submitted.
- Per LCMC 13.10.350 a sewer impact fee shall be charged for commercial development based on the use of the proposed structures at the time the building plans are submitted.

**Chapter 18.320 -- Stormwater and Erosion Control**

**Findings(s):** 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 limits the creation of more than, 1,000 square feet of impervious surface for commercial structures is subject to stormwater regulation. The applicant proposes to create new impervious surface for the new parking lot east of the site and the commercial building footprint.

A storm report was completed and submitted to the City for review. The City reviewed the storm report and determined that the area of the proposed building was included in the stormwater report and on-site construction previously completed.

In 2016, Minit Management the parking lot was modified to accommodate the realignment of the Paradise Park Road. As part of that construction, an underground filter vault was installed to treat stormwater from the parking lot and an underground detention system was placed to detain stormwater per LCMC. The water quality and detention system were sized to accommodate the existing site impervious area and for future redevelopment of the site. The City Engineering Standards require that roof drains be connected directly to an underground storm system. The applicant will need to show how the new building downspouts will connect to the underground detention system and the parking lot will be graded and connected to the filter vault for water quality treatment.

**Conditions of Approval:**

- Per LCMC 18.320.210, treatment BMPs shall be sized to treat the water quality design storm, defined as the six-month, 24-hour storm runoff volume.
- Provide a final stormwater Technical Information Report (TIR) that complies with LCMC 18.320 at the time of engineering review.
- Downspouts connections from the building must connect directly into the site stormwater system.

**Findings: Maintenance of Stormwater Facility.** The applicant shall be responsible for maintenance of the stormwater facility.

**Condition of Approval**

- Provide maintenance records to the city yearly showing that the detention and water quality system is maintained per the manufactures recommendations.

**Findings: Potable Water.** Water system connections are regulated by Clark Public Utility (CPU) and a permit and plan approval will be required for City plan approval. CPU must approve the water pipe system and service to all lots. CPU will need to be contacted about the existing water system pressure and the applicant must meet CPU approval for the new water system.

**Condition of Approval:** The applicant shall contact CPU about the existing water system pressure and shall obtain CPU approval for the new water system.

**Findings: Building.** The site improvements are reviewed and approved by Public Works Building Services. Proposed setbacks for each lot are required on the final site plan.

**Conditions of Approval**

- A geotechnical report will be required analyzing the development design for the structures on the property at the time of engineering review.
- Retaining walls and perimeter fencing are subject to building permit review.

## IV. LAND USE REVIEW

### Chapter 18.30 -- Procedures

**Findings:** All land use applications (Type III conditional use permit, Type II site plan, and Type II short plat) and SEPA review will be combined into one land use hearing before the La Center Hearing Examiner as permitted in LCMC 18.30.030. The application was noticed in accordance with a Type III procedure. The application was deemed complete March 27, 2020 having provided all applicable submittal requirements as outlined in LCMC 18.30.050. The hearing examiner will conduct the public hearing and issue a decision in accordance with LCMC 18.30.100(D).

Staff find that the applicant has met the burden of proving they meet the applicable regulations or can be conditioned to do so and that the applicant has made adequate provisions for public services in accordance with the City's adopted level-of-service standards.

### Chapter 18.150 -- Commercial Districts

#### 18.150.020 -- Uses

**Findings:** The property is vested under the Community Commercial (C-2) District zoning. The C-2 zone is intended to provide auto-oriented commercial areas for the regular shopping and service needs for the community. Under the vested C-2 zoning regulations, the proposal consists of the following permitted and conditional land uses (Table 18.150.020):

- Four lot short plat – Permitted activity
- 101-unit, 5-story hotel – *Conditional use*

- 11,600 square-foot, one-story multi-tenant commercial building - *Conditional use*
- 4,510 square-foot, one-story convenience store with a drive through window - Permitted use
- 2,800 square-foot, one-story drive-through restaurant - *Conditional use*
- 12-pump automobile fueling island - *Conditional use*
- Associated parking, utility and other infrastructural improvement – Permitted use

See further discussion under LCMC 18.250 regarding conditional uses.

**18.150.030 -- Development Standards**

A. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Section 18.150.030(A) LCMC. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.

**Table 18.150.030A Lot Requirements**

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
C-2	10,000	None	None

**Table 18.150.030B Setbacks, Lot Coverage and Building Height**

<b>Minimum setbacks</b>	Pursuant to buffering and screening standards contained in Chapter 18.245 LCMC
<b>Minimum setbacks adjacent to residential district</b>	Pursuant to the screening and buffering standards contained in Chapter 18.245 LCMC, plus an additional 1/2 foot for each foot the building exceeds 20 feet in height to a maximum setback requirement of 40 feet.
<b>Maximum lot coverage</b>	Maximum determined by compliance with screening and buffering standards contained in Chapter 18.245 LCMC, Chapter 18.320 LCMC, and all other applicable standards.
<b>Maximum building height</b>	60 Ft.

**Findings:** The new lots proposed under the short plat exceed the minimum lot area requirements for the C-2 zone stated above. The property is adjacent to land that was commercially zoned under the prior vested zoning. There are no setback requirements adjacent to other commercial zones per the buffering and screening standards in Chapter 18.245. In addition, no buffering would have been required for Junction Plan (JP) zoned lands (current zoning is JP). Therefore, staff concludes no minimum setbacks or maximum lot coverage apply. Maximum building height is 60 feet, and the tallest building on site is the hotel. The coping of the hotel roof is 60-feet while the stair parapet and elevator extension reach 64-feet. Per the Title 18 definition, “Building height” shall mean the vertical distance from a point as determined in this section to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hip roof. “Building height” does not include such accessory elements as utilities, rooftop mechanical equipment and enclosures for it, chimneys, church spires, water towers and accessory radio antennas. Staff concurs with the applicant that the height of the hotel should be measured from the ground surface to the coping of the roof and that the stair parapet and elevator extension should be considered accessory elements primarily used to maintain rooftop mechanical equipment and to accommodate elevator equipment. Therefore, the proposed buildings meet the maximum height requirement.

B. Landscaping.

*1. In C2 and C3 districts, not less than fifteen percent (15%) of the total lot area shall be landscaped. Pedestrian plazas, sidewalks over the minimum width and other pedestrian amenities may be used to meet the required landscaping at a one to one (1:1) ratio.*

**Findings:** According to the submitted preliminary site plan, approximately 17% of the site will be landscaped, meeting this requirement.

*C. Site Plan Review Standards. In addition to the site plan approval criteria contained in Chapter 18.215 LCMC the following shall apply to all development within the commercial districts unless expressly exempted. The review authority may modify these standards for the expansion of existing uses for site-specific issues:*

- 1. Primary pedestrian circulation routes connecting the street(s) to the primary building entry or entries shall be a minimum of eleven (11) feet (eight (8) feet of sidewalk/walkway with a minimum of three (3) feet of landscaping on one (1) side of the pedestrian route). The minimum three (3) foot landscaped area shall contain street trees planted at thirty (30) foot intervals to provide for a continuous tree canopy. The required landscape area should function as a buffer between auto drives and the pedestrian routes. Where the pedestrian circulation route crosses vehicular accessways the landscape area is not required. Pedestrian awnings, with a minimum of eight (8) feet of head clearance shall be provided along the front building façade when abutting public rights-of-way. Awnings may not project over the parking area or street.*

**Findings:** According to the submitted plan sets, there are 6 primary pedestrian circulation routes that connect streets to a primary building entry, as follows.

1. Connecting the drive-through restaurant to NW Paradise Park Road to the north (8-foot wide per the preliminary site plan)
2. Connecting the hotel to NW Paradise Park Road to the north
3. Connecting the hotel to NW Paradise Park Road to the east
4. Connecting the convenience store to NW Paradise Park Road to the east
5. Connecting the convenience store to NW La Center Road to the south
6. Connecting the multi-tenant commercial building to NW La Center Road to the south

The preliminary site plan identifies pedestrian route 1 (identified above) as 8-foot wide. The widths of the other routes are not identified on the site plan. On the architectural site plan, all routes are identified as 6-foot wide. The applicant will need to update their site plan to make all primary pedestrian circulation routes a minimum of 8-foot wide. On pathways where the vehicle overhang will extend into the pathway, the applicant will need to account for the overhang to maintain a minimum of 5-feet of clearance to meet ADA regulations. The applicant has indicated that this revision to the pathway widths can be accommodated with the current site layout.

**Condition of Approval:** Prior to final site plan approval, the applicant shall revise all primary pedestrian circulation routes between building entrances and streets to be a minimum of 8 feet wide. Where parking overhang occurs, the applicant shall maintain a minimum 5-foot wide clearance to meet ADA Standards.

*2. Landscaping.*

- a. Landscaping is required along the side of all buildings in C2 and C3 districts where the primary pedestrian access is provided. Minimum requirements shall be trees provided every thirty (30) feet on center planted along the length of the parcel. Street trees may not be planted closer than 25 feet away from street corners to preserve intersection sight-distance.*

- b. *Landscape buffers required by Section 18.245.060 LCMC shall not apply between pad development sites and the remainder of the development site.*
- c. *Landscaping required between commercial developments may be altered where parking lots are adjoining as follows: a single, shared five (5) foot buffer instead of five (5) feet for each development; provided, that joint access is provided between parcels for auto and pedestrian access and trees are planted every twenty (20) feet on center along the length of the buffer.*

**Findings:** The landscaping plan shows landscaping along all sides of the buildings that abut public sidewalks. Per the applicant's narrative, landscaping was provided along the pedestrian routes connecting the buildings to the abutting sidewalks or, where along the fronts of the buildings, tree wells have been placed at approximately every 30 feet on center. Since the proposed development is one commercial development, the standard for landscaping between commercial developments does not apply. LCMC 18.130.050.B requires that primary pedestrian circulation routes connecting to streets be 8 feet wide with 3 feet of landscaping on one side and further specifies that the intent of this standard is to buffer pedestrian routes from auto drives. The applicant's proposed site plan includes pedestrian walkways connecting building entrances to streets, but these pedestrian walkways are not proposed adjacent to auto drives. Therefore staff finds that the applicant's proposed site plan providing walkways with either adjacent landscaping buffers or tree wells meets the intent of the landscaping requirements. However, as noted above, certain primary pedestrian circulation routes are less than 8 feet wide as shown on the applicant's site plan and staff recommends a condition of approval that these be increased to a minimum of 8 feet wide (see above).

## Chapter 18.205 – Short Plat Provisions

### *18.205.030 Preliminary short plat application contents*

**Findings:** The applicant submitted all necessary application materials for a preliminary short plat. While not within a mapped geologic hazard area, a geotechnical report can be required if determined to be needed under LCMC 18.210.030. According to the USDA Soils Manual, soils are predominately Gee Silt Loam and some Odne Silt Loam. This type of soil is classified as very limited for road construction per USDA soils information. The applicant was advised at the pre-application conference to submit a geotechnical study and report, prepared by a geotechnical engineer or geologist licensed in the state of Washington, including at a minimum, testing to support the site building construction, grading and retaining wall design as necessary. The applicant submitted a geotechnical study meeting these qualifications (Columbia West Engineering, Inc., September 2019).

**Condition of Approval:** The applicant shall follow all recommendations contained in the submitted geotechnical study (Columbia West Engineering, Inc., September 2019).

### *LCMC 18.205.040 Approval criteria for a preliminary short plat*

- A. *The review authority shall approve a preliminary short plat if he or she finds:*
  - 1. *The applicant has sustained the burden of proving that the application complies with the following regulations of the La Center Municipal Code to the extent relevant; or*
    - a) *Chapters 12.05 (Sidewalks) and 12.10 (Public and Private Road Standards) LCMC;*
    - b) *Chapter 18.300 LCMC (Critical Areas);*
    - c) *Chapter 18.310 LCMC (Environmental Policy);*

- d) Chapter 18.320 LCMC (Stormwater and Erosion Control);*
- e) Chapter 15.05 LCMC (Building Code and Specialty Codes)*
- f) Chapter 15.35 LCMC (School Impact Fees); and*
- g) Title 18 LCDC (Development Code)*

- 2. That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final short plat is approved;*
- 3. The application makes appropriate provision for potable water supplies and for disposal of sanitary wastes; and*
- 4. The application complies with RCW 58.17.010.*

**Findings:** The short plat meets the above LCMC criteria as detailed throughout this staff report and recommended conditions of approval are included at the end of this staff report. Potable water supplies and sanitary sewer will be provided to the site as shown on the applicant's utility plan and as discussed in the Engineering Review section of this staff report. RCW 58.17.010 calls for the regulation of the subdivision of land to promote the public health, safety and general welfare in accordance with standards established by the state and, in addition, requires that adequate provisions are made for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and safe walking conditions for students who only walk to and from school. The proposed short plat and subsequent development are in conformance with the city's dimensional standards and will provide the necessary infrastructure and be serviced by providers to protect public health, safety, and general welfare. The applicant has indicated they may choose not to file a final short plat and record it with Clark County. Because the existing site is a single parcel that also meets the City's zoning standards, there is no requirement that the applicant file a final short plat with the City and record it with Clark County.

**Condition of Approval:** Should the applicant choose to proceed with a final short plat, the applicant shall apply for and receive final short plat approval from the City and provide a copy to the City after recording with Clark County.

## **Chapter 18.215 -- Site Plan Review**

### **18.215.060 Criteria for site plan approval**

*C. 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:*

- 1. The proposed use is permitted within the district in which it is located.*
- 2. The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located.*
- 3. The proposal meets the screening, buffering and landscape strip requirements, as set forth in Section 18.245.060 LCMC.*

4. *Minimum parking and loading space requirements are met, as required by Chapter 18.280 LCMC.*
5. *All applicable conditions and criteria contained in other titles of the La Center Municipal Code are met.*
6. *Improvement requirements are provided in accordance with the applicable sections of the La Center development code.*
7. *All conditions of any applicable previous approvals (i.e., CUP) have been met.*
8. *Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication.*
9. *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 or infeasible or inappropriate.*
10. *Proposed phasing plans do not exceed six years and all required public infrastructure is installed in the first phase of the development.*

**Findings:** Staff finds that the applicant has met the site plan review standards as follows:

1. The proposed uses include permitted uses and conditionally permitted uses in the C-2 zone. The applicant has provided sufficient information and staff finds that the conditional use permit criteria are met as detailed later in this staff report. See staff findings and recommended conditions of approval under LCMC 18.250.
2. The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located, as also detailed in this staff report. See staff findings and recommended conditions of approval under LCMC 18.150.030.
3. Staff finds that the proposed landscaping meets the intent of the landscaping requirements. See staff findings and recommended conditions of approval under LCMC 18.150.030 and 18.245.
4. Minimum parking and loading space requirements will be met. See staff findings and recommended conditions of approval under See staff findings for LCMC 18.280.
5. This staff report addresses the applicable criteria of the LCMC, and conditions of approval are provided at the end of this report.
6. The required improvements and conditions of approval in this report are in accordance with the LCMC.
7. The proposal meets the conditions of the previously approved development agreements; unfulfilled provisions of the development agreement remain in effect and the applicant is obligated to comply by them. See staff findings and recommended conditions of approval under section II – Development Agreement.
8. The development as proposed will provide underground public and private utility lines.
9. The City Engineer has found that the proposed infrastructure for public water, sewer, and stormwater complies with city standards. See staff findings under LCMC 13.10 and 18.320.
10. The applicant is proposing that the development occur in up to four phases, which includes the short plat being recorded in up to four phases. Details on the proposed phasing are shown on the Preliminary Site Plan and Short Plat.

**Conditions of Approval:**



- The applicant shall complete construction within six years and shall install all required public infrastructure in the first phase of the development.
- Prior to construction or ground disturbance, the applicant shall apply for and receive final site plan and engineering document approval from the City consistent with the preliminary site plan approval and conditions.

### Chapter 18.230 - Monumentation, Survey, and Drafting Standards

**Findings:** The applicant submitted an existing conditions plan based upon a property survey meeting the requirements of LCMC 18.230.

**Conditions of Approval:** The applicant shall comply with all monumentation and survey standards in this section prior to final plat approval.

### Chapter 18.245 Supplementary Development Standards

**Findings:** The applicant provided a preliminary site plan and preliminary landscape plan which are consistent with this chapter. Staff finds that the applicant will meet the supplementary development standards as conditions.

- Fencing: No fencing is proposed at this time. Retaining walls and perimeter fencing are subject to building permit review. The applicant will be conditioned to comply with these standards.
- Waste handling: The applicant will be conditioned to comply with these standards.
- Lighting: The applicant will be conditioned to comply with these standards and to provide street lighting.
- Parking: The applicant is meeting the off-street parking requirements. See discussion under LCMC 18.280. The applicant will be conditioned to comply with these standards.
- Landscaping: The applicant is meeting the intent of the landscaping requirements. See discussion under LCMC 150.030. The applicant will be conditioned to comply with these standards.

#### Conditions of Approval

- The applicant shall provide site improvements related to fencing, waste handling, lighting, parking and landscaping as depicted in Minit Management landscaping and site plan figures contained in this decision.
- Fences and hedges shall comply with LCMC 18.245.020.
- The applicant shall provide waste collection by Waste Connections prior to occupancy.
- The applicant shall submit a Photometric analysis along with the streetlight design to verify compliance with the Engineering Standards.
- Street lighting shall be “dark sky” compliant and meet the lighting standards per the Engineering Standards section 2.27.
- Install Cobra Head streetlights on Paradise Park Road (classified as a Rural Major Collector) as required in section 2.27 (F) of the Engineering Standards.

### Chapter 18.250 Conditional Uses

**Findings:** Under the vested C-2 zoning regulations the following proposed uses are conditional uses (Table 18.150.020):

- 101-unit, 5-story hotel
- 11,600 SF one-story multi-tenant commercial building
- 2,800 SF one-story drive-through restaurant

- 12-pump automobile fueling island

The applicant has requested approval of the conditional use “General retailer under 25,000” for the multi-tenant commercial building. Given the nature of multi-tenant commercial buildings (multiple tenants, variety of uses, tenant turnover), City staff evaluated additional uses listed in LCMC Table 18.150.020 for their inclusion in the permit. A recommended condition of approval is to permit some additional conditional uses under this conditional use permit, in addition to the uses listed as permitted in LCMC Table 18.150.020, without requiring additional land use review. The uses listed were identified as having similar land use and infrastructure requirements (e.g., utilities, parking) to “general retail” uses, and as uses that do not typically have additional impacts (e.g. hazardous materials). Any use not listed in LCMC Table 18.150.020 would be required to obtain a conditional use permit or other review by the City as currently stipulated in LCMC. Any Permitted use in LCMC Table 18.150.020 would be permitted.

**Conditions of Approval:**

- Uses must meet the trip cap in the development agreement with the City of 199 p.m. peak hour trips.
- Uses must verify adequate parking is available when specific uses are proposed.
- Uses that require outdoor storage are not permitted without additional review.
- The following conditional uses from LCMC Table 18.150.020 are permitted as tenants of the multi-tenant commercial building under the conditional use permit.

<b>Approved Conditional Uses at the Multi-Tenant Commercial Building (LCMC Table 18.150.020)</b>
2. Retail Sales – Food.
a. Markets in excess of 15,000 square feet gross floor area
c. Bakery – primarily retail outlet (> 10,000 square feet of gross floor area)
d. Bakery – primarily retail outlet (< 10,000 square feet of gross floor area)
3. Retail Sales – General.
b. General retailer (under 25,000 square feet gross floor area)
d. Single purpose/specialty retailers (greater than 10,000 square feet gross floor area)
e. Yard and garden supplies, including nurseries
4. Retail Sales – Restaurants, Drinking Places.
b. Restaurants, with associated drinking places, alcoholic beverages
6. Retail Sales – Building Material and Farm Equipment.
7. Retail Sales – Products (Finished product retailers with primary fabrication or assembly on-site. Within an entirely enclosed building.)
b. Uses of 10,000 square feet gross floor area or greater
9. Services – General.
g. Branch banks
j. Event facilities (<10,000 square feet)
l. Event facilities (>10,000 square feet)
11 Services – Medical and Health.
b. Outpatient clinics

<b>Approved Conditional Uses at the Multi-Tenant Commercial Building (LCMC Table 18.150.020)</b>	
f.	Animal hospitals and veterinary clinics
(2)	Inside animal activities only
12. Services – Professional Office.	
b.	Professional offices (> 10,000 square feet gross floor area)
13. Services – Amusement.	
a.	Amusement centers
b.	Bowling alleys, billiard and pool parlors, and video arcades
d.	Theaters, indoor
f.	Athletic, health and racket clubs (< 10,000 square feet of gross floor area)
14. Services – Educational.	
a.	Nursery schools, preschools
b.	Day care facilities consistent with Chapter 388-73 WAC
e.	Vocational schools
g.	Artistic studios and schools including but not limited to dance, music and martial arts (>10,000 square feet)
i.	Public/private educational institutions
15. Services – Membership Organizations.	
a.	Business, professional and religious (not including churches)
c.	Civic, social, fraternal, charitable, labor and political (>5,000 square feet)
d.	Churches
17. Public Services and Facilities.	
a.	Buildings entirely dedicated to public services, such as city hall, police and fire substations
e.	U.S. Post Offices

**18.250.040 Criteria for approval, minor modifications and revocation**

*A. The hearings examiner shall approve or approve with conditions an application for conditional use permit if he or she finds the applicant has sustained the burden of proving that:*

- 1. 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;*
- 2. All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use;*
- 3. 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;*
- 4. 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.*

**Findings:** The characteristics of the site are suitable to accommodate the conditional uses, including the hotel, fueling island, drive-through restaurant, and the potential uses anticipated in the multi-tenant commercial building. The applicant has demonstrated that the required public facilities will be extended to the site and have adequate capacity to serve the proposed uses. Staff finds that the proposed project meets the above approval criteria.

*B. The hearings examiner may impose, in addition to regulations and standards expressly specified in this title, other conditions of approval necessary to ensure the use complies with applicable approval standards. These conditions may include, but are not limited to, the following: [...]*

**Findings:** This staff report contains recommended conditions of approval for the hearings examiner.

### Chapter 18.275 Sign Requirements

**Findings:** No signage is proposed under this application. Future signs must be reviewed and approved through an application for a sign permit.

### Chapter 18.280 Off-Street Parking and Loading Requirements

#### 18.280.010 Off-street parking requirements

**Findings:** Per the off-street parking requirements in table 18.280.010, the project must provide a minimum of 179 parking stalls (assuming the multi-tenant building develops with only general retail uses). The applicant is proposing 184 parking stalls and is exceeding the minimum off-street parking requirement. The current ADA parking standards require 3 standard ADA stalls and 1 van accessible ADA stall for parking lots of 76-100 spaces. The applicant is proposing 8 ADA parking stalls (4 standard ADA stalls and 4 van accessible ADA stalls) and is exceeding this requirement. Staff have proposed a condition of approval requiring that parking requirements be verified when tenants change at the multi-tenant building (see the conditions of approval under LCMC 18.250).

WAC 51-50-0427 requires that 5% of parking spaces be provided with electric vehicle (EV) charging infrastructure (when the calculation results in a fractional parking space, the applicant shall round up to the next whole number). The applicant is proposing 10 EV charging spaces and is meeting this requirement. WAC 51-50-0427.5 further requires that one accessible parking space be served by EV charging infrastructure, and this will be a condition of approval.

The applicant is meeting the off-street parking requirements for the minimum number of parking stalls, provision of ADA parking, and provision of EV charging stations.

#### **Conditions of Approval:**

- The applicant shall design and provide ADA parking in compliance with RCW 46.61.581, RCW 19.27.550, and other applicable state laws.
- The applicant shall design and provide EV charging infrastructure in compliance with WAC 51-50-0427 and other applicable state laws. This includes the requirement for one accessible parking space to be served by EV charging infrastructure (WAC 51-50-0427.5).

**18.280.020 Joint use of facilities**

**Findings:** The applicant is proposing joint parking across the property lines proposed under the short plat.

**Condition of Approval:** The applicant shall record a joint parking agreement and provide it to the City prior to final plat approval.

**18.280.030 Parking design standards**

**Findings:** The applicant is proposing a 2-foot overhang on some parking spaces adjacent to the pedestrian pathways and landscape areas. There is nothing in the LCMC prohibiting the overhang and the applicant is otherwise meeting the parking standards. Staff finds that the proposed parking spaces meet the City's requirements.

**Condition of Approval:**

- All parking stalls shall meet the dimensional standards of LCMC 18.280.030.
- Landscaping within the 2-foot overhang shall consist of groundcover that will not interfere with or be damaged by the overhang.

**18.280.040 Loading**

**Findings:** The project will provide the minimum number of off-street loading berths in accordance with Tables 18.280.040(A) and (B) as follows: 1 loading space at the 11,600 SF multi-tenant commercial building, 0 loading spaces at the 4,510 SF convenience store, 1 loading space at the 61,703 SF hotel, and 1 loading space at the 2,800-SF restaurant.

**Condition of Approval:** All loading berths shall meet the dimensional standards of LCMC 18.280.040.

**Chapter 18.300 Critical Areas**

**18.300.090 Critical lands**

*A. Critical Aquifer Recharge Areas.*

*1. Category I Aquifer Recharge Areas (CARA I).*

- a. Areas with a critical recharging effect on aquifers used for potable water are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.*
- b. La Center wellheads are owned and operated by Clark Public Utilities.*
- c. Development, other than the maintenance of vegetation, shall be prohibited within 50 feet of any wellhead within the UGA.*
- d. For purposes of this chapter, critical aquifer recharge areas include lands within the 10-year zone of contribution, as shown on the La Center critical areas map.*
- e. The following uses are prohibited in Category I aquifer recharge areas: [...]*

**Findings:** The project site includes a wellhead protection area with a 1-year and 10-year wellhead zone of travel (CARA I). The applicant intends to decommission the well in accordance with Ecology's process and standards, and would then develop within 50-feet of the decommissioned wellhead. City staff reached out to the Department of Public Health, Drinking Water Division, for their input. Public Health indicated that the applicant will need to de-activate the water system, in addition to decommissioning

the wellhead, in order to effectively remove the mapped wellhead protection area. The Department of Health concurred that once these actions are complete there will be no mapped CARA I on site. The Departments of Health and Ecology both received copies of the Notice of MDNS.

**Conditions of Approval:**

- The applicant shall decommission the wellhead in accordance with state regulations and guidance from the Department of Ecology, and shall submit documentation of the wellhead decommissioning to the City prior to engineering approval.
- The applicant shall deactivate the water system in accordance with state regulations and guidance from the Department of Health, and shall submit documentation of the water system deactivation to the City prior to engineering approval.

*2. Storage Tank Permits. The Clark County fire marshal regulates and authorizes permits for underground storage tanks, pursuant to the Uniform Fire Code (Article 79) and this chapter. The Washington Department of Ecology also regulates and authorizes permits for underground storage tanks (Chapter 173-360 WAC).*

**Findings:** The applicant is proposing to re-use the existing underground storage tanks and will not construct any new tanks.

**Condition of Approval:** The applicant shall coordinate any required storage tank permit updates or renewals with the Clark County fire marshal and the Department of Ecology and shall provide documentation to the City prior to engineering approval.

*3. The applicant shall demonstrate, through the land use approval process, that the proposed activity will not have any adverse impacts on ground water in critical aquifer recharge areas, based on the Safe Drinking Water Act and the Wellhead Protection Area Program, pursuant to Public Water Supplies, Chapter 246-290 WAC; Water Quality Standards for Ground Waters of the State of Washington, Chapter 173-200 WAC; and Dangerous Waste Regulations, Chapter 173-303 WAC. By this reference, Chapters 173-200, 173-303 and 246-290 WAC, as written and hereafter updated, will be part of this chapter.*

**Findings:** The Departments of Health and Ecology were provided the SEPA MDNS for comment. The City previously reached out to the Department of Health regarding the CARA I, and those communications are provided as an Exhibit. City staff concurs with the Department of Health that the mapped CARA I will be effectively “removed” from the property through the decommissioning of the wellhead and the deactivation of the water system. Compliance with the above laws will be demonstrated through these processes. As conditioned above, the applicant will be required to provide documentation of the decommissioning and deactivation prior to engineering approval.

### **Chapter 18.310 Environmental Policy**

**Findings:** The city issued a SEPA MDNS on May 6, 2020. The SEPA review process is complete. The mitigation measures listed in the SEPA MDNS are incorporated into this staff report as conditions of approval. There is a mapped CARA I onsite and protection of this critical area is discussed above. Clark County Maps Online indicates the site also has a “High” probability of archaeological resources. The applicant submitted the required archaeological predetermination report with their application (ASCC, September 2019). The report recommends that no further testing is necessary, and that an Inadvertent

Discovery Plan should be in place through all phases of the project in the event that unexpected archaeological materials area encountered during development.

**Condition of Approval:** The applicant shall meet all recommendations in the submitted archaeological predetermination report (ASCC, September 2019).

### Chapter 18.350 Tree Protection

**Findings:** LCMC 18.350.020(L) defines “tree” as “*any woody plant having a trunk five (5) caliper inches or larger in diameter at breast height (DBH).*” The applicant identifies 5 existing trees on site (see the Existing Conditions plan), with DBH ranging from 8-inches to 16-inches. The applicant intends to remove all existing trees on site, and will plant new trees per the landscaping plan. No trees on site have been identified as heritage trees or are known to be protected by a condition of approval for a prior development permit. Removal of these trees requires a tree removal permit under LCMC 18.350.040.

Because the applicant has provided sufficient information regarding tree removal and proposed mitigation, City staff concluded that the tree removal permit can be sufficiently reviewed in conjunction with the other land use approvals addressed in this report. Although the applicant did not submit a tree protection plan, City staff have determined that there are no trees on or near the site that will require protection. Per the landscaping plan, the applicant is proposing to plant more trees meeting the mitigation standards than the required 1:1 ratio. The applicant has met the requirements for a tree removal permit.

## V. 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. Therefore, **the subject application is recommended for approval, subject to the following conditions:**

### A. Engineering and Public Works

#### General Conditions

1. The applicant, at time of engineering approval, shall comply with all applicable City of La Center Engineering Standards for Construction and all engineering recommendations contained in the Staff Report unless modified by the Public Works Department (LCMC 12.10.040); and the Applicant shall comply with all applicable La Center land use regulations, goals and policies.
2. The applicant shall comply with all provisions of the development agreement with the City, dated March 28, 2016.

#### Streets, Sidewalks and Public Ways

3. In lieu of completing public improvements, a performance bond in the amount not less than 110% of the construction estimate shall be provided prior to issuance of a building permit. LCMC 12.10.110.
4. All handicap ramps must comply with current ADA standards, including street trees and street lighting according to the engineering standards.
5. Fire hydrants shall be spaced every 500’ per IFC or as otherwise approved by the Fire District. The location of all the hydrants must be approved by the Fire District.

6. The applicant shall submit final grading and erosion control permit as part of the engineering review showing the proposed contours on the plans.
7. Site development earthwork for site grading and construction of sewer, storm drain, water and street systems shall be limited to the dry weather season between May 1<sup>st</sup> and October 31<sup>st</sup> with planting and seeding erosion control measures completed by October 1<sup>st</sup> to become established before the onset of wet weather.

#### Sanitary Sewer

8. To verify the condition of the existing sewer lateral, a video inspection of the existing sewer lateral must be performed verifying its structural integrity and ability to accommodate the developer's preferred option.
9. The City will reassess the sewer development charges and latecomer's fees when building plans are submitted.
10. Per LCMC 13.10.350 a sewer impact fee shall be charged for commercial development based on the use of the proposed structures at the time the building plans are submitted.

#### Potable Water

11. The applicant shall contact CPU about the existing water system pressure and shall obtain CPU approval for the new water system.

#### Stormwater and Erosion Control

12. Per LCMC 18.320.210, treatment BMPs shall be sized to treat the water quality design storm, defined as the six-month, 24-hour storm runoff volume.
13. Provide a final stormwater Technical Information Report (TIR) that complies with LCMC 18.320 at the time of engineering review.
14. Downspouts connections from the building must connect directly into the site stormwater system.
15. Provide maintenance records to the city yearly showing that the detention and water quality system is maintained per the manufactures recommendations.

#### Lighting

16. Submit a Photometric analysis along with the streetlight design to verify compliance with the Engineering Standards.
17. Street lighting shall be "dark sky" compliant and meet the lighting standards per the Engineering Standards section 2.27.
18. Install Cobra Head streetlights on Paradise Park Road (classified as a Rural Major Collector) as required in section 2.27 (F) of the Engineering Standards.

#### Building

19. A geotechnical report will be required analyzing the development design for the structures on the property at the time of engineering review.
20. Retaining walls and perimeter fencing are subject to building permit review.
21. Traffic impact fees are typically assessed and collected at the time of building permit issuance. Traffic impact fees will not be assessed based on the plans, unless the uses change from the original site plan when P.M Peak hour trips were vested and the trip cap per the Development Agreement is exceeded.

### **B. Land Use**



General

22. Prior to construction or ground disturbance, the applicant shall apply for and receive final site plan and engineering document approval from the City consistent with the preliminary site plan approval and conditions.
23. The applicant shall provide site improvements related to fencing, waste handling, parking and landscaping as depicted in the Minit Management landscaping and site plan figures contained in this decision.
24. Applications for sign permits are not subject to land use review. Future signs are subject to sign permit application and must demonstrate compliance with LCMC 8.60, Signs.
25. Prior to final site plan approval, the applicant shall revise all primary pedestrian circulation routes between building entrances and streets to be a minimum 5 feet wide to meet ADA Standards.
26. Fences and hedges shall comply with LCMC 18.245.020.
27. The applicant shall provide waste collection by Waste Connections prior to occupancy.
28. The applicant must comply with the conditions provided by Clark County Fire & Rescue at the pre-application meeting (dated November 28, 2017).
29. Should the applicant choose to proceed with a final short plat, the applicant shall apply for and receive final short plat approval from the City and provide a copy to the City after recording with Clark County.
30. The applicant shall comply with all monumentation and survey standards in LCMC 18.230 prior to final plat approval.
31. The applicant shall complete construction within six years and shall install all required public infrastructure in the first phase of the development.

Parking and Loading

32. All parking stalls shall meet the dimensional standards of LCMC 18.280.030.
33. All loading berths shall meet the dimensional standards of LCMC 18.280.040.
34. The applicant shall record a joint parking agreement and provide it to the City prior to final plat approval.
35. Landscaping within the 2-foot overhang shall consist of groundcover that will not interfere with or be damaged by the overhang.
36. The applicant shall design and provide ADA parking in compliance with RCW 46.61.581, RCW 19.27.550, and other applicable state laws.
37. The applicant shall design and provide EV charging infrastructure in compliance with WAC 51-50-0427 and other applicable state laws. This includes the requirement for one accessible parking space to be served by EV charging infrastructure (WAC 51-50-0427.5).

Conditional Uses at the Multi-Tenant Commercial Building

38. Uses must meet the trip cap in the development agreement with the City of 199 p.m. peak hour trips.
39. Uses must verify adequate parking is available when specific uses are proposed.
40. Uses that require outdoor storage are not permitted without additional review.
41. The following conditional uses from LCMC Table 18.150.020 are permitted as tenants of the multi-use commercial building under the conditional use permit.

<b>Approved Conditional Uses at the Multi-Tenant Commercial Building (LCMC Table 18.150.020)</b>
2. Retail Sales – Food.

<b>Approved Conditional Uses at the Multi-Tenant Commercial Building (LCMC Table 18.150.020)</b>	
a.	Markets in excess of 15,000 square feet gross floor area
c.	Bakery – primarily retail outlet (> 10,000 square feet of gross floor area)
d.	Bakery – primarily retail outlet (< 10,000 square feet of gross floor area)
3. Retail Sales – General.	
b.	General retailer (under 25,000 square feet gross floor area)
d.	Single purpose/specialty retailers (greater than 10,000 square feet gross floor area)
e.	Yard and garden supplies, including nurseries
4. Retail Sales – Restaurants, Drinking Places.	
b.	Restaurants, with associated drinking places, alcoholic beverages
6. Retail Sales – Building Material and Farm Equipment.	
7. Retail Sales – Products (Finished product retailers with primary fabrication or assembly on-site. Within an entirely enclosed building.)	
b.	Uses of 10,000 square feet gross floor area or greater
9. Services – General.	
g.	Branch banks
j.	Event facilities (<10,000 square feet)
l.	Event facilities (>10,000 square feet)
11 Services – Medical and Health.	
b.	Outpatient clinics
f.	Animal hospitals and veterinary clinics
	(2) Inside animal activities only
12. Services – Professional Office.	
b.	Professional offices (> 10,000 square feet gross floor area)
13. Services – Amusement.	
a.	Amusement centers
b.	Bowling alleys, billiard and pool parlors, and video arcades
d.	Theaters, indoor
f.	Athletic, health and racket clubs (< 10,000 square feet of gross floor area)
14. Services – Educational.	
a.	Nursery schools, preschools
b.	Day care facilities consistent with Chapter 388-73 WAC
e.	Vocational schools
g.	Artistic studios and schools including but not limited to dance, music and martial arts (>10,000 square feet)
i.	Public/private educational institutions
15. Services – Membership Organizations.	
a.	Business, professional and religious (not including churches)
c.	Civic, social, fraternal, charitable, labor and political (>5,000 square feet)
d.	Churches
17. Public Services and Facilities.	

Approved Conditional Uses at the Multi-Tenant Commercial Building (LCMC Table 18.150.020)
a. Buildings entirely dedicated to public services, such as city hall, police and fire substations
e. U.S. Post Offices

SEPA and Critical Areas

- 42. The applicant shall decommission the wellhead in accordance with state regulations and guidance from the Department of Ecology, and shall submit documentation of the wellhead decommissioning to the City prior to engineering approval.
- 43. The applicant shall deactivate the water system in accordance with state regulations and guidance from the Department of Health, and shall submit documentation of the water system deactivation to the City prior to engineering approval.
- 44. The applicant shall coordinate any required storage tank permit updates or renewals with the Clark County fire marshal and the Department of Ecology and shall provide documentation to the City prior to engineering approval.
- 45. The applicant shall meet all recommendations in the submitted archaeological predetermination report (ASCC, September 2019).
- 46. The applicant shall follow all recommendations contained in the submitted geotechnical study (Columbia West Engineering, Inc., September 2019).

## VI. APPEALS

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 hearings examiner closed the public record in the case. 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. For an appeal regarding a decision subject to a Type III process, the City Clerk shall schedule a public hearing to be held by the hearing examiner not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for application subject to a Type III process in Section 18.030.100 LCMC, except that the appeal shall be on the record except to the extent city council allows new evidence for good cause.

Ethan Spoo, AICP  
Consulting City Planner

Anthony Cooper, PE  
City Engineer

Emma Johnson, AICP  
Consulting City Planner

# Exhibit B

CITY OF LA CENTER

TYPE II SITE PLAN REVIEW, TYPE II SHORT PLAT AND TYPE III  
CONDITIONAL USE PERMIT

**MINIT MANAGEMENT**

APPLICANT:

**MINIT MANAGEMENT, LLC**

P.O. Box 5889

VANCOUVER, WA 98668

(360) 901-3875

[drhoads@tcgstores.com](mailto:drhoads@tcgstores.com)

MARCH 2020

JOB # 9825.01.01

CONTACT:

**OLSON ENGINEERING, INC.**

222 E. EVERGREEN BLVD.

VANCOUVER, WA 98660

(360) 695-1385

(360) 695-8117 FAX

PRINCIPAL-IN-CHARGE:

**KURT STONEX**

[kurt@olsonengr.com](mailto:kurt@olsonengr.com)

PROJECT MANAGER:

**MIKE ODREN**

[mikeo@olsonengr.com](mailto:mikeo@olsonengr.com)

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- Preliminary Site Plan and Short Plat
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- SEPA Checklist

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# Master Land Use Application



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

[www.ci.lacenter.wa.us](http://www.ci.lacenter.wa.us)

Ph. 360.263.7665 Fax: 360.263.7666

[www.ci.lacenter.wa.us](http://www.ci.lacenter.wa.us)

## Property Information

Site Address 2814 NW 319th Street, Ridgefield, WA 98642

Legal Description #17,55 SW 1/4 Sec. 04, T4N, R1E W.M.

Assessor's Serial Number 209738-000

Lot Size (square feet) 172,933 sf (3.97 acres) per Clark County GIS, 190,891 sf (4.38 ac) per survey by Olson Eng.

Zoning/Comprehensive Plan Designation Junction Plan (JP) zoning and comp. plan, vested under C-2 zone

Existing Use of Site Convenience store with fueling island and card lock fueling facility

## Contact Information

### APPLICANT:

Contact Name Don Rhoads

Company Minit Management, LLC

Phone (360) 901-3875

Email drhoads@tcgstores.com

Complete Address P.O. Box 5889 Vancouver, WA 98668

Signature 

(Original Signature Required)

### APPLICANT'S REPRESENTATIVE:

Contact Name Mike Odren

Company Olson Engineering, Inc.

Phone (360) 695-1385

Email mikeo@olsonengr.com

Complete Address 222 E. Evergreen Blvd. Vancouver, WA 98660

Signature 

(Original Signature Required)

### PROPERTY OWNER:

Contact Name Don Rhoads

Company Minit Management, LLC

Phone (360) 901-3875

Email drhoads@tcgstores.com

Complete Address P.O. Box 5889 Vancouver, WA 98668

Signature  , MANAGING MEMBER

(Original Signature Required)

**Development Proposal**

**Project Name**

**Type(s) of Application** Site Plan Review, Short Plat, Conditional Use Permit, SEPA, Archaeological Predetermination

**Previous Project Name and File Number(s), if known** \_\_\_\_\_

**Pre-Application Conference Date and File Number** 2019-018-PAC, June 26, 2019

**Description of Proposal** The Applicant proposes a phased commercial development that includes the following: 101-unit, 5-story hotel; 11,600 sf, one-story multi-tenant commercial building; 4,510 sf, one-story convenience store with a drive-through window; 2,800 sf, one-story drive-through restaurant; 12-pump automobile fueling island; associated parking, utility and other infrastructure improvements; four-lot short plat.

**Office Use Only**

**File #** \_\_\_\_\_

**Planner** \_\_\_\_\_

**Received By** \_\_\_\_\_

**Fees: \$** \_\_\_\_\_

**Date Received:** \_\_\_\_\_

**Date Paid:** \_\_\_\_\_

- Procedure:**  Type I  
 Type II  
 Type III  
 Type IV

**Receipt #** \_\_\_\_\_

**Notes** \_\_\_\_\_



# DEVELOPER'S PACKET

## **Produced By:**

Clark County Geographic Information System (GIS)



## **For:**

Olson Engineering Inc

## **Subject Property Account Number(s):**

209738000

PDF # 241853

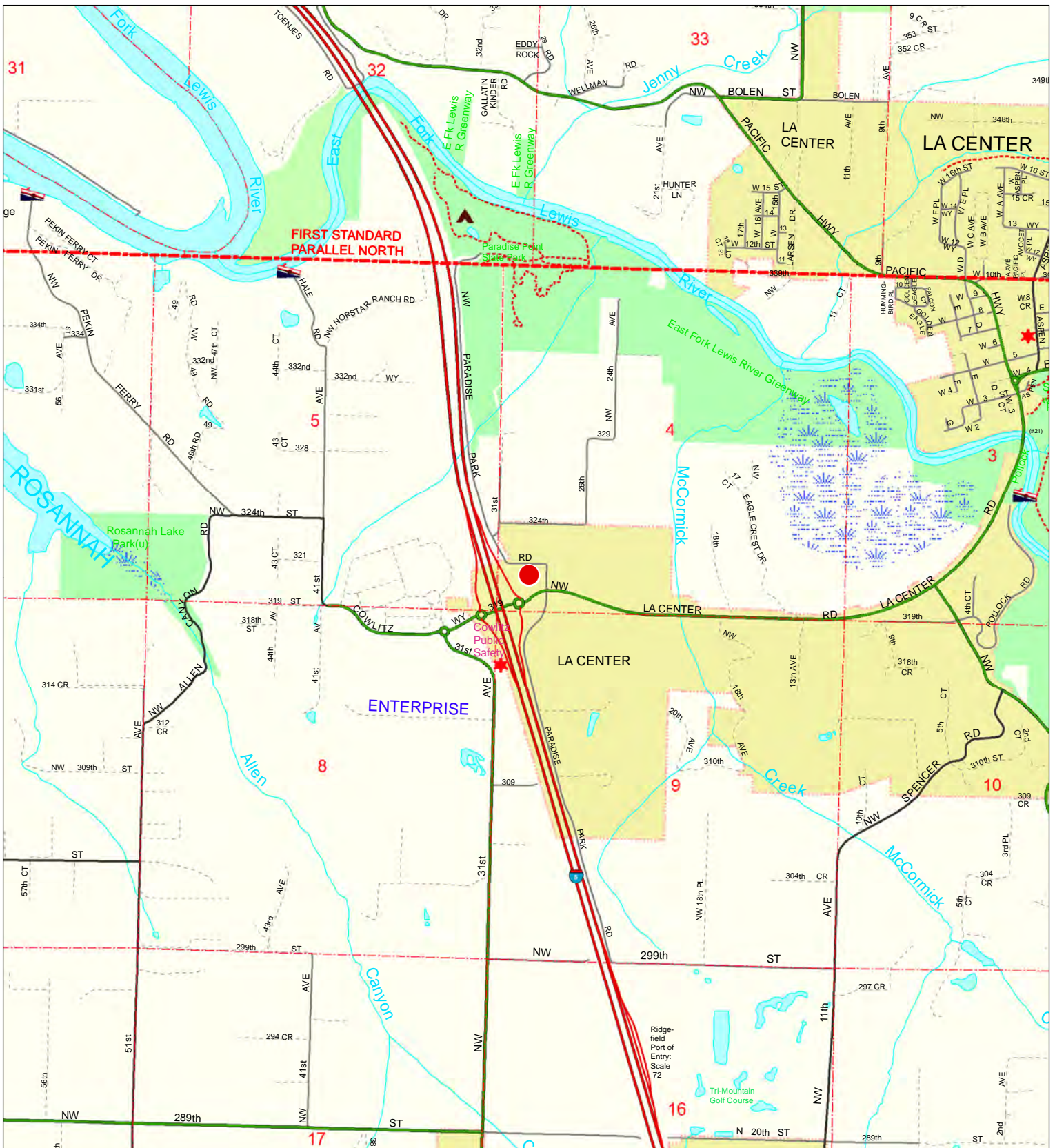
Printed: February 11, 2020

Expires: February 10, 2021

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### General Location


Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

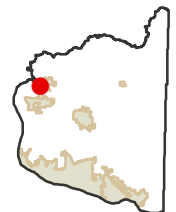
Printed on: February 11, 2020



Geographic Information System



 Location of Subject Property(s)



Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

# Property Information Fact Sheet

## Mailing Information:

Account No.: 209738000  
Owner: MINIT MANAGEMENT LLC  
Address: PO BOX 5889  
C/S/Z: VANCOUVER, WA 98668

**Assessed Parcel Size:** 3.97 Ac

**Property Type:** CONVENIENCE STORE - W/ PUMPS & TANKS

---

## PARCEL LOCATION FINDINGS:

**Quarter Section(s):** SW 1/4,S04,T4N,R1E

**Municipal Jurisdiction:** La Center

**Urban Growth Area:** LaCenter

**Zoning:** JP

**Zoning Overlay:** Urban Holding District (UH-10) - LAC

**Comprehensive Plan Designation:** JP

**Columbia River Gorge NSA:** No Mapping Indicators

**Late-Comer Area:** No Mapping Indicators

**Trans. Impact Fee Area:** La Center: Current,  
LaCenter UGA: End Date Dec. 31, 2016

**Park Impact Fee District:** No Mapping Indicators

---

**Neighborhood Association:** No Mapping Indicators

**School District:** La Center, Ridgefield

**Elementary School:** Union Ridge, La Center

**Junior High School:** La Center, View Ridge

**Senior High School:** La Center, Ridgefield

**Fire District:** Clark Co Fire

**Sewer District:** Rural/Resource

**Water District:** Clark Public Utilities

**Wildfire Danger Area:** No Mapping Indicators

---

## ENVIRONMENTAL CONSTRAINTS:

**Soil Type(s):** GeB, 90.0% of parcel  
OdB, 10.0%

**Hydric Soils:** Hydric, 10.0% of parcel  
Non-Hydric, 90.0%

**Flood Zone Designation:** Outside Flood Area

**CARA:** Category 1 Recharge Areas, Category 2 Recharge Areas

**Forest Moratorium Area:** No Mapping Indicators

**Liquefaction Susceptibility:** Very Low to Low

**NEHRP:** C

**Slope:** 0 - 5 percent, 76.7% of parcel  
5 - 10 percent, 23.3%

**Landslide Hazards:** No Mapping Indicators

**Slope Stability:** No Mapping Indicators

**Habitat and Species Resources:**

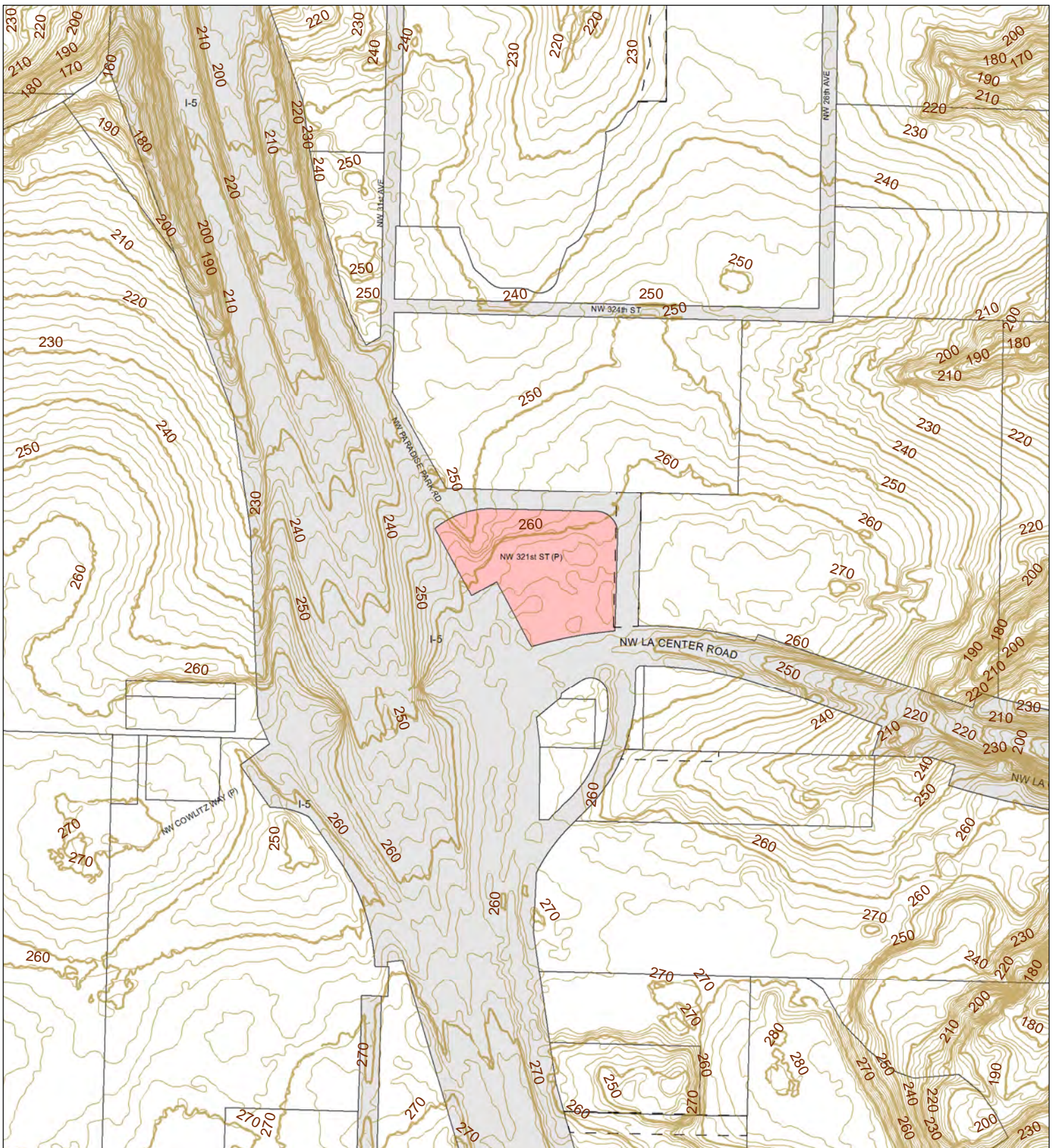
**Habitat and Species Impacts:** No Mapping Indicators

**Cultural Resources:**

**Archeological Predictive:** High, 99.0% of parcel  
Moderate-High, 1.0%

**Archeological Site Buffers:** No Mapping Indicators

**Historic Sites:** No Mapping Indicators



CLARK COUNTY, WASHINGTON

Geographic Information System

0 200 400 Feet

### Elevation Contours

Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

- Subject Property(s)
- Public Road
- Transportation or Major Utility Easement
- 10' Elevation Contours
- 2' Elevation Contours

Printed on: February 11, 2020

51132	51133
41105	41104
41108	41109
41103	41110

Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.



## 2018 Aerial Photography

Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

Printed on: February 11, 2020



Geographic Information System

0 200 400 Feet

 Subject Property(s)

51132	51133	
41105	41104	41103
41108	41109	41110

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**CLARK COUNTY, WASHINGTON**

Geographic Information System

0 100 200 Feet

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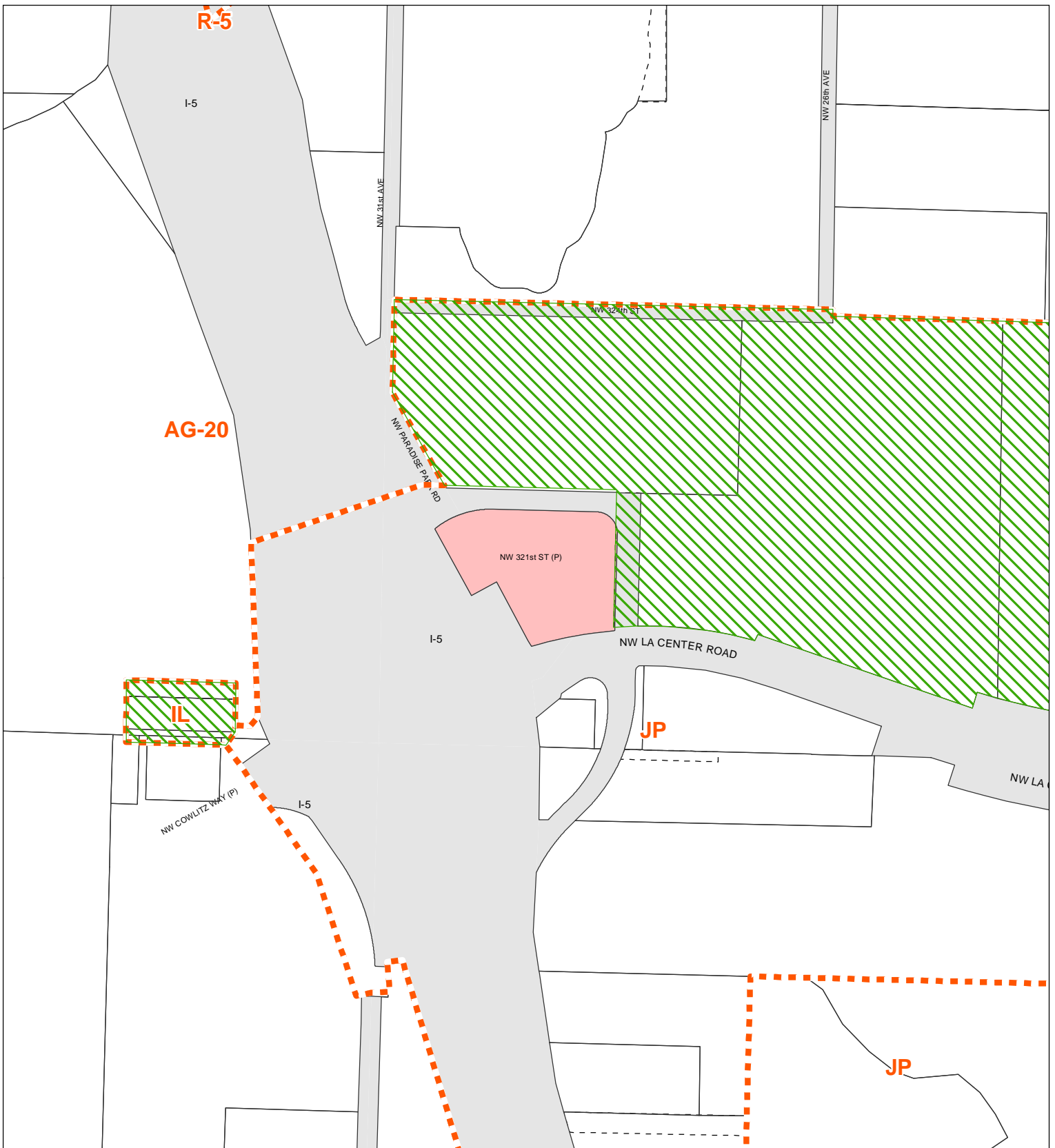
## 2018 Aerial Photography with Elevation Contours

Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

- Subject Property(s)
- 2' Elevation Contours

Printed on: February 11, 2020

51132	51133	
41105	41104	41103
41108	41109	41110



Geographic Information System  
 0 200 400 Feet

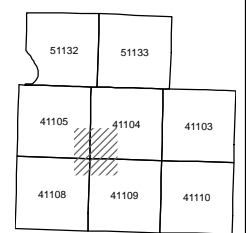
Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

### Zoning Designations

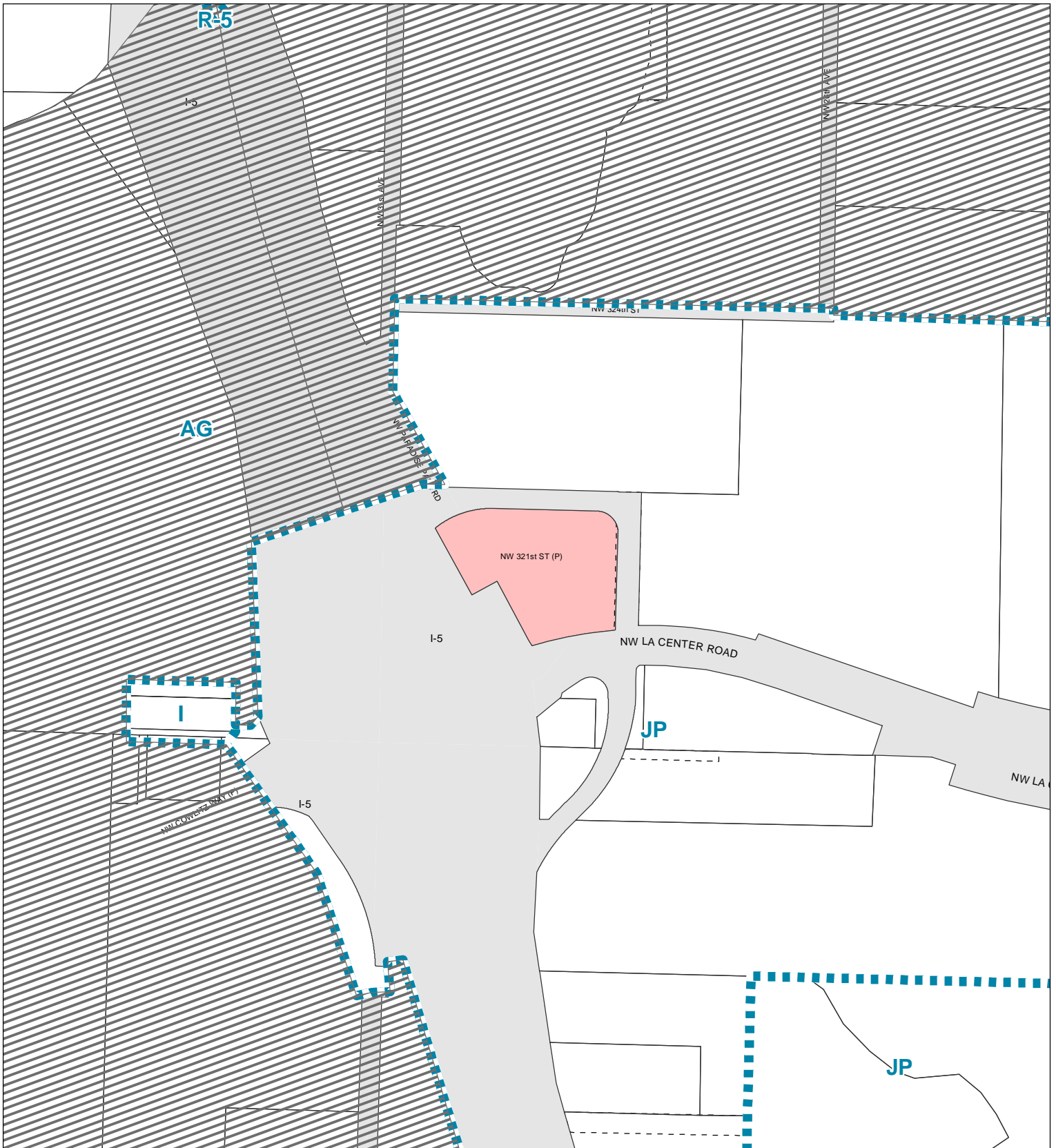
Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

- Subject Property(s)
- Public Road
- Transportation or Major Utility Easement
- Zoning Boundary
- Urban Holding - 10 (UH-10)
- Urban Holding - 20 (UH-20)
- Urban Holding - 40 (UH-40)
- Surface Mining Overlay District

Printed on: February 11, 2020







Geographic Information System  
 0 200 400 Feet

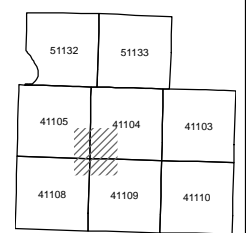
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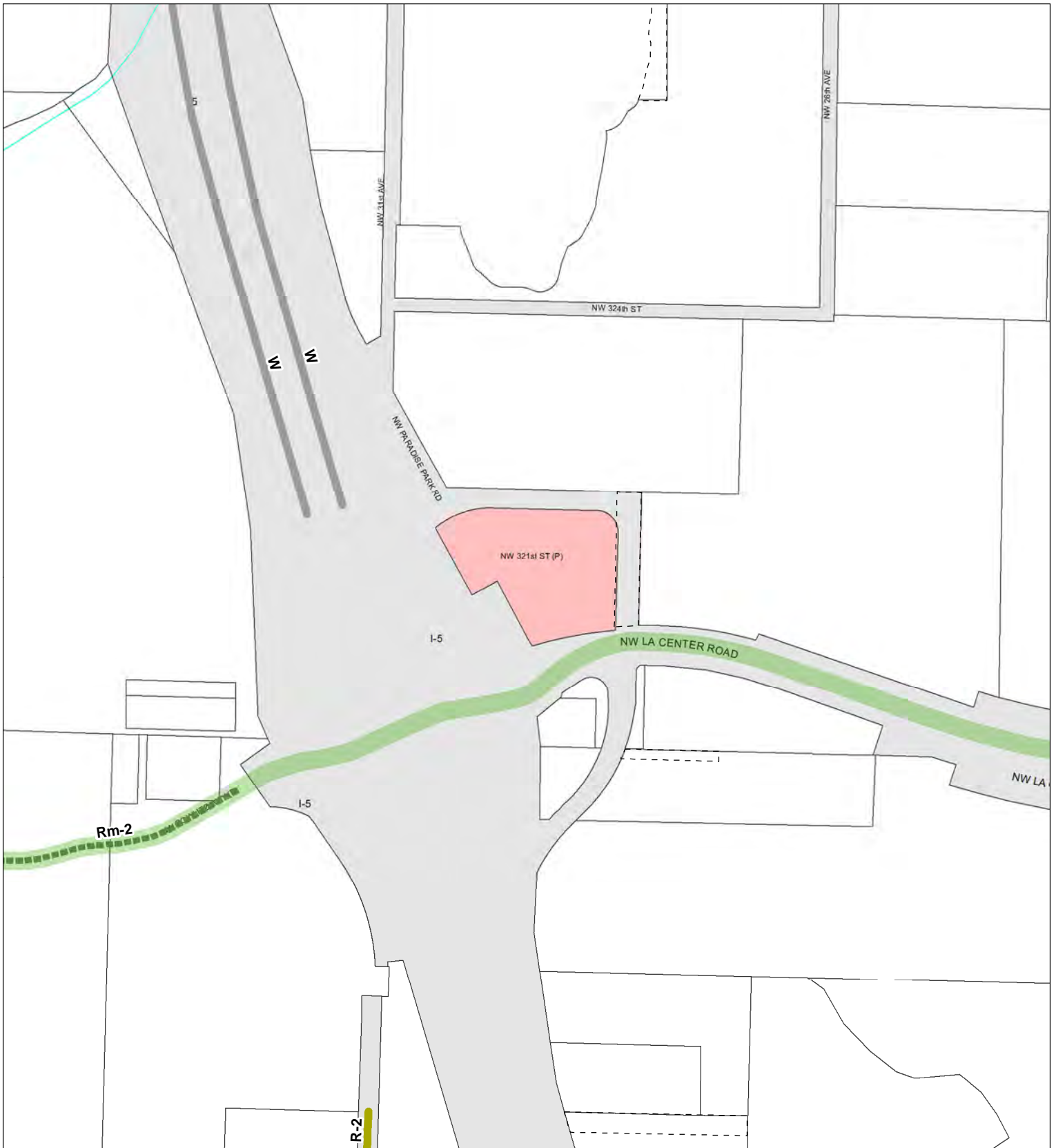
### Comprehensive Plan Designations

Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

- Subject Property(s)
- Public Road
- Transportation or Major Utility Easement
- Comprehensive Plan Boundary
- Industrial Reserve
- Railroad Industrial Reserve
- Mining
- Rural Center Mixed Use
- Urban Reserve
- Columbia River Gorge Scenic Area

Printed on: February 11, 2020





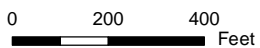
### Arterials, C-Tran Bus Routes, Parks & Trails

Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

Printed on: February 11, 2020



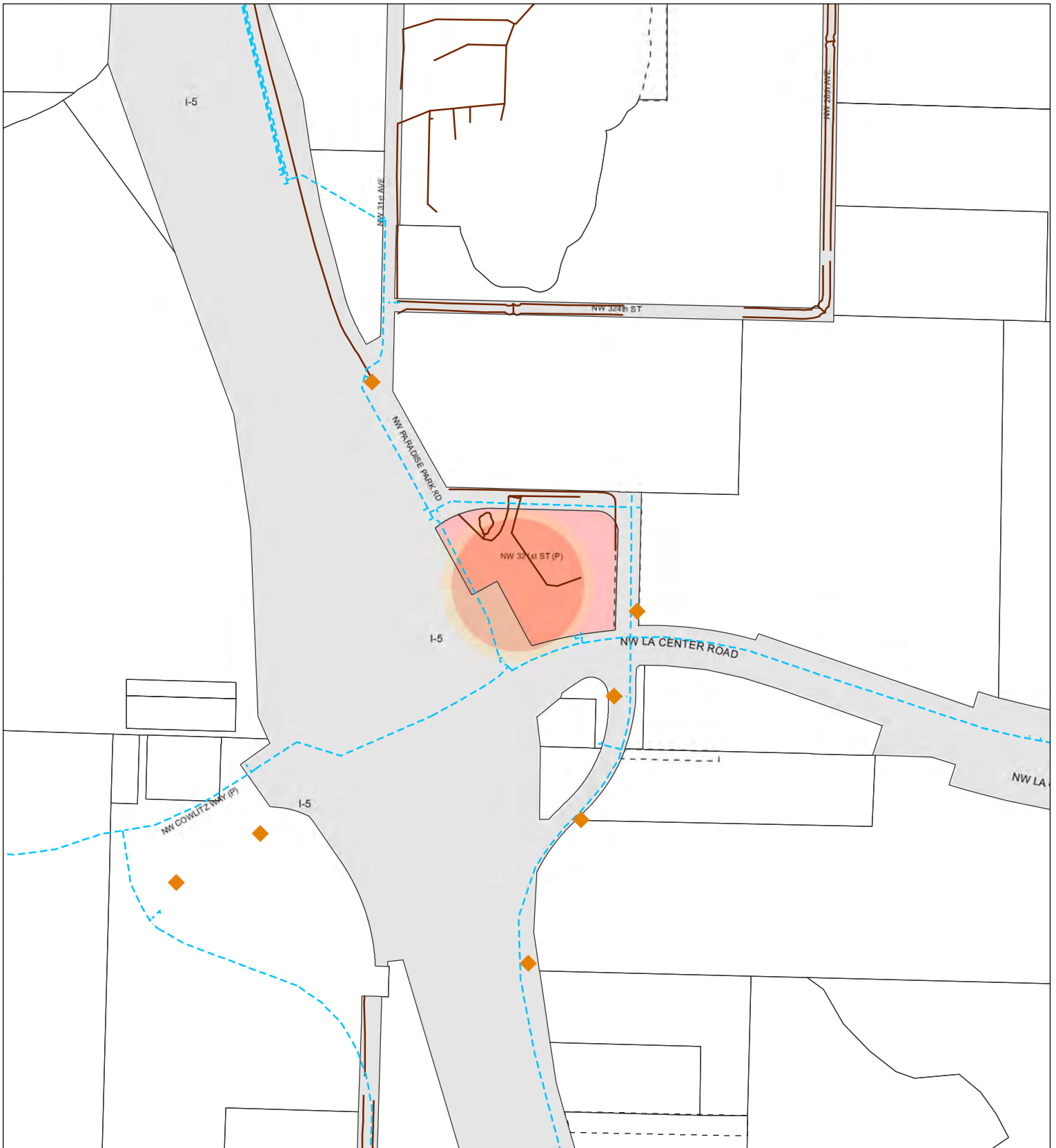
Geographic Information System



Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

- Subject Property(s)
- Public Road
- Transportation or Major Utility Easement
- Parks
- Trail
- C-Tran Route
- Principal Arterial
- Minor Arterial
- Collector
- Rural Major Collector
- State Route
- Other
- Scenic Highway
- Rural Minor Collector
- Proposed Arterial





**CLARK COUNTY, WASHINGTON**

Geographic Information System

0 200 400 Feet

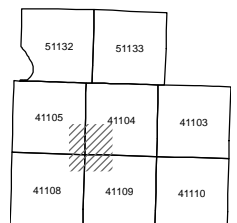
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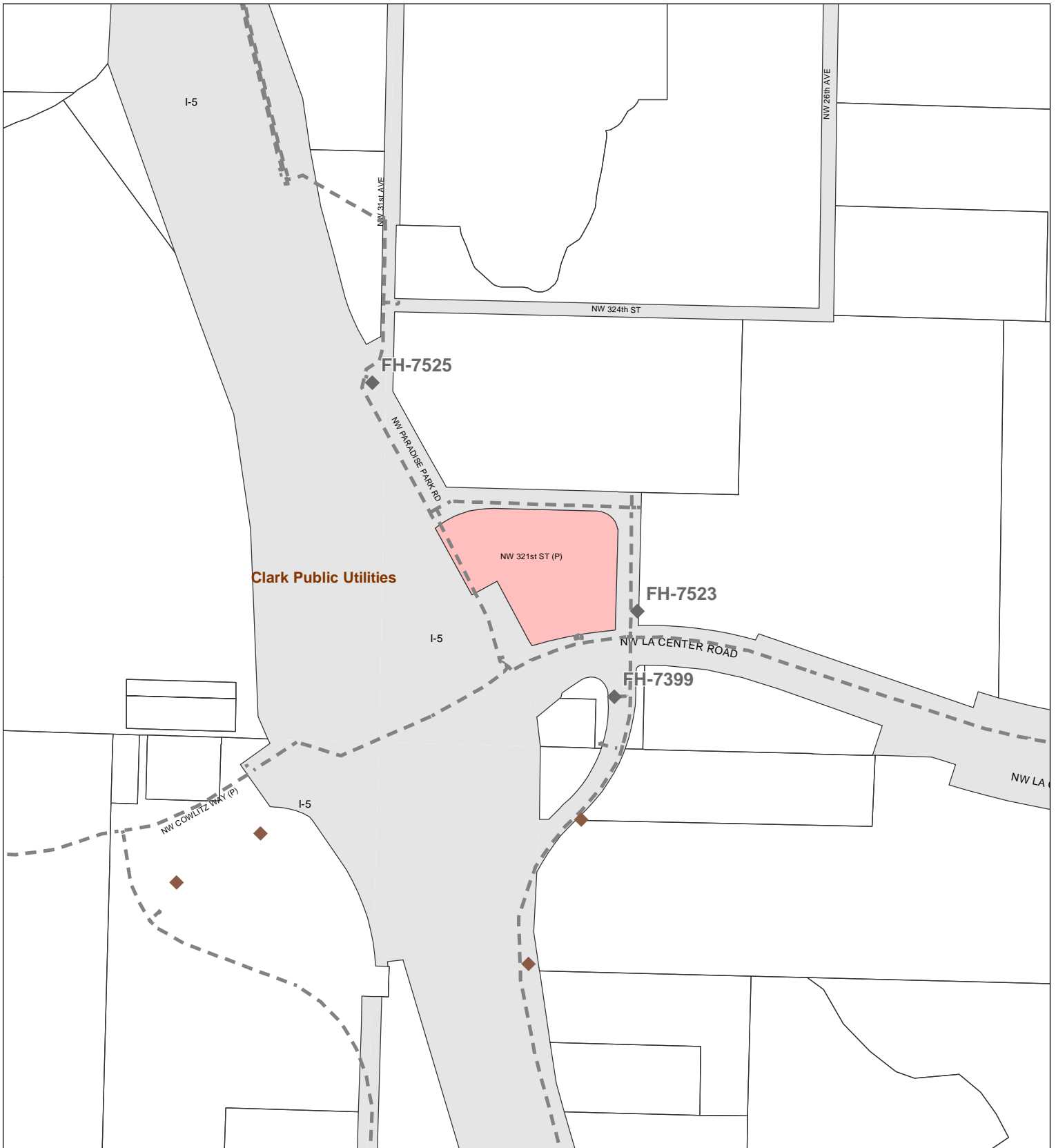
### Water, Sewer, and Storm Systems

Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

- Subject Property(s)
- Public Road
- Transportation or Major Utility Easement
- Water Lines
- Sewer Lines
- Storm Water Lines
- 1-year Wellhead ZOC
- 5-year Wellhead ZOC
- 10-year Wellhead ZOC
- Hydrants

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**CLARK COUNTY, WASHINGTON**

Geographic Information System

0 200 400 Feet

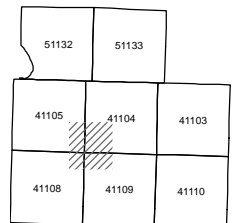
Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

### Water Systems

Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

- Subject Property(s)
- Public Road
- Water District Boundary
- Unknown Size Water Line
- < 10" Water Line
- 10-20" Water Line
- > 20" Water Line
- No Flow Data Hydrant
- 0 - 499 GPM at 20 PSI
- 500 - 999 GPM at 20 PSI
- ◆ > 1000 - 1749 GPM at 20 PSI
- ◆ > 1750 GPM at 20 PSI
- ◆ Hydrant > 500' from parcel(s)

Printed on: February 11, 2020



# Hydrant Fire Flow Details

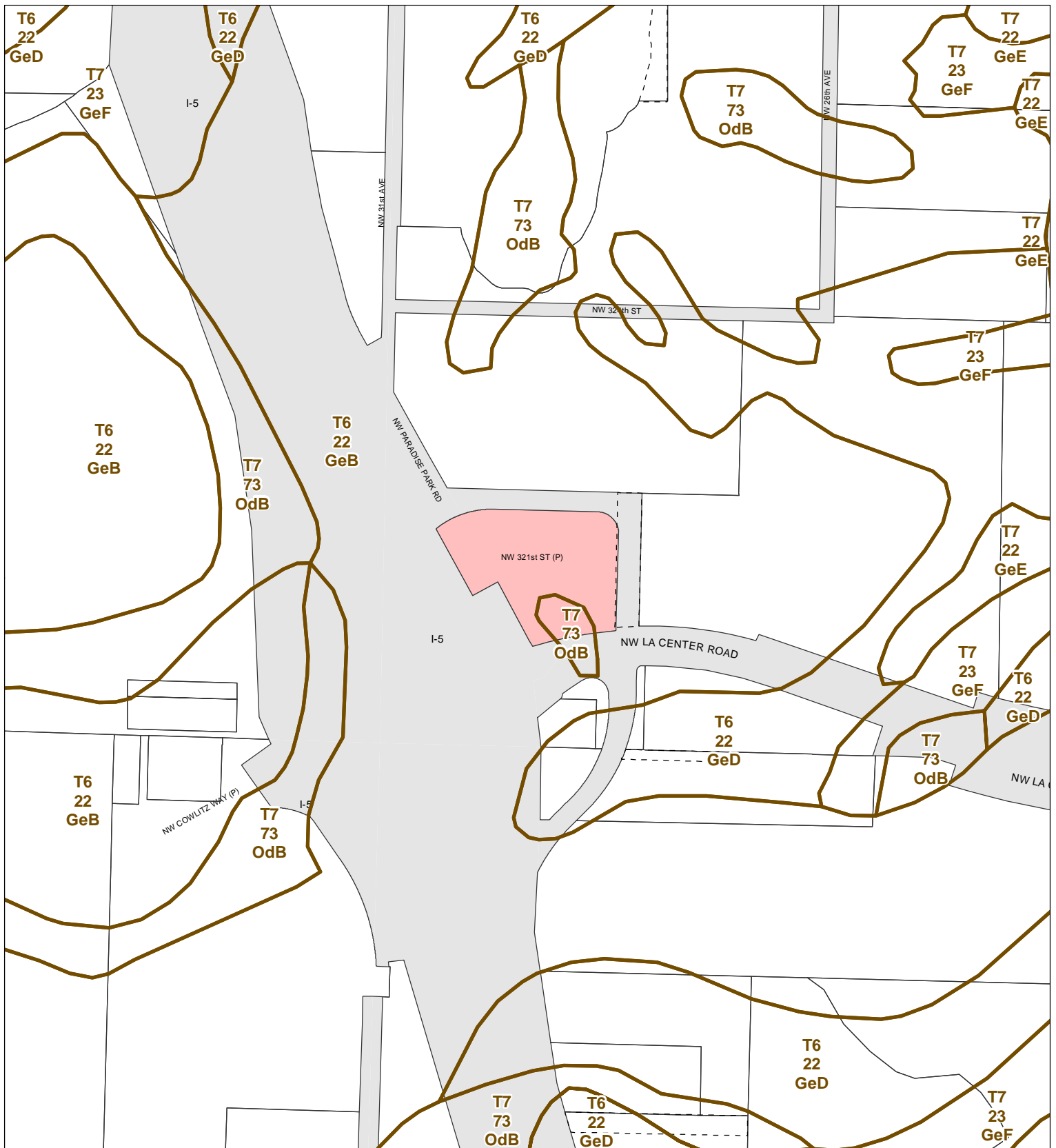
Account No.: 209738000  
Owner: MINIT MANAGEMENT LLC  
Address: PO BOX 5889  
C/S/Z: VANCOUVER, WA 98668

---

Water District(s)	Hydrant Data Update	Project Site Provider
Clark Public Utilities	January 1, 2017	Service Provider

## HYDRANT INFORMATION:

Hydrant ID	Hydrant Owner	Main Diameter	Flow at 20 PSI	Test Date	Distance to site
FH-7523	Clark Public Utilities	0.0"	No Data	None	65 ft
FH-7399	Clark Public Utilities	0.0"	No Data	None	199 ft
FH-7525	Clark Public Utilities	0.0"	No Data	None	471 ft

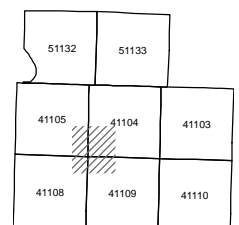


### Soil Types

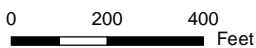
Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

- Subject Property(s)
- Public Road
- Transportation or Major Utility Easement
- Soil Type Boundary

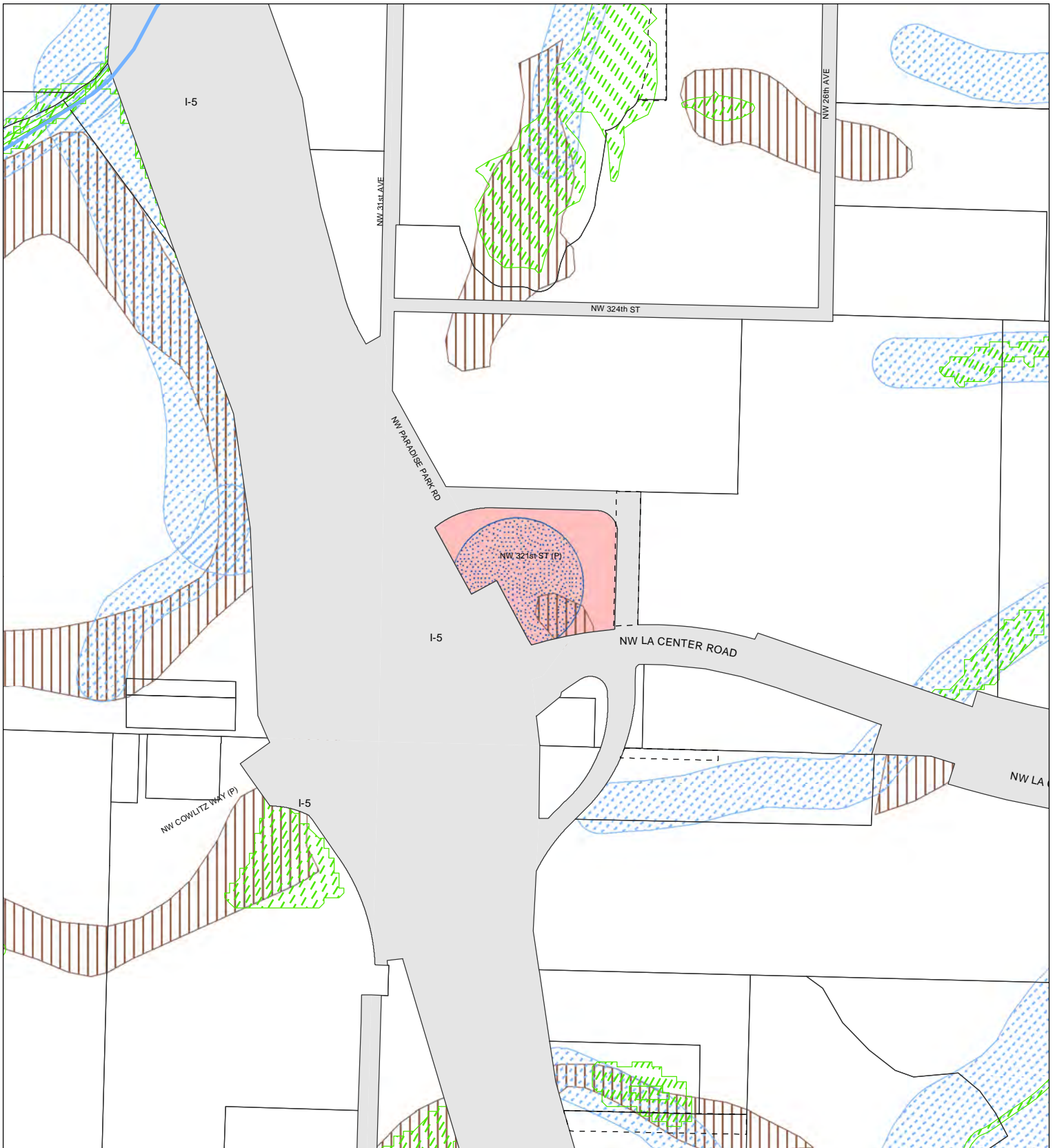
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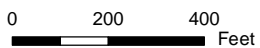
### Environmental Constraints I

Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

Printed on: February 11, 2020

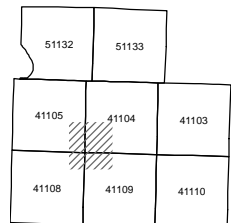


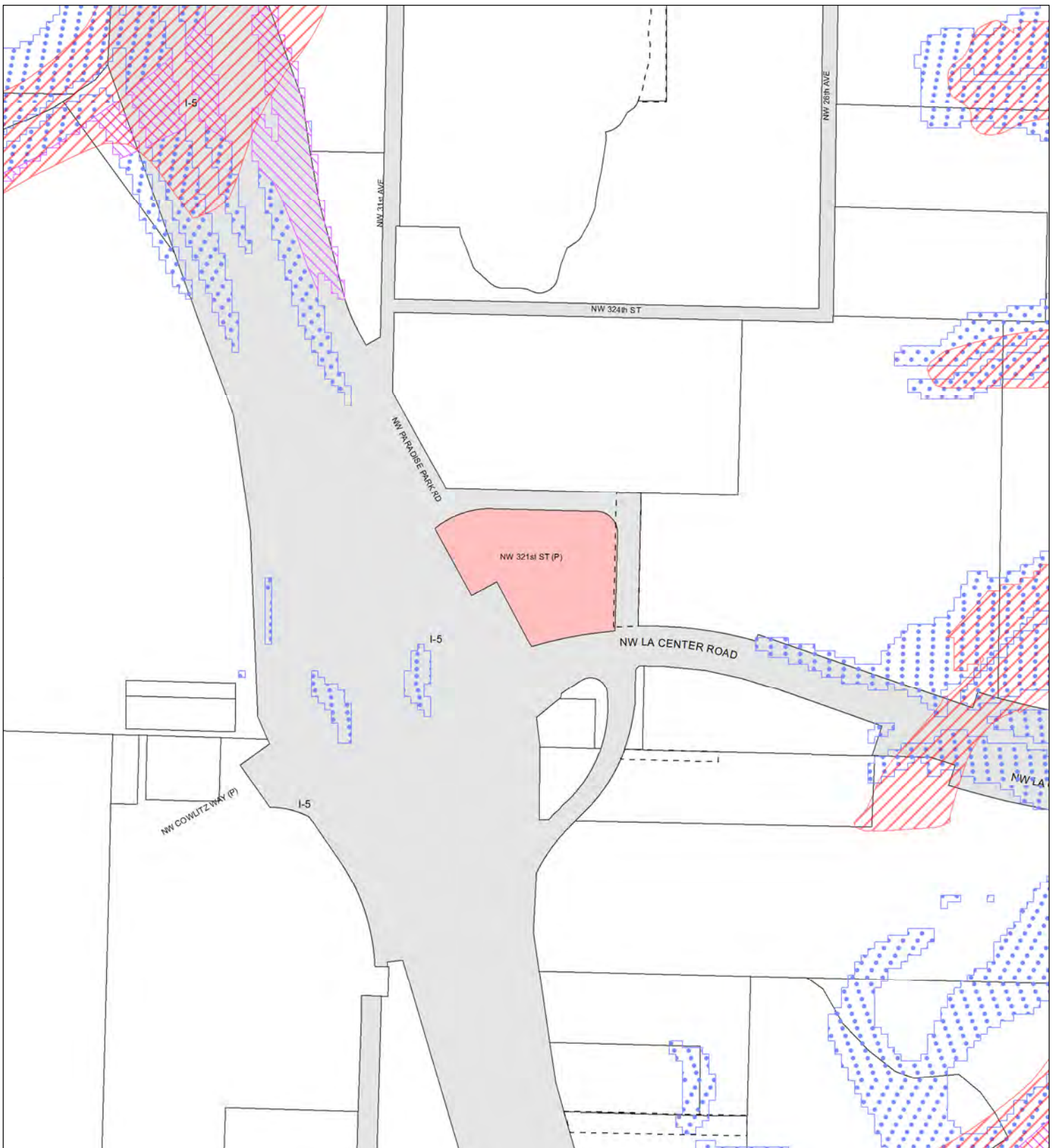
Geographic Information System



Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

- Subject Property(s)
- Public Road
- Transportation or Major Utility Easement
- Hydric Soils
- Wetland Inventory
- CARA Category 1
- Riparian Habitat or Species Area
- Non-Riparian Habitat or Species Area
- 100 year Floodplains
- Floodway
- Shorelines
- Stream





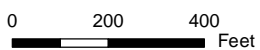
## Environmental Constraints II

Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

Printed on: February 11, 2020



Geographic Information System

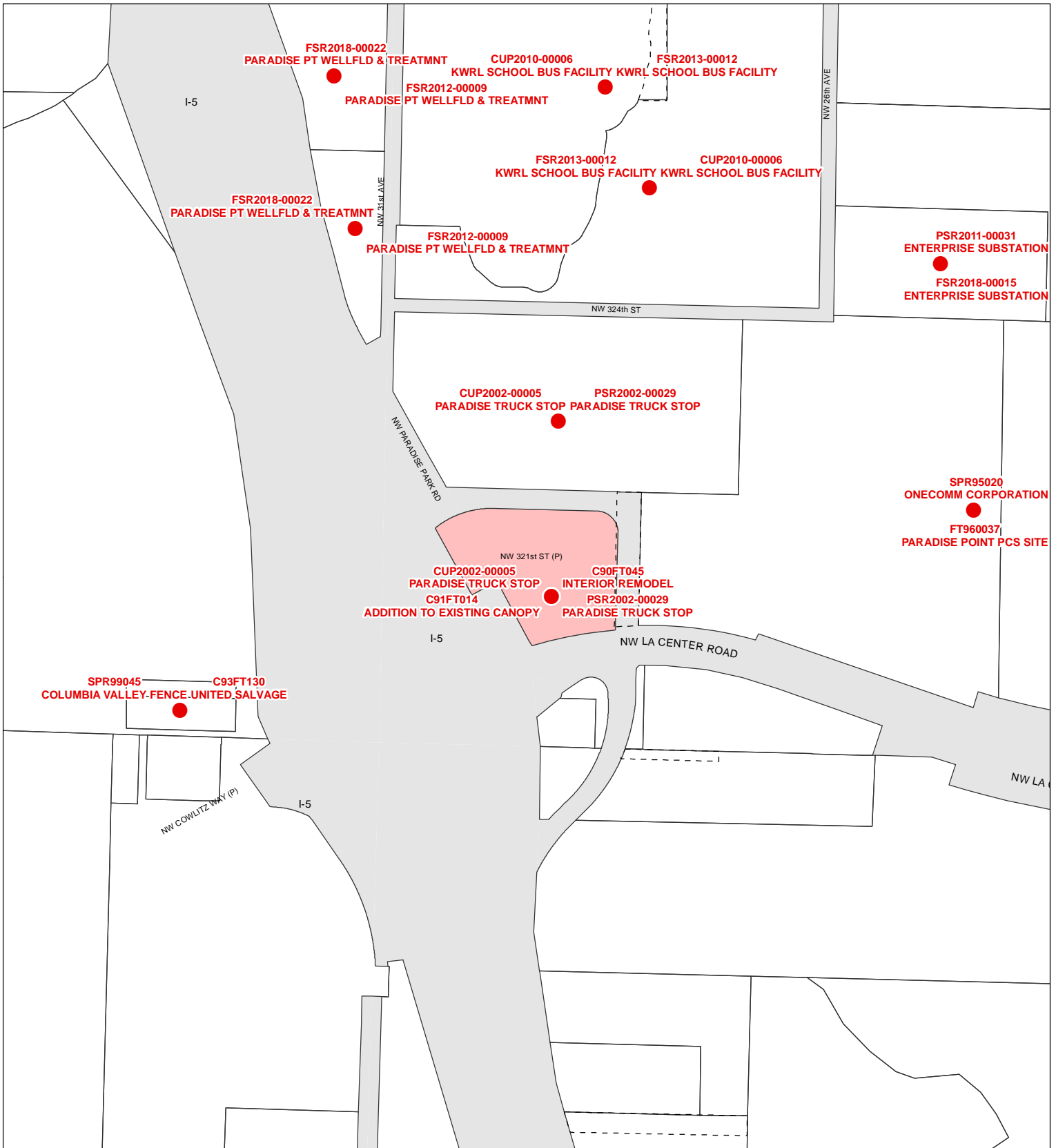


Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

- Subject Property(s)
- Public Road
- Transportation or Major Utility Easement
- Slopes > 15%
- Potentially Unstable Slope
- Historic or Active Landslide
- Severe Erosion Hazard Area
- Forest Moratorium Area
- CCHR Historic Site
- NRHP Historic Site
- INV Historic Site







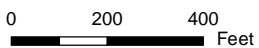
### Adjacent Development

Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

Printed on: February 11, 2020



Geographic Information System



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- Subject Property(s)
- Public Road
- Transportation or Major Utility Easement
- Adjacent Development





## **Minit Management Project Narrative**

### **GENERAL DESCRIPTION**

The Applicant, Minit Management, LLC, proposes a phased commercial development that includes the following:

- 101-unit, 5-story hotel.
- 11,600 square foot, one-story multi-tenant commercial building.
- 4,510 square foot, one-story convenience store with a drive through window.
- 2,800 square foot, one-story drive-through restaurant.
- 12-pump automobile fueling island.
- Associated parking, utility, and other infrastructure improvements.
- Four-lot commercial short plat.

The existing convenience store and fueling islands will be removed.

Refer to the Preliminary Site Plan and Short Plat for more information on the site layout and project phasing.

Water service is currently supplied via a well. New water lines will be connected to the existing Clark Public Utilities water stub located in the southeast corner of the subject parcel and extended through the site to provide domestic water service and fire protection. The existing well and water system will be decommissioned.

The site is currently served by a septic system. Upon development, new sanitary sewer laterals will be extended from the existing 8-inch stub located in the southeast corner of the site to serve the new buildings. Grinder pump systems will be utilized where necessary due to the existing grades. The existing septic system will be decommissioned.

Stormwater will continue to be collected in catch basins, routed to the existing treatment vault and detained in an existing underground detention facility prior to release into the existing roadside ditch north and east of Paradise Park Road near the northwest corner of the site. Some runoff from site entrances will continue to run into Paradise Park Road, where it will be captured and treated by the existing city stormwater facility south of La Center Road as originally designed.

Vehicular access to the site will continue to be provided from an existing driveway along the north leg of NW Paradise Park Road and from an existing driveway along the east leg of NW Paradise Park Road. The existing vehicular access onto NW La Center Road will be removed with development of the site. No additional off-site transportation improvements are anticipated with this project. Please refer to the plans provided with this submittal for more information.

Lighting and landscaping will be provided meeting City of La Center code requirements and standards.

## **EXISTING CONDITIONS**

The site is located at 2814 NW 319<sup>th</sup> Street, Ridgefield, Washington, in the Junction Plan (JP) zoning district. The property is further identified as Tax Lot 17/55, tax assessor's serial number 209738-000, located in the Southwest ¼ of Section 04, Township 4 North, Range 1 East of the Willamette Meridian, Clark County. The site is 3.97 acres (172,933 square feet) according to Clark County GIS, 4.38 acres (190,891 square feet) according to survey by Olson Engineering, Inc.

The site is currently used as a truck stop and contains a convenience store, passenger vehicle fueling island and card lock fueling island.

According to Clark County GIS, there are no critical areas on site. However, because of the existing well, the site is located within a CARA Category 1 and 1-year Wellhead Zone of Contribution. However, this well will be abandoned with the project and all new buildings will be connected to public water.

The site was recently reconfigured with roadway improvements at the La Center Junction. NW Paradise Park Road, which used to run along the west side of the site, was realigned to run along the north and east sides of the site. Vehicular access to the site will continue to be provided from an existing driveway along the north leg of NW Paradise Park Road and from an existing driveway along the east leg of NW Paradise Park Road. The existing access onto NW La Center Road will be removed with development of the site.

The site is subject to a Development Agreement between the City of La Center and Minit Management, LLC effective March 28, 2016. The Development Agreement sets forth certain vesting rights to development standards that were in place at the time of the recording of the Development Agreement as well as other stipulations related to development of the La Center Junction and associated transportation and utility

improvements. Please refer to the Development Agreement included in this application for more information.

The site is also subject to a Development Agreement between the Cowlitz Indian Tribe (Tribe) and Minit Management, LLC. The Development Agreement sets forth certain requirements by the Tribe and Minit Management, LLC related to transportation and utility improvements at the La Center Junction. Please refer to the Development Agreement included in this application for more information.

### **Clark County Fire & Rescue**

Fire apparatus access will be provided to within 150 feet of any point of the proposed buildings. All fire apparatus roads shall have a minimum clear width of 20 feet and clear height of 13 feet 6 inches. Additionally, as the proposed hotel will exceed 30 feet in height, a 26 foot wide area will be provided along the south side of the proposed hotel to provide aerial apparatus access. Fire hydrants will be installed as required by the Fire Marshal.

### **Compliance with City of La Center Code**

#### **LCMC Title 12 – Streets, Sidewalks, and Public Ways/LCMC 12.10 – Public and Private Road Standards**

NW Paradise Park Road was recently realigned with development at the La Center Junction as part of the ilani Casino project. As such, there are no proposed improvements to NW Paradise Park Road except for the reconstruction of the existing driveways off NW Paradise Park Road.

The NW La Center Road was recently reconstructed with development at the La Center Junction. As such, there are no improvements to NW La Center Road except for removal of the existing driveway approach and installation of curb and gutter, sidewalk and landscaping.

#### **LCMC Title 13 – Public Utilities/LCMC 13.10 – Sewer System Rules and Regulations**

A sanitary sewer main was installed in NW La Center Road and an 8-inch sanitary sewer lateral was extended to the site as part of the ilani Casino project. Sanitary sewer laterals will be extended to each building to provide sanitary sewer service. Additionally, a grease interceptor will be installed for each building as dictated by their proposed use.

## **LCMC Title 15 – Buildings and Construction**

Building permits will be applied for separately from the Site Plan Review application.

Electric vehicle charging parking stalls will be provided meeting the requirements of WAC 51-50-0427, including one ADA stall. While these stalls are conceptually shown on the Architectural Site Plan, final placement of these stalls shall take place upon final engineering design.

## **LCMC Title 18 – Development Code**

### **LCMC 18.010 – General Provisions**

This application meets the applicable provisions as indicated in this section.

#### **LCMC 18.010.090 – Concurrency**

The site is subject to a Development Agreement between the City of La Center and Minit Management, LLC. The Development Agreement sets forth the vesting of 2,000 Average Daily Trips, 187 a.m. and 199 p.m. peak hour trips as credits for the existing convenience store and fueling facilities. Redevelopment of the site will generate 4,326 Average Daily Trips, 144 new a.m. peak trips and 120 new p.m. peak trips. Existing development generates 3,380 Average Daily Trips, 68 a.m. peak trips and 68 p.m. peak trips. The net trip increase from the existing uses vs. the proposed uses is 946 Average Daily Trips, 76 a.m. peak trips and 52 p.m. peak trips. Please refer to the Development Agreement Between the City of La Center and Minit Management, LLC, recorded October 3, 2016, and the Trip Generation Assessment Minit Management Development, as prepared by Charbonneau Engineering, LLC, dated March 2, 2020, for more information.

The City of La Center bases traffic impact fees on p.m. peak hour trips. As the total p.m. peak hour trip generation for the redeveloped site falls below the vested 199 p.m. peak trips (120 p.m. peak trips), traffic impact fees will not be assessed.

### **LCMC 18.020 – Administration**

This application meets the applicable provisions as indicated in this section.

## **LCMC 18.030 – Procedures**

This application is subject to the applicable procedures as indicated in this section. A Pre-Application Conference was held on June 11, 2019. The development is subject to a Type II Site Plan Review, a Type II Short Plat, and a Type II Conditional Use Permit. Review of all aspects of the project will be subject to a Type III review in front of a Hearing Examiner.

## **LCMC 18.040 – Definitions**

The Applicant has reviewed the applicable definitions of this chapter. The Site Plan Review, Conditional Use Permit and Short Plat application, as proposed, complies with all applicable chapters of the La Center Municipal Code as clarified by the definitions contained in LCMC 18.040.

## **LCMC 18.150 – Commercial Districts (C1, C2, C3 and MX)**

The subject parcel is currently zoned Junction Plan (JP) with a Town Center (TC) overlay. However, this application is vested to the development regulations in place at the time when the City of La Center and the applicant entered into a development agreement regulating future development activity on the property. The effective date of the development agreement is March 28, 2016. As such, this development will meet the requirements pertaining to the C-2 zoning district, the Development Agreement as well as other development regulations in effect on March 28, 2016.

LCMC 18.150.020 and Table 18.150.020 Uses lists the uses allowed in the C-2 zoning district. The proposed hotel, multi-tenant retail building, drive-through restaurant and 12-pump fueling island are all conditional uses. The convenience store is a permitted use.

### **LCMC 18.150.030- Development Standards**

The following is how the proposed development meets the applicable development standards for the C-2 zoning district:

- A. The proposed lots and structures comply with the standards of this section.
- B. Landscaping - Landscape area of approximately 17% of the site has been provided, exceeding the 15% minimum for the C-2 zone.
- C. Site Plan Review Standards

1. A minimum 11-foot wide pedestrian route with a minimum 3 feet of landscaping on one side has been provided connecting the buildings to the abutting sidewalks located within the rights-of-way. Where landscaping is not appropriate along the fronts of the buildings, tree wells have been placed at approximately every 30 feet on center.
2. Landscaping
  - a. Trees have been placed at an average of 30 feet on center along the sides of the buildings that provide the primary pedestrian access.
  - b. Landscape buffers have not been provided between each pad development site.

LCMC Tables 18.150.030A and 18.150.030B list the minimum lot requirements, setbacks, lot coverage and building height. The proposed lots meet the requirements of a minimum lot area of 10,000 square feet. Additionally, the minimum setbacks shall be met by providing the minimum landscape buffers pursuant to Chapter 18.245. The height of the hotel will not exceed the maximum building height of 60 feet.

### **LCMC 18.205 – Short Plat Provisions**

The Applicant proposes a 4-lot short plat. This application contains the required contents of LCMC 18.205-030 for a fully complete short plat application. Additionally, a Pre-Application Conference was held on June 11, 2019, meeting the requirements of LCMC 18.205.010.

Approval criteria for a preliminary short plat application have been met as follows:

1. *The applicant has sustained the burden of proving that the application complies with the following regulations of the La Center Municipal Code to the extent relevant; or*
  - a) *Chapters 12.05 (Sidewalks) and 12.10 (Public and Private Road Standards) LCMC;*
  - b) *Chapter 18.300 LCMC (Critical Areas);*
  - c) *Chapter 18.310 LCMC (Environmental Policy);*
  - d) *Chapter 18.320 LCMC (Stormwater and Erosion Control);*
  - e) *Chapter 15.05 LCMC (Building Code and Specialty Codes)*
  - f) *Chapter 15.35 LCMC (School Impact Fees); and*



g) *Title 18 LCDC (Development Code*

The Applicant has provided a review of the applicable chapters listed in this section as found in this application or otherwise listed in this narrative.

2. *That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final short plat is approved;*

The application can comply with those regulations listed above and any conditions of approval. There are no proposed adjustments, exceptions, modifications or variations proposed.

3. *The application makes appropriate provision for potable water supplies and for disposal of sanitary wastes; and*

As indicated elsewhere in this application, the site is already served by public water and sanitary sewer. Each building will be connected to public water and sanitary sewer.

4. *The application complies with RCW 58.17.110.*

Under the provisions of RCW 58.17.110, the legislative body must find that the proposed subdivision is in the public interest and that adequate public services can be provided. The following findings address this requirement:

- The project will implement existing Comprehensive Plan designations and zoning.
- This project can be adequately served by emergency services. Fire flow is adequate to serve the site. Fire hydrants will be installed as required by the Fire Marshall.
- The City of La Center and the Clark Public Utilities indicates that sanitary sewer and water are available at the site.
- This project will manage stormwater runoff from the site.
- Improvements will be constructed in compliance with the City of La Center's development regulations.
- As the site has trips vested to it through a Development Agreement, transportation impact fees will not be imposed.

- This project will contribute to an increased tax base.
- This proposed land division will promote the general welfare of the City of La Center by complying with all applicable statutes, regulations, and ordinances.

### **LCMC 18.215 – Site Plan Review**

This application contains the required contents of LCMC 18.215-050 for a fully complete short plat application. The site plan is being reviewed as a Type III review as it is combined with a Conditional Use Permit application for several of the proposed uses. Approval criteria for a site plan application have been met as follows:

*C. 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:*

- 1. The proposed use is permitted within the district in which it is located.*

The proposed uses are either permitted outright or are Conditional Uses within the C-2 zoning district.

- 2. The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located.*

As indicated elsewhere in this narrative, the proposal meets the lot, yard, building, height and other dimensional requirements of the C-2 zoning district.

- 3. The proposal meets the screening, buffering and landscape strip requirements, as set forth in Section 18.245.060 LCMC.*

As indicated on the Preliminary Landscape Plan and elsewhere in this application, the proposal meets the screening, buffering and landscape strip requirements.

- 4. Minimum parking and loading space requirements are met, as required by Chapter 18.280 LCMC.*

As indicated on the Preliminary Site Plan and Short Plat, the minimum parking and loading space requirements have been met.

5. *All applicable conditions and criteria contained in other titles of the La Center Municipal Code are met.*

As indicated on the plans, in this narrative and in other application material, all applicable conditions and criteria contained in other titles of La Center Municipal Code either have been or can be met.

6. *Improvement requirements are provided in accordance with the applicable sections of the La Center development code.*

Improvement requirements, as applicable to this project, have been provided in accordance with the applicable sections of the La Center development code.

7. *All conditions of any applicable previous approvals (i.e., CUP) have been met.*

All previous conditions of previous approvals have been met.

8. *Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication.*

The site is currently served by all required utilities, including electricity and communication.

9. *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 or infeasible or inappropriate.*

The site is currently served with public water and sanitary sewer. Additionally, a stormwater system was previously installed with future development contemplated.

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

Phasing is proposed with development taking place in up to four phases. This also includes the short plat also being recorded in up to four phases. Please refer to the Preliminary Site Plan and Short Plat for more information regarding phasing.

## **LCMC 18.245 – Supplemental Development Standards**

### **LCMC 18.245.020 – Height of fences and hedges**

Hedges along the front and street side yards will be maintained to a height not to exceed four feet. There are no proposed fences.

### **LCMC 18.245.030 – Solid Waste**

Trash enclosures are proposed to screen solid waste and recycling containers from view.

### **LCMC 18.245.040 – Lighting**

Lighting shall be designed to meet the requirements of this section.

### **LCMC 18.245.050 – Noise**

While loud noises are not anticipated with this project (upon project completion), noise standards as found in Chapter 173-60 WAC shall be adhered to.

### **LCMC 18.245.060 – Landscaping**

The project will meet the applicable provisions found in this section as indicated below:

- Solid waste and recycling enclosures will meet the F2 or L3 buffer standard.
- Any rooftop or ground-level exterior equipment will be screened to an F2 or L3 standard.
- Parking has been screened by a 5-foot wide L2 landscape buffer.
- Landscape islands have been provided at a ratio of one island for every 7 parking stalls, are a minimum of 25 square feet, are at least 4 feet wide and are protected by a 6-inch concrete curb.
- One tree has been proposed in each landscape island.

- Tree, shrub and groundcover sizes meet or exceed the minimum sizes required.
- A permanent, automatic underground irrigation system will be installed.

Refer to the Preliminary Landscape Plan for more information.

### **LCMC 18.250 – Conditional Uses**

Several proposed uses require a Conditional Use Permit. A Pre-Application Conference was held on June 11, 2019, meeting the requirements of LCMC 18.205.010. Approval criteria for a Conditional Use Permit application have been met as follows:

*A. The hearings examiner shall approve or approve with conditions an application for conditional use permit if he or she finds the applicant has sustained the burden of proving that:*

- 1. 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;*

As the subject parcel is currently developed with a convenience store, fueling island and card lock fueling facility, it is suitable to accommodate the proposed development with mitigation measures as required by City of La Center code.

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

The site is currently served with sanitary sewer, public water and an existing stormwater facility. Additionally, all public roads were constructed with previous development associated with the ilani Casino project.

- 3. 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;*

The proposed uses comply with the applicable requirements of the zone as indicated in this application.

4. *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.*

The convenience store and vehicle fueling uses are existing and will simply be replaced/relocated on site. As each new use is either a permitted or conditional use and was contemplated in the city's comprehensive plan and zoning code, the proposed uses will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood, nor be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city. Additionally, the site's proximity to Interstate 5 makes this site ideal for the existing and proposed uses.

#### **LCMC 18.260 – Variances**

There are no variances proposed.

#### **LCMC 18.275 – Signs**

While a monument sign is proposed and shown on the Preliminary Site and Plan and Short Plat, no signs are proposed at this time. Any proposed signs shall be applied for at a later date.

#### **LCMC 18.280 – Off-Street Parking and Loading Requirements**

##### **LCMC 20.280.010 – Off-Street Parking Requirements**

The project has met the minimum parking requirements per Table 18.280.010 as follows:

- 101-room hotel (1 stall per room) plus 12 employees (1 stall for every 2 employees) = 107 stalls

- 11,600 square foot multi-tenant building / 400 square feet (1 stall for every 400 square feet commercial use) plus 22 employees (1 stall per every 2 employees) = 40 stalls
- 4,000 square foot convenience store / 400 square feet (1 stall for every 400 square feet commercial use) plus 4 employees (1 stall per every 2 employees) = 12 stalls
- 2,800 square foot drive through restaurant / 200 square feet (1 stall for every 200 square feet restaurant use) plus 8 employees (1 stall per every 2 employees) = 18 stalls
- Total stalls required = 177
- Total stalls provided = 184 standard stalls, which includes 8 ADA stalls.

### **LCMC 18.280.030 – Parking Design Standards**

The project has meet the parking design standards as follows:

- Each parking space is 9 feet wide by 20 feet deep. A two-foot bumper over hang has been provided where parking stalls abut sidewalks or landscape areas. The sidewalks and landscape areas have been widened by two feet to accommodate the bumper overhang.
- All parking is located on site.
- The parking lot will be paved with asphalt.
- 24-foot wide drive aisles have been provided except as otherwise indicated on the Preliminary Site Plan and Short Plat to accommodate aerial apparatus access, turning movements and queuing.
- The existing driveways off NW Paradise Park Road will be used for vehicular access. However, the accesses will be reconstructed to accommodate development.
- Loading has been provided per the requirements of LCMC 18.260.040. As there is more than 5,000 square feet of commercial use but less than 30,000 square feet, one loading berth has been provided on the east side of the 11,600 square foot multi-tenant building. An additional loading area has been proposed along the south side of the drive through restaurant. As the hotel contains more than 30,000 square feet but less than 100,000 square feet, one loading berth has been provided within the porte cochere along the south side of the building. Each loading area meets or exceeds the minimum size of 12 feet wide by 35 feet long.

## **LCMC 18.300 – Critical Areas**

### **LCMC 18.300.090(A) – Critical Aquifer Recharge Areas**

The Pre-Application Conference notes state the following:

*The subject parcel is located within a wellhead protection area and 1-year and 10-year wellhead zone of travel (CARA I). Please refer to the CARA report compliance with this chapter and how the proposed activity will not have any adverse impacts on ground water in critical aquifer recharge areas, based on the Safe Drinking Water Act and the Wellhead Protection Area Program, pursuant to Public Water Supplies, Chapter 246-290 WAC; Water Quality Standards for Ground Waters of the State of Washington, Chapter 173-200 WAC; and Dangerous Waste Regulations, Chapter 173-303 WAC. By this reference, Chapters 173-200, 173-303 and 246-290 WAC.*

The subject parcel is mapped within a wellhead protection area and the 1- and 10-year wellhead zones of travel, known as a CARA I area. This wellhead protection area is associated with the existing well serving the public water system on the subject property. As part of the proposed development, this well is being abandoned and the site connected to the municipal water supply, which will extinguish the wellhead zones of travel and remove this site from the CARA I area.

The City of La Center's CARA code requires permits whenever certain activities are planned within the CARA I area. The only one of the activities that require a CARA permit applicable to this site is the placement of new fueling tanks. The fuel tanks on site will remain and were previously permitted through Clark County. No activities requiring a CARA permit are proposed.

As a result of abandoning the well (thereby removing the associated CARA) and utilizing the existing tanks, the need for a new CARA permit is not applicable per LCMC.

## **LCMC 18.310 – Environmental Policy**

A SEPA checklist has been submitted with this application. The lead agency is the City of La Center. The applicant is not aware of any potential significant adverse environmental impacts that would necessitate the lead agency to impose



any substantive SEPA mitigation measures in excess of those already provided for by the City of La Center Municipal Code. A Determination of Non-Significance (DNS) is anticipated for this project.

Clark County GIS Data indicates that 99% of the parcel has a high (80-100%) probability of containing archaeological findings. An archaeological pre-determination has been completed by Archaeological Services, LLC and forwarded to the Department of Archaeology and Historic Preservation (DAHP), and submitted with this application. The pre-determination indicated that no archaeological items were found and that no further archaeological work is recommended.

### **LCMC 18.320 – Storm Water and Erosion Control**

Stormwater and erosion control plans will be prepared and implemented in accordance with City of La Center code. These include silt fencing and other erosion control BMPs needed to meet the requirements of the Construction Stormwater General Permit. Sources of developed runoff include the roofs, sidewalks, parking lot, and other paved surfaces. Stormwater runoff from the proposed parking area will be collected and routed through the existing oil-water separator and StormFilter vault for quality treatment prior to being routed to an existing underground detention facility. Stormwater will then be released into the existing pipe network, which ultimately discharges to the roadside ditch which lies east and north of Paradise Park Road near the northwest corner of the development site. The fueling island will be covered. However, a dead end sump with an oil/water separator will collect any stormwater that does fall onto the fueling island. Stormwater runoff from the proposed building roofs may be routed directly into the existing detention facility. Refer to the Engineering Plans and the Preliminary Stormwater Report for more information.

Erosion control onsite shall meet or exceed the City of La Center Erosion Control, Stormwater Ordinance and the Construction Stormwater General Permit. Erosion control plans will be developed as part of the final engineering process. Erosion control will be in place prior to any construction. Refer to the Engineering Plans for more information.

### **LCMC 18.350 – Tree Protection**

There are several trees that exist on site. However, none of the existing trees meet the criteria for being classified as a Heritage Tree. It is the intent of the

applicant to remove all existing trees. Trees in excess of the minimum required to meet interior parking lot trees, buffer trees and other required trees will mitigate for the removal of the existing trees.

February 10, 2020

City of LaCenter  
305 NW Pacific Highway  
La Center, WA 98629

Re: Request for Early Notice of DS, Minit Management SEPA Review

On behalf of the applicant, Minit Management, LLC, we would like to request early notice as allowed under WAC 197-11-350 if the City of Vancouver believes a Determination of Significance is likely for this project. The applicant may wish to clarify or change features of this project.

Sincerely,



Michael Roy Odren, RLA  
Landscape Architect, Land Use Planner

# **SEPA ENVIRONMENTAL CHECKLIST**

## ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

## A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable:

*Minit Management*

2. Name of applicant:

*Minit Management, LLC*

3. Address and phone number of applicant and contact person:

*Applicant: Minit Management, LLC  
Attn: Don Rhoads  
P.O. Box 5889  
Vancouver, WA 98668  
(360) 901-3875*

*Contact: Olson Engineering, Inc.  
Attn: Mike Odren  
222 E. Evergreen Blvd.  
Vancouver, Washington 98660  
(360) 695-1385*

4. Date checklist prepared:

*March 2020*

5. Agency requesting checklist:

*City of La Center, Washington*

6. Proposed timing or schedule (including phasing, if applicable):

*Construction shall commence upon approval and procurement of all required jurisdictional permits and approvals. Phasing is is proposed as follows:*

*Construction phasing shall generally follow the phasing as indicated below. Phasing may be adjusted depending on future tenant requirements, business operational issues, construction related issues, market conditions, etc. Even though phasing is listed as Phases 1-4, phasing shall not necessarily follow any predetermined order. Some phases may be constructed simultaneously. Please see below a description of each phase:*

- 1. Construction of the convenience store, fuel pumps and associated parking.*
- 2. Construction of the hotel and associated parking.*
- 3. Construction of the multi-tenant building and associated parking.*
- 4. Construction of the drive-through restaurant and associated parking.*

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

*Not at this time.*

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

*Stormwater Pollutions Prevention Program – Olson Engineering, Inc.; Stormwater Report – Olson Engineering, Inc.; Archaeological Predetermination – Archaeological Services, LLC; Geotechnical Site Investigation – Columbia West Engineering, Inc.; Landscape Plan – Olson Engineering, Inc.*

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

*Not to the Applicant's knowledge.*

10. List any government approvals or permits that will be needed for your proposal, if known.

*Preliminary and Final Site Plan Approvals, Conditional Use Permit approval, Engineering Plan Approval, Grading Permit, Erosion Control Plan Approval, SEPA Determination, Building Permit, NPDES permit, Tree Permit.*

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

*The Applicant, Minit Management, LLC, proposes a phased commercial development that includes the following:*

- *101-unit, 5-story hotel.*
- *11,600 square foot, one-story multi-tenant commercial building.*
- *4,510 square foot, one-story convenience store with a drive through window.*
- *2,800 square foot, one-story drive-through restaurant.*
- *12-pump automobile fueling island.*
- *Associated parking, utility, and other infrastructural improvements.*
- *Four-lot commercial short plat.*

*The existing convenience store and fueling islands will be removed. However, the existing fuel tanks will be retained and reused.*

*Refer to the Preliminary Site Plan and Short Plat for more information on the site layout and project phasing.*

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

*The site is located at 2814 NW 319<sup>th</sup> Street, Ridgefield, Washington. The property is further identified as Tax Lot 17/55, tax assessor's serial number 209738-000, located in the Southwest ¼ of Section 04, Township 4 North, Range 1 East of the Willamette Meridian, Clark County. The site is 3.97 acres (172,933 square feet) according to Clark*

## B. Environmental Elements [\[HELP\]](#)

### 1. Earth [\[help\]](#)

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

b. What is the steepest slope on the site (approximate percent slope)?

*40% along a ditch in the northern portion of the site on the east side of the driveway of of the north leg of NW Paradise Park Road.*

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

*According to Clark County GIS data, the soils on the site consist of: GeB (Gee Silt Loam, 0-8% slopes) 90.0% and OdB (Odne silt loam, 0-5% slopes) 10.0% of the site.*

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

*No.*

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

*Site grading to construct building pads, parking lot, utilities and other associated improvements. Any fill will be procured from an approved site. Should material need to be hauled off-site, it will be taken to an approved location. The quantity of grading is approximately 6,000 cubic yards. Refer to Engineering Plans for more information.*

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

*Non-mitigated impacts from construction could cause some erosion. However, the Applicant will fully mitigate these potential impacts through compliance with City of La Center erosion control ordinance.*

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

*Approximately 83% of the site area will be covered with impervious surfaces.*

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

*Stormwater and Erosion Control Plans will be prepared and implemented in accordance with City of La Center Code. These include treating and detaining stormwater as well as silt fencing and other erosion control Best Management Practices such as minimal disturbance of soils outside of the construction area, retaining existing vegetation to the maximum extent possible, covering soil stockpiles, temporary and/or permanent vegetative cover, etc. The project will also conform to the Stormwater Pollution Prevention Program. Refer to Preliminary Development Plan for information regarding stormwater control.*

## **2. Air** [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

*Construction equipment and vehicles will generate dust and particulate emissions during the construction period. Employee, tenant, visitor, mail delivery, solid waste and recycling vehicles may generate particulate emissions in the long-term. Other emission sources include typical commercial emissions from heating, ventilation and air conditioning units, as well as small power tools including, but not limited to, small gas-powered equipment used for site and landscape maintenance, such as lawn mowers, blowers, trimmers, etc. The quantities of these emissions is unknown.*

*Emissions generated by the gas station will meet all local, State and Federal standards and regulations regarding the release of odors and emissions.*

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

*No offsite sources of emissions or odors exist that would adversely affect the proposed development.*

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

*Water will be utilized for dust control as needed during construction as well as the implementation of all local, state and federal regulations. The construction of the building will comply with all standards of the Environmental Protection Agency and all other applicable local, state and federal standards.*

## **3. Water** [\[help\]](#)

- a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

*No.*

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

*No.*



- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

*Not applicable.*

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

*No.*

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

*No.*

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

*No.*

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

*None.*

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

*None.*

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

*Sources of runoff include the roofs, sidewalks, parking lot and other paved surfaces. Stormwater and erosion control plans will be prepared and implemented in accordance with City of La Center code. These include silt fencing and other erosion control BMPs needed to meet the requirements of the Construction Stormwater General Permit. Sources of developed runoff include the roofs, sidewalks, parking lot, and other paved surfaces. Stormwater runoff from the proposed parking area will be collected and routed through the existing oil-water separator and StormFilter vault for quality treatment prior to being routed to an existing underground detention facility. Stormwater will then be released into the existing pipe network, which ultimately discharges to the roadside ditch which lies east and north of Paradise Park Road near the northwest corner of the development site. The*

*fueling island will be covered. However, a dead end sump with an oil/water separator will collect any stormwater that does fall onto the fueling island. Stormwater runoff from the proposed building roofs may be routed directly into the existing detention facility. Refer to the Engineering Plans and the Preliminary Stormwater Report for more information.*

2) Could waste materials enter ground or surface waters? If so, generally describe.

No.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

*This proposal will meet or exceed the City of La Center's water quality and quantity standards provided for by the City of La Center Stormwater Ordinance. Also refer to Section B.3.c.1 above.*

*This project may implement Department of Ecology approved Chitosan chemical treatment of runoff during construction. At treatment levels used, any residual trace of Chitosan in the treated stormwater is negligible and results in no negative impacts for downstream fish or riparian habitats.*

#### 4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

Orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation *Oregon grape, euonymus, arborvitae, chamaecyparis*

b. What kind and amount of vegetation will be removed or altered?

*All vegetation will be removed in areas to receive construction activities.*

c. List threatened and endangered species known to be on or near the site.

*None to the Applicant's knowledge.*

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

*Landscaping, with the use of both ornamental and native plants, will be installed throughout the project.*

- e. List all noxious weeds and invasive species known to be on or near the site.

*Himalayan Blackberry.*

## **5. Animals** [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other: \_\_\_\_\_  
mammals: deer, bear, elk, beaver, other: Rodents  
fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

- b. List any threatened and endangered species known to be on or near the site.

*None to the Applicant's knowledge*

- c. Is the site part of a migration route? If so, explain.

*The site is located within what is commonly referred to as the Pacific Flyway. This Flyway is the general migratory route for various species of ducks, geese and other migratory waterfowl. The Flyway stretches from Alaska to Mexico and from the Pacific Ocean to the Rocky Mountains. Neotropical birds, such as Robins, may also seasonally utilize or be near the site.*

- d. Proposed measures to preserve or enhance wildlife, if any:

*Landscaping, which includes ornamental and native trees, shrubs and groundcovers, will be installed that will provide some habitat for wildlife.*

- e. List any invasive animal species known to be on or near the site.

*None to the Applicant's knowledge.*

## **6. Energy and Natural Resources** [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

*Typical commercial and hospitality uses of electricity and/or natural gas energy for heating and cooling will be required for the completed project.*

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal?  
List other proposed measures to reduce or control energy impacts, if any:

*All construction will be designed to comply with the state adopted codes and policies related to energy conservation*

## **7. Environmental Health** [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?  
If so, describe.

*Heavy equipment and a variety of materials will be utilized to construct the project. There is a risk of fire and explosion and spills of gasoline inherent with a gas station. Any spills will be contained within a dead end sump with an oil/water separator. The project will also meet all Federal, State and local regulations regarding safety features to reduce the risk of fire and explosions to the greatest extent possible including, but not limited to, an emergency shut off valve.*

- 1) Describe any known or possible contamination at the site from present or past uses.

*None known.*

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

*The site has been historically used as a fueling facility/truck stop. The project contemplates revisions to the site but retaining the existing fueling use. However, while the card lock fueling facility will be removed, the existing fuel tanks will be retained.*

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

*The site will be installing new fuel tanks and operating a fueling station. Propane, in either pre-filled bottles or in a large tank for the refilling of propane tanks, may also be sold on site. Additionally, heavy equipment and a variety of materials will be utilized to construct the project.*

- 4) Describe special emergency services that might be required.

*No special emergency services will be required.*

- 5) Proposed measures to reduce or control environmental health hazards, if any:

*The Applicant will comply with all applicable local, state and federal regulations during construction and operation of the project. All construction will be inspected according to industry requirements and standards. Any spills will be contained within a dead end sump with an oil/water separator. The project will also meet all Federal, State and local regulations regarding safety features to reduce the*

risk of fire and explosions to the greatest extent possible including, but not limited to, an emergency shut off valve.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

*Traffic noise from NW La Center Road, NW Paradise Park Road and Interstate 5 exists, but it should not affect the proposed project.*

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

*Construction equipment and vehicles will generate noise during the construction periods for all phases. Construction activities will not occur after 10:00 p.m. or before 7:00 a.m. Employee, tenant, visitor, delivery, solid waste and recycling vehicles will generate noise in the long-term. Other noise sources include typical commercial noise from heating, ventilation and air conditioning units, as well as small power tools including, but not limited to, small gas-powered equipment used for site and landscape maintenance, such as lawn mowers, blowers, trimmers, etc.*

- 3) Proposed measures to reduce or control noise impacts, if any:

*Construction activities will not occur after 10:00 p.m. or before 7:00 a.m.*

**8. Land and Shoreline Use** [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

*The site is currently used as a truck stop with a convenience store, passenger vehicle fueling facility and card lock fueling facility. Adjacent uses are as follows:  
North – (Across NW Paradise Park Road) Vacant and unused land on Junction Plan zoned property. Property may be used for agricultural purposes.  
South – (Across NW La Center Road) Vacant and unused land on Junction Plan zoned property.  
East – Interstate 5 and ilani Casino (across Interstate 5).  
West – (Across NW Paradise Park Road) Single-family residential use on Junction Plan zoned property.*

*The project will not affect current land uses on nearby or adjacent properties.*

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

*Not to the Applicant's knowledge.*

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides,

tilling, and harvesting? If so, how:

*No.*

c. Describe any structures on the site.

*Existing 3,500 square foot convenience store, a 1,700 square foot fueling canopy, a 2,200 square foot card lock fueling canopy and shed building.*

d. Will any structures be demolished? If so, what?

*All existing structures will be demolished.*

e. What is the current zoning classification of the site?

*The site is currently zoned Junction Plan (JP) with an Urban Holding District (UH-10) zoning overlay.*

f. What is the current comprehensive plan designation of the site?

*Junction Plan (JP)*

g. If applicable, what is the current shoreline master program designation of the site?

*Not applicable.*

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

*According to the Pre-Application Conference report, the site is located within a wellhead protection area and a 1-year and 10-year wellhead zone of travel, and Critical Aquifer Recharge Area (CARA) I. However, as the existing well will be abandoned with site development and the new buildings connected to public water, a CARA I designation will no longer apply.*

i. Approximately how many people would reside or work in the completed project?

*Approximately 50 employees may work in the completed project.*

j. Approximately how many people would the completed project displace?

*As the convenience store will be rebuilt, the project would not displace any people.*

k. Proposed measures to avoid or reduce displacement impacts, if any:

*None.*

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

*With approvals of a Type II Site Plan Review, Type II Short Plat and Type III Conditional Use Permit application, the proposed project will comply with the City of La Center's zoning ordinance and Comprehensive Plan as well as applicable City of La Center infrastructure and utility standards.*

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

*There are no nearby or adjacent agricultural or forest lands of long-term commercial significance.*

**9. Housing** [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

*None.*

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

*None.*

- c. Proposed measures to reduce or control housing impacts, if any:

*Not applicable.*

**10. Aesthetics** [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

*The height of the 5-story hotel will be approximately 60 feet tall. The principal exterior building material will be wood, fiber cement lap siding and/or fiber cement panel.*

- b. What views in the immediate vicinity would be altered or obstructed?

*The view across the development area of the project will be altered by the construction of this project.*

- c. Proposed measures to reduce or control aesthetic impacts, if any:

*Architectural design and landscaping.*

**11. Light and Glare** [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

*Typical commercial, parking lot, fueling canopy and signage lighting will illuminate the site during the evening and nighttime hours. Lighting will meet City of La Center code.*

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

*The installation of illuminated material will minimize dispersion off the site and will not constitute a safety hazard.*

- c. What existing off-site sources of light or glare may affect your proposal?

*There are some amounts of light levels generated from off-site, but they are unlikely to affect the project.*

- d. Proposed measures to reduce or control light and glare impacts, if any:

*Lights will be installed and shielded to minimize dispersion and control any potential offsite impacts. Intensity of lighting will be kept to a minimum, though enough to assure safety on the site and to meet all applicable code sections. Refer to the Photometric Lighting Plan for more information.*

## **12. Recreation** [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?

*Paradise Point State Park located approximately 1-mile to the north.*

- b. Would the proposed project displace any existing recreational uses? If so, describe.

*No.*

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

*None.*

## **13. Historic and cultural preservation** [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

*None to the Applicant's knowledge.*

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

*Not to the Applicant's knowledge. An archaeological pre-determination has been submitted with this application. The pre-determination states that no historic or cultural artifacts were discovered and that no further archaeological work is required. Please refer to the Clark County Archaeological Predetermination Survey, as prepared by Archaeological Services, LLC, signature dated September 6, 2019, for more information.*

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

*An archaeological pre-determination has been submitted with this application. The pre-determination states that no historic or cultural artifacts were discovered, and that no further*



archaeological work is required. Please refer to the Clark County Archaeological Predetermination Survey, as prepared by Archaeological Services, LLC, signature dated September 6, 2019, for more information.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

*In the event any archaeological or historic materials are encountered during project activity, work in the immediate area 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.*

*If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If remains are determined to be Native, consultation with the effected Tribes will take place in order to mitigate the final disposition of said remains.*

#### **14. Transportation** [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

*Vehicular access to the site will take place via two existing driveways off NW Paradise Park Road. However, both accesses will be reconstructed to accommodate development. The existing vehicular access off NW La Center Road will be removed.*

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

*The site is not served by public transit. However, C-Tran provides Dial-a-ride Connector service for La Center. The nearest transit stop is located at the Salmon Creek Park & Ride approximately 13 miles to the south.*

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

*The project will have approximately 184 parking stalls. The project will eliminate approximately 15 passenger vehicle stalls and approximately 17 truck stalls will be eliminated.*

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

*No, however one existing driveway off NW La Center Road will be removed and a new sidewalk installed.*

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

*No.*

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

*Redevelopment of the site will generate 4,326 Average Daily Trips, 144 new a.m. peak trips and 120 new p.m. peak trips. Existing development generates 3,380 Average Daily Trips, 68 a.m. peak trips and 68 p.m. peak trips. The net trip increase from the existing uses vs. the proposed uses is 946 Average Daily Trips, 76 a.m. peak trips and 52 p.m. peak trips. Please refer to the Trip Generation Assessment Minit Management Development, as prepared by Charbonneau Engineering, LLC, dated March 2, 2020, for more information.*

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

- h. Proposed measures to reduce or control transportation impacts, if any:

*Comply with the City of La Center transportation standards and satisfy any mitigation measures as proposed by the traffic engineer.*

## 15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

*A possible increase in fire and police protection would be needed because of development on the site.*

- b. Proposed measures to reduce or control direct impacts on public services, if any.

*Pay taxes, construct on-site utilities (water, sanitary sewer, natural gas and other utilities), pay hookup fees and other utility charges such as System Development Charges and monthly operational charges.*

## 16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site.  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_

*The existing septic system will be removed with development and the proposed buildings will be connected to sanitary sewer.*

*The existing well will be decommissioned and the proposed building will be connected to public water.*

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

*Electricity – Clark Public Utilities  
Sewer – City of La Center  
Natural Gas – Northwest Natural*

*Water – Clark Public Utilities  
Refuse Service – Waste Connections  
Telephone – Century Link*

*Water will be extended from the stub along NW La Center Road to provide domestic and fire protection water.*


*Sanitary sewer will be extended to each new building from the stub along NW La Center Road.*

*Easements dedicated to the City of La Center for sanitary sewer and Clark Public Utilities for water will be provided as necessary.*

*Refer to the Engineering Plans for more utility and easement information.*

**C. Signature** [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee DONALD RHOADS

Position and Agency/Organization MANAGING MEMBER, MINT MANAGEMENT, LLC

Date Submitted: \_\_\_\_\_

LEGAL DESCRIPTION FOR  
ASSESSOR'S PARCEL NO. 209738-000

October 9, 2019

A parcel of land, lying in a portion of the Southwest quarter of the Southwest quarter of Section 4, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington, being a portion of the Minit Management, L.L.C. parcel described under Auditor's File No. 4239509 and those parcels described under "Exhibit A" and "Exhibit B" of Vacating Right of Way, City of La Center Ordinance 2017-011, recorded under Auditor's File No. 5453815 RDVAC, described as follows:

COMMENCING at the Southwest corner of the Southwest quarter of said Section 4;

THENCE South  $88^{\circ} 30' 19''$  East, along the South line of said Southwest quarter, a distance of 504.97 feet to a point on the East line of NW Paradise Park Road, Relinquished to Clark County as shown on Washington State Highway Commission Department of Highways, right of way plan "Ridgefield Jct. to Woodland", sheet 5 of 12, dated August 10, 1965;

THENCE continuing South  $88^{\circ} 30' 19''$  East, along said South line of said Southwest quarter, a distance of 300.00 feet to the Southeast corner of that parcel of property conveyed to Interchange Development Group, LLC, recorded under Auditor's File No. 5234564 D, records of said County;

THENCE North  $01^{\circ} 29' 41''$  East, along the East line of said Interchange Development Group, LLC parcel, and the Northerly projection thereof, a distance of 375.00 feet;

THENCE North  $88^{\circ} 30' 19''$  West, a distance of 100.00 feet to a point on the East line of said Minit Management, L.L.C. parcel, said point being on the West right of way line of NW Paradise Park Road as described under Auditor's File No. 5287468, records of said County, and the TRUE POINT OF BEGINNING;

THENCE North  $01^{\circ} 29' 41''$  East, along the East line of said Minit Management L.L.C. parcel, a distance of 275.00 feet to the Southeast corner of NW Paradise Park Road as described under Auditor's File No. 5300299, records of said County, said point being on a 65.00 foot radius curve to the left;

THENCE along the South right of way line of said NW Paradise Park Road, and along said 65.00 foot radius curve to the left (the long chord of which bears North  $43^{\circ} 30' 19''$  West, a distance of 91.92 feet), an arc distance of 102.10 feet;

THENCE continuing along said South right of way line, North  $88^{\circ} 30' 19''$  West, a distance of 312.49 feet to a point on a 270.00 foot radius curve to the left;

THENCE continuing along said South right of way line and along said 270.00 foot radius curve to the left (the long chord of which bears South  $80^{\circ} 53' 56''$  West, a distance of 99.30 feet), an arc distance of 99.86 feet to the Northeast corner of said "Exhibit A" parcel, said point also being on a 270.00 foot radius curve to the left;

THENCE along the North line of said "Exhibit A" parcel and along said 270.00 foot radius curve to the left (the long chord of which bears South  $60^{\circ} 44' 46''$  West, a distance of 89.65 feet), an arc distance of 90.07 feet to a point on the West right of way line of said NW Paradise Park Road. Relinquished to Clark County as shown on Washington State Highway Commission Department of Highways, right of way plan "Ridgefield Jct. to Woodland", sheet 5 of 12, dated August 10, 1965;

THENCE South  $28^{\circ} 43' 59''$  East, along said West right of way line, a distance of 260.34 feet to a point on a 934.93 foot radius curve to the right;

THENCE continuing along said West right of way line, and along said 934.93 foot radius curve to the right (the long chord of which bears South  $22^{\circ} 05' 44''$  East, a distance of 216.13 feet), an arc distance of 216.62 feet to a point on the North line of the State of Washington, Department of Transportation parcel described under Auditor's File No. 5332863, records of said County, said point being on a 69.00 foot radius curve to the left;

THENCE along said North line, and along said 69.00 foot radius curve to the left (the long chord of which bears South  $76^{\circ} 25' 55''$  East, a distance of 13.27 feet), an arc distance of 13.29 feet;

THENCE continuing along said North line, South  $81^{\circ} 56' 59''$  East, a distance of 27.58 feet to a point on a 49.00 foot radius curve to the left;

THENCE continuing along said North line and along said 49.00 foot radius curve to the left (the long chord of which bears North  $78^{\circ} 12' 16''$  East, a distance of 33.27 feet), an arc distance of 33.95 feet to a point on the South line of said "Exhibit B" parcel, said point being on a 49.00 foot radius curve to the left;

THENCE along said South line and along said 49.00 foot radius curve to the left (the long chord of which bears North  $54^{\circ} 37' 39''$  East, a distance of 6.38 feet), an arc distance of 6.38 feet;

THENCE continuing along said South line, North  $50^{\circ} 53' 48''$  East, a distance of 47.32 feet to a point on a 502.00 foot radius curve to the right;

THENCE continuing along said South line, and along said 502.00 foot radius curve to the right (the long chord of which bears North 59° 11' 32" East, a distance of 144.86 feet), an arc distance of 145.36 feet to the Southeast corner of said "Exhibit B" parcel:

THENCE North 10° 17' 50" West, along the most Southerly, East line of said "Exhibit B" parcel, a distance of 12.44 feet to a point on the South line of said Minit Management L.L.C. parcel, said point being on a 1195.92 foot radius curve to the right;

THENCE along said South line, and along said 1195.92 foot radius curve to the right (the long chord of which bears North 82° 45' 39" East, a distance of 102.08 feet), an arc distance of 102.11 feet to the Southeast corner of said Minit Management L.L.C. parcel;

THENCE North 01° 29' 41" East, along the East line of said Minit Management L.L.C. parcel, a distance of 5.68 feet to the TRUE POINT OF BEGINNING.

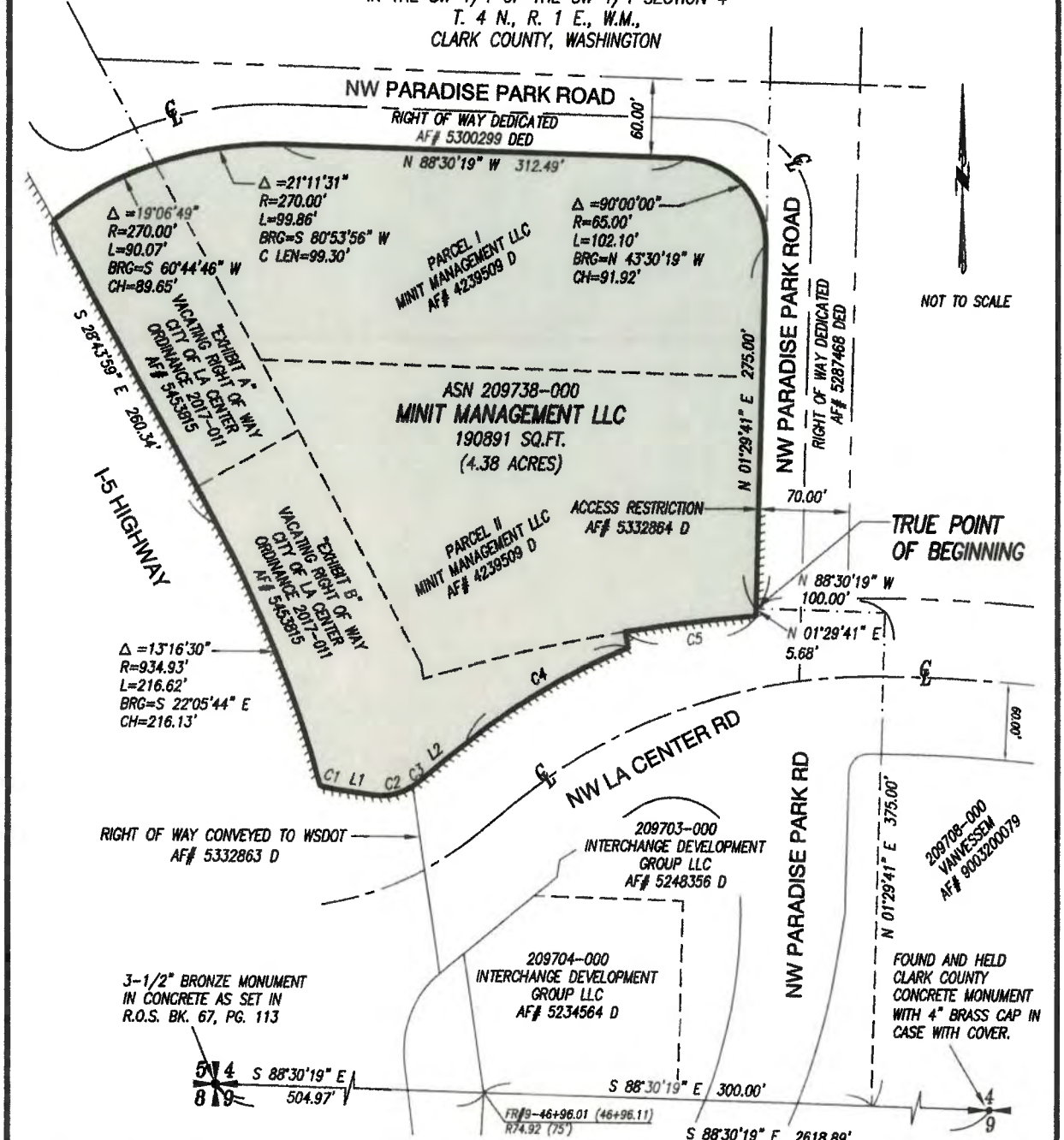
Subject to easements and access restrictions of record.

Containing 190,891 square feet or 4.38 acres, more or less.



**SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR  
ASN 209738-000**

IN THE SW 1/4 OF THE SW 1/4 SECTION 4  
T. 4 N., R. 1 E., W.M.,  
CLARK COUNTY, WASHINGTON

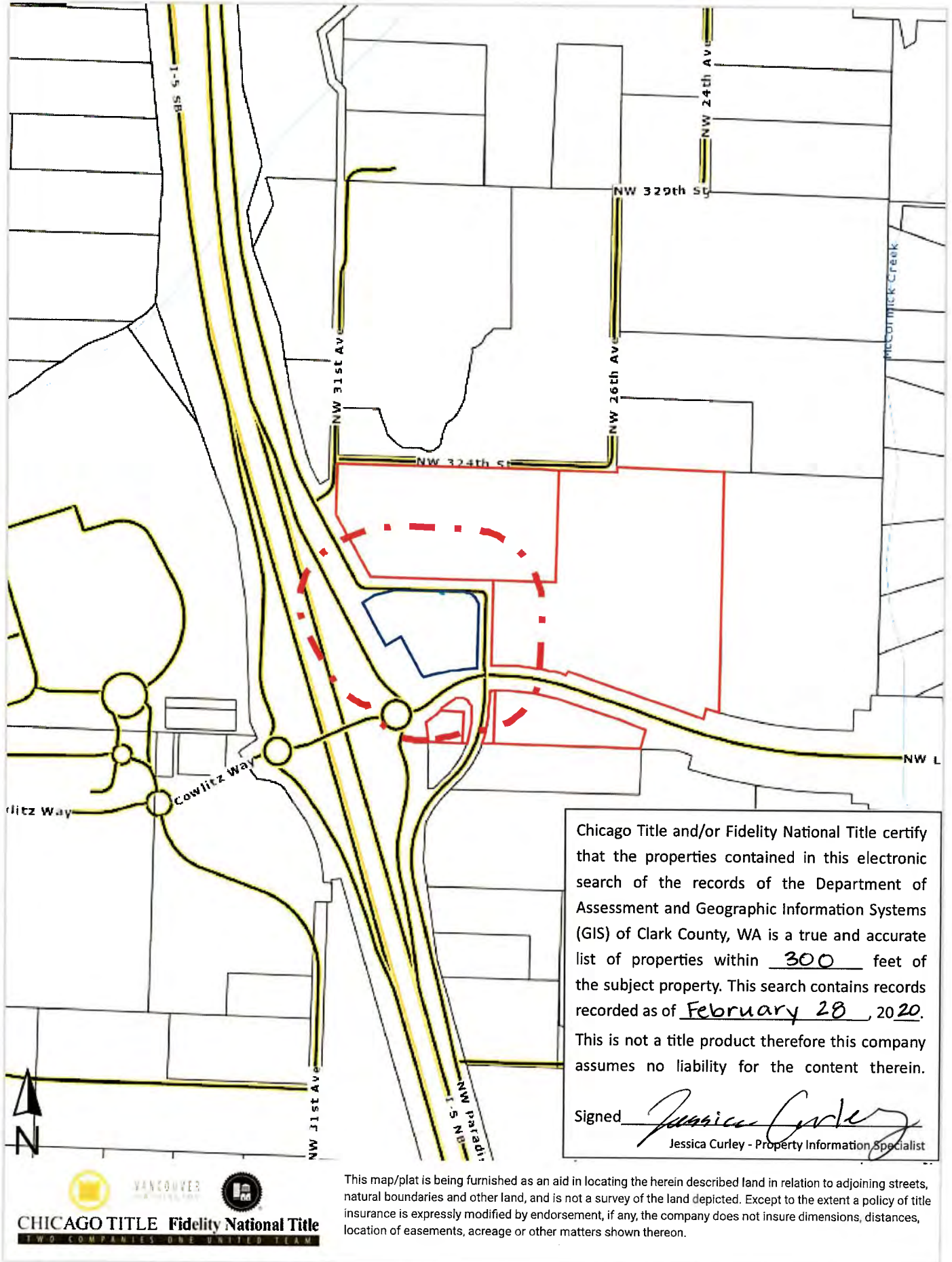


CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	11°02'08"	69.00'	13.29'	S 76°25'55" E	13.27'
C2	39°41'31"	49.00'	33.95'	N 78°12'16" E	33.27'
C3	7°27'43"	49.00'	6.38'	N 54°37'39" E	6.38'
C4	16°35'28"	502.00'	145.36'	N 59°11'32" E	144.86'
C5	4°53'31"	1195.92'	102.11'	N 82°45'39" E	102.08'

LINE	BEARING	DISTANCE
L1	S 81°56'59" E	27.58'
L2	N 50°53'48" E	47.32'

**OLSON LAND SURVEYORS**  
ENGINEERS  
1-202-995-1200  
1-202-995-0836  
ENGINEERING INC. 222 E. EVERGREEN BLVD. VANCOUVER, WA 98660  
d:\doba\7000\7700\7710\7714\Survey\LEGAL EXHIBITS\7714LS41-2018.dwg





Chicago Title and/or Fidelity National Title certify that the properties contained in this electronic search of the records of the Department of Assessment and Geographic Information Systems (GIS) of Clark County, WA is a true and accurate list of properties within 300 feet of the subject property. This search contains records recorded as of February 28, 2020. This is not a title product therefore this company assumes no liability for the content therein.

Signed *Jessica Curley*  
 Jessica Curley - Property Information Specialist

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



INTERCHANGE DEVELOPMENT  
GROUP LLC  
PO BOX 2547  
LONGVIEW WA 98632

INTERCHANGE DEVELOPMENT  
GROUP LLC  
PO BOX 2547  
LONGVIEW WA 98632

LINDA FUDGE  
PO BOX 180  
LACENTER WA 98629

JOHN VANVESSEM  
14900 NW 15TH AVE  
VANCOUVER WA 98685

3B NW LLC  
7320 NE SAINT JOHNS  
VANCOUVER WA 98665



## MEMORANDUM

Date: March 2, 2020

To: Mike Odren, RLA  
Associate Principal  
Olson Engineering, Inc.  
222 East Evergreen Blvd  
Vancouver WA 98660

From: Frank Charbonneau, PE, PTOE

Subject: Trip Generation Assessment FL2024  
**Minit Management Development**  
NW Paradise Park Road, La Center

This memo will serve as the trip generation assessment documenting the number of vehicular trips that will be produced by the proposed Minit Management development. The four acre site at address #2814 NW 319<sup>th</sup> Street is located in the northeast quadrant of NW La Center Road and the I-5 northbound on-ramp.

The development project will demolish the existing convenience store and gas station facilities and construct several new buildings consisting of 11,600 square feet of general retail, fast foot restaurant with drive-through totaling 2,800 square feet, convenience market with coffee drive-through totaling 4,510 square feet, and a 101 unit hotel. Parking on the site for 184 spaces will be provided, including eight ADA parking stalls. A copy of the project's site plan is attached to this memo.

The site will be served by three driveway accesses connecting to the perimeter road (NW Paradise Park Road) on the property's north and east sides. The nearest major intersections include NW La Center Road at the I-5 northbound off-ramp which is configured as a roundabout and NW Paradise Park Road at NW La Center Road. This intersection is controlled by stop signing on the northbound Paradise Park Road approach and on the southbound Paradise Road approach.

The City of La Center issued a pre-application conference report (2019-018-PAC) dated June 11, 2019 documenting the application's process and requirements. The staff report detailed that the development agreement between the City and Minit Management LLC dated March 2016 vested a total of 199 PM peak hour trips for the site. As a result it was necessary to submit a trip generation assessment to verify the trip projection.

The number of trips were calculated based on the proposed building uses and sizes. Trip credits were applied for the existing facilities that will be demolished including the convenience market and gas station and a cardlock fueling station. The trip calculations were determined for the weekday average daily traffic (ADT) and the weekday AM and PM peak hours.

The analysis used the ITE Trip Generation manual (10<sup>th</sup> edition, year 2017).

For the proposed site uses several ITE land use categories were applied including #310 (Hotel), #820 (shopping center), #852 (convenience market), #934 (fast food restaurant with drive-through), and #938 (coffee drive-through). For the existing uses ITE code #853 for convenience market was used and historical rates for Pacific Pride Cardlock were applied for the cardlock fueling station.

A summary of the site's trip generation is provided in the following tables. Table 1 provides the trip generation for the site's existing uses. Table 2 provides the trip generation for the proposed site uses. Table 3 lists the net site trips for the development.

**Table 1 Existing Land Uses Trip Generation Summary**

ITE Land Use	Units	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Convenience Mkt with Gas (#853) Generation Rate <sup>1</sup> Total Driveway Trips	6 fueling posiitons	322.50 <b>1,935</b>	20.76 <b>125</b>	50% 63	50% 62	23.04 <b>138</b>	50% 69	50% 69
Pass-By Trips <sup>2</sup> (AM Peak=63%; PM Peak=66%) New Site Trips			79 <b>46</b>	40 23	39 23	91 <b>47</b>	46 23	45 24
Cardlock Fueling Station Generation Rate <sup>3</sup> Total Driveway Trips	12 fueling positions		4.44 <b>53</b>	50% 27	50% 26	2.96 <b>36</b>	50% 18	50% 18
Pass-By Trips <sup>2</sup> (AM Peak=58%; PM Peak=42%) New Trips			31 <b>22</b>	16 11	15 11	15 <b>21</b>	8 10	7 11
<b>Total Site Trips</b>			<b>178</b>	90	88	<b>174</b>	87	87
<b>Pass-by Trips</b>			<b>110</b>	56	54	<b>106</b>	54	52
<b>New Trips</b> <sup>4</sup>		<b>3,380</b>	<b>68</b>	34	34	<b>68</b>	33	35

<sup>1</sup> Source: *Trip Generation*, 10th Edition, ITE, 2017, average rates.

<sup>2</sup> Pass-by percentage based on *Trip Generation Handbook*, 3rd Edition, ITE, 2017.

<sup>3</sup> Source: Independent surveys at Tarr Inc. Pacific Pride. AM trip rate = 1.5x calculated PM trip rate, ADT = 70% of ITE #944 Gas Station Rate

<sup>4</sup> New Trips = Total Trips - Internal Trips - Pass-by Trips.

Table 2 Proposed Land Uses Trip Generation Summary

ITE Land Use	Units	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Convenience Mkt [Open 15-16 hours] (#852) Generation Rate <sup>1,2</sup> Total Driveway Trips	4,410 sq. ft.	345.70 <b>1,525</b>	31.02 <b>137</b>	50% 69	50% 68	34.57 <b>152</b>	49% 74	51% 78
Internal Trips <sup>3</sup> (AM Peak=16%; PM Peak=36%)			22	11	11	55	27	28
Pass-By Trips <sup>4</sup> (AM Peak=63%; PM Peak=66%)			72	36	36	64	31	33
New Site Trips		<b>1,525</b>	<b>43</b>	22	21	<b>33</b>	16	17
Shopping Center (#820) Generation Rate <sup>2</sup> Total Driveway Trips	11,600 sq. ft.	37.75 <b>438</b>	0.94 <b>11</b>	62% 7	38% 4	3.81 <b>44</b>	48% 21	52% 23
Internal Trips <sup>3</sup> (AM Peak=16%; PM Peak=36%)			2	1	1	16	8	8
Pass-By Trips <sup>4</sup> (AM Peak=N/A; PM Peak=34%)						10	5	5
New Site Trips <sup>4</sup>		<b>438</b>	<b>9</b>	6	3	<b>18</b>	8	10
Hotel (#310) Generation Rate <sup>2</sup> Total Driveway Trips	101 rooms	8.36 <b>844</b>	0.47 <b>47</b>	59% 28	41% 19	0.60 <b>61</b>	51% 31	49% 30
Internal Trips <sup>3</sup> (AM Peak=16%; PM Peak=36%)			8	4	4	22	11	11
New Site Trips			39	24	15	39	20	19
Fast-Food with Drive-Through (#934) Generation Rate <sup>2</sup> Total Driveway Trips	2,800 sq. ft.	470.95 <b>1,319</b>	40.19 <b>113</b>	51% 58	49% 55	32.67 <b>91</b>	52% 48	48% 43
Internal Trips <sup>3</sup> (AM Peak=16%; PM Peak=36%)			19	10	9	33	17	16
Pass-By Trips <sup>4</sup> (AM Peak=49%; PM Peak=50%)			46	24	22	29	15	14
New Trips			<b>48</b>	24	24	<b>29</b>	16	13
Coffee/Donut Shop with Drive-Through & No Indoor Seating (#938) Generation Rate <sup>2</sup> Total Driveway Trips	100 sq. ft.	2000.00 <b>200</b>	337.04 <b>34</b>	50% 17	50% 17	83.33 <b>8</b>	50% 4	50% 4
Internal Trips <sup>3</sup> (AM Peak=16%; PM Peak=36%)		0	6	3	3	3	2	1
Pass-By Trips <sup>4,5</sup> (AM Peak=83%; PM Peak=83%)		166	23	12	11	4	2	2
New Site Trips		<b>34</b>	<b>5</b>	2	3	<b>1</b>	0	1
<b>Total Site Trips</b>		<b>4,326</b>	<b>342</b>	179	163	<b>356</b>	178	178
<b>Internal Trips</b>			<b>57</b>	29	28	<b>129</b>	65	64
<b>Pass-by Trips</b>			<b>141</b>	72	69	<b>107</b>	53	54
<b>New Trips</b>			<b>144</b>	78	66	<b>120</b>	60	60

<sup>1</sup> ADT trip rate estimated as ten times the PM peak hour trip rate.

<sup>2</sup> Source: *Trip Generation*, 10th Edition, ITE, 2017, average rates.

<sup>3</sup> Internal capture calculated with unconstrained internal capture rates presented in the Center for Urban Transportation Research (CUTR) *Trip Internalization in Multi-Use Developments*, April 2014, FDOT.

<sup>4</sup> Pass-by percentage based on Trip Generation Handbook, 3rd Edition, ITE, 2017.

<sup>5</sup> The weekday PM peak pass-by rate used to calculate the daily and weekday AM peak pass-by trips.

<sup>6</sup> New Trips = Total Trips - Internal Trips - Pass-by Trips.

Table 3 presents the net trip generation results (proposed site trips – existing site trips) for the development project. When the new facility is developed it is projected that the site will generate a net of 76 trips in the AM peak hour 52 trips in the PM peak hour. The ADT is projected to increase by 946 trips per day.

**Table 3 Net New Trips**

Site Uses	Weekday Peak Hour						Weekday ADT
	AM Peak Hour			PM Peak Hour			
	Total	Enter	Exit	Total	Enter	Exit	
Proposed Site <sup>1</sup>	<b>144</b>	78	66	<b>120</b>	60	60	4,326
Existing Site <sup>2</sup>	<b>-68</b>	-34	-34	<b>-68</b>	-33	-35	3,380
Net New Trips <sup>3</sup>	<b>76</b>	44	32	<b>52</b>	27	25	946

<sup>1</sup> Refer to Table 2.

<sup>2</sup> Refer to Table 1.

<sup>3</sup> Net New Trips = Proposed Site Trips - Existing Site Trips.

It is recommended that the City of La Center support the proposed development without the application of traffic impact fees as the projected number of site trips falls below the vested number of peak hour trips (199 trips) identified in the City's development agreement with Minit Management.

If you should need any additional traffic engineering support on this project or if there are any further questions, please contact Frank Charbonneau, PE, PTOE at 503.293.1118 or email [Frank@CharbonneauEngineer.com](mailto:Frank@CharbonneauEngineer.com).

#### Attachment

- Site Plan

Land Surveying Civil Engineering Land Use Planning Landscape Architecture

CITY OF LA CENTER

PRELIMINARY STORMWATER REPORT

MINIT MANAGEMENT

MINIT MANAGEMENT, LLC

JOB # 9825.01.01

REVIEWED BY: CHARLES E. "CHAD" McMURRY, P.E.

DESIGNED BY: CHARLES E. "CHAD" McMURRY, P.E.



**OLSON**



# City of La Center

## Preliminary Stormwater Report

### Minit Management

### Minit Management, LLC

Job #9825.01.01



March 6, 2020

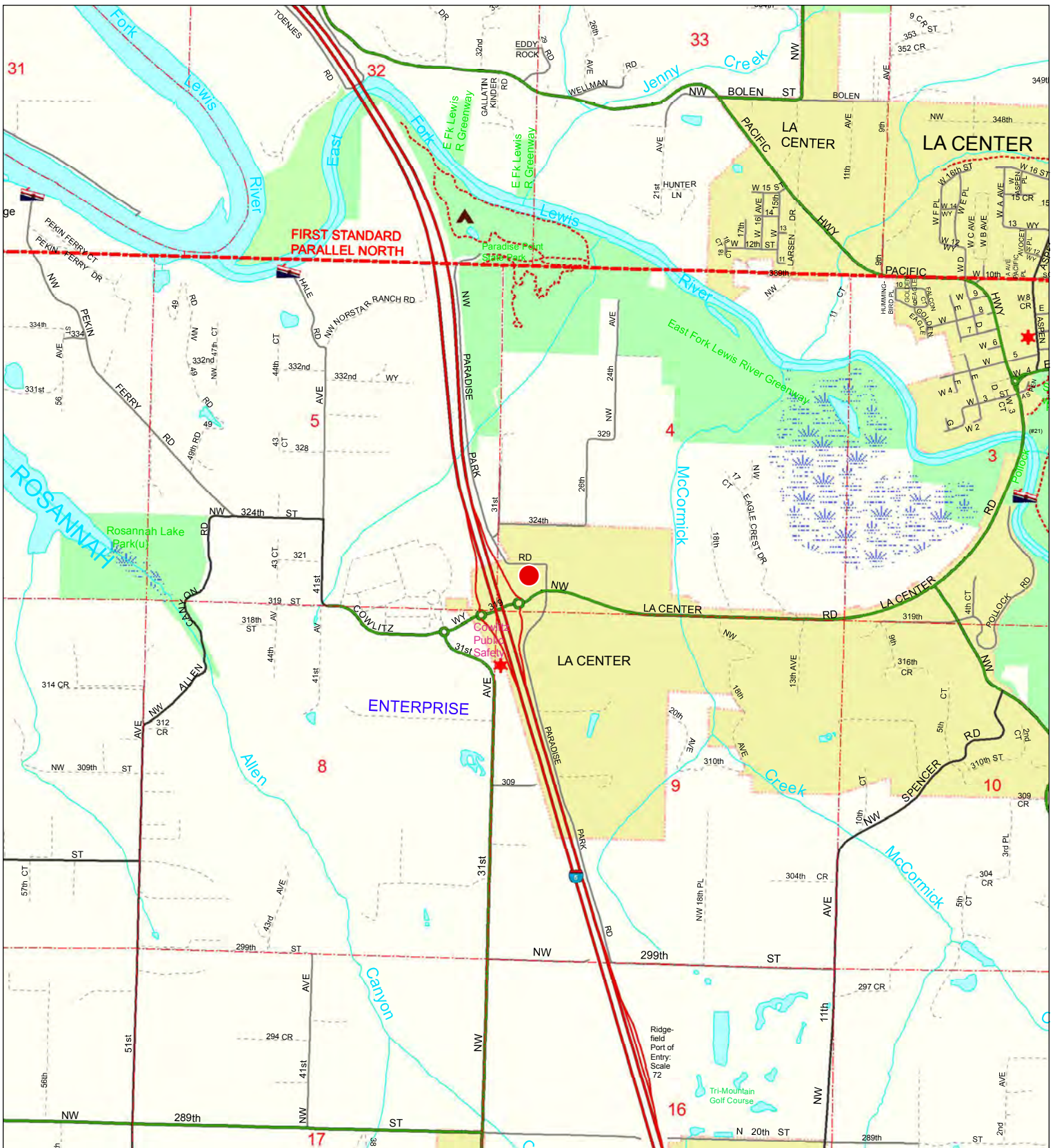
Designed by: Charles E. "Chad" McMurry, P.E.

Reviewed by: Charles E. "Chad" McMurry, P.E.

Olson Engineering, Inc.  
222 E. Evergreen Blvd  
Vancouver, WA 98660  
(360) 695-1385

REVISION	BY	DATE	COMMENTS





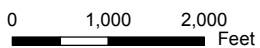
### General Location

Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668


Printed on: February 11, 2020

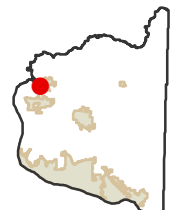


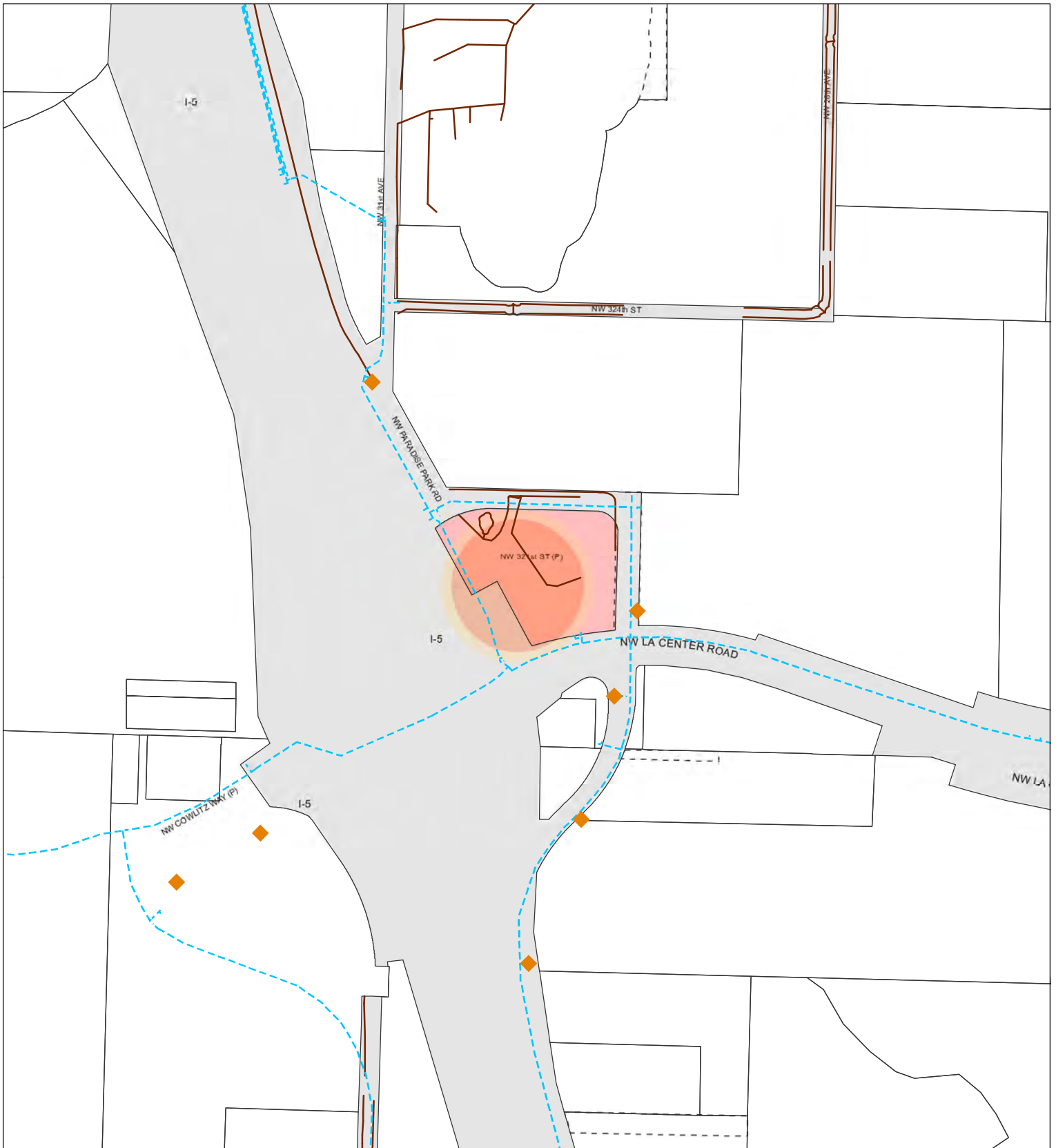
Geographic Information System



Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

 Location of Subject Property(s)





**CLARK COUNTY, WASHINGTON**

Geographic Information System

0 200 400 Feet

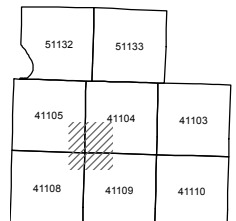
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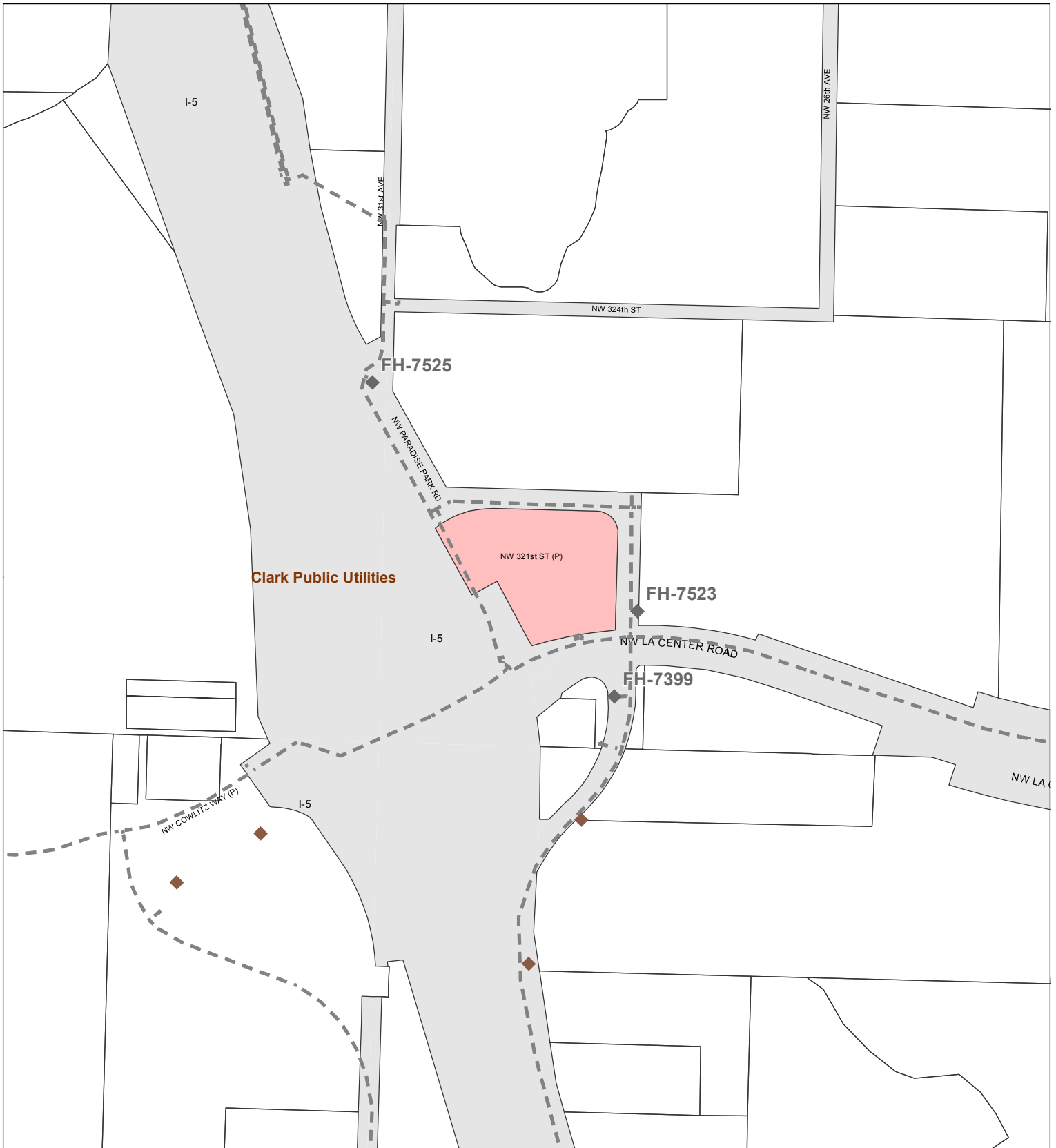
### Water, Sewer, and Storm Systems

Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

- Subject Property(s)
- Public Road
- Transportation or Major Utility Easement
- Water Lines
- Sewer Lines
- Storm Water Lines
- 1-year Wellhead ZOC
- 5-year Wellhead ZOC
- 10-year Wellhead ZOC
- Hydrants

Printed on: February 11, 2020





**CLARK COUNTY, WASHINGTON**

Geographic Information System

0 200 400 Feet

Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

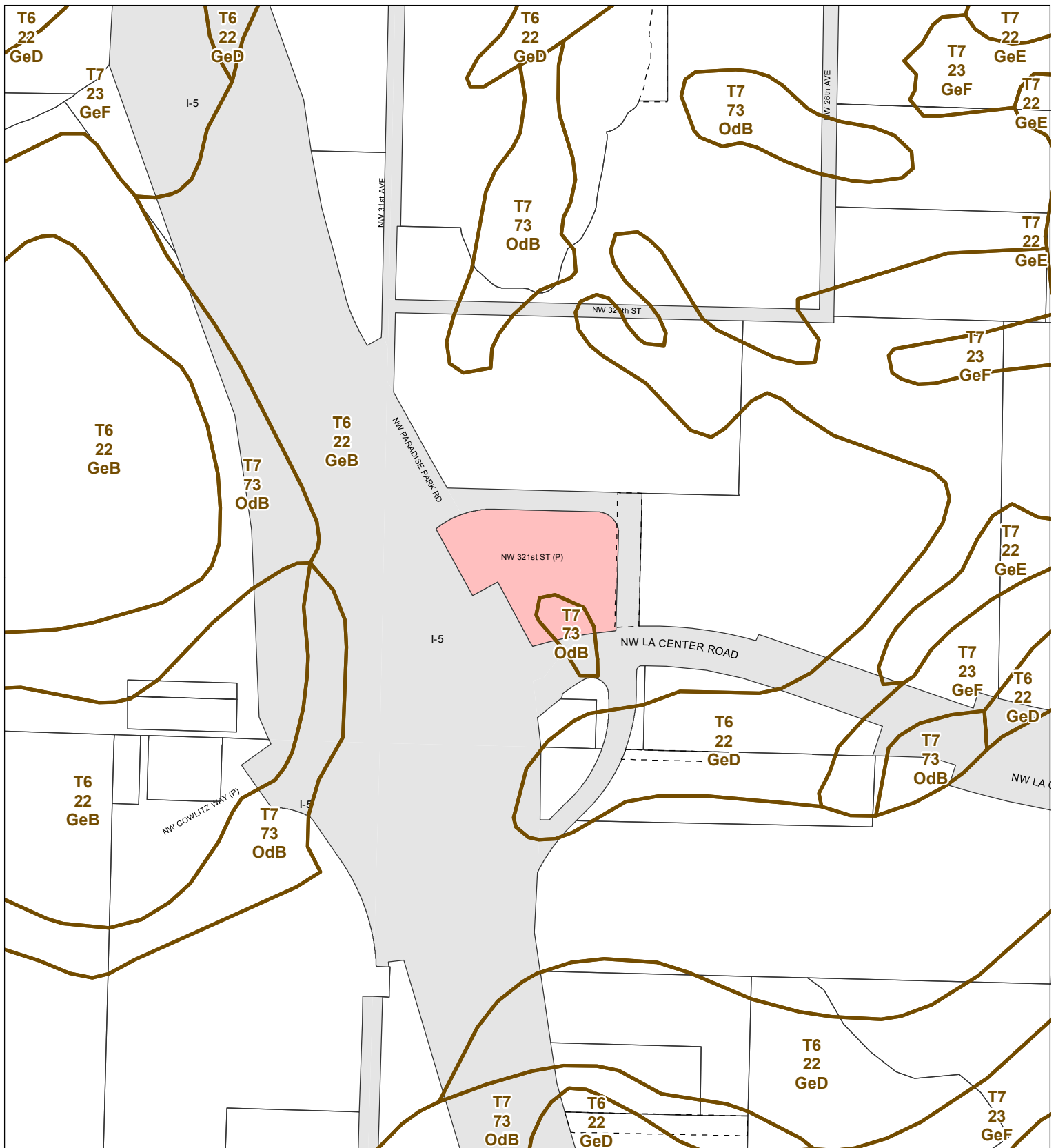
### Water Systems

Account: 209738000  
 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

- Subject Property(s)
- Public Road
- Water District Boundary
- Unknown Size Water Line
- < 10" Water Line
- 10-20" Water Line
- > 20" Water Line
- No Flow Data Hydrant
- 0 - 499 GPM at 20 PSI
- 500 - 999 GPM at 20 PSI
- > 1000 - 1749 GPM at 20 PSI
- > 1750 GPM at 20 PSI
- Hydrant > 500' from parcel(s)

Printed on: February 11, 2020





### Soil Types

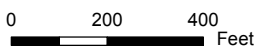
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 Owner: MINIT MANAGEMENT LLC  
 Address: PO BOX 5889  
 C/S/Z: VANCOUVER, WA 98668

- Subject Property(s)
- Public Road
- Transportation or Major Utility Easement
- Soil Type Boundary

Printed on: February 11, 2020



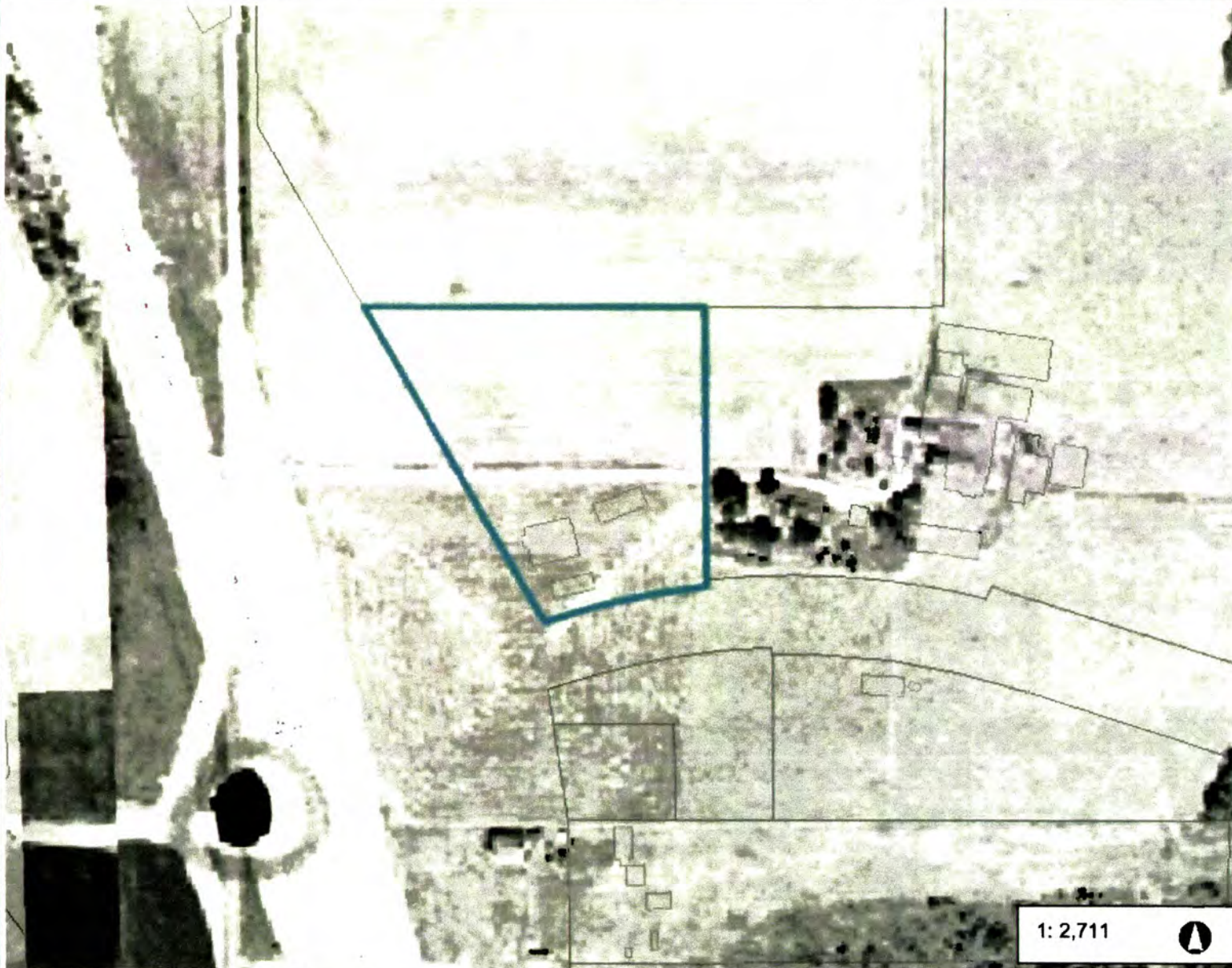
Geographic Information System



Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.



# Minit Mart Historic Condition



### Legend

- Building Footprints
- Taxlots
- Cities Boundaries
- Urban Growth Boundaries

### Notes:

1955 Aerial Photography

1: 2,711



451.9 0 225.95 451.9Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
Clark County, WA. GIS - <http://gis.clark.wa.gov>

This map was generated by Clark County's "MapsOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

## 1.1 Project Introduction

Minit Management LLC proposes the construction of four commercial pads on the site of the current Minit Mart which lies on a parcel bounded by La Center Road, Paradise Park Road, and the I-5 freeway. This phased commercial development includes the following:

- 101-unit, 5-story hotel.
- 11,600 square foot, one-story multi-tenant commercial building.
- 4,510 square foot, one-story convenience store with a drive through window.
- 2,800 square foot, one-story drive-through restaurant.
- 12-pump automobile fueling island.
- Associated parking, utility, and other infrastructure improvements.
- Four-lot commercial short plat.

The existing convenience store and fueling islands will be removed. This parcel is already served by a treatment and detention system installed during the reconstruction of the La Center Road/I-5 interchange. This report will demonstrate the adequacy of that system to treat and detain runoff from the proposed improvements.

The requirements for stormwater management on this parcel are described in a Development Agreement between Minit Management and the City of La Center, vesting stormwater design requirements at those described in Chapter 18 of the La Center Municipal Code in effect on March 28, 2016.

## 1.2 Site Location

Minit Management owns property at the northwest quadrant of the I-5/La Center Road Interchange in the SW  $\frac{1}{4}$  of Section 4, T4N, R1E, W.M. The parcel is bounded on the west by I-5, on the north and east by Paradise Park Road, and on the south by La Center Road.

## 1.3 Scope of Work

The redevelopment of the property is expected to replace approximately 2.9 acres of existing pavement, two fueling islands, and a convenience store with approximately 0.7 acres of roof area and 2.7 acres of pavement and hardscape. Frontage improvements (with the exception of the removal of one driveway) were previously completed with the La Center Road improvements.

## **Site Improvements**

### **2.1 Existing Conditions**

The area of the project is currently developed as a fueling station, convenience store, and associated parking and truck maneuvering area. An existing drainage system captures runoff from the southerly portions of the site and directs that runoff to a flow splitter, which directs events equivalent to the water quality treatment storm through treatment and bypasses larger flows directly to the detention pipe gallery. Water quality treatment is provided by a coalescing plate oil-water separator and a StormFilter treatment vault.

### **2.2 Soils**

Based on the Washington Division of Geology and Earth Resources Geologic Map of the Vancouver Quadrangle, the site is mapped as Quaternary periglacial deposits of sand silt and clay resulting from outburst from the Missoula floods. In addition, the near surface soils have been mapped by the USDA Soil Conservation Service as Gee Silt Loam with a small amount of Odne silt loam at the southeast corner of the property.

- A) Topsoil – approximately 5 inches of organic root mat with a tilled zone extending approximately 18 inches from the surface.
- B) Silt – below the tilled zone, a deposit of silt with variable percentages of clay and sand extends to approximately 12.5 feet to 15 feet. In general, the silt zone is stiff in the upper 5 feet with an underlying softer layer.
- C) Clay – Below the silt, a stiff to very stiff clay layer extends to a depth of between 23 and over 42 feet below the surface. In some locations, gravel is present within the clay layer.
- D) Sandy Silt – Below the clay, a stiff deposit of sandy silt exists. Total depth of the sandy silt was not determined by the onsite testing.

As seen in the soil profile, the predominant soil types consist of silts and clays which generally have little to no infiltration capability. This has been confirmed by field testing.

### **2.3 Groundwater**

Based on testing in the project vicinity, groundwater may be present in the vicinity of the stormwater facility. This is a closed detention system, however, groundwater does not appear to affect it.

### **2.4 Existing Stormwater System**

The existing onsite system has already been described. There is an additional storm system adjacent to the site in La Center Road and in Paradise Park Road; this system drains to an existing stormwater treatment and detention facility southeast of the intersection of these two streets.

## **3.0 Drainage Analysis**

Runoff quantities for this project were estimated using the SCS TR-20 method in HydroCAD software. Soil conditions were selected based on the City's requirements; Odne silt loam and Gee silt loam are classified as Hydrologic Soil Groups D and C, respectively. Soil Group C was used for the historic and developed

conditions.

### 3.1 Design Storms

In accordance with the La Center stormwater standards, the following design storms were used to determine the detention and conveyance requirements:

Water Quality Storm	1.54 inches (70% of the 2-year Storm)
2-year Storm	2.2 inches
10-year Storm	3.1 inches
25-year Storm	3.7 inches
100-year Storm	4.4 inches

### 3.2 Historic and Developed Land Uses

Based on historic photography, the historic land use was determined to be pasture.

The developed land uses anticipated in the preliminary site plan are:

- 2.31 acres pavement
- 0.35 acres sidewalk
- 0.74 acres roof
- 1.03 acres landscape

These do include landscaped right-of-way along La Center Road that drains onto the site, but does not include limited driveway areas on the north edge of the site that cannot be routed through this project's storm system, but are caught, treated, and detained by the public facility constructed with the Paradise Park Road realignment.

### 3.3 Water Quality Treatment

Pre-treatment of runoff is provided by a coalescing plate oil-water separator designed in accordance with the *Stormwater Management Manual for the Puget Sound Basin*. This is followed by a Contech Stormfilter™. A splitter manhole is used upstream of the oil-water separator to limit flows through the treatment devices as required by the stormwater manual; large storm events bypass these treatment devices and are routed directly to the detention facility. An outlet trap is used to limit the transport of floatable debris and oils in these overflow events.

The water quality storm runoff rate for the existing and proposed pavement north of the building and truck fueling island was determined to be 1.00 cfs, or 448 gpm. At 22.5 gpm/cartridge, this requires 18 StormFilter ZPG cartridges (27" height) to treat the water quality storm. Vault size for this number of cartridges is 8' x 11'. These BMPs were installed with the previous project and are still appropriate for the proposed use. Additional details are included in the appendices.

### 3.4 Water Quantity Control

Where infiltration of the 100-year storm event is not feasible, La Center requires detention to match the historic runoff rates in the 2-, 10-, and 100-year storm events. In order to meet this standard, an underground gallery of detention pipe was used, providing approximately 600 linear feet of 72" diameter pipe (16,965 cf storage) with a control structure at the northwest corner. A pond volume correction factor was also applied in accordance with the requirements of the *Stormwater Management*



*Manual for the Puget Sound Basin*. This correction factor increased the required storage by 80%.

The following table summarizes the results of the detention design calculations:

Design Storm	Historic Flow (cfs)	Developed Flow (cfs)	Storage Required (cf)*	Depth (ft)
2-year	0.85	0.78	3,257	2.58
10-year	1.66	1.54	5,255	3.60
100-year	2.97	2.92	8,037	5.13

Table A1: Detention Design Calculations

\* indicates storage required before application of the Pond Volume Correction Factor as required under the Puget Sound Manual.

As shown in the table, the facility proposed limits flows following site development to less than the pre-developed flows in the 2-, 10-, and 100-year storm events.

A review of the existing ditch and culvert conditions and the current stormwater management indicates no downstream conveyance capacity limitations sufficient to further limit discharge from this site. The roadside ditch network has not had identified capacity issues. No further downstream analysis is necessary.

The capacity of the proposed pipe network will be calculated in accordance with LCMC. In the 25-year storm event, the storm sewer will be designed to convey all flow in an open channel manner without surcharging.

#### **4.0 Erosion Control**

All improvements are required to meet the latest requirements for Erosion and Sediment Prevention as required by the City of La Center and WSDOE when obtaining an NPDES permit for the construction of the site improvements.

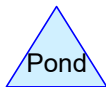
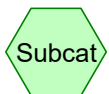
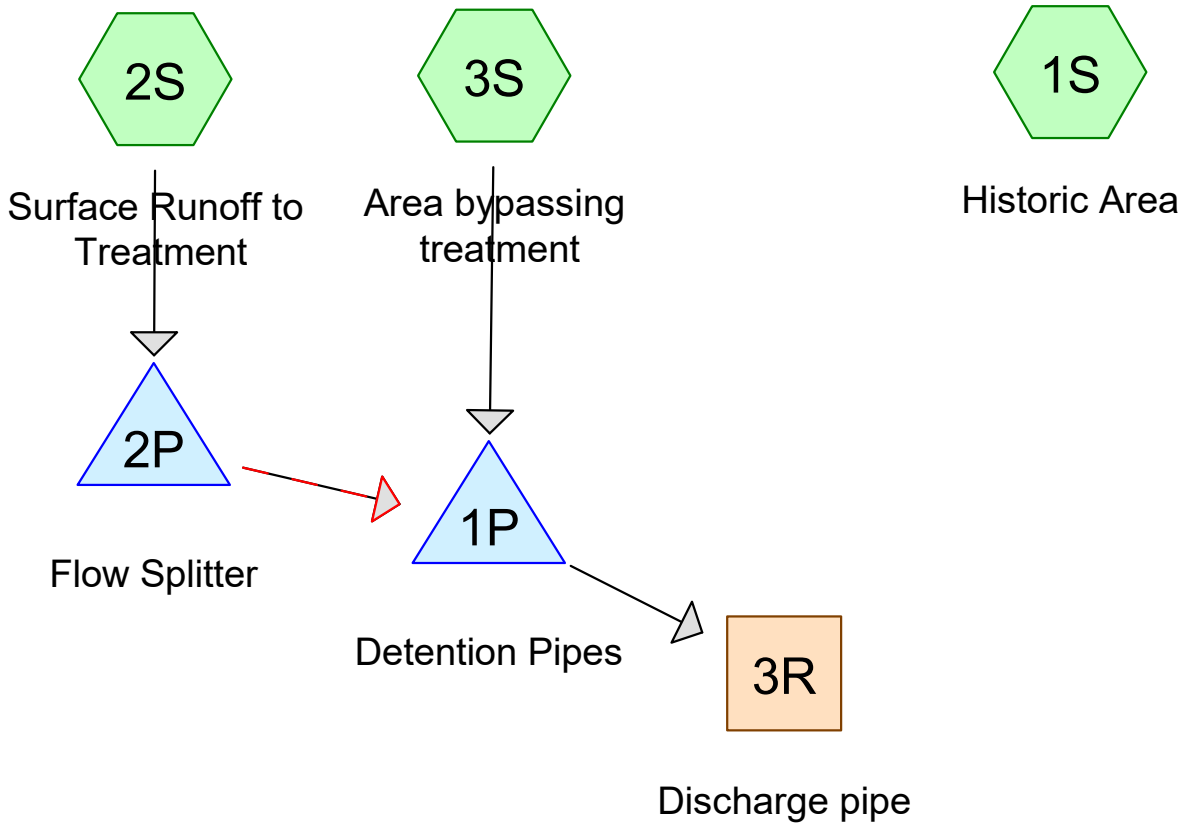
To meet the requirements of the Construction Stormwater General Permit (NPDES Permit), a SWPPP must be developed. The SWPPP must consist of and make provisions for:

- Erosion prevention and sediment control
- Control of other potential pollutants

The Construction SWPPP will describe construction practices, stabilization techniques and structural BMPs that are to be implemented to prevent erosion and minimize sediment transport. The preparation of that SWPPP will be done with the preparation of final construction drawings.

## **Technical Appendix**

- Appendix A**    WQ HydroCAD Report
- Appendix B**    2 Year HydroCAD Report
- Appendix C**    10 Year HydroCAD Report
- Appendix D**    100 Year HydroCAD Report
- Appendix E**    Catchment Plan
- Appendix F**    Development Plans



### Summary for Subcatchment 1S: Historic Area

Runoff = 0.35 cfs @ 8.16 hrs, Volume= 0.174 af, Depth> 0.47"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Type IA 24-hr WQ Storm Rainfall=1.54"

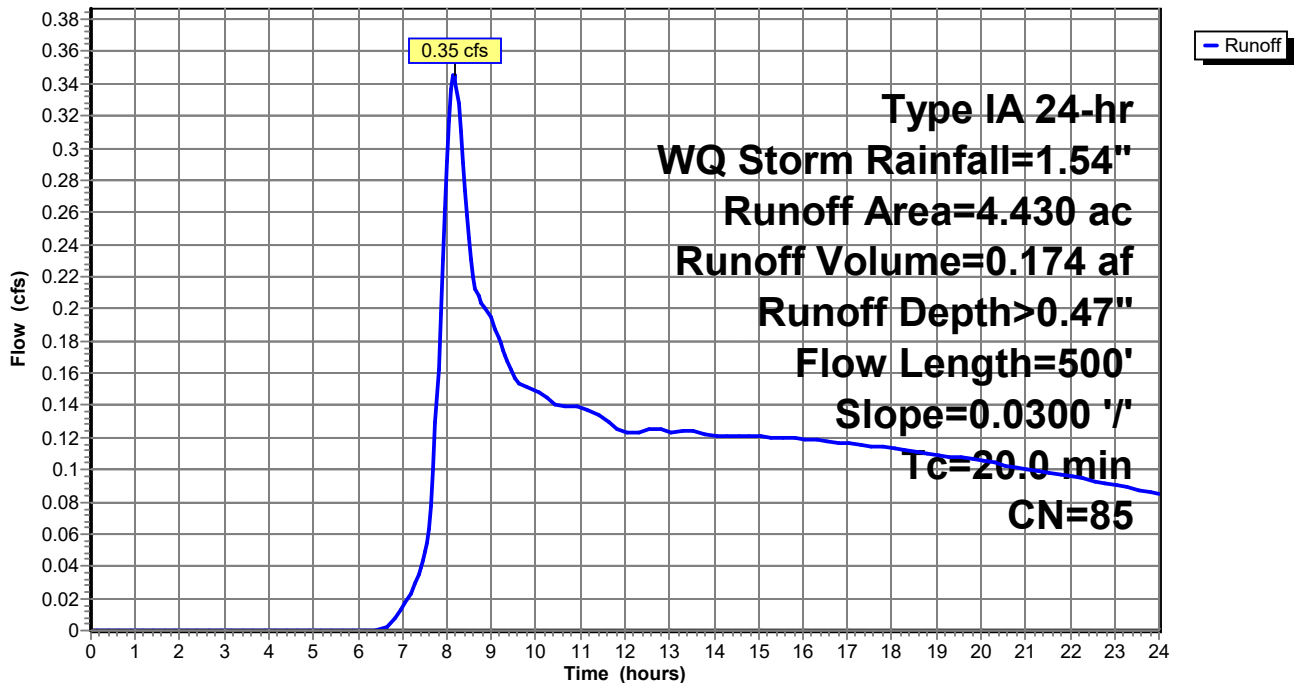
Area (ac)	CN	Description
* 4.430	85	Pasture
4.430		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
16.6	250	0.0300	0.25		<b>Sheet Flow,</b> Grass: Short n= 0.150 P2= 3.50"
3.4	250	0.0300	1.21		<b>Shallow Concentrated Flow,</b> Short Grass Pasture Kv= 7.0 fps
20.0	500	Total			

### Subcatchment 1S: Historic Area

Hydrograph



**Summary for Subcatchment 2S: Surface Runoff to Treatment**

Runoff = 1.00 cfs @ 7.93 hrs, Volume= 0.322 af, Depth> 1.05"

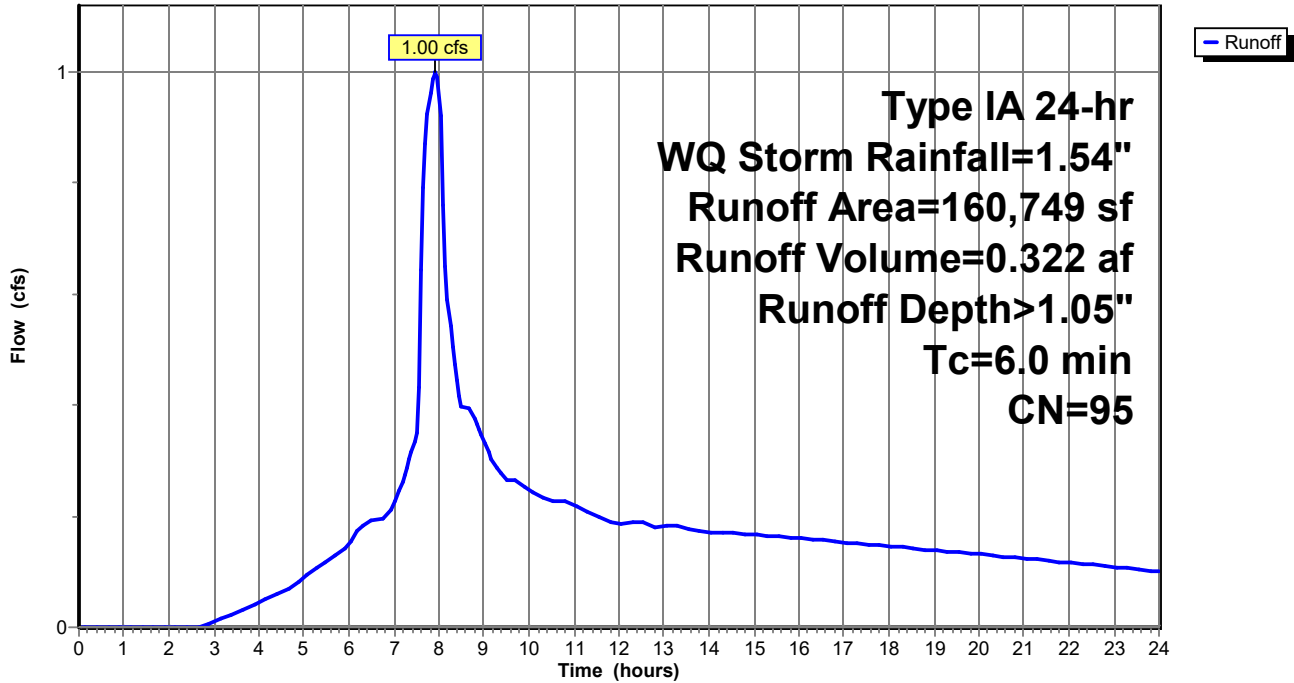
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Type IA 24-hr WQ Storm Rainfall=1.54"

	Area (sf)	CN	Description
*	100,830	98	Pavement
*	15,310	98	Sidewalk
*	44,609	86	Landscape
<hr/>			
	160,749	95	Weighted Average
	44,609		27.75% Pervious Area
	116,140		72.25% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

**Subcatchment 2S: Surface Runoff to Treatment**

Hydrograph



**Summary for Subcatchment 3S: Area bypassing treatment**

Runoff = 0.25 cfs @ 7.89 hrs, Volume= 0.081 af, Depth> 1.32"

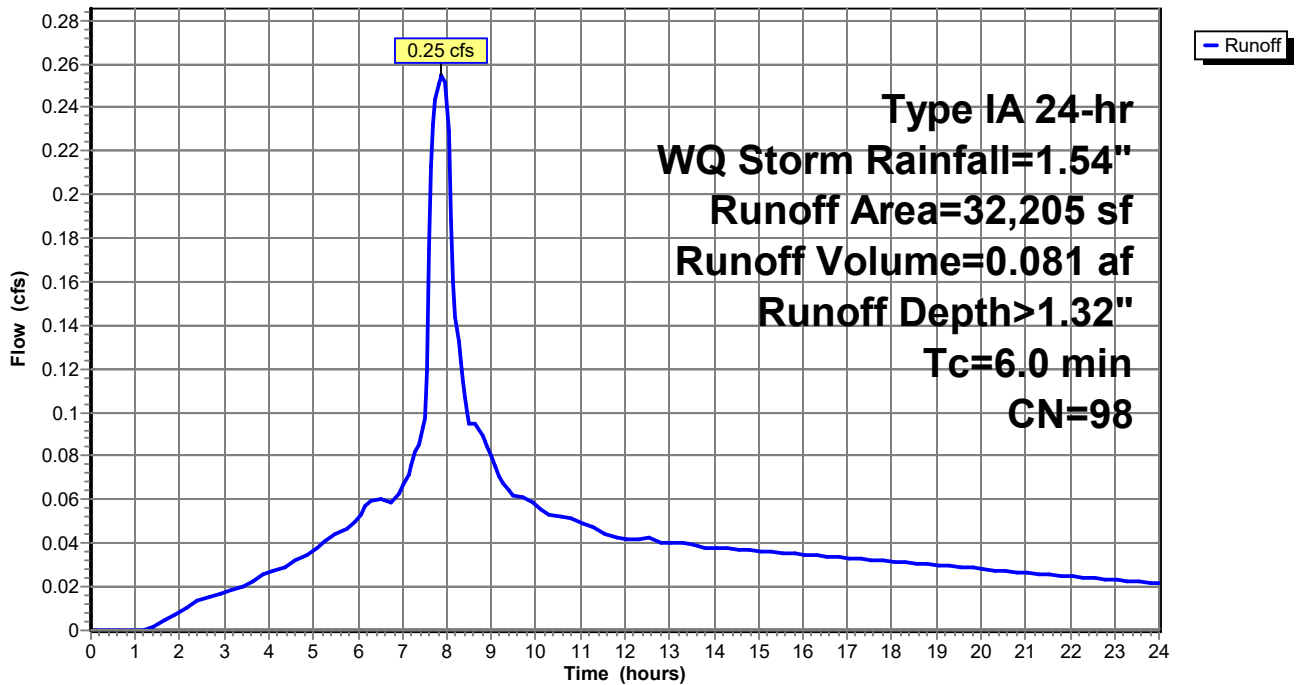
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Type IA 24-hr WQ Storm Rainfall=1.54"

Area (sf)	CN	Description
* 32,205	98	Roof
32,205		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

**Subcatchment 3S: Area bypassing treatment**

Hydrograph



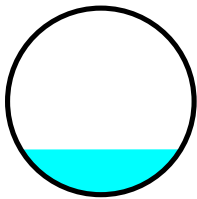
### Summary for Reach 3R: Discharge pipe

Inflow Area = 4.430 ac, 76.88% Impervious, Inflow Depth > 1.09" for WQ Storm event  
 Inflow = 0.61 cfs @ 8.33 hrs, Volume= 0.403 af  
 Outflow = 0.61 cfs @ 8.34 hrs, Volume= 0.403 af, Atten= 0%, Lag= 0.5 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Max. Velocity= 2.66 fps, Min. Travel Time= 0.3 min  
 Avg. Velocity = 1.84 fps, Avg. Travel Time= 0.4 min

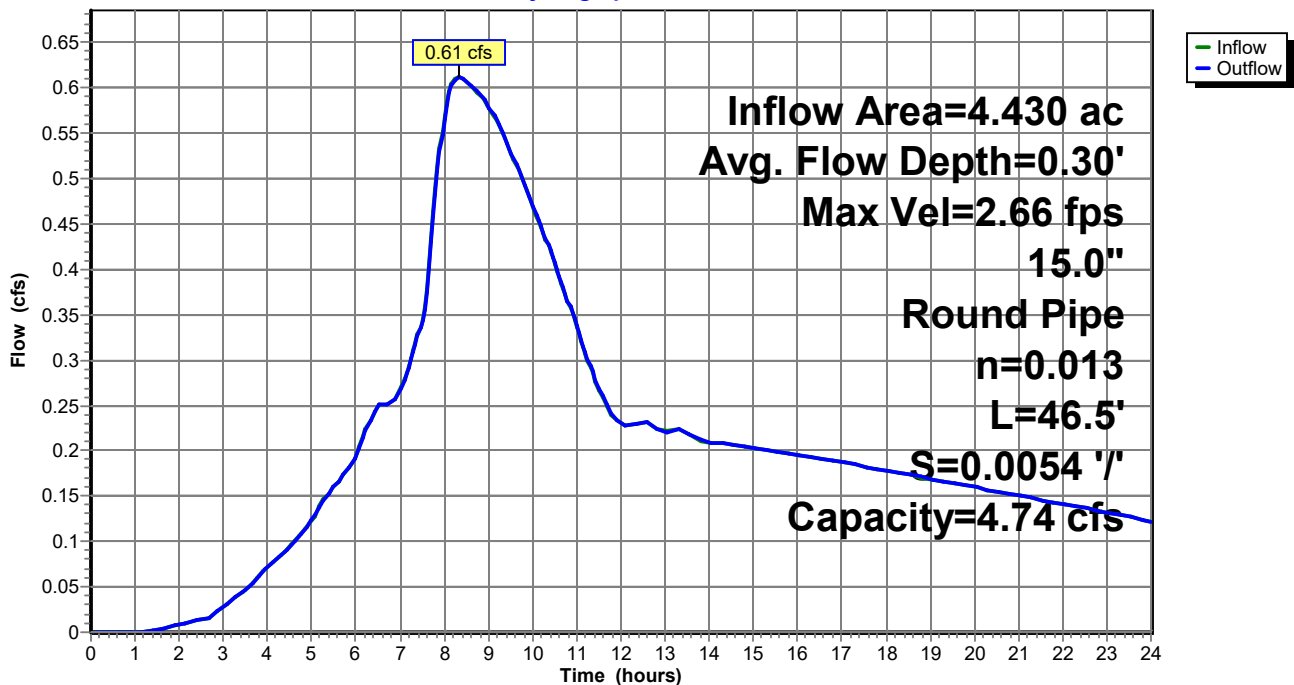
Peak Storage= 11 cf @ 8.34 hrs  
 Average Depth at Peak Storage= 0.30'  
 Bank-Full Depth= 1.25' Flow Area= 1.2 sf, Capacity= 4.74 cfs

15.0" Round Pipe  
 n= 0.013  
 Length= 46.5' Slope= 0.0054 '/'  
 Inlet Invert= 245.35', Outlet Invert= 245.10'



### Reach 3R: Discharge pipe

Hydrograph



**Summary for Pond 1P: Detention Pipes**

Inflow Area = 4.430 ac, 76.88% Impervious, Inflow Depth > 1.09" for WQ Storm event  
 Inflow = 1.25 cfs @ 7.94 hrs, Volume= 0.403 af  
 Outflow = 0.61 cfs @ 8.33 hrs, Volume= 0.403 af, Atten= 51%, Lag= 23.5 min  
 Primary = 0.61 cfs @ 8.33 hrs, Volume= 0.403 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Peak Elev= 246.94' @ 8.33 hrs Surf.Area= 2,945 sf Storage= 1,477 cf

Plug-Flow detention time= 10.3 min calculated for 0.403 af (100% of inflow)  
 Center-of-Mass det. time= 10.3 min ( 744.4 - 734.1 )

Volume	Invert	Avail.Storage	Storage Description
#1	245.35'	9,331 cf	<b>72.0" Round Pipe Storage</b> L= 600.0' S= 0.0010 '/' 16,965 cf Overall x 55.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Primary	245.35'	<b>4.3" Horiz. Orifice/Grate</b> C= 0.600
#2	Primary	248.05'	<b>5.0" Horiz. Orifice/Grate</b> C= 0.600
#3	Primary	249.00'	<b>4.0" Horiz. Orifice/Grate</b> C= 0.600
#4	Primary	250.40'	<b>15.0" Horiz. Orifice/Grate</b> C= 0.600 Limited to weir flow at low heads

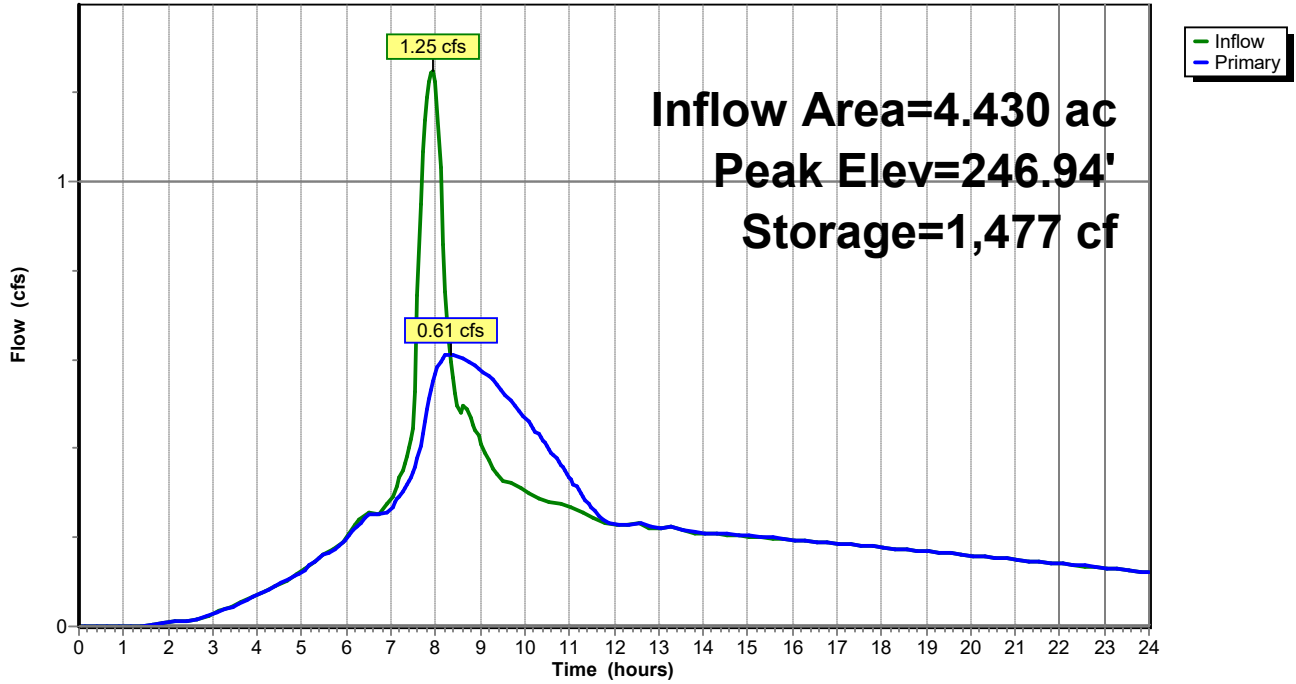
**Primary OutFlow** Max=0.61 cfs @ 8.33 hrs HW=246.94' (Free Discharge)

- 1=Orifice/Grate (Orifice Controls 0.61 cfs @ 6.07 fps)
- 2=Orifice/Grate ( Controls 0.00 cfs)
- 3=Orifice/Grate ( Controls 0.00 cfs)
- 4=Orifice/Grate ( Controls 0.00 cfs)



### Pond 1P: Detention Pipes

Hydrograph



**Summary for Pond 2P: Flow Splitter**

Inflow Area = 3.690 ac, 72.25% Impervious, Inflow Depth > 1.05" for WQ Storm event  
 Inflow = 1.00 cfs @ 7.93 hrs, Volume= 0.322 af  
 Outflow = 1.00 cfs @ 7.95 hrs, Volume= 0.322 af, Atten= 0%, Lag= 1.7 min  
 Primary = 1.00 cfs @ 7.95 hrs, Volume= 0.322 af  
 Secondary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Peak Elev= 254.72' @ 7.95 hrs Surf.Area= 20 sf Storage= 53 cf

Plug-Flow detention time= 0.3 min calculated for 0.322 af (100% of inflow)  
 Center-of-Mass det. time= 0.2 min ( 745.2 - 745.0 )

Volume	Invert	Avail.Storage	Storage Description
#1	252.00'	157 cf	<b>5.00'D x 8.00'H Vertical Cone/Cylinder</b>

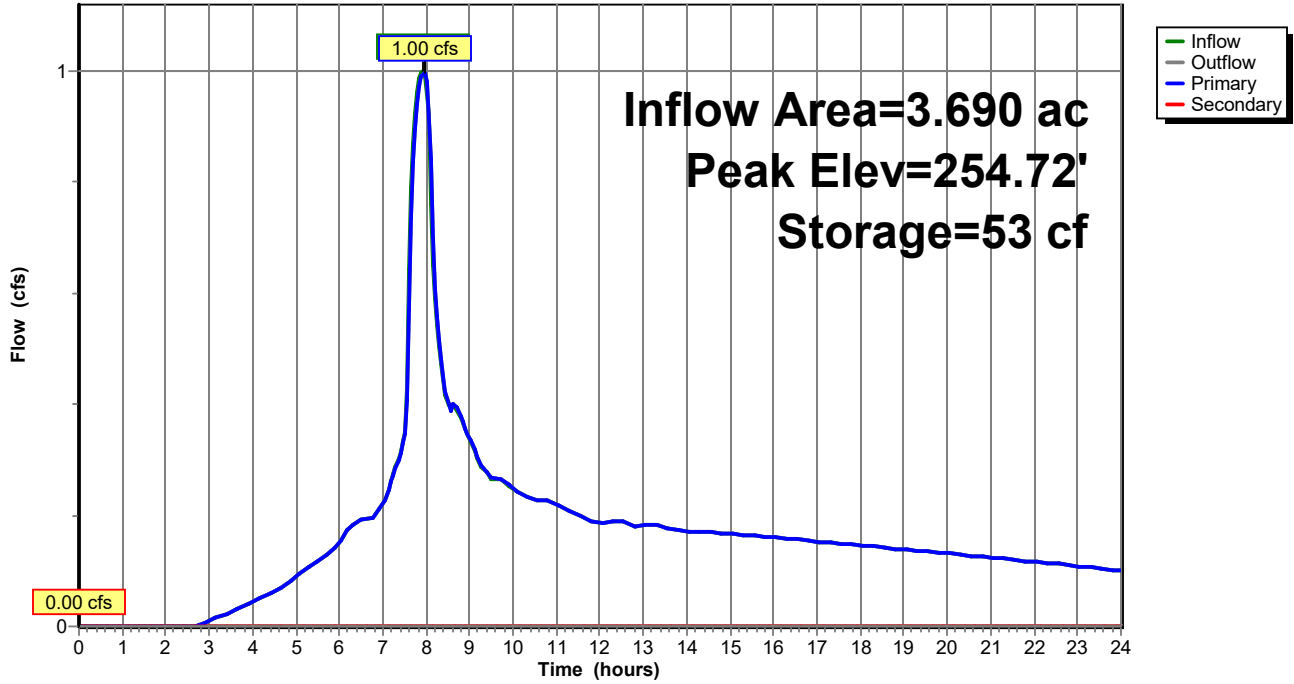
Device	Routing	Invert	Outlet Devices
#1	Primary	252.00'	<b>4.8" Horiz. Orifice/Grate</b> C= 0.600
#2	Secondary	254.75'	<b>12.0" Horiz. Orifice/Grate</b> C= 0.600 Limited to weir flow at low heads

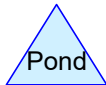
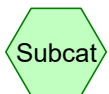
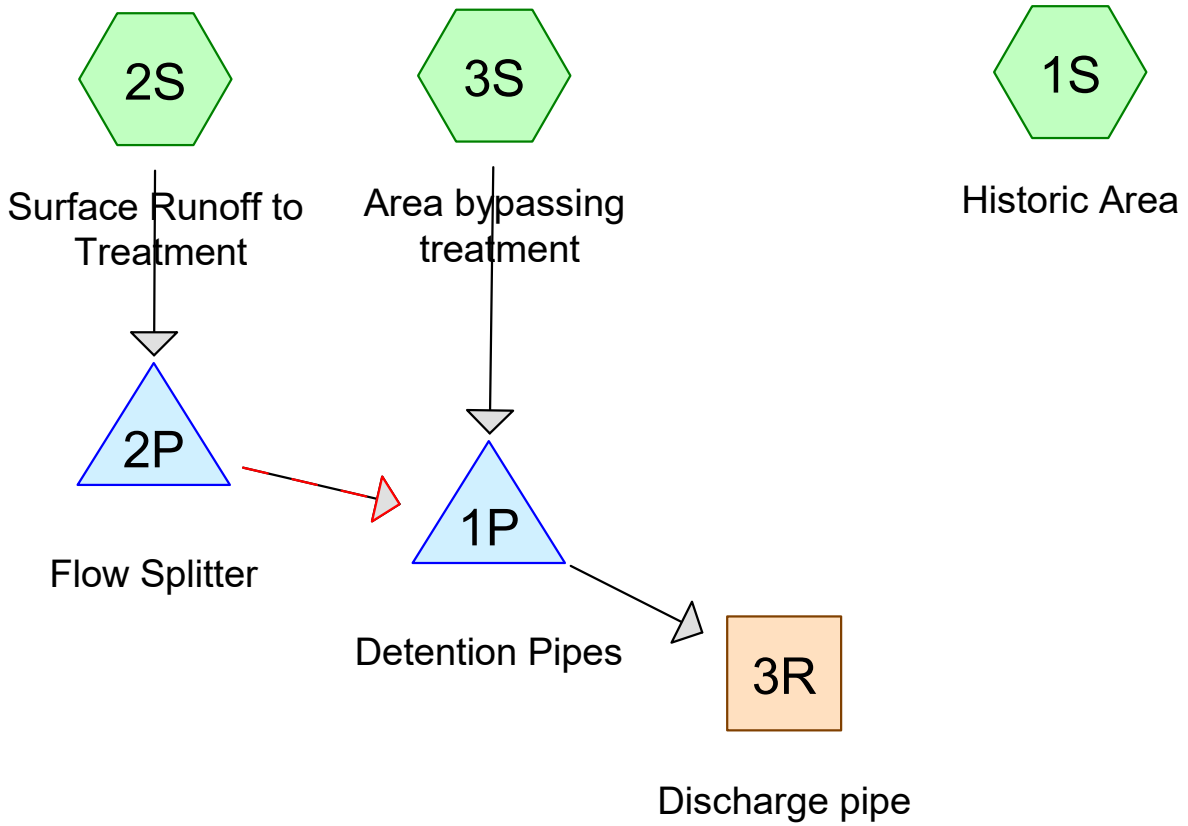
**Primary OutFlow** Max=1.00 cfs @ 7.95 hrs HW=254.71' (Free Discharge)  
 ↑1=**Orifice/Grate** (Orifice Controls 1.00 cfs @ 7.93 fps)

**Secondary OutFlow** Max=0.00 cfs @ 0.00 hrs HW=252.00' (Free Discharge)  
 ↑2=**Orifice/Grate** ( Controls 0.00 cfs)

### Pond 2P: Flow Splitter

Hydrograph





**Summary for Subcatchment 1S: Historic Area**

Runoff = 0.85 cfs @ 8.13 hrs, Volume= 0.345 af, Depth> 0.94"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Type IA 24-hr 2-year Rainfall=2.20"

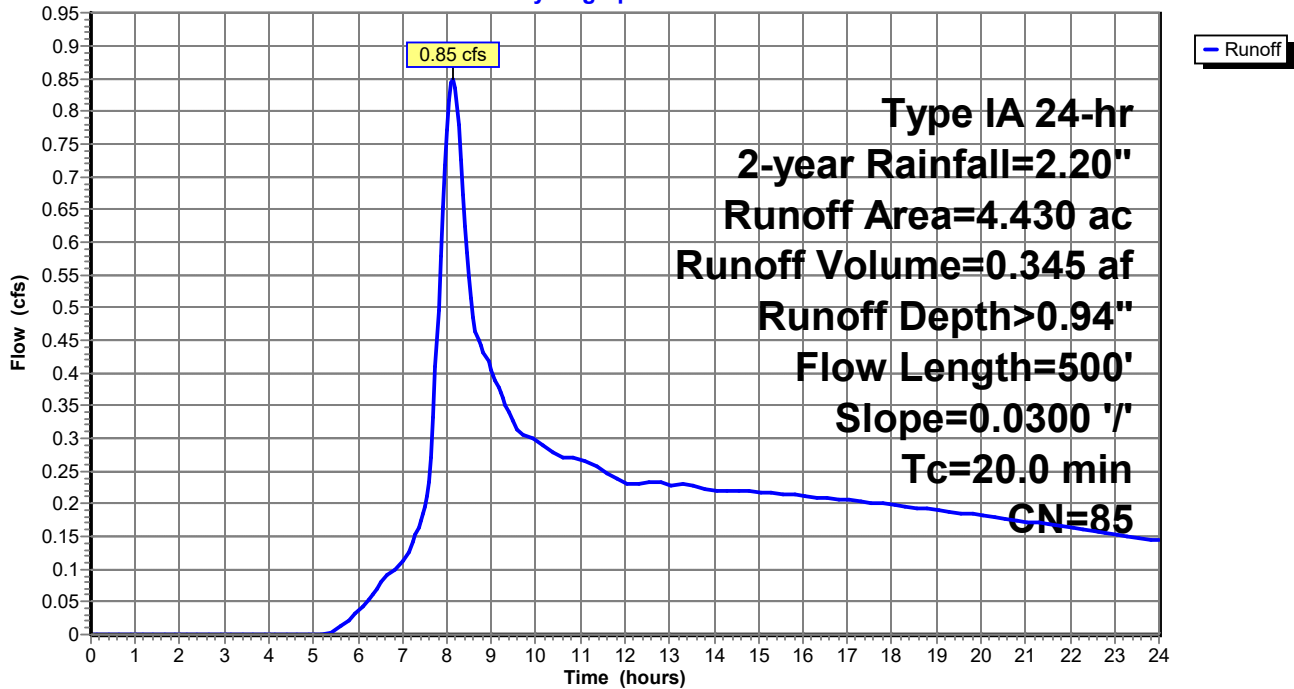
Area (ac)	CN	Description
* 4.430	85	Pasture
4.430		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
16.6	250	0.0300	0.25		<b>Sheet Flow,</b> Grass: Short n= 0.150 P2= 3.50"
3.4	250	0.0300	1.21		<b>Shallow Concentrated Flow,</b> Short Grass Pasture Kv= 7.0 fps
20.0	500	Total			

**Subcatchment 1S: Historic Area**

Hydrograph



**Summary for Subcatchment 2S: Surface Runoff to Treatment**

Runoff = 1.62 cfs @ 7.91 hrs, Volume= 0.514 af, Depth> 1.67"

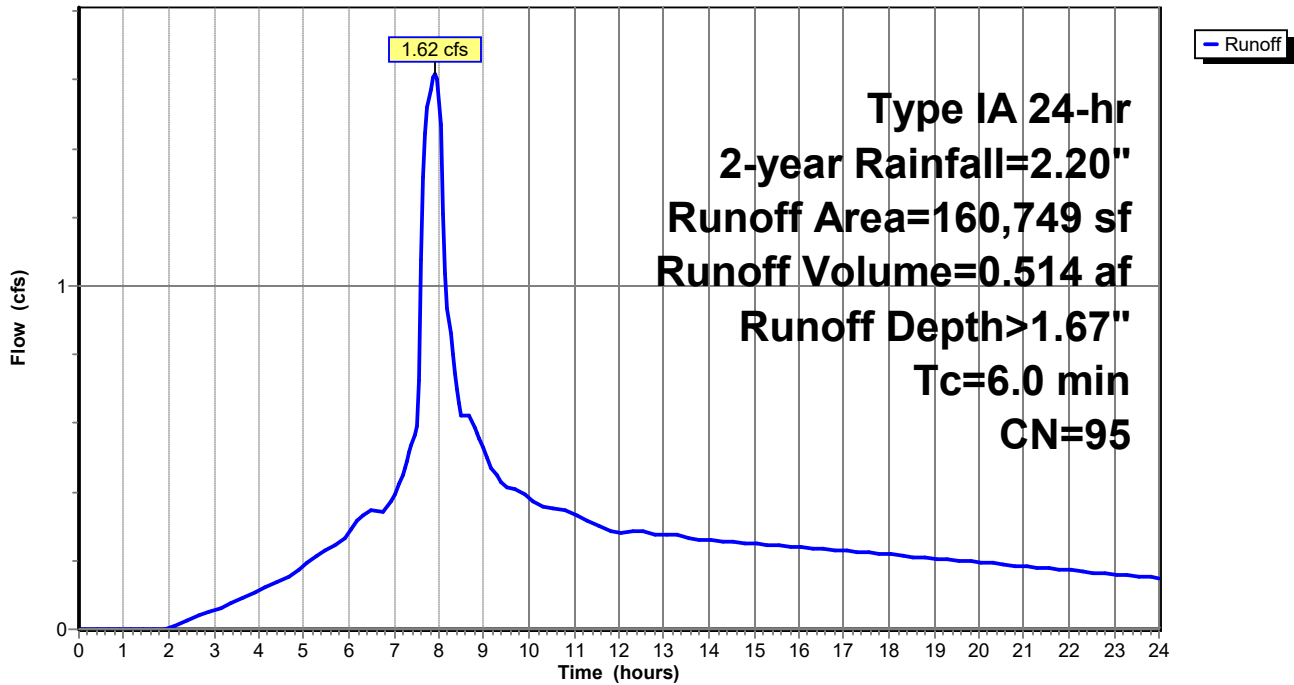
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Type IA 24-hr 2-year Rainfall=2.20"

	Area (sf)	CN	Description
*	100,830	98	Pavement
*	15,310	98	Sidewalk
*	44,609	86	Landscape
	160,749	95	Weighted Average
	44,609		27.75% Pervious Area
	116,140		72.25% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

**Subcatchment 2S: Surface Runoff to Treatment**

Hydrograph



**Summary for Subcatchment 3S: Area bypassing treatment**

Runoff = 0.38 cfs @ 7.88 hrs, Volume= 0.121 af, Depth> 1.97"

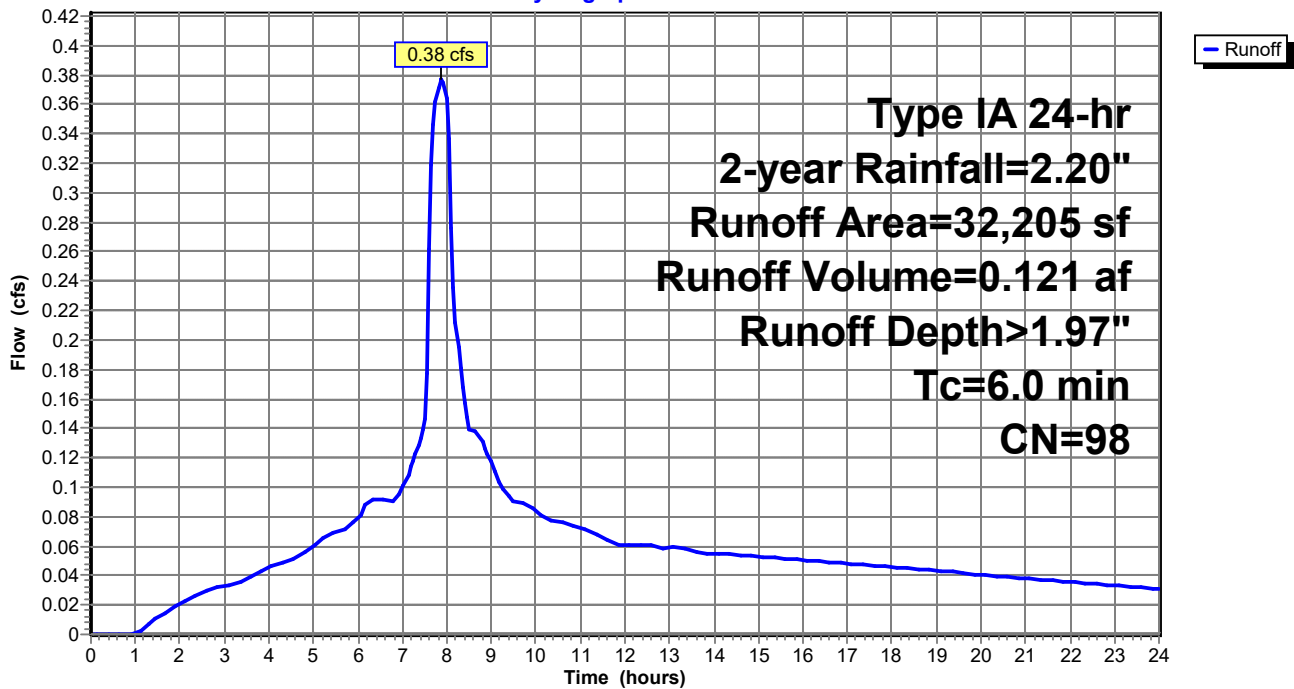
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Type IA 24-hr 2-year Rainfall=2.20"

Area (sf)	CN	Description
* 32,205	98	Roof
32,205		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

**Subcatchment 3S: Area bypassing treatment**

Hydrograph



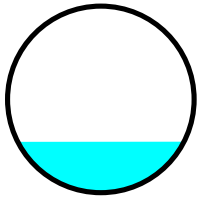
### Summary for Reach 3R: Discharge pipe

Inflow Area = 4.430 ac, 76.88% Impervious, Inflow Depth > 1.72" for 2-year event  
 Inflow = 0.78 cfs @ 8.50 hrs, Volume= 0.635 af  
 Outflow = 0.78 cfs @ 8.51 hrs, Volume= 0.635 af, Atten= 0%, Lag= 0.5 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Max. Velocity= 2.85 fps, Min. Travel Time= 0.3 min  
 Avg. Velocity = 2.12 fps, Avg. Travel Time= 0.4 min

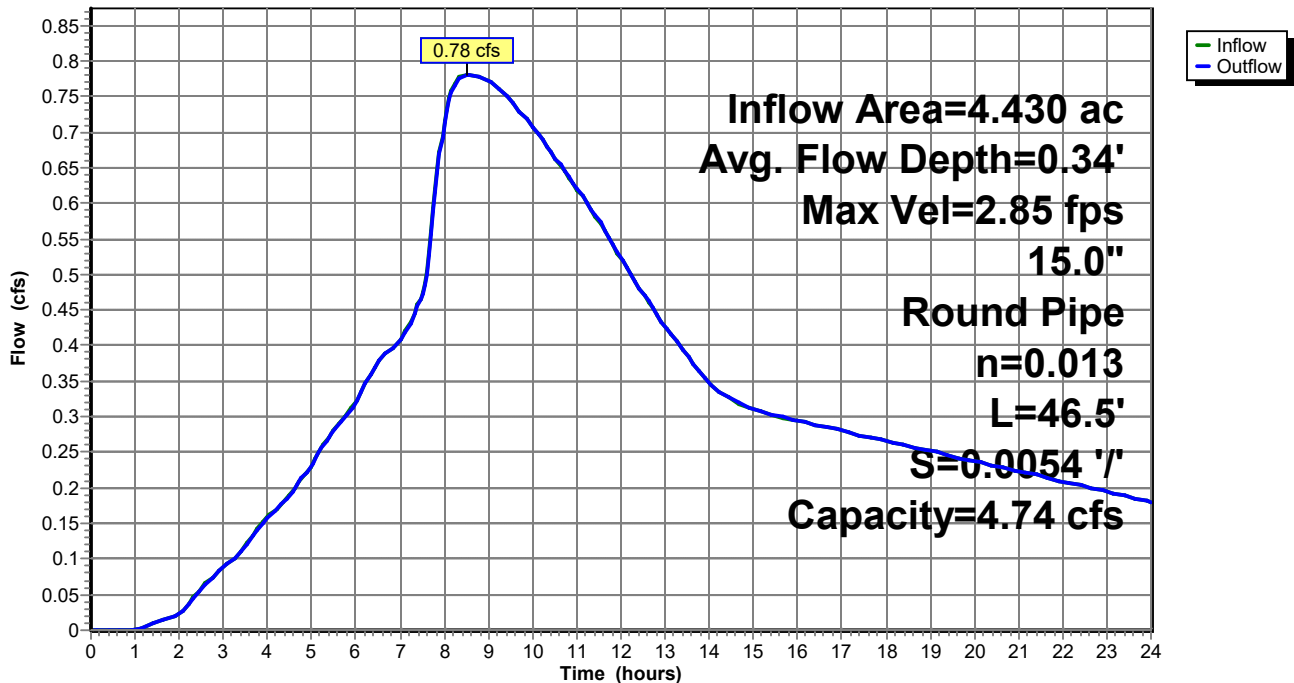
Peak Storage= 13 cf @ 8.50 hrs  
 Average Depth at Peak Storage= 0.34'  
 Bank-Full Depth= 1.25' Flow Area= 1.2 sf, Capacity= 4.74 cfs

15.0" Round Pipe  
 n= 0.013  
 Length= 46.5' Slope= 0.0054 '/'  
 Inlet Invert= 245.35', Outlet Invert= 245.10'



### Reach 3R: Discharge pipe

Hydrograph





**Summary for Pond 1P: Detention Pipes**

Inflow Area = 4.430 ac, 76.88% Impervious, Inflow Depth > 1.72" for 2-year event  
 Inflow = 2.01 cfs @ 7.85 hrs, Volume= 0.635 af  
 Outflow = 0.78 cfs @ 8.50 hrs, Volume= 0.635 af, Atten= 61%, Lag= 39.1 min  
 Primary = 0.78 cfs @ 8.50 hrs, Volume= 0.635 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Peak Elev= 247.93' @ 8.50 hrs Surf.Area= 3,488 sf Storage= 3,257 cf

Plug-Flow detention time= 24.7 min calculated for 0.634 af (100% of inflow)  
 Center-of-Mass det. time= 24.5 min ( 737.3 - 712.7 )

Volume	Invert	Avail.Storage	Storage Description
#1	245.35'	9,331 cf	<b>72.0" Round Pipe Storage</b> L= 600.0' S= 0.0010 '/' 16,965 cf Overall x 55.0% Voids

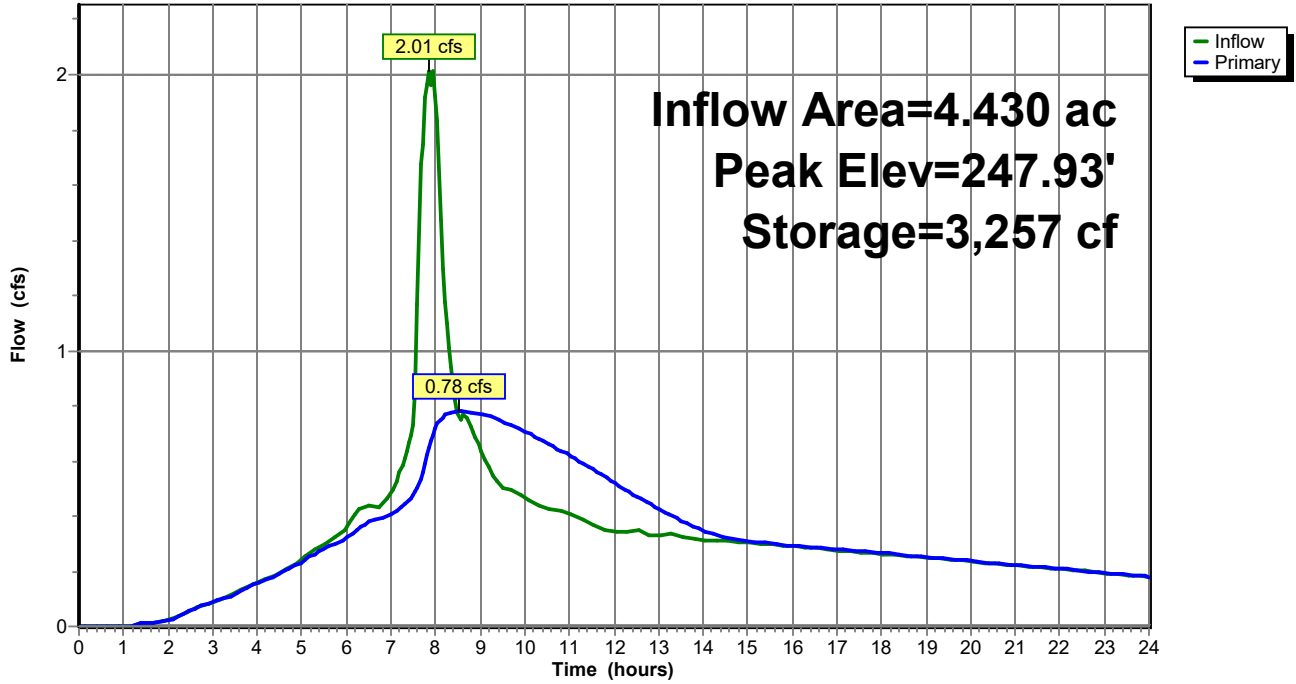
Device	Routing	Invert	Outlet Devices
#1	Primary	245.35'	<b>4.3" Horiz. Orifice/Grate</b> C= 0.600
#2	Primary	248.05'	<b>5.0" Horiz. Orifice/Grate</b> C= 0.600
#3	Primary	249.00'	<b>4.0" Horiz. Orifice/Grate</b> C= 0.600
#4	Primary	250.40'	<b>15.0" Horiz. Orifice/Grate</b> C= 0.600 Limited to weir flow at low heads

**Primary OutFlow** Max=0.78 cfs @ 8.50 hrs HW=247.93' (Free Discharge)

- 1=Orifice/Grate (Orifice Controls 0.78 cfs @ 7.73 fps)
- 2=Orifice/Grate ( Controls 0.00 cfs)
- 3=Orifice/Grate ( Controls 0.00 cfs)
- 4=Orifice/Grate ( Controls 0.00 cfs)

### Pond 1P: Detention Pipes

Hydrograph



**Summary for Pond 2P: Flow Splitter**

Inflow Area = 3.690 ac, 72.25% Impervious, Inflow Depth > 1.67" for 2-year event  
 Inflow = 1.62 cfs @ 7.91 hrs, Volume= 0.514 af  
 Outflow = 1.64 cfs @ 7.95 hrs, Volume= 0.514 af, Atten= 0%, Lag= 2.6 min  
 Primary = 1.03 cfs @ 7.95 hrs, Volume= 0.494 af  
 Secondary = 0.61 cfs @ 7.95 hrs, Volume= 0.020 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Peak Elev= 254.90' @ 7.95 hrs Surf.Area= 20 sf Storage= 57 cf

Plug-Flow detention time= 0.3 min calculated for 0.513 af (100% of inflow)  
 Center-of-Mass det. time= 0.3 min ( 721.4 - 721.1 )

Volume	Invert	Avail.Storage	Storage Description
#1	252.00'	157 cf	<b>5.00'D x 8.00'H Vertical Cone/Cylinder</b>

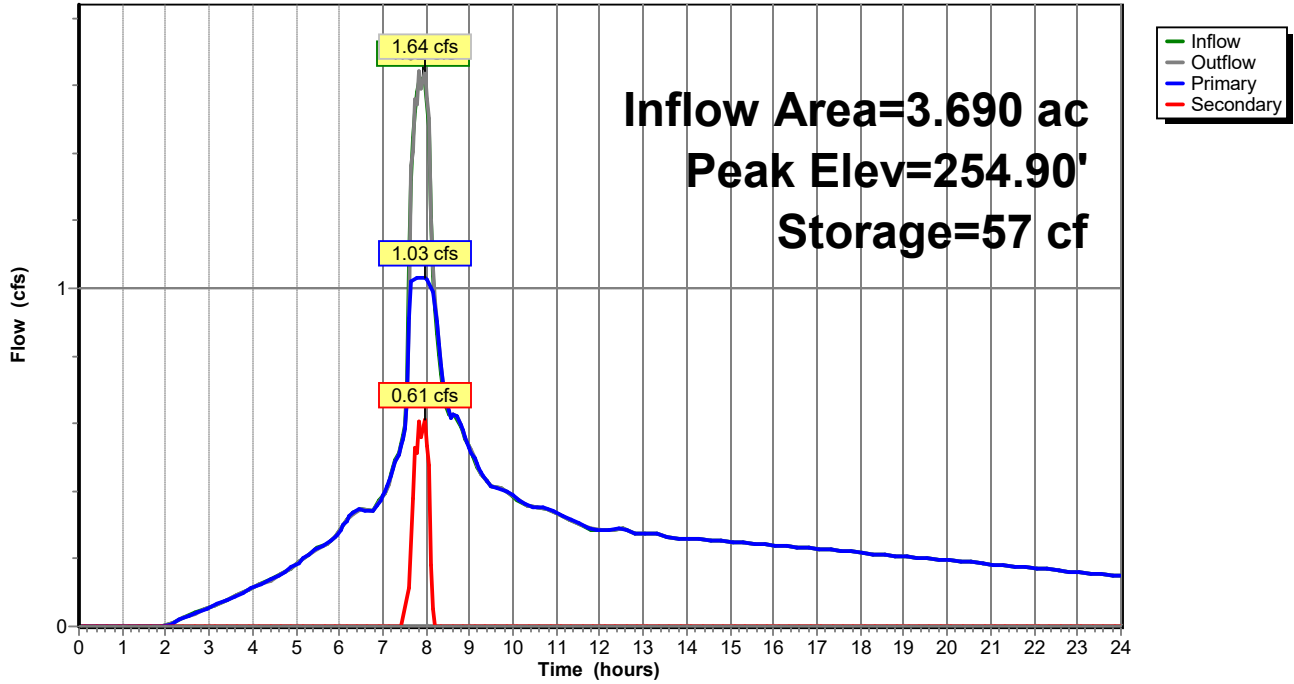
Device	Routing	Invert	Outlet Devices
#1	Primary	252.00'	<b>4.8" Horiz. Orifice/Grate</b> C= 0.600
#2	Secondary	254.75'	<b>12.0" Horiz. Orifice/Grate</b> C= 0.600 Limited to weir flow at low heads

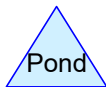
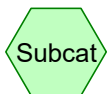
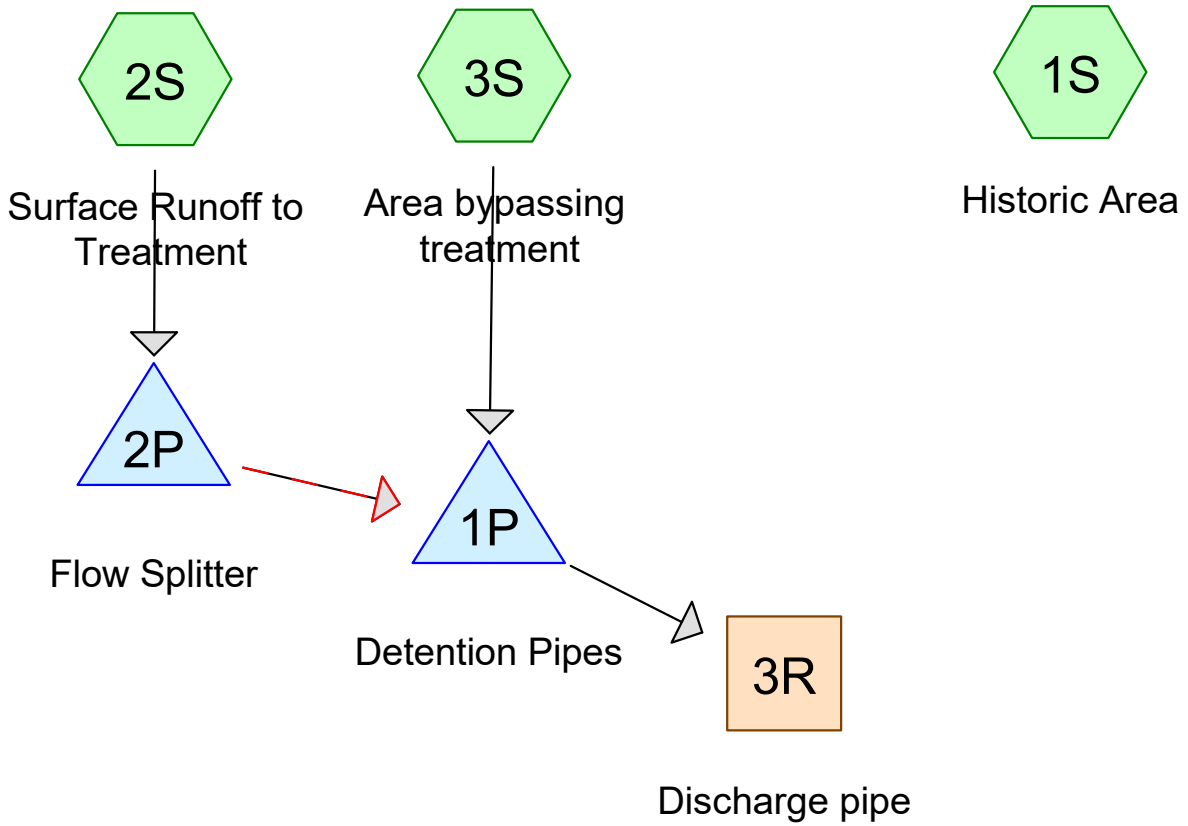
**Primary OutFlow** Max=1.03 cfs @ 7.95 hrs HW=254.90' (Free Discharge)  
 ↑1=Orifice/Grate (Orifice Controls 1.03 cfs @ 8.20 fps)

**Secondary OutFlow** Max=0.60 cfs @ 7.95 hrs HW=254.90' (Free Discharge)  
 ↑2=Orifice/Grate (Weir Controls 0.60 cfs @ 1.27 fps)

### Pond 2P: Flow Splitter

Hydrograph





**Summary for Subcatchment 1S: Historic Area**

Runoff = 1.66 cfs @ 8.12 hrs, Volume= 0.612 af, Depth> 1.66"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Type IA 24-hr 10-year Rainfall=3.10"

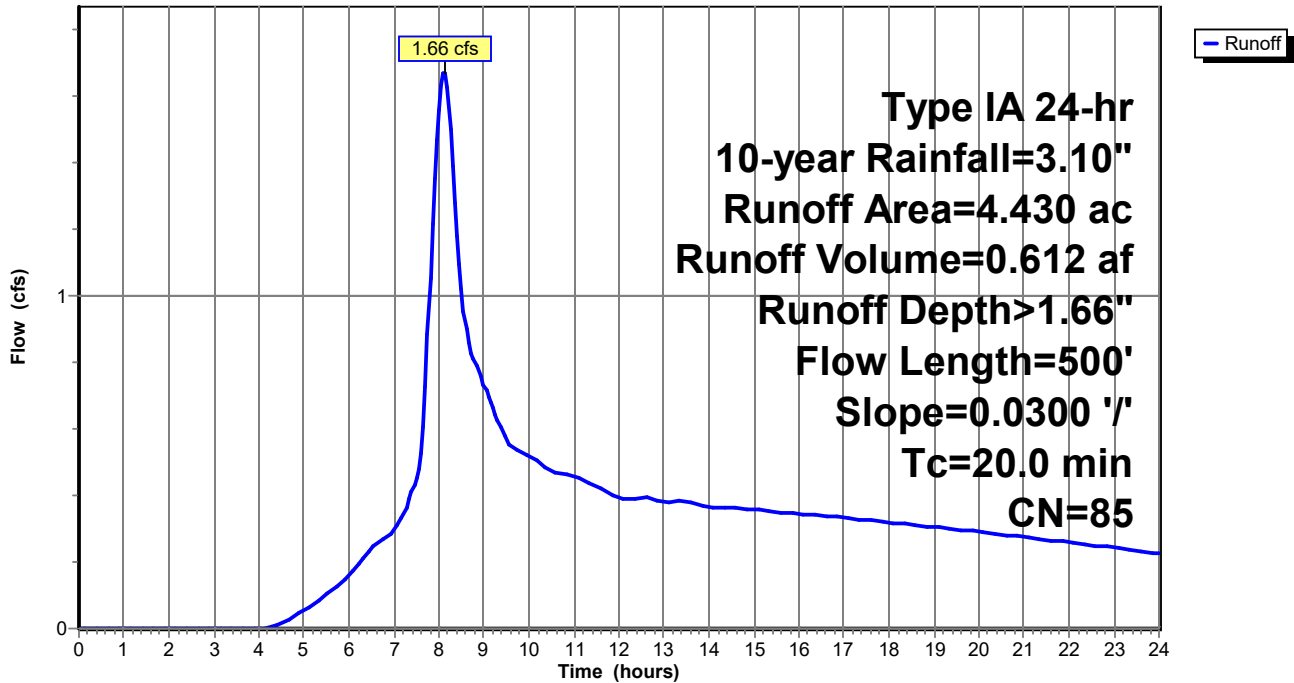
Area (ac)	CN	Description
* 4.430	85	Pasture
4.430		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
16.6	250	0.0300	0.25		<b>Sheet Flow,</b> Grass: Short n= 0.150 P2= 3.50"
3.4	250	0.0300	1.21		<b>Shallow Concentrated Flow,</b> Short Grass Pasture Kv= 7.0 fps
20.0	500	Total			

**Subcatchment 1S: Historic Area**

Hydrograph



**Summary for Subcatchment 2S: Surface Runoff to Treatment**

Runoff = 2.47 cfs @ 7.89 hrs, Volume= 0.782 af, Depth> 2.54"

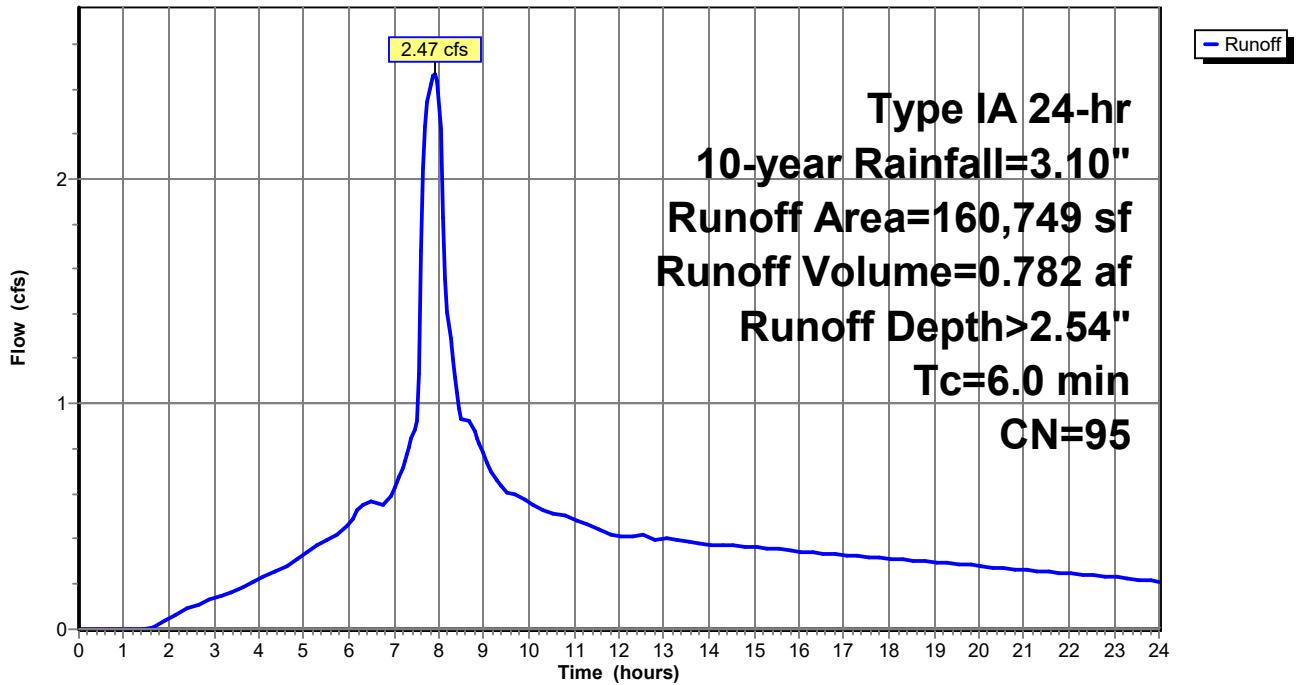
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Type IA 24-hr 10-year Rainfall=3.10"

	Area (sf)	CN	Description
*	100,830	98	Pavement
*	15,310	98	Sidewalk
*	44,609	86	Landscape
<hr/>			
	160,749	95	Weighted Average
	44,609		27.75% Pervious Area
	116,140		72.25% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

**Subcatchment 2S: Surface Runoff to Treatment**

Hydrograph



**Summary for Subcatchment 3S: Area bypassing treatment**

Runoff = 0.54 cfs @ 7.87 hrs, Volume= 0.176 af, Depth> 2.86"

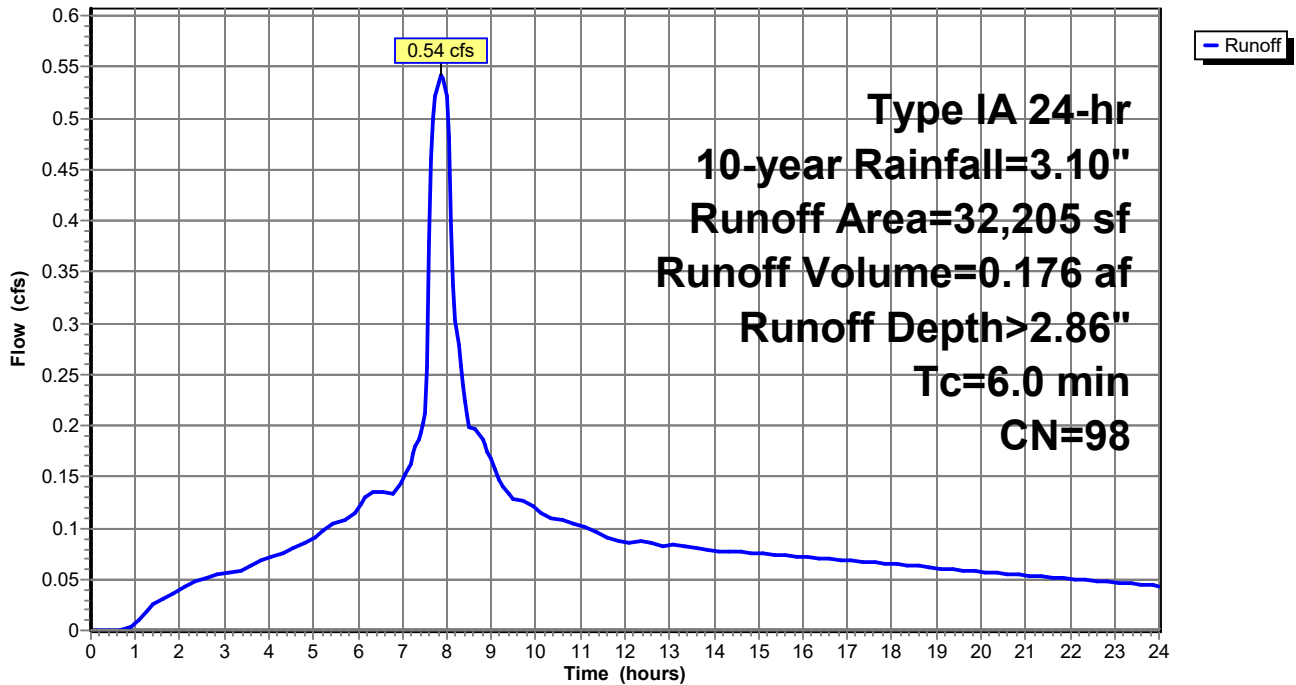
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Type IA 24-hr 10-year Rainfall=3.10"

Area (sf)	CN	Description
* 32,205	98	Roof
32,205		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

**Subcatchment 3S: Area bypassing treatment**

Hydrograph





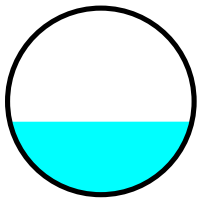
### Summary for Reach 3R: Discharge pipe

Inflow Area = 4.430 ac, 76.88% Impervious, Inflow Depth > 2.59" for 10-year event  
 Inflow = 1.54 cfs @ 8.26 hrs, Volume= 0.958 af  
 Outflow = 1.54 cfs @ 8.29 hrs, Volume= 0.958 af, Atten= 0%, Lag= 1.5 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Max. Velocity= 3.45 fps, Min. Travel Time= 0.2 min  
 Avg. Velocity = 2.38 fps, Avg. Travel Time= 0.3 min

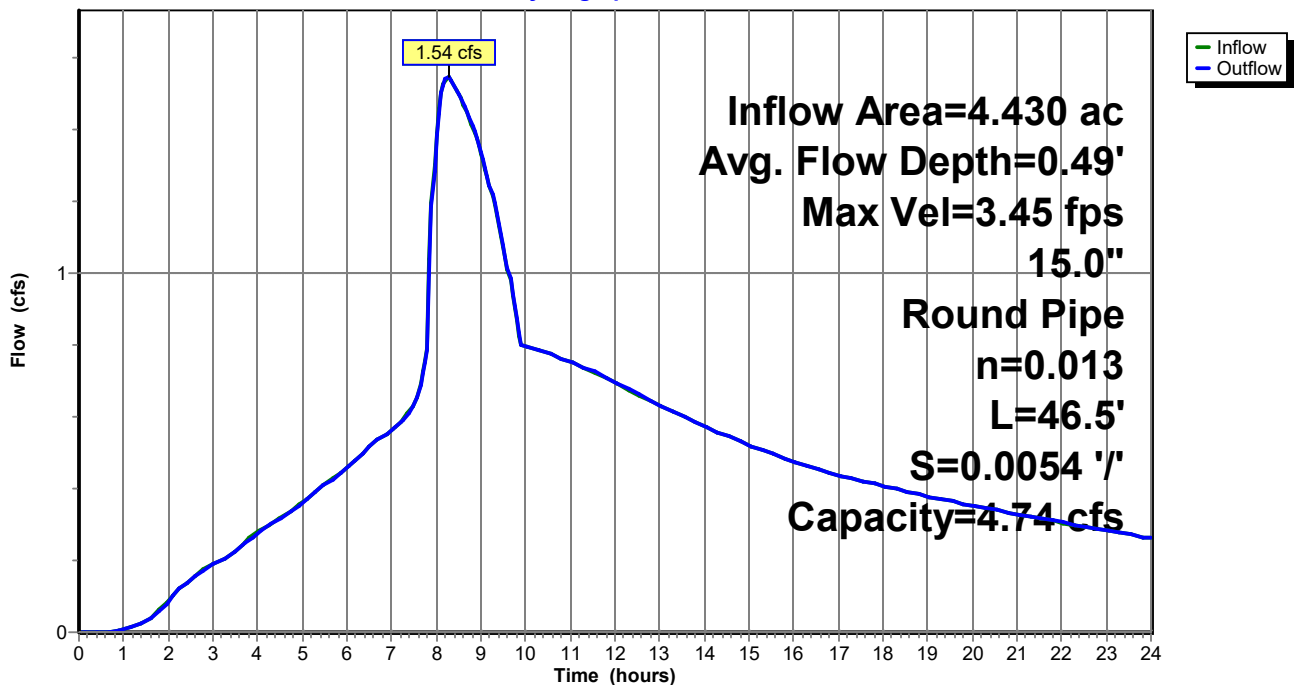
Peak Storage= 21 cf @ 8.29 hrs  
 Average Depth at Peak Storage= 0.49'  
 Bank-Full Depth= 1.25' Flow Area= 1.2 sf, Capacity= 4.74 cfs

15.0" Round Pipe  
 n= 0.013  
 Length= 46.5' Slope= 0.0054 '/'  
 Inlet Invert= 245.35', Outlet Invert= 245.10'



### Reach 3R: Discharge pipe

Hydrograph



**Summary for Pond 1P: Detention Pipes**

Inflow Area = 4.430 ac, 76.88% Impervious, Inflow Depth > 2.60" for 10-year event  
 Inflow = 3.05 cfs @ 7.90 hrs, Volume= 0.958 af  
 Outflow = 1.54 cfs @ 8.26 hrs, Volume= 0.958 af, Atten= 49%, Lag= 21.9 min  
 Primary = 1.54 cfs @ 8.26 hrs, Volume= 0.958 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Peak Elev= 248.95' @ 8.26 hrs Surf.Area= 3,576 sf Storage= 5,255 cf

Plug-Flow detention time= 35.3 min calculated for 0.958 af (100% of inflow)  
 Center-of-Mass det. time= 34.7 min ( 730.2 - 695.5 )

Volume	Invert	Avail.Storage	Storage Description
#1	245.35'	9,331 cf	<b>72.0" Round Pipe Storage</b> L= 600.0' S= 0.0010 '/' 16,965 cf Overall x 55.0% Voids

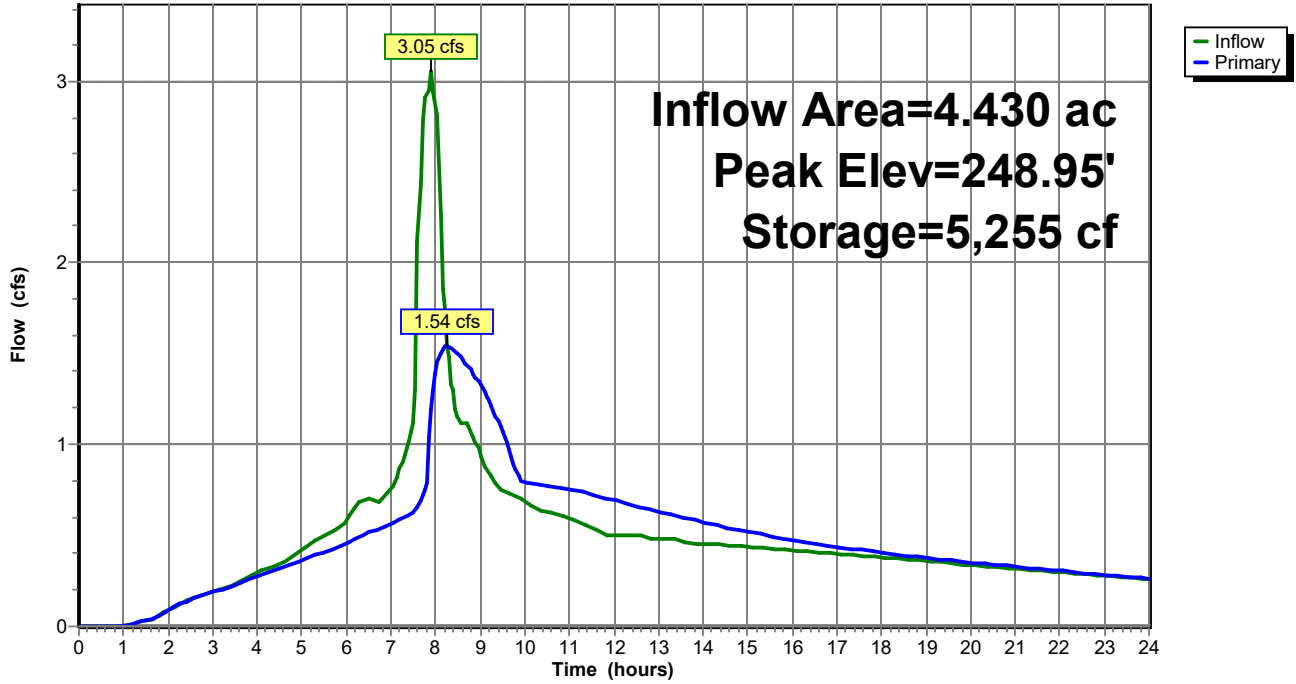
Device	Routing	Invert	Outlet Devices
#1	Primary	245.35'	<b>4.3" Horiz. Orifice/Grate</b> C= 0.600
#2	Primary	248.05'	<b>5.0" Horiz. Orifice/Grate</b> C= 0.600
#3	Primary	249.00'	<b>4.0" Horiz. Orifice/Grate</b> C= 0.600
#4	Primary	250.40'	<b>15.0" Horiz. Orifice/Grate</b> C= 0.600 Limited to weir flow at low heads

**Primary OutFlow** Max=1.54 cfs @ 8.26 hrs HW=248.95' (Free Discharge)

- 1=Orifice/Grate (Orifice Controls 0.92 cfs @ 9.13 fps)
- 2=Orifice/Grate (Orifice Controls 0.62 cfs @ 4.56 fps)
- 3=Orifice/Grate ( Controls 0.00 cfs)
- 4=Orifice/Grate ( Controls 0.00 cfs)

### Pond 1P: Detention Pipes

Hydrograph



**Summary for Pond 2P: Flow Splitter**

Inflow Area = 3.690 ac, 72.25% Impervious, Inflow Depth > 2.54" for 10-year event  
 Inflow = 2.47 cfs @ 7.89 hrs, Volume= 0.782 af  
 Outflow = 2.51 cfs @ 7.90 hrs, Volume= 0.782 af, Atten= 0%, Lag= 0.4 min  
 Primary = 1.05 cfs @ 7.90 hrs, Volume= 0.722 af  
 Secondary = 1.46 cfs @ 7.90 hrs, Volume= 0.061 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Peak Elev= 255.02' @ 7.90 hrs Surf.Area= 20 sf Storage= 59 cf

Plug-Flow detention time= 0.4 min calculated for 0.780 af (100% of inflow)  
 Center-of-Mass det. time= 0.4 min ( 702.3 - 701.9 )

Volume	Invert	Avail.Storage	Storage Description
#1	252.00'	157 cf	<b>5.00'D x 8.00'H Vertical Cone/Cylinder</b>

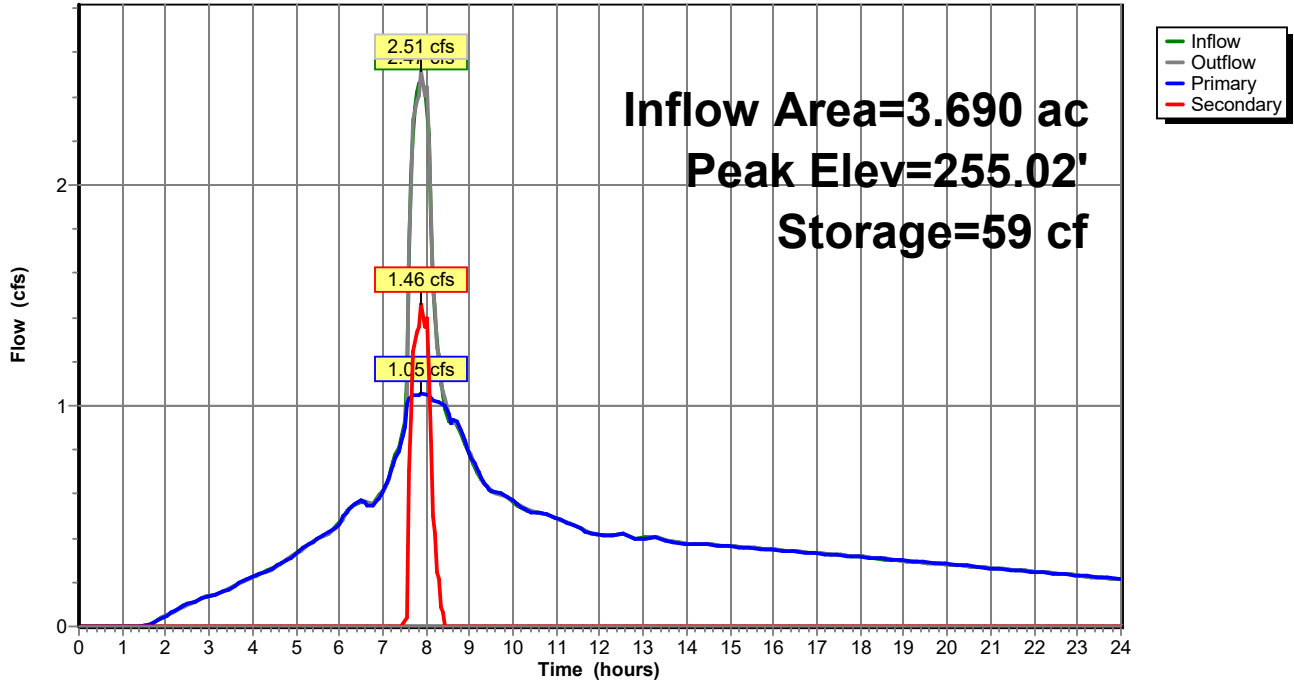
Device	Routing	Invert	Outlet Devices
#1	Primary	252.00'	<b>4.8" Horiz. Orifice/Grate</b> C= 0.600
#2	Secondary	254.75'	<b>12.0" Horiz. Orifice/Grate</b> C= 0.600 Limited to weir flow at low heads

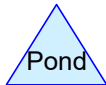
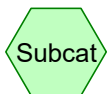
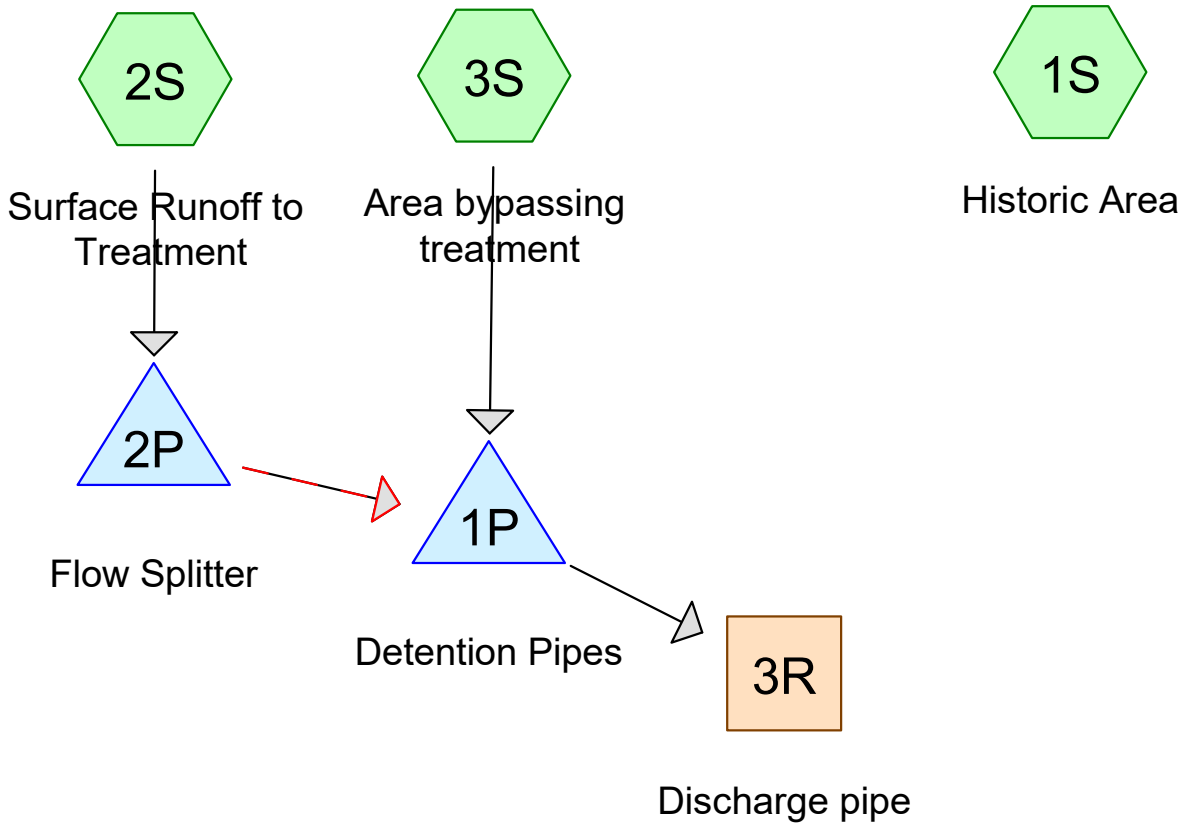
**Primary OutFlow** Max=1.05 cfs @ 7.90 hrs HW=255.02' (Free Discharge)  
 ←1=Orifice/Grate (Orifice Controls 1.05 cfs @ 8.37 fps)

**Secondary OutFlow** Max=1.45 cfs @ 7.90 hrs HW=255.02' (Free Discharge)  
 ←2=Orifice/Grate (Weir Controls 1.45 cfs @ 1.70 fps)

### Pond 2P: Flow Splitter

Hydrograph





**Summary for Subcatchment 1S: Historic Area**

Runoff = 2.97 cfs @ 8.10 hrs, Volume= 1.032 af, Depth> 2.80"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Type IA 24-hr 100-year Rainfall=4.40"

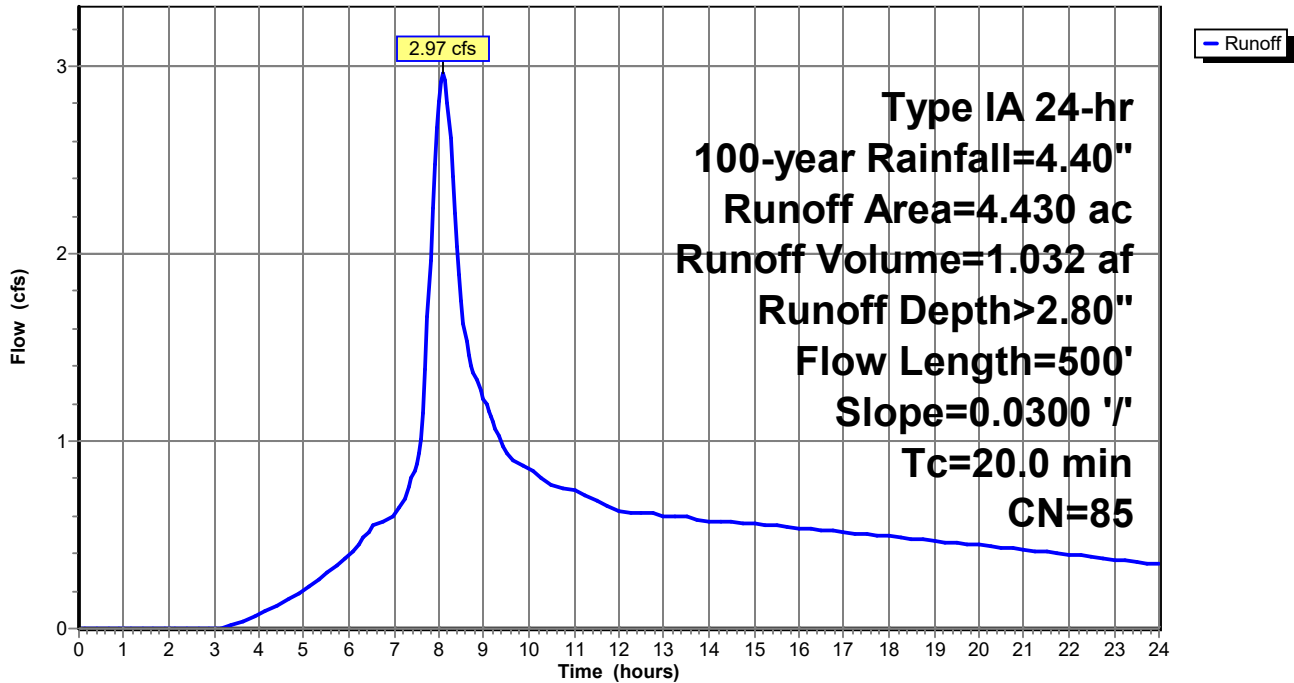
Area (ac)	CN	Description
* 4.430	85	Pasture
4.430		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
16.6	250	0.0300	0.25		<b>Sheet Flow,</b> Grass: Short n= 0.150 P2= 3.50"
3.4	250	0.0300	1.21		<b>Shallow Concentrated Flow,</b> Short Grass Pasture Kv= 7.0 fps
20.0	500	Total			

**Subcatchment 1S: Historic Area**

Hydrograph



### Summary for Subcatchment 2S: Surface Runoff to Treatment

Runoff = 3.68 cfs @ 7.88 hrs, Volume= 1.175 af, Depth> 3.82"

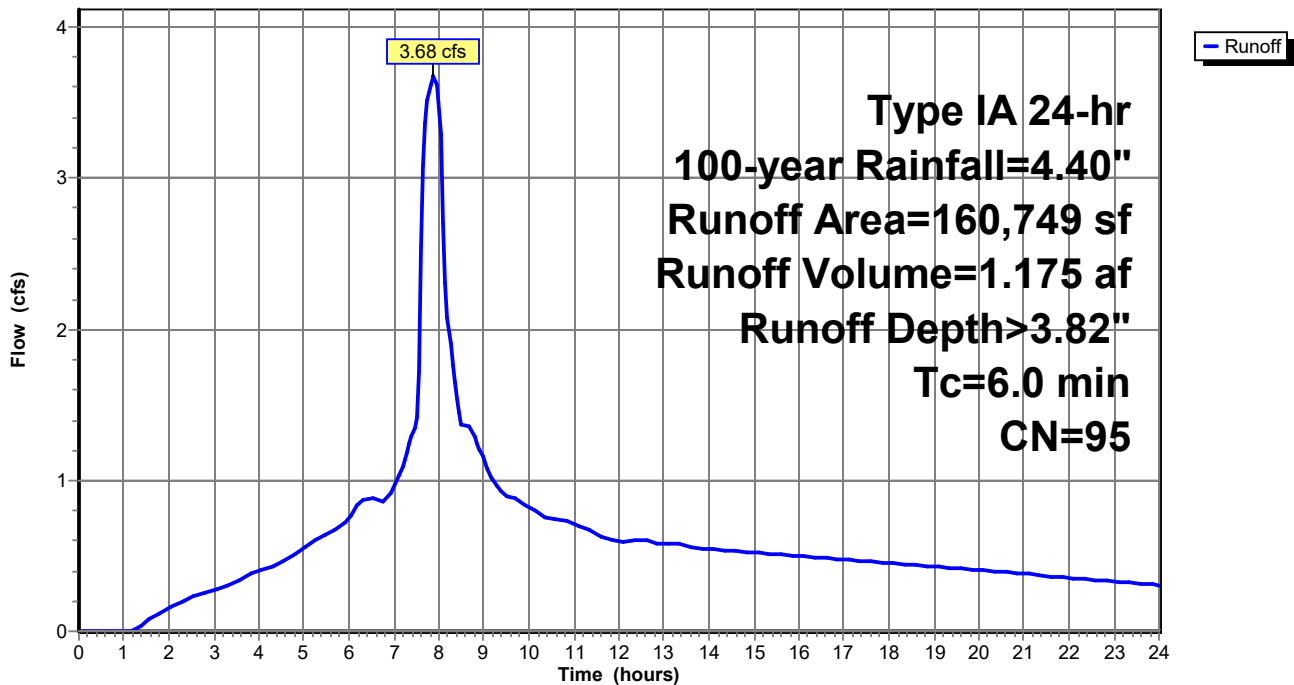
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Type IA 24-hr 100-year Rainfall=4.40"

	Area (sf)	CN	Description
*	100,830	98	Pavement
*	15,310	98	Sidewalk
*	44,609	86	Landscape
<hr/>			
	160,749	95	Weighted Average
	44,609		27.75% Pervious Area
	116,140		72.25% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

### Subcatchment 2S: Surface Runoff to Treatment

Hydrograph





**Summary for Subcatchment 3S: Area bypassing treatment**

Runoff = 0.78 cfs @ 7.87 hrs, Volume= 0.256 af, Depth> 4.16"

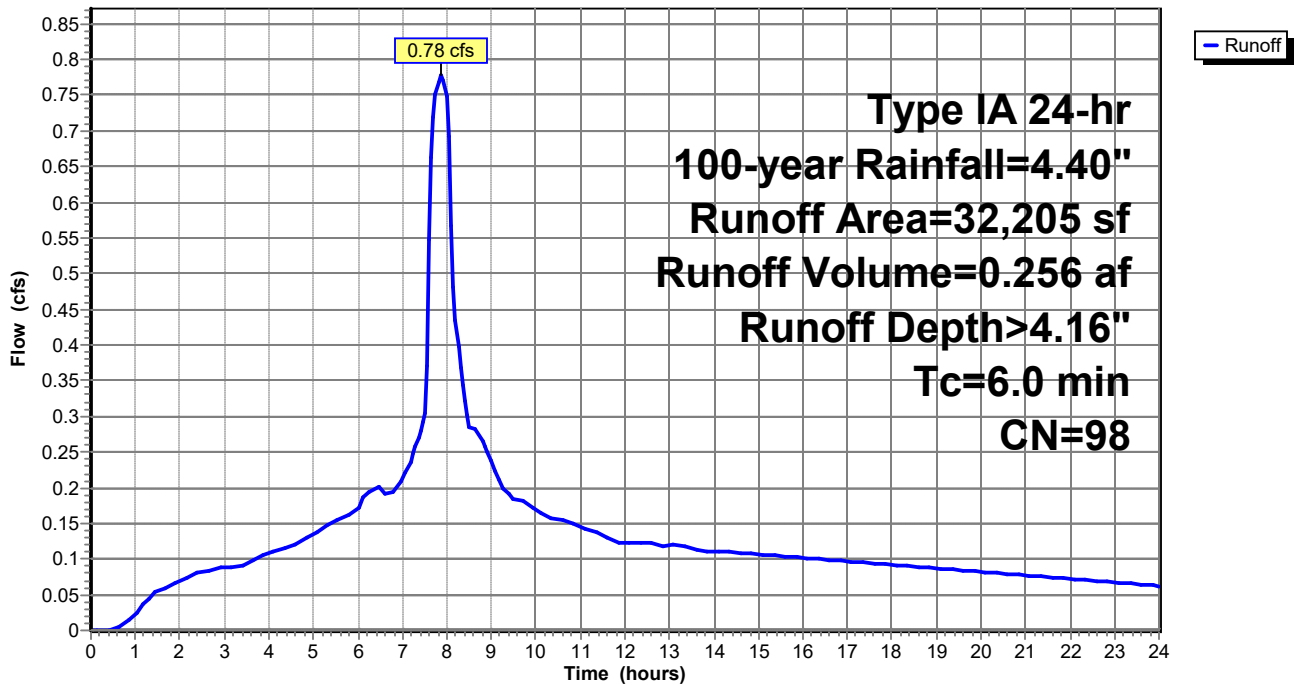
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Type IA 24-hr 100-year Rainfall=4.40"

Area (sf)	CN	Description
* 32,205	98	Roof
32,205		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

**Subcatchment 3S: Area bypassing treatment**

Hydrograph



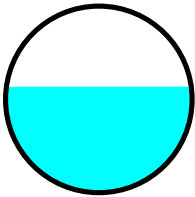
### Summary for Reach 3R: Discharge pipe

Inflow Area = 4.430 ac, 76.88% Impervious, Inflow Depth > 3.86" for 100-year event  
 Inflow = 2.92 cfs @ 8.15 hrs, Volume= 1.425 af  
 Outflow = 2.92 cfs @ 8.15 hrs, Volume= 1.424 af, Atten= 0%, Lag= 0.3 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Max. Velocity= 4.06 fps, Min. Travel Time= 0.2 min  
 Avg. Velocity = 2.67 fps, Avg. Travel Time= 0.3 min

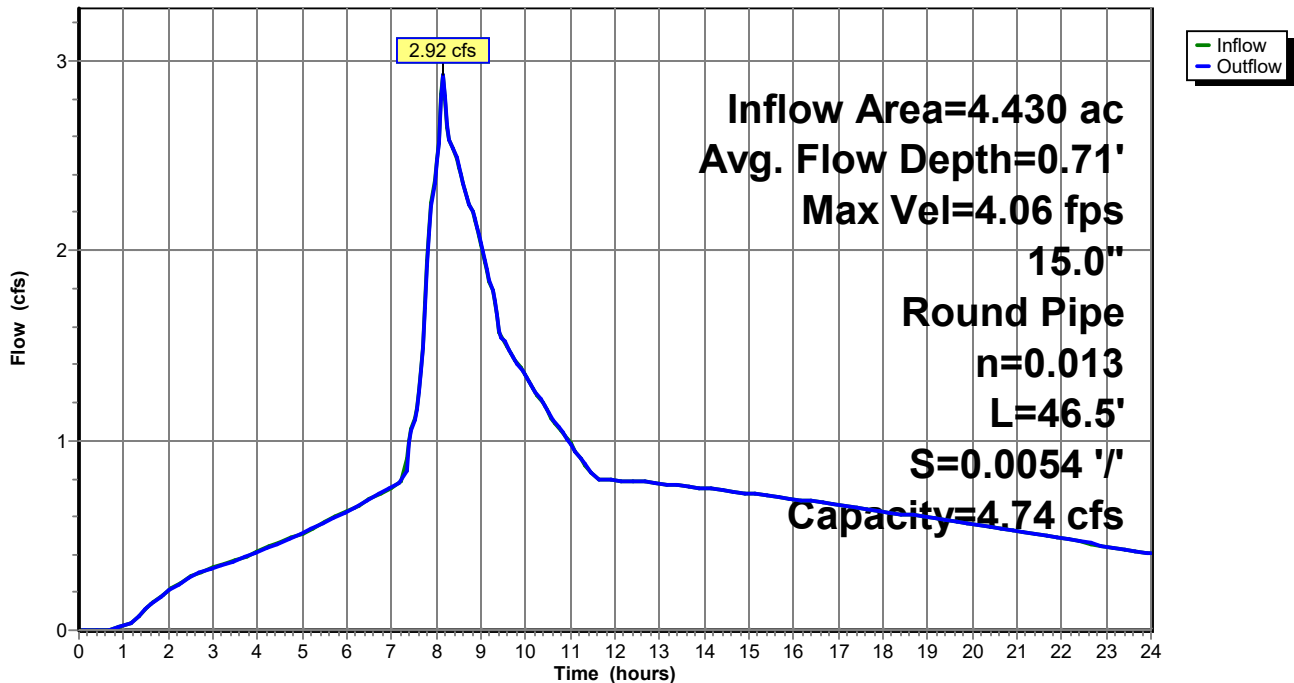
Peak Storage= 34 cf @ 8.15 hrs  
 Average Depth at Peak Storage= 0.71'  
 Bank-Full Depth= 1.25' Flow Area= 1.2 sf, Capacity= 4.74 cfs

15.0" Round Pipe  
 n= 0.013  
 Length= 46.5' Slope= 0.0054 '/'  
 Inlet Invert= 245.35', Outlet Invert= 245.10'



### Reach 3R: Discharge pipe

Hydrograph



**Summary for Pond 1P: Detention Pipes**

Inflow Area = 4.430 ac, 76.88% Impervious, Inflow Depth > 3.88" for 100-year event  
 Inflow = 4.45 cfs @ 7.88 hrs, Volume= 1.431 af  
 Outflow = 2.92 cfs @ 8.15 hrs, Volume= 1.425 af, Atten= 34%, Lag= 16.2 min  
 Primary = 2.92 cfs @ 8.15 hrs, Volume= 1.425 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Peak Elev= 250.48' @ 8.15 hrs Surf.Area= 2,844 sf Storage= 8,037 cf

Plug-Flow detention time= 47.3 min calculated for 1.422 af (99% of inflow)  
 Center-of-Mass det. time= 43.9 min ( 724.9 - 681.0 )

Volume	Invert	Avail.Storage	Storage Description
#1	245.35'	9,331 cf	<b>72.0" Round Pipe Storage</b> L= 600.0' S= 0.0010 '/' 16,965 cf Overall x 55.0% Voids

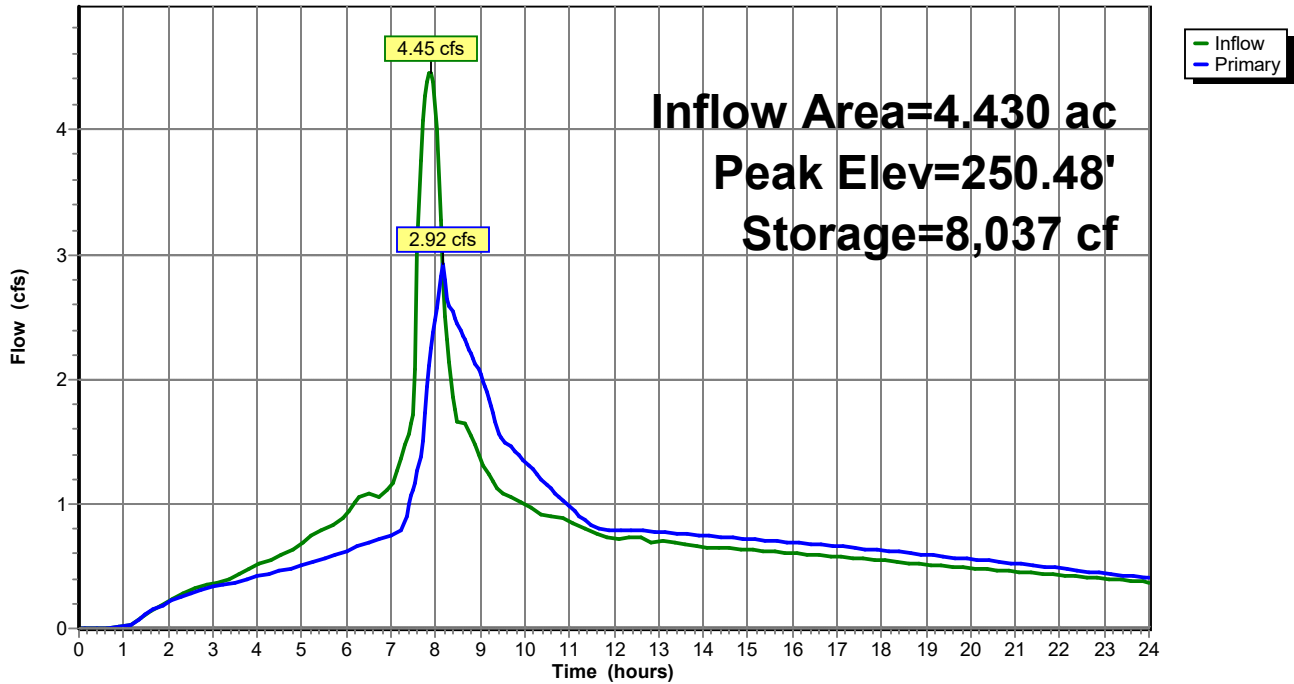
Device	Routing	Invert	Outlet Devices
#1	Primary	245.35'	<b>4.3" Horiz. Orifice/Grate</b> C= 0.600
#2	Primary	248.05'	<b>5.0" Horiz. Orifice/Grate</b> C= 0.600
#3	Primary	249.00'	<b>4.0" Horiz. Orifice/Grate</b> C= 0.600
#4	Primary	250.40'	<b>15.0" Horiz. Orifice/Grate</b> C= 0.600 Limited to weir flow at low heads

**Primary OutFlow** Max=2.90 cfs @ 8.15 hrs HW=250.48' (Free Discharge)

- 1=Orifice/Grate (Orifice Controls 1.10 cfs @ 10.90 fps)
- 2=Orifice/Grate (Orifice Controls 1.02 cfs @ 7.50 fps)
- 3=Orifice/Grate (Orifice Controls 0.51 cfs @ 5.85 fps)
- 4=Orifice/Grate (Weir Controls 0.27 cfs @ 0.90 fps)

### Pond 1P: Detention Pipes

Hydrograph



**Summary for Pond 2P: Flow Splitter**

Inflow Area = 3.690 ac, 72.25% Impervious, Inflow Depth > 3.82" for 100-year event  
 Inflow = 3.68 cfs @ 7.88 hrs, Volume= 1.175 af  
 Outflow = 3.68 cfs @ 7.88 hrs, Volume= 1.175 af, Atten= 0%, Lag= 0.0 min  
 Primary = 1.09 cfs @ 7.88 hrs, Volume= 1.027 af  
 Secondary = 2.59 cfs @ 7.88 hrs, Volume= 0.148 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.05 hrs  
 Peak Elev= 255.22' @ 7.88 hrs Surf.Area= 20 sf Storage= 63 cf

Plug-Flow detention time= 0.5 min calculated for 1.172 af (100% of inflow)  
 Center-of-Mass det. time= 0.4 min ( 686.3 - 685.8 )

Volume	Invert	Avail.Storage	Storage Description
#1	252.00'	157 cf	<b>5.00'D x 8.00'H Vertical Cone/Cylinder</b>

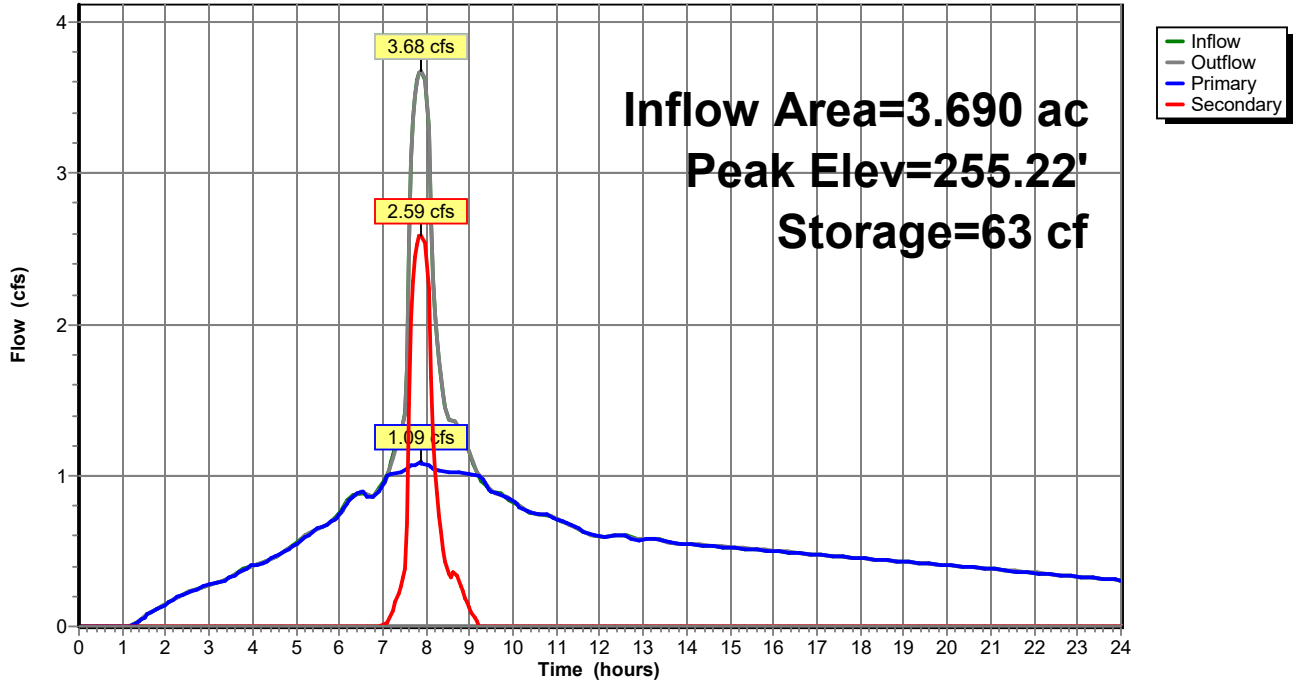
Device	Routing	Invert	Outlet Devices
#1	Primary	252.00'	<b>4.8" Horiz. Orifice/Grate</b> C= 0.600
#2	Secondary	254.75'	<b>12.0" Horiz. Orifice/Grate</b> C= 0.600 Limited to weir flow at low heads

**Primary OutFlow** Max=1.09 cfs @ 7.88 hrs HW=255.22' (Free Discharge)  
 ↑1=Orifice/Grate (Orifice Controls 1.09 cfs @ 8.64 fps)

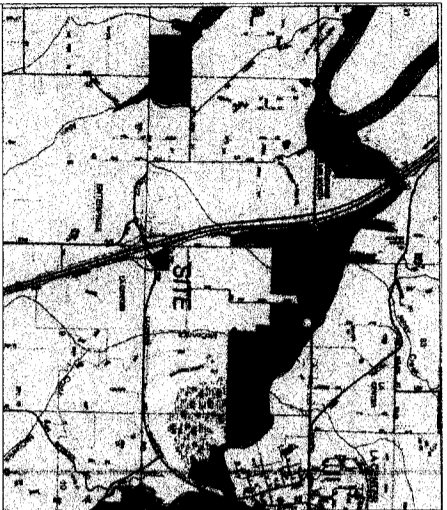
**Secondary OutFlow** Max=2.59 cfs @ 7.88 hrs HW=255.22' (Free Discharge)  
 ↑2=Orifice/Grate (Orifice Controls 2.59 cfs @ 3.30 fps)

### Pond 2P: Flow Splitter

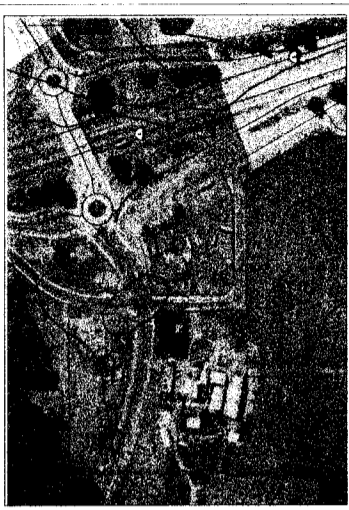
Hydrograph







VICINITY MAP  
 SEC. 04 T4N R1E W.M.  
 NTS



SOILS MAP  
 NTS

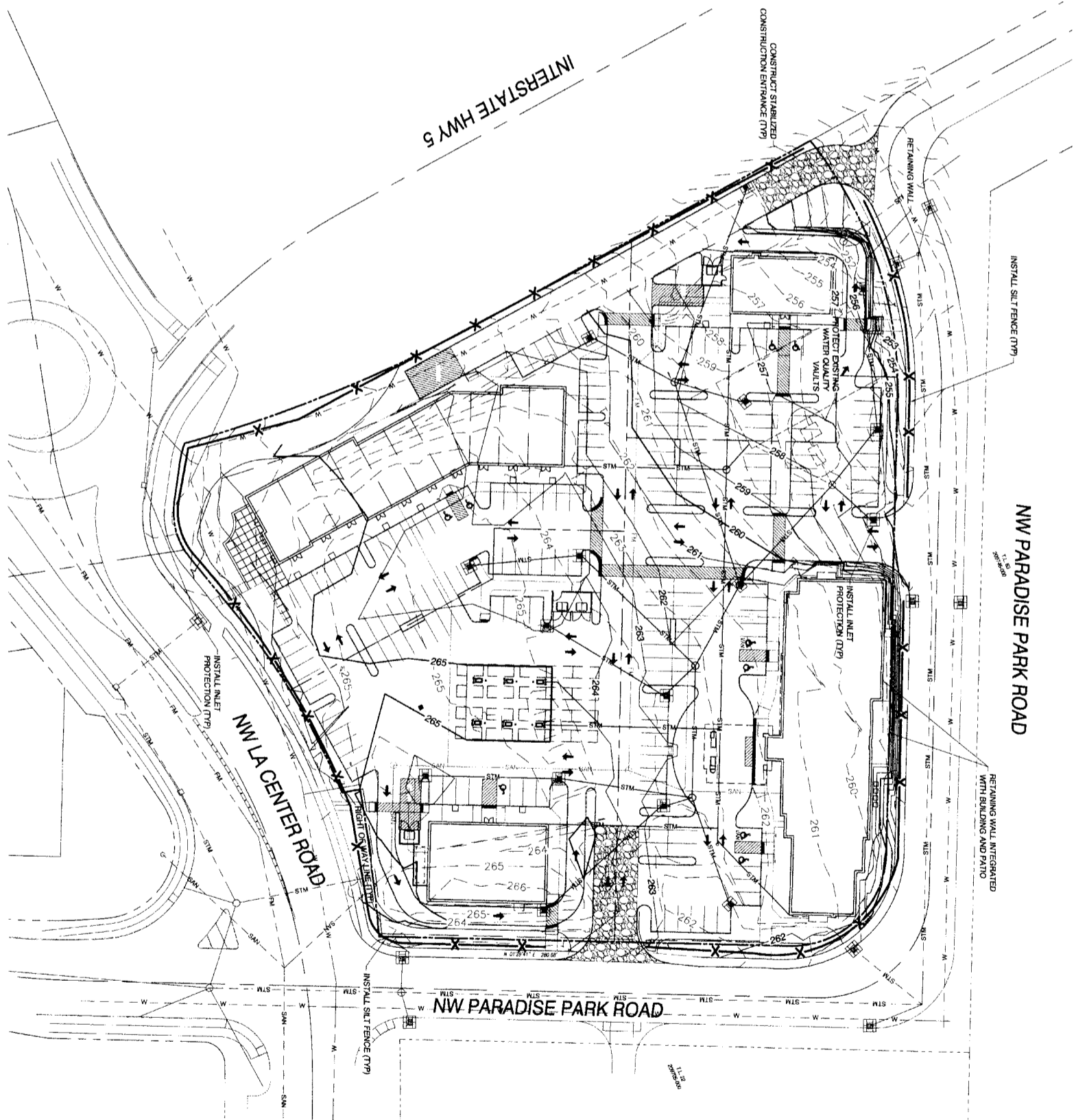
- CONSTRUCTION TIMING NOTES:**
1. THE CONTRACTOR SHALL ENSURE THAT THE EXISTING SPECIALS REMAIN CLEAN & FREE FROM CONSTRUCTION MATERIAL & DEBRIS AT ALL TIMES.
  2. CONTRACTOR SHALL INSTALL SILT FENCING ALONG PERIMETER OF THE SITE PRIOR TO ANY ONSITE CONSTRUCTION ACTIVITY.
  3. ONCE PROPOSED STORM SEWER STRUCTURES HAVE BEEN INSTALLED, THE CONTRACTOR SHALL INSTALL BARRIERS TO PREVENT SEDIMENT FROM ENTERING EXISTING STORM SEWERS. ALL BARRIERS SHALL BE IN ACCORDANCE WITH CLARK COUNTY CODE CHAPTER 42.800.

**LEGEND**

--- 298 ---	GRADING LIMITS
--- 298 ---	FINISHED GRADE CONTOUR
--- 298 ---	EXISTING CONTOUR

**WHEEL WASH NOTE**

A WHEEL WASH MAY BE REQUIRED IF CONSTRUCTION ENTRANCE IS NOT SUFFICIENT IN PREVENTING SEDIMENT FROM BEING TRACKED ONTO PAVEMENT. WHEEL WASH SHALL BE PER STANDARD PLAN E15 AND THE STORMWATER MANUAL. REFER TO SHEET C8.0 FOR STANDARD DETAIL.



**STANDARD DETAIL NOTE**

ALL MATERIALS AND METHODS OF CONSTRUCTION AND INSTALLATION FOR WATER, STORM WATER FACILITIES, AND EROSION CONTROL MEASURES SHALL CONFORM TO CITY OF VANCOUVER ENGINEERING SERVICES' GENERAL REQUIREMENTS AND DETAILS FOR THE DESIGN AND CONSTRUCTION OF WATER AND SURFACE WATER SYSTEMS. CONSTRUCTION SHALL BE AS PER THE MOST CURRENT STANDARD DETAIL CONTAINED THEREIN.

**APPROXIMATE GRADING VOLUMES**

CUT	2,500 CV
FILL	3,380 CV

NOTE: CUT AND FILL AREAS AND VOLUMES ARE CALCULATED FROM EXISTING GROUND TO FINISHED GRADE AND ARE NOT ADJUSTED FOR STRIPPINGS, TRENCH EXCAVATION, STRUCTURAL EXCAVATION OR SHRINK/SWELL. CONTRACTORS ARE SOLELY RESPONSIBLE FOR QUANTITY ESTIMATES FOR BIDDING PURPOSES.

SCALE: 1"=40'



PRELIMINARY GRADING AND EROSION PLAN FOR:

**MINIT MANAGEMENT**

**OLSON** LAND SURVEYORS  
 ENGINEERS  
 ENGINEERING INC. 222 E. EVERGREEN, VANCOUVER, WA 98660  
 360-695-1385  
 503-289-9936



CHANGES / REVISIONS  
 DESCRIPTION: DATE:

DESIGNED: GEM
DRAWN: TWS
CHECKED: GEM
DATE: FEBRUARY 2020
SCALE: H: 1"=40'
V: N/A

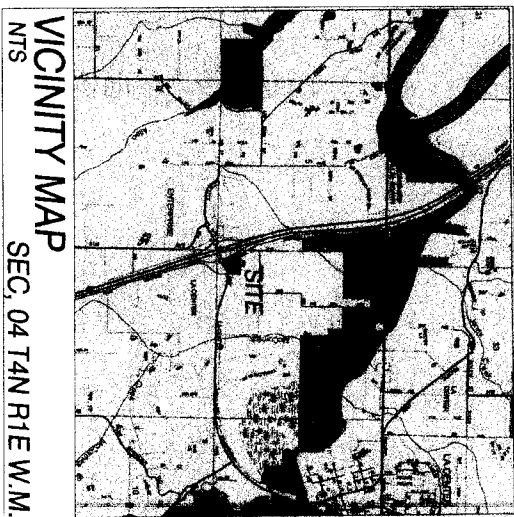
MINIT MANAGEMENT PH 4  
 JOB NO. 1885.01.01

SHEET  
**C1.0**

CLIENT:  
 MINT MANAGEMENT LLC  
 P.O. BOX 5988  
 VANCOUVER, WA 98698  
 PH: (360) 901-3875  
 CONTACT: DON BROADS  
 EMAIL: dbroads@mgm.com

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**LEGEND**

--- PERIMETER OF SITE	--- RIGHT-OF-WAY LINE
--- CENTERLINE OF ROAD	--- FACE OF CURB
--- LOT LINE	--- EASEMENT LINE
--- STW	STORM SEWER LINE
--- STM	EXIST STORM SEWER
--- SAN	SANITARY SEWER LINE
--- SAN	EXIST SANITARY SEWER
--- W	WATER SERVICE LINE
--- W	EXIST WATER LINE
--- 123	GRADED CONTOUR LINE
--- 123	EXIST CONTOUR LINE
○	MANHOLE
⊗	WATER VALVE AND BOX
⊗	FIRE HYDRANT ASSEMBLY
○	CLEAN OUT
⊞	CATCH BASIN
⊞	THRUST BLOCK
⊞	UTILITY POLE W/ LIGHT
⊞	SIGN POST
⊞	WATER SERVICE METER
⊞	TELEPHONE RISER
⊞	GAS RISER
⊞	ELECTRIC RISER

**STORMWATER:**

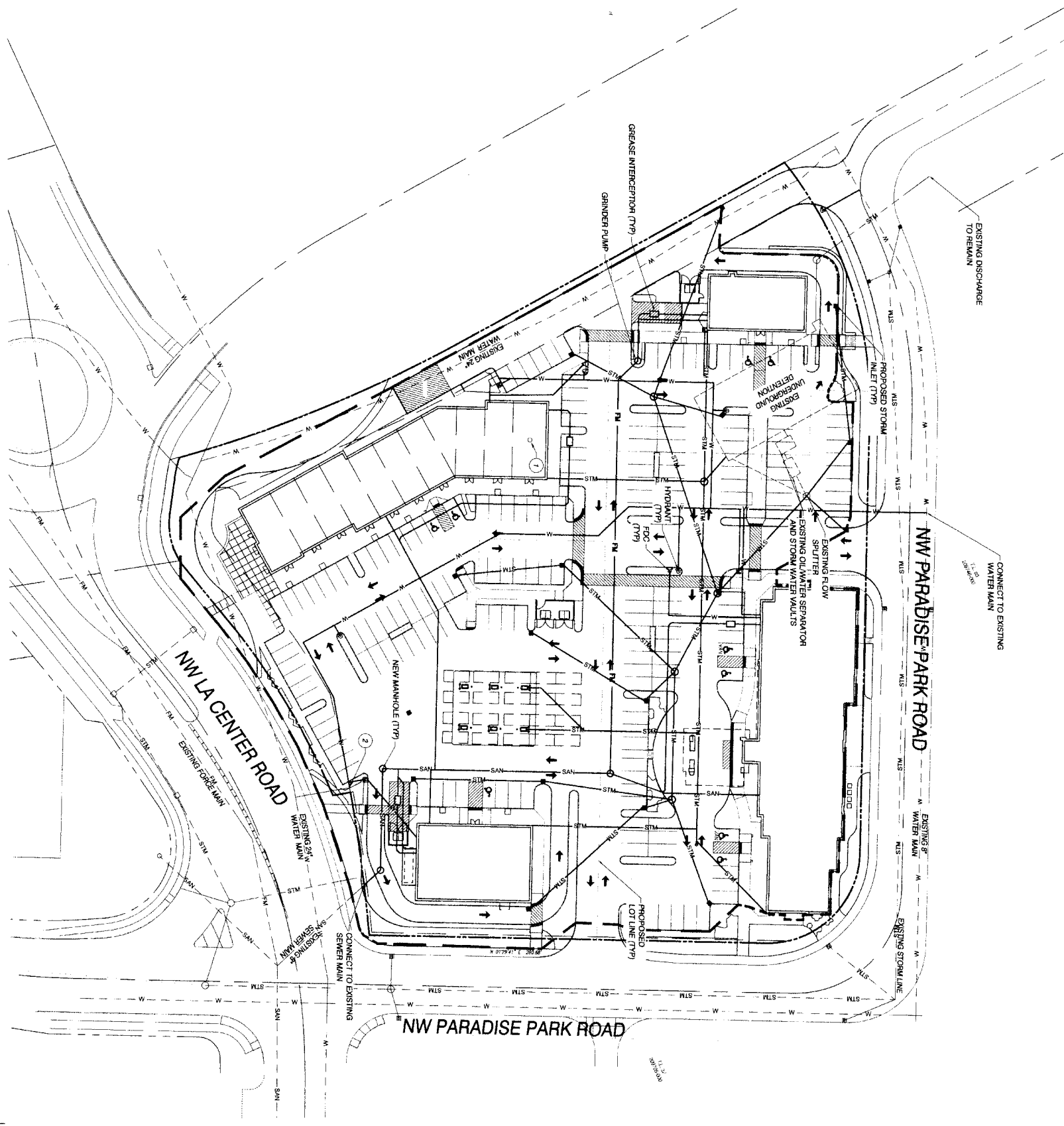
1. SOILS ON SITE HAVE BEEN IDENTIFIED AS SEE SET LOAM AND SOME SET LOAM BY THE SOIL SURVEY OF CLARK COUNTY, WA. INFILTRATION TESTING PERFORMED BY COLUMBIA WEST INDICATED RATES OF LESS THAN 0.1 INCHES PER HOUR.
2. STORMWATER RUNOFF FROM MOST OF THE PAVEMENT AND EXISTING COALESCING PLATE COLLECTED VIA CATCH BASINS AND ROUTED THROUGH AN EXISTING UNDERGROUND PIPE GALLERY FROM ROOFS WILL BE ROUTED TO AN EXISTING UNDERGROUND OPERATION PIPE GALLERY FOR FLOW CONTROL PRIOR TO DISCHARGE TO THE EXISTING ROADSIDE DITCH. DUE TO SITE CONSTRAINTS, THE DITCH WAS NOT IDENTIFIED AS BEING CAPTURED. THE REMAINING SITE WATER RUN INTO PARADISE PARK ROAD, WHERE IT WILL BE CAPTURED, TREATED AND RETURNED IN AN EXISTING STORMWATER FACILITY. THE AREA DRAINING TO PARADISE PARK ROAD WILL BE REDUCED SIGNIFICANTLY FROM THAT WHICH CURRENTLY DRAINS THROUGH THE CITY'S STORM SYSTEM.
3. STORM SEWER ACCESS AND INSPECTION EASEMENTS WILL BE DEDICATED TO THE CITY OF LA CENTER AS REQUIRED.
4. STORMWATER FACILITY TO BE OWNED AND MAINTAINED BY THE PROPERTY OWNER.

**SANITARY SEWER:**

1. SANITARY SEWER WILL BE COLLECTED AND ROUTED TO THE EXISTING SANITARY SEWER MAIN PREVIOUSLY EXTENDED INTO THE SOUTHEAST CORNER OF THE SITE. A GRINDER PUMP SYSTEM WILL BE NEEDED FOR THE BUILDING ON LOTS 3 AT THE NORTHWEST CORNER OF THE SITE AND PROVISION OF THE PROPOSED HOTEL MAN ALSO REQUIRE A GRINDER PUMP SYSTEM.
2. PUBLIC WATER WILL BE EXTENDED FROM THE EXISTING MAIN PREVIOUSLY EXTENDED INTO THE PROPERTY AND LOCATED THROUGH THE SITE TO CONNECT WITH THE EXISTING CLARK PUBLIC UTILITIES MAIN NORTH OF THE PROJECT IN PARADISE PARK ROAD.
3. FIRE PROTECTION SERVICES WILL BE PROVIDED WHERE REQUIRED. HYDRANTS WILL BE INSTALLED PER CITY OF RIDGEFIELD AND FIRE MARSHAL REQUIREMENTS.

**KEY NOTES:**

- 1 APPROXIMATE LOCATION OF EXISTING WELL (TO BE REMOVED).
- 2 CONNECT TO EXISTING WATER MAIN.



SCALE: 1"=40'



J:\Users\jdoon\Documents\2020\Engineering\Drawings\Sheet\Stormwater and Utility Plans.dwg  
 3/18/2020 10:00:00 AM  
 C:\Users\jdoon\Documents\2020\Engineering\Drawings\Sheet\Stormwater and Utility Plans.dwg  
 3/18/2020 10:00:00 AM

<p>DESIGNED: CEM          DRAWN: TJS          CHECKED: CEM          DATE: FEBRUARY 2020          SCALE: H: 1" = 40'          V: N/A</p>	<p>CHANGES / REVISIONS          DESCRIPTION: DATE</p>	<p>CLIENT:          MINIT MANAGEMENT LLC          P.O. BOX 5998          VANCOUVER, WA 98668          PH: (880) 901-8875          CONTACT: DON RHODUS          EMAIL: donrhodus@minit.com</p>	<p>STORMWATER AND UTILITY PLAN FOR:  <b>MINIT MANAGEMENT</b></p>	<p><b>OLSON</b> LAND SURVEYORS          ENGINEERS          360-695-1385          503-289-9936          ENGINEERING INC., 222 E. EVERGREEN, VANCOUVER, WA 98660          COPYRIGHT 2020, OLSON ENGINEERING, INC.</p>
<p>SHEET  <b>C2.0</b></p>		<p>3/18/2020</p>		

**Geotechnical Site Investigation**

**Minit Management  
Commercial Development**

**Ridgefield, Washington**

**September 4, 2019**

11917 NE 95th Street  
Vancouver, Washington  
98682  
Phone: 360-823-2900  
Fax: 360-823-2901

Geotechnical ■ Environmental ■ Special Inspections

**Columbia West**  
Engineering, Inc



**GEOTECHNICAL SITE INVESTIGATION  
MINIT MANAGEMENT COMMERCIAL DEVELOPMENT  
RIDGEFIELD, WASHINGTON**

**Prepared For:** Mr. Don Rhoads  
Minit Management, LLC  
P.O. Box 5889  
Vancouver, Washington 98668

**Site Location:** 2814 NW 319<sup>th</sup> Street  
Parcel No. 209738000  
Ridgefield, Washington

**Prepared By:** Columbia West Engineering, Inc.  
11917 NE 95<sup>th</sup> Street  
Vancouver, Washington 98682  
Phone: 360-823-2900  
Fax: 360-823-2901

**Date Prepared:** September 4, 2019

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1	Site Location Map
2	Exploration Location Map
2A	Preliminary Site Plan
3	Typical Cut and Fill Slope Cross-Section
4	Minimum Foundation Slope Setback Detail
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<b><u>Number</u></b>	<b><u>Title</u></b>
A	Analytical Laboratory Test Reports
B	Test Pit and Soil Boring Exploration Logs
C	CPT Results Report
D	Soil Classification Information
E	Photo Log
F	Report Limitations and Important Information

# GEOTECHNICAL SITE INVESTIGATION MINIT MANAGEMENT COMMERCIAL DEVELOPMENT RIDGEFIELD, WASHINGTON

## 1.0 INTRODUCTION

Columbia West Engineering, Inc. (Columbia West) was retained by Minit Management, LLC to conduct a geotechnical site investigation for the Minit Management Commercial Development project located in Ridgefield, Washington. The purpose of the investigation was to observe and assess subsurface soil conditions at specific locations and provide geotechnical engineering analyses, planning, and design recommendations for the proposed development. The scope of services was outlined in a proposal contract dated July 16, 2019. This report summarizes the investigation and provides field assessment documentation and laboratory analytical test reports. This report is subject to the limitations expressed in Section 6.0, *Conclusion and Limitations*, and Appendix F.

### 1.1 General Site Information

As indicated on Figures 1 and 2, the subject site is located at 2814 NW 319<sup>th</sup> Street in Ridgefield, Washington. The site is comprised of tax parcel number 209738000 and additional unregistered land totaling approximately 4.4 acres. The regulatory jurisdictional agency is the City of La Center, Washington. The approximate latitude and longitude are N 45° 51' 11" and W 122° 42' 04", and the legal description is a portion of the SW ¼ of Section 04, T4N, R1E, Willamette Meridian.

### 1.2 Proposed Development

As indicated on Figure 2A, Columbia West understands that planned improvements at the site consist of a one-story, 2,300 square-foot drive-through restaurant; a one-story, 5,000 square-foot convenience store and associated fueling island; a one-story 16,680 square-foot multi-tenant retail building; and a four-story, 38,800 square-foot, 93-unit hotel. Development will also include private paved parking and drive aisles, stormwater management facilities, and essential underground utilities. Columbia West has not reviewed a preliminary grading plan but understands that cut and fill areas may be proposed. This report is based upon the proposed development as described above and may not be applicable if modified.

## 2.0 REGIONAL GEOLOGY AND SOIL CONDITIONS

The subject site lies within the Willamette Valley/Puget Sound Lowland, a wide physiographic depression flanked by the mountainous Coast Range on the west and the Cascade Range on the east. Inclined or uplifted structural zones within the Willamette Valley/Puget Sound Lowland constitute highland areas and depressed structural zones form sediment-filled basins. The site is located in the northern portion of the Portland/Vancouver Basin, an open, somewhat elliptical, northwest-trending syncline approximately 60 miles wide.

According to the *Geological Map of the Ridgefield Quadrangle, Clark County, Washington, and Multnomah County, Oregon*, (U.S. Geological Survey Scientific Investigations Map 2844), near-surface soils are expected to consist of Pleistocene-aged, unconsolidated, rhythmically bedded periglacial clay, silt, and fine- to medium-textured sand deposits derived from catastrophic outburst floods of Glacial Lake Missoula (Qfs).

The *Web Soil Survey* (United States Department of Agriculture, Natural Resource Conservation Service [USDA NRCS], 2019 Website) identifies surface soils as Gee silt loam and Odne silt loam.

Although soil conditions may vary from the broad USDA descriptions, Gee and Odne soils are generally fine- to medium textured sands, silts and clays with low permeability, moderate to high water capacity, and low shear strength. They are generally moisture sensitive, somewhat compressible, and described as having low to moderate shrink swell potential. They exhibit a slight erosion hazard based primarily on slope grade.

### **3.0 REGIONAL SEISMOLOGY**

Recent research and subsurface mapping investigations within the Pacific Northwest appear to suggest the historic potential risk for a large earthquake event with strong localized ground movement may be underestimated. Past earthquakes in the Pacific Northwest appear to have caused landslides and ground subsidence, in addition to severe flooding near coastal areas. Earthquakes may also induce soil liquefaction, which occurs when elevated horizontal ground acceleration and velocity cause soil particles to interact as a fluid as opposed to a solid. Liquefaction of soil can result in lateral spreading and temporary loss of bearing capacity and shear strength.

There are at least four major known fault zones in the vicinity of the site that may be capable of generating potentially destructive horizontal accelerations. These fault zones are described briefly in the following text.

#### Portland Hills Fault Zone

The Portland Hills Fault Zone consists of several northwest-trending faults located along the northeastern margin of the Tualatin Mountains, also known as the Portland Hills, and the southwest margin of the Portland Basin. The fault zone is approximately 25 to 30 miles in length and is located approximately 14 miles southwest of the site. According to *Seismic Design Mapping, State of Oregon* (Geomatrix Consultants, 1995), there is no definitive consensus among geologists as to the zone fault type. Several alternate interpretations have been suggested.

According to the *USGS Earthquake Hazards Program*, the fault was originally mapped as a down-to-the-northeast normal fault, but has also been mapped as part of a regional-scale zone of right-lateral, oblique slip faults, and as a steep escarpment caused by asymmetrical folding above a southwest dipping, blind thrust fault. The Portland Hills fault offsets Miocene Columbia River Basalts, and Miocene to Pliocene sedimentary rocks of the Troutdale Formation. No fault scarps on surficial Quaternary deposits have been described along the fault trace, and the fault is mapped as buried by the Pleistocene-aged Missoula flood deposits.

However, evidence suggests that fault movement has impacted shallow Holocene deposits and deeper Pleistocene sediments. Seismologists recorded a M3.2 earthquake thought to be associated with the fault zone near Kelly Point Park in November 2012, a M3.9 earthquake thought to be associated with the fault zone near Kelly Point Park in April 2003, and a M3.5 earthquake possibly associated with the fault zone occurred approximately 1.3 miles east of the fault in 1991. Therefore, the Portland Hills Fault Zone is generally thought to be potentially active and capable of producing possible damaging earthquakes.

#### Gales Creek-Newberg-Mt. Angel Fault Zone

Located approximately 30 ½ miles southwest of the site, the northwest-striking, approximately 50-mile long Gales Creek-Newberg-Mt. Angel Structural Zone forms the northwestern boundary between the Oregon Coast Range and the Willamette Valley, and consists of a series of discontinuous northwest-trending faults. The southern end of the fault zone forms the southwest



margin of the Tualatin basin. Possible late-Quaternary geomorphic surface deformation may exist along the structural zone (Geomatrix Consultants, 1995).

According to the *USGS Earthquake Hazards Program*, the Mount Angel fault is mapped as a high-angle, reverse-oblique fault, which offsets Miocene rocks of the Columbia River Basalts, and Miocene and Pliocene sedimentary rocks. The fault appears to have controlled emplacement of the Frenchman Spring Member of the Wanapum Basalts, and thus must have a history that predates the Miocene age of these rocks. No unequivocal evidence of deformation of Quaternary deposits has been described, but a thick sequence of sediments deposited by the Missoula floods covers much of the southern part of the fault trace.

Although no definitive evidence of impacts to Holocene sediments have clearly been identified, the Mount Angel fault appears to have been the location of minor earthquake swarms in 1990 near Woodburn, Oregon, and a M5.6 earthquake in March 1993 near Scotts Mills, approximately four miles south of the mapped extent of the Mt. Angel fault. It is unclear if the earthquake occurred along the fault zone or a parallel structure. Therefore, the Gales Creek-Newberg-Mt. Angel Structural Zone is considered potentially active.

#### Lacamas Lake-Sandy River Fault Zone

The northwest-trending Lacamas Lake Fault and northeast-trending Sandy River Fault intersect north of Camas, Washington approximately 22 miles southeast of the site, and form part of the northeastern margin of the Portland basin. According to *Geology and Groundwater Conditions of Clark County Washington* (USGS Water Supply Paper 1600, Mundorff, 1964) and the *Geologic Map of the Lake Oswego Quadrangle* (Oregon DOGAMI Series GMS-59, 1989), the Lacamas Lake fault zone consists of shear contact between the Troutdale Formation and underlying Oligocene andesite-basalt bedrock. Secondary shear contact associated with the fault zone may have produced a series of prominent northwest-southeast geomorphic lineaments in proximity to the site.

According to the *USGS Earthquake Hazards Program* the fault has been mapped as a normal fault with down-to-the-southwest displacement, and has also been described as a steeply northeast or southwest-dipping, oblique, right-lateral, slip-fault. The trace of the Lacamas Lake fault is marked by the very linear lower reach of Lacamas Creek. No fault scarps on Quaternary surficial deposits have been described. The Lacamas Lake fault offsets Pliocene-aged sedimentary conglomerates generally identified as the Troutdale formation, and Pliocene- to Pleistocene-aged basalts generally identified as the Boring Lava formation.

Recent seismic reflection data across the probable trace of the fault under the Columbia River yielded no unequivocal evidence of displacement underlying the Missoula flood deposits, however, recorded mild seismic activity during the recent past indicates this area may be potentially seismogenic.

#### Cascadia Subduction Zone

The Cascadia Subduction Zone has recently been recognized as a potential source of strong earthquake activity in the Portland/Vancouver Basin. This phenomenon is the result of the earth's large tectonic plate movement. Geologic evidence indicates that volcanic ocean floor activity along the Juan de Fuca ridge in the Pacific Ocean causes the Juan de Fuca Plate to perpetually move east and subduct under the North American Continental Plate. The subduction zone results in historic volcanic and potential earthquake activity in proximity to the plate interface, believed to lie approximately 20 to 50 miles west of the general location of the Oregon and Washington coast (Geomatrix Consultants, 1995).

## **4.0 GEOTECHNICAL AND GEOLOGIC FIELD INVESTIGATION**

A geotechnical field investigation consisting of visual reconnaissance, five test pits (TP-1 through TP-5), one infiltration test (IT-3.1), two cone penetration tests (CPT-1 and CPT-2), and two soil borings (SB-1 and SB-2) was conducted at the site on August 9 and 13, 2019. Test pit exploration was performed with a track-mounted excavator. The CPTs were performed with a truck-mounted CPT rig. Soil borings were performed with a trailer-mounted drill rig. Subsurface soil profiles were logged in accordance with Unified Soil Classification System (USCS) specifications. Disturbed soil samples were collected from relevant soil horizons and submitted for laboratory analysis. Analytical laboratory test results are presented in Appendix A. Exploration locations are indicated on Figure 2. Test pit and soil boring exploration logs are presented in Appendix B. The CPT results report is presented in Appendix C. Soil descriptions and classification information are provided in Appendix D. Photo logs are presented in Appendix E.

### **4.1 Surface Investigation and Site Description**

The approximate 4.4-acre subject site consists of a single parcel and additional unregistered land located at 2814 NW 319<sup>th</sup> Street in Ridgefield, Washington. The site is currently occupied by Paradise Truck Stop, a Shell station, and associated parking areas and drive aisles. Vegetation on the site primarily consists of manicured landscape islands around the perimeter of the site.

Field reconnaissance and review of site topographic mapping indicates relatively flat to gently rolling terrain with grades generally ranging from 0 to 10 percent. Site elevations generally range from approximately 248 feet above mean sea level (amsl) in the northwest corner to 266 feet amsl in the southeast corner.

### **4.2 Subsurface Exploration and Investigation**

Test pit explorations TP-1 through TP-5 were advanced at the site to a maximum depth of 14 feet below ground surface (bgs). Infiltration testing was conducted at a depth of 2 feet bgs within test pit TP-3. Soil borings SB-1 and SB-2 were performed to a maximum depth of 50 feet bgs. Cone penetration tests CPT-1 and CPT-2 were advanced to a maximum depth of 62.3 feet bgs. Exploration locations were selected to observe subsurface soil characteristics in proximity to proposed development areas and are indicated on Figure 2.

#### **4.2.1 Soil Type Description**

The field investigation indicated the presence of approximately 4 to 12 inches of sod and topsoil in the exploration locations. Underlying these materials, existing fill and subsurface soils resembling native USDA Gee soil series descriptions were generally encountered. Subsurface lithology may generally be described by soil types in the following text.

##### Soil Type 1 – Existing FILL

Soil Type 1 was observed to generally consist of existing fill. Soil Type 1 was observed at the ground surface in test pits TP-1, TP-2 and soil boring SB-1 and below the topsoil layer in test pits TP-4 and TP-5. Within test pit TP-1 and soil boring SB-1, Soil Type 1 consisted of dark gray to black gravel mixed with topsoil and asphalt grindings and extended to a depth of 10 feet bgs where it was underlain by Soil Type 2. Within test pit TP-2, Soil Type 1 consisted of concrete chunks mixed with native lean clay with sand and extended to a depth of 2 feet bgs where it was underlain by Soil Type 2. Within test pit TP-4, brown sub-rounded to rounded gravels and cobbles, consistent with a septic drain field, were observed to a depth of 3 feet bgs where the test pit was terminated. Within test pit TP-5, Soil Type 1 consisted of brown to gray sub-rounded to rounded gravel and extended to a depth

of 4 feet bgs where it was underlain by Soil Type 2. Additional recommendations associated with existing fill are presented later in Section 5.1.1, *Undocumented Fill*.

Soil Type 2 – Lean CLAY / Lean CLAY with Sand

Soil Type 2 was observed to generally consist of brown, tan, reddish-brown, and dark gray, medium stiff to hard, moist to wet lean CLAY and lean CLAY with sand. Soil Type 2 was observed underlying the topsoil layer in test pit TP-3 and soil boring SB-2 and underlying Soil Type 1 in all other explorations, with the exception of test pit TP-4. Soil Type 2 extended to the maximum depth of exploration in all locations in which it was observed.

Analytical laboratory testing conducted upon representative soil samples obtained from test pits TP-1, TP-3 and soil borings SB-1 and SB-2 indicated approximately 70 to 87 percent by weight passing the No. 200 sieve and an in situ moisture contents ranging from 23 to 40 percent. Atterberg Limits analysis indicated the tested samples of Soil Type 2 have liquid limits between 34 and 42 percent and a plasticity index ranging from 14 to 21 percent. The laboratory tested samples of Soil Type 2 are classified as CL according to USCS specifications and A-7-6(19), A-6(11), and A-6(10) according to AASHTO specifications.

**4.2.2 Groundwater**

Groundwater was not observed within the test pits to the maximum explored depth of 14 feet bgs. Static groundwater was not observed within the soil borings to the maximum explored depth of 50 feet bgs. However, perched groundwater layers were observed within soil borings SB-1 and SB-2 at approximately 20 and 30 feet bgs, respectively. A review of local well logs in the vicinity of the subject site indicates static groundwater was not encountered to the maximum well depth of 100 feet bgs.

Note that groundwater levels are often subject to seasonal variance and may rise during extended periods of increased precipitation. Perched groundwater may also be present in localized areas. Seeps and springs may become evident during site grading, primarily along slopes or in areas cut below existing grade. Structures, roads, and drainage design should be planned accordingly.

**5.0 DESIGN RECOMMENDATIONS**

The geotechnical site investigation suggests the proposed development is generally compatible with surface and subsurface soils, provided the recommendations presented in this report are utilized and incorporated into the design and construction processes. The primary geotechnical concerns associated with the site are near-surface fine-textured soils and undocumented fill. Design recommendations are presented in the following text sections.

**5.1 Site Preparation and Grading**

Vegetation, organic material, unsuitable fill, and deleterious material that may be encountered should be cleared from areas identified for structures and site grading. Vegetation, other organic material, and debris should be removed from the site. Stripped topsoil should also be removed, or used only as landscape fill in nonstructural areas with slopes less than 25 percent. The stripping depth for sod and highly organic topsoil is anticipated to vary from 4 to 12 inches.

The required stripping depth may increase in areas of unsuitable fill, heavy organics, or previously existing structures. Actual stripping depths should be determined based upon visual observations made during construction when soil conditions are exposed. The post construction maximum depth of landscape fill placed or spread at any location onsite should not exceed one foot.

Previously disturbed soil, debris, or unconsolidated fill encountered during grading or construction activities should be removed completely and thoroughly from structural areas. This includes old

foundations, basement walls, utilities, and debris. Excavated areas should be backfilled with engineered structural fill.

Test pits excavated during site exploration were backfilled loosely with onsite soils. These test pits should be located and properly backfilled with structural fill during site improvements construction. Trees, stumps, and associated roots should also be removed from structural areas, individually and carefully. Resulting cavities and excavation areas should be backfilled with engineered structural fill.

Site grading activities should be performed in accordance with requirements specified in the 2015 *International Building Code (IBC)*, Chapter 18 and Appendix J, with exceptions noted in the text herein. Site preparation, soil stripping, and grading activities should be observed and documented by Columbia West.

### **5.1.1 Existing Fill**

As previously discussed, existing fill (Soil Type 1) was observed throughout the subject site. Subsurface exploration and field reconnaissance indicate that existing fill, in the areas observed, primarily consists of dark gray to black gravel mixed with topsoil and asphalt grindings, and concrete chunks mixed with native sandy silt. Site observations and subsurface exploration indicated that existing fill generally extended between 2 to 4 feet below ground surface with the exception of test pit TP-1 and soil boring SB-1 where it extended to approximately 10 feet below ground surface.

Existing unsuitable fill and other previously disturbed soils or debris should be removed completely and thoroughly from structural areas. In some areas existing fill may directly overlie vegetation or the original topsoil layer. This material should also be removed completely from structural areas. Upon removal of existing fill, Columbia West should observe the exposed subgrade. It should be noted that the limited scope of exploration conducted for this investigation cannot wholly eliminate uncertainty regarding the presence of unsuitable soils in areas not explored.

Based upon Columbia West's investigation, most existing fill soils do not appear to be acceptable for reuse as structural fill. Some existing fill materials, such as those encountered in test pit TP-5, may be suitable for reuse as structural fill provided materials are observed to exhibit index properties similar to those observed during this investigation and that construction adheres to the specifications presented in this report. Portions of existing fill found to contain highly organic or clayey soils, debris, boulders, or other deleterious material should be removed. Recommendations regarding the suitability of reusing existing fill soils as structural fill material should be provided in the field by Columbia West during construction.

### **5.2 Engineered Structural Fill**

Areas proposed for fill placement should be appropriately prepared as described in the preceding text. Surface soils should then be scarified and compacted prior to additional fill placement. Engineered structural fill should be placed in loose lifts not exceeding 12 inches in depth and compacted using standard conventional compaction equipment. The soil moisture content should be within two percentage points of optimum conditions. A field density at least equal to 95 percent of the maximum dry density, obtained from the standard Proctor moisture-density relationship test (ASTM D698), is recommended for structural fill placement. For engineered structural fill placed on sloped grades, the area should be benched to provide a horizontal surface for compaction.

Compaction of engineered structural fill should be verified by nuclear gauge field compaction testing performed in accordance with ASTM D6938. Field compaction testing should be performed for each vertical foot of engineered fill placed. Engineered fill placement should be observed by Columbia West.

Engineered structural fill placement activities should be performed during dry summer months if possible. Clean native soils may be suitable for use as structural fill if adequately dried or moisture-conditioned to achieve recommended compaction specifications. Native soils may require addition of moisture during late summer months or after extended periods of warm dry weather. Compacted fine-textured fill soils should be covered shortly after placement.

Because they are moisture-sensitive, fine-textured native soils are often difficult to excavate and compact during wet weather construction. If adequate compaction is not achievable with clean native soils, import structural fill consisting of granular fill meeting WSDOT specifications for *Gravel Borrow 9-03.14(1)* is recommended.

Representative samples of proposed engineered structural fill should be submitted for laboratory analysis and approval by Columbia West prior to placement. Laboratory analyses should include particle-size gradation and Proctor moisture-density analysis.

### **5.3 Cut and Fill Slopes**

Fill placed on existing grades steeper than 5H:1V should be horizontally benched at least 10 feet into the slope. Fill slopes greater than six feet in height should be vertically keyed into existing subsurface soil. A typical fill slope cross-section is shown in Figure 3. Drainage implementations, including subdrains or perforated drain pipe trenches, may also be necessary in proximity to cut and fill slopes if seeps or springs are encountered. Drainage design may be performed on a case-by-case basis. Extent, depth, and location of drainage may be determined in the field by Columbia West during construction when soil conditions are exposed. Failure to provide adequate drainage may result in soil sloughing, settlement, or erosion.

Final cut or fill slopes at the site should not exceed 2H:1V or 20 feet in height without individual slope stability analysis. The values above assume a minimum horizontal setback for loads of 10 feet from top of cut or fill slope face or overall slope height divided by three (H/3), whichever is greater. A minimum slope setback detail for structures is presented in Figure 4.

Concentrated drainage or water flow over the face of slopes should be prohibited, and adequate protection against erosion is required. Fill slopes should be constructed by placing fill material in maximum 12-inch level lifts, compacting as described in Section 5.2, *Engineered Structural Fill* and horizontally benching where appropriate. Fill slopes should be overbuilt, compacted, and trimmed at least two feet horizontally to provide adequate compaction of the outer slope face. Proper cut and fill slope construction is critical to overall project stability and should be observed and documented by Columbia West.

### **5.4 Foundations**

Foundations are anticipated to consist of shallow continuous perimeter or column spread footings. Typical building loads are not expected to exceed approximately 6 kips per foot for perimeter footings or 150 kips per column. If actual loading exceeds anticipated loading, additional analysis should be conducted for the specific load conditions and proposed footing dimensions. Footings should be designed by a licensed structural engineer and conform to the recommendations below.

The existing ground surface should be prepared as described in Section 5.1, *Site Preparation and Grading*, and Section 5.2, *Engineered Structural Fill*. Foundations should bear upon firm native soil or engineered structural fill.

To evaluate bearing capacity for proposed structures, serviceability and reliability of shear resistance for subsurface soils was considered. Allowable bearing capacity is typically a function of footing

dimension and subsurface soil properties, including settlement and shear resistance. Based upon in situ field testing and laboratory analysis, the estimated allowable bearing capacity for well-drained foundations prepared as described above is 1,500 psf. Bearing capacity may be increased by one-third for transient lateral forces such as seismic or wind. The estimated coefficient of friction between in situ compacted native soil or engineered structural fill and in-place poured concrete is 0.35. Lateral forces may also be resisted by an assumed passive soil equivalent fluid pressure of 250 psf/f against embedded footings. The upper six inches of soil should be neglected in passive pressure calculations.

Footings should extend to a depth at least 18 inches below lowest adjacent grade to provide adequate bearing capacity and protection against frost heave. Foundations constructed during wet weather conditions will require over-excavation of saturated subgrade soils and granular structural backfill prior to concrete placement. Over-excavation recommendations should be provided by Columbia West during foundation excavation and construction. Excavations adjacent to foundations should not extend within a 2H:1V angle projected down from the outside bottom footing edge without additional geotechnical analysis.

Foundations should not be permitted to bear upon unsuitable fill or disturbed soil. Because soil is often heterogeneous and anisotropic, Columbia West should observe foundation excavations prior to placing forms or reinforcing bar to verify subgrade support conditions are as anticipated in this report.

### **5.5 Slabs on Grade**

If structures are proposed to be constructed with slab-on-grade floors, slabs should be supported on firm, competent, native, in situ soil or engineered structural fill. Disturbed soils and unsuitable fills in proposed slab locations should be removed and replaced with structural fill.

Preparation and compaction beneath slabs should be performed in accordance with the recommendations presented in Section 5.1, *Site Preparation and Grading* and Section 5.2, *Engineered Structural Fill*. Slabs should be underlain by at least 6 inches of 1 ¼"-0 crushed aggregate meeting WSDOT 9-03.9(3). Geotextile filter fabric conforming to *WSDOT 2010 Standard Specification M 41-10, 9-33.2(1), Geotextile Properties, Table 3: Geotextile for Separation or Soil Stabilization* may be used below the crushed aggregate to increase subgrade support. The modulus of subgrade reaction is estimated to be 100 psi/inch. If desired, a moisture barrier may be constructed beneath the slabs. Slabs should be appropriately waterproofed in accordance with the desired type of finished flooring. Slab thickness and reinforcement should be designed by an experienced structural engineer in accordance with anticipated loads.

### **5.6 Static Settlement**

Total long-term static footing displacement for shallow foundations constructed as described in this report is not anticipated to exceed approximately 1 inch. Differential settlement between comparably loaded footing elements is not expected to exceed approximately ½ inch over a span of 50 feet. The resulting vertical displacement after loading may be due to elastic distortion, dissipation of excess pore pressure, or soil creep.

### **5.7 Excavation**

Soils at the site were explored to a maximum depth of 14 feet using a track-mounted excavator, 50 feet with a trailer-mounted drill rig, and 62.3 feet using a truck-mounted cone penetrometer rig. Bedrock was not encountered within the explorations and blasting or specialized rock-excavation techniques are not anticipated.

Static groundwater was not observed the explorations. However, perched groundwater layers were encountered within soil borings SB-1 and SB-2 at depths of 20 and 30 feet, respectively. Additional perched groundwater layers may exist at shallow depths depending on seasonal fluctuations of the water table or extended periods of increased precipitation. Recommendations as described in Section 5.8, *Dewatering* should be considered in locations where subsurface construction activities intersect the water table.

Based upon laboratory analysis and field testing, near-surface soils may be Washington State Industrial Safety and Health Administration (WISHA) Type C. For temporary open-cut excavations deeper than four feet, but less than 20 feet in soils of these types, the maximum allowable slope is 1.5H:1V. WISHA soil type should be confirmed during field construction activities by the contractor. Soil is often anisotropic and heterogeneous, and it is possible that WISHA soil types determined in the field may differ from those described above.

Site-specific shoring design may be required if open-cut excavations are infeasible or if excavations are proposed adjacent to existing infrastructure. Typical methods for stabilizing excavations consist of soldier piles and timber lagging, sheet pile walls, tiebacks and shotcrete, or pre-fabricated hydraulic shoring. Because lateral earth pressure distributions acting on below-grade structures are dependent upon the type of shoring system used, Columbia West should be contacted to conduct additional analysis when shoring type, excavation depths, and locations are known.

The contractor should be held responsible for site safety, sloping, and shoring. Columbia West is not responsible for contractor activities and in no case should excavation be conducted in excess of all applicable local, state, and federal laws.

## **5.8 Dewatering**

Groundwater elevation and hydrostatic pressure should be carefully considered during design of utilities, retaining walls, or other structures that require below-grade excavation. As described previously, shallow groundwater may be encountered in areas proposed for development. Utility trenches in shallow groundwater areas or excavations and cuts that remain open for even short periods of time may undermine or collapse due to groundwater effects. Placement of layers of riprap or quarry spalls in localized areas on shallow excavation side slopes may be required to limit instability. Over-excavation and stabilization of pipe trenches or other excavations with imported crushed aggregate or gabion rock may also be necessary to provide adequate subgrade support.

Significant pumping and dewatering may be required to temporarily reduce the groundwater elevation to allow construction of proposed below-grade structures, installation of utilities, or placement of structural fills. Dewatering via a sump within excavation zones may be insufficient to control groundwater and provide excavation side slope stability. Dewatering may be more feasibly conducted by installing a system of temporary well points and pumps around proposed excavation areas or utility trenches. Depending on proposed utility depths, a site-specific dewatering plan may be necessary. Well pumps should remain functioning at all times during the excavation and construction period. Suitable back-up pumps and power supplies should be available to prevent unanticipated shut-down of dewatering equipment. Failure to operate pumps full-time may result in flooding of the excavation zones, and damage to forms, slopes, or equipment.

## **5.9 Lateral Earth Pressure**

If retaining walls are proposed, lateral earth pressures should be carefully considered in the design process. Hydrostatic pressure and additional surcharge loading should also be considered. Retained material may include engineered structural backfill or undisturbed native soil. Structural wall backfill

should consist of imported granular material meeting *Section 9-03.12(2)* of WSDOT Standard Specifications. Backfill should be prepared and compacted to at least 95 percent of maximum dry density as determined by the modified Proctor test (ASTM D1557). Recommended parameters for lateral earth pressures for retained soils and engineered structural backfill consisting of imported granular fill meeting WSDOT specifications for *Gravel Backfill for Walls 9-03.12(2)* are presented in Table 1.

The design parameters presented in Table 1 are valid for static loading cases only and are based upon in situ undisturbed native soils or compacted granular fill. The recommended earth pressures do not include surcharge loads, dynamic loading, hydrostatic pressure, or seismic design.

**Table 1. Lateral Earth Pressure Parameters for Level Backfill**

Retained / Backfill Material	Equivalent Fluid Pressure for Level Backfill			Wet Density	Drained Internal Angle of Friction
	At-rest	Active	Passive		
Undisturbed native Lean CLAY with Sand (Soil Type 2)	58 pcf	38 pcf	345 pcf	115 pcf	28°
Approved Structural Backfill Material	52 pcf	32 pcf	568 pcf	135 pcf	38°
WSDOT 9-03.12(2) compacted aggregate backfill					

\* The upper 6 inches of soil should be neglected in passive pressure calculations. If exterior grade from top or toe of retaining wall is sloped, Columbia West should be contacted to provide location-specific lateral earth pressures.

If seismic design is required for unrestrained walls, seismic forces may be calculated by superimposing a uniform lateral force of  $10H^2$  pounds per lineal foot of wall, where H is the total wall height in feet. If seismic design is required for restrained walls, seismic forces may be calculated by superimposing a uniform lateral force of  $25H^2$  pounds per lineal foot of wall. The resultant force should be applied at 0.6H from the base of the wall. If sloped backfill conditions are proposed for the site, Columbia West should be contacted for additional analysis and associated recommendations.

A continuous one-foot-thick zone of free-draining, washed, open-graded 1-inch by 2-inch drain rock and a 4-inch perforated gravity drain pipe is assumed behind retaining walls. Geotextile filter fabric should be placed between the drain rock and backfill soil. Specifications for drainpipe design are presented in Section 5.12, *Drainage*. If walls cannot be gravity drained, saturated base conditions and/or applicable hydrostatic pressures should be assumed.

Final retaining wall design should be reviewed and approved by Columbia West. Retaining wall subgrade and backfill activities should also be observed and tested for compliance with recommended specifications by Columbia West during construction.

**5.10 Seismic Design Considerations**

According to the *ASCE 7 Hazards Report*, the anticipated peak ground and maximum considered earthquake spectral response accelerations resulting from seismic activity for the subject site are summarized in Table 2.

The listed probabilistic ground motion values are based upon “firm rock” sites with an assumed shear wave velocity of 2,500 ft/s in the upper 100 feet of soil profile. These values should be adjusted for site class effects by applying site coefficients  $F_a$ ,  $F_v$ , and  $F_{PGA}$  as defined in *ASCE 7-10, Tables 11.4-1, 11.4-2, and 11.8-1*, respectively. The site coefficients are intended to more accurately characterize



estimated peak ground and respective earthquake spectral response accelerations by considering site-specific soil characteristics and index properties.

**Table 2. Approximate Probabilistic Ground Motion Values for 'firm rock' sites based on subject property longitude and latitude**

	2% Probability of Exceedance in 50 yrs
Peak Ground Acceleration	0.39 g
0.2 sec Spectral Acceleration	0.90 g
1.0 sec Spectral Acceleration	0.40 g

Localized peak ground accelerations exceeding the adjusted values may occur in some areas in direct proximity to an earthquake's origin. This may be a result of amplification of seismic energy due to depth to competent bedrock, compression and shear wave velocity of bedrock, presence and thickness of loose, unconsolidated alluvial deposits, soil plasticity, grain size, and other factors.

The *Site Class Map of Clark County, Washington* (Washington State Department of Natural Resources, 2004) and site-specific testing indicates site soils may be represented by Site Class C. However, based upon site-specific seismic testing performed within CPT-1, the site is more accurately characterized by Site Class D. This site class designation indicates that amplification of seismic energy may occur during a seismic event because of subsurface conditions. However, this is typical for many areas within Clark County and will not prohibit development if properly accounted for during the design process.

Identification of specific seismic response spectra is beyond the scope of this investigation. If site structures are designed in accordance with recommendations specified in the *2015 IBC*, the potential for peak ground accelerations in excess of the adjusted and amplified values should be understood.

### **5.11 Soil Liquefaction and Dynamic Settlement**

According to the *Liquefaction Susceptibility Map of Clark County, Washington* (Washington State Department of Natural Resources, 2004), the site is mapped as very low to low susceptibility for liquefaction. Liquefaction, defined as the transformation of the behavior of a granular material from a solid to a liquid due to increased pore-water pressure and reduced effective stress, may occur when granular or non-plastic silt materials quickly compact under cyclic stresses caused by a seismic event. The effects of liquefaction may include immediate ground settlement and lateral spreading.

Soils most susceptible to liquefaction are generally saturated, cohesionless, loose to medium-dense sands within 50 feet of the ground surface. Recent research has also indicated that low plasticity silts and clays may also be subject to sand-like liquefaction behavior if the plasticity index determined by the Atterberg Limits analysis is less than 8. Potentially liquefiable soils located above the existing, historic, or expected groundwater levels do not generally pose a liquefaction hazard. It is important to note that changes in perched groundwater elevation may occur due to project development or other factors not observed at the time of investigation.

Based upon results of laboratory analysis and site-specific testing, observed site soils do not meet the criteria described above for liquefiable soils. Therefore, the potential for liquefaction of site soils significantly impacting proposed improvements is considered to be low.

### **5.12 Drainage**

At a minimum, site drainage should include surface water collection and conveyance to properly designed stormwater management structures and facilities. Drainage design in general should conform to City of La Center regulations. Finished site grading should be conducted with positive drainage away from structures. Depressions or shallow areas that may retain ponding water should be avoided. Roof drains, low-point drains, and perimeter foundation drains are recommended for structures. Drains should consist of separate systems and gravity flow with a minimum two-percent slope away from foundations into the stormwater system or approved discharge location.

Perimeter foundation drains should consist of 3-inch perforated PVC pipe surrounded by a minimum of 1 ft<sup>3</sup> of clean, washed drain rock per linear foot of pipe and wrapped with geotextile filter fabric. Open-graded drain rock with a maximum particle size of 3 inches and less than 2 percent passing the No. 200 sieve is recommended. Geotextile filter fabric should consist of Mirafi 140N or approved equivalent, with AOS between No. 70 and No. 100 sieve. The water permittivity should be greater than 1.5/sec. Figure 5 presents a typical foundation drain. Perimeter drains may limit increased hydrostatic pressure beneath footings and assist in reducing potential perched moisture areas.

Subdrains should also be considered if portions of the site are cut below surrounding grades. Shallow groundwater, springs, or seeps should be conveyed via drainage channel or perforated pipe into the stormwater management system or an approved discharge. Recommendations for design and installation of perforated drainage pipe may be performed on a case-by-case basis by the geotechnical engineer during construction. Failure to provide adequate surface and sub-surface drainage may result in soil slumping or unanticipated settlement of structures exceeding tolerable limits. A typical perforated drain pipe trench detail is presented in Figure 6.

Foundation drains and subdrains should be closely monitored after construction to assess their effectiveness. If additional surface or shallow subsurface seeps become evident, the drainage provisions may require modification or additional drains. Columbia West should be consulted to provide appropriate recommendations.

### **5.13 Infiltration Testing Results and Recommendations**

To facilitate design of stormwater management infrastructure, Columbia West conducted in situ infiltration testing within test pit TP-3 on August 13, 2019. Infiltration test data is presented in Table 3. The USCS soil classification presented in Table 3 is based upon laboratory analysis. The recommended infiltration rate is presented as a coefficient of permeability (k) and has been reported without application of a factor of safety.

The tests was conducted in test pit TP-3 at the indicated depth. Soils in the tested location were observed and sampled where appropriate to adequately characterize the subsurface profile. Tested native soils are classified as lean CLAY with sand (CL).

Single-ring, falling head infiltration testing was performed by inserting a three-inch diameter pipe into the soil at the noted depth. The test was conducted by filling the pipe with water and measuring time relative to changes in hydraulic head at regular intervals. Using Darcy's Law for saturated flow in homogeneous media, the coefficient of permeability (k) was then calculated.

The reported infiltration rates are approximate, reflect recommended coefficients of permeability, and do not include a factor of safety. It is important to note that site soil conditions and localized infiltration rates may be variable. The observed infiltration rates and classifications are based upon Columbia West's observations during limited subsurface exploration.

**Table 3. Infiltration Test Data**

Test Number	Location (See Figure 2)	Approximate Test Depth (feet bgs)	Groundwater Depth On 08-13-19	USCS Soil Type	Passing No. 200 Sieve (%)	Infiltration Rate (Coefficient of Permeability, k) (inches/hour)**
IT-3.1	TP-3	2.0	Not Observed to 12 feet bgs.	CL, Lean CLAY with Sand	70.0	< 0.1

\*Indicates visual USCS soil classification.

\*\*Infiltration rate based upon soil's approximate vertical coefficient of permeability [k].

Due to the presence of existing fill and fine-textured, low permeability soils at the site, subsurface disposal of concentrated stormwater is likely infeasible and is not recommended without further study.

**5.14 Bituminous Asphalt and Portland Cement Concrete**

Based upon review of preliminary site plans, proposed development includes new private parking and access drives within the subject site. Columbia West recommends adherence to City of La Center paving guidelines for roadway improvements in the public right-of-way. General recommendations for private onsite flexible pavement sections are summarized below in Table 4.

**Table 4. Private Onsite Flexible Pavement Section Recommendations**

Pavement Section Layer	Minimum Layer Thickness			Specifications
	Car Parking	Access Drives	*Heavy Trucks	
Asphalt concrete surface (HMA Class ½" PG 64-22)	3 inches	3 inches	4 inches	92 percent of maximum Rice density (ASTM D2041)
Base course (WSDOT 9-03.9(3) 1¼"-0 crushed aggregate)	6 inches	8 inches	10 inches	95 percent of maximum modified Proctor density (ASTM D1557)
Scarified and compacted existing subgrade material	12 inches	12 inches	12 inches	Compacted to 95 percent of maximum modified Proctor density (ASTM D1557)

\*General recommendation based upon maximum traffic loading of up to 30 heavy trucks per day. If actual truck traffic substantially exceeds 30 trucks per day, reduced pavement serviceability and design life should be expected. Pavement section recommendations do not include or incorporate construction traffic loading.

For dry weather construction, pavement surface sections should bear upon competent subgrade consisting of scarified and compacted native soil or engineered structural fill. Wet weather pavement construction is discussed in Section 5.15, *Wet Weather Construction Methods and Techniques*. Subgrade conditions should be evaluated and tested by Columbia West prior to placement of crushed aggregate base. Subgrade evaluation should include nuclear gauge density testing and wheel proof-roll observations conducted with a 12-cubic yard, double-axle dump truck or equivalent. Nuclear gauge density testing should be conducted at 150-foot intervals or as determined by the onsite geotechnical engineer. Subgrade soil should be compacted to at least 95 percent of the modified Proctor dry density, as determined by ASTM D1557. Areas of observed deflection or rutting during proof-roll evaluation should be excavated to a firm surface and replaced with compacted crushed aggregate.

Crushed aggregate base should be compacted and tested in accordance with the specifications outlined in the above table. Asphalt concrete pavement should be compacted to at least 92 percent of maximum Rice density. Nuclear gauge density testing should be conducted to verify adherence to recommended specifications. Testing frequency should be in accordance with Washington Department of Transportation and City of La Center specifications.

Portland cement concrete curbs and sidewalks should be installed in accordance with City of La Center specifications. Curb and sidewalk aggregate base should be observed and proof-rolled by Columbia West. Soft areas that deflect or rut should be stabilized prior to pouring concrete. Concrete should be tested during installation in accordance with ASTM C171, C138, C231, C143, C1064, and C31. This includes casting of cylinder specimens at a frequency of four cylinders per 100 cubic yards of poured concrete. Recommended field concrete testing includes slump, air entrainment, temperature, and unit weight.

### **5.15 Wet Weather Construction Methods and Techniques**

Wet weather construction often results in significant shear strength reduction and soft areas that may rut or deflect. Installation of granular working layers may be necessary to provide a firm support base and sustain construction equipment. Granular layers should consist of all-weather gravel, 2x4-inch gabion, or other similar material (six-inch maximum size with less than five percent passing the No. 200 sieve).

Construction equipment traffic across exposed soil should be minimized. Equipment traffic induces dynamic loading, which may result in weak areas and significant reduction in shear strength for wet soils. Wet weather construction may also result in generation of significant excess quantities of soft wet soil. This material should be removed from the site or stockpiled in a designated area.

Construction during wet weather conditions may require increased base thickness. Over-excavation of subgrade soils or subgrade amendment with lime and/or cement may be necessary to provide a firm base upon which to place crushed aggregate. Geotextile filter fabric is also recommended. If soil amendment with lime or cement is considered, Columbia West should be contacted to provide appropriate recommendations based upon observed field conditions and desired performance criteria.

Crushed aggregate base should be installed in a single lift with trucks end-dumping from an advancing pad of granular fill. During extended wet periods, stripping activities may also need to be conducted from an advancing pad of granular fill. Once installed, the crushed aggregate base should be compacted with several passes from a static drum roller. A vibratory compactor is not recommended because it may further disturb the subgrade. Subdrains may also be necessary to provide subgrade drainage and maintain structural integrity.

Crushed aggregate base should be compacted to at least 95 percent of maximum dry density according to the modified Proctor density test (ASTM D1557). Compaction should be verified by nuclear gauge density testing. Observation of a proof-roll with a loaded dump truck is also recommended as an indication of the compacted aggregate's performance.

It should be understood that wet weather construction is risky and costly. Columbia West should observe and document wet weather construction activities. Proper construction methods and techniques are critical to overall project integrity.

### **5.16 Erosion Control Measures**

Based upon field observations and laboratory testing, the erosion hazard for site soils in flat to shallow-gradient portions of the property is likely to be low. The potential for erosion generally increases in sloped areas. Therefore, soil disturbance in sloped areas should be minimized during construction activities. Soil is also prone to erosion if unprotected and unvegetated during periods of increased precipitation. Erosion can be minimized by performing construction activities during dry summer months.

Site-specific erosion control measures should be implemented to address the maintenance of exposed areas. This may include silt fence, biofilter bags, straw wattles, or other suitable methods. During construction activities, exposed areas should be well-compacted and protected from erosion with visqueen, surface tackifier, or other means, as appropriate. Temporary slopes or exposed areas may be covered with straw, crushed aggregate, or riprap in localized areas to minimize erosion. Erosion and water runoff during wet weather conditions may be controlled by application of strategically placed channels and small detention depressions with overflow pipes.

After grading, exposed surfaces should be vegetated as soon as possible with erosion-resistant native vegetation. Jute mesh or straw may be applied to enhance vegetation. Once established, vegetation should be properly maintained.

### **5.17 Utility Installation**

Utility installation may require subsurface excavation and trenching. Excavation, trenching and shoring should conform to federal (Occupational Safety and Health Administration) (OSHA) (29 CFR, Part 1926) and *WISHA* (WAC, Chapter 296-155) regulations. Site soils may slough when cut vertically and sudden precipitation events or perched groundwater may result in accumulation of water within excavation zones and trenches.

Utilities should be installed in general accordance with manufacturer's recommendations. Utility trench backfill should consist of *WSDOT 9-03.19 Bank Run Gravel for Trench Backfill* or *WSDOT 9-03.14(2) Select Borrow* with a maximum particle size of 2 ½-inches. Trench backfill material within 18 inches of the top of utility pipes should be hand compacted (i.e., no heavy compaction equipment). The remaining backfill should be compacted to at least 95 percent of maximum dry density as determined by the standard Proctor moisture-density test (ASTM D698). Clean, free-draining, fine bedding sand is recommended for use in the pipe zone. With exception of the pipe zone, backfill should be placed in loose lifts not exceeding 12 inches in thickness.

Compaction of utility trench backfill material should be verified by nuclear gauge field compaction testing performed in accordance with ASTM D6938. It is recommended that field compaction testing be performed at 200-foot intervals along the utility trench centerline at the surface and midpoint depth of the trench. Compaction frequency and specifications may be modified for non-structural areas in accordance with recommendations of the site geotechnical engineer.

## **6.0 CONCLUSION AND LIMITATIONS**

This geotechnical site investigation report was prepared in accordance with accepted standard conventional principles and practices of geotechnical engineering. This investigation pertains only to material tested and observed as of the date of this report and is based upon proposed site development as described in the text herein. This report is a professional opinion containing recommendations established by engineering interpretations of subsurface soils based upon conditions observed during site exploration. Soil conditions may differ between tested locations or

over time. Slight variations may produce impacts to the performance of structural facilities if not adequately addressed. This underscores the importance of diligent QA/QC construction observation and testing to verify soil conditions are as anticipated in this report.

Therefore, this report contains several recommendations for field observation and testing by Columbia West personnel during construction activities. Columbia West cannot accept responsibility for deviations from recommendations described in this report. Future performance of structural facilities is often related to the degree of construction observation by qualified personnel. These services should be performed to the full extent recommended.

This report is not an environmental assessment and should not be construed as a representative warranty of site subsurface conditions. The discovery of adverse environmental conditions, or subsurface soils that deviate from those described in this report, should immediately prompt further investigation. The above statements are in lieu of all other statements expressed or implied.

This report was prepared solely for the client and is not to be reproduced without prior authorization from Columbia West. Final engineering plans and specifications for the project should be reviewed and approved by Columbia West as they relate to geotechnical and grading issues prior to final design approval. Columbia West is not responsible for independent conclusions or recommendations made by other parties based upon information presented in this report. Unless a particular service was expressly included in the scope, it was not performed and there should be no assumptions based upon services not provided. Additional report limitations and important information about this document are presented in Appendix F. This information should be carefully read and understood by the client and other parties reviewing this document.

Sincerely,

**COLUMBIA WEST ENGINEERING, Inc.**



Lance V. Lehto, PE, GE  
President



Jason F Merritt, PE  
Project Engineer



## REFERENCES

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- Youd, T. L, and Idriss, I. M., *Liquefaction Resistance of Soils: Summary Report from the 1996 NCEER and 1998 NCEER/NSF Workshops on Evaluation of Liquefaction Resistance of Soils*, Journal of Geotechnical and Geoenvironmental Engineering, Vol. 127, No. 4, April, 2001.

## **FIGURES**





MAP SOURCE: Google Maps 2019



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 Vancouver, Washington 98682  
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Design	Drawn: JFM		
Checked: LVL	Date: 08/30/2019		
Client: MINIT	Rev	By	Date
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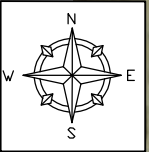
**SITE LOCATION MAP**

MINIT MANAGEMENT  
 COMMERCIAL DEVELOPMENT  
 RIDGEFIELD, WASHINGTON

FIGURE  
 1

APPROXIMATE SUBJECT SITE BOUNDARY

NW PARADISE PARK ROAD



SB-1

TP-2

CPT-1

SB-2

TP-3

TP-1

TP-4

TP-5

CPT-2

NW LACENTER ROAD



APPROXIMATE LOCATION OF TEST PIT EXPLORATION



APPROXIMATE LOCATION OF INFILTRATION TEST



APPROXIMATE LOCATION OF SOIL BORING



APPROXIMATE LOCATION OF CONE PENETRATION TEST

Infiltration Test Results

Test Number	Location	Approximate Test Depth (feet bgs)	Groundwater Depth On 08-13-19	USCS Soil Type (* Indicates Visual Classification)	Passing No. 200 Sieve [%]	Infiltration Rate [Coefficient of Permeability, k] (inches/hour)
IT-3.1	TP-3	2	Not Observed to 12 Feet bgs	CL, Lean CLAY with Sand	70	< 0.1

NOTES:

1. SITE LOCATION: 2814 NW 319TH STREET IN RIDGEFIELD, WASHINGTON.
2. SITE CONSISTS OF PARCEL NO. 209738000 AND ADDITIONAL UNREGISTERED LAND TOTALING APPROXIMATELY 4.4 ACRES.
3. DRAWING IS NOT TO SCALE.
4. AREAL IMAGE SOURCED FROM GOOGLE EARTH.
5. EXPLORATION LOCATIONS ARE APPROXIMATE AND NOT SURVEYED.
6. CPTS BACKFILLED WITH BENTONITE ON AUGUST 9, 2019. TEST PITS BACKFILLED LOOSELY WITH ONSITE SOIL AND SOIL BORINGS BACKFILLED WITH BENTONITE ON AUGUST 13, 2019.
7. INFILTRATION RATES ARE APPROXIMATE COEFFICIENTS OF PERMEABILITY AND DO NOT INCLUDE A FACTOR OF SAFETY.

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EXPLORATION LOCATION MAP

MINIT MANAGEMENT  
 COMMERCIAL DEVELOPMENT  
 RIDGEFIELD, WASHINGTON

FIGURE  
 2



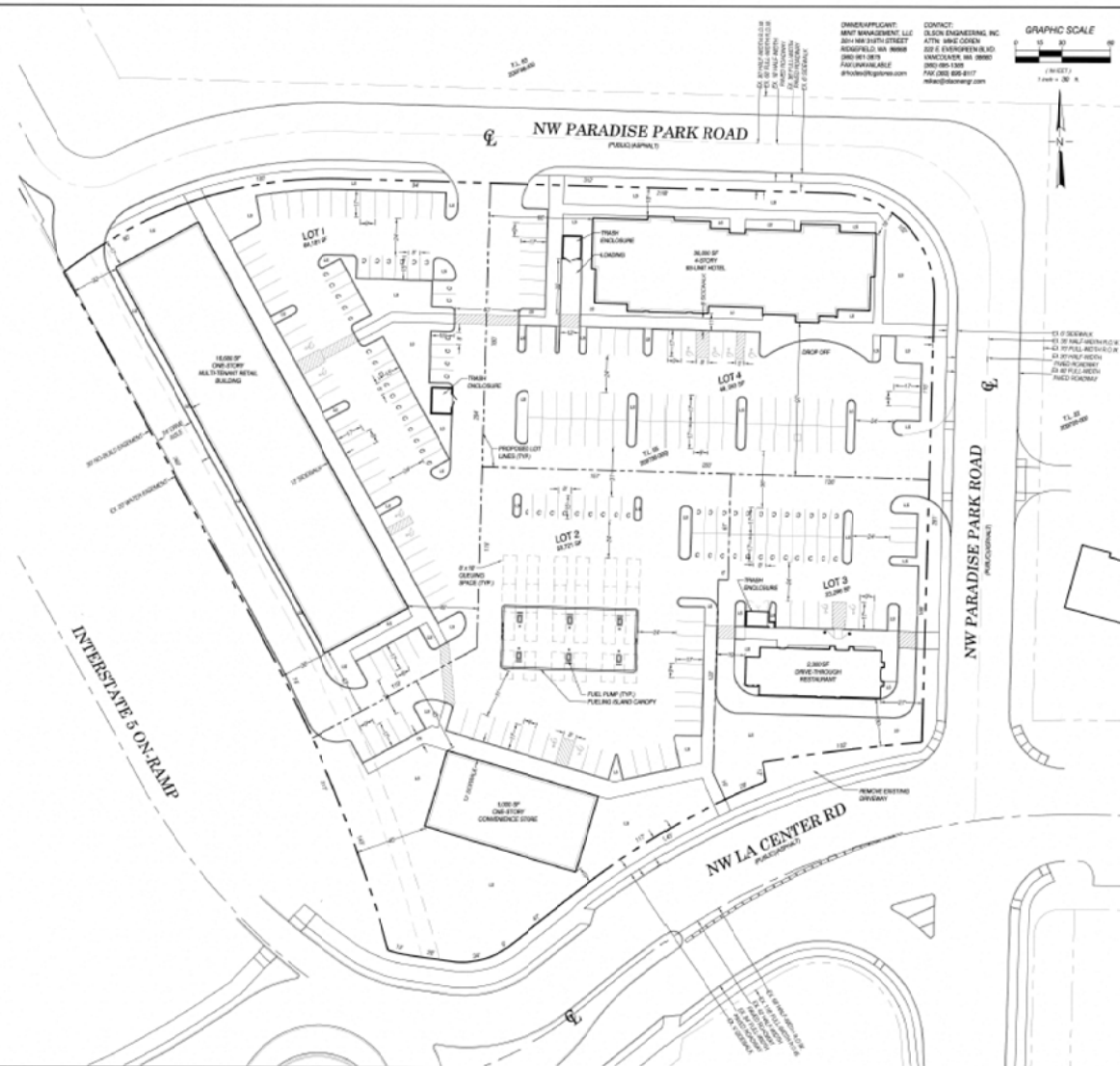
VICINITY MAP SEC. 04 T4N R1E W.M.

**SITE PLAN NOTES**

**EXISTING SITE DATA**  
 PRESENT USE: COMMERCIAL STORE AND GAS STATION  
 ZONING: COMMERCIAL  
 GROSS SITE AREA: PARCELS 20718-28 & 29 ACRES 0.11238 SQ. AC. ACCORDING TO CLATSOP COUNTY GIS. 4.38 ACRES (106,816 SQ. FT.) ACCORDING TO COUNTY OF CLATSOP RECORDS, INC.

**PROPOSED PROJECT**  
 COMMERCIAL STORE WITH GAS SERVICE, HOTEL, COMMERCIAL/RETAIL AND 4-LOT SHORT PLAT

**NOTES:**  
 1. ALL PROPOSED IMPROVEMENTS SHALL BE SHOWN ON ENGINEERING PLANS.  
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**GRAPHIC SCALE**  
 0 10 20  
 1" = 20' 0"

**PRELIMINARY SITE PLAN FOR:**  
 MINIT MANAGEMENT  
 LAND SURVEYORS  
**OLSON ENGINEERS**  
 ENGINEERING, INC.  
 202 E. CLATSOP BLVD., WACARUS WA 98600



DESIGNED: MJC	DATE:
DRAWN: MJC	
CHECKED: MJC	
DATE: MAY 2019	
SCALE: 1/8" = 1' = 30'	
COPYRIGHT 2019 OLSON ENGINEERS, INC.	
MINIT MANAGEMENT	
JOB NO. BASED ON:	
<b>SHEET</b>	
<b>SP1.0</b>	

**LEGEND**

- PROPOSED BUILDING
- EXISTING BUILDING
- PROPOSED LOT
- PARKING LOT CURB
- PARKING LOT PAVING
- PROPERTY LINE
- ADJACENT ROAD/STREET/DRIVEWAY
- ADJACENT DRIVEWAY
- SEWER/STORM FACILITY
- TRASH ENCLOSURE
- ADJACENT TRACT
- EXISTING PARKING STALL
- ADJ. STALL

ALT: [unclear]  
 FILE: [unclear]

NOTES:  
 1. BASE MAP PROVIDED BY OLSON ENGINEERING, INC.

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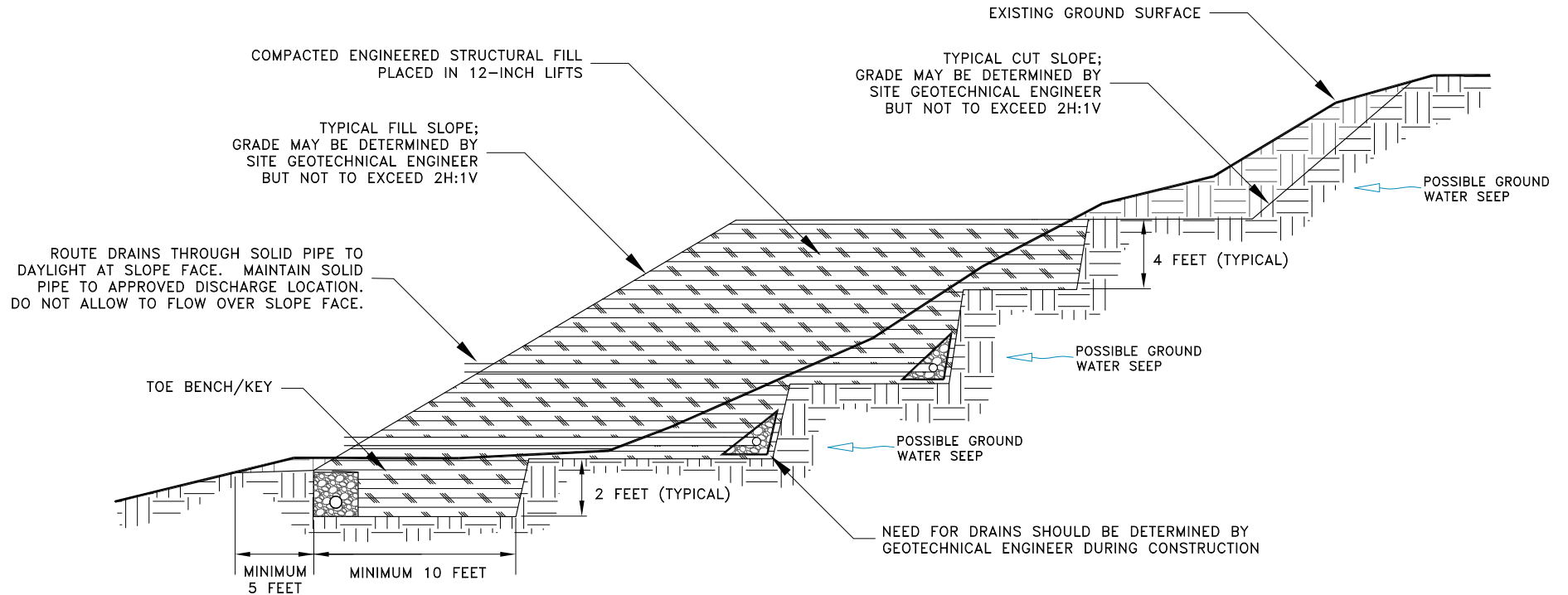
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CAD File: FIGURE 2A	
Scale: NONE	

PROPOSED DEVELOPMENT PLAN

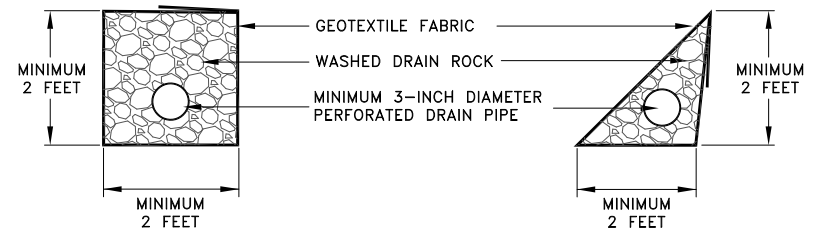
MINIT MANAGEMENT  
 COMMERCIAL DEVELOPMENT  
 RIDGEFIELD, WASHINGTON

FIGURE  
 2A

# TYPICAL CUT AND FILL SLOPE CROSS-SECTION



## TYPICAL DRAIN SECTION DETAIL



### DRAIN SPECIFICATIONS

GEOTEXTILE FABRIC SHALL CONSIST OF MIRAFI 140N OR APPROVED EQUIVALENT WITH AOS BETWEEN No. 70 AND No. 100 SIEVE.

WASHED DRAIN ROCK SHALL BE OPEN-GRADED ANGULAR DRAIN ROCK WITH LESS THAN 2 PERCENT PASSING THE No. 200 SIEVE AND A MAXIMUM PARTICLE SIZE OF 3 INCHES.

- NOTES:
1. DRAWING IS NOT TO SCALE.
  2. SLOPES AND PROFILES SHOWN ARE APPROXIMATE.
  3. DRAWING REPRESENTS TYPICAL FILL AND CUT SLOPE SECTION, AND MAY NOT BE SITE-SPECIFIC.

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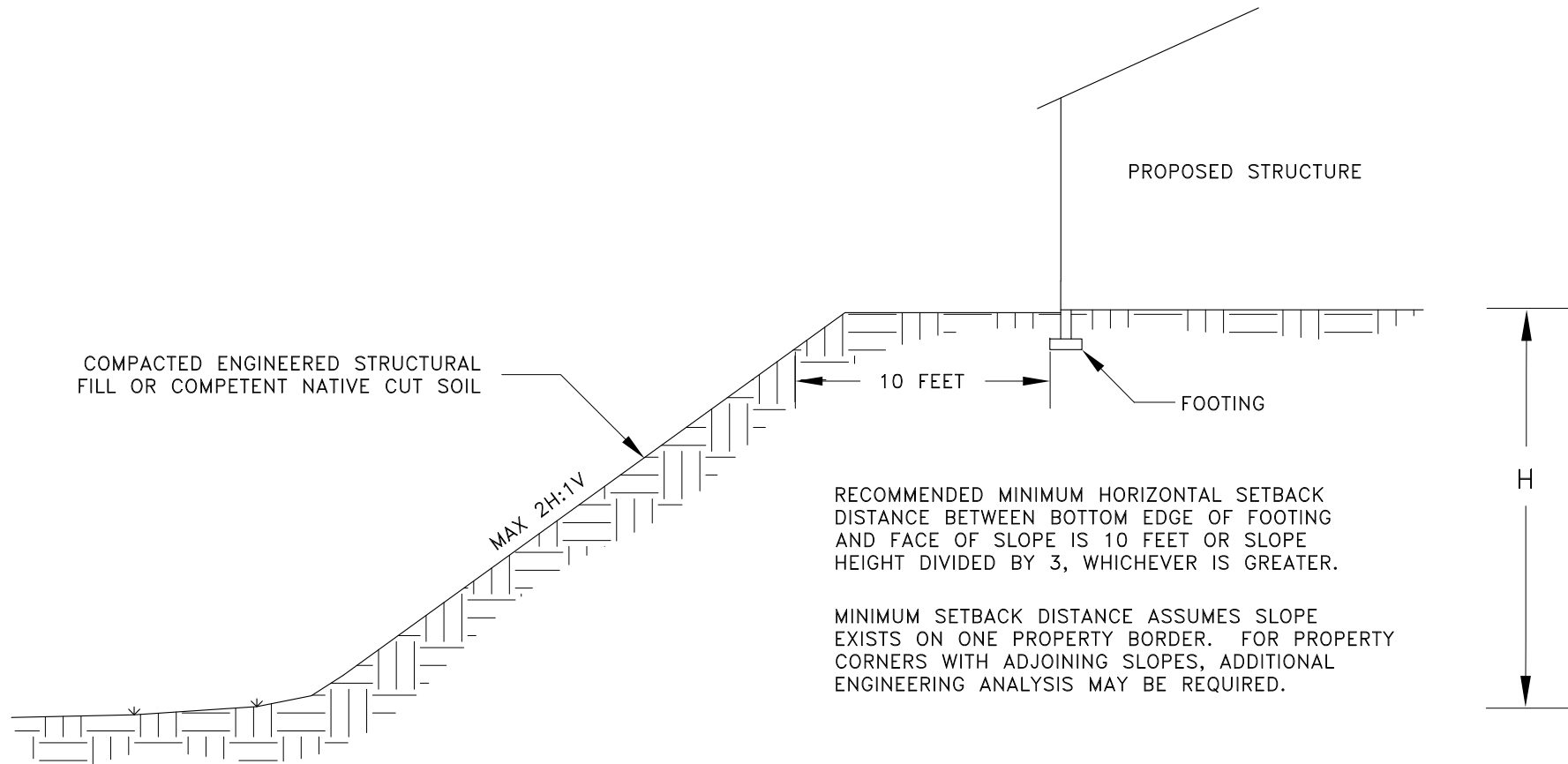
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Job No: 19210			
CAD File: FIGURE 3			
Scale: NONE			

TYPICAL CUT AND FILL SLOPE CROSS-SECTION
MINIT MANAGEMENT
COMMERCIAL DEVELOPMENT
RIDGEFIELD, WASHINGTON

FIGURE  
3

# MINIMUM FOUNDATION SLOPE SETBACK DETAIL



- NOTES:  
 1. DRAWING IS NOT TO SCALE.  
 2. SLOPES AND PROFILES SHOWN ARE APPROXIMATE.  
 3. DRAWING REPRESENTS TYPICAL FOUNDATION SETBACK DETAIL, AND MAY NOT BE SITE-SPECIFIC.

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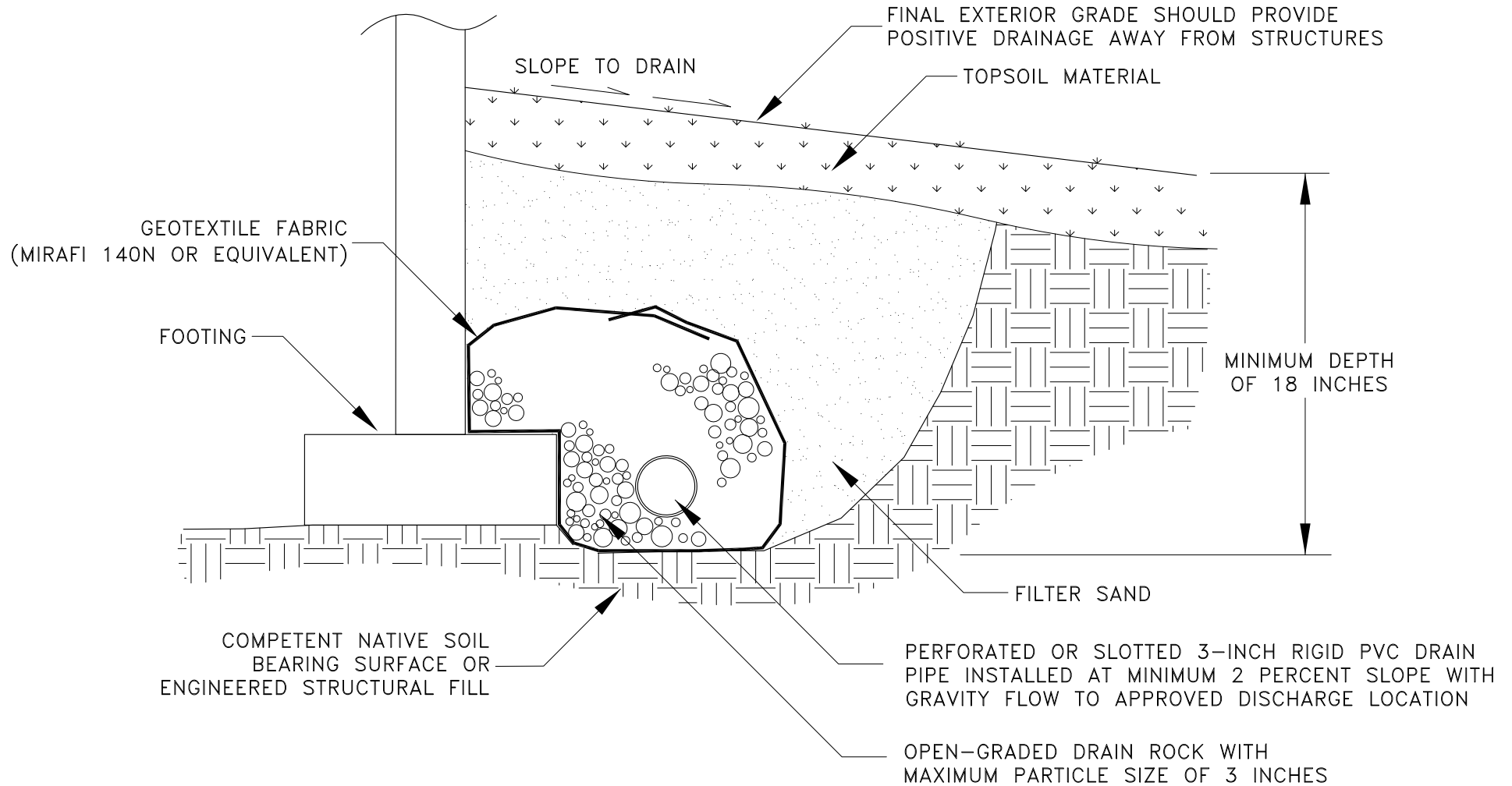
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TYPICAL MINIMUM SLOPE SETBACK DETAIL
MINIT MANAGEMENT
COMMERCIAL DEVELOPMENT
RIDGEFIELD, WASHINGTON

FIGURE  
4

## TYPICAL PERIMETER FOOTING DRAIN DETAIL



- NOTES:  
 1. DRAWING IS NOT TO SCALE.  
 2. DRAWING REPRESENTS TYPICAL FOOTING DRAIN DETAIL AND MAY NOT BE SITE-SPECIFIC.

Geotechnical • Environmental • Special Inspections  
**Columbia West**  
 Engineering, Inc.

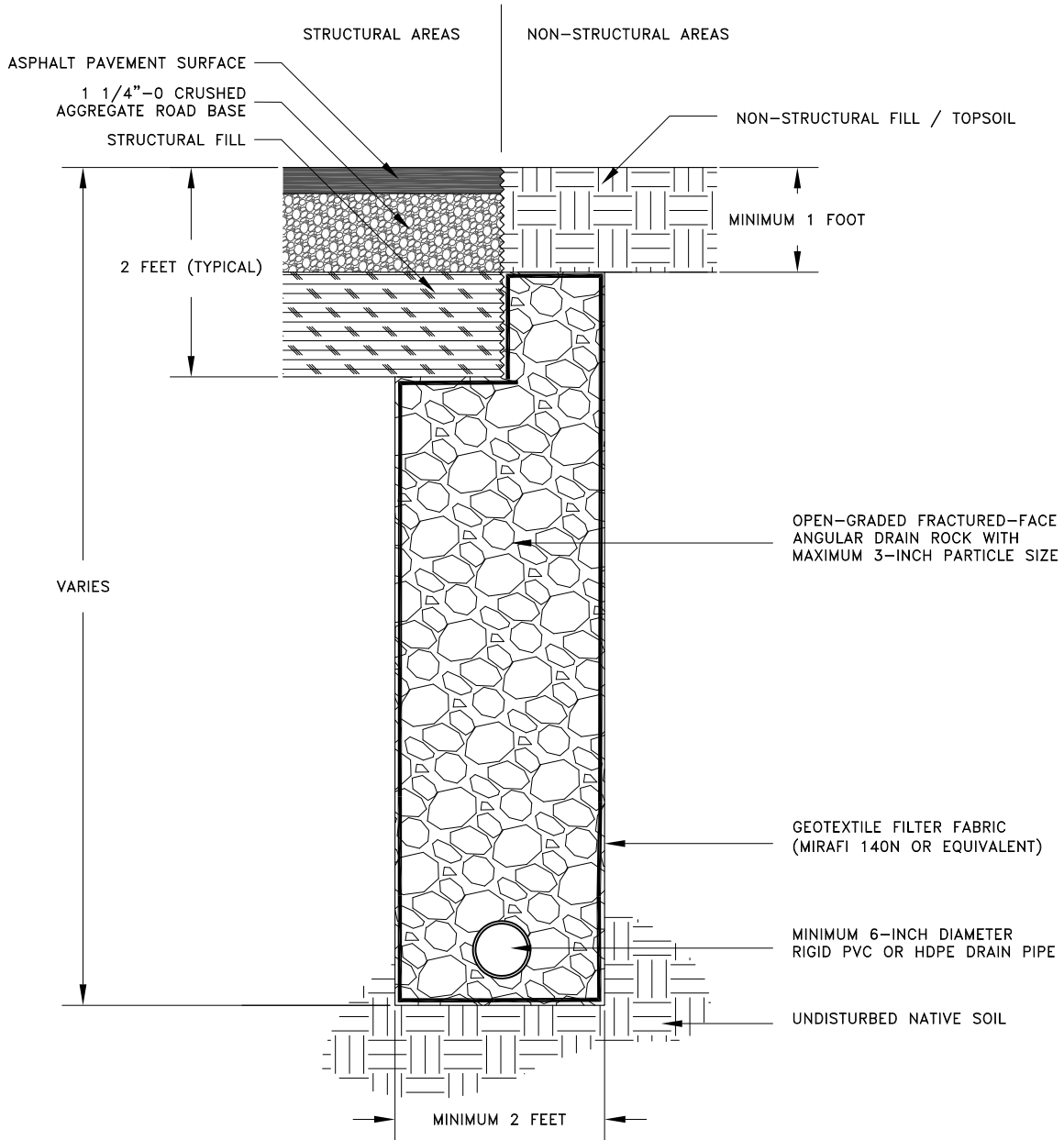
11917 NE 95th STREET  
 VANCOUVER, WASHINGTON 98682  
 PHONE: 360-823-2900 FAX: 360-823-2901  
 www.columbiawestengineering.com

Design:	Drawn: JFM		
Checked: LVL	Date: 08/26/19		
Client: MINIT MANAGEMENT	Rev	By	Date
Job No: 19210			
CAD File: FIGURE 5			
Scale: NONE			

TYPICAL PERIMETER FOOTING DRAIN DETAIL
MINIT MANAGEMENT COMMERCIAL DEVELOPMENT RIDGEFIELD, WASHINGTON

FIGURE  
5

# TYPICAL PERFORATED DRAIN PIPE TRENCH DETAIL



NOTE: LOCATION, INVERT ELEVATION, DEPTH OF TRENCH, AND EXTENT OF PERFORATED PIPE REQUIRED MAY BE MODIFIED BY THE GEOTECHNICAL ENGINEER DURING CONSTRUCTION BASED UPON FIELD OBSERVATION AND SITE-SPECIFIC SOIL CONDITIONS.

Design:	Drawn: JFM		
Checked: LVL	Date: 08/26/19		
Client: MINIT MANAGEMENT	Rev	By	Date
Job No: 19210			
CAD File: FIGURE 6			
Scale: NONE			

TYPICAL PERFORATED  
 DRAIN PIPE TRENCH DETAIL  
 MINIT MANAGEMENT  
 COMMERCIAL DEVELOPMENT  
 RIDGEFIELD, WASHINGTON

FIGURE  
 6

**APPENDIX A**  
**LABORATORY TEST RESULTS**



## MOISTURE CONTENT

PROJECT Minit Management Commercial Development 2814 NW 319th Street Ridgefield, Washington	CLIENT Minit Management, LLC P.O. Box 5889 Vancouver, Washington 98668	PROJECT NO. 19210	REPORT DATE 08/26/19
		DATE SAMPLED 08/13/19	
		SAMPLED BY JFM/CTB	

### LABORATORY TEST DATA

LABORATORY EQUIPMENT Despatch LEB2						TEST PROCEDURE ASTM D2216, Method B	
LAB ID	CONTAINER MASS	MOIST MASS + PAN	DRY MASS + PAN	MATERIAL DESCRIPTION	FIELD ID	SAMPLE DEPTH	MOISTURE CONTENT
S19-799	87.70	392.93	335.08	Lean CLAY with Sand	TP1.1	11 feet	23.4%
S19-800	87.36	355.13	301.74	Lean CLAY with Sand	TP3.1	2 feet	24.9%
S19-801	87.61	210.23	187.50	clay with sand	SB1.4	10 feet	22.8%
S19-802	86.47	269.82	227.46	clay	SB1.5	15 feet	30.0%
S19-803	86.69	302.01	245.01	Lean CLAY	SB1.6	20 feet	36.0%
S19-804	87.86	284.21	241.56	clay	SB1.7	25 feet	27.7%
S19-805	87.50	295.85	246.79	clay	SB1.8	30 feet	30.8%
S19-806	87.25	284.49	228.15	silt	SB1.9	35 feet	40.0%
S19-807	86.85	299.21	255.72	clay	SB1.10	40 feet	25.8%
S19-808	87.41	300.84	245.04	clay	SB1.12	50 feet	35.4%
S19-809	85.78	292.27	251.03	clay with sand	SB2.2	5 feet	25.0%
S19-810	87.23	304.10	254.26	clay	SB2.3	7.5 feet	29.8%

NOTES:	DATE TESTED 08/23/19	TESTED BY KMS/BTT/JJC
		

## MOISTURE CONTENT

PROJECT Minit Management Commercial Development 2814 NW 319th Street Ridgefield, Washington	CLIENT Minit Management, LLC P.O. Box 5889 Vancouver, Washington 98668	PROJECT NO. 19210	REPORT DATE 08/26/19
		DATE SAMPLED 08/13/19	
		SAMPLED BY JFM/CTB	

### LABORATORY TEST DATA

LABORATORY EQUIPMENT Despatch LEB2						TEST PROCEDURE ASTM D2216, Method B	
LAB ID	CONTAINER MASS	MOIST MASS + PAN	DRY MASS + PAN	MATERIAL DESCRIPTION	FIELD ID	SAMPLE DEPTH	MOISTURE CONTENT
S19-811	87.07	266.68	229.35	clay	SB2.4	10 feet	26.2%
S19-812	85.29	285.33	245.68	clay	SB2.5	15 feet	24.7%
S19-813	87.83	270.36	235.14	clay	SB2.6	20 feet	23.9%
S19-814	87.94	288.99	243.44	clay	SB2.7	25 feet	29.3%
S19-815	86.57	279.37	232.98	clay	SB2.8	30 feet	31.7%
S19-816	88.01	299.02	247.18	Lean CLAY with Sand	SB2.9	35 feet	32.6%
S19-817	86.83	271.70	220.54	silt with sand	SB2.10	40 feet	38.3%
S19-818	87.98	255.90	214.36	silt	SB2.11	45 feet	32.9%
S19-819	85.96	250.59	206.13	silt	SB2.12	50 feet	37.0%

NOTES:	DATE TESTED 08/23/19	TESTED BY KMS/BTT/JJC
		

## PARTICLE-SIZE ANALYSIS REPORT

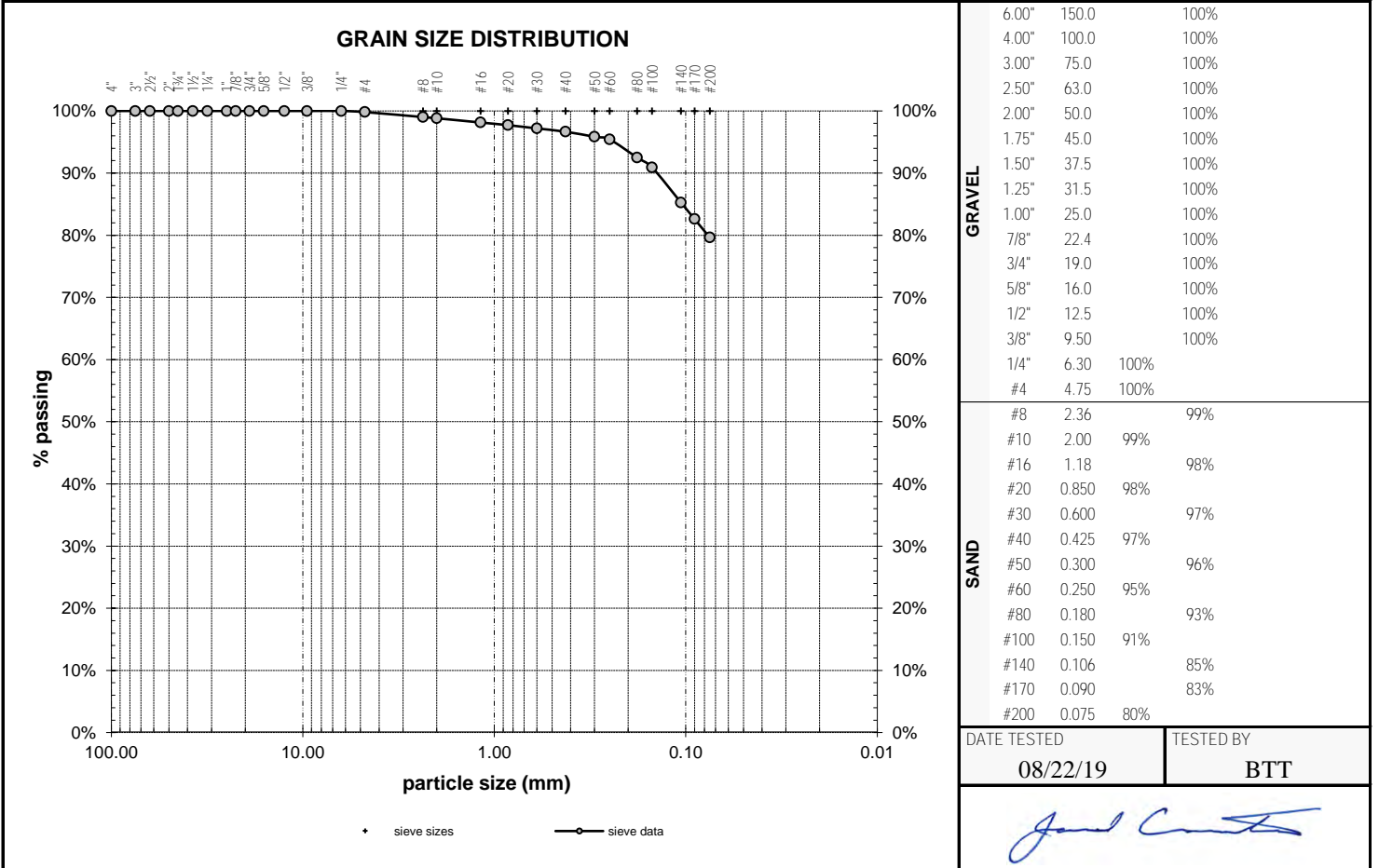
PROJECT Minit Management Commercial Development 2814 NW 319th Street Ridgefield, Washington	CLIENT Minit Management, LLC P.O. Box 5889 Vancouver, Washington 98668	PROJECT NO. <b>19210</b>	LAB ID <b>S19-799</b>
		REPORT DATE <b>08/26/19</b>	FIELD ID <b>TP1.1</b>
		DATE SAMPLED <b>08/13/19</b>	SAMPLED BY <b>HDG</b>

MATERIAL DATA	MATERIAL SOURCE Test Pit TP-01 depth = 11 feet	USCS SOIL TYPE <b>CL, Lean Clay with Sand</b>
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SPECIFICATIONS <b>none</b>	AASHTO SOIL TYPE <b>A-6(11)</b>
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LABORATORY TEST DATA	TEST PROCEDURE <b>ASTM D6913</b>
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LABORATORY EQUIPMENT <b>Rainhart "Mary Ann" Sifter 637</b>	SIEVE DATA % gravel = 0.2% % sand = 20.2% % silt and clay = 79.6%
ADDITIONAL DATA initial dry mass (g) = 244.65 as-received moisture content = 23.4% liquid limit = 34 plastic limit = 19 plasticity index = 15 fineness modulus = n/a	coefficient of curvature, $C_c$ = n/a coefficient of uniformity, $C_u$ = n/a effective size, $D_{(10)}$ = n/a $D_{(30)}$ = n/a $D_{(60)}$ = n/a



DATE TESTED <b>08/22/19</b>	TESTED BY <b>BTT</b>
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*James C. [Signature]*

COLUMBIA WEST ENGINEERING, INC. authorized signature

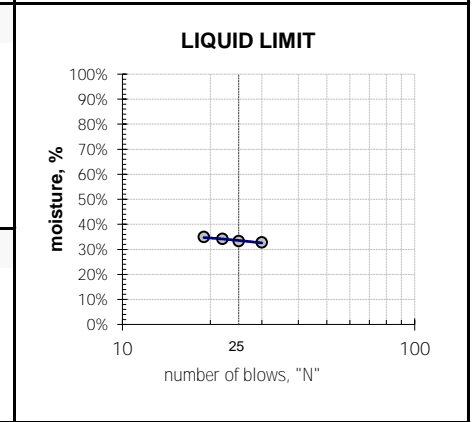
## ATTERBERG LIMITS REPORT

<b>PROJECT</b> Minit Management Commercial Development 2814 NW 319th Street Ridgefield, Washington	<b>CLIENT</b> Minit Management, LLC P.O. Box 5889 Vancouver, Washington 98668	<b>PROJECT NO.</b> 19210	<b>LAB ID</b> S19-799
		<b>REPORT DATE</b> 08/26/19	<b>FIELD ID</b> TP1.1
		<b>DATE SAMPLED</b> 08/13/19	<b>SAMPLED BY</b> HDG

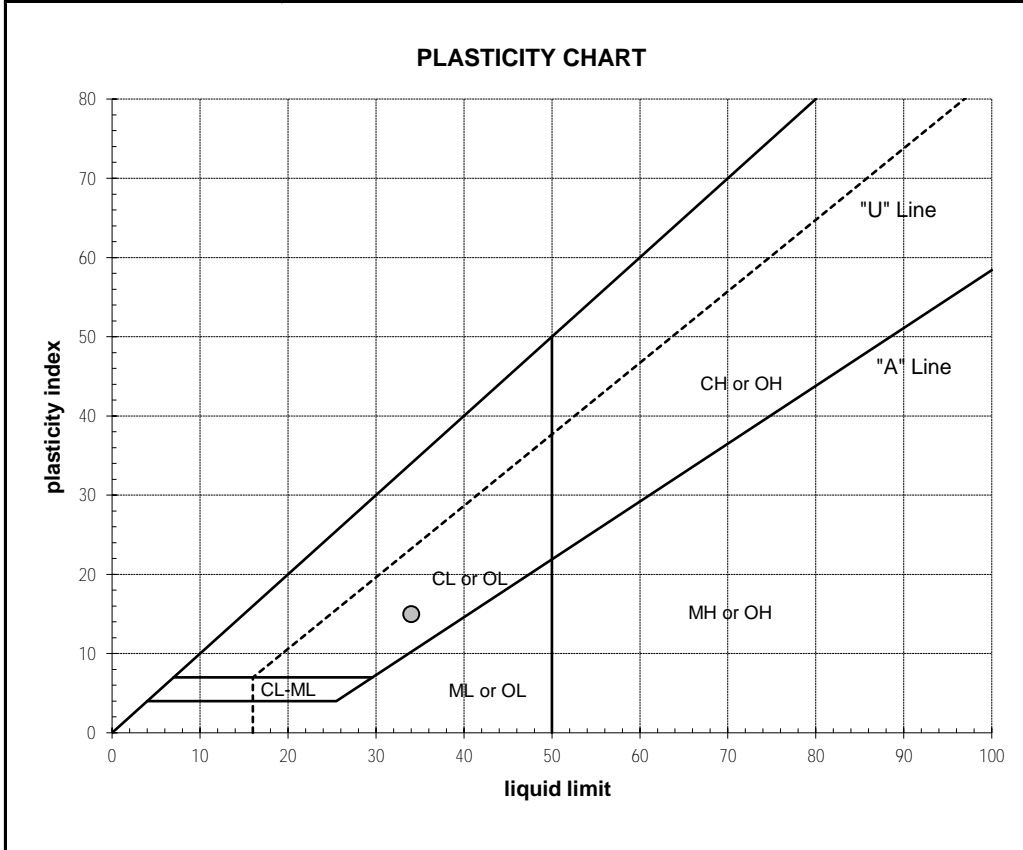
<b>MATERIAL DATA</b> <b>MATERIAL SAMPLED</b> Lean CLAY with Sand	<b>MATERIAL SOURCE</b> Test Pit TP-01 depth = 11 feet	<b>USCS SOIL TYPE</b> CL, Lean Clay with Sand
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<b>LABORATORY TEST DATA</b> <b>LABORATORY EQUIPMENT</b> Liquid Limit Machine, Hand Rolled	<b>TEST PROCEDURE</b> ASTM D4318
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<b>ATTERBERG LIMITS</b>  liquid limit = 34 plastic limit = 19 plasticity index = 15	<b>LIQUID LIMIT DETERMINATION</b> <table style="width: 100%; text-align: center;"> <tr> <td></td> <td><b>1</b></td> <td><b>2</b></td> <td><b>3</b></td> <td><b>4</b></td> </tr> <tr> <td>wet soil + pan weight, g =</td> <td>31.93</td> <td>32.67</td> <td>31.85</td> <td>32.94</td> </tr> <tr> <td>dry soil + pan weight, g =</td> <td>29.18</td> <td>29.66</td> <td>29.07</td> <td>29.80</td> </tr> <tr> <td>pan weight, g =</td> <td>20.77</td> <td>20.62</td> <td>20.92</td> <td>20.80</td> </tr> <tr> <td>N (blows) =</td> <td>30</td> <td>25</td> <td>22</td> <td>19</td> </tr> <tr> <td>moisture, % =</td> <td>32.7 %</td> <td>33.3 %</td> <td>34.1 %</td> <td>34.9 %</td> </tr> </table>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	wet soil + pan weight, g =	31.93	32.67	31.85	32.94	dry soil + pan weight, g =	29.18	29.66	29.07	29.80	pan weight, g =	20.77	20.62	20.92	20.80	N (blows) =	30	25	22	19	moisture, % =	32.7 %	33.3 %	34.1 %	34.9 %
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<b>SHRINKAGE</b>  shrinkage limit = n/a shrinkage ratio = n/a	<b>PLASTIC LIMIT DETERMINATION</b> <table style="width: 100%; text-align: center;"> <tr> <td></td> <td><b>1</b></td> <td><b>2</b></td> <td><b>3</b></td> <td><b>4</b></td> </tr> <tr> <td>wet soil + pan weight, g =</td> <td>27.32</td> <td>28.27</td> <td></td> <td></td> </tr> <tr> <td>dry soil + pan weight, g =</td> <td>26.29</td> <td>27.09</td> <td></td> <td></td> </tr> <tr> <td>pan weight, g =</td> <td>20.86</td> <td>20.68</td> <td></td> <td></td> </tr> <tr> <td>moisture, % =</td> <td>19.0 %</td> <td>18.4 %</td> <td></td> <td></td> </tr> </table>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	wet soil + pan weight, g =	27.32	28.27			dry soil + pan weight, g =	26.29	27.09			pan weight, g =	20.86	20.68			moisture, % =	19.0 %	18.4 %		
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<b>ADDITIONAL DATA</b>	
% gravel =	0.2%
% sand =	20.2%
% silt and clay =	79.6%
% silt =	n/a
% clay =	n/a
moisture content =	23.4%

<b>DATE TESTED</b> 08/23/19	<b>TESTED BY</b> KMS
--------------------------------	-------------------------

*James Smith*

## PARTICLE-SIZE ANALYSIS REPORT

<b>PROJECT</b> Minit Management Commercial Development 2814 NW 319th Street Ridgefield, Washington	<b>CLIENT</b> Minit Management, LLC P.O. Box 5889 Vancouver, Washington 98668	<b>PROJECT NO.</b> 19210	<b>LAB ID</b> S19-800																																																																																															
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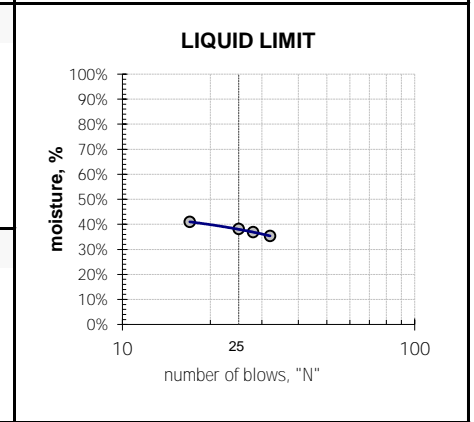
## ATTERBERG LIMITS REPORT

<b>PROJECT</b> Minit Management Commercial Development 2814 NW 319th Street Ridgefield, Washington	<b>CLIENT</b> Minit Management, LLC P.O. Box 5889 Vancouver, Washington 98668	<b>PROJECT NO.</b> 19210	<b>LAB ID</b> S19-800
		<b>REPORT DATE</b> 08/26/19	<b>FIELD ID</b> TP3.1
		<b>DATE SAMPLED</b> 08/13/19	<b>SAMPLED BY</b> HDG

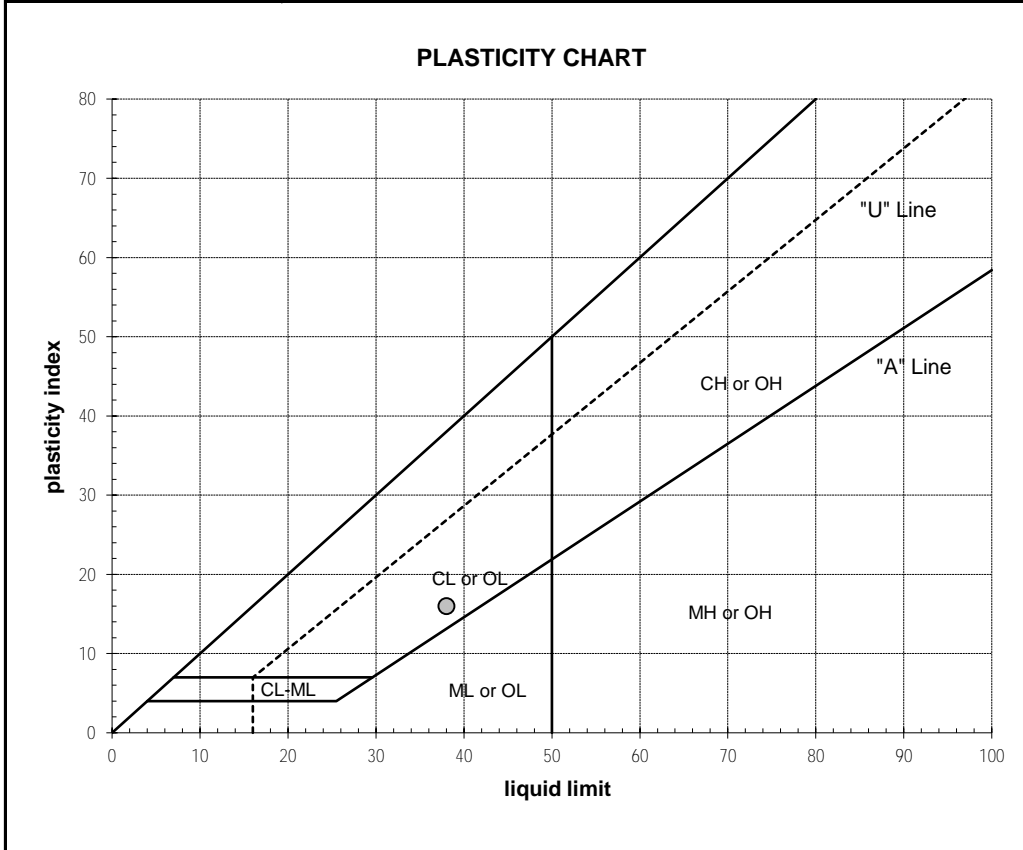
<b>MATERIAL DATA</b> <b>MATERIAL SAMPLED</b> Lean CLAY with Sand	<b>MATERIAL SOURCE</b> Test Pit TP-03 depth = 2 feet	<b>USCS SOIL TYPE</b> CL, Lean Clay with Sand
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<b>LABORATORY TEST DATA</b> <b>LABORATORY EQUIPMENT</b> Liquid Limit Machine, Hand Rolled	<b>TEST PROCEDURE</b> ASTM D4318
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<b>ATTERBERG LIMITS</b>  liquid limit = 38 plastic limit = 22 plasticity index = 16	<b>LIQUID LIMIT DETERMINATION</b> <table style="width: 100%; text-align: center;"> <tr> <td></td> <td><b>1</b></td> <td><b>2</b></td> <td><b>3</b></td> <td><b>4</b></td> </tr> <tr> <td>wet soil + pan weight, g =</td> <td>34.32</td> <td>33.45</td> <td>33.58</td> <td>33.96</td> </tr> <tr> <td>dry soil + pan weight, g =</td> <td>30.79</td> <td>30.06</td> <td>30.08</td> <td>30.15</td> </tr> <tr> <td>pan weight, g =</td> <td>20.81</td> <td>20.85</td> <td>20.90</td> <td>20.83</td> </tr> <tr> <td>N (blows) =</td> <td>32</td> <td>28</td> <td>25</td> <td>17</td> </tr> <tr> <td>moisture, % =</td> <td>35.4 %</td> <td>36.8 %</td> <td>38.1 %</td> <td>41.0 %</td> </tr> </table>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	wet soil + pan weight, g =	34.32	33.45	33.58	33.96	dry soil + pan weight, g =	30.79	30.06	30.08	30.15	pan weight, g =	20.81	20.85	20.90	20.83	N (blows) =	32	28	25	17	moisture, % =	35.4 %	36.8 %	38.1 %	41.0 %
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<b>SHRINKAGE</b>  shrinkage limit = n/a shrinkage ratio = n/a	<b>PLASTIC LIMIT DETERMINATION</b> <table style="width: 100%; text-align: center;"> <tr> <td></td> <td><b>1</b></td> <td><b>2</b></td> <td><b>3</b></td> <td><b>4</b></td> </tr> <tr> <td>wet soil + pan weight, g =</td> <td>27.83</td> <td>27.10</td> <td></td> <td></td> </tr> <tr> <td>dry soil + pan weight, g =</td> <td>26.54</td> <td>25.96</td> <td></td> <td></td> </tr> <tr> <td>pan weight, g =</td> <td>20.75</td> <td>20.87</td> <td></td> <td></td> </tr> <tr> <td>moisture, % =</td> <td>22.3 %</td> <td>22.4 %</td> <td></td> <td></td> </tr> </table>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	wet soil + pan weight, g =	27.83	27.10			dry soil + pan weight, g =	26.54	25.96			pan weight, g =	20.75	20.87			moisture, % =	22.3 %	22.4 %		
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>																						
wet soil + pan weight, g =	27.83	27.10																								
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pan weight, g =	20.75	20.87																								
moisture, % =	22.3 %	22.4 %																								



<b>ADDITIONAL DATA</b>	
% gravel =	0.0%
% sand =	30.0%
% silt and clay =	70.0%
% silt =	n/a
% clay =	n/a
moisture content =	24.9%

<b>DATE TESTED</b> 08/23/19	<b>TESTED BY</b> KMS

## PARTICLE-SIZE ANALYSIS REPORT

<b>PROJECT</b> Minit Management Commercial Development 2814 NW 319th Street Ridgefield, Washington	<b>CLIENT</b> Minit Management, LLC P.O. Box 5889 Vancouver, Washington 98668	<b>PROJECT NO.</b> 19210	<b>LAB ID</b> S19-803																																																																																																																																																																																																																						
		<b>REPORT DATE</b> 08/26/19	<b>FIELD ID</b> SB1.6																																																																																																																																																																																																																						
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<b>MATERIAL DATA</b>																																																																																																																																																																																																																									
<b>MATERIAL SAMPLED</b> Lean CLAY	<b>MATERIAL SOURCE</b> Soil Boring SB-01 depth = 20 feet	<b>USCS SOIL TYPE</b> CL, Lean Clay																																																																																																																																																																																																																							
<b>SPECIFICATIONS</b> none		<b>AASHTO SOIL TYPE</b> A-7-6(19)																																																																																																																																																																																																																							
<b>LABORATORY TEST DATA</b>																																																																																																																																																																																																																									
<b>LABORATORY EQUIPMENT</b> Rainhart "Mary Ann" Sifter 637		<b>TEST PROCEDURE</b> ASTM D6913																																																																																																																																																																																																																							
<b>ADDITIONAL DATA</b> initial dry mass (g) = 174.32 as-received moisture content = 36.0% liquid limit = 42 plastic limit = 21 plasticity index = 21 fineness modulus = n/a		<b>SIEVE DATA</b> % gravel = 1.0% % sand = 12.2% % silt and clay = 86.7%																																																																																																																																																																																																																							
		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">SIEVE SIZE</th> <th colspan="4">PERCENT PASSING</th> </tr> <tr> <th>US</th> <th>mm</th> <th>SIEVE act.</th> <th>SIEVE interp.</th> <th>SPECS max</th> <th>SPECS min</th> </tr> </thead> <tbody> <tr><td>6.00"</td><td>150.0</td><td></td><td></td><td></td><td>100%</td><td></td></tr> <tr><td>4.00"</td><td>100.0</td><td></td><td></td><td></td><td>100%</td><td></td></tr> <tr><td>3.00"</td><td>75.0</td><td></td><td></td><td></td><td>100%</td><td></td></tr> <tr><td>2.50"</td><td>63.0</td><td></td><td></td><td></td><td>100%</td><td></td></tr> <tr><td>2.00"</td><td>50.0</td><td></td><td></td><td></td><td>100%</td><td></td></tr> <tr><td>1.75"</td><td>45.0</td><td></td><td></td><td></td><td>100%</td><td></td></tr> <tr><td>1.50"</td><td>37.5</td><td></td><td></td><td></td><td>100%</td><td></td></tr> <tr><td>1.25"</td><td>31.5</td><td></td><td></td><td></td><td>100%</td><td></td></tr> <tr><td>1.00"</td><td>25.0</td><td></td><td></td><td></td><td>100%</td><td></td></tr> <tr><td>7/8"</td><td>22.4</td><td></td><td></td><td></td><td>100%</td><td></td></tr> <tr><td>3/4"</td><td>19.0</td><td></td><td></td><td></td><td>100%</td><td></td></tr> <tr><td>5/8"</td><td>16.0</td><td></td><td></td><td></td><td>100%</td><td></td></tr> <tr><td>1/2"</td><td>12.5</td><td>100%</td><td></td><td></td><td></td><td></td></tr> <tr><td>3/8"</td><td>9.50</td><td></td><td></td><td></td><td>100%</td><td></td></tr> <tr><td>1/4"</td><td>6.30</td><td></td><td></td><td></td><td>99%</td><td></td></tr> <tr><td>#4</td><td>4.75</td><td></td><td></td><td></td><td>99%</td><td></td></tr> <tr><td>#8</td><td>2.36</td><td></td><td></td><td></td><td>99%</td><td></td></tr> <tr><td>#10</td><td>2.00</td><td></td><td></td><td></td><td>99%</td><td></td></tr> <tr><td>#16</td><td>1.18</td><td></td><td></td><td></td><td>98%</td><td></td></tr> <tr><td>#20</td><td>0.850</td><td></td><td></td><td></td><td>97%</td><td></td></tr> <tr><td>#30</td><td>0.600</td><td></td><td></td><td></td><td>97%</td><td></td></tr> <tr><td>#40</td><td>0.425</td><td></td><td></td><td></td><td>96%</td><td></td></tr> <tr><td>#50</td><td>0.300</td><td></td><td></td><td></td><td>95%</td><td></td></tr> <tr><td>#60</td><td>0.250</td><td></td><td></td><td></td><td>95%</td><td></td></tr> <tr><td>#80</td><td>0.180</td><td></td><td></td><td></td><td>93%</td><td></td></tr> <tr><td>#100</td><td>0.150</td><td></td><td></td><td></td><td>93%</td><td></td></tr> <tr><td>#140</td><td>0.106</td><td></td><td></td><td></td><td>90%</td><td></td></tr> <tr><td>#170</td><td>0.090</td><td></td><td></td><td></td><td>88%</td><td></td></tr> <tr><td>#200</td><td>0.075</td><td></td><td></td><td></td><td>87%</td><td></td></tr> </tbody> </table>		SIEVE SIZE	PERCENT PASSING				US	mm	SIEVE act.	SIEVE interp.	SPECS max	SPECS min	6.00"	150.0				100%		4.00"	100.0				100%		3.00"	75.0				100%		2.50"	63.0				100%		2.00"	50.0				100%		1.75"	45.0				100%		1.50"	37.5				100%		1.25"	31.5				100%		1.00"	25.0				100%		7/8"	22.4				100%		3/4"	19.0				100%		5/8"	16.0				100%		1/2"	12.5	100%					3/8"	9.50				100%		1/4"	6.30				99%		#4	4.75				99%		#8	2.36				99%		#10	2.00				99%		#16	1.18				98%		#20	0.850				97%		#30	0.600				97%		#40	0.425				96%		#50	0.300				95%		#60	0.250				95%		#80	0.180				93%		#100	0.150				93%		#140	0.106				90%		#170	0.090				88%		#200	0.075				87%	
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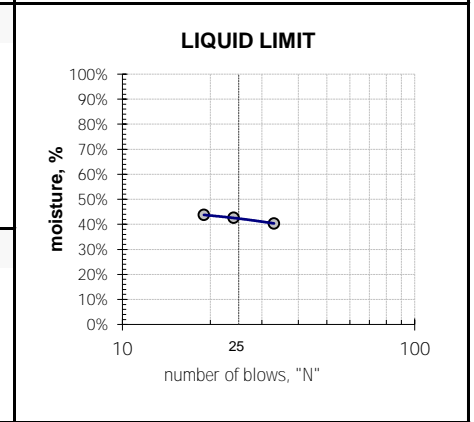
## ATTERBERG LIMITS REPORT

<b>PROJECT</b> Minit Management Commercial Development 2814 NW 319th Street Ridgefield, Washington	<b>CLIENT</b> Minit Management, LLC P.O. Box 5889 Vancouver, Washington 98668	<b>PROJECT NO.</b> 19210	<b>LAB ID</b> S19-803
		<b>REPORT DATE</b> 08/26/19	<b>FIELD ID</b> SB1.6
		<b>DATE SAMPLED</b> 08/13/19	<b>SAMPLED BY</b> JFM/CTB

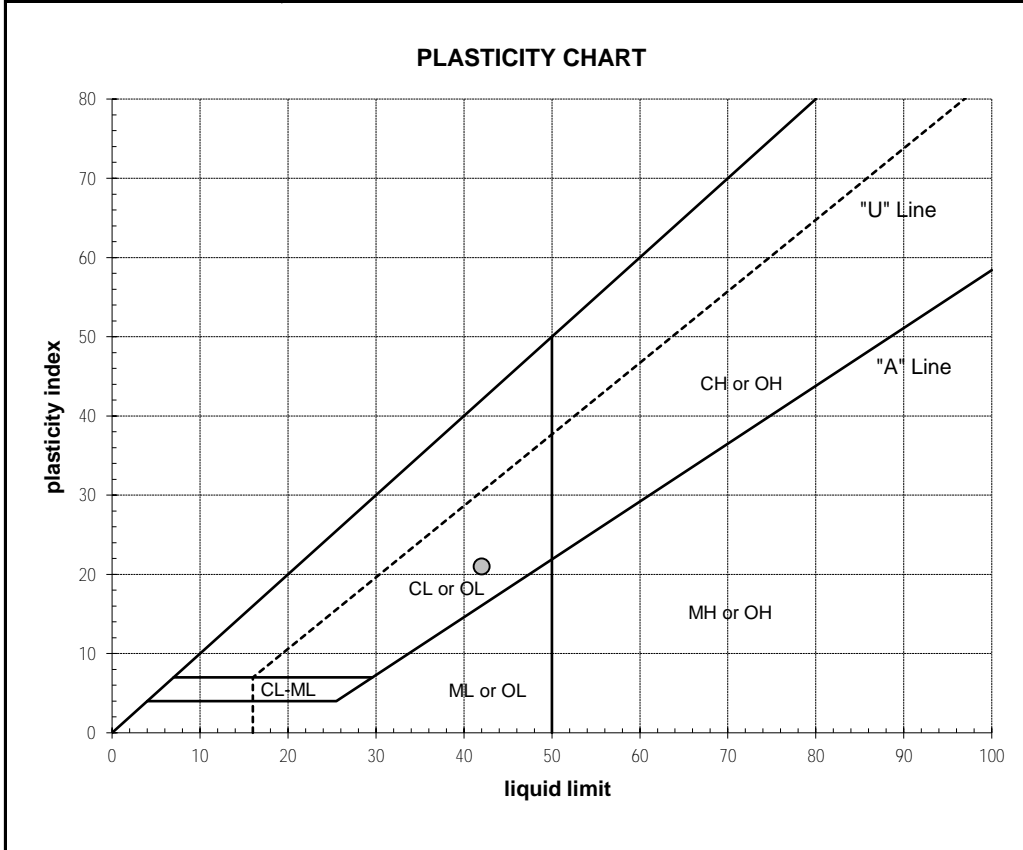
<b>MATERIAL DATA</b> MATERIAL SAMPLED Lean CLAY	MATERIAL SOURCE Soil Boring SB-01 depth = 20 feet	USCS SOIL TYPE CL, Lean Clay
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<b>LABORATORY TEST DATA</b> LABORATORY EQUIPMENT Liquid Limit Machine, Hand Rolled	TEST PROCEDURE ASTM D4318
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<b>ATTERBERG LIMITS</b>  liquid limit = 42 plastic limit = 21 plasticity index = 21	<b>LIQUID LIMIT DETERMINATION</b> <table style="width: 100%; text-align: center;"> <tr> <td></td> <td><b>1</b></td> <td><b>2</b></td> <td><b>3</b></td> <td><b>4</b></td> </tr> <tr> <td>wet soil + pan weight, g =</td> <td>31.58</td> <td>31.60</td> <td>30.61</td> <td></td> </tr> <tr> <td>dry soil + pan weight, g =</td> <td>28.52</td> <td>28.39</td> <td>27.62</td> <td></td> </tr> <tr> <td>pan weight, g =</td> <td>20.93</td> <td>20.86</td> <td>20.78</td> <td></td> </tr> <tr> <td>N (blows) =</td> <td>33</td> <td>24</td> <td>19</td> <td></td> </tr> <tr> <td>moisture, % =</td> <td>40.3 %</td> <td>42.6 %</td> <td>43.7 %</td> <td></td> </tr> </table>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	wet soil + pan weight, g =	31.58	31.60	30.61		dry soil + pan weight, g =	28.52	28.39	27.62		pan weight, g =	20.93	20.86	20.78		N (blows) =	33	24	19		moisture, % =	40.3 %	42.6 %	43.7 %	
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<b>SHRINKAGE</b>  shrinkage limit = n/a shrinkage ratio = n/a	<b>PLASTIC LIMIT DETERMINATION</b> <table style="width: 100%; text-align: center;"> <tr> <td></td> <td><b>1</b></td> <td><b>2</b></td> <td><b>3</b></td> <td><b>4</b></td> </tr> <tr> <td>wet soil + pan weight, g =</td> <td>27.66</td> <td>28.32</td> <td></td> <td></td> </tr> <tr> <td>dry soil + pan weight, g =</td> <td>26.47</td> <td>26.98</td> <td></td> <td></td> </tr> <tr> <td>pan weight, g =</td> <td>20.74</td> <td>20.60</td> <td></td> <td></td> </tr> <tr> <td>moisture, % =</td> <td>20.8 %</td> <td>21.0 %</td> <td></td> <td></td> </tr> </table>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	wet soil + pan weight, g =	27.66	28.32			dry soil + pan weight, g =	26.47	26.98			pan weight, g =	20.74	20.60			moisture, % =	20.8 %	21.0 %		
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<b>ADDITIONAL DATA</b>	
% gravel =	1.0%
% sand =	12.2%
% silt and clay =	86.7%
% silt =	n/a
% clay =	n/a
moisture content =	36.0%

<b>DATE TESTED</b> 08/23/19	<b>TESTED BY</b> KMS
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*James Smith*



## PARTICLE-SIZE ANALYSIS REPORT

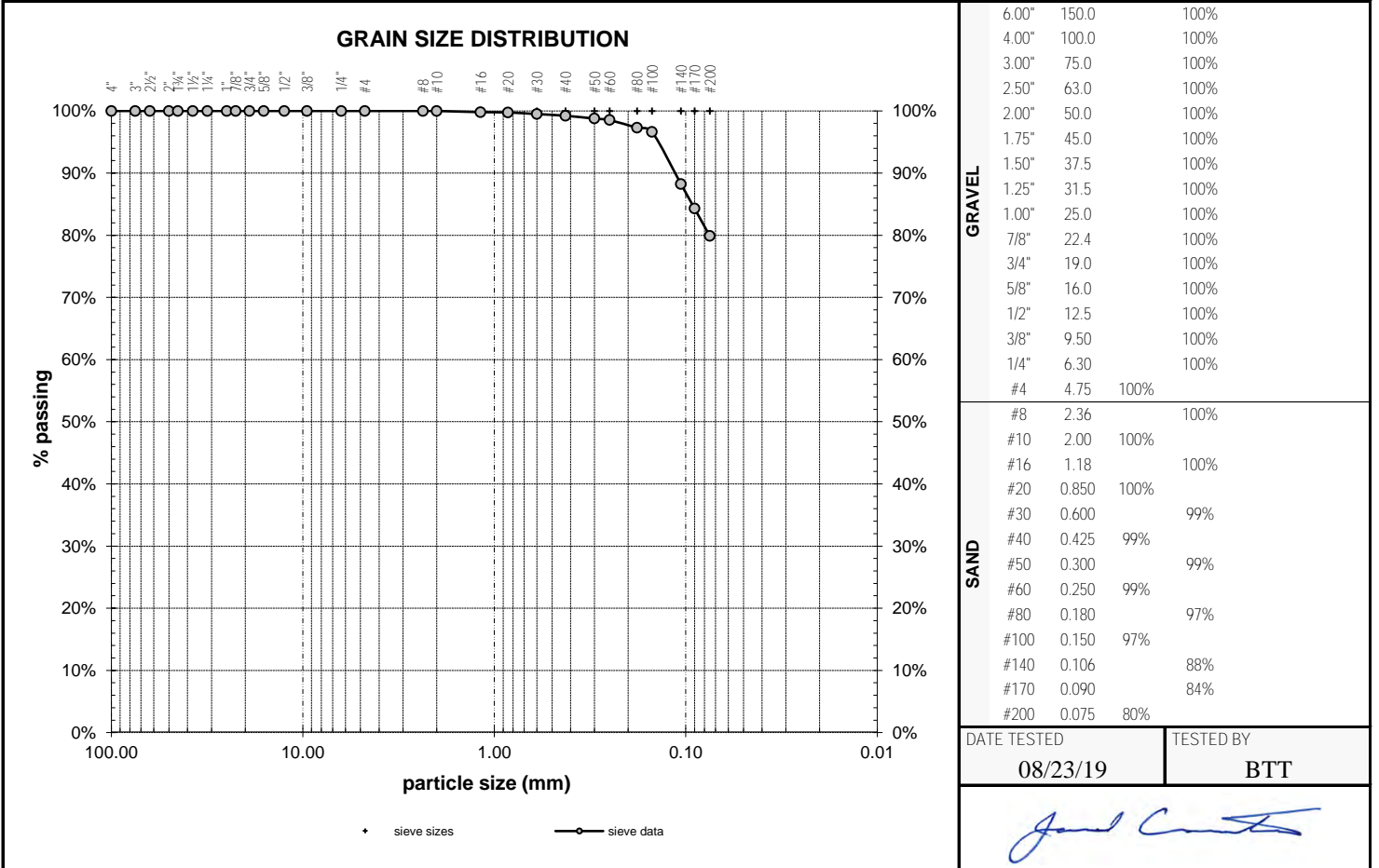
PROJECT Minit Management Commercial Development 2814 NW 319th Street Ridgefield, Washington	CLIENT Minit Management, LLC P.O. Box 5889 Vancouver, Washington 98668	PROJECT NO. <b>19210</b>	LAB ID <b>S19-816</b>
		REPORT DATE <b>08/26/19</b>	FIELD ID <b>SB2.9</b>
		DATE SAMPLED <b>08/13/19</b>	SAMPLED BY <b>JFM/CTB</b>

MATERIAL DATA	MATERIAL SOURCE	USCS SOIL TYPE
MATERIAL SAMPLED <b>Lean CLAY with Sand</b>	Soil Boring SB-02 depth = 35 feet	<b>CL, Lean Clay with Sand</b>

SPECIFICATIONS <b>none</b>	AASHTO SOIL TYPE <b>A-6(11)</b>
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LABORATORY TEST DATA	TEST PROCEDURE
LABORATORY EQUIPMENT <b>Rainhart "Mary Ann" Sifter 637</b>	<b>ASTM D6913</b>

ADDITIONAL DATA initial dry mass (g) = 165.02 as-received moisture content = 32.6% liquid limit = 36 plastic limit = 22 plasticity index = 14 fineness modulus = n/a	coefficient of curvature, $C_c$ = n/a coefficient of uniformity, $C_u$ = n/a effective size, $D_{(10)}$ = n/a $D_{(30)}$ = n/a $D_{(60)}$ = n/a	SIEVE DATA % gravel = 0.0% % sand = 20.1% % silt and clay = 79.9%
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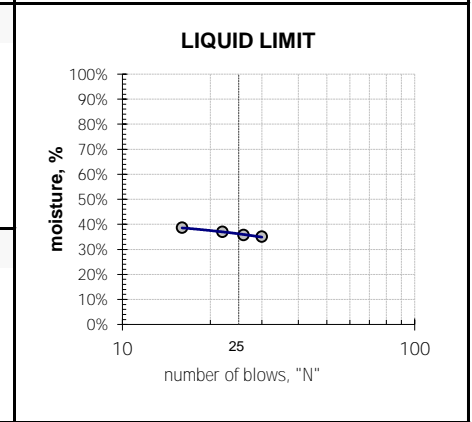
## ATTERBERG LIMITS REPORT

PROJECT <b>Minit Management Commercial Development</b> 2814 NW 319th Street Ridgefield, Washington	CLIENT <b>Minit Management, LLC</b> P.O. Box 5889 Vancouver, Washington 98668	PROJECT NO. <b>19210</b>	LAB ID <b>S19-816</b>
		REPORT DATE <b>08/26/19</b>	FIELD ID <b>SB2.9</b>
		DATE SAMPLED <b>08/13/19</b>	SAMPLED BY <b>JFM/CTB</b>

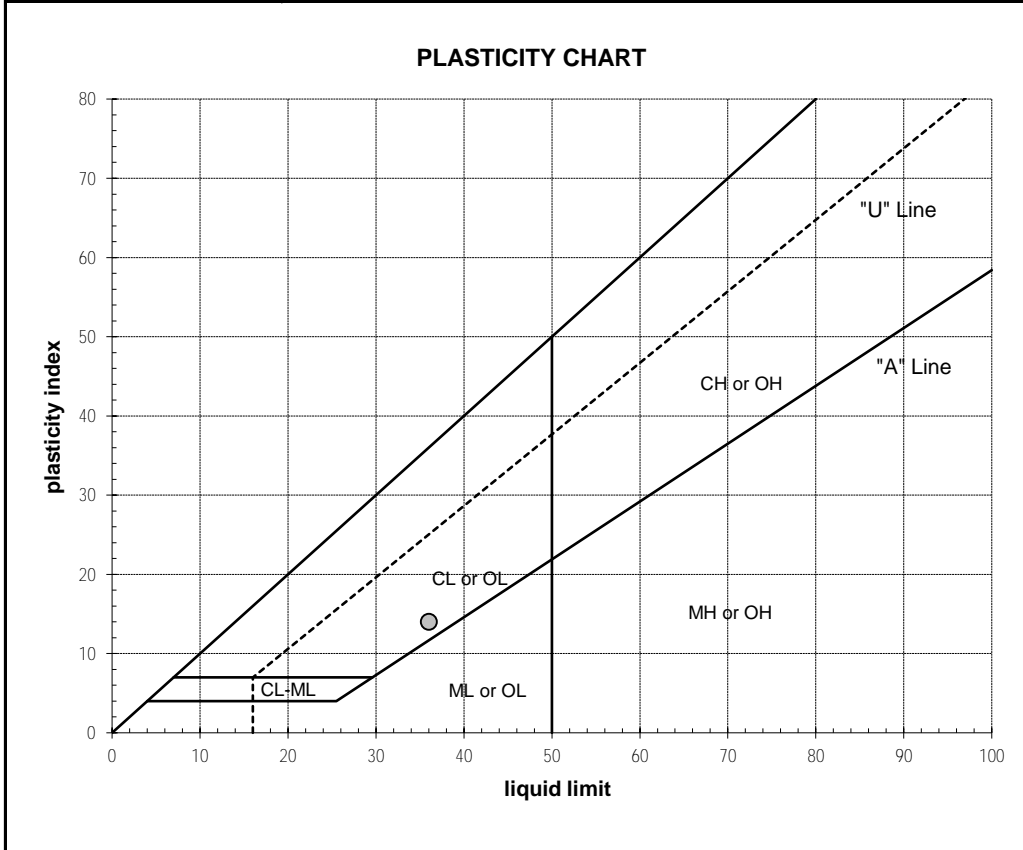
MATERIAL DATA	MATERIAL SOURCE <b>Soil Boring SB-02</b> depth = 35 feet	USCS SOIL TYPE <b>CL, Lean Clay with Sand</b>
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LABORATORY TEST DATA	TEST PROCEDURE <b>ASTM D4318</b>
LABORATORY EQUIPMENT <b>Liquid Limit Machine, Hand Rolled</b>	

ATTERBERG LIMITS  liquid limit = 36 plastic limit = 22 plasticity index = 14	LIQUID LIMIT DETERMINATION <table style="width: 100%; text-align: center;"> <thead> <tr> <th></th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> </tr> </thead> <tbody> <tr> <td>wet soil + pan weight, g =</td> <td>33.87</td> <td>33.52</td> <td>32.68</td> <td>33.47</td> </tr> <tr> <td>dry soil + pan weight, g =</td> <td>30.46</td> <td>30.16</td> <td>29.39</td> <td>29.95</td> </tr> <tr> <td>pan weight, g =</td> <td>20.73</td> <td>20.76</td> <td>20.48</td> <td>20.85</td> </tr> <tr> <td>N (blows) =</td> <td>30</td> <td>26</td> <td>22</td> <td>16</td> </tr> <tr> <td>moisture, % =</td> <td>35.1 %</td> <td>35.7 %</td> <td>36.9 %</td> <td>38.7 %</td> </tr> </tbody> </table>		1	2	3	4	wet soil + pan weight, g =	33.87	33.52	32.68	33.47	dry soil + pan weight, g =	30.46	30.16	29.39	29.95	pan weight, g =	20.73	20.76	20.48	20.85	N (blows) =	30	26	22	16	moisture, % =	35.1 %	35.7 %	36.9 %	38.7 %
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N (blows) =	30	26	22	16																											
moisture, % =	35.1 %	35.7 %	36.9 %	38.7 %																											



SHRINKAGE  shrinkage limit = n/a shrinkage ratio = n/a	PLASTIC LIMIT DETERMINATION <table style="width: 100%; text-align: center;"> <thead> <tr> <th></th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> </tr> </thead> <tbody> <tr> <td>wet soil + pan weight, g =</td> <td>27.64</td> <td>27.45</td> <td></td> <td></td> </tr> <tr> <td>dry soil + pan weight, g =</td> <td>26.40</td> <td>26.24</td> <td></td> <td></td> </tr> <tr> <td>pan weight, g =</td> <td>20.80</td> <td>20.60</td> <td></td> <td></td> </tr> <tr> <td>moisture, % =</td> <td>22.1 %</td> <td>21.5 %</td> <td></td> <td></td> </tr> </tbody> </table>		1	2	3	4	wet soil + pan weight, g =	27.64	27.45			dry soil + pan weight, g =	26.40	26.24			pan weight, g =	20.80	20.60			moisture, % =	22.1 %	21.5 %		
	1	2	3	4																						
wet soil + pan weight, g =	27.64	27.45																								
dry soil + pan weight, g =	26.40	26.24																								
pan weight, g =	20.80	20.60																								
moisture, % =	22.1 %	21.5 %																								



ADDITIONAL DATA	
% gravel =	0.0%
% sand =	20.1%
% silt and clay =	79.9%
% silt =	n/a
% clay =	n/a
moisture content =	32.6%

DATE TESTED <b>08/23/19</b>	TESTED BY <b>KMS</b>

**APPENDIX B**  
**TEST PIT AND SOIL BORING EXPLORATION LOGS**

# SOIL BORING LOG

PROJECT NAME <b>Minit Management Commercial Dev.</b>	CLIENT <b>Minit Management, LLC</b>	PROJECT NO. <b>19210</b>	BORING NO. <b>SB-1</b>
PROJECT LOCATION <b>Ridgefield, Washington</b>	DRILLING CONTRACTOR <b>Dan Fischer Excavating</b>	DRILL RIG <b>Trailer Mount</b>	TECHNICIAN <b>CTB</b>
BORING LOCATION <b>See Figure 2</b>	DRILLING METHOD <b>Solid Stem</b>	SAMPLING METHOD <b>SPT</b>	PAGE NO. <b>1 of 1</b>
REMARKS <b>none</b>	APPROX. SURFACE ELEVATION <b>252 ft amsl</b>	GROUNDWATER DEPTH ON 08-14-19 <b>See Text</b>	START DATE <b>08/14/19</b>
		FINISH DATE <b>08/14/19</b>	START TIME <b>0924</b>
			FINISH TIME <b>1200</b>

Depth (ft)	Elevation (ft amsl)	Field ID + Sample Type	SPT N-value (uncorrected) 0 10 20 30 40	USCS Soil Type	AASHTO Soil Type	Graphic Log	LITHOLOGIC DESCRIPTION AND REMARKS	Wet Density (PCF)	Moisture Content (%)	Passing No. 200 Sieve (%)	Liquid Limit	Plasticity Index
0	252						FILL. Dark gray to black gravel mixed with topsoil and asphalt grindings, moist, medium dense [Soil Type 1].					
5	247	SPT SB1.1	27									
		SPT SB1.2	23									
		SPT SB1.3	8									
10	242	SPT SB1.4	9				Brown, tan, and reddish-brown lean CLAY with sand, moist, stiff [Soil Type 2]. Interbedded silt lenses and layers throughout. Sand content decreases with depth.		22.8			
15	237	SPT SB1.5	11						30.0			
20	232	SPT SB1.6	6				Perched groundwater observed at 20 feet. Becomes wet and medium stiff.		36.0	86.7	42	21
25	227	SPT SB1.7	19				Becomes moist and very stiff at 25 feet.		27.7			
30	222	SPT SB1.8	34	CL	A-7-6(19)		Becomes hard at 30 feet.		30.8			
35	217	SPT SB1.9	10				Becomes stiff and very moist at 35 feet.		40.0			
40	212	SPT SB1.10	13						25.8			
45	207						Becomes very stiff at 50 feet.					
50	202	SPT	17				Soil boring terminated at 50 feet bgs. Perched groundwater observed at 20 feet.		35.4			

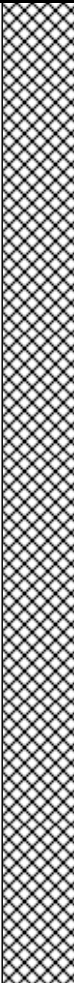

# SOIL BORING LOG

PROJECT NAME <b>Minit Management Commercial Dev.</b>	CLIENT <b>Minit Management, LLC</b>	PROJECT NO. <b>19210</b>	BORING NO. <b>SB-2</b>
PROJECT LOCATION <b>Ridgefield, Washington</b>	DRILLING CONTRACTOR <b>Dan Fischer Excavating</b>	DRILL RIG <b>Trailer Mount</b>	TECHNICIAN <b>CTB</b>
BORING LOCATION <b>See Figure 2</b>	DRILLING METHOD <b>Solid Stem</b>	SAMPLING METHOD <b>SPT</b>	PAGE NO. <b>1 of 1</b>
REMARKS <b>none</b>	APPROX. SURFACE ELEVATION <b>262 ft amsl</b>	GROUNDWATER DEPTH ON 08-14-19 <b>See Text</b>	START DATE <b>08/14/19</b>
		FINISH DATE <b>08/14/19</b>	START TIME <b>1205</b>
			FINISH TIME <b>1430</b>

Depth (ft)	Elevation (ft amsl)	Field ID + Sample Type	SPT N-value (uncorrected) 0 10 20 30 40	USCS Soil Type	AASHTO Soil Type	Graphic Log	LITHOLOGIC DESCRIPTION AND REMARKS	Wet Density (PCF)	Moisture Content (%)	Passing No. 200 Sieve (%)	Liquid Limit	Plasticity Index
0							Approximately 8 to 10 inches of topsoil and grass.					
2.5		SPT SB2.1	24				Brown, tan, and reddish-brown lean CLAY with sand, moist to very moist, very stiff [Soil Type 2].					
5		SPT SB2.2	20				Interbedded silt lenses and layers throughout.		25.0			
7.5		SPT SB2.3	8				Becomes medium stiff to stiff at 7.5 feet.		29.8			
10	252	SPT SB2.4	9				Sand content decreases with depth.		26.2			
15	247	SPT SB2.5	31				Becomes hard at 15 feet.		24.7			
20	242	SPT SB2.6	35						23.9			
25	237	SPT SB2.7	18	CL	A-6(11)		Becomes very stiff at 25 feet.		29.3			
30	232	SPT SB2.8	17				Perched groundwater layer observed at 30 feet.		31.7			
35	227	SPT SB2.9	11				Becomes stiff at 35 feet.		32.6	79.9	36	14
40	222	SPT SB2.10	15				Becomes stiff to very stiff at 40 feet.		38.3			
45	217	SPT SB2.11	16						32.9			
50	212	SPT	16				Soil boring terminated at 50 feet bgs. Perched groundwater observed at 30 feet.		37.0			

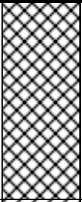

# TEST PIT LOG

PROJECT NAME Minit Management Commercial Development		CLIENT Minit Management, LLC		PROJECT NO. 19210	TEST PIT NO. TP-1
PROJECT LOCATION Ridgefield, Washington		CONTRACTOR L&S	EQUIPMENT Excavator	TECHNICIAN HDG	DATE 08/13/19
TEST PIT LOCATION See Figure 2		APPROX. SURFACE ELEVATION 254 feet amsl	GROUNDWATER DEPTH Not Observed	START TIME 0805	FINISH TIME 0835

Depth (feet)	Sample Field ID	SCS Soil Survey Description	AASHTO Soil Type	USCS Soil Type	Graphic Log	LITHOLOGIC DESCRIPTION AND REMARKS	Moisture Content (%)	Passing No. 200 Sieve (%)	Liquid Limit	Plasticity Index	Infiltration Testing
0						FILL. Dark gray to black gravel mixed with topsoil and asphalt grindings [Soil Type 1].					
5						Heavy organics from 8 to 10 feet.					
10	TP1.1		A-6(11)	CL		Brown lean CLAY with sand, moist, medium stiff [Soil Type 2].	23.4	79.6	34	15	
15						Bottom of test pit at 13 feet bgs. Groundwater not observed.					

# TEST PIT LOG

PROJECT NAME Minit Management Commercial Development		CLIENT Minit Management, LLC		PROJECT NO. 19210	TEST PIT NO. TP-2
PROJECT LOCATION Ridgefield, Washington		CONTRACTOR L&S	EQUIPMENT Excavator	TECHNICIAN HDG	DATE 08/13/19
TEST PIT LOCATION See Figure 2		APPROX. SURFACE ELEVATION 257 feet amsl	GROUNDWATER DEPTH Not Observed	START TIME 0845	FINISH TIME 0910

Depth (feet)	Sample Field ID	SCS Soil Survey Description	AASHTO Soil Type	USCS Soil Type	Graphic Log	LITHOLOGIC DESCRIPTION AND REMARKS	Moisture Content (%)	Passing No. 200 Sieve (%)	Liquid Limit	Plasticity Index	Infiltration Testing
0						FILL. Concrete chunks mixed with native lean clay with sand [Soil Type 1].					
		Gee Silt Loam	A-6	CL		Brown lean CLAY with sand, moist, medium stiff [Soil Type 2].					
5						Organic odor throughout soil.					
10											
15						Bottom of test pit at 14 feet bgs. Groundwater not observed.					


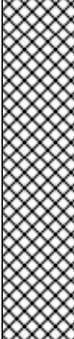







# TEST PIT LOG

PROJECT NAME Minit Management Commercial Development		CLIENT Minit Management, LLC		PROJECT NO. 19210	TEST PIT NO. TP-5
PROJECT LOCATION Ridgefield, Washington		CONTRACTOR L&S	EQUIPMENT Excavator	TECHNICIAN HDG	DATE 08/13/19
TEST PIT LOCATION See Figure 2		APPROX. SURFACE ELEVATION 264 feet amsl	GROUNDWATER DEPTH Not Observed	START TIME 0920	FINISH TIME 0950

Depth (feet)	Sample Field ID	SCS Soil Survey Description	AASHTO Soil Type	USCS Soil Type	Graphic Log	LITHOLOGIC DESCRIPTION AND REMARKS	Moisture Content (%)	Passing No. 200 Sieve (%)	Liquid Limit	Plasticity Index	Infiltration Testing
0						Approximately 4 to 6 inches of topsoil and grass.					
						FILL. Brown to gray subrounded to rounded gravel, moist, medium dense [Soil Type 1].					
5		Gee Silt Loam	A-6	CL		Brown to dark gray lean CLAY with sand, moist, medium stiff [Soil Type 2].					
10						Organic odor, sticks, and roots from 8.5 to 13 feet.					
15						Bottom of test pit at 13 feet bgs. Groundwater not observed.					

**APPENDIX C**  
**CPT RESULTS REPORT**

# PRESENTATION OF SITE INVESTIGATION RESULTS

## Minit Management Commercial Development

*Prepared for:*

Columbia West Engineering

ConeTec Job No: 19-59031

Project Start Date: 09-AUG-2019

Project End Date: 09-AUG-2019

Report Date: 19-AUG-2019



*Prepared by:*

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[www.conetecdataservices.com](http://www.conetecdataservices.com)



Introduction

The enclosed report presents the results of the site investigation program conducted by ConeTec Inc. for Columbia West Engineering at 2814 NW 319<sup>th</sup> Street, Ridgefield, WA 98642. The program consisted of cone penetration tests (CPT) and seismic cone penetration tests (SCPT).

Project Information

Project	
Client	Columbia West Engineering
Project	Minit Management Commercial Development
ConeTec project number	19-59031

A map from Google Earth including the CPT test locations is presented below.



Rig Description	Deployment System	Test Type
C20 – 25Ton Truck Rig	Integrated Ramset	SCPT/CPT



Coordinates		
Test Type	Collection Method	EPSG Number
SCPT/CPT	Consumer Grade GPS	4326

Cone Penetration Test (CPT)	
Depth reference	Depths are referenced to the existing ground surface at the time of each test.
Tip and sleeve data offset	0.1 meter This has been accounted for in the CPT data files.
Additional plots	Advanced plots with $I_c$ , $S_u(N_{kt})$ , $\Phi$ and $N(60)I_c$ , Seismic $V_s$ plots as well as Soil Behavior Type (SBT) Scatter plots have been included in the data release package.

Cone Penetrometers Used for this Project						
Cone Description	Cone Number	Cross Sectional Area (cm <sup>2</sup> )	Sleeve Area (cm <sup>2</sup> )	Tip Capacity (bar)	Sleeve Capacity (bar)	Pore Pressure Capacity (psi)
595:T1500F15U500	595	15	225	1500	15	500
Cone 595 was used for all CPT soundings						

Interpretation Tables	
Additional information	<p>The Normalized Soil Behavior Type Chart based on <math>Q_{tn}</math> (SBT <math>Q_{tn}</math>) (Robertson 2009) was used to classify the soil for this project. A detailed set of calculated CPT interpretations have been generated and are provided in Excel format files in the release folder. The CPT parameter calculations are based on values of corrected tip (<math>q_t</math>), sleeve friction (<math>f_s</math>) and pore pressure (<math>u_2</math>) at each data point.</p> <p>Effective stresses are calculated based on unit weights that have been assigned to the individual soil behavior type zones and the assumed equilibrium pore pressure profile.</p> <p>Soils were classified as either drained or undrained based on the <math>Q_{tn}</math> Normalized Soil Behavior Type Chart (Robertson 2009). Calculations for both drained and undrained parameters have been included for materials that classified as silts mixtures (zone 4).</p>



## Limitations

This report has been prepared for the exclusive use of Columbia West Engineering (Client) for the project titled "Minit Management Commercial Development". The report's contents may not be relied upon by any other party without the express written permission of ConeTec Inc. (ConeTec). ConeTec has provided site investigation services, prepared the factual data reporting, and provided geotechnical parameter calculations consistent with current best practices. No other warranty, expressed or implied, is made.

The information presented in the report document and the accompanying data set pertain to the specific project, site conditions and objectives described to ConeTec by the Client. In order to properly understand the factual data, assumptions and calculations, reference must be made to the documents provided and their accompanying data sets, in their entirety.



The cone penetration tests (CPTu) are conducted using an integrated electronic piezocone penetrometer and data acquisition system manufactured by Adara Systems Ltd. of Richmond, British Columbia, Canada.

ConeTec's piezocone penetrometers are compression type designs in which the tip and friction sleeve load cells are independent and have separate load capacities. The piezocones use strain gauged load cells for tip and sleeve friction and a strain gauged diaphragm type transducer for recording pore pressure. The piezocones also have a platinum resistive temperature device (RTD) for monitoring the temperature of the sensors, an accelerometer type dual axis inclinometer and a geophone sensor for recording seismic signals. All signals are amplified down hole within the cone body and the analog signals are sent to the surface through a shielded cable.

ConeTec penetrometers are manufactured with various tip, friction and pore pressure capacities in both 10 cm<sup>2</sup> and 15 cm<sup>2</sup> tip base area configurations in order to maximize signal resolution for various soil conditions. The specific piezocone used for each test is described in the CPT summary table presented in the first Appendix. The 15 cm<sup>2</sup> penetrometers do not require friction reducers as they have a diameter larger than the deployment rods. The 10 cm<sup>2</sup> piezocones use a friction reducer consisting of a rod adapter extension behind the main cone body with an enlarged cross sectional area (typically 44 mm diameter over a length of 32 mm with tapered leading and trailing edges) located at a distance of 585 mm above the cone tip.

The penetrometers are designed with equal end area friction sleeves, a net end area ratio of 0.8 and cone tips with a 60 degree apex angle.

All ConeTec piezocones can record pore pressure at various locations. Unless otherwise noted, the pore pressure filter is located directly behind the cone tip in the "u<sub>2</sub>" position (ASTM Type 2). The filter is 6 mm thick, made of porous plastic (polyethylene) having an average pore size of 125 microns (90-160 microns). The function of the filter is to allow rapid movements of extremely small volumes of water needed to activate the pressure transducer while preventing soil ingress or blockage.

The piezocone penetrometers are manufactured with dimensions, tolerances and sensor characteristics that are in general accordance with the current ASTM D5778 standard. ConeTec's calibration criteria also meet or exceed those of the current ASTM D5778 standard. An illustration of the piezocone penetrometer is presented in Figure CPTu.





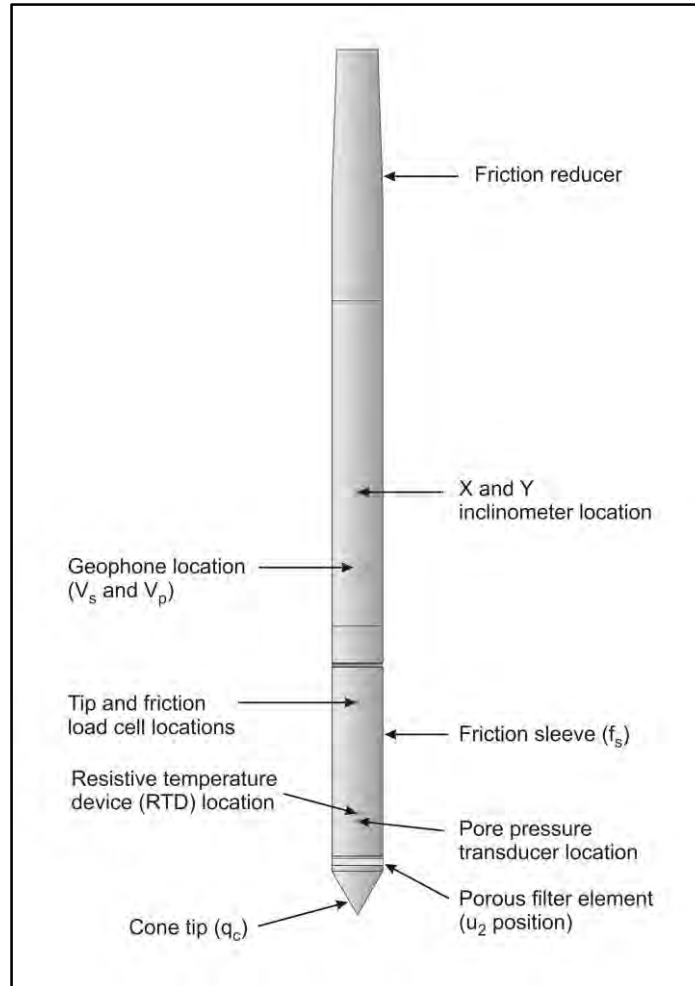


Figure CPTu. Piezocone Penetrometer (15 cm<sup>2</sup>)

The ConeTec data acquisition systems consist of a Windows based computer and a signal conditioner and power supply interface box with a 16 bit (or greater) analog to digital (A/D) converter. The data is recorded at fixed depth increments using a depth wheel attached to the push cylinders or by using a spring loaded rubber depth wheel that is held against the cone rods. The typical recording intervals are either 2.5 cm or 5.0 cm depending on project requirements; custom recording intervals are possible. The system displays the CPTu data in real time and records the following parameters to a storage media during penetration:

- Depth
- Uncorrected tip resistance ( $q_c$ )
- Sleeve friction ( $f_s$ )
- Dynamic pore pressure ( $u$ )
- Additional sensors such as resistivity, passive gamma, ultra violet induced fluorescence, if applicable

All testing is performed in accordance to ConeTec's CPT operating procedures which are in general accordance with the current ASTM D5778 standard.

Prior to the start of a CPTu sounding a suitable cone is selected, the cone and data acquisition system are powered on, the pore pressure system is saturated with either glycerin or silicone oil and the baseline readings are recorded with the cone hanging freely in a vertical position.

The CPTu is conducted at a steady rate of 2 cm/s, within acceptable tolerances. Typically one meter length rods with an outer diameter of 1.5 inches are added to advance the cone to the sounding termination depth. After cone retraction final baselines are recorded.

Additional information pertaining to ConeTec's cone penetration testing procedures:

- Each filter is saturated in silicone oil or glycerin under vacuum pressure prior to use
- Recorded baselines are checked with an independent multi-meter
- Baseline readings are compared to previous readings
- Soundings are terminated at the client's target depth or at a depth where an obstruction is encountered, excessive rod flex occurs, excessive inclination occurs, equipment damage is likely to take place, or a dangerous working environment arises
- Differences between initial and final baselines are calculated to ensure zero load offsets have not occurred and to ensure compliance with ASTM standards

The interpretation of piezocone data for this report is based on the corrected tip resistance ( $q_t$ ), sleeve friction ( $f_s$ ) and pore water pressure ( $u$ ). The interpretation of soil type is based on the correlations developed by Robertson (1990) and Robertson (2009). It should be noted that it is not always possible to accurately identify a soil type based on these parameters. In these situations, experience, judgment and an assessment of other parameters may be used to infer soil behavior type.

The recorded tip resistance ( $q_c$ ) is the total force acting on the piezocone tip divided by its base area. The tip resistance is corrected for pore pressure effects and termed corrected tip resistance ( $q_t$ ) according to the following expression presented in Robertson et al, 1986:

$$q_t = q_c + (1-a) \cdot u_2$$

where:  $q_t$  is the corrected tip resistance

$q_c$  is the recorded tip resistance

$u_2$  is the recorded dynamic pore pressure behind the tip ( $u_2$  position)

$a$  is the Net Area Ratio for the piezocone (0.8 for ConeTec probes)

The sleeve friction ( $f_s$ ) is the frictional force on the sleeve divided by its surface area. As all ConeTec piezocones have equal end area friction sleeves, pore pressure corrections to the sleeve data are not required.

The dynamic pore pressure ( $u$ ) is a measure of the pore pressures generated during cone penetration. To record equilibrium pore pressure, the penetration must be stopped to allow the dynamic pore pressures to stabilize. The rate at which this occurs is predominantly a function of the permeability of the soil and the diameter of the cone.

The friction ratio ( $R_f$ ) is a calculated parameter. It is defined as the ratio of sleeve friction to the tip resistance expressed as a percentage. Generally, saturated cohesive soils have low tip resistance, high



friction ratios and generate large excess pore water pressures. Cohesionless soils have higher tip resistances, lower friction ratios and do not generate significant excess pore water pressure.

A summary of the CPTu soundings along with test details and individual plots are provided in the appendices. A set of interpretation files were generated for each sounding based on published correlations and are provided in Excel format in the data release folder. Information regarding the interpretation methods used is also included in the data release folder.

For additional information on CPTu interpretations, refer to Robertson et al. (1986), Lunne et al. (1997), Robertson (2009), Mayne (2013, 2014) and Mayne and Peuchen (2012).

Shear wave velocity testing is performed in conjunction with the piezocone penetration test (SCPTu) in order to collect interval velocities. For some projects seismic compression wave ( $V_p$ ) velocity is also determined.

ConeTec's piezocone penetrometers are manufactured with a horizontally active geophone (28 hertz) that is rigidly mounted in the body of the cone penetrometer, 0.2 meters behind the cone tip.

Shear waves are typically generated by using an impact hammer horizontally striking a beam that is held in place by a normal load. In some instances an auger source or an imbedded impulsive source maybe used for both shear waves and compression waves. The hammer and beam act as a contact trigger that triggers the recording of the seismic wave traces. For impulsive devices an accelerometer trigger may be used. The traces are recorded using an up-hole integrated digital oscilloscope which is part of the SCPTu data acquisition system. An illustration of the shear wave testing configuration is presented in Figure SCPTu-1.

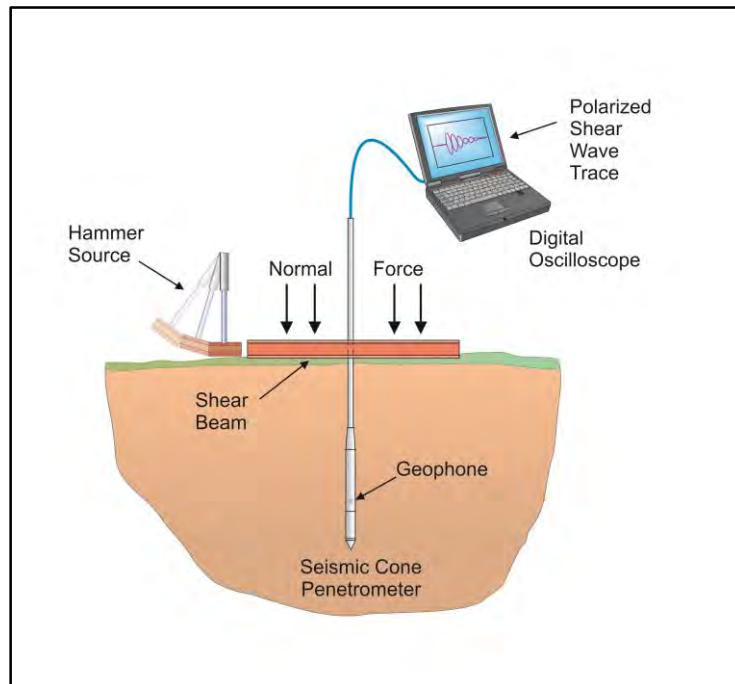


Figure SCPTu-1. Illustration of the SCPTu system

All testing is performed in accordance to ConeTec's SCPTu operating procedures.

Prior to the start of a SCPTu sounding, the procedures described in the Cone Penetration Test section are followed. In addition, the active axis of the geophone is aligned parallel to the beam (or source) and the horizontal offset between the cone and the source is measured and recorded.

Prior to recording seismic waves at each test depth, cone penetration is stopped and the rods are decoupled from the rig to avoid transmission of rig energy down the rods. Multiple wave traces are recorded for quality control purposes. After reviewing wave traces for consistency the cone is pushed to the next test depth (typically one meter intervals or as requested by the client). Figure SCPTu-2 presents an illustration of a SCPTu test.

For additional information on seismic cone penetration testing refer to Robertson et.al. (1986).

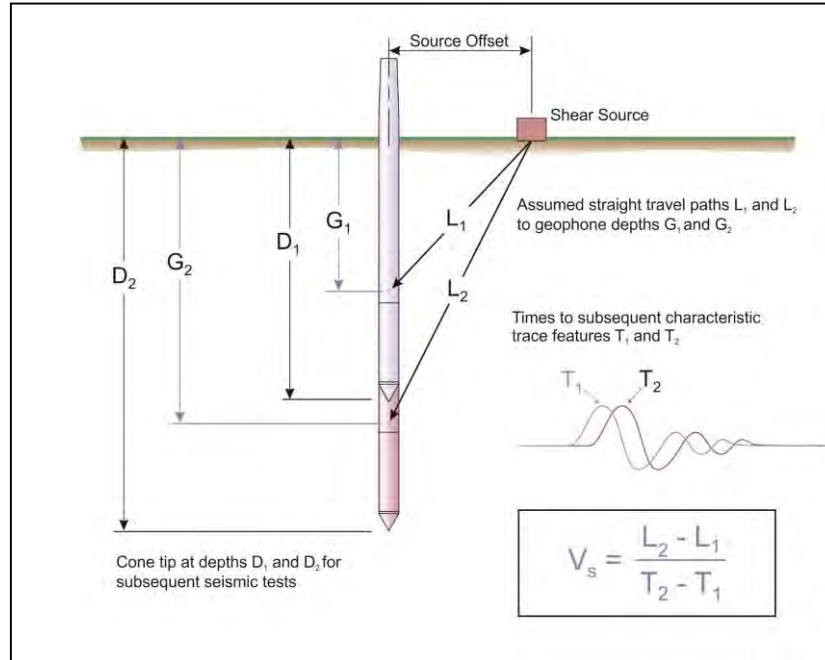


Figure SCPTu-2. Illustration of a seismic cone penetration test

Calculation of the interval velocities are performed by visually picking a common feature (e.g. the first characteristic peak, trough, or crossover) on all of the recorded wave sets and taking the difference in ray path divided by the time difference between subsequent features. Ray path is defined as the straight line distance from the seismic source to the geophone, accounting for beam offset, source depth and geophone offset from the cone tip.

The average shear wave velocity to a depth of 100 feet (30 meters) ( $\bar{v}_s$ ) has been calculated and provided for all applicable soundings using the following equation presented in ASCE, 2010.

$$\bar{v}_s = \frac{\sum_{i=1}^n d_i}{\sum_{i=1}^n \frac{d_i}{v_{si}}}$$

where:  $\bar{v}_s$  = average shear wave velocity ft/s (m/s)  
 $d_i$  = the thickness of any layer between 0 and 100 ft (30 m)  
 $v_{si}$  = the shear wave velocity in ft/s (m/s)  
 $\sum_{i=1}^n d_i = 100 \text{ ft (30 m)}$

Average shear wave velocity,  $\bar{v}_s$  is also referenced to  $V_{s100}$  or  $V_{s30}$ .

The layer travel times refers to the travel times propagating in the vertical direction, not the measured travel times from an offset source.

Tabular results and SCPTu plots are presented in the relevant appendix.

The cone penetration test is halted at specific depths to carry out pore pressure dissipation (PPD) tests, shown in Figure PPD-1. For each dissipation test the cone and rods are decoupled from the rig and the data acquisition system measures and records the variation of the pore pressure ( $u$ ) with time ( $t$ ).

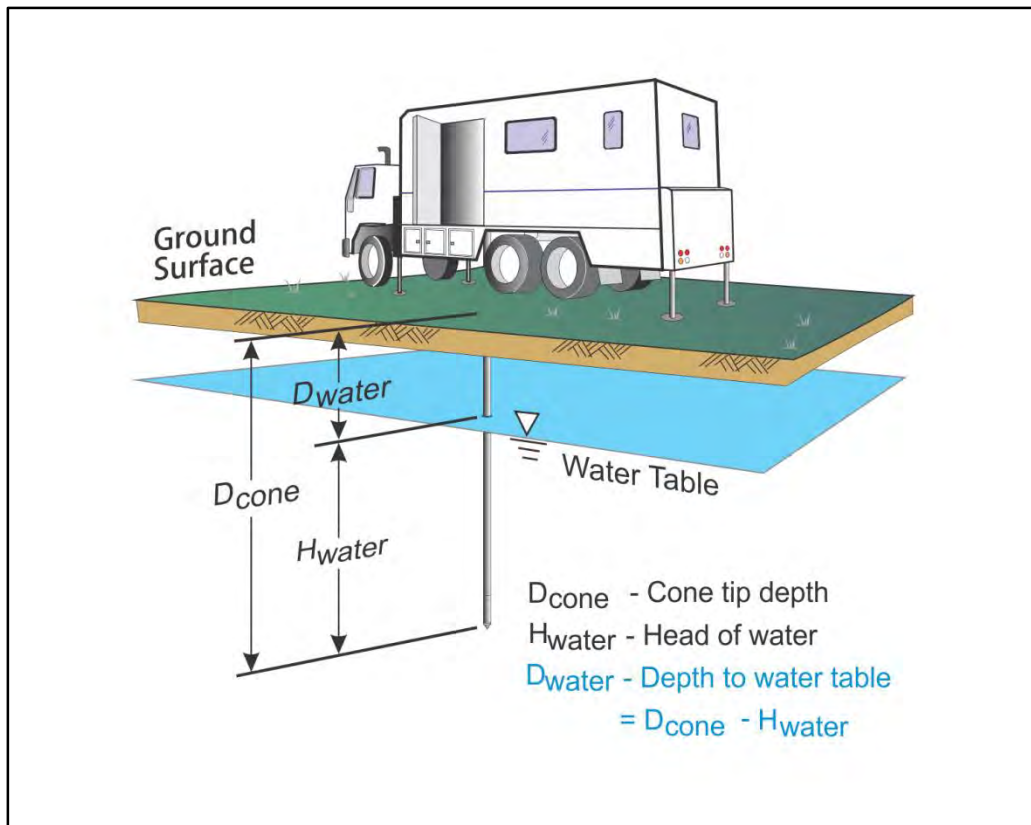


Figure PPD-1. Pore pressure dissipation test setup

Pore pressure dissipation data can be interpreted to provide estimates of ground water conditions, permeability, consolidation characteristics and soil behavior.

The typical shapes of dissipation curves shown in Figure PPD-2 are very useful in assessing soil type, drainage, in situ pore pressure and soil properties. A flat curve that stabilizes quickly is typical of a freely draining sand. Undrained soils such as clays will typically show positive excess pore pressure and have long dissipation times. Dilative soils will often exhibit dynamic pore pressures below equilibrium that then rise over time. Overconsolidated fine-grained soils will often exhibit an initial dilatatory response where there is an initial rise in pore pressure before reaching a peak and dissipating.

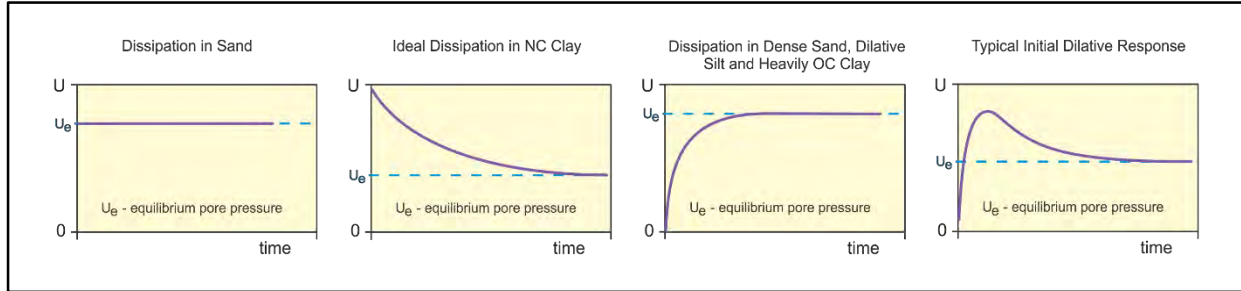


Figure PPD-2. Pore pressure dissipation curve examples

In order to interpret the equilibrium pore pressure ( $u_{eq}$ ) and the apparent phreatic surface, the pore pressure should be monitored until such time as there is no variation in pore pressure with time as shown for each curve of Figure PPD-2.

In fine grained deposits the point at which 100% of the excess pore pressure has dissipated is known as  $t_{100}$ . In some cases this can take an excessive amount of time and it may be impractical to take the dissipation to  $t_{100}$ . A theoretical analysis of pore pressure dissipations by Teh and Houlsby (1991) showed that a single curve relating degree of dissipation versus theoretical time factor ( $T^*$ ) may be used to calculate the coefficient of consolidation ( $c_h$ ) at various degrees of dissipation resulting in the expression for  $c_h$  shown below.

$$c_h = \frac{T^* \cdot a^2 \cdot \sqrt{I_r}}{t}$$

Where:

- $T^*$  is the dimensionless time factor (Table Time Factor)
- $a$  is the radius of the cone
- $I_r$  is the rigidity index
- $t$  is the time at the degree of consolidation

Table Time Factor.  $T^*$  versus degree of dissipation (Teh and Houlsby, 1991)

Degree of Dissipation (%)	20	30	40	50	60	70	80
$T^* (u_2)$	0.038	0.078	0.142	0.245	0.439	0.804	1.60

The coefficient of consolidation is typically analyzed using the time ( $t_{50}$ ) corresponding to a degree of dissipation of 50% ( $u_{50}$ ). In order to determine  $t_{50}$ , dissipation tests must be taken to a pressure less than  $u_{50}$ . The  $u_{50}$  value is half way between the initial maximum pore pressure and the equilibrium pore pressure value, known as  $u_{100}$ . To estimate  $u_{50}$ , both the initial maximum pore pressure and  $u_{100}$  must be known or estimated. Other degrees of dissipations may be considered, particularly for extremely long dissipations.

At any specific degree of dissipation the equilibrium pore pressure ( $u$  at  $t_{100}$ ) must be estimated at the depth of interest. The equilibrium value may be determined from one or more sources such as measuring the value directly ( $u_{100}$ ), estimating it from other dissipations in the same profile, estimating the phreatic surface and assuming hydrostatic conditions, from nearby soundings, from client provided information, from site observations and/or past experience, or from other site instrumentation.

For calculations of  $c_h$  (Teh and Houlsby, 1991),  $t_{50}$  values are estimated from the corresponding pore pressure dissipation curve and a rigidity index ( $I_r$ ) is assumed. For curves having an initial dilatatory response in which an initial rise in pore pressure occurs before reaching a peak, the relative time from the peak value is used in determining  $t_{50}$ . In cases where the time to peak is excessive,  $t_{50}$  values are not calculated.

Due to possible inherent uncertainties in estimating  $I_r$ , the equilibrium pore pressure and the effect of an initial dilatatory response on calculating  $t_{50}$ , other methods should be applied to confirm the results for  $c_h$ .

Additional published methods for estimating the coefficient of consolidation from a piezocone test are described in Burns and Mayne (1998, 2002), Jones and Van Zyl (1981), Robertson et al. (1992) and Sully et al. (1999).

A summary of the pore pressure dissipation tests and dissipation plots are presented in the relevant appendix.



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## REFERENCES

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Teh, C.I., and Houlsby, G.T., 1991, "An analytical study of the cone penetration test in clay", *Geotechnique*, 41(1): 17-34.

The appendices listed below are included in the report:

- Cone Penetration Test Summary and Standard Cone Penetration Test Plots
- Cone Penetration Test Advanced Plots
- Seismic Cone Penetration Test Plots
- Seismic Cone Penetration Test Tabular Results
- Seismic Cone Penetration Test Wave Traces
- Cone Penetration Test Soil Behavior Type Scatter Plots
- Pore Pressure Dissipation Summary and Pore Pressure Dissipation Plots

Cone Penetration Test Summary and  
Standard Cone Penetration Test Plots



Job No: 19-59031  
Client: Columbia West Engineering  
Project: Minit Management Commercial Development  
Start Date: 09-Aug-2019  
End Date: 09-Aug-2019

### **CONE PENETRATION TEST SUMMARY**

Sounding ID	File Name	Date	Cone	Assumed Phreatic Surface (ft)	Final Depth (ft)	Latitude <sup>2</sup> (Deg)	Longitude <sup>2</sup> (Deg)
SCPT19-01	19-59031_SP01	09-Aug-2019	595:T1500F15U500		62.3	45.85370	-122.70083
CPT19-02	19-59031_CP02	09-Aug-2019	595:T1500F15U500		62.3	45.85257	-122.70112
Totals	2 soundings				124.7		

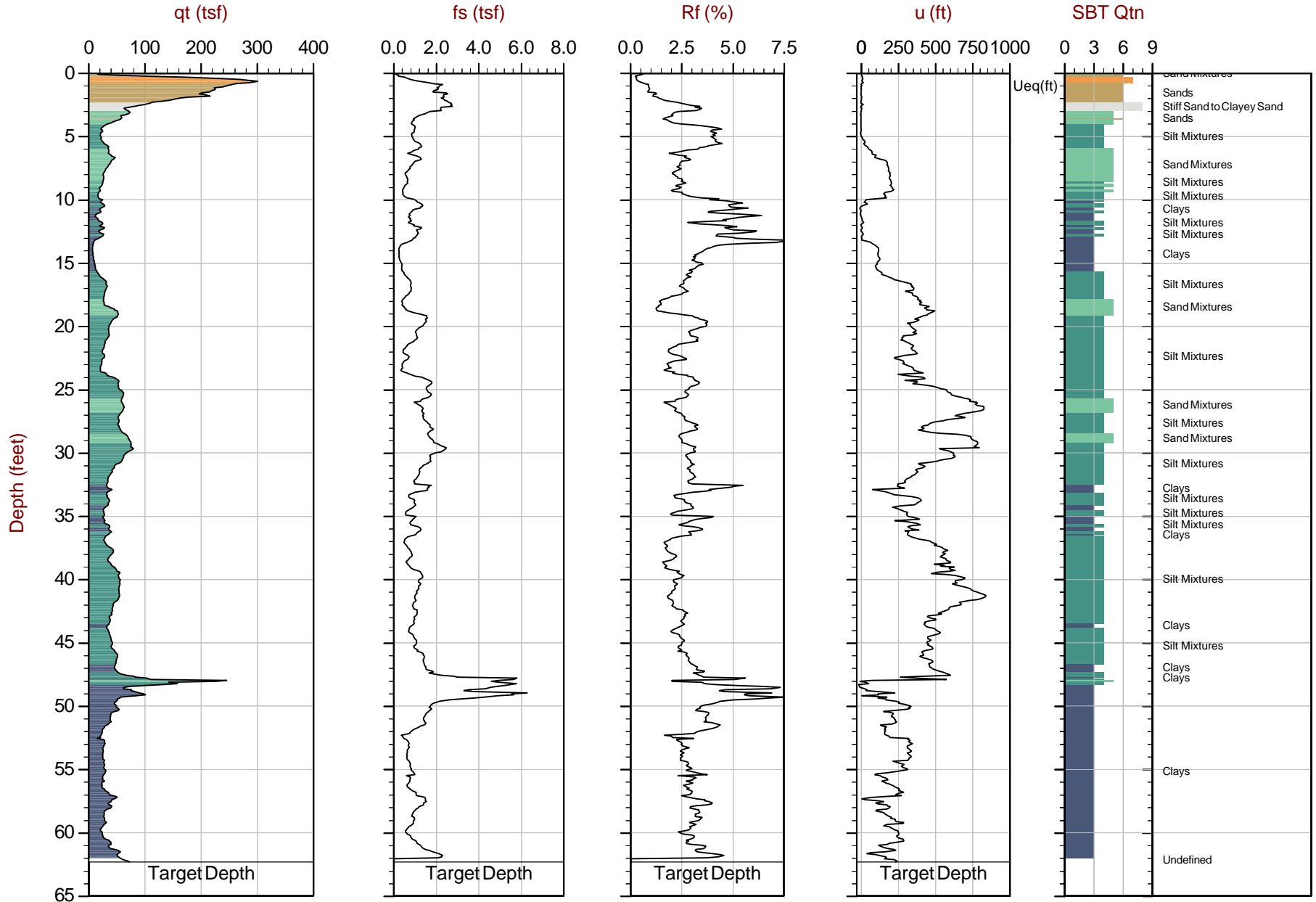
1. Phreatic surface assumed to be below final testing depth
2. Coordinates were collected using a handheld GPS - WGS 84 Lat/Long



# Columbia West Eng.

Job No: 19-59031  
Date: 2019-08-09 10:54  
Site: Minit Management

Sounding: SCPT19-01  
Cone: 595:T1500F15U500



Max Depth: 19.000 m / 62.34 ft  
Depth Inc: 0.025 m / 0.082 ft  
Avg Int: Every Point

File: 19-59031\_SP01.COR  
Unit Wt: SBTQtn(PKR2009)

SBT: Robertson, 2009 and 2010  
Coords: Lat: 45.85370 Long: -122.70083

△ Dissipation with estimated Ueq value    ▲ Dissipation, equilibrium not achieved    ● Equilibrium Pore Pressure (Ueq)    — Hydrostatic Line

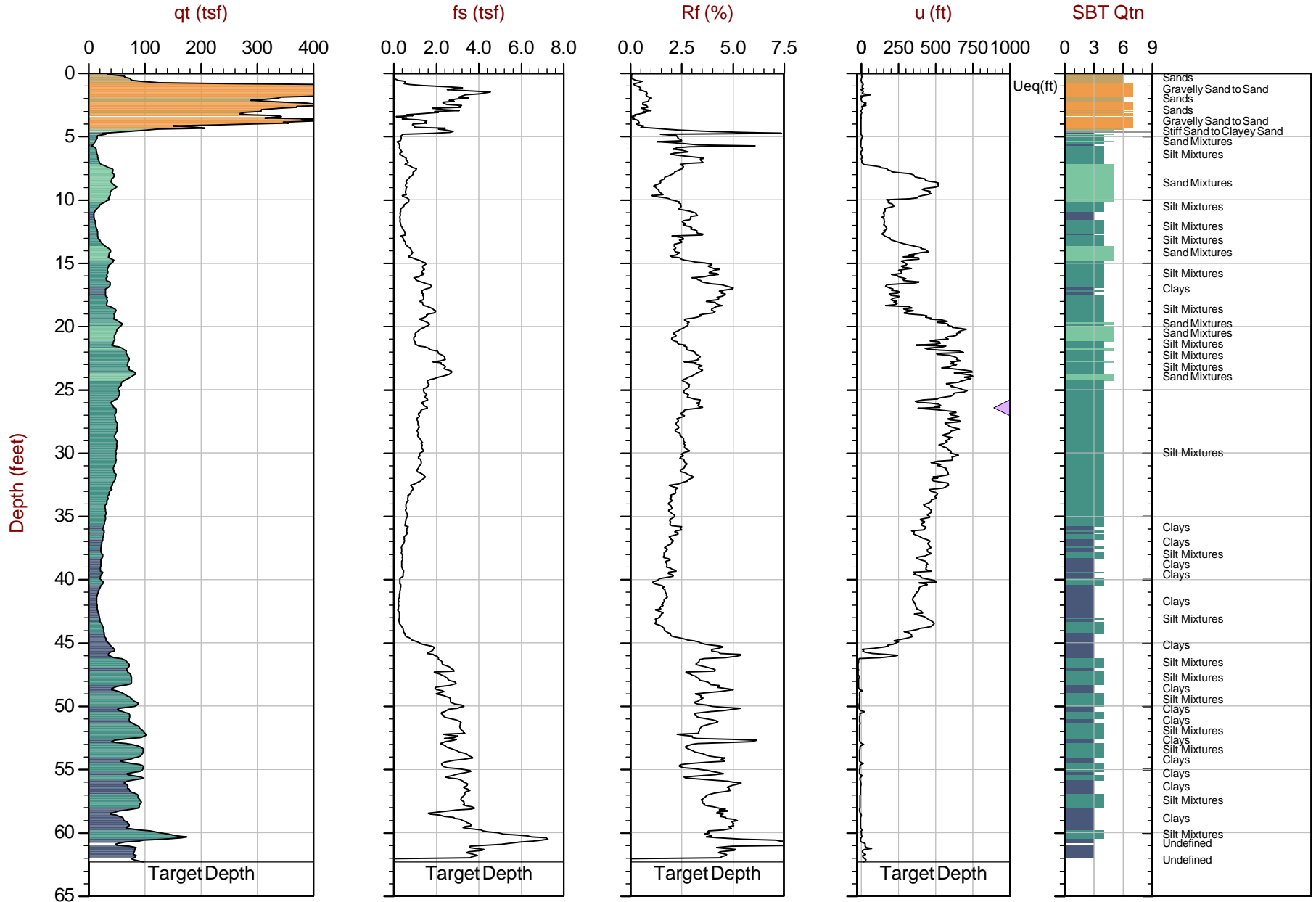
The reported coordinates were acquired from hand-held GPS equipment and are only approximate locations. The coordinates should not be used for design purposes.



# Columbia West Eng.

Job No: 19-59031  
Date: 2019-08-09 12:50  
Site: Minit Management

Sounding: CPT19-02  
Cone: 595:T1500F15U500



Max Depth: 19.000 m / 62.34 ft  
Depth Inc: 0.025 m / 0.082 ft  
Avg Int: Every Point

File: 19-59031\_CP02.COR  
Unit Wt: SBTQtn(PKR2009)

SBT: Robertson, 2009 and 2010  
Coords: Lat: 45.85257 Long: -122.70112

△ Dissipation with estimated Ueq value    ▲ Dissipation, equilibrium not achieved    ● Equilibrium Pore Pressure (Ueq)    — Hydrostatic Line

The reported coordinates were acquired from hand-held GPS equipment and are only approximate locations. The coordinates should not be used for design purposes.

## Cone Penetration Test Advanced Plots



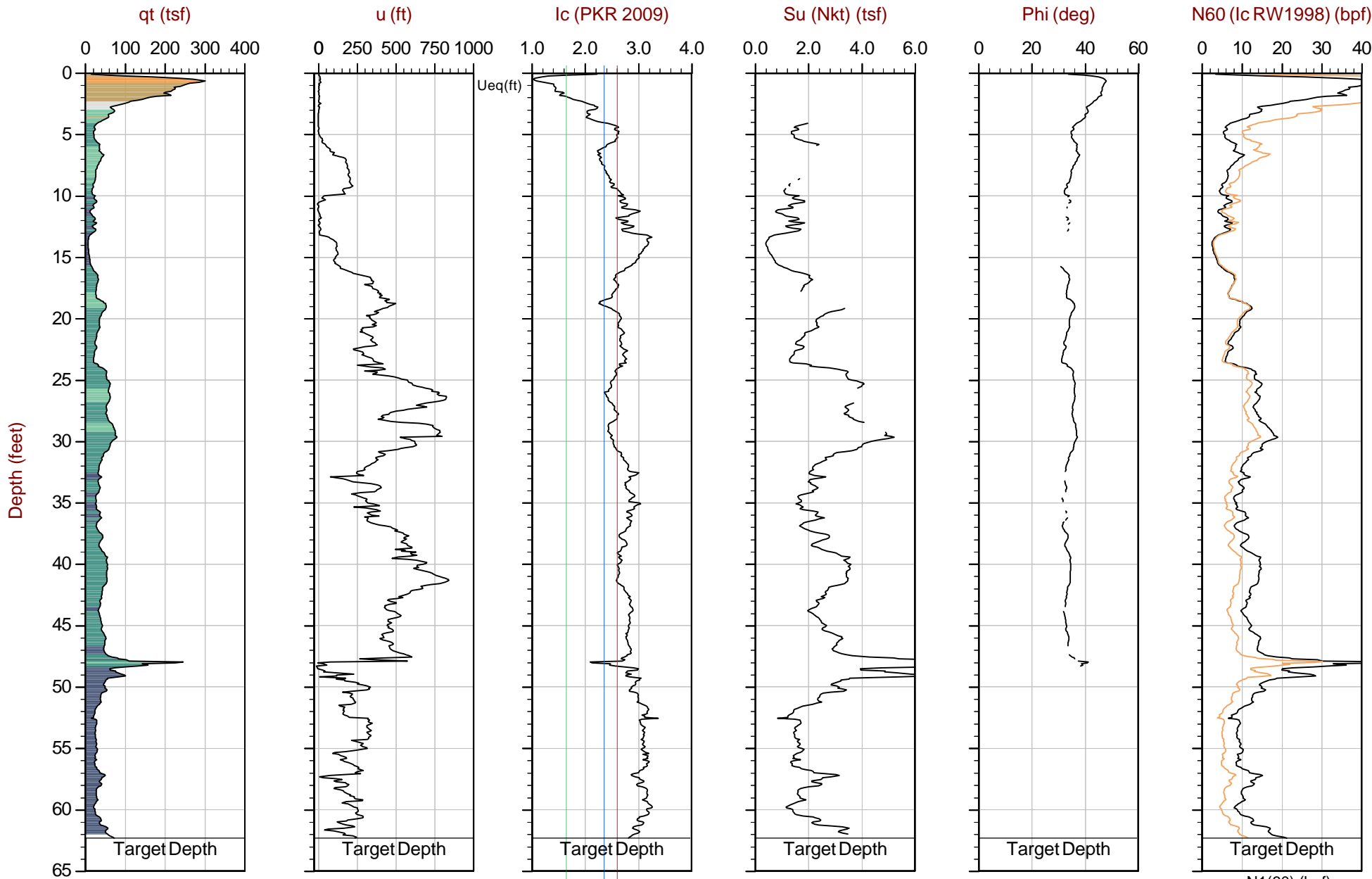




# Columbia West Eng.

Job No: 19-59031  
Date: 2019-08-09 10:54  
Site: Minit Managemen

Sounding: SCPT19-01  
Cone: 595:T1500F15U500



Max Depth: 19.000 m / 62.34 ft  
Depth Inc: 0.025 m / 0.082 ft  
Avg Int: Every Point

File: 19-59031\_SP01.COR  
Unit Wt: SBTQtn(PKR2009)  
Su Nkt: 15.0

SBT: Robertson, 2009 and 2010  
Coords: Lat: 45.85370 Long: -122.70083

△ Dissipation with estimated Ueq value    ▲ Dissipation, equilibrium not achieved    ● Equilibrium Pore Pressure (Ueq)    — Hydrostatic Line

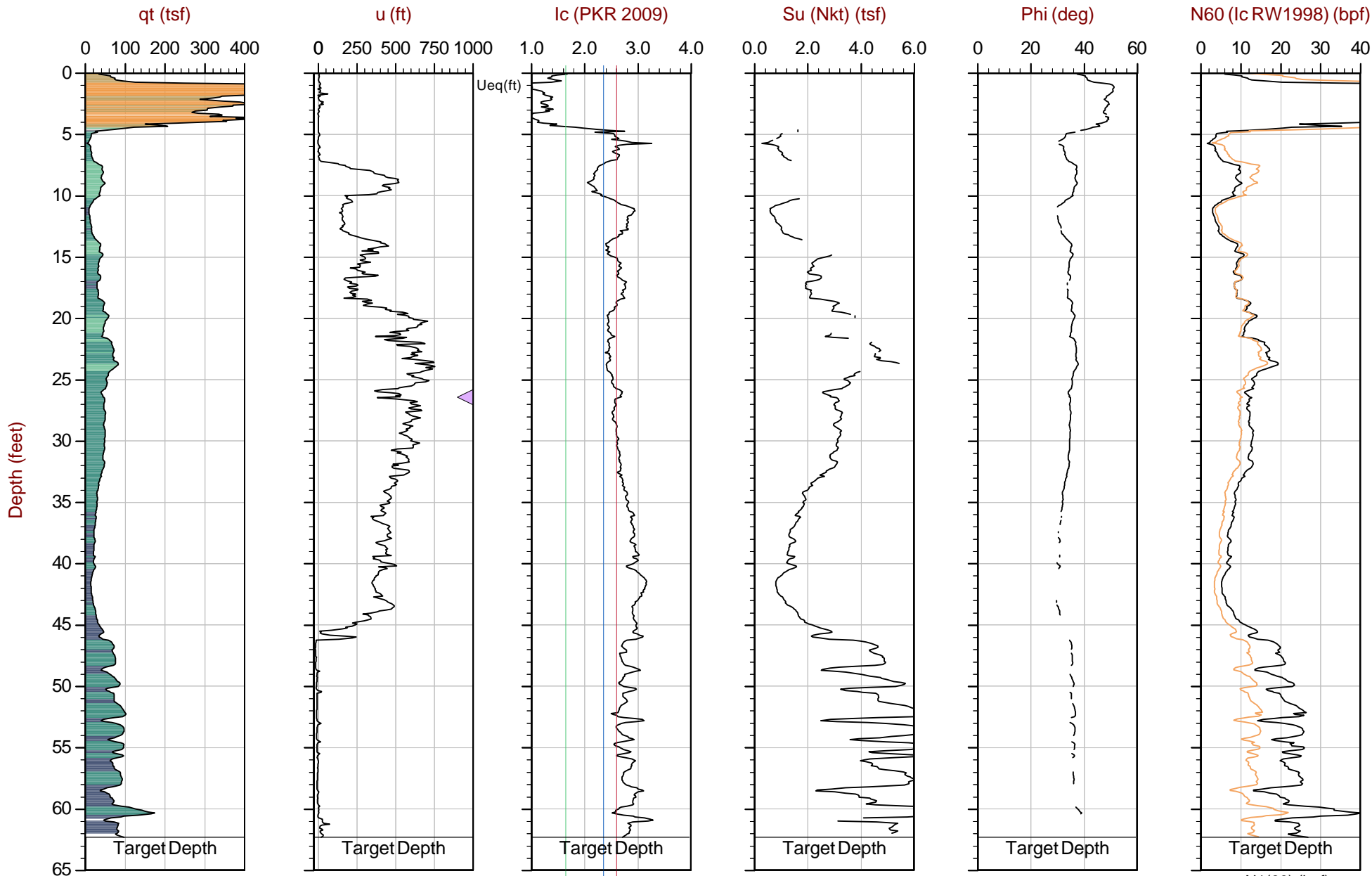
The reported coordinates were acquired from hand-held GPS equipment and are only approximate locations. The coordinates should not be used for design purposes.



# Columbia West Eng.

Job No: 19-59031  
Date: 2019-08-09 12:50  
Site: Minit Managemen

Sounding: CPT19-02  
Cone: 595:T1500F15U500



Max Depth: 19.000 m / 62.34 ft  
Depth Inc: 0.025 m / 0.082 ft  
Avg Int: Every Point

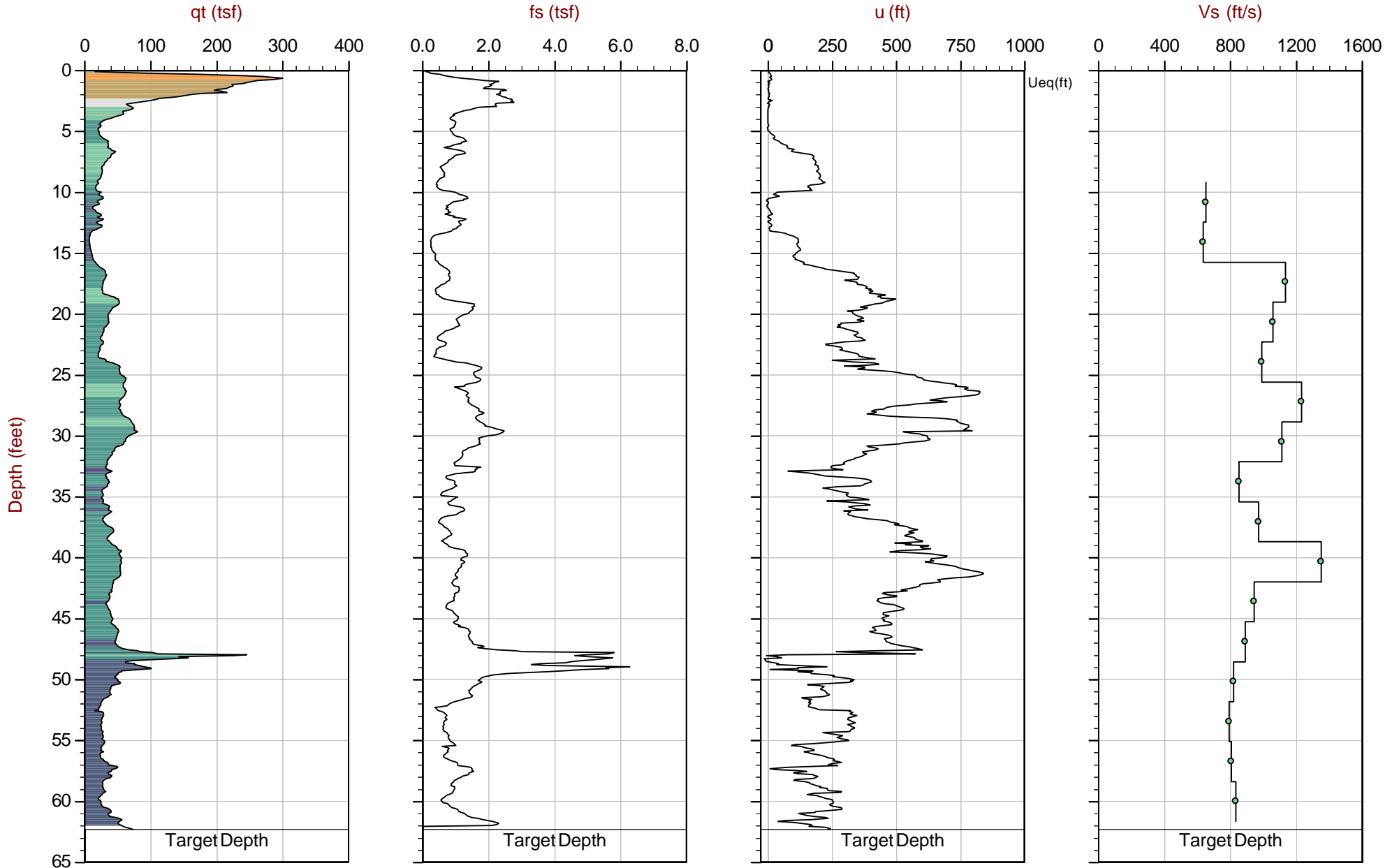
File: 19-59031\_CP02.COR  
Unit Wt: SBTQtn(PKR2009)  
Su Nkt: 15.0

SBT: Robertson, 2009 and 2010  
Coords: Lat: 45.85257 Long: -122.70112

△ Dissipation with estimated Ueq value    △ Dissipation, equilibrium not achieved    ● Equilibrium Pore Pressure (Ueq)    — Hydrostatic Line

The reported coordinates were acquired from hand-held GPS equipment and are only approximate locations. The coordinates should not be used for design purposes.

## Seismic Cone Penetration Test Plots



Max Depth: 19.000 m / 62.34 ft  
Depth Inc: 0.025 m / 0.082 ft  
Avg Int: Every Point

File: 19-59031\_SP01.COR  
Unit Wt: SBTQtn(PKR2009)

SBT: Robertson, 2009 and 2010  
Coords: Lat: 45.85370 Long: -122.70083

△ Dissipation with estimated Ueq value    ▲ Dissipation, equilibrium not achieved    ● Equilibrium Pore Pressure (Ueq)    — Hydrostatic Line

The reported coordinates were acquired from hand-held GPS equipment and are only approximate locations. The coordinates should not be used for design purposes.

## Seismic Cone Penetration Test Tabular Results



Job No: 19-59031  
Client: Columbia West Engineering  
Project: Minit Management Commercial Development  
Sounding ID: SCPT19-01  
Date: 09-Aug-2019

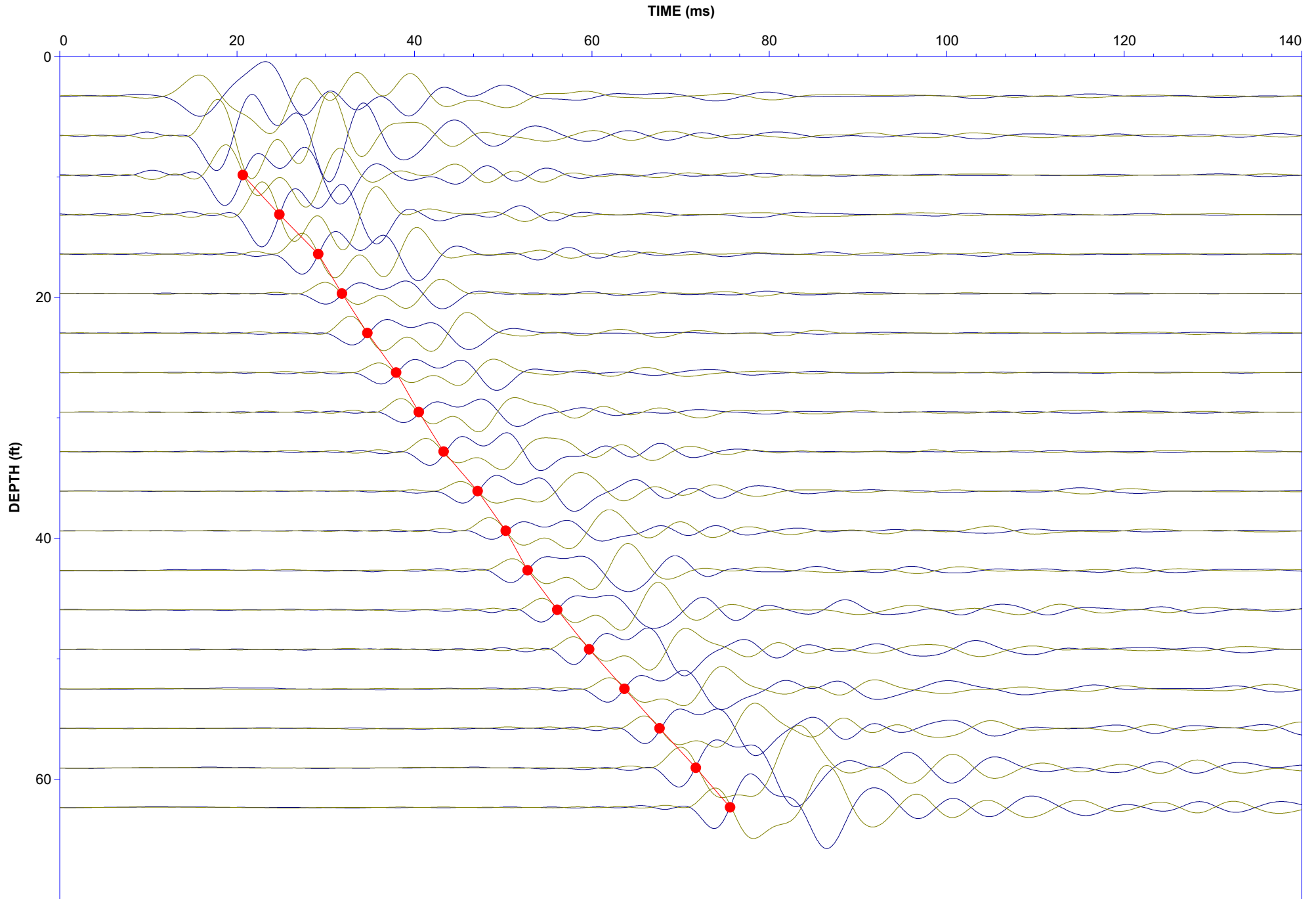
Seismic Source: Beam  
Source Offset (ft): 8.17  
Source Depth (ft): 0.00  
Geophone Offset (ft): 0.66

### SCPT<sub>u</sub> SHEAR WAVE VELOCITY TEST RESULTS - V<sub>s</sub>

Tip Depth (ft)	Geophone Depth (ft)	Ray Path (ft)	Ray Path Difference (ft)	Travel Time Interval (ms)	Interval Velocity (ft/s)
9.84	9.19	12.29			
13.12	12.47	14.90	2.61	4.01	651
16.40	15.75	17.74	2.84	4.45	637
19.69	19.03	20.71	2.97	2.61	1135
22.97	22.31	23.76	3.05	2.88	1058
26.25	25.59	26.86	3.10	3.14	990
29.53	28.87	30.00	3.14	2.55	1232
32.81	32.15	33.17	3.17	2.85	1114
36.09	35.43	36.36	3.19	3.74	853
39.37	38.71	39.57	3.20	3.30	972
42.65	41.99	42.78	3.22	2.38	1352
45.93	45.28	46.01	3.22	3.41	946
49.21	48.56	49.24	3.23	3.63	891
52.49	51.84	52.48	3.24	3.95	820
55.77	55.12	55.72	3.24	4.09	794
59.06	58.40	58.97	3.25	4.03	806
62.34	61.68	62.22	3.25	3.89	835

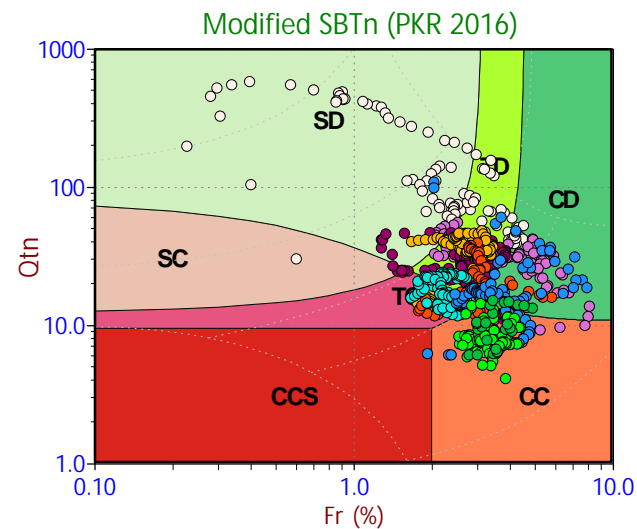
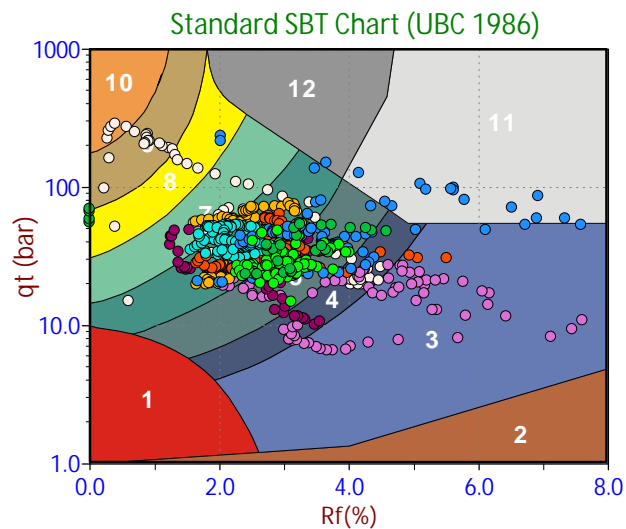
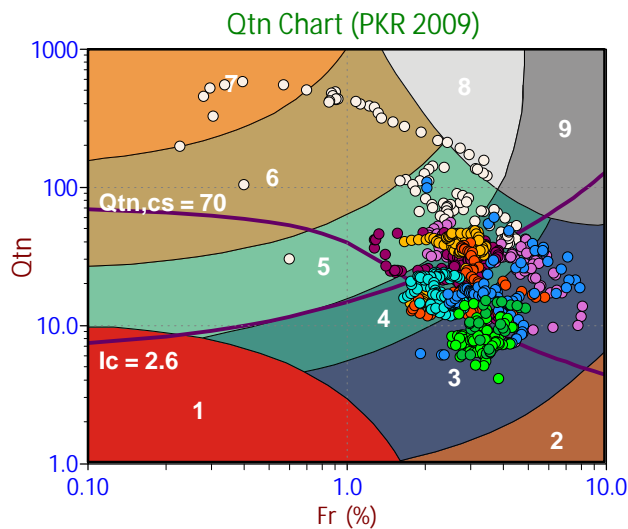
## Seismic Cone Penetration Filtered Wave Traces







# Cone Penetration Test Soil Behavior Type Plots



#### Depth Ranges

- >0.0 to 7.5 ft
- >7.5 to 15.0 ft
- >15.0 to 22.5 ft
- >22.5 to 30.0 ft
- >30.0 to 37.5 ft
- >37.5 to 45.0 ft
- >45.0 to 52.5 ft
- >52.5 to 60.0 ft
- >60.0 to 67.5 ft
- >67.5 to 75.0 ft
- >75.0 ft

#### Legend

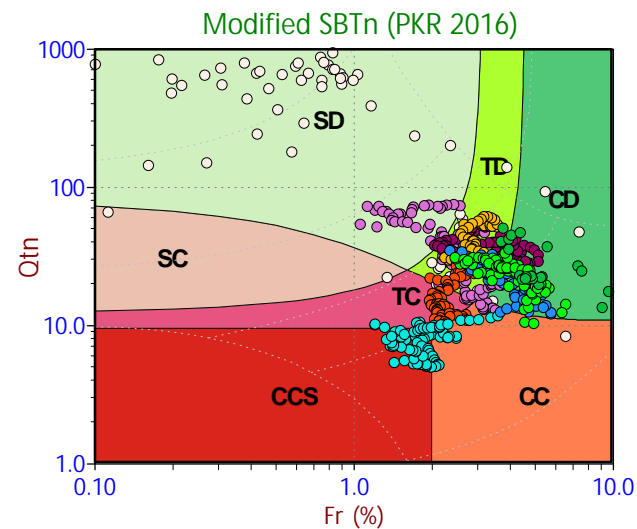
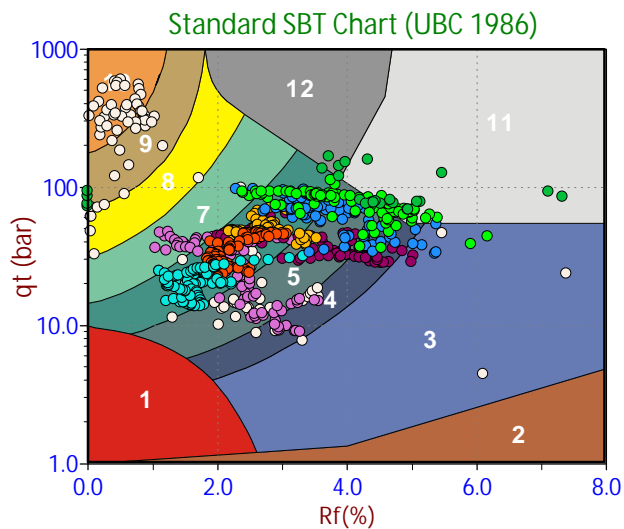
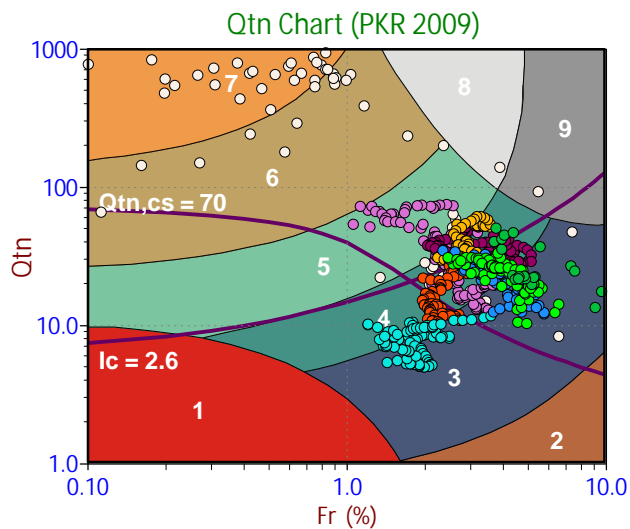
- Sensitive, Fine Grained
- Organic Soils
- Clays
- Silt Mixtures
- Sand Mixtures
- Sands
- Gravelly Sand to Sand
- Stiff Sand to Clayey Sand
- Very Stiff Fine Grained

#### Legend

- Sensitive Fines
- Organic Soil
- Clay
- Silty Clay
- Clayey Silt
- Silt
- Sandy Silt
- Silty Sand/Sand
- Sand
- Gravelly Sand
- Stiff Fine Grained
- Cemented Sand

#### Legend

- CCS (Cont. sensitive clay like)
- CC (Cont. clay like)
- TC (Cont. transitional)
- SC (Cont. sand like)
- CD (Dil. clay like)
- TD (Dil. transitional)
- SD (Dil. sand like)



**Depth Ranges**

- >0.0 to 7.5 ft
- >7.5 to 15.0 ft
- >15.0 to 22.5 ft
- >22.5 to 30.0 ft
- >30.0 to 37.5 ft
- >37.5 to 45.0 ft
- >45.0 to 52.5 ft
- >52.5 to 60.0 ft
- >60.0 to 67.5 ft
- >67.5 to 75.0 ft
- >75.0 ft

**Legend**

- Sensitive, Fine Grained
- Organic Soils
- Clays
- Silt Mixtures
- Sand Mixtures
- Sands
- Gravelly Sand to Sand
- Stiff Sand to Clayey Sand
- Very Stiff Fine Grained

**Legend**

- Sensitive Fines
- Organic Soil
- Clay
- Silty Clay
- Clayey Silt
- Silt
- Sandy Silt
- Silty Sand/Sand
- Sand
- Gravelly Sand
- Stiff Fine Grained
- Cemented Sand

**Legend**

- CCS (Cont. sensitive clay like)
- CC (Cont. clay like)
- TC (Cont. transitional)
- SC (Cont. sand like)
- CD (Dil. clay like)
- TD (Dil. transitional)
- SD (Dil. sand like)

Pore Pressure Dissipation Summary and  
Pore Pressure Dissipation Plots



Job No: 19-59031  
Client: Columbia West Engineering  
Project: Minit Management Commercial Development  
Start Date: 9-Aug-19  
End Date: 9-Aug-19

***CPT<sub>u</sub> PORE PRESSURE DISSIPATION SUMMARY***

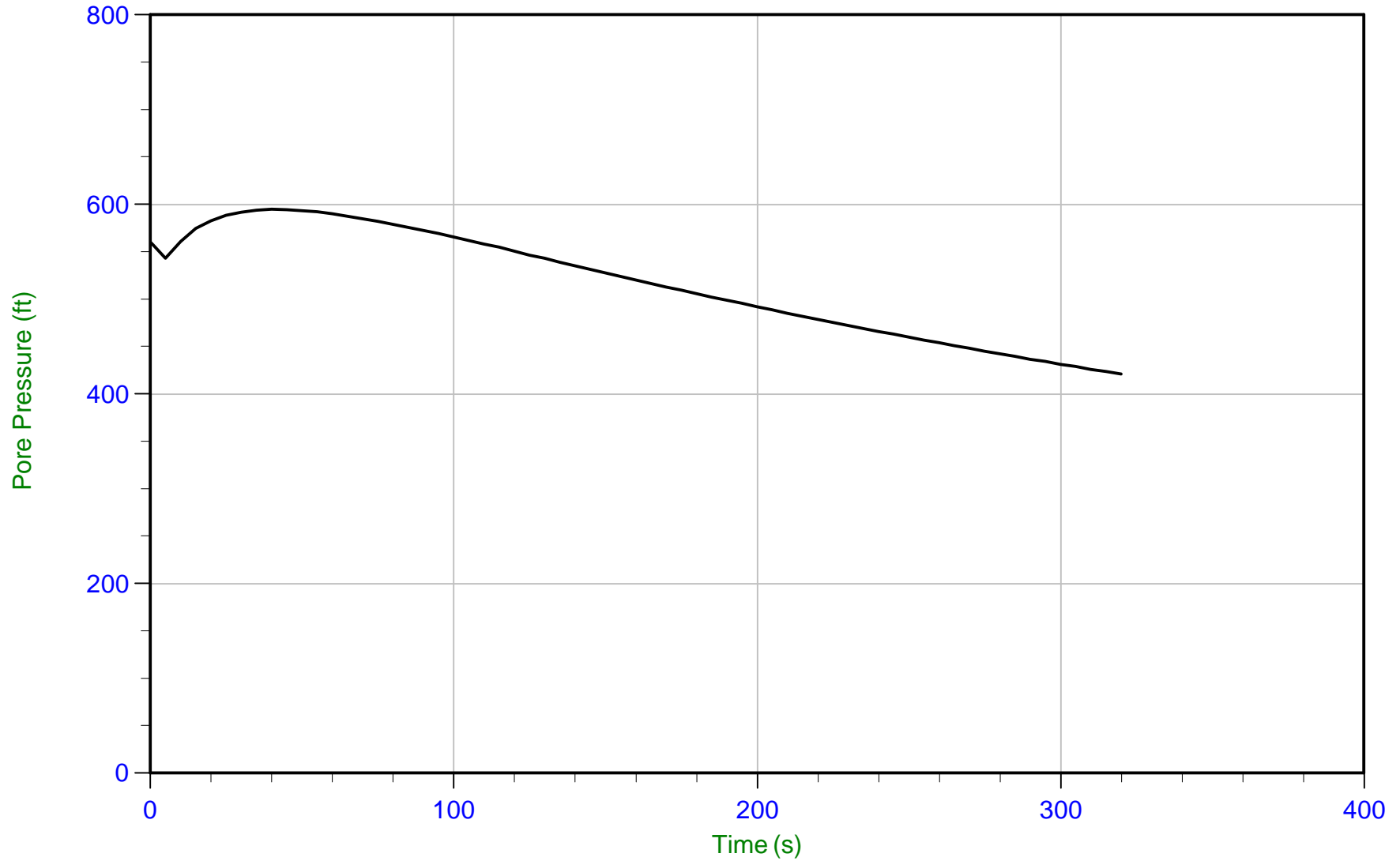
Sounding ID	File Name	Cone Area (cm <sup>2</sup> )	Duration (s)	Test Depth (ft)	Estimated Equilibrium Pore Pressure U <sub>eq</sub> (ft)	Calculated Phreatic Surface (ft)
CPT19-02	19-59031_CP02.PPD	15.0	320	26.4		
Totals			5.3	(min)		



*Columbia West Eng.*

Job No: 19-59031  
Date: 08/09/2019 12:50  
Site: Minit Managemen

Sounding: CPT19-02  
Cone: 595:T1500F15U500 Area=15 cm<sup>2</sup>



Trace Summary: Filename: 19-59031\_CP02.PPD U Min: 420.9 ft  
Depth: 8.050 m / 26.410 ft U Max: 594.7 ft  
Duration: 320.0 s

**APPENDIX D**  
**SOIL CLASSIFICATION INFORMATION**

# SOIL DESCRIPTION AND CLASSIFICATION GUIDELINES

## Particle-Size Classification

COMPONENT	ASTM/USCS		AASHTO	
	size range	sieve size range	size range	sieve size range
Cobbles	> 75 mm	greater than 3 inches	> 75 mm	greater than 3 inches
Gravel	75 mm – 4.75 mm	3 inches to No. 4 sieve	75 mm – 2.00 mm	3 inches to No. 10 sieve
Coarse	75 mm – 19.0 mm	3 inches to 3/4-inch sieve	-	-
Fine	19.0 mm – 4.75 mm	3/4-inch to No. 4 sieve	-	-
Sand	4.75 mm – 0.075 mm	No. 4 to No. 200 sieve	2.00 mm – 0.075 mm	No. 10 to No. 200 sieve
Coarse	4.75 mm – 2.00 mm	No. 4 to No. 10 sieve	2.00 mm – 0.425 mm	No. 10 to No. 40 sieve
Medium	2.00 mm – 0.425 mm	No. 10 to No. 40 sieve	-	-
Fine	0.425 mm – 0.075 mm	No. 40 to No. 200 sieve	0.425 mm – 0.075 mm	No. 40 to No. 200 sieve
Fines (Silt and Clay)	< 0.075 mm	Passing No. 200 sieve	< 0.075 mm	Passing No. 200 sieve

## Consistency for Cohesive Soil

CONSISTENCY	SPT N-VALUE (BLOWS PER FOOT)	POCKET PENETROMETER (UNCONFINED COMPRESSIVE STRENGTH, tsf)
Very Soft	2	less than 0.25
Soft	2 to 4	0.25 to 0.50
Medium Stiff	4 to 8	0.50 to 1.0
Stiff	8 to 15	1.0 to 2.0
Very Stiff	15 to 30	2.0 to 4.0
Hard	30 to 60	greater than 4.0
Very Hard	greater than 60	-

## Relative Density for Granular Soil

RELATIVE DENSITY	SPT N-VALUE (BLOWS PER FOOT)
Very Loose	0 to 4
Loose	4 to 10
Medium Dense	10 to 30
Dense	30 to 50
Very Dense	more than 50

## Moisture Designations

TERM	FIELD IDENTIFICATION
Dry	No moisture. Dusty or dry.
Damp	Some moisture. Cohesive soils are usually below plastic limit and are moldable.
Moist	Grains appear darkened, but no visible water is present. Cohesive soils will clump. Sand will bulk. Soils are often at or near plastic limit.
Wet	Visible water on larger grains. Sand and silt exhibit dilatancy. Cohesive soil can be readily remolded. Soil leaves wetness on the hand when squeezed. Soil is much wetter than optimum moisture content and is above plastic limit.



# AASHTO SOIL CLASSIFICATION SYSTEM

**TABLE 1. Classification of Soils and Soil-Aggregate Mixtures**

General Classification	Granular Materials (35 Percent or Less Passing .075 mm)				Silt-Clay Materials (More than 35 Percent Passing 0.075)		
Group Classification	A-1	A-3	A-2	A-4	A-5	A-6	A-7
<u>Sieve analysis, percent passing:</u>							
2.00 mm (No. 10)	-	-	-	-	-	-	-
0.425 mm (No. 40)	50 max	51 min	-	-	-	-	-
0.075 mm (No. 200)	25 max	10 max	35 max	36 min	36 min	36 min	36 min
<u>Characteristics of fraction passing 0.425 mm (No. 40)</u>							
Liquid limit				40 max	41 min	40 max	41 min
Plasticity index	6 max	N.P.		10 max	10 max	11 min	11 min
General rating as subgrade	Excellent to good				Fair to poor		

Note: The placing of A-3 before A-2 is necessary in the "left to right elimination process" and does not indicate superiority of A-3 over A-2.

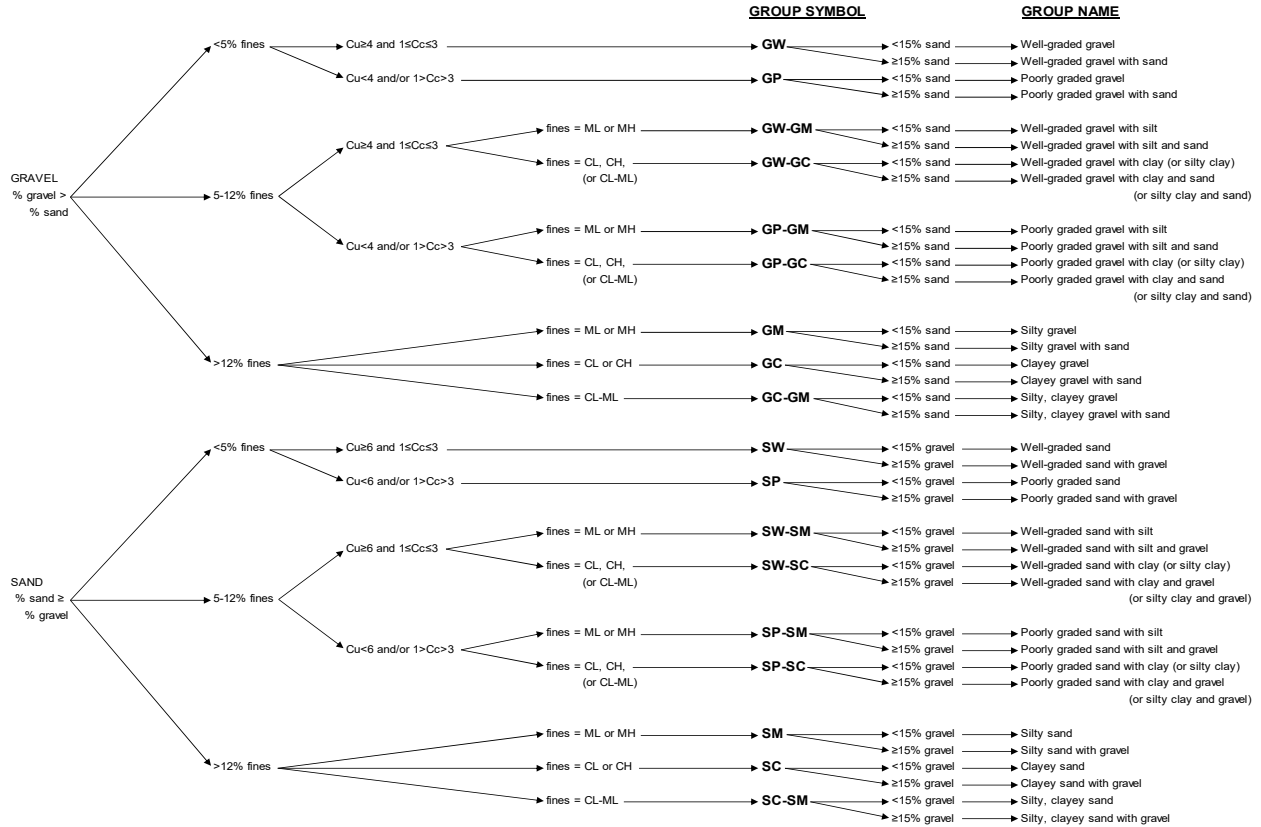
**TABLE 2. Classification of Soils and Soil-Aggregate Mixtures**

General Classification	Granular Materials (35 Percent or Less Passing 0.075 mm)							Silt-Clay Materials (More than 35 Percent Passing 0.075 mm)			
Group Classification	A-1		A-2					A-4	A-5	A-6	A-7
	A-1-a	A-1-b	A-3	A-2-4	A-2-5	A-2-6	A-2-7	A-4	A-5	A-6	A-7-5, A-7-6
<u>Sieve analysis, percent passing:</u>											
2.00 mm (No. 10)	50 max	-	-	-	-	-	-	-	-	-	-
0.425 mm (No. 40)	30 max	50 max	51 min	-	-	-	-	-	-	-	-
0.075 mm (No. 200)	15 max	25 max	10 max	35 max	35 max	35 max	35 max	36 min	36 min	36 min	36 min
<u>Characteristics of fraction passing 0.425 mm (No. 40)</u>											
Liquid limit				40 max	41 min	40 max	41 min	40 max	41 min	40 max	41 min
Plasticity index	6 max		N.P.	10 max	10 max	11 min	11 min	10 max	10 max	11 min	11 min
Usual types of significant constituent materials	Stone fragments, gravel and sand		Fine sand	Silty or clayey gravel and sand				Silty soils		Clayey soils	
General ratings as subgrade	Excellent to Good							Fair to poor			

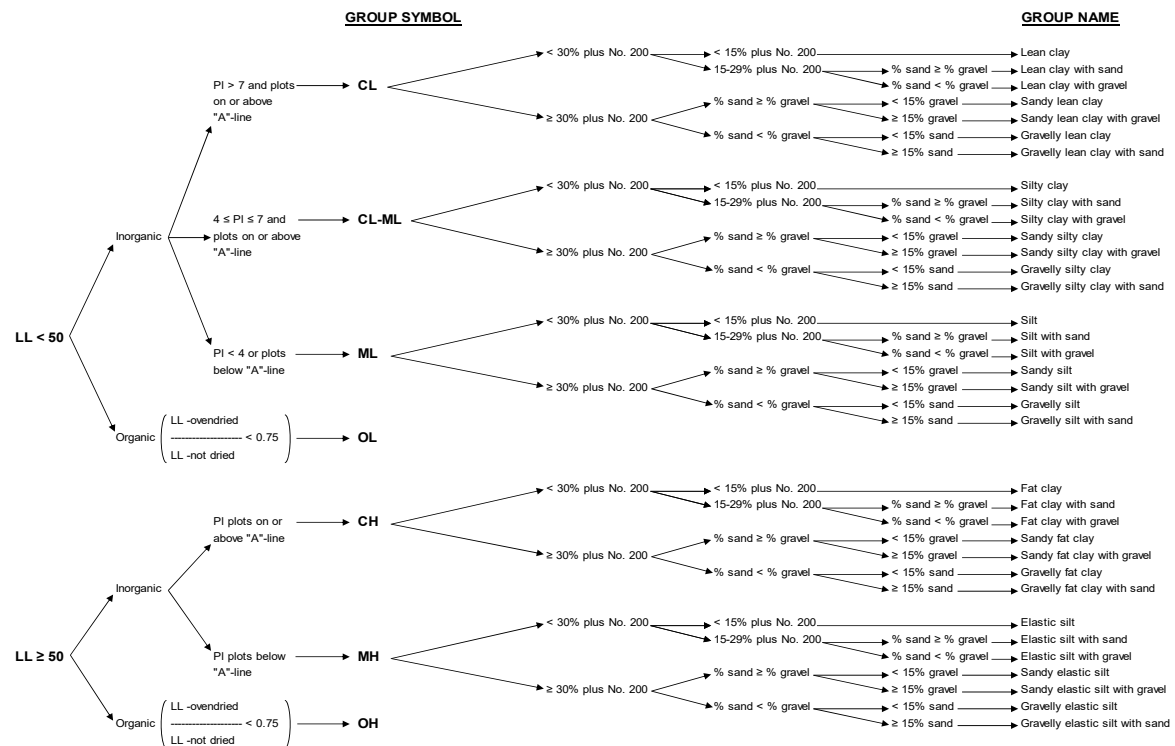
Note: Plasticity index of A-7-5 subgroup is equal to or less than LL minus 30. Plasticity index of A-7-6 subgroup is greater than LL minus 30 (see Figure 2).

AASHTO = American Association of State Highway and Transportation Officials

# USCS SOIL CLASSIFICATION SYSTEM



Flow Chart for Classifying Coarse-Grained Soils (More Than 50% Retained on No. 200 Sieve)



Flow Chart for Classifying Fine-Grained Soil (50% or More Passes No. 200 Sieve)

**APPENDIX E**  
**PHOTO LOG**

**MINIT MANAGEMENT COMMERCIAL DEVELOPMENT  
RIDGEFIELD, WASHINGTON  
PHOTO LOG**



**Test Pit Exploration Activity, TP-1**



**Test Pit Profile, TP-1**

**MINIT MANAGEMENT COMMERCIAL DEVELOPMENT  
RIDGEFIELD, WASHINGTON  
PHOTO LOG**



**Site View From TP-5, Facing Southeast**



**Test Pit Profile, TP-5**

**APPENDIX F**  
**REPORT LIMITATIONS AND IMPORTANT INFORMATION**

Date: September 4, 2019  
Project: Minit Management Commercial Development  
Ridgefield, Washington

## **Geotechnical and Environmental Report Limitations and Important Information**

### **Report Purpose, Use, and Standard of Care**

This report has been prepared in accordance with standard fundamental principles and practices of geotechnical engineering and/or environmental consulting, and in a manner consistent with the level of care and skill typical of currently practicing local engineers and consultants. This report has been prepared to meet the specific needs of specific individuals for the indicated site. It may not be adequate for use by other consultants, contractors, or engineers, or if change in project ownership has occurred. It should not be used for any other reason than its stated purpose without prior consultation with Columbia West Engineering, Inc. (Columbia West). It is a unique report and not applicable for any other site or project. If site conditions are altered, or if modifications to the project description or proposed plans are made after the date of this report, it may not be valid. Columbia West cannot accept responsibility for use of this report by other individuals for unauthorized purposes, or if problems occur resulting from changes in site conditions for which Columbia West was not aware or informed.

### **Report Conclusions and Preliminary Nature**

This geotechnical or environmental report should be considered preliminary and summary in nature. The recommendations contained herein have been established by engineering interpretations of subsurface soils based upon conditions observed during site exploration. The exploration and associated laboratory analysis of collected representative samples identifies soil conditions at specific discreet locations. It is assumed that these conditions are indicative of actual conditions throughout the subject property. However, soil conditions may differ between tested locations at different seasonal times of the year, either by natural causes or human activity. Distinction between soil types may be more abrupt or gradual than indicated on the soil logs. This report is not intended to stand alone without understanding of concomitant instructions, correspondence, communication, or potential supplemental reports that may have been provided to the client.

Because this report is based upon observations obtained at the time of exploration, its adequacy may be compromised with time. This is particularly relevant in the case of natural disasters, earthquakes, floods, or other significant events. Report conclusions or interpretations may also be subject to revision if significant development or other manmade impacts occur within or in proximity to the subject property. Groundwater conditions, if presented in this report, reflect observed conditions at the time of investigation. These conditions may change annually, seasonally or as a result of adjacent development.

### **Additional Investigation and Construction QA/QC**

Columbia West should be consulted prior to construction to assess whether additional investigation above and beyond that presented in this report is necessary. Even slight variations in soil or site conditions may produce impacts to the performance of structural facilities if not adequately addressed. This underscores the importance of diligent QA/QC construction observation and testing to verify soil conditions do not differ materially or significantly from the interpreted conditions utilized for preparation of this report.

Therefore, this report contains several recommendations for field observation and testing by Columbia West personnel during construction activities. Actual subsurface conditions are more readily observed and discerned during the earthwork phase of construction when soils are exposed. Columbia West cannot accept responsibility for deviations from recommendations described in this report or future

performance of structural facilities if another consultant is retained during the construction phase or Columbia West is not engaged to provide construction observation to the full extent recommended.

### **Collected Samples**

Uncontaminated samples of soil or rock collected in connection with this report will be retained for thirty days. Retention of such samples beyond thirty days will occur only at client's request and in return for payment of storage charges incurred. All contaminated or environmentally impacted materials or samples are the sole property of the client. Client maintains responsibility for proper disposal.

### **Report Contents**

This geotechnical or environmental report should not be copied or duplicated unless in full, and even then only under prior written consent by Columbia West, as indicated in further detail in the following text section entitled *Report Ownership*. The recommendations, interpretations, and suggestions presented in this report are only understandable in context of reference to the whole report. Under no circumstances should the soil boring or test pit excavation logs, monitor well logs, or laboratory analytical reports be separated from the remainder of the report. The logs or reports should not be redrawn or summarized by other entities for inclusion in architectural or civil drawings, or other relevant applications.

### **Report Limitations for Contractors**

Geotechnical or environmental reports, unless otherwise specifically noted, are not prepared for the purpose of developing cost estimates or bids by contractors. The extent of exploration or investigation conducted as part of this report is usually less than that necessary for contractor's needs. Contractors should be advised of these report limitations, particularly as they relate to development of cost estimates. Contractors may gain valuable information from this report, but should rely upon their own interpretations as to how subsurface conditions may affect cost, feasibility, accessibility and other components of the project work. If believed necessary or relevant, contractors should conduct additional exploratory investigation to obtain satisfactory data for the purposes of developing adequate cost estimates. Clients or developers cannot insulate themselves from attendant liability by disclaiming accuracy for subsurface ground conditions without advising contractors appropriately and providing the best information possible to limit potential for cost overruns, construction problems, or misunderstandings.

### **Report Ownership**

Columbia West retains the ownership and copyright property rights to this entire report and its contents, which may include, but may not be limited to, figures, text, logs, electronic media, drawings, laboratory reports, and appendices. This report was prepared solely for the client, and other relevant approved users or parties, and its distribution must be contingent upon prior express written consent by Columbia West. Furthermore, client or approved users may not use, lend, sell, copy, or distribute this document without express written consent by Columbia West. Client does not own nor have rights to electronic media files that constitute this report, and under no circumstances should said electronic files be distributed or copied. Electronic media is susceptible to unauthorized manipulation or modification, and may not be reliable.

### **Consultant Responsibility**

Geotechnical and environmental engineering and consulting is much less exact than other scientific or engineering disciplines, and relies heavily upon experience, judgment, interpretation, and opinion often based upon media (soils) that are variable, anisotropic, and non-homogenous. This often results in unrealistic expectations, unwarranted claims, and uninformed disputes against a geotechnical or environmental consultant. To reduce potential for these problems and assist relevant parties in better understanding of risk, liability, and responsibility, geotechnical and environmental reports often provide definitive statements or clauses defining and outlining consultant responsibility. The client is encouraged to read these statements carefully and request additional information from Columbia West if necessary.



STATE OF Washington }  
County of Pierce } ss.

THIS IS TO CERTIFY, That on this 6th day of May A. D. 1929 before me Ben J. Pearson, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally came Arthur Stovner and Alice Stovner, his wife, to me known to be the individuals described in and who executed the within instrument, and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

Ben J. Pearson

Notary Public in and for the State of Washington, residing at Tacoma.



STATE OF Washington }  
County of Clark } -

THIS IS TO CERTIFY, That on this 7th day of May A. D. 1929 before me Ben J. Pearson, a Notary Public in and for the state of Washington, duly commissioned and sworn, personally came Chas. E. Brown and Florence H. Brown, his wife to me known to be the individuals described in and who executed the within instrument, and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

Ben J. Pearson

Notary Public in and for the State of Washington, residing at Tacoma.



Received for record June 15th, 1929 at 11:42 A. M., and recorded at the request of Pac. Tel. & Tel. Co.

*Frank P. Sticking*  
County Auditor.

NO. 074812 { CHAS. E. BROWN & WIFE }  
TO { THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY } EASEMENT. \$1.00  
TD-T

Ridgefield Wash May 7 1929

1. FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00), receipt whereof is hereby acknowledged, the undersigned, hereinafter referred to as the Grantor, does by these presents grant, bargain, sell, convey and confirm unto THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a California corporation, hereinafter referred to as the Grantee, a perpetual easement for the purpose of erecting, operating and maintaining a line of poles, with the necessary anchors and guys therefor, with the right to place, operate and maintain upon said poles from time to time wires, cables, crossarms, fixtures and appliances necessary for the business of said Grantee; and also for the purpose of placing (at any time), operating and maintaining along and adjacent to said pole line underground cables, with the necessary conduits and manholes therefor; together with the right to cut down (fruit and nut trees excepted) and keep trimmed all trees and brush as and when said Grantee may elect, within a strip thirty (30) feet on each side of the center of said line of poles; the location of said line of poles to be determined by, and to become permanent upon, the construction of said line of poles; in, over, through and across, or adjacent to the following described lands, owned by the undersigned, situate, lying and being in the County of Clark, State of Washington: South Half (S $\frac{1}{2}$ ) of Southwest quarter (SW $\frac{1}{4}$ ) of Section Four (4) Township four (4) North, Range one (1) East W.M.

2. The Grantee, its contractors, agents, employees and servants shall at all times have full and free ingress to and egress from said lands for all of the purposes in this easement mentioned, and also the right at any time to remove said poles, crossarms, cables, wires, conduits, manholes and all appurtenances from said lands, with the specific understanding that the Grantee shall be responsible for any damage suffered by the Grantor caused by Grantee's exercise of the rights herein granted.

3. The Grantee, its contractors, agents, employees and servants shall also have the right at any time to fell all trees (fruit and nut trees excepted) on the above described lands which in falling could reach within a distance of ten (10) feet of said line of poles, it being understood that the Grantee will trim all trees by it felled and burn or otherwise dispose of trimmings and brush to the satisfaction of the Grantor. The logs shall remain the property of the Grantor.

4. The Grantee is also granted the right from time to time to increase or decrease the size, weight or number and to change, along said line, the position of the poles, cross-arms, wires, cables, conduits, manholes, anchors and guys and all appurtenances which may be constructed or installed hereunder.

5. The Grantor agrees, for himself and all others acting by, through, or under him, not to build, erect or maintain any buildings, sheds or barns, rubbish, brush piles or other inflammable substance under said poles, wires and fixtures, or within a distance of fifty (50) feet from said line of poles.

6. The Grantor further agrees not to do any blasting or discharge any explosives or to grant any right or permit to do any blasting or discharging of explosives within a distance of three hundred (300) feet of said line of poles without giving ten (10) days' notice in writing of intention so to do to the Grantee.

7. The Grantor further agrees:

(a) Not to erect, construct or maintain, or to grant any right or permit for the erection, construction, or maintenance of, any electric power transmission line or lines upon, over, through or across the above described lands, parallel with and within sixty (60) feet of the line of poles placed by the Grantee.

(b) Not to erect, construct or maintain, or to grant any right or permit for the erection, construction or maintenance of, any electric power transmission line or lines carrying voltages in excess of five hundred (500) volts, upon, over, through or across the said lands, parallel with and within fifteen hundred (1500) feet of the Grantee's pole line.

(c) Not to erect, construct or maintain, or to grant any right or permit for the erection, construction or maintenance of, any electric power transmission line or lines upon, over, through or across the said lands which would create a crossing of the Grantee's pole line at an angle of less than thirty-five (35) degrees.

8. The conditions and provisions of this easement shall inure to the benefit of, and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year in this instrument first above written.

Witness: Ben J. Pearson

CHAS. E. BROWN

FLORENCE H. BROWN

Form approved By McMicken, Ramsey & Rupp  
Bernard Reiter

WARRANTY DEED

696819

The grantor, WEST COAST SERVICE CO., a Washington corporation, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, conveys and warrants to UNION OIL COMPANY of CALIFORNIA, the following described real estate situated in the County of Clark, State of Washington, to wit:

Beginning at the intersection of the East line of Washington State Highway right of way with the South line of Section 4, Township 4 North, Range 1 East of the Willamette Meridian, in Clark County, Washington, said point being South 88° 30' 56" East 505.07 feet from the Southwest corner of said Section 4, thence continuing along said South line South 88° 30' 56" East 150.00 feet, thence North 1° 29' 04" East 150.00 feet, thence North 88° 30' 56" West 176.65 feet to the said East right of way line, thence along said line South 8° 35' 10" East 152.35 feet to the point of beginning, and subject to the following mutual easement:

ALSO:

An easement, shared with others, over a parcel 30.0 feet in width, the Westerly line of which is the Easterly line of Washington State Highway right of way and is described as follows:

Beginning at a point which is South 88° 30' 56" East 505.07 feet and North 8° 35' 10" West 50.00 feet from the Southeast corner of Section 4, Township 4 North, Range 1 East of the Willamette Meridian, in Clark County, Washington, thence North 8° 35' 10" West 277.89 feet, thence North 28° 44' 17" West 210 feet, more or less, to a point which is South 28° 44' 17" East 50.00 feet from the Northwest corner of that tract conveyed to West Coast Service Company and recorded under auditor's file No. G 495760.

SUBJECT TO Easement for ingress and egress over and across the present driveway as same is now presently laid out being approximately 25 feet in width, and approximately 30 feet South of the most Northerly North line of the premises described in that certain contract recorded under auditor's file No. G 498760, which right of ingress and egress includes the right to retain and maintain Public Utility District poles as the same are presently located as reserved in said contract.

The location of said easement may be changed by the purchaser under the contract noted above, provided an easement in equal width and an adequate location giving adequate ingress and egress is provided by said purchasers, by the terms of letter incorporated with said contract above referenced.

SUBJECT TO Easement for a perpetual right of way in and over said premises, for the purpose of erecting or installing, maintaining and operating thereon or thereover pole lines and conductors for transmission of electric energy, including communication facilities; together with the right to cut, remove and destroy such trees and brush as may be necessary in constructing, maintaining and protecting such lines from damage, as granted by John Sederburg to Public Utility District No. 1 of Clark County, a municipal corporation of the State of Washington, its successors and assigns including joint users, by instrument dated August 16, 1967, recorded August 17, 1967, under auditor's file No. G 495903. (Affects said premises and other lands.)



Real Estate Excise Tax  
Ch. 11 Rev. Laws 1951  
\$550.00 has been paid  
Rcpt. #68758 Date 5-6-68  
Sec. 61, Rev. Laws 1951  
Doris H. Carlton  
Clark County Treasurer  
By P. H. Hedges  
Deputy

66917-Executed

696820

SUBJECT TO Easement for a pole line right of way, granted to The Pacific Telephone and Telegraph Company, a California corporation, by easement dated May 7, 1929, recorded June 15, 1929, in volume 199, page 92, under auditor's file No. C 74812.

SUBJECT TO Relinquishment of right of access to state highway and of light, view and air, under the terms of deed to the State of Washington, recorded June 2, 1966, under auditor's file No. G 453661, which provides that as a part of the consideration for this transaction, the grantee agrees to construct on its right of way a frontage road and to which frontage road only the grantors, their heirs and assigns reserve a right of reasonable access.

Dated this 6 day of May, 1968.

WEST COAST SERVICE CO.,  
a Washington corporation.

*[Signature]*  
By James E. Baturight

STATE OF WASHINGTON )

: ss.

County of Clark )

On this 6 day of May, 1968, before me personally appeared Robert Noble to me known to be the Secy & Treasurer of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal the day and year first above written.



J. Roberta Noble  
Notary Public in and for the State of  
Washington, residing at Vancouver.

BLAIR, SCHAEFER, HUTCHISON & WYNNE  
Attorneys at Law  
1014 Franklin Street  
Vancouver, Washington

696821

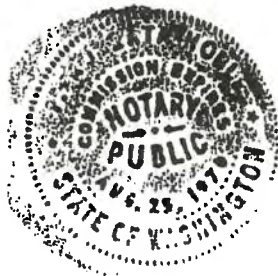
STATE OF WASHINGTON )

: ss.

County of Clark )

On this 6<sup>th</sup> day of May, 1968, before me personally appeared James E. Boatwright to me known to be the Vice President of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal the day and year first above written.



J. Roberts Noble  
Notary Public in and for the State of  
Washington, residing at Vancouver.

FILED FOR RECORD  
CLARK CO. WASH.  
REICHER-DANIELS TITLE COMPANY  
MAY 7 8 46 AM '68 400  
AUDITOR DON BONKER

5

**5300301 EAS**

RecFee - \$78.00 Pages: 6 - CLARK COUNTY TITLE  
Clark County, WA 07/05/2016 11:13



After recording return document to:

City of La Center  
Public Works  
305 NW Pacific Hwy  
La Center, WA 98629-2414

Real Estate Excise Tax  
Ch. 11 Rev. Laws 1951  
EXEMPT  
Afd. # \_\_\_\_\_ Date 7/5/16  
For Details of tax paid see \_\_\_\_\_  
Afd. # \_\_\_\_\_  
Doug Lasher  
Clark County Treasurer  
By \_\_\_\_\_ Deputy

**Document Title: Easement**  
**Reference Number of Related Document:**  
**Grantor(s): Minit Management, LLC, a Washington Limited Liability Company**  
**Grantee(s): City of La Center, a municipal corporation of the state of Washington**  
**Legal Description: SW4, Section 4, Township 4 North, Range 1 East, W.M.**  
**Additional Legal Description is on Page \_\_\_ of Document.**  
**Assessor's Tax Parcel Number: 209738-000**

**EASEMENT**


The Grantor, **Minit Management, LLC, a Washington Limited Liability Company**, for valuable consideration, convey(s) and grants unto the **City of La Center, a municipal corporation of the state of Washington** and its assigns, Grantee, an easement over, under, upon and across the hereinafter described lands for the purpose of public roadway uses and right-of-way purposes, surface and subsurface, including without limitation, sidewalks, curbs, gutters, landscaping, installation, operation and maintenance utilities, storm water and such other related uses as are or may be appropriate for the benefit of the public.

Said lands being situated in Clark County, State of Washington, and described as follows:

For legal description and additional conditions  
See Exhibit A attached hereto and made a part hereof

Dated: April 11, 2016

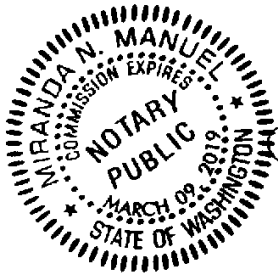
Minit Management, LLC,  
a Washington Limited Liability Company

  
Name: JOE D. TANNER  
Title: member

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF WASHINGTON )  
County of Clark ) : ss

On this 11<sup>th</sup> day of April 2016, before me personally appeared Joe D. Tanner and \_\_\_\_\_ to me known to be the <sup>member</sup> of Minit Management, a Washington Limited Liability Company that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein mentioned, and on oath stated that (he/she/they) (is/are) authorized to execute said instrument.



Miranda Manuelli  
Notary Public in and for the State of  
Washington, residing at Vancouver WA  
My commission expires 03/09/2019





LAND SURVEYORS  
ENGINEERS

(360) 695-1385  
222 E. Evergreen Blvd.  
Vancouver, WA  
98660

EXHIBIT A -

LEGAL DESCRIPTION FOR PROPOSED RIGHT-OF-  
WAY PORTION OF ASSESSOR'S PARCEL NO.  
209738-000

January 6, 2016

A parcel of land, lying in a portion of the Southwest quarter of the Southwest quarter of Section 4, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington, being a portion of that property conveyed to Minit Management, L.L.C., recorded under Auditor's File No. 4239509, recorded October 25, 2006, records of said county described as follows:

COMMENCING at the Southwest corner of the Southwest quarter of said Section 4;

THENCE South 88°30'19" East, along the South line of said Southwest quarter, a distance of 504.97 feet to a point on the East line of NW Paradise Park Road, Relinquished to Clark County as shown on Washington State Highway Commission Department of Highways, right of way plan "Ridgefield Jct. to Woodland", sheet 5 of 12, dated August 10, 1965, revised December 13, 1982;

THENCE continuing South 88°30'19" East, along said South line of said Southwest quarter, a distance of 300.00 feet to the Southeast corner of that parcel of property conveyed to Interchange Development Group, LLC, recorded under Auditor's File No. 5234564, records of the Clark County Auditor;

THENCE North 01°29'41" East, along the East line of said Interchange Development Group, LLC parcel, and the Northerly projection thereof, a distance of 375.00 feet;

THENCE North 88°30'19" West, a distance of 100.00 feet to a point on the East line of that parcel of property conveyed to Minit Management, L.L.C., recorded under Auditor's File No. 4239509, records of said county and the TRUE POINT OF BEGINNING;

THENCE South 01°29'41" West, along said East line, a distance of 5.68 feet to the North right of way line of NW La Center Road, said point being 50.00 feet from, when measured perpendicular to, the centerline of said Road, said point also being on a non-tangent 1195.92 foot radius curve to the left;

THENCE along said North line, and along said 1195.92 foot radius curve to the left (the long chord of which bears South 82°45' 39" West, a distance of 102.08 feet), an arc distance of 102.11 feet;

THENCE leaving said North line, North 10°17'50" West, a distance of 2.00 feet to a point on a non-tangent 1197.92 foot radius curve to the right;



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ENGINEERS  
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Vancouver, WA  
98660

THENCE along said 1197.92 foot radius curve to the right (the long chord of which bears North 82°43'03" East, a distance of 100.48 feet), an arc distance of 100.51 feet to a point 2.00 feet Westerly of, when measured perpendicular to, the East line of said Minit Management, L.L.C., parcel;

THENCE North 01°29'41" East, parallel with and 2.00 feet Westerly of said East line, a distance of 403.89 feet to a point on the North line of said Minit Management, LLC, parcel;

THENCE South 88°30'19" East, along said North line, a distance of 2.00 feet to the Northeast corner thereof, said point being North 01°29'41" East, from the TRUE POINT OF BEGINNING;

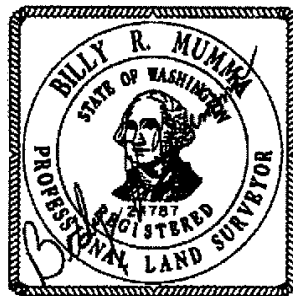
THENCE South 01°29'41" West, a distance of 400.00 feet to the TRUE POINT OF BEGINNING.

Containing 1,012 square feet, more or Less



01/11/16

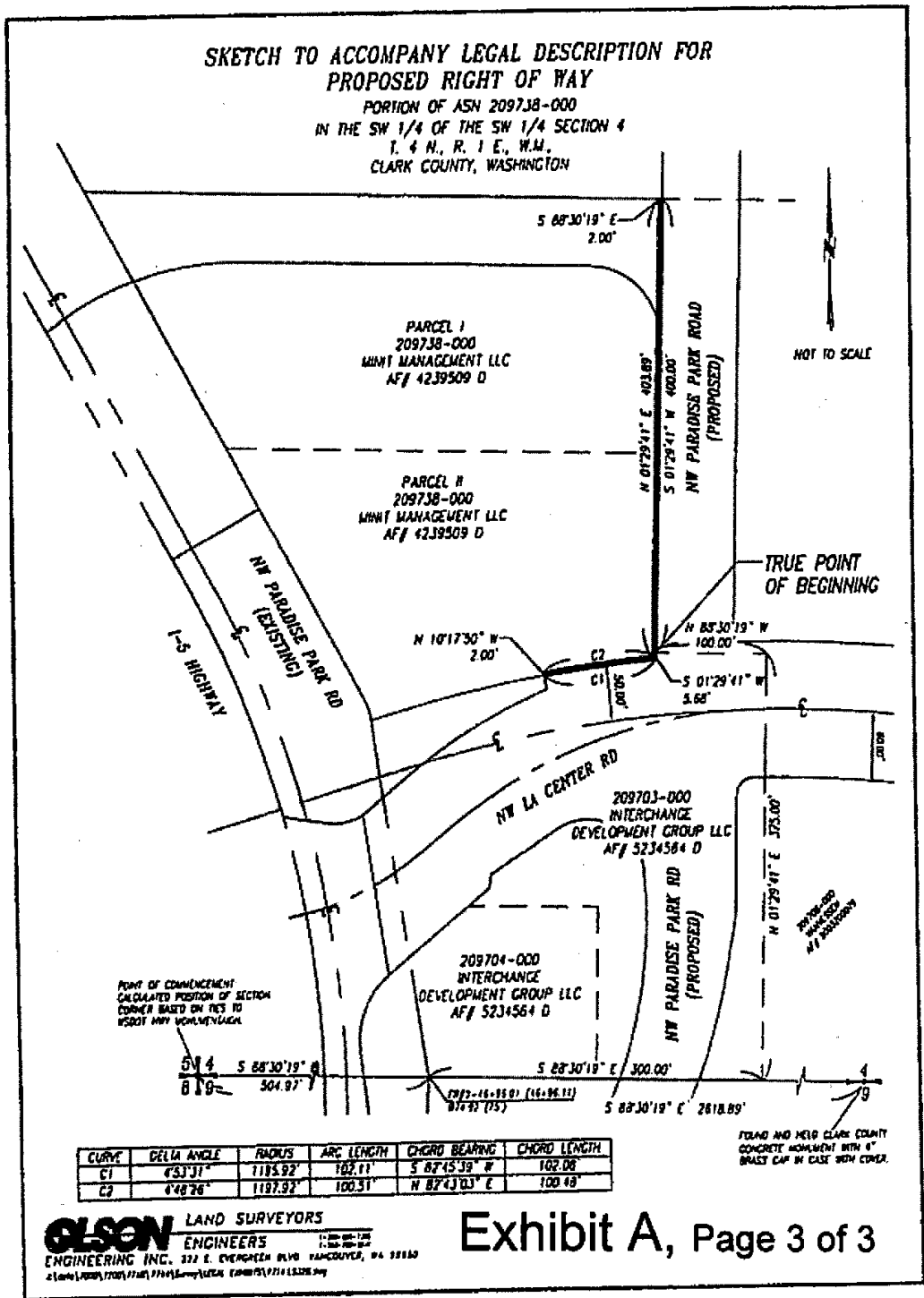
The description bearings for the above description should be rotated Counter-clockwise 0°00'37" to coincide with bearings on said SR 5, Ridgefield Jct. to Woodland right of way plan.



4-6-16

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR  
PROPOSED RIGHT OF WAY**

PORTION OF ASN 209738-000  
IN THE SW 1/4 OF THE SW 1/4 SECTION 4  
T. 4 N., R. 1 E., W.M.,  
CLARK COUNTY, WASHINGTON





## CITY COUNCIL AGENDA ITEM

**Department:** Finance

**Staff Contact:** Paul Lewis, Finance Consultant

**Agenda Date:** September 12, 2018

**Item:** Proposed Latecomer Agreement with the Cowlitz Indian Tribe

**Action Requested:** None; Receive Briefing and Provide Opportunity for Public Comment

**Background:**

The Cowlitz Indian Tribe spent \$4.26 million to construct a sewer pump station and trunk line from the wastewater treatment plant up La Center Road to the I-5 junction. State law and La Center Municipal Code (LCMC) provide the opportunity for the Tribe to recover their costs over time from property owners that benefit from the infrastructure. Wallis Engineering developed the methodology to allocate the cost of the pump station and trunk line to benefitting property owners who will pay the fee when they develop their property and connect to City sewer service. The Latecomer Agreement will outline the terms under which the City will collect the fee and the Tribe will receive payment. LCMC 13.10.240 requires two notices to property owners that benefit from any privately financed infrastructure and that will be subject to the latecomer fee. The first notice, the Preliminary Notice identified in LCMC 13.10.240 (3), was mailed on or around August 15<sup>th</sup> and is attached for reference.

**Briefing and Public Comment on Proposed Latecomer Agreement:**

The Preliminary Notice to property owners indicated that additional information and an opportunity to provide City Council with comments would be available at the September 12 City Council meeting. See the attached presentation on the proposed latecomer agreement with the Cowlitz Indian Tribe to be reviewed at the City Council meeting. After the presentation the public will be invited to provide comments to City Council.

**Budget/Financial Impact:**

Not applicable.

**Recommendation/Council Action:**

None.

**Attachments:**

- Preliminary Notice to Property Owners Regarding Latecomer Agreement
- Presentation on Proposed Latecomer Agreement with the Cowlitz Indian Tribe



**CITY OF LA CENTER PRELIMINARY NOTICE TO PROPERTY OWNERS  
LATECOMER AGREEMENT FOR LA CENTER ROAD SANITARY SEWER IMPROVEMENTS**

**August 14, 2018**

Dear Property Owner:

As authorized by R.C.W. 35.91 and La Center Municipal Code 13.10.240, the City of La Center has received an application from the Cowlitz Indian Tribe for the establishment of a Latecomer Agreement for reimbursement of costs associated with the construction of the La Center Road Pump Station and Sanitary Sewer Improvement project. Establishment of the Latecomer Agreement will create a requirement for pro rata reimbursement (e.g., fair share reimbursement) of project costs by benefitting properties. The reimbursement will be due at the time a benefitting property connects to the City's sewer system. Benefitting properties are shown on the map includes as Attachment A. Latecomer Fee assessments will be due only if a property within the benefitting area boundaries connects to the public sewer system within a 20-year timeframe.

The amount of the Latecomer Fee assessment that will be due at the time of connection is based on the project costs and the estimated Equivalent Residential Units (ERU) served by the project in each basin (see Attachment A). The preliminary Latecomer Fee for each basin/benefitting area is as follows:

<b>Sewer Basin (See Attachment A)</b>	<b>Latecomer's Assessment per ERU</b>
A	\$6,173.96
B	\$4,616.00
C	\$972.21
D	\$972.21

The ERUs associated with a specific development will be calculated at the time of connection in accordance with La Center Municipal Code 13.10.350 (see Attachment B). The fee estimate per ERU above is based on preliminary final costs for the project.

Establishment of the Preliminary Latecomer Fee will be discussed at the La Center City Council meeting at 6:30 pm on September 12, 2018. Public comment will be taken at that time.

Property owners may, upon payment of a \$250.00 appeal fee, request an appeal hearing. The appeal request and the fee must be received by the City within 20 calendar days of the mailing of this Preliminary Notice. The appeal based on receipt of a Preliminary Notice is limited to the issue of whether or not a specific property benefits from the La Center Road Pump Station and Sanitary Sewer Improvements and should be included in the area required to pay the Latecomer Fee. A Final Notice will be mailed to property owners 20 days before the final Latecomer Agreement takes effect. An appeal on the methodology used to calculate the final Latecomer Fee may be made after the Final Notice is mailed.

P:\Admin-Office\Construction Management\Shared Folders\Construction Folders\1435B 700 Construction\712 Latecomer's Agreement\DRMT Technical Memorandum\Exhibits\LaCenter Road Basin Map.dwg, 3/13/2018

Westerly Gravity Sewer

Northeasterly Gravity Sewer

Central Force Main

Pump Station Location

NW La Center Road

Basin A

Basin D

Basin B

Basin C

I-5 Corridor



0 350 700  
SCALE IN FEET

**Legend**

- Parcel Lines
- Service Area
- Basin A
- Basin B
- Basin C
- Basin D
- Gravity Sewer
- Force Main

# Latecomer's Agreement Service Area

City of La Center

La Center Road Pump Station and Sanitary Sewer

WE:1436B

March 2018

Class of Service	ERU Assignment
<b>Residential</b>	
1. Single-family dwelling	1 ERU
2. Multifamily dwelling	1 ERU per dwelling
3. Trailer courts	
– Permanent mobile home parks	1 ERU per rental space provided sewer service
– Transient RV parks	0.33 ERU per RV site provided sewer service
4. Bed and breakfast	1 ERU, plus 1 ERU per 5 rental rooms
5. Home business (residential primary use)	1 ERU
<b>Nonresidential</b>	
6. High schools, junior high/middle schools and community colleges	1 ERU per 24 students
7. Elementary schools, preschools, day care	1 ERU per 54 students
8. Churches	1 ERU per 150 seats
– If parsonage	1 ERU additional
– If weekday child care or church school	1 ERU per 54 students additional
9. Hospitals – General	1 ERU per bed
10. Convalescent/rest homes	1 ERU per 2 beds
11. Hotels, motels	1 ERU per 2 rooms
– If quality restaurant	1 ERU per 8 seats additional
12. Quality restaurants	1 ERU per 8 seats
13. Fast food	1 ERU per 9 seats
14. Tavern	1 ERU per 15 seats
15. Service stations (without car wash)	2 ERUs
16. Car wash	
– Wand	1.5 ERUs per stall
– Rollover	7.0 ERUs
– Tunnel	7.5 ERUs
17. Laundromats	1 ERU per machine or actual or projected flow calculations approved by the city engineer. See subsection (1)(b) of this section for more information about actual and projected flows.

Class of Service	ERU Assignment
18. Commercial (commercial shall include all classes not otherwise included in this table)	1 ERU per 1,600 sq. ft. or less of interior floor space. For commercial establishment in excess of 1,600 sq. ft. of interior floor space, the city may use actual or projected flow calculations approved by the city engineer; provided, however, the minimum connection fee shall not be less than one equivalent residential unit. If projected flow calculations are used, the connection fee shall be adjusted after the first year of operation of the establishment to reflect actual flow usage in the event the flows were underestimated. (See subsection (1)(b) of this section for more information about actual and projected flows.)
19. Light industrial waste with: – 30 lbs. to 200 lbs. of S.S. per day, or – 30 lbs. to 200 lbs. of BOD per day, and – Less than 10,000 gallons per day	Based on projected average monthly flows during peak season – 700 cu. ft. If projected flows are unknown then basis is same as Class 16.
20. Heavy industrial waste with more than: – 200 lbs. of BOD per day, or – 200 lbs. of S.S. per day, or – 10,000 gallons or more per day	Same as Class 17, 1 ERU per machine

(a) Where seating is on benches or pews, the number of seats shall be computed on the basis of one seat for each 18 inches of bench or pew length.

(b) Where actual or projected flows are used, the minimum connection fee shall not be less than one equivalent residential unit. If projected flow calculations are used, the connection fee shall be adjusted after the first year of operation of the establishment to reflect actual flow usage in the event the flows are underestimated. If projected flow calculations are proposed, it shall be the responsibility of the applicant to provide the engineered water consumption or other information necessary to determine the sewer flow, expressed in gallons per day.

## (2) Capital Facility Charge.

(a) So that the property owners shall bear their equitable share of the cost of the wastewater system and as authorized in RCW [35.92.035](#), there shall be paid a capital facilities charge at the time the application is approved for wastewater service. The city council by resolution will establish the amount of the capital facilities charge and may amend the charge as the council may deem necessary.

(b) For projects not completed within 180 days after approval and where the permit has expired in accordance with LCMC [13.10.145](#), the capital facilities charge shall be refunded to the applicant subject to a five percent processing fee. Latecomer and permit inspection fees are nonrefundable. Applicant shall be charged fee rates in effect at time of payment. [Ord. 2011-02 § 2 (Exh. 1), 2011.]

### 13.10.360 Effective date of charges.

Rates, capital facilities and systems development charges shall be in full force and effect August 1, 2006, as established per LCMC [13.10.030](#). [Ord. 2011-02 § 2 (Exh. 1), 2011.]



# City of La Center City Council Meeting

## Latecomer Agreement with the Cowlitz Indian Tribe: Council Briefing and Public Comment



September 12, 2018

## Agenda

- Latecomer Agreement Summary
- Regulatory Framework
- Overview of the Project
- Project Expense Summary
- Expense Allocation Methodology
- Proposed Fee & Payment
- Process Overview & Next Steps

## Latecomer Agreement Summary

- The Cowlitz Indian Tribe spent \$4.26 million to construct a sewer pump station and trunk line from the wastewater treatment plant up La Center Road to the I-5 junction
- State law and La Center municipal code provide the opportunity for the Tribe to recover their costs over time from property owners that benefit from the infrastructure
- Wallis Engineering developed the methodology to allocate costs to benefitting property owners who pay the fee when they develop their property and receive City sewer service
- The Latecomer Agreement outlines the terms under which the Tribe will receive payment

September 12, 2018

La Center City Council Meeting  
Latecomer Agreement Briefing and Public Comment

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## Regulatory Framework

### Revised Code of Washington 35.91.020

- Authorizes private property owners to construct required water or sewer infrastructure and to be reimbursed for their costs from other property owners
- Infrastructure has to comply with City infrastructure standards and City comprehensive planning
- Reimbursement from property owners who subsequently connect to or use the water or sewer facilities, but who did not contribute to the original cost of the facilities
- Reimbursement occurs over 20 years

September 12, 2018

La Center City Council Meeting  
Latecomer Agreement Briefing and Public Comment

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## Regulatory Framework

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### La Center Municipal Code 13.10.240

- Provides local requirements for submitting and processing requests by private parties to build infrastructure and be eligible for reimbursement
- Provides guidance on allocating project costs among the property owners based on their pro rata share of costs
- Identifies that payment is due when a building permit is issued or when a connection is made to the City system
- Requires two notices to property owners that will be subject to the latecomer agreement

## Regulatory Framework

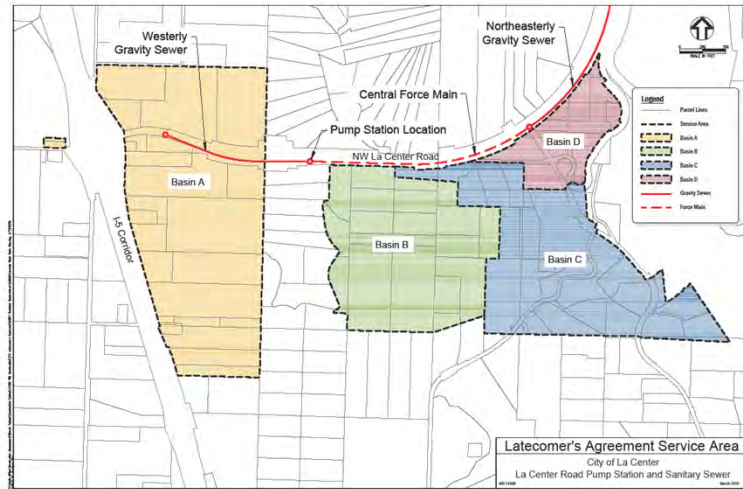
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### La Center Municipal Code 13.10.240

- Provides for property owner appeal with each notice
  - Preliminary Notice: Appeal only based on property's inclusion in area subject to the latecomer fee/reimbursement
  - Final Notice: Appeal of costs and fee methodology
- Provides a 15 year term for reimbursement
  - Needs to be updated to conform to State law
  - On Council agenda for September 26
- Outlines City Council approval process

# Overview of the Project

- East and West gravity sewer lines
- Central force main sewer line
- One pump station
- Four basins served
- Able to serve 84 parcels with



September 12, 2018

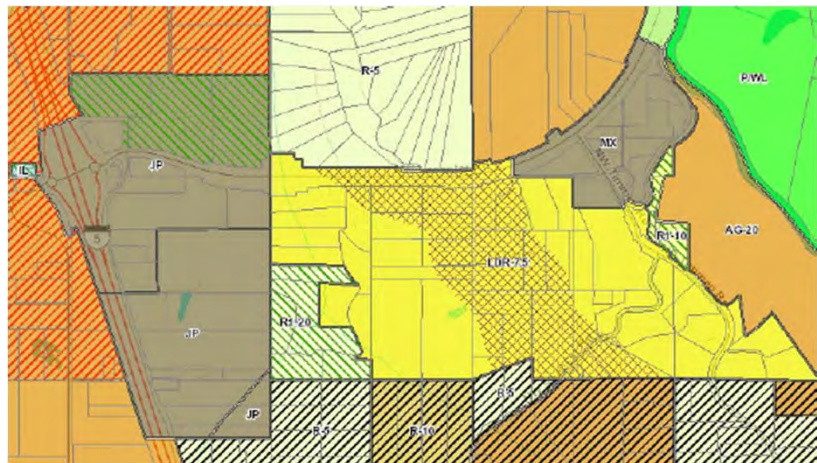
La Center City Council Meeting  
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# Overview of the Project

## Zoning

- Junction area and east end zoning is primarily mixed use
- Middle area is low density residential – 7,500 square foot lots



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# Overview of the Project

## Constraints

- Much of the area is characterized by steep slopes and/or landslide hazards
- McCormick Creek in center is low point



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# Project Expense Summary

- Total Project Cost = \$4,256,508

Cost Category	Amount	Vendors
Bond Issuance & Wire Fees	\$ 197,258	Various
Interest Expense to June 30, 2018	\$ 209,488	Columbia Bank
Initial Design & Engineering	\$ 179,300	Kittleson Engineering
Construction	\$ 3,328,789	Tapani Construction
Material Testing, Engineering & Misc.	\$ 29,745	Columbia West; Olson Engineering
Project Management	\$ 224,298	Wallis Engineering; City of La Center
Power/Electricity	\$ 57,510	Clark PUD
System Testing & Integration	\$ 30,121	The Automation Group (TAG)
<b>Total Project Costs</b>	<b>\$ 4,256,508</b>	

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## Expense Allocation Methodology

- Each property owner is required to pay a fee equal to their proportionate share of the new sewer pump station and trunk line cost – if and when those properties connect to the City's sewer system
- Project costs were allocated to the four basins based on the cost of the infrastructure used to serve each basin
  - Properties in Basin A furthest away from the City's wastewater treatment plant and near the La Center Road/I-5 junction will pay a higher fee than properties in Basins C & D closer to the wastewater treatment plant and near NW Timmen Road

## Expense Allocation Methodology

- Project costs were allocated to the properties in the four basins using the same methodology used for the design
  - The project was designed to handle the estimated future demand in total Equivalent Residential Units (ERUs) – the estimated sewer service demand associated with one single family home
  - The ERUs associated with each basin were based on developable acres and Clark Regional planning guidelines for sewer demand
  - Estimated developed acres were adjusted for acres required for streets and other infrastructure and for environmental constraints
  - Estimated ERUs/Acre per CRWD: Commercial = 4.4; Industrial = 6.7; Mixed Use = 7.0; and Residential = 4.95

# Expense Allocation Methodology

## ■ Expense Allocation and Fee by Basin

Basin	Allocated Costs	Estimated Basin ERU	Estimated ERU (Cumulative)	Basin Cost/ ERU	Cumulative Cost/ERU	Total Cost by Basin
Basin A	\$ 708,947	455	455	\$1,558.13	\$ 6,174.61	\$ 2,809,447
Basin B	\$ 2,507,193	233	688	\$3,644.18	\$ 4,616.48	\$ 1,075,640
Basins C&D	\$ 1,040,368	382	1,070	\$ 972.31	\$ 972.31	\$ 371,421
<b>TOTAL</b>	<b>\$ 4,256,508</b>	<b>1,070</b>				<b>\$ 4,256,508</b>

Source: Wallis Engineering

- Flow from ERUs in Basin A flows through Basins A, B, C & D and pays a prorated share of each segment's cost
- Flow from ERUs in Basin B use the pump station and flows through Basins B, C & D and pays a prorated share of costs for those segments only
- Flow from ERUs in Basins C & D pay a prorated share of Basin C & D cost

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La Center City Council Meeting  
Latecomer Agreement Briefing and Public Comment

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# Proposed Latecomer Fee & Payment

- The proposed latecomer fee per ERU by basin:
  - Basin A: Junction Area = \$6,174.61 per ERU
  - Basin B: Middle Section = \$4,616.48 per ERU
  - Basins C & D: Lower Section = \$972.31 per ERU
- The actual latecomer fee charged for any proposed development will be based on the ERUs associated with that development as determined by the schedule provided in La Center Municipal Code Section 13.10.350
  - Example: General commercial = 1 ERU per 1,600 square feet
  - Example: Hotel = 1 ERU for every two rooms

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## Proposed Latecomer Fee & Payment

- Payment of the latecomer fee is due at the time the building permit is issued or, for a subdivision, when a connection is made to the City sewer system
- The latecomer fee is in addition to the system development charge (SDC) of \$5,841 for all basins subject to the fee
  - The SDC primarily pays for treatment plant expansion and would be higher if the sewer line had not been built by the Cowlitz Tribe
- Total latecomer fee and system development charge:
  - Basin A: Junction = \$12,015.61 per ERU
  - Basin B: Middle Section = \$10,457.48 per ERU
  - Basins C&D: Lower Section = \$6,813.31 per ERU

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## Process Overview & Next Steps

### Process Overview

- Preliminary notice to property owners – mailed August 15
- Presentation and public comment to City Council – September 12
- City Council approval of latecomer agreement – Scheduled for September 26
- Final notice to property owners – After City Council approval but before agreement is signed
- Agreement signed 20 days after Final notice mailed – if no property owner appeal is filed

September 12, 2018

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Latecomer Agreement Briefing and Public Comment

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## Process Overview & Next Steps

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### Next Steps

- Tonight
  - Opportunity for public comment and Council feedback
- September 26: Consideration of Latecomer Agreement
  - Opportunity for Council feedback on proposed agreement
  - Code change: make maximum term for latecomer agreement 20 years to conform to State law
- October: Final agreement signed by the City and the Cowlitz Indian Tribe if no appeal
  - Consideration of Final Notice appeals if any are filed

## Questions/Discussion

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- Agreement and Process Summary
- Regulatory Framework
- Overview of the Project
- Project Expense Summary
- Expense Allocation Methodology
- Proposed Fee and Payment
- Process Update/Next Steps

**DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF LA CENTER  
AND MINIT MANAGEMENT, LLC**

This Development Agreement (the "Agreement") is entered into by and between the CITY OF LA CENTER, a Washington Municipal Corporation (the "City") and MINIT MANAGEMENT, LLC ("Minit Management") a Washington Limited Liability Corporation and the record owner of the following real property (the "Property") located in Clark County, City of La Center:

Assessor's Parcel Number: 209738000  
Abbreviated Legal Description: Legal # 17 # 55 SEC 4 T4N R1EWM 4.22A M/L

**RECITALS**

**WHEREAS**, Minit Management is the record owner of the Property, which is located within the City limits of La Center and legally described in Exhibit A to this Agreement, attached hereto and incorporated herein by this reference; and

**WHEREAS**, the City is a Washington Municipal Corporation with land use planning and permitting authority over all land within its corporate limits; and

**WHEREAS**, local governments and private property owners are authorized by RCW 36.70B.170 to enter into development agreements, and the City has adopted and codified this authority in Chapter 18.60 of the La Center Municipal Code ("LCMC"); and

**WHEREAS**, this Agreement relates to future development of the Property for commercial and related accessory purposes; and

**WHEREAS**, the City and Minit Management agree to mitigation measures due to the relocation of ingress and egress access currently enjoyed by the Minit Management commercial venture; and

**WHEREAS**, the following events have occurred or are anticipated to occur as a result of the design, construction and relocation(s) of the I-5 Interchange, NW Paradise Park Road and NW La Center Road that will necessitate the relocation of safe ingress and egress access to the Minit Management commercial venture:

- a) The Cowlitz Indian Tribe (the "Tribe") in conjunction with the Washington State Department of Transportation and Federal Highway Administration, is constructing a new Interchange at the La Center/I-5 Junction,
- b) Portions of the new construction require the relocation and reconstruction of roads within City jurisdiction, including NW Paradise Park Road and NW La Center Road,

- c) Minit Management currently has access to and from NW Paradise Park Road and NW La Center Road, and this access will need to be relocated off of NW La Center Road to maintain the safe design and use of that road, and
- d) The City and the Tribe entered into an intergovernmental agreement, dated March 3, 2016 (the “City-Tribe Intergovernmental Agreement”) that provides for the Tribe’s paying the full cost of designing, permitting and constructing all of the transportation improvements associated with its reconstruction of the I-5 interchange, including all of the transportation improvements described in this Agreement; and

**WHEREAS**, this Agreement is intended to implement those aspects of the City-Tribe Intergovernmental Agreement that affect the Minit Management Property and its access to the City’s public transportation system.

**NOW, THEREFORE**, based on the foregoing Recitals, the parties agree as follows:

**Section 1. Recitals.** The Recitals above set forth are incorporated into this Agreement by reference.

**Section 2. Development Agreement.** This Agreement is a Development Agreement that is adopted and shall be implemented and interpreted in accordance with RCW 36.70B.170 through RCW 36.70B.210 and LCMC chapter 18.60. It shall be a binding contract between Minit Management and the City upon the City’s approval by resolution following a public hearing in accordance with RCW 36.70B.170 and execution by an authorized Minit Management representative.

**Section 3. Effective Date, Term, Termination, and Modification.** This Agreement shall be effective (the “Effective Date”) upon adoption of a resolution or Ordinance by the La Center City Council and the subsequent execution and signature by the authorized representatives of both parties. This Agreement shall be and remain in force for a period of 5 years from the Effective Date, after which it shall expire automatically and become null and void (the “Termination Date”), except that any development approvals (land use, land division, building permits and the like) issued by the City for development of the Property prior to the Agreement’s expiration date shall continue to impose on-going legal obligations and vesting benefits on the holder of the those development approvals in accordance with state law and applicable city ordinances. This Agreement may be modified prior to termination only upon written mutual written agreement of both parties after a public hearing as required by RCW 36.70B 200 and LCMC 18.60.040.

**Section 4. Construction of Access Facilities, Transfer of Right-of Way, and the Closure of NW La Center Road Access.**

**A. Paradise Park Road Realignment.** Currently, NW Paradise Park Road runs north-south just east of the I-5 right-of-way and west of the Minit Management Property, where it intersects with NW La Center Road. The Minit Management Property has access from NW Paradise Park Road and from NW La Center Road. Pursuant to the City-Tribe Intergovernmental Agreement,

the Tribe will construct a new alignment for NW Paradise Park Road along the east boundary of the Minit Management Property on land owned by Fudge that will intersect NW La Center Road at the southeast corner of the Minit Management Property. Pursuant to the City-Tribe Intergovernmental Agreement, the preferred alignment for NW Paradise Park Road extends due north from its proposed new intersection with NW La Center Road, north beyond the Minit Management Property to NW 324<sup>th</sup> Street (the "Preferred Alignment"). However, in the event that construction of the Preferred Alignment is not feasible, the parties agree to accept an alternative alignment that turns west at the northeast corner of the Minit Management Property and extends within the Minit Management Property along its north boundary to intersect with the current NW Paradise Park Road alignment (the "Alternative Alignment").

- i. The City-Tribe Intergovernmental Agreement reflects these terms generally stated herein, including the relocation of NW Paradise Park Road. The City-Tribe Intergovernmental Agreement provides for the Preferred Alignment and for the Alternative Alignment of NW Paradise Park Road. In the case of either alignment, the City-Tribe Intergovernmental Agreement provides that the Tribe shall bear all costs of design, obtaining permits and constructing the realigned NW Paradise Park Road and access points thereto for the Minit Management Property.
- ii. Minit Management shall accept and cooperate with the City and the Tribe in the implementation of the City-Tribe Intergovernmental Agreement .
- iii. In the event that the Alternative Alignment is chosen and constructed for NW Paradise Park Road, Minit Management shall dedicate to the City sufficient right-of-way along the entire northern boundary of the Minit Management Property as identified as item 11 in the attached Exhibit B to construct the new (Alternative Alignment) for NW Paradise Park Road so as to meet all applicable City street standards. Documentation for this dedication shall be prepared by the City or the Tribe and presented to Minit Management for its review and execution. Minit Management shall execute the right-of-way dedication for the realigned NW Paradise Park Road upon demand by the City.
- iv. Minit Management will cooperate with the Tribe in the design and construction of an east-west connecting road from the northwest corner to the northeast corner of the Minit Management property (at no cost to Minit Management or the City) with the proviso that stormwater management and utilities will be relocated to accommodate this road in a manner that is satisfactory to Minit Management and the City. The redesigned stormwater management system shall be constructed at the Tribe's expense and be located underground and with a capacity to serve the future redevelopment of the Minit Management property. Minit Management will provide a temporary construction easement to allow the Tribe to relocate the stormwater facility and construct the necessary access connections related to the new public road facilities adjacent to the site. The system will drain the stormwater in a fashion that does not conflict with WSDOT property and will comply with all applicable City stormwater requirements.

**B. Change of Access for Minit Management Property.** The realignment of NW Paradise Park Road will necessitate a change to the access for the Minit Management Property, *i.e.*, the

closure of its current access points on NW La Center Road and NW Paradise Park Road and construction of new access points on the re-aligned NW Paradise Park Road. The City will allow Minit Management to retain its current access to NW Paradise Park Road in the northwest corner of the Minit Management property. At Minit Management's request, the Tribe shall construct a forty foot (40') wide road and "T" intersection with the newly realigned NW Paradise Park Road to reach such access point at the Tribe's expense and in compliance with the City's current road design standards. The City will also allow Minit Management to retain its current access to NW La Center Road as a right-in/right-out until such time as the City determines that the new (yet to be constructed) intersection of NW Paradise Park Road and NW La Center road meets signalization warrants. When signal warrants are met at that new intersection, Minit Management will close its NW La Center Road access and, from that point forward, rely upon the new access points onto NW Paradise Park Road. The full cost of the design, permitting and construction of the new access points shall be paid by the Tribe through separate agreements with the Parties. All of these street and intersection improvements shall be designed, permitted and constructed by the Tribe to the applicable City design standards.

- i. Through the City-Tribe Intergovernmental Agreement, the City has contractually obligated the Tribe to design, permit and construct a 40-foot wide road and "T" intersection access with the realigned NW Paradise Park Road on the east side of the Minit Management Property. This intersection shall be designed to City standards.
- ii. If the Alternative Alignment for NW Paradise Park Road is developed, the City has contractually obligated the Tribe to design, permit and construct a similar 40-foot wide road and "T" intersection access with the realigned NW Paradise Park Road on the northwest side of the Minit Management Property.
- iii. Once the realigned NW Paradise Park Road is constructed and accepted by the City together with the new access point(s) from the Minit Management Property onto NW Paradise Park Road, Minit Management shall allow the City to impose access control and limit its existing access to NW La Center Road to right-in/right-out only via the installation of a raised median. Minit Management agrees that at that time, the City shall exercise complete access control over access to NW La Center Road, including the eventual closure of all access points in accordance with this Agreement, without further compensation by the City, except as provided in Section 5.
- iv. At such time that the City determines that the new NW Paradise Park Road and NW La Center Road intersection meets signalization warrants, the City will direct the Tribe to install a traffic signal at this intersection at the Tribe's sole expense. Pursuant to the City's access control authority, herein provided, Minit Management agrees that the Minit Management access to NW La Center Road shall be closed upon 30 days written demand by the City, without further compensation by the City, except as provided in Section 5. From that point forward, Minit Management shall rely solely upon the new access points onto NW Paradise Park Road.
- v. New access/egress locations shall be approved by the City and Minit Management in conjunction with the relocation and modification of NW Paradise Park and NW La

Center Roads. These access points for the Minit Management Property will include, at a minimum, a forty foot (40') wide full turn access on the north boundary of the Minit Management property from the realigned NW Paradise Park Road, and a forty foot (40') wide full turn access point on the east boundary of the Minit Management property from the realigned NW Paradise Park Road at a point that is the minimum distance allowed by the City's current road standards for driveway access from a signalized intersection. These modifications and realignments are identified on Exhibit B attached to this Agreement.

In the event NW Paradise Park Road is realigned pursuant to the Preferred Alignment, Minit Management will be granted two forty foot (40') wide full turn access points from realigned NW Paradise Park Road on the east boundary of the Minit Management property. The southern access point shall be located at the minimum distance allowed by the City's current road standards for driveway access from a signalized intersection. The northern access point shall be located pursuant to the driveway spacing requirements under the City's current street standards. Two access points can be accommodated on the Minit Management's eastern side, while meeting the city's current intersection spacing and driveway separation standards without a variance..

**Section 5. Vacation of Right-of-way Not Needed by the City.** As a result of the realignment and reconstruction of NW Paradise Park Road and NW La Center Road, the City will no longer require any or a portion of NW Paradise Park Road between (west of) the Minit Management Property and I-5 for right-of-way purposes. For that reason, the City shall entertain a request by Minit Management pursuant to RCW chapter 35.79 for the vacation of all or a portion of the adjacent portion of NW Paradise Park Road identified as item 12 on the attached Exhibit B. In processing such a vacation request, the City agrees that Minit Management's surrender of its NW La Center Road access constitutes sufficient consideration for the City's vacation of the portion of NW Paradise Park Road adjacent to the Minit Management Property identified as item 12 on Exhibit B, and the city shall not require further compensation. In the event that the alternative alignment of Paradise Park Road is selected and constructed, the City shall entertain a vacation request for the northern portion of the existing NW Paradise Park Road west of the Minit Management Property and shall deem Minit Management's dedication of right-of-way to be sufficient compensation for granting that vacation request. As the requestor of these vacations, Minit Management shall pay all of the associated costs of the vacation request(s), including surveying fees, the cost of documentation and recordation of the final Vacation Ordinance(s).

**Section 6. Proportionate Share in the Cost of Intersection Signal.** As part of the transportation improvements described in Section 4, a new intersection of NW Paradise Park Road and NW La Center Road will be constructed at the southeast corner of the Minit Management Property. Initially, that intersection will be controlled by stop signs only, but as traffic volumes increase over time, signalization warrants will be met, and the City will require the intersection to be signalized. Pursuant to the City-Tribe Intergovernmental Agreement, the cost to design, permit and construct the intersection and subsequently signalize it shall be borne by the Tribe. The City hereby agrees that Minit Management's proportionate share contribution to the cost of that signalization shall be zero.

**Section 7. Vesting of Vehicle Trips.** For purposes of future concurrency management and Transportation Impact Fees (TIFs) that would be assessed by the City on the redevelopment or change in use at the Minit Management Property, the City will credit the Average Daily Trip (ADT) generation and p.m. peak hour trips from the Minit Management operation on the Property as of the effective date of this Agreement. That trip generation credit is 2,000 ADT, 187 a.m. peak hour trips and 199 p.m. peak hour trips. The TIF that will be due for the redevelopment or change in use of the Minit Management Property will be based on the increase in ADT generation attributable to the new development or use beyond the current level of trip generation. Capacity for the current p.m. peak hour trips from the current use of the Minit Management Property shall be reserved by the City and vested for Minit Management. If the ADT generation for the use on the Minit Management Property decreases over time, the ADTs attributable to the Property's use on the effective date of this Agreement shall serve as the basis for any TIF calculation performed within 5 years of the Effective Date of this Agreement.

**Section 8. Vesting of Development Standards.** As provided for in RCW 36.70B.170(1) and LCMC chapter 18.60, during the term of this Agreement, development of the Minit Management Property shall be controlled by the terms and conditions of this Agreement and any requirements and/or standards adopted by the City that are not inconsistent with the terms and requirements of the Agreement. Development of the Minit Management Property during the term of this Agreement shall be controlled by the City's zoning and development standards as they exist on the Effective Date of this Agreement. Minit Management may, consistent with RCW 36.70B.180, elect to be subject to any amendment to City zoning or development standards adopted during the term of this Agreement. Upon expiration of this Agreement, the Minit Management Property shall be subject to the City's then-applicable zoning and development standards. The City reserves the authority to impose new or different regulations on the Minit Management Property to the extent required by a serious threat to public health and safety.

**Section 9. Provision of Sanitary Sewer Connections.** Pursuant to the City-Tribe Intergovernmental Agreement, the Tribe will design and construct and stub a dry sanitary sewer line and a water line meeting city standards to the southwest corner of the Minit Management Property for future connection by the Minit Management Property, as shown on Exhibit C attached to this Agreement, when the Minit Management Property is redeveloped. Such sewer and water lines will be connected to existing collection and distribution lines to be constructed by the Tribe that will be located in NW La Center Road and which meet city standards. When the Minit Management property is redeveloped, Minit Management will connect these dry lines to such sewer and water systems, if available, subject to the costs of connection and systems development charges or latecomer fees in effect at the time of connection.

**Section 10. Remedies.** Should a disagreement arise between the City and Minit Management regarding the interpretation and application of this Agreement, the parties agree to attempt to resolve the disagreement by first meeting and conferring. If this does not result in resolution the parties agree to employ a mutually agreed upon mediator to resolve the disagreement. If mediation proves unsuccessful the disagreement may be resolved by judicial action filed in the Clark County Superior Court.





I certify that I know or have satisfactory evidence that GREG THORNTON is the person who appeared before me and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the MAYOR of CITY OF LA CENTER to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument

Dated this 23rd day of MARCH, 2016

Jenny Olive

NOTARY PUBLIC FOR WASHINGTON

My Commission Expires: 4.17.17



STATE OF WASHINGTON )  
  ) ss  
County of Clark )

I certify that I know or have satisfactory evidence that Donald Rhoads is the person who appeared before me and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the OWNER of Minit Management LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument

Dated this 28th day of March, 2016

Miranda Manuel

NOTARY PUBLIC FOR WASHINGTON

My Commission Expires: March 09, 2019



**DEVELOPMENT AGREEMENT  
BETWEEN THE COWLITZ INDIAN TRIBE  
AND MINIT MANAGEMENT, LLC**

This Development Agreement (the "Agreement") is entered into by and between the COWLITZ INDIAN TRIBE, a federally recognized Indian Tribe (the "Tribe") and MINIT MANAGEMENT, LLC ("Minit Management") a Washington Limited Liability Corporation and the record owner of the following real property (the "Minit Management Property") located in Clark County, City of La Center:

Assessor' Parcel Number: 209738000  
Abbreviated Legal Description: Legal # 17 # 55 SEC 4 T4N R1EWM 4.22A M/L

**RECITALS**

**WHEREAS**, Minit Management, is the record owner of the Minit Management Property, which is legally described in Exhibit A to this Agreement and is located within the City limits of La Center, attached hereto and incorporated herein by this reference; and

**WHEREAS**, the Tribe, along with the City of La Center, the Federal Highway Administration (FHWA), and the Washington State Department of Transportation (WSDOT) are collectively planning for construction of certain improvements to the Interstate 5 (I-5) Interchange at NW 319<sup>th</sup> Street/La Center Road, including but not limited to modifications to NW Paradise Park Road, 31<sup>st</sup> Avenue, and 319<sup>th</sup> Street (Improvements); and

**WHEREAS**, the Tribe has entered into an Intergovernmental Agreement ("IGA") with the City of La Center setting forth the Tribe's responsibility for completion of the Improvements; and

**WHEREAS**, access to the Minit Management Property is impacted by the Improvements and the City of La Center and Minit Management have agreed to certain mitigation measures due to the relocation of ingress and egress access currently enjoyed by the Minit Management commercial venture ("Mitigation Measures"), which agreements are set forth in a Development Agreement; and

**WHEREAS**, the Tribe has obligated itself to the City of La Center through the IGA to complete some of the Mitigation Measures, and the Tribe and Minit Management desire to confirm those obligations as they impact the Minit Management Property as set forth in this Agreement.

**NOW, THEREFORE**, based on the foregoing Recitals, the parties agree as follows:

**Section 1. Recitals.** The Recitals above set forth are incorporated into this Agreement by reference.

## **Section 2. Construction of Access Facilities.**

A. Paradise Park Road Realignment. Currently, NW Paradise Park Road runs north-south just east of the I-5 right-of-way and west of the Minit Management Property, where it intersects with NW LaCenter Road. The Minit Management Property takes access from NW Paradise Park Road and from NW LaCenter Road. The Tribe will design, obtain permits and construct at the Tribe's sole expense, a new alignment for NW Paradise Park Road along the east boundary of the Minit Management Property on land owned by Fudge that will intersect NW LaCenter Road at the southeast corner of the Minit Management Property and north beyond the Minit Management Property to NW 324<sup>th</sup> Street (the "Preferred Alignment").

In the event the Preferred Alignment is not permitted, the parties would accept an alignment that turns west at the northeast corner of the Minit Management Property and extends along the north boundary of (within) the Minit Management Property to intersect with the current NW Paradise Park Road alignment (the "Alternative Alignment").

B. Minit Management shall accept and cooperate with the City and Tribe in the implementation of the IGA that reflects these terms related to the relocation of NW Paradise Park Road.

C. In the event that the Alternative Alignment is chosen and constructed for NW Paradise Park Road, Minit Management shall dedicate to the City sufficient right-of-way along the entire northern boundary of the Minit Management Property as identified as item 11 in Exhibit B attached to the Development Agreement to construct the Alternative Alignment for NW Paradise Park Road so as to meet all applicable City street standards. Documentation for this dedication shall be prepared by the City or Tribe and presented to Minit Management for its review and execution. Minit Management shall execute the right-of-way dedication for the realigned NW Paradise Park Road upon demand by the City.

D. Minit Management will cooperate with the Tribe in the design and construction of an east-west connecting road from the northwest corner to the northeast corner of the Minit Management property (at no cost to Minit Management) with the proviso that stormwater management and utilities will be relocated to accommodate this road in a manner that is satisfactory to Minit Management and the City of La Center. The redesigned stormwater management system shall be constructed at the Tribe's expense and be located underground and with a capacity to serve the future redevelopment of the Minit Management property. Minit Management will provide a temporary construction easement to allow the Tribe to relocate the stormwater facility and construct the necessary access connections related to the new public road facilities adjacent to the site. The system will drain the stormwater in a fashion that does not conflict with WSDOT property and will comply with all applicable City of La Center stormwater requirements. In the event the Preferred Alignment is chosen, the Tribe will nonetheless construct the storm management system at its expense to serve the future redevelopment of the Minit Management Property.

**Section 3. Change of Access for Minit Management Property.** The realignment of NW Paradise Park Road will necessitate a change to the access for the Minit Management Property,

*i.e.*, the closure of its current access points on NW LaCenter Road and NW Paradise Park Road and construction of new access points on the re-aligned NW Paradise Park Road. The City of La Center will allow Minit Management to retain its current access to NW Paradise Park Road in the northwest corner of the Minit Management property. At Minit Management's request, the Tribe shall construct a forty foot (40') wide road and "T" intersection with the newly realigned NW Paradise Park Road to reach such access point at the Tribe's expense and in compliance with the current road standards under LCMC. The City of La Center will also allow Minit Management to retain its current access to NW LaCenter Road as a right-in/right-out until such time as the City determines that the new (yet to be constructed) intersection of NW Paradise Park Road and NW LaCenter road meets signalization warrants. When signal warrants are met at that new intersection, the City will require Minit Management to close its NW LaCenter Road access and, from that point forward, rely upon the new accesses onto NW Paradise Park. The full cost of the design, permitting and construction of the new accesses shall be paid by the Tribe. All of these street and intersection improvements shall be designed, permitted and constructed by the Tribe to the applicable City design standards.

A. The Tribe will design, permit and construct a 40-foot wide road and "T" intersection access with the realigned NW Paradise Park Road on the east side of the Minit Management Property. This intersection shall be designed to City of La Center standards.

B. If the Alternative Alignment for NW Paradise Park Road is developed, the Tribe will design, permit and construct a similar 40-foot wide road and "T" intersection access with the realigned NW Paradise Park Road on the north side of the Minit Management Property.

C. Once the realigned NW Paradise Park Road is constructed and accepted by the City of La Center as are the new access points from the Minit Management Property onto NW Paradise Park Road, Minit Management shall allow the City of La Center to impose access control and limit its existing access to NW La Center Road to right-in/right-out only via the installation of a raised median. At that time, Minit Management shall consent to City of La Center's exercise of complete access control over access to NW LaCenter Road, including the eventual closure of all access points in accordance with this Agreement.

D. At such time that the City of La Center determines that the new NW Paradise Park Road and NW LaCenter Road intersection meets signalization warrants, the City will direct the Tribe to install a traffic signal at this intersection at the Tribe's sole expense. Pursuant to the City's access control authority, herein provided, Minit Management shall allow the City to close the Minit Management access to NW LaCenter Road upon 30 days of written demand by the City. From that point forward, Minit Management shall rely solely upon the new access points onto NW Paradise Park Road.

E. New access/egress locations shall be approved by the City of La Center and Minit Management in conjunction with the relocation of and modification to NW Paradise Park and NW La Center Roads, and which will include, at a minimum, a forty foot (40') wide full turn access point on the north boundary of the Minit Management property from the realigned NW Paradise Park Road, and a forty foot (40') wide full turn access point on the east boundary of the Minit Management property from the realigned NW Paradise Park Road. These modifications

and realignments are identified on Exhibit B attached to the Development Agreement and shall be constructed by the Tribe at the Tribe's sole expense.

F. In the event NW Paradise Park Road is realigned pursuant to the Preferred Alignment, Minit Management will be granted two forty foot (40') wide full turn access points from realigned NW Paradise Park Road on the east boundary of the Minit Management property which shall be constructed by the Tribe at the Tribe's sole expense.

**Section 4. Provision of Sanitary Sewer Connections.** The Tribe will design and construct a dry sanitary sewer line, and a water line meeting City of La Center standards, to the southwest corner of the Minit Management Property for future connection by the Minit Management property attached and shown on Exhibit C attached to Development Agreement when the Minit Management Property is redeveloped. Such sewer and water lines will be connected to existing collections and distributions lines to be constructed by the Tribe and located in NW La Center Road meeting city standards. When the Minit Management Property is redeveloped, Minit Management will connect these dry lines to such sewer and water systems, if available, subject to the costs of connection and systems development charges or latecomer fees in effect at that time of connection. The Tribe agrees to reimburse Minit Management the difference between Minit Management's proportional share of systems development charges or latecomer fees calculated on the basis of the Tribe's casino project being connected to the sewer line and the proportional share of systems development charges or latecomer fees calculated on the basis of the Tribe's casino project not being connected to the sewer line. The express purpose of this provision is to ensure that the system development charges or latecomer fees for the Minit Management Property are significantly less than what would be a proportional share if the casino project was not connected, and reimbursement to Minit Management of the difference. Such reimbursement by the Tribe shall occur within ten (10) days of Minit Management's payment of said fees to the City of La Center.

**Section 5. Attorney Fees.** The Tribe agrees to reimburse Minit Management for the attorney fees it incurs as a result of the negotiation of this Agreement and the Development Agreement with the City of La Center.

**Section 6. Remedies.** Should a disagreement arise between the Tribe and Minit Management regarding the interpretation and application of this Agreement, the parties agree to attempt to resolve the disagreement by first meeting and conferring. If this does not result in resolution the parties agree to employ a mutually agreed upon mediator to resolve the disagreement. If mediation proves unsuccessful the disagreement may be resolved by judicial action filed in the Clark County Superior Court.

**Section 7. Performance.** Failure by either party at any time to require performance by the other party of any of the provisions or requirement of the Agreement shall in no way affect the parties' rights hereunder to enforce any and all requirements of this Agreement, nor shall any failure by a party to declare a default or breach of the Agreement by the other party be deemed a waiver of an default or breach or a waiver of this non-waiver clause.

**Section 8. Enforcement and Venue.** This Agreement shall be construed in accordance with and governed by, the laws of the State of Washington. The parties agree to venue in Superior Court for Clark County to resolve any disputes that may arise under this Agreement.

**Section 9. Severability.** If any portion of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable to any extent, the validity of the remaining provisions shall not be affected thereby.

**Section 10. Binding on Successors.** This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and to their respective heirs, successors and assigns. Minit Management may sell or otherwise lawfully dispose of all or any portion of the property to another person, corporation, partnership or other entity, who shall be bound by and benefitted by the requirements and terms of this Agreement.

**IT IS SO AGREED,** as indicated by the below-signed authorized representative of the parties hereto.

**COWLITZ INDIAN TRIBE:**

By: 

Date: March 23, 2016

**MINIT MANAGEMENT, LLC**

By:  Manager

Date: March 4, 2016

STATE OF WASHINGTON )  
 ) ss  
County of \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of \_\_\_\_\_ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument

Dated this \_\_\_\_ day of \_\_\_\_\_, 2015

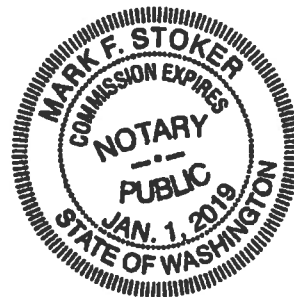
\_\_\_\_\_  
NOTARY PUBLIC FOR WASHINGTON  
My Commission Expires: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss  
County of Clark )

I certify that I know or have satisfactory evidence that Donald R Rhoads the person who appeared before me and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Manager of Minit Management LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument

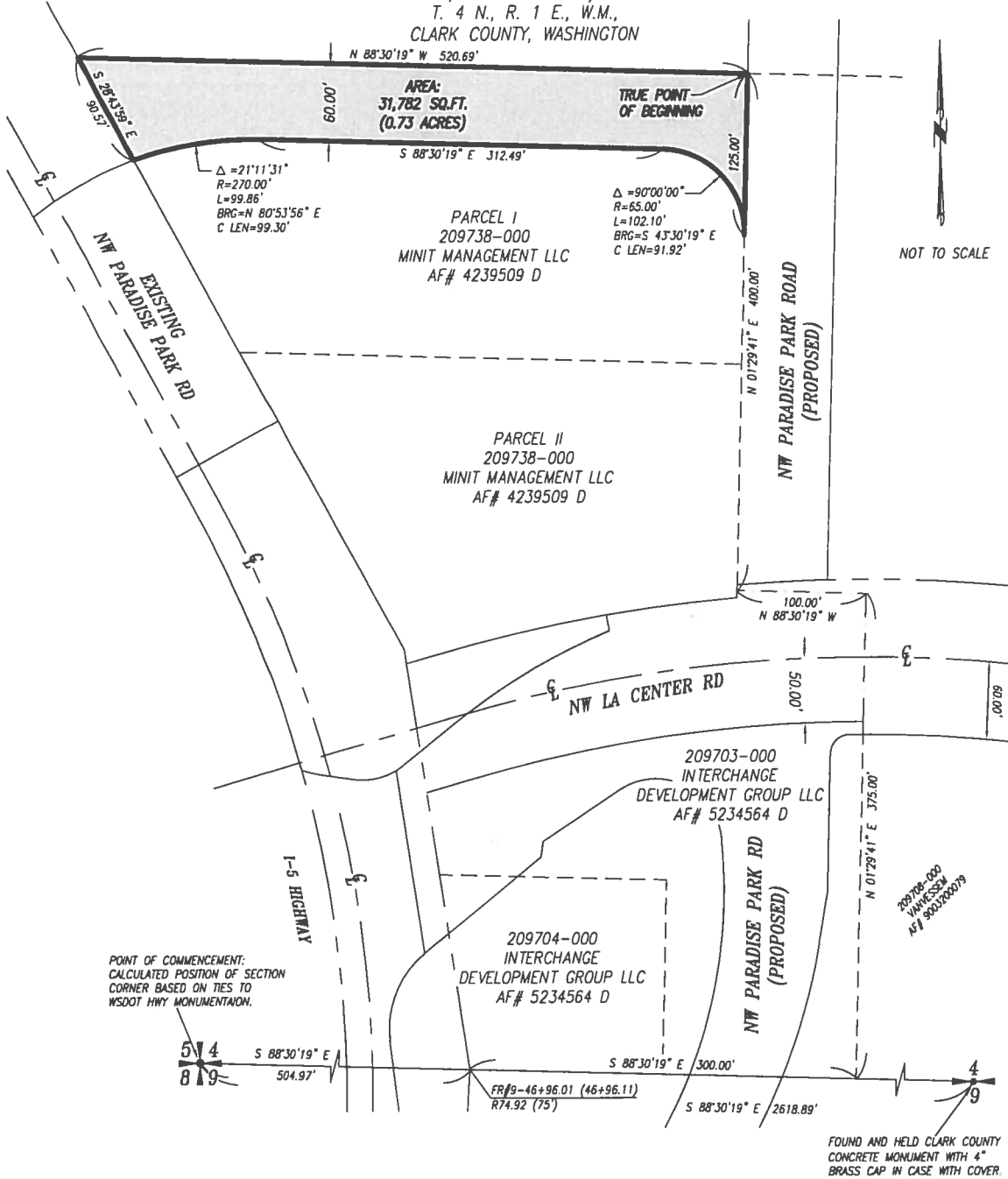
Dated this 4 day of March, 2016

[Signature]  
\_\_\_\_\_  
NOTARY PUBLIC FOR WASHINGTON  
My Commission Expires: 1-1-19



**SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR  
PROPOSED RIGHT-OF-WAY**

PORTION OF ASN 209738-000  
IN THE SW 1/4 OF THE SW 1/4 SECTION 4  
T. 4 N., R. 1 E., W.M.,  
CLARK COUNTY, WASHINGTON

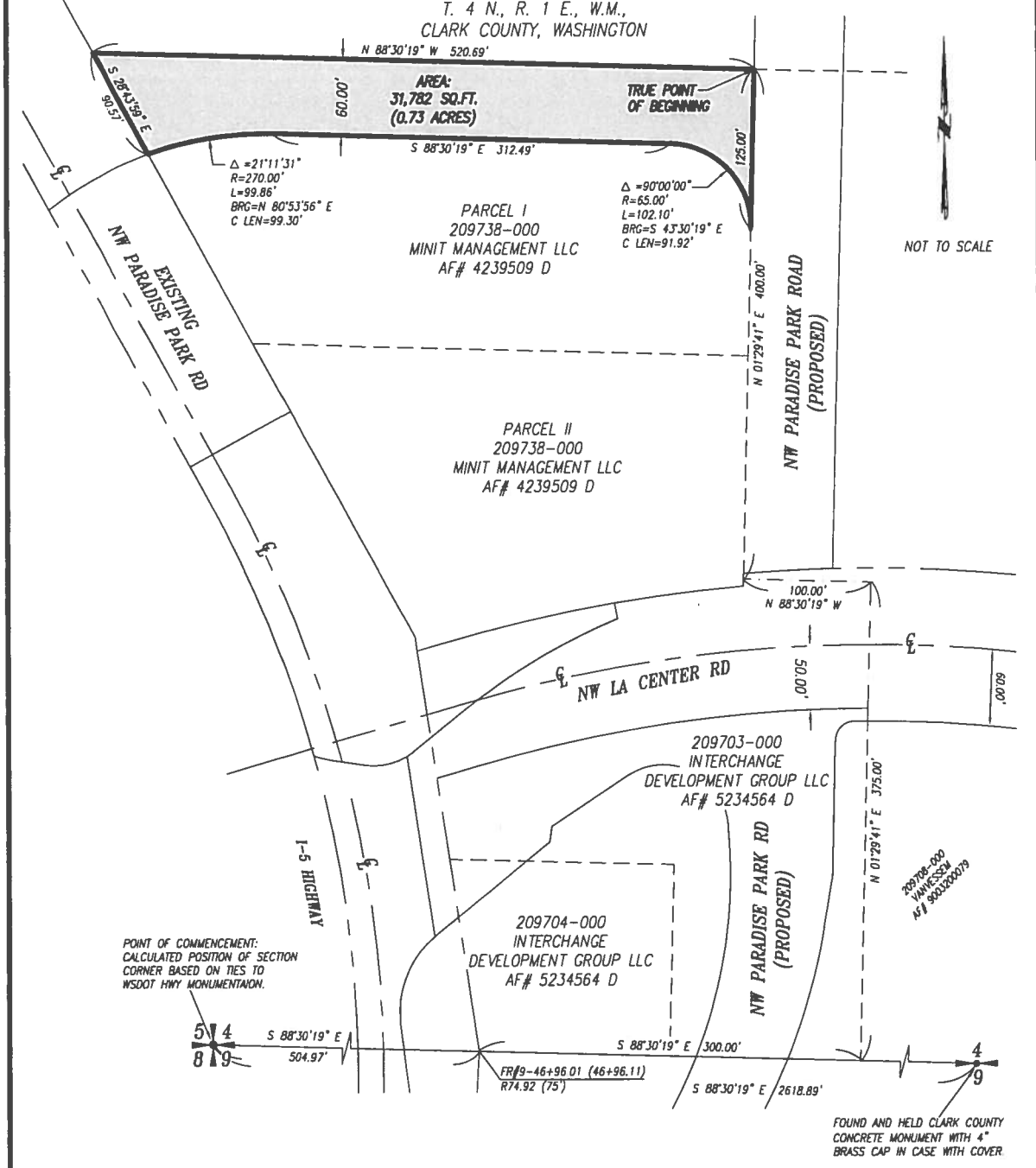






**SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR  
PROPOSED RIGHT-OF-WAY**

PORTION OF ASN 209738-000  
IN THE SW 1/4 OF THE SW 1/4 SECTION 4  
T. 4 N., R. 1 E., W.M.,  
CLARK COUNTY, WASHINGTON



NOT TO SCALE



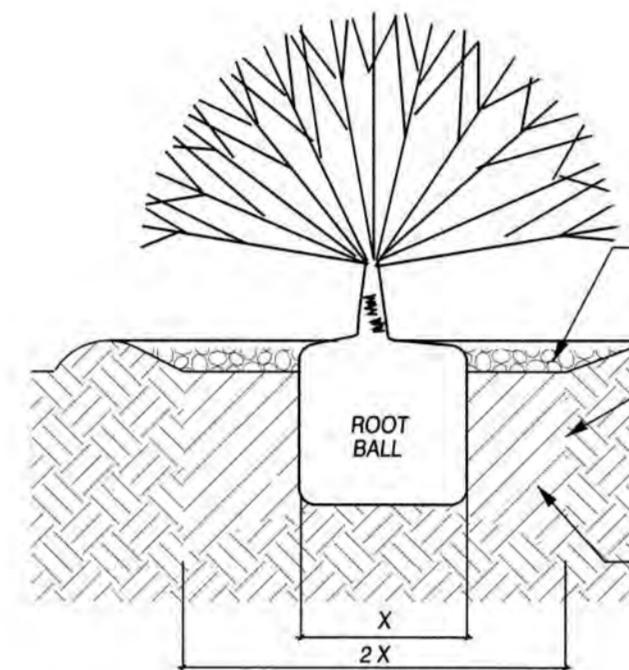




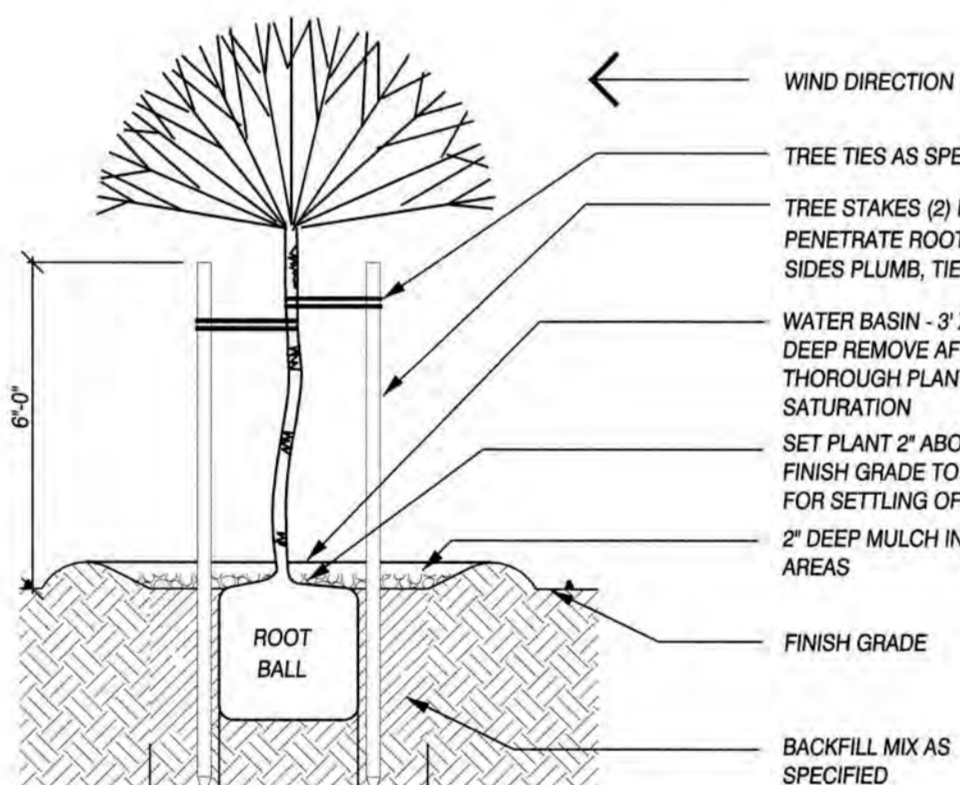
**LANDSCAPE LEGEND**

SYMBOL	COMMON NAME	SIZE/COND.	SPACING	COMMENTS
<b>TREES</b>				
AFC	Autumn Flowering Cherry <i>Prunus subhirtella 'Autumnalis Rosea'</i>	1.5" CAL.	15" O.C.	
BM	Bowhall Maple <i>Acer rubrum 'Bowhall'</i>	1.5" CAL.	30" O.C.	
DPB	Dakota Pinnacle Birch <i>Betula platyphylla 'Fargo'</i>	1.5" CAL.	30" O.C.	
FEM	Frontier Elm <i>Ulmus 'Frontier'</i>	2" CAL.	AS SHOWN	
FFH	Frans Fontaine Hornbeam <i>Carpinus betulus 'Frans Fontaine'</i>	2" CAL.	AS SHOWN	
MH	Mountain Hemlock <i>Tsuga mertensiana</i>	6" HEIGHT	AS SHOWN	
RBC	Royal Burgundy Cherry <i>Prunus serrulata 'Royal Burgundy'</i>	1.5" CAL.	15" O.C.	
RRT	Red Rage Tupelo <i>Nyssa sylvatica 'Haymanred'</i>	2" CAL.	AS SHOWN	
SA	Summit Ash <i>Fraxinus pennsylvanica 'Summit'</i>	2" CAL.	30" O.C.	
SKM	Sango Kaku Maple <i>Acer palmatum 'Sango Kaku'</i>	1.5" CAL.	AS SHOWN	
<b>SHRUBS</b>				
BAW	Blue Arctic Willow <i>Salix purpurea 'Nana'</i>	5 GAL.	4" O.C.	
BO	Burkwood Osmanthus <i>Osmanthus x burkwoodii</i>	24" 30"	3" O.C.	
COG	Compact Oregon Grape <i>Mahonia aquifolium 'Compactum'</i>	3 GAL.	3" O.C.	See Note 12
DF	Dwarf Fothergilla <i>Fothergilla gardenii</i>	3 GAL.	3" O.C.	
DFG	Dwarf Fountain Grass <i>Pennisetum alopecuroides 'Hamel'</i>	1 GAL.	3" O.C.	
DWE	Dwarf Winged Euonymus <i>Euonymus alata 'Compacta'</i>	5 GAL.	3" O.C.	
EA	Emerald Arborvitae <i>Thuja occidentalis 'Smaragd'</i>	3-4" HEIGHT	2.5" O.C.	
FE	Frares Escallonia <i>Escallonia x exoniensis 'Frares'</i>	24" 30"	5" O.C.	
FRG	Feather Reed Grass <i>Calamagrostis x acutiflora 'Karl Foerster'</i>	1 GAL.	3" O.C.	See Note 12
HY	Hydrangea <i>Hydrangea macrophylla 'Nikko Blue'</i>	5 GAL.	4" O.C.	See Note 12
JA	Japanese Andromeda <i>Pieris japonica 'Mt. Fuji'</i>	5 GAL.	4" O.C.	See Note 12
LB	Lydia Broom <i>Genista lydia</i>	1 GAL.	3" O.C.	
LBP	Little Bunny Pennisetum <i>Pennisetum alopecuroides 'Little Bunny'</i>	1 GAL.	2.5" O.C.	
MEG	Maiden Eulalia Grass <i>Miscanthus sinensis 'Gracilimus'</i>	1 GAL.	3.5" O.C.	
MR	Meidiland Rose <i>Rosa x Meidiland 'Scarlet'</i>	2 GAL.	3" O.C.	
OG	Oregon Grape <i>Mahonia aquifolium</i>	3 GAL.	3" O.C.	
PH	Privet Honeysuckle <i>Lonicera pileata</i>	5 GAL.	3" O.C.	
PL	Portugal Laurel <i>Prunus lusitanica</i>	24" 30"	5" O.C.	
PPM	Porcupine Miscanthus <i>Miscanthus sinensis 'Strictus'</i>	1 GAL.	3.5" O.C.	
SRJ	Skyrocket Juniper <i>Juniperus scopulorum 'Skyrocket'</i>	3-4" HEIGHT	3" O.C.	See Note 12
SF	Sword Fern <i>Polystichum munium</i>	1 GAL.	3" O.C.	See Note 12
SPH	Sky Pencil Holly <i>Ilex crenata 'Sky Pencil'</i>	3 GAL.	3" O.C.	
VD	Variegated Dogwood <i>Cornus alba 'Elegantissima'</i>	5 GAL.	4" O.C.	
VO	Variegated Osmanthus <i>Osmanthus heterophyllus 'Variegatus'</i>	24" 30"	3" O.C.	
<b>GROUND COVER</b>				
[Symbol]	Bearberry Cotoneaster <i>Cotoneaster dammeri</i>	1 GAL.	24" O.C.	
[Symbol]	Emerald Carpet Rubus <i>Rubus calycinoides 'Emerald Carpet'</i>	1 GAL.	18" O.C.	
[Symbol]	Lawn - Seeded/Sod/Hydroseeded Oregon Ryegrass Blend			
[Symbol]	Purpleleaf Wintercreeper <i>Euonymus fortunei 'Colorata'</i>	1 GAL.	30" O.C.	

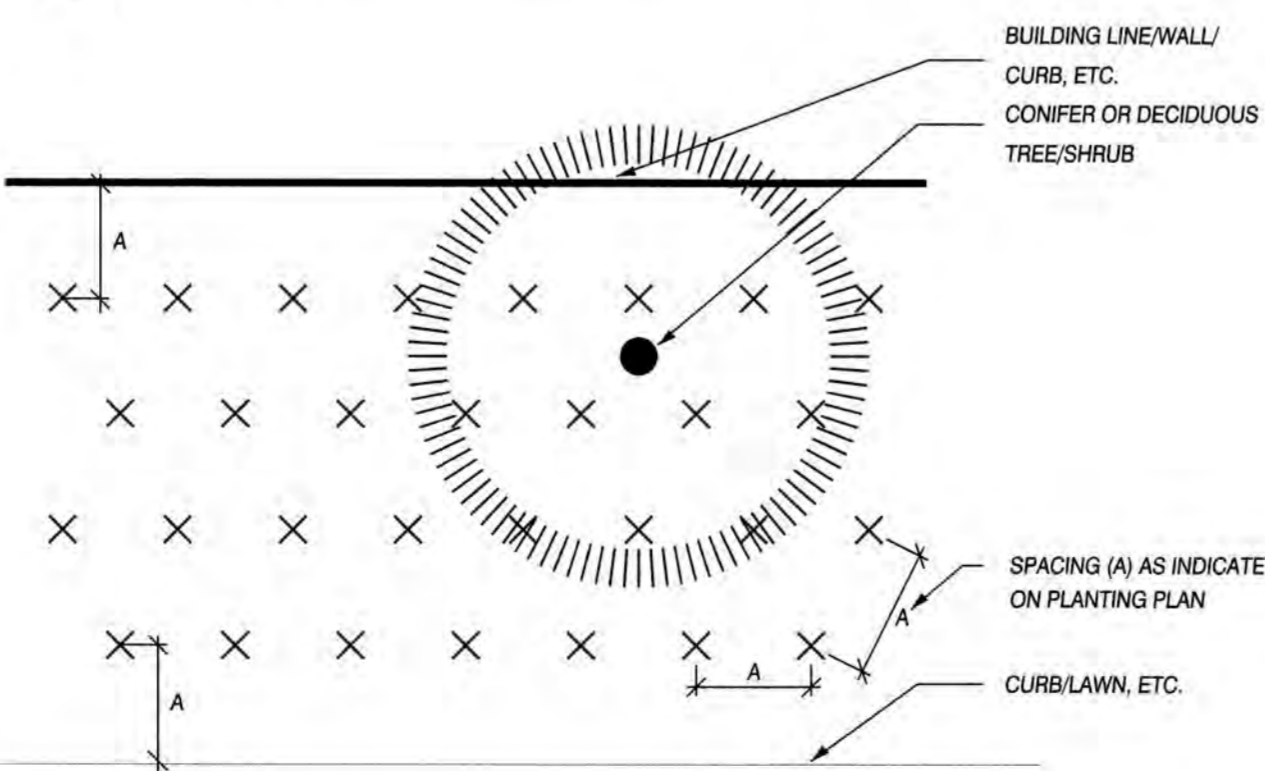
- NOTES**
- Installation shall fully comply with all landscape code requirements and any City of La Center conditions of approval.
  - Irrigation shall be provided by a fully automatic underground system design/build by the landscape contractor.
  - All landscaping shall be installed in a sound workman-like manner, and according to accepted good planting procedures with quality plant materials.
  - The owner, or his agent, shall be responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance, and shall be kept free from refuse and debris.
  - Plants shall be spaced as indicated above unless otherwise shown on the plan. If a discrepancy exists, the plan shall prevail.
  - Contractor shall verify species and quantities of all plant material prior to bid.
  - Install late erosion control fabric on all slopes 2:1/2:1 and greater. Refer to Civil Engineering plans.
  - Install root control barrier on all trees located within 8' of any paved/concrete surface, curb or wall, 18"-inches deep, .08-inches or 2mm thick, 10 feet long. Center barrier on trunk of tree. Install adjacent to back of sidewalk, pavement, curb and/or wall as per manufacturer's recommendations and specifications.
  - Prior to installation of topsoil in tree, shrub, groundcover and lawn planting areas as indicated on the Landscape Plan, cross-rip at 18 inches on center or rototill subgrade to an 8-inch to 12-inch depth.
  - Install minimum 12-inch depth imported topsoil in all tree, shrub and groundcover planting areas. 6 inches in lawn areas, as indicated on the Landscape Plan. Amend planting area topsoil with 2-inch minimum layer composted yard debris prior to installation of plant material. Imported planting area topsoil shall be a sandy loam topsoil with a combined silt and clay content less than 20% and medium to very fine sand 60%-70% which shall be percentages by weight of those particles passing a 2mm screen. The remaining percentages shall be particles larger than medium to very fine sand (coarse or very coarse sand or gravel sized particles). All particles shall pass a 1/2-inch screen. All topsoil shall be free from subsoil, debris, turf, mushrooms, weeds or any other objectionable material. If subgrade is comprised of rock, rock fill or cement treated soil, remove subsoil from site and deposit topsoil to the following depths: 24-inch minimum depth in all planting areas, 36-inch minimum depth at all tree locations in a 5 foot diameter. Allow no cross contamination of cement treated soil with placed topsoil.
  - Install minimum 2-inches bark mulch in all new landscape areas within 2 days of planting.
  - For plantings around the hotel (Bldg. 4), center/align/placement HY, JA, FRG and SRJ between windows. Center/placement SF and COG with windows.



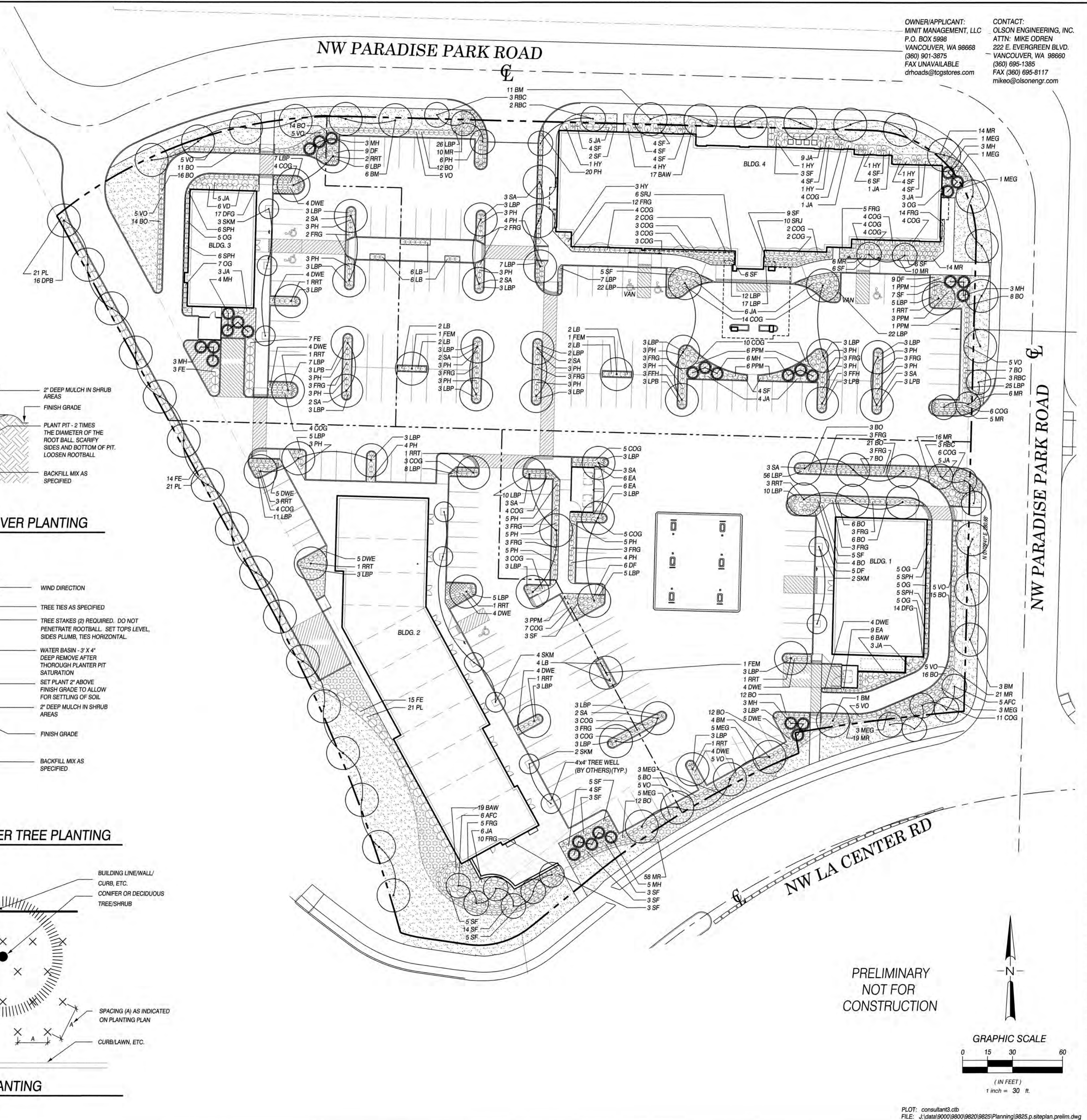
**1 SHRUB/GROUND COVER PLANTING**  
NOT TO SCALE



**2 DECIDUOUS/CONIFER TREE PLANTING**  
NOT TO SCALE



**3 GROUND COVER PLANTING**  
NOT TO SCALE



OWNER/APPLICANT:  
MINIT MANAGEMENT, LLC  
P.O. BOX 5998  
VANCOUVER, WA 98668  
(360) 901-3875  
FAX UNAVAILABLE  
dhrhoads@tcgstores.com

CONTACT:  
OLSON ENGINEERING, INC.  
ATTN: MIKE ODREN  
222 E EVERGREEN BLVD.  
VANCOUVER, WA 98660  
(360) 695-1385  
FAX (360) 695-8117  
mikeo@olsonengr.com

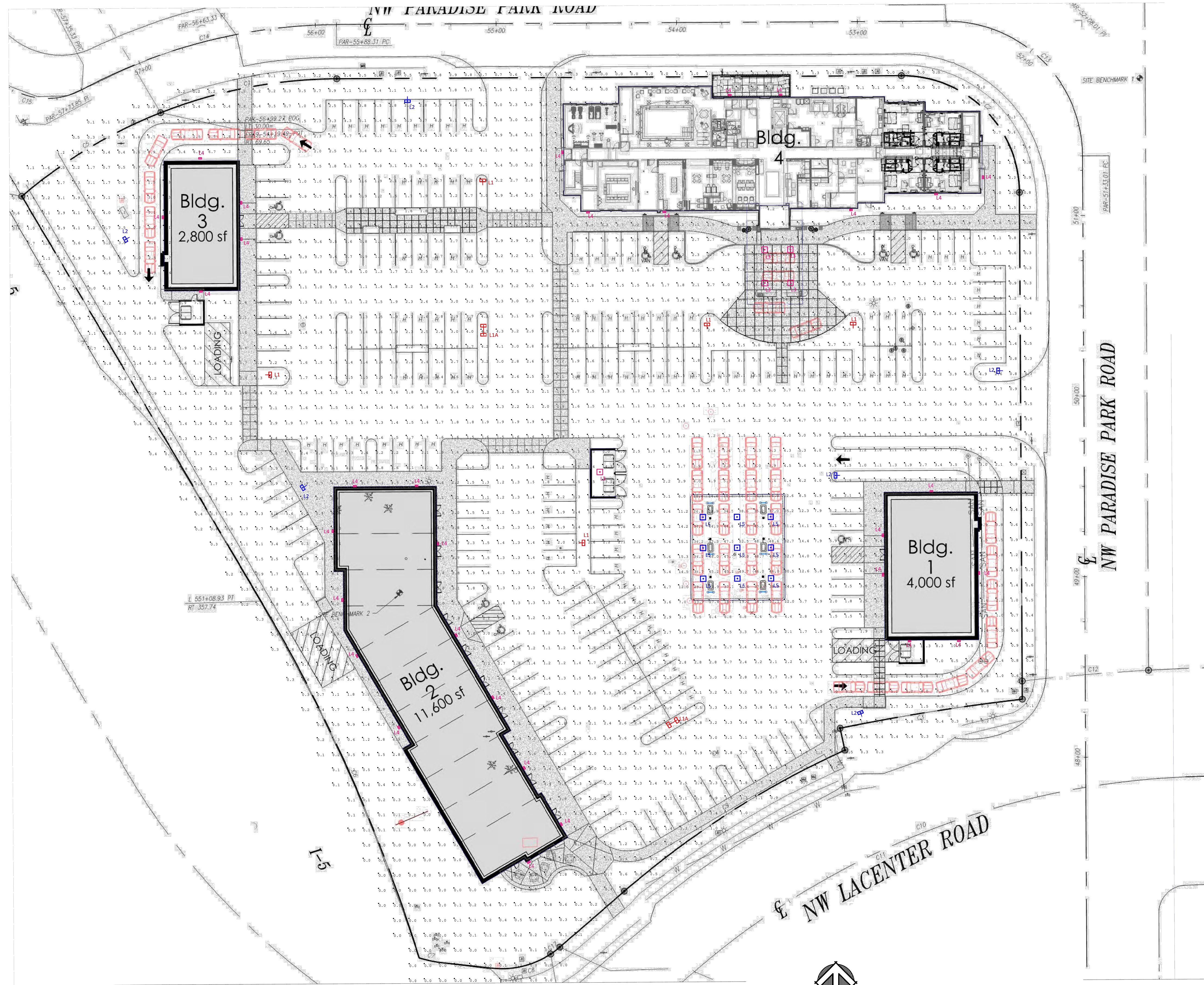
PRELIMINARY LANDSCAPE PLAN FOR:

**MINIT MANAGEMENT**  
LAND SURVEYORS  
ENGINEERS  
OLSON ENGINEERING INC. 222 E EVERGREEN BLVD., VANCOUVER, WA 98660  
360-695-1385  
503-898-8606

STATE OF WASHINGTON  
REGISTERED LANDSCAPE ARCHITECT  
*Michael R. Odren*  
MICHAEL R. ODREN  
CERTIFICATE NO. 891

DESIGNED: MRO	DATE: 3-2-2020
DRAWN: MRO	CHANGES / REVISIONS
CHECKED: MRO	DESCRIPTION: DATE:
DATE: MARCH 2020	
SCALE: H: 1" = 30'	
V:	
COPYRIGHT 2020, OLSON ENGINEERING, INC.	
MINIT MANAGEMENT	
JOB NO. 9825.01.01	
SHEET	
LS1.0	

PLOT: consultant6.dwg  
FILE: J:\data\9000\9825\9825\Planning\9825.plt\plan.prelim.dwg



**TLP**

**THE LIGHTING PROJECT**

#	Date	Comments
1		Notes Regarding Deliverable

Revisions

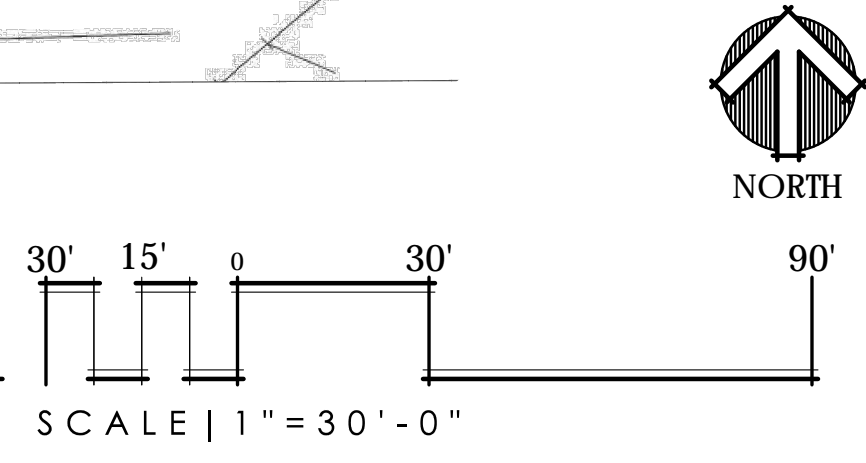
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Drawn By: JESSE  
The Lighting Project / www.tlpw.com  
Date: 2/2/2020  
Scale:

**La Center Site Lighting**  
**CALCULATIONS**

Page 1 of 1

**SITE PHOTOMETRIC | SITE PLAN**



Luminaire Schedule			
Symbol	Qty	Tag	Description
[Symbol]	5	L1	HUBBELL RAR2-320L-110-4K7-5QW
[Symbol]	2	L1A	HUBBELL RAR2-320L-110-4K7-5QW (TWIN HEAD)
[Symbol]	6	L2	HUBBELL RAR2-320L-165-4K7-3
[Symbol]	5	L3	HUBBELL LSQ2-70-4K7-UNV-X
[Symbol]	31	L4	BARRON WLZ4-4-4K
[Symbol]	9	L5	HUBBELL CLEDXL7UNV55WH

\\SACLOUD\sgarch\01 Projects\2019\19-125 La Center Mini (La Center, WA)\04 Type II & III Site Plan Review\19-125 Photometrics.dwg

## FUEL CANOPY L5 | FUEL CENTER

DATE: \_\_\_\_\_ LOCATION: \_\_\_\_\_  
TYPE: \_\_\_\_\_ PROJECT: \_\_\_\_\_  
CATALOG #: \_\_\_\_\_

### LSQ SERIES LUMASQUARE

#### ORDERING GUIDE

Example: LSQ2-55-40K-UNV-DB-PCU

Item	Qty	Part #	Finish	Control Options	Options
LSQ1-55	Start 1.5hr / 1500lm	8K7 5000K 70CR	UNV 277V	DB Dark Bronze Textured	PCU Sensor Processor (120-277V)
LSQ1-40	Size 1.4hr / 1500lm	4K7 4000K 70CR	120V 277V	BL Black Textured	SCP Sensor Control Programmable (120-277V)
LSQ2-55	Size 2.5hr / 2000lm	8K7 5000K 70CR	208 208V	WH White Textured	SWP SkySync Pre-Commission w/ Motion Sensor*
LSQ2-70	Size 2.7hr / 2000lm	8K7 5000K 70CR	240 240V	GR Gray Smooth	SWP SkySync Pre-Commission w/ Motion Sensor*
			277 277V	PS Flat Silver Smooth	ZPF Dual Power Feed*
			UNV 34740V	GT Graphite Textured	ZPF Dual Power Feed*
				CC Custom Color	SPC Polycarbonate Vandal Shield

Note:  
1. Available in LSQ2-55 and LSQ2-70 only  
2. Available in 120V/277V only  
3. Motor control requires 2-wire line control (SCP-REMOTE) to program occupancy sensors and 4-wire line control (SWP-REMOTE) to program occupancy sensors and 4-wire line control (ZPF-277V) only  
4. Control with Data Line (DL) requires 2-wire line control (SCP-277V) only  
5. Must specify voltage, 120 or 277V only

#### STOCK ORDERING INFORMATION

Case Number	Lumens	Wattage	CCT (K)	Voltage	Finish	Options
LSQ1-40-PCU	600	40W	4000K/70CR	120-277V	Dark Bronze Textured	Product
LSQ1-40-6V-PCU	600	40W	4000K/70CR	120-277V	Gray Smooth	Product
LSQ1-40-4K-PCU	530	75W	4000K/70CR	120-277V	Dark Bronze Textured	Product
LSQ2-70-4K-PCU	530	75W	4000K/70CR	120-277V	Gray Smooth	Product

#### ACCESSORIES

Case Number	Description
SCP-REMOTE	Remote control for SCP option. Order a minimum of one per project to program and control features
SCP-SPC	Polycarbonate Vandal Shield

#### PERFORMANCE DATA

Category	# of LEDs	Current	System Watts	Distribution	5K (5000K nominal, 70 CR)	4K (4000K nominal, 70 CR)	3K (3000K nominal, 80 CR)
LSQ1	176	43mA	24.3 W	V	318	131	2
					2	3	2
LSQ2	352	65mA	38.1 W	V	4026	121	2
					2	3	2
LSQ2	476	42mA	16.6 W	V	7246	133	2
					2	3	2
LSQ2	720	65mA	37.5 W	V	5481	128	2
					2	3	2

1. Lumens values are from photometric test performed in accordance with EN12467:2010. Data is considered to be representative of other configurations shown. Actual performance may differ as a result of unique environment and application.

DATE: \_\_\_\_\_ LOCATION: \_\_\_\_\_  
TYPE: \_\_\_\_\_ PROJECT: \_\_\_\_\_  
CATALOG #: \_\_\_\_\_

### LSQ SERIES LUMASQUARE

#### ELECTRICAL DATA

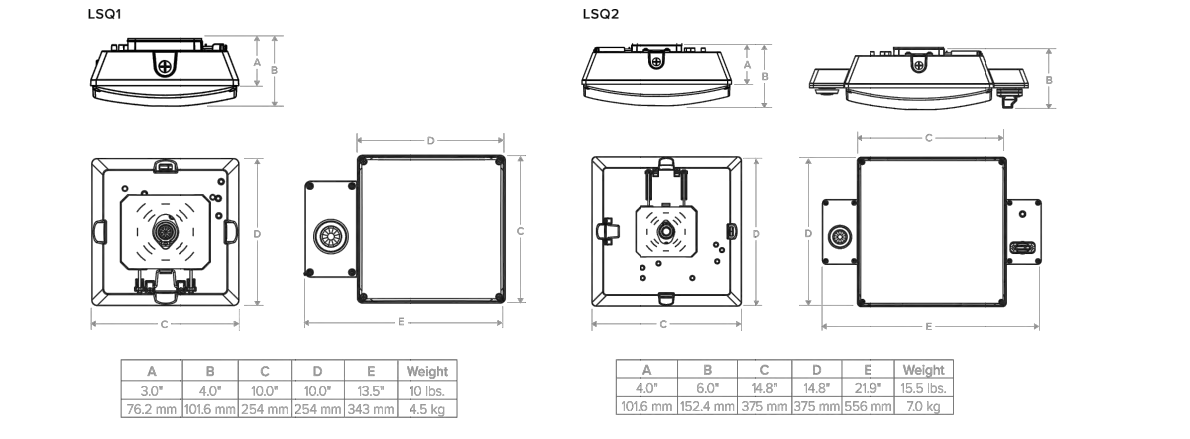
Category	# of Drivers	Input Voltage	Current (amps)	System Watts
LSQ1-55	1	120	0.32	35.7
		277	0.31	35.7
LSQ1-40	1	120	0.31	31.0
		277	0.31	31.0
LSQ2-55	1	120	0.34	51.3
		277	0.34	51.3
LSQ2-70	1	120	0.36	71.6
		277	0.36	71.6

#### PROJECTED LUMEN MAINTENANCE

Ambient Temp	0	25,000	50,000	100,000	L70
25°C / 77°F	1.00	0.95	0.93	0.91	0.81
45°C / 104°F	0.97	0.92	0.90	0.88	0.79

#### LUMINAIRE AMBIENT TEMPERATURE FACTOR (LATF)

Ambient Temperature	Lumen Multiplier
35°C	0.97
30°C	0.95
25°C	0.93
20°C	0.91
15°C	0.88
10°C	0.87
5°C	0.86



DATE: \_\_\_\_\_ LOCATION: \_\_\_\_\_  
TYPE: \_\_\_\_\_ PROJECT: \_\_\_\_\_  
CATALOG #: \_\_\_\_\_

## WALL PACKS L4 | ALL BUILDINGS

### WLZ SERIES Zero Uplight LED Wallpack

**DESCRIPTION**  
The WLZ Series features an architecturally relevant low-profile LED design in lumen packages ranging from 1500 lumens to over 12,000 lumens. Its high-efficiency light engine is designed for optimal light control and distribution with zero uplight. This family of product is offered in several size housings to complement any building exterior and accommodates mounting heights up to 35'. Integral emergency battery backup available for path of egress with Cold Location operation down to -20°C.

**CONSTRUCTION**  
• Rugged die-cast aluminum housing with stainless steel hardware and powder coated black, bronze, silver or white finish  
• UV-stabilized polycarbonate optical lens  
• Integral heat sink for maximized heat dissipation  
• Back box houses drivers away from LEDs and includes three ½" hubs (WLZ1 and WLZ2 - two ½" hubs)

**Optics/LEDs**  
• Zero uplight design to minimize light pollution  
• 15 to 100 Watt models require up to 400 Watt HD for up to 70% energy savings  
• Efficacies up to 123 LPW at 5000K to maximize utility rebates  
• Type III and Type IV distributions for optimal light distribution (WLZ1 - Type III only)  
• Available in 3000K, 3500K, 4000K and 5000K CCT  
• L70 of 50,000 hours at 40°C  
• CR of 810

**Electrical**  
• Class 2 power supply, 120-277VAC, 50/60Hz  
• 34740VAC Dedicated driver option for WLZ4, WLZ7 and WLZ10  
• 0-10V Dimming driver Class A EMV rating  
• Power supply rated Class A EMI only

**Options**  
• Housing hinges to back box and is secured with set screws  
• Back box is compatible with three ½" hubs and internal bubble level for  
• Integral Battery Backup with Internal Heater (BB-IH) provides over 700 lumens and 90 minutes of runtime for path of egress in Cold Locations down to -20°C. Not available on WLZ7 or WLZ2.  
• Factory installed dual driver options for WLZ4 and WLZ10 (WLZ7 is standard with two drivers)  
• Factory installed 120/277VAC button photocell option (PC)  
• Factory installed 100VA surge protection options (SP or SPH)

**Accessories (Field Installed)**  
• 120/277VAC Button type universal photocell options accessory (PCU)  
• Dimming occupancy sensor programmable, Wattstopper FSP221 available in multiple finishes (TL-SCES-L2)  
• Remote control for occupancy sensor, Optional (TL-FSIR100)

**Testing & Compliance**  
• UL Listed for Wet Locations  
• DesignLights Consortium® (DLC) Qualified (twenty QPL for specific models)  
• International Dark Sky friendly approved product (IDA) 3000K only  
• Operating temperatures: -40°C to 40°C (-40°F to 104°F)

Model: \_\_\_\_\_ Date: \_\_\_\_\_  
Accessories: \_\_\_\_\_  
Job Name: \_\_\_\_\_ Type: \_\_\_\_\_ 1 of 3

#### Ordering Information (Example: WLZ3-3-4K-R)

Series/Configuration	Distribution	Input Voltage	CCT	Finish	Options
WLZ1 = 15W, 3K, 3K-XX	3K = 3000K	120-277VAC	3K = 3000K	BL = Black	BB-IH = Battery backup
WLZ2 = 25W, Small	4" = Type IV	HVS = 34740VAC	30K = 3000K	BR = Bronze	BB-IH = Cold Location Battery Backup (operation down to -20°C)
WLZ4 = 40W, Medium	4K = 4000K	SV = Silver	DO = Dual Driver	SV = Silver	PC = 120/277VAC Button photocell
WLZ7 = 70W, Large	5K = 5000K	WH = White	SP = 120/277VAC Surge protection	SPH = 34740VAC Surge protection	
WLZ10 = 100W, Extra-Large					

**Notes**  
\* Standard with two drivers  
\* Not available for WLZ1 configuration  
\* WLZ4, WLZ7 and WLZ10 only, compatible with DD and SPH options  
\* Consult factory for lead times  
\* WLZ2, WLZ4, WLZ7 and WLZ10 only, 120/277VAC only. Not compatible with DD and SPH options  
\* WLZ4, WLZ7 and WLZ10 only, 120/277VAC only. Not compatible with DD and SPH options  
\* Dual driver option available for WLZ4 and WLZ10 only. Not compatible with photocell option, consult factory  
\* Compatible with WLZ4, WLZ7 and WLZ10 only. Contact factory for compatibility with other options  
\* Dimming occupancy sensor programmable, Wattstopper FSP221 LED L70  
\* Order as a separate line item. Shipped in separate box for final installation in the field

#### Performance Data

Model	Wattage (W)	CCT	Distribution	Lumen Output (lm)	Efficacy (LPW)
WLZ1-3-3K-XX	15	3000K	Type III	1531	101
WLZ1-3-3K-XX	15	4000K	Type III	1534	101
WLZ2-3-3K-XX	25	3000K	Type III	1745	115
WLZ2-3-3K-XX	25	3000K	Type III	2795	103
WLZ2-3-3K-XX	25	4000K	Type III	2907	111
WLZ3-3-3K-XX	25	5000K	Type III	3186	118
WLZ4-3-3K-XX	25	3000K	Type IV	2609	98
WLZ4-3-3K-XX	25	4000K	Type IV	2787	105
WLZ4-3-3K-XX	25	5000K	Type IV	2985	112
WLZ4-3-3K-XX	40	3000K	Type III	4389	107
WLZ4-3-3K-XX	40	4000K	Type III	4702	115
WLZ4-3-3K-XX	40	5000K	Type III	5021	123
WLZ4-3-3K-XX	40	3000K	Type IV	4021	98
WLZ4-3-3K-XX	40	4000K	Type III	4150	105
WLZ4-3-3K-XX	40	5000K	Type IV	4599	112
WLZ7-3-3K-XX	70	3000K	Type III	7657	105
WLZ7-3-3K-XX	70	4000K	Type III	8150	113
WLZ7-3-3K-XX	70	5000K	Type III	8720	120
WLZ7-4-3K-XX	70	3000K	Type IV	6837	94
WLZ7-4-3K-XX	70	4000K	Type IV	7316	101
WLZ7-4-3K-XX	70	5000K	Type IV	7794	107
WLZ10-3-3K-XX	100	3000K	Type III	10,871	102
WLZ10-3-3K-XX	100	4000K	Type III	11,632	109
WLZ10-3-3K-XX	100	5000K	Type III	12,363	118
WLZ10-4-3K-XX	100	3000K	Type IV	9706	91
WLZ10-4-3K-XX	100	4000K	Type IV	10,385	98
WLZ10-4-3K-XX	100	5000K	Type IV	11,065	104

\* Nominal Wattage. Values at 120/277VAC

#### Sensor Details (Accessory: TL-SCES-L2)



#### Settings for TL-SCES-L2

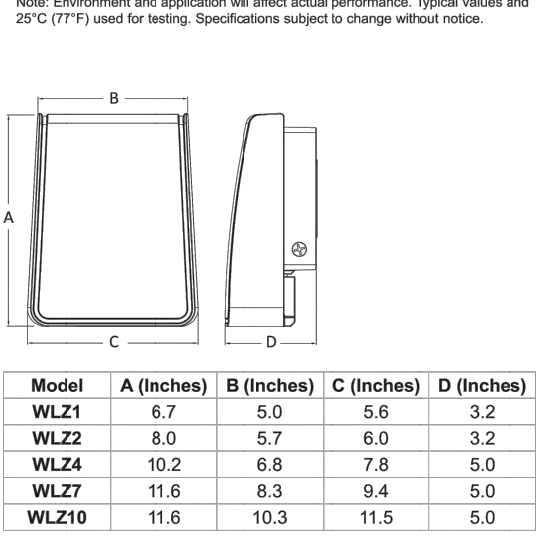
Setting	Settings	Default
High Mode:	0-10V	10V
Low Mode:	0F, 0-9.8V	IV
Time Delay:	30 seconds, 5-30 minutes	5 Minutes
Cut Off Delay:	None, 1-60 Minutes, 1-5 hours	1 Hour
Sensitivity:	None, Low, Medium, Max	Max
Setup/Off:	None, 1-2000, Auto	Disabled
Name, Up Time:	None, 1-60 Seconds	Disabled
Fade Down Time:	None, 1-60 Seconds	Disabled

NOTE: To change settings in the field, please order TL-FSIR100 controller.



Specifications at a Glance

Model	WLZ1	WLZ2	WLZ4	WLZ7	WLZ10
Wattage (nominal)	15W	25W	40W	70W	100W
Lumens (lm)	1745	3198	5021	8729	12,363
Efficacy (LPW)	115	118	123	120	116
Equivalency (HID)	50W	100W	150W	250W	400W
Distribution	Type III, IV (WLZ1, Type III only)	CCT	3000K, 3500K, 4000K, 5000K	5 Years	
CR	810	270			
Input Voltage	120-277VAC, 50/60Hz, 34740VAC option	Operating Temp	-40°C to 40°C (-40°F to 104°F)	Certifications	UL Listed for Wet Locations, DLC, IDA
Warranty	5 Years	Weight	2.6 lbs / 3.3 lbs / 6.0 lbs / 9.9 lbs / 12.1 lbs	Note	Nominal Wattage, listed at 5000K CCT. Type III distribution. Values at 120/277VAC. See performance table for more detailed luminaire information. Note: Enclosure and application will affect actual performance. Typical values and 20°C (77°F) used for testing. Specifications subject to change without notice.



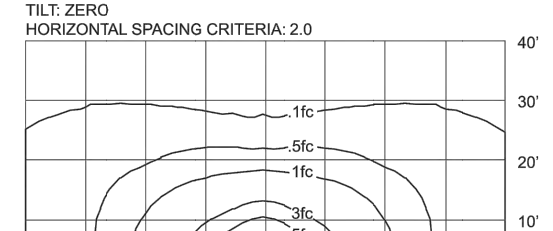
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TYPE: \_\_\_\_\_ PROJECT: \_\_\_\_\_  
CATALOG #: \_\_\_\_\_

### LSQ SERIES LUMASQUARE

#### FEATURES

- Available in two sizes and four outputs up to 9000 lumens
- A specially designed acrylic lens provides ultimate glare control which "softens" the light for no position and unprecedented visual comfort
- Seamless retrofit solution for traditional HID sources up to 250W
- Wireless control, motion sensor, photocell and emergency battery back-up capability
- Polycarbonate vandal shield available
- Available in 3000K, 4000K and 5000K nominal CCT

#### RELATED PRODUCTS



#### CONTROL TECHNOLOGY

SiteSync™  
NX DISTRIBUTED INTELLIGENCE  
WISCAPE™

#### SPECIFICATIONS

**CONSTRUCTION**  
• Rugged die-cast aluminum housing with corrosion resistant powder coat finish  
• Both projects and provides architectural appeal

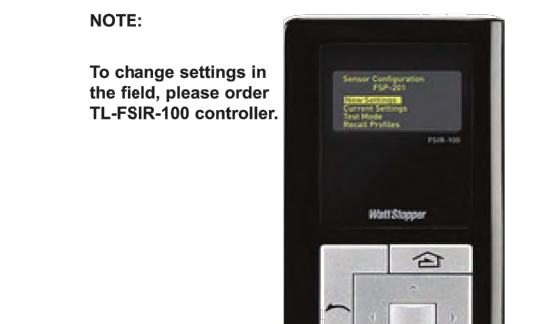
**Optics**  
• Heat dissipating fins provide superior thermal performance extending the life of the electronic components

**OPTICS**  
• 3000K, 4000K and 5000K CCT nominal with 70 CR  
• Impact resistant acrylic diffuser  
• Low lumenance soft glow lens provides blended  
• Non polluted light for unprecedented visual comfort

**INSTALLATION**  
• Mounts to 4" junction box and includes a gasket to seal electrical connections  
• Mounting tabs and hooks on fixture allow easy 4 side installation and wiring  
• Four ½" predrilled conduit hubs for surface conduit provided

**ELECTRICAL**  
• 0-10V, 0-10VAC, 0-10VDC electronic drivers  
• 347V and 480V available in larger LSQ2 housing  
• 10kVA surge protection included

#### Sample Photometrics



DATE: \_\_\_\_\_ LOCATION: \_\_\_\_\_  
TYPE: \_\_\_\_\_ PROJECT: \_\_\_\_\_  
CATALOG #: \_\_\_\_\_

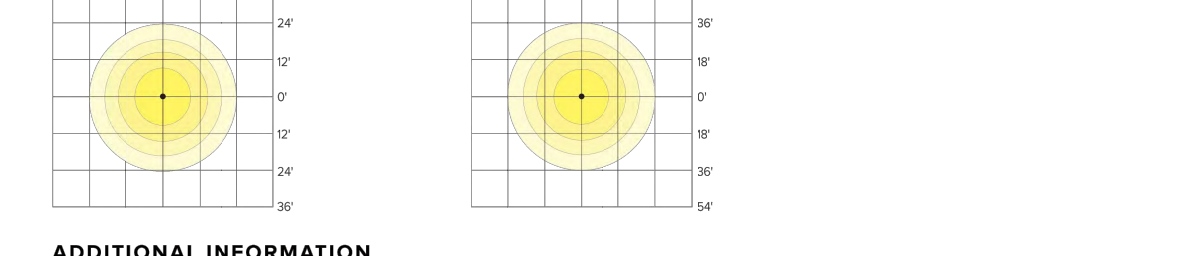
## HOTEL CANOPY L3 | BLDG.

DATE: \_\_\_\_\_ LOCATION: \_\_\_\_\_  
TYPE: \_\_\_\_\_ PROJECT: \_\_\_\_\_  
CATALOG #: \_\_\_\_\_

### LSQ SERIES LUMASQUARE

#### PHOTOMETRY

The following diagrams represent the general distribution options offered for this product. For detailed information on specific product configurations, see website photometric test reports.

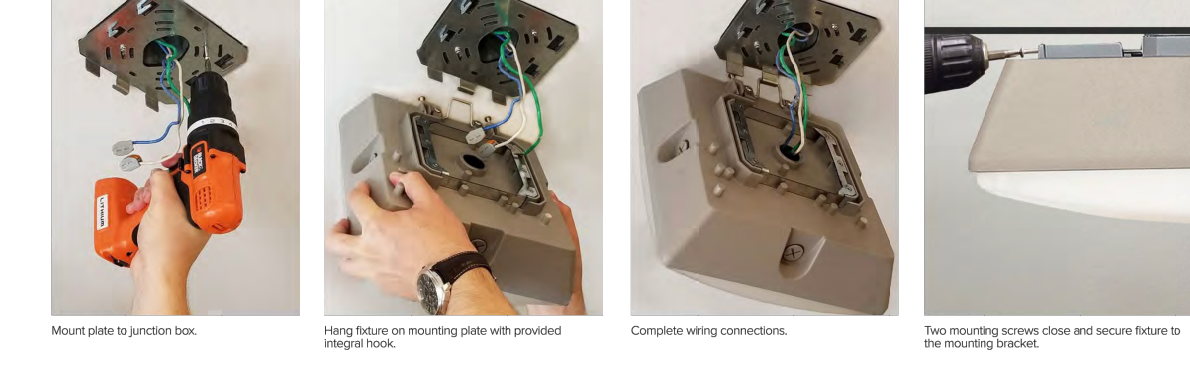


#### ADDITIONAL INFORMATION

Shipping Information

Category	Case #	Length (cm)	Width (cm)	Height (cm)	Carton Qty. per Master Pack
LSQ1	10lbs (4.5 kg)	9.5 (24)	8.25 (21)	5.75 (13.2)	6
LSQ2	15lbs (7 kg)	14 (35.5)	11.5 (29.2)	8 (20.3)	2

#### INSTALLATION



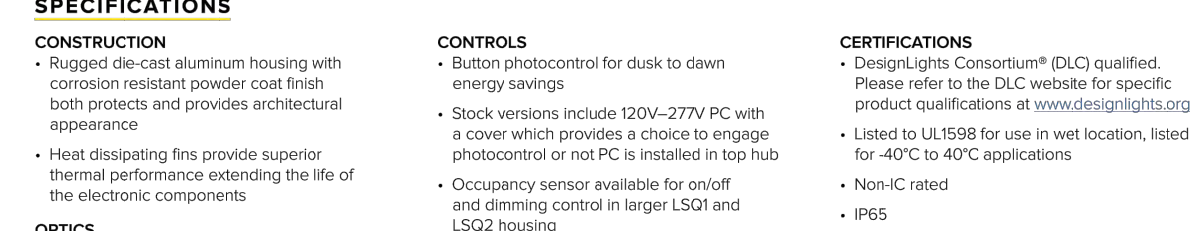
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TYPE: \_\_\_\_\_ PROJECT: \_\_\_\_\_  
CATALOG #: \_\_\_\_\_

### LSQ SERIES LUMASQUARE

#### FEATURES

- Available in two sizes and four outputs up to 9000 lumens
- A specially designed acrylic lens provides ultimate glare control which "softens" the light for no position and unprecedented visual comfort
- Seamless retrofit solution for traditional HID sources up to 250W
- Wireless control, motion sensor, photocell and emergency battery back-up capability
- Polycarbonate vandal shield available
- Available in 3000K, 4000K and 5000K nominal CCT

#### RELATED PRODUCTS



#### CONTROL TECHNOLOGY

SiteSync™  
NX DISTRIBUTED INTELLIGENCE  
WISCAPE™

#### SPECIFICATIONS

**CONSTRUCTION**  
• Rugged die-cast aluminum housing with corrosion resistant powder coat finish  
• Both projects and provides architectural appeal

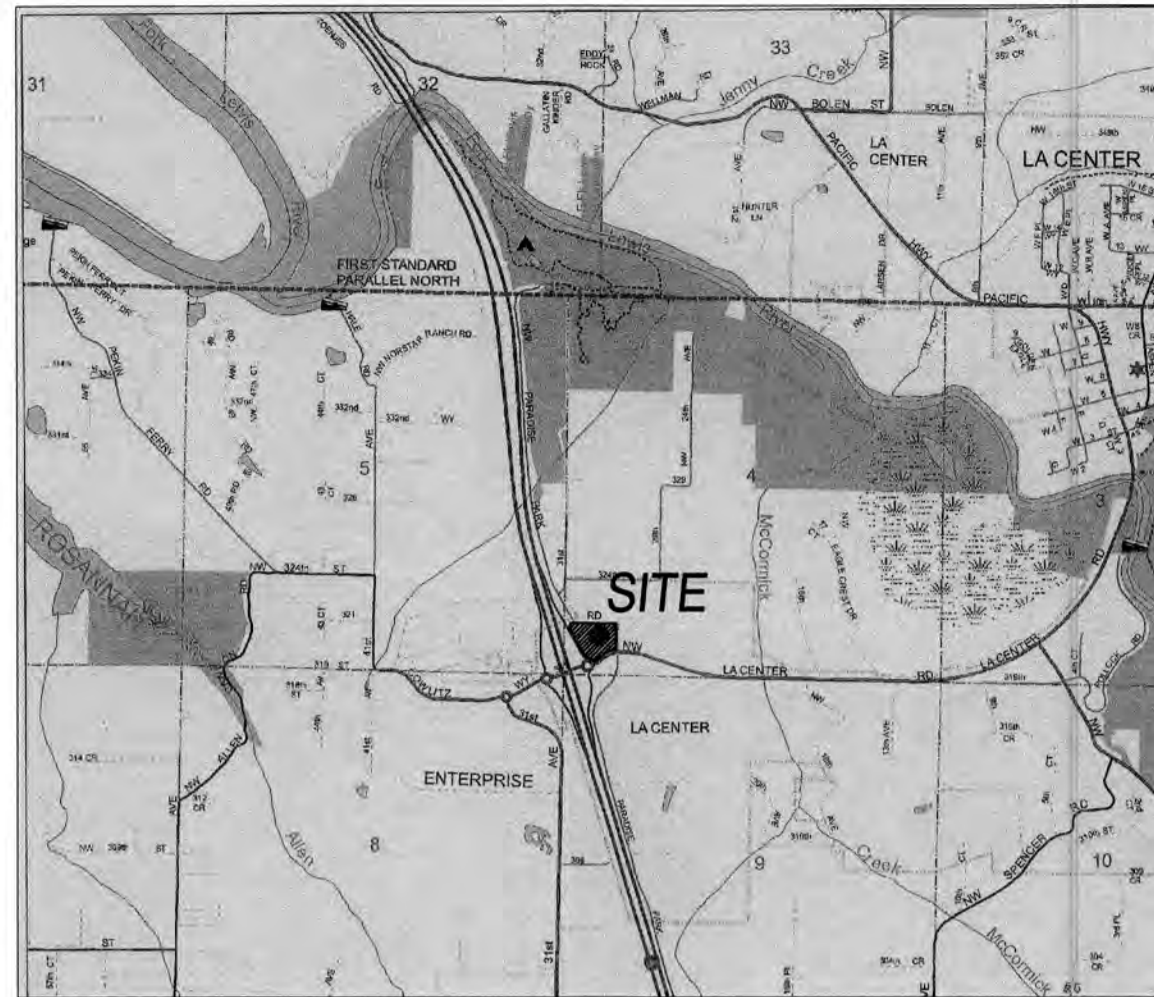
**Optics**  
• Heat dissipating fins provide superior thermal performance extending the life of the electronic components

**OPTICS**  
• 3000K, 4000K and 5000K CCT nominal with 70 CR  
• Impact resistant acrylic diffuser  
• Low lumenance soft glow lens provides blended  
• Non polluted light for unprecedented visual comfort

**INSTALLATION**  
• Mounts to 4" junction box and includes a gasket to seal electrical connections  
• Mounting tabs and hooks on fixture allow easy 4 side installation and wiring  
• Four ½" predrilled conduit hubs for surface conduit provided

**ELECTRICAL**  
• 0-10V, 0-10VAC, 0-10VDC electronic drivers  
• 347





**VICINITY MAP**  
NTS SEC, 04 T4N R1E W.M.



**SOILS MAP**  
NTS

**CONSTRUCTION TIMING NOTES:**

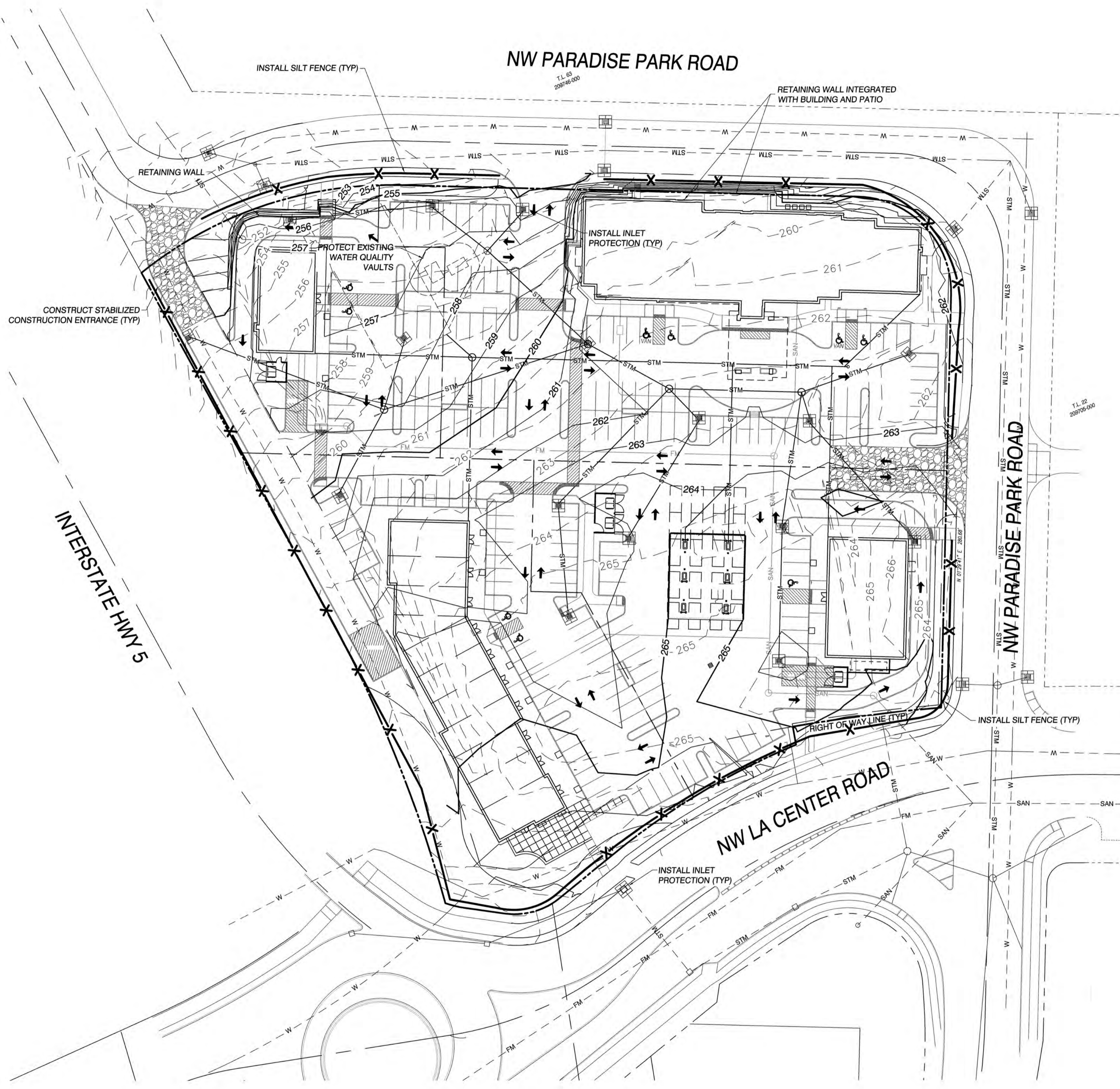
1. THE CONTRACTOR SHALL ENSURE THAT THE EXISTING SIDEWALKS REMAIN CLEAR & FREE FROM CONSTRUCTION MATERIAL & DEBRIS AT ALL TIMES.
2. CONTRACTOR SHALL INSTALL SILT FENCING ALONG PERIMETER OF THE SITE PRIOR TO ANY ONSITE CONSTRUCTION ACTIVITY.
3. ONCE PROPOSED STORM SEWER STRUCTURES HAVE BEEN INSTALLED, THE CONTRACTOR SHALL INSTALL BMP'S AS SHOWN TO PREVENT SEDIMENT FROM ENTERING THE PROPOSED/EXISTING STORM SEWER SYSTEMS. BMP'S SHALL BE IN ACCORDANCE WITH CLARK COUNTY CODE CHAPTER 40.386.

**LEGEND**

	GRADING LIMITS
	FINISHED GRADE CONTOUR
	EXISTING CONTOUR

**WHEEL WASH NOTE**

A WHEEL WASH MAY BE REQUIRED IF CONSTRUCTION ENTRANCE IS NOT SUFFICIENT IN PREVENTING SEDIMENT FROM BEING TRACKED ONTO PAVEMENT. WHEEL WASH SHALL BE PER STANDARD PLAN E15 AND THE STORMWATER MANUAL. REFER TO SHEET C8.0 FOR STANDARD DETAIL.



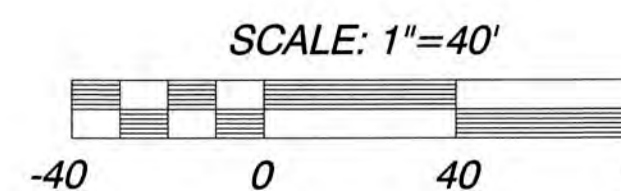
**STANDARD DETAIL NOTE**

ALL MATERIALS AND METHODS OF CONSTRUCTION AND INSTALLATION FOR WATER, STORM WATER FACILITIES, AND EROSION CONTROL MEASURES SHALL CONFORM TO CITY OF VANCOUVER ENGINEERING SERVICES' GENERAL REQUIREMENTS AND DETAILS FOR THE DESIGN AND CONSTRUCTION OF WATER AND SURFACE WATER SYSTEMS. CONSTRUCTION SHALL BE AS PER THE MOST CURRENT STANDARD DETAIL CONTAINED THEREIN.

**APPROXIMATE GRADING VOLUMES**

CUT	2,500 CY
FILL	3,380 CY

NOTE: CUT AND FILL AREAS AND VOLUMES ARE CALCULATED FROM EXISTING GROUND TO FINISHED GRADE AND ARE NOT ADJUSTED FOR STRIPPINGS, TRENCH EXCAVATION, STRUCTURAL EXCAVATION OR SHRINK/SWELL. CONTRACTORS ARE SOLELY RESPONSIBLE FOR QUANTITY ESTIMATES FOR BIDDING PURPOSES.



CLIENT:  
MINIT MANAGEMENT LLC.  
P.O. BOX 5998  
VANCOUVER, WA, 98668  
PH: (360) 901-3875  
FX: N/A  
CONTACT: DON RHOADS  
EMAIL: drhoads@tcgstores.com

PRELIMINARY GRADING AND EROSION PLAN FOR:

**MINIT MANAGEMENT**

LAND SURVEYORS  
ENGINEERS  
INC. 222 E. EVERGREEN, VANCOUVER, WA 98660  
360-695-1395  
206-269-9666  
COPYRIGHT 2020, OLSON ENGINEERING, INC.



CHANGES / REVISIONS	
DESCRIPTION:	DATE:

DESIGNED: CEM
DRAWN: TAS
CHECKED: CEM
DATE: FEBRUARY 2020
SCALE: H: 1"= 40' V: N/A
MINIT MANAGEMENT PH. 4
JOB NO: 9825.01.01

**SHEET**  
**C1.0**



**VICINITY MAP**  
NTS SEC. 04 T4N R1E W.M.

LEGEND	
---	PERIMETER OF SITE
---	RIGHT-OF-WAY LINE
---	CENTERLINE OF ROAD
---	FACE OF CURB
---	LOT LINE
---	EASEMENT LINE
---	STM STORM SEWER LINE
---	EXIST STORM SEWER
---	SAN SANITARY SEWER LINE
---	EXIST SANITARY SEWER
---	W WATER SERVICE LINE
---	EXIST WATER LINE
---	123 GRADED CONTOUR LINE
---	123 EXIST CONTOUR LINE
○	MANHOLE
⊗	WATER VALVE AND BOX
⊕	FIRE HYDRANT ASSEMBLY
○	CLEAN OUT
▭	CATCH BASIN
△	THRUST BLOCK
⊠	WATER SERVICE METER
⊠	TELEPHONE RISER
⊠	GAS RISER
⊠	ELECTRIC RISER
⊠	UTILITY POLE
⊠	UTILITY POLE W/ LIGHT
⊠	SIGN POST

**STORMWATER:**

- SOILS ONSITE HAVE BEEN IDENTIFIED AS GEE SILT LOAM AND ODNE SILT LOAM BY THE SOIL SURVEY OF CLARK COUNTY, WA. INFILTRATION TESTING PERFORMED BY COLUMBIA WEST INDICATED RATES OF LESS THAN 0.1 INCHES PER HOUR.
- STORMWATER RUNOFF FROM MOST OF THE PAVEMENT AND SIDEWALK AREAS WILL BE COLLECTED VIA CATCH BASINS AND ROUTED THROUGH AN EXISTING COALESCING PLATE OIL-WATER SEPARATOR AND STORMFILTER VAULT. DISCHARGE FROM THE VAULT AND RUNOFF FROM ROOFS WILL BE ROUTED TO AN EXISTING UNDERGROUND DETENTION PIPE GALLERY FOR FLOW CONTROL PRIOR TO DISCHARGE TO THE EXISTING ROADSIDE DITCH. DUE TO SITE GRADES, PART OF THE SITE ENTRANCES AT THE NORTH AND NORTHWEST PORTIONS OF THE SITE WILL RUN INTO PARADISE PARK ROAD, WHERE IT WILL BE CAPTURED, TREATED, AND DETAINED IN AN EXISTING STORMWATER FACILITY; THE AREA DRAINING TO PARADISE PARK ROAD WILL BE REDUCED SIGNIFICANTLY FROM THAT WHICH CURRENTLY DRAINS THROUGH THE CITY'S STORM SYSTEM.
- STORM SEWER ACCESS AND INSPECTION EASEMENTS WILL BE DEDICATED TO THE CITY OF LA CENTER AS REQUIRED.
- STORMWATER FACILITY TO BE OWNED AND MAINTAINED BY THE PROPERTY OWNER.

**SANITARY SEWER:**

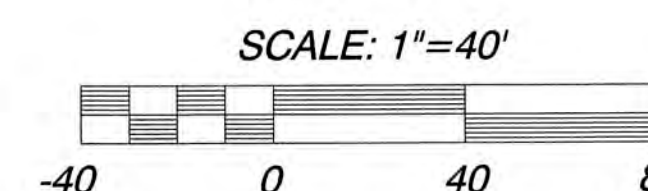
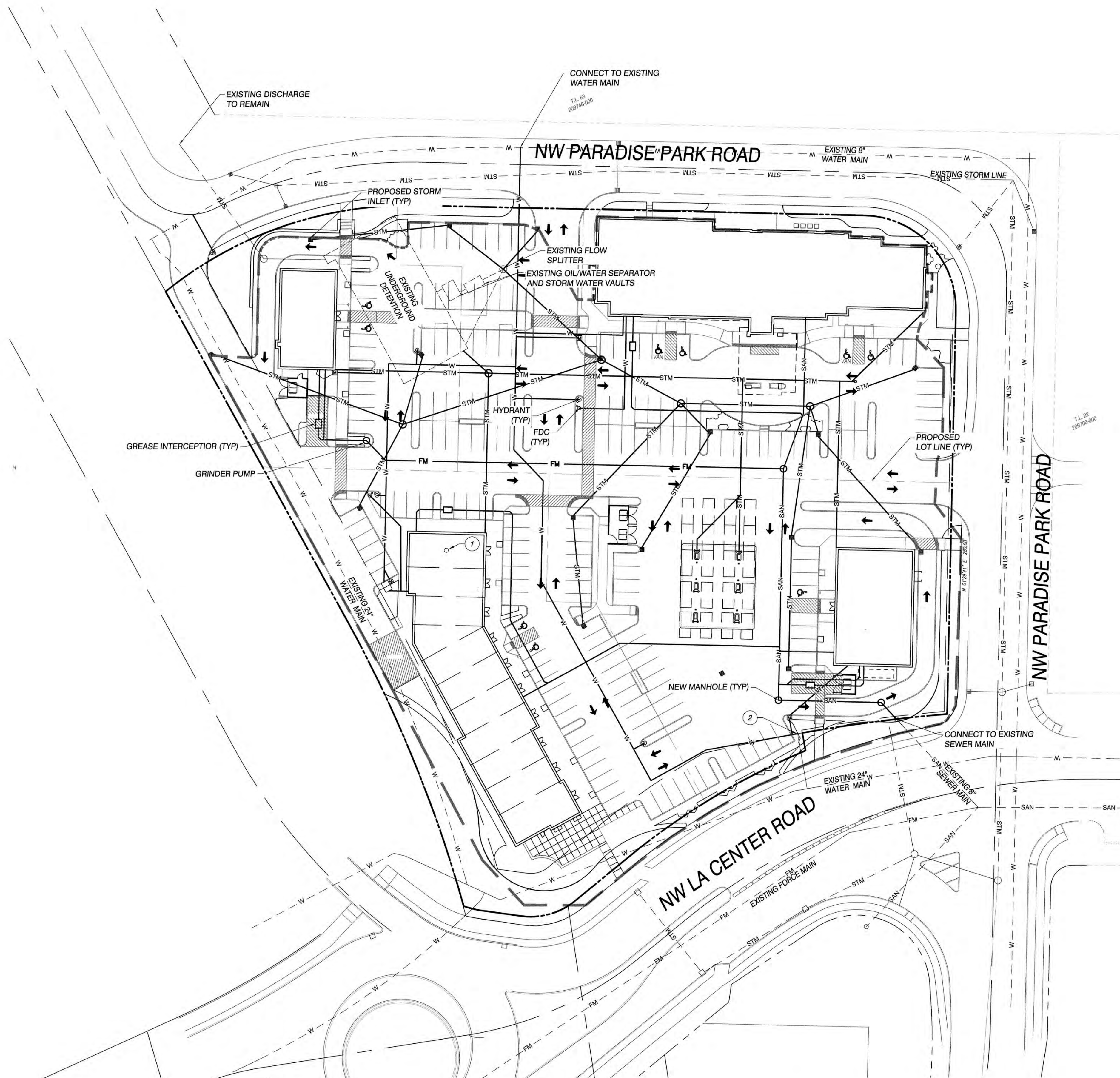
- SANITARY SEWER WILL BE COLLECTED AND ROUTED TO THE EXISTING SANITARY SEWER MAIN PREVIOUSLY EXTENDED INTO THE SOUTHEAST CORNER OF THE SITE. A GRINDER PUMP SYSTEM WILL BE NEEDED FOR THE BUILDING ON LOT 3 AT THE NORTHWEST CORNER OF THE SITE, AND A PORTION OF THE PROPOSED HOTEL MAY ALSO REQUIRE A GRINDER PUMP SYSTEM.

**WATER:**

- PUBLIC WATER WILL BE EXTENDED FROM THE EXISTING MAIN PREVIOUSLY EXTENDED INTO THE PROPERTY AND LOOPED THROUGH THE SITE TO CONNECT WITH THE EXISTING CLARK PUBLIC UTILITIES MAIN NORTH OF THE PROJECT IN PARADISE PARK ROAD.
- FIRE PROTECTION SERVICES WILL BE PROVIDED WHERE REQUIRED.
- HYDRANTS WILL BE INSTALLED PER CITY OF RIDGEFIELD AND FIRE MARSHAL REQUIREMENTS.

**KEY NOTES:**

- APPROXIMATE LOCATION OF EXISTING WELL (TO BE REMOVED).
- CONNECT TO EXISTING WATER MAIN.



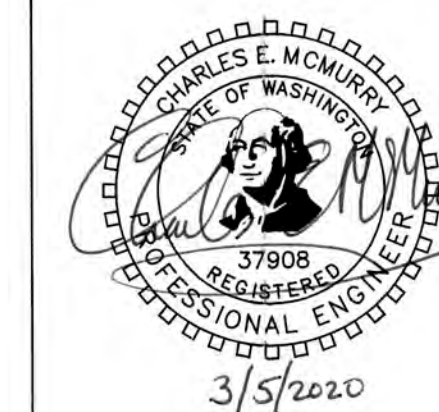
J:\data\9000\9800\9820\9825\Engineering\Prelim\4-SHEETS\9825.E.C2.0.STORMWATER AND UTILITY PLAN.DWG UTILITIES.STB

CLIENT:  
MINIT MANAGEMENT LLC.  
P.O. BOX 5998  
VANCOUVER, WA. 98668  
PH: (360) 901-3875  
FX: N/A  
CONTACT: DON RHOADS  
EMAIL: drhoads@tcgstores.com

STORMWATER AND UTILITY PLAN FOR:

**MINIT MANAGEMENT**

LAND SURVEYORS  
ENGINEERS  
OLSON  
ENGINEERING, INC. 222 E. EVERGREEN, VANCOUVER, WA 98660  
360-695-1365  
206-269-9560  
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**CHANGES / REVISIONS**

DESCRIPTION: DATE:

DESIGNED: CEM  
DRAWN: TAS  
CHECKED: CEM  
DATE: FEBRUARY 2020  
SCALE: H: 1"= 40'  
V: N/A  
MINIT MANAGEMENT  
JOB NO.: 9825.01.01

**SHEET**

**C2.0**

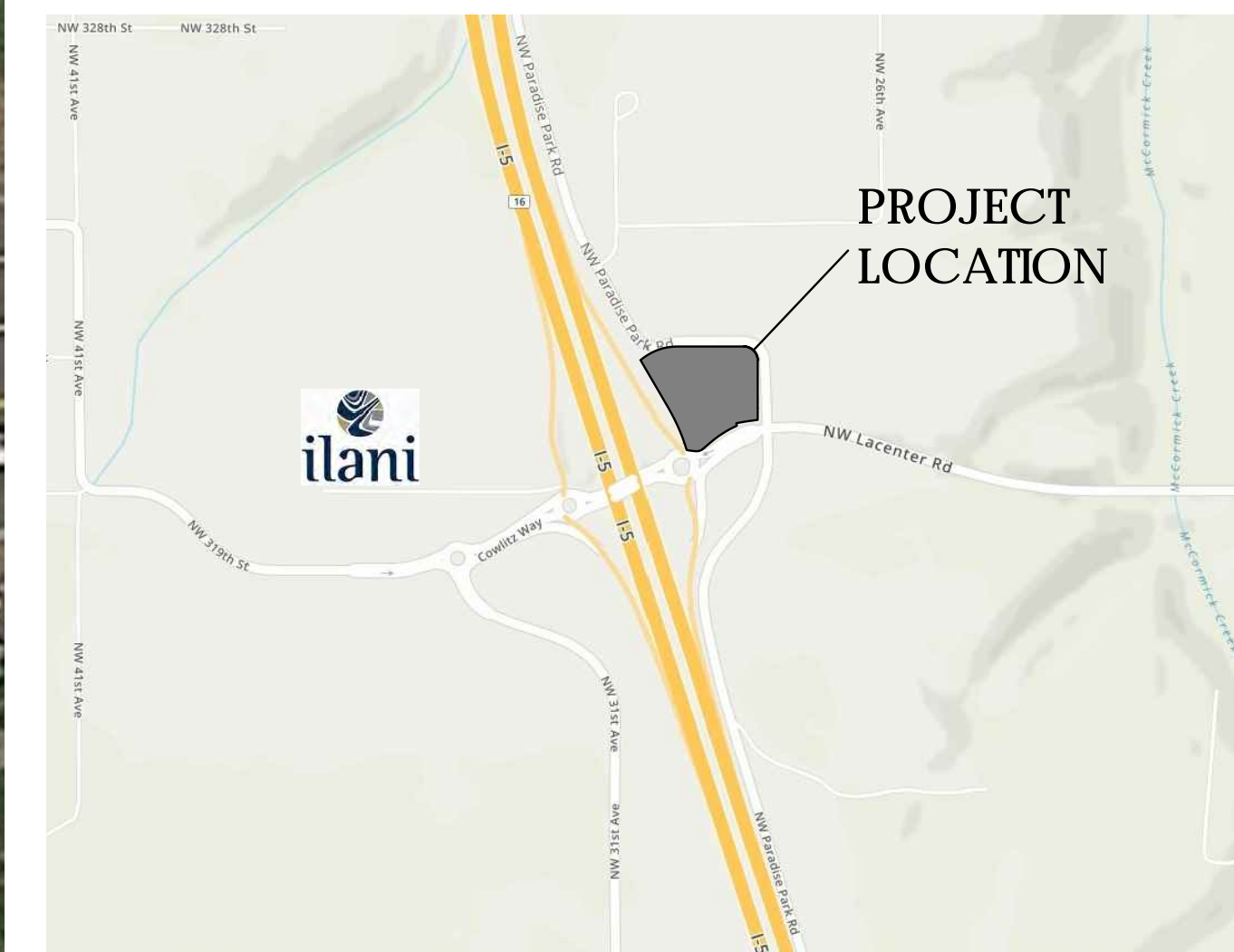


**SITE DATA**

Zoning	Current Vested	JP (Junction Plan) C-2 (Commercial)	4.35 ACRES	189,685 S.F.
Site Area :				
		Min. Parking req'd		Provided
<b>Bldg. 1 (Minit Store)</b>	11.28	1/400 sf		4,510 S.F.
Bldg. 1 (Employee Parking)	2.00			(1 space / 2 empls)
<b>Bldg. 2 (Retail Shops)</b>	29.00	1/400 sf		11,600 S.F.
Bldg. 2 (Employee Parking)	11.00			(1 space / 2 empls)
<b>Bldg. 3 (Fast Food)</b>	14.00	1/200 sf		2,800 S.F.
Bldg. 3 (Employee Parking)	4.00			(1 space / 2 empls)
<b>Bldg. 4 (Hotel - 101 units)</b>	101.00	1/ unit		13,915 S.F.
Bldg. 3 (Employee Parking)	6.00			(1 space / 2 empls)
<b>Total Building GLA (Gross) :</b>	<b>178.28</b>			<b>32,825 S.F.</b>
Site Coverage:				17.31%

Standard Parking Provided :	165 SPACES
Handicap Parking Provided :	4 SPACES
Handicap VAN Parking Provided :	5 SPACES
Electric Vehical Charging Spaces (EV) 5%:	10 SPACES
<b>Total Parking Provided :</b>	<b>184 SPACES</b>
Additional Vehical Queing Provided at Bldgs. 1 & 3	17 SPACES
Additional Vehical Queing Provided at Fuel Pumps	20 SPACES

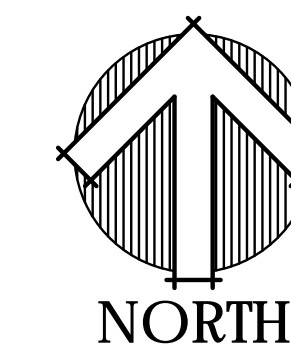
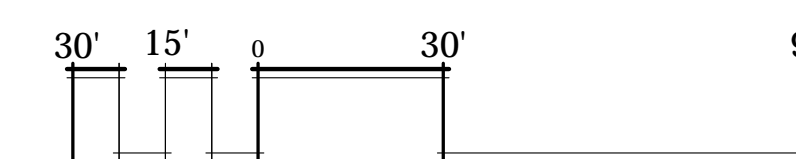
Loading Berths Required (30k-100k = 2)	<b>3 PROVIDED</b>
Bicycle Parking	<b>18 PROVIDED</b>



**VICINITY MAP**

**SITE PLAN**

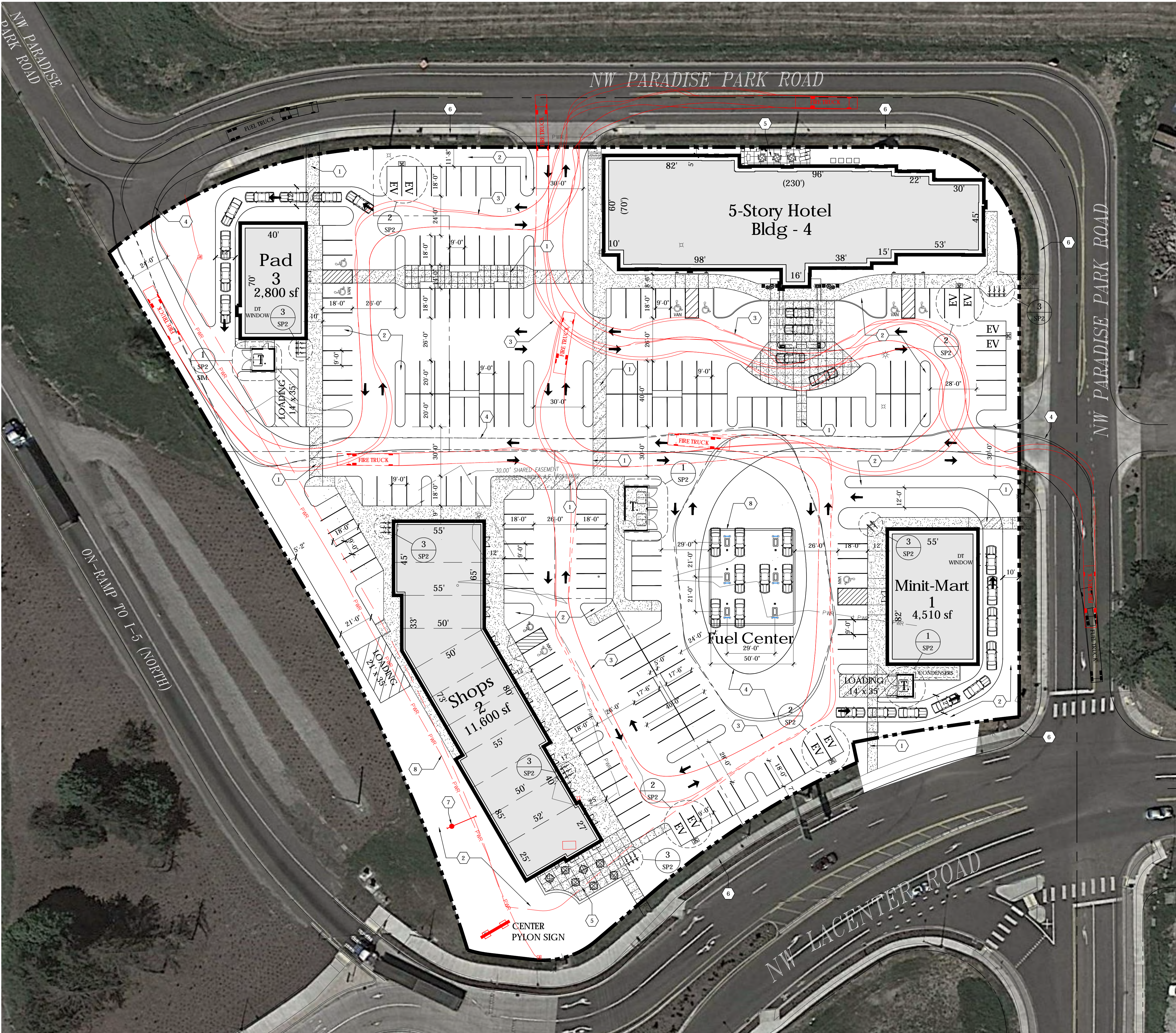
MINIT MANGEMANT, LLC - LA CENTER | LA CENTER, WA



03 . MARCH . 2020

**SGA**  
SUTTON | GODWIN  
ARCHITECTURE, LLC

ARCHITECTURE  
PLANNING  
DESIGN  
503.347.4685 | 503.201.0725  
www.sg-arch.net



**SITE DATA**

Zoning	Current Vested	JP (Junction Plan) C-2 (Commercial)
Site Area :		4.35 ACRES 189,685 S.F.
	<b>Min. Parking req'd</b>	<b>Provided</b>
<b>Bldg. 1 (Minit Store)</b>	11.28	4,510 S.F.
Bldg. 1 (Employee Parking)	2.00	(1 space / 2 emplys)
<b>Bldg. 2 (Retail Shops)</b>	29.00	11,600 S.F.
Bldg. 2 (Employee Parking)	11.00	(1 space / 2 emplys)
<b>Bldg. 3 (Fast Food)</b>	14.00	2,800 S.F.
Bldg. 3 (Employee Parking)	4.00	(1 space / 2 emplys)
<b>Bldg. 4 (Hotel - 101 units)</b>	101.00	13,915 S.F.
Bldg. 3 (Employee Parking)	6.00	(1 space / 2 emplys)
<b>Total Building GLA (Gross) :</b>	<b>178.28</b>	<b>32,825 S.F.</b>
Site Coverage:		17.31%

Standard Parking Provided : 165 SPACES  
 Handicap Parking Provided : 4 SPACES  
 Handicap VAN Parking Provided : 5 SPACES  
 Electric Vehical Charging Spaces (EV) 5%: 10 SPACES  
**Total Parking Provided : 184 SPACES**  
 Additional Vehical Queing Provided at Bldgs. 1 & 3 : 17 SPACES  
 Additional Vehical Queing Provided at Fuel Pumps : 20 SPACES

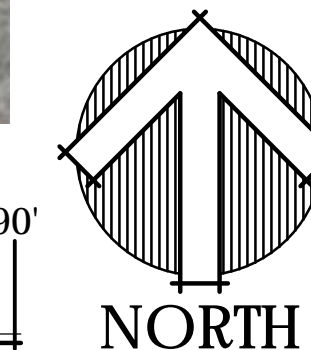
Loading Berths Required (30k-100k = 2) : 3 PROVIDED  
 Bicycle Parking : 18 PROVIDED

**KEYNOTES (SITE PLAN)**

- 1 6'-0" WIDE PEDESTRIAN WALKWAYS (SEE CIVIL)
  - 2 LANDSCAPED AREAS (SEE LANDSCAPE PLAN)
  - 3 FIRE TRUCK MANEUVERING PATH (47' LONG ENGINE)
  - 4 FUEL TANKER MANEUVERING PATH (57'- 60' LONG TANKER)
  - 5 OUTDOOR GATHERING AREAS WITH FURNISHINGS
  - 6 EXISTING PUBLIC SIDEWALKS (SEE CIVIL & SURVEY)
  - 7 EXISTING POWER POLE AND GUY WIRE
  - 8 LINE OF FUEL CANOPY (+/- 18'-0" HIGH)
  - 9 EXISTING OVERHEAD POWER LINES
- PROPOSED BUILDING FOOTPRINT (SEE ARCH. PLANS)
  - BICYCLE RACKS (SEE SHT. SP-02)
  - ELECTRIC VEHICLE CHARGING STATIONS (EV) (SEE SHT. SP-02)
  - T. TRASH ENCLOSURES (CMU) MIN. 6'-0" HIGH WITH SLOPED ROOF (SEE SHT. SP-02)



**VICINITY MAP**



**SITE PLAN**

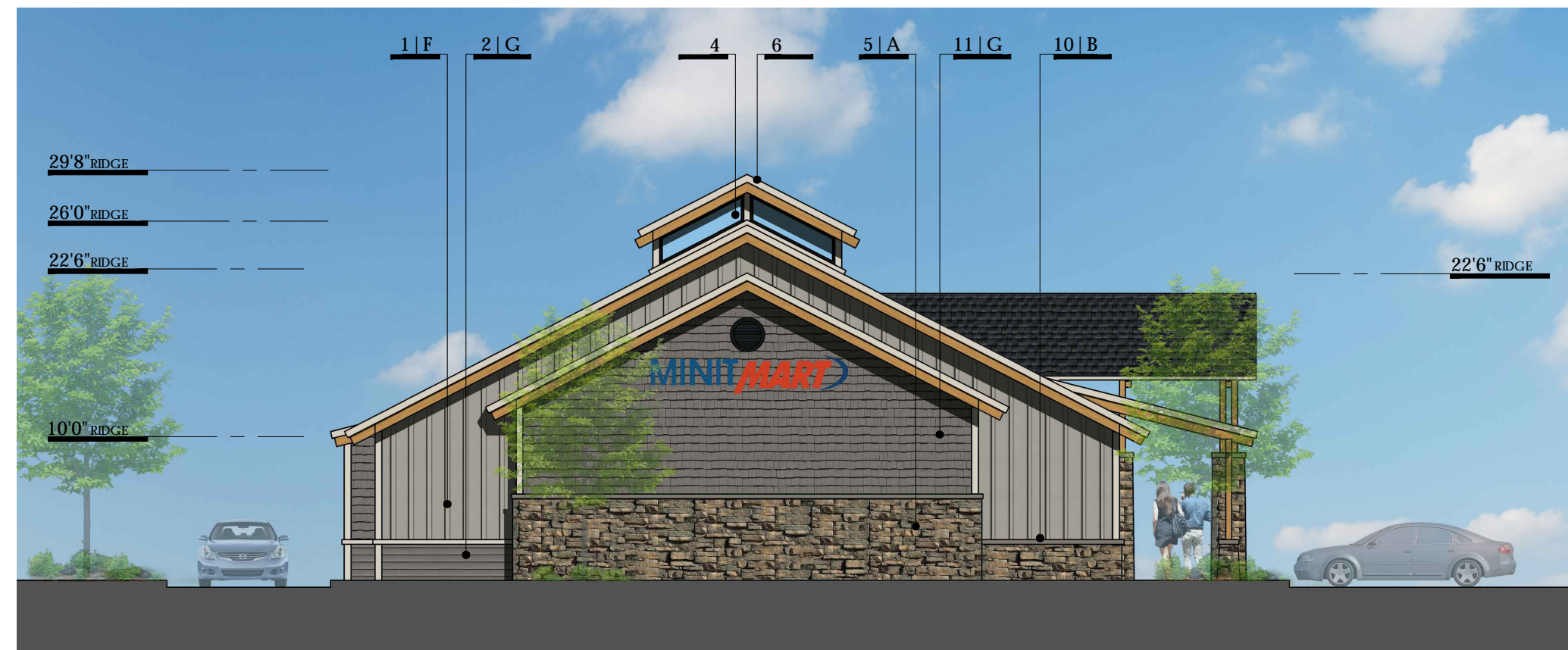


WEST | MAIN ENTRY

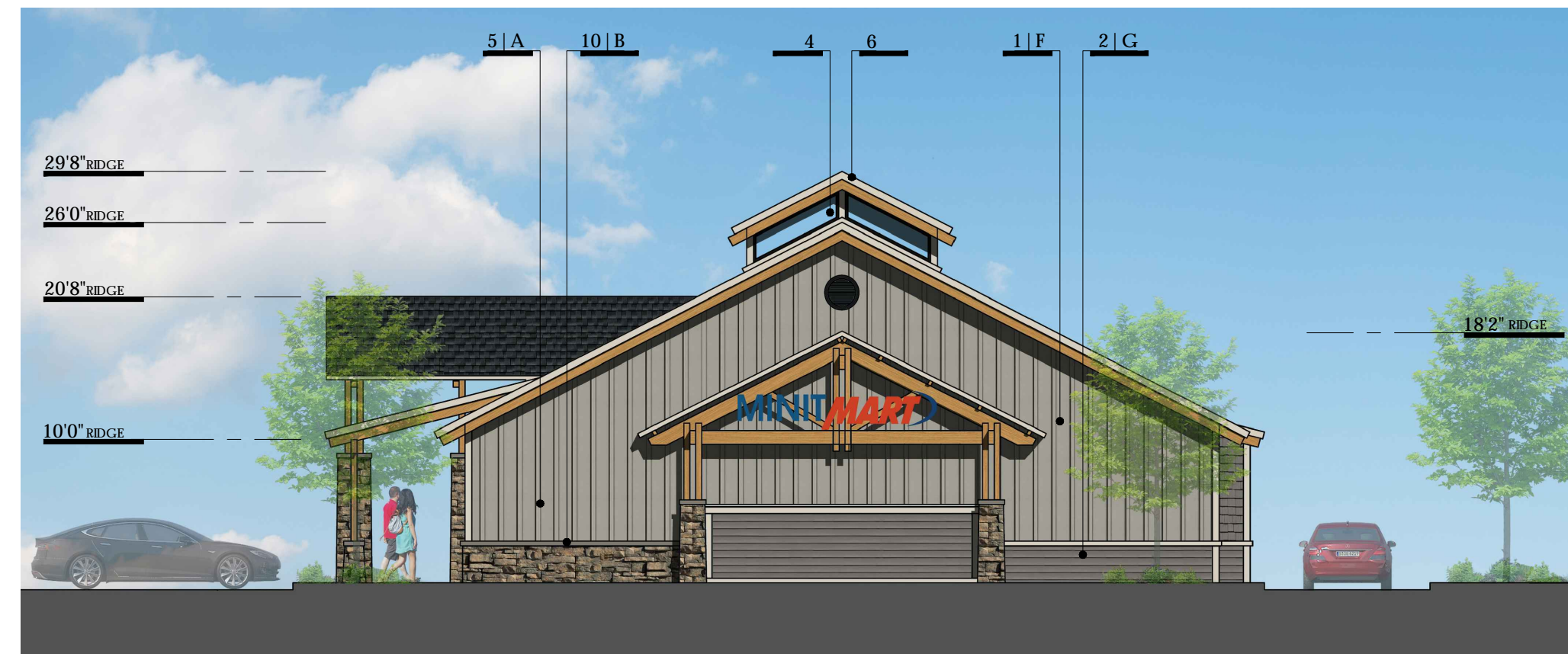
DESCRIPTIONS

1. BOARD & BATTEN WOOD SIDING w | WOOD\* TRIM ON LIGHT FRAMING
2. WOOD\* LAP SIDING ON LIGHT FRAMING
3. HEAVY TIMBER WOOD\* TRUSS
4. ALUMINUM STOREFRONT w/ CLEAR INSULATED GLAZING
5. THIN NATURAL STONE VENEER
6. GLASS MONITOR | CUPOLA
7. TIMBER FRAMED CANOPY w | EXPOSED WOOD\* UNDERSIDE
8. COMP. SHINGLE ROOFING
9. TIMBER COLUMNS ON STONE BASE
10. PRE-MANUFACTURED CAP AT STONE WAINSCOT
11. WOOD\* SHAKE SIDING
12. ALUMINUM FRAMED DRIVE-THRU WINDOW

\* ALL REFERENCES TO WOOD ARE INTENDED TO INCLUDE NATURAL WOOD OR CEMENT BASED PRODUCTS (IE: JAMES HARDI OR NICHHA WOOD-LOOK SYSTEMS)


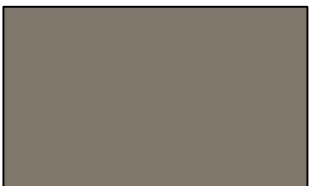
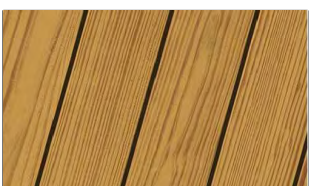
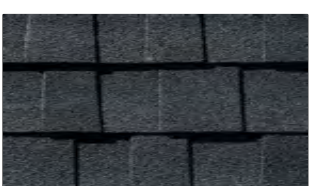


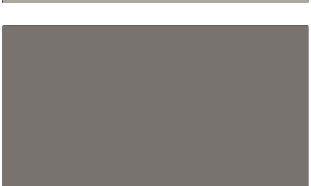
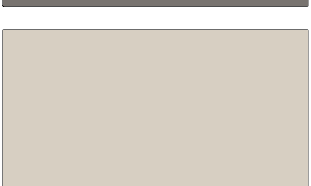


NORTH | FACING HOTEL



SOUTH | TRASH ENCLOSURE

COLORS | MATERIALS

- |    |   |   |
|----|---|---|
| A. |    | THIN STONE   COMPOSITE STONE                            |
| B. |    | COLOR: NATURAL CONCRETE                                 |
| C. |   | NATURAL WOOD:<br>OLYMPIC STAIN<br>7003 "MOUNTAIN CEDAR" |
| D. |  | COMP. SHINGLE ROOFING:<br>GAF TIMBERLINE "CHARCOAL"     |
| E. |  | SIDING PAINT:<br>SW 2839 "ROYCROFT COPPER"              |
| F. |  | SIDING PAINT:<br>SW 7017 "DORIAN GRAY"                  |
| G. |  | SIDING PAINT:<br>SW 7019 "GAUNTLET GRAY"                |
| H. |  | TRIM PAINT:<br>SW 7541 "GRECIAN IVORY"                  |

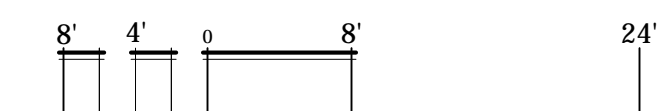


EAST | DRIVE-THRU

BUILDING No. 1 | C-STORE ELEVATIONS



NORTH



SCALE | 3/32" = 1' - 0"



EAST | ENTRIES

DESCRIPTIONS

1. BOARD & BATTEN WOOD SIDING w | WOOD\* TRIM ON LIGHT FRAMING
2. WOOD\* LAP SIDING ON LIGHT FRAMING
3. HEAVY TIMBER WOOD\* TRUSS
4. ALUMINUM STOREFRONT w/ CLEAR INSULATED GLAZING
5. THIN NATURAL STONE VENEER
6. GLASS MONITOR | CUPOLA
7. TIMBER FRAMED CANOPY w | EXPOSED WOOD\* UNDERSIDE
8. COMP. SHINGLE ROOFING
9. TIMBER COLUMNS ON STONE BASE
10. PRE-MANUFACTURED CAP AT STONE WAINSCOT
11. WOOD\* SHAKE SIDING
12. ALUMINUM FRAMED DRIVE-THRU WINDOW

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SOUTH | PLAZA



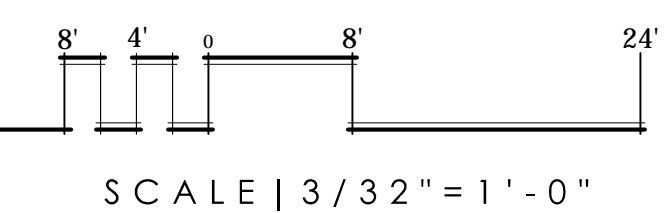
NORTH | FACING HOTEL

COLORS | MATERIALS

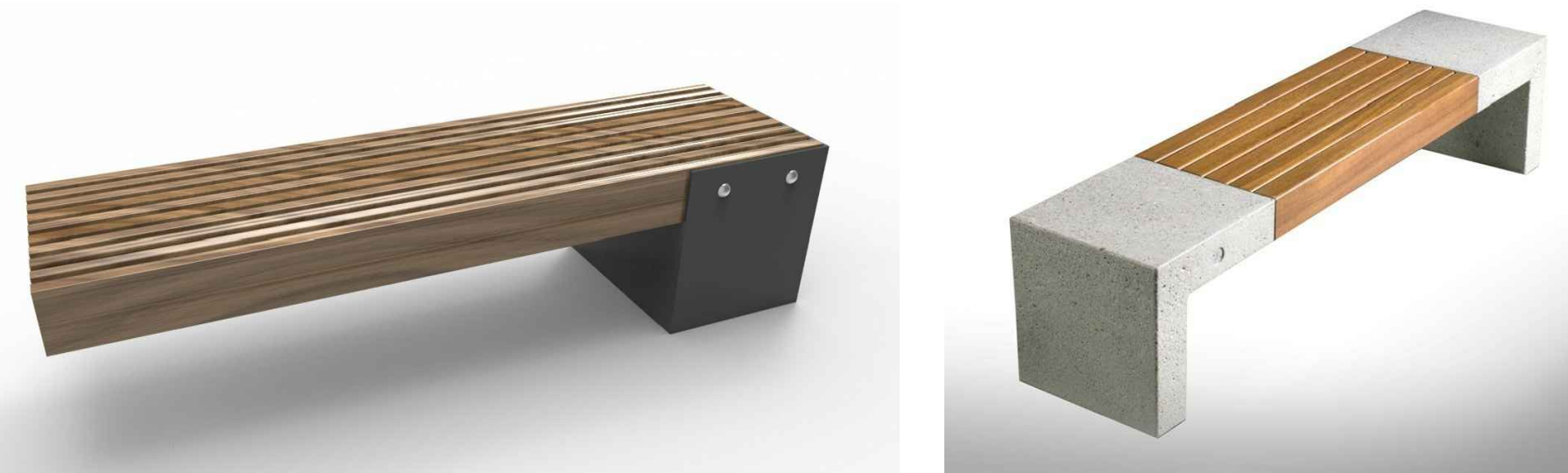
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- B.  COLOR: NATURAL CONCRETE
- C.  NATURAL WOOD: OLYMPIC STAIN 7003 "MOUNTAIN CEDAR"
- D.  COMP. SHINGLE ROOFING: GAF TIMBERLINE "CHARCOAL"
- E.  SIDING PAINT: SW 2839 "ROYCROFT COPPER"
- F.  SIDING PAINT: SW 7017 "DORIAN GRAY"
- G.  SIDING PAINT: SW 7019 "GAUNTLET GRAY"
- H.  TRIM PAINT: SW 7541 "GRECIAN IVORY"



WEST | FACING HIGHWAY



BUILDING No.2 | RETAIL BUILDING ELEVATIONS



PLAZA BENCH - WOOD/METAL/STONE



TRASH / ASH RECEPTACLE OPTIONS



LOOP STYLE OR EQUIV. - COLOR BLACK OR GALV.



DUAL PARKING SPACE INSTALLATION



EV CHARGING STATION AT CURB/PARKING SPACE



FRONT VIEW



SIDE VIEW



REAR VIEW

METAL STANDING SEAM ROOF

SLOPED ROOF WITH 4 x 4 STL. COLUMNS ON 6'-0\"/>

STL. FRAMED GATES WITH HORZ. WOOD SIDING ATTACHED TO 6 x 6 STL. POSTS WITH HEAVY DUTY HINGES AND GATE CLOSERS. COLORS TO MATCH BUILDINGS

EV CHARGING STATION (MANUF. TO BE CONFIRMED)

CONC. PLAZA OR LANDSCAPING BEHIND EV STATION

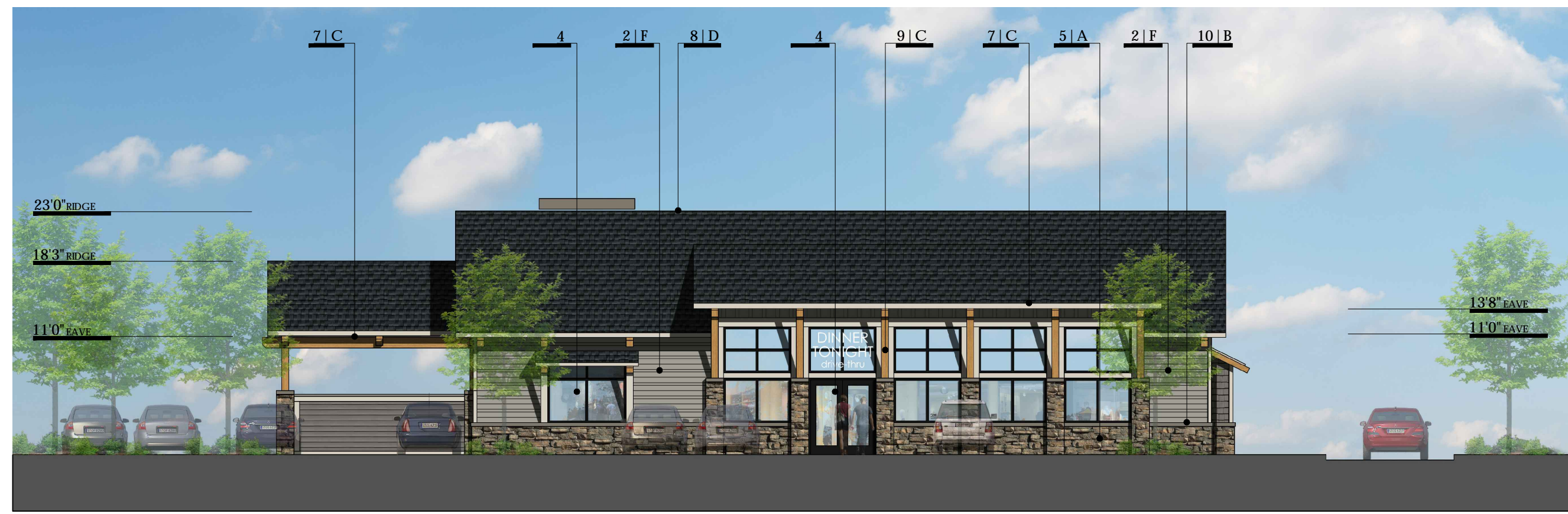
METAL BARRIER

TYP. CURB AND PARKING SPACE

3 TYPICAL BIKE RACK @ PLAZAS  
SP1

2 ELECTRIC VEHICLE CHARGING STATION (EV)  
SP1

1 TYPICAL TRASH ENCLOSURE  
SP1




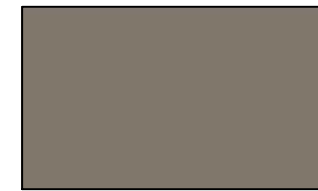






EAST | MAIN ENTRY

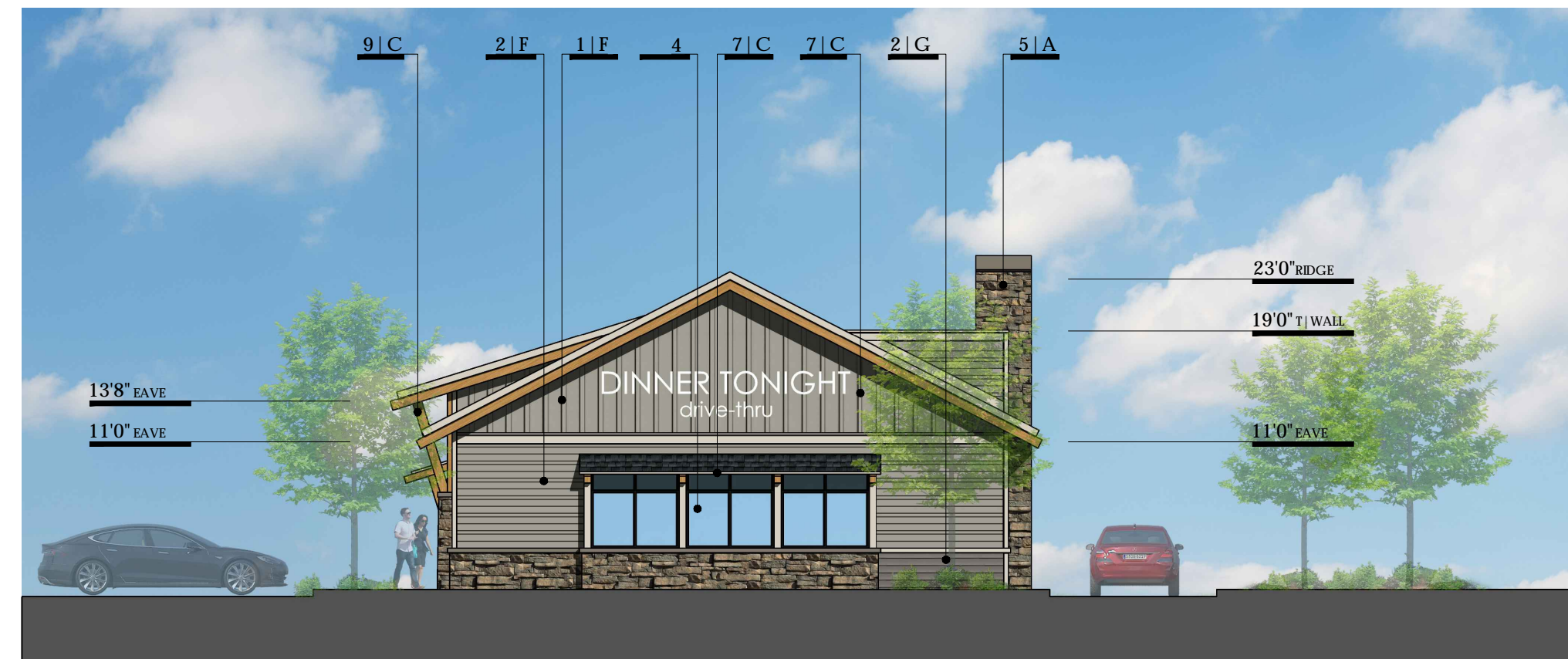
DESCRIPTIONS

1. BOARD & BATTEN WOOD SIDING w | WOOD\* TRIM ON LIGHT FRAMING
2. WOOD\* LAP SIDING ON LIGHT FRAMING
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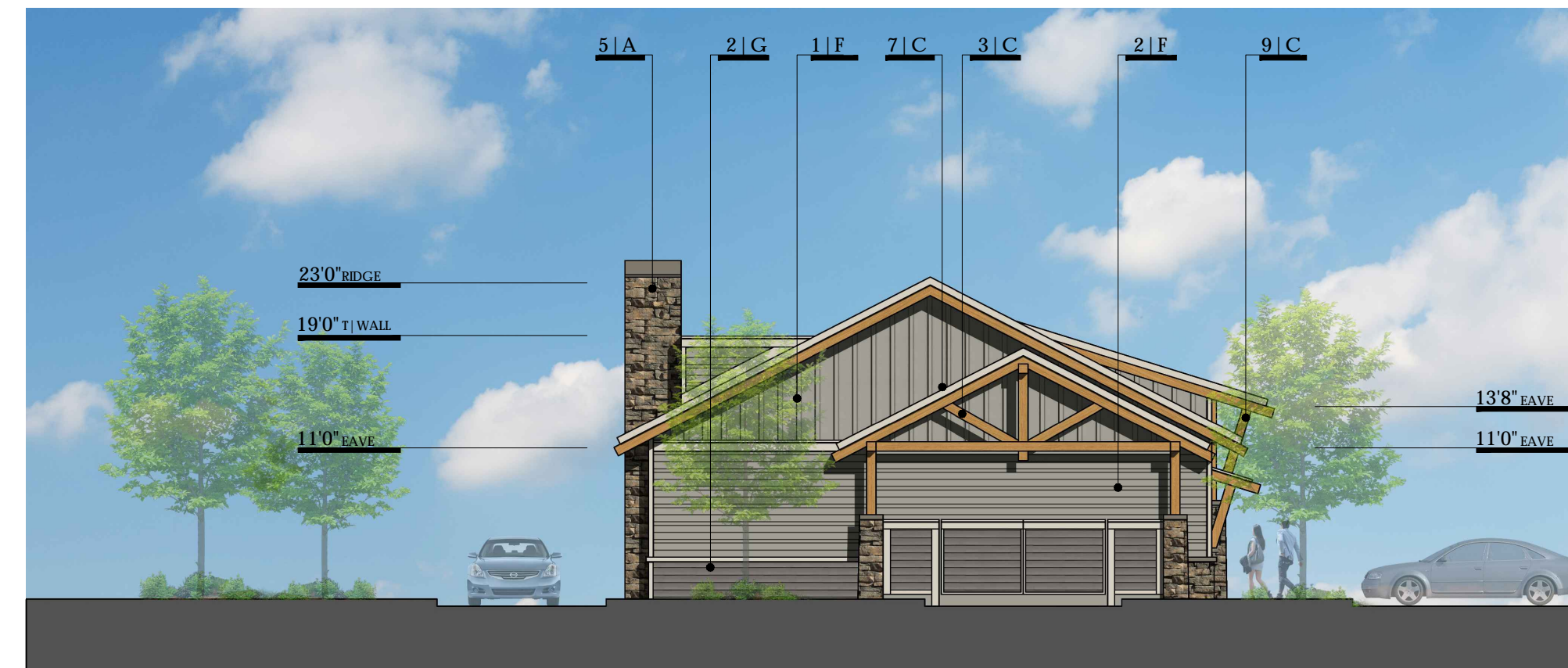
\* ALL REFERENCES TO WOOD ARE INTENDED TO INCLUDE NATURAL WOOD OR CEMENT BASED PRODUCTS (IE: JAMES HARDI OR NICHIHA WOOD-LOOK SYSTEMS)

COLORS | MATERIALS

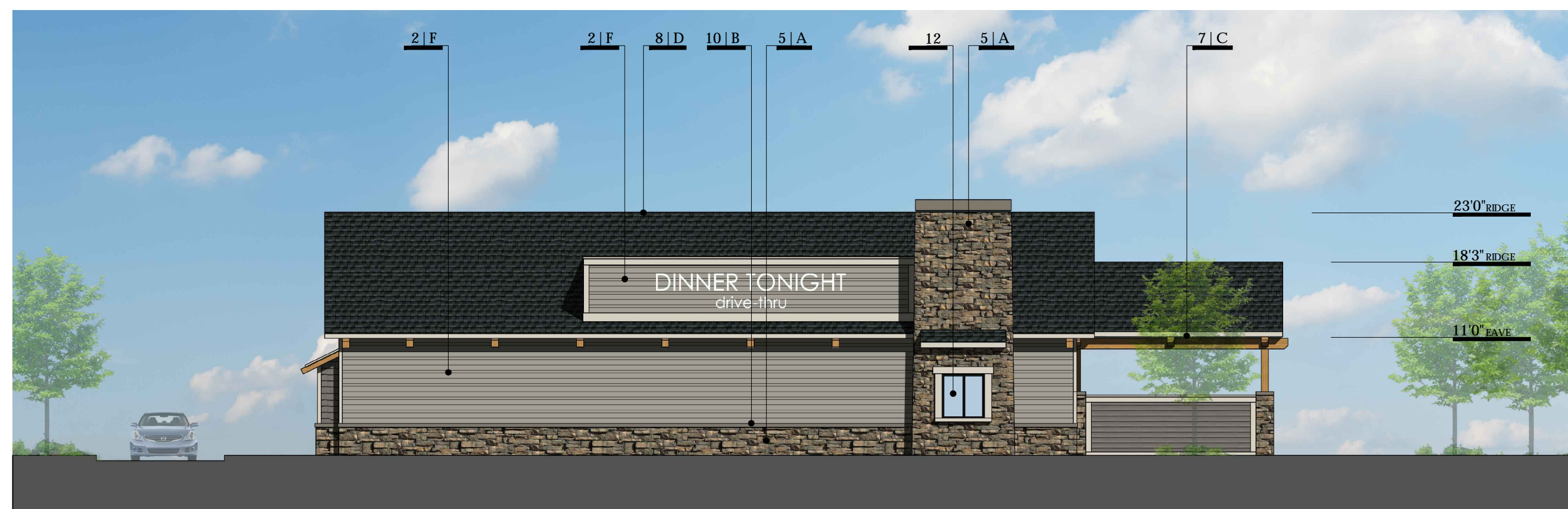
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- B.  COLOR: NATURAL CONCRETE
- C.  NATURAL WOOD: OLYMPIC STAIN 7003 "MOUNTAIN CEDAR"
- D.  COMP. SHINGLE ROOFING: GAF TIMBERLINE "CHARCOAL"
- E.  SIDING PAINT: SW 2839 "ROYCROFT COPPER"
- F.  SIDING PAINT: SW 7017 "DORIAN GRAY"
- G.  SIDING PAINT: SW 7019 "GAUNTLET GRAY"
- H.  TRIM PAINT: SW 7541 "GRECIAN IVORY"



NORTH | FACING HOTEL



SOUTH | TRASH ENCLOSURE

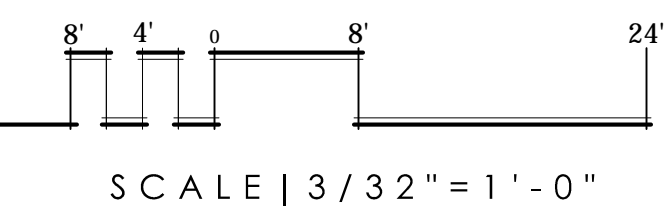


WEST | DRIVE-THRU

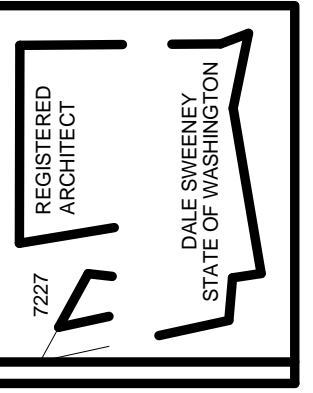
BUILDING No. 3 | DRIVE-THRU BUILDING ELEVATIONS



NORTH







Dale Sweeney  
 ARCHITECT  
 5715 143rd Place SE  
 Bellevue, WA 98006

Project Status  
 DESIGN DEVELOPMENT  
 DRAFT  
 NOT FOR CONSTRUCTION  
 ISSUE DATE:

NO.	DATE	Revision Description

**HAMPTON INN AND SUITES**

MINIT MANAGEMENT  
 LA CENTER, WA

Jurisdiction Stamps:

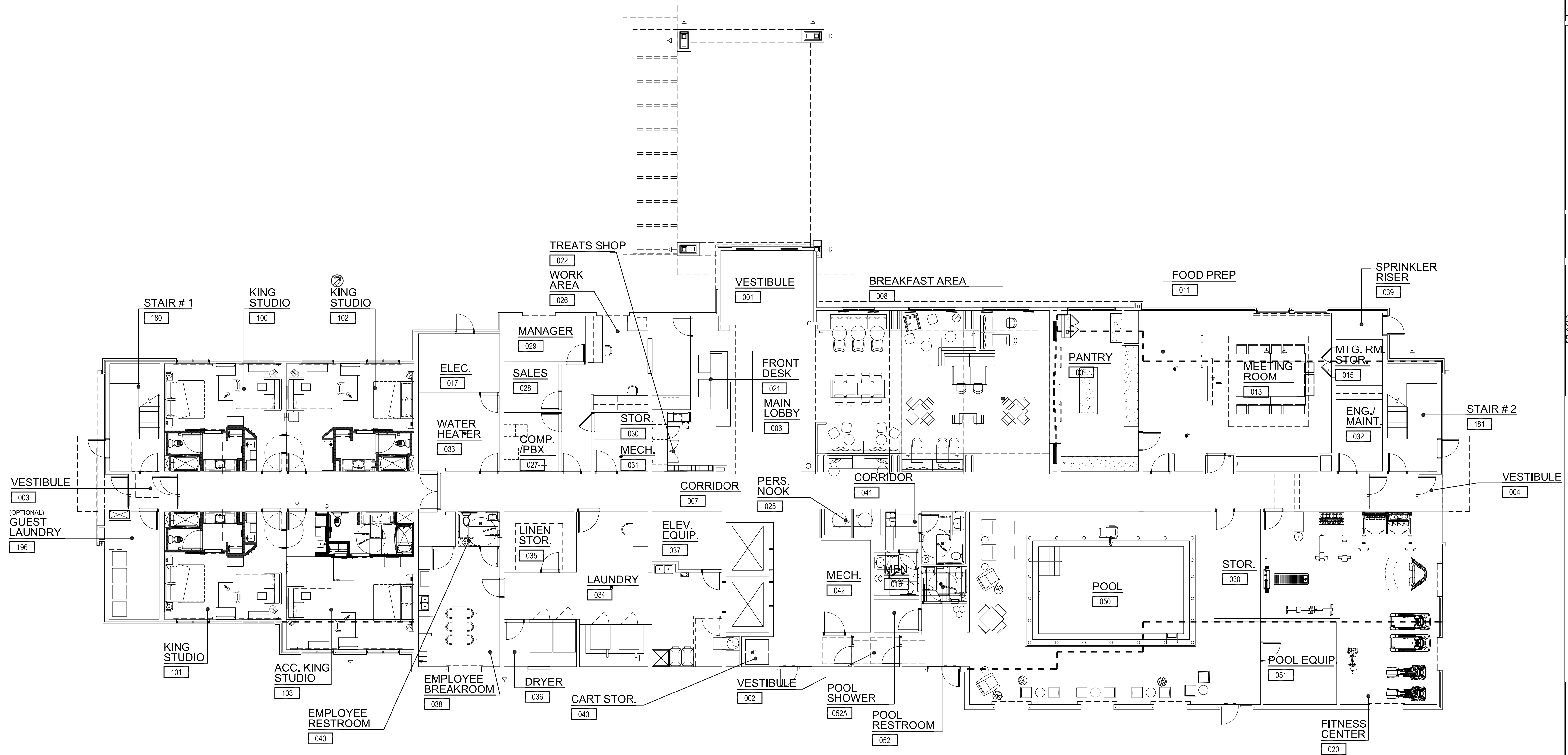
RENDERING

Plot Date: 3/12/2020 12:01:56 PM

SHEET NO.  
**A0.00**

NO.	DATE	Revision Description

Jurisdiction Stamps:

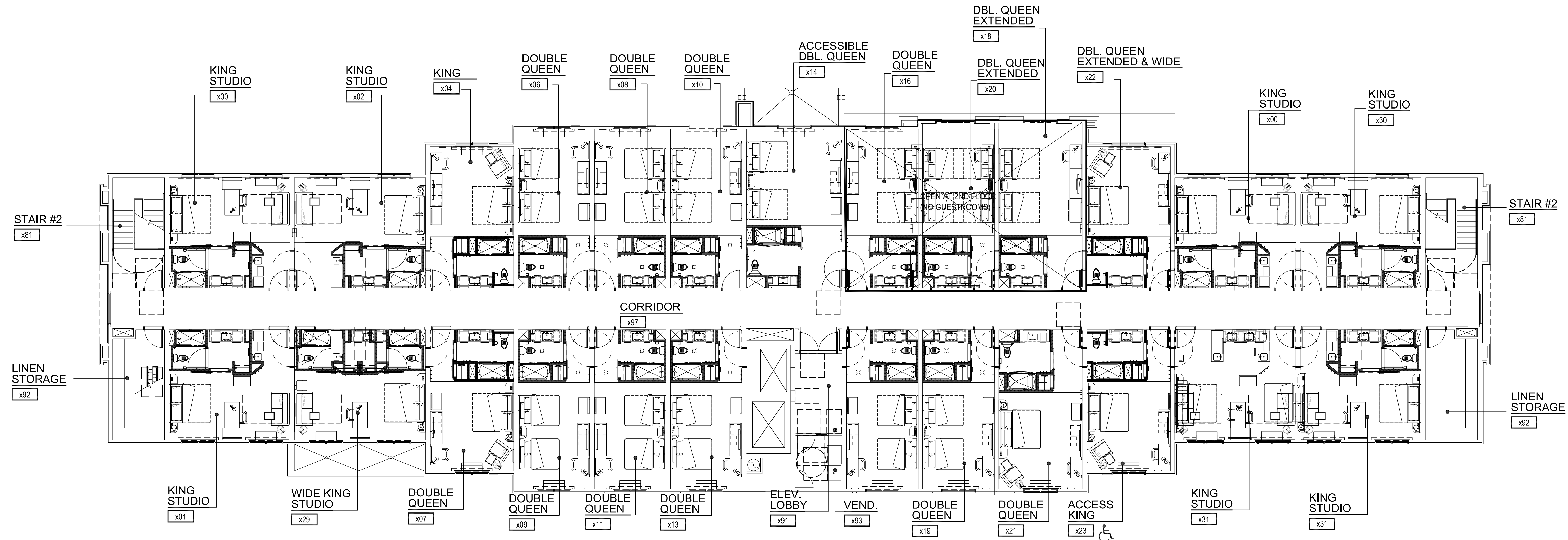


1ST FLOOR

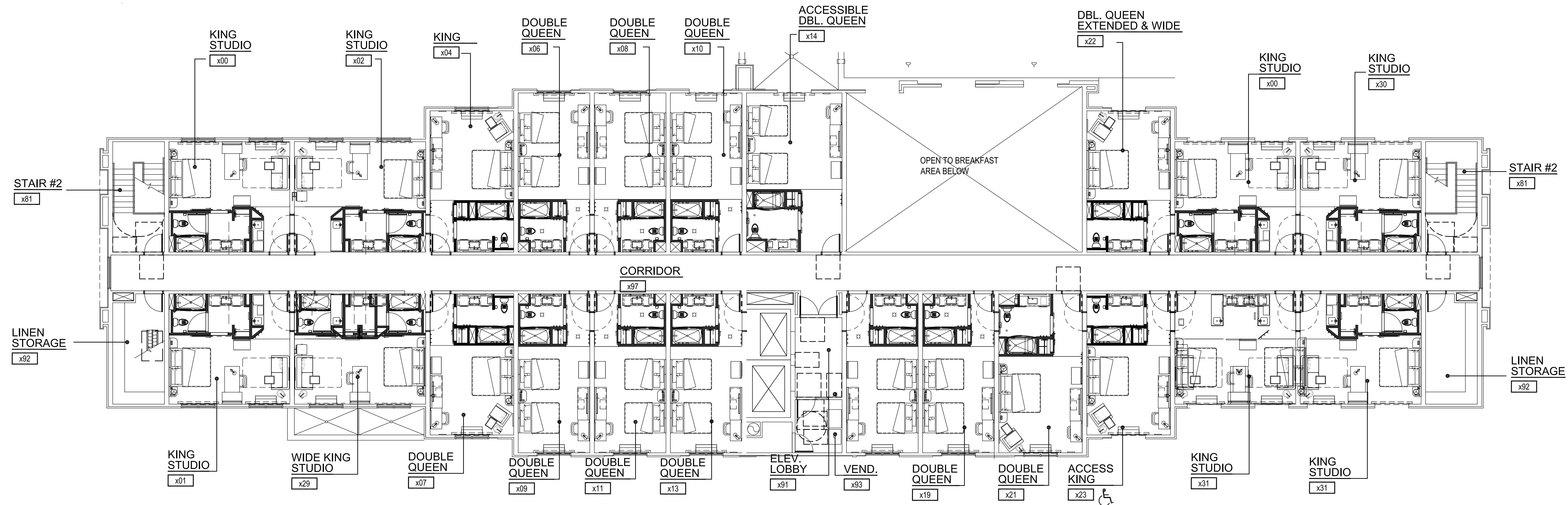
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HAMPTON INN AND SUITES

NO.	DATE	Revision Description



3RD-5TH FLOORS



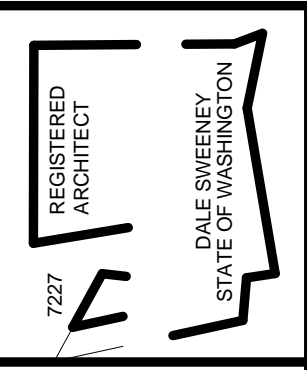
2ND FLOOR

D:\DWG\La Center Hampton\Rev\LaCenterHampton\_012120.rvt

HAMPTON INN AND SUITES



- TOP OF STAIR PARAPET 326'-10"
- HIGH PARAPET 322'-5"
- MID PARAPET 318'-5"
- LOW PARAPET 318'-5"
- T.O. PL LVL 5 313'-8 3/8"
- LEVEL 5 304'-10 1/8"
- T.O. PL LVL 4 303'-8 1/2"
- LEVEL 4 294'-9 3/4"
- T.O. PL LVL 3 293'-8 1/8"
- LEVEL 3 284'-9 3/8"
- T.O. PL LVL 2 283'-7 3/4"
- LEVEL 2 274'-9"
- T.O. PL LVL 1 273'-7 3/8"
- LEVEL 1 262'-5"



**Dale Sweeney**  
 ARCHITECT  
 5715 143rd Place SE  
 Bellevue, WA 98006

Project Status  
 DESIGN DEVELOPMENT  
 DRAFT  
 NOT FOR CONSTRUCTION  
 ISSUE DATE:

NO.	DATE	Revision Description

**1 SOUTH. ELEVATION**

SCALE: 1/8" = 1'-0"



- TOP OF STAIR PARAPET 326'-10"
- HIGH PARAPET 322'-5"
- MID PARAPET 319'-5"
- LOW PARAPET 318'-5"
- T.O. PL LVL 5 313'-8 3/8"
- LEVEL 5 304'-10 1/8"
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- LEVEL 4 294'-9 3/4"
- T.O. PL LVL 3 293'-8 1/8"
- LEVEL 3 284'-9 3/8"
- T.O. PL LVL 2 283'-7 3/4"
- LEVEL 2 274'-9"
- T.O. PL LVL 1 273'-7 3/8"
- LEVEL 1 262'-5"

**HAMPTON INN AND SUITES**  
 MINIT MANAGEMENT  
 LA CENTER, WA

Jurisdiction Stamps:

ELEVATIONS

Plot Date: 3/12/2020 12:02:20 PM

**SHEET NO.**  
**A2.01**

**2 EAST ELEVATION**

SCALE: 1/8" = 1'-0"



**1 NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"

7327  
REGISTERED ARCHITECT  
DALE SWEENEY  
STATE OF WASHINGTON

Dale Sweeney  
ARCHITECT  
5715 143rd Place SE  
Bellevue, WA 98006

Project Status  
DESIGN DEVELOPMENT  
DRAFT  
NOT FOR CONSTRUCTION  
ISSUE DATE:

NO.	DATE	Revision Description



**2 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

**HAMPTON INN AND SUITES**  
MINIT MANAGEMENT  
LA CENTER, WA

Jurisdiction Stamps:

ELEVATIONS

Plot Date: 3/12/2020 12:02:42 PM

**SHEET NO.**  
**A2.02**

D:\DWG\La Center Hampton\Rev\LaCenterHampton\_012120.rvt  
HAMPTON INN AND SUITES



**Owner/Applicant:** Minit Management LLC, Don Rhoads; PO Box 5889, Vancouver, WA 98668; 360.901.3875

**Applicant's Representative:** Olson Engineering, Inc., Mike Odren; 222 E Evergreen Blvd., Vancouver, WA 98660; 360.695.1385, [mikeo@olsoneagr.com](mailto:mikeo@olsoneagr.com)

**Public Review:** Application materials are available for public review at La Center Public Works Building, 305 NW Pacific Highway, La Center, WA. [www.ci.lacenter.wa.us/city\\_departments/pw\\_landuse.php](http://www.ci.lacenter.wa.us/city_departments/pw_landuse.php).

**Staff Contact:** Anthony Cooper, City Engineer, 305 NW Pacific Highway, La Center, WA 98629. 360.263.7665, [acooper@ci.lacenter.wa.us](mailto:acooper@ci.lacenter.wa.us)

**Planning Consultant Contact:** Eric Eisemann, E<sup>2</sup> Land Use Planning, LLC, 215 W. 4th Street, Suite # 201, Vancouver, WA 98660. 360.750.0038, [e.eisemann@e2landuse.com](mailto:e.eisemann@e2landuse.com)

**Approval Criteria:** The application will be reviewed for compliance with the La Center Municipal Code (LCMC) Titles: 3.35 Impact Fees; 12, Streets, Sidewalks & Public Ways; 13, Public Utilities; 15, Buildings and Construction, and the La Center Comprehensive Plan. Applicable Title 18 requirements, in effect on March 28, 2016, include chapters: 18.30 Procedures; 18.150 Commercial (C-2); 18.150; Supplemental Development Standards, 18.245; Conditional Uses, 18.250; Variances, 18.260, Signs; 18.275; Off-Street Parking and Loading; 18.280 Environmental Policies (SEPA); 18.340 Native Plant List; 18.350 Tree Protection; and 18.360 Archaeological Resource Protection.

## REVIEW

### Development Standards – Vested Rights

The property is zoned Junction Plan (JP) and has a Town Center (TC) overlay which is governed by LCMC 18.158. However, the application is vested to the development regulations in place at the time when city and applicant entered into a development agreement regulating future development activity on this property. The effective date of the development agreement is March 28, 2016. Therefore, unless the applicant elects to pursue development under LCMC 18.158, the zoning regulations pertaining to the C-2 zoning district and other development regulations in effect on March 28, 2016 govern this land use application.

For the applicant's convenience, this report contains extensive excerpts from Title 18 in effect on March 28, 2019. Failure of the City to cite specific requirements of the La Center Municipal Code (LCMC) in this report does not relieve the applicant of the responsibility to meet all applicable criteria.

## Public Works and Engineering

### 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.

#### *Grading*

A grading and erosion control permit is required as part of the site plan approval. As part of the grading plans finished floor elevations need to be shown for the lots in addition to grading quantities, the plan shall show retaining walls necessary to grade the lots.

The City Erosion Control Standards require that any activity disturbance over 500 SF must comply with the City standards. As part of these standards a construction stormwater permit is required from the Department of Ecology and an SWPPP will be necessary as part of the plan submittal to the City.

## 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.

As part of the street realignment and utility construction done as part of the casino, a sewer main was placed in La Center Road, with 6-inch lateral installed to serve future Minit Management site redevelopment.

Per LCMC 13.10.350 a sewer impact fee shall be charged for commercial development based on the use of the proposed structures. The exact impact charge will be assessed at the time of building permit application or before occupancy is issued. Each equivalent ERU calculated for each structure on the site will be multiplied by the impact fee of \$7,800 per ERU to determine the total sewer impact. If development is phased, impact fees will be charged for the structures permitted at the time of building permit application.

Any development west of the La Center Road Bridge is required to connect to the recently constructed sewer system in La Center Road. A latecomer agreement was approved by City Council in April of 2018, requiring that connection to this sewer system be assessed for development according to the cost per equivalent ERU. The latecomer cost is based on the location within the sewer basin as shown on the attached latecomer agreement and cost table. The Minit Management Site will connect to the sewer within basin A and will be assessed \$6,173.96 per equivalent ERU. The ERUs for the development will be calculated by LCMC 13.10.350 as stated above. The Latecomer agreement is attached for information.

## Chapter 18.10 Development Code General Provisions

Per LCMC 18.210.030, a Geotechnical Report can be required if (a) The site contains substantial fill, or the applicant proposes to place substantial fill on the site; or (b) the site contains land identified by the U.S. Soil Conservation Service, Clark County or the state of Washington as having slopes in excess of 25 percent or as being subject to instability, unless the applicant will not develop or otherwise significantly affect such lands or shows that the site does not contain unstable soils or steep slopes. According to the USDA Soils Manual, soils is predominately Gee Silt Loam and some Odne Silt Loam. This type of soil is classified as very limit for road construction per USDA soils information. Based on this finding, a complete application will include a geotechnical study and report, prepared by a geotechnical engineer or geologist, licensed in the state of Washington. The report shall include at a minimum, testing to support the site building construction, grading and retaining wall design as necessary.

Per the Development Agreement between the City of La Center and Mint Management LLC, on March 2016, Minit Management was vested 199 PM Peak Hour trips for their site. According to LCMC 3.35.070 and 3.35.090, traffic impact fees shall be assessed for peak PM trips above the vested trips in the agreement. Traffic Impact Analysis: The developer shall submit a trip generation memorandum to estimate the trips. Following review of this memorandum by the City's Traffic Consultant, a traffic study may be required depending on the number of additional trips above 199 is determined. The impact fee will be based on the additional PM Peak trips multiplied by the TIFF rate of \$7,561. The impact fee will be assessed at the time of application or prior to certificate of occupancy is issued.

The report shall include average daily traffic and peak hour traffic for intersections and streets as noted above. LCMC 18.215.050 (n).



## 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.

In 2016, Minit Management the parking lot was modified to accommodate the realignment of the Paradise Park Road. As part of that construction, an underground filter vault was installed to treat stormwater from the parking lot and an underground detention system was placed to detain stormwater per LCMC. The water quality and detention system were sized to accommodate the existing site impervious area and for future redevelopment of the site. The City Engineering Standards require that roof drains be connected directly to an underground storm system. The applicant will need to show how the new building downspouts will connect to the underground detention system and the parking lot will be graded and connected to the filter vault for water quality treatment.

### Potable Water

The following is a summary of Clark Public Utilities Water Department pre-application comments:

1. Clark Public Utilities has constructed a 24" water main within the recently re-conveyed NW Paradise Park Road Right-of-Way. The water main was constructed while the property was City of LaCenter Right-of-Way, with the understanding that the property owner will grant the appropriate easements, after the right-of-way is conveyed, to Clark Public Utilities for both public water and electric utilities. To the best of our knowledge the easement has not been granted and should be addressed as soon as possible.
2. Clark Public utilities has existing water facilities capable of serving this development. There is an existing 24" water main within NW LaCenter Road and along the west property line. There is an existing 8" water main within the portion of NW Paradise Park Road which is adjacent & north of the project. There is an existing 16" water main within the portion of NW Paradise Park Road which is adjacent & north of the project. There are two existing water services/meter boxes along the NW LaCenter Road Right-of-Way. We believe one of the existing water services is for WSDOT irrigation and shall stay in place. The other service is unused currently and was originally for the existing gas station's use. Also, along NW Paradise Park Road an 8" water main was stubbed into the existing gas station's road frontage.
3. If on-site domestic and fire service is required, then the applicant can connect to the existing water mains and construct a looped water system on-site. Since the site may have hydrocarbon contamination, use ductile iron pipe with nitrile gaskets, and copper pipe for water services. This issue can be explored in more detail during design.
4. During final site plan and engineering phase, submit a water plan for review and approval showing all proposed water and fire services. The plan shall also identify required fire flow and expected domestic water demand for each structure.
5. Provide state approved backflow protection as needed for each structure.
6. Existing static water pressure is in the range of 70 psi to 112 psi. When the Utility's Paradise Point Treatment Plant, water pressure will rise to 120 psi to 140 psi. Appropriate pressure reducing valves should be used for all end users.

## Street Lighting and/or Parking & Security Lighting

Dark sky compliant street lighting is required for public right of way per the City of La Center Engineering Standards. Because the site is private, the city does not regulate the site lighting. The city encourages onsite lighting to be dark sky compliant.

## Fire Code

See the attached exhibit A, with the commercial pre-application notes provided by Clark County Fire & Rescue.

## Building Comments

The Building Official did not participate in the pre-application conference. Typical comments the Building Official has provided in the past potentially applicable to this project include:

1. Identify the proposed setbacks for building.
2. Submit a geotechnical report analyzing the development design and for infill. The report should propose short-plat development conditions for the builders, by lot if required.
3. The plat notes should stipulate amount of impervious/saturation development allowed maximum impervious surface area is 85%.
4. Plat and site plan conditions for individual buildings should include provision of adequate foundation drainage, on the high side of the building/lot.
5. If retaining walls are to be constructed there needs to be design details in the conditions for the builder(s). Any required walls shall be installed and approved before final occupancy approval. Other walls built shall be built to a standard detail.
6. Fencing should be uniform. Provide a fence detail.
7. No one development shall create hazards or conditions for any adjacent lot.
8. Stormwater collected from newly created impervious sources or surfaces (roof, slabs, flatworks, etc.) shall be terminated in an approved manner.
9. Provide a note and detail for a concrete truck washout area which builders and contractors shall be required to use and maintain until final build out.
10. Coordinate with Chief Mike Jackson, CCF&R regarding hydrant spacing and related fire flow and fire protections issues he might have.

## Land Use

Under the vested C-2 zoning regulations the proposal will require the following land use applications (18.150.020-Table):

- Short Plat – Permitted activity
- 93-unit, 4-story hotel – Conditional use
- 16,680 square foot, one-story multi-tenant commercial building. General Retail , 25,000 S/F - Conditional use
- 5,000 square foot, one-story convenience store - Permitted use
- 2,300 square foot, one-story drive-through restaurant - Conditional use
- 12-pump automobile fueling island - Conditional use
- Associated parking, utility and other infrastructural improvement – Permitted use

All land use application and SEPA will be combined into one land use hearing before the La Center Hearing Examiner.

## Legal Lot Determination:

An application for legal lot determination is NOT required.

**Chapter 18.150 Commercial Zoning Districts**

**Chapter 18.150.010 Purpose**

B. Community Commercial (C-2) District. These more intensive, auto oriented commercial areas are intended to provide for the regular shopping and service needs for the community as a whole and adjacent service areas.

**18.150.030 Development Standards**

A. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Section 18.150.030(A) LCMC. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.

B. Landscaping.

1. In C2 and C3 districts, not less than fifteen percent (15%) of the total lot area shall be landscaped. Pedestrian plazas, sidewalks over the minimum width and other pedestrian amenities may be used to meet the required landscaping at a one to one (1:1) ratio.

C. Site Plan Review Standards. In addition to the site plan approval criteria contained in Chapter 18.215 LCMC the following shall apply to all development within the commercial districts unless expressly exempted. The review authority may modify these standards for the expansion of existing uses for site-specific issues:

1. Primary pedestrian circulation routes connecting the street(s) to the primary building entry or entries shall be a minimum of eleven (11) feet (eight (8) feet of sidewalk/walkway with a minimum of three (3) feet of landscaping on one (1) side of the pedestrian route). The minimum three (3) foot landscaped area shall contain street trees planted at thirty (30) foot intervals to provide for a continuous tree canopy. The required landscape area should function as a buffer between auto drives and the pedestrian routes. Where the pedestrian circulation route crosses vehicular accessways the landscape area is not required. Pedestrian awnings, with a minimum of eight (8) feet of head clearance shall be provided along the front building façade when abutting public rights-of-way. Awnings may not project over the parking area or street.
2. Landscaping.
  - a. Landscaping is required along the side of all buildings in C2 and C3 districts where the primary pedestrian access is provided. Minimum requirements shall be trees provided every thirty (30) feet on center planted along the length of the parcel. Street trees may not be planted closer than 25 feet away from street corners to preserve intersection sight-distance.
  - b. Landscape buffers required by Section 18.245.060 LCMC shall not apply between pad development sites and the remainder of the development site.
  - c. Landscaping required between commercial developments may be altered where parking lots are adjoining as follows: a single, shared five (5) foot buffer instead of five (5) feet for each development; provided, that joint access is provided between parcels for auto and pedestrian access and trees are planted every twenty (20) feet on center along the length of the buffer.

**Table 18.150.030A Lot Requirements**

District	Minimum Lot Area (SF)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
<u>C-2</u>	10,000	None	None

**Table 18.150.030B Setbacks, Lot Coverage and Building Height**

<b>Minimum setbacks</b>	Pursuant to buffering and screening standards contained in Chapter 18.245 LCMC
<b>Minimum setbacks adjacent to residential district</b>	Pursuant to the screening and buffering standards contained in Chapter 18.245 LCMC, plus an additional 1/2 foot for each foot the building exceeds 20 feet in height to a maximum setback requirement of 40 feet.
<b>Maximum lot coverage</b>	Maximum determined by compliance with screening and buffering standards contained in Chapter 18.245 LCMC, Chapter 18.320 LCMC, and all other applicable standards.
<b>Maximum building height</b>	60 Ft.

**18.205 – Short Plat Provisions**

**18.205.030 Preliminary short plat application contents**

An applicant for a preliminary short plat shall submit the requisite fee, a completed application review form provided for that purpose by the city, and four (4) copies of the following information:

- A. Short plat name (if any);
- B. Contact information including the name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the short subdivision;
- C. Environmental (SEPA) checklist or EIS, if applicable under Chapter 18.310 LCMC;
- D. A preliminary short plat at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. The short plat shall show the dimensions and areas of all proposed lots, tracts and dedications. The short plat shall show the distance from proposed lot lines to the nearest existing structures on the site unless those structures will be removed;
- E. Proposed dedications of title, easements or other interests to the city or other agency, if applicable;
- F. Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Clark County assessor;
- G. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance;
- H. A legal description of the property proposed to be divided;
- I. If a short subdivision contains large lots which at some future time could be re-subdivided, the application shall include a master plan of all land under common ownership in order to provide for extension and opening of streets at intervals which will permit a subsequent division of each divisible parcel into lots of smaller size;
- J. A copy of the pre-application conference summary and a description of information submitted in response to the issues, comments and concerns in the summary;
- K. A written description of how the proposed preliminary short plat does or can comply with each applicable approval criterion for the preliminary short plat, and basic facts and other substantial evidence that supports the description;

- L. The names and addresses of owners of land within a radius of 300 feet of the site. Owner names and addresses shall be printed on mailing labels.
  - 1. The applicant shall submit a statement by the assessor's office or a title company certifying that the list is complete and accurate, based on the records of the Clark County assessor within 30 days of when the list is submitted;
  - 2. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, then notice shall be mailed to owners of property within a 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application;
- M. Applications necessarily associated with the preliminary short plat, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the road standards in Chapter 12.10 LCMC that are required to approve the short plat application as proposed;
- N. A wetlands delineation and assessment for wetlands on-site and abutting the site (Not Applicable)
- O. A report prepared by a geotechnical engineer or geologist licensed in the State of Washington if:
  - 1. The site contains substantial fill (10 cubic yards or more), or the applicant proposes to place substantial fill on the site; or
  - 2. The site contains land identified by the U.S. Soil Conservation Service, Clark County or the state of Washington as having slopes in excess of 25 percent or as being subject to instability, unless the applicant will not develop or otherwise significantly affect such lands or shows that the site does not contain unstable soils or steep slopes;
- P. An archaeological predetermination if the area proposed for development contains lands classified as having moderate or higher probability of containing archaeological resources as determined.
- Q. Preliminary grading, erosion control and drainage plans, which may be a single plan, consistent with applicable provisions of Chapter 18.320 LCMC;
- R. Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.

**18.205.040 Approval criteria for a preliminary short plat**

- A. The review authority shall approve a preliminary short plat if he or she finds:
  - 1. The applicant has sustained the burden of proving that the application complies with the following regulations of the La Center Municipal Code to the extent relevant; or
    - a) Chapters 12.05 (Sidewalks) and 12.10 (Public and Private Road Standards) LCMC;
    - b) Chapter 18.300 LCMC (Critical Areas);
    - c) Chapter 18.310 LCMC (Environmental Policy);
    - d) Chapter 18.320 LCMC (Stormwater and Erosion Control);
    - e) Chapter 15.05 LCMC (Building Code and Specialty Codes)
    - f) Chapter 15.35 LCMC (School Impact Fees); and
    - g) Title 18 LCDC (Development Code)

2. That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final short plat is approved;
  3. The application makes appropriate provision for potable water supplies and for disposal of sanitary wastes; and
  4. The application complies with RCW 58.17.010.
- B. If the application includes the creation of one or more flag lots, those lots shall comply with Section 18.210.040(E) LCMC.

**18.205.050 Expiration and extension of preliminary short plat approval**

A decision approving a preliminary short plat expires five (5) years from the effective date of approval and can be extended as provided in Section 18.030.140 LCMC.

**18.205.060 Final short plat application contents**

An applicant for a final short plat shall submit to the city clerk the requisite fee and the following information:

- A. A form provided by the city containing the following information:
1. Short subdivision name (if any);
  2. Name, mailing address, and telephone number of owner and/or developer, and, if required, surveyor of the plat;
  3. Date;
  4. Acreage;
  5. Number of lots;
  6. Zoning designation;
- B. The final short plat map, including the following:
1. Short subdivision name (if any);
  2. Legend;
  3. Location, including one-fourth section, section, township, range, and, as applicable, donation land claim and/or short subdivision or subdivision name;
  4. Boundary survey (if required);
  5. Lot, block, and street right-of-way and centerline dimensions;
  6. Street names;
  7. Scale, including graphic scale, north arrow, and basis of bearings;
  8. Identification of areas to be dedicated;
  9. Surveyor's certificate, stamp, date, and signature (if required);
  10. Signature blocks for the following:
    - a. Engineer;
    - b. County auditor;
    - c. County assessor;
    - d. City clerk or Director;

- e. Mayor;
- 11. Special setbacks (if any);
- 12. Public and private easements (if any) and the purpose of each;
- 13. Tracts (if any) and the purpose of each;
- 14. Walkways (if any);
- C. Legal description of the boundary which has been certified by the land surveyor, with seal and signature as being an accurate description of the lands surveyed;
- D. Short plat certificate, including dedications, if any (RCW 58.17.165);
- E. A certificate of title shall be provided;
- F. Restrictions and covenants, if proposed to fulfill conditions of approval or applicable provisions of law.

**18.205.070 Approval criteria for a final short plat**

The review authority shall approve a final short plat if he or she finds:

- A. It complies with the decision approving the preliminary short plat;
- B. The applicant has fulfilled all conditions of approval that that decision or the La Center Municipal Code requires to be fulfilled before approval of the final short plat; and
- C. The final short plan application must meet the submittal requirements of Section 18.210.060 LCMC.

**18.215 Site Plan Review**

**Please provide 4 paper copies of all application materials along with an electronic version (FTP, CD or USB Drive). Please include a word version of your narrative and SEPA checklist.**

Site Plan Review (§§18.215.050): A completed application form and the following materials are required prior to a determination of technical completeness.

- (a) Written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries and construction schedule including project phasing, if known;
- (b) Current list of names and addresses of all property owners within a 300-foot radius as shown upon the Clark County assessor's records. The list shall be no older than 90 days and shall be dated and certified as being a complete list of adjacent owners by the assessor's office, surveyor, or title company. This list shall also be provided on self-adhesive mailing labels;
- (c) Developer's GIS packet (can be obtained from the Clark County planning department);
- (d) 4 copies of an existing conditions plan drawn to a minimum scale of one-inch equals 200 feet on a sheet no larger than 24 inches by 36 inches and including one reduced 11-inch by 17-inch copy. The existing conditions plan shall at a minimum indicate the following:
  - (i) Vicinity map showing location of subject site within the city of La Center and the surrounding existing street system;
  - (ii) Property boundaries, dimensions and size of the subject site;
  - (iii) Graphic scale of the drawing and the direction of true north;
  - (iv) Zoning and uses of subject site and of properties within 100 feet of the subject site;
  - (v) Current structural or landscaped setbacks;
  - (vi) Location of on-site driveways and access points within 100 feet of the subject site;

- (vii) Location of existing on-site structures and the approximate location of existing structures within 100 feet of the site;
  - (viii) Location of existing aboveground electrical, telephone or utility poles and traffic control poles;
  - (ix) Location of existing fire hydrants;
  - (x) Location of existing structures within 100 feet of the site;
  - (xi) Location, centerline and dimensions of existing public rights-of-way and easements on-site and within 100 feet of the site;
  - (xii) Location, centerline and dimensions of existing private streets on-site and within 100 feet of the site;
  - (xiii) Approximate on-site slopes and grades within 100 feet of the site;
  - (xiv) Approximate location of significant natural conditions such as rock outcroppings, floodplain, drainage patterns and courses, slopes in excess of 25 percent, unstable ground, high seasonal water table or impermeable soils, areas of severe erosion potential, areas of weak foundation soils, areas of significant wildlife habitat, areas of known or suspected historic, cultural or archaeological resources and the location of trees or clusters of trees having a diameter of six or more inches measured four feet above grade;
- (e) Four copies of a site plan drawn to a minimum scale of one-inch equals 200 feet on a sheet no larger than 24 inches by 36 inches and including one reduced 11-inch by 17-inch copy. The site plan shall at a minimum indicate the following.
- (f) Preliminary utilities plan indicating the proposed location, size, connection points to existing public systems, and terminus points for sanitary sewer, water and stormwater drainage and control. Stormwater information shall be provided in conformance with Chapter [18.320](#) LCMC and shall indicate compliance with all applicable standards of LCMC Titles [13](#) and [15](#). Public and private easements for sanitary sewer, water and stormwater shall also be indicated;
- (g) Preliminary grading and erosion control plan indicating proposed on-site excavation and fill activities, and within public rights-of-way, if applicable, including demonstration of conformance with city of La Center erosion control measures;
- (h) Landscape plan indicating the location of proposed vegetation, the common and botanical name of the proposed vegetation, the initial planting size (height or gallon) and the mature planting size, and proposed methods of irrigation, if any. Landscaping proposed in and around buildings, on the perimeter of the site and within proposed parking areas shall be indicated. In addition, street trees or other forms of landscaping within the public rights-of-way shall be indicated;
- (i) Architectural elevations, showing north, south, west and east elevations and specifying a measurable scale, structural dimensions and structural heights;
- (j) Lighting plan indicating the location, height and type of proposed exterior lighting fixtures (pole-mounted or wall-mounted);
- (k) Legal description for the parcel(s) in question;
- (l) Most recent conveyance document (deed) showing current ownership;
- (m) State Environmental Policy Act (SEPA) checklist, filled out in ink or type and signed;
- (n) Traffic study, if applicable;
- (o) Sign plan(s) (if applicable);
- (p) Copy of pre-application conference report and any other items requested in the pre-application conference report, if completed. [Ord. 2006-17 § 1, 2006.]

All correspondence must be submitted to the La Center City Clerk. Because several of the uses are classified as conditional uses, the site plan will also be elevated to a Type III land use review. Within 14 days after the Clerk finds the application technically complete, the Clerk shall mail a Notice of Application to you and adjacent property owners. The comment period shall remain open for a minimum of 14 days. The City will issue a decision within 56 calendar days.



Site plan approval criteria (LCMC 18.215.060): The applicant carries the burden of proof to demonstrate that the proposal complies with the following city regulations and standards:

**A technically complete application must address ALL approval criteria in section 18.215.060.C below:**

**18.215.060.C.** 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:

1. The proposed use is permitted within the district in which it is located.
2. The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located.
3. The proposal meets the screening, buffering and landscape strip requirements, as set forth in Section 18.245.060 LCMC.
4. Minimum parking and loading space requirements are met, as required by Chapter 18.280 LCMC.
5. All applicable conditions and criteria contained in other titles of the La Center Municipal Code are met.
  - Chapter 12.05 LCMC, Sidewalks;
  - Chapter 12.10 LCMC, Public and Private Road Standards;
  - Chapter 15.05 LCMC, Building Code and Specialty Codes;
  - Chapter 18.245 LCMC, Supplemental Development Standards;
  - Chapter 18.300 LCMC, Critical Areas;
  - Chapter 18.310 LCMC, Environmental Policy;
  - Chapter 18.320 LCMC, Stormwater and Erosion Control;
  - Title 18, Development Code;
  - The subdivision must make appropriate provision for potable water supplies and disposal of sanitary wastes
6. Improvement requirements are provided in accordance with the applicable sections of the La Center development code.
7. All conditions of any applicable previous approvals (i.e., CUP) have been met.
8. Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication.
9. 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 or infeasible or inappropriate.
10. Proposed phasing plans do not exceed six years and all required public infrastructure is installed in the first phase of the development.

**18.215.100 Compliance required and expiration**

- A. All development of the property for which a site plan was approved shall conform to the approved site plan and any conditions imposed thereon unless amended or replaced by a subsequent city approval.
- B. **Site plan approvals shall be valid for two years from the date of issuance**, during which time substantial completion of the project improvements shall have occurred. The planning director may approve up to two one-year extensions if:

1. There have not been any substantial changes in the laws governing the development of the site, with which lack of compliance would be contrary to the changed laws; and
2. The applicant has pursued development in good faith. Good faith shall be evidenced by progress on final permitting, surveying, engineering, and construction of improvements.

**18.215.110 Completion prior to occupancy**

All required public and site improvements and other conditions of site plan approval shall be met prior to occupancy of any site unless required sooner as a condition of approval; provided, that completion and occupancy may be accomplished in phases if approved by the planning director as part of the site plan review process. Incomplete items may be secured by the issuance of a performance bond or other suitable security as a condition of approval of a site plan to secure applicant's obligation to complete the provisions and conditions of the approved site plan.

**18.215.080 Final site plan approval**

Where a site plan is issued subject to conditions that require the submittal of additional materials or changes to existing plans, the director may require that the applicant submit for final site plan approval to determine if the revised plans comply with the conditions of site plan approval. Final site plans shall be considered as Type I applications.

**18.240 Mitigation of Adverse Effects**

**18.240.020 Determination of direct impacts**

Before any development is given the required approval or is permitted to proceed, the review authority shall determine all impacts, if any, that are a direct consequence of the proposed development and which require mitigation.

**18.245 – Supplemental Development Standards**

**18.245.020 Height of fences and hedges**

- A. Front and Street Side Yards. Fences and hedges shall be no higher than four feet (measured from ground level) within five feet of a front property line or street side property line.
- B. Interior Side and Rear Yards. Fences and hedges shall be no higher than six feet (measured from ground level) along interior side and rear property lines.

**18.245.030 Solid waste**

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

**18.245.040 Lighting**

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

**18.245.050 Noise**

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

**18.245.060 Landscaping**

- A. The following standards apply to landscaping and screening on private property required pursuant to Table 18.245.060 LCMC. Landscaping and screening within public rights-of-way shall comply with the applicable provisions in Chapter 12.10 LCMC.

**Table 18.245.060 Landscaping**

Zoning of the site	Zoning of the abutting the site							
	LDR		MDR		C2		LI, EC, UP	
	Separated by a street	Not separated by a street	Separated by a street	Not separated by a street	Separated by a street	Not separated by a street	Separated by a street	Not separated by a street
<b>C1, C2, C3, MX</b>	L1 5 feet	L2 5 feet	L1 5 feet	L2 5 feet	None	None	None	None

- F. Parking and loading areas shall be landscaped as follows:
  - a. A minimum five-foot-wide strip landscaped to at least an L2 standard or a minimum 10-foot-wide strip landscaped to at least an L1 standard shall be provided where vehicle parking or loading adjoins a public road right-of-way.
  - b. Where a vehicle parking or loading area adjoins a property with zoning or land uses other than the proposed land use, the area shall be landscaped and screened as provided in Table 18.245.060 adjoining the other property.
  - c. Parking areas that contain at least seven spaces shall contain landscape islands equally distributed at a ratio of one island for every seven parking spaces. A landscape island shall contain at least 25 square feet, shall be at least four feet wide, and shall prevent vehicles from damaging trees, such as by using a wheel stop or curb.
  - d. At least one tree shall be planted in each landscape island. Trees in landscape islands shall reach a mature height of 30 feet or more, cast moderate to dense shade in the summer, live at least 60 years, require little maintenance (such as by being insect-, disease- and drought-resistant and not producing fruit), and be suited for use in the proposed location (such as by being tolerant of pollution and direct and reflected heat).
- M. The applicant shall show and comply with the following:
  - a. Plant materials will be installed to current nursery industry standards.
  - b. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.
  - c. Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the dripline of trees to be retained.
- N. Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the review authority. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in Chapter 12.05 LCMC.

- O. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required landscaped areas must comply with one of the following:
  - a. A permanent built-in irrigation system with an automatic controller will serve the landscape area in question, and the system will be installed and operational before the county grants an occupancy permit or final inspection for the development in question....

**Chapter 18.260 Variances** (If requested)

**18.260.030 Application contents.**

An applicant for a variance(s) shall submit the requisite fee and the information required by LCMC 18.30.050, except as otherwise provided therein. [Ord. 2006-17 § 1, 2006.]

**18.260.040 Approval criteria.** (Please address all approval criteria for each variance requested.)

The review authority shall approve or approve with conditions an application for a variance if he or she finds the applicant has sustained the burden of proving that:

- (1) Unusual circumstances or conditions, such as size, shape, topography and location of an existing legal development on the site, apply to the property and/or the intended use such that the strict application of this title would deprive the owner of the subject property of rights and privileges enjoyed by owners of other properties in the vicinity in the same zone; and
- (2) The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the property is situated. [Ord. 2006-17 § 1, 2006.]

**18.260.050 Expiration and extension.**

A decision approving a variance expires and can be extended as provided in LCMC 18.30.140.

**18.275 Sign Requirements**

When proposed, signs must comply with this chapter.

**18.280 Off-Street Parking and Loading Requirements**

**18.280.010 Off-street parking requirements**

Off-street parking shall be provided in compliance with Table 18.280.010 LCMC:

**Table 18.280.010 Off-street parking requirements**

USE	MINIMUM NUMBER OF PARKING SPACES
Retail Stores and Service or Repair Shops	1 space per 400 square feet of floor area <sup>1</sup>
Bank or Office Buildings <sup>2</sup>	1 space per 400 square feet of floor area <sup>1</sup>
Hotel, Motel or Bed and Breakfast Houses	1 space per guestroom <sup>1</sup>
Eating and/or Drinking Establishments	1 space per 200 square feet of floor area <sup>1</sup>

**18.280.040 Loading**

Every use for which a building is erected or structurally altered which will require the receipt or distribution of materials or merchandise by truck or similar vehicle shall provide off-street loading space based on minimum requirements as follows:

- A. Commercial, industrial, and public utility uses shall provide truck loading or unloading berths in accordance with Table 18.280.040(A):

**Table 18.280.040(A)**

Square feet of floor area	Number of berths required
Less than 5,000	0
5,000 – 30,000	1
30,000 – 100,000	2
100,000 and over	3

- B. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar uses shall provide off-street truck loading or unloading berths in accordance with Table 18.280.040(B):

**Table 18.280.040(B)**

Square feet of floor area	Number of berths required
Less than 30,000	0
30,000 – 100,000	1
100,000 and over	2

### 18.250 Conditional Uses

**A technically complete application must address all approval criteria in 18.250.040.**

#### 18.250.040 Criteria for approval, minor modifications and revocation

- A. The hearings examiner shall approve or approve with conditions an application for conditional use permit if he or she finds the applicant has sustained the burden of proving that:
1. 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;
  2. All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use;
  3. 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;
  4. 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.

The hearings examiner may impose, in addition to regulations and standards expressly specified in this title, other conditions of approval necessary to ensure the use complies with applicable approval standards.

#### 18.250.050 Expiration and extension

A conditional use permit expires within two years from issuance and can be extended for a single one-year period. See 18.030.140 LCMC.

#### 18.250.060 Transfer prohibited

An approved conditional use permit is specific to the subject property and cannot be transferred to another property.

### Chapter 18.300 Critical Areas

The location is within a wellhead protection area and 1-year and 10-year wellhead zone of travel. (CARA - I) Clark County indicates the site also has a “High” probability of archaeological resources. A CARA -II reports required. An archaeological predetermination is required for areas on not previously investigated within the past 5 years.

The applicant shall demonstrate, through the land use approval process, that the proposed activity will not have any adverse impacts on ground water in critical aquifer recharge areas, based on the Safe Drinking Water Act and the Wellhead Protection Area Program, pursuant to Public Water Supplies, Chapter [246-290](#) WAC; Water Quality Standards for Ground Waters of the State of Washington, Chapter [173-200](#) WAC; and Dangerous Waste Regulations, Chapter [173-303](#) WAC. By this reference, Chapters [173-200](#), [173-303](#) and [246-290](#) WAC, as written and hereafter updated, will be part of this chapter.

### 18.310 (Environmental Policy)

The project review application must include a SEPA checklist and appropriate processing fees. The City will review the SEPA checklist and application materials and will make a threshold determination. The City will run the SEPA comment and land use comment period concurrently and will not make a decision on the land use application until after the close of the SEPA comment period. An archeological inadvertent discovery plan is required for areas not evaluated within the past five (5) years)

## Application Fees

An estimated fee schedule was provided during the meeting. Based upon the information provided to date, we estimate that the land use application fees will include:

- Short Plat (4 lots or less) = \$850 + 125/lot
- Site Plan Review: Type II \$1,275 + \$85/1000 SF
- Conditional Use Permit: \$3,400 plus cost recovery
- Variance, Type II: \$850 (if requested)
- SEPA: \$510
- Critical Area Review \$340 (CARA 1)
- Archaeological predetermination: \$350

The applicant is responsible for payment of fees related to development/engineering review costs as contained in La Center Resolution No. 13-372 (copy provided at pre-application conference). Transportation Impact Fees shall be assessed against at time of building permit.

## June 11, 2019 – Attendees

Name	Address	Phone	Email
Tony Cooper, P.E., City Engineer	305 NW Pacific Highway La Center, WA 98629	360.263.2889	<a href="mailto:acooper@ci.lacenter.wa.us">acooper@ci.lacenter.wa.us</a>
Matt Jenkins, Director La Center Public Works	305 NW Pacific Highway La Center, WA 98629	360.263.3333	<a href="mailto:mjenkins@ci.lacenter.wa.us">mjenkins@ci.lacenter.wa.us</a>
Jeff Swanson, Consulting Community Dev. Director	305 NW Pacific Highway La Center, WA 98629	360.863.9651	<a href="mailto:jswanson@ci.lacenter.wa.us">jswanson@ci.lacenter.wa.us</a>
Eric Eisemann, E <sup>2</sup> Land Use Planning	215 W 4 <sup>th</sup> St., #201 Vancouver, WA 98662	360.750.0038	<a href="mailto:e.eisemann@e2landuse.com">e.eisemann@e2landuse.com</a>
Barry Lovingood, Clark PUD		360.992.8020	<a href="mailto:blovingood@clarkpud.com">blovingood@clarkpud.com</a>
Chief Mike Jackson Clark FR	911 N 65 <sup>th</sup> Ave, Ridgefield, WA	360.887.4609	<a href="mailto:Mike.jackson@clarkfr.org">Mike.jackson@clarkfr.org</a>
David Tetz, Clark PUD		360.992.8781	<a href="mailto:dtetz@clarkpud.com">dtetz@clarkpud.com</a>
Don Rhoads, Minit Management LLC	PO Box 5889 Vancouver, WA 98668	360.695.1385	<a href="mailto:drhoads@tcgstores.com">drhoads@tcgstores.com</a>
Joe Tanner, Minit Management LLC	PO Box 5889 Vancouver, WA 98668	360.910.1600	<a href="mailto:jtanner@tcgstores.com">jtanner@tcgstores.com</a>
Mark Stokes, Heurlin Potter	PO Box 611 Vancouver, WA 98666	360.750.7547	<a href="mailto:Mfs@hpl-law.com">Mfs@hpl-law.com</a>
Mike Odren Olson Engineering	222 E. Evergreen Blvd. Vancouver, WA 98660	360.695.1385	<a href="mailto:mikeo@olsonengr.com">mikeo@olsonengr.com</a>

## EXHIBITS

CCF&R Commercial Pre-application Notes: La Center  
La Center Latecomer Agreement

# Commercial

## Pre-Application Notes:

### *La Center*

#### Fire Department Access:

- **Roadways to Access Structures:** The perimeter of all structures must be within 150' an approved access road with a minimum clear width of 20' (26' where a hydrant is located). IFC 503.1.1 / D102 / D103
- **Aerial Apparatus Access:** Buildings over 30' in height must also be provided with access for aerial apparatus (26' width) along one side of the structure. Aerial access roads must be located between 15' and 30' from the building. IFC 503.1.1 / D102
- **Dead end Streets:** Any dead-end required access road longer than 150' must be provided with an approved cul-de-sac or hammer-head turn-around in accordance the International Fire Code design criteria. (96' Diameter Cul-de-sac; 120' Hammerhead with 20' clear width and 28'R corners) IFC D103.4
- **Parking Restrictions:** Required roadways must have signage for parking restrictions as follows: Signs for no-parking must be provided on both sides of all streets that are less than 26' wide in accordance with local standards for future enforcement. Signs for no-parking must be provided on one side of all streets that are between 26' and 32' wide in accordance with local standards for future enforcement. IFC D103.6
- **Remote Access Points:** Commercial Developments over 30' in height or 124,000 square feet must be provided with two separate and remote fire apparatus access roads. Multiple Family Residential Developments with more than 100 dwelling units must be provided with two separate and remote fire apparatus access roads. (remote = min. ½ the overall diagonal of the land area being served) IFC D104/106
- **Fire Department Key Box:** Structures with monitored/automatic fire alarm systems must be provided with an approved Fire Department Key Box. IFC 506
- **Gates:** Where required access is restricted with a gate, an approved key box or switch must be provided to allow Fire Department Access. IFC 506
- **Access During Construction:** Required access roadways must be completed and unobstructed prior to combustible construction.



## **Fire Department Water Supply and Suppression Systems:**

\*Hydrant spacing is assessed based on structures that are non-sprinklered, type V-B Construction and no larger than 4,800 combined square feet. Additional hydrants may be required for streets providing access to structures greater than 4,800 SF. (IFC Table B105.1(2) / C102.1)

- **Fire Hydrants:** Hydrants must be provided on fire access roadways so that average spacing does not exceed 500' and the maximum distance from any point on the street frontage to a hydrant is no more than 250'. (400' and 200' for Dead end roads) Additional hydrants may be required for larger buildings. IFC C102
- **Water Supply During Construction:** Required hydrants must be serviceable and unobstructed prior to combustible construction.
- **Fire Department Connections (FDCs):** FDCs for fire suppression systems must be located within 150' of a fire hydrant.

Please feel free to contact me with any questions or concerns:

Michael J. Jackson  
Fire Marshal  
[Mike.jackson@clarkfr.org](mailto:Mike.jackson@clarkfr.org)  
360.887.4609

# Exhibit C



**STATE ENVIRONMENTAL POLICY ACT**  
**MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)**  
**Minit Management Conditional Use Permit, Site Plan Review, Short Plat, and SEPA (File # 2020-009-  
CUP/SPR/SPL/SEPA)**

**Description of proposal:** The applicant is proposing a phased commercial development that includes the following: 101-unit 5-story hotel; a 11,600 square foot, one-story, multi-tenant commercial building; a 4,510 square foot one-story convenience store with a drive-through window; a 2,800 square foot one-story drive-through restaurant; a 12-pump automobile fueling island; associated parking, utility, and other infrastructure improvements. The application is subject to site plan review, a conditional use permit, a short plat (four-lot land division), and state environmental policy act (SEPA) review.

A critical aquifer recharge area is mapped on-site, associated with an existing wellhead. The applicant has proposed to decommission the well in accordance with state requirements from the Department of Ecology.

The La Center City Council will conduct a **public hearing** on the application. The hearing has not yet been scheduled. Notice of the hearing will be provided at least 14-days before the hearing. The public will be able to testify orally or in writing, and a virtual attendance option may be made available depending on public health guidance.

**Proponents:** Applicant/Property Owner: Minit Management LLC, Don Rhoads; PO Box 5889, Vancouver, WA 98668. Contact: Olson Engineering, Inc., Mike Odren; 222 E Evergreen Blvd., Vancouver, WA 98660.

**Location of proposal:** Street address: 2814 NW 319th St, Ridgefield, WA. Tax parcel: 209738-000.

**SEPA Lead agency:** City of La Center

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment because the proposed development is consistent with the La Center Comprehensive Plan and development code. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. To ensure environmental resources are protected, the mitigation measures listed below are proposed. All relevant application materials for the application are available on the City of La Center's website at [http://www.ci.lacenter.wa.us/city\\_departments/pw\\_landuse.php](http://www.ci.lacenter.wa.us/city_departments/pw_landuse.php)

**Approval Standards/Applicable Laws:** Revised Code of Washington, including 27.53; Washington State Executive Order 05-05; Washington Administrative Code including 246-290, 173-200, and 173-303; Additional state and federal law(s) may also apply; La Center Engineering Standards; La Center Municipal Code *as vested on March 28, 2016*: Title 12 (Streets, Sidewalks, and Public Ways) including 12.10.190 (Frontage Improvements); Title 13 (Public Utilities) including 13.10.110 (Side Sewers and Connections); Title 15 (Building and Construction); Title 18 (Development Code) including 18.030 (Procedures); 18.150 (Commercial Districts); 18.205 (Short Plat Provisions); 18.215 (Site Plan Review); 18.245 (Supplemental Development Standards); 18.250 (Conditional Uses); 18.275 (Sign Requirements), 18.280 (Off-Street Parking and Loading Requirements); 18.300 (Critical Areas); 18.310 (Environmental Policy); 18.320 (Stormwater and Erosion Control). The applicant will be required to comply with all applicable approval standards and laws in addition to the following project-specific mitigation measures:

- **Geotechnical:** The applicant will be required to meet all recommendations in the submitted geotechnical report (Columbia West Engineering, Inc., September 2019).

- Archaeological: The applicant will be required to meet all recommendations in the submitted archaeological predetermination report (ASCC, September 2019).
- Wellhead Protection Area: The applicant will be required to decommission the wellhead and deactivate the water system in accordance with guidance from the Departments of Ecology and Public Health.
- Development Agreements: The applicant will be required to comply with previously approved development agreements.

This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance of this notice (May 6, 2020). Comments regarding the SEPA MDNS must be submitted by: **4:30 PM on May 20, 2020.**

The City contact person and telephone number for any questions on this review is Sarah Dollar, Permit Coordinator, 360-263-7665, [sdollar@ci.lacenter.wa.us](mailto:sdollar@ci.lacenter.wa.us).

**Responsible Official:** Greg Thornton  
**Position/Title:** Mayor  
**Address:** RE: SEPA Comments – Minit Management  
305 NW Pacific Highway  
La Center, WA 98629

**Date:** 5-6-20

**Signature:**



**Issued:** May 6, 2020



**File Name: 2020-009-CUP/SPR/SPL/SEPA (Minit Management Conditional Use Permit, Site Plan Review, Short Plat, and SEPA)**

**Date Published: May 6, 2020**

Attached is an environmental Mitigated Determination of Non-Significance (MDNS) and associated environmental checklist issued pursuant to the State Environmental Policy Act (SEPA) rules (WAC 197-11). The City (lead agency) completed evaluation of the environmental checklist as required by WAC 197-11. You may comment on this determination within fourteen (14) days of the MDNS publication date of May 6, 2020. The lead agency will not act on this proposal until the close of the **14-day comment period, which ends May 20, 2020.**

Please address any correspondence to: Sarah Dollar, Community Development Technician  
ATTN: SEPA COMMENTS – Minit Management  
c/o 305 NW Pacific Highway  
La Center, WA 98629

**DISTRIBUTION:**

Federal Agencies: National Marine Fisheries, PRD Division (Mail)  
US Army Corps of Engineers, Regulatory Functions (Mail)

Native American Interests: Confederated Tribes of the Grande Ronde (Mail)  
Cowlitz Tribe, Longview, WA (Mail)

State Agencies: Dept of Ecology (Email)  
Dept of Health, Office of Drinking Water (Email)  
Dept of Commerce (Email)  
Dept of Fish & Wildlife, Region 5 (Email)  
Dept of Natural Resources, SEPA Center (Email)  
Dept of Transportation, Environmental Services (Email)  
Dept of Transportation, SW Region (Email)  
Office of Archaeology & Historic Preservation (Email)  
Washington Parks & Recreation Commission (Email)

Local Agencies: City of Ridgefield (Email)  
Clark County, Dept of Community Development (Email)  
Clark County, Dept of Health (Email)  
Clark County, Dept of Parks & Recreation (Mail)  
Clark County, Dept of Public Works (Email)  
Town of Yacolt (Email)

School Districts: La Center (WA) School District (Mail)

Special Purpose Agencies: Clark Public Utilities (Email)  
Columbia River Economic Development Council (Email)  
C-TRAN (Email)  
Lower Columbia Fish Recovery Board  
Southwest Clean Air Agency  
Southwest Washington Regional Transportation Council

Libraries: Fort Vancouver Regional Library, La Center (Mail)

Fire Districts: Clark County Fire & Rescue

Media: The Columbian

Other Interested Parties: Audubon Society, Vancouver (Mail)  
Clark County Natural Resources Council (Email)  
NW Natural (Mail)  
Vancouver Wildlife League (Mail)

# **SEPA ENVIRONMENTAL CHECKLIST**

## ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

## A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable:

*Minit Management*

2. Name of applicant:

*Minit Management, LLC*

3. Address and phone number of applicant and contact person:

*Applicant: Minit Management, LLC  
Attn: Don Rhoads  
P.O. Box 5889  
Vancouver, WA 98668  
(360) 901-3875*

*Contact: Olson Engineering, Inc.  
Attn: Mike Odren  
222 E. Evergreen Blvd.  
Vancouver, Washington 98660  
(360) 695-1385*

4. Date checklist prepared:

*March 2020*

5. Agency requesting checklist:

*City of La Center, Washington*

6. Proposed timing or schedule (including phasing, if applicable):

*Construction shall commence upon approval and procurement of all required jurisdictional permits and approvals. Phasing is is proposed as follows:*

*Construction phasing shall generally follow the phasing as indicated below. Phasing may be adjusted depending on future tenant requirements, business operational issues, construction related issues, market conditions, etc. Even though phasing is listed as Phases 1-4, phasing shall not necessarily follow any predetermined order. Some phases may be constructed simultaneously. Please see below a description of each phase:*

- 1. Construction of the convenience store, fuel pumps and associated parking.*
- 2. Construction of the hotel and associated parking.*
- 3. Construction of the multi-tenant building and associated parking.*
- 4. Construction of the drive-through restaurant and associated parking.*

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

*Not at this time.*



8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

*Stormwater Pollutions Prevention Program – Olson Engineering, Inc.; Stormwater Report – Olson Engineering, Inc.; Archaeological Predetermination – Archaeological Services, LLC; Geotechnical Site Investigation – Columbia West Engineering, Inc.; Landscape Plan – Olson Engineering, Inc.*

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

*Not to the Applicant's knowledge.*

10. List any government approvals or permits that will be needed for your proposal, if known.

*Preliminary and Final Site Plan Approvals, Conditional Use Permit approval, Engineering Plan Approval, Grading Permit, Erosion Control Plan Approval, SEPA Determination, Building Permit, NPDES permit, Tree Permit.*

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

*The Applicant, Minit Management, LLC, proposes a phased commercial development that includes the following:*

- *101-unit, 5-story hotel.*
- *11,600 square foot, one-story multi-tenant commercial building.*
- *4,510 square foot, one-story convenience store with a drive through window.*
- *2,800 square foot, one-story drive-through restaurant.*
- *12-pump automobile fueling island.*
- *Associated parking, utility, and other infrastructural improvements.*
- *Four-lot commercial short plat.*

*The existing convenience store and fueling islands will be removed. However, the existing fuel tanks will be retained and reused.*

*Refer to the Preliminary Site Plan and Short Plat for more information on the site layout and project phasing.*

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

*The site is located at 2814 NW 319<sup>th</sup> Street, Ridgefield, Washington. The property is further identified as Tax Lot 17/55, tax assessor's serial number 209738-000, located in the Southwest ¼ of Section 04, Township 4 North, Range 1 East of the Willamette Meridian, Clark County. The site is 3.97 acres (172,933 square feet) according to Clark*

## B. Environmental Elements [\[HELP\]](#)

### 1. Earth [\[help\]](#)

#### a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

#### b. What is the steepest slope on the site (approximate percent slope)?

*40% along a ditch in the northern portion of the site on the east side of the driveway of of the north leg of NW Paradise Park Road.*

#### c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

*According to Clark County GIS data, the soils on the site consist of: GeB (Gee Silt Loam, 0-8% slopes) 90.0% and OdB (Odne silt loam, 0-5% slopes) 10.0% of the site.*

#### d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

*No.*

#### e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

*Site grading to construct building pads, parking lot, utilities and other associated improvements. Any fill will be procured from an approved site. Should material need to be hauled off-site, it will be taken to an approved location. The quantity of grading is approximately 6,000 cubic yards. Refer to Engineering Plans for more information.*

#### f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

*Non-mitigated impacts from construction could cause some erosion. However, the Applicant will fully mitigate these potential impacts through compliance with City of La Center erosion control ordinance.*

#### g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

*Approximately 83% of the site area will be covered with impervious surfaces.*

#### h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

*Stormwater and Erosion Control Plans will be prepared and implemented in accordance with City of La Center Code. These include treating and detaining stormwater as well as silt fencing and other erosion control Best Management Practices such as minimal disturbance of soils outside of the construction area, retaining existing vegetation to the maximum extent possible, covering soil stockpiles, temporary and/or permanent vegetative cover, etc. The project will also conform to the Stormwater Pollution Prevention Program. Refer to Preliminary Development Plan for information regarding stormwater control.*

## **2. Air** [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

*Construction equipment and vehicles will generate dust and particulate emissions during the construction period. Employee, tenant, visitor, mail delivery, solid waste and recycling vehicles may generate particulate emissions in the long-term. Other emission sources include typical commercial emissions from heating, ventilation and air conditioning units, as well as small power tools including, but not limited to, small gas-powered equipment used for site and landscape maintenance, such as lawn mowers, blowers, trimmers, etc. The quantities of these emissions is unknown.*

*Emissions generated by the gas station will meet all local, State and Federal standards and regulations regarding the release of odors and emissions.*

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

*No offsite sources of emissions or odors exist that would adversely affect the proposed development.*

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

*Water will be utilized for dust control as needed during construction as well as the implementation of all local, state and federal regulations. The construction of the building will comply with all standards of the Environmental Protection Agency and all other applicable local, state and federal standards.*

## **3. Water** [\[help\]](#)

- a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

*Not applicable.*

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

*No.*

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

*No.*

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

*No.*

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

*None.*

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

*None.*

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

*Sources of runoff include the roofs, sidewalks, parking lot and other paved surfaces. Stormwater and erosion control plans will be prepared and implemented in accordance with City of La Center code. These include silt fencing and other erosion control BMPs needed to meet the requirements of the Construction Stormwater General Permit. Sources of developed runoff include the roofs, sidewalks, parking lot, and other paved surfaces. Stormwater runoff from the proposed parking area will be collected and routed through the existing oil-water separator and StormFilter vault for quality treatment prior to being routed to an existing underground detention facility. Stormwater will then be released into the existing pipe network, which ultimately discharges to the roadside ditch which lies east and north of Paradise Park Road near the northwest corner of the development site. The*

*fueling island will be covered. However, a dead end sump with an oil/water separator will collect any stormwater that does fall onto the fueling island. Stormwater runoff from the proposed building roofs may be routed directly into the existing detention facility. Refer to the Engineering Plans and the Preliminary Stormwater Report for more information.*

2) Could waste materials enter ground or surface waters? If so, generally describe.

No.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

*This proposal will meet or exceed the City of La Center's water quality and quantity standards provided for by the City of La Center Stormwater Ordinance. Also refer to Section B.3.c.1 above.*

*This project may implement Department of Ecology approved Chitosan chemical treatment of runoff during construction. At treatment levels used, any residual trace of Chitosan in the treated stormwater is negligible and results in no negative impacts for downstream fish or riparian habitats.*

#### 4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

Orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation *Oregon grape, euonymus, arborvitae, chamaecyparis*

b. What kind and amount of vegetation will be removed or altered?

*All vegetation will be removed in areas to receive construction activities.*

c. List threatened and endangered species known to be on or near the site.

*None to the Applicant's knowledge.*

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

*Landscaping, with the use of both ornamental and native plants, will be installed throughout the project.*

- e. List all noxious weeds and invasive species known to be on or near the site.

*Himalayan Blackberry.*

## **5. Animals** [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other: \_\_\_\_\_  
mammals: deer, bear, elk, beaver, other: Rodents  
fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

- b. List any threatened and endangered species known to be on or near the site.

*None to the Applicant's knowledge*

- c. Is the site part of a migration route? If so, explain.

*The site is located within what is commonly referred to as the Pacific Flyway. This Flyway is the general migratory route for various species of ducks, geese and other migratory waterfowl. The Flyway stretches from Alaska to Mexico and from the Pacific Ocean to the Rocky Mountains. Neotropical birds, such as Robins, may also seasonally utilize or be near the site.*

- d. Proposed measures to preserve or enhance wildlife, if any:

*Landscaping, which includes ornamental and native trees, shrubs and groundcovers, will be installed that will provide some habitat for wildlife.*

- e. List any invasive animal species known to be on or near the site.

*None to the Applicant's knowledge.*

## **6. Energy and Natural Resources** [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

*Typical commercial and hospitality uses of electricity and/or natural gas energy for heating and cooling will be required for the completed project.*

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal?  
List other proposed measures to reduce or control energy impacts, if any:

*All construction will be designed to comply with the state adopted codes and policies related to energy conservation*

## **7. Environmental Health** [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?  
If so, describe.

*Heavy equipment and a variety of materials will be utilized to construct the project. There is a risk of fire and explosion and spills of gasoline inherent with a gas station. Any spills will be contained within a dead end sump with an oil/water separator. The project will also meet all Federal, State and local regulations regarding safety features to reduce the risk of fire and explosions to the greatest extent possible including, but not limited to, an emergency shut off valve.*

- 1) Describe any known or possible contamination at the site from present or past uses.

*None known.*

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

*The site has been historically used as a fueling facility/truck stop. The project contemplates revisions to the site but retaining the existing fueling use. However, while the card lock fueling facility will be removed, the existing fuel tanks will be retained.*

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

*The site will be installing new fuel tanks and operating a fueling station. Propane, in either pre-filled bottles or in a large tank for the refilling of propane tanks, may also be sold on site. Additionally, heavy equipment and a variety of materials will be utilized to construct the project.*

- 4) Describe special emergency services that might be required.

*No special emergency services will be required.*

- 5) Proposed measures to reduce or control environmental health hazards, if any:

*The Applicant will comply with all applicable local, state and federal regulations during construction and operation of the project. All construction will be inspected according to industry requirements and standards. Any spills will be contained within a dead end sump with an oil/water separator. The project will also meet all Federal, State and local regulations regarding safety features to reduce the*

risk of fire and explosions to the greatest extent possible including, but not limited to, an emergency shut off valve.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

*Traffic noise from NW La Center Road, NW Paradise Park Road and Interstate 5 exists, but it should not affect the proposed project.*

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

*Construction equipment and vehicles will generate noise during the construction periods for all phases. Construction activities will not occur after 10:00 p.m. or before 7:00 a.m. Employee, tenant, visitor, delivery, solid waste and recycling vehicles will generate noise in the long-term. Other noise sources include typical commercial noise from heating, ventilation and air conditioning units, as well as small power tools including, but not limited to, small gas-powered equipment used for site and landscape maintenance, such as lawn mowers, blowers, trimmers, etc.*

- 3) Proposed measures to reduce or control noise impacts, if any:

*Construction activities will not occur after 10:00 p.m. or before 7:00 a.m.*

**8. Land and Shoreline Use** [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

*The site is currently used as a truck stop with a convenience store, passenger vehicle fueling facility and card lock fueling facility. Adjacent uses are as follows:  
North – (Across NW Paradise Park Road) Vacant and unused land on Junction Plan zoned property. Property may be used for agricultural purposes.  
South – (Across NW La Center Road) Vacant and unused land on Junction Plan zoned property.  
East – Interstate 5 and ilani Casino (across Interstate 5).  
West – (Across NW Paradise Park Road) Single-family residential use on Junction Plan zoned property.*

*The project will not affect current land uses on nearby or adjacent properties.*

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

*Not to the Applicant's knowledge.*

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides,



tilling, and harvesting? If so, how:

*No.*

c. Describe any structures on the site.

*Existing 3,500 square foot convenience store, a 1,700 square foot fueling canopy, a 2,200 square foot card lock fueling canopy and shed building.*

d. Will any structures be demolished? If so, what?

*All existing structures will be demolished.*

e. What is the current zoning classification of the site?

*The site is currently zoned Junction Plan (JP) with an Urban Holding District (UH-10) zoning overlay.*

f. What is the current comprehensive plan designation of the site?

*Junction Plan (JP)*

g. If applicable, what is the current shoreline master program designation of the site?

*Not applicable.*

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

*According to the Pre-Application Conference report, the site is located within a wellhead protection area and a 1-year and 10-year wellhead zone of travel, and Critical Aquifer Recharge Area (CARA) I. However, as the existing well will be abandoned with site development and the new buildings connected to public water, a CARA I designation will no longer apply.*

i. Approximately how many people would reside or work in the completed project?

*Approximately 50 employees may work in the completed project.*

j. Approximately how many people would the completed project displace?

*As the convenience store will be rebuilt, the project would not displace any people.*

k. Proposed measures to avoid or reduce displacement impacts, if any:

*None.*

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

*With approvals of a Type II Site Plan Review, Type II Short Plat and Type III Conditional Use Permit application, the proposed project will comply with the City of La Center's zoning ordinance and Comprehensive Plan as well as applicable City of La Center infrastructure and utility standards.*

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

*There are no nearby or adjacent agricultural or forest lands of long-term commercial significance.*

**9. Housing** [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

*None.*

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

*None.*

- c. Proposed measures to reduce or control housing impacts, if any:

*Not applicable.*

**10. Aesthetics** [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

*The height of the 5-story hotel will be approximately 60 feet tall. The principal exterior building material will be wood, fiber cement lap siding and/or fiber cement panel.*

- b. What views in the immediate vicinity would be altered or obstructed?

*The view across the development area of the project will be altered by the construction of this project.*

- c. Proposed measures to reduce or control aesthetic impacts, if any:

*Architectural design and landscaping.*

**11. Light and Glare** [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

*Typical commercial, parking lot, fueling canopy and signage lighting will illuminate the site during the evening and nighttime hours. Lighting will meet City of La Center code.*

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

*The installation of illuminated material will minimize dispersion off the site and will not constitute a safety hazard.*

- c. What existing off-site sources of light or glare may affect your proposal?

*There are some amounts of light levels generated from off-site, but they are unlikely to affect the project.*

- d. Proposed measures to reduce or control light and glare impacts, if any:

*Lights will be installed and shielded to minimize dispersion and control any potential offsite impacts. Intensity of lighting will be kept to a minimum, though enough to assure safety on the site and to meet all applicable code sections. Refer to the Photometric Lighting Plan for more information.*

## **12. Recreation** [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?

*Paradise Point State Park located approximately 1-mile to the north.*

- b. Would the proposed project displace any existing recreational uses? If so, describe.

*No.*

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

*None.*

## **13. Historic and cultural preservation** [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

*None to the Applicant's knowledge.*

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

*Not to the Applicant's knowledge. An archaeological pre-determination has been submitted with this application. The pre-determination states that no historic or cultural artifacts were discovered and that no further archaeological work is required. Please refer to the Clark County Archaeological Predetermination Survey, as prepared by Archaeological Services, LLC, signature dated September 6, 2019, for more information.*

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

*An archaeological pre-determination has been submitted with this application. The pre-determination states that no historic or cultural artifacts were discovered, and that no further*

archaeological work is required. Please refer to the Clark County Archaeological Predetermination Survey, as prepared by Archaeological Services, LLC, signature dated September 6, 2019, for more information.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

*In the event any archaeological or historic materials are encountered during project activity, work in the immediate area 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.*

*If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If remains are determined to be Native, consultation with the effected Tribes will take place in order to mitigate the final disposition of said remains.*

#### **14. Transportation** [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

*Vehicular access to the site will take place via two existing driveways off NW Paradise Park Road. However, both accesses will be reconstructed to accommodate development. The existing vehicular access off NW La Center Road will be removed.*

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

*The site is not served by public transit. However, C-Tran provides Dial-a-ride Connector service for La Center. The nearest transit stop is located at the Salmon Creek Park & Ride approximately 13 miles to the south.*

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

*The project will have approximately 184 parking stalls. The project will eliminate approximately 15 passenger vehicle stalls and approximately 17 truck stalls will be eliminated.*

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

*No, however one existing driveway off NW La Center Road will be removed and a new sidewalk installed.*

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

*No.*

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

*Redevelopment of the site will generate 4,326 Average Daily Trips, 144 new a.m. peak trips and 120 new p.m. peak trips. Existing development generates 3,380 Average Daily Trips, 68 a.m. peak trips and 68 p.m. peak trips. The net trip increase from the existing uses vs. the proposed uses is 946 Average Daily Trips, 76 a.m. peak trips and 52 p.m. peak trips. Please refer to the Trip Generation Assessment Minit Management Development, as prepared by Charbonneau Engineering, LLC, dated March 2, 2020, for more information.*

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

- h. Proposed measures to reduce or control transportation impacts, if any:

*Comply with the City of La Center transportation standards and satisfy any mitigation measures as proposed by the traffic engineer.*

## 15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

*A possible increase in fire and police protection would be needed because of development on the site.*

- b. Proposed measures to reduce or control direct impacts on public services, if any.

*Pay taxes, construct on-site utilities (water, sanitary sewer, natural gas and other utilities), pay hookup fees and other utility charges such as System Development Charges and monthly operational charges.*

## 16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site.  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_

*The existing septic system will be removed with development and the proposed buildings will be connected to sanitary sewer.*

*The existing well will be decommissioned and the proposed building will be connected to public water.*

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

*Electricity – Clark Public Utilities  
Sewer – City of La Center  
Natural Gas – Northwest Natural*

*Water – Clark Public Utilities  
Refuse Service – Waste Connections  
Telephone – Century Link*

*Water will be extended from the stub along NW La Center Road to provide domestic and fire protection water.*


*Sanitary sewer will be extended to each new building from the stub along NW La Center Road.*

*Easements dedicated to the City of La Center for sanitary sewer and Clark Public Utilities for water will be provided as necessary.*

*Refer to the Engineering Plans for more utility and easement information.*

**C. Signature** [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee DONALD RHOADS

Position and Agency/Organization MANAGING MEMBER, MINT MANAGEMENT, LLC

Date Submitted: \_\_\_\_\_



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

May 20, 2020

Sarah Dollar, Permit Coordinator  
City of La Center  
Community Development Department  
305 Northwest Pacific Highway  
La Center, WA 98629

Dear Sarah Dollar:

Thank you for the opportunity to comment on the mitigated determination of nonsignificance for the Minit Management Development Project (2020-009-CUP/SPR/SPL/SEPA) located at 2814 Northwest 319th Street as proposed by Minit Management LLC care of Olson Engineering, Inc. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287**

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

**TOXICS CLEANUP/UNDERGROUND STORAGE TANKS:  
Brett Manning (360) 407-6288 | [Brett.Manning@ecy.wa.gov](mailto:Brett.Manning@ecy.wa.gov)**

Installation of new underground storage tanks (USTs) must meet the requirements of the state UST regulations (Chapter 173-360A WAC). Copies of these requirements and required forms are available from Ecology by calling (360) 407-7202, or toll-free in state 1-800-826-7716.

A notice of intent to install tanks must be filed with Ecology at least 30 days prior to installation. Within 30 days after coming into service, the tanks must be registered with Ecology on a state notification form.

The supervisor on-site during the installation must be licensed by passing an exam administered by the International Code Council (ICC).

New tanks and any connected product piping must be double-walled and protected from corrosion by either a cathodic protection system, or by being constructed or coated with a non-corrosive material such as fiberglass. Interstitial monitoring must be employed as the release detection method for the double-walled tanks and lines. Under dispenser containment



must be installed. The UST system must be equipped with spill prevention and overflow protection equipment. All UST equipment, sumps and piping must be tested by an ICC tester/installer prior to opening.

Stage 1 vapor recovery equipment is required on all new gasoline dispensing facilities with a total gasoline nominal storage capacity greater than 10,000 gallons. Also, a certified Stage II vapor recovery system may be required for these facilities in all Western Washington counties (Chapter 173-491 WAC).

Under the Uniform Fire Code (UFC), other local permits may be required for the installation of underground storage tanks. The local official charged with administration of the UFC should be contacted regarding the permit requirements.

**WATER QUALITY/WATERSHED RESOURCES UNIT:  
Sheila Marcoe (360) 407-6329**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

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.

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.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: [http://www.ecy.wa.gov/programs/wq/stormwater/construction/- Application](http://www.ecy.wa.gov/programs/wq/stormwater/construction/-Application). Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

**WATER RESOURCES: Opal Smitherman (360) 407-6859**

The decommissioning of the well located on this property must be decommissioned by a well driller licensed in the State of Washington per RCW 18.104.43. The well must also be decommissioned in accordance with the decommissioning standards set forth in WAC 173-160-381. Decommissioning reports must be submitted to the Department of Ecology 30 days after completion of the decommissioning.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology  
Southwest Regional Office

(GMP:202002482)

cc: Derek Rockett, SWM  
Brett Manning, TCP  
Sheila Marcoe, WQ  
Opal Smitherman, WR



May 20, 2020

Mr. Greg Thornton, Mayor  
City of La Center  
305 NW Pacific Highway  
La Center, WA 98629

Re: SEPA Comments – Minit Management  
File #2020-009-CUP/SPR/SPL/SEPA  
I-5, MP 16.79

Dear Mr. Thornton:

The Washington State Department of Transportation (WSDOT) staff has reviewed the SEPA Mitigated Determination of Non-Significance for the Minit Management Conditional Use Permit, Site Plan Review, Short Plat, and SEPA. Approval will allow the applicant to develop a phased commercial development that includes the following: 101-unit 5-story hotel; a 11,600 square foot, one-story, multi-tenant commercial building; a 4,510 square foot one-story convenience store with a drive-through window; a 2,800 square foot one-story drive-through restaurant; a 12-pump automobile fueling island; associated parking, utility, and other infrastructure improvements. WSDOT would like to address our concerns and offer the following comments.

The submitted site plan shows two pedestrian connections from the site to NW La Center Road. WSDOT owns the access rights along this development's frontage in this area and therefore these connections will not be permitted unless an Access Break request is submitted to WSDOT. This process must be completed before the connections are constructed.

The applicant proposes to remove the existing driveway from the site to NW La Center Road. Because this area is within the Limited Access area and under WSDOT jurisdiction, the curb, gutter, and sidewalk must be constructed to current WSDOT standards. WSDOT will require the following for all work within WSDOT right of way:

- Proposed changes to State facilities must be designed to current WSDOT standards and specifications.
- Plans must be reviewed and approved by WSDOT prior to beginning work.
- Engineering calculations, plans and reports submitted for review and approval must bear the seal and original signature of a professional engineer licensed in the State of Washington.
- Copies of all environmental documentation required of this project by any local, State, or Federal jurisdiction. Failure to provide this documentation may result in a substantial delay of approval by WSDOT.

- Construction must be done in accordance with the current WSDOT Standard Specifications for Road, Bridge, and Municipal Construction manual.
- Construction inspection will be performed by WSDOT at the developer's expense.

Our review of any plans for this project will require the applicant to enter into a reimbursable agreement with WSDOT to cover our direct and indirect costs associated with this project. All work performed within the WSDOT right of way will require our technical review, permits, inspection and approval by WSDOT prior to construction. This reimbursable agreement must be in place prior to WSDOT reviewing any plans submitted for approval.


There is an enclosed drainage system in NW La Center Road that was constructed as part of the interchange reconstruction project. This system was designed to only accommodate storm water from within WSDOT right of way. Storm water from this site will not be permitted to be discharged into this enclosed drainage system.

Due to the proximity of this proposal to a state route, WSDOT will require that lighting installed by the applicant must be of an appropriate wattage and be shielded and/or directed according to RCW 47.36.180 to avoid any glare to the motorists on Interstate 5 or the on/off ramps from it to NW La Center Road.

These comments are based on a preliminary review of your project. As this project progresses, there may be need for additional information by this department for further review. There may be other issues and requirements by this department that are not stated here. Other issues or requirements may include, but are not limited to, drainage, illumination, access, signing, and channelization. This review does not constitute final approval by WSDOT.

Thank you for the opportunity to comment on this project. If you have any questions or need additional information, please contact Jeff Barsness, Southwest Region Development Services Engineer, at 360-905-2059.

Sincerely,



Laurie Lebowsky  
Region Planning Director

LL: jsb  
cc: File

May 20, 2020

Sarah Dollar, Community Development Technician  
ATTN: SEPA COMMENTS – Minit Management  
c/o 305 NW Pacific Highway  
La Center WA 98629

RE: Minit Management Development; 2020-009-CUP/SPR/SPL/SEPA; SEPA 202002482

Dear Ms. Dollar:

The Southwest Clean Air Agency (SWCAA) has learned that your agency has issued/will issue a SEPA Determination for the above project. Please be advised that SWCAA administers/enforces a number of regulations that may apply to the proposed project. The applicability of these regulations depends on the exact nature of the project in question. The following sections provide brief summaries of the requirements for the general types of activity that may be affected by this project.

**Demolition / Asbestos [SWCAA 476]:**

- Prior to **demolition or renovation** of a structure, a thorough asbestos inspection must be conducted by an AHERA-certified inspector in order to determine the presence of asbestos containing material (ACM) in all affected structure(s) or area(s).

*A copy of the AHERA asbestos inspection report must be posted for viewing at the project site.*

**Asbestos Containing Material PRESENT**

**Asbestos Containing Material NOT PRESENT**

**If the asbestos inspection reveals ACM to be present in the affected structure(s) or area(s) –**

**If the asbestos inspection does not reveal ACM to be present in the affected structure(s) or area(s)...**

*Required documents/reports:* (for each structure)

- **Notification of Demolition**
- **Notice of Intent to Remove Asbestos**
- **AHERA asbestos inspection report**

**...and the structure is to be demolished –**

*Required documents/reports:*

- **Notification of Demolition**
- **AHERA asbestos inspection report**

There is a 10-calendar day waiting period from the time the notices are submitted before asbestos removal or structure demolition may begin.

There is a 10-calendar day waiting period from the time the notification is submitted before the demolition may begin.

All asbestos must be completely removed from the affected structure(s) or area(s) prior to structure demolition taking place.

ACM must be removed by certified personnel in full accordance with the Southwest Clean Air Agency's Regulations SWCAA 476 (Standards for Asbestos Control) and with 40 CFR Part 61 Subpart M (National Emission Standards for Asbestos).

**...and the project involves only renovation and that renovation does not involve the removal of load bearing walls –**

*Required documents/reports:*

none

**Construction Dust [SWCAA 400: General Regulations for Air Pollution Sources]:**

- Construction and earthmoving activities have the potential to generate excessive dust emissions if reasonable control measures are not implemented. SWCAA Regulation 400-040(2) requires that “no person shall cause or permit the emission of particulate matter from any stationary source to be deposited beyond the property under direct control of the owner or operator of the stationary source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited”. Furthermore,



SWCAA Regulation 400-040(8)(a) requires that “the owner or operator of any source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions”.

- Common control measures to mitigate the emission of dust from construction and earthmoving activities include: application of water before and during earthmoving operations, application of water to disturbed surface areas (including access roads and staging areas) after earthmoving operations, application of chemical dust control products and/or surfactants, limiting access to open/disturbed areas, reducing equipment/vehicle speeds, establishing vegetative cover on inactive areas and ceasing operations altogether during high wind events.
- Violations of SWCAA Regulation 400-040 may result in civil penalties being assessed against the project operator and/or property owner.

**Registration, Notification and Permitting of Air Pollution Sources [SWCAA 400-072, 100, 109, 110]**

- SWCAA’s General Regulations regulate the installation and/or modification of any building, structure, or facility that emits or may emit an air contaminant. An air contaminant is defined as “...dust, fume, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof”. Project proponents for any proposed installation or modification that creates a new or increased source of air contaminants may be required to register with the agency and submit a notification or permit application in accordance with SWCAA Regulations 400-072, 100 and 109. If an Air Discharge Permit (ADP) or Small Unit Notification (SUN) is required, the application must be approved and an ADP/SUN issued before commencing construction, in accordance with SWCAA 400-110. If the proposed project includes any new or modified air pollutant sources, the proponent should consult with SWCAA to determine if these requirements are applicable.
- The proposed project mentions the construction of a 12-pump automobile fueling station. Gasoline dispensing facilities located in Clark County are typically required to obtain an Air Discharge Permit (ADP) from SWCAA prior to installation and operation.

The proponent of this project may contact SWCAA at 360-574-3058 for more information regarding the agency’s requirements. Notification forms, permit applications, air quality regulations and other information are available on the internet at <http://www.swcleanair.org>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Duane Van Johnson', with a stylized flourish at the end.

Duane Van Johnson  
Air Quality Specialist II

# Exhibit D



# **Title 18, LCMC Development Code**

[Ord. 2006-17 §2, 2006, as amended by Ord. 2007-02 §1, 2007]



## Title 18

### DEVELOPMENT CODE

#### General

- 18.010 General Provisions
- 18.020 Administration
- 18.030 Procedures
- 18.040 Definitions
- 18.050 Enforcement

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## SECTION 1 - GENERAL

### Chapters:

- 18.010 General Provisions
- 18.020 Administration
- 18.030 Procedures
- 18.040 Definitions
- 18.050 Enforcement

## Chapter 18.010 - GENERAL PROVISIONS

### Sections:

- 18.010.010 Title
- 18.010.020 Applicability
- 18.010.030 Standards designated
- 18.010.040 Purpose
- 18.010.050 Organization
- 18.010.060 Term construction
- 18.010.070 Hierarchy of plans and regulations
- 18.010.080 Timing of regulations
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- 18.010.100 More restrictive provisions govern
- 18.010.110 Severability
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### **18.010.010 Title**

This document contained herein shall be known as “The La Center Development Code (LCDC).” This Chapter of the La Center Municipal Code (LCMC) replaces all other related development chapters and ordinances within the City of La Center including, but not limited to, Title 14, Land Use and Environmental Regulations, Title 16, Land Divisions, and Title 17, Zoning.

### **18.010.020 Applicability**

No building or other structure shall be constructed, improved, altered, enlarged or moved; nor shall any use or occupancy of premises within the city be commenced or changed; nor shall any condition of or upon real property be caused or maintained; nor shall vegetation be removed or excavation be undertaken; after the effective date of the ordinance codified in this title, except in conformity with conditions prescribed by this title. Where the LCDC imposes greater restrictions than those imposed or required by other rules, regulations or ordinances, the provisions of the LCDC shall control.

It is unlawful for any person, firm, or corporation to erect, construct, establish, move into, alter, enlarge, use or cause to be used, any buildings, structures, improvements or use of premises contrary to the provisions of this title.

### **18.010.030 Standards designated**

The standards established by this title are determined to be the minimum requirements in the interest of public health, safety and general welfare. The City may impose conditions of approval beyond the standards identified herein in order to allow the use or activity being proposed.

### **18.010.040 Purpose**

The purposes of Title 18 are: to implement the La Center Comprehensive Plan (LCCP); to encourage appropriate use of land; to conserve and stabilize the value of property; to aid in rendering of fire and police protection; to provide adequate open space for light and air; to lessen the congestion on streets; to create orderly growth within the City and UGA, to distribute population wisely; to improve the city's appearance; to facilitate adequate provision of urban level utilities and facilities such as water, sewerage, and electrical distribution system, transportation, schools, parks, and other public requirements; and in general to promote public health safety and general welfare.

### **18.010.050 Organization**

The text of the LCDC is organized as follows:

- A. Title. The La Center Development Code (LCMCLCDC), a title contained with the La Center Municipal Code (LCMC), is numbered as 18.
- B. Sections. Title 18 is divided into four (4) Sections: Section 1, General Chapters; Section 2, Zoning Chapters; Section 3, Land Divisions and Development Chapters, and Section 4, Critical Lands Chapters. Sections are numbered as 18.#, with the second group of numbers representing the Section number. For example, Section 1, General Chapters, would be written as 18.1.
- C. Chapters. Chapters are numbered as 18.###.###, with the third second group of numbers representing the chapter number. For example Chapter 1 of Section 1 of Title 18 is written as 18.010.
- D. Subsections. Subsections levels are indicated by numeric and alphanumeric characters in the following hierarchy: A, 1, a, i, and [a].

#### **18.010.060 Term construction**

- A. Defining Words. All words used in this title unless otherwise defined in Chapter 18.040, Definitions, shall be defined by the latest version of Merriam Webster's Unabridged Dictionary.
- B. Tenses and Usage.
  - 1. Words used in the singular include the plural. The reverse is true.
  - 2. Words used in the present tense include the future tense. The reverse is true.
  - 3. The words "must," "shall," "will" and "will not" are mandatory.
  - 4. "May" is permissive.
  - 5. "Prohibited" means that the proposed use or improvement is not allowed. An adjustment, variance, conditional use or other land use review shall not be approved if the effect of the approval would circumvent a prohibition. This does not preclude the council from making legislative changes in accordance with state law.
- C. Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:
  - 1. "And" indicates that all connected items or provisions apply;
  - 2. "Or" indicates that the connected items or provisions may apply singly or in combination; and
  - 3. "Either...or" indicates that the connected items or provisions apply singly, but not in combination.
- D. Lists. Lists of items that state "Including the following," "such as," or similar language are not limited to just those items. Lists provide examples, but do not exhaust all possibilities.

#### **18.010.070 Hierarchy of plans and regulations**

- A. General hierarchy. When interpreting land use plans, policies, maps and standards, the city review authority shall apply the following general hierarchy of authority. In case of ambiguity or conflict, the review authority shall refer to and rely upon the La Center Comprehensive Plan (LCCP) for guidance above all other city texts or maps.
  - 1. The LCCP is the highest authority. Plan text supersedes plan designation maps.
  - 2. The La Center Capital Facilities Plan (CFP) element of the LCCP is the next level of authority and must be interpreted to be consistent with the LCCP.
  - 3. The La Center Development Code (LCDC) text and zoning maps are the next level of authority. LCDC text supersedes zoning maps. Interpretations of LCDC text and zoning maps must be consistent with the LCCP and CFP.

4. The city public works and engineering standards are the lowest authority. Interpretations of the city public works and engineering standards must be consistent with the LCCP and CFP and with the LCDC text and zoning maps.
5. The review authority shall not interpret general language in the LCCP so as to supersede specific or numeric standards in the LCDC or adopted engineering standards.

#### **18.010.080 Timing of regulations**

- A. Land Use Approval and Building Permits.
  1. The review authority shall not process an application until the review authority finds the application to be technically complete.
  2. A technically complete application is an application that fully complies with the relevant portions of Chapter 18.030 (Procedures) and this Title.
  3. The city will process technically complete applications for land use review relying upon the regulations in effect at the time the applicant submitted a complete application to the city.
- B. Legislative Changes. Applications for legislative changes, such as a plan amendment or annexation, do not create a vested right to development regulations in effect at the time the legislative application was submitted.

#### **18.010.090 Concurrency**

- A. Transportation. The city shall not approve a land use action if the action proposed will cause the level of service (LOS) on a transportation facility to fall below the LOS adopted within the CFP for that roadway or intersection.
- B. Other concurrency requirements. The city shall ensure that all public facilities and services identified in the adopted CFP are adequate to serve the development at the time it is available for occupancy and use without decreasing current service levels below the levels of service established in the La Center CFP.
- C. Approval.
  1. Exception. The city may approve a land use action which would result in a reduction of LOS below adopted CFP standards if the transportation improvements or strategies necessary to accommodate the impacts of the land use action are made concurrent with the development. Such strategies might include: increased public transportation services, ride sharing programs, demand management or other transportation systems management strategies, proportional off-site improvements. (See, RCW 36.70A.070(6)(e)).
  2. For the purposes of this subsection, "concurrent with the development" means that improvements or strategies are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years.
  3. The burden is on the one requesting the land use action to demonstrate, by a preponderance of evidence, whether the proposed that such action will would not result in a reduction in the LOS for a transportation facility to fall below the standards or LOS adopted within the CFP.

#### **18.010.100 More restrictive provision governs**

Where the conditions imposed by any provision of this title upon the use of land or building or upon the size, location, coverage or height of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this title or of any ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

#### **18.010.110 Severability**

The La Center City Council hereby declares that should any section, paragraph, sentence, or word of this Chapter be declared for any reason to be void or unconstitutional, it is hereby provided that all other parts of the same which are not expressly held to be void or unconstitutional shall continue in full force and effect.

**18.010.120 Repealer**

The adopted LCDC shall repeal the following:

- A. Land Use and Environmental Regulations (Title 14, LCMC),
- B. Land Division (Title 16, LCMC), and.
- C. Zoning (Title 17, LCMC).

## Chapter 18.020 - ADMINISTRATION

### Sections:

- 18.020.010 Planning Commission
- 18.020.020 Planning Department
- 18.020.030 Review Authority
- 18.020.040 Interpretations
- 18.020.050 Conditions of Approval
- 18.020.060 Administrative Authority
- 18.020.070 Enforcement
- 18.020.080 Record Maintenance
- 18.020.090 Comprehensive Plan and Zoning Map Amendment
- 18.020.100 Initiation of Amendments
- 18.020.110 Application Fee Schedule

### **18.020.010 Planning Commission**

There is hereby created the La Center planning commission (the Commission) to consider and take actions consistent with Chapter 35.63 RCW and LCDC Title 18. See LCMC 2.36.

### **18.020.020 Planning Department**

The city council may, at its discretion, create a La Center Planning Department (Department) which shall have such duties, authority and financing as the council deems appropriate. The Mayor shall assign a person with the responsibility of directing the activities of the La Center Planning Department who shall be known as the Planning Director. In the absence of a Planning Department the City Planner shall assume the role of the Planning Director

### **18.020.030 Review Authority**

The review authority shall be that individual or governing body delegated with the responsibility of issuing a final decision on a land use proposal. The review authority responsible for issuing final decision for land use proposals shall be as follows:

- A. Type I, Planning Director,
- B. Type II, Planning Director,
- C. Type III, Hearing Examiner, and
- D. Type IV, City Council, upon receipt of the recommendation of the Planning Commission, where appropriate.

### **18.020.040 Interpretations**

- A. The review authority responsible for making a decision regarding a given application may interpret relevant ambiguous terms in this title in the course of or in advance of making a decision on the merits of the application.
  - 1. If an interpretation is made in advance of a decision on the merits of an application, the interpretation shall be in writing and shall be included as part of the decision on the merits of the application.
  - 2. An interpretation may be appealed as part of an appeal of the decision on the merits of an application.
- B. A use that is not listed in any zone or district may be permitted by similar use determination pursuant to Type I process under Section 18.030.080 LCMC.



- C. When this title imposes a greater restriction upon the use or development of buildings or premises, or requires larger open spaces than are imposed or required by other laws, resolutions, rules, or regulations, the provisions of this title shall control. The terms “may” or “should” shall be interpreted to be permissive and to mean that the provision is at the option of the applicant. The term “shall” shall be interpreted to be mandatory and to mean that the provision applies unless otherwise expressly provided by or approved pursuant to the La Center Municipal Code.

#### **18.020.050 Conditions of approval**

The Review Authority may impose conditions of development approval necessary to either ensure compliance with the purposes of this title, or to preserve and promote the general health, safety and welfare of La Center.

#### **18.020.060 Administrative Authority**

- A. Designation of Review Authority and Responsible Official.
1. Unless otherwise noted, the Planning Director (Director), or the Mayor’s designee, shall be the primary review authority and shall interpret and apply the provisions of the LCDC.
  2. The Hearing Examiner shall be the review authority for Type III quasi-judicial reviews.
  3. Where noted in the LCDC, the Director of Public Works director shall interpret and apply the provisions of the LCDC relating to transportation water and sewer facilities and all other city infrastructure.
  4. The La Center Building Official shall interpret and apply the building and construction provisions of Title 15.
  5. The Director, or the Mayor’s designee, shall be the Responsible Official for purpose of local administration of the State Environmental Policy (SEPA), LCDC 18.310.
  6. The Director or Director’s designee, shall be the responsible official for the purpose of administering the International Fire Code, 15.05.030(2) LCMC.
- B. Review Authority. Unless otherwise noted, it shall be the duty of the responsible official to interpret and apply the provisions of the LCDC. An interpretation shall be subject to appeal pursuant to Section 18.030.130 LCMC. The review authority response shall be in writing and kept on permanent file.

#### **18.020.070 Enforcement**

It shall be the duty of the review authority to determine the applicability of the LCDC for enforcement purposes. All departments, officials and public employees of the city vested with the duty or authority to issue permits, shall conform to the provisions of the LCDC and shall issue no permit, certificate or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by the LCDC. Any permit, certificate or license issued in conflict with the provisions of the LCDC, intentionally or otherwise, shall be void. The review authority shall be responsible for carrying out the enforcement provisions of this Title.

#### **18.020.080 Record Maintenance**

- A. The Planning Director, or Mayor’s designee, shall maintain the official La Center Comprehensive Plan Map, Zoning Map, Critical Areas maps and other official land use maps and shall, from time to time, update these maps to reflect amendments by the City Council.
- B. The City Clerk shall maintain the complete record of all land use planning applications and decisions.

#### **18.020.110 Application Fee Schedule**

The City Council shall establish a land use application fee schedule which should be reviewed on a yearly basis.

## Chapter 18.030 - PROCEDURES

### Sections:

- 18.030.010 Review Required
- 18.030.020 Pre-application review
- 18.030.030 Application types and classification
- 18.030.040 Application contents
- 18.030.050 Review for technically complete status
- 18.030.060 Vesting
- 18.030.070 Approval criteria
- 18.030.080 Type I procedure
- 18.030.090 Type II procedure
- 18.030.100 Type III procedure
- 18.030.110 Type IV procedure
- 18.030.120 Notices
- 18.030.130 Appeal
- 18.030.140 Expiration and extension of decisions
- 18.030.150 Post-decision review
- 18.030.160 Reapplication

### **18.030.010 Review Required**

Land use project review and approval is required prior to issuance of building permits for the following:

- A. All residential developments which result in more than one dwelling unit;
- B. All conditional uses and new uses in any district, other than detached single-family residences;
- C. All changes in the use of a structure or land that increase the intensity of use, such as by increasing the gross floor area, height or bulk of the structure, number of access points or parking spaces, number or size of signs, or other measures of intensity or that changes the structure location or significant elements of the site plan or design;
- D. Building and demolition permits or any change, except painting and minor repair, to the exterior of properties listed on the National Historic Register of Historic Places;

### **18.030.020 Pre-application review**

- A. Applicability
  - 1. Unless otherwise expressly provided in this Title, all applications subject to Type II, Type III, or Type IV review are subject to pre-application review unless the Director waives the requirement in writing on a form provided by the city clerk for that purpose.
  - 2. The applicant shall submit the pre-application materials to the city clerk.
- B. Waiver. The city discourages waiver of the pre-application process. In the event that the Director waives the pre-application review, the pre-application waiver form shall state that waiver of pre-application review may increase the maximum time for review for technically complete status and may increase the risk that the application will be rejected or processing will be delayed.
- C. Application Contents.
  - 1. At a minimum, a pre-application submittal shall include the following:
    - a. The requisite fee and ten (10) copies of the following information;
    - b. A completed form provided by the city clerk for that purpose;

- c. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
  - d. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering, structures and landscaping on the site; existing and proposed natural features on the site, including vegetation, topography and grades; existing and proposed utilities (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned. The applicant is encouraged to submit drawings showing the elevation(s) of a proposed primary structure;
  - e. Proposed dedications to the city or other agency, if applicable;
  - f. A legal description of the site; and
  - g. A written description of the proposed use or development. The description shall identify any variances, adjustments or exceptions needed for approval of the plan.
2. In addition, an application for pre-application review shall include all information required by the relevant La Center Municipal Code sections; provided, the review authority may modify requirements for pre-application materials and may conduct a pre-application review with less than all of the required information.
- D. Scheduling, Notice and Attendees.
1. Within 14 calendar days after receipt of an application for pre-application review, the city clerk shall mail or otherwise convey written notice the pending pre-application conference to the applicant and other interested agencies. The notice shall state the date, time and location of the pre-application conference, the purposes of pre-application review, and the nature of the conference. Notice of the proposed pre-application meeting shall be posted on the city hall bulletin board.
  2. The pre-application conference shall be scheduled at least seven but not more than 21 calendar days after the notice is mailed or otherwise conveyed.
  3. The Director shall determine who shall be invited to the meeting. In addition to the applicant and representatives, possible attendees include the Director of Public Works, the consulting city engineer, a representative from affected service districts, and representatives from interested state agencies and neighborhood associations recognized by the City Council or by Clark County.
- E. Meeting Summary. Within 10 calendar days after a pre-application conference, the Director will provide a written summary of the conference to the applicant, the city clerk and to other persons who request it. The written summary shall, to the extent possible:
1. Summarize the proposed application(s);
  2. Identify the relevant approval criteria and development standards in the city code or other applicable law; and exceptions, adjustments or other variations from applicable criteria or standards that may be necessary;
  3. Evaluate the information offered by the applicant to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or is recommended to respond to other issues;
  4. Identify applicable application fees in effect at the time, with a disclaimer that fees may change;

5. Identify information relevant to the application that may be in the possession of the city or other agencies of which the city is aware, such as:
  - a. Comprehensive plan map designation and zoning on and in the vicinity of the property subject to the application;
  - b. Physical development limitations, such as steep or unstable slopes, wetlands, or water bodies, that exists on and in the vicinity of the property subject to the application;
  - c. Other applications that have been approved or are being considered for land in the vicinity of the property subject to the proposed application that may affect or be affected by the proposed application.
- F. Time Limit. The written summary of a pre-application conference is valid for up to one year. If more than one year has elapsed between the date of the last pre-application conference and the date an application is submitted, a new pre-application conference may be required.

#### **18.030.030 Application types and classification**

- A. Applicability. Applications for land use review are subject to procedures in this chapter unless otherwise expressly provided in other titles of the LCMC.
- B. Concurrent Application. If the applicant requests more than one type of review city for a given development, an applicant may submit all applications required for the development at one time, unless otherwise prohibited from doing so by law. Concurrent applications for a given development are subject to the highest number procedure that applies to any of the applications.
- C. Procedure Types. There are four types of land use review procedures. This chapter or the chapter that authorizes an application generally identifies the type of procedure that applies to the application. If the appropriate procedure is not clearly defined, the Director shall decide which of the four procedures will apply, based on the following considerations:
  1. A Type I process generally involves nondiscretionary standards or standards that require the exercise of professional judgment about technical issues. It is generally exempt from SEPA review.
  2. A Type II process generally involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion about non-technical issues and about which there may be a limited public interest. It may be subject to SEPA review.
  3. A Type III process generally involves standards that require the exercise of substantial discretion and about which there may be a broad public interest. SEPA review is generally required.
  4. A Type IV process involves the creation, implementation or amendment of policy or law by ordinance. In contrast to the other three procedure types, the subject of a Type IV process applies to a relatively large geographic area containing many property owners. SEPA review is generally required.
- D. Undefined review. If this title is silent as to the type of review procedure required, the Director shall, using a Type I review process, determine the appropriate level of review.

#### **18.030.040 Application contents**

An applicant for development review shall submit the requisite fee and ten (10) copies of the information required by Section 18.030.050 LCMC except as otherwise provided therein, and drawings showing the elevations of all sides of proposed structure(s).

#### **18.030.050 Review for technically complete status**

- A. Applicability and Schedule. Before accepting an application subject to a Type I, II or III review, the Director shall determine whether the application is technically complete as follows:

1. Within 14 calendar days after the application is submitted if the application was reviewed at a pre-application conference; or
  2. Within 28 calendar days after the application is submitted if the application was not reviewed at a pre-application conference; or
  3. Within seven (7) calendar days after an application is amended for the purpose of providing all information necessary to make it complete.
- B. Standards for Technical Completeness. An application is technically complete if it includes the information required by the La Center Development Code section(s) that apply to the application in question. If the La Center Development Code does not list the information a given application is required to contain, then such an application is technically complete if it includes four copies of the following information:
1. A completed form provided by the city clerk for that purpose;
  2. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
  3. An environmental checklist or EIS, if applicable under Chapter 18.310 LCMC;
  4. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned;
  5. Proposed easements or dedications to the city or other agency, if applicable;
  6. Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Clark County assessor;
  7. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance;
  8. A legal description of the site;
  9. A copy of the pre-application conference summary, if the application was subject to pre-application review, which shall include all information required to address issues, comments and concerns in the summary;
  10. A written description of how the application does or can comply with each applicable approval criterion, and basic facts and other substantial evidence that supports the description;
  11. The names and addresses of owners of land within a radius of 150 feet of the site for an application subject to Type II review and within a radius of 300 feet of the site for an application subject to Type III review. Owner names and addresses shall be printed on mailing labels.
    - a. The applicant shall submit a statement by the assessor's office or a title company certifying that the list is complete and accurate, based on the records of the Clark County assessor within 30 days of when the list is submitted.
    - b. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, then notice shall be mailed to owners of property within a 100- or 300-foot radius, as provided above, of the edge of the property

- owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application;
12. Applications necessarily associated with the proposal, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the road standards in Chapter 12.10 LCMC that are required to approve the proposal;
  13. A wetlands delineation and assessment if required by Chapter 18.300 LCMC, prepared and signed by a qualified professional and an application for a critical areas permit and associated preliminary plan, if required;
  14. An study, prepared by a geotechnical engineer or geologist, licensed in the State of Washington if:
    - a. The site contains substantial fill, or the applicant proposes to place substantial fill on the site; or
    - b. The site contains land identified by the city, Clark County or the State of Washington as having slopes in excess of 25 percent or as being subject to instability, unless the applicant will not develop or otherwise significantly affect such lands or shows that the site does not contain unstable soils or steep slopes;
  15. An archaeological predetermination if the area proposed for development contains lands classified as having moderate or higher probability of containing archaeological resources.
  16. Preliminary grading, erosion control and drainage plans may be required for Type I applications. Type II and Type III applications shall include such a plan and it shall be consistent with applicable provisions of Chapter 18, Section 4 – Critical Lands;
  17. Information about proposed utilities, including water and sanitary waste.
- C. When Information May be Excluded. The Director may accept as technically complete an application without information listed as being required if such information is not necessary to make a finding required by the law.
- D. When Information is Missing. If the Director determines an application is not technically complete, he or she shall send the applicant a written statement rejecting the application based on a lack of information. The statement shall:
1. List what is required to make the application technically complete;
  2. Specify a date by which the required missing information must be provided;
  3. State that the applicant can apply to extend the deadline for filing the required information, and explain how to do so; and
  4. Include recommendations for additional information that, although not necessary to make the application technically complete, are recommended to address other issues that are or may be relevant to the review.
- E. Final Actions for a Technically Incomplete Application. If the Director decides that all of the required information is not submitted by the date specified, or as extended, he or she shall:
1. Return to the applicant the application and a statement rejecting the application for lack of completeness; or
  2. Issue a decision denying the application based on a lack of information.
- F. Notice of a Technically Complete Application. Within 14 calendar days of deciding an application is technically complete, the Director shall send to the applicant a written statement to that effect and

the expected review schedule, including the date of a hearing for an application subject to a Type III process.

#### **18.030.060 Vesting**

A land use application is subject to the applicable city regulations in effect on the day the city accepted the application, if it is technically complete. If the Director finds the application to be technically incomplete, the vesting date shall be the date upon which the applicant submitted all materials needed to make the application complete.

#### **18.030.070 Approval criteria**

The review authority shall approve an application for project review if he or she finds the applicant has sustained the burden of proving that:

- A. The application complies with the applicable regulations of the La Center Development Code; or that the application can comply with all applicable regulations by complying with adopted conditions of approval; or that necessary adjustments, exceptions, modifications or variations have been approved or are shall be subject to approval prior to final plat is approval.
- B. The development makes adequate provision for public services consistent with the level of service provided in adopted city policies, plans and regulations.

#### **18.030.080 Type I procedure**

- A. Decision. Within 21 calendar days after the date an application subject to a Type I process is accepted as technically complete, the review authority shall issue a decision that approves, approves with conditions, or denies the application; provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city. The decision shall include a brief summary of the relevant facts and applicable standards for the application and of how the application complies with those standards based on the facts and evidence, including any conditions of approval.
- B. Notice of the Decision. Within seven (7) calendar days after issuing a decision regarding an application subject to a Type I process, the city clerk shall mail a copy of the decision to the applicant and applicant's representative(s).
- C. Appeal and Post-Decision Review. The applicant may appeal the decision pursuant to Section 18.030.130 LCMC or may apply for post-decision changes pursuant to Section 18.030.150 LCMC.

#### **18.030.090 Type II procedure**

- A. Notice of Application. Within 14 calendar days after the date an application subject to Type II review is accepted as technically complete, the city clerk shall mail a written notice of the application as provided in Section 18.030.120 LCMC.
- B. Comments. The city clerk shall mail to the applicant a copy of comments timely received in response to the notice together with a statement that the applicant may respond to the comments within 14 calendar days from the date the comments are mailed.
- C. Decision.
  1. Within 56 calendar days after the date an application subject to a Type II process is accepted as technically complete, the review authority shall issue a decision that approves, approves with conditions, or denies the application; provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city.
  2. The decision shall include a brief summary of the relevant facts and applicable standards for the application and a summary of how the application complies with those standards based on the facts and evidence, including any conditions of approval.



- D. Notice of Decision. Within seven (7) calendar days after issuing a decision, the city clerk shall mail notice of the decision as provided in Section 18.030.120 LCMC.
- E. Appeal and Post-Decision Review. A final decision regarding an application subject to Type II process can be appealed pursuant to Section 18.030.130 LCMC and can be amended by post-decision changes pursuant to Section 18.030.150 LCMC.

#### **18.030.100 Type III procedure**

- A. Hearing. An application subject to a Type III process will be considered at one or more public hearings before a city hearings examiner. The city clerk shall schedule a public hearing for an application within 78 calendar days after the date the city found the application was technically complete.
- B. Notice of Hearing. At least 14 calendar days before the date of the hearing, the city clerk shall mail public notice of the hearing as provided in Section 18.030.120 LCMC. At least 10 days before the date of the hearing, the city clerk shall cause notice of the hearing to be published and posted as provided in Section 18.030.120 LCMC.
- C. Staff Report. At least seven (7) calendar days before the date of the hearing, the Director shall issue a written staff report regarding the application(s). The staff report shall set out the relevant facts and applicable standards for the application and a summary of how the application complies with those standards based on the facts and evidence, including any conditions of approval. The city clerk shall mail a copy of the staff report to the hearings examiner, the applicant, and the applicant's representative(s) and other parties who request it. Copies of the staff report also shall be available at City Hall seven days prior to the hearing and at the public hearing.
- D. Public Hearings. Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearings examiner, except to the extent waived by the hearings examiner. A public hearing shall be recorded on audio or audiovisual tape.
  - 1. At the beginning of the hearing, the hearings examiner shall:
    - a. State that testimony will be received only if it is relevant to the applicable standards and is not unduly repetitious;
    - b. Identify the applicable standards;
    - c. State that a witness may request that the hearings be continued or that the record be kept open for a period of time;
    - d. State that the hearings examiner must be impartial and whether the hearings examiner has had any ex-parte contact or has any personal or business interest that could affect his impartiality regarding an application. The hearings examiner shall allow witnesses to challenge his or her impartiality;
    - e. State whether the hearings examiner has visited the site;
    - f. State that persons who want to receive notice of the decision may sign a list for that purpose at the hearing and indicate where it is kept; and
    - g. Summarize the conduct of the hearing and the order of testimony.
  - 2. At the conclusion of the hearing on each application, the hearings examiner shall announce one of the following actions:
    - a. That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.

- b. That the public record is held open to a date and time certain. The hearings examiner shall state where additional evidence and testimony can be sent, and shall announce any limits on the nature of the evidence that will be received after the hearing.
  - c. That the application(s) is/are taken under advisement, denied, approved, or approved with conditions, together with a brief summary of the basis for the decision, and that a final order will be issued as provided in this section; provided, the hearings examiner shall not make a final decision regarding the application(s) until at least 15 calendar days after the SEPA threshold determination under is made.
- E. Decision. Within 14 calendar days after the date the record closes regarding a given application(s), the hearings examiner shall submit to the city clerk a written decision regarding that application(s). The decision shall set out the relevant facts and applicable standards for the application(s) and a summary of how the application(s) complies with those standards based on the facts and evidence, including any conditions of approval.
- F. Notice of Decision. Within seven (7) calendar days of the date of the decision, the city clerk shall mail a notice of decision as provided in Section 18.030.120 LCMC.
- G. Appeal and Post-Decision Review. A final decision regarding an application subject to Type III process can be appealed pursuant to Section 18.030.130 LCMC and can be amended by post-decision changes pursuant to Section 18.030.150 LCMC.

#### **18.030.110 Type IV procedure**

- A. Hearing. An application subject to a Type IV process will be considered at one or more public hearings before the planning commission and one or more public hearings before the city council. The planning commission and city council may combine their meetings into one public meeting.
- B. Notice of the Initial Planning Commission Hearing. At least 14 calendar days before the date of the first planning commission hearing regarding an application subject to a Type IV process, the city clerk shall mail public notice of the hearing to parties who have requested such notice and to other individuals, firms or agencies as deemed appropriate. At least 10 days before the date of the hearing, the city clerk shall cause notice of the hearing to be published as provided in Section 18.030.120 LCMC
- C. Staff Report. At least seven (7) calendar days before the date of the first planning commission hearing, the city clerk shall issue a written staff report regarding the application. The staff report shall set out the relevant facts and applicable standards for the application and a summary of how the application complies with those standards. The city clerk shall mail a copy of the staff report to the planning commission and to other parties who request it. Copies of the staff report also shall be available at the public hearing.
- D. Public Hearings. Public hearings shall be conducted in accordance with the rules of procedure adopted by the review authority, except to the extent waived by the review authority. A public hearing shall be recorded on audio or audiovisual tape.
- 1. At the conclusion of a planning commission hearing on an application subject to a Type IV process, the planning commission shall announce one of the following actions, which may not be appealed:
    - a. That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed or published. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing; or
    - b. That the planning commission recommends against or in favor of approval of the application(s) with or without certain changes, or that the planning commission makes no

recommendation regarding the application(s), together with a brief summary of the basis for the recommendation.

2. At least 14 calendar days before the date of the first hearing before the city council, the city clerk shall mail public notice of the hearing to parties who have requested such notice and to other individuals, firms or agencies as deemed appropriate. At least 10 days before the date of the hearing, the city clerk shall cause notice of the hearing to be published as provided in Section 18.030.120 LCMC.
3. At the conclusion of its initial hearing, the city council may continue the hearing, take an action forwarding the application for further review consistent with the La Center Municipal Code, or take an action to terminate or postpone further consideration of the application. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed or published. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.

E. Appeal and Post-Decision Review. An application subject to a Type IV process is not subject to appeal or post-decision review before the city.

#### **18.030.120 Notices**

- A. Contents of a Notice of Application Subject to Type II Review. The notice of Type II application shall contain at least the following information:
  1. The file number;
  2. The name(s) and address(es) of the applicant and owner;
  3. The legal description of the site;
  4. The street address or other easily understood geographical reference to the subject property;
  5. A map depicting the subject property in relation to surrounding properties;
  6. A description of the proposal;
  7. A copy of the preliminary plan or plat;
  8. A list of the applicable standards for the application;
  9. A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the city's cost for providing the copies;
  10. An invitation to comment, in writing, on the proposal and the place, date and time that comments are due.
  11. A statement outlining the appeals process.
- B. Contents of a Mailed Notice of a Public Hearing for an Application Subject to a Type III Process. Mailed notice of a public hearing shall contain at least the following information:
  1. The information required by Section 18.030.120(A) LCMC
  2. The date, time and place of the hearing;
  3. A statement that the city hearings examiner will conduct the hearing in accordance with the rules of procedure adopted by the hearings examiner;
  4. A statement that interested parties may testify orally or in writing at the public hearing and that copies of the staff report will be available at City Hall not less than seven days before the date of the hearing;

5. The name and telephone number of the city staff person to contact for information about the case or to review the case file.
- C. Contents of a Published and Posted Notice of a Public Hearing for an Application Subject to a Type III Process. Published and posted notice of a public hearing shall contain at least the following information:
1. The date, time and place of the hearing;
  2. The case number(s);
  3. The nature and location of the proposal; and
  4. Instructions for obtaining further information.
- D. Contents of a Notice of a Decision. Notice of a decision subject to a Type I, Type II or Type III process shall contain at least the following information:
1. A copy or summary of the written decision;
  2. A statement that the decision and SEPA determination (if applicable) are final unless appealed to the city hearings examiner (Type II decision) or the city council (Type III decision) as provided by Section 18.030.130 LCMC within 14 calendar days after the date the notice of the decision is mailed;
  3. The appeal closing date;
  4. A description of how to file an appeal of the decision or SEPA determination or both, including applicable fees;
  5. A statement that the public record in the case is available for review and the place, days and times for review; and
  6. The name and telephone number of the city staff person to contact for information about the case or to review the case file.
- E. Distribution of Notices by Mail.
1. The city clerk shall mail notice of application subject to Type II review to:
    - a. The applicant and the applicant's representative;
    - b. Owners of property within a radius of 150 feet of the property that is the subject of the application; provided, if the applicant owns property adjoining or across a right-of-way or easement from the subject property, then notice shall be mailed to owners of property within 150 feet of the edge of such additional property owned by the applicant.
      - i. The property owner of record shall be the person(s) listed in the records of the Clark County assessor; and
      - ii. Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be conclusive evidence that notice was mailed to parties listed or referenced in the certificate;
    - c. Agencies with jurisdiction;
    - d. Other persons who request such notice in writing.
  2. The city clerk shall mail notice of a hearing regarding an application subject to a Type III process to:
    - a. The applicant and the applicant's representative;

- b. Owners of property within a radius of 300 feet of the property that is the subject of the application; provided, if the applicant owns property adjoining or across a right-of-way or easement from the subject property, then notice shall be mailed to owners of property within 300 feet of the edge of such additional property owned by the applicant.
- F. The property owner of record shall be the person(s) listed in the records of the Clark County assessor; and
- G. Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be conclusive evidence that notice was mailed to parties listed or referenced in the certificate;
  1. Agencies with jurisdiction;
  2. Other persons who request such notice in writing.
- H. Published and Posted Notice. The city clerk shall cause notice of an initial hearing for an application subject to a Type III process to be published in a newspaper of general circulation in the area and posted in at least two (2) locations in the public right-of-way abutting the property or on the property subject to the application. The Director shall develop a standard notice format for publication and posting.

#### **18.030.130 Appeal**

- A. Deadline for Appeal. 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.
- B. Standing.
  1. A final decision regarding an application subject to a Type I process may be appealed only by the applicant or applicant's representative.
  2. A final decision regarding an application subject to a Type II process may be appealed by the applicant or applicant's representative or by any person, agency or firm with an interest in the matter.
  3. 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 hearings examiner closed the public record in the case.
- C. Appeal Contents. An appeal shall include the appropriate fee and the following information:
  1. A form provided for that purpose by the city;
  2. The case number as designated by the city;
  3. The name of the applicant;
  4. The name, address and signature of each appellant;
  5. The specific aspect(s) of the decision and/or SEPA issue being appealed;
  6. The reasons why each aspect is in error as a matter of fact or law; and
  7. The evidence relied on to prove the error.
- D. Process for an Appeal.
  1. Within seven calendar days after a timely, complete appeal is filed regarding a decision subject to a Type I process, the city clerk shall send to the hearings examiner a copy of the appeal and the case file together with any new evidence submitted with the appeal. The hearings examiner shall conduct a de novo review. Within 21 calendar days after a timely, complete appeal is filed, the

hearings officer shall send to the city clerk a final decision for distribution to the applicant and applicant's representative.

2. For an appeal regarding a decision subject to a Type II process, the city clerk shall schedule a public hearing to be held by the hearings examiner not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for application subject to a Type III process in Section 18.030.100 LCMC
3. For an appeal regarding a decision subject to a Type III process, the city clerk shall schedule a public hearing to be held by the city council not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for application subject to a Type III process in Section 18.030.100 LCMC, except that the appeal shall be on the record except to the extent city council allows new evidence for good cause.

#### **18.030.140 Expiration and extension of decisions**

- A. Except as otherwise expressly provided by the La Center Municipal Code or the decision in question, decisions made pursuant to this chapter expire two (2) years after the effective date of the decision unless, within that time, the applicant or a successor in interest files an application for an extension of the decision or submits an application for project review or a building permit, or undertakes substantial development of the use authorized by the decision. Approval of a preliminary long plat or short plat shall expire within five (5) years from the date of approval.
- B. An application for extension of a decision is subject to a Type I process. An applicant for an extension shall submit the requisite fee, a completed application review form provided for that purpose by the city, and text describing how the application complies with the approval criteria for an extension, and basic facts and other substantial evidence to support the text.
- C. The Director may approve a single one-year extension of a decision if he or she finds that the relevant facts and the law have not changed substantially since the original approval, or that the application can comply with the law in effect on the date the application for the extension was filed by complying with certain additional and/or modified conditions of approval, and those additional conditions and/or modifications are adopted.

#### **18.030.150 Post-decision review**

- A. Generally. Post-decision review may change decisions and conditions of approval without necessarily subjecting the change to the same procedures as the original decision. Such changes may be warranted by ambiguities or conflicts in a decision and by new or more detailed information, permits or laws. Post-decision review cannot substantially change the nature of the development approved pursuant to a given decision and can only be conducted regarding a decision that approves or conditionally approves an application. An application that is denied is not eligible for post-decision review.
- B. Eligibility and Contents. An applicant or successor in interest may, at any time, file an application for post-decision review of a Type I, II or III decision, describing the nature of and the basis for the proposed change to the decision, including the applicable facts and law, together with the fee prescribed for that application by the city council.
- C. Relationship to an Appeal. An application for post-decision review does not extend the deadline for filing an appeal of the decision being reviewed and does not stay appeal proceedings.
- D. Preliminary Processes.
  1. An application for post-decision review is not subject to pre-application review.

2. An application for post-decision review is subject to technical completeness review, Section 18.030.050 LCMC; provided, the review authority shall not require an application for post-decision review to contain information that is not relevant and necessary to address the requested change or the facts and law on which it is based. As part of the technical completeness review, the Director shall:
  - a. Determine whether the proposed change can be reviewed as a post-decision review or should be subject to a new application on the merits of the request;
  - b. Classify an application for post-decision review as a Type I, II or III process based on the circumstances of the original decision and the guidelines in subsection (5) of this section.
3. Notify the applicant in writing of the determination and classification.
  - a. The classification of the application is subject to appeal as part of the decision on the merits of the post-decision review.
  - b. A decision denying post-decision review and requiring a new application may be appealed to the hearings examiner.

E. Post-Decision Review Guidelines.

1. An application for post-decision review of a Type I decision shall be subject to a Type I process.
2. An application for post-decision review of a Type II decision shall be subject to a Type I process if the Director finds the requested change:
  - a. Does not increase the potential adverse impact of the development authorized by the decision of SEPA determination;
  - b. Is consistent with the applicable law or variations permitted by law, including permits to which the development is subject;
  - c. Does not involve an issue of broad public interest, based on the record of the decision; and
  - d. Does not require further SEPA review.
3. An application for post-decision review of a Type II decision shall be subject to a Type II process if it does not qualify for a Type I process.
4. An application for post-decision review of a Type III decision shall be subject to a Type I review process if the Director finds the requested change:
  - a. Reduces the potential adverse impact of the development authorized by the decision;
  - b. Is consistent with the applicable law or variations permitted by law, including permits to which the development is subject; and
  - c. Does not involve an issue of broad public interest, based on the record of the decision.
5. An application for post-decision review of a Type III decision shall be subject to a Type II review process if Director finds the requested change:
  - a. Does not increase the potential adverse impact of the development authorized by the decision or SEPA determination;
  - b. Is needed to address a minor change in the facts or the law, including permits to which the development is subject; and
  - c. Does not involve an issue of broad public interest, based on the record of the decision.
6. An application for post-decision review of a Type III decision shall be subject to a Type III review process if it is not subject to Type I or II review.

7. Modifications to a decision other than by a timely appeal or post-decision review shall be by new application.

**18.030.160 Reapplication**

No person, including the original applicant, shall reapply for a similar use on the same land, building, or structure within a period of one (1) year from the date of the final decision on such previous application, unless said decision is a denial without prejudice, or unless, in the opinion of the review authority, conditions have substantially changed.



## Chapter 18.040 - DEFINITIONS<sup>1</sup>

Sections:

18.040.010 Definitions

### 18.040.010 Definitions

Unless the context clearly requires otherwise, the definitions in this section shall apply to terms in this title. In addition to definitions provided below, there are chapter-specific or section-specific definitions in this Title.

<b>Abutting</b>	“Abutting” shall mean adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than eight feet in a single direction.
<b>Access, Accessway</b>	“Access” or “accessway” shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use, as required by this title.
<b>Accessory Structure, Accessory Use</b>	“Accessory structure or use” shall mean a structure or use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use. Private garages and carports are accessory buildings when not attached to the main building.
<b>Addition (to an existing building)</b>	Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls is considered to be new construction.
<b>Adjacent</b>	“Adjacent” shall mean near, close; for example, an industrial district across the street or highway from a commercial district shall be considered as “adjacent”.
<b>Adjoin</b>	“Adjoin” shall mean the same as “abutting”.
<b>Aesthetics</b>	A characteristic of development or the environment relating to physical beauty.
<b>Affordable Housing</b>	Decent, safe, quality housing that costs no more than 30 percent of a household's gross monthly income for rent/mortgage and utility payments.
<b>Agricultural uses</b>	“Agricultural uses” shall mean the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals.
<b>Alley</b>	“Alley” shall mean a public right-of-way not over 30 feet wide which affords, generally, a secondary means of access to abutting lots not intended for general use.
<b>Alteration, structural</b>	“Structural alteration” shall mean any change or repair which would tend to prolong the life of the supporting members of a building or structure. Any change in the external dimensions of the building is a structural alteration.

<sup>1</sup> Formerly Chapter 17.10 LCMC

<b>Amusement Park or Center</b>	A group of amusement devices for children and/or adults and their accessory uses. Such a park or center may include miniature golf areas, bumper cars, batting cages, arcades, bumper boats, go-carts and other such activities.
<b>Apartment</b>	A room or suite of rooms within an apartment house or apartment hotel, used as a dwelling unit for one family with facilities that function or are intended to function for living, sleeping, and cooking.
<b>Apartment Hotel</b>	An apartment house that furnishes services for the use of its tenants which are ordinarily furnished by hotels, but the privileges of which are not primarily available to the general public.
<b>Applicant</b>	Any person or his or her authorized agent or representative who has applied for a permit and who has a valid, existing legal interest in the property proposed to be developed.
<b>Appropriate Area, Minimum</b>	The smallest total area of property that is allowed in a particular zone.
<b>Area of special flood hazard</b>	“Area of special flood hazard” shall mean the land in the flood plain subject to a one percent chance or greater of flooding in any given year as shown on flood insurance rate maps (FIRM) or except as otherwise determined by the Federal Emergency Management Agency (FEMA).
<b>Assessment</b>	An estimation or determination of the significance, importance, or value of land, buildings, or a proposed development activity.
<b>Automobile Sales and Service Establishments, New or Used</b>	An establishment that provides for the sale of motorized vehicles as its primary use, and allows for minor or major repairs, or paint and body work.
<b>Automobile Service Station</b>	A building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, and other operating commodities for motor vehicles or boats. The cross section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements. Automobile Service Stations may include the following: customary space and facilities to the installation of such commodities on or in such vehicles: space for facilities for the storage, minor repair, or servicing of such vehicle, and space for care washing.
<b>Automotive Repair Establishment</b>	A retail sales and service establishment that includes; brake repair, engine tune-ups, oil changes, lubrications, front end alignments, major mechanical repairs and adjustments such as engine overhauls, transmission overhauls and the like. It can also include painting, repainting or retouching services.
<b>Awning</b>	Any movable roof-like structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening, or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable.
<b>Bakery</b>	An establishment where products such as breads, cakes, pies, pastries, etc. are baked or produced and sold on premises for wholesale and/or retail sale.
<b>Bar and/or cocktail lounge</b>	Any premises wherein alcoholic beverages are sold at retail for consumption on the premises. A Class H Retailer's License is required for serving liquor by the bottle or by the drink.
<b>Base Flood</b>	“Base flood” shall mean the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year” flood.

<b>Basement</b>	Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.
<b>Bed and breakfast house</b>	A “bed and breakfast house” is a hotel in what was built as a single-family dwelling and which offers up to six bedrooms for transient guests.
<b>Best available science</b>	Means scientific information or information meeting the criteria set forth in WAC 365-195-900 through 365-195-925.
<b>Best management practice (BMP)</b>	When associated with stormwater management means physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water; when associated with groundwater protection means a written plan outlining accepted practices, such as liquid containment, transfer practices, and emergency procedures whose purpose is to prevent containment for underground storage tanks.
<b>Billboard</b>	A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or any use of the premises wherein it is displayed or posted.
<b>Binding site plan</b>	A drawing to scale which (1) Identifies and shows the locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by the City of La Center, and (2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of land; and Contains provisions for making any development be in conformity which the site plan.
<b>Blight</b>	The concentration of forces which puts a building or neighborhood on its way to becoming a slum. A “blighted” area is one that has deteriorated or has been arrested in its development by physical, economic, or social forces.
<b>Block</b>	“Block” means a group of lots, tracts, or parcels within well defined and fixed boundaries.
<b>Boarding house</b>	A dwelling where meals or lodging and meals are provided for compensation to at least one (1) person and no more than twenty (20) persons by prearrangement for definite periods of at least one (1) week’s duration. A boarding house is to be distinguished form a hotel.
<b>Bollard</b>	A post permanently affixed into the ground or pavement, at least two (2) feet and no more than four (4) feet in height after installation, whose purposed is to segregate automotive traffic from certain areas.
<b>Border lots</b>	“Border lots” are residential lots abutting the urban growth area boundary which may be larger in size than most urban lots to allow for a smoother transition to larger rural lots lying outside the boundary.
<b>Boundary line adjustment</b>	The adjustment of boundary lines that does not create any additional lot, tract, parcel, site or division, nor creates any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.
<b>Buffer area</b>	A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another, or intended to reduce the impact of noise levels generated on one property from the surrounding properties and intended to enhance the level of safety and promote the aesthetic qualities of the area.
<b>Buildable area</b>	The space remaining after the minimum open space and yard setback requirements of this Ordinance have been complied with.
<b>Buildable Land</b>	Lands not constrained by critical areas and public right-of-ways.

<b>Building</b>	“Building” shall mean a combination of materials to form a structure that is adapted to a permanent or continued occupancy. It is a structure having a roof supported by columns or walls for the housing or enclosure of person, animals, or chattel.
<b>Building coverage</b>	That percentage of the total lot area of a lot which is covered by the principal an accessory building.
<b>Building height</b>	“Building height” shall mean the vertical distance from a point as determined in this section to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hip roof. “Building height” does not include such accessory elements as utilities, rooftop mechanical equipment and enclosures for it, chimneys, church spires, water towers and accessory radio antennas. (1) The base point shall be the elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade adjoining the building. (2) The base point shall be 10 feet above the lowest grade adjoining the building when the sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building is more than 10 feet above lowest grade. (3) The height of a steeped or terraced building shall be the height of any segment of the building. [Ord. 98-2 § 1(c), 1998.]
<b>Building permit</b>	The document or certificate issued by the City of La Center that sanctions adherence to all applicable building and development regulations and gives permission to the applicant to proceed with the actions for which the permit was requested.
<b>Building setback line</b>	“Building setback line” shall mean a line parallel to the front lot line and passing through the most forward point or plane of the building closest to the front lot line.
<b>Building site</b>	A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.
<b>Building, nonconforming</b>	A legally existing building that fails to comply with this Ordinance (for height, number or stories, size, area, yards, location, or use) applicable to the district in which the building is located.
<b>Bulk</b>	The term used to describe the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.
<b>Business services</b>	An establishment primarily engaged in rendering services to other business establishments on a fee or contract basis, not involving the sale of any goods or commodities available on the premises, and not dispensing a personal service. Business service establishments may include but are not necessarily limited to, activities such as real estate, insurance, accounting or bookkeeping, financial institutions, management or consulting firms, or other similar uses.
<b>Camper</b>	“Camper” shall mean a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational, and/or vacation use.
<b>Camping trailer</b>	“Camping trailer” shall mean a structure mounted on wheels and designed for travel, recreational, and/or vacation uses.
<b>Canopy</b>	A roof-like structure made of any material that projects from the wall of a building and overhangs a sidewalk.

<b>Car Wash</b>	A building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices.
<b>Carport</b>	“Carport” shall mean a building designed to cover, but not enclose, automobile parking spaces.
<b>Cemetery</b>	A place for the burial or interment of dead persons of household pets.
<b>Certificate of occupancy (occupancy permit)</b>	The official certification that a premise conforms to the provisions of this Ordinance (and the Building Code) and may legally be used or occupied. Such a certificate is required for new construction or for alteration or additions to existing structures. Unless such a certificate is issued for new construction, a structure cannot be occupied.
<b>Clearing</b>	The act of removing existing vegetations, structures or other items from a site prior to undertaking land improvements.
<b>Clinic</b>	An establishment where patients who are not lodged overnight are admitted for examination and treatment by one (1) person or group of persons licensed as a physician, dentist, chiropractor, therapist, or other similar health related professional.
<b>Club</b>	Buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.
<b>Cluster development</b>	Grouping or, concentrating physical structures (buildings) on lots smaller than permitted by the existing zoning to preserve open space without increasing the allowable density of the development.
<b>Commission or planning commission</b>	“Commission” or “planning commission” shall mean the planning commission of the city.
<b>Common area</b>	The total area not designed for rental or sale to tenants and that is available for common use by all tenants or groups of tenants and their guests, including such areas as parking lots and their appurtenances, lobbies, malls, sidewalks, landscaped areas, public rest rooms, truck and service facilities, etc.
<b>Compatible use</b>	A use that is capable of existing in harmony with other uses situated in its immediate vicinity.
<b>Comprehensive plan</b>	The goals, objectives and policies, documents and maps adopted by motion by the Council to guide the physical development of the City; to coordinate City programs, services and controls, and to promote the general welfare.
<b>Concession stand, agricultural or produce</b>	An open air structure, not to exceed twenty (20) feet by thirty (30) feet in its dimensions, and at which fresh eggs, fruits, vegetables; and/or other agricultural products may be sold from local farms to the public.
<b>Concrete slab</b>	A broad, flat, somewhat thick concrete surface extending under a manufactured home or built in-place to the extent of the structure which rests upon it. Must meet all UBC standards.
<b>Conditional use</b>	“Conditional use” shall mean a use allowed in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone Ord. 98-2 § 1(c), 1998.]

<b>Condominium</b>	A development in which each dwelling unit is owned individually but all other common elements are jointly owned on a specified basis - most often in a multifamily structure.
<b>Confectionery</b>	An establishment engaged solely in the preparation and production of candy products for direct retail sale to the consumer on the premises. .
<b>Construction</b>	The building of, or substantial improvement to, any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.
<b>Contiguous</b>	Lands are contiguous if they actually adjoin each other and share a common boundary.
<b>Convenience Store</b>	A retail establishment that is usually open for extended daily hours of business, normally located as a single entity or in a strip building configuration along major roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising.
<b>Conversion</b>	The change of use or purpose to which a structure or building is put.
<b>Council</b>	"Council" or "city council" shall mean the city council of the city.
<b>Cul-de-sac</b>	A local street having only one (1) means of vehicular access to another street and terminating at its other in a circular-shaped turn around. This definition of cul-de-sac shall in no way be interpreted to include a dead-end street.
<b>Curb Cut</b>	The level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished top grade immediately adjacent to a building shall be considered the "curb level".
<b>Day care</b>	"Day care" means a person, group or agency which regularly provides care for a group of children for periods of less than 24 hours a day in accordance with Washington State laws and standards. (1) "Family day care home" means a home which regularly provides care during part of the 24 hour day for six or fewer children. (2) "Mini day care center" means a day care facility for the care of 12 or fewer children either in a home or a separate facility not associated with a home. (3) "Day care center" means a center providing for the care of 13 or more children in a facility other than a private residence or in a portion of a private residence which is used exclusively for the children during the hours the center is in operation, and which is usually separate from the living quarters.
<b>Dedication</b>	"Dedication" means the deliberate appropriation of land by the owner for any general and public uses, reserving to himself no other rights than such as one compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing.
<b>Density</b>	The number of permitted dwelling units allowed on each acre of land or fraction thereof.
<b>Density, Net</b>	The number of dwelling units or persons per net acre covering only the land devoted to building lots.

<b>Design Storm</b>	A prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs).
<b>Detention Facility</b>	An above- or below-ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.
<b>Developer</b>	“Developer” means any person, firm, or corporation undertaking the dividing of any parcel of land by short subdivision or subdivision; also known as the “applicant”.
<b>Development</b>	The placement, erection, or removal of any fill, solid material, or structure on land, in or under the water, discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials, including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes or any improvement made in the interior of any structure.
<b>Development Right</b>	A legal claim to convert a tract of land to a specific purpose by construction, installation, or alteration of a building or other structure.
<b>Development, Substantial</b>	With regard to projects that have been initiated, substantial development shall constitute at least ten (10) percent of the total expected cost (including architectural and engineering fees) to complete the project as it was approved. Development shall also be considered to be substantial if the developer of an approved project has secured financing for the project and can demonstrate, in writing, his or her financial commitments to the project in question.
<b>District, Zoning</b>	Any portion of the City within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this Ordinance and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied.
<b>Domestic Animal</b>	An animal normally kept incidental to a single-family dwelling. Included are dogs and cats; excluded are wild or exotic animals, horses and cows, chickens, goats, or other similar animals.
<b>Drainage</b>	The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.
<b>Drainage Basin</b>	A geographic and hydrologic subunit of a watershed.
<b>Drive-in or Drive-Through Facility</b>	An establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.
<b>Driveway</b>	That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

<b>Dwelling</b>	“Dwelling” shall mean building or portion thereof, designed or used as the residence or sleeping place of one or more persons.
<b>Dwelling unit</b>	“Dwelling unit” shall mean one or more rooms designed for occupancy by one family, and not having more than one cooking facility. For the purpose of this title, the term “dwelling unit” does not include the term “travel trailer” or “mobile manufactured home”.
<b>Dwelling, Attached</b>	A dwelling having any portion of a wall in common with adjoining dwellings.
<b>Dwelling, Detached</b>	A dwelling that is entirely surrounded by open space on the same lot
<b>Dwelling, Duplex</b>	A detached building, designed for or occupied exclusively by two (2) families living independently of each other, and shall not include a manufactured home.
<b>Dwelling, multiple-family</b>	“Multiple-family dwelling” shall mean a building or portion thereof designed or used as a residence by two or more families, and containing two or more dwelling units.
<b>Dwelling, single-family</b>	“Single-family dwelling” shall mean a building designed or used for residence purposes by not more than one family, and containing one dwelling unit only. (1) “Attached” shall mean sharing common walls. (2) “Detached” shall mean physically separated.
<b>Easement</b>	“Easement” means a right which one person has to use the land of another for a specific purpose.
<b>Elevation</b>	Shall mean (1) The vertical distance above or below a fixed reference level; 'or, (2) A flat scale drawing of the front, rear, or side of a building or structure.
<b>Emergency Shelter</b>	A facility whose primary purpose is to provide housing for individuals and families in the event of an emergency or an emergency hazardous situation.
<b>Eminent Domain</b>	The authority of the City of La Center or other government agency to take, or to authorize the taking of, private property for public use with just compensation to the owner.
<b>Employees</b>	“Employees” shall mean all persons, including proprietors, working on the premises during the largest shift at peak season.
<b>Energy-efficient structure</b>	“Energy-efficient structure” shall mean a structure designed and built to comply with the annual thermal performance standards established by the Northwest Power Planning Council as the Model Conservation Standards.
<b>Engineer</b>	“Engineer” means the city public works director or his or her designee as determined by the city council.
<b>Enlargement</b>	An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.
<b>Environment</b>	The physical, social and economic conditions that exist within the area which will be affected by a proposed project
<b>Environmentally sensitive lands, potential</b>	“Potential environmentally sensitive lands” are lands shown on the city zoning map as an overlay to demonstrate areas which may contain wetlands, steep slopes, or other similar environmentally critical features which may limit or prevent construction.
<b>Erected</b>	Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill; drainage, paving, and the like shall be considered within the definition of "erected"
<b>Erosion</b>	The detachment and-movement of soil or rock fragments by water, wind, and/or gravity



<b>Establishment</b>	An economic unit, generally at a single physical location, where business is conducted or services are offered
<b>Façade</b>	The front of a building, particularly that part of a building facing a street or courtyard
<b>Family</b>	“Family” shall mean two or more persons customarily living together as a single housekeeping unit and using common cooking facilities, as distinguished from a group occupying a hotel, club, boarding, or lodging house, or other group of unrelated individuals not exceeding six in number.
<b>Fence</b>	Any artificially constructed barrier or any material or combination of materials erected to enclose or screen areas of land, and is six feet or less
<b>Fence, sight-obscuring</b>	“Sight-obscuring fence” shall mean a fence or evergreen planting, or combination of fence and planting, arranged in such a way as to obstruct vision.
<b>Fill</b>	Earth or any other approved substance or material
<b>Final plat</b>	“Final plat” means the final drawing of the subdivision and dedication, prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title and in state law
<b>Financial Institutions</b>	Establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, and other similar uses
<b>Flag lot</b>	“Flag lot” means a lot the developable portion of which is separated from the public right-of-way to which the lot has direct access by a narrow strip of land often used as a driveway. Creation of a flag lot is subject to additional standards in Chapter 18.210 LCMC.
<b>Flea Market</b>	An occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but not to include private garage sales
<b>Flood</b>	For the definition of “flood” see Section 18.300.030 LCMC.
<b>Floor</b>	The top surface of an enclosed area in a building (including basement), i.e., the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used primarily for the parking of vehicles and where openings are installed to allow the free passage of water
<b>Floor Area</b>	The sum of the gross horizontal areas of all of the floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes, but need not include a basement or portion of a basement used for storage or housing of mechanical equipment, or the basement apartment of a custodian in an multi-family dwelling, except that portion of said custodian's dwelling unit which is in excess of fifty (50) percent of the total basement area
<b>Foster Home</b>	A home licensed and regulated by the State and classified by the State as a foster home, providing care and guidance for not more than five (5) unrelated juveniles, adults or both
<b>Frontage</b>	“Frontage” shall mean that portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the city.

<b>Frontage, Corner Lot</b>	All the property on two (2) sides of a street between two (2) intersecting streets, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on two (2) sides between an intersecting street and the dead-end of the street. This definition also includes ingress-egress easements when used as the only means of access
<b>Fuel Storage Facility</b>	An area that is used or planned to be used for the storage of petroleum. The facilities may be above-ground or underground storage tanks
<b>Garage</b>	A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building
<b>Garage, detached</b>	“Detached garage” shall mean an accessory building intended and primarily used for the storage of motor vehicles, which is separate from and secondary to the main structure of the occupants.
<b>Geologically hazardous areas</b>	Areas that, because of their susceptibility to erosion, sliding, earthquake or other geological events, are not suited to the siting of commercial, residential or industrial development consistent with public health or safety.
<b>Grade</b>	“Grade” (ground level) shall mean the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.
<b>Greenhouse</b>	An enclosed building, permanent or portable, that is used for the growth of plants
<b>Ground Floor Area</b>	The square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total building area used in determining the percentage of lot coverage
<b>Groundwater</b>	The portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body
<b>Groundwater Management</b>	The management and coordination of groundwater regulations, strategies, politics, and technical information for the protection and use of groundwater resources
<b>Group Care Facility</b>	A facility licensed by the State to provide, on a twenty-four (24) hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities
<b>Gutter</b>	A constructed waterway, usually along a street curb, installed to collect and conduct street surface water
<b>Habitable floor</b>	“Habitable floor” shall mean any floor usable for living purposes including working, sleeping, eating, cooking, or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a “habitable floor”.
<b>Hazardous waste</b>	“Hazardous waste” shall mean all dangerous and extremely hazardous waste as defined in RCW 70.105.010 except for moderate-risk waste. RCW 70.105.010 is adopted by reference for the purposes of this definition.

<b>Hazardous waste treatment and storage facility, off-site</b>	“Off-site hazardous waste treatment and storage facility” shall mean treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.
<b>Hazardous waste treatment and storage facility, on-site</b>	“On-site hazardous waste treatment and storage facility” shall mean treatment and storage facilities that treat and store waste from generators on properties on the same geographically contiguous or bordering property.
<b>Hazardous waste storage</b>	“Hazardous waste storage” shall mean the holding of dangerous waste for a temporary period as regulated by State Dangerous Waste Regulations, Chapter 173-303 WAC. For purposes of this title, Chapter 173-303 WAC as existing and hereafter amended is adopted by reference.
<b>Hazardous waste treatment</b>	“Hazardous waste treatment” shall mean the physical, chemical, or biological processing of dangerous waste to make wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.
<b>Health Care Facility</b>	An establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners; medical and dental laboratories; out-patient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services
<b>Health club</b>	Gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments
<b>Hearings examiner</b>	“Hearings examiner” shall mean the person(s) appointed hearings examiner by the city council of La Center pursuant to Chapter 2.35 LCMC.
<b>Historic property</b>	A building, structure, object, area or site that is significant in the history, architecture, archaeology or culture of La Center, the region or the nation
<b>Home occupation</b>	“Home occupation” shall mean an occupation, profession, or craft secondary to the use of a dwelling unit for residential purposes, is carried on by a member of the family residing within the residence, and requires no structural alterations or changes in the dwelling unit.
<b>Homeowners association</b>	“Homeowners association” shall mean a nonprofit organization operating under recorded land agreements through which the following take place: (1) Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase. (2) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization’s activities, such as maintaining a common property. (3) Construction and maintenance responsibilities for any undivided property are identified and assigned.
<b>Hospital</b>	“Hospital” shall mean an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.
<b>Hotel</b>	“Hotel” shall mean a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests.
<b>House of worship/church</b>	A building or structure wherein persons regularly assemble for religious worship, is specifically designed and used primarily for such purpose, and is maintained and controlled by a religious body organized to sustain public worship
<b>Illuminated sign</b>	Any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position

<b>Immediate vicinity</b>	With regard to the built-or man-made environment, this refers to all development that is within five hundred (500) linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development
<b>Impervious surfaces</b>	Those surfaces that do not absorb water and consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt on a lot
<b>Improvement</b>	Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment
<b>Improvement plans</b>	“Improvement plans” means the technical drawings of the design and proposed construction of such items as streets, water and sewer systems, and drainage detention systems
<b>Incompatible use</b>	A use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity
<b>Indoor amusement</b>	Establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as theaters, bowling, pool, billiards, or arcades, that feature three (3) or more coin or token operated devices, such as pinball and video games
<b>Indoor storage</b>	The keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use
<b>Industrial park</b>	A planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to onsite circulation, parking, utility needs, building design and orientation, and open space
<b>Industry, heavy</b>	A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions
<b>Industry, light</b>	A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing
<b>Infiltration</b>	The downward movement of water from the surface to the subsoil
<b>Irregular Lot</b>	A lot which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line
<b>Kennel</b>	“Kennel” shall mean either: (1) Any premises used to conduct a commercial business involving the breeding, buying, selling or letting dogs for hire, boarding or training dogs; or (2) Any premises at which four or more dogs which are five months old or older are kept for any purpose, including animal shelters, but excluding veterinary clinics and animal hospitals where dogs are kept only for treatment by licensed veterinarians.
<b>Land clearing</b>	The exposure of earth by the removal of vegetative cover of any kind
<b>Land-disturbing activity</b>	Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to demolition, construction, clearing, grading, filling and excavation
<b>Land division</b>	“Land division” means a short subdivision or subdivision
<b>Landscape plan</b>	A detailed sketch to scale illustrating the type, size, location and number or plants and other landscape elements to be placed in a development

<b>Landscaping</b>	“Landscaping” shall mean not only trees, grass, bushes, shrubs, flowers, and garden areas, but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting, but excluding artificial plants, shrubs, bushes, flowers, and materials in movable containers.
<b>Laundromat</b>	Art establishment providing washing and drying machines on the premises for rental use to the general public for family laundering purposes
<b>Livestock</b>	Farm animals, such as horses, cattle; pigs, goats, or poultry, kept for their services or raised for food-and other products
<b>Loading space</b>	An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials
<b>Lodging house</b>	A building other than a hotel where lodging is provided for five (5) or more persons for compensation pursuant to previous arrangements, but not open to the public or transients, and meals and drinks are not served
<b>Lot</b>	“Lot” shall mean a parcel of land used or which is capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation. “Lot” shall also mean the individual leaseholds within an approved manufactured home park.
<b>Lot area</b>	“Lot area” shall mean the computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way.
<b>Lot, Building</b>	Land occupied or to be occupied by a building and its accessory buildings
<b>Lot, corner</b>	“Corner lot” shall mean a lot abutting upon two or more streets at their intersection, or upon two parts of the same street; such street or parts of the same street forming an interior angle of less than 130 degrees within the lot lines.
<b>Lot coverage</b>	“Lot coverage” shall mean that percentage of the total lot area covered by structures, including decks and all other projections except eaves.
<b>Lot depth</b>	“Lot depth” shall mean the horizontal distance between the midpoint of the front lot line and opposite lot line, usually the rear lot line. In the case of a corner lot, the depth shall be the length of the street side lot line.
<b>Lot Dimensions, Minimum Standards</b>	The smallest width or depth permitted on a lot within a zone
<b>Lot, interior</b>	“Interior lot” shall mean a lot or parcel of land other than a corner lot.
<b>Lot line</b>	“Lot line” shall mean the property line bounding a lot.
<b>Lot line, front</b>	“Front lot line” shall mean the property line abutting a street, or approved private road or easements. For corner lots, the front lot line is the property line abutting a street with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line closest to and most parallel with the street, excluding the unbuildable portion of the pole.
<b>Lot line, rear</b>	“Rear lot line” shall mean a lot line which is opposite and most distant from the front lot line; and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.
<b>Lot line, side</b>	“Side lot line” shall mean any lot line which is not a front or rear lot line.
<b>Lot line, street side</b>	“Street side lot line” shall mean any side lot line that abuts a public street right-of-way or public or private access easement.

<b>Lot of record</b>	“Lot of record” shall mean a lot as shown on the records of the county assessor or county auditor at the time of the passage of this title; provided, however, this shall not include lots that may appear on the records of the county assessor which were created contrary to the provisions of laws and regulations in effect prior to the passage of this title. Any lots created after the adoption of this title shall comply with the standards contained within.
<b>Lot, through</b>	“Through lot” shall mean an interior lot having a frontage on two streets and/or highways.
<b>Lot width</b>	“Lot width” shall mean the horizontal distance measured at the building setback line between the two opposite side lot lines. Average lot width shall be the average of the front and rear lot lines.
<b>Lounge</b>	A building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on premises
<b>Maintain</b>	“Maintain” shall mean to cause or allow to continue in existence. When the context indicates, the word means to preserve and care for a structure; improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed, or required.
<b>Manufactured home</b>	“Manufactured home” shall mean a designated manufactured home as defined by RCW 35.63.160.
<b>Mini-storage or Mini-warehouse</b>	A building or group of buildings consisting of individual storage units not exceeding four-hundred (400) square feet per storage unit that are leased or owned for the storage of business and household goods or contractor's supplies. These facilities shall not be used for any wholesale or retail operations
<b>Mixed Use Zoning</b>	Zoning that permits a combination of typically separated uses within a single development. A planned unit development is an example of mixed use zoning. Mixed use in an urban context refers to usually a single building with more than one (1) type of activity taking place within its confines. An example of such a type of development could have commercial uses on the ground floor, office above them, and residential units above the office. Other combinations of uses may also occur in this type of setting
<b>Mobile home</b>	A single-family dwelling constructed in accordance with the requirements prescribed under RCW 43.22.340, as amended, and bearing the "mobile home" insignia of the Washington State Department of Labor and Industries, It is a dwelling transportable in one or more sections that are eight feet or more in width and thirty-two (32) feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. (Note: Manufactured Homes were formerly called "Mobile Homes" before the federal government assumed control of the construction standards for the industry by way of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S. Code, Section 5401)
<b>Modular home/prefabricated home</b>	“Modular home/prefabricated home” shall mean a residential structure consisting of many components which meets the requirements of the Uniform Building Code and is constructed in a factory, transported to the building site, and then partially constructed at the site. The construction requirements are to be the same as for a site-built home.

<b>Motel</b>	“Motel” shall mean a building or group of buildings on the same lot containing guest units with separate entrances directly to the exterior, and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities for rental to transients.
<b>Motor home</b>	“Motor home” shall mean a portable, temporary dwelling to be used for travel, recreational, and/or vacation use constructed as an integral part of a self-propelled vehicle.
<b>National register of historic places</b>	A list of properties that have been formally judged to have historic significance and which have been accepted by the keeper of the National Register
<b>Neighborhood</b>	An identifiable geographic area of relatively small size; a collection of units and other land uses that provide a relationship between dwellings, school, religious facilities, minor retail and/or other local facilities
<b>New construction</b>	Structures for which the "start of construction" commenced on or after the effective date of this Ordinance
<b>Night club</b>	An establishment that has a capacity for at least thirty (30) persons seated at tables and the bar employs a bartender and maintains table service, dancing, and/or live entertainment for the guests
<b>Nonconforming development</b>	“Nonconforming development” shall mean one or more elements of a development, such as setbacks, screening, height or parking area requirements that was created in conformance with the development regulations but which subsequently, due to a change in the zone or zoning regulations, does not conform to the current regulations imposed by this title or amendments thereto.
<b>Nonconforming lot</b>	“Nonconforming lot” means a lot as defined in Section 18.030.040 LCMC that does not comply with currently applicable city regulations
<b>Nonconforming use</b>	“Nonconforming use” shall mean a use of land which lawfully existed at the time the ordinance codified in this title, or any amendment thereto, becomes effective, but which does not conform to the current regulations imposed by this title or such amendment thereto.
<b>Nuisance</b>	“Nuisance” shall include those definitions contained in Chapters 7.48 and 9.66 RCW. Any violation of this title shall constitute a nuisance, per se.
<b>Nursery School</b>	A separately organized and administered school for groups of children during the year or years preceding kindergarten, which provides educational experiences under the direction of professionally qualified teachers.
<b>Occupancy</b>	The physical placement of a structure on land, or the utilization of land on a temporary or permanent basis. This includes existing structures built prior to the enactment of this Ordinance that do not have authorization by virtue of a valid permit issued
<b>Office</b>	A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations
<b>Off-street parking</b>	The minimum off-street, on-site parking of vehicles that shall be provided under the terms of this Ordinance
<b>Open space</b>	An area that is intended to provide light and air, and is designed for environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, golf courses, playgrounds, fountains, swimming pools, wooded areas, water courses, driveways, and other surfaces designed or intended for vehicular travel, but shall not include any required off -street parking areas

<b>Open space, common</b>	An area within or related to a development, not in individually owned lots or dedicated for public use, but that is designed and intended for the common use and enjoyment of the residents of a development
<b>Ordinance</b>	A law set forth by governmental authority; a municipal regulation adopted by the legislative branch of the locality
<b>Overlay zone</b>	A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements beyond that required by the underlying zones
<b>Owner</b>	“Owner” shall mean the owner of record of real property as shown on the tax rolls of the county, or person purchasing a piece of property under contract. For the purposes of this title, in terms of violations and binding agreements between the county and the owner, “owner” shall also mean a leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement, violations of agreement, or the provisions of this title. For the purpose of processing an application for a land use approval or permit under this title, where such application or permit must be filed by an owner, the term “owner” also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval.
<b>Parcel</b>	A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons
<b>Park, public</b>	An area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities
<b>Parking lot and/or garage</b>	Off-street facility used for the storage or parking of four (4) or more motor vehicles to provide an accessory service to a commercial, industrial, public or residential use
<b>Parking space</b>	“Parking space” shall mean a rectangle not less than 20 feet long and nine feet wide, together with access and maneuvering space, sufficient to permit a standard automobile to be parked within the rectangle without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.
<b>Parking space – compact</b>	“Parking space – Compact” shall mean a rectangle not less than seven feet five inches wide and 15 feet long, together with access and maneuvering space, sufficient to permit a compact automobile to be parked within the rectangle without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.
<b>Parking Structure</b>	A stand alone structure used for the storage or parking of motor vehicles. The footprint of a parking structure will be included in the calculation of lot coverage
<b>Permit</b>	Any license, certificate, approval, or other entitlement for use granted by any public agency
<b>Permittee</b>	“Permittee” shall be the person who is proposing to use or who is using the land pursuant to any permit required herein.
<b>Personal Service</b>	Beauty parlors, shops or salons; barbershops; reducing or slenderizing studios; electrolysis services; manicurists; and the like



<b>Plant Nursery</b>	An enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels
<b>Plat</b>	“Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys, or other divisions and dedications
<b>Plat, Final</b>	That map, plan, or layout of a subdivision of land which is filed after completing the improvements, accompanied by certifications that the improvements have been satisfactorily completed and are recorded with the auditor, and showing all elements required by the Subdivision Ordinance
<b>Plot</b>	A parcel of ground containing more than one (1) lot upon which a building and its accessory buildings have been or may be erected
<b>Preliminary plat</b>	“Preliminary plat” means a neat and approximate drawing of either a proposed subdivision showing the general layout of rights-of-way and easements, streets and alleys, lots, blocks, and tracts in the subdivision or short subdivision, and other elements of a subdivision which shall furnish a basis for the approval or disapproval of the general layout the preliminary plat.
<b>Premises</b>	Land and all buildings and structures thereon
<b>Pre-school facility</b>	An educational center or establishment, including a kindergarten, that provides primarily instruction, supplemented by daytime care, for four (4) or more children between the ages of two (2) and five (5) years, and which operates on a regular basis
<b>Private clubs</b>	Organizations that are, privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto
<b>Private parking</b>	Parking facilities for the noncommercial use of the occupant and guests of the occupant, which includes garages and carports as long as dimensional requirements of off-street parking are met
<b>Private road</b>	That easement or Parcel created to provide the access from a City road to short platted lots, the maintenance of this is to be the responsibility of the lot owners
<b>Prohibited use</b>	“Prohibited use” shall mean any use which is not specifically enumerated or interpreted as allowable in that district.
<b>Professional office</b>	The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon
<b>Professional service</b>	The conduct of business in any of the following related categories: advertising, architecture, landscape architecture, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments, and any similar type business
<b>Public assembly, place of</b>	Any area, building or structure where large numbers of individuals meet or collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, gymnasiums, stadiums, houses of worship, or comparable facilities

<b>Public building</b>	“Public building” shall mean buildings which are owned, operated, and maintained by a public agency such as City Hall, police and fire stations, educational institutions, zoos, museums, and the like.
<b>Public improvement</b>	Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services
<b>Public use</b>	The use of any land, water, or building by a public agency for the general public, or be the public itself
<b>Public utility</b>	Any person, firm, corporation, governmental department, or board, duly authorized to furnish under government regulations to the public, electricity, gas, communications, transportation, or water
<b>Recreational space</b>	“Recreational space” shall mean an area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.
<b>Recreational vehicle</b>	“Recreational vehicle” shall mean a vehicular type unit designed as temporary living quarters for travel, recreational, and/or camping use which either has its own mode of power or is mounted on or drawn by another vehicle. It will have a body width of no more than eight feet and a body length of not more than 35 feet when factory equipped for the road. This term shall include but not be limited to travel trailer, camper, motor home, and camping trailer.
<b>Residential treatment facility</b>	A facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence), recovery homes, and nursing homes, rest and convalescent homes, and orphanages
<b>Residential use</b>	Use of land or structure thereon, or portion thereof, as a dwelling place for one (1) or more families or households, but not including occupancy of a transient nature such as in hotels, motels, or time-sharing condominium uses
<b>Retail food establishment</b>	Any, fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria shall be deemed a restaurant for purposes of this Ordinance
<b>Retail trade</b>	Establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but is not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations
<b>Retirement home</b>	A place of residence for several families or individuals in apartment-like quarters, which may feature services such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities
<b>Review official</b>	The officer designated by the City of La Center to enforce and administer this Ordinance, or his or her duly authorized representative
<b>Right-of-way</b>	A street, alley, or other thoroughfare or easement, whether physically accessible or not, that has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists

<b>Road, Private</b>	An easement or parcel created to provide access from a right-of-way to a lot, the maintenance of which shall be the responsibility of the lot owners having access thereto
<b>Rooming house</b>	“Rooming house” shall mean a building wherein furnished rooms without cooking facilities are rented for compensation to three or more non-transient persons, not included in the family unit of the owner or tenant of the premises.
<b>Screening</b>	A device or materials used to conceal adjacent land or development. Screening may include walls, berms, or vegetation that must be of sufficient density to block the view of adjacent land or development from either side of the screen. The screen, if vegetative, shall be planted and maintained to completely block the view of adjacent land or development after twelve (12) months. The screen shall be maintained or constructed at such a density as to block the view to adjacent properties.
<b>Setback</b>	“Setback” shall mean the minimum allowable horizontal distance from a property line to the nearest vertical wall or other element of a building or structure as defined herein. Setback is not measured from the curb unless the curb also is the property line.
<b>Shared access facility</b>	“Shared access facility” shall mean a frontage or service road generally parallel to an arterial or connecting parcels to an arterial; alternately, a common accessway serving businesses with one or more ownerships.
<b>Shopping Center</b>	A group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area which the unit serves
<b>Short Plat</b>	The map or representation of a short subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions
<b>Short Subdivision</b>	The division or re-division of land into four (4) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership
<b>Sidewalk</b>	That portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the Review Official
<b>Sign</b>	Anything whatsoever placed, erected, constructed, posted, or affixed in any manner on the ground or to any post, fence, building, or structure for out-of-doors advertising, but not including devices, structures or representations installed by any governmental authority
<b>Site</b>	“Site” shall mean the lot(s), parcel(s) and tract(s) included in a proposed subdivision or short subdivision and contiguous lots, parcels or tracts in which the owner of the site has a greater than possessory interest
<b>Site plan</b>	“Site plan” shall mean a plan prepared to scale, showing accurately and with complete dimensions all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land.
<b>Short plat</b>	“Short plat” means a map or representation of a short subdivision
<b>Short subdivision</b>	“Short subdivision” means the division or re-division of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership
<b>Small Animal Husbandry (Commercial)</b>	The raising of mink, fox, nutria, rabbits, pigs, sheep, goats, chickens, turkey, guinea hens and similar small animals and fowl not for the primary consumption of or used by the occupants of the premises
<b>Soil</b>	The surface layer of the earth, supporting plant life

<b>Soil Removal</b>	Removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening
<b>Solar access</b>	“Solar access” shall mean the availability of direct sunlight to solar energy systems.
<b>Solar access easement</b>	“Solar access easement” shall mean a right expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring solar access to solar energy systems.
<b>Solar energy system</b>	“Solar energy system” shall mean any structural element, device, or combination of devices or elements which rely upon direct sunlight as an energy source, including, but not limited to, any substance or device which collects, stores, or distributes sunlight for use in the following: (1) The heating or cooling of a structure or building; (2) The heating or pumping of water; (3) Industrial, commercial, or agricultural processes; or (4) The generation of electricity. Use of this term includes passive, active and hybrid systems. Attached solar energy systems shall be considered as a part of the structure or building to which they are attached. Detached solar energy systems shall be considered accessory uses.
<b>Storage, open</b>	The safekeeping of any goods or products in an unoccupied space, open to the sky, for eventual removal not expected within seventy-two (72) hours or for continuous replacement by same or similar goods or products
<b>Stormwater</b>	That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility
<b>Story</b>	“Story” shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.
<b>Street</b>	“Street” shall mean all roads, streets, highways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use including private roads but not including private driveways.
<b>Street Line</b>	The dividing line between any street, road or other thoroughfare and the adjacent lots
<b>Street, Public</b>	A street affording the principal means of access to abutting property, and dedicated to or maintained by the City of La Center, Clark County, or the State of Washington affording the principal-means of access to abutting property and with a right of-way or easement
<b>Structural Alteration</b>	Any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams, and roofs
<b>Structure</b>	“Structure” shall mean that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground, or which is attached to something having a location on the ground.

<b>Structural alteration</b>	“Structural alteration” shall mean a change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams or girders, or the roof.
<b>Subdivision</b>	“Subdivision” means the division or re-division of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership
<b>Substantial Improvement</b>	Any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty (50) percent of the assessed value of the structure. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure
<b>Surface Water</b>	Waters that flow over the land surface and frequently interact with groundwater
<b>Swale</b>	A shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot
<b>Tavern</b>	A building where beer and/or wine is served to the public, which holds a class "A" or "B" license from the Washington State Liquor Control Board
<b>Telecommunications facilities</b>	“Telecommunications facilities” shall mean a land use that sends and/or receives radio frequency signals, including antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they all are situated.
<b>Temporary building or structure</b>	A building or structure not having or requiring permanent attachment to the ground or to other structures which have no required permanent attachment to the ground
<b>Toe of slope</b>	A point or line on the upper surface of a slope where it changes to horizontal or meets the original surface. The outermost inclined surface at the base of a hill; part of a foot slope
<b>Topography</b>	The drawing accurately on a map lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface's relief characteristics
<b>Townhouse or rowhouse</b>	A dwelling unit designed exclusively for occupancy by one family, no portion of which lies vertically under or over any portion of any adjacent unit, and which is attached to one (1) or more other dwelling units by common walls which may be located on side lot lines
<b>Tract</b>	“Tract” means a fractional part of divided lands having fixed boundaries that is intended for and limited to use for purposes other than development as a lot. A tract may be for open space, drainage, access or other purposes authorized by the city
<b>Travel Trailer</b>	A vehicle with or without motor power primarily designed as temporary living quarters for recreational, camping, or travel use, and in which the plumbing, heating, and electrical systems, contained therein may be operated without connection to outside utilities, being of such size or weight as not to require a special highway movement permit. The term shall include truck campers

<b>Trailer</b>	A separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, jet skis, half tracks, snowmobile, and the like, not included in other definitions
<b>Treatment Best Management Practice</b>	A BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs are: detention ponds, oil/water separators, biofiltration swales and constructed wetlands
<b>Units per acre</b>	The number of dwelling units allowed on one acre. For example, a maximum of 4 units/acre would mean that no more than 4 dwelling units on one acre are allowed in a particular zone
<b>Unstable slopes</b>	Those sloping areas of land which have in the-past exhibited, are currently exhibiting, or will likely in the future exhibit, movement of earth
<b>Use</b>	The purpose that land or structures now serve or for which it is occupied, maintained, arranged, designed or intended
<b>Use, principal</b>	The main use of land or buildings as distinguished from a subordinate or accessory use
<b>Use, temporary</b>	A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure
<b>Utilities easements</b>	Right-of-way that maybe used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable for the construction, operation, maintenance, alteration, and repair of their respective facilities
<b>Utility substation facilities</b>	“Utility substation facilities” shall mean a subsidiary or branch facility utilizing aboveground structures, which is necessary to provide or facilitate distribution, transmission, or metering of water, gas, sewage, radio signals and/or electric energy and telecommunication signals. Such facilities have a local impact on surrounding properties and may consist of, but are not limited to, the following:(1) Water, gas, telecommunication and electrical distribution or metering sites; (2) Water or sewage pumping stations; (3) Water towers and reservoirs; (4) Public wells and any accessory treatment facilities; (5) Transmission towers and accessory equipment to provide radio and data communications service, radio paging, or cellular communications service; (6) Telecommunication facilities.
<b>Variance</b>	A modification of the terms of this ordinance to a particular piece of property which, because of special circumstances, is deprived of privileges enjoyed by other properties of the same zone and which modification remedies the disparity in privileges
<b>Veterinary hospital or clinic</b>	A building used to provide health care services to animals
<b>Video sales and rental</b>	Commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment
<b>Vision clearance area</b>	“Vision clearance area” shall mean a triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

<b>Visual obstruction</b>	“Visual obstruction” shall mean any fence, hedge, tree, shrub, device, wall, or structure exceeding three and one-half feet in height above the elevation of the top of the curb, and so located on a street or alley intersection as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed of branches to a minimum height of at least six feet.
<b>Warehouse</b>	A building used primarily for the storage of goods and materials
<b>Watershed</b>	A geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by the State of Washington Water Resource Inventory Areas (WRIAs) as defined in Chapter 173-500 WAC
<b>Wetlands</b>	“Wetlands” shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands also include streams as defined by Chapter 18.300 LCMC.
<b>Wholesale (Trade)</b>	The sale of goods or commodities usually in bulk or large quantities and usually at a lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies
<b>Yard</b>	“Yard” shall mean an open space on a lot which is unobstructed from the ground upward except as specified elsewhere in this title.
<b>Yard, front</b>	“Front yard” shall mean a yard between side lot lines from the front lot line to the nearest point of the building.
<b>Yard, rear</b>	“Rear yard” shall mean a yard between side lot lines from the rear lot line to the nearest point of the building.
<b>Yard, side</b>	“Side yard” shall mean a yard between the front and rear yard from a side lot line or street side lot line to the nearest point of a building.
<b>Zero lot line home</b>	A residential development approach in which a building is sited on one (1) or more lot lines with no yard area along these lot lines. Conceivably, three (3) of the four (4) sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Zero lot line homes may only be built within the context of a zero lot line development. It shall be required that a minimum of eight (8) units of zero lot line housing constitute such a development
<b>Zone</b>	Area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established
<b>Zoning</b>	The legislative division of a community into segments reserved for specific uses and also the minimum required size for such use
<b>Zone district</b>	“Zone district” shall mean the same as “district” or “zone”

## Chapter 18.050 - ENFORCEMENT AND PENALTIES

### Sections:

- 18.050.010 Purpose and authority
- 18.050.020 Applicability
- 18.050.030 Determination of violation
- 18.050.040 Violation types
- 18.050.050 Procedures and penalties
- 18.050.060 Criminal prosecution, civil penalty, injunctive relief, revocation and suspension of applicable permits and other remedies
- 18.050.070 Criminal Prosecution
- 18.050.080 Contents of notices
- 18.050.090 Appeals
- 18.050.100 Subdivision violations

### **18.050.010 Purpose and authority**

It is the purpose of this chapter to provide specific guidance and procedures for code enforcement actions in the city of La Center. It is the policy of the city of La Center to thoroughly and consistently enforce the rules and regulations of the municipal code, with primary emphasis on protection of the general health, safety and welfare. In addition, it is the policy of the city to strive for and achieve the highest level of voluntary compliance in all code enforcement actions with minimal use of punitive authority. Further, the city strives to resolve all code enforcement actions in a swift, fair and equitable manner.

The planning director or his or her designee shall have the authority to perfect code enforcement actions pursuant to this chapter.

### **18.050.020 Applicability**

The provisions of this chapter shall apply to all code enforcement actions involving Titles 12, 13, 15, and 18 of the La Center Municipal Code.

### **18.050.030 Determination of violation**

The planning director ("director") or designee shall determine if a violation of Titles 12, 13, 15, and 18 the municipal code has occurred. Such determination shall be based upon factual information that a clear violation of rule, regulation, procedure or standard has been violated in the course of permitting, construction or occupancy of a land use or development. It shall be the duty of the director to enforce this chapter. The director may call upon the police, fire, building, planning, public works or other appropriate city department and employees of the city to assist in enforcement of the development code.

### **18.050.040 Violation types**

- A. Violations under this chapter may be either civil or criminal offenses as set forth in this section.
1. Civil Offense. These code violations are those that do not present an immediate or impending threat to the health, safety or general welfare of those living or working in the immediate vicinity of the violation or the general public. In addition, these offenses are typically easily remedied through a permitting procedure or alteration of a structure. These violations are typically not willful.
  2. Criminal Offense. Any person violating or failing to comply with the provisions of Titles 12, 13, 15, and 18 and who has had a judgment entered against him or her pursuant to Section 18.050.060 or its predecessors within the past five years shall be subject to criminal prosecution and, upon conviction of a subsequent violation, shall be fined or imprisoned as a gross misdemeanor under the laws of the state of Washington. Each day of noncompliance with the provisions of Titles 12, 13, 15, and 18 shall constitute a separate offense. The above criminal penalty may also be imposed for any other violation of Titles 12, 13, 15, and 18 for which corrective action is not possible and for any willful,



intentional or bad faith failure or refusal to comply with the standards or requirements of Titles 12, 13, 15, and 18.

- B. The director or officer in consultation with the director shall determine if a violation is civil or criminal. Criminal violations shall be processed under Title 9 of the municipal code.

**18.050.050 Procedures and penalties**

- A. Procedures. Unless otherwise specifically provided for within each chapter, the enforcement of the development code of the city of La Center shall govern code enforcement actions. Code enforcement actions within the city shall follow the procedures set forth in this section. Code enforcement actions fall into five primary steps: initial notice, corrective order, notice of civil penalty, notice to abate and citation.

1. Initial Notice.

- a. Upon receipt of a valid complaint or observation of a violation by director, the director shall within twenty-four hours give initial notice, in writing to the property owner or violator. The initial notice shall include the information required by Section 18.050.080.
- b. Such initial notice shall be sent via U.S. mail or delivered by personal service.
- c. Contents of Initial Notice. The initial notice shall include the information outlined in Section 18.050.080 as well as the following:
  - i. Specific description of the violation;
  - ii. Reference to the portion of the La Center Municipal Code being violated;
  - iii. Steps necessary to correct violation; and
  - iv. Time frame for correction.
- d. Time Frames for Compliance. Any violator shall have a maximum of seven days to initiate steps toward compliance (i.e., application for permit, physical correction of violation), and shall have fourteen days from date of initial notice to complete correction of violation. If remedy of the violation is pursued within established time frames, then there are no punitive consequences associated with an initial notice. Depending upon the nature of the violation, the time frames indicated for an initial notice may be extended by the officer upon consultation with the director.
- e. Stop Work Order in Addition to Initial Notice. The initial notice may be supplemented by a stop work order if the director finds that the violation poses an immediate threat to the general health, safety or general welfare of the public or, if continued, would result in damage to public or private property or the environment. Such stop work order shall contain the information set forth in Section 18.050.080 of this chapter, and shall be in full force and effect until the director or their designee determines that sufficient compliance has been achieved to warrant removal of the stop work order.
  - i. If the violation is not corrected within the time frames established pursuant to this section, the officer shall proceed with a corrective order.
  - ii. An initial notice may be appealed pursuant to Section 18.050.090.

2. Corrective Order.

- a. Within twenty-four hours following the end time frame for compliance identified in the initial notice, the director shall issue a corrective order. Such corrective order shall be sent via certified U.S. mail or delivered via personal service.
- b. Contents of Corrective Order. The corrective order shall contain the information outlined in Section 18.050.080 as well as the following:

- i. Copies of all prior formal written correspondence advising the property of the violation and corrective measures;
    - ii. Date by which correction must be initiated and the date by which violation must be corrected;
    - iii. A statement that the city may pursue additional civil or criminal remedies or abatement authority if the violation is not corrected within the time frames specified in the corrective order, and a citation of the regulatory authority in the La Center Municipal Code authorizing such actions.
  - c. Service. Such corrective order shall be sent via certified U.S. mail or delivered via personal service.
  - d. Time Frames for Compliance. Any violator shall have a maximum of fourteen days to initiate steps toward compliance (i.e., application for permit, physical correction of violation), and shall have a maximum of thirty days following the corrective order to complete correction of violation.
  - e. Depending upon the nature of the violation, the time frames indicated for corrective order may be extended by the officer upon consultation with the director.
  - f. If the violation is not corrected within the time frames established with the corrective order, the director shall issue a notice of civil penalty pursuant to subsection (A)(4) of this section.
  - g. A corrective order may be appealed as provided for in Section 18.050.090.
3. Notice of Civil Penalty.
  - a. Within twenty-four hours following the end time frame for compliance identified in the corrective order, the director shall issue a notice of civil penalty. The notice of civil penalty shall contain the information required by Section 18.050.080, as well as the following:
    - i. Copies of all prior formal written correspondence advising the property of the violation and corrective measures;
    - ii. Date by which correction must be initiated and the date by which violation must be corrected;
    - iii. A statement that the city may pursue abatement authority to address the violation if not corrected within the time frames specified in the notice of civil penalty, and a citation of the regulatory authority in the La Center Municipal Code authorizing such abatement;
    - iv. A statement that the city may issue a civil citation if the violation is not corrected within the time frames identified in the notice of civil penalty;
    - v. Contact person and phone number for additional information.
  - b. Service. Such notice of civil penalty shall be sent via certified U.S. mail or personal service, within forty-eight hours following the end time frame established with the corrective order.
  - c. Time Frames for Compliance. Any violator shall have a maximum of fourteen days to initiate steps toward compliance (i.e., application for permit, physical correction of violation), and shall have a maximum of thirty days following the corrective order to complete correction of violation.
  - d. Depending upon the nature of the violation, the time frames indicated for notice of correction may be extended by the director not to exceed fifteen days.

- e. Civil fines imposed pursuant to a notice of civil penalty shall accrue in accordance with Section 18.050.060(A) retroactive to the date of the initial notice and in accordance with Table 18.050.060.
  - f. If the violation is not corrected within the time frames established with the notice of civil penalty, the director shall issue or cause to be issued a civil citation and proceed to notice to abate.
  - g. A notice of civil penalty may be appealed pursuant to Section 18.050.090.
4. Notice to Abate.
- a. Within seven days following the end of the time frame for correction identified in the notice of civil penalty, the director shall issue a notice to abate. The notice to abate shall contain the information required by Section 18.050.080, as well as the following:
    - i. A brief and concise description of the history of the violation, including dates of initial notice, corrective order, notice of civil penalty, and the name of officer involved in each of these prior steps;
    - ii. Copies of all prior formal written correspondence advising the property of the violation and corrective measures;
    - iii. Date by which correction must be initiated and the date by which violation must be corrected;
    - iv. A statement that the city will seek abatement of the violation from the court if not corrected within the time frames specified in the notice to abate, and a citation of the regulatory authority in the La Center Municipal Code authorizing such pursuit;
    - v. A statement that the city may issue a criminal citation if the violation is not corrected within the time frames specified in the notice to abate, and a reference of the regulatory authority in the La Center Municipal Code authorizing such citation;
    - vi. Contact person and phone number for additional information.
  - b. Such notice to abate shall be sent via certified U.S. mail or delivered via personal service, within forty-eight hours following the end time frame for compliance established with the notice of civil penalty.
  - c. Time Frames for Compliance. Any violator shall have a maximum of fourteen days to initiate steps toward compliance (i.e., application for permit, physical correction of violation), and shall have a maximum of thirty days following the corrective order to complete correction of violation.
  - d. Depending upon the nature of the violation, the time frames indicated for notice to abate may be extended by the officer upon consultation with the director.
  - e. If the violation is not corrected within the time frames established with the notice to abate, the director shall proceed with issuance of a criminal citation.
  - f. A notice to abate may be appealed pursuant to Section 18.050.080.
  - g. Stop Work Order in Addition to Procedural Notice. Any step of the progressive enforcement process may be supplemented by a stop work order if the director finds that the violation poses an immediate threat to the general health, safety or general welfare of the public or, if continued, would result in damage to public or private property or the environment. Such stop work order shall contain the information set forth in Section 18.050.080 of this chapter, and shall be in full force and effect until the director or their designee determines that sufficient compliance has been achieved to warrant removal of the stop work order.

5. Citation. A citation may be issued under the following circumstances:
  - a. Citation in conjunction with progressive step of enforcement action. Within twenty-four hours following the end time frame for correction identified in the notice to abate, the director shall issue or cause to be issued a citation and proceed with criminal prosecution pursuant to Section 18.050.070.
  - b. Citation subsequent to violation of stop work order. If the violator continues active violation of the development code after issuance of a stop work order, the director may issue a citation pursuant to Section 18.050.080.

#### **18.050.060 Remedies**

- A. Civil Penalty. Any person, firm or corporation which violates or continues to violate any provision of the development code or any chapter thereunder shall be liable to the city for a civil penalty up to one thousand dollars per violation per day. Each day upon which a violation occurs or continues shall constitute a separate violation. If the city concludes it should prosecute the violator under the criminal section as provided for in this title, such decision shall not compromise its ability to seek both criminal and civil penalties provided for in this chapter.

The civil penalty shall generally be applied to first violations and other violations when deemed effective and appropriate. The penalty shall be as defined in Table 18.050.060. In addition to the civil penalty amounts assessable herein, the city may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses and the costs of any actual damages incurred by the city, including penalties for noncompliance with any state or federal regulatory permit to the extent attributable to the violator.

- B. Criminal Prosecution. Any person, firm or corporation which repeatedly violates any section of the development code or continues to violate the development code after notice shall be guilty of a misdemeanor under the laws of the state of Washington and shall be punishable by a fine or imprisonment as provided by the state law of the state of Washington.
- C. Injunctive Relief. When the city finds that any person, firm or corporation has violated and continues to violate or threaten to violate any provision of the development code or any chapter thereof or order issued under the development code by a responsible city official, then the city may petition to the appropriate court with jurisdiction for the issuance of a temporary or permanent injunction or restraining order as is deemed appropriate which restrains the continued violation of any provision of this code or compels the specific performance as required or such other requirement imposed by the development code on the activities of the violator. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against the violator.
- D. Abatement. When judgment is rendered by the La Center municipal court against any person, persons, firm or corporation, finding them guilty of violation of the development code, it shall be the duty of the court before whom the conviction is had, in addition to imposing the penalty or penalties provided for in this title, to order the defendant or defendants in such action to forthwith abate and remove such nuisances; and, if the nuisance is not abated or removed by such offender within twenty-four hours thereafter, or such time allowed by the court, it shall be abated and removed by order of the director on authority of the court, or by any other individual authorized by order of the court, which order of abatement shall be entered upon the docket of the court and made a part of the judgment in the action. The provisions of this section relative to the abatement of violation of the development code are not exclusive, and all other rights or remedies of the city of La Center, and any citizen thereof, relative to the abatement of development code violations, are declared to remain in full force and effect.
- E. Revocation and Suspension of Applicable Permits. When the city finds that any person, firm or corporation continues to violate or threatens to continue to violate any provision of the development code, the city reserves the right to deny, suspend or revoke any applicable permit which is authorized under the development code. The planning director is authorized to immediately suspend the application

of any permit or the activity provided thereunder in the event of the immediate threat to the public health or safety. In the event the planning director deems it appropriate to revoke any applicable permit granted under the development code, he shall so notify the violating party and shall thereafter note the matter for public hearing by the hearings examiner. Notice of said public hearing shall be pursuant to Chapter 18.030.

- F. Liens. Upon order and judgment by municipal court of any violation of the development code, the city may seek to have liens placed against the property subject to the code enforcement action in amounts equal to the costs incurred in enforcing the development code not otherwise paid by the violator.
- G. Other Remedies. Provisions related herein regarding enforcement of the development code are not exclusive remedies. The city reserves the right to take any and all or a combination of these actions concurrently or sequentially against a noncompliant person, firm or corporation or may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the violator to conduct environmental remediation.

**Table 18.050.060 Fines**

<b>Date of Continued Violation</b>	<b>Fine</b>
First week following the date of initial notice	25% of daily maximum
Second week following the date of initial notice	50% of daily maximum
Third week following the date of initial notice	75% of daily maximum
Fourth week following the date of initial notice	100% of daily maximum
All time following fourth week from the date of initial notice until violation is corrected	100% of daily maximum

**18.050.070 Criminal prosecution**

- A. Any person, firm or corporation which repeatedly violates any section of Titles 12, 13, 15 or 18 or violates the prohibitions found in Section 18.050.040(A)(2), shall be guilty of a gross misdemeanor unless otherwise stated. Said violators shall be prosecuted under the laws of the state of Washington and/or Title 9 of the La Center Municipal Code and shall be fined or imprisoned as provided by the law of the state of Washington.
- B. In addition to the criminal penalty amounts assessable herein, the city may also recover reasonable attorney's fees, reasonable fees for planning costs, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses and the costs of any actual damages incurred by the city, including penalties for noncompliance with any state or federal regulatory permit to the extent attributable to the violator.

**18.050.080 Contents of notices**

- A. Whenever the director issues a written warning, corrective order, citation or notice of abatement pursuant to this chapter, such notice shall contain the following information:
1. The name and address of the person or persons to whom the notice of violation is directed;
  2. The street address when available or a legal description sufficient for the identification of the building, structure, premises or land upon which or within which the violation is occurring;
  3. A brief and concise description of the history of the violation, including dates of initial notice, written warning and corrective notice, and the name of officer involved in each of these prior steps;
  4. A concise description of the nature of the violation;
  5. A statement of the action required to be taken as determined by the official and a date for correction as set forth in the applicable sections of this chapter;

6. A statement that a maximum cumulative civil penalty in the amount of one thousand dollars per violation per day shall be assessed against the person to whom the notice of violation is directed for each and every day following the date set for correction on which the violation continues, and a statement of the section of the La Center Municipal Code authorizing such penalty;
  7. A statement that the planning director's determination of violation may be appealed to the hearings examiner pursuant to Section 18.030.130 and that the per-day civil penalty shall not accrue while an administrative appeal is pending, but that mitigation or abatement may be sought to relieve eminent threat to the health, safety and general welfare of the community or environment.
- B. For good cause, the director may extend the date for correction of the violation as stated in the citation; provided that such extension shall not affect or extend the time within which an administrative appeal may be filed. The civil penalty constitutes a personal obligation of the person or persons to whom the citation is directed. The city attorney on behalf of the city is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem penalties so long as the violation continues.

#### **18.050.090 Appeals**

Appeals of stop work orders, corrective orders or notices of civil penalty may be appealed to the hearings examiner pursuant to Section 18.030.130. Appeals of criminal citations under this title shall be processed in accordance with applicable state and municipal laws.

#### **18.050.100 Subdivision violations**

- A. Any person, firm or corporation, association or any agency of any person, firm or corporation who violates any provision of Chapters 18.205 or 18.210 (Short Plats and Subdivisions) leading to the sale, offer of sale or lease or transfer of any lot, tract or parcel of land shall be guilty of a gross misdemeanor and each sale, offer of sale or lease or transfer of each separate parcel, tract or lot of land in violation of any provision of those titles shall be deemed a separate and distinct offense.
- B. Whenever land within a subdivision granted final approval is used in a manner or for a purpose which violates any provision of Chapters 18.205 or 18.210 (Short Plats and Subdivisions) or any term or condition of plat approval prescribed for the plat by the city and the city attorney may commence an action to restrain and enjoin such use and compel compliance of provisions of Chapters 18.205 or 18.210 or with such terms and conditions. The cost of such action shall be taxed against the violator.
- C. No building permit, utility permit or other development permit shall be issued for any lot, tract or parcel of land divided in violation of Chapters 18.205 or 18.210. This prohibition contained in this section shall not apply to any innocent purchaser for value without actual notice of the act or acts constituting the violation. All purchasers or transferees' property shall comply with the provisions of this title in accordance with RCW 58.17.

## SECTION 2 - ZONING

### Chapters:

- 18.110 Establishment of Zoning Districts and Maps
- 18.120 Plan Amendments and Zone Changes
- 18.130 Low-Density Residential Districts (LDR-6, LDR-8.5)
- 18.140 Medium-Density Residential District (MDR-16)
- 18.150 Commercial and Mixed-Use Districts (C1, C2, C3 and MX)
- 18.160 Employment Districts (EC, LI)
- 18.170 Urban Public Districts (UP)
- 18.180 Manufactured Homes
- 18.190 Urban Holding Districts (UH-10)

## Chapter 18.110 - ESTABLISHMENT OF ZONING DISTRICTS AND MAPS

Sections:

- 18.110.010 Classification of districts
- 18.110.020 Zoning map
- 18.110.030 District boundaries

### 18.110.010 Classification of districts

For the purposes of this title, the city is divided into zoning districts designated as follows:

Comprehensive Plan Designation	Corresponding Zoning District	Code Section
Urban Residential	Low-Density Residential (LDR – 6) Low Density Residential (LDR-7.5) Low Density Residential (LDR – 8.5), Medium Density Residential (MDR - 16) Urban Holding (UH-10)	Chap. 18.130 LCMC  Chap. 18.140 LCMC Chap. 18.190 LCMC
Downtown Commercial General	Commercial and Mixed-Use Districts (C1, C2, C3 Overlay, and MX)	Chap. 18.150 LCMC
Industrial	Light Industrial (LI) Employment Campus (EC)	Chap. 18.160 LCMC
Public Facility, Critical Areas or Parks	Urban Public ( <u>UP</u> )	Chap. 18.170 LCMC
Urban Holding	Urban Holding Overlay (UH)	Chap. 18.190 LCMC

### 18.110.020 Zoning map

- A. The location and boundaries of the zoning districts are shown on the map entitled, “Zoning Map of the city of La Center,” dated with the effective date of the ordinance codified in this title and signed by the mayor and City Clerk, and hereafter referred to as the “zoning map.”
- B. The signed copy of the zoning map shall be maintained on file in the office of the city clerk, and is made a part of this title.
- C. Revised Maps. The city council may, from time to time, direct the Planning Director to replace the official zoning maps, or portions thereof, with a map or maps, or portions thereof, which include all lawful changes of zone to date. Such maps, or portions thereof, filed as replacements, shall bear dated, authenticating signatures of the city council and city clerk. Any maps, or portions thereof, thereby replaced shall be retained in a separate file by the city clerk. Any revisions or replacements of said maps, when duly entered, signed, and filed with the city clerk as authorized by this chapter, are part of this title.

### 18.110.030 District boundaries

The district boundary lines are indicated on the zoning maps. Where uncertainty exists as to the boundaries of any district as shown on the zoning maps, the following rules shall apply.

- A. Unless otherwise specified, district boundaries are lot lines, the centerlines of streets, and railroad right-of-way, or such lines extended.



- B. If a district boundary divides a lot into two districts, the entire lot shall be placed in the district that accounts for the greater area of the lot; provided, that if a district boundary divides a lot into two equal portions, the lot shall meet the requirements of both districts to the extent practical.
- C. Any land or property not specifically identified with a zoning designation shall be considered to be zoned as is the most restrictive zone classification designated on adjoining and/or abutting properties, until such time as it is determined otherwise by a rezone action.
- D. Where the application of Section 18.110.130(D) LCMC does not clarify the zone boundary location, the Director shall interpret the maps, and by written decision, determine the location of the zoning boundary. Said written descriptions shall be kept on file with the city clerk.

#### **18.110.030 District boundaries**

The district boundary lines are indicated on the zoning maps. Where uncertainty exists as to the boundaries of any district as shown on the zoning maps, the following rules shall apply.

- A. Unless otherwise specified, district boundaries are lot lines, the centerlines of streets, and railroad right-of-way, or such lines extended.
- B. If a district boundary divides a lot into two districts, the entire lot shall be placed in the district that accounts for the greater area of the lot; provided, that if a district boundary divides a lot into two equal portions, the lot shall meet the requirements of both districts to the extent practical.
- C. Any land or property not specifically identified with a zoning designation shall be considered to be zoned as is the most restrictive zone classification designated on adjoining and/or abutting properties, until such time as it is determined otherwise by a rezone action.
- D. Where the application of Section 18.110.130(D) LCMC does not clarify the zone boundary location, the Director shall interpret the maps, and by written decision, determine the location of the zoning boundary. Said written descriptions shall be kept on file with the city clerk.

## Chapter 18.120 - PLAN AMENDMENTS AND ZONE CHANGES

### Sections:

- 18.120.010 Zoning amendment
- 18.120.015 Comprehensive plan amendment
- 18.120.020 Initiation of amendment
- 18.120.030 Pre-application review
- 18.120.040 Review process
- 18.120.050 Application contents
- 18.120.060 Approval criteria
- 18.120.070 Expiration and extension
- 18.120.080 Concomitant rezone

### 18.120.010 Zoning amendment

The boundaries of the comprehensive plan map designations and zoning districts established on maps by this title, the classification of uses herein, or other provisions of this title may be amended as provided herein through a Type III process

### 18.120.015 Comprehensive plan amendment

- A. The boundaries of the comprehensive plan map designations and the comprehensive plan text may be amended as provided herein through a Type IV process
- B. Consistent with the Washington State Growth Management Act (RCW 36.70A), the city shall amend its comprehensive plan and/or plan map no more than one time per year and shall consider the cumulative effects of all proposed comprehensive plan and map amendments simultaneously.

### 18.120.020 Initiation of amendment

Amendments of this title or the comprehensive plan may be initiated by the following:

- A. A Type III application by one or more owners of the property which is proposed to be changed or reclassified consistent with the adopted comprehensive plan; or
- B. A Type IV legislative process by motion of the planning commission and adoption by the city council.

### 18.120.030 Pre-application review

- A. An application for a Type III review is subject to pre-application review under Chapter 18.030 LCMC . A pre-application conference for a Type III amendment is mandatory.
- B. An applicant for pre-application review for a plan map amendment or zone change shall submit the requisite fee and ten (10) copies of the following information except as otherwise provided by the city clerk/treasurer:
  - 1. A completed form provided by the city clerk for that purpose;
  - 2. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
  - 3. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale and information relevant to the plan map amendment and/or zone change, such as existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering and structures on the site; existing and proposed natural features on the site, including vegetation, topography and grades; existing and proposed utilities (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is

not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned;

4. A written summary of the proposed plan map amendment and/or zone change and of facts and evidence based on which the application(s) can be approved.

#### **18.120.040 Review process**

- A. Review of a technically complete application for a plan map amendment and/or zone change is subject to a Type III process pursuant to Section 18.030.100 LCMC
- B. When a plan map amendment and/or zone change application is initiated by the city and involves relatively large areas of the city and/or relatively many property owners or involves the creation of new regulations, it is subject to a Type IV process. See Section 18.030.110 LCMC

#### **18.120.050 Application contents**

- A. An applicant for a Type III amendment shall submit the requisite fee and ten (10) copies of the applicable information required by Section 18.030.050(B) LCMC except as otherwise provided therein; provided application fees are not required for an application subject to Type IV review.
- B. A technically complete application shall contain:
  1. A map of the proposed amendment, if applicable;
  2. The complete proposed text amendment, if applicable;
  3. A narrative describing the potential effects the proposal will have on public services, including streets, schools, parks and utilities, to the extent applicable;
  4. An analysis of the potential cumulative effects of the proposal;
  5. Materials required under Section 18.030.050 LCMC; and
  6. Other materials the Director deems necessary.

#### **18.120.060 Approval criteria**

- A. For a Type IV review, the city council shall approve the proposal upon findings that:
  1. The proposed amendment is consistent with the applicable policies of the comprehensive plan or that a significant change in circumstances requires an amendment to the plan or map,
  2. The proposed amendment complies with relevant statutory requirements under Washington law;
  3. The proposed amendment is in the public interest; and
  4. Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the La Center Capital Facilities Plan.
- B. For a Type III review, the hearings examiner shall approve the application or approve it subject to conditions if he or she finds:
  1. The requested zone map change is consistent with the comprehensive plan map designation;
  2. The requested zone map or text change is consistent with the relevant comprehensive plan policies;
  3. Conditions have changed substantially since the current zoning was applied to the property; and
  4. Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the La Center Capital Facilities Plan.

#### **18.120.070 Expiration and extension**

A decision approving or conditionally approving a Type III request enacted by ordinance, other than a concomitant rezone, does not expire.

### **18.120.080 Concomitant Rezone**

#### **A. Rezone Agreements.**

1. The purpose of this subsection is to allow for the implementation of the comprehensive plan policies relating to future commercial centers and industrial developments, as appropriate and consistent with the La Center Comprehensive Plan and La Center Capital Facilities Plan. If, from the facts presented, and the findings, report and recommendations of the Planning Commission as required by this section thereof, the City Council determines that the public health, safety and general welfare will be best served by a proposed change of zone, the City Council may indicate its general approval, in principle, of the proposed rezoning by the adoption of a “resolution of intent to rezone” the area involved. This resolution shall include any conditions, stipulations or limitations which the City Council may feel necessary to require in the public interest as a prerequisite to final action. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the City Council. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning, or by imposing setback, area or lot coverage restrictions not specified in the code for the zoning classification, or as a substitute for a variance. Upon completion of compliance action by the applicant, the City Council shall, by ordinance, effect such rezoning. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to rezone null and void, unless an extension is granted by the City Council upon recommendation of the Planning Commission. Generally, the time limitation shall be one (1) year. The City Council may grant one (1) one (1) year extension, after which the resolution shall be null and void if all conditions, stipulations and limitations have not been met by the applicant.
2. **Concomitant Rezone Agreements.**
  - a. **Purpose.** The purpose of this subsection is to explicitly provide for the use of agreements concomitant to rezone approvals. The agreement may call for performance by the applicant which is directly related to public needs which may be expected to result from the proposed usage of the property. The performance called for will mitigate the public burden in meeting those resulting needs by placing it more directly on the party whose property use will give rise to such needs. The agreement shall generally be in the form of a covenant running with the land. The provisions of the agreement shall be in addition to all other pertinent LCMC requirements.
  - b. **Applicability.** This agreement process will not generally be used for rezones to urban residential zoning districts such as LDR-7.5. It may, however, be used in a for any situation where extraordinary potential adverse impacts from a proposed rezone may be neutralized by the agreement. The agreement process may be employed for rezones in sensitive geographic areas or areas such as critical transportation corridors. The agreement process will generally be used for rezones to commercial, industrial, and non-single-family residential not specifically identified by the comprehensive plan map. The intent is that concomitant rezone agreements shall only be used when normal review and approval procedures are not adequate to resolve the specific issues involved in the rezone proposal.
  - c. **Mitigating Measures.** The agreement may include mitigating measures such as:
    - i. Access control;
    - ii. Landscaping, screening, buffering;
    - iii. Improvements to public services including drainage, sewer, water and roads;

- iv. Lot coverage, dimension;
  - v. Phasing of development.
  - d. Concept Plan. A concept plan may be required. When required, the concept plan shall be drawn to a one (1) inch to one hundred (100) foot scale and include:
    - i. General location of structures;
    - ii. Location and number of access points;
    - iii. Approximate gross floor area of structures;
    - iv. Name of the proposal;
    - v. Identification of areas requiring special treatment due to their sensitive nature;
    - vi. North directional arrow; and
    - vii. Names and location of all public streets or roads bordering the site.
  - e. Application Procedure. The applicant may propose an agreement concomitant to rezone approval at the time of, or after, a pre-application conference with the responsible official. The proposed agreement shall include any proposed mitigating measures and concept plan as provided for by this chapter. In cases where a specific project is to be considered in conjunction with a rezone request, the responsible official shall review the site plan.
  - f. Modifications. Modifications which are minor and without major impact may be approved by the City Council or its duly authorized representative, administratively and without public hearing. Any other modifications shall only be approved after the same procedure applicable to all rezones has been followed, including a public hearing.
  - g. Enforcement. The agreement shall provide for appropriate enforcement mechanisms and performance guarantees.
- B. Release of Concomitant Rezone Agreements.
- 1. Upon petition by the property owner, a concomitant rezone covenant may be fully or partially released, or modified, by the hearing examiner following a public hearing with notice as prescribed by Section 18.030.120 LCMC and in accordance with the criteria set forth in this section; provided, that if no development has occurred pursuant to a covenant entered into prior to July 1, 1980, such covenant may be fully released and the property subjected to all applicable standards and provisions of the current zoning ordinance by the city council at a public meeting if it appears that no substantive issues are raised under the criteria of Section 18.120.080(B)(2) LCMC.
  - 2. In considering requests for release or modification of concomitant rezone covenants, the review authority shall consider the following:
    - a. In the case of full covenant release, whether development of the site would be consistent with current zoning regulations and comprehensive plan recommendations; and
    - b. In the case of either full or partial covenant release or covenant modification, whether adequate public/private services are available to support development of the site; and
    - c. In the case of either full or partial covenant release or covenant modification, whether the requested action would unreasonably impact development undertaken on nearby properties in reliance upon the covenant commitments; and
    - d. In the case of partial covenant release or covenant modifications, whether future development under current zoning will be consistent with existing and planned development.

**Chapter 18.130 - LOW DENSITY RESIDENTIAL DISTRICT (LDR-6, LDR-7.5, LDR-8.5)**

## Sections:

- 18.130.010 Purpose
- 18.130.020 Locational criteria
- 18.130.030 Permitted uses
- 18.130.040 Limited uses
- 18.130.050 Conditional uses
- 18.130.060 Prohibited uses
- 18.130.070 Height regulations
- 18.130.080 Density requirements
- 18.130.090 Lot coverage and dimensions
- 18.130.100 Street trees

**18.130.010 Purpose**

The LDR districts are intended to implement the provisions of the La Center Comprehensive Plan. In addition, these districts are intended to:

- A. Recognize and maintain established low density residential areas, while encouraging appropriate infill and redevelopment;
- B. Establish higher densities close to employment centers and transit corridors and lower densities in areas without urban services;
- C. Create efficient residential areas which provide community services in a more economical manner, and facilitate utility-efficient design;
- D. Provide for additional related uses such as schools, parks and utility uses necessary to serve immediate residential areas;
- E. Maintain and enhance sensitive lands;
- F. Encourage traditional pedestrian-oriented neighborhoods.

**18.130.020 Locational criteria**

- A. The city shall zone land designated for low density residential use on the La Center Comprehensive Plan map within the La Center corporate limits as follows:
  - 1. LDR-6 (6,000 sq. ft. lots). New parcels in this area must average within 10% of 6,000 square feet as a total development and any phase within the development. Individual parcels may not be smaller than 5,000 square feet or larger than 7,000 square feet.
  - 2. LDR-7.5 (7,500 sq. ft. lots) New parcels in this district must average within 10 percent of 7,500 square feet as a total development and any phase with the development. Individual parcels may not be smaller than 6,000 square feet nor larger than 11,000 square feet
  - 3. LDR-8.5 (8,500 sq. ft. lots). New parcels in this area must average within 10% of 8,500 square feet as a total development and any phase within the development. Individual parcels may not be smaller than 7,000 square feet or larger than 17,000 square feet.
- B. Zoning of residential land upon annexation to the city:
  - 1. Newly annexed lands shall be incorporated into the city consistent with the Comprehensive Plan Land-Use Map.

- C. The city shall zone lands within the city limits, but which have identified capital facilities deficiencies, with an urban holding overlay. The UH-10 overlay shall limit residential densities to one unit per lot, or one unit per ten acres, whichever is greater, until capital facilities deficiencies are resolved.

### 18.130.030 Permitted uses

The following uses are permitted within the LDR district subject to the applicable provisions of this and other applicable La Center Municipal Code titles:

**Table 18.130.030 Permitted, Conditional, and Prohibited Uses**

Use	LDR-6	LDR-7.5	LDR-8.5
(1) Single-family detached dwelling units	P	P	P
(2) Duplexes			
(3) Manufactured homes <sup>1</sup>	P	P	P
(4) Accessory buildings and uses including, but not limited to, the following:			
(a) Private garages and carports designed to accommodate no more than four (4) vehicles.	P	P	P
(b) Greenhouses, gardens, and orchards for private, non-commercial propagation and culture of plants, fruits, and vegetables	P	P	P
(c) Swimming pools and other recreational facilities for the private use of the occupants. Swimming pools other than children's temporary wading pools shall not be located in front yards, shall be enclosed by a five-foot fence, and shall be set back at least three feet from all property lines	P	P	P
(d) Covered patio, freestanding or attached	P	P	P
(e) Solar energy systems and structures solely designed to support solar energy systems	P	P	P
(5) Home occupations	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>
(6) Art galleries and museums not exceeding two (2) gross acres	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>
(7) Nursery schools, when located on the same site with a public or private school or church	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>
(8) Public utilities such as electrical substations	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>
(9) Publicly owned parks, trails, open spaces or recreational areas	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>
(10) Family day care homes and mini-day care centers	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>
(11) Foster care homes	L <sup>2</sup>	L <sup>2</sup>	L <sup>2</sup>
(12) Churches	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>
(13) Public schools	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>
(14) Community clubs	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>
(15) Day care centers	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>
(16) Public buildings and uses not otherwise listed as permitted in LCMC	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>
(17) Bed and breakfast house	C <sup>3</sup>	L <sup>2</sup>	L <sup>2</sup>
(18) Manufactured home parks and subdivisions and related uses/structures	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>
(19) Telecommunication facilities	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>
(20) All manufacturing and commercial uses or services, except permitted home occupations	X	X	X
(21) Kennels	X	X	X

<sup>1</sup> Subject to the installation standards of Section 18.180.070 LCMC.

<sup>2</sup> Limited uses are subject to Type II Site Plan Review procedures.

<sup>3</sup> Conditional uses are subject to a Type III process consistent with the applicable standards of this chapter

**18.130.070 Height regulations**

A maximum building height in all LDR districts shall be thirty-five feet measured from the lowest finished grade level to the highest point on the roof. Detached garages shall not exceed eighteen feet in height. Where these standards conflict with the standards in LCMC 15.05, the more stringent standards shall apply.

**18.130.080 Density requirements**

- A. New lots and structures and additions to structures subject to this chapter shall comply with the applicable standards for minimum and maximum density in Table 18.130.080 LCMC.
- B. Lots created for drainage facilities, parks, open space, wetlands, critical areas and buffers or utilities shall not be subject to maximum lot size requirements.
- C. Newly created lots in a proposed land division must average within 10% the proscribed average lot size as a total development and any phase within the development.

**Table 18.130.080 Density Requirements**

Zoning District	Average lot size (sq. ft.)	Minimum Lot Area (sq. ft.)	Maximum Lot Area (sq. ft.)	Minimum Net Density per acre <sup>1</sup>
LDR-6	6,000	5,000	7,000	6
LDR-7.5	7,500	6,000	11,000	4
LDR-8.5	8,500	7,000	17,000	4

<sup>1</sup> Densities shall be calculated based on the gross area of the site minus any public rights-of-way.

**18.130.090 Lot coverage and dimensions**

The review authority may modify building setbacks by up to 10% where critical areas subject to LCMC 18.300 necessitate such adjustments.

- A. Maximum building lot coverage shall not exceed thirty-five percent (35%). Maximum impervious surface area shall not exceed fifty percent (50%).
- B. Front yard setbacks shall be measured as the distance between the primary street facade of the dwelling and the nearest edge of the street right-of-way.
  1. The measurement shall be made at either the front plane of the front porch or of the dwelling if there is no front porch.
- C. Side yard setbacks shall be consistent with Table 18.130.090 LCMC, unless otherwise expressly allowed by this title.

**Table 18.130.090 Lot Coverage and Dimensions**

District	Average Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Street Side Yard (feet)	Minimum Rear Yard (feet)
LDR-6	6,000	50	80	15	5	15	10
LDR-7.5	7,500	60	90	15	10	15	15
LDR-8.5	8,500	70	90	15	10	15	15

**18.130.100 Street trees**

- A. New residential developments shall provide street trees in planter strips subject to approval by the Public Works Director.
- B. Planter strips shall contain trees at a minimum of thirty foot (30') intervals along each street frontage.



C. The Public Works Director shall approve the type, location, and planting method of street trees.

## Chapter 18.140 - MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR)

### Sections:

- 18.140.010 Purpose
- 18.140.015 Location
- 18.140.020 Permitted and conditional uses
- 18.140.030 Density and dimensional requirements
- 18.140.040 General standards of all developments within the MDR district
- 18.140.050 Requirements of single family attached housing
- 18.140.060 Requirements of multi-family attached housing
- 18.140.070 Requirements of single-family detached housing

### **18.140.010 Purpose**

The Medium Density Residential (MDR) district is intended to provide for residential development opportunities with a minimum density of eight (8) units per net acre, and a maximum density of 16 units per net acre consistent with the La Center Comprehensive Plan. The district is further intended to facilitate use of public transit, reduce the burdens of automobile related problems, and encourage efficient use of commercial services and public open space.

### **18.140.015 Location**

The City Council, with the recommendation of the Planning Commission, generally, shall assign MDR zoning districts in close proximity to collector or arterial roadways, current or proposed transit routes, near employment centers, and with good access to local public schools.

### **18.140.020 Permitted and conditional uses**

- A. Permitted Uses. The city permits the following primary uses on buildable lands: (outside of sensitive lands), subject to compliance with the requirements of Chapter 18.215 LCMC and compliance with concurrency and level-of-service standards of the La Center Capital Facilities Plan:
1. Existing lawful residential uses;
  2. One new single-family residence per lot of record, lawfully created prior to December 31, 2001,
  3. Multiple-family dwellings, including but not limited to attached single-family dwellings, such as townhouse, duplexes, triplexes; and detached multi-family dwellings such as apartments;
  4. Single family detached dwelling units consistent with the general standards and single family detached standards in this Chapter;
  5. Accessory buildings and uses normal and incidental to the building and uses permitted in this chapter; and
  6. Public parks and recreational facilities;
- B. Conditional uses allowed in an MDR district are described in Table LCMC 18.130.030, Single-family permitted, conditional and prohibited uses. The city shall apply the applicable lot area, dimension and density standards in Chapter 18.140, and LCMC 18.215, Site Plan, to applications for Conditional Use. Minimum density standards shall be met.

**18.140.030 Density and dimensional requirements**

- A. All developments within the MDR zoning district shall comply with the density and dimensional requirements of Table 18.140.030 LCMC.

**Table LCMC 18.140.030, MDR Density & dimensional requirements**

Standard	Multi-Family	Single-Family	
		Attached	Detached
<b>Net Density</b> <sup>2</sup>	8-14	8-14	8-12
<b>Minimum Project Area</b>	2.5 ac	2.5 ac.	5 ac.
Minimum Lot Width	20 Feet	20 Feet	30 Feet
Minimum Lot Depth	60 Feet	60 Feet	60 Feet
Minimum Area	1,400 SF	1,400 SF	3,000 SF.
Maximum Area	N/A	N/A	15,000 SF
Maximum Lot Coverage	85%	60%	60%
Maximum Height	45 Feet	35 Feet	35 Feet
<b>Setbacks</b> <sup>3</sup>			
Min. Front Setback <sup>4</sup>	10 Feet	10 Feet	10 Feet
Min. Garage Setback From Public Street	5 Feet	18 Feet	18 Feet
Min. Garage Setback From Alley	3 Feet	3 Feet	3 Feet
Min. Side Setback	0 Feet Attached or 10 Feet Abutting Single Family	0 Attached / 4 Feet Non-Attached	4 Feet
Min. Street Side Setback	0 Feet	10 Feet	10 Feet
Min. Rear Setback	20 Feet	10 Feet	10 Feet

- B. Beveling. New lots used for medium density residential purposes created adjacent to low density residential (LDR) districts shall employ a “beveling” technique at the perimeter of the project. New perimeter MDR lots abutting LDR districts, not including public rights-of-way or dedicated public open space, shall be no less than 80% of the lot area of the minimum lot size of the abutting LDR district. Setbacks from the property lines of abutting LDR land shall be no less than 80% of the setback requirement of the abutting LDR district. For example, if the abutting property is zoned LDR 1-7.5, a 7,500 sq. ft. minimum lot size, the MDR lots abutting the LDR district may not be less than 6,750 sq. ft.
- C. Density Transfer. A project subject to the beveling requirement described in LCMC 18.140.040(B) may transfer density to interior lots, on an acre per acre basis, to achieve a density of no greater than 16 units per net acre. For example, if the cumulative area of all beveled perimeter lots is two acres a maximum of two acres of interior lots may reach a density of 16 units per net acre. The balance of the non-beveled areas may not exceed the maximum density allowed for project type described in LCMC Table 18.40.030.
- D. Product types. The city desires to foster an opportunity for the creation of a variety of MDR housing products so as to promote housing affordability, architectural variety and unique neighborhood character.

<sup>2</sup> In a phased project, each phase of the project shall meet the density requirements.

<sup>3</sup> Setbacks and building envelopes shall be identified for each lot on the face of the plat or binding site plan.

<sup>4</sup> Minimum front yard setback shall be twenty-five feet from arterial and collector streets.

A MDR project proposal which consists of 5 gross acres or more, including abutting lands under common ownership, may not include more than 75% of one housing type, i.e., multi-family, single-family attached or single-family detached.

**18.140.040 General standards of all developments within the MDR district.**

A. Design requirements.

1. MDR projects shall create a unifying design theme for each cluster of units or less (a housing complex). The design theme can be created by the use of stone, wooden lap siding, or other natural material.
2. MDR projects shall avoid repetitive building massing and facade designs. Variety of scale and articulation is encouraged and can be accomplished by the use of design elements such as porches, balconies, bay windows, covered entries, garages set back from the primary facade.
3. MDR projects shall avoid monotonous rooflines and shall employ devices such as various elevations, gables, dormers, and chimneys, etc.
4. Where single-family attached units are paired, the review authority may require the paired units to share a common driveway.

B. Active open space – family parks.

1. Purpose. Because MDR developments place more housing units in smaller land areas than do LDR developments, outdoor recreation opportunities are diminished. Therefore, active open space shall be a requirement of new MDR developments. This active open space, known as family parks, shall be located within ¼ mile of the area they serve. Access is typically by walking or bicycle. User groups are diverse and vary with the recreational amenities provided. These parks shall be constructed by developers and operated and maintained by homeowners associations (HOA's) or another body approved by the La Center City Council. Family parks are not intended to be operated, maintained or financed by the city, and as such are not Park Impact Fee (PIF) eligible.
2. Threshold and minimum size. Each MDR project of thirty-five (35) dwelling units or more shall provide one or more family park, developed to city standards at a ratio of one-quarter acre per thirty-five dwelling units (0.25 ac:35 du).
3. Completion timetable. Family parks shall be completed prior to the issuance of the occupancy permit of the 25th dwelling unit within an approved development.
4. Fence/Hedge. A low fence or impassible vegetative buffer shall be used for the screening of park borders where they abut a residential area. This screening should be a minimum of 3.5 feet in height and shall not exceed six (6) feet in height. Neither the fence nor hedge shall be fully sight-obscuring.
5. Facilities. Family parks are meant to service local residents of all ages with a special emphasis on younger children (2-12 years of age). Park design and layout shall meet current La Center Park Standard requirements and Americans with Disabilities Act (ADA) regulations. Family parks shall be designed by a Landscape Architect licensed in the State of Washington.
  - a. While the choice of park facilities and amenities is determined by the developer, each family park shall, at a minimum, contain the following amenities:
    - i. Paved pedestrian circulation path or sidewalk;
    - ii. Two sitting benches, a minimum of four feet long;
    - iii. One trash receptacle;
    - iv. Bike rack(s) to accommodate a minimum of 6 bicycles;
    - v. One play structure for parks intended primarily for use by children ages 2 – 12; and

- vi. One picnic table.
- vii. The undeveloped play space shall be covered with live vegetation which shall be irrigated by a permanent, below-ground, automatic irrigation system.
- b. Policing of the parks. Policing of the parks is a critical concern for the city, therefore each park shall meet the following safety requirements:
  - i. The parks shall be designed to facilitate Community Policing through Environmental Design (CPTED).
  - ii. A minimum of one side of the park shall abut a public road, unless otherwise approved by the Director.
  - iii. Street lighting shall be used to illuminate the park for citizen and police patrols to see into the park at night from a public street.
- c. Administration of family parks. A complete preliminary land use application shall include a preliminary park site plan and landscape plan. The preliminary site plan shall depict the location and number of play structures, bike parking structures, surface materials, how ADA requirements are being met, furnishings, and pedestrian circulation routes. The preliminary landscape plan shall depict the location of plant materials, species and size at time of planting. The city shall not approve the final plat or final master plan of a land use application in which a family park is required unless the City Engineer, Police Chief and Director have reviewed and approved the final plans and specifications for the family park(s). The final site plan and final landscape plan shall provide all information contained in the preliminary plans with additional construction information including but not limited to: Irrigation Plan, Construction Details, Grading, CC&R's, Utility Services and parking. The land use application shall provide a mechanism for the continual care and maintenance of the family park by either a homeowners association or other body approved by the Director.

C. Landscaping and open storage.

1. Landscaping. On-site plantings, with individual character, are encouraged to provide multiple layers of plantings, including canopy trees, understory trees, shrubs and groundcover. Seasonal interest is encouraged to be enhanced through the use of blooming sequence, fragrance, fall color, and specimen plant materials. Introduction of other landscape architectural hardscape elements such as: use of natural stone, sculpture, water features, enhanced paving, accent lighting, site furnishings, recreational facilities, and the like are strongly encouraged. Preservation of environmentally constrained areas as natural areas and the restoration of buffer areas with native plant materials and recreational opportunities are priorities.
2. All landscape plantings shall be irrigated with an automatic, underground irrigation system designed with water conservation in mind. Use of techniques, such as separate water zones based on soil type, sun exposure, and plant water requirements is encouraged. All required plant materials shall meet or exceed specifications established by the American Association of Nurserymen for nursery stock.
3. At least fifteen percent (15%) of the gross square footage of the project site must be landscaped.
4. All setback areas shall be landscaped and maintained with live vegetation.
5. Street trees, if required by the Director of Public Works, shall be planted on all street frontages and within all median planting strips. In addition, street trees shall be placed a minimum of two (2) feet from the curb as measured from the center of the tree to the planter side of the curb, unless otherwise specified by the City's Public Works Director. Street trees shall be a minimum of 2-inch caliper, fully branched, and staked at the time of planting. Minimum spacing shall be 30 feet on center of planter length. Trees selected for use as street trees shall be long-lived species possessing qualities suitable for an urban streetscape including branching characteristics, rooting characteristics,

- disease resistance, drought resistant and non-fruiting. Planter strips abutting a public street shall be planted with live vegetation and irrigated, unless if otherwise specified by the City's Public Works Director.
6. Only under the following conditions may freestanding walls, fences and hedges be permitted along public or private streets or sidewalks:
    - A. The maximum height of any wall, fence, or hedge shall be six (6) feet so long as the fence height does not interfere with safe line of sight as determined by the City Engineer.
    - B. Barbed wire, razor wire, electric and other dangerous fences are prohibited.
  7. Open Storage. Open storage is prohibited. Trash and recycling containers located outside of a building shall be screened by a six foot solid (100% opaque) fence or a combination of fence and vegetation.
- D. Parking. Required parking shall be provided either on the same lot as the dwelling, or in shared parking areas located primarily to the rear of or beneath the units.
1. Parking is encouraged to locate behind the dwelling unit with access from an alley. When an alley is provided, pedestrian access from the alley to the dwelling shall be provided for each lot.
  2. Each MDR dwelling unit shall provide 1.75 off-street parking spaces per individual dwelling unit.
- E. Garages.
1. Where the primary garage entrance faces a right-of-way, the garage must be set back a minimum of eighteen feet (18') from the right-of-way.
  2. No more than forty percent (40%) of the total wall area of a housing complex facing a public right-of-way shall be dedicated to garage door space.
  3. Twenty percent (25) of the garage wall area facing a public right-of-way shall contain windows or doors placed to create the impression of habitable residential space.
  4. In each cluster of single-family attached units, no more than fifty percent (50%) of the garages within the cluster may extend beyond the front plane of the primary facade of the dwelling unit.
  5. Garages that take vehicle access from an alley shall be set back a minimum of three (3) feet from the alley right-of-way.
  6. Detached garages are allowed, provided they are accessed from an alley or driveway and do not exceed eighteen (18) feet in height.
- F. Pedestrian Access.
- a. An on-site pedestrian circulation system that links public and private streets and the primary entrance(s) of all the structure(s) on the site shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjoining developments if adequate safety and security can be maintained. Convenient delineated pedestrian access to transit stops shall be provided.
  - b. Public sidewalks shall be required and constructed according to the city's road standards.
  - c. Where the pedestrian system crosses driveways, parking areas and loading areas, it must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the reviewing authority. Striping may be permitted only in conjunction with at least one (1) of the preceding methods.
  - d. Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety and shall be shielded downward to prevent upward and off-site glare.

- e. Lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Lighting shall not produce glare or negatively impact off-site uses or traffic on adjacent streets. On-site lighting shall utilize cutoff fixtures designed to orient light downward and contribute toward a dark sky.

G. Impact Fees. School and park impact fees for attached housing shall be assessed at the multifamily rate while impact fees for detached housing shall be assessed at single-family rates.

#### **18.140.050 Requirements of single-family attached housing.**

In addition to the requirements of LCMC 18.140.040, a single-family attached proposal shall meet the requirements of this section. Where a conflict exists between general and specific standards the Director shall apply the more specific standard.

- A. Land divisions shall be reviewed according to Chapter 18.205 or 18.210 LCMC and Chapter 58.17 RCW. Building permits for attached developments may only be approved where fully consistent with the approved land division.
- B. Notations on the plat and/or covenants running with the land, approved by the City Attorney, shall guarantee that required side setbacks shall be kept perpetually free of obstructions.
- C. Single-family attached housing shall not be permitted in housing clusters of greater than six (6) units
- D. Only one (1) dwelling unit may occupy an individual lot. Each attached dwelling may occupy no more than one (1) lot.
- E. No portion of a unit may occupy space above or below any other unit, except underground shared parking.
- F. Landscaping. Single-family attached development projects may satisfy the minimum landscaping requirement by:
  - 1. Providing two hundred (200) square feet of enclosed private outdoor living area per bedroom for each individual dwelling unit, to be located in the rear or side yard of each individual lot; or
  - 2. Providing two hundred (200) square feet of common indoor or outdoor recreation area per bedroom for each individual dwelling unit.

#### **18.140.060 Requirements of multi-family attached housing – apartments.**

In addition to the requirements of LCMC 18.140.040, a multi-family attached proposal shall meet the requirements of this section. Where a conflict exists between general and specific standards the director shall apply the more specific standard.

- A. Multi-family attached housing shall not be permitted in clusters of greater than ten dwelling (10) units
- B. Outdoor Recreation Area Standards. Multifamily developments containing twelve (10) or more residential dwelling units shall provide outdoor recreation areas as follows:
  - 1. Private Residential Outdoor Areas.
    - a. Each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace porch, yard) containing at least forty-eight (48) square feet and a width of at least four (4) feet. A balcony used for an entrance or exit shall be considered an open space only if it is for the exclusive use of the dwelling unit in question and it contains at least forty-eight (48) square feet and a width of at least four (4) feet.
    - b. Private outdoor areas for multifamily residential dwelling units shall be screened from view from other residential units, abutting land uses, and public or private streets to the extent practicable using the orientation and location of structures, windows, and private outdoor spaces,

landscaping and screening, natural features such as topography and open space, and built features such as windowless walls.

2. Shared Recreation Areas for Multi-family Residential Uses.

a. The requirements of this sub-section shall apply to multi-family attached project with fewer than 35 dwelling units. Developments containing 35 or more units shall satisfy the family park requirements in section 18.140.040.B.

~~a.b.~~ Usable recreation space shall be provided in residential development for the shared or common use of all residents in the following amounts:

- i. Studio size up to and including two-bedroom units, two hundred (200) square feet per unit; and
- ii. Three (3) or more bedroom units, three hundred (300) square feet per unit.

~~b.c.~~ The required recreation space may be all outdoor space or part outdoor space and part indoor space and all public or common space or part common space and part private; provided, all public and common outdoor recreation spaces shall be readily observable from residential units and/or public or private streets to allow for public safety surveillance.

~~c.d.~~ The boundaries of public areas, such as streets or public gathering places, semipublic areas, such as transition areas between streets and dwelling units, and private outdoor areas shall be clearly defined so that a person can readily determine where the public space ends and the private space begins, such as by using one (1) or more of the following:

- i. A deck, patio, low wall, fence or other suitable structures;
- ii. Landscaping, such as a hedge or draping vine on a trellis or arbor;
- iii. A change in the texture of the path material;
- iv. Substantial natural features, such as a drainage-way or tree grove.

**18.140.070 Requirements of single-family detached housing.**

In addition to the requirements of LCMC 18.140.040, a single-family detached proposal shall meet the requirements of this section. Where a conflict exists between general and specific standards the director shall apply the more specific standard.

- A. Garages facing a public street shall be set back a minimum of 18 feet from the front property line. The front plane of the garage door cannot extend beyond the front plane of the primary façade. Garages facing an alley shall be set back a minimum of 3 feet from the rear property line. Garage doors shall have a minimum of 50 % of their area decorated with glazing, relief panels, or similar ornamentation.
- B. Porches, balconies or similar entry appendages may project into the front yard setback up to five feet. Porches shall be designed as functional spaces with a minimum depth of 5 feet.
  1. Rooflines shall be a minimum of 6/12 for pitched roofs. Lower pitched roofs or parapet rooflines shall provide additional architectural detailing including but not limited to: cornice, cap, relief panels, bay windows, shade projections, rain protection, eaves, dormers, ledges or overhangs as approved by the planning director.
  2. Rain protection shall be located at the primary entrance which is effectively designed to provide a minimum of 25 square feet of rain protection. This protection may utilize a single or combination of techniques such as: awning, eve, alcove, airlock, recessed entry or porte-cochere.
  3. Finished surfaces on building elevations shall emphasize use of architectural grade natural building products such as wood, masonry, metal, glass, stucco, fiber cement, cultured stone or other stone



materials. Use of plywood, vinyl, plastic composites, fiberglass or similar are prohibited unless otherwise permitted by the Director.

4. A diverse use of color is encouraged to display individuality within the community. Finished surfaces suitable for painting shall incorporate a color palette of at least two colors, consisting of a base color and an accent (trim color). Repetitive or predictable alternate color schemes are discouraged.

## Chapter 18.150 - COMMERCIAL DISTRICTS (C1, C2, C3, and MX)

### Sections:

- 18.150.010 Purpose
- 18.150.020 Uses
- 18.150.030 Development Standards
- 18.150.040 Timmen Road (MX) District

### 18.150.010 Purpose

- A. Downtown Commercial (C-1) District. These less intensive commercial areas are intended to provide for the convenience shopping needs for a limited trade area. Typical allowed uses include convenience food markets, beauty and barber shops, bakeries and limited service industries. They should occur as small centers, ideally at the junction of two (2) public streets (collectors or arterials). These areas are held to a high standard of site plan review due to the close proximity of the residential zones. Development activity shall meet, to the maximum extent feasible and prudent, the design guidelines contained in this chapter.
- B. Community Commercial (C-2) District. These more intensive, auto oriented commercial areas are intended to provide for the regular shopping and service needs for the community as a whole and adjacent service areas.
- C. Cardroom Overlay (C-3) District. This overlay district is intended to provide for the location of cardrooms within other commercial districts. All uses in this district, except parking areas, shall be contained entirely within an enclosed building.
- D. Mixed-Use (MX) District. This district is restricted to the Timmen Road Mixed-Use area. This district provides for residential, office and commercial uses within a single district.

### 18.150.020 Uses

The uses set out in Table 18.150.020 LCMC are examples of uses allowable in the various zone districts. The appropriate review authority is mandatory.

“P” – Uses allowed subject to approval of applicable permits.

“C” – Conditional uses which may be permitted subject to the approval of a conditional use permit in Chapter 18.250 LCMC (Conditional Uses).

“X” – Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) or other applicable chapter is noted in the “Special Standards” column.

**Table 18.150.020 Uses<sup>1</sup>**

Use	C-1	C-2	C-3	Special Standards
1. Residential				
a. Medium density (Integrated multifamily/commercial or mixed use structure not to exceed 22 residential units per acre.)	C	X	X	
b. Existing residences without any increase in density	P	P	P	
c. Home business	P	P	P	Home Occ. Permit
d. Bed and breakfast establishments	P	P	X	

Use	C-1	C-2	C-3	Special Standards
e. Temporary dwellings	P	P	P	
2. Retail Sales – Food.				
a. Markets in excess of 15,000 square feet gross floor area	X	C	X	
b. Markets – under 15,000 square feet of gross floor area	P	P	X	
c. Bakery – primarily retail outlet (> 10,000 square feet of gross floor area)	X	C	X	
d. Bakery – primarily retail outlet (< 10,000 square feet of gross floor area)	C	C	X	
3. Retail Sales – General.				
a. General retailer (up to 200,000 square feet gross floor area)	X	C	X	
b. General retailer (under 25,000 square feet gross floor area)	P	C	X	
c. Single purpose/specialty retailers (less than 10,000 square feet gross floor area)	P	P	X	
d. Single purpose/specialty retailers (greater than 10,000 square feet gross floor area)	X	C	X	
e. Yard and garden supplies, including nurseries	X	C	X	
f. Adult Entertainment	X	C	X	
4. Retail Sales – Restaurants, Drinking Places.				
a. Restaurants	P	P	P	
b. Restaurants, with associated drinking places, alcoholic beverages	C	C	C	
c. Drive-through, drive-in, or drive-up facilities,	X	C	X	
5. Retail Sales and Services – Automotive and Related.				
a. Motor vehicle dealers, new and used, including auto, truck trailer, boat, recreational vehicles and equipment	X	C	X	
b. Quick vehicle servicing	X	C	X	
c. Filling station	C	C	X	
d. Manufactured home sales	X	C	X	
e. Car washes	C	C	X	
f. Vehicle rental or repair including auto, truck trailer, boat, and recreational vehicles	X	C	X	
g. Commercial off-street parking facilities	C	C	C	
h. Vehicle towing and storage services	X	C	X	
i. Transportation terminals				
(1) Freight	X	C	X	
(2) People	P	P	P	
6. Retail Sales – Building Material and Farm Equipment.				
a. Lumber and other building materials stores and yards, with only incidental cutting and planting of products sold	X	P	X	
b. Heating and plumbing equipment, including incidental	X	P	X	

Use	C-1	C-2	C-3	Special Standards
fabrication (operated entirely within an enclosed building)				
c. Hardware, home repair and supply stores (over 100,000 square feet gross floor area)	X	C	X	
d. Hardware, home repair and supply stores (10,000 to 100,000 square feet gross floor area)	X	P	X	
e. Hardware, home repair and supply stores (under 10,000 square feet gross floor area)	P	P	X	
f. Farm equipment and implement dealer	X	P	X	
g. Hay, grain, and feed stores	X	P	X	
7. Retail Sales – Products (Finished product retailers with primary fabrication or assembly on-site. Within an entirely enclosed building.)				
a. Uses of < 10,000 square feet gross floor area	C	P	X	
b. Uses of 10,000 square feet gross floor area or greater	X	C	X	
8. Services – Personal.				
a. Self-service laundries, dry cleaning, including pressing, alteration, garment and accessory repair, excluding industrial cleaning services	C	P	X	
b. Barber and beauty shops	P	P	P	
c. Clothing rental establishments	P	P	X	
d. Mortuaries	C	P	X	
9. Services – General.				
a. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (< 2,500 square feet)	P	P	X	
b. Office equipment and home appliance rental, service and repair agencies	P	P	X	
c. Printing, publishing and lithographic shops	P	P	X	
d. Services to buildings (including dwellings), cleaning and exterminating	P	P	X	
e. Moving and storage	X	P	X	
f. Mini-warehouse	X	C	X	
g. Branch banks	C	C	X	
j. Event facilities (<10,000 square feet)	C	C	X	
l. Event facilities (>10,000 square feet)	X	C	X	
m. RV storage	X	C	X	
10. Services – Lodging Places.				
a. Hotels/motels	X	C	X	
b. Recreational vehicle parks and campgrounds	X	C	X	
11 Services – Medical and Health.				

Use	C-1	C-2	C-3	Special Standards
a. Hospitals	X	C	X	
b. Outpatient clinics	C	C	X	
c. Medical laboratories	X	C	X	
d. Sanitaria, convalescent and rest homes	C	C	X	
e. Orthopedic equipment and supplies, rental, sales and services	P	P	X	
f. Animal hospitals and veterinary clinics				
(1) Outside animal activities	X	C	X	
(2) Inside animal activities only	C	C	X	
g. Ambulance services	X	P	X	
h. Residential care homes	C	C	X	
i. Residential and congregate care facilities	C	C	X	
12. Services – Professional Office.				
a. Professional offices (< 10,000 square feet gross floor area)	P	P	P	
b. Professional offices (> 10,000 square feet gross floor area)	C	C	X	
c. Artists/photographic studios	P	P	X	
13. Services – Amusement.				
a. Amusement centers	C	C	X	
b. Bowling alleys, billiard and pool parlors, and video arcades	C	C	X	
c. Skating rinks, ice and/or roller	X	C	X	
d. Theaters, indoor	X	C	X	
e. Drive-in theaters, stadium and arena facilities	C	C	X	
f. Athletic, health and racket clubs (< 10,000 square feet of gross floor area)	P	C	X	
g. Athletic, health and racket clubs (> 10,000 square feet of gross floor area)	X	P	X	
h. Zoos, Circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the city council	X	X	X	
14. Services – Educational.				
a. Nursery schools, preschools	C	C	X	
b. Day care facilities consistent with Chapter 388-73 WAC	C	C	X	
c. Libraries (<10,000 square feet gross floor area)	P	P	X	
e. Vocational schools	X	C	X	
f. Artistic studios and schools including but not limited to dance, music and martial arts (<10,000 square feet)	P	P	X	
g. Artistic studios and schools including but not limited to dance, music and martial arts (>10,000 square feet)	X	C	X	
h. Public parks, parkways, recreation facilities, trails and related facilities	P	P	P	

Use	C-1	C-2	C-3	Special Standards
i. Public/private educational institutions	C	C	X	
15. Services – Membership Organizations.				
a. Business, professional and religious (not including churches)	C	C	X	
b. Civic, social, fraternal, charitable, labor and political (<5,000 square feet)	P	P	X	
c. Civic, social, fraternal, charitable, labor and political (>5,000 square feet)	C	C	X	
d. Churches	C	C	X	
16. Distribution Facilities. (In conjunction with a permitted use, all activities, except vehicle storage, located entirely within an enclosed building)				
a. Distribution facilities of less than 25,000 square feet gross floor area	X	C	X	
b. Distribution facilities of between 50,000 and 25,000 square feet gross floor area	X	C	X	
17. Public Services and Facilities.				
a. Buildings entirely dedicated to public services, such as city hall, police and fire substations	C	C	C	
b. Sewer, water and utility transmission lines	P	P	P	
c. Wireless communications facilities	P	P	P	
d. Museums, historic and cultural exhibits and the like	P	P	P	
e. U.S. Post Offices	C	C	C	
f. Public transit facilities including park and ride facilities	P	P	P	
18. Accessory Uses and Activities.				
a. On-site hazardous waste treatment and storage facilities, subject to state siting criteria (RCW 70.105.210).	C	C	C	
b. Drive-through, drive-in or drive-up facilities	C	C <sup>5</sup>	C	
c. Open Air Activities				
(1) Open air display of plants and produce in conjunction with a permitted use	P	P	X	
(2) Open air storage of materials	X	C	X	
(3) Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title	C	C	X	
(4) Open air storage of company vehicles, such as cars and	C	X	X	

<sup>5</sup> Excepting drive-through restaurants defined under 4.c. above.

Use	C-1	C-2	C-3	Special Standards
light duty trucks, in conjunction with a permitted use				
20.Other Uses.				
a. Temporary uses	P	P	P	
b. Solid waste handling and disposal sites	C	C	C	

<sup>1</sup> The Director may allow uses not described herein but similar as permitted or conditional pursuant to a Type I process.

### 18.150.030 Development Standards

- A. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Section 18.150.030(A) LCMC. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.
- B. Landscaping.
1. In C2 and C3 districts, not less than fifteen percent (15%) of the total lot area shall be landscaped. Pedestrian plazas, sidewalks over the minimum width and other pedestrian amenities may be used to meet the required landscaping at a one to one (1:1) ratio.
  2. In the C1 district, where zero lot line development is proposed, not less than 10% of the site shall be landscaped. Hardscape surfaces, such as tables, plazas, and planting boxes may be used to satisfy the landscaping requirement. Where zero lot line development is not proposed, not less than 15% of total lot area shall be landscaped.
- C. Site Plan Review Standards. In addition to the site plan approval criteria contained in Chapter 18.215 LCMC the following shall apply to all development within the commercial districts unless expressly exempted. The review authority may modify these standards for the expansion of existing uses for site-specific issues:
1. Primary pedestrian circulation routes connecting the street(s) to the primary building entry or entries shall be a minimum of eleven (11) feet (eight (8) feet of sidewalk/walkway with a minimum of three (3) feet of landscaping on one (1) side of the pedestrian route). The minimum three (3) foot landscaped area shall contain street trees planted at thirty (30) foot intervals to provide for a continuous tree canopy. The required landscape area should function as a buffer between auto drives and the pedestrian routes. Where the pedestrian circulation route crosses vehicular accessways the landscape area is not required. Pedestrian awnings, with a minimum of eight (8) feet of head clearance shall be provided along the front building façade when abutting public rights-of-way. Awnings may not project over the parking area or street.
  2. Landscaping.
    - a. Landscaping is required along the side of all buildings in C2 and C3 districts where the primary pedestrian access is provided. Minimum requirements shall be trees provided every thirty (30) feet on center planted along the length of the parcel. Street trees may not be planted closer than 25 feet away from street corners to preserve intersection sight-distance.
    - b. Landscape buffers required by Section 18.245.060 LCMC shall not apply between pad development sites and the remainder of the development site.
    - c. Landscaping required between commercial developments may be altered where parking lots are adjoining as follows: a single, shared five (5) foot buffer instead of five (5) feet for each

development; provided, that joint access is provided between parcels for auto and pedestrian access and trees are planted every twenty (20) feet on center along the length of the buffer.

**Table 18.150.030A Lot Requirements**

<b>Zoning District</b>	<b>Minimum Lot Area (square feet)</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Lot Depth (feet)</b>
C-1	2,500	25	100
C-2	10,000	None	None
C-3	10,000	None	None

**Table 18.150.030B Setbacks, Lot Coverage and Building Height**

<b>Minimum setbacks</b>	Pursuant to buffering and screening standards contained in Chapter 18.245 LCMC
<b>Minimum setbacks adjacent to residential district</b>	Pursuant to the screening and buffering standards contained in Chapter 18.245 LCMC, plus an additional 1/2 foot for each foot the building exceeds 20 feet in height to a maximum setback requirement of 40 feet.
<b>Maximum lot coverage</b>	Maximum determined by compliance with screening and buffering standards contained in Chapter 18.245 LCMC, Chapter 18.320 LCMC, and all other applicable standards.
<b>Maximum building height</b>	60 Ft.

#### **18.150.040 Mixed Use District (MX)**

- B. Purpose. The Mixed Use (MX) district requires mixed use developments to provide the community with a mix of mutually-supporting retail, service, office and medium or high density residential uses. The zone is designed to promote cohesive site planning and design that integrates and interconnects two or more land uses into a development that is mutually supportive. It can provide incentives to develop a higher-density, active, urban environment than generally would be found in a suburban community. This type of development is further expected to:
1. Achieve the goals and objectives of the community's comprehensive plan and capital facilities plans;
  2. Enhance livability, environmental quality and economic vitality;
  3. Maximize efficient use of public facilities and services;
  4. Create a safe, attractive and convenient environment for a variety of uses including living, working, recreating and traveling.
- C. Applicability.
1. General. The provisions of this section shall be applied to parcels or groups of contiguous parcels designated mixed use on the City's official zoning map.
  2. Interpretation. If the requirements of the mixed use district conflict with other regulations, the more stringent shall apply.
- D. Definitions. For the purposes of this section, the following definitions shall apply:
1. "Mixed-use development" shall mean a group of structures planned as a single entity and containing within and/or among them a variety of complementary, and/or mutually supporting uses (such as housing, offices, retail, public service or entertainment).



2. "Net Acre" means an acre of the developable portion of the site, which is derived from the total (gross) acreage of the site minus the area required to be, or voluntarily, set aside, as critical and environmentally sensitive lands and the corresponding buffers, public rights-of-way, road easements and any similar public facilities.
- E. Uses. Uses that are permitted or conditionally allowed in the MX (mixed use) district are shown in Table 18.150.040A. Residential uses are permitted so long as the minimum required densities and all dimensional and other development standards of this chapter and the Municipal Code are met. "P" Uses are allowed subject to approval of applicable permits. "C" Conditional uses may be permitted subject to the approval of a Conditional Use Permit as set forth in the La Center Development Code. "X" Uses are prohibited.

**Table 18.150.040A MX Uses**

Use	MX
1. Residential uses.	
a. Existing residences without any increase in density	P
b. Medium density (Integrated multi-family/commercial or mixed use structures, townhouse, or condominiums, from 8 to no more than 18 residential units per net acre)	P
c. High density (Integrated multi-family/commercial or mixed use structure not to exceed 18 residential units per net acre in designated areas if the structure also has ground floor commercial)	P
d. Home occupations	P <sup>6</sup>
e. Bed and breakfast establishments	P
f. Single-family detached and single-family attached	P
2. Retail Sales–Food.	
a. Markets not to exceed 35,000 square feet gross floor area	P
b. Markets- Greater than 35,000 square feet of gross floor area	C
3. Retail Sales–General.	
a. Single purpose/specialty retailers up to 25,000 square feet gross floor area.	P
b. Yard and garden supplies, including nurseries	C
4. Retail Sales–Restaurants, Drinking Places.	
a. Restaurants, with associated drinking places, alcoholic beverages	P
b. Drinking places, alcoholic beverages (with or without entertainment)	C
5. Retail Sales–Products (Finished product retailers with primary fabrication or assembly on site. Within an entirely enclosed building.)	
a. Uses of < 5,000 square feet gross floor area	P
b. Uses of greater than 5,000 square feet gross floor area	C
6. Services–Personal.	
a. Self-service laundries, dry cleaning, including pressing, alteration, garment and accessory repair, excluding industrial cleaning services	P
b. Barber and beauty shops	P
c. Clothing rental establishments	P

<sup>6</sup> Home occupation permit required.

7. Services—General.	
a. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (up to 25,000 square feet gross floor area)	P
b. Printing, publishing and lithographic shops	P
c. Branch banks	P
d. Event facilities (Event facilities include uses such as meeting halls and convention rooms) (<10,000 square feet gross floor area)	P
e. Event facilities (Greater than 10,000 square feet gross floor area)	C
8. Services—Lodging Places.	
a. Hotels/motels	C
9. Services—Medical and Health.	
a. Outpatient clinics	P
b. Medical laboratories	C
c. Sanitaria, convalescent and rest homes	C
d. Orthopedic equipment and supplies, rental, sales and services	P
e. Animal hospitals and veterinary clinics.	
(1) Outside animal activities	X
(2) Inside animal activities only	P
f. Residential care homes	C
g. Residential and congregate care facilities	C
10. Services—Professional Office.	
a. Professional offices	P
b. Medical and Dental Offices	P
c. Artists/photographic studios	P
11. Services—Amusement.	
a. Bowling alleys, billiard and pool parlors, and video arcades	C
b. Skating rinks, ice and/or roller	C
c. Theaters, indoor	C
d. Athletic, health and racket clubs (< 10,000 square feet of gross floor area)	P
e. Adult Clubs/shops	X
12. Services—Educational.	
a. Nursery schools, preschools	P
b. Day care facilities consistent with Chapter 388.73 of the Washington Administrative Code	P
c. Libraries	P
d. Vocational schools	C
e. Artistic studios and schools including but not limited to dance, music and martial arts	P
f. Public parks, parkways, recreation facilities, trails and related facilities	P
13. Services—Membership Organizations.	

a. Business, professional and religious (not including churches)	P
b. Civic, social, fraternal, charitable, labor and political	P
c. Churches	C
14. Public Services and Facilities.	
a. Buildings entirely dedicated to public services, such as city hall, police and fire substations	C
b. Educational institutions	C
c. Sewer, water and utility transmission lines	P
d. Wireless communications facilities <sup>7</sup>	P
e. Museums, historic and cultural exhibits	P
f. U.S. Post Offices	C
g. Public transit facilities including park and ride facilities	C
15. Accessory Uses and Activities.	
a. On-site hazardous waste treatment and storage facilities, subject to State Siting Criteria (RCW 70.105.210).	C
b. Drive-through, drive-in or drive-up facilities	C
c. Open Air Activities	
(1) Open air display of plants and produce is permitted in conjunction with a permitted use.	P
(2) Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by the LCMC.	P

F. Development standards.

1. Residential/Commercial.

- a. All residential or mixed residential/commercial areas shown on the Timmen Road Mixed Use Area Zoning Map shall provide a minimum of 8 residential units per net acre and a maximum of 16 residential units per net acre.
- b. All buildings in Area B, as shown on the Timmen Road Mixed-Use Area Zoning Map, shall designed and constructed to commercial building standards on the first (ground) floor with the actual use of those ground floor units dedicated to commercial uses. Residential, commercial and office uses are allowed as permitted uses on floors two and above. Buildings in Area B shall be a minimum of two floors in height.
- c. Commercial uses are not allowed in areas A, C, D, F or H of the Timmen Road Mixed-Use District.
- d. Buildings in Areas E and G on the Timmen Road Mixed-Use Area Zoning Map may be developed for multi-story residential, commercial, or a mix of residential and commercial uses. All buildings in Areas E and G shall be a minimum of two stories.

<sup>7</sup> See Telecommunication regulations in Chapter 18.285 LCMC.

- e. Notwithstanding the foregoing, buildings in areas E1 and G1 on the Timmen Road Mixed Use Zoning Map are subject to the following specific requirements:
- i. At the time of Master Plan application and at construction, only (a minimum of) 20% of the ground floor units proposed for buildings in Areas E1 and G1 need to be reserved for commercial use for a period of one year from the date of final building inspection approval. After that one-year period, the ground floor commercial units in Areas E1 and G1 may be put to residential uses, so long as the building structure is not altered so as to preclude future commercial use of those spaces.
  - ii. At the time of Master Plan application and at construction, as much as (a maximum of) 80% of the ground floor units in Areas E1 and G1 may be used for residential use.
  - iii. For purposes of this Section, “commercial use” and “commercial building code standards” means Group B and Group M Occupancy under the International Building Code (IBC), including, but not limited to the following:
    - I. Ten foot interior ceiling height,
    - II. ADA access to the ground floor, and
    - III. Fire rated area separation walls

The residential use allowed by this section in ground floor units in Areas E1 and G1 is not intended to preclude typical residential improvements to these units.

- f. All types of residential developments may transfer density of up to two dwelling units per unbuildable gross acre from environmentally constrained land to the buildable portion of the site.
- g. All applications for residential development shall include a mixture of (more than one) residential housing type, with no one housing type being more than 75% of the total number of residential units. Housing types generally include: single-family, multi-family, attached townhomes, detached townhomes and condominium dwellings.
2. Lot Standards
- a. All development applications in the MX Zone shall comply with the applicable standards for lot area dimensions, building height, and setbacks in Table 18.150.040(B) LCMC. Site plan review is required for all new development unless expressly exempt by this chapter.
  - b. Single-family structures that are used for accessory commercial uses shall use the single-family attached/ detached development standards.
  - c. Projections such as: eaves, cornices, bay windows, balconies, chimneys, or similar structures that extend out from the primary structure may project a maximum of 2 feet into a required rear and side setback if this projection meets the requirements of Chapter 15.05 LCMC.
  - d. Projections such as: front porches, bay windows, balconies, rain protection overhangs, cornices, shade canopies, ledges or similar structures that extend out from the primary structure may project a maximum of 5 feet into a required front setback.
  - e. Flag Stem Lots: Flag stem lots shall have a minimum 16-foot lot width abutting a public and private street for access to a single lot and a minimum of 20-foot combined width abutting a public and private street for access to two single family residences.
  - f. Side and rear setbacks for a commercial or multifamily structure where building height is in excess of 35 feet and abutting a single family use, the setback shall be increased by 2 feet horizontally for every 10 feet of additional vertical building height over 35 feet.

- g. The maximum "building height" of shall exclude unique architectural features such as steeples, chimneys, flagpoles, electronic aerial, and cupolas.
- h. Setbacks shall be increased when necessary to provide required sight distance as required by La Center Public Works Director. Applicant shall demonstrate compliance with City sight-distance standards of Chapter 12.10 LCMC
- i. Residential uses may utilize slope setback for yard area where sufficient area to establish a building is located outside the buffer. Land contained within the slope setback shall not count toward maximum lot area total or density calculations. See Chapter 17.300 LCMC.
- j. Structures not requiring a building permit are allowed within the slope setback. Structures requiring a building permit may be located within a slope setback based on the recommendations of a Licensed Geotechnical Engineer.

**Table 18.150.040B Lot Standards**

Standard	Commercial	Multi-Family	Single-Family	
			Attached	Detached
Minimum Lot Width	20 Feet	20 Feet	20 Feet	30 Feet
Minimum Lot Depth	60 Feet	60 Feet	60 Feet	60 Feet
Minimum Area	1,400 SF	1,400 SF	1,400 SF	3,000 SF.
Maximum Area	N/A	N/A	N/A	15,000 SF
Maximum Lot Coverage	85%	85%	75%	60%
Maximum Height	60 Feet	50 Feet	35 Feet	35 Feet
Min. Front Setback	5 Feet	10 Feet	10 Feet	10 Feet
Min. Garage Setback From Public Street	5 Feet	5 Feet	18 Feet	18 Feet
Min. Garage Setback From Alley	5 Feet	5 Feet	5 Feet	5 Feet
Min. Side Setback	0 Feet Attached or 10 Feet Abutting Single Family	0 Feet Attached or 10 Feet Abutting Single Family	0 Attached / 4 Feet Non-Attached	4 Feet
Min. Street Side Setback	0 Feet	0 Feet	10 Feet	10 Feet
Min. Rear Setback	10 Feet	10 Feet	10 Feet	10 Feet

### 3. Maximum Building Height

- a. In areas A, C, D, E, F, G, and H of the Timmen Road Mixed-Use Zoning Map the maximum building height shall be 50 feet.
- b. In area B of the Timmen Road Mixed-Use Zoning Map the maximum building height shall be 60 feet.
- c. Where these standards conflict with the current adopted edition of the International Building Code, the more stringent standard shall apply.

### 4. Active Open Space

- a. Purpose. Because Mixed-Use areas typically require a higher density than many single-family residential areas, active open space shall be a requirement of new developments. This active open space shall take the form of family parks to be located within ¼ mile of the area that they serve. Access is typically by walking or bicycle. User groups are diverse and vary with the

- recreational amenities provided. These parks shall be constructed by developers and operated and maintained by homeowners associations (HOA's) or another body approved by the La Center City Council. Family parks are not intended to be operated, maintained or financed by the city, and as such are not eligible for Park Impact Fee (PIF) credits.
- b. Minimum sizes. Because Mixed-Use districts typically allow smaller than normal building lots, family parks are required to offset the recreational opportunities that are lost by the developments having diminished lots. In the Timmen Road Mixed-Use area, parks one and two shall be a minimum of 7,500 square feet if developed separately or 15,000 square feet if combined into one location. Park three shall be a minimum of 5,000 square feet.
  - c. Completion timetable. Family parks shall be completed prior to the issuance of the occupancy permit of the 25th dwelling unit within the approved development
  - d. Fence/Hedge. A fence or impassible vegetative buffer shall be used for the screening of park borders where they abut a residential area. This screening should be a minimum of 3.5 feet in height and shall not exceed six feet in height. Neither the fence nor hedge shall be fully sight obscuring.
  - e. Facilities. Family parks are meant to service local residents of all ages with a special emphasis on younger children (2-12 years of age). One family park or 7,500 square feet of park space contained within a multiple use park shall be developed per 75 dwelling units and shall be designed and constructed to primarily serve children in the 2-year to 12-year age group, including appropriate facilities for parental supervision. The park design and layout shall meet current La Center Park Standard requirements and Americans with Disabilities Act (ADA) regulations. Family parks shall be designed by a Landscape Architect licensed in the State of Washington. While many of the facility choices should be left to the individual developers in order to better suit the needs and desires of that development, some required facilities shall be in all family parks, unless otherwise agreed upon by the review authority. These required facilities shall include at a minimum:
    - i. Pedestrian circulation paths on paved surfaces,
    - ii. Two 4-foot benches,
    - iii. One Trash Receptacle,
    - iv. Bike rack(s) to accommodate a minimum of 6 bicycles,
    - v. One play structure for parks intended primarily for children's use, and
    - vi. One picnic table.
    - vii. The remaining park space shall be covered with live vegetation, or other acceptable surface.
    - viii. All areas established with live vegetation shall be irrigated by a permanent, below-ground, automatic irrigation system.
  - f. Policing of the parks. As policing of the parks is a critical concern for the City, several requirements shall be met for family parks.
    - i. The parks shall be designed to facilitate Community Policing through Environmental Design (CPTED).
    - ii. A minimum of one side of the park shall abut a public road, unless approved by the City Planner.
    - iii. Street lighting shall be used to illuminate the park for citizen and police patrols to see into the park at night from the street.

- g. Administration of family parks. A complete preliminary land use application in the Timmen Road Mixed-Use district shall include a preliminary park site plan and landscape plan. The preliminary site plan shall depict the location and number of play structures, bike parking structures, surface materials, how ADA requirements are being met, furnishings, and pedestrian circulation routes. The preliminary landscape plan shall depict the location of plant materials, species and size at time of planting. The City shall not approve the final plat or final master plan of any phase of a mixed-use application in which a family park is required unless the City Engineer, Police Chief and City Planner have reviewed and approved the final plans and specifications for the family park. The final site plan and final landscape plan shall provide all information contained in the preliminary plans with additional construction information including but not limited to: Irrigation Plan, Construction Details, Grading, CC&R's, Utility Services and parking. The application for preliminary plat or master plan and final plat or master plan approval shall provide a mechanism for the continual care and maintenance of the family park by either a homeowners association or other body approved by the City Planner.

5. Landscaping and Open Storage

- a. Landscaping. The Timmen Road Mixed-Use district is intended to provide a high degree of landscape amenities for visitors and residents. The district is intended to provide tree lined streets with planter strips and/or tree wells as a unifying element. On-site plantings, with individual character, are encouraged to provide multiple layers of plantings, including canopy trees, understory trees, shrubs and groundcover. Seasonal interest is encouraged through the use of blooming sequence, fragrance, fall color, and specimen plant materials. Introduction of other landscape architectural hardscape elements such as: use of natural stone, sculpture, water features, enhanced paving, accent lighting, site furnishings, recreational facilities, and the like are strongly encouraged. Preservation of environmentally constrained areas as natural areas and the restoration of buffer areas with native plant materials and recreational opportunities are priorities.
  - i. All landscape plantings shall be irrigated with an automatic, underground irrigation system designed with water conservation features. Use of techniques, such as separate water zones based on soil type, sun exposure, and plant water requirements is encouraged. All required plant materials shall meet or exceed specifications established by the American Association of Nurserymen for nursery stock.
  - ii. At least 15% of the gross square footage of the master planned site and each individual site must be landscaped.
  - iii. All setback areas shall be landscaped and maintained with live vegetation.
  - iv. All roundabouts as shown on the Timmen Road Mixed-Use Zoning Map shall contain interior live vegetative plantings as approved by the La Center City Planner. The Timmen Road area Home Owner's Association shall establish a maintenance bond, through a developer's agreement with the City of La Center, to pay for the maintenance of these areas.
  - v. Street trees shall be planted on all street frontages and within all median planting strips within the mixed use zoning district. In addition, street trees shall be placed a minimum of two feet from the curb as measured from the center of the tree to the planter side of the curb, unless otherwise specified by the City's Public Works Director. Street trees shall be a minimum of 2-inch caliper, fully branched, and staked at the time of planting. Minimum spacing shall be 30 feet on center of planter length. Trees selected for use as street trees shall be long-lived species possessing qualities suitable for an urban streetscape including branching characteristics, rooting characteristics, disease resistance, drought resistant and non-fruiting. Planter strips abutting a public street shall be planted with live vegetation and irrigated, unless if otherwise specified by the City's Public Works Director.

- vi. Commercial uses in the Mixed-Use (MX) zone abutting a residential use shall be screened. Screening may be accomplished using sight-obscuring vegetation, a sight-obscuring fence or wall, a berm, or a combination of approaches not to exceed six feet. A chain link fence containing slats does not qualify as a sight-obscuring fence for the purposes of this section. If a sight-obscuring fence or wall alone is erected as screening within the setback area, features providing visual interest, such as varied building materials, textures, reliefs or architectural details shall be incorporated on the side facing the residential zone. The property owner shall be responsible for maintaining the vegetation and screening structure in a healthy state.
- vii. Only under the following conditions may freestanding walls, fences and hedges be permitted along public or private streets or sidewalks:
  - A. The maximum height of any wall, fence, or hedge shall be six feet so long as the fence height does not interfere with safe line of sight as determined by the City Engineer.
  - B. Barbed wire, razor wire, electric and other dangerous fences are prohibited.
- b. Open Storage. Open storage is prohibited. Long-term parking of operational company cars, light trucks and vans within parking lots shall not be construed to be open storage. Trash and recycling containers located outside of a building shall be screened by a six foot solid (100% opaque) fence or a combination of fence and vegetation.
6. Conversion of Existing Structures. An existing residential structure may not be converted to a commercial or office use unless consistent with this chapter.
7. Parking and Loading.
  - a. Off-street parking in the Timmen Road planned area shall be in compliance with Chapter 18.280 LCMC with the following exceptions:
    - i. The maximum number of off-street parking spaces to be provided is limited to 125% of that required in the La Center Municipal Code.
    - ii. The minimum number of parking spaces for commercial and mixed use structures may be reduced to 75% of that required in Chapter 18.280 LCMC if the city planner, through a Type II process, finds that:
      - A. The proposed site has access (within ¼ mile) to on-street or off-street biking trails,
      - B. The proposed site has access (within ¼ mile) to existing mass transit stops, and
      - C. The proposed site provides a minimum of six on-site bicycle lockers, or
      - D. In the opinion of the city planner, the applicant's well documented professional parking analysis justifies the reduction in parking spaces.
    - iii. Up to 30% of the parking requirements for dedicated commercial uses may be fulfilled by counting on-street parking directly abutting the commercial use through approval from the La Center City Planner of a Type II site plan. This plan, at a minimum, shall contain the following:
      - A. Narrative, consistent with subsection (7)(a)(ii) above, explaining reasons for reduction,
      - B. Proposed parking arrangement including site plan,
    - iv. Single-Family or Condominium Residential structures containing less than 1,000 square feet of accessory commercial space and abutting a public street with on-street parking shall be



required to provide parking as required for the residential use plus one additional on-site parking space. In addition to the approved road sections, the Public Works Director may approve alternate on-street parking configurations such as head-in parking, or head-in angled parking.

- b. Shared parking between and among uses is encouraged and shall be permitted in accordance with Chapter 18.280 LCMC.
  - c. Parking lot landscaping shall be provided in accordance with Section 17.84 LCMC and shall not be required for parking structures; neither shall it be prohibited.
  - d. The ground floor of parking structures shall incorporate commercial uses in a minimum of 50% of the total ground floor street frontage to a depth of at least 30 feet.
  - e. Signs. The requirements of Chapter 18.275 LCMC are applicable to the Mixed-Use district and must be met. The commercial requirements shall be used when determining what sign and sign types are allowed or prohibited in this zone. Signage for accessory commercial uses located within single family or condominium structures shall be limited to a maximum size of 4 square feet and constructed of natural materials, such as metal, wood, glass, window painting or stone. Synthetic plastics and internally lighted signs are prohibited.
8. Building Orientation. The primary building entrance shall be oriented to the major street on which the building has access, a street corner, plaza or park. The building may have other entrances as long as direct pedestrian access is provided to all entrances. Building design should take advantage of natural light and develop prominent view corridors.
9. Pedestrian Access.
- a. An on-site pedestrian circulation system that links public and private streets and the primary entrance(s) of all the structure(s) on the site shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjoining developments if adequate safety and security can be maintained. Convenient delineated pedestrian access to transit stops shall be provided. Pedestrian surfaces shall be a minimum of six (6) feet in width, unless otherwise approved by the Public Works Director, and conform to the ADA requirements adopted by La Center and the State of Washington.
  - b. Public sidewalks shall be required and constructed according to the City's road standards and the Timmen Road master plan.
  - c. Where the pedestrian system crosses driveways, parking areas and loading areas, it must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the reviewing authority. Striping may be permitted only in conjunction with at least one (1) of the preceding methods.
  - d. Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety and shall be shielded downward to prevent upward and off-site glare.
  - e. Lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Lighting shall not produce glare or negatively impact off-site uses or traffic on adjacent streets. On-site lighting shall utilize cutoff fixtures designed to orient light downward and contribute toward a dark sky.
10. Site Planning and Architectural Design Guidelines
- a. Commercial and Multifamily Development:
    - i. In Area B, commercial uses shall include residential uses above and shall be oriented to the street, street corner, plaza or park.

- ii. Blank walls facing public streets are discouraged. Features providing visual interest such as windows (genuine, false, or display), artwork, varied building materials, relief panels, trim, balconies, ledges or other techniques shall be employed to enhance building facades facing public streets.
  - iii. Ground floor elevations for commercial uses shall contain a minimum of 50% glazing (window surface area). Upper stories shall incorporate glazing and trim at a minimum of 25% of the elevations visible from a public street. The portions of a common wall or zero lot line walls are exempt.
  - iv. Roof lines shall be a minimum of 6/12 for pitched roofs. Lower pitched roofs or parapet roof lines shall provide additional architectural detailing including but not limited to: cornice, cap, relief panels, bay windows, shade projections, rain protection, eaves, dormers, ledges or overhangs as approved by the City Planner.
  - v. Rain protection shall be located at the primary entrance that is effectively designed to provide a minimum of 50 square feet of rain protection. This protection may use a single or combination of techniques such as: awning, eave, alcove, airlock, recessed entry or porte-cochere.
  - vi. Finished surfaces on building elevations shall emphasize use of architectural grade natural building products such as wood, masonry, metal, glass, stucco, fiber cement, cultured stone or other stone materials. Use of plywood, vinyl, plastic composites, fiberglass or similar are prohibited unless otherwise permitted by the City Planner.
  - vii. A diverse use of color is encouraged to display individuality within the community. Finished surfaces suitable for painting shall incorporate a color palette of at least two colors consisting of a base color and an accent (trim color). Repetitive or predictable alternate color schemes are discouraged.
  - viii. Hardscaping (i.e., curb-to-façade sidewalks with pedestrian amenities) may be substituted in lieu of landscaping requirements subject to review and approval of the review authority.
- b. Single-Family Residential:
- i. Garages facing a public street shall be set back a minimum of 18 feet from the front property line. The front plane of the garage door cannot extend beyond the front plane of the primary façade. Garages facing an alley shall be set back a minimum of 5 feet from the rear property line. Garage doors shall have a minimum of 50 % of their area decorated with glazing, relief panels, or similar ornamentation.
  - ii. Porches, balconies or similar entry appendages may project into the front yard setback up to five feet. Porches shall be designed as functional spaces with a minimum depth of 5 feet.
  - iii. Rooflines shall be a minimum of 6/12 for pitched roofs. Lower pitched roofs or parapet rooflines shall provide additional architectural detailing including but not limited to: cornice, cap, relief panels, bay windows, shade projections, rain protection, eaves, dormers, ledges or overhangs as approved by the City Planner.
  - iv. Rain protection shall be located at the primary entrance that is effectively designed to provide a minimum of 25 square feet of rain protection. This protection may utilize a single or combination of techniques such as: awning, eave, alcove, airlock, recessed entry or porte-cochere.
  - v. Finished surfaces on building elevations shall emphasize use of architectural grade natural building products such as wood, masonry, metal, glass, stucco, fiber cement, cultured stone or other stone materials. Use of plywood, vinyl, plastic composites, fiberglass or similar are prohibited unless otherwise permitted by the City Planner.

- vi. A diverse use of color is encouraged to display individuality within the community. Finished surfaces suitable for painting shall incorporate a color palette of at least two colors, consisting of a base color and an accent (trim color). Repetitive or predictable alternate color schemes are discouraged.
- G. Special Limitations on Uses. All uses in the MX zone shall meet all of the following conditions:
1. Odor, noise, emissions, vibration, heat and glare (except for exterior lighting) shall be controlled within the confines of the building or structure.
  2. No movement of heavy equipment on and off the site shall occur, except for truck deliveries.
  3. No outdoor testing of products or processes shall take place on the site.
  4. No highly combustible, explosive, or hazardous materials or waste shall be permitted on site.
  5. Drive-through facilities require a conditional-use permit as part of the approval process.
- H. Approval Process.
1. Master plan review required. All developments in the MX zone shall apply for and obtain approval of a detailed and binding master plan. This mixed-use master plan application and SEPA review shall be processed under the Type III review process.
  2. All developments in the MX Zone shall require submittal of a development plan substantially similar to the adopted master plan. The development review process shall be conducted per Chapter 18.030 LCMC and the following criteria:
    - a. Type III Review: A development proposal shall be subject to a Type III review pursuant with the procedures in Chapter 18.030 LCMC when it proposes:
      - i. Any of uses listed in Table 18.150.040(A) LCMC as (C) Conditional Use subject to Chapter 18.250 LCMC,
      - ii. A land division resulting in the division of one legal lot of record into more than four lots of record subject to Chapter 18.205 LCMC.
      - iii. An amendment to an adopted master plan, except variances as provided in the preceding subsection.
    - b. Type II review: A development proposal made consistent with an adopted mixed-use master plan that does not require a conditional use permit, land division, binding site plan, variance, amendment to the adopted mixed-use master plan, or is otherwise subject to Type III review, shall be subject to a Type II review pursuant with the procedures in Chapter 18.030 LCMC.
  3. Open House. An open house meeting shall be held prior to submission of a Type III application for a mixed use master plan application. The applicant shall hold an open house to offer neighboring property owners (defined as property owners within 500 feet of the perimeter of the proposed master plan property) an opportunity to participate in the development process. This open house meeting is required in addition to the pre-application conference.
    - a. The open house shall be held no earlier than 90 days prior to submittal of the application.
    - b. The applicant shall send a notice of the meeting at least 15 days prior to the meeting to:
      - i. The official representative(s) of the city or county-recognized neighborhood association(s) in whose boundaries the development property is located, and
      - ii. Residents and property owners of record of property within a radius of 500 feet of the subject property. The records of the County Assessor shall be used for determining the property owners of record, and

- iii. The City Planner.
  - c. The notice must identify the date, time and place of the meeting and provide a brief description of the proposed development.
  - d. A copy of the notice, proposed development plan as presented at the meeting, the mailing list, meeting summary and the sign-in sheet from the meeting shall be submitted with the application.
  - e. The applicant must provide the City Planner with precise minutes of the meeting, copies of all materials used at the meeting, and copies of all comments received.
4. The applicant must submit the application and all required engineering drawings in an electronic format compatible with city software.

## Chapter 18.155 - DOWNTOWN OVERLAY DISTRICT (DT)

### Sections:

- 18.155.010 Purpose
- 18.155.015 Applicability
- 18.155.020 Uses
- 18.155.030 Process
- 18.155.040 Development Standards

### 18.155.010 Purpose

The purpose of the Downtown Overlay District is to implement the adopted *La Center Downtown Design Plan and Guidelines* (2005).<sup>8</sup>

### 18.155.020 Applicability

All developments within the DT Overlay District are subject to the provisions of this chapter. If the cost of interior remodeling is estimated to exceed fifty percent (50%) of the assessed building value of a structure, then this chapter shall have full force and effect.

### 18.155.030 Uses

The following uses are allowed uses within the DT Overlay district:

- A. All permitted and lawfully established uses existing prior to January 1, 2007.
- B. All uses specifically permitted or conditional in the base-zoning district(s) shall continue to be allowed in accordance with the review procedures of this title.

### 18.155.040 Process

- A. All development or remodeling activities as defined by Section 18.155.020 LCMC are subject to pre-application review pursuant to §18.030.020 LCMC. Pre-application Review submittals shall include, in addition to submittal requirements of §18.030.020 LCMC, a written narrative describing compliance or non-compliance with the standards of this chapter. To the extent that the information provided is accurate and complete, the City Planner shall provide written findings and a determination within the pre-application conference report that the proposal is compliant or non-compliant with the standards of §18.155.040 LCMC.
  1. If the proposal is determined to comply with this chapter, the City shall review the application as a Type II Site Plan Review per §18.030.090 and Chapter 18.215 LCMC.
  2. If the proposal is determined to not comply with this chapter, the City shall review the application as a Type III Conditional Use per §18.030.100 and Chapter 18.250 LCMC. The findings and determination of non-compliance shall be incorporated into the public record.

### 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. All development applications shall comply with the following standards:

- A. Building Facades.
  1. New construction and redevelopment of existing buildings shall be developed with architectural styles that were prevalent in the days of La Center's historic role as a port for riverboat navigation. Acceptable architectural styles include: Victorian, Classic Revival, Craftsman, Cascadian, Frontier,

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<sup>8</sup> See La Center City Council ordinance NO. ????

and Arts and Crafts. Unacceptable architectural styles include any modern style that was not commonly used between 1850 and 1930.

2. Commercial activities shall use original building facades, or replications thereof, and appropriately sized and designed signs. New construction should be compatible with surrounding design.
3. Facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, parapet height, and exterior finishes shall create the appearance of several smaller buildings with a maximum apparent storefront width of 60 feet.
4. Storefronts shall generally abut street rights-of way. Business activities shall be oriented towards the streets through the use of primary entrances, sidewalk cafes, pedestrian awnings or similar features. Buildings may be set back as much as 10 feet if the space between the building and right-of-way is used for permanent landscaping, outdoor display of merchandise, or outdoor seating for dining establishments. These areas may not be fenced off from the street except for a decorative fence not to exceed four feet in height.
  - a. Within a multi-building complexes, building frontages internal to a city block shall consider internal walkways and parking areas as street rights-of-way.
5. All structures shall provide ground floor retail, services, or offices.
6. With the exception of gas stations, new drive-through facilities are prohibited.
7. Blank walls are prohibited.
  - a. The lower facade shall contain a recessed entry or entries, large display windows and other such appurtenances as described in this subsection which shall, as a whole, constitute fifty percent (50%) of the entire front façade.
  - b. Upper floors shall display smaller, regularly spaced windows or false windows.
  - c. Decorative trims, such as window hoods surrounding upper floor windows, are encouraged.
  - d. Decorative cornices near or at the top of the façade are encouraged.
  - e. Buildings must include changes in relief on ten percent of their street side facades. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatments for pedestrian interest and scale.
8. Designated historic buildings shall be maintained consistent with the identified character defining elements of the building unless recognized by the City as an “unsafe structure” under the International Property Maintenance Code (2003).
9. Developments shall:
  - a. Maintain and extend the existing block pattern in order to develop a bigger yet more cohesive District)
  - b. Develop new, and re-develop existing, commercial areas using the existing 200± foot blocks with 60 foot rights-of-way.
10. Any exterior remodeling shall clearly delineate upper and lower facades by architectural features such as awnings and exterior moldings.
11. The backs of buildings on the south side of East 4th Street shall be finished with windows, balconies, and other features similar to those used on the front for two reasons; first, to encourage uses that relate to the view of the Lewis River and the Wildlife Refuge, and second, to enhance and preserve the view of Downtown from the Lewis River Bridge. All garbage equipment and facilities shall be screened from view.

12. Ornamental devices, such as molding and friezes, are required at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least 12 inches in height.
13. Buildings must incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain, wind, and sun. Awnings and entrances may be designed to be shared between two structures. If the building abuts a street right-of-way, then the weather protection feature must be extended at least five feet over the sidewalk with appropriate easements or agreements with the City to allow placement within the right-of-way. If the building does not front on the right-of-way, the weather protection feature must be extended at least five feet along any pedestrian area between the building and an adjacent pedestrian walkway or sidewalk.

#### B. Sidewalks, Crosswalks, and Streets

1. Sidewalks within the available 60 foot right-of-way shall generally be 11 feet wide with a 3.5 foot street furniture and landscaping zone and a 7.5 foot pedestrian zone. The street furniture zone is to accommodate street trees, lighting, benches, street signs, mail boxes, newspaper boxes and other urban accessories.
2. Awnings are required of all building frontages along sidewalks and over pedestrian entryways facing parking areas.
3. Curb extensions shall be provided at every street corner. These extensions are the width of the parking lanes. The extensions are designed to follow a consistent radius around each intersection.
4. Crosswalks shall be delineated by a distinctive color, material, or texture to differentiate them from the street paving.

#### C. Street Trees and Landscaping

1. Street trees shall be provided at approximately 45 feet on center. The trees are to be planted in 5'x5' cutouts in the sidewalk located in the street furniture/landscaping zone. Decorative tree grates should be provided to both protect the trees and to provide another opportunity to introduce a design element into Downtown. Trees shall be of species identified in Chapter 18.340 (Native Plant List) and shall have a 1-1/2" minimum caliper DBH. Irrigation and maintenance shall be provided until trees are fully established.
2. Street trees shall be coordinated with parking and street lights to lessen conflicts with parked cars and pedestrian movements.

#### D. Outdoor Lighting

1. Street lighting fixtures shall be of a design approved by the City. Fourteen foot tall decorative street lights shall be provided at all street corners and each midblock on both sides of the right-of-way.
2. Exterior lighting fixtures shall complement the character, style, and scale of the building to reinforce the character of La Center.
3. Exterior lighting fixtures are encouraged to perform architectural functions, such as indirect lighting of signs and building facades. Applicants should consider the light from within the building storefront windows as it contributes to the general streetscape illumination, as well as adding animation and interest to the nightscape.
4. Street lights and street trees shall be separated by a minimum of 15 feet. The placement of street lights and street trees shall be coordinated to minimize conflicts and give maximum amenity value while providing safety to the community.

5. Security lighting shall be provided in all off-street parking areas to a minimum of 0.5 foot-candles level with a maximum pole height 14 feet. Consistent with either a full cut-off or partial cut-off standard.
6. All street and parking lot lighting to have optics or shielding to direct the lighting downward .
7. Exterior lighting sconces at the pedestrian level along building facades are encouraged.
8. Exterior shielded building lighting from the top or roofline is encouraged.
9. Commercial lighting shall not produce glare or light trespass onto any residential use.

#### E. Parking

1. Existing on-street parking shall be maintained.
2. New parking areas shall be located behind buildings. Parking lots are not allowed between the front of a building and the street.
3. Parking shall be encouraged in the internal portion of blocks along public alleys or private drives. These small parking areas may also serve as a second frontage for the adjacent businesses.
4. Access to internal-block parking areas shall be encouraged along east/west alleys or drives accessing the north/south streets.
5. Parking requirements of the Development Code for individual uses are encouraged to be met through combined parking areas rather than through individual lots.
6. A joint parking facility for downtown employees is encouraged to be located on the periphery of the downtown area.
7. All parking lots shall contain a consistent distribution of street trees in order to enhance the lot's appearance and to provide shade, thereby lowering air temperatures. Trees shall be provided in landscaped islands in off-street parking areas at the rate of one tree per eight spaces in the interior and, in addition, at a rate of one tree per four lineal spaces around the perimeter. Trees in the interior may be evenly spaced or clustered.
8. Off-street parking areas that abut streets must be adequately screened with landscaping and/or a sight-obscuring wall that is a minimum of 4 ft. tall. Required vision clearance (i.e., corner sight-distance triangles) must be maintained.
9. Continuity and connection must be provided between adjacent parking areas for both autos and pedestrians.
10. Driveway access to arterial streets shall be minimized. Access to local streets shall be encouraged.
11. Access to off-street parking or parking lots within 60 feet of street corners is discouraged. Corner sight-distance triangles) must be maintained.
12. Where new drive-through facilities are permitted, access to shall be prohibited from east/west streets.

#### F. Building Materials

1. Metal is prohibited as the primary exterior building material, but it may be used for accents including awnings. Materials such as masonry, stone, stucco, and wood are encouraged. Exterior building materials shall convey an impression of durability.
2. Decorative patterns must be incorporated where masonry is used for exterior finish. Examples of these decorative patterns include quoins, multicolored masonry units such as brick, stone, or cast stone, in layered or geometric patterns, or split-faced concrete block to simulate a rusticated stone-type construction.



3. 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.
4. 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, but may be used as trim colors when trim in such color does not exceed 5% of the total wall area.
5. Accessory structures such as attached and detached canopies, utility buildings, storage sheds, sales kiosks, etc., shall conform to the design and color guidelines and be built in the same style as the main building.

#### G. Roof Materials, Parapets, and Roof Pitch

1. Pitched roof structures shall have a minimum roof pitch of 6:12. Large buildings, meaning those with a footprint of at least 3,000 square feet, may have portions of the roof at a lesser pitch, as long as the roofline is varied with areas of lesser pitch, dormers, or other significant architectural features.
2. Rooflines shall establish a distinctive “top” to a building. Except where impractical due solely to the size of the building, all new roofs shall be of a peak roof style. No flat, mansard, or shed roof styles are allowed. On larger buildings where peak roofs cannot be used, architectural features shall be used that exhibit a peak roof style with facades, partial roofs, and other techniques that meet the intent of these provisions. In building areas without a peak roof, a flat or shed roof shall be used. When flat roof areas are proposed, a cornice or frieze molding a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided.
  - a. Parapet corners must be stepped or the parapet must be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.
  - b. Visible sloped roofs must be dark gray, black, or dark brown.
  - c. Visible roof materials must be wood or architectural grade composition shingle or sheet metal with standing or batten seam.
  - d. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls, or by other approved means.

#### H. Windows

1. First floor walls fronting streets shall have a minimum of 50% openings in the form of glazed storefronts, glazed doorways or glazed entries. Windows which allow views to the interior activity or display areas are required.
2. Ground floor windows are also required on facades facing any parking lot. The minimum requirement is 10 percent of the facade.
3. Window frames and shutters in proportion to the window will count against the required openings percentage of subsection (K)(1). All storefront glazing will be clear glass so as to be used for displays. Blank walls are prohibited.
4. 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. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum sill height of six feet above grade.
5. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.
6. Windows should be wood or vinyl in a color appropriate to the building.

7. Operable windows will be casement or sash, not sliding.
8. Windows on a second story and above should be vertical in proportion with dimensions not to exceed 7 feet tall and 5 feet wide.
9. At least half of all the window area in upper floors must be made up of glass panes with dimensions no greater than 2'x3'. Windows that have mullions on an approximate 1'x1' grid inside double-pane glass are appropriate and are encouraged.

I. Building Heights

1. Buildings should be multi-story wherever possible
2. Buildings are limited to 35 feet or two stories, whichever is greater, for office, service, and retail uses
3. Buildings are limited to 45 feet or three stories, whichever is greater, when a ground level of office, service, or retail use is combined with a residential use above.

J. Building Lighting

1. All building entrances and exits must be well lighted. The minimum lighting level for building entries is four foot-candles. Lighting must be a pedestrian scale and the source light must be shielded to reduce glare.
2. Exterior lighting must be an integral part of the architectural design and be consistent with the overall architectural character of the downtown. Building accent lighting, sconces, detail lighting, and other lighting techniques that enhance the building design and that do not create glare or detract from other properties or the street and sidewalk are encouraged.
3. All exterior building lighting shall be shielded and directed downwards.

K. Signage.

1. Sign materials shall be compatible with the facade materials.
2. Painted wood and metal are encouraged. Use of plastic shall be limited. Highly-reflective materials and surfacing shall be avoided.
3. Applied letter or painted signage to the building face is encouraged.
4. Fonts should complement period style signage consistent with the architecture.
5. Reader boards are encouraged within the allowable sign area subject to the requirements of Chapter 18.275 LCMC.
6. Corporate design standards are never to be used as a justification for granting a variance to the sign standards.
7. All signage, if lighted, shall be externally lighted.
8. Mount Signage should be mounted so that it does not obscure any architectural details.
9. Projecting signs shall be located along the first floor level of the facade, not above.
10. Flush-mounted signs shall not obstruct architectural features. Flush-mounted signage incorporated into architectural features is encouraged.
11. Pole signs shall be of pedestrian scale. Ornamental features, pole coverings, etc. should be used to add to the aesthetics of pole signs. Pole signs should be designed to match the architecture of the main building.

L. Environmental Design

1. Roof systems that retain and treat rainwater are encouraged.

2. The city encourages new buildings that are designed and built to achieve LEEDS (Leadership in Energy and Environmental Design) certification.

## Chapter 18.160 - EMPLOYMENT DISTRICTS (Employment Campus & Light Industrial)

### Sections:

- 18.160.010 Purpose
- 18.160.020 Permitted uses
- 18.160.030 Dimensional requirements
- 18.160.040 Industrial development standards

### 18.160.010 Purpose

- A. It is the city's intent that industrial uses be encouraged in accordance with the comprehensive plan and that potential industrial areas be retained as an essential element for a vital economic base for the population of La Center. The intent of this district is to provide suitable areas for a variety of industrial uses including manufacturing, wholesale trade and distribution activities. The industries located in this district can be characterized as "clean" or not involving heavy industrial or manufacturing activities and are generally compatible with surrounding uses. The light industrial districts are intended to contain uses that will not generate excessive noise, pollution, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance characteristics. Conditional uses are those which may have some nuisance characteristics that may be mitigated and where such uses may be appropriately sited in La Center. Light industrial districts are only intended to be located in areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets and highways. Employment campus districts are intended to provide primarily office and research and development uses in park-like setting emphasizing aesthetics and compatibility. Includes opportunities for flex office space and areas that emphasize office uses over manufacturing uses.

### 18.160.020 Permitted uses

The following uses in each employment zone are permitted (P), conditional (C) or prohibited (X) as indicated in Table 18.160.020 LCMC. Certain commercial activities having an open storage characteristic, or which are most appropriately located as neighbors of industrial uses, are also included as permitted uses in this district.

**Table 18.160.020 Uses**

Use	LI	EC
1. Accessory uses and structures normally incidental to one or more permitted principal uses including those uses indicated as prohibited elsewhere in this table	P	P
2. Acid manufacture	X <sup>1</sup>	X <sup>1</sup>
3. Art galleries, libraries and museums	P	P
4. Asphalt plants	X <sup>1</sup>	X <sup>1</sup>
5. Auditoriums and civic centers	P	P
6. Automobile, boat, truck, tractor, motorcycle, recreational vehicle, manufactured home and other vehicle service, rental and leasing, new and/or used	P	X <sup>1</sup>
7. Bulk gasoline storage and fuel oil distributors	C	X <sup>1</sup>
8. Business services operated in conjunction with one or more permitted uses	P	C
9. Churches, including cemeteries and customary accessory buildings and uses subject to LCMC 18.250.	C	C
10. Clubs, lodges, fraternal institutions and other places of assembly for membership groups	P	X <sup>1</sup>
11. Cold storage plants, frozen food lockers and ice manufacture	P	X <sup>1</sup>
12. Colleges and universities	X <sup>1</sup>	P

13. Commercial recreation facilities, enclosed only	P	X <sup>1</sup>
14. Commercial recreation facilities, unenclosed	P	X <sup>1</sup>
15. Conical burners and incinerators, including biomedical waste	X <sup>1</sup>	X <sup>1</sup>
16. Contractor's establishments	P	X <sup>1</sup>
17. Day care centers, subject to 18.270	P	P
18. Distribution facilities	P	X <sup>1</sup>
19. Dry-cleaning plants	P	X <sup>1</sup>
20. Explosives manufacture and storage	X <sup>1</sup>	X <sup>1</sup>
21. Exterminators and pest control businesses	P	X <sup>1</sup>
22. Fertilizer manufacture	X <sup>1</sup>	X <sup>1</sup>
23. Finance, insurance and real estate offices	X <sup>1</sup>	P
24. Hospitals, health and medical clinics	X <sup>1</sup>	P
25. Institutionalized residential-living facilities, such as personal-care homes, nursing homes, convalescent homes, group homes, continuing care retirement facilities and similar uses	X	X
26. Junkyards, wrecked motor vehicle compounds and used auto or other vehicle parts yards	P	X <sup>1</sup>
27. Kennels	P	X <sup>1</sup>
28. Landfills	X <sup>1</sup>	X <sup>1</sup>
29. Lumber yards, planing and saw mills	P	X <sup>1</sup>
30. Machine shops	P	X <sup>1</sup>
31. Manufacturing, fabrication, assembling and packaging activities, including accessory storage, for the following products and/or materials: cloth, fiber, fur and hair; electrical and communication equipment; cosmetics, drugs and pharmaceuticals; food, beverage, dairy and tobacco products; and medical, dental, optical precision and surgical instruments and equipment	P	X <sup>1</sup>
32. Manufacturing, fabrication, assembling, processing, canning, packaging, compounding, storage and treatment activities for the following activities and/or materials: brick, concrete, cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper	P	X <sup>1</sup>
33. Offices	P	P
34. Paper and pulp mills	X <sup>1</sup>	X <sup>1</sup>
35. Parking garages and parking lots	P	X <sup>1</sup>
36. Personal service establishments, in conjunction with one or more permitted uses	P	P
37. Printing, publishing, bookbinding and blueprinting establishments	P	P
38. Public and semipublic buildings and uses	P	P
39. Radio and television studios	P	P
40. Radio, television and cellular phone towers and antennas	P	X <sup>1</sup>
41. Recreational facilities of a noncommercial nature, including parks, playfields and golf courses	P	P
42. Recycling plants, including any processing facilities	P	X <sup>1</sup>
43. Research and scientific laboratories	P	P
44. Residences for a caretaker or night watchman	P	X <sup>1</sup>
45. Residences of all types, when located on upper floors, in the rear of, or otherwise clearly secondary to commercial buildings	X <sup>1</sup>	X <sup>1</sup>

46. Restaurants, lounges, taverns and nightclubs, including drive-in and drive-through facilities	X <sup>1</sup>	X <sup>1</sup>
47. Lounges and taverns	X <sup>1</sup>	X <sup>1</sup>
48. Restaurants	X <sup>1</sup>	P
49. Restaurants, drive-through	X <sup>1</sup>	X <sup>1</sup>
50. Retail trade establishments, not to exceed 15,000 GFA	X <sup>1</sup>	C <sup>1</sup>
51. Retail trade establishments, unenclosed	X <sup>1</sup>	X <sup>1</sup>
52. Retail trade gasoline sales, enclosed or unenclosed	P	X <sup>1</sup>
53. Rubber manufacture	X <sup>1</sup>	X <sup>1</sup>
54. Schools, public, parochial, private, vocational, technical, business and others, nonprofit or operated for profit	P	P
55. Services, automotive, including gasoline sales	P	X <sup>1</sup>
56. Services, business, health, miscellaneous and personal	X <sup>1</sup>	P
57. Services, lodging	X <sup>1</sup>	X <sup>1</sup>
58. Services, lodging, but only when accessory to another principal use	X <sup>1</sup>	P
59. Single-family detached dwellings and their customary accessory buildings and uses, existing on the effective date of the regulations codified in this title, but not including new single-family residences	P	P
60. Storage buildings and storage yards, for non-hazardous raw materials and finished products	P	X <sup>1</sup>
61. Temporary uses which may be approved by the planning director	P	P
62. Tire retreading and recapping	P	X <sup>1</sup>
63. Transportation, communication and utility facilities, not otherwise specifically permitted	P	X <sup>1</sup>
64. Utilities and communication facilities, such as telephone exchanges, electric substations and public television stations	P	P
65. Warehouses, wholesale and storage establishments, mail order houses and distribution facilities occupying no more than fifty thousand square feet of enclosed gross floor area	P	P
66. Welding shops	P	X <sup>1</sup>
67. Wholesale distribution and warehousing facilities, including mail order houses, occupying more than 50,000 square feet	P	X <sup>1</sup>
68. Wineries, breweries and distilleries	P	X <sup>1</sup>

<sup>1</sup> Except as permitted as an accessory use.

### 18.160.030 Dimensional requirements

Table 18.160.030 establishes dimensional requirements for light industrial and employment center districts:

**Table 18.160.030 Dimensional Requirements**

Standard	Zone	
	LI	EC
Minimum lot size	5 acres.	1 acre
Minimum lot frontage	30 ft.	30 ft.
Minimum lot width	200 ft.	200 ft.
Front and street side yard building setback	30 ft.	30 ft.
Side and rear yard building setback	30 ft.	30 ft.

Minimum distance between principal buildings	30 ft.	30 ft.
Maximum building coverage	50%	50%
Maximum height	35 feet	35 feet
Minimum yard setbacks adjacent to residential district	Pursuant to screening and buffering standards contained in Table 18.245.060 LCMC, plus an additional 1/2 foot for each foot the building exceeds 20 feet in height to a maximum setback requirement of 40 feet. Buildings in excess of 20 feet in height may be stepped back.	

#### 18.160.040 Industrial development standards

Developments in the LI zoning district shall be designed in accordance with the following standards:

- A. Shared access points with abutting or adjacent development shall be provided whenever practicable.
- B. New land divisions creating lots of less than five (5) acres are not permitted unless consistent with a site plan approved under the standards of this title.
- C. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.
- D. Service Roads, Spur Tracks, Hard Stands, Outside Storage Area, Etc. No service road, hard stand or outside storage area, etc., shall be permitted within required setbacks adjoining residential districts.
- E. Fences & Walls. Sight-obscuring fencing or walls, visible from the public right-of-way, shall be screened with green growing plant materials, planted and maintained to an L4 standard.
- F. Site Landscaping and Design Plan. Development within this zoning district shall be subject to site plan review pursuant to Chapter 18.215 LCMC prior to the issuance of a building permit; which review may be conducted concurrent with the processing of building permits. In addition to the requirements of Chapter 18.215 LCMC, the following requirements shall apply:
  1. Blank walls are discouraged next to residential zones. If a blank wall is adjacent to residential zones the applicant shall provide and maintain a vegetative buffer of at least eleven (11) feet high that creates a varied appearance to the blank wall. Other features such as false or display windows, artwork, and varied building materials are acceptable.
  2. Building facades facing public streets shall have fifty percent (50%) of the total surface area of the wall transparent.
  3. Parking areas adjacent to rights-of-way shall be physically separated from the rights-of-way by landscaping or other features to a height of three (3) feet. A combination of walls, berms and landscape materials is highly recommended. Sidewalks may be placed within this landscaping if the street is defined as a collector or arterial with a speed limit of thirty-five (35) mph or above, in order to separate the pedestrian from heavy or high speed traffic on adjacent roads.
  4. Primary building entrances shall be physically oriented to the street or to a pedestrian walkway.
  5. If a development is located within two hundred fifty (250) feet of an existing or proposed transit stop the applicant shall provide a transit stop and shelter directly adjacent or as close as possible to the main building entrance as the transit authority requires.
  6. All off-street parking areas shall be planted with a minimum of one (1) deciduous tree for every six (6) parking spaces. Trees shall be of such species and spacing that a canopy effect shall result. Trees must be dispersed throughout the parking lot.

7. Required setback areas adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or live groundcover. Allowed uses in these areas are bikeways, pedestrian paths and water quality facilities.
  8. A minimum of twenty percent (20%) of the site shall be landscaped. Vegetated stormwater treatment facilities and pedestrian plazas may be used to satisfy the requirement. To qualify as a pedestrian plaza the following conditions must be met:
    - a. Minimum Size. A minimum of ten (10) feet depth and width with a minimum size of six hundred fifty (650) square feet.
    - b. Paving. A minimum of eighty percent (80%) of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paver in pedestrian plazas.
  9. Structures and open spaces should be clustered on-site to maximize the campus and open space qualities within the development.
  10. When security fencing is required it shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment. Long expanses of fences or walls shall be intersperse with trees or hedges to break up the appearance of the wall at least every fifty (50) feet for a distance of at least five (5) feet.
  11. Required setbacks adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or line.
- G. Pedestrian Access Plan. An on-site pedestrian circulation system must be provided, which connects the street to the public entrances of the structure(s) on-site.
1. The circulation system shall be hard surfaced and be at least five (5) feet wide.
  2. Where the system crosses driveways, parking, and/or loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, varied paving materials or other similar methods approved by the reviewing authority and in compliance with the Americans with Disabilities Act (ADA).
  3. The on-site pedestrian circulation system and parking areas must be lighted to a level which provides adequate lighting so that parking areas can be used safely when natural light is not present.
  4. The pedestrian system must connect the site to adjacent streets and transit stops. The pedestrian system must also connect on-site public open space or parks, commercial, office and institutional developments to adjacent like uses and developments for all buildings set back forty-five (45) feet or farther from the street lot line, when existing development does not preclude such connection. Development patterns must not preclude eventual site-to-site connections, even if an adjoining site is not planned for development at the time of the applicant's development.
- H. Performance Standards.
1. No land or structure shall be used or occupied within this district unless there is compliance with the following minimum performance standards:
    - a. Maximum permissible noise levels shall be as determined by Chapter 173-60 WAC, as amended.
    - b. Vibration. Vibration other than that caused by highway vehicles, trains, and aircraft, which is discernible without instruments at the property line of the use concerned, is prohibited.
    - c. Smoke and Particulate Matter. Air emissions must be within legal limits as approved by the Southwest Clean Air Agency.
    - d. Odors. The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.



- e. Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare.
  2. Administration. As a condition for the granting of a building permit and/or site plan approval, at the request of the responsible official, information sufficient to determine the degree of compliance with the standards in this title shall be furnished by the applicant. Such request may include submission of continuous records of operation for periodic checks to assure maintenance of standards, and special surveys.
- I. Light and Glare Standards.
1. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.
  2. Exterior lighting shall be shielded and directed away from lots in adjacent uses.
  3. Interior lighting in parking structures shall be shielded, to minimize nighttime glare affecting lots in adjacent uses.
  4. When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of this section.
  5. Glare diagrams which clearly identify potential adverse glare impacts on any residential zone and on arterials shall be required when:
    - a. Any structure is proposed to have facades of reflective coated glass or other highly reflective material, and/or a new structure or expansion of an existing structure greater than sixty-five (65) feet in height is proposed to have more than thirty percent (30%) of the facades comprised of clear or tinted glass; and when glare diagrams are required, the director may require modification of the plans to mitigate adverse impacts.
    - b. The facade(s) surfaced or comprised of such materials either:
      - i. Are oriented towards and are less than two hundred (200) feet from any residential zone, and/or
      - ii. Are oriented towards and are less than four hundred (400) feet from a major arterial with more than fifteen thousand (15,000) vehicle trips per day.
  6. When glare diagrams are required, the responsible official may require modification of the plans to mitigate adverse impacts, using methods including but not limited to the following:
    - a. Minimizing the percentage of exterior facade that is composed of glass;
    - b. Using exterior glass of low reflectance;
    - c. Tilting glass areas to prevent glare which could affect arterials, pedestrians or surrounding structures;
    - d. Alternating glass and non-glass materials on the exterior facade; and
    - e. Changing the orientation of the structure.
- J. Outdoor Storage Standards.
1. All storage areas (including but not limited to areas used to store raw materials, finished and partially finished products and wastes) shall be screened from adjoining properties or public rights-of-way to the L4 standard. Storage areas which adjoin residential districts or in areas where differences in elevation defeat the purpose of this requirement shall be screened with a fence to an F2 standard which shall be placed on top of a berm to an L5 standard.

2. Screening shall be placed on all sides of storage areas other than where a building wall would act as a screen.
  3. Outdoor storage is prohibited as follows:
    - a. In floodways;
    - b. On slopes greater than fifteen percent (15%);
    - c. In parking stalls required by Chapter 18.280 LCMC
    - d. In areas where outdoor storage or display causes traffic or pedestrian circulation problems as determined by the responsible official or where a minimum five (5) foot-wide walkway does not remain clear and free of obstructions;
    - e. Any materials that attract animals, birds or vermin; and
    - f. In fire lanes.
  4. The applicant shall demonstrate that both outdoor storage and the screening for outdoor storage are in the appropriate locations on the site to minimize impacts, given the operational practices of the facility.
- K. Vibration. Site generated ground vibrations shall not be perceptible by a person of ordinary sensitivity, without instruments, at any point of any boundary line of the property on which a use or structure is located. Vibrations from temporary construction activities and vehicles that leave the property (such as trucks, trains, airplanes and helicopters) are excluded.
- L. Electromagnetic Interference. Electric fields and magnetic fields shall not be created that adversely affect the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted. This section does not apply to telecommunication facilities which are regulated by the Federal Communications Commission under the Federal Telecommunication Act of 1996 or its successor.

## Chapter 18.170 - URBAN PUBLIC DISTRICT (UP)

### Sections:

- 18.170.010 Establishment of district designation
- 18.170.020 Permitted uses
- 18.170.030 Conditional uses
- 18.170.040 Development standards

### **18.170.010 Establishment of district designation**

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

### **18.170.020 Permitted uses**

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

### **18.170.030 Conditional uses**

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

- A. Public Schools;
- B. Community centers;
- C. Public and private utility uses such as electrical substations and telecommunications facilities;
- D. Other governmental buildings or structures.

### **18.170.040 Development Standards**

- A. All conditional use requests shall participate in the pre-application process.
- B. In general the dimensional and development standards of the base zone shall apply. At the time of pre-application conference the Director shall determine which base zone standards shall be required or whether additional standards are necessary.

## Chapter 18.180 - MANUFACTURED HOMES

### Sections:

- 18.180.010 Purpose and Intent
- 18.180.070 Installation Standards
- 18.180.080 Utilities and Services
- 18.180.090 Buildings and Grounds Maintenance
- 18.180.100 Permitted Uses
- 18.180.110 Other Development Standards

### **18.180.010 Purpose and intent**

It is the purpose and intent of this chapter to set forth terms and conditions applicable to manufactured homes equivalent to those for all other dwellings, in order to not discriminate against the placement and use of manufactured homes in order to comply with RCW 35.63.160, 35.21.684, and 35A.21.312, as amended in 2004. This chapter shall not override any legally recorded covenant or deed restrictions of record.

### **18.180.070 Installation Standards**

Manufactured homes shall meet all of the following criteria:

- A. May not have been previously titled to a retail purchaser and may not be a "used mobile home" as defined by RCW 82.45.032(2), now or hereafter amended.
- B. Be built to meet or exceed the standards established by federal law 42 U.S.C. 5401 through 5403, now or hereafter amended.
- C. Must be comprised of at least two fully enclosed attached parallel sections, each of which are not less than twelve feet wide by thirty-six feet long.
  - 1. If a manufactured home consists of more than two sections, the other sections must be attached to the two required parallel sections, but do not have to be parallel to the two parallel sections.
  - 2. The additional sections may be placed above, behind or next to the parallel sections.
- D. Have a composition of wood, shake or shingle, coated metal, or similar roof of not less than a nominal 3:12 pitch. A roof consisting of 'rolled' asphalt material is prohibited.
- E. Be compliant with the Federal Manufactured Home Construction and Safety Standards in effect at the date of manufacture.
- F. Be set on and securely attached to a foundation support system as specified by the manufacturer. The design and construction of the foundation must be approved by the City and meet the requirements of Chapter 15.05 LCMC now or hereafter amended.
  - 1. The gap from the bottom of the home to the ground, around the entire perimeter of the house, shall be skirted by concrete or other cementitious product as approved by the City, which can be either load bearing or decorative.
  - 2. A minimum of an 18-inch crawl space, measured from the lowest frame member, shall be left under all homes.
- G. Have permanent steps and landings installed at all exits in compliance with Title 15 LCMC.
- H. A perimeter masonry wall shall surround manufactured homes to fill space between ground level and base of home. Foundation shall extend a minimum of six inches above ground level and shall be fully secured to the ground via the appropriate tie-down devices.

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- I. The requirements of the city Public Works Director and Police Chief for moving a manufactured housing to a permanent location, with respect to traffic and safety, shall be met. These requirements shall include, but not be limited to:
1. Route of travel with a traffic control plan;
  2. Time of move;
  3. Posting of surety bond(s) in an amount adequate to ensure repair to public or private property which may be damaged by movement of the building. The amount of the bond shall be determined by the city Public Works Director.
- J. Manufactured homes shall comply with all other siting, density, and dimensional standards of the zoning district in which they are a permitted use.

**Chapter 18.190 - URBAN HOLDING DISTRICT (UH-10)**

## Sections:

- 18.190.010 Purpose
- 18.190.015 Application of UH Zone
- 18.190.020 Permitted uses
- 18.190.025 Conditional uses
- 18.190.030 Siting criteria
- 18.190.040 Height and lot area
- 18.190.060 Removal of UH-10 overlay
- 18.190.070 Other provisions

**18.190.010 Purpose**

The city shall apply the Urban Holding-10 zone to protect lands identified within the city limits from premature development where capital facilities are inadequate to support development under the urban zoning designation.

**18.190.015 Application of UH zone**

The city council shall automatically apply the UH-10 zone at the time of rezoning to any property that fails to meet one or more level of service standards identified in the CFP.

- A. In conjunction with a legislative or site specific rezone request the Director of Public shall file a report with the city council which evaluates whether there are adequate capital facilities, as defined in the CFP, available to serve the property or properties that are the subject of the rezone action.
- B. The city council shall rely upon the reports from the Director of Public Works as substantial evidence when determining whether to apply the UH overlay zone.

**18.190.020 Permitted uses**

The city shall permit the following uses, subject to compliance with concurrency and level-of-service standards of the CFP:

- A. One Single-family dwellings and accessory buildings on a legal lot of record;
- B. Home occupations;
- C. Agriculture and forestry, including any accessory buildings and activities, located outside any area mapped as sensitive lands on the Critical Area Maps;
- D. Roadside stands not exceeding two hundred (200) square feet in area, exclusively for the sale of agricultural products locally grown, and set back a minimum of twenty (20) feet from any abutting right-of-way or property line;
- E. Publicly owned recreational facilities, parks and playgrounds.

**18.190.025 Conditional uses**

Within an urban holding district the city may allow the following uses through the conditional use process (Chapter 18.340), subject to site plan review:

- A. Government-owned or operated facilities, including fire stations, ambulance dispatch facilities, storage yards, warehouses or similar uses;
- B. Family day center and mini daycare centers;
- C. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials.

- D. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines and telecommunication facilities.

**18.190.030 Siting criteria**

All uses within the UH-10 district shall meet the following criteria:

- A. Permanent structures or facilities shall be de-signed and located to provide for the orderly extension of public roads, water and sewer to the site and surrounding properties.
- B. All necessary urban road, drainage and other urban development requirements shall apply to ensure that future urban development will be orderly.
- C. Signed agreements between the property owner and the service provider(s) to connect to public sewer and water when they become available within two hundred (200) one thousand feet of the site shall be secured prior to commencing the authorized use, provided such ex-tension or connection does not require pump stations or capital facilities, such as larger pipes, to increase the capacity of the sewer or water system.

**18.190.040 Height and lot area**

Buildings or structures shall not exceed thirty-five (35) feet. Minimum parcel size (acres) for newly created parcels shall be ten (10) acres.

**18.190.060 Removal of UH-10 overlay**

The Director may remove UH-10 overlay district, based on certification from the Public Works Director or city engineer that identified capital facilities deficiencies have been satisfactorily resolved.

- A. Removal of the overlay such amendments shall occur under Type II review proceedings. The city shall not require a public hearing for such an amendment, because the public review process will have already occurred as a result of development review or an amendment to the Capital Facilities Plan.
- B. The UH-10 overlay may be removed if provision of adequate capital facilities is required as a condition of phased development approval.
- C. The Director shall maintain a record of all administrative amendments to the UH-10 overlay district, including findings in support of the decision to modify the boundaries of the overlay district.

**18.190.070 Other provisions**

All developments within the UH-10 zoning district shall provide or reserve a twenty-foot (20 ft.) wide natural vegetated buffer along all property lines. Signs shall be permitted according to the provisions of Chapter 18.275 LCMC. Off-street parking and loading shall be provided as required in Chapter 18.280 LCMC.

## SECTION 3 - LAND DIVISION AND DEVELOPMENT

### Chapters:

- 18.200 General Provisions
- 18.205 Short Plat Provisions
- 18.210 Subdivisions Provisions
- 18.215 Site Plan Review
- 18.220 Boundary Line Adjustments
- 18.225 Legal Lot Determination
- 18.230 Monumentation, Survey and Drafting Standards
- 18.235 Alterations of Final Plats and Short Plats
- 18.240 Mitigation of Adverse Impact
- 18.245 Supplementary Development Standards
- 18.250 Conditional Uses
- 18.255 Nonconforming Uses
- 18.260 Variances
- 18.265 Temporary Use Permits
- 18.270 Home Occupations
- 18.275 Signs
- 18.280 Off-Street Parking and Loading
- 18.285 Telecommunication Facilities



## Chapter 18.200 - GENERAL PROVISIONS

### Sections:

- 18.200.010 Short title
- 18.200.020 Purposes
- 18.200.030 Plat, short plat, or other review required
- 18.200.040 Exemptions
- 18.200.050 Agreements to transfer land after preliminary plat approval
- 18.200.060 Divisions of developed land

### **18.200.010 Short Title**

This title shall be known as the land division ordinance and may be cited as such.

### **18.200.020 Purposes**

In addition to those purposes set forth in RCW 58.17.010, the land division regulations are intended to fulfill the following purposes:

- A. To promote the effective use of land;
- B. To make adequate provision for the residential, commercial, and industrial needs of the city;
- C. To provide for the division of land in accordance with officially adopted plans, policies, and standards, including the zoning ordinance and related development regulations of the city; and
- D. To provide for the efficient processing of land division applications in an efficient and timely manner .

### **18.200.030 Plat, short plat, or other review required**

All divisions of land, shall be subject to the applicable portions of Chapter 58.17 RCW, this title and other applicable city ordinances and regulations.

### **18.200.040 Exemptions**

The provisions of Chapters 18.200 through 18.285 shall not apply to the following:

- A. Cemeteries and burial plots while used for that purpose.
- B. Divisions of land into lots or tracts, each of which is one-one hundred twenty-eighth (1:128) of a section of land or larger, or five (5) acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this item which borders on a street or road, excluding limited-access streets or roads, the lot size shall be construed to include that area which would be bounded by the centerline of the road or street, and the side lot lines of the lot running perpendicular to such centerline.
- C. Divisions of land which are the result of the actions of governmental agencies, such as condemnation for road construction purposes.
- D. Divisions of land made by testamentary provisions, or the laws of descent.
- E. Divisions of land made by court order; provided, the divisions shall comply with all the provisions of this title to the extent possible.
- F. A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a lot in the zone in question under this title.

**18.200.050 Agreements to transfer land after preliminary plat approval**

Agreements to transfer land prior to final plat or short plat is authorized; provided, that the performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat or short plat approval is expressly conditioned on the recording of the final plat or short plat containing the lot, tract, or parcel.

**18.200.060 Divisions of developed land**

Divisions of developed land may be reviewed and approved the same as undeveloped land; provided, existing and approved development on the site shall be considered by the review authority and may be relevant to adjustments, modifications and variations of standards that otherwise apply if consistent with this title or other applicable city regulation. For the purpose of this section, “developed land” means a lot, tract, or parcel upon which substantial construction has taken place (e.g., framing inspection approval has been granted). Such construction shall be a permanent building or structure.

## Chapter 18.205 - SHORT PLAT PROVISIONS

### Sections:

- 18.205.010 Pre-application review
- 18.205.020 Review processes for short plats
- 18.205.030 Preliminary short plat application contents
- 18.205.040 Approval criteria for a preliminary short plat
- 18.205.050 Expiration and extension of preliminary short plat approval
- 18.205.060 Final short plat application contents
- 18.205.070 Approval criteria for a final short plat

### **18.205.010 Pre-Application Review**

- A. A preliminary short plat is subject to pre-application review as provided in Chapter 18.030.020 LCMC.
- B. An applicant for pre-application review of a preliminary short plat shall submit the requisite fee, a completed pre-application review form provided for that purpose by the city, and the information listed in Chapter 18.030.020(C) LCMC.

### **18.205.020 Review processes for short plats**

- A. Technically complete review of a short plat application is subject to Chapter 18.030.050 LCMC.
- B. A technically complete application for a preliminary short plat shall be subject to a Type II process. See Chapter 18.030.090 LCMC.
- C. A technically complete application for a final short plat map shall be subject to a Type I process. See Chapter 18.030.080 LCMC.
- D. Appeal and post-decision review of decisions regarding short plats are permitted as provided in Chapter 18.030.130 LCMC and Chapter 18.030.150 LCMC respectively.

### **18.205.030 Preliminary short plat application contents**

An applicant for a preliminary short plat shall submit the requisite fee, a completed application review form provided for that purpose by the city, and ten (10) copies of the following information:

- A. Short plat name (if any);
- B. Contact information including the name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the short subdivision;
- C. Environmental (SEPA) checklist or EIS, if applicable under Chapter 18.310 LCMC;
- D. A preliminary short plat at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. The short plat shall show the dimensions and areas of all proposed lots, tracts and dedications. The short plat shall show the distance from proposed lot lines to the nearest existing structures on the site unless those structures will be removed;
- E. Proposed dedications of title, easements or other interests to the city or other agency, if applicable;
- F. Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Clark County assessor;

- G. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance;
- H. A legal description of the property proposed to be divided;
- I. If a short subdivision contains large lots which at some future time could be re-subdivided, the application shall include a master plan of all land under common ownership in order to provide for extension and opening of streets at intervals which will permit a subsequent division of each divisible parcel into lots of smaller size;
- J. A copy of the pre-application conference summary, and a description of information submitted in response to the issues, comments and concerns in the summary;
- K. A written description of how the proposed preliminary short plat does or can comply with each applicable approval criterion for the preliminary short plat, and basic facts and other substantial evidence that supports the description;
- L. The names and addresses of owners of land within a radius of 300 feet of the site. Owner names and addresses shall be printed on mailing labels.
  - 1. The applicant shall submit a statement by the assessor's office or a title company certifying that the list is complete and accurate, based on the records of the Clark County assessor within 30 days of when the list is submitted;
  - 2. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, then notice shall be mailed to owners of property within a 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application;
- M. Applications necessarily associated with the preliminary short plat, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the road standards in Chapter 12.10 LCMC that are required to approve the short plat application as proposed;
- N. A wetlands delineation and assessment for wetlands on-site and abutting the site when regulated by Chapter 18.300 LCMC, and an application for a critical area and associated preliminary plan if required by Chapter 18.300 LCMC;
- O. A report prepared by a geotechnical engineer or geologist licensed in the State of Washington if:
  - 1. The site contains substantial fill (10 cubic yards or more), or the applicant proposes to place substantial fill on the site; or
  - 2. The site contains land identified by the U.S. Soil Conservation Service, Clark County or the state of Washington as having slopes in excess of 25 percent or as being subject to instability, unless the applicant will not develop or otherwise significantly affect such lands or shows that the site does not contain unstable soils or steep slopes;
- P. An archaeological predetermination if the area proposed for development contains lands classified as having moderate or higher probability of containing archaeological resources as determined.
- Q. Preliminary grading, erosion control and drainage plans, which may be a single plan, consistent with applicable provisions of Chapter 18.320 LCMC;
- R. Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.

**18.205.040 Approval criteria for a preliminary short plat**

- A. The review authority shall approve a preliminary short plat if he or she finds:

1. The applicant has sustained the burden of proving that the application complies with the following regulations of the La Center Municipal Code to the extent relevant; or
    - a) Chapters 12.05 (Sidewalks) and 12.10 (Public and Private Road Standards) LCMC;
    - b) Chapter 18.300 LCMC (Critical Areas);
    - c) Chapter 18.310 LCMC (Environmental Policy);
    - d) Chapter 18.320 LCMC (Stormwater and Erosion Control);
    - e) Chapter 15.05 LCMC (Building Code and Specialty Codes)
    - f) Chapter 15.35 LCMC (School Impact Fees); and
    - g) Title 18 LCDC (Development Code
  2. That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final short plat is approved;
  3. The application makes appropriate provision for potable water supplies and for disposal of sanitary wastes; and
  4. The application complies with RCW 58.17.010.
- B. If the application includes the creation of one or more flag lots, those lots shall comply with Section 18.210.040(E) LCMC.

#### **18.205.050 Expiration and extension of preliminary short plat approval**

A decision approving a preliminary short plat expires five (5) years from the effective date of approval and can be extended as provided in Section 18.030.140 LCMC.

#### **18.205.060 Final short plat application contents**

An applicant for a final short plat shall submit to the city clerk the requisite fee and the following information:

- A. A form provided by the city containing the following information:
  1. Short subdivision name (if any);
  2. Name, mailing address, and telephone number of owner and/or developer, and, if required, surveyor of the plat;
  3. Date;
  4. Acreage;
  5. Number of lots;
  6. Zoning designation;
- B. The final short plat map, including the following:
  1. Short subdivision name (if any);
  2. Legend;
  3. Location, including one-fourth section, section, township, range, and, as applicable, donation land claim and/or short subdivision or subdivision name;
  4. Boundary survey (if required);

5. Lot, block, and street right-of-way and centerline dimensions;
  6. Street names;
  7. Scale, including graphic scale, north arrow, and basis of bearings;
  8. Identification of areas to be dedicated;
  9. Surveyor's certificate, stamp, date, and signature (if required);
  10. Signature blocks for the following:
    - a. Engineer;
    - b. County auditor;
    - c. County assessor;
    - d. City clerk or Director;
    - e. Mayor;
  11. Special setbacks (if any);
  12. Public and private easements (if any) and the purpose of each;
  13. Tracts (if any) and the purpose of each;
  14. Walkways (if any);
- C. Legal description of the boundary which has been certified by the land surveyor, with seal and signature as being an accurate description of the lands actually surveyed;
- D. Short plat certificate, including dedications, if any (RCW 58.17.165);
- E. A certificate of title shall be provided;
- F. Restrictions and covenants, if proposed to fulfill conditions of approval or applicable provisions of law.

**18.205.070 Approval criteria for a final short plat**

The review authority shall approve a final short plat if he or she finds:

- A. It complies with the decision approving the preliminary short plat;
- B. The applicant has fulfilled all conditions of approval that that decision or the La Center Municipal Code requires to be fulfilled before approval of the final short plat; and
- C. The final short plan application must meet the submittal requirements of Section 18.210.060 LCMC.

## Chapter 18.210 - SUBDIVISION PROVISIONS

### Sections:

- 18.210.010 Pre-application review
- 18.210.020 Review processes for subdivisions
- 18.210.030 Preliminary plat application contents
- 18.210.040 Approval criteria for a preliminary plat
- 18.210.050 Expiration and extension of preliminary plat approval
- 18.210.060 Final plat application contents
- 18.210.070 Approval criteria for a final plat
- 18.210.080 Construction prior to final plat approval – Bonds
- 18.210.090 Improvement plans

### 18.210.010 Pre-application review

- A. A preliminary plat is subject to pre-application review.
- B. An applicant for pre-application review of a preliminary plat shall submit the requisite fee, a completed pre-application review form provided for that purpose by the city, and four copies of the following:
  - 1. Subdivision name;
  - 2. Name, mailing address, and telephone number of the owner, engineer, surveyor, planner, attorney and developer/applicant and the person with whom official contact should be made regarding the application;
  - 3. The date that the application was prepared;
  - 4. The approximate acreage of the site and of each proposed lot and tract;
  - 5. Comprehensive plan and zoning designations for the site;
  - 6. Existing and proposed land uses and structures on the site, and the proposed disposition of existing uses and structures;
  - 7. A description of land title to or easements over which the applicant proposes to dedicate to the city and the purpose for such, if applicable;
  - 8. A legal description for the site, including township, range and section and applicable assessor's map number(s);
  - 9. A topographic map of the site if the preliminary plat submitted for pre-application review does not show elevation contours;
  - 10. A draft environmental (SEPA) checklist may be submitted but is not required for pre-application review;
  - 11. A proposed preliminary subdivision plat at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plat reduced to fit on an eight-and-one-half-inch by 11-inch page. The plat shall show the dimensions and areas of all proposed lots, tracts and dedications. The plat shall show the distance from proposed property lines to the nearest existing structures on the site unless those structures will be removed;
  - 12. Any other items or details the applicant believes would assist the staff in its review, such as proposed storm water plans, proposed utilities and their availability, geotechnical, wetland or other critical areas on or abutting the site, and a traffic impact study.

**18.210.020 Review processes for subdivisions**

- A. Technically complete review of a plat application is subject to a Type I process per Section 18.030.080 LCMC.
- B. After a preliminary subdivision application is deemed to be technically complete the review of the application for a preliminary plat approval is subject to a Type III process. See Section 18.030.100 LCMC.
- C. Review of a technically complete application for a final plat map is subject to a Type I process per Section 18.030.080 LCMC.
- D. Appeal and post-decision review of final decisions regarding plats are permitted as provided in Sections 18.030.130 and 18.030.150 LCMC respectively.

**18.210.030 Preliminary plat application contents**

An applicant for a preliminary short plat shall submit the requisite fee, a completed application review form provided for that purpose by the city, and ten (10) copies of the following information:

- A. The information listed in Section 18.210.010(B) LCMC, provided an environmental checklist or EIS is required for a technically complete application unless categorically exempt.
- B. Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Clark County assessor.
- C. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance.
- D. A legal description of the property proposed to be divided.
- E. If a subdivision contains large lots or tracts which at some future time are likely to be re-subdivided, the application shall include a master plan of all land under common ownership in order to provide for extension and opening of streets at intervals which will permit a subsequent division of each divisible parcel into lots of smaller size.
- F. A copy of the pre-application conference summary, if the application was subject to pre-application review, and all information required to address issues, comments and concerns in the summary;
- G. A written description of how the proposed preliminary plat does or can comply with each applicable approval criterion for the preliminary plat, and basic facts and other substantial evidence that supports the description.
- H. The names and addresses of owners of land within a radius of 300 feet of the site. Owner names and addresses shall be printed on mailing labels.
  - 1. The applicant shall submit a statement by the assessor's office or a title company certifying that the list is complete and accurate, based on the records of the Clark County assessor within 30 days of when the list is submitted.
  - 2. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, then notice shall be mailed to owners of property within a 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application.
- I. Applications necessarily associated with the preliminary plat, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the road standards in Chapter 12.10 LCMC that are required to approve the preliminary plat application as proposed.



- J. A wetlands delineation and assessment if required by Chapter 18.300 LCMC, and an application for a wetland permit and associated preliminary plan if required by Chapter 18.300 LCMC to approve the preliminary plat application as proposed.
- K. An appropriate geotechnical study if:
  - 1. The site contains substantial fill, or the applicant proposes to place substantial fill on the site; or
  - 2. The site contains land identified by the U.S. Soil Conservation Service, Clark County or the state of Washington as having slopes in excess of 25 percent or as being subject to instability, unless the applicant will not develop or otherwise significantly affect such lands or shows that the site does not contain unstable soils or steep slopes.
- L. Preliminary grading, erosion control and drainage plans, which may be a single plan, consistent with applicable provisions of Chapter 18.320 LCMC.
- M. Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.
- N. A plan showing proposed phasing if the applicant proposes to develop the subdivision in phases.

**18.210.040 Approval criteria for a preliminary plat**

- A. The review authority shall approve a preliminary plat if he or she finds:
  - 1. The applicant has sustained the burden of proving that the application complies with the following regulations of the La Center Municipal Code to the extent relevant; or
    - a.) Chapters 12.05 (Sidewalks) and 12.10 (Public and Private Road Standards) LCMC;
    - b.) Chapter 18.300 LCMC (Critical Areas);
    - c.) Chapter 18.310 LCMC (Environmental Policy);
    - d.) Chapter 18.320 LCMC (Stormwater and Erosion Control);
    - e.) Chapter 15.05 LCMC (Building Code and Specialty Codes)
    - f.) Chapter 15.35 LCMC (School Impact Fees); and
    - g.) Title 18 LCMC (Development Code)
  - 2. That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final plat is approved;
  - 3. The subdivision makes appropriate provision for potable water supplies and for disposal of sanitary wastes; and
  - 4. The subdivision complies with RCW 58.17.010.
- B. If phases are proposed, then the subdivision also complies with the following:
  - 1. The preliminary plat identifies the boundaries of each phase and sequence of phases;
  - 2. Each phase includes open space and other required public and/or private infrastructure at least in proportion to the number of lots in the phase;
  - 3. The sequence and timing of phases maintains compliance with applicable standards throughout the development of the subdivision; and
  - 4. The applicant completes or assures completion of public improvements consistent with Chapter 18.210.090 LCMC.
- C. Flag lots are discouraged. When allowed, flag lots shall comply with the following standards:

1. The flag “pole” shall be at least 20 feet wide instead of the frontage regulations of the zone.
2. The flag pole shall be improved with an all-weather surface with an unobstructed vertical clearance of at least 13 feet six inches. The improved surface shall be at least twenty (20) feet wide and shall be marked and signed as a fire lane.
3. The pole portion of the flag lot shall not be counted toward the minimum lot size.
4. If the length of the flagpole is more than one hundred fifty (150) feet, an approved turn-around in conformance with the current adopted edition of the International Fire Code shall be provided at the end of the driveway, and structures on the lot shall incorporate a fire-hazard warning, including a hard-wired, back-up smoke detector, and a sprinkler system.
5. Where flag lots are not provided but access easements across abutting properties to public or private rights-of-way are provided, the standards of Section 12.10.220 LCMC shall apply.

#### **18.210.050 Expiration and extension of preliminary plat approval**

- A. Approval of a preliminary plat expires five (5) years from the effective date of the decision approving it unless, within that time, an applicant files with the city clerk an application for a final plat for a subdivision or given phases of a subdivision or for an extension.
- B. An application for extension of a preliminary plat approval for a subdivision or for remaining phases of a subdivision is subject to a Type I process. An applicant for an extension shall submit the requisite fee, a completed application review form provided for that purpose by the city, and text describing how the application complies with the approval criteria for an extension, and basic facts and other substantial evidence to support the text.
- C. The review authority may approve a single one-year extension of a preliminary plat approval if he or she finds that the relevant facts and the law have not changed substantially since the original approval, or that the preliminary plat can comply with the law in effect on the date the application for the extension was filed by complying with certain additional and/or modified conditions of approval, and those additional conditions and/or modifications are adopted.

#### **18.210.060 Final plat application contents**

An applicant for a final plat shall submit to the city clerk the requisite fee and the following information:

- A. A form provided by the city containing the following information:
  1. Subdivision name;
  2. Name, mailing address, and telephone number of owner and/or developer, and surveyor of the plat;
  3. Date;
  4. Acreage;
  5. Number of lots;
  6. Zoning designation.
- B. Two mylars and four paper copies of the final plat map shall be provided, and shall include the following:
  1. Subdivision name;
  2. Legend;
  3. Location, including one-quarter section, section, township, range, and, as applicable, donation land claim and/or subdivision;
  4. Boundary survey;
  5. Lot, block, and street right-of-way and centerline dimensions;

6. Street names;
7. Scale, including graphic scale, north arrow, and basis of bearings;
8. Identification of areas to be dedicated;
9. Surveyor's certificate, stamp, date, and signature;
10. Signature blocks for the following:
  - a. Public Works Director or engineer
  - b. Mayor;
  - c. City Clerk or Director;
  - d. County auditor;
  - e. County assessor
- C. Special setbacks (if any);
- D. Public and private easements (if any) and the purpose of each;
- E. Tracts (if any) and the purpose of each;
- F. Walkways (if any).
- G. Legal description of the boundary which has been certified by the land surveyor shall be provided, with seal and signature as being an accurate description of the lands actually surveyed.
- H. A plat certificate shall be provided, including dedications, if any.
- I. A certificate of title shall be provided.
- J. Restrictions and covenants shall be provided if proposed to fulfill conditions of approval or applicable provisions of law.

#### **18.210.070 Approval criteria for a final plat**

The review authority shall approve a final plat if he or she finds:

- A. It complies with the decision approving the preliminary plat ;
- B. The applicant has fulfilled all conditions of approval or that the La Center Municipal Code requires to be fulfilled before approval of the final plat, and
- C. The final short plan application meets the submittal requirements of Section 18.210.060 LCMC.

#### **18.210.080 Construction prior to final plat approval – Bonds**

- A. In lieu of the completion of any required public improvements prior to approval of a final plat, the clerk/treasurer may accept a bond, in an amount of at least 125 percent (125%) of the estimated cost of construction of the public improvements in question, as certified by a professional engineer, and with surety and conditions satisfactory to the engineer, or other secure method as the engineer may require, providing for and securing to the city the actual construction and installation of such improvements within a period specified by the engineer, and specified in the bond or other agreement; and to be enforced by the engineer by appropriate legal and equitable remedies.
- B. Construction shall not start prior to both the construction plans having been signed by the engineer and the final plat survey computations having been approved by the engineer; except that rough grading operations may proceed before the plans are approved by the engineer under the following conditions:
  1. The grading plan is submitted separately, along with an application for the grading permit.
  2. The grading plan is in conformance with the approved preliminary plat.

3. The grading plan will not be in substantial conflict with the street profiles and drainage structure plans.
4. The grading permit is issued.

**18.210.090 Improvement plans**

Where improvements are required, plans for such improvements shall be submitted to the Public Works Director. Improvements shall be designed by or under the direct supervision of a licensed engineer where required by statute (Chapters 18.08, 18.43, and 18.96 RCW). The engineer shall certify same by seal and signature. All improvement plans shall comply with the provisions of city ordinances pertaining to streets, roads and utilities, and any other applicable city ordinances, and in addition to the above certification shall contain the following:

- A. Subdivision name;
- B. Name, mailing address, and telephone number of engineer preparing the plan;
- C. Date (month and year).

## Chapter 18.215 - SITE PLAN REVIEW

### Sections:

- 18.215.010 Purpose
- 18.215.020 Applicability
- 18.215.030 Exemptions
- 18.215.040 Site plan review types and procedures
- 18.215.050 Submittal requirements
- 18.215.060 Criteria for site plan approval
- 18.215.070 Appeal
- 18.215.080 Final site plan approval
- 18.215.090 Modifications to approved site plan
- 18.215.100 Compliance required and expiration
- 18.215.110 Completion prior to occupancy

### **18.215.010 Purpose**

The purpose of site plan approval is to ensure compatibility between new developments, existing uses and future developments in a manner consistent with the goals and objectives of the comprehensive plan in order to create healthful and safe conditions. Site plan approval is required according to the provisions of this chapter in order to promote developments that are harmonious with their surroundings and maintain a high quality of life for area residents, to ensure that new developments are planned and designed to protect privacy, to determine appropriate lighting and noise mitigation measures, and to ensure adequate and safe access. Site plan approval is required for all developments as specified in this title.

### **18.215.020 Applicability**

The provisions of this chapter shall apply to all changes of use, new construction, expansion or alteration of the use of land unless expressly exempted by this title. No use shall be established, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved plan which is in conformance with the requirements set out in this title.

Applications for Site Plan Review are subject to Section 18.030.020 LCMC (Pre-application Review)

### **18.215.030 Exemptions**

The following are exempt from the site plan review provisions of this chapter:

- A. Single-family detached and duplex residential dwellings not occurring in an MDR zoning district;
- B. Modifications to the interior of an existing structure that does not change the use or the degree of a use;
- C. Subdivisions or short plats;
- D. The installation or replacement of underground utilities;
- E. Other development determined by the planning director to be exempt because it does not result in an appreciable increase in land use activity or intensity or in an adverse impact.

### **18.215.040 Site plan review types and procedures**

- A. Site plan reviews shall be classified and processed as follows:
  1. Building Permit Reviews. These types of reviews shall be processed as a Type I land use action. These site plan reviews are typically relatively minor in nature, consistent with the zoning of surrounding land uses and do not have a substantial impact on the natural and built environment. The following are classified as Type I site plan reviews:
    - a. Changes in use of an existing structure or site;

- b. New construction or expansions of existing construction which do not exceed:
  - i. Four thousand square feet of additional floor area,
  - ii. Twenty new parking spaces,
  - iii. Four new multifamily residential units,
- 2. Development Reviews. These types of site plans shall be processed as a Type II land use action. These types of reviews are typically more substantial in nature and may have potential incompatibility with surrounding zoning or land uses or may have a more substantial impact on the natural and built environment. The following are classified as Type II site plan reviews:
  - a. Any development which is not listed as a Type I site plan in subsection (A)(1) of this section or listed as exempt under Section 18.215.030 LCMC;
  - b. Any development subject to SEPA pursuant to Chapter 18.310 LCMC (Environmental Policy).
- 3. Binding Site Plan Reviews. Binding site plans shall be processed as a Type II land use action. A binding site plan functions as an alternative to dividing commercial or industrial property through the platting process by designating a specific use and configuration and binding that to the site through a restrictive covenant. A binding site plan is required for any proposal which involves the division of commercial or industrial property for the purposes of sale, lease or transfer of ownership without completing the platting process pursuant to this title and Chapter 58.17 RCW. Binding site plans shall be completed consistent with the requirements and provisions of RCW 58.17.035 and this chapter:
  - a. Binding site plans shall be valid for the same period as a normal site plan. If the development has not been completed within the time frame, the binding site plan shall expire and a notice recorded to such effect.
  - b. Revisions to binding site plans are permitted so long as any revisions complete a site plan review process and are consistent with the regulations in effect at the time of application for revisions.
  - c. If a binding site plan expires or is vacated the parcel boundaries shall return to the original configuration.
  - d. Vacation of a binding site plan shall be subject to a Type II review process and shall require the signatures of all current owners of the parcels involved.
- B. If a site plan review is part of an overall application (i.e., CUP) that is subject to a higher review process, the site plan review shall be considered in conjunction with the overall application.

#### **18.215.050 Submittal requirements**

- A. For a Type I site plan review application, the applicant shall submit the information required for a Type I application as set forth in Section 18.030.080 LCMC, as well as the following:
  - 1. A site plan meeting the standards of Chapter 18.230 LCMC and Section 18.215.050(B)(5) LCMC;
  - 2. A landscaping plan meeting the standards of Section 18.245.060 LCMC or such information included on the site plan;
  - 3. A lighting plan meeting the standards of Section 18.245.040 LCMC or such information included on the site plan;
- B. For Type II site plan review applications, the applicant shall submit the information required for a Type II application as set forth in Section 18.030.090 LCMC, as well as the following:
  - 1. Written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries and construction schedule including project phasing, if known;

2. Current list of names and addresses of all property owners within a (300) three-hundred-foot radius as shown upon the Clark County assessor's records. The list shall be no older than ninety days and shall be dated and certified as being a complete list of adjacent owners by the assessor's office, surveyor, or title company. This list shall also be provided on self-adhesive mailing labels;
3. Developer's GIS packet (can be obtained from the Clark County planning department);
4. Ten (10) copies of an existing conditions plan drawn to a minimum scale of one inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches and including one reduced eleven by seventeen inch copy. The existing conditions plan shall at a minimum indicate the following:
  - a. Vicinity map showing location of subject site within the city of La Center and the surrounding existing street system,
  - b. Property boundaries, dimensions and size of the subject site,
  - c. Graphic scale of the drawing and the direction of true north,
  - d. Zoning and uses of subject site and of properties within one hundred feet of the subject site,
  - e. Current structural or landscaped setbacks,
  - f. Location of on-site driveways and access points and within one hundred feet of the subject site,
  - g. Location of existing on-site structures and the approximate location of existing structures within one hundred feet of the site,
  - h. Location of existing aboveground electrical, telephone or utility poles and traffic control poles,
  - i. Location of existing fire hydrants,
  - j. Location of existing structures within one hundred feet of the site,
  - k. Location, centerline and dimensions of existing public rights-of-way and easements on-site and within one hundred feet of the site,
  - l. Location, centerline and dimensions of existing private streets on-site and within one hundred feet of the site,
  - m. Approximate on-site slopes and grades within one hundred feet of the site,
  - n. Approximate location of significant natural conditions such as rock outcroppings, floodplain, drainage patterns and courses, slopes in excess of twenty-five percent, unstable ground, high seasonal water table or impermeable soils, areas of severe erosion potential, areas of weak foundation soils, areas of significant wildlife habitat, areas of known or suspected historic, cultural or archaeological resources and the location of trees or clusters of trees having a diameter of six or more inches measured four feet above grade;
5. Five copies of a site plan drawn to a minimum scale of one inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches and including one reduced eleven by seventeen copy. The site plan shall at a minimum indicate the following:
  - a. Property boundaries, dimensions and size of the subject site,
  - b. Location, dimensions and height of proposed buildings,
  - c. Location of building accesses,
  - d. Proposed building and landscape setbacks,
  - e. Proposed project-phasing boundaries, if applicable,

- f. Legend indicating total site area, the total square footage of proposed building or structures including percentage of total site area, the total square footage amount of impervious area square footage including percentage of total site area, the total square footage amount of on-site landscaping including percentage of total site area, the total amount of dedicated parking area including percentage of total site area, the proposed number of parking spaces including the number of standard parking spaces, the number of compact parking spaces and the number of handicapped-accessible parking spaces. The required number of parking spaces should also be indicated,
  - g. Location of proposed access points including vehicular driveways and designated pedestrian access points including the proposed depth of the vehicular driveway throats,
  - h. Location and dimensions of proposed on-site parking areas including required parking landscaping islands and indicating whether proposed parking is standard, compact or handicapped-accessible. Demonstrate compliance with applicable state and federal guidelines including, but not limited to, adequate sizing, the provision of handicapped access ramps and appropriate labeling and signing. On-site cross-aisles and circulation areas shall be indicated including their dimensions,
  - i. Location and dimensions of proposed on-site pedestrian connections between the public street and buildings, between on-site buildings, between on-site buildings and on-site or off-site parking areas,
  - j. Location and size of off-site parking areas, if applicable, including details on the number and type of off-site parking spaces and existing or proposed cross-aisles and circulation areas including dimensions,
  - k. Location, centerline and dimensions of proposed on-site public or private streets and public and private easements,
  - l. Location, centerline and dimensions of proposed dedications, and identification of proposed frontage improvements including roadway improvements, curb and gutter installation, landscaped planter strip installation and public sidewalk installation,
  - m. The location and dimensions of loading and service areas, recreational or open space features, aboveground utilities, existing structures to be retained on the site and their distance from the property line, proposed structures (including signs, fences, etc.) and their distance from property lines and the size and location of solid waste and recyclable storage areas,
  - n. Specialized site treatments including but not limited to pedestrian plazas, heavy duty paving, concrete score patterns, bicycle parking and outdoor seating areas;
6. Preliminary utilities plan indicating the proposed location, size, connection points to existing public systems, and terminus points for sanitary sewer, water and stormwater drainage and control. Stormwater information shall be provided in conformance with Chapter 18.320 LCMC and shall indicate compliance with all applicable standards of Titles 13 and 15 LCMC. Public and private easements for sanitary sewer, water and stormwater shall also be indicated;
  7. Preliminary grading and erosion control plan indicating proposed on-site excavation and fill activities, and within public rights-of-way, if applicable, including demonstration of conformance with city of La Center erosion control measures;
  8. Landscape plan indicating the location of proposed vegetation, the common and botanical name of the proposed vegetation, the initial planting size (height or gallon) and the mature planting size, and proposed methods of irrigation, if any. Landscaping proposed in and around buildings, on the perimeter of the site and within proposed parking areas shall be indicated. In addition, street trees or other forms of landscaping within the public rights-of-way shall be indicated;



9. Architectural elevations, showing north, south, west and east elevations and specifying a measurable scale, structural dimensions and structural heights;
10. Lighting plan indicating the location, height and type of proposed exterior lighting fixtures (pole-mounted or wall-mounted);
11. Legal description for the parcel(s) in question;
12. Most recent conveyance document (deed) showing current ownership;
13. State Environmental Policy Act (SEPA) checklist, completely filled out in ink or type and signed, if applicable;
14. Traffic study, if applicable;
15. Sign plan(s) (if applicable);
16. Copy of pre-application conference report and any other items requested in the pre-application conference report, if completed.

#### **18.215.060 Criteria for site plan approval**

- A. In approving site plans, it shall be the responsibility of the planning director or his designee to review each plan for compliance with all provisions of this chapter and any other applicable regulations that may affect the final plan as submitted or revised.
- B. In reviewing a site plan for approval, the director shall find that all of the following have been met.
- C. 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:
  1. The proposed use is permitted within the district in which it is located.
  2. The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located.
  3. The proposal meets the screening, buffering and landscape strip requirements, as set forth in Section 18.245.060 LCMC.
  4. Minimum parking and loading space requirements are met, as required by Chapter 18.280 LCMC.
  5. All applicable conditions and criteria contained in other titles of the La Center Municipal Code are met.
  6. Improvement requirements are provided in accordance with the applicable sections of the La Center development code.
  7. All conditions of any applicable previous approvals (i.e., CUP) have been met.
  8. Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication.
  9. 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 or infeasible or inappropriate.
  10. Proposed phasing plans do not exceed six years and all required public infrastructure is installed in the first phase of the development.

**18.215.070 Appeals**

Appeals of decisions on site plans shall be made and processed pursuant to Section 18.030.130 LCMC.

**18.215.080 Final site plan approval**

Where a site plan is issued subject to conditions that require the submittal of additional materials or changes to existing plans, the director may require that the applicant submit for final site plan approval to determine if the revised plans comply with the conditions of site plan approval. Final site plans shall be considered as Type I applications.

**18.215.090 Modifications to approved site plan**

No approved site plan shall be modified or amended except after reapplication for site plan review and approval. Minor modifications may be completed through a Type I process if they do not result in an increase in the density or intensity of uses or other change that would result in significant changes to the site plan which would modify the impacts on adjacent properties or public facilities. All other modifications shall be processed through a Type II approval process.

**18.215.100 Compliance required and expiration**

- A. All development of the property for which a site plan was approved shall conform to the approved site plan and any conditions imposed thereon unless amended or replaced by a subsequent city approval.
- B. Site plan approvals shall be valid for two years from the date of issuance, during which time substantial completion of the project improvements shall have occurred. The planning director may approve up to two one-year extensions if:
  1. There have not been any substantial changes in the laws governing the development of the site, with which lack of compliance would be contrary to the changed laws; and
  2. The applicant has pursued development in good faith. Good faith shall be evidenced by progress on final permitting, surveying, engineering, and construction of improvements.

**18.215.110 Completion prior to occupancy**

All required public and site improvements and other conditions of site plan approval shall be met prior to occupancy of any site unless required sooner as a condition of approval; provided, that completion and occupancy may be accomplished in phases if approved by the planning director as part of the site plan review process. Incomplete items may be secured by the issuance of a performance bond or other suitable security as a condition of approval of a site plan to secure applicant's obligation to complete the provisions and conditions of the approved site plan.

## Chapter 18.220 - BOUNDARY LINE ADJUSTMENTS

### Sections

18.220.010 Boundary Line Adjustments

### 18.220.010 Boundary Line Adjustments

- A. A boundary line adjustment (BLA) is a division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site. Boundary line adjustments may not be concurrently reviewed with another land division if the proposed adjustment might affect the perimeter of the other land division.
- B. Boundary line adjustments recorded through the County Assessor's office do not ensure such adjustments meet current zoning requirements. BLA applications approved through the La Center Planning Department ensure compliance with current zoning requirements, and are reviewed and approved through a Type I process, pursuant to Section 18.030.080 LCMC.
- C. Application submittal requirements for BLAs include:
  1. A completed application form;
  2. The appropriate fee;
  3. Sales history since 1969 for each parcel to include:
    - a. Copies of all deeds or real estate contracts showing previous owners or division of the original parcel;
    - b. Prior segregation requests;
    - c. Prior recorded surveys; and
    - d. Other information demonstrating compliance with the approval criteria of subsection (D) herein.
  4. A site plan showing current conditions, including:
    - a. The applicant's and contact person's name, mailing address and phone number;
    - b. Owner's name and address;
    - c. Layout and dimensions of parcels drawn to scale (minimum eight and one-half (8.5) by eleven (11) inches);
    - d. North arrow (oriented to the top, left or right of page), scale and date;
    - e. Area of existing sites in acres or square feet;
    - f. Location of all existing buildings/structures, septic tanks and drainfields, wells and on-site utilities, and their distance in feet from all property lines;
    - g. Public and private roads and their dimensions and location; and
    - h. Private road and utility easements and their dimensions and location.
  5. A site plan, drawn to scale, showing proposed conditions, including:
    - a. Layout and dimensions of adjusted parcels drawn to scale (minimum eight and one-half (8.5) by eleven (11) inches);
    - b. North arrow (oriented to the top, left or right of page), scale and date;
    - c. Area of adjusted sites in acres or square feet;

- d. Location of all existing buildings/structures, septic tanks and drainfields, wells and on-site utilities, and their distance in feet from all property lines;
- e. Public and private roads and their dimensions and location; and
- f. Private road and utility easements and their dimensions and location.

D. Approval Criteria.

1. No additional lots could be created that do not meet current zoning of the property.
2. Lots must meet current size requirements including minimum width and depth requirements.
3. Lots must be buildable.

## Chapter 18.225 - LEGAL LOT DETERMINATIONS

### Sections

18.225.010 Legal Lot Determinations

### 18.225.010 Legal Lot Determinations

#### A. Purpose and Summary.

1. The purpose of this section is to provide a process and criteria for determining whether parcels are lots of record consistent with applicable state and local law, and to include a listing of potential remedial measures available to owners of property which do not meet the criteria.
2. In summary, parcels are lots of record if they were in compliance with applicable laws regarding zoning and platting at the time of their creation. Zoning laws pertain primarily to the minimum lot size and dimensions of the property. Platting laws pertain primarily to the review process used in the creation of the lots. Specific provisions are listed herein.

#### B. Applicability. The standards of this section apply to all requests for lot determinations, or for building permit, placement permit, site plan review, short plat, subdivision, conditional use permit, rezone, or comprehensive plan change application.

#### C. Determination Process. Lot of record status may be formally determined through the following ways:

1. Lot Determinations as Part of a Building Permit or Other Development Request. Building or other development applications for new principal structures on parcels which are not part of a platted land division shall be reviewed by the city for compliance with the criteria standards of this section, according to the timelines and procedure of the building permit or other applicable review involved. Lot determination fees pursuant to the La Center Fee Schedule shall be assessed, unless the parcel was recognized through a previous lot determination or other review in which such recognition was made. Lot determination fees will be assessed for placement or replacement of primary structures. A separate written approval will not be issued unless requested by the applicant.
2. Lot Determinations Requests Submitted Without Other Development Review. Requests for determinations of lot of record status not involving any other city development reviews shall submit an application for lot determination. A Type I process per Section 18.030.080 LCMC shall be used. The city will issue a letter of determination in response to all such requests.

#### D. Application and Submittal Requirements.

1. The following shall be submitted with all applications for lot determination, or applications for other development review in which a lot determination is involved. Applicants are encouraged to submit material as necessary to demonstrate compliance with this section.
2. Prior city/county short plat, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a lot of record;
3. Sales or transfer deed history dating back to 1969;
4. Prior segregation request, if any;
5. Prior recorded survey, if any;
6. At the discretion of the applicant, any other information demonstrating compliance with criteria of this section.

#### E. Approval Criteria.

1. Basic Criteria. Parcels which meet both of the following basic criteria are lots of record:

- a. Zoning. The parcel meets minimum zoning requirements, including lot size, dimensions and frontage width, in effect currently or at the time the parcel was created; and
  - b. Platting.
    - i. The parcel was created through a subdivision or short plat recorded with Clark County; or
    - ii. The parcel is five (5) acres or more in size and was created through any of the following:
    - iii. An exempt division which occurred prior to April 19, 1993,
    - iv. A tax segregation requested prior to April 19, 1993,
    - v. A survey completed as to boundaries prior to April 19, 1993, and recorded prior to July 19, 1993; or
    - vi. The parcel was created through a division or segregation of four (4) or fewer lots requested prior to July 1, 1976; or
    - vii. The parcel was created through division or segregation and was in existence prior to August 21, 1969; or
    - viii. The parcel was created through a court order, will and testament, or other process listed as exempt from platting requirements by RCW 58.17.035 or 58.17.040 or through an exemption from platting regulations provided by law at the time of creation of the parcel; or
    - ix. The parcel was segregated at any time and is twenty (20) acres or more in size.
    - x. Prior Determination. Parcels which have been recognized through a previous lot determination review, or other city planning approval in which lot recognition is made, are lots of record. Such parcels shall remain lots of record until changed by action of the owner.
2. Exceptions.
- a. Innocent Purchaser Exception. The responsible official shall determine that parcels which meet both of the following exception criteria are lots of record:
    - i. Zoning. The parcel meets minimum zoning dimensional requirements, including lot size, dimensions and frontage width, which are currently in effect or in effect at the time the parcel was created; and
    - ii. Platting. The current property owner purchased the property for value and in good faith, and did not have knowledge of the fact that the property acquired was divided from a larger parcel after August 21, 1969, in the case of subdivisions, or after July 1, 1976, in the case of short plats, or after April 19, 1993, in the case of any segregation resulting in parcels of five (5) acres or larger.
  - b. Public Interest Exception, Mandatory. The responsible official shall determine that parcels which meet the following criteria are lots of record:
    - i. Date of Creation. The lot was created before January 1, 1995;
    - ii. Zoning. The parcel meets minimum zoning dimensional requirements currently in effect, including lot size, dimensions and frontage width; and
    - iii. Platting.
      - A. The responsible official determines that improvements or conditions of approval which would have been imposed if the parcel had been established through platting are already present and completed; or
      - B. The property owner completes conditions of approval which the responsible official determines would otherwise be imposed if the parcel had been established through

- plating under current standards. Preliminary and final submittal plans shall be required where applicable.
- c. Public Interest Exception, Discretionary. The responsible official may, but is not obligated to determine that parcels meeting the following criteria are lots of record:
- A. Zoning. The parcel lacks sufficient area or dimension to meet current zoning requirements but meets minimum zoning dimensional requirements, including lot size, dimensions and frontage width, in effect at the time the parcel was created; and
  - B. Platting.
    - I. The responsible official determines that conditions of approval which would have been imposed if the parcel been established through platting under current standards are already present on the land; or
    - II. The property owner completes conditions of approval which the responsible official determines would otherwise be imposed if the parcel had been established through platting under current standards. Preliminary and final submittal plans shall be required where applicable.
  - C. The responsible official shall apply the following factors in making a lot of record termination under the discretionary public interest exception:
    - d. The parcel size is generally consistent with surrounding lots of record within one thousand (1,000) feet;
    - e. Recognition of the parcel does not adversely impact public health or safety;
    - f. Recognition of the parcel does not adversely affect or interfere with the implementation of the comprehensive plan; and
    - g. The parcel purchase value and subsequent tax assessments are consistent with a buildable lot of record.
    - h. Recognition of lot of record status based on the public interest exception shall be valid for five (5) years from the date of lot determination or review in which the determination was made. If a building or other development permit is not sought within that time, the determination will expire. Applications for development or lot recognition submitted after five (5) years shall require compliance with applicable standards at that time.

(G) De Minimis Lot Size Standard.

For the purposes of reviewing the status of pre-existing lots for compliance with platting and zoning standards, parcels within one percent (1%) of minimum lot size requirements shall be considered in compliance with those standards. Parcels within ten percent (10%) of lot size standards shall be similarly considered in compliance unless the responsible official determines that public health or safety impacts are present.

## Chapter 18.230 - MONUMENTATION, SURVEY, AND DRAFTING STANDARDS

### Sections:

18.230.010	Imprinted monumentation
18.230.020	Centerline monumentation
18.230.030	Property line monumentation
18.230.040	Postmonumentation
18.230.050	Postmonumentation bonds
18.230.060	Survey Standards
18.230.070	Elevations or vertical information
18.230.080	Preferred scale proportions
18.230.090	Final plat drawing requirements
18.230.100	Lettering
18.230.110	Location

### 18.230.010 Imprinted monumentation

All monuments set in subdivisions shall be at least one-half-inch-by-30-inch steel bar or rod, or equivalent, with durable cap imprinted with the license number of the land surveyor setting the monument.

### 18.230.020 Centerline monumentation

After paving, except as provided in this chapter, monuments consisting of brass disks set in concrete shall be driven or extended flush with the finished road surface at the following intersections:

- A. Street centerline intersections;
- B. Points of intersection of curves if placement falls within the paved area; otherwise, at the beginnings and endings of curves;
- C. Intersections of the plat boundaries and street centerlines.

### 18.230.030 Property line monumentation

All front corners, rear corners, and beginnings and endings of curves shall be set with monuments, except as provided in Section 18.230.050 LCMC. In cases where street curbs are concentric and/or parallel with front right-of-way lines, front property line monumentation may be provided by brass screws or concrete nails at the intersections of curb lines and the projections of side property lines. If curb monumentation is used, it shall be noted on the plat, and also that such monumentation is good for projection of line only and not for distance.

### 18.230.040 Postmonumentation

All monuments for the exterior boundaries of the subdivision shall be set and referenced on the plat prior to plat recording. Interior monuments need not be set prior to recording if the developer certifies that the interior monuments shall be set within 90 days of final subdivision construction inspection by the engineer, and if the developer guarantees such interior monumentation.

- A. The developer shall sign the following certification, the existence of which shall be noted on the plat, if postmonumentation of the interior monuments is chosen: DEVELOPER'S CERTIFICATION FOR POSTMONUMENTATION I, \_\_\_\_\_, certify that the postmonumentation of the interior monuments of this plat shall be accomplished within 90 days of final acceptance of subdivision construction of the engineer of La Center, Washington. (Signature)
- B. The land surveyor who performs any postmonumentation shall certify that the interior monuments have been set in compliance with the final plat, and shall record the following certification with the county auditor: I, \_\_\_\_\_, certify that I have set the interior monuments for "\_\_\_\_\_", a



subdivision plat recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, Records of Clark County, and that said monuments are set in compliance with said final plat. DATED this \_\_ day of \_\_\_\_\_, 20\_\_\_. (License number, seal, and signature of surveyor)

- C. If the surveyor cannot certify that the monuments are in compliance with the final plat, the discrepancy shall be resolved by filing an amended final plat in accordance with the provisions of Chapter 18.235 LCMC.

#### **18.230.050 Postmonumentation bonds**

In lieu of setting interior monuments prior to final plat recording as provided in Section 18.230.040 LCMC, the engineer may accept a bond in an amount and with surety and conditions satisfactory to him, or other secure method as the engineer may require, providing for and securing to the city the actual setting of the interior monuments as provided in Section 18.230.040 LCMC, and to be enforced by the engineer by appropriate legal and equitable remedies.

#### **18.230.060 Survey Standards**

All surveys shall comply with standards set forth by state statutes, drafting standards of this title, and Chapter 332-130 WAC, except that linear closures after azimuth adjustment shall be at least a ratio of one to 10,000 for WAC 332-130-050(1)(c), (d), (e). Where conflicts are identified, the most restrictive standards shall prevail.

#### **18.230.070 Elevations or vertical information**

Where required, any elevations or vertical information shall have an accuracy of third-order specifications as published by the U.S. Department of Commerce in a bulletin entitled, "Classification, Standards of Accuracy, and General Specifications of Geodetic Control Surveys," and benchmarks with the datum used shall be shown on the plat.

#### **18.230.080 Preferred scale proportions**

The preferred scale proportions for preliminary and final plats are ratios as follows:

- A. 1:600 (one inch equals 50 feet);
- B. 1:1,200 (one inch equals 100 feet); and
- C. 1:2,400 (one inch equals 200 feet); but in no case shall the proportion exceed 1:2,400.

#### **18.230.090 Final plat drawing requirements**

The final plat shall be drawn with ink upon three-mil Mylar film, or equivalent; said sheets to be 30 inches by 21 inches, with a one-inch border on each side or as otherwise directed by the Clark County recording agency.

#### **18.230.100 Lettering**

Lettering shall be at least one-tenth inch high, and the perimeter of the final plat shall be depicted with heavier lines (dashed) than the remaining portion of the plat.

#### **18.230.110 Location**

All data necessary for the location in the field of all points within the plat shall be shown. Straight lines shall be designated with bearing and distance; curves shall be designated by arc length, central angle, and radius. All dimensions shall be in feet, and decimals thereof to the nearest one-hundredth of a foot, except that angles shall be in degrees to the nearest second.

**Chapter 18.235 - ALTERATIONS OF FINAL PLATS AND SHORT PLATS**

Sections:

18.235.010 Revisions to approved plats, recorded and non-recorded

**18.235.010 Revisions to approved plats recorded and non-recorded**

The developer shall file the final short plat or subdivision plat and attached documents for recording with the Clark County auditor and La Center city clerk within sixty (60) days. No final short plat or plat so filed shall be changed in any respect by anyone except through the appropriate post-decision approval process. See LCDC 14.3.3.12.

## Chapter 18.240 - MITIGATION OF ADVERSE IMPACT

### Sections:

18.240.010	Purpose
18.240.020	Determination of direct impacts
18.240.030	Mitigation of direct impacts
18.240.040	Voluntary payment agreements as alternatives to dedication and improvements

### 18.240.010 Purpose

- A. It is the purpose of this chapter to provide alternatives for prospective developers of land within this city to mitigate the direct impacts that have been specifically identified by the city as a consequence of proposed development, and to make provisions for impacts including, but not limited to, impacts upon the public health, safety and general welfare, for open spaces, drainage ways, streets, other public ways, parks, playgrounds, and sites for schools and school grounds.
- B. For purposes of this chapter the term “development” shall include, but not be limited to, subdivision approval, short subdivision approval, site plan approval and the issuance of any building permit related to the foregoing.

### 18.240.020 Determination of direct impacts

- A. Before any development is given the required approval or is permitted to proceed, the review authority shall determine all impacts, if any, that are a direct consequence of the proposed development and which require mitigation, considering but not limited to the following factors:
  - 1. Predevelopment versus post development demands upon city streets, drainage facilities, parks, playgrounds, recreation facilities, schools, police services, and other municipal facilities or services;
  - 2. Likelihood that a direct impact of a proposed development would require mitigation due to the cumulative effect of such impact when aggregated with the similar impacts of future development in the immediate vicinity of the proposed development;
  - 3. Size, number, condition and proximity of existing facilities to be affected by the proposed development;
  - 4. Nature and quantity of capital improvements reasonably necessary to mitigate specific direct impacts identified as a consequence of the proposed development;
  - 5. Likelihood that the users of the proposed development will benefit from any mitigating capital improvements;
  - 6. Any significant adverse environmental impacts of the proposed development;
  - 7. Consistency with the city’s comprehensive plan;
  - 8. Likelihood of city growth by annexation into areas immediately adjacent to the proposed development;
  - 9. Appropriateness of financing necessary capital improvements by means of local improvement districts;
  - 10. Whether the designated capital improvement furthers the public health, safety or general welfare;
  - 11. Any other facts deemed by the review authority to be relevant.
- B. The cost of any investigations, analysis or reports necessary for a determination of direct impact shall be borne by the applicant.

### 18.240.030 Mitigation of direct impacts

- A. The review authority shall review an applicant's proposal for mitigating any identified direct impacts and determine whether such proposal is an acceptable mitigation measure considering the cost and land requirements of the required improvement and the extent to which the necessity for the improvement is attributable to the direct impacts of the proposed development. Such developments will not be approved by the review authority until provisions have been made to mitigate identified direct impacts that are consequences of such development.
- B. The methods of mitigating identified direct impacts required as a condition to any development approval may include, but are not limited to, dedication of land to any public body and/or off-site improvements.

**18.240.040 Voluntary payment agreements as alternatives to dedication and improvements**

- A. In lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision or plat, the city may approve a voluntary payment agreement with the developer; provided, however, no such agreement shall be required as any condition of approval, and any such agreement shall be subject to the following provisions:
  - 1. The review authority must find that the money offered will mitigate or is a satisfactory alternative to mitigate the identified direct impact.
  - 2. The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified direct impact.
  - 3. The payment shall be expended in all cases within five years of collection, unless otherwise agreed to by the developer and approved by his legal advisor due to the unique circumstances involved.
  - 4. Any payment not so expended shall be refunded to the property owners of record at the time of the refund with interest at the rate applied to judgments at the time of the refund. However, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest; provided, property owners entitled to a refund and/or interest under the provisions of this chapter may voluntarily and in writing waive their right to a refund for a specified period of time in the interests of providing the designated capital improvement or any other capital improvement identified by the property owner.
- B. Further, at the time a developer enters into a voluntary agreement pursuant to this chapter, the developer may voluntarily and in writing waive on behalf of the developer and subsequent purchasers the right to interest and/or a refund in order to facilitate completion of an improvement. Under no condition shall such a waiver be required as a condition of approval. Such waiver shall be recorded with the Clark County assessor's office and shall be binding on subsequent owners.

**Chapter 18.245 - SUPPLEMENTARY DEVELOPMENT STANDARDS**

Sections:

- 18.245.010 Generally
- 18.245.020 Height of fences and hedges
- 18.245.030 Solid waste
- 18.245.040 Lighting
- 18.245.050 Noise
- 18.245.060 Landscaping

**18.245.010 Generally**

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.

**18.245.020 Height of fences and hedges**

- A. Front and Street Side Yards. Fences and hedges shall be no higher than four feet (measured from ground level) within five feet of a front property line or street side property line.
- B. Interior Side and Rear Yards. Fences and hedges shall be no higher than six feet (measured from ground level) along interior side and rear property lines.

**18.245.030 Solid waste**

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

**18.245.040 Lighting**

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

**18.245.050 Noise**

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

**18.245.060 Landscaping**

- A. The following standards apply to landscaping and screening on private property required pursuant to Table 18.245.060 LCMC. Landscaping and screening within public rights-of-way shall comply with the applicable provisions in Chapter 12.10 LCMC.

**Table 18.245.060 Landscaping**

Zoning of the site	Zoning of the abutting the site							
	LDR		MDR		C1, C2, C3, MX		LI, EC, UP	
	Separated by a street	Not separated by a street	Separated by a street	Not separated by a street	Separated by a street	Not separated by a street	Separated by a street	Not separated by a street
<b>LDR</b>	None	None	L2 5 feet	L3 5 feet	L3 10 feet	L4 10 feet	L4 10 feet	L5 20 feet
<b>MDR</b>	L1	L1	L1	L1	L2	L3	L3	L4

	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	10 feet	10 feet
<b>C1, C2, C3, MX</b>	L1 5 feet	L2 5 feet	L1 5 feet	L2 5 feet	None	None	None	None
<b>LI, EC, UP</b>	L2 5 feet	L3 5 feet	L2 5 feet	L3 5 feet	L2 5 feet	L3 5 feet	L1 5 feet	L1 5 feet

B. Regardless of the zoning of the abutting property, if an industrial or commercial use is proposed abutting or across a street from an existing single-family or multifamily dwelling, the industrial or commercial use shall landscape and buffer the property line abutting that dwelling as though the abutting property was zoned UR.

1. L1 – General Landscaping.

- a. The L1 standard is for open areas. It is intended to be used where distance is the principal means of separating uses or development, and landscaping enhances the area between them. The L1 standard consists principally of ground cover plants; trees and high and low shrubs also are required.
- b. There are two ways to provide trees and shrubs to comply with an L1 standard. Shrubs and trees may be grouped. Ground cover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs and trees.
  - i. Where the area to be landscaped is less than 10 feet deep, one tree shall be provided per 30 linear feet of landscaped area.
  - ii. Where the area is 10 feet deep or greater, one tree shall be provided per 800 square feet and either two high shrubs or three low shrubs shall be provided per 400 square feet of landscaped area.

2. L2 – Low Screen.

- a. The L2 standard uses a combination of distance and low-level screening to separate uses or development. The standard is applied where a low level of screening sufficiently reduces the impact of a use or development, or where visibility between areas is more important than a greater visual screen.
- b. The L2 standard requires enough low shrubs to form a continuous screen three feet high and 95 percent opaque year-round. In addition, one tree is required per 30 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three-foot-high masonry wall or fence at an F2 standard or a berm may be substituted for shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

3. L3 – High Screen.

- a. The L3 standard provides physical and visual separation between uses or development principally using screening. It is used where such separation is warranted by a proposed development, notwithstanding loss of direct views.
- b. The L3 standard requires enough high shrubs to form a screen six feet high and 95 percent opaque year-round. In addition, one tree is required per 30 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six-foot-high wall or fence that complies with an F1 or F2 standard with or without a berm may be substituted for shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

4. L4 – High Wall.
  - a. The L4 standard is used where extensive screening of visual and noise impacts is needed to protect abutting sensitive uses and/or there is little space for separation between uses.
  - b. The L4 standard requires a six-foot-high wall that complies with the F2 standard. When adjacent to another property, the wall shall abut the property line. When adjacent to a street or road right-of-way, the wall shall be on the interior side of the landscaped area. One tree is required per 30 lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area. In addition, four high shrubs are required per 30 lineal feet of wall. Ground cover plants must fully cover the remainder of the landscaped area.
5. L5 – High Berm.
  - a. The L5 standard can be used instead of the L4 standard where extensive screening is warranted and more space is available for separation between uses.
  - b. The L5 standard requires a berm four to six feet high. If the berm is less than six feet high, low shrubs that comply with the L2 standard must be planted on top of the berm so that the overall screen height is six feet. In addition, one tree is required per 30 lineal feet of berm or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.
6. F1 – Partially Sight-Obscuring Fence.
  - a. The F1 fence standard provides partial visual separation. The standard is applied where a proposed use or development has little impact, or where visibility between areas is more important than a total visual screen.
  - b. Required Materials. A fence or wall that complies with the F1 standard shall be six feet high and at least 50 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials.
7. F2 – Fully Sight-Obscuring Fence.
  - a. The F2 fence standard provides visual separation where complete screening is needed to protect abutting uses, and landscaping alone cannot provide that separation.
  - b. A fence or wall that complies with the F2 standard shall be six feet high and 100 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials.
- C. Existing vegetation may fulfill landscaping and screening requirements of this chapter if that existing landscaping provides at least an equivalent level of screening as the standard required for the development in question.
- D. As a condition of approval of a conditional use or planned unit development, the city may require an applicant to provide landscaping and screening that differs from the standards in this section where necessary to comply with the other applicable approval standards for the use or development.
- E. Landscaped areas required for stormwater management purposes may be used to satisfy the landscaping area requirements of this chapter, even though those areas may be inundated by surface water.
- F. Required landscaping and screening shall be located on the perimeter of a lot or parcel. Required landscaping and screening shall not be located on a public right-of-way or private street easement, unless authorized under Chapter 12.10 LCMC.
- G. Outdoor activity areas shall be screened from property used or zoned for residential purposes or a public road right-of-way to at least an F2 or L3 standard if within 100 feet of the property or right-of-way and to at least an F1 standard if equal to or more than 100 feet from the property or right-of-way. Outdoor

activity areas include storage of solid waste and recyclables from the site and, where permitted, storage of goods, materials or equipment.

- H. Rooftop and ground-level exterior equipment shall be screened from adjoining property used or zoned for residential purposes or from an adjoining public road right-of-way to at least an F2 or L3 standard if visible at grade from the property or right-of-way.
- I. Parking and loading areas shall be landscaped as follows:
  - 1. A minimum five-foot-wide strip landscaped to at least an L2 standard or a minimum 10-foot-wide strip landscaped to at least an L1 standard shall be provided where vehicle parking or loading adjoins a public road right-of-way.
  - 2. Where a vehicle parking or loading area adjoins a property with zoning or land uses other than the proposed land use, the area shall be landscaped and screened as provided in Table 18.245.060 adjoining the other property.
  - 3. Parking areas that contain at least seven spaces shall contain landscape islands equally distributed at a ratio of one island for every seven parking spaces. A landscape island shall contain at least 25 square feet, shall be at least four feet wide, and shall prevent vehicles from damaging trees, such as by using a wheel stop or curb.
  - 4. At least one tree shall be planted in each landscape island. Trees in landscape islands shall reach a mature height of 30 feet or more, cast moderate to dense shade in the summer, live at least 60 years, require little maintenance (such as by being insect-, disease- and drought-resistant and not producing fruit), and be suited for use in the proposed location (such as by being tolerant of pollution and direct and reflected heat).
- J. The applicant shall install landscaping and screening required by this chapter consistent with the approved site plan or an approved modification thereto before the city issues an occupancy permit or final inspection for the development in question; provided, the city clerk/treasurer may defer installation of plant materials for up to six months after the city issues an occupancy permit or final inspection for the development in question if doing so increases the likely survival of plants.
- K. All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within three years of planting. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for living ground cover plants, lawn or approved flowers.
- L. Shrubs shall be supplied in a minimum of two-gallon containers or equivalent burlap balls, with a minimum spread of 18 inches to meet the L2 buffer requirement, and minimum of three-gallon containers or equivalent burlap balls with a minimum spread of 30 inches to meet the L3 buffer requirements. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.
- M. Ground cover plants shall be placed not more than 30 inches on center and 30 inches between rows. Rows of plants shall be staggered for a more effective covering. Ground-cover shall be supplied in a minimum four-inch size container or a two-and-one-quarter-inch container or equivalent if planted 18 inches on center. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive. A lawn or flowerbed of flowers approved by the review authority may be substituted for ground cover plants.
- N. Trees may be deciduous or evergreen unless otherwise provided. The required tree height shall be measured from the ground level at final planting to the top of the tree.
  - 1. Required trees for parking and loading areas shall be a minimum caliper of two inches and a minimum height of 10 feet at the time of planting.



2. Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of one and one-half inches and a minimum height of eight feet at the time of planting.
  3. Required evergreen trees (other than street trees) shall be fully branched and a minimum of six feet high at the time of planting.
  4. The review authority may reduce the minimum size of trees (other than street trees) if the applicant submits a written statement by a landscape architect registered in Washington or expert in the growing of the tree(s) in question certifying that the reduction in size at planting will not decrease the likelihood the trees will survive.
- O. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in accordance with a list of plant materials adopted by reference as the Clark County plant list.
- P. The applicant shall show and comply with the following:
1. Plant materials will be installed to current nursery industry standards.
  2. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.
  3. Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the dripline of trees to be retained.
- Q. Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the review authority. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in Chapter 12.05 LCMC.
- R. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required landscaped areas must comply with one of the following:
1. A permanent built-in irrigation system with an automatic controller will serve the landscape area in question, and the system will be installed and operational before the county grants an occupancy permit or final inspection for the development in question; or
  2. A temporary irrigation system will serve the landscape area in question; provided, to receive approval of this system, the applicant must submit a statement from a landscape architect registered in Washington or expert in the growing of the vegetation in question certifying that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall; or
  3. A permanent or temporary irrigation system will not serve the landscape area in question; provided:
    - a. The review authority finds the landscape area otherwise fulfills the requirements of this chapter, and
    - b. The applicant submits the following:

- i. A statement from a landscape architect registered in Washington or expert in the growing of the vegetation in question certifying that the materials to be planted will survive without watering other than natural rainfall, and
- ii. A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the city clerk/treasurer, and
- iii. A statement from the applicant agreeing to install an irrigation system if the city clerk/treasurer finds one is needed to ensure survival of required vegetation, based on the results of the monitoring plan.

## Chapter 18.250 - CONDITIONAL USES

### Sections:

18.250.010	Pre-application review
18.250.020	Review processes
18.250.030	Application contents
18.250.040	Criteria for approval, minor modifications and revocation
18.250.050	Expiration and extension
18.250.060	Transfer prohibited

### **18.250.010 Pre-application review**

- A. Applications for conditional use permit or modification of a conditional use permit are subject to pre-application review consistent with Section 18.030.020 LCMC. Pre-application review is not required for an exempt or minor modification to or extension of a conditional use permit.
- B. An applicant for pre-application review of a conditional use permit shall submit the requisite fee and four copies of the following information unless otherwise provided by the city clerk/treasurer:
  1. A completed form provided by the city clerk/treasurer for that purpose;
  2. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
  3. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering and structures on the site; existing and proposed natural features on the site, including vegetation, topography and grades; existing and proposed utilities (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned. The applicant is encouraged to submit drawings showing the elevation(s) of proposed structure(s);
  4. Proposed dedications to the city or other agency, if applicable;
  5. A written description of the proposed use or development. The description shall identify applications that are proposed to be filed concurrently with the conditional use application (e.g., land divisions, variances, adjustments or exceptions) or are needed for approval of the plan; and
  6. Other relevant information that would assist the city to review the proposed application and to advise the applicant.

### **18.250.020 Review processes**

- A. Review of a technically complete application for conditional use permit is subject to a Type III process. See Section 18.030.100 LCMC.
- B. Review of a technically complete application for a minor modification, alteration or expansion of a previously approved conditional use permit is subject to:
  1. The review process set out in the decision approving the existing conditional use, if any; or
  2. A Type II process. See Section 18.030.090 LCMC.

- C. Revocation of an approved conditional use permit is subject to a Type III process. Revocation shall be initiated by the city clerk/treasurer by scheduling a hearing and issuing the required notice. Revocation shall not be the exclusive remedy for violation.

#### **18.250.030 Application contents**

An applicant for a conditional use permit shall submit the requisite fee and the information required by Section 18.030.050 LCMC, except as otherwise provided therein.

#### **18.250.040 Criteria for approval, minor modifications and revocation**

- A. The hearings examiner shall approve or approve with conditions an application for conditional use permit if he or she finds the applicant has sustained the burden of proving that:
1. 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;
  2. All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use;
  3. 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;
  4. The establishment, maintenance or operation of the proposed use will not, under the
  5. 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.
- B. The hearings examiner may impose, in addition to regulations and standards expressly specified in this title, other conditions of approval necessary to ensure the use complies with applicable approval standards. These conditions may include, but are not limited to, the following:
1. Increased setbacks, lot size or yard dimensions;
  2. Additional design features necessary to minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;
  3. Restrictions on the location, number and design of vehicular access points to the property;
  4. Additional off-street parking or loading spaces;
  5. Limits on the number, size, location, height and lighting of signs;
  6. Limits on building height, coverage or location;
  7. Restrictions on the hours, days, place and manner of operations;
  8. Additional requirements for drainage and surfacing of maneuvering, parking and loading areas;
  9. Limits on the location and intensity of outdoor lighting;
  10. Requiring certain berming, screening, landscaping and/or fencing;
  11. Requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed;
  12. Requirements for periodic review of the permit.
- C. The review authority may approve a minor modification, alteration or expansion of an approved conditional use pursuant to a Type II process if:

1. The modification, alteration or expansion will result in less than a 20 percent cumulative enlargement or relocation of the structure, floor area, parking area or exterior improvement area, up to a total maximum of 5,000 square feet;
  2. The existing use is in compliance with all conditions of approval of the original permit;
  3. Such modification, alteration or expansion is not expressly prohibited by the zone or the conditional use permit issued for the existing use.
- D. The hearings examiner may revoke or amend a conditional use permit pursuant to a Type III process if he or she finds:
1. The conditional use is not being conducted consistent with the decision or conditions of approval authorizing the conditional use permit or other applicable standards of the La Center Municipal Code; and
  2. The applicant has failed to remedy the alleged violation within a reasonable time required by the city clerk/treasurer or within 60 calendar days after the city clerk-treasurer mails notice of such alleged violations to the operator of the conditional use or owner of the property, whichever is first.

**18.250.050 Expiration and extension**

A conditional use permit expires and can be extended as provided in Section 18.030.140 LCMC.

**18.250.060 Transfer prohibited**

An approved conditional use permit is specific to the subject property and cannot be transferred to another property.

## Chapter 18.255 - NONCONFORMING USES

### Sections:

- 18.255.010 Nonconforming uses and development generally
- 18.255.020 Discontinuance, destruction, expansion and changes
- 18.255.030 Nonconforming development

### **18.255.010 Nonconforming uses and development generally**

- A. Establishment of Nonconforming Status. Legally established nonconforming uses and development may be continued and maintained without city review and approval. A nonconforming use or development may be altered or expanded subject to the provisions of this chapter.
- B. The proponent of a nonconforming use or development shall bear the burden of establishing that the use or development was legally established and to what extent at the time the use or development became nonconforming.
- C. Ownership. Changes in ownership of a nonconforming use or development is exempt from city review or approval.
- D. Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been legally issued, and construction commenced prior to the adoption of the regulation that would make such use or structure nonconforming.
- E. This chapter does not apply to existing single-family dwellings in the commercial and industrial districts; provided any addition, improvement or reconstruction thereto shall comply with the standards of the residential districts.

### **18.255.020 Discontinuance, destruction, expansion and changes**

- A. Discontinuance. A nonconforming use not actively used for a period of six months shall be deemed discontinued. A discontinued nonconforming use cannot be revived, and any further uses of the property must conform to the provisions of this title as provided for above.
  - 1. Periods of reduced operation caused by normal fluctuations in business demand are not discontinuances; provided that periods of reduced operation in excess of two years shall have the effect of a discontinuance.
  - 2. Rights to continue a nonconforming use or development expire if a structure containing a nonconforming use or a nonconforming development is destroyed by any cause to an extent exceeding 50 percent of the cost of replacement of the structure, using new materials. After such destruction, development or use of the property shall comply with the regulations applicable of the zoning district.
- B. Expansion. Expansion of a nonconforming use or development shall be subject to the same standards and procedure as for a change in the nonconforming use or development as provided in subsection (C) of this section.
- C. Changes.
  - 1. A nonconforming use or development may be changed to a conforming use or development in whole or in part. Once a nonconforming use or development becomes conforming, in whole or in part, the nonconforming rights are lost and the nonconformity may not be re-established.
  - 2. A nonconforming use may be changed to another nonconforming use through a type II procedure, provided the applicant demonstrates that the proposed use will have no greater adverse impacts on

surrounding properties than the existing use; i.e., the proposed use will not generate more traffic, noise, dust or fumes, will not operate longer hours, etc.

**18.255.030 Nonconforming development**

Development which is nonconforming with respect to height, yard requirements, lot coverage, screening and buffering or density may be utilized by a use which is permitted in the district in which it occurs. The development may be repaired, modified, or altered, internally or externally; provided, such repairs and modifications do not increase the nonconformance of the development and comply with the Uniform Building Code standards, or are required by building, health, fire or other applicable standards to make a structure safe for occupancy.

**Chapter 18.260 - VARIANCES**

## Sections:

18.260.010	Pre-application review
18.260.020	Review process
18.260.030	Application contents
18.260.040	Approval criteria
18.260.050	Expiration and extension

**18.260.010 Pre-application review**

- A. An application for one or more variances subject to Type I review is not subject to pre-application review, unless filed concurrent with an application that is subject to pre-application review.
- B. An application for one or more variances subject to Type II review is subject to pre-application review under Section 18.030.090 LCMC .
- C. An applicant for pre-application review for a variance shall submit the requisite fee and four copies of the following information unless otherwise provided by the city clerk/treasurer:
  1. A completed form provided by the city clerk/treasurer for that purpose;
  2. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
  3. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale and information relevant to the variance, such as existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering and structures on the site; existing and proposed natural features on the site, including vegetation, topography and grades; existing and proposed utilities (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned;
  4. A written summary of the proposed variance(s) and of facts and evidence based on which the variance(s) can be approved.

**18.260.020 Review process**

- A. Review of a technically complete application for variance of up to 10 percent of the numerical standards for the following: setbacks, buffers, building heights, landscaping, lot coverage and lot dimensions, but not including lot area or density, is subject to a Type I process. See Section 18.030.080 LCMC.
- B. Review of a technically complete application for all other variances greater than 10 percent are subject to a Type II process. See Section 18.030.090 LCMC.
- C. An application for a variance(s) necessarily associated with another application(s) under the La Center Municipal Code shall be combined with the associated application(s) for processing. The variance application shall be subject to the highest number review procedure applicable to the combined applications.
- D. If an application for a variance(s) is approved and an application(s) subject to an equal or higher number review procedure type is subsequently filed, the decision approving the variance may be altered for good cause by the decision on the merits of the subsequent application(s).



- E. An application for a variance(s) proposed as a post-decision action shall be subject to the post-decision review procedures of Section 18.030.150 LCMC.

**18.260.030 Application contents**

An applicant for a variance(s) shall submit the requisite fee and the information required by Section 18.030.050 LCMC, except as otherwise provided therein.

**18.260.040 Approval criteria**

The review authority shall approve or approve with conditions an application for a variance if he or she finds the applicant has sustained the burden of proving that:

- A. Unusual circumstances or conditions, such as size, shape, topography and location of and existing legal development on the site, apply to the property and/or the intended use such that the strict application of this title would deprive the owner of the subject property of rights and privileges enjoyed by owners of other properties in the vicinity in the same zone; and
- B. The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the property is situated.

**18.260.050 Expiration and extension**

A decision approving a variance expires and can be extended as provided in Section 18.030.140 LCMC.

## Chapter 18.265 - TEMPORARY USE PERMIT

### Sections:

- 18.265.010 Pre-application review
- 18.265.020 Review process
- 18.265.030 Application contents
- 18.265.040 Approval criteria
- 18.265.050 Expiration and extension
- 18.265.060 Limitation on new application

### **18.265.010 Pre-application review**

An application for a temporary use permit is not subject to pre-application review, unless included with an application that is subject to pre-application review.

### **18.265.020 Review process**

- A. Review of a technically complete application for a temporary use permit for a use that will exist not more than 60 days is subject to a Type I process. See Section 18.030.080 LCMC.
- B. Review of a technically complete application for a temporary use permit for a use that will exist for more than 60 calendar days is subject to a Type II process. See Section 18.030.090 LCMC.

### **18.265.030 Application contents**

An applicant for a temporary use permit shall submit the requisite fee and four copies of the information required by Section 18.030.050 LCMC, except as otherwise provided therein.

### **18.265.040 Approval criteria**

- A. The review authority shall approve or approve with conditions an application for a temporary use permit in any zone if he or she finds the applicant has sustained the burden of proving that:
  - 1. The use is of a temporary nature, limited to a structure which can be readily dismantled and removed from the site within 48 hours of cessation of the use or activity, or converted to a permitted use in the zoning district;
  - 2. The use will cease and/or the structure will be removed or converted to a permitted use within one year; and
  - 3. Establishment and operation of the temporary use will not be materially detrimental to the public health, safety, convenience, and general welfare.
- B. The review authority may impose conditions of approval deemed necessary to ensure the proposed temporary use complies with the foregoing approval criteria.

### **18.265.050 Expiration and extension**

- A. A temporary use permit shall automatically expire on the date specified in the approval.
- B. A temporary use permit approved through a Type I process may be extended for up to an additional 60 calendar days through a Type I process.
- C. A temporary use permit approved through a Type II process may be extended for up to an additional three calendar months through a Type I process, provided the duration of the temporary use permit may not exceed one calendar year.

### **18.265.060 Limitation on new application**

- 
- A. Where a temporary use permit was approved for a particular property through a Type I process, no new applications for a temporary use permit may be approved for the same property for six calendar months after the prior permit or extension expired.
  - B. Where a temporary use permit was approved for a particular property through a Type II process, no new applications for a temporary use permit may be approved for the same property for one calendar year after the prior permit or extension expired.

## Chapter 18.270 - HOME OCCUPATIONS

### Sections

18.270.010 Home Occupations

#### 18.270.010 Home Occupations

- A. In residential districts, a "home occupation" is an occupation carried on within a dwelling primarily by members of the family occupying the dwelling. A home occupation is an economic enterprise that includes the use of a dwelling unit as a business address in a phone directory or as a post office mailing address.
1. The planning director or designee shall review requests for home occupation uses listed in Section 18.210.170(A)(1) as a Type I review, consistent with Section 18.030.080 LCMC, unless the site of the home occupation is within an area subject to the CC&Rs of a homeowner's association, in which case the city shall process the application as a Type II review consistent with Section 18.030.090 LCMC. The planning director shall review requests for home occupation use not described in this subsection pursuant to Section 18.030.090 LCMC.
    - a. Artists and sculptors;
    - b. Authors and composers;
    - c. Dressmakers, seamstresses and tailors;
    - d. Family day care home;
    - e. Home crafts such as model making, rug weaving, lapidary work and cabinet making;
    - f. Office facility of a minister, rabbi or priest;
    - g. Office facility of a salesman, sales representative or manufacturer's representative, provided that no retail or wholesale transactions are made on the premises;
    - h. Office facility of an architect, artist, broker, engineer, instructor in arts and crafts, insurance agent, land surveyor, lawyer, physician or real estate agent, contractor, builder, computer software developer;
    - i. School of special education whose class size does not exceed four people at any given time;
    - j. The letting for hire of not more than two rooms for rooming or boarding use for not more than two persons neither of whom is a transient.
  2. In addition to the use limitations applicable in the zoning district in which located, all home occupations shall be subject to the following use limitations and, other uses which fit the following limitations may obtain a home occupation permit from the planning director, or designee, pursuant to a Type I review process. If a home occupation permit is granted but the occupant fails to consistently comply with the following limitations, the home occupation permit may be revoked subject to a hearing before the hearing examiner.
    - a. Except as qualified in this subsection a home occupation must be conducted wholly within a dwelling that is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use.
    - b. Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises.
    - c. No alteration to the exterior of the principal residential building shall be made which changes the character thereof as a dwelling.

- d. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy and a district in question under normal circumstances wherein no occupation exists.
  - e. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
  - f. One person, other than a member of the immediate family occupying the dwelling, may be employed on the premises.
  - g. One sign, two square feet in dimension, shall be permitted.
  - h. The use may increase vehicular traffic flow and parking by no more than two additional vehicles at a time.
- B. Homeowner's or neighborhood association coordination required.
- 1. If the proposed use will be located in a dwelling in an area in which a homeowner's association or neighborhood association exists and the city clerk's office has on file a copy of the current, recorded conditions, covenants and restrictions (CC&Rs) for the appropriate homeowner's association, the planning director shall not find the application complete unless the application contains a letter from the subject homeowner's association stating that the proposed use does not violate any provision of the recorded CC&R's of the association.
  - 2. If the subject property is subject to CC&R's the planning director shall process the request for home occupation permit as a Type II review and shall provide notice of the pending application to the homeowner's association and any neighborhood association, registered with the city clerks' office with geographic interest in the dwelling.
  - 3. The planning director shall not approve the request for home occupation use unless the application contains a letter from the subject home-owner's association stating that the proposed use does not violate any provision of the recorded CC&R's of the association.
- C. If the applicant or any person living within three hundred feet of the residence in question feels aggrieved by the decision of the planning director, or designee, to grant or deny the home occupation permit, then the aggrieved person may appeal to the hearing examiner pursuant to Section 18.030.130 LCMC.
- D. A business license granted by the city shall also be required for persons conducting home occupations.
- E. A permit granted under this chapter shall expire if the home occupation for which it is granted does not operate as a business for a period of twelve consecutive months.

## Chapter 18.275 - SIGN REQUIREMENTS

### Sections:

18.275.010	Purpose, Scope and Definitions
18.275.020	Permit Required
18.275.030	Variances
18.275.040	Prohibited Signs
18.275.050	Signs Not Requiring a Permit
18.275.060	Requirements Applicable to all Signs
18.275.070	Signs in Residential Zones
18.275.080	Signs in General Commercial District, Commercial Cardroom District
18.275.090	Lighting of Exterior Signs
18.275.100	Implementation of this Sign Code
18.275.110	Conflict and Severability
18.275.120	Enforcement, Violation and Penalty

### 18.275.010 Purpose, Scope and Definitions

This Chapter regulates the erection, placement, maintenance and display of signs to protect and enhance public health, safety, welfare and property.

#### A. Purposes. The purposes of this sign code are:

1. Allow those signs compatible with the character and uses allowed in the zoning district in which they are located.
2. Maintain the effectiveness of traffic signs and other signs erected for public safety, while limiting the number and scale of distractions to motorists.
3. Protect the public right-of-way for the safe, expeditious and uncluttered passage of motorists, bicycles and pedestrians. To prevent signs or portions thereof from interfering with the safe movement of people, vehicles and emergency service providers in the public right-of-way. To prevent signs or portions thereof from creating a public nuisance or hazard by obstructing clear vision or distracting motorists by their dominating size or appearance.
4. Maintain and enhance the scenic and other aesthetic qualities of the city by limiting the size and number of signs, reducing clutter and the dominance of signs.

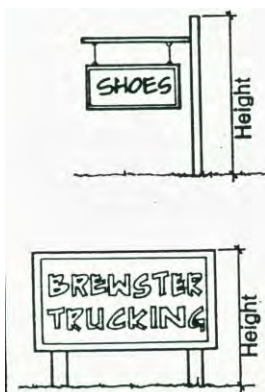
#### B. Scope. All signs, including sign structures and display areas or building walls with lettering, numbers, symbols or other expressive content on them shall be erected, maintained and displayed only as provided by this Chapter, except for the following.

1. Signs not visible from either a public right-of-way or property under different ownership, provided such signs shall be erected and maintained in accordance with applicable law.
2. Signs owned and maintained by governmental agencies.
3. Signs inside a building, except for strobe lights or floating lights visible from a public right-of-way, private road or other private property.
4. Signs carved into or part of materials that are an integral part of a building.

#### C. Definitions. The following definitions shall control the interpretation of this chapter, in addition to the definitions in Chapter 18.040 LCMC:

1. Abandoned Sign means a sign that does not have copy on the display surface for a period of 6 months or more.

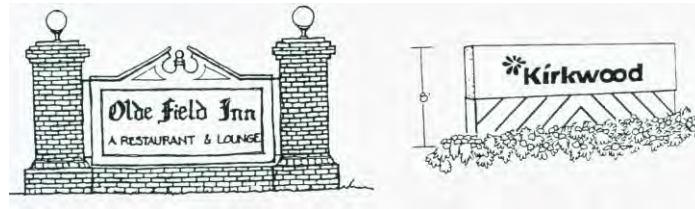
2. Alternation or altered sign means any physical or structural change to a sign structure, shape, area, equipment or other physical component, but does not include a change in the copy.
3. Banner is sign, such as those used to announce an open house, a grand opening, or to make a special announcement, that is made of cloth, canvas, or some similarly flexible material without a rigid frame or surface.
4. Billboard means a sign with a display surface of 200 square feet or more.
5. Copy means the text, letters, numbers, symbols and any other sort of graphical expressive content.
6. Display Surface Area means the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this Chapter.
7. Directory Sign means a sign that identifies the names and locations of tenants in a multi-tenant building or in a development made up of a group of buildings.
8. Erect or Erected means to construct, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.
9. Freestanding sign means a sign supported from the ground by its own structure.
10. Fence and fencing mean any barrier or section thereof, other than a wall, designed to define a boundary or provide a visual screen.
11. Frontage means the boundary between a single parcel and the public right-of-way. For purposes of this sign code, where a property abuts only one right-of-way, it has only one "frontage." Where a property is a corner lot or otherwise abuts more than one right-of-way, it has one frontage for each point where it abuts a different right-of-way.
12. Government sign means any sign erected by a federal, state or local government, including signs related to traffic control and direction, safety, identification of governmental buildings and activities, community announcements or other public information.
13. Grade means the level of the nearest sidewalk or road pavement.
14. Height of sign is the vertical distance of a sign measured from the average finished grade below the sign and the highest point on the sign or sign structure, which ever is higher, for example:



*Height is measured from lowest finished grade to the top of the sign or its supporting structure.*

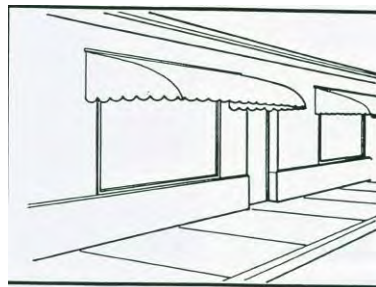
15. Incidental sign means a sign identifying or advertising associated goods, products, services or facilities available on the premises, including but not limited to, trading stamps, credit cards accepted, brand names or price signs.

16. Maintain, maintained or maintaining mean activities, such as upkeep and repair of signs or sign structures and the replacement of sign messages or advertisement displayed on a sign, and an activity by which a sign or sign structure are permitted to exist.
17. Monument sign is a sign and supporting structure which has similar top and bottom dimensions, and is constructed as a solid structure or one which gives the appearance of a continuous, non-hollow, unbroken, unfenestrated mass. Further, similar top and bottom dimensions shall mean dimensions, which are within 10% of each other.



*Monument Sign*

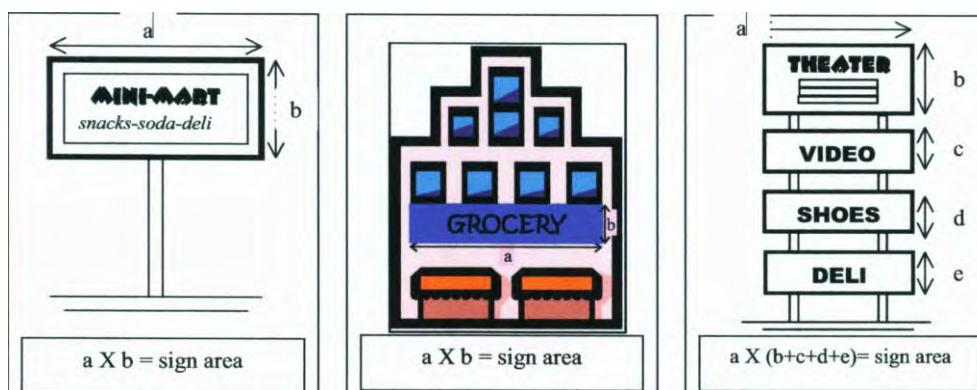
18. Multi-Business Building means a building with two or more commercial businesses on a lot or contiguous lots with common access and parking.
19. Obsolete sign means a sign for which there is no current city sign permit.
20. Off-Premise sign is a sign that relates to activities, services, goods, products or other things that are not on the property where the sign is located.
21. Portable Sign is any sign designed to move or be moved by trailer or vehicle to advertise at different locations. Further, these signs include any sign, which is not permanently fastened to a building or ground.
22. Property means a single, separately deeded parcel of real property.
23. Projecting sign means a sign projecting more than one foot from the wall of a building, including awnings and similar structures that serve a function and to which a sign face can be affixed, for example:



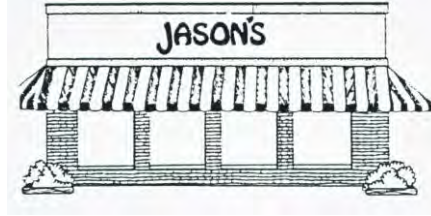
24. Roof sign means a sign erected or maintained wholly upon or over the roof of any building with the principal support on the roof structure.
25. Setback means the shortest perpendicular distance between a structure, including a sign, and the nearest property line.



26. Sign means any sign, display message, emblem, banner, flag, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended to convey a message, advertise something, inform or attract the attention of the public. Signs include the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames, and the term includes both sides of a sign of specified dimensions or display surface area.
27. Sign face means the total of display surface area visible from one side of a sign.
28. Sign area is the area of message area of a sign, excluding any structural components that do not include text or other message, and is measured as follows:
- The area of a free-standing sign or structure not using an integral part of the building for its background means the largest cross-sectional area of the sign measured to a line encompassing all portions of the sign structure, including tubing used in lighting such sign or structure, but excluding posts without attached lighting. Further, the base on which a monument-type sign is set may be excluded provided there is no attached lighting.
  - The area of a double-faced sign, i.e. a sign marked on 2 sides, or signs which are erected in a "V" configuration with an angle between the 2 faces not exceeding 30°, shall be the largest area on one side of the sign. Further, this type of sign shall be considered one sign for the purpose of determining the number of signs allowed.
  - The area of any sign or structure using an integral part of the building or awning as a background means the area within the shortest line drawn to include all letters, design, and tubing which are part of the sign or structure. Provided, that for illuminated awnings the area shall be limited to the area within the shortest line drawn to include all copy and graphics, excluding illuminated areas outside of these lines.



29. Street frontage means the linear frontage of a parcel of property abutting a single public street.
30. Temporary sign means a sign that will become obsolete after the occurrence of an event or series of events. Temporary signs include, but are not limited to, for sale and lease signs, garage sale signs and political campaign signs.
31. Time and Temperature Sign is a sign that displays only the current time and temperature.
32. Wall Sign means a sign painted on the wall of a building, for example:



*Wall Sign*

#### **18.275.020 Permit Required**

- A. No sign shall be erected or displayed except as provided by this Chapter and for which a permit has been issued by the city planner. This permit requirement applies to all signs, except those specifically exempt by a provision of this chapter. The City may impose any reasonable condition, including a limitation on duration or a prohibition on renewal, on a sign permit issued under this chapter. All signs existing on the date of adoption of this ordinance are required to obtain a permit under this chapter within one year of the date of adoption of this ordinance. Any signs existing in the city following one year of adoption of this ordinance that do not have a permit and are required by this ordinance to have a permit, shall be deemed unlawful and subject to code enforcement.
- B. Permit duration and automatic expiration: All sign permits issued under this chapter shall be valid for one year, and shall automatically expire one year from the date of issuance unless the permit provides for an earlier expiration date. Sign permits may be renewed but for no longer than a year at a time. Any request to renew a sign permit shall be submitted on or before the permit's expiration date and shall be subject to the then-applicable sign code requirements.
- C. Process. Sign permits under this Chapter shall be processed as Type I decisions according to the procedures and requirements of Section 18.030.080 LCMC.
- D. Modifications to Existing Signs: Any sign that is structurally altered, relocated or replaced shall be brought into compliance with all applicable substantive requirements of this Chapter, including the requirement to obtain a permit. Any modification to a sign for which a permit has been issued shall be processed as a Type I decision in the same manner as for a new sign. This requirement to obtain a new permit for sign modifications does not apply to copy or panel changes where the sign area, shape and height are maintained.
- E. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the city clerk. A permit application fee shall accompany the application for it to be processed by the review authority. The amount of the fee shall be according to a permit fee schedule adopted by resolution of the city council. The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is erected and maintained in compliance with the permit, the requirements of this chapter, and if the applicant did not misrepresent or falsify any information supplied in the application. Any permit issued under this chapter shall be void if no substantial physical action is taken, in accordance with any conditions of the permit and the applicable requirements of this chapter, within 90 days following the date of its issuance. Any permit issued under this chapter shall remain in effect as long as the sign is maintained in compliance with any permit conditions and all applicable provisions of this chapter.

#### **18.275.030 Variances**

- A. Grounds for Variance. Upon application by an applicant, the review authority may grant a specific variance from provisions of this Chapter provided all of the requirements of this section are met. The variance provisions in Chapter 18.260 LCMC (Variances) that customarily apply to land use permits do not apply to sign code variances:

1. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same area or vicinity. Such conditions may be the result of an unusual location or orientation of the applicant's building, topography, vegetation or other circumstance over which the applicant has no control.
  2. The variance is necessary for the preservation of a right of the applicant substantially the same as is possessed by the owners of other property in the area or vicinity.
  3. The authorization of the requested variance will not be materially detrimental to, or conflict with, the purposes of this chapter or be injurious to the use and enjoyment of other property in the area or vicinity, or the public way, in which the property is located.
  4. The variance requested is the minimum variance necessary, to alleviate the identified hardship.
  5. By way of mitigation for the variance of any requirement of this chapter, the city may require mitigation in the form of sign design, area, height, location, duration or other reasonable measure, including compliance with the Downtown Design Guidelines.
- B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city council and on file with the city clerk/treasurer.
- C. Procedure. Any variance sought to the requirements of the sign code shall be processed as a Type II decision and in conjunction with the underlying sign permit application. Once granted, a sign variance shall be valid so long as the sign permit is maintained, including renewals and extensions.

#### **18.275.040 Prohibited Signs**

It is unlawful for the following signs to be erected, maintained or displayed except as otherwise provided in this chapter. Signs installed, altered, relocated, maintained or displayed in violation of this chapter are deemed to be nuisances and subject to enforcement and removal by the city at the owner's expense after appropriate process.

- A. Billboards and off-premise signs.
- B. A sign that obstructs or interferes in any way with the public's ability to clearly view government signs or interferes in any way with traffic, visibility or passage within the public right-of-way, including vehicle travel lanes, sidewalks and bike lanes.
- C. Any sign with animated, rotating, flashing or moveable parts, lights, video display or changing type/message or emits an audible sound, except for government signs and Time and Temperature signs.
- D. A sign with lighting that shines light directly onto any portion of the main traveled right-of-way of a public street, or is of such high intensity or brilliance as to cause glare or shine into the eyes of a pedestrian or motorist in the public right-of-way.
- E. A sign attached to a tree or painted or drawn on a natural feature.
- F. Obsolete signs and abandoned signs.
- G. A sign that obstructs free ingress to, or egress from, any door, window or fire escape, alley, driveway or fire lane, or is attached to a fire escape.
- H. Any sign, except for a governmental sign, which is erected or maintained on public property or within the public right-of-way, including the sidewalk, without a permit from the city or permission of the public body having jurisdiction over the right-of-way or public property in question.
- I. A sign not able to withstand a wind pressure of 20 pounds per square foot of exposed surface or is insecurely erected, or is constructed so as to constitute a fire hazard.
- J. A sign not maintained in a safe, neat, clean and attractive condition and in good repair.

- K. A sign not otherwise in compliance with any provision of this code, Washington law or the terms and conditions of any valid sign permit.
- L. Signs on fences or fencing.
- M. Roof signs.
- N. Signs, which by reason of their size, location, movement, content, coloring, or manner of illumination may be confused with a government sign.
- O. A sign erected, maintained or displayed without a permit where this chapter requires a permit.

#### **18.275.050 Signs Not Requiring a Permit**

In any zoning district, the following signs may be erected and maintained without a permit, so long as they comply with all applicable provisions of this chapter and are not illuminated:

- A. One temporary sign per street frontage of property under a single ownership provided that the sign is not otherwise a prohibited sign, does not cause a public safety hazard or nuisance, has no more than two faces, and no sign face exceeds 4 square feet in area.
- B. Signs carved into a building or which are part of materials that are an integral part of the building not exceeding 10 square feet in area. This subsection does not include wall signs or signs painted on sides of buildings.
- C. A single sign where the display surface area does not exceed 2 square feet.
- D. Incidental signs situated on the inside side of a window or door.
- E. Flags, limited to two per premises.
- F. Signs attached to, or carried by, a person.
- G. Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.
- H. Government signs.

#### **18.275.060 Requirements applicable to all signs**

- A. Permit required. Except for signs specifically listed elsewhere in this chapter as not requiring a permit, all signs require a sign permit before being displayed. Sign permits are valid for one year and must be renewed annually so long as the sign is displayed.
- B. Structural specialty code compliance. All signs shall meet the construction and operation standards of the Uniform Sign Code and the National Electrical Code, latest editions and amendments. Where conflicting standards between this title and the codes exist, the more stringent shall apply.
- C. No off-premises signs. All signs shall relate exclusively to activities or business conducted, goods sold or manufactured, or services rendered on the property where the sign is located.
- D. Sign Maintenance. All signs, including signs heretofore installed, shall be constantly maintained in a state of security, safety, and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving notice from the designated public official. The premises surrounding a freestanding sign shall be free and clear of rubbish, and landscaping area free of weeds.
- E. Sign Obstructing View or Passage. No sign shall be located so as to physically obstruct any door, window, or exit from a building. No sign shall be located so as to be hazardous to a motorist's ingress and egress from parking areas of any way open to the public.

- F. Landscaping for Freestanding Signs. All permanent freestanding signs shall include as part of their design landscaping about their base to prevent automobiles from hitting the sign-supporting structure and to improve the overall appearance of the installation. The planting area about the base of the sign shall be a minimum of one square foot for each square foot of sign surface area, and shall include trees, shrubs and ground cover so that at the time of installation a minimum of 25 percent of the required planting area is covered by plant material.
- G. Removal. All signs shall be removed within 30 days of expiration of the sign permit that authorized their display. An expired sign permit may be extended (as opposed to renewed) for a total of 6 months (a period that includes the first 30 days following expiration).

#### 18.275.070 Signs in Residential Zones

- A. Signs Allowed. The following signs are allowed in the city's residential zoning districts:
1. Signs allowed without a permit. All signs that are allowed without permit as provided by this chapter are allowed in residential zones so long as all applicable requirements of this chapter are met.
  2. Permitted Signs. All signs not otherwise prohibited are permitted in residential zones so long as a permit is first obtained as required by this chapter and the requirements of this section are met.
  3. Signs of Limited Duration Following Subdivision or Partition. In addition to the temporary signs allowed without a permit, a single sign is permitted on residentially zoned property following subdivision or partition of a parent parcel into multiple new lots for a limited duration. The limited duration sign allowed under this subsection may remain in place from the time of preliminary subdivision or partition plat approval until 14 days following the day on which the last new lot in the subdivision or partition has been sold, at which point the sign must be removed. The limited duration sign allowed by this subsection may be a maximum of 32 square feet, limited to one sign per parent parcel, and is subject to all sign permit and fee requirements, including non-content-based conditions of approval.
- B. Display Requirements. All signs in the residential zones listed in this section shall comply with the following requirements:
1. Measured from the nearest property line.
  2. Measured from ground level to the highest part of the sign.
  3. Single or double faced.
  4. If illuminated, the illumination shall be directed or shielded so as to not shine directly onto any neighboring structure and so as to not shine directly into the eyes of motorists in the public right-of-way.

**Table 18.275.070 Residential Signs**

Sign Type	Maximum gross area per face (sq. ft.)	Minimum setback <sup>1</sup>	Maximum height <sup>2</sup>	Maximum number of faces <sup>3</sup>
Residential Nameplate	4	None	None	One
Freestanding Sign	6	1 foot	6 feet	Two
Wall Sign	15	10 feet	10 feet	One
Home occupation	4	10 feet	5 feet	One

#### 18.275.080 Signs in General Commercial District, Commercial Cardroom District, Semi-Public, and Industrial Zones

- A. Downtown Design Guidelines. All signs in the General Commercial District are encouraged to follow the adopted Downtown Design Standards to protect the aesthetic and visual character of this District.
- B. Signs Allowed. In the General Commercial District, Commercial Cardroom District, and Industrial zoning districts, the following signs are allowed, so long as a sign permit is obtained (excepting signs that specifically do not require a permit) and all other applicable provisions of this chapter are met:
1. Signs that don't require a permit. All signs allowed without permit as provided by this chapter so long as all other applicable requirements are met.
  2. Wall signs, so long as a permit is first obtained as required by this chapter, and the display surface area is no larger than 36 square feet.
  3. Freestanding signs, as long as a permit is first obtained as required by this chapter, and the following standards are met:
    - a. Number. One freestanding sign shall be permitted for each street frontage of a premise, provided minimum lot frontage of 25 feet is met. Freestanding signs on the same premises but on different frontages shall be separated by a minimum of 50 feet. No more than two such signs are allowed to advertise a commercial group complex. Any freestanding sign in a multi-tenant group or complex shall be a complex sign. Freestanding signs shall not be located closer than 75 feet to another similar sign along the same street.
    - b. Area. Maximum area is 50 square feet.
    - c. Projection. Freestanding signs shall not project into or over a public right-of-way.
    - d. Height. The height of any freestanding sign shall not exceed 20 feet above grade.
  4. Electronic Readerboard Signs. One wall-mounted or freestanding, monochrome LED or similar electronic Readerboard (changing text) sign is allowed per property, so long as no part of such a sign is more than 20 feet above the ground, with no video display, and only text, letter, time and temperature display is allowed. Wall-mounted electronic Readerboard signs allowed under this provision may be up to 15% of the wall surface area on which they are mounted, not to exceed a maximum of 40 square feet. Freestanding electronic readerboard signs allowed under this provision shall not exceed 40 square feet in area.
  5. Projecting Signs. Projecting signs are allowed so long as a permit is first obtained as required by this chapter and the following standards are met:
    - a. Number. One projecting sign may be permitted for each business frontage. In a multi-tenant building, a maximum of one projecting sign per tenant for each street frontage is allowed. No projecting signs shall be permitted for the same business frontage where there is a freestanding sign.
    - b. Area. Sign area shall not exceed 32 square feet per sign face for a single story building and 48 square feet per sign face in sign area for a two-story building
    - c. Projection. Maximum projection from a building wall shall be 4 feet. No sign shall project any closer than 2 feet from the curb line.
    - d. Vertical Dimension. The maximum vertical projection of the sign shall not exceed 18 inches. The visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support. Signs hanging parallel to the building face shall not exceed the length of the building.
    - e. Clearance. A minimum clearance of 10 feet from grade shall be maintained over pedestrian or vehicular areas, 14 feet over areas of truck access.

- f. Separation. The minimum distance between adjacent projecting sign shall be 20 feet in the same horizontal plane.
  - g. Projecting Signs on Other Project Structures: awnings, marquees, canopies, false fronts and wall extensions, safety constructed and approved by the review authority, may not extend beyond the limits for projecting signs. Projecting signs on any such structure shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign. The only exception shall be for those instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians; in these instances, the clearance under the marquee or other permanent structure may be reduced to 8 feet.
6. Incidental Signs. One additional sign is allowed per premises, so long as a permit is first obtained under this chapter. An incidental sign may be a freestanding or wall sign, but in either case, shall meet all provisions for such signs, excepting area. The surface display area of an incidental sign shall not exceed 6 square feet.
  7. Portable Signs. Tent signs, streamers, strings of lights, balloons, or pennants, excepting traditional holiday decorations.
  8. A-frame signs. A-frame signs shall not exceed 48 inches in height and 32 inches in width, per sign side. One A-frame sign is allowed per business or entity. The sign may not be placed to cause a sight distance problem, obstruction or a hazard, and shall not be displayed outside of business hours. A-frame signs placed on a sidewalk within the public right-of-way shall not reduce the sidewalk below 36 inches.
  9. Outdoor Sale and Temporary Advertising Signs. Temporary signs are limited to a single sign advertising an event, product or service that is available for a short or limited period of time. Temporary signs need not meet the structural requirements that otherwise apply, but shall be weather resistant. Temporary signs shall not display the same copy for more than 30 consecutive calendar days. Temporary signs shall not be illuminated or permanently erected, constructed or otherwise attached to a building. Temporary signs shall not exceed 15% of the building wall area facing the street where the sign is located.
  10. Street Banners. Street banners advertising civic events sponsored by a nonprofit organization may be erected in or over the public right-of-way subject to first obtaining a city sign permit and compliance with conditions attached to that permit. All other banners shall be regulated as signs under this chapter.
  11. Multiple businesses within a common building.
    - a. All signs shall be of common type and appearance.
    - b. Where a common entrance(s) is/are shared:
      - i. A single sign for each street frontage is allowed, but shall not exceed the maximum allowed sign area;
      - ii. One sign not to exceed 6 square feet listing the individual occupants or tenants is permitted within the common doorway or entrance;
      - iii. A-frame signs. A-frame signs shall not exceed 48 inches in height and 32 inches in width, per sign side. A-frame signs shall not be placed to cause a sight distance problem, obstruction or a hazard, and shall not be displayed outside of business hours. A-frame signs placed on a sidewalk within the public right-of-way shall not reduce the sidewalk below 36 inches.

- iv. Where separate entrances are provided, each tenant or establishment may have its own sign; provided, that in no case shall the combined sign area of all such signs exceed 15% of the gross area of the building wall facing the nearest street upon which the signs are located.

#### **18.275.090 Lighting of Exterior Signs**

Signs may be lit, either from within the sign structure or by external lights shining on the sign face. In no case shall sign lights be allowed to shine directly onto adjacent property or the public right-of-way or to cast glare into the eyes of pedestrians or motorists in the public right-of-way. All sign lights shall comply with all applicable electrical code requirements. Sign lights shall not substitute for security or safety lighting that may otherwise be required.

#### **18.275.100 Implementation of this Sign Code**

All signs lawfully established, legal and in existence on the date this chapter is adopted shall be considered nonconforming and may continue in their current condition so long as they are continually maintained, do not change or expand. Any change to a nonconforming sign, including a change to the text or message, will require a sign permit under this chapter and require compliance with the requirements of this chapter.

#### **18.275.110 Conflict and Severability**

In the event any provision herein is found to be in conflict with any zoning, building, fire safety, health or other code provisions of the city, the provision that establishes the higher, stricter or more specific standard for the promotion and protection of the health, safety and welfare of the people shall prevail. A finding by a court of competent jurisdiction that any portion of this chapter is invalid shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply.

#### **18.275.120 Enforcement, Violation and Penalty**

In addition to any other provisions hereof, it is unlawful for any person or entity to erect, maintain or display a sign in violation of this Chapter. All violations of this chapter are deemed to be a nuisance and subject to civil enforcement under Chapter 2.15 LCMC. Signs found to be erected, maintained or displayed in violation may be removed by the City and the owner of the sign and/or premises upon which the sign is located subject to enforcement and possible fines and other penalties as provided by applicable laws.



## Chapter 18.280 - OFF-STREET PARKING AND LOADING REQUIREMENTS

### Sections:

18.280.010	Off-street parking requirements
18.280.020	Joint use of facilities
18.280.030	Parking design standards
18.280.040	Loading
18.280.050	Off-site parking prohibited
18.280.060	Vehicles in residential zones

### 18.280.010 Off-street parking requirements

Off-street parking shall be provided in compliance with Table 18.280.010 LCMC:

**Table 18.280.010 Off-street parking requirements**

USE	MINIMUM NUMBER OF PARKING SPACES
Residential:	
One to three dwelling units	2 spaces per dwelling unit
Four or more dwelling units	3 spaces per dwelling unit
Retail Stores and Service or Repair Shops	1 space per 400 square feet of floor area <sup>1</sup>
Bank or Office Buildings <sup>2</sup>	1 space per 400 square feet of floor area <sup>1</sup>
Hotel, Motel or Bed and Breakfast Houses	1 space per guestroom <sup>1</sup>
Cardrooms	1 space per 200 square feet of floor area, plus one space for each card room chair <sup>1,3</sup>
Eating and/or Drinking Establishments	1 space per 200 square feet of floor area <sup>1</sup>
Church	1 space for each 6 seats or 12 feet of bench in the principal place of worship <sup>4</sup>
Schools:	
Elementary and Middle School	1 space for each 12 students <sup>1,5</sup>
High School	1 space for each 4 students <sup>1,5</sup>
Library	1 space per 400 square feet of reading room
Day Care	1 space per employee
Industrial or Manufacturing	1 space per 500 square feet of floor area <sup>1</sup>
Commercial Storage or Warehousing	1 space per 1,000 square feet of floor area
Government Buildings	1 space per 300 square feet of floor area and 1 space per full-time employee <sup>5</sup>

<sup>1</sup> Plus one space for each two employees.

<sup>2</sup> Includes medical and dental offices.

<sup>3</sup> As defined by the Washington State Gambling Commission.

<sup>4</sup> Including balconies and choir lofts.

<sup>5</sup> Based on maximum capacity, including temporary structures.

### 18.280.020 Joint use of facilities

Joint parking and/or loading facilities serving two or more uses, structures, or parcels of land may be approved to satisfy the requirements of both facilities provided the owners or operators of the uses, structures, or parcels show that their operations and parking needs do not overlap in point of time. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

**18.280.030 Parking design standards**

- A. Size of Parking Space. Each off-street parking space shall have an area of not less than 180 square feet, exclusive of drives and aisles, and a width of not less than nine feet. Each space shall be provided with adequate ingress and egress.
- B. Location. Off-street parking facilities shall be located on-site to the extent feasible. Off-site parking shall be no further than 150 feet from the site, measured from the nearest point of the parking facility to the nearest point of the nearest building that the facility is required to serve. Off-site parking shall be primarily employee parking.
- C. Materials, Design, and Lighting.
  - 1. Off-street parking facilities shall be surfaced with a durable and dustless surface, shall be graded and drained so as to dispose of surface water to the satisfaction of the supervisor of public works in accordance with Chapter 18.320 LCMC, and shall be maintained in good condition, free of weeds, dust, trash, and debris.
  - 2. Except for a single-family or duplex dwelling, groups of more than two parking spaces per lot shall be:
    - a. Provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner; and
    - b. Served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one-way driveways be less than 20 feet and 12 feet, respectively, and be so arranged so as not to use any part of adjoining public sidewalks, street, or alley rights-of way, except for ingress and egress.
  - 3. Lighting used to illuminate off-street parking facilities shall be arranged so as to reflect light away from any adjoining residential area(s).
- D. Boats and Recreational Vehicles. On-street parking of boats, trailers, camper, and recreational vehicles is prohibited in any residential district and the GC district.

**18.280.040 Loading**

Every use for which a building is erected or structurally altered which will require the receipt or distribution of materials or merchandise by truck or similar vehicle shall provide off-street loading space on the basis of minimum requirements as follows:

- A. Commercial, industrial, and public utility uses shall provide truck loading or unloading berths in accordance with Table 18.280.040(A):

**Table 18.280.040(A)**

Square feet of floor area	Number of berths required
Less than 5,000	0
5,000 – 30,000	1
30,000 – 100,000	2
100,000 and over	3

- B. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar uses shall provide off-street truck loading or unloading berths in accordance with Table 18.280.040(B):

**Table 18.280.040(B)**

Square feet of floor	Number of berths
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area	required
Less than 30,000	0
30,000 – 100,000	1
100,000 and over	2

- C. A loading berth shall contain space 12 feet wide, 35 feet long, and have a height clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.
- D. Existing loading space shall not be eliminated, if elimination would result in less space than is required to adequately handle the needs of the particular use.
- E. Off-street parking areas used to fulfill the requirement of this title shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
- F. Loading docks shall be located on the side or rear of the building.

#### **18.280.050 Off-site parking prohibited**

Off-street parking required by this chapter for all uses in the Cardroom Commercial District (C-3) shall be provided on the same lot, parcel or property as the underlying use the parking is intended to serve. Off-street parking required for uses in the C-3 district shall not be provided off-site.

#### **18.280.060 Vehicles in residential zones**

- A. Purpose. Parking lots and outdoor storage of vehicles or recreational vehicles shall not be a primary use for any property located within a single-family residential zone.
- B. Where Applicable. These regulations apply to all residential users in LDR-6, LDR-7.5, and LDR-8.5 zoning districts unless otherwise expressly indicated.
- C. Restrictions. Any vehicle that is the subject of this section that is parked off-street, shall be parked on code approved areas or within garages. Failure to comply with this section shall constitute a nuisance.
  - 1. Passenger vehicles, light trucks and trucks under two ton gross weight may park in any approved parking area, including the street, or garage so long as they do not pose an impediment to pedestrian or other vehicular traffic. Vehicles which pose an impediment to pedestrian or vehicular traffic shall be deemed a nuisance.
  - 2. Motor homes, recreational vehicles and utility trailers shall not be parked on street for a period of two weeks or more during any calendar year.
  - 3. Motor homes, recreational vehicles and utility trailers may be parked in on-site parking areas as follows:
    - a. LDR- 6 zone, in allowed on-site parking area;
    - b. LDR- 8.5 zone, in allowed on-site areas, including driveways; so long as they are not parked between the front lot line and the primary facade of the dwelling.
- D. Off-street parking. Each single-family residence, constructed after the date of adoption of the ordinance codified in this title, shall provide for at least two off-street parking spaces. Off-street parking must provide a minimum of eighteen feet of lineal parking between the street and the dwelling setback.

#### **18.280.070 Multi-Family Parking lots and circulation**

Except for townhouse structures containing garages, parking lots and garages for MDR development shall be located in the rear portions of the property, with building construction occurring toward the front, closest to employment centers, shopping centers and transit corridors to minimize walking distance. Parking lots and garages located between buildings and streets are not permitted, except for townhouse structures that contain

garages, in which case no more than forty percent of the front of each townhouse dwelling unit shall be devoted to garage door space.

- A. At least two parking spaces shall be provided on site for each multiple-family dwelling unit. When the development is located within a quarter mile of existing or planned transit (public transportation) service, 1.25 spaces per unit shall be required.
- B. A minimum of ten feet of landscaped buffer area shall separate parking lots from adjoining properties and streets. Driveways to townhouse garages, which provide off-street parking, shall not be considered parking lots.
- C. MDR development projects shall provide access to collector or arterial streets; however, individual dwelling units within an MDR development project shall not have direct access to an arterial or a collector street.
  1. Within an MDR development project, parking lots or driveways to individual dwelling units shall connect directly to a local residential street that has direct access to an arterial or collector street.
  2. MDR development projects shall not have direct primary access to existing local residential streets within an MDR zoning district unless the review authority finds, by substantial evidence, that environmental, topographic or other issues relating directly to public safety or welfare require general access to a local, public residential street.
- D. Pedestrian access shall be provided to transit corridors without having to pass through a parking lot whenever possible.
- E. Parking lots associated with conditional or nonconforming uses in these districts are subject to site plan review and approval.
- F. In no event shall on-site parking facilities exceed fifty contiguous spaces per parking cluster. Where more than fifty spaces are required, there shall be a landscaped buffer, not less than twenty feet wide, between parking clusters. Where the applicant desires more than one parking cluster on a lot or contiguous lots, the planning director, through the site review process, shall require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.
- G. Through a Type-II adjustment request, an applicant may request adjustments to this subsection if the topography or other environmental constraints associated with the property prevents reasonable compliance with this standard. Where the applicant desires more than one parking cluster on a lot or contiguous lots, the planning director, through the site review process, shall require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.
- H. Through a Type-II adjustment request, an applicant may request adjustments to this subsection if the topography or other environmental constraints associated with the property prevents reasonable compliance with this standard.
- I. All new Townhouse developments shall include four (4) additional off-street parking spaces for every ten (10) units. These spaces are to be evenly dispersed throughout the development with no more than four (4) spaces being located in any one specific area. The final location of these parking spaces shall be required to receive final approval from the city's planning director.

#### **18.280.080 Parking Requirements of Manufactured Home Parks**

- A. Off-street parking shall be provided for at least two automobiles per dwelling unit, located on the lot or property, which they are intended to serve. Off-street parking ~~may~~ shall be provided within a garage or carport
- B. Visitor Parking. At least one automobile parking space shall be provided for every two manufactured home lots or sites for use by visitors and delivery vehicles. These spaces shall be signed or designated as

such. These spaces shall be within 100 feet of the lots to be served. Visitor parking may be provided on streets designed to accommodate parking and two standard lanes of traffic.

- C. All on-site parking shall be designed and constructed in compliance with the parking facility standards of this chapter
- D. Trucks with a maximum gross vehicle weight more than one and one-half tons, recreational vehicles, boats on boat trailers, and similar equipment shall be parked in one of the two allocated off-street parking spaces if stored on an individual lot or space; provided no more than one passenger vehicle may be parked on a given lot or space. Car-top boats and canoes are exempt from this requirement.

## Chapter 18.285 - TELECOMMUNICATION FACILITIES

### Sections:

18.285.010	Additional standards
18.285.020	Expiration and extension
18.285.030	Transfer prohibited

### **18.285.010 Additional standards**

In addition to complying with other applicable standards, a telecommunications facility shall comply with the following siting and design standards:

- A. A telecommunications facility may exceed the height limit of the underlying zone, if any.
- B. The base of the tower for a telecommunications facility shall be set back from property lines a distance equal to or greater than one-half the height of the tower. All other structures and improvements associated with a telecommunications facility shall comply with applicable dimensional standards of the base zone or as otherwise provided by the approval authority.
- C. The setback of a telecommunications facility shall include landscaping to at least an L3 level and a fence to at least an F1 level as provided in Section 18.245.060 LCMC.
- D. Generators and other equipment associated with a telecommunications facility shall not cause noise in excess of limits permitted by Chapter 173-60 WAC.
- E. Lights associated with a telecommunications facility shall be the minimum necessary to provide for security and safety. Advertising or signage of any kind is prohibited on a telecommunications facility tower except for a sign identifying safety and emergency information.

### **18.285.020 Expiration and extension**

A conditional use permit expires and can be extended as provided in Section 18.030.140 LCMC.

### **18.285.030 Transfer prohibited**

An approved conditional use permit is specific to the subject property and cannot be transferred to another property.

## Chapter 18.290 - ANNEXATIONS

### Sections:

- 18.290.010 Eligibility
- 18.290.020 Initiation by ten percent petition
- 18.290.030 Sixty percent petition for annexation
- 18.290.040 Public Hearing
- 18.290.050 Ordinance providing for annexation
- 18.290.060 Effective date of annexation
- 18.290.070 Appeals

### **18.290.010 Eligibility**

To be eligible for annexation, a property or properties must be contiguous to the existing city limits and within the current urban growth area boundary for the City of La Center.

### **18.290.020 Initiation by ten percent petition**

- A. Applications for annexation shall be initiated with a petition to the City Council by property owners representing not less than ten percent of the assessed value of the property to be annexed. Applications shall include the following:
  - 1. A completed Ten Percent Petition form provided by the City Planner for that purpose.
  - 2. All appropriate fees are paid in full.
- B. The City Council shall meet with the initiating petitioners within sixty days of receiving the petition to:
  - 1. Determine whether the city will accept, reject, or geographically modify the proposed annexation,
  - 2. Determine whether it shall require the simultaneous adoption of a proposed zoning designation, if such a proposal has been prepared and filed for the area to be annexed, and
  - 3. Determine whether it shall require the assumption of all or of any portion of existing indebtedness by the area to be annexed.
- C. If the legislative body requires the assumption of all or of any portion of indebtedness and/or the adoption of a comprehensive plan amendment or concomitant rezone agreement, it shall record this action in its minutes and subsequent petitions for annexation shall be so drawn as to clearly indicate this fact.
- D. There shall be no appeal from the decision of the City Council.

### **18.290.030 Sixty percent petition for annexation**

- A. Provided the City Council has approved, or approved with conditions, a previous ten percent petition for annexation, the initiating party or parties shall submit ten (10) copies of the following:
  - 1. A completed Sixty Percent Petition form containing signatures of property owners representing at least sixty percent (60%) of the assessed value of the area to be annexed, as provided by the City Planner for that purpose; provided,
    - a. That a petition for annexation of an area having at least eighty percent of the boundaries of such area contiguous with a portion of the boundaries of the code city, need be signed by only the owners of not less than fifty percent in value according to the assessed valuation for general taxation of the property for which the annexation is petitioned.
  - 2. A statement of acceptance of proportionate share of city indebtedness and acceptance of city land use regulations.

3. A legal description of the annexation area.
  4. A scale map of the annexation area prepared by a licensed surveyor including all rights-of-way proposed for annexation.
  5. A completed SEPA environmental checklist for the zoning designation.
  6. The names and addresses of owners of land within a radius of 300 feet of the perimeter of the annexation area. Owner names and addresses shall be printed on mailing labels.
    - a. The applicant shall submit a statement by the assessor's office or a title company certifying that the list is complete and accurate, based on the records of the Clark County assessor within 30 days of when the list is submitted.
    - b. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, then notice shall be mailed to owners of property within a 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application;
  7. Evidence demonstrating that all public facilities and services necessary to serve the annexation territory, at full build-out, are either constructed or planned for and funded at a level of service sufficient to meet the demands of the most intense development allowed on the property in question.
    - a. The critical public facilities and services subject to this policy include water, wastewater, stormwater, transportation, parks and schools. The applicable level of service standards are those stated in the City's current adopted capital facilities plans or dictated by the calculated demand of the most intense development allowable on the subject property, whichever is greater.
    - b. This evidence shall include a narrative and explanation as to how and when each necessary public facility and service will be provided for the site in question concurrent with development and how the levels of service currently constructed or planned to be constructed will be adequate to serve the most intense development allowable on the subject property.
  8. All appropriate fees identified are paid in full.
- B. Upon submittal of the petition and supporting documentation, the City shall:
1. Conduct a lead agency review of the environmental checklist and issue a SEPA threshold determination for the zoning designation pursuant to Chapter 18.310 LCMC.
  2. Review evidence regarding public facilities and services.
  3. Seek a certification of sufficiency from the Clark County Assessor's Office.

#### **18.290.040 Public Hearings**

- A. Upon a determination by the City Planner that a petition for annexation is complete, the City shall fix a date for a public hearing thereon and cause notice of the hearing to be published in one or more issues in the City's official newspaper of record; posted in at least three locations on or in the vicinity of the property subject to the application, and mailed to all property owners within 300 feet as provided in Section 18.290.020(A)(2) LCMC.
- B. Notice shall be mailed, posted and published in accordance with Section 18.030.120 LCMC. In addition, the City shall provide the Washington State Department of Community Trade and Economic Development (CTED) a sixty-day notice period prior to taking final action(s).
- C. The city shall not conduct a public hearing on an annexation request until the SEPA comment period, if required, and the sixty-day CTED review period has ended.



D. Public hearings shall be conducted in accordance with Section 18.030.110 LCMC.

**18.290.050 Ordinance providing for annexation**

- A. The City Council shall make an annexation effective by ordinance.
- B. Subject to RCW 35.02.170, the ordinance may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition.
- C. Upon passage of the annexation ordinance a certified copy shall be filed with the Clark Board of County Commissioners.
- D. A copy of the ordinance adopting such proposed zoning regulation(s), duly certified as a true copy by the city clerk, shall be filed with the board of county commissioners and recorded by the county auditor. A like certified copy of any map or plat referred to or adopted by the ordinance or resolution shall likewise be filed with the board of county commissioners and the county auditor.

**18.290.060 Effective date of annexation**

- A. Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city.
- B. All property within the territory hereafter annexed shall, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for the portion of any then-outstanding indebtedness of the city to which said area is annexed, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation and that the city has required to be assumed.
- C. If the annexation petition so provided, all property in the annexed area shall be subject to and a part of the proposed zoning regulation as prepared and filed as provided for in RCW 35A.14.330 and 35A.14.340.

**18.290.070 Appeals**

Annexations are not subject to appeal or post-decision review.

## SECTION 4 - CRITICAL LANDS

### Chapters:

- 18.300 Critical Areas
- 18.310 Environmental Policy (SEPA)
- 18.320 Stormwater and Erosion Control
- 18.330 *(Reserved - Shoreline Management)*
- 18.340 *(Reserved - Native Plant List)*
- 18.350 Tree Protection

## Chapter 18.300 - CRITICAL AREAS

### Sections:

18.300.010	Authority and title
18.300.020	Purpose
18.300.030	Definitions
18.300.040	Applicability and critical areas map
18.300.050	Variances
18.300.060	Reasonable use exception
18.300.070	Critical lands
18.300.080	Critical area buffers.
18.300.090	Allowed uses.
18.300.100	Limited uses.
18.300.110	Development standards
18.300.120	Mitigation
18.300.130	Residential density transfer
18.300.140	Selective timber harvesting on critical lands
18.300.150	Modification to overlay zone
18.300.160	Application fees
18.300.170	Bonds to Insure Mitigation, Maintenance and Monitoring.
18.300.180	Critical Area Inspections

### **18.300.010 Authority and title**

This chapter is established pursuant to RCW 36.70A.060 and La Center Ordinance No. 2001-2. This chapter is known as the La Center critical areas ordinance.

### **18.300.020 Purpose**

The purpose of the critical areas overlay district is to implement the open space policies of the La Center comprehensive plan. This chapter creates an overlay district that requires the conservation and/or enhancement of identified critical areas while encouraging urban densities and affordable housing through density transfer to non-sensitive (buildable) lands.

Critical areas are valuable and fragile natural resources with significant development constraints that, in their natural state, provide many valuable social and ecological functions. The attendant buffers of critical areas are essential to the maintenance and protection of the sensitive land, its functions and values. The loss of social and ecological functions provided by critical areas, especially wetlands, riparian zones and fish and wildlife habitat, results in a detriment to public safety and welfare.

Critical areas help to relieve the burdens on the people of La Center which urban development can create including congestion, noise and odors, air pollution, and water quality degradation.

Critical areas serve several important urban design functions. They provide: (1) open space corridors separating and defining developed areas within the city; (2) views which enhance property values and quality of life in developed neighborhoods; (3) educational opportunities for the citizens of La Center; and (4) accessible areas for residents to stroll, hike and enjoy La Center's valuable natural features. The La Center comprehensive plan proposes a system of connected trails that are closely associated with La Center's stream corridors, natural drainage ways and the East Fork of the Lewis River.

Conservation of critical areas has associated natural resource benefits, including improved air and water quality, maintenance of fish and wildlife habitat, decreased erosion and sedimentation to streams, absorption of pollutants and preservation of rare plant and animal species.

The intent of this overlay district is for the city of La Center to achieve no net loss of wetlands, floodplains, fish and wildlife habitat areas, and riparian zones and to avoid the loss of geologically hazardous areas and aquifer recharge/wellhead protection areas. The city's preferred strategy to achieve no net loss is to avoid adverse impacts to critical areas and buffers. However, the city recognizes that there are situations and circumstances where avoidance is not practicable whereupon the intent of this chapter is to minimize and mitigate the environmental impacts of development within and adjacent to critical areas and buffers. An overriding objective of this overlay district is to protect stream corridors and associated wetlands and riparian vegetation throughout the urban area. This overlay district is also designed to ensure conservation of wetland areas and their functions, where such areas are associated with steep slopes or stream corridors. The overlay district promotes a balance between recreational and public use of critical areas, consistent with the maintenance of their natural appearance and functional values.

Development limitations on critical areas reduces the need to require additional studies to ensure compliance with the State Environmental Policy Act (SEPA) process and other state or federal environmental regulations.

### **18.300.030 Definitions**

For the purposes of this chapter the definitions set forth in this chapter and Chapter 18.040 LCMC shall apply. Unless specifically defined in this chapter or Chapter 18.040 LCMC, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this title its most reasonable application.

- A. "Alter" means to adjust, modify or rework a structure or parcel of land.
- B. "Altered," when referring to wetlands, means a wetland of which at least 50 percent has been graded, drained, de-vegetated, or replanted with non-wetland plants.
- C. "Anadromous" means fish that migrate up rivers and streams from the ocean to breed in fresh water.
- D. "Area of shallow flooding" means areas designated AO or AH Zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
- E. "Basement" means any area of the building including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.
- F. "Best available information" means data, other than official flood insurance rate map data, from federal, state, or other sources, provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.
- G. "Best available science (BAS)" means a valid scientific process or method of inquiry that is consistent with the criteria for establishing best available science as found in WAC 365-195-900, as amended.
- H. "Buffer" means an area that surrounds and protects critical area functions from adverse impacts.
- I. "City" means a Class 4 municipality governed by the mayor and La Center city council, or the city designee.
- J. "Coastal high hazard area" means the area subject to high velocity waters, including but not limited to storm surge or tsunamis. This area is designated on a flood insurance rate map (FIRM) as Zone V1-30, VE or V.
- K. "Conservation covenant" means a recorded instrument entered into pursuant to a condition of approving a triggering application.
- L. "Council" means the council of the city of La Center.
- M. "Creation (Establishment)" means the manipulation of the physical, chemical, or biological characteristics present to develop a critical area or wetland on an upland or deepwater site, where a wetland did not

previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create wetland soils and support the growth of hydrophytic plant species. Creation results in a net gain of wetland acres.

- N. “Critical Areas” means any of the following areas or ecosystems: wetlands, critical aquifer recharge areas, streams, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas as defined by the Growth Management Act (RCW 36.70A.170).
- O. “Critical facility” means a facility for which even a slight chance of flooding would be too great. Critical facilities include but are not limited to schools, hospitals, police, fire and emergency response installations, nursing homes, and installations which produce, use, or store hazardous materials or hazardous waste.
- P. “Designated floodway” means the regulatory floodway that has been delineated on the FIRM or the flood boundary-floodway map (FBFM) or a community’s flood insurance study and is included in the community’s flood damage prevention ordinance.
- Q. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- R. “Emergent wetland” means a wetland with at least 30 percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.
- S. “Endangered species” means fish and wildlife species native to Washington that are seriously threatened with extinction throughout all or a significant part of their ranges within the state.
- T. “Enhancement” means actions performed to improve the condition of an existing degraded wetland or buffer so that the functions provided are of a higher quality.
- U. “Exotic” means any species of plants or animals that are not native to the watershed.
- V. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - 1. The overflow of inland or tidal waters; and/or
  - 2. The unusual and rapid accumulation of runoff of surface waters from any source.
- W. “Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- X. “Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.
- Y. “Flood protection elevation” means one foot above the base flood elevation.
- Z. “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. For areas of special flood hazard studied in detail, the floodway boundary is delineated upon the flood insurance study maps. In all other areas of special flood hazard, the floodway boundary shall be determined by the use of other base flood data.
- AA. “Floodway fringe” shall mean the land between the boundary of the floodway and the limits of the 100-year floodplain. In those special flood hazard areas where the floodway boundary is not delineated upon flood insurance study maps, the floodway fringe area shall be determined by the use of other base flood data, as described in LCMC 18.300.030 (3)(q)(iii).

- BB. “Floor(lowest)” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title.
- CC. “Forested wetland” means a wetland with at least 30 percent of the surface area covered by a canopy of woody obligate, facultative wet, or facultative plants greater than 20 feet in height.
- DD. Frequently flooded means a flooding class in which flooding is likely to occur often under normal weather conditions (more than 50 percent chance of flooding in any year or more than 50 times in 100 years).
- EE. “Functions” means the beneficial roles served by wetlands including the control of flood waters, maintenance of summer stream flows, filtration of pollutants, recharge of ground water, and provision of significant habitat areas for fish and wildlife.
- FF. “Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.
- GG. “Habitat” means the environment occupied by individuals of a particular species, populations or community.
- HH. “Headwaters” means springs, lakes, ponds, or wetlands providing significant sources of water to a stream.
- II. “High intensity land use” means roadways, commercial, industrial, and multifamily (more than four units per parcel) land uses.
- JJ. “Hydric soil” means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the U.S. Army Corps Wetlands Delineation Manual.
- KK. “Hydrophytic vegetation” means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the wetlands delineation manual.
- LL. “Intermittent stream” means surface streams with no measurable flow during 30 consecutive days in a normal water year.
- MM. “JARPA means “Joint Aquatics Resource Permit Application.
- NN. “Local habitat area” means an area that contains sufficient food, water, or cover for native terrestrial or aquatic species that the city of La Center has identified in this chapter as being of significant local concern.
- OO. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title.
- PP. “Listed Species” are State listed species including native fish and wildlife species legally designated as Endangered (WAC 232-12-014), Threatened (WAC 232-12-011) or Sensitive (WAC 232-12-011); and includes threatened and endangered species under the Federal Endangered Species Act, 50 C.F.R.17.11 and 50 C.F.R. 17.12.

- QQ. “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.
- RR. “Minimizing impacts to wetlands or buffers” means:
1. Using appropriate and best available technology or best available science;
  2. Taking affirmative steps to avoid or reduce impacts;
  3. Sensitive site design and siting of facilities and construction staging areas away from regulated wetlands and their buffers;
  4. Providing protective measures such as siltation curtains, hay bales and other siltation prevention measures, scheduling the regulated activity to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities;
  5. Not jeopardizing the continued existence of endangered, threatened, rare, sensitive, or monitor species as listed by the federal government or the state of Washington.
- SS. “Mitigation area” is the land area used to compensate for impacts to critical areas and/or their attendant buffers. Compensation may be for loss of acreage and/or functions of the critical area and/or attendant buffers.
- TT. “Mitigation Sequence” is the order of action that the approving agency shall require so as to avoid or compensate for impacts to critical areas resulting from the proposed project activity. The type(s) of mitigation required shall be considered and implemented, where feasible, as determined by the city, in the following sequential order of preference:
1. Avoiding the impact by not taking a certain action or parts of an action;
  2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
  3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
  5. Compensating for the impact by replacing or providing substitute resources or environments; or
  6. Monitoring the impact and taking appropriate corrective measures to achieve the identified goal.
- UU. “Native,” when referring to plants or plant communities, means those species or communities that are indigenous to the watershed, including extirpated species.
- VV. “New construction” means structures for which the “start of construction” commenced on or after the effective date of this title.
- WW. “Normal water year” means a 12-month period (October 1st through September 30th) with average precipitation based upon data from the past 50 years.
- XX. “Obligate,” “facultative wet,” and “facultative” refer to groupings of plants according to their frequency of occurrence in wetlands. Obligate wetland plants almost always (99 percent probability) occur in wetlands under natural conditions. Facultative wet plants usually (67 to 99 percent probability) occur in wetlands. Facultative plants are equally likely (34 to 66 percent probability) to occur in wetlands or non-wetlands. Such groupings are more fully defined in the wetlands delineation manual.

- YY. “Open water,” when not specifically defined by the rating criteria, means a proportion of open water to vegetative cover equal to 25 percent to 75 percent of the total wetland area during a majority of a normal water year.
- ZZ. “Ordinary High Water Mark” on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to mark upon the soil, a character distinct from that of the abutting upland in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or department: PROVIDED, That in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be line of high water. (RCW 90.58.030(2)(b).)
- AAA. “Person” means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of the state or local governmental unit however designated.
- BBB. “Preservation (Protection/Maintenance)” means removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences, or structural protection such as repairing a barrier island. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.
- CCC. “Priority habitat” is a habitat type with unique or significant value to many species. An area identified and mapped as priority habitat has one or more of the following attributes: Comparatively high fish and wildlife density, comparatively high fish and wildlife species diversity, important fish and wildlife breeding habitat, important fish and wildlife seasonal ranges, limited availability, high vulnerability to habitat alteration, or unique or dependent species. The Washington State Department of Fish and Wildlife maintains a list of maps and priority species that occur within the state and La Center.
- DDD. “Priority species” are fish and wildlife species requiring protective measures and/or management guidelines to ensure their perpetuation. The Washington State Department of Fish and Wildlife maintains a list of priority species that occur within the state and La Center.
- EEE. “Qualified wetland professional” generally means a person with at least two years of full-time professional experience and comprehensive training in wetlands issues, including experience performing wetland delineations using state and federal manuals, assessing wetland functions and values, analyzing wetland impacts, preparing wetland reports, developing and implementing mitigation plans, and recommending and designing wetland mitigation projects.
- FFF. “Recreational vehicle” means a vehicle that is:
1. Built on a separate chassis;
  2. Four hundred square feet or less when measured at the largest horizontal projection;
  3. Is designed to be self-propelled or permanently towable by a light duty truck; and
  4. Is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- GGG. “Regulated activities” include land clearing, grading, placement of fill or waste material, removal of protected native vegetation, construction and other habitat-altering activities.
- HHH. “Restoration” means the manipulation of physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. Restoration is divided into the following two classes:



1. Re-establishment which is the manipulation of physical, chemical or biological characteristics with the goal of returning natural or historic functions to a former wetland. This results in a net gain of wetland acres.
  2. Rehabilitation which is the manipulation of physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. This results in the gain in wetland function but does not result in a gain in wetland acres.
- III. "Review Authority" means the decision maker that issues the final land use order, not the appeal authority.
- JJJ. "Riparian habitat area" is defined as areas adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs) that contain elements of both aquatic and terrestrial ecosystems which mutually influence each other.
- KKK. "Scrub-shrub wetland" means a wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.
- LLL. "Sensitive species" are fish and wildlife species native to Washington that are vulnerable or declining, and are likely to become endangered or threatened in a significant portion of their ranges within the state, without cooperative management or the removal of the threats.
- MMM. SEPA means "State Environmental Policy Act, RCW 42.21C and WAC 197-11.
- NNN. "Start of construction" means the date the building permit was issued, provided the actual start of construction, placement of a manufactured home on a foundation, or other permanent construction beyond the stage of excavation, was within 180 days of the permit date.
1. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.
  2. Permanent construction does not include:
    - a. Land preparation, such as clearing, grading and filling;
    - b. Installation of streets and/or walkways;
    - c. Excavation for a basement, footings, piers, or foundation or the erection of temporary forms;
    - d. Construction of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- OOO. "Storm water management facilities" include biofiltration swales, filter strips, bubbler diffusers, detention ponds, retention ponds, wet ponds, and similar facilities designed and intended to control and treat storm waters, but not including ditches designed and intended primarily for conveyance.
- PPP. "Streams" means those areas where surface waters produce a defined channel or bed excluding streams and lakes regulated under the State Shorelines Management Act.
- QQQ. "Substantial damage" means damage of any origin sustained by a structure whereby the costs of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred".
- RRR. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- SSS. “Threatened” species are native to the state of Washington and likely to become endangered in the foreseeable future throughout a significant portion of its range within the state without cooperative management or the removal of threats. Threatened species are legally designated in WAC 232-12-011.
- TTT. “Triggering application” means an application for one of the permits or approvals listed in this chapter.
- UUU. “Water-dependent” means a use or a portion of a use that requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations.
- VVV. “Watershed” means an area draining to the East Fork of the Lewis River.
- WWW. “Wetland(s)” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.
- XXX. “Wetland classes and subclasses” means descriptive classes of the wetlands taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al. 1978).
- YYY. “Wetlands delineation manual” means the Washington State Wetland Identification and Delineation Manual (Publication #96-94) dated March 1997, and as subsequently amended.”

#### **18.300.040 Applicability and critical areas map**

- A. Applicability. The provisions of this chapter apply to lands within the La Center corporate limits and urban growth area that are either designated as critical areas and their buffers on the city’s official critical areas maps, or are critical areas and buffers which are identified as part of a project specific application and land use review.
1. Properties containing critical areas are subject to this title.
  2. Buffers are protected and impacts to buffers are regulated to help improve the functional values of critical areas.
  3. When the requirements of this chapter are more stringent than those of other La Center codes and regulations, the requirements of this chapter shall apply.
  4. Where a site contains two or more critical areas, the site shall meet the minimum standards and requirements for each identified critical area as set forth in this title.
- B. Critical Areas. Critical areas include:
1. Wetlands;
  2. Category I and II aquifer recharge areas;
  3. Wellhead protection areas;

4. Fish and wildlife habitat conservation areas;
  5. Frequently flooded areas;
  6. Geologically hazardous areas; and
  7. Slopes with a gradient of 25 percent or greater.
- C. **Map Location.** The general location of critical areas is depicted on the adopted La Center critical areas map. The critical areas map is an indicator of probable regulated areas. The precise limits of critical areas and their attendant buffers on a particular parcel of land shall be determined by the applicant prior to approval of a development action on the subject property. Development shall avoid critical areas, and where avoidance is not practical, as determined by the city, development shall minimize adverse impacts to critical areas and buffers, consistent with the provisions of this chapter. To determine whether avoidance is practical, the city shall consider issues such as: the substantial evidence presented by the applicant demonstrating the avoidance measures the applicant considered; the quality of the critical resource and buffer functions and values to be impacted, avoidance of impacts to higher quality resources and buffers is preferred; the nature and extent of mitigation and enhancement measures proposed to compensate for the proposed impact; whether the impacts proposed are necessary to implement the city's capital facilities plan; and other factors determined relevant by the city. The city may also consider the financial implications of avoidance but shall not give private gain greater weight than resource management founded upon best available science. The city public works director shall keep on permanent file and maintain the critical areas map.
- D. **Use of Existing Procedures and Laws.** The following laws and procedures shall be used to implement this chapter:
1. La Center Municipal Code (LCMC). Development activity regulated under this title that will occur within a protected critical area or critical area buffer shall comply with the provisions of this chapter.
  2. The State Environmental Policy Act (SEPA), Chapter 43.21C RCW. Development activity that is likely to have a significant adverse impact upon identified critical areas regulated by this chapter shall not be categorically exempt from SEPA review and shall demonstrate compliance with this chapter. (See LCMC 18.310.235.)
  3. The Shorelines Management Act (SMA), Chapter 90.58 RCW.
- E. **State and Federal Agency Review.** Regulated activities subject to this chapter shall be routed to appropriate state and federal agencies for review and comment as required through the SEPA and/or JARPA review process.
- F. **Applicability by Activity.** Table 18.300.040 establishes the level of review required for uses or activities under Title 18 LCMC.
1. **Exempt (E).** Activities or uses that are exempt require no review and do not need to meet the standards of the ordinance.
  2. **Review Required (RR).** Activities and uses that are categorized as 'Review Required' must comply with the standards of the Chapter but no special report is needed. Determination of compliance with the Chapter shall be determined through the review process required for the underlying development permit application.
  3. **Critical Area Report (CAR).** When a Critical Area Report is required, the applicant must submit a report consistent with this chapter and with the underlying development application and will submit additional application fees consistent with the adopted fee schedule.
  4. The Director shall have the discretion to determine whether the proposed activity may adversely impact protected critical areas and or their buffers and shall assign the appropriate level of review, Exempt, Review Required, or Critical Areas Report. The decision of the Director may be appealed to the Hearing Examiner.

5. Critical Aquifer Recharge Area (CARA). See section LCMC 18.300.090.A.1.e for a list of uses prohibited in a CARA I area. The Director shall exercise discretion to determine whether similar uses not listed therein require additional review and oversight.

USE / ACTIVITY	Development located in any of the following critical areas may be <b>Exempt (E)</b> , <b>Require Review (RR)</b> , or are subject to a <b>Critical Area Report (CAR)</b> :			
	WETLAND	FISH AND WILDLIFE HABITAT	GEOLOGIC HAZARDOUS AREA	FREQUENTLY FLOODED AREA
<b>RESIDENTIAL ACTIVITIES</b>				
One Single Family Dwelling on a pre-existing legal lot located in a Critical Area or buffer.	E	E	E	E
Single Family Permit Located outside Critical Area or buffer	E	E	E	E
Approved Multi-Family Site Plan Prior to 2004	RR	RR	RR	RR
Multi-Family site plan within critical area or buffer	CAR	CAR	CAR	CAR
Multi-family site plan outside critical area or buffer	E	E	E	E
Interior or exterior alteration or repair that does not change the footprint of the building or does not increase the footprint within a critical area or buffer	E	E	E	E
<b>COMMERCIAL &amp; INDUSTRIAL ACTIVITIES</b>				
New construction on vacant land in Critical Area or buffer	CAR	CAR	CAR	CAR
New construction previously approved prior to adoption of this ordinance.	E	E	E	E
New construction on vacant land outside critical areas or buffer	E	E	E	E
Expansion, alteration or addition to existing construction within a critical area or buffer	RR	RR	RR	RR
Expansion, alteration or addition to existing construction outside of critical area or buffer	E	E	E	E
Public facilities and services identified on the CFP such as road, sewer and water infrastructure, power line, gas lines, and so forth	RR	RR	RR	RR
Public facilities on a site already developed where there is no proposed impact to a resource or buffer	E	E	E	E
<b>OTHER ACTIVITIES</b>				
Clearing, filling, grading, and native vegetation removal activities within a Critical Area or buffer	CAR	CAR	CAR	CAR
Forest Practices except Conversions	RR	RR	RR	RR
Emergencies <sup>9</sup>	RR	RR	RR	RR
Repair of existing: structures, infrastructure improvements, utilities, public or private roads or drainage systems in critical areas or buffers.	RR	RR	RR	RR
Public facilities on a site already developed where there is no proposed impact to a resource or buffer	E	E	E	E
Activities within an existing improved right-of-way or roadway easement.	E	E	E	E
Chemical applications subject to applicable local, state or federal handling and application requirements.	E	E	E	E
Minor site investigative work, up to 10 cubic yards of fill or removal of trees of 6" dbh or less.	E	E	E	E
Hand removal of invasive weeds and black berries.	E	E	E	E
Public and Private pedestrian trails	RR	RR	RR	RR
Select removal of hazard trees and vegetation when necessary to comply with fire codes	RR	RR	RR	RR
Construction of fences in a Critical Area or Buffer	RR	RR	RR	RR

<sup>9</sup> Emergencies: See Section 18.300.070LCMC. Within one week of substantially completing the emergency work, the party responsible for the emergency activity shall file a report with the Planning Director demonstrating compliance with this Chapter.

Vegetation removal and maintenance activities inside existing landscaped areas on lots that predate adoption of this chapter (other than removal of trees greater than 6" dbh).	E	E	E	E
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**18.300.050 Allowed uses**

- A. Unless the requirements of this chapter are met, La Center shall not grant any approval or permission to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement regulated through the following: building permit, commercial or residential; binding site plan; franchise right-of-way construction permit; site development permit; right-of-way permit; shoreline permits; short subdivision; use permits; subdivision; utility permits; or any subsequently adopted permit or required approval not expressly exempted by this chapter.
- B. Compliance with these regulations does not remove an applicant's obligation to comply with applicable provisions of any other federal, state, or local law or regulation.
- C. The city may approve uses listed in section LCMC 18.300.050.D, Allowed Uses, subject to a Type II process, if the proposed development activity meets the standards in LCMC 18.300.050, Development standards, and LCMC 18.300.060, Mitigation.
- D. Allowed Uses. The city may allow the following uses on critical areas and within buffer areas subject to the development standards of LCMC 18.300.050 and appropriate mitigation standards as described in LCMC 18.300.060:
1. Pervious trails for non-motorized use;
  2. Below or above ground utilities, facilities and improvements, where necessary to serve development consistent with the La Center comprehensive plan and development code, including: streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, open space, and parks and recreational facilities, where there is no other reasonable alternative, based on topographic and environmental conditions, as determined by the Director.
  3. Removal of diseased or dangerous trees, as determined by the Director of Public Works, or the removal of invasive or nuisance plants.
  4. Construction, replacement, or alteration of a single-family dwelling unit in a residential zoning district on a legal lot of record created and prior to December 31, 1994, so long as the replacement or expansion conforms with the height regulations, lot coverage and dimension standards and other design provisions for the zone in which the residence is located. The dwelling unit shall be used solely for single-family purposes. Approval is subject to Type II review. The city may modify underlying zoning district dimensional standards applicable by up to a 50 percent adjustment, if necessary to protect critical areas.
  5. Existing agricultural practices on lands used continuously for agricultural purposes since December 31, 1994. Allowed agricultural practices include: pasture, vineyards, Christmas tree farms, gardens, etc., but do not include machine intensive row crop production. Best management practices shall be required.
  6. Specific Uses Allowed in Wetlands.
    - a. Enhanced Replacement. Replacing or enhancing a wetland such that the enhanced wetland is of higher quality and meets the criteria for a higher category.
    - b. Wetland Banking. Construction, enhancement or restoration of wetlands to use as mitigation for future wetland development impacts in the same watershed is permitted if:
      - i. A critical area permit shall be obtained prior to any mitigation banking. Federal and state wetland regulations, if applicable, shall supersede city requirements.
      - ii. All impacts to wetlands and wetland buffers shall be mitigated and monitored consistent with LCMC 18.300.090(F)(12).

- c. New lots shall not be platted within a wetland or wetland buffer.
- E. Limited uses. Limited uses, as described in this section, shall avoid critical areas, to the greatest extent reasonable and practicable. Limited uses may be allowed within critical area buffers subject to the mitigation measures and implementation of a monitoring plan as described in LCMC 18.300.090(F)(12). Applications for development within critical areas or buffers shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas and buffers. All limited uses shall be consistent with the provisions of this chapter and shall be subject to SEPA review..
1. Subdivision or Short Plat. The subdivision or short plat process may be used when provisions are made (e.g., avoidance, mitigation, dedication of land or conservation easements) that substantially minimizes adverse effects upon critical areas.
  2. Development Subject to Site Plan Review. Any new building or structure affecting critical areas or buffers shall be subject to site plan review, unless otherwise exempted in this chapter.
  3. Stormwater Facilities. Stormwater facilities may be allowed in buffers of Class III and IV wetlands with low habitat function (less than twenty (20) points on the habitat section of the rating system form); provided, the facilities shall be built on the outer 25% of the buffer and not degrade the existing buffer function and are designed to blend with the natural landscape. Unless determined otherwise by the responsible official, the following activities shall be considered to degrade a wetland buffer when they are associated with the construction of a stormwater facility:
    - a. Removal of trees greater than four (4) inches diameter at four and one-half (4-1/2) feet above the ground or greater than twenty (20) feet in height;
    - b. Disturbance of plant species that are listed as rare, threatened or endangered by the county or any state or federal management agency;
    - c. The construction of concrete structures other than manholes, inlets, and outlets that are exposed above the normal water surface elevation of the facility;
    - d. The construction of maintenance and access roads;
    - e. Slope grading steeper than four to one (4:1) horizontal to vertical above the normal water surface elevation of the stormwater facility;
    - f. The construction of pre-treatment facilities such as fore bays, sediment traps, and pollution control manholes;
    - g. The construction of trench drain collection and conveyance facilities;
    - h. The placement of fencing; and
    - i. The placement of rock and/or riprap, except for the construction of flow spreaders, or the protection of pipe outfalls and overflow spillways; provided, that buffer functions for areas covered in rock and/or riprap are replaced.
    - j. Stormwater facilities may not be placed in a buffer area that has been reduced through approved buffer averaging or buffer reduction measures.

#### **18.300.060 Variances**

- A. An applicant who seeks to vary from the requirements of this chapter may seek a variance pursuant to this section. The city shall review a request to vary from the requirements of this chapter through a Type III review process.
- B. An application to vary from the requirements of this chapter shall demonstrate compliance with all of the following criteria:
  1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to other properties;

2. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property, but which because of special circumstances is denied to the property in question;
3. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvement;
4. Granting the variance will not violate, abrogate, or ignore the goals, objectives, or policies of the La Center comprehensive plan;
5. In addition to the approval criteria above, an application to vary from the buffer requirements of a fish habitat conservation area or riparian area shall demonstrate that the requested buffer width modification preserves adequate vegetation to:
  - a. Maintain proper water temperature;
  - b. Minimize sedimentation; and
  - c. Provide food and cover for critical fish and wildlife species;
6. When granting a variance, the city may attach specific conditions to the variance that will serve to meet the goals, objectives, and policies of this chapter, including the preparation and implementation of a mitigation and monitoring plan consistent with LCMC 18.300.090(F)(12)..

#### **18.300.070 Exemptions**

- A. Exempt activities in all Critical Areas. The following developments, activities, and associated uses shall be exempt from the provisions of this Chapter, provided that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements, and a written request for exemption has been filed with and approved by the Planning Director.
  1. The Director shall have the authority to negotiate memoranda of agreements with utility service providers or public agencies, and said agreements shall specify best management practices to be used in situations of emergency and usual and customary repair, which if rigorously adhered to, may exempt said emergency or repair activity, including routine operation and maintenance from further review under this chapter. Memorandum of agreements shall be authorized by the La Center City Council only after notice and completion of a public hearing on the full terms and merits of the agreement.
  2. Emergencies. Emergency activities are those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this Chapter. Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the critical area or its buffer. The person or agency undertaking such action shall notify the City within one (1) working day following commencement of the emergency activity. Following the emergency appropriate mitigation shall be implemented and permanent activities, installations or impacts are subject to review and compliance with the applicable standards.
    - a. Authorization. Notwithstanding the provisions of this Chapter, the Planning Director may issue a temporary emergency permit prospectively or, in the case of imminent threats to public health, safety or welfare, retroactively, where the anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by the act and other applicable laws.
    - b. Prior to issuing an emergency permit, the Planning Director shall issue a finding that extraordinary circumstances exist and that the potential threat to public health, safety or welfare from the emergency situation is clearly significant and substantial.



- c. Conditions. Any emergency permit granted shall incorporate, to the greatest extent practicable and feasible but not inconsistent with the emergency situation, the standards and criteria required for non-emergency activities under this act and shall:
    - i. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed 90 days; and
    - ii. Require, within this 90-day period, the restoration of any wetland altered as a result of the emergency activity, except that if more than the 90 days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration.
  - d. Notice. Notice of issuance of an emergency permit shall be published in a newspaper having general circulation in the city of La Center not later than 10 days after issuance of such permit.
  - e. Termination. The emergency permit may be terminated at any time without process upon a determination by the city that the action is no longer necessary to protect human health or the environment.
3. Repair. Repair or replacement of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees or drainage systems, including operation and maintenance of existing facilities, that do not require construction permits, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed maintenance or repair.
  4. Forest practices. Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practices regulations, Chapter 222 WAC, and those that are exempt from La Center's jurisdiction, provided that forest practice conversions are not exempt.
  5. Activities within the improved public right-of-way or recorded easement. Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or recorded easement, or, a City authorized private roadway except those private activities that alter a wetland or watercourse, such as culverts or bridges, or results in the transport of sediment or increased stormwater.
  6. Chemical applications. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, if necessary, provided that their use shall be restricted in accordance with Department of Fish and Wildlife Management Recommendations, the city of Portland's pest management program and the regulations of the Department of Agriculture and the U.S. Environmental Protection Agency.<sup>10</sup>
  7. Minor site investigative work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored.
  8. Boundary markers. Construction or modification of boundary markers or fences.
  9. Construction and modifications to existing structures that does not increase the footprint of the structure.
  10. The removal of the following vegetation with hand labor and light equipment, and vegetation removal that is a hazard to electrical power lines with hand held and walk beside equipment such as

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<sup>10</sup> More information on commercial and residential use of chemicals can be found in Department of Ecology "Guidance Document for Establishment of Critical Aquifer Recharge Areas Ordinances" Version 3.0, Publication #97-30; and from the state Department of Agriculture, <http://www.wa.gov/agr/>.

mowers and weed eaters in compliance with the provisions contained in the ANSI A300 (Part 1) guidelines, including, but not limited to:

- a. Invasive non-native weeds;
  - b. English Ivy (*Hedera helix*),
  - c. Himalayan blackberry (*Rubus discolor*, *R. procerus*); and
  - d. Evergreen blackberry (*Rubus laciniatus*).
11. Emergency or hazard tree removal conducted so that habitat impacts are minimized.
  12. Public improvement projects located within existing impervious surface areas.
  13. Public Agency and Utility Exemption.
- B. Exemption request and review process. The proponent of the activity shall submit a completed exemption request form to the Building Official that describes the activity and states the exemption listed in this Section that applies. The Director shall review the exemption request to verify that it complies with this Chapter and approve or deny the exemption. If the exemption is approved, it shall be placed on file with the department and the requesting party notified. If the exemption is denied, the proponent may continue in the review process and shall be subject to the requirements of this Chapter. Determinations shall be considered a Type I process pursuant to LCMC 18.030.080 and subject to appeal pursuant to LCMC 18.030.130.
- C. Exempt activities shall minimize impacts to critical areas. All exempted activities shall use reasonable methods to avoid potential adverse impacts to critical areas. To be exempt from this Chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

#### **18.300.080 Reasonable use exception**

- A. Reasonable Use Exceptions. The following exceptions shall apply. The city shall apply the standards of this chapter to the maximum extent practicable to avoid and minimize adverse impacts on the functions and values of critical areas and buffers. Mitigation of impacts, consistent with this chapter, is required. Reasonable use exemptions include:
1. The placement of a new single-family residence and normal accessory structures on a buildable legal lot of record created prior to December 31, 1994. The city shall employ reasonable discretion in applying the standards of this chapter to limit the proposed location and size of structures and removal of native vegetation.
  2. The expansion of a home or accessory structure on a lot that does not show building or development envelopes, wetlands or wetland buffers on the recorded plat, not to exceed twenty-five percent (25%) of the existing building footprint.
  3. The replacement of single-wide mobile home with another dwelling and normal accessory structures.
  4. Fire hazard clearing recommended by the fire marshal, or consistent with written fire marshal or fire chief guidelines.
- B. General Requirements.
1. Except when application of this chapter would deny all reasonable use of a lot, an applicant who seeks a modification from the regulations of this chapter may pursue a variance as provided in LCMC 18.300.060, Variances, and consistent with the requirements of this subsection.
  2. The mayor or his or her designee shall prepare and maintain application forms necessary to implement this subsection.
- B. Application Requirements.

1. Preliminary Review. The provisions for conducting a preliminary review of a proposed reasonable use exception are set forth in LCMC 18.300.080.
  2. Regulations – General Provisions – Application Filing.
    - a. Reasonable use exception applications shall be reviewed for completeness in accordance with city submittal standards checklists and pursuant to LCMC 18.030.050.
    - b. An applicant for a development proposal may file a request for a reasonable use exception which shall include the following information:
      - i. A description of the areas of the site which are critical areas or within setbacks required under this title;
      - ii. A description of the amount of the site which is within setbacks required by other standards of this Title;
      - iii. A description of the proposed development, including a site plan;
      - iv. An analysis of the impact that the amount of development described in subsection (B)(2)(b)(iii) of this section would have on the critical area(s);
      - v. An analysis of whether any other reasonable use with less impact on the critical area(s) and associated buffer(s) is possible;
      - vi. A design of the proposal so that the amount of development proposed as reasonable use will have the least impact practicable on the critical area(s);
      - vii. An analysis of the modifications needed to the standards of this chapter to accommodate the proposed development;
      - viii. A description of any modifications needed to the required front, side, and rear setbacks; building height; and buffer widths to provide for a reasonable use of the site while providing greater protection to the critical area(s); and
      - ix. Such other information as the city determines is reasonably necessary to evaluate the issue of reasonable use as it relates to the proposed development.
- C. Public Review.
1. The city shall process a request for a reasonable use exception as a Type III procedure pursuant to LCMC 18.030.090.
  2. The city shall forward a copy of a request for reasonable use exception to the state and federal agencies with jurisdiction over the resource at issue and to all property owners within 300 feet of the subject property.
  3. The city shall provide public notice of the request for reasonable use exception pursuant to LCMC 18.030.120.
  4. A party shall appeal a final decision of a request for reasonable use exception pursuant to LCMC 18.030.130.
- D. Reasonable Use Approval Criteria. The hearing examiner shall approve a reasonable use exception if the examiner determines the following criteria are met:
1. There is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area(s);
  2. The proposed development does not pose a threat to the public health, safety, or welfare on or off the site;

3. Any alteration of the critical area(s) shall be the minimum necessary to allow for reasonable use of the property;
4. The proposed development will not result in a “take” of a threatened or endangered species;
5. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after the effective date of this chapter; and
6. The proposal mitigates the impacts on the critical area(s) to the maximum extent possible, while still allowing reasonable use of the site. The applicant shall prepare and implement a mitigation and monitoring plan consistent with LCMC 18.300.090(F)(12).

### **18.300.090 Critical lands**

#### **A. Critical Aquifer Recharge Areas.**

Due to the exceptional susceptibility and/or vulnerability of ground waters underlying aquifer recharge areas to contamination and the importance of such ground waters as sources of public water supply, it is the intent of this chapter to safeguard ground water resources by mitigating or precluding future discharges of contaminants from new land use activities. The provisions of this chapter shall apply to regulated activities specified herein within those portions of the La Center UGA classified as Category I Aquifer Recharge Areas.

1. Category I Aquifer Recharge Areas (CARA I).
  - a. Areas with a critical recharging effect on aquifers used for potable water are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.
  - b. La Center wellheads are owned and operated by Clark Public Utilities.
  - c. Development, other than the maintenance of vegetation, shall be prohibited within 50 feet of any wellhead within the UGA.
  - d. For purposes of this chapter, critical aquifer recharge areas include lands within the 10-year zone of contribution, as shown on the La Center critical areas map.
  - e. The following uses are prohibited in Category I aquifer recharge areas:
    - i. Landfills;
    - ii. Class V injection wells: (I) agricultural drainage wells; (II) untreated sewage waste disposal wells; (III) cesspools; (IV) industrial process water and disposal wells; and (V) radioactive waste disposal;
    - iii. Radioactive disposal sites; and
    - iv. Surface mining operations.
2. Storage Tank Permits. The Clark County fire marshal regulates and authorizes permits for underground storage tanks, pursuant to the Uniform Fire Code (Article 79) and this chapter. The Washington Department of Ecology also regulates and authorizes permits for underground storage tanks (Chapter 173-360 WAC).
  - a. Facilities with Underground Tanks – New Underground Tanks.
    - i. All new underground storage facilities used or to be used for the underground storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
      - A. Prevent releases due to corrosion or structural failure for the operational life of the tank;

- B. Be protected against corrosion, constructed of non-corrosive material, steel clad with a non-corrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substance; and
  - C. Use material in the construction or lining of the tank that is compatible with the substance to be stored.
- b. Aboveground Tanks.
- i. No new aboveground storage facility or part thereof shall be fabricated, constructed, installed, used, or maintained in any manner which may allow the release of a hazardous substance to the ground, ground waters, or surface waters of La Center within a CARA I.
  - ii. For a tank that will contain a hazardous substance, no new aboveground tank or part thereof shall be fabricated, constructed, installed, used, or maintained without having constructed around and under it an impervious containment area enclosing or underlying the tank or part thereof.
  - iii. A new aboveground tank that will contain a hazardous substance will require a secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks located within an aquifer recharge area. The secondary containment system or dike system must be designed and constructed to contain the material stored in the tank(s).
3. The applicant shall demonstrate, through the land use approval process, that the proposed activity will not have any adverse impacts on ground water in critical aquifer recharge areas, based on the Safe Drinking Water Act and the Wellhead Protection Area Program, pursuant to Public Water Supplies, Chapter 246-290 WAC; Water Quality Standards for Ground Waters of the State of Washington, Chapter 173-200 WAC; and Dangerous Waste Regulations, Chapter 173-303 WAC. By this reference, Chapters 173-200, 173-303 and 246-290 WAC, as written and hereafter updated, will be part of this chapter.

#### **B. Fish and Wildlife Habitat Conservation Areas.**

1. Fish & Wildlife Areas. Identified sensitive fish and wildlife habitat areas shall be preserved or adverse impacts mitigated. Fish and wildlife areas are divided into four basic categories:
- a. Riparian.
    - i. Overwhelming evidence exists to support the use of riparian buffers of adequate size to maintain healthy, productive fish and wildlife habitat. Although riparian areas comprise only a small portion of the surface landscape, approximately 90 percent of Washington's land-based vertebrate species prefer, or are dependent upon, riparian habitat for essential life.
    - ii. Riparian habitat areas may include frequently flooded areas, critical recharge areas and wetlands. Riparian habitat areas are those areas immediately adjacent to waterways that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. WAC 222-16-020, relating to stream classification, shall be the city's classification system for streams.
  - b. Endangered or Threatened.
    - i. Areas that have a primary association with federal listed endangered or threatened species of fish or wildlife and which if altered may reduce the likelihood that the species will maintain and reproduce over the long term. Endangered or threatened species found in the La Center corporate limits and urban growth area as of June 1, 2001, are listed in Appendix A.
    - ii. Point locations are the specific sites (nests, dens, etc.) where critical wildlife species are found. Many of these sites have been identified and mapped by the Washington Department of Fish and Wildlife (WDFW). Point locations are lands where species designated as

endangered or threatened have a primary association with that land. Development of such lands shall be controlled in accordance with a site specific fish and wildlife management plan consistent with the WDFW's priority habitats and species management recommendations and prepared by a qualified consultant. The Washington Department of Fish and Wildlife should be consulted to provide a technical review and an advisory role in the decision making process.

c. Local Habitat Areas.

- i. Species of local importance are those species that are of local concern due to their population status or their sensitivity to habitat manipulation or that are game species.
- ii. Habitats of local importance include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration, such as cliffs, talus, and wetlands.
- iii. Local habitat areas include those areas specifically identified as local habitat areas on the city's adopted critical areas map and background maps used to prepare the critical areas map.
  - A. The city or private citizens may nominate areas for consideration as local habitat areas and for inclusion on the critical areas map.
  - B. The applicant shall be responsible for preparing the nomination using city prescribed forms. The applicant shall pay a processing fee of one percent of the assessed value of the proposed area as zoned at the time of application.
  - C. The hearing examiner, through a Type III process, and in reliance upon all best available science in the hearing record, shall make a determination of whether the nominated area qualifies as a local habitat area.
- d. Priority Habitat Species (PHS) Areas. Areas with which state-listed monitor or candidate species or federally listed candidate species have a primary association, as specified in Washington Department of Wildlife Policies 4802 and 4803, and which if altered may reduce the likelihood that the species will maintain and reproduce over the long term.
- e. Buffers

<b>Table 18.300.090(B)(1) Priority Habitat &amp; Species Buffers</b>		
<b>Resource Type</b>	<b>Critical Zone</b>	<b>Protected Buffer</b>
<b>Wildlife Habitat</b>		
Local Habitat	Delineated	Use BAS for species.
Non-riparian Priority Habitat & species	Delineated	300 feet or threshold based upon consultation with WDFW or through the city's peer review process. <sup>11</sup>
Subject to the ESA	Delineated	Use BAS for species up to 1,300 review threshold distance

2. Sources. The City consulted the following sources to identify critical fish and wildlife habitat areas were:

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<sup>11</sup> For example, the city may allow a reduced buffer around a single Oregon white oak tree as a result of consultation with the regulatory agency or as a result of the city peer review process if the important functions and values of the resource will not be significantly diminished as a result of the buffer reduction.

- a. Water Type Reference Maps, Washington Department of Natural Resources;
  - b. Natural Heritage Data Base, Washington Department of Natural Resources;
  - c. Priority Habitats and Species Program and Priority Habitat Species Maps;
  - d. Washington Department of Fish and Wildlife;
  - e. Non-game Data Base, Washington Department of Fish and Wildlife;
  - f. Washington Rivers Information System, Washington Department of Fish and Wildlife;
  - g. Water Resource Index Areas (WRIA), Washington Department of Fish and Wildlife; and
  - h. Field studies performed by qualified natural resource specialists.
3. Education and Information. A voluntary education program to explain the need for and methods of habitat management may provide for long-term protection and enhancement of critical fish and wildlife habitat areas. By informing citizens about the declining populations of several fish and wildlife species in La Center, the diminishing animal habitat available, and the management techniques that individuals can use to preserve and restore fish and wildlife habitat areas, the City can foster good stewardship of the land by property owners.
- a. The City will provide educational materials and lists of additional sources of information to applicants proposing regulated activities in the vicinity of critical fish and wildlife habitat areas. Materials will be selected from a variety of state and local resources.
  - b. The City may accumulate information on the number of proposed activities associated with fish and wildlife habitat areas as identified by this Chapter and indicated by state and local governmental maps to be in the vicinity of identified critical fish and wildlife habitats. Information shall include the number of single-family residences and other development occurring in the vicinity of critical fish and wildlife areas. Based on this information, additional regulations could be developed.
  - c. The education and information program is an important adjunct to the implementation of the regulatory provisions of this Chapter.
4. Species and Habitat Assessment Report. A Critical Area Report is required where specifically indicated and when an activity is proposed within a critical area or buffer that is not specifically exempt, or permitted with review. Where a Critical Area Report is required it shall be consistent with the following standards.
- a. The report must be completed by a qualified professional;
  - b. The Critical Area report shall use scientifically valid and professionally recognized and accepted methods and studies or best available science in the analysis of critical area data and field reconnaissance and reference the source of science used. The critical area report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this Chapter.
  - c. Minimum report contents. At a minimum, the report shall contain the following:
    - i. The name and contact information of the applicant, and the name and address of the qualified professional who prepared the report, a description of the proposal, and identification of the permit requested;
    - ii. A copy of the site plan for the development proposal showing;
    - iii. Identified critical areas, buffers, and the development proposal with dimensions;
    - iv. Limits of any areas to be cleared;
    - v. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations and;
    - vi. General location and types of vegetation.
    - vii. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
    - viii. Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;
    - ix. A statement specifying the accuracy of the report, and all assumptions made and relied upon;

- x. A description of reasonable efforts made to apply mitigation sequencing pursuant to mitigation sequencing, LCMC 18.300.120, to avoid, minimize, and mitigate impacts to critical areas;
  - xi. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with mitigation plan requirements, LCMC 18.300.120, including, but not limited to:
  - xii. The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area; and
  - xiii. The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;
  - xiv. A discussion of the performance standards applicable to the critical area and proposed activity;
  - xv. Financial guarantees to ensure compliance; and
  - xvi. Any additional information required for the critical area as specified in the corresponding chapter.
- d. Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared, by a qualified professional, for and applicable to the development proposal site, as approved by the director.
  - e. The Director may waive specific requirements of the critical area reports where less information is required to adequately address the impacts to the critical area or where existing information is on file with the city that addresses the impacts.
  - f. The Director may require additional information that is necessary to determine compliance with the standards of this Chapter.
  - g. A qualified professional shall be a person who has the education, training, experience, and/or certification that meets the specific requirements to evaluate fish and wildlife habitat.
5. Best Available Science. Habitat reports and decisions to alter habitat areas shall rely on the Best Available Science to protect the functions and values of critical habitat areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat. Best Available Science is that scientific information applicable to the critical area prepared by local, state or federal natural resource agencies, a qualified scientific professional or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.
  6. Habitat Buffers. Fish and wildlife habitat conservation areas and buffers are assigned to the lands regulated by this section according to Tables 18.300.090(B)(1). Development activities are restricted within buffer areas as indicated in Tables 18.300.090(B)(6).

**Table 18.300.090(B)(6) Riparian Areas**

<b>Fish &amp; Wildlife Habitat Areas</b>	<b>Characteristic</b>	<b>Riparian Ecosystem Area (in feet)</b>
<b>RIPARIAN AREAS</b>		
Type S (fish bearing)	East Fork of the Lewis River	250
Type F (perennial or fish bearing)	Breeze, Jenny & McCormick Creeks and stream < 5 feet wide, if fish bearing	200
Type Np streams, low mast wasting potential	Less than 3 feet in width on average	150
Type Ns stream, high mast wasting potential	Seasonal streams with a defined channel	75

- a. Water types are defined and mapped based on WAC 222-16-030 or 222-16-031, whichever is in effect on the date of application. While the WAC definitions control, generally, Type S streams



- include shorelines of the state and have flows averaging 20 or more cubic feet per second; Type F streams are those that are non-Type S but still provide fish habitat; and Type N streams do not have fish habitat and are either perennial (Np) or seasonal (Ns). Erosion gullies or rills, and streams which are man-made, or streams less than six (6) inches wide or not having a defined bed and/or bank are not included.
7. Buffer Standards.
    - a. Building Setback and Construction near Buffer. A minimum setback of fifteen (15) feet from the buffer shall be required for construction of any impervious surface(s) greater than 120 square feet of base coverage from the head or toe of a slope where the overall slope is greater than 35%. Clearing, grading, and filling within 15 feet of the buffer setback shall be allowed only when the applicant can demonstrate that native vegetation within the buffer will not be damaged. The additional impervious surface setback from the toe and head of a slope may be waived if the applicant demonstrates, by credible evidence, that the proposed impervious surface will not significantly affect the stability of the slope
    - a. Marking of the Buffer Area. The edge of the buffer area shall be clearly staked, flagged, and fenced prior to and through completion of construction. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground.
    - b. Fencing from Farm Animals. Permanent fencing shall be required from the buffer when farm animals are introduced on a site.
  8. Riparian Area Ecosystem Buffers. Regulated activities proposed along rivers and streams shall provide for habitat protection.
    - a. The riparian ecosystem buffer is generally an area of no building, consisting of undisturbed natural vegetation. The buffer shall be required along all streams as classified by the DNR water typing classification system (WAC 222-16-030). The buffer shall extend landward from the ordinary high water mark of the water body.
    - b. The buffer of a river or stream shall not extend landward beyond an existing substantial improvement such as an improved road, dike, levee, or a permanent structure which reduces the impact proposed activities would have on the river or stream.
    - c. The City identifies the following river and stream segments, as being critical to anadromous fish and, therefore, requiring a larger buffer protection include:
      - i. East Fork of the Lewis River within the UGA; and
      - ii. Brezee, McCormick and Jenny Creeks within the UGA.
  9. Mitigation.
    - a. Approval. City approval of a mitigation plan is a prerequisite for approval of any development activities within a designated habitat area or habitat buffer.
    - b. Application. The applicant shall submit a written request describing the extent and nature of the proposed development activity on Critical Areas and buffers. The request shall include boundary locations of all critical areas and associated buffers.
      - i. The application for development shall include a mitigation plan prepared in compliance with this section.
      - ii. The City may require the applicant to prepare special reports evaluating potential adverse impacts upon critical areas and potential mitigation measures as part of the land use application process. These reports may include, but are not limited to, the following: Storm Water Management Plan; Hydrology, Geology, and Soils Report; Grading and Erosion Control Plan; Native Vegetation Report; Fish and Wildlife Assessment and Impact Report; Water Quality Report; Wetlands Delineation; and other reports determined necessary by the City.

- c. The City may consult with state and federal resource management agencies and, in order to protect wildlife habitat or natural resource values, shall attach such conditions as may be necessary to effectively mitigate identified adverse impacts of the proposed development activity.
  - d. The City may request third party “peer review” of an application by qualified professionals and may incorporate recommendations from such third party reports in findings approving or denying the application.
  - e. All reports recommending mitigation shall include provisions for monitoring of programs and replacement of improvements, on an annual basis, consistent with report recommendations and at years one (1), three (3), five (5), seven (7), and, if mitigation measures will result in reclassification of the resource to a higher category, year ten (10) shall be required.
  - f. The City may require replacement mitigation to be established and functional concurrent with project construction.
10. No Net Loss.
- a. Mitigation efforts, when allowed, shall ensure that development activity does not yield a net loss of the area or function, including fish and wildlife habitat values, of the Critical Area. No net loss shall be measured by:
    - i. Avoidance or mitigation of adverse impacts to fish or wildlife; or
    - ii. Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or
    - iii. Avoidance or mitigation of loss of area by habitat type.
  - b. Mitigation to achieve no-net-loss should benefit those organisms being impacted.
  - c. Where development results in a loss of habitat area, the mitigation plan shall demonstrate that habitat area is replaced at an equal or greater functional value(s).
    - i. Wherever possible, replacement or enhancement shall occur on-site.
    - ii. However, where the applicant can demonstrate that off-site mitigation will provide greater functional values, the City may approve such off-site mitigation.
11. Mitigation Plan. A mitigation plan shall provide for the design, implementation, maintenance, and monitoring of mitigation measures. A mitigation plan shall include but is not limited to the following:
- a. Methods and techniques to be used to mitigate impacts to the critical area;
  - b. Explanation of methods and techniques, such as, construction practices to be used to implement to the identified mitigation methods;
  - c. Methods and techniques for monitoring the proposed mitigation and a time-frame for such monitoring.
12. Buffer Reduction. The city may allow the reduction of Np and Ns stream buffers by no more than 50% of the required buffer width if the area proposed for buffer reduction:
- a. Is currently adversely impacted by development such as roads, parking areas, buildings, public facilities; or
  - b. Has primarily non-native vegetation, such as grass pasture; and
  - c. The proposed reduction will not significantly reduce the water quality and habitat functions of the buffer.
  - d. When buffer reduction is allowed, the applicant shall provide the city with a Vegetative Buffer Enhancement plan for review and approval.
  - e. Stormwater facilities are not permitted in the remainder buffers reduced by operation of this buffer reduction provision.

13. Vegetative Buffer Enhancement. Where the city permits the use of buffer reduction opportunity described in this section, the following enhancement standards shall apply:
- a. The applicant shall submit to the City a written request describing the extent and nature of the proposed development activity and shall submit a enhancement plan prepared by a professional biologist, landscape architect or other equally qualified person.
  - b. Buffer shall not be reduced to less than 50% the base buffer width listed in Tables 18.300.090(B)(1) and 18.300.090(B)(6).
  - c. The enhancement plan shall include calculations and maps that illustrate:
    - i. Required boundary locations of all critical areas and associated buffers;
    - ii. Proposed buffer areas after reduction;
    - iii. The nature and extent of the enhancement measures proposed;
    - iv. A timeline for completion of the enhancement plan;
    - v. A financial surety mechanism acceptable to the city.
  - d. Methods and techniques used to mitigate impacts to critical areas, consistent with best management practices
  - e. An explanation of methods and techniques, such as, construction practices to be used to implement to the identified mitigation methods; and
  - f. Methods and techniques for monitoring said mitigation and a proposed time-frame for monitoring.
  - g. The enhanced area shall be of equal or greater habitat value(s) based on best available science.
  - h. Enhancement shall occur on-site, unless the applicant can demonstrate that off-site mitigation will provide greater functional value(s).
  - i. The city may elect to submit the Vegetative Buffer Enhancement Plan to one or more qualified expert for peer review.
14. Standard Requirements. All applications requiring review under this section shall have the following minimum conditions applied:
- a. Marking Buffer During Construction. The location of the outer extent of the habitat buffer or if no buffer is required the habitat area, shall be marked in the field and such markings shall be maintained throughout the duration of the permit.
  - b. Permanent Marking of Buffer Area. A permanent and perpetual physical demarcation along the upland boundary of the habitat buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedgerow, wood or wood like fencing, or other prominent physical marking approved by the Director. In addition, signs measuring (minimum size 1 foot x 1 foot and posted 3.5 feet above grade) shall be posted at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the habitat buffer approved by the Director worded substantially as follows: HABITAT BUFFER – PLEASE RETAIN IN A NATURAL STATE.
  - c. A conservation covenant shall be recorded in a form approved by the city attorney as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a permit prior to engaging in regulated activities within a habitat area or its buffer.

### C. Frequently Flooded Areas.

Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study

for La Center, Washington” dated March 28, 1986, with accompanying FIRM, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the office of the city clerk/treasurer. The best available science shall be the basis for regulation until a new FIRM is issued which incorporates the data used to inform this chapter.

1. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.
2. Abrogation and Greater Restrictions. Where this chapter and another code, ordinance, easement, covenant or deed restriction conflict or overlap, that which imposes the more stringent restriction shall prevail.
3. Interpretation. In the interpretation and application of this section, all provisions shall be:
  - a. Considered as minimum requirements;
  - b. Liberally construed in favor of the governing body; and
  - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
4. Interpretation of FIRM Boundaries. The local administrator, the governing body or its agent or employee may interpret and apply when necessary the exact location of the boundaries of the areas of special flood hazards where there appears to be a conflict between a mapped boundary and actual field conditions. Any aggrieved person may contest the location of the boundary and shall be given a reasonable opportunity to appeal the interpretation to the local administrator and then the governing body. Such appeal shall be granted consistent with the standards of Section 1910.6 of the Rules and Regulations of the National Flood Insurance Program located at 24 CFR 1909 et seq.
5. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes, and is based upon scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of La Center, any officer or employee thereof, or the Federal Emergency Management Agency or Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
6. Floodplain (FP) Combining District. A floodplain (FP) combining district is established and shall be applied to all 100-year floodplains identified on the flood insurance study maps, which have been adopted by reference. The land use and siting provisions of these areas shall be in addition to other zoning provisions applied. Two distinct areas are recognized within the FP district: the “floodway” area and the “floodway fringe” area.
7. Regulatory Area. The areas for state and local floodplain management regulations shall be those areas subject to a base (100-year) flood (except as noted for siting of critical facilities). Base floodplains are designated as special flood hazard areas on the most recent maps provided by the Federal Emergency Management Agency for the National Flood Insurance Program. Best available information shall be used if these maps are not available or sufficient.
8. Relationship to Other Requirements. Land uses in the floodplain combining district shall be subject to all relevant local, state, or federal regulations including those of the underlying zoning district. Where applicable, permit requirements under the Shoreline Management Act (Chapter 90.58 RCW), or the State Flood Control Zone Act (Chapter 86.16 RCW) may be substituted for permits required under this chapter; provided, that the standards of this chapter are applied.

9. Criteria for Land Management and Use. The standards and definitions contained in 44 CFR Parts 59 and 60 for the National Flood Insurance Program are adopted by reference as the minimum state standards.
10. Uses Permitted in the Floodplain (FP) Combining District. Park, recreational, agricultural, and other similar open space uses allowed in the underlying zoning district, and not involving structures, fill, or storage of equipment, are permitted outright in the FP district.
11. Uses Prohibited in the Floodway. Structures for human habitation and other structures or works posing a high flood damage potential are prohibited in the floodway, except for the replacement of structures or works, single-family residences in accordance with WAC 508-60-040, and travel trailers subject to the provisions set forth in this chapter. Any use other than those permitted outright in a floodway shall be subject to the terms of a floodplain.
12. Uses Allowed Under a Floodplain Permit. All other uses permitted in the zoning district with which the FP district has been combined are allowed in the floodway and floodway fringe areas subject to the terms of a floodplain permit.
13. A floodplain permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be required for all structures, including manufactured homes, and other development. Permit application forms shall be furnished by the mayor or his or her designee. The application shall include, but is not limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question, and existing or proposed structures, fill, storage of materials, and drainage facilities. Specifically, the following information is required:
  - a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
  - b. Elevation in relation to mean sea level to which any structure has been floodproofed;
  - c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing requirements; and
  - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
14. Designation of the Local Administrator. The mayor or his or her designee is authorized to administer and implement this title by granting or denying floodplain permit applications in accordance with its provisions.
15. Duties and Responsibilities of the Local Administrator. Duties of the local administrator, if applicable, shall include, but not be limited to:
  - a. Development Review.
    - i. Review all proposed developments to determine whether or not a floodplain permit is required.
    - ii. Review all proposed developments with respect to the flood insurance study maps and zoning district boundaries. Make interpretations where needed as to the exact location of special flood hazard area boundaries.
  - b. Permit Review.
    - i. Review all proposed development permits to determine that the permit requirements of this title have been satisfied.
    - ii. Review all proposed development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

- iii. Review all proposed development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions are met.
  - c. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with subsection (C)(1) of this section (Basis for Establishing the Areas of Special Flood Hazard), the mayor or his or her designee shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from an agency of federal or state government, or other sources, in order to administer this section, including specific standards for residential construction, nonresidential construction and floodways and floodway requirements.
  - d. Information to be Obtained and Maintained.
    - i. Where base flood elevation data is provided through the flood insurance study or required as in subsection (C)(1) of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
    - ii. For all new or substantially improved floodproofed structures, the local administrator shall:
      - A. Verify and record the actual elevation (in relation to mean sea level) to which any structure has been floodproofed;
      - B. Maintain the floodproofing certifications;
      - C. Maintain for public inspection all records pertaining to the provisions of this chapter;
      - D. Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration and the Federal Emergency Management Agency;
      - E. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished; and
      - F. Interpretation of FIRM Boundaries. Make interpretation, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation.
16. Variance Procedure – Additional State Requirements. The variance procedure contained in 44 CFR Part 60.6 and this title shall apply to the additional state requirements contained in WAC 173-158-060 and 173-158-070, unless an activity or use is expressly prohibited therein.
17. Appeal and Review of City Action.
- a. A person with standing may appeal the approval or denial of a floodplain permit as provided in LCMC 18.030.130.
    - i. In acting on appeals or permit approval requests, the city shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this chapter, and:
      - A. The danger that materials may be swept onto other lands to the injury of others;
      - B. The danger of life and property due to flooding or erosion damage;
      - C. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
      - D. The importance of the services provided by the proposed facility to the community;
      - E. The necessity to the facility of a waterfront location where applicable;

- F. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
  - G. The compatibility of the proposed use with existing and anticipated development;
  - H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site; and
  - K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges.
- ii. Upon consideration of the above factors, and the purposes of this chapter, the appeal hearing body may attach such conditions to actions on appeals and approvals as it deems necessary to further the purpose of this chapter.
  - iii. The mayor or his or her designee shall maintain the records of all appeal and approval actions of the city of La Center.
18. Conditions for Variances.

- a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases, the technical justification required for issuing the variance increases.
- b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.
- c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Variances shall only be issued upon:
  - i. Showing a good and sufficient cause;
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- f. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations shall be quite rare.
- g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined

- that such action will have low damage potential, complies with all other variance criteria except subsection (C)(20)(a) of this section, and otherwise complies with anchoring and construction materials and methods general standards below.
- h. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
19. Penalties and Enforcement.
- a. The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.
  - b. Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed \$1,000 for each violation. Each violation or each day of noncompliance shall constitute a separate violation.
  - c. The penalty provided for in this section shall be imposed by a notice in writing either by certified mail with return receipt requested or by personal service to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.
  - d. Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by the city shall be subject to review by the city council. Any penalty jointly imposed by the department and city shall be appealed to the pollution control hearings board.
20. General Standards. In all areas of special flood hazards the following standards set forth in this article are required.
- a. Anchoring.
    - i. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
    - ii. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
  - b. Construction Materials and Methods.
    - i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
    - ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
    - iii. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - c. Utilities.
    - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;



- ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
      - iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
    - d. Subdivision Proposals.
      - i. All subdivision proposals shall be consistent with the need to minimize flood damage;
      - ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
      - iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
      - iv. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).
    - e. Review of Building Permits. Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- 21. Additional Standards.
  - a. Critical Facilities.
    - i. Critical facilities should be afforded additional flood protection due to their nature. The city shall use the 500-year frequency flood as a minimum standard instead of the 100-year frequency flood as used for other types of development.
    - ii. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the 500-year floodplain as identified on the city's FIRM. Construction of new critical facilities shall be permissible within the 500-year frequency floodplain if no feasible alternative site is available. Critical facilities constructed within the 500-year frequency floodplain shall have the lowest floor elevated to or above the level of the 500-year frequency flood or the flood protection elevation, whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters.
    - iii. Access routes elevated to or above the level of the 500-year frequency flood shall be provided to all critical facilities to the extent possible.
  - b. Flood Protection Elevation. In order to account for the impacts of future development on flood depths, and in order to ensure the least expensive insurance rates for floodplain occupants, all development within special flood hazard areas which requires elevation or floodproofing shall be elevated or floodproofed to the flood protection elevation (base flood elevation plus one foot).
- 22. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in subsection (C)(1) of this section, Basis for Establishing the Areas of Special Flood Hazard, or (C)(17)(c) of this section, Use of Other Base Flood Data, the following provisions are required:
  - a. Residential Construction.

- i. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above one foot above the base flood elevation.
    - ii. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
      - A. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
      - B. The bottom of all openings shall be no higher than one foot above grade.
      - C. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters.
  - b. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
    - i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
    - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
    - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official;
    - iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in this subsection (C)(24)(b) of this section;
    - v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
23. **Manufactured Homes.** All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
24. **Recreational Vehicles.** Recreational vehicles placed on sites are required to either:
  - a. Be on site for fewer than 180 consecutive days;
  - b. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  - c. Meet the requirements for a manufactured home and the elevation and anchoring requirements for manufactured homes; may be allowed in the floodway and floodway fringe areas on a temporary basis.
25. **Floodways and Floodway Requirements.**

- a. Special Flood Hazard Areas with Designated Floodways. In addition to those NFIP requirements for designated floodways, the city shall restrict land uses within such areas to include the prohibition of construction or reconstruction of residential structures except for:
    - i. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
    - ii. Repairs, reconstruction, or improvements to a structure the cost of which does not exceed 50 percent of the market value of the structure either:
      - A. Before the repair, reconstruction, or improvement is started, or
      - B. If the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the 50 percent determination.
  - b. Special Flood Hazard Areas Without Designated Floodways. When a regulatory floodway for a stream has not been designated, the city may require that applicants for new construction and substantial improvements reasonably utilize the best available information from federal, state, or other sources to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevations of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirement of 44 CFR 60.3(b)(3) and (4) and (C)(10) of the NFIP regulations, adopted by reference.
  - c. Located within areas of special flood hazard established in section (C)(1) of this section are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
    - i. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
    - ii. If subsection (C)(27)(c)(I) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.
    - iii. Prohibit the placement of any manufactured homes.
26. Encroachments. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

#### **D. Geologically Hazardous Areas.**

1. Erosion hazard areas are those areas containing soils that, according to the United States Department of Agriculture Soil Conservation Service Soil Classification System, may experience severe to very severe erosion.
2. Landslide hazard areas are areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.
3. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.

4. Development on lands classified as “erosion hazards,” “landslide hazards” or “seismic hazards” shall be prohibited unless the applicant provides a report, prepared and signed by a licensed engineer, specializing in geotechnical engineering, which provides construction methodologies, based upon best available science, and quality assurances that the site can be developed without significant risk to public safety.

**E. Slopes with a Gradient of 25 Percent or Greater.**

1. Slope gradient shall be measured in two-foot contours over 10-foot intervals.
2. Lands with slopes of 25 percent or greater are considered unbuildable and development is not allowed.
3. Slopes between 15 percent and 25 percent are generally considered buildable; however, the mayor or his or her designee may require an applicant to provide substantial evidence that a slope between 15 percent and 25 percent is geologically stable if there is evidence that similarly situated slopes have demonstrated substantial instability in the past.

**F. Wetlands.**

1. Purpose. Wetlands constitute important natural resources which provide significant environmental functions including: the control of flood waters, maintenance of summer stream flows, filtration of pollutants, recharge of ground water, and provisions of significant habitat areas for fish and wildlife. Uncontrolled urban-density development in and adjacent to wetlands can eliminate or significantly reduce the ability of wetlands to provide these important functions, thereby detrimentally affecting public health, safety, and general welfare.
2. Applicability. The provisions of this chapter apply to any soil disturbance occurring or land use proposal affecting a Category 1, 2, 3, or 4 wetland or its buffer unless otherwise expressly exempted by this chapter.
3. Exempted Wetlands. This chapter shall not apply to the following wetlands:
  - a. Isolated wetlands less than 1/10<sup>th</sup> of an acre in size and scoring less than 20 points under the Department of Ecology Rating System, as amended.
  - b. Riparian. Wetlands less than five feet wide above the ordinary high water mark along streams and lakes which are regulated under the State Shorelines Management Act.
4. Interpretation. Except where a contrary intent clearly appears, the provisions of this chapter shall be construed to the maximum feasible extent consistent with the Federal Clean Water Act, 33 USC Section 1251 et seq., and the rules and guidelines promulgated pursuant thereto. Nothing in this chapter shall be construed to preclude application of the State Environmental Policy Act in approving applications not listed in LCMC 18.310.090.
5. City policy towards disturbance of wetlands and wetland buffers.
  - a. The city has limited oversight, staffing and expertise in monitoring and management of impacted wetlands or wetland buffers. Therefore, as a matter of public policy, the city prefers avoidance of wetlands and wetland buffers and discourages disturbance of wetlands or wetland buffers for private purposes.
  - b. The city prohibits platting of privately held lots in wetlands or wetland buffers.
  - c. The city may allow disturbance of Category III and IV wetlands or wetland buffers for public purposes if the disturbance directly advances the provision of infrastructure facilities and services. Public purpose includes streets, potable water, sanitary sewer, stormwater facilities, schools, and utilities.

- d. The city may allow impacts to Category III and IV wetlands and wetland buffers if the mitigation area is owned by a homeowners association or similar entity recognized by the city and if the city finds that the accepting entity has the means and ability to inspect, monitor, and maintain the mitigation area for a minimum of ten (10) years.
  - e. In limited circumstances, the city may allow impacts to Category I and II wetlands and wetland buffers if the impacted area is dedicated to the city, or similarly protected, with funds deemed by the city to be sufficient to restore and enhance the wetland and buffer and to inspect, monitor, and maintain the mitigation area for a minimum of ten (10) years.
6. Wetland Delineation and Marking.
- a. An application for wetland impacts shall not be deemed technically complete until completion (if required) of a wetland delineation.
  - b. The mayor or his or her designee shall determine whether a wetland delineation is required based upon several factors including but not limited to a site visit, review of existing critical areas maps, review of National Wetland Inventory maps, the presence of hydric soils, historical evidence, or consultation with a qualified experts.
  - c. Wetland Delineation.
    - i. Methodology. The location of a wetland and its boundary shall be determined through the performance of a field investigation, to be performed by a qualified scientific expert (see WAC 395-195-905) using the methodology contained in the wetlands delineation manual. The applicant shall be responsible for the cost of the professional services. If a wetland is located off-site and is inaccessible, the best available science shall be used to determine the wetland boundary and category.
    - ii. Information Requirements. Wetland boundaries shall be staked and flagged in the field and a delineation report shall be submitted to the city. The report shall include the following information:
      - A. U.S.G.S. Quadrangle map with site clearly defined;
      - B. Topographic map of area;
      - C. National wetland inventory map showing site;
      - D. Soil Conservation Service soils map of the site;
      - E. Site map, at a scale no smaller than one inch equals 400 feet, if practical, showing the following information: (a) wetland boundaries; (b) sample sites and sample transects; (c) boundaries of forested areas; and (d) boundaries of wetland classes if multiple classes exist;
      - F. Discussion of methods and results with special emphasis on technique used from the wetlands delineation manual;
      - G. Acreage of each wetland on the site based on the survey if the acreage will impact the buffer size determination or the project design;
      - H. All completed field data sheets (U.S. Army Corps of Engineers' format for three parameter application) numbered to correspond to each sample site.
    - iii. Responsibility. The wetland delineation is the responsibility of the applicant. The city shall verify the accuracy of the boundary delineation within 20 working days of receiving the delineation report. This review period may be extended when excessively dry conditions prohibit the confirmation of the wetland delineation. If the delineation is found to not accurately reflect the boundary of the wetland, the city will issue a report, within 30 working

days of receiving the applicant's delineation report, citing evidence (for example, soil samples) that demonstrates where the delineation is in error. The applicant may then either revise the delineation and submit another report or administratively appeal.

- d. Buffers. All buffers shall be measured perpendicularly outward from the delineated wetland boundary.
  - e. Marking Buffer during Construction. The location of the outer extent of the wetland buffer shall be marked in the field and such markings shall be maintained throughout the duration of the permit.
  - f. Permanent Marking of Buffer Area. A permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the hearing examiner. In addition, small signs shall be posted at an interval of one per lot or every 100 feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer worded substantially as follows: "Wetland and Buffer – Please Retain in a Natural State."
  - g. A conservation covenant shall be recorded in a form approved by the city attorney as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer.
  - h. In the cases of plats, short plats, and recorded site plans, include on the face of such instrument the boundary of the wetland and its buffer and a reference to the separately recorded conservation covenant provided for in subsection (F)(5)(g) of this section.
7. Wetland Rating. The Washington State Department of Ecology wetland rating system, *Washington State Wetland Rating System for Western Washington (Revised, Publication #04-06-025, August, 2004)*, as updated, shall be used in part to determine base buffer widths and to determine mitigation and enhancement requirements.
- a. The determination of the specific category of wetland and buffer type for each wetland shall be the responsibility of the applicant and subject to city approval.
  - b. A single wetland may be classified into more than one category only if the Director finds, based upon substantial evidence in the record, the classification will result in a substantial diminution of property value.
  - c. Wetlands that are enhanced thereafter shall provide buffers that satisfy the function requirements of the buffer for the enhanced and higher category wetland.
  - d. Wetland rating system.
    - i. Category I. Category I wetlands represent a unique or rare wetland type; are more sensitive to disturbance than most wetlands; are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or provide a high level of water quality, hydrologic and habitat functions. These wetlands meet one or more of the following criteria:
      - A. Wetlands that are identified by scientists of the Washington Department of Natural Resources Washington Natural Heritage Program as high quality wetlands, relatively undisturbed wetlands or wetlands that support State listed threatened or endangered plants;
      - B. Bogs due to their sensitivity to disturbance and they are irreplaceable through compensatory mitigation;

- C. Mature (softwoods 80 years old or older & hardwoods 50 years old or older) and old growth forested wetlands larger than 1 acre;
  - D. Wetlands that perform many functions well, as indicated by scoring 70 points (out of 100) in the rating system.
  - ii. Category II. Category II wetlands are difficult, but not impossible to replace; and perform most functions relatively well or perform one group of functions (water quality, hydrologic or habitat) very well and the other two groups moderately well. These wetlands have moderately high level of functions, as indicated by scoring 51-69 points in the Ecology rating system.
  - iii. Category III. Category III wetlands are perform a moderate level of functions; typically have been disturbed in some manner; and are often less diverse and more isolated from other natural resources in the landscape than Category II wetlands. These wetlands score between 30-50 points in the Ecology rating system.
  - iv. Category IV. Category IV wetlands have the lowest levels of functions and are often heavily disturbed. These wetlands score less than 30 points in the Ecology rating system.
8. Base Buffer Width.
- a. Buffer width, measured in feet, shall be based upon “Alternative 3 in Appendix 8C of Freshwater Wetlands in Washington State, Vol. 2”. Intensity of use shall be based upon Table “8C-3, Types of proposed land use that can result in high, moderate, and low levels of impacts to adjacent wetlands” described in “Appendix 8C of Freshwater Wetlands in Washington State, Vol. 2”, and attached to this ordinance.

**Table 18.300.090(F)(7)(a)-1 Buffers Required to Protect Hydrologic Functions**

Wetland Rating	Low Intensity Use	Moderate Intensity Use	High Intensity Use
Category I	50 ft.	75 ft.	100 ft.
Category II	50 ft.	75 ft.	100 ft.
Category III	40 ft.	60 ft.	80 ft.
Category IV	25 ft.	40 ft.	50 ft.

**Table 18.300.090(F)(7)(a)-2 Buffers Required to Protect Habitat Functions in Category III Wetlands**

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
≤ 19 points	See Table 1	See Table 1	See Table 1
≥ 20 points	75 ft.	110 ft.	150 ft.

**Table 18.300.090(F)(7)(a)-3 Buffers Required to Protect Habitat Functions in Category I & II Wetlands**

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
≤ 19 points	See Table 1	See Table 1	See Table 1
20-23 points	60 ft.	90 ft.	120 ft.
24-27 points	90 ft.	130 ft.	180 ft.
28-30 points	130 ft.	195 ft.	260 ft.
≥ 31 points	150 ft.	225 ft.	300 ft.

- b. New urban residential lots shall not be platted within wetland buffers

- c. Stormwater facilities and public utilities, if approved the city, may be located within the outer 25% of Category III or 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.
9. Wetland Buffer Reduction. (See section 18.300.090(F)(5) for policy guidance.)
- a. Functionally Isolated Buffer Areas. 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, shall be excluded from buffers otherwise required by this Chapter.
  - b. The full buffer width of higher quality wetlands (habitat scores of 20 or greater) shall not be extended over lesser quality wetlands that have reduced habitat function as designated in Tables 18.300.090(F)(7)(a)-1, 18.300.090(F)(7)(a)-2, 18.300.090(F)(7)(a)-3, if all of the following criteria are met:
    - i. The area of reduced habitat function is at least 1 acre in size;
    - ii. The area supports less than 5 native plant species and contains no special habitat features listed in H1.5 of the rating form;
    - iii. The area does not meet any WDFW Priority Habitat or Species criteria;
    - iv. The required buffer width to protect habitat function is provided for all portions of the wetland that do not have reduced habitat function.
  - c. The city may allow the averaging of a buffer of a Category III or IV wetland:
    - i. The buffer proposed for reduction has a habitat rating of 19 points or less;
    - ii. No area averaged is less than 50% the width of the required base buffer;
    - iii. The proposed reduction will not create a net loss of buffer function; and
    - iv. The total area contained in the buffer after averaging shall be at least functionally equivalent and equal in size to the area contained within the buffer prior to averaging.
  - d. A buffer for a Category III or IV wetland may be reduced by no more than 50% of the area of the buffer if:
    - i. The buffer proposed for reduction has a habitat rating of 19 points or less;
    - ii. The proposed reduction will not create a net loss of buffer function;
    - iii. Buffer width shall not be less than 50% of the base buffer width at any point; and
    - iv. Mitigation and enhancement measures, consistent with the provisions of this chapter, are approved by the city and implemented by the developer.
    - v. The city may elect to submit the mitigation and enhancement plans to one or more qualified expert for peer review.
  - e. General Site Design Measures. High intensity buffers may be reduced to moderate intensity buffers if all of the following mitigation measures are applied to the greatest extent practicable:
    - i. Buffer Enhancement. The intent and effect of an approved buffer enhancement program shall be to measurably improve low functioning buffers by increasing the identified functions of the buffer. This may include the removal and management of noxious weeds and/or invasive vegetation or specific measures to improve hydrologic or habitat function.
    - ii. Shielding of High Intensity Uses.



- A. Lights. Direct all lights away from wetlands;
  - B. Noise. Locate activity that generates noise away from wetlands;
  - C. Pets and Human Disturbance. Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract.
- iii. Surface Water Management.
- A. Existing runoff. Retrofit stormwater detention and treatment for roads and existing development and disperse direct discharge of channelized flows from lawns and landscaping;
  - B. Change in water regime. Infiltrate and/or disperse stormwater runoff from impervious surfaces and drainage from lawns and landscaping into the buffer at multiple locations, except where the infiltration or dispersal would either be in opposition to the recommendations contained in the geo-technical report for the project or where the infiltration or dispersal would occur in a geologically hazardous area.
- f. Low Impact Development. In the alternative, if the development of the site has a low impact upon the critical area, the applicant may reduce the buffer width. However, the following reductions cannot be used in combination:
- i. Limiting effective impervious surface. Use of low impact development techniques and/or limiting the extent of impervious site area. Areas set aside as non-impervious surface must be protected by some type of permanent legal protection such as a covenant or easement.
    - A. Less than 35% effective impervious surface results in a low intensity impact.
    - B. Less than 50% effective impervious surface results in a moderate intensity impact.
  - ii. Enhanced Stormwater Management. Reduction of high land use intensity buffer to moderate land use intensity buffer for implementation of stormwater treatment measures that exceed adopted city standards. (For example, storm water facilities designed to the Western Washington Manual rather than the Puget Sound Manual.) This could include measures such as pre-treatment or tertiary treatment of run-off and limiting discharge from the site to pre-development run-off flow and volume.
  - iii. Habitat Corridors. Establishment of a minimum 100 feet wide functioning or enhanced vegetated corridor between the wetland and any other Priority Habitat areas as defined by the Washington State Department of Fish and Wildlife:
    - A. Applies only to wetlands with habitat function scores higher than 20 on the rating system form;
    - B. The habitat corridor must be protected for the entire distance between the wetland and the Priority Habitat area by some type of permanent legal protection such as a covenant or easement.
10. Wetland Development Standards – General.
- a. 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 LCMC 18.300.090(F)(12).)
  - b. The city shall not approve a development proposal that impacts wetlands or wetland buffers without a finding that:

- i. The proposed activity shall not cause significant degradation of ground water or surface water quality or fish and wildlife habitat;
  - ii. The proposed activity shall comply with all state, local and federal laws, including those related to sediment control, pollution control, floodplain restrictions, storm water management, and on-site wastewater disposal; and
  - iii. Wetland and wetland buffer impacts shall be avoided or substantially minimized consistent with the mitigation sequencing criteria.
11. Wetland Activities. Activities that trigger a wetland permit shall meet the following standards:
- a. Wetland impacts to Category I wetlands that are bogs or Natural Heritage sites shall be avoided.
  - b. All other wetland impacts shall meet the compensation ratios stated in Table 18.300.090(F)(11) LCMC, Wetland Mitigation Ratios for projects in the La Center Urban Growth Area.

**Table 18.300.090(F)(11) LCMC Wetland Mitigation Ratios**

<b>Impacted Wetland Category &amp; Type</b>	<b>Reestablishment or Creation</b>	<b>Rehabilitation</b>	<b>1:1 Reestablishment or Creation (R/C) plus Enhancement (E)</b>	<b>Enhancement Only</b>
Category I bog	Not considered possible	6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I Natural Heritage Site	Not considered possible	6:1 rehabilitation of a natural heritage site	Case-by-case	Case-by-case
Category I forested	6:1	12:1	1:1 R/C and 10:1 E	18:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 E	12:1
Category II	3:1	6:1	1:1 R/C and 4:1 E	8:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	6:1
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	4:1

12. Wetland Enhancement – Preliminary Plan. The preliminary enhancement/mitigation plan consists of two parts, baseline information for the site and a conceptual plan.
- a. Baseline information shall include:
    - i. Wetland delineation report;
    - ii. Description and maps of vegetative conditions at the site;
    - iii. Description and maps of hydrological conditions at the site;
    - iv. Description of soil conditions at the site based on a preliminary on-site analysis;
    - v. A topographic map of the site;
    - vi. Assessment of the functional uses of the existing wetland and buffer.
  - b. The contents of the conceptual plan shall include:
    - i. Goals and objectives of the proposed project;

- ii. Description of wetland type to be created;
  - iii. Map showing proposed wetland and buffer. This map should include the base buffer and the proposed buffer;
  - iv. Site plan;
  - v. Discussion and map of plant material to be planted and planting densities;
  - vi. Preliminary drainage plan identifying location of proposed drainage facilities including detention structures and water quality features (e.g., swales);
  - vii. Discussion of water sources for the wetland;
  - viii. Project schedule;
  - ix. Discussion of how the completed project will be managed and monitored;
  - x. Discussion of contingency plans in case the project does not meet the goals initially set for the project.
13. Wetland Enhancement – Final Plan. The contents of the final enhancement/mitigation plan shall include:
- a. Preliminary enhancement/mitigation plan and all conditions imposed on that plan.
  - b. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the enhancement/mitigation project are being met. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.
  - c. Detailed Construction Plans. Written specifications for the enhancement/mitigation project shall be provided. The specifications shall include: the proposed construction sequence, grading and excavation details, water and nutrient requirements for planting, specification of substrate stockpiling techniques, and planting instructions, as appropriate. These written specifications shall be accompanied by detailed site diagrams, sealed cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
  - d. Monitoring Program. Description of a detailed program for monitoring the success of the enhancement/mitigation project. In addition to the standards described in LCMC 18.300.120, a monitoring program shall include, but is not limited to:
    - i. Establishing vegetation plots to track changes in plant species composition and density over time;
    - ii. Using photo stations to evaluate vegetation community response;
    - iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, and heavy metals);
    - iv. Measuring base flow rates and storm water runoff to model and evaluate water quality predictions, if appropriate;
    - v. Measuring sedimentation rates, if applicable; and
    - vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity. A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the project. A monitoring report shall be submitted annually, at a minimum, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be

monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.

- e. Associated Plans and Other Permits.
  - i. Final landscaping plan;
  - ii. Final drainage plan; and
  - iii. Final erosion and sediment control plan.
- f. Evidence of Financial and Scientific Proficiency. A description of how the enhancement/mitigation project will be managed during construction and the scientific capability of the designer to successfully implement the proposed project. In addition, a demonstration of the financial capability of the applicant to successfully complete the project and ensure it functions properly over a five-year period. Evidence that required bonding can be obtained.
- g. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

#### 14. Wetland Permit – Application.

- a. Applications for wetland permits shall be made to the city on forms furnished by the city. The city shall process a wetland permit application as a request for land use approval pursuant to Chapter 18.030 LCMC.
- b. Wetlands permit applications shall include:
  - i. Wetland delineations and required buffer width;
  - ii. A site plan for the proposed activity overlaid on an aerial photograph at a scale no smaller than one inch equals 400 feet showing the location, width, depth and length of all existing and proposed structures, roads, storm water management facilities, sewage treatment, and installations within the wetland and its buffer;
  - iii. The exact sites and specifications for all regulated activities including the amounts and methods;
  - iv. A proposed preliminary enhancement/mitigation plan meeting the requirements of this chapter.

#### 15. Wetland Permit – Approval.

- a. The city shall issue final approval of the wetland permit authorizing commencement of the activity permitted thereby upon:
  - i. Submittal and approval of a final enhancement/mitigation plan;
  - ii. Installation and approval of the required field markings;
  - iii. The recording of a conservation covenant.
- b. Conditions. An approval of a wetland permit shall incorporate the following condition:
  - i. Posting of a cash performance bond or other security acceptable to the city in an amount and with surety and conditions sufficient to fulfill the requirements of the required final plan, mitigation plan and enhancement plan and to secure compliance with other conditions and limitations set forth in the permit.
  - ii. The city shall release the bond upon determining that:

- A. All activities, including any required compensatory mitigation, have been completed in accordance with the terms and conditions of the permit and the requirements of this chapter; and
  - B. Upon forfeiture of a performance or maintenance bond, the proceeds thereof shall be utilized either to correct deficiencies which resulted in forfeiture or, if such correction is deemed by the county to be impractical or ineffective, to enhance other wetlands in the same watershed.
- c. Duration. Wetland permit final approval shall be valid for a period of two years from the date of issuance unless:
- i. A longer period, not to exceed five years, is specified in the permit; or
  - ii. The city grants an extension upon the written request of the original permit holder or successor in title demonstrating to the satisfaction of the city:
    - A. That the original intent of the permit would not be altered or enlarged by the extension; and
    - B. That relevant circumstances and standards have not changed substantially since the permit application; and
    - C. That the applicant has complied with the terms of the permit.
- d. 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.

#### **18.300.100 Best Available Science**

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

#### **18.300.110 Development standards**

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

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

- (b) The city has approved the vegetation removal methods and the removal of native plants has been avoided.
  - (c) All adverse impacts to all affected critical areas and buffers are either avoided or fully mitigated.
  - (d) The plan minimizes cuts and fills.
  - (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).
  - (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.
  - (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 non-significance (MDNS).
  - (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.
  - (i) Compliance with this chapter does not constitute compliance with state and federal environmental standards. The applicant shall be responsible for demonstrating such compliance.
- (3) Review Process.
- (a) The review process shall be the type specified in the LCMC for each particular land use action unless otherwise specified in this chapter.
  - (b) Applications to develop on critical areas or their buffers shall be subject to Type I review if, within a one-year period, the cumulative impact on critical areas is:
    - (i) Disturbance of less than 10 cubic feet of soil;
    - (ii) An activity, the fair market cost of which is less than \$500.00; or
    - (iii) The activity involves less than 1,000 square feet of critical areas.
- (4) SEPA Review. On a case-by-case basis, the Responsible Official may issue a Determination of Nonsignificance (DNS) if:
- (a) The application for development review contains all requested information, including reports, maps and other documents relevant to the proposed activity; and
  - (b) The proposed activity complies with all applicable development review and performance standards; and
  - (c) Compliance with all applicable development standards and performance standards is made a binding condition of land use approval.

### **18.300.120 Mitigation**

- (1) Approval. City approval of a mitigation plan is a prerequisite for approval of any development activities on critical areas.
- (a) The applicant shall submit a written request describing the extent and nature of the proposed development activity on critical areas and buffers. The request shall include boundary locations and identification of all designated critical areas and buffers.
  - (b) The application for development shall include a mitigation plan prepared in compliance with this section. (See Appendix C, "Monitoring and Maintenance Plan" as an illustration of recommended plan.)

- (c) The city may require the applicant to prepare special reports evaluating potential adverse impacts upon critical areas and potential mitigation measures as part of the land use application process. These reports may include, but are not limited to, the following: storm water management plan; hydrology, geology, and soils report; grading and erosion control plan; native vegetation report; fish and wildlife assessment and impact report; water quality report; wetlands delineation; and other reports determined necessary by the city.
  - (d) The city shall consult with state and federal resource management agencies and, in order to protect wildlife habitat or natural resource values, shall attach such conditions as may be necessary to effectively mitigate identified adverse impacts of the proposed development activity.
  - (e) The city may request third party “peer review” of an application by qualified professionals and may incorporate recommendations from such third party reports in findings approving or denying the application.
  - (f) All reports recommending mitigation shall include provisions for monitoring of programs and replacement of improvements, on an annual basis, consistent with report recommendations and at years one, three, five, seven. The city reserves the right to require reporting at year ten (10).
  - (g) The city may require replacement mitigation to be established and functional prior to project construction.
- (2) No Net Loss.
- (a) Mitigation efforts, when allowed, shall ensure that development activity does not yield a net loss of the area or function of the critical areas. No net loss shall be measured by:
    - (i) Avoidance or mitigation of adverse impacts to fish life; or
    - (ii) Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or
    - (iii) Avoidance or mitigation of loss of area by habitat type.
  - (b) Mitigation to achieve no net loss should benefit those organisms being impacted.
  - (c) Where development results in a loss of wetland area, the mitigation plan shall demonstrate that wetland area is replaced consistent with the ratios described in the tables in LCMC 18.300.035. The created or enhanced wetland shall be, acre for acre, of equal or greater biological values, including habitat value, and with equivalent hydrological values including storage capacity.
    - (i) Wherever possible, replacement or enhancement shall occur on-site.
    - (ii) However, where the applicant can demonstrate that an off-site location is in the same drainage basin, and that greater biological and hydrological values will be achieved, the city may approve such off-site mitigation.
    - (iii) Wetponds established and maintained for control of surface water shall not constitute mitigation for wetland alterations.
    - (iv) Where there is a wetland within 25 feet of the toe of a slope equal to or greater than 25 percent, the buffer shall be a minimum of 25 feet beyond the toe of the slopes.
- (3) Mitigation Plan. A mitigation plan shall provide for the design, implementation, maintenance, and monitoring of mitigation measures. A mitigation plan shall include but is not limited to the following:
- (a) Methods and techniques to be used to mitigate impacts to critical areas;
  - (b) Explanation of methods and techniques, such as construction practices to be used to implement the identified mitigation methods;
  - (c) Methods and techniques for monitoring said mitigation and a proposed time-frame for such monitoring.

- (4) Storm Water Management. Any development on critical areas shall be consistent with either Chapter 18.320 LCMC, Storm Water and Erosion Control, or the most recent version of the “Stormwater Management Manual for Western Washington,” Washington State Department of Ecology, at the discretion of the Public Works Director.
- (5) Buffer Enhancement. Where a development avails itself of the buffer reduction opportunity described in this chapter, the following enhancement standards shall apply:
  - (a) The applicant shall submit to the city a written request describing the extent and nature of the proposed development activity and shall submit a written enhancement plan.
  - (b) The enhancement plan shall include calculations and maps that illustrate:
    - (i) Required boundary locations of all critical areas and attendant buffers;
    - (ii) Proposed buffer areas after reduction;
    - (iii) Proposed areas to receive enhancement measures;
    - (iv) A timeline for completion of the enhancement plan;
    - (v) Methods and techniques to be used to mitigate impacts to critical areas;
    - (vi) An explanation of methods and techniques, such as construction practices to be used to implement the identified mitigation methods; and
    - (vii) Methods and techniques for monitoring said mitigation and a proposed time-frame for monitoring.
  - (c) The enhanced area shall functionally be of greater biological values, including habitat value, and with greater hydrological values including storage capacity.
  - (d) Enhancement shall occur on-site.
  - (e) Wetponds established and maintained for control of surface water shall not constitute mitigation for wetland alterations.
  - (f) Surface water management or flood control shall not be considered enhancement.

#### **18.300.130 Residential density transfer**

The city may permit density transfer from critical areas (sending lands) to designated non-critical areas (receiving areas).

- (1) Residential Density Transfer. A property owner may transfer residential density to a receiving area.
  - (a) . A receiving area shall be on the same parcel or same property, within the same zoning classification, owned by the property owner sending the density.
  - (b) Density may be transferred from a sending area only one time.
  - (c) The value of the transfer shall be calculated as follows:
    - i. LDR districts: Gross area of a critical area completely avoided times the minimum number of units allowed per gross acre in the affected zoning district times 60%. For example, in an R1-7.5 zone, if 2 acres of critical areas are completely avoided and the minimum density allowed is 4 units per acre, the allowable density transfer would be 4.8 units. (2 ac. X 4 du/ac x 60% = 4.8.)
    - ii. MDR District: Gross area of a critical area completely avoided times the minimum number of units allowed per gross acre in the affected zoning district times 60%. For example, in a MDR-16 zone, if 2 acres of critical areas are completely avoided and the minimum density allowed is 9.6 units per acre, the allowable density transfer would be 4 units. (2 ac. x 8 du/ac x 60% = 9.6.)



- (2) Transfer Criteria. The mayor, or his or her designee, shall approve requests to transfer density subject to the following criteria:
- (a) Adverse impacts to natural resources on the receiving areas shall be mitigated consistent with the mitigation section of this chapter.
  - (b) The building height standards of the receiving area shall be met.
  - (c) No receiving are lot gross area shall be less than 20% of the minimum lot size within the receiving district. For example, if the receiving area is an R1-7.5 district no lot created as a result of density transfer shall be less than 6,000 sq. ft.
  - (d) No lot created as a result of density transfer that is smaller than the average minimum lot required in the receiving district may be located on the perimeter of the project site.
  - (e) The transfer of density to a receiving area shall not result in an increase in density throughout the project greater than the maximum net density allowed in the base zone or in the construction of a housing type not otherwise allowed in the receiving area.
  - (f) On density sending lands the remaining critical areas and buffers shall be enhanced at a ratio of four acres of enhanced function for every one acre (4:1) used in the density transfer calculations.
  - (g) Sending areas shall be:
    - (i) Dedicated to the city for public use; or
    - (ii) Protected as an unbuildable area by means of deed restriction, conservation easement, or other mechanism approved by the city council.
- (3) Recordation Required. Density may be transferred from a protected critical areas area only once. The mayor, or his or her designee, (upon consultation with the city attorney) shall be responsible for approving the mechanism used for protecting each critical area. The mayor or his or her designee shall maintain a list of sites from which density has been transferred, and a corresponding list of sites that have received density from protected critical areas. The applicant shall record the density transfer mechanism with Clark County and shall furnish the mayor or his or designee with a copy of the recorded instrument.

#### **18.300.140 Selective timber harvesting on critical lands**

- (1) Applicability. Consistent with RCW 76.09.240, the city extends its planning and zoning jurisdiction over forest practices in critical areas to the extent that:
- (a) Commercial forestry activity occurs on lands identified as critical areas on the city's adopted critical areas maps;
  - (b) An application submitted under RCW 76.09.060 indicates that the lands will be converted to a use other than commercial timber productions;
  - (c) The subject lands were platted after January 1, 1960; and
  - (d) Consistent with the adopted La Center comprehensive plan, the city of La Center presumes that any application for commercial timber harvest within the La Center urban growth boundary that is subject to Chapter 76.09 RCW et seq. is for the purpose of converting forested lands into urban lands.
- (2) Standards. Selective commercial timber harvesting may be permitted on critical areas subject to the following standards:
- (a) Written Plan Required. Trees to be removed shall be identified through the development approval process and shall be clearly marked prior to their removal. An applicant shall present a written plan, explaining in detail the location of trees to be removed, and the method of removal, to the mayor, or his or her designee, for review and approval.

- (b) In conjunction with a development application, selective tree cutting may occur to the minimum extent necessary in conjunction with an approved development.
  - (c) Prior to approval of a harvesting permit, the applicant shall sign and record an agreement with the city stating that no development application may be filed on the subject property, other than a single-family residence, for six years following completion of timber harvesting operations.
  - (d) Selective tree removal on critical lands shall not result in loss of more than 50 percent of existing tree canopy covering critical areas.
  - (e) The applicant shall demonstrate that the methods used for tree harvesting and removal are the least disruptive practicable.
  - (f) Operations shall be limited to the dry season, that is, from May 1st through October 30th.
  - (g) Applicants for selective timber harvesting shall prepare an erosion control plan for review and approval by the mayor or his or her designee and, if the plan is approved, shall comply with the plan during harvesting activity and shall maintain required erosion control mechanisms for a period of 180 days after completion of the timber removal project.
- (3) Conditions. The mayor, or his or her designee, may recommend conditions of approval necessary to minimize adverse impacts on natural resource values, including water quality and wildlife habitat to the extent that such conditions are consistent with the La Center comprehensive plan.

#### **18.300.150 Modification to overlay zone**

The city may modify the boundaries of the critical areas overlay district based upon expert studies. Such amendments shall occur under Type III proceedings.

- (1) Land to be conserved as public or private open space, through dedication, conservation easements or other appropriate means, shall retain a critical areas overlay designation.
- (2) Land approved for private building construction shall be removed from this overlay district.
- (3) The city shall maintain a record of all administrative amendments to the critical areas overlay district, including findings in support of the decision to modify the boundaries of the overlay district.
- (4) The city shall correct mapping errors through a Type I process.

#### **18.300.160 Application fees**

At the time of application for land use review or critical areas review, the applicant shall pay a critical areas review fee, adopted and amended by the city council, from time to time, by resolution.

#### **18.300.170 Bonds to Insure Mitigation, Maintenance and Monitoring.**

- A. When mitigation required pursuant to a development proposal is not completed prior to the City final permit approval, such as final plat approval or final building inspection, the City shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the City. If the development proposal is subject to mitigation, the applicant shall post a performance bond and a mitigation bond or other security in a form and amount deemed acceptable by the City to ensure mitigation is fully functional.
- B. The bond shall be in the amount of one hundred and fifty percent (150%) of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater and the cost of maintenance and monitoring for a ten (10) year period.
- C. The bond shall be in the form of an assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the city attorney or other method acceptable to the Planning Director.

- D. Bonds or other security authorized by this Section shall remain in effect until the City determines, in writing, that the standards bonded for have been met. Mitigation bonds or other security shall be held by the City for a minimum of ten (10) years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.
- E. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
- F. Public development proposals shall be relieved from having to comply with the bonding requirements of this Section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
- G. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty (30) days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the City may demand payment of any financial guarantees or require other action authorized by the City code or any other law.
- H. Any funds recovered pursuant to this Section shall be used to complete the required mitigation, maintenance or monitoring.

**18.300.180 Critical Area Inspections**

Reasonable access to the site shall be provided to the City, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

**Chapter 18.310 - ENVIRONMENTAL POLICY**

## Sections:

- Article I. Authority
  - 18.310.010 Purpose.
- Article II. General Requirements
  - 18.310.020 Purpose of this article and adoption by reference.
  - 18.310.030 Additional definitions.
  - 18.310.040 Designation of responsible official.
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  - 18.310.270 Adoption by reference of certain forms.
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  - 18.310.280 Wellhead protection.

## Article I. Authority

### 18.310.010 Purpose

The city of La Center adopts this chapter under the State Environmental Policy Act (SEPA) RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with this chapter.

## Article II. General Requirements

### 18.310.020 Purpose of this article and adoption by reference

This article contains the basic requirements that apply to the SEPA process. The city adopts the following sections of Chapter 197-11 of the Washington Administrative Code by reference:

WAC

197-11-040 Definitions.

197-11-050 Lead agency.

197-11-055 Timing of the SEPA process.

197-11-060 Content of environmental review.

197-11-070 Limitations on actions during SEPA process.

197-11-080 Incomplete or unavailable information.

197-11-090 Supporting documents.

197-11-100 Information required of applicants.

197-11-158 GMA project review, reliance on existing plans and regulations.

197-11-210 SEPA/GMA integration.

197-11-220 SEPA/GMA definitions.

197-11-228 Overall SEPA/GMA integration procedures.

197-11-230 Timing of an integrated GMA/SEPA process.

197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.

197-11-235 Documents.

197-11-238 Monitoring.

197-11-250 SEPA/Model Toxics Control Act integration.

197-11-253 SEPA lead agency for MTCA actions.

197-11-256 Preliminary evaluation.

197-11-259 Determination of nonsignificance for MTCA remedial actions.

197-11-262 Determination of significance and EIS for MTCA remedial actions.

197-11-265 Early scoping for MTCA remedial actions.

197-11-268 MTCA interim actions.

### 18.310.030 Additional definitions

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, and WAC 197-11-220, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

- A. "Department" means any division, subdivision or organizational unit of the city established by ordinance, resolution, rule or order.
- B. "Early notice" means the city's response to an applicant stating whether the city considers issuance of a determination of significance (DS) likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).
- C. "Ordinance" means this chapter, and may include any city ordinance, resolution, or other procedure used by La Center to adopt regulatory requirements.
- D. "SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology.

**18.310.040 Designation of responsible official**

- A. For proposals for which the city is the lead agency, the responsible official shall be the mayor or mayor's designee.
- B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS, and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules adopted by reference in this chapter.
- C. The city shall retain all documents required by the SEPA rules, and shall make them available to the public in accordance with Chapter 42.17 RCW.

**18.310.050 Lead agency determination and responsibilities**

- A. The department within the city receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and WAC 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.
- B. When the city is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements and if an EIS is necessary, shall supervise preparations of the EIS.
- C. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless it finds it to be required under criteria of WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.
- D. If the city or any of its departments receives a lead agency determination made by another agency that appears to it to be inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and be resolved within 15 days of receipt of the determination, or the city can, within such 15-day period, petition the Department of Ecology for a lead agency determination under WAC 197-11-946. Any such petition on behalf of the city shall be initiated by the city mayor or the mayor's designee.
- E. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944.
- F. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify other agencies which have jurisdiction over the proposal. (i.e., Which agencies require nonexempt licenses?).
- G. When the city of La Center is lead agency for a MTCA remedial action, the Department of Ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the city shall decide jointly with Ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

**18.310.060 Transfer of lead agency status to a state agency.**

- A. For any proposal for a private project where the city would be the lead agency and for which one or more state agencies have jurisdiction, the city's responsible official may elect to transfer the lead agency duties to the state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the city shall be an agency with jurisdiction.
- B. To transfer lead agency duties, the city's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with

jurisdiction. The responsible official of the city shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

#### **18.310.070 Additional timing considerations**

For nonexempt proposals, final EIS for the proposal shall accompany the city staff recommendation to any appropriate advisory body, such as the planning commission hearings officer, or city council.

### **Article III. Categorical Exemptions and Threshold Determinations**

#### **18.310.080 Purpose of this article and adoption by reference**

This article contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS) to be prepared. This article also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections of the SEPA rules by reference, as supplemented in this part:

WAC

197-11-300 Purpose of this part, relating to categorical exemptions and threshold determinations.

197-11-305 Categorical exemptions.

197-11-310 Threshold determination required.

197-11-315 Environmental checklist.

197-11-330 Threshold determination process.

197-11-335 Additional information.

197-11-340 Determination of nonsignificance (DNS).

197-11-350 Mitigated DNS.

197-11-360 Determination of significance (DS)/initiation of scoping.

197-11-390 Effect of threshold determination.

#### **18.310.090 Flexible thresholds for categorical exemptions**

1. The city of La Center establishes the following exempt levels for minor new construction not occurring in critical areas under:
  - a. For residential dwelling units in WAC 197-11-800(1)(b)(i): up to four dwelling units.
  - b. For agricultural structures in WAC 197-11-800(1)(b)(ii): those containing up to 10,000 square feet.
  - c. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): up to 4,000 square feet and up to 20 parking spaces.
  - d. For parking lots in WAC 197-11-800(1)(b)(iv): up to 20 parking spaces.
  - e. For landfills and excavations in WAC 197-11-800(1)(b)(v): up to 300 cubic yards. [Ord. 98-3 § 1, 1998.]

#### **18.310.100 Use of exemptions**

- A. Each department within the city which receives an application for a license or, in the case of governmental proposals, the department which initiates the proposal, shall determine whether the license and/or proposal is exempt. The department’s determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter applies to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.
- B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required by WAC 197-11-060. If a proposal includes exempt and also nonexempt actions, the department shall determine the lead agency, even if the license application which triggered the department’s consideration is exempt.

- C. If a proposal includes both exempt and nonexempt actions, the city may authorize the exempt actions to proceed prior to compliance with the procedural requirements of this chapter, except that:
1. The city shall not give authorization for:
    - a. Any nonexempt action;
    - b. Any action that would have an adverse environmental impact; or
    - c. Any action that would limit the choice of reasonable alternatives (see WAC 197-11-070);
  2. A department may withhold approval of an exempt action which would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) subsequently were not approved; and
  3. A department may withhold approval of exempt actions which would lead to substantial financial expenditure by a private applicant when the expenditures would serve no purpose if nonexempt action(s) subsequently were not approved.

#### **18.310.110 Environmental checklist**

- A. A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; provided, a checklist is not needed if the city and applicant agree an EIS is required, or if SEPA compliance has been completed, or if SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official and for making the threshold determination.
- B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as is necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.
- C. The city may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:
1. The city has technical information on a question or questions that is unavailable to the private applicant; or
  2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

#### **18.310.120 Mitigated determination of nonsignificance (DNS)**

- A. As provided in this section and in WAC 197-11-350, the responsible official may issue a determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.
- B. An applicant may request in writing early notice of whether a determination of significance (DS) is likely under WAC 197-11-350. The request must:
1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
  2. Precede the city's actual threshold determination for the proposal.
- C. The responsible official should respond to the request for early notice within 15 working days. The response will:
1. Be written;



2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that are leading the city to consider a DS; and
  3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
- E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 days of receiving the changed or clarified proposal:
1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a DNS under WAC 197-11-340(2).
  2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.
  3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.
  4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
- F. A mitigated DNS is issued under WAC 197-11-340(2), requiring a 14-day comment period and public notice.
- G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.
- H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).
- I. The city's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination.

#### **Article IV. Environmental Impact Statement (EIS)**

##### **18.310.130 Purpose of this article and adoption by reference**

This article contains the rules for preparing environmental impact statements. The city adopts the following sections of SEPA rules by reference, as supplemented by this part:

- WAC
- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements of an EIS.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.

- 197-11-408 Scoping.
- 197-11-410 Expanded scoping. (optional)
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS. [Ord. 98-3 § 1, 1998.]

#### **18.310.140 Preparation of EIS – Additional considerations**

- A. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the mayor or the mayor's designee. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.
- B. The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the draft and final EIS prior to distribution.
- C. The city may require an applicant to provide information the city does not possess and may require the applicant to make specific investigations. However, the applicant is not required to supply information that is not required under this ordinance or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.)

#### **18.310.150 Additional elements which may be covered in an EIS**

The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this chapter:

- A. Economy;
- B. Social policy analysis;
- C. Cost-benefit analysis;
- D. Consistency with the city's adopted comprehensive plan, capital facilities plan, and other adopted plans, regulations and standards;
- E. The criteria for determining whether the proposal is consistent with adopted plans, policies, regulations, and standards are:
  1. The type of land use allowed,
  2. The level of development allowed,
  3. The adequacy of public infrastructure, and
  4. The characteristics of the proposed development.

The lead agency may include, in an EIS or appendix, the analysis of any impact relevant to the agency's decision, whether or not environmental. The inclusion of such analysis may be based upon comments

received during the scoping process. The provision for combining documents may be used (WAC 197-11-640). The EIS shall comply with the format requirements of this part. The decision whether to include such information and the adequacy of any such additional analysis shall not be used in determining whether an EIS meets the requirements of SEPA.

### **Article V. Commenting**

#### **18.310.160 Adoption by reference**

This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city adopts the following sections by reference, as supplemented in this part:

WAC

197-11-500 Purpose of this part.

197-11-502 Inviting comment.

197-11-504 Availability and cost of environmental documents.

197-11-508 SEPA register.

197-11-510 Public notice.

197-11-535 Public hearings and meetings.

197-11-545 Effect of no comment.

197-11-550 Specificity of comments.

197-11-560 FEIS response to comments.

197-11-570 Consulted agency costs to assist lead agency.

#### **18.310.170 Public notice**

- A. Whenever possible, the city of La Center shall integrate the public notice required under this section with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal.
- B. Whenever the city issues a DNS under WAC 197-11-340(2), and MDNS under WAC 197-11-350, or a DS under WAC 197-11-360(3), the city shall give public notice pursuant to the Type II procedures described in LCMC 17.200.060 and 17.200.090 as follows:
  1. If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in RCW 36.70B.110(4) will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).
  2. If no public notice is otherwise required for the permit or approval, the city shall give notice of the DNS or DS by:
    - a. Posting the property, for site-specific proposals;
    - b. (ii) Posting notice in a conspicuous place at City Hall.
  3. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.
- C. If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in RCW 36.70B.110(4) as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements in WAC 197-11-510(b).
- D. Whenever the city issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:
  1. Indicating the availability of the DEIS in any public notice required for a nonexempt license;
  2. Posting the property, for site-specific proposals;
  3. Publishing notice in a newspaper of general circulation in Clark County;

4. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered; and
  5. Posting public notice in a conspicuous place at City Hall and two other prominent locations within the city limits.
- E. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

**18.310.180 Designation of official to perform consulted agency responsibilities for the city**

- A. The mayor or the mayor's designee shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and or reviewing a draft EIS.
- B. The mayor or the mayor's designee shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and the mayor or the mayor's designee is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

**Article VI. Using Existing Environmental Documents**

**18.310.190 Purpose of this article and adoption by reference**

This article contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA), for the city's own environmental compliance. The city adopts the following sections of SEPA rules by reference:

WAC

- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement – Procedures.
- 197-11-625 Agenda – Procedures.
- 197-11-630 Adoption – Procedures.
- 197-11-635 Incorporation by reference – Procedures.
- 197-11-640 Combining documents.

**Article VII. SEPA and Agency Decisions**

**18.310.200 Purpose of this article and adoption by reference**

This article contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This article also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections of SEPA rules by reference:

WAC

- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.

**18.310.210 Substantive authority**

- A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city of La Center.
- B. The city may attach conditions to permit or approval for a proposal so long as:
  1. Such conditions are necessary to mitigate specific, probable, significant, and adverse environmental impacts; and

2. Such conditions are in writing; and
  3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
  4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
  5. Such conditions are based on one or more policies in subsection (4) below and are cited in the license or other decision document.
- C. The city may deny a permit or approval for any proposal on the basis of SEPA so long as:
1. A finding has been made by the responsible official that the proposal, if approved, would result in probable, significant, adverse environmental impacts identified in a final EIS, or final supplemental EIS prepared pursuant to this chapter; and
  2. A finding is made that there are no reasonable mitigation measures capable of being accomplished sufficient to mitigate the identified impact; and
  3. The denial is based on one or more policies stated in subsection (4) below and which are identified in writing in the decision document.
- D. The city designates and adopts the following policies as the basis for the city's exercise of authority pursuant to this section:
1. The city shall use all practicable means, consistent with other essential considerations of city and state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and city and their citizens may:
    - a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
    - b. Assure for all people of Washington the state of and/or city safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
    - c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
    - d. Preserve important historic, cultural, and natural aspects of our national and local heritage;
    - e. Maintain, whenever possible, an environment which supports diversity and variety of individual choice;
    - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
    - g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
  2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
  3. The city adopts by reference the policies in the following city plans, policies, regulations, standards and resolutions:
    - a. LCMC Title 16, Subdivisions;
    - b. LCMC Title 17, Zoning;
    - c. La Center Comprehensive Plan and Plan Map;

- d. La Center Capital Facilities Plan;
- e. Chapter 14.10 LCMC, Storm Water and Erosion Control;
- f. Chapter 14.05 LCMC, Wetlands; and
- g. Chapter 12.10 LCMC, La Center Road Standards.

#### **18.310.212 Appeals**

- A. The city of La Center establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:
  - 1. Any appeal of an action taken by the city of La Center shall be made in accord with Chapter 17.200 LCMC, Appeals. Where this section or Chapter 17.200 LCMC is silent or ambiguous, the city shall consult WAC 197-11-680 to determine appropriate appeals procedure.
  - 2. Unless otherwise directed by WAC 197-11-680, the city shall attempt to consolidate appeals of SEPA substantive or procedural determinations and of local land use decisions.
  - 3. 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.
  - 4. An appeal of the intermediary steps under SEPA (e.g., lead agency determination, scoping or draft EIS adequacy) shall not be allowed. [WAC 197-11-680(3)(a)(ii).]
- B. For any appeal under this subsection, the city shall provide for a record that shall consist of the following:
  - 1. Findings and conclusions;
  - 2. Testimony under oath; and
  - 3. A taped or written transcript.
- C. The city may require the appellant to provide an electronic transcript.
- D. The procedural determination by the city's responsible official shall carry substantial weight in any appeal proceeding.
- E. The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.
- F. The fee for an appeal of a SEPA decision shall be one-half of the fee charged the applicant under LCMC 18.310.200 for processing the SEPA review.

*[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-170, filed 6/15/84. Formerly chapter 173-805 WAC.]*

#### **18.310.215 Notice/statute of limitations**

- A. The city of La Center, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.
- B. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk or county auditor, applicant or proponent pursuant to RCW 43.21C.080.

*[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-173, filed 6/15/84. Formerly WAC 173-805-135.]*

### **Article VIII. Definitions**

#### **18.310.220 Purpose of this article and adoption by reference**

This article contains uniform usage and definitions of terms under SEPA. The city adopts the following sections by reference:

WAC

- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.
- 197-11-718 Built environment.
- 197-11-720 Categorical exemption.
- 197-11-721 Closed record appeal.
- 197-11-722 Consolidated appeal.
- 197-11-724 Consulted agency.
- 197-11-726 Cost-benefit analysis.
- 197-11-728 County/city.
- 197-11-730 Decision maker.
- 197-11-732 Department.
- 197-11-734 Determination of nonsignificance (DNS).
- 197-11-736 Determination of significance (DS).
- 197-11-738 EIS.
- 197-11-740 Environment.
- 197-11-742 Environmental checklist.
- 197-11-744 Environmental document.
- 197-11-746 Environmental review.
- 197-11-750 Expanded scoping.
- 197-11-752 Impacts.
- 197-11-754 Incorporation by reference.
- 197-11-756 Lands covered by water.
- 197-11-758 Lead agency.
- 197-11-760 License.
- 197-11-762 Local agency.
- 197-11-764 Major action.
- 197-11-766 Mitigated DNS.
- 197-11-768 Mitigation.
- 197-11-770 Natural environment.
- 197-11-772 NEPA.
- 197-11-774 Nonproject.
- 197-11-775 Open record hearing.
- 197-11-776 Phased review.
- 197-11-778 Preparation.
- 197-11-780 Private project.
- 197-11-782 Probable.
- 197-11-784 Proposal.
- 197-11-786 Reasonable alternative.
- 197-11-788 Responsible official.
- 197-11-790 SEPA.
- 197-11-792 Scope.

- 197-11-793 Scoping.
- 197-11-794 Significant.
- 197-11-796 State agency.
- 197-11-797 Threshold determination.
- 197-11-799 Underlying governmental action.

### **Article IX. Categorical Exemptions**

#### **18.310.230 Adoption by reference**

The city adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including: WAC 173-806-070 (Flexible thresholds), WAC 173-806-080 (Use of exemptions) and WAC 173-806-190 (Critical areas):

- WAC
- 197-11-800 Categorical exemptions.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.

#### **18.310.232 Local categorical exemption**

The city of La Center shall exempt the following land use reviews from this chapter where the proposed development will not occur wholly or partially on critical areas:

- A. Preapplication land use review: LCMC 17.200.020.
- B. Type I and Type II administrative decision including LCMC 17.200.050 and 17.200.060 except where the mayor or the mayor's designee determines that the proposal is likely to impact a critical area or critical area buffer.

*[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-180, filed 6/15/84. Formerly WAC 173-805-020.]*

#### **18.310.235 Critical areas**

- A. Within the city of La Center, the categorical exemptions enumerated in WAC 197-11-800 and LCMC 18.310.180 will not apply in one or more critical areas identified in city plans, regulations and maps adopted pursuant to RCW 36.70A.060. The critical areas identified on the city's adopted comprehensive plan map or independent critical areas map(s) include: wetlands, floodways and floodpaths, riparian areas, habitat for threatened or endangered species, local habitat conservation areas, wellhead protection areas, critical aquifer recharge areas, geologically hazardous areas, steep slopes, historic and archaeological resources, and any adopted buffer area adjacent to the critical area.
- B. Where a proposal may occur wholly or partially on any critical area identified in the previous subsection, the mayor or mayor's designee may determine that the proposal is either:
  - 1. A segment of a proposal that includes a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not [WAC 197-11-305(1)(b)(i)]; or
  - 2. A segment of a proposal which includes a series of exempt activities that are physically or functionally related to each other, and that together may have a probable significant adverse impact [WAC 197-11-305(1)(b)(ii)]; or
  - 3. A single action which may probably have a significant adverse impact on two or more critical areas.
- C. Pursuant to WAC 197-11-908(2), the following proposals, notwithstanding the categorical exemptions allowed under WAC 197-11-800, may be subject to review under this chapter if the proposal is subject to subsection (2) of this section:



1. Minor new construction as described in WAC 197-11-800(1)(a)(b) and LCMC 18.310.090 (flexible thresholds for categorical exemptions);
  2. Other minor new construction as described in WAC 197-11-800(2)(a) through (f);
  3. Repair, remodeling and maintenance activities described in WAC 197-11-800(3);
  4. Purchase or sale of real property described in WAC 197-11-800(5);
  5. Short plats not including further short subdivisions or short platting within a plat or subdivision previously exempted from SEPA review as described in WAC 197-11-800(6)(a);
  6. Licenses to operate or engage in amusement and entertainment activities as described in WAC 197-11-800(14)(c);
  7. Utility related actions as described in WAC 197-11-800(24)(a) through (g); and
  8. Natural resource management including development of recreational sites [WAC 197-11-800(25)(f)] and use of chemical and mechanical means to maintain public park and recreational land [WAC 197-11-800 (25)(i)].
- D. The scope of environmental review of actions within these areas shall be limited to:
1. Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and
  2. Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and with other applicable environmental review laws.
- E. All categorical exemptions not listed in subsection (3) apply whether or not the proposal will be located in a critical area.

### **Article X. Agency Compliance**

#### **18.310.240 Purpose of this article and adoption by reference**

This article contains rules for city compliance with SEPA, including rules for charging fees under the SEPA process, designating categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city adopts the following sections by reference:

WAC

197-11-900 Purpose of this part; agency compliance.

197-11-902 Agency SEPA policies.

197-11-916 Application to ongoing actions.

197-11-920 Agencies with environmental expertise.

197-11-922 Lead agency rules.

197-11-924 Determining the lead agency.

197-11-926 Lead agency for governmental proposals.

197-11-928 Lead agency for public and private proposals.

197-11-930 Lead agency for private projects with one agency with jurisdiction.

197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.

197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.

197-11-936 Lead agency for private projects requiring licenses from more than one state agency.

197-11-938 Lead agency for specific proposals.

- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

### **18.310.250 Fees**

The city shall require the following fees for its activities in accordance with the provisions of this chapter:

- A. **Threshold Determination.** For every environmental checklist the city will review when it is lead agency, the city shall collect a fee of \$150.00 from the proponent for the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee. When the city completes the environmental checklist at the applicant's request or under LCMC 18.310.110, an additional, \$150.00 shall be collected.
- B. **Mitigated Determination of Nonsignificance (MDNS).** Where the city is the lead agency and the city issues a threshold determination of MDNS, the city shall charge the applicant for all administrative and professional costs the city incurs in preparing mitigation measures.
- C. **Environmental Impact Statement.**
  - 1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
  - 2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for the activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city and applicant.
  - 3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsection (3)(a) or (b) of this section which remain after incurred costs are paid.
- D. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.
- E. The city shall not collect a fee for performing its duties as a consulted agency.
- F. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW.

### **18.310.260 Severability**

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other person or circumstances, shall not be affected. WAC 197-11-950 (Severability) is adopted by reference.

## **Article XI. Forms**

### **18.310.270 Adoption by reference of certain forms**

The city adopts the following forms and sections by reference:

- WAC
- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.

- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

#### **Article XII. Miscellaneous**

##### **18.310.280 Wellhead protection**

The city council includes and adopts, by reference, Clark County Wellhead Protection Ordinance No. 1991-08-45 (Sections 20.70.040 and 20.70.050 from Title 20 of Clark County Code).

**Chapter 18.320 - STORM WATER AND EROSION CONTROL**

## Sections:

## Article I. Introduction

- 18.320.100 Findings.
- 18.320.110 Purpose.
- 18.320.120 Applicability.
- 18.320.130 Definitions.
- 18.320.140 Enforcement.

## Article II. Standard Requirements

- 18.320.200 Submittal requirements.
- 18.320.210 Water quality treatment.
- 18.320.220 Quantity control.
- 18.320.230 Maintenance and ownership.
- 18.320.240 Other requirements.

## Article III. Exceptions and Special Cases

- 18.320.300 Basin plans.
- 18.320.310 Regional and subregional facilities.
- 18.320.320 Variances.
- 18.320.330 Other governmental agency projects.
- 18.320.340 Single-family home construction.
- 18.320.350 Small residential projects.
- 18.320.360 Other exemptions.

## Article IV. Other Provisions

- 18.320.400 Contents of a preliminary storm water plan.
- 18.320.410 Contents of a final storm water plan – Technical information report (TIR).
- 18.320.420 Contents of an abbreviated preliminary storm water plan.

## Article V. Adopted Basin Plans

- 18.320.500 Reserved.

**Article I. Introduction****18.320.100 Findings**

The council finds that:

- A. Inadequately controlled storm water runoff results in increased storm water runoff volumes, peak flow rates and duration of peak flows in the city's streams, thereby causing flooding and safety hazards, and erosion, scouring, and deposition of sediment;
- B. Untreated storm water runoff discharges nutrients, metals, oil and grease, toxic materials, and other forms of pollution to the city's surface and ground water resources, thereby endangering their use for recreation, drinking water, and fisheries;
- C. Storm water problems from new development should be prevented and corrected at the time that such development occurs and that the governmental approval to proceed with new development should be so conditioned;
- D. The most financially sound and most equitable method for financing the improvements necessary to correct existing problems from storm water runoff and to provide and maintain surface and ground water quantity and quality within drainage basins is for the owners and occupiers of existing properties and future developments within such basins to share the financial burden for such facilities and corrections with other funding sources when available; and
- E. The most technically and financially efficient method of addressing problems caused by storm water runoff is through basin plans.

**18.320.110 Purpose**

The purpose of this chapter is to:

- A. Prevent surface and ground water quality degradation and prevent erosion and sedimentation of creeks, streams, ponds, lakes, wetlands, and other water bodies;
- B. Prevent damage to property from increased runoff rates and volumes;
- C. Protect the quality of waters for drinking water supply, contact recreation, fishing and other beneficial uses;
- D. Establish sound developmental policies that protect and preserve the city's water resources;
- E. Protect roads and rights-of-way from damage due to inadequately controlled runoff and erosion;
- F. Preserve and enhance the aesthetic quality of the city's water resources;
- G. Protect the health, safety and welfare of the inhabitants of the city;
- H. Maintain existing ground water levels, in-stream flows, and available water supply volumes; and
- I. Further the goals of no net change in the quantity of runoff entering streams and no net negative change in the quality of runoff entering streams through the implementation of best management practices.

**18.320.120 Applicability**

- A. All ground-disturbing activities in excess of 500 square feet must follow the requirements of the "City of La Center Erosion Control Guidelines" (June 1998 or latest edition).
- B. The provisions of this chapter apply to each of the following "development activities":
  1. The creation of more than 2,000 square feet of impervious surface or the division of urban single-family residential land creating the reasonable potential for more than 2,000 square feet of additional impervious surface.
  2. The addition of more than 1,000 square feet of new impervious surface on existing industrial or commercial parcels.
  3. Replacement of existing structures exceeding 5,000 square feet on commercial or industrial parcels.
- C. The provisions of this chapter also apply to "drainage projects," as defined in LCMC 18. 320.130.

**18.320.130 Definitions**

For the purposes of this chapter, the following definitions shall apply:

- A. "Best management practice" or "BMP" means those physical, structural and managerial practices, and prohibitions of practices, that, when used singly or in combination, control storm water runoff peak flow rates and volumes and prevent or reduce pollution of surface water or ground water.
- B. "Basin plan" means a storm water management plan adopted by the council and meeting the requirements of Chapter 36.94 RCW.
- C. "City" means the mayor of the city of La Center or representative(s) designated by the mayor.
- D. "Council" means the council of the city of La Center, state of Washington.
- E. "Construction" means any site-altering activity, including but not limited to grading, utility construction and building construction.
- F. "Contributing drainage area" means the subject property together with the watershed contributing water runoff to the subject property.

- G. “Design storm” means the rainfall from a storm of 24-hour duration. For example, two-year storm means the two-year, 24-hour storm.
- H. “Development activity” means:
1. The creation of more than 2,000 square feet of impervious surface or the division of urban single-family residential land creating the reasonable potential for more than 2,000 square feet of additional impervious surface;
  2. The addition of more than 1,000 square feet of new impervious surface on existing industrial or commercial parcels; or
  3. The replacement of existing structures exceeding 5,000 square feet on commercial or industrial parcels.
- I. “Development site” means the property on which a development activity is proposed.
- J. “Drainage project” means the excavation or construction of pipes, culverts, channels, embankments or other flow altering structures in any stream, storm water facility, or wetland in the city of La Center.
- K. “Ground water” means water in a saturated zone or stratum beneath the surface of land or below a surface water body (source: WAC 173-200-020).
- L. “Impervious surface” means a hard surface area that either prevents or retards the entry of water into the soil. Examples include, but are not limited to, structures, walkways, patios, driveways, carports, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, haul roads and soil surface areas compacted by construction operations, and oiled or macadam surfaces. Open, uncovered storm water facilities are not considered impervious surfaces.
- M. “Natural location” means the location and elevation of those channels, swales, and other nonmanmade conveyance systems as defined by the first documented topographic contours existing for the development site, either from maps or photographs.
- N. “NPDES” means the National Pollutant Discharge Elimination System.
- O. “Peak discharge” means the maximum storm water runoff rate in cubic feet per second determined for the design storm.
- P. “Project engineer” means a registered professional engineer, licensed in the state of Washington, experienced and knowledgeable in the practice of civil engineering related to storm water runoff control and treatment, who is responsible for design and the preparation of storm water plans.
- Q. “The Puget Sound Manual” means State of Washington Department of Ecology’s “Stormwater Management Manual for the Puget Sound Basin”, February 1992 edition and updated errata sheets issued by Clark County may be necessary to correct clear and obvious mathematical and technical errors in manual criteria.
- R. “Regional facility” means a facility designed to treat and control storm water runoff from a contributing drainage area of at least 40 acres.
- S. “Registered soil scientist” means a professional soil scientist registered with the American Registry of Certified Professionals in Agronomy, Crops and Soils, experienced and knowledgeable in the practice of pedology related to soil survey, who is responsible for design and preparation of soils maps, related soil groups, and identifying soil factors for construction engineering.
- T. “Roof downspout systems” mean disposal systems that infiltrate storm water runoff from roofs into the ground and meet the requirements stated in LCMC 18.320.210(2) for these systems.
- U. “Storm water facility” means the natural or constructed components of a storm water drainage system, designed and constructed to perform a particular function, or multiple functions. Storm water facilities

include, but are not limited to: pipes, swales, ditches, open channels, culverts, storage basins, infiltration devices, catch basins, manholes, dry wells, oil/ water separators, and sediment basins.

- V. “Stream” shall mean those areas of year-round base flow or where surface waters produce a defined channel or bed at least two feet in width between ordinary high water marks. For the purposes of this chapter, streams shall include both natural channels and manmade channels that were constructed to replace a natural stream.
- W. “Subregional facility” means a facility designed to treat and control storm water runoff from more than one development in a contributing drainage area of less than 40 acres.
- X. “Wetlands” means those areas defined as wetlands under Chapter 18.300 LCMC, Critical Areas.

#### **18.320.140 Enforcement**

The city is authorized to enforce the provisions of this chapter utilizing the remedies and procedures in this code.

### **Article II. Standard Requirements**

#### **18.320.200 Submittal requirements**

- A. Preliminary Storm Water Plan.
  - 1. Purpose. The purpose of this plan is to determine whether a proposal can meet the requirements set forth in this chapter. The preliminary storm water plan shall identify how storm water runoff originating on the site or flowing through the site is presently controlled and how this will change due to the proposed development activity or drainage project. If the site is within the region covered by a basin plan that is included in Article V of this chapter, then the information needed in the preliminary plan is reduced.
  - 2. Types of Projects. A preliminary storm water plan is required for the following activities:
    - 3. Short plats and site plan reviews subject to SEPA review;
    - 4. Subdivisions;
    - 5. Conditional use permits;
    - 6. Planned unit developments.
    - 7. Timing.
- B. A preliminary storm water plan shall be submitted with the land use application.
  - a. (ii) A land use application shall be considered “technically complete” from the standpoint of storm water information when a preliminary storm water plan meeting the submittal requirements of this chapter is provided.
  - b. (iii) To insure adequate public review and avoid multiple reviews of preliminary plans by city staff, the preliminary storm water plan shall not be significantly modified after public notice of the final SEPA determination without issuance of a new SEPA determination.
  - 2. Contents. The preliminary storm water plan shall be prepared in the standardized format described in LCMC 18.320.400. The purpose of this standardized format is to promote a quick and efficient review of required information and to evaluate the feasibility of the proposed storm water control and water quality measures.
  - 3. Modification of Content Requirements. The city may waive in writing some or all of the content requirements in the preliminary storm water plan if:
- C. The development activity or drainage project is included in an approved final storm water plan which meets the requirements of this chapter; or

- a. (ii) A basin plan exists that makes some of the information irrelevant.
  2. Review and Approval. For proposals connected with a land use application requiring a public hearing, the preliminary storm water plan shall be heard and decided in accordance with the procedures applicable to the land use application. All other preliminary storm water plans shall be acted on by the city within 30 days following submittal of a preliminary storm water plan meeting the submittal requirements of this chapter.
  3. Appeals. Preliminary storm water plan decisions may be administratively appealed in conjunction with the associated land use application.
- D. Final Storm Water Plan.
1. Purpose. The final storm water plan provides final engineering design and construction drawings for the storm water aspects of a proposed development activity or drainage project.
  2. Types of Projects. A final storm water plan is required for all development activities and drainage projects described in LCMC 18.320.120, even when a preliminary storm water plan is not required under subsections (1)(b) or (e) of this section.
  3. Timing. The final storm water plan is required and must be approved by the city prior to beginning construction related to a development activity or drainage project.
  4. Contents. The final storm water plan shall consist of three parts:
- E. The approved preliminary storm water plan, when required, with an explanation of any differences between the design concepts included in the preliminary storm water plan and the final engineering plans. A final storm water plan that differs from the approved preliminary storm water plan in a manner that, in the opinion of the city, raises material water quality or quantity control issues, shall, if subject to SEPA, require another SEPA determination, and if subject to a public hearing, a second public hearing before the land use hearing examiner.
- a. (ii) Final engineering plans that provide sufficient detail to allow construction of the storm water facilities. These plans shall be stamped, signed, and dated by the engineer(s) registered in the state of Washington, responsible for hydrologic, hydraulic, geotechnical, structural and general civil engineering design and by the project engineer responsible for the preparation of the final storm water plan. Additionally, the final engineering plan shall show all utilities to insure conflicts between proposed utility lines do not exist.
  - b. (iii) A technical information report (TIR).
2. The TIR shall be a comprehensive report, supplemental to the final engineering plans, containing all technical information and analysis necessary to complete final water quantity and quality engineering plans based on sound engineering practices and careful geotechnical, hydrologic, hydraulic and water quality design.
  3. The TIR shall be stamped, signed and dated by the professional engineer(s), registered in the state of Washington, responsible for hydrologic, hydraulic, geotechnical, structural and general civil engineering design.
  4. The contents and format of the TIR are specified in LCMC 18.320.410. This format is intended to serve as a guide to the type of information appropriate in the TIR. The level of detail in the TIR is dependent on the complexity and size of the project.
  5. Modification of Content Requirements. The city may waive, in writing, some of the content requirements in the final storm water plan if:



- F. The development activity or drainage project is included in an approved final storm water plan which meets the requirements of this chapter and the applicant demonstrates to the satisfaction of the city that the applicable provisions of the previously approved final storm water plan will be met;
- a. (ii) The city determines, upon receipt of a letter of request from the applicant, that less information is required to accomplish the purposes of this chapter; or
  - b. (iii) A basin plan exists that makes some of the information irrelevant.
2. Review and Approval.
- G. Final storm water plans shall be reviewed within 14 days of submittal or re-submittal.
- a. (ii) All final storm water plans require approval by the city. Approval is only for conformance with city of La Center standards and does not relieve the engineer of record of responsibility for the design.
  - b. (iii) Approval of final storm water plans does not relieve the applicant from the obligation to comply with this chapter and does not prevent the city from recovering for defective work or violation of this chapter.
- H. As-Built Plans.
1. As-built plans which accurately represent the project as constructed shall be provided to the city prior to the issuance of building permits for single-family residential subdivisions, the issuance of occupancy permits for projects subject to site plan review, and within 60 days following completion of construction for other projects.
  2. The as-built plans shall include corrected engineering plans for the storm water system, showing constructed dimensions and elevations. In addition, revisions to the final storm water plan shall be submitted with the as-built plans where changes which take place during construction significantly alter the calculations and assumptions contained in the plan.
  3. All plans submitted shall be reproducible and on mylar.
  4. The as-built plan submittal shall be stamped, signed and dated by a licensed professional engineer, registered in the state of Washington, certifying that the constructed project is in conformance with the final storm water plan.

### **18.320.210 Water quality treatment**

#### **A. General Standards.**

1. All projects shall provide treatment of storm water runoff through the use of BMPs specified in this section.
2. Treatment BMPs shall be sized to capture, hold, and treat the water quality design storm, defined as the six-month, 24-hour storm runoff volume.
3. If site conditions are appropriate and ground water quality will not be impaired, infiltration is the preferred BMP. All discharges to ground water shall comply with the following state laws: “The Water Pollution Control Act” (Chapter 90.48 RCW), “The Water Resources Act” (Chapter 90.54 RCW), and “Water Quality Standards for Ground Waters of the State of Washington” (Chapter 173-200 WAC). Infiltration may be limited near public water supply wells.
4. The BMPs cited in this section shall be sited, designed, and constructed in accordance with the requirements detailed in the Puget Sound Manual for each BMP, with the following exceptions:
5. For biofiltration swales (RB.05) and vegetative filter strips (RB.10), alternative design criteria from the publication “Biofiltration Swale Performance, Recommendations, and Design Considerations –

Appendix G” by the Municipality of Metropolitan Seattle, Water Pollution Control Department, dated October 5, 1992, shall be used.

6. Where provisions of this chapter conflict with the Puget Sound Manual or other cited design guidance, this chapter shall take precedence.
  7. All discharges to surface waters shall comply with the following state laws: “The Water Pollution Control Act” (Chapter 90.48 RCW) and “Water Quality Standards for Surface Waters of the State of Washington” (Chapter 173-201A WAC).
- B. Standard BMPs.
1. Standard storm water treatment BMPs shall be used to treat storm water throughout the city of La Center.
  2. Acceptable standard treatment BMPs include the following from the Puget Sound Manual (Chapters III-3, III-4, and III-6):
- C. R1.05 – WQ infiltration basin.
1. RI.10 – WQ infiltration trench.
  2. RI.15 – Roof downspout system.
  3. RD.09 – Constructed wetland.
  4. RD.06 – Wet pond with marsh.
  5. RD.05 – Wet pond without marsh.
  6. RB.05 – Biofiltration swale.
  7. RB.10 – Vegetative filter strip.
  8. RF.05 – Sand filtration basin.
  9. RF.10 – Sand filtration trench.
  10. Sand filtration BMPs (RF.05 and RF.10) are not allowed on commercial or industrial sites where the effluent from the treatment systems will drain to ground water.
  11. For biofiltration swales and vegetative filter strips, the hydraulic residence used for design shall be no less than nine minutes. Swale slopes, however, may be less than two percent.
  12. Infiltration BMPs shall not be used as temporary erosion control devices.
  13. Alternative roof downspout systems that provide an equivalent level of performance to the system in the Puget Sound Manual (RI.15) may be approved by the city. Roof downspout systems can be constructed without observation wells.
- D. Source Control BMPs. In addition to the other water quality treatment requirements in this section, commercial, industrial, and public works development activities shall meet the source control BMPs specified in Chapters IV-2, IV-3, and IV-A of the Puget Sound Manual.
- E. Oil/Water Separators.
1. The following development activities require API or CPS-type oil/water separators:
    - a. Industrial machinery and equipment, trucks and trailer aircraft, parts and aerospace, railroad equipment;
    - b. Log storage and sorting yards;
    - c. Airfields and aircraft maintenance;

- d. Fleet vehicle yards;
  - e. Railroads;
  - f. Gas stations;
  - g. Retail/wholesale vehicle and equipment dealers;
  - h. Vehicle maintenance and repair;
  - i. Construction businesses such as paving, heavy maintenance, equipment storage and storage of petroleum products (this does not include construction sites);
  - j. Other activities that exhibit a significant risk of high oil loading in runoff.
2. The following development activities shall require spill control (SC) type oil/water separators:
    - a. Restaurants;
    - b. Multifamily residential projects creating parking spaces for 25 or more vehicles;
    - c. Other activities where the risk of oil spills or illegal dumping of oil or grease is significant.
  3. For development activities cited in subsections (E)(1) and (2) of this section, oil/water separators shall not be required on portions of a site where the risk of oil or grease spills or dumping is minimal.
  4. Oil/water separators shall be designed in accordance with Chapter III, Section III-7 of the Puget Sound Manual.
- F. Infiltration BMPs on Industrial and Commercial Sites.
1. Infiltration of storm water runoff may not be allowed on commercial and industrial sites, which, due to location or the proposed use, pose a significant threat of contamination to ground water.
  2. Approval for use of infiltration BMPs (RI.05-30 in the Puget Sound Manual) on industrial and commercial sites, including gas stations, shall be conditioned on all the following criteria, unless found inappropriate by the city:
    - a. Analysis of the potential for ground water contamination from the site. This analysis shall include a soils and ground water evaluation if deemed appropriate by the city.
    - b. Demonstration that no other feasible alternative exists for disposing of storm water from the site.
    - c. A “State Waste Discharge Permit”, as described in Chapter 173-216 WAC, obtained from the state of Washington Department of Ecology, where required by the state, and other state permits and approvals as appropriate.
  3. The requirements of subsection (F)(1) of this section shall not apply to runoff from portions of a site where the risk of ground water contamination is no greater than single-family residential sites. Examples of these areas include rooftop drainage, runoff from undeveloped portions of a site, and drainage from portions of parking lots where the risk of illegal dumping is minimal.
  4. In cases where infiltration is allowed on commercial and industrial sites and a significant risk of ground water contamination exists, the city may require ground water monitoring to insure against ground water contamination. The city may also require an agreement from the applicant for full mitigation in the event of ground water contamination.
  5. The provisions of this subsection (F) do not apply to non-industrial and non-commercial sites that are defined under the NPDES permit system as industrial due to temporary construction activity.
- G. Experimental BMPs.

1. Experimental best management practices are those which have not been fully tested and evaluated by the county or the Department of Ecology and are not included as accepted practices in this code or the Puget Sound Manual. Experimental BMPs that are adequately tested and proven effective shall be incorporated into this chapter as standard or accepted BMPs in the future.
2. Experimental BMPs may be allowed if all the following conditions are met:
  - a. The experimental BMP usage is part of a Department of Ecology or Clark County water quality division research project;
  - b. Monitoring of the effluent quality produced by the BMP, as well as influent quality, will be conducted for at least two years;
  - c. Results of the research will be published;
  - d. Financing is available to construct the BMP, conduct the testing, and publish the results.

#### H. Drainage Structure Labeling and Signage.

1. All catch basins and manholes capable of accepting storm water shall be stenciled. The stenciling shall be redone once a year or as necessary to maintain readability. For infiltration systems stenciling shall read: "Dump No Waste – Protect Your Ground Water". For facilities draining to surface waters the stenciling shall read: "Dump No Waste – Drains to Stream".
2. Signs shall be installed along water quality biofiltration systems that read: "Water Quality Filter – Please Leave Vegetated".

### 18.320.220 Quantity control

#### A. General Standards.

1. All projects shall provide quantity control of storm water runoff in accordance with the requirements of this section.
2. Natural drainage flow routes through streams shall be maintained, and discharges from the site shall occur at the natural location and elevation, to the maximum extent practical.
3. Transfer of runoff from one basin to another shall not be allowed.
4. Surface water exiting a parcel shall be discharged with adequate energy dissipaters within the development site to prevent downstream damage.
5. No reduction of existing conveyance capacity and no net loss of existing storage capacity for the 100-year storm is permitted in special flood hazard areas as defined by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study of Clark County" effective August 2, 1982. This requirement shall also apply to all areas within the limits of the existing 100-year floodplain, as determined by hydrologic/hydraulic computations in accordance with this chapter, for all streams and manmade channels within city of La Center.
6. Where provisions of this chapter conflict with the Puget Sound Manual or other cited design guidance, this chapter shall take precedence.

#### B. Hydrologic and Hydraulic Analysis.

1. Hydrologic and hydraulic analysis shall be in accordance with Chapters III-1 and III-2 of the Puget Sound Manual, with the following exceptions:
  - a. Table III-1.6, "Hydrologic Soil Groups for Soils in the Puget Sound Basin" is replaced by "Hydrologic Soil Groups for Soils in Clark County", (Exhibit B). (Source: SCS TR-55, Second Edition, June 1986, Exhibit A-i. Revisions made from SCS, Soils Interpretation Record, Form #5, September 1988). Alternatively, hydrological soil groups can be developed by a registered soil scientist using criteria set in the USDA, SCS National Soils Handbook.

- b. Appendix AIII-1.1, “Isopluvial Maps for Design Storms” is replaced by “Isopluvial Maps for Design Storms in Clark County”, (Exhibit C). (Source: NOAA Atlas 2, “Precipitation Frequency Atlas for the Western United States, Volume IX – Washington.)
  - c. The “HEC-1 Flood Hydrograph Package” computer program, developed by the Hydrologic Engineering Center, U.S. Army Corps of Engineers is an acceptable hydrologic computation program for use in the city of La Center.
  - d. Design of storm water collection systems shall be in accordance with Hydraulic Engineering Circular #12, “Drainage of Highway Pavements”, 1984 Edition, published by the United States Department of Transportation, Federal Highway Administration (FHWA).
2. Table III-1.3, “SCS Western Washington Runoff Curve Numbers” of the Puget Sound Manual shall be used to calculate pre-development and post-development runoff with the following constraints:
    - a. Predevelopment land use shall be the typical land use over the past 50 years, as demonstrated by evidence acceptable to the city of La Center. Alternatively, the land use shown on 1968 aerial photos can be used.
    - b. In areas where the predevelopment land use is determined to be forest, the curve numbers for “undisturbed” forest land shall be used.
    - c. Development activities involving replacement of existing commercial and industrial facilities can assume predevelopment land use equivalent to the facility being replaced.
  3. If surface runoff leaves a development site and the predevelopment runoff calculations do not assume undisturbed forest in determining the runoff curve number, then a hydraulic and hydrologic analysis of the capacity of the downstream conveyance system shall be required.
    - a. The analysis shall analyze both the natural and manmade conveyance system to the East Fork Lewis River or a point at least one mile downstream from the development site, whichever is less. This distance may be extended by the city if impacts further downstream are likely due to the development activity.
    - b. Based on the analysis, the system will be assumed to be at capacity if one of the following conditions exists currently or will exist as a result of the proposed development activity:
      - i. The conveyance system fails to meet the requirements of this section.
      - ii. Streams that are part of the conveyance system overflow their banks during a two-year storm.
      - iii. Significant strewn bank erosion is evident.
      - iv. Existing downstream residences are flooded during the 100-year storm.
- C. Design Methodology for Quantity Control Facilities.
1. Except as limited by LCMC 18.320.210(6) for commercial and industrial sites, infiltration of the 100-year storm is required for all storm water discharges from development sites where local soil types and ground water conditions are suitable provided that water quality treatment as detailed in LCMC 18.320.210 is provided prior to infiltration.
  2. The design infiltration rate for infiltration systems shall be limited to half the percolation rate. Percolation rates shall be tested on-site for all soils.
  3. The city may allow the base of infiltration facilities to be less than three feet above seasonal high water or an impermeable layer if the quality and quantity control requirements of this chapter can be met.
  4. For surface runoff leaving a development site, the following criteria shall be met:

- a. The peak release rate for the 2-, 10-, 25- and 100-year design storms after development shall not exceed the respective predevelopment rates.
- b. The runoff volume for the 25-year design storm after development shall not exceed the predevelopment runoff volume for the 25-year storm.
5. For development activities where a downstream analysis is performed and the conveyance system is at capacity as defined in subsection (B)(3) of this section, the runoff volumes from the 25- and 100-year design storm after development shall not exceed the pre-development runoff volumes from the 25- and 100-year storm.
6. To insure the standards in this section are met, the volume available for storing runoff in a storm water facility shall be reduced by:
  - a. High seasonal ground water; and
  - b. Assumed starting condition equivalent to an immediately prior two-year storm event.
7. Design of storm water control facilities shall be in accordance with the following methods from the Puget Sound Manual (Chapters III-1 and III-3):
  - a. Section III-1.4.4 – Hydrograph Routing;
  - b. Section III-1.4.5 – Hydrograph Summation and Phasing;
  - c. Section III-1.4.6 – Computer Applications;
  - d. Section III-3.3 – Feasibility Analysis and General Limitations for Infiltration BMPs;
  - e. Section III-3.4 – General Design Criteria for Infiltration and Filtration BMPs;
  - f. Section III-3.5 – Construction and Maintenance;
  - g. Section III-3.3 – General Design Criteria;
  - h. Section III-4.4 – Standards and Specifications for Detention Ponds.

D. Conveyance Systems.

1. Open channel conveyance systems incorporating water quality treatment, habitat improvement and emergency overland flood relief routes shall be utilized to the maximum extent practicable.
2. Storm water conveyance elements to transport water within and from a project site shall be sized to carry flows from the “design storm” from the contributing drainage area based upon the projected full buildout of that contributing drainage area, and be fully compatible with existing downstream conveyance elements and flow conditions.
3. For storm water conveyance design, the “design storms” shall be as follows:
  - a. Ten-year storm – contributing drainage areas less than 40 acres.
  - b. Twenty-five-year storm – contributing drainage areas of 40 acres or more.
  - c. One-hundred-year storm – culverts with contributing drainage areas greater than 200 acres, culverts in areas of special flood hazard as described in Federal Emergency Management Agency “FIRM” maps and reports for Clark County, culverts where upsizing in order to meet design requirements for the 100-year storm is required.
4. Development sites shall be planned to be able to pass a 100-year storm through the site.
5. Closed conveyance system elements shall be designed to operate in an open flow, not pressure flow, regime.

6. Runoff from the 100-year storm may leave pipes and channels but shall not rise to elevations more than two feet below that of the lowest finished floor of buildings.
  7. For the 10-year storm, street ponding shall be limited to one-half of the roadway area and shall not exceed the capacity of the inlet or produce a flow depth of greater than 0.12 feet at the edge of the travel lane.
  8. For roadway flooding conditions during the 100-year storm, one travel lane in either direction shall remain open to emergency vehicles at all times. A travel lane will be considered to be open to emergency vehicles if the maximum depth of flow in the travel lane does not exceed 0.5 feet.
  9. For parking lot flooding conditions during the 100-year storm, the maximum depth of ponding shall not exceed 1.5 feet. Storage volumes resulting from ponding in street and parking lot areas may be used to meet the storage requirements of subsection (3) of this section for the 100-year storm.
  10. Design of conveyance systems shall be in accordance with Chapter III-2 of the Puget Sound Manual.
  11. Design of bridges shall be in accordance with the State of Washington Department of Transportation Bridge Design Standards, 1991 Edition or most current edition.
  12. Storm water easements shall be provided to the city for access and maintenance of all conveyance systems within the development site which are to be maintained by the city. The minimum widths of easements shall be as follows, although the city may require increased widths when necessary to insure adequate area for equipment access and maintenance:
    - a. Pipes with I.D. less than or equal to 36 inches: 20 feet;
    - b. Pipes with I.D. greater than 36 inches: 20 feet plus pipe I.D.;
    - c. Pipes shall be located with their center line no closer than one-quarter of the easement width from an adjacent property line;
    - d. Channels: top width of channel plus 15 feet on one side.
  13. Storm water easements shall be provided to the city for access and maintenance of all streams within a development site.
    - a. Easements shall include the land between the top of bank on both sides of the stream.
    - b. Easements shall also include an additional 25 feet adjacent to the top of bank on one side of the stream for equipment and maintenance access, if adequate access is not available in the area between the top of banks.
    - c. Excluded from the easements shall be any existing private structures, such as buildings, which prevent access to the stream.
  14. No buildings or other structures that prevent access are permitted within easements. Fences crossing easements shall provide gates of sufficient width over the easement for access by maintenance vehicles.
- E. Discharge to Large Water Bodies. Projects meeting all the following criteria are exempt from the quantity control requirements of subsections (A)(4) and (5) of this section:
1. The runoff from the project directly enters the East Fork of the River;
  2. Runoff is treated in accordance with the requirements of LCMC 18.320.210;
  3. The discharge and its related structures are approved by the Washington Department of Fish and Wildlife and other appropriate state and federal agencies;
  4. The discharge structure is designed to avoid erosion during all storms up to the 100-year storm;
  5. If an existing discharge structure is used:

- a. The structure must meet requirements in subsections (E)(4) and (5) of this section; and
- b. The discharge structure and conveyance system leading to the discharge must have adequate capacity to meet the requirements of this chapter.

### **18.320.230 Maintenance and ownership**

#### **A. City Ownership of Storm Water Facilities.**

1. Storm water facilities located within public road rights-of-way shall be owned by the city.
2. City ownership of storm water facilities outside public road rights-of-way is not required and will be considered on a case-by-case basis.
3. City ownership of storm water facilities is required where the city will assume long-term maintenance of the facilities.

#### **B. Initial Maintenance.**

1. To insure satisfactory operation of new storm water facilities, the applicant constructing the facility shall maintain it for two years after completion of the project.
2. In cases where the storm water facility is within a public road right-of-way or on land owned by the city of La Center, the applicant constructing the facility, after satisfactory completion of the storm water facilities and as a condition of acceptance of such facilities by the city of La Center, shall commence a two-year period of maintenance of the facility. The applicant shall satisfactorily maintain the facility and repair any failure within this two-year period. Additionally, the applicant shall post and maintain a maintenance bond or other security acceptable to the city during this two-year initial maintenance period. The purpose of the maintenance bond is to cover the cost of design defects or failures in workmanship of the facilities. The amount of the maintenance bond shall be 10 percent of the construction cost of the storm water facilities.

#### **C. Long-Term Maintenance.**

1. The city of La Center shall provide long-term maintenance of new storm water facilities under any of the following situations:
  - a. Facilities located in public road rights-of-way; or
  - b. Facilities dedicated to the city of La Center (dedication to the city of La Center requires prior approval and acceptance by the city).
2. If the city of La Center provides long-term maintenance of a storm water facility, all the following requirements shall be met:
  - a. The requirements in subsection (B) of this section shall be completed;
  - b. The facilities shall be inspected and approved by the city prior to acceptance. Required remedial work to correct design and construction deficiencies shall be completed by the project developer prior to acceptance; and
  - c. All necessary ownerships and easements entitling the city to properly access and maintain the facility shall be conveyed to the city of La Center and recorded with the county auditor.
3. For storm water facilities for which the city of La Center will not provide long-term maintenance, the applicant shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance in a manner subject to the approval of the city. Such arrangements shall be approved prior to city approval of the final storm water plan and completed prior to the end of the two-year initial maintenance period of the applicant's responsibility or in the case of plats, prior to the time of recording.



4. The city shall inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the city shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the city shall perform this maintenance and bill the parties responsible for the maintenance.
5. Easements or a covenant acceptable to the city shall be provided to the city for purposes of inspection of privately maintained facilities. The minimum dimensions of easements for storm water facilities are as follows:
  - a. Sufficient width around a treatment or storage pond to encompass the pond plus the additional area necessary for equipment accesses;
  - b. Pond design and easements shall allow access to all areas within the pond by standard maintenance equipment vehicles;
  - c. Widths of easements for conveyance facilities shall be as detailed in LCMC 18.320.220(D)(12) and (13).
6. Final plats shall include a note specifying the party(s) responsible for long-term maintenance of storm water facilities.

#### **18.320.240 Other requirements**

##### **A. Location of Storm Water Facilities.**

1. Treatment runoff control and recharge facilities shall be located prior to the point of discharge into a stream, lake, or fish-bearing water or prior to discharge to ground water.
2. Location of storm water facilities in relation to wetlands are specified in Chapter 18.300 LCMC, Critical Areas.
3. Storm water facilities, other than closed conveyance systems, shall be located at least 100 feet from existing and proposed on-site sewage system drainfields.
4. Infiltration systems used for storm water disposal shall be located at least 100 feet from domestic water supply wells.
5. Swales and other storm water treatment facilities using biofiltration shall be located outside easements and corridors used by phone, electric, water, natural gas, and other utilities unless the utilities are installed prior to construction of the biofiltration system.
6. Sites used for storm water treatment and runoff control facilities shall be owned by the applicant city, county, or state and:
  - a. If the city, county or state owns the site, a letter from the responsible agency allowing use of the site for storm water control shall be submitted with the preliminary storm water plan.
  - b. If the city, county or state does not own the site and the proposal involves a development activity, the storm water control site shall be included for consideration with the land use application for the development activity.
7. Storm water treatment and control facilities shall be located on separate tracts which are recommended, but not required, to meet minimum zoning lot size requirements. The plat or other dedication instrument shall indicate tract disposition in the event of city abandonment or vacation.

- ##### **B. Protection of Infiltration Systems from Erosion.** Storm water infiltration systems shall be isolated and protected from sedimentation due to erosion during the construction phase of a development activity or drainage project. Furthermore, use of infiltration systems shall be minimized until the erodible parts of a site are stabilized with adequate vegetation.

C. Fencing of Storm Water Facilities.

1. Storm water treatment and runoff control facilities located in or adjacent to residential areas shall be fenced unless these facilities are constructed as part of a project amenity such as a park or the city waives the fencing requirement due to special circumstances.
2. Storm water treatment and runoff control facilities, other than those described in subsection (C)(1) of this section, shall be fenced if they pose safety risks to the public.
3. The size and type of fence shall be determined by the city.

D. Side Slopes of Storm Water Facilities.

1. For maintenance and safety reasons, side slopes of storm water facilities normally shall be no steeper than 4:1.
2. For facilities to be maintained by the city, vertical slopes are allowed if all the following conditions are met:
  - a. No more than 50 percent of the perimeter of the storm water facility shall have vertical sides except in areas of steep topography where 75 percent of the perimeter may have vertical sides.
  - b. Vertical sides more than three feet high shall be fenced.
  - c. Slopes steeper than 2:1 shall be analyzed for structural stability and shown to be structurally sound.
  - d. Access for maintenance of facilities satisfactory to the city shall be provided.
  - e. Side slopes in a biofiltration treatment area shall be no steeper than 4:1.
3. For facilities that will not be maintained by the city, slopes steeper than 4:1 are allowed if all the following conditions are met:
  - a. Side slopes in a biofiltration treatment area shall be no steeper than 4:1.
  - b. Adequate long-term erosion control is provided.
  - c. Slopes steeper than 2:1 shall be analyzed for structural stability and shown to be structurally sound.
  - d. The maintenance and operations manual for the facility shall demonstrate that the facility can be maintained.
4. Side slope steeper than 4:1 may also be allowed by the city for specialized projects, such as stream bank reconstruction, where all the following conditions are met:
  - a. Side slopes do not need to be mowed.
  - b. Adequate long-term erosion control is provided.

E. Recovering Costs of Storm Water Facilities.

1. The following costs associated with storm water facilities may be recoverable through latecomers' agreements (RCW 35.91.010):
  - a. Oversizing on-site facilities above their existing capacity or the capacity required for the proposed development;
  - b. A proportionate share of the total cost of off-site facilities.
2. If a storm water utility exists, the costs for building or oversizing a storm water facility may be eligible as a credit against applicable system development charges.

F. Bonds and Insurance.

1. Performance Security. In lieu of completing required storm water facilities within a preliminary plat prior to recording, the applicant shall post a performance bond or other security acceptable to the city in the amount of the 125 percent of the estimated cost (prepared by the project engineer) of completing construction per the approved storm water plan. After determination by the city that all facilities are constructed in compliance with the approved plan, are performing their intended functions in a satisfactory manner, and that the maintenance bonding requirements of LCMC 18.320.230 are met, the performance bond or security shall be released.
2. Maintenance Security. In cases identified in LCMC 18.320.230(B), a maintenance bond acceptable to the city shall be posted and maintained during the initial maintenance period for a storm water facility.

### **Article III. Exceptions and Special Cases**

#### **18.320.300 Basin plans**

- A. Basin plans are strategies for a watershed designed to protect and enhance surface and ground water within a watershed.
- B. Where conflicts occur, the policies and standards in a basin plan shall supersede the other requirements of this chapter.
- C. To be valid, basin plans must be stamped by a registered professional engineer, adopted by the council and incorporated into this chapter.
- D. Adopted basin plans are identified beginning in LCMC 18.320.500.

#### **18.320.310 Regional and subregional facilities**

- A. If regional or subregional facilities are used to meet some or all of the standard requirements of Article II of this chapter, the following conditions shall be met:
  1. Storm water runoff shall be transported from a development site to a regional/subregional facility through a pipe or manmade open channel conveyance system.
  2. If the regional/subregional facility does not yet exist, interim quantity control and treatment methods shall be used to meet the standard requirements of Article II of this chapter. All interim methods shall be reviewed and shall require written approval by the city.
  3. The facility must have sufficient capacity to provide the treatment and quantity control specified in Article II.
  4. A written commitment from the owner of the facility, or the city; in the case of city facilities, shall be provided that allows use of the facility by the applicant.
- B. Where appropriate, a system development charge shall be assessed for use of a regional/subregional facility.

#### **18.320.320 Variances**

- A. General.
  1. Variance requests require a public hearing before a city of La Center hearing examiner. Notice and appeal requirements will be the same as those provided for preliminary subdivision plat applications.
  2. Variances shall be valid only for the life of the land use application permit or approval.
- B. Variances – Hardship. If application of the standard requirements of Article II of this chapter will preclude all reasonable use of a parcel, an applicant can make a written request for a waiver from some or all of the standard requirements of Article II. For the variance request to be considered, the applicant must demonstrate all of the following:

1. The proposed activities will not cause significant degradation of ground water or surface water quality;
2. The proposed activities comply with all state, local and federal laws, including those related to sediment control, pollution control, floodplain and floodway restrictions, wetland and fish habitat protection;
3. No material damage to nearby public or private property nor significant threat to the health or safety of people on or off the property will occur; and
4. The inability to derive any reasonable use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of the ordinance codified in this chapter.

#### **18.320.330 Other governmental agency projects**

The bonding and insurance requirements of LCMC 18.320.240(F) shall be waived for development activities and drainage projects undertaken by governmental agencies.

#### **18.320.340 Single-family home construction**

The construction of single-family homes, duplexes, and their accessory structures that fall into one of the categories below and meet the conditions stated for that category are exempt from the provisions of Article II (Standard Requirements) and Article IV (Other Provisions) of this chapter.

- (1) Previously Reviewed and Approved Site. The development site or parcel is included in an approved final storm water plan that meets the requirements of this chapter or a storm water plan was approved that provided for detention or retention of runoff from residential lots.
- (2) Lots 15,000 Square Feet and Less. Residential structures on lots 15,000 square feet or smaller constructed with roof downspout systems.
- (3) Lots 15,000 Square Feet to 1.5 Acres with Roof Downspout Systems. Lots larger than 15,000 square feet and smaller than or equal to 1.5 acres where the residential structure is constructed with a roof downspout system and the following minimum amounts of storage are provided for storm water runoff:
  - (a) Two thousand cubic feet per acre, if the site is unforested at time of occupancy.
  - (b) Eight hundred cubic feet per acre, if the majority of the site is young second or third growth forest at the time of occupancy.
  - (c) No storage, if the majority of the site is undisturbed forest at the time of occupancy.
- (4) Lots 15,000 Square Feet to 1.5 Acres without Roof Downspout Systems. Lots larger than 15,000 square feet and smaller than or equal to 1.5 acres where the residential structure is constructed without a roof downspout system and the following minimum amounts of storage are provided for storm water runoff:
  - (a) Three thousand cubic feet per acre, if the site is unforested at time of occupancy.
  - (b) One thousand six hundred cubic feet per acre, if the majority of the site is young second or third growth forest at the time of occupancy.
  - (c) Five hundred cubic feet per acre, if the majority of the site is undisturbed forest at the time of occupancy.
- (5) Lots Larger than 1.5 Acres. Lots larger than 1.5 acres where the following minimum amounts of storage are provided for storm water runoff:
  - (a) Three thousand cubic feet per acre, if the site is unforested at time of occupancy.
  - (b) One thousand five hundred cubic feet per acre, if the majority of the site is young second or third growth forest at the time of occupancy.

- (c) No storage, if the majority of the site is undisturbed forest at the time of occupancy. [

#### **18.320.350 Small residential projects**

- A. Qualifying Projects. Small residential projects include single-family residential short plats and subdivisions of four lots or less.
- B. Treatment and Runoff Control Requirements.
1. As an alternative to meeting all the water quality treatment and quantity control requirements specified in LCMC 18.320.210 and 18.320.220, small residential projects can utilize the following methods for treating and controlling storm water runoff:
    - a. Use of roof downspout systems for residential structures.
    - b. Control of runoff flows through creation of detention volume of at least 8,000 cubic feet per acre of the development site.
    - c. Use of one of the standard BMPs listed in LCMC 18.320.210(B) for treating runoff other than the runoff from roofs.
  2. Small residential projects that utilize the methods identified in subsection (B)(1) of this section shall be exempt from the following sections of this chapter:
    - a. Hydrologic and hydraulic analysis (LCMC 18.320.220(B)).
    - b. Design methodology for quantity control facilities (LCMC 18.320.220(C)(2), (3), and (4)).
- C. Information Requirements. The submittal requirements (LCMC 18.320.200) for small residential projects are modified as follows:
1. An abbreviated preliminary storm water plan as outlined in LCMC 18.320.420 can be substituted for the preliminary storm water plan.
  2. A technical information report (LCMC 18.320.200(B)(4)(c)) shall not be required; however, sufficient information and data shall be provided with the final storm water plan to allow the city to determine conformance with the applicable provisions of this chapter.

#### **18.320.360 Other exemptions**

- A. Drainage Projects.
1. Drainage projects that are not a part of a development activity are exempt from the water quality treatment provisions of this chapter (LCMC 18.320.210).
  2. For drainage projects that are not part of a development activity, the city may waive all or parts of the submittal requirements (LCMC 18.320.200), maintenance and ownership requirements (LCMC 18.320.230), and bonding and insurance requirements (LCMC 18.320.240(F)) if the project meets the other appropriate parts of this chapter.

### **Article IV. Other Provisions**

#### **18.320.400 Contents of a preliminary storm water plan**

The preliminary storm water plan required pursuant to LCMC 18.320.200(A) shall contain the information listed below. All maps shall contain a scale and north arrow. Insuring the accuracy of all the information is the applicant's responsibility.

- A. Vicinity Maps. All vicinity maps shall clearly show the site of the development activity or drainage project.
1. Site Location Map. Minimum USGS 1:24000 quadrangle topographic map showing (and labeling where appropriate):

- a. Contributing drainage areas and acreage;
  - b. Natural and manmade drainage features adjacent to site including existing and proposed (if known) storm water facilities.
2. Soils Map.
- a. The soils map shall show soils within the contributing area draining to the site and the site itself. Copies of Clark County soil survey maps may be used; however, if the maps do not appear to accurately represent the soils for a site, the applicant is responsible for verifying the actual soil types existing on a site.
  - b. Where unstable or complex soil conditions exist which may significantly impact the design of storm water facilities, the city may require a preliminary soils report to be completed that addresses storm water design considerations arising from soil conditions. The preliminary soils report shall be prepared by a registered professional engineer proficient in geotechnical investigation and engineering, or a registered soil scientist. The preliminary soils report shall include a soils map, developed using the criteria set in the USDA, SCS National Soils Handbook and USDA, SCS Title 430 Soil Survey Manual at a minimum scale of 1:5000 (12.7 in./mi.).
3. Other Maps. The following additional vicinity maps shall be required in the situations noted below:
- a. Conveyance System. If a surface water discharge of storm water is proposed from the site, a map showing the conveyance system downstream to a point where the storm water enters a stream, wetland, or other natural water body shall be required.
  - b. Floodplains. If a floodplain mapped by FEMA exists on or adjacent to the site, a map showing the floodplain is required.
  - c. Shoreline Management Area. If the site contains or is adjacent to a stream or lake regulated under the State Shorelines Management Act, a map showing the boundary of the shoreline management area in relation to the site is required.
- B. Preliminary Development Plan. The preliminary development plan shall show the character of the existing site and proposed features, including but not limited to:
1. Existing and proposed property boundaries, easements and rights-of-way;
  2. Existing contours with a two-foot maximum contour interval, unless the city determines a lesser interval is sufficient to show drainage patterns;
  3. Existing on-site water wells, known agricultural drain tiles, areas of potential slope instability, structures, utilities, and septic tanks and drainfields;
  4. Location of the 100-year flood plain and floodways and shoreline management area limits on the site;
  5. Proposed impervious surfaces outside of single-family residential lots;
  6. Existing water resource features on and adjacent to the site including streams, wetlands, springs, sinks, and storm water facilities;
  7. Drainage flow routes and existing discharge points to and from the site; and
  8. Approximate location and size of proposed storm water facilities, including typical cross-sections of proposed facilities.
- C. Additional Site and Vicinity Information.
1. If wetlands exist on the site and will be impacted by the proposal, a wetland delineation report (LCMC 18.300.070(F)(5)) shall be required.

2. In areas of high ground water, water table elevations, flow directions (where available), and data on seasonal water table fluctuations with minimum and maximum water table elevations (where available) shall be required.
  3. For sloping sites, a conceptual grading plan verifying the constructability of a storm water facility shall be required.
  4. The city may require additional site or vicinity information if needed to determine the feasibility of the storm water proposal.
- D. Preliminary Storm Water Design Report. A written narrative shall be required to accompany the preliminary storm water plan. The narrative shall describe the methods for meeting the requirements of this chapter and include the following information:
1. Description of on-site hydrologic soil groups and their suitability for the proposed design and verification of soil conditions through field reconnaissance (to the maximum extent practicable);
  2. Identification of the approximate amount of new impervious surface contemplated for the proposal;
  3. Identification of where runoff characteristics will be altered, e.g., where runoff curve numbers will be revised by the proposed development;
  4. Discussion of how on-site conveyance system design will provide for ultimate buildout of the upstream area based on the maximum density achievable under the city of La Center comprehensive plan, if applicable;
  5. Listing of approximate volumes of runoff storage required;
  6. Listing of tested percolation rates at sites to be used for infiltration, if required;
  7. Listing of proposed BMPs which will meet the treatment requirements of this chapter and are appropriate for the site;
  8. Description of the approximate size and location of storm water facilities on the site;
  9. For agricultural sites with drain tiles, a discussion of the impact of construction on the drain tiles and site drainage and the impact of the drainage tiles on proposed storm water facilities;
  10. Discussion of who will maintain the facility(s) after completion and proposed method of funding for maintenance if the facility(s) will be privately maintained; and
  11. Listing of additional permits (e.g., wetland, floodplain, and shoreline management permits) that may be required in connection with the storm water facilities.
- E. Downstream Analysis. If a downstream hydrologic and hydraulic analysis is required according to LCMC 18.320.220(B)(3), then the preliminary storm water plan shall include a preliminary version of this analysis. The preliminary analysis shall include:
1. Map of the downstream system with all significant drainage structures identified;
  2. Calculation of increased runoff flows and volumes from the development site for the 2-, 10-, 25- and 100-year storm;
  3. Preliminary calculations of the existing flows downstream of the development site, estimate of the capacity of the downstream system, and discussion of how additional runoff from the development site will impact the downstream system; and
  4. Identification of problem areas downstream such as those exhibiting overtopping, scouring, undercutting, bank sloughing, flooding, stream incision, and sedimentation.

- F. Signatures. All plans and reports shall be stamped, signed and dated by the professional civil engineer(s), registered in the state of Washington, and registered soil scientist if appropriate, responsible for their preparation, and by the project engineer responsible for preparation of the preliminary storm water plan.

**18.320.410 Contents of a final storm water plan – Technical information report (TIR)**

The technical information report, which is part of the final storm water plan, shall contain the following information:

- A. Table of Contents.
1. List section headings and their respective page numbers;
  2. List of tables with page numbers;
  3. List of figures with page numbers;
  4. List of attachments, numbered;
  5. List of references.
- B. Site Location Map. The site location map (minimum USGS 1:24000 quadrangle topographic map), shall be as required for the preliminary storm water plan, updated to reflect additional data or revisions to concepts established in preliminary storm water plan.
- C. Development Plan. The development plan, which can be combined with the final engineering plans, shall be as required for the preliminary storm water plan with the following additional information:
1. Delineate subbasins and show sub-basin acreage used in hydraulic/hydrologic calculations;
  2. Existing and proposed contours (two-foot maximum contour interval);
  3. Show directions and lengths of overland, pipe, and channel flow;
  4. Indicate outfall points and overflow routes for the 100-year storm;
  5. Show storage volumes, pipe and weir invert elevations, and lengths of weir for storm water control facilities;
  6. Show all existing and proposed easements and rights-of-way.
- D. Soils Map. A soils map as required for the preliminary storm water plan.
- E. Section A – Project Overview.
1. Identify and discuss existing storm water system functions.
  2. Identify and discuss site parameters influencing storm water system design.
  3. Describe drainage to and from adjacent properties.
  4. Generally describe proposed site construction, size of improvements, and proposed methods of mitigating storm water runoff quantity and quality impacts.
- F. Section B – Approval Conditions Summary. List each preliminary approval condition related to storm water control, wetlands, flood plains, and other water-related issues and explain how design addresses or conforms to each condition.
- G. Section C – Downstream Analysis. If this information is required in accordance with LCMC 18.320.220(B)(3), then the analysis shall include:
1. Reference downstream analysis provided in the preliminary storm water plan and identify any revisions to this analysis.
  2. Identify criteria and assumptions used in completing downstream analysis and their sources.



3. Complete detailed hydrologic analysis of manmade and natural downstream system in accordance with LCMC 18.320.220. Compute existing and proposed peak flows and volumes for the design storms at all discharge points both to and from the site and at downstream storm water control structures. Calibrate and verify hydrologic models using existing rainfall and stream flow records, where available. Verify reasonableness of results by comparison with results from alternative engineering methods and comparison with available reports and studies. Discharge points should refer to labeled points shown on the site location map.
4. Tabulate existing and proposed peak flows and volumes. Include and reference all hydrologic and hydraulic computations in the technical appendix.
5. Verify hydrologic and hydraulic computations in the field by observation and measurement of significant rainfall events, where possible, evaluation of stream erosion, high water marks (e.g., lines of permanent vegetation and debris lines) and other hydrologic and hydraulic verification techniques. State whether the downstream system is at capacity and describe how runoff from the proposed project will impact the capacity of the system. Describe how the design of the storm water facilities on the development site addresses the impacts.

#### H. Section D – Quantity Control Analysis and Design.

1. Hydrologic analysis, existing and developed conditions:
  - a. Identify criteria used in completing analyses and their sources.
  - b. Identify and discuss any assumptions made in completing analysis.
  - c. Tabulate acreage; imperviousness; curve number; length and grade of overland, pipe, and channel flow; and other hydrologic parameters used in completing analyses.
  - d. Complete detailed hydrologic analysis for existing and developed site conditions in accordance with the requirements of LCMC 18.320.220. Compute existing and developed peak flows and volumes for the design storms for all subbasins. Refer to labeled points shown on the site location map and development plan.
  - e. Include and reference all hydrologic and hydraulic computations in the technical appendix.
  - f. Include all maps, exhibits, graphics, and references used to determine existing and developed site hydrology.
2. Quantity Control System Design.
  - a. Reference conceptual design proposed in the preliminary storm water plan.
  - b. Identify revisions to conceptual design contained within the final engineering plans.
  - c. Identify and discuss geotechnical or pedological study or information used in completing analysis and design.
  - d. Identify criteria used in completing analyses and their sources.
  - e. Identify initial conditions including stream base flows, beginning water surface elevations, hydraulic or energy grade lines, initial ground water elevation, beginning storage volumes, and other data or assumptions used to determine initial conditions in order to complete analyses. Reference sources of information.
  - f. Identify and discuss any assumptions used in completing analysis.
  - g. Complete detailed hydrologic/ hydraulic analysis of all on-site storm water control facilities impacted by the proposal, in accordance with the requirements of LCMC 18.320.220. Compute inflow and outflow hydrographs and peak flows and storage volumes. Reference conveyance and storm water control facilities to labeled points shown on the development plan.

- h. Tabulate existing and proposed peak flows and storage volumes.
  - i. Include and reference all hydrologic and hydraulic computations, equations, rating curves, stage/storage/discharge tables, graphs and any other aides necessary to clearly show methodology and results in the technical appendix.
  - j. Summarize results of quantity control system analyses and describe how the proposed design meets the requirements of this chapter.
  - k. Include all maps, exhibits, graphics and references used to complete quantity control system analysis and design.
3. Quantity Control System Plan.
- a. Provide illustrative sketch of quantity control facility and its appurtenances.
  - b. Show basic measurements necessary to confirm storage volumes.
  - c. Show all orifice, weir, and flow restrictor dimensions and elevations.
  - d. Tabulate peak flow rates, storage volumes, and ponding elevations for all design storms.
  - e. Sketch shall correspond with final engineering plans. Alternatively, final site grading plan incorporating the above information may be included as an attachment to the final storm water plan.
- I. Section E – Conveyance Systems Analysis and Design.
1. Reference conceptual drainage design proposed in the preliminary storm water plan.
  2. Identify revisions to conceptual drainage design contained within the final storm water plan.
  3. Identify criteria used in completing analyses and their sources.
  4. Identify and discuss initial conditions including stream base flows, beginning water surface elevations, hydraulic or energy grade lines, beginning storage elevations, and other data or assumptions used to determine initial conditions in order to complete analyses. Reference sources of information.
  5. Identify and discuss assumptions used in completing analyses.
  6. Complete detailed hydraulic analysis of all proposed collection and conveyance system elements and existing collection and conveyance elements influencing the design or impacted by the proposal, including outfall structures and outlet protection, in accordance with LCMC 18.320.220. Compute and tabulate design flows and velocities and conveyance element capacities for all conveyance elements within the development. Compute existing 100-year floodplain elevations and lateral limits for all channels, and verify no net loss of conveyance or storage capacity from development. Reference conveyance system elements to labeled points shown on the site location map or development plan.
  7. Verify capacity of each conveyance system element to convey design flow and discharge at non-erosive velocities. Verify capacity of on-site conveyance system to convey design flows resulting from ultimate buildout of upstream areas.
  8. Include and reference all hydraulic computations, equations, pipe flow tables, flow profile computations, charts, nomographs, detail drawings and other tabular or graphic aids used to design and confirm performance of conveyance systems in the technical appendix.
  9. Summarize results of system analyses and describe how the proposed design meets the requirements of this chapter.
- J. Section F – Water Quality Design.

1. Reference conceptual water quality design proposed in the preliminary storm water plan.
  2. Identify revisions to conceptual water quality design contained within the final storm water plan.
  3. Identify geotechnical or soils study or other information used in completing analysis and design.
  4. Identify best management practices used in design and their sources.
  5. Identify and discuss initial conditions including ground water elevations, beginning storage elevations, and other data or assumptions used to determine initial conditions in order to complete analyses. Reference sources of information.
  6. Identify and discuss assumptions used in completing analysis.
  7. Complete detailed analysis and design of all proposed water quality system elements in accordance with LCMC 18.320.210. Reference water quality system elements to labeled points shown on the site location map or development plan.
  8. Include and reference all computations, equations, charts, nomographs, detail drawings and other tabular or graphic aids used to design water quality system elements in the technical appendix.
  9. Summarize results of water quality design and describe how the proposed design meets the requirements of this chapter.
- K. Section G – Soils Evaluation.
1. Identify on-site soil types and their erosive potential and discuss their suitability for implementation of proposed best management practices (BMPs) and quantity control facilities.
  2. Identify seasonal high water table elevations in cases where this will impact the storm water facilities.
  3. Identify and discuss soil parameters and design methods for use in hydrologic and hydraulic design of proposed facilities.
  4. Where infiltration BMPs are proposed, complete soil tests to determine the infiltration rates. In some cases the city may require additional geotechnical investigation, in accordance with the requirements of Section III-3.3.3 of the Puget Sound Manual.
- L. Section H – Special Reports and Studies. Where specific site characteristics, such as steep slopes, wetlands, and sites located in wellhead protection areas pose difficult drainage and water quality design problems, the city may require additional information or the preparation of special reports and studies which further address the specific site characteristics, the potential for impacts associated with the development, and the measures which would be implemented to mitigate impacts. Special reports shall be prepared by professional persons with expertise in the particular area of analysis, who shall date, sign, stamp and otherwise certify the report. Subjects of special reports may include, but not be limited to, the following:
1. Geotechnical/pedological;
  2. Wetlands;
  3. Floodplains and floodways;
  4. Ground water;
  5. Structural design;
  6. Fluvial geomorphology (erosion and deposition). All special reports and studies shall be included in the technical appendix, or as an attachment to the TIR.
- M. Section I – Other Permits. Construction of roads and storm water facilities may require additional water-related permits from other agencies. These additional permits may contain requirements that impact design of the storm water system. This section shall list the titles of all other required permits, the

agencies requiring the permits, and identify the permit requirements, if known, that affect the final storm water plan. Approved permits that are critical to the feasibility of the storm water facility design shall be included in this section. Examples of other permits are as follows:

1. Wetland permit;
  2. On-site sewage disposal: Southwest Washington Health Department or Washington Department of Health;
  3. Developer/local agency agreement: Washington State Department of Transportation;
  4. Short-term water quality modification approval: Washington State Department of Ecology;
  5. Hydraulic project approval: Washington State Departments of Fisheries and Wildlife;
  6. Dam safety permit: Washington State Department of Ecology;
  7. Section 10, 404, and 103 permits: U.S. Army Corps of Engineers;
  8. Surface mining reclamation permits: Washington State Department of Natural Resources;
  9. Floodplain permit;
  10. Shoreline management permit.
- N. Section J – Ground Water Monitoring Program. Where required under LCMC 18.320.210, a ground water monitoring program shall be included in the final storm water plan. The ground water monitoring program shall be prepared by a person with expertise in ground water contamination investigation, prevention, and monitoring, and shall clearly describe a comprehensive ground water testing and evaluation program designed to ensure compliance with federal and state of Washington laws and the requirements of this chapter. Proposed ground water monitoring programs will be reviewed by the city on a site-specific basis.
- O. Section K – Maintenance and Operations Manual. For each storm water control or treatment facility which is to be privately maintained and for those which constitute an experimental system under LCMC 18.320.210(G) to be maintained by the city, the project engineer shall prepare a maintenance and operations manual. The manual, which may be brief, shall be clearly written in an orderly and concise format that clearly describes the design and operation of the facility. The manual shall also provide an outline of required maintenance tasks with recommended frequencies at which each task should be performed. Use of the maintenance procedures outlined in the Puget Sound Manual for various BMPs is encouraged.
- P. Section L – Technical Appendix. All technical information reports shall contain a technical appendix, including all computations completed in the preparation of the TIR together with copies of referenced data, charts, graphs, nomographs, hydrographs, maps, exhibits, and all other information required to clearly describe the storm water runoff quantity and quality design for the proposed project. The format of the technical appendix shall follow as closely as possible the section format of the TIR, and shall be adequately cross-referenced to ensure that the design may be easily followed, checked, and verified. The technical appendix shall also contain all special reports and studies, other than those included as attachments to the TIR.

#### **18.320.420 Contents of an abbreviated preliminary storm water plan**

An abbreviated preliminary storm water plan is allowed for certain projects specified in LCMC 18.320.350. These plans shall contain the information listed below. All maps shall contain a scale and north arrow. Insuring the accuracy of all the information is the applicant's responsibility.

- A. Vicinity Maps. All vicinity maps shall clearly show the site of the development activity or drainage project.

1. Site Location Map. Minimum USGS 1:24000 quadrangle topographic map showing natural and manmade drainage features adjacent to site including existing and proposed (if known) storm water facilities.
  2. Other Maps. The following additional vicinity maps shall be required in the situations noted below:
    - a. Floodplains. If a floodplain mapped by FEMA exists on or adjacent to the site.
    - b. Shoreline Management Area. If the site contains or is adjacent to a stream or lake regulated under the State Shorelines Management Act.
- B. Preliminary Development Plan. The preliminary development plan shall show the character of the existing site and proposed features, including but not limited to:
1. Existing and proposed property boundaries, easements and rights-of-way;
  2. Existing contours with a five-foot maximum contour interval, unless the city determines a lesser interval is sufficient to show drainage patterns;
  3. Existing on-site water wells, known agricultural drain tiles, areas of potential slope instability, structures, utilities, and septic tanks and drainfields;
  4. Location of the 100-year floodplain and floodways and shoreline management area limits on the site;
  5. Existing water resource features on and adjacent to the site including streams, wetlands, springs, sinks, and storm water facilities;
  6. Drainage flow routes and existing discharge points to and from the site; and
  7. Approximate location and size of proposed storm water facilities, including typical cross-sections of proposed facilities.
- C. Additional Site and Vicinity Information.
1. If wetlands exist on the site and will be impacted by the proposal, a wetland delineation report may be required.
  2. If unstable or complex soil conditions exist which may significantly impact the design of the storm water facilities, the city may require a preliminary soils report to be completed that addresses storm water design considerations arising from soil conditions.
  3. The city may require additional site or vicinity information if needed to determine the feasibility of the storm water proposal.
- D. Preliminary Storm Water Design Report. A written narrative shall be required to accompany the preliminary storm water plan. The narrative shall describe the methods for meeting the requirements of this chapter and include the following information:
1. Listing of approximate volumes of runoff storage required;
  2. Listing of tested percolation rates at sites to be used for infiltration, if required;
  3. Listing of proposed BMPs which will meet the treatment requirements of this chapter and are appropriate for the site;
  4. Description of the approximate size and location of storm water facilities on the site;
  5. Discussion of who will maintain the facility(s) after completion and proposed method of funding for maintenance if the facility(s) will be privately maintained; and
  6. Listing of additional permits (e.g., wetland, floodplain, and shoreline management permits) that may be required in connection with the storm water facilities.

#### **Article V. Adopted Basin Plans**

**18.320.500 Reserved**

**Chapter 18.330 (Reserved)**

**Chapter 18.340 (Reserved)**



## Chapter 18.350 - TREE PROTECTION

### Sections:

- 18.350.010 Purpose
- 18.350.020 Definitions
- 18.350.030 Applicability
- 18.350.040 Prohibited activities
- 18.350.050 Mitigation Required
- 18.350.060 Tree Protection Plan required
- 18.350.070 Tree Removal Permits
- 18.350.080 Approval Criteria
- 18.350.090 Inspection
- 18.350.100 Expiration of Tree Cutting Permits
- 18.350.110 Heritage Trees

### Section 18.350.010 Purpose.

The purpose of this chapter is to regulate the removal of trees and prescribe preventative protection measures to avoid damage to trees during site development in order to preserve the wooded character of the City and to protect trees as a natural resource of the City.

### Section 18.350.020 Definitions.

- A. Arborist means a person who has met the criteria for certification from the International Society of Arboriculture and maintains his or her accreditation.
- B. Caliper Inch refers to a manner of expressing the diameter inches of a tree as calculated by measuring the tree's circumference and dividing by Pi (approximately 3.14159). Specially calibrated "diameter tapes" or "calipers" are used to determine caliper inches.
- C. City Planner means the City Planner or the City Planner's designee.
- D. Dead Tree means a tree is lifeless. Such evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.
- E. Diameter at breast height (DBH) means the diameter of the trunk, at its maximum cross section, measured 54 inches (4 1/2 feet) above mean ground level at the base of the trunk.
- F. Dripline means an imaginary vertical line extending downward from the outermost tips of a tree's branches to the ground.
- G. Heritage Tree is a tree or stand of trees that is of landmark importance due to age, size, species, horticultural quality or historic importance.
- H. Person means any individual or legal entity.
- I. Removal means to cut down a tree or remove all or 50% or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. "Removal" includes but is not limited to topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal trimming or pruning of trees.
- J. Single family dwelling for the purpose of this chapter means any of the following: a detached home, a townhouse or rowhouse, a zero-lot line dwelling, duplex, or a condominium unit where the tree cutting permit relates to a tree located in the private yard of such a unit.

- K. Topping means the severe cutting back of a tree's limbs to stubs 3 inches or larger in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree.
- L. Tree means any woody plant having a trunk five (5) caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below four and one-half feet (4.5'), the trunk is measured at its most narrow point beneath the split, and is considered one tree. If the tree splits into multiple trunks below ground, each trunk shall be considered one tree. For the purposes of this Chapter, English laurel, photinia, arborvitae, poison oak, and English ivy shall not be considered a "tree".
- M. Tree Cutting Permit means written authorization from the City for a tree removal to proceed as described in an application, such authorization having been given in accordance with this chapter.
- N. Tree Protection Zone means the area reserved around a tree or group of trees in which no grading, access, stockpiling or other construction activity shall occur as determined by the City Planner to be appropriate based on review of the tree and site conditions.

#### **Section 18.350.030 Applicability.**

This chapter is applicable to any Type II or Type III development.

#### **Section 18.350.040 Prohibited activities.**

- A. No person shall remove a tree without first obtaining a tree cutting permit from the City pursuant to this Chapter.
- B. No person shall top a tree without first obtaining a topping permit from the City pursuant to this Chapter.
- C. No person who is required to install or maintain tree protection measures per Section 18.350.060(D) LCMC shall do any development activities including, but not limited to clearing, grading, excavation or demolition work on a property or site which requires ministerial, minor or major development approval without approved tree protection measures properly installed and maintained pursuant to this Chapter.

#### **Section 18.350.050 Mitigation Required.**

With the exception of dead trees, hazard trees, and trees that are ten (10) inches or less in diameter removed from developed single family lots, an applicant shall provide mitigation for any tree approved for removal. The mitigation requirement shall be satisfied as follows:

- A. Replanting on site. The applicant shall plant either a minimum two-inch (2") caliper DBH deciduous tree or a six to eight foot (6-8') tall evergreen tree for each tree removed. Trees shall be planted according to the specifications in Chapter 18.340 LCMC.
- B. Replanting off site. If in the City's determination there is insufficient available space on the subject property, the replanting required in subsection (1) shall occur on other property in the applicant's ownership or control within the City, in an open space tract that is part of the same subdivision, or in a City owned or dedicated open space or park. Such mitigation planting is subject to the approval of the authorized property owners. If planting on City owned or dedicated property, the City may specify the species and size of the tree. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.
- C. Payment in lieu of planting. If in the City's determination no feasible alternative exists to plant the required mitigation, the applicant shall pay into the tree fund an amount as established by resolution of the City Council.

#### **Section 18.350.060 Tree Protection Plan Required.**

- A. A Tree Protection Plan, approved by the City Planner, shall be required prior to conducting any development activities including, but not limited to clearing, grading, excavation, or demolition work on a property or site, which requires Type II or Type III permit approval.
- B. In order to obtain approval of a Tree Protection Plan; an applicant shall submit a plan to the City, which clearly depicts all trees on the site. The Tree Protection Plan shall be prepared by an arborist and shall include an inventory of all trees on site, their health or hazard condition, and recommendations for treatment for each tree. The plan must be drawn to scale and include the following:
1. Location, species, and diameter of each tree on site and within 15 feet of the site;
  2. Location of the drip line of each tree;
  3. Location of existing and proposed roads, water, sanitary and storm sewer, irrigation, and other utility lines/facilities and easements;
  4. Location of dry wells and soakage trenches;
  5. Location of proposed and existing structures;
  6. Grade change or cut and fill during and/or after construction;
  7. Existing and proposed impervious surfaces;
  8. Identification of a contact person and/or arborist who will be responsible for implementing and maintaining the approved tree protection plan; and
  9. Location and type of tree protection measures to be installed per subsection (C) of this section.
  10. Where tree removal permits are requested, the applicant shall have the burden of proving that the application complies with the criteria for approval of the applicable class of permit. The applicant shall include:
    - a. The number, size, species and location of the trees proposed to be cut on a site plan of the property;
    - b. The anticipated date of removal;
    - c. A statement of the reason for removal;
    - d. Information concerning any proposed landscaping or planting of any new trees to replace the trees to be removed; and
    - e. Any other information reasonably required by the City.
    - f. Acknowledgement that misrepresentation of any fact necessary for the City's determination for granting a tree cutting permit shall invalidate the requested permit. The City may at any time, including after a removal has occurred, independently verify facts related to a tree removal request and, if found to be false or misleading, may invalidate the permit and process the removal as a violation. Such misrepresentation may relate to matters including, without limitation, tree size, location, health or hazard condition, and owner's authorized signature.
- C. Tree Protection Measures Required.
1. Except as otherwise determined by the City Planner, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and shall be removed only after completion of all construction activity, including landscaping and irrigation installation.

2. Chain link fencing, a minimum of 6 feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater, and at the boundary of any open space tracts or conservation easements that abut the parcel being developed.
3. The fencing shall be flush with the initial undisturbed grade.
4. Approved signs shall be attached to the chain link fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the City Planner and arborist for the project.
5. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, or parked vehicles or equipment.
6. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
7. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Director.

#### **Section 18.350.070 Tree Removal Permits.**

A person who desires to remove a tree shall first apply for and receive one of the following tree cutting permits before tree removal occurs:

- A. Type I Permit: Type I permits shall be issued without further review upon application and demonstration by the applicant that the request qualifies as a Type I permit pursuant to this subsection.
  1. Tree Removal Permits are not required for:
    - a. A property that is located in a residential zone and is occupied by a single family dwelling;
    - b. Removal of up to two trees, 10 inch caliper or less per tree at DBH within a calendar year; and
    - c. A tree that is not:
      - i. Located within a critical area or buffer;
      - ii. A Heritage Tree per Section 18.350.110 LCMC;
      - iii. Protected by a condition of approval of a development permit pursuant to the La Center Municipal Code;
      - iv. Located on property owned by the City or dedicated to the public, including parks, open space and public rights-of-way.
  2. Dead Tree Removal Permit:
    - a. The city shall issue a tree cutting permit for a dead tree, except as provided by subsection (3)(b) of this section, if the applicant demonstrates that a tree is dead and warrants removal.
    - b. In order to provide for wildlife habitat and natural processes, the Director may require the retention of a dead tree. Dead trees shall not be removed if located in critical areas, parks or open space areas required to be preserved as a condition of development approval, unless the tree presents a potential hazard to persons or property.
  3. Hazard Tree Removal Permit: The city shall issue a tree cutting permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.

- a. A hazard tree is a tree that is cracked, split, leaning or physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within a public right of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
  - b. The city may require the applicant to submit an arborist's report confirming the hazard potential of the tree along with an analysis of alternative methods to alleviate the hazard without removal, and submit a completed hazard evaluation form as provided by the city.
4. Emergency Permit:
- a. If the condition of a tree presents an immediate danger of collapse, and represents a clear and present hazard to persons or property, an emergency tree cutting permit may be issued and the payment of a fee may be waived. For the purposes of this subsection, "immediate danger of collapse" means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree cutting permit could be obtained through the non-emergency process. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment.
  - b. Emergency tree cutting permits must be approved by the Public Works Director or City Planner. If an emergency situation arises at a time when city officials are unavailable, and such emergency creates a significant likelihood that the tree will topple or otherwise fail before such official becomes available, the owner of the tree shall, if practical and reasonable, first notify City Hall and state the address where the tree is being removed, the company performing the removal, along with the property owner's name, address, and telephone number. The owner shall photograph the tree showing emergency conditions and then may proceed with removal of the tree to the extent necessary to avoid the immediate hazard. Within seven days of such removal, the owner of the tree shall apply for a retroactive emergency tree cutting permit and shall submit with the application, evidence to demonstrate the emergency nature of the tree.
  - c. The city may require the application to hire an arborist to review the evidence to ascertain whether the tree presented an immediate danger of collapse. The person or entity performing the removal shall not be eligible to provide this review. If the evidence shows that the tree did not satisfy the emergency tree removal standards set forth in this chapter, the application shall be denied and the owner of the tree shall be subject to enforcement pursuant to Chapter 18.050 LCMC and the mitigation requirements of Section 18.350.050 LCMC.
5. Topping Permit:
- a. A topping permit may be issued only if the following apply:
    - i. A utility, public agency, or other person who routinely tops trees in furtherance of public safety, may apply for a general topping permit pursuant to this section based upon an arborist or forester report establishing a methodology for topping in compliance with this subsection.
    - ii. Trees under utility wires may be topped only where other pruning practices are impractical.

- b. The city, in granting approval for tree removal in an open space or undeveloped area, may allow a tree to be topped to a designated height in order to maintain a “snag” for wildlife habitat.
- c. A tree cutting permit obtained for tree removal shall not authorize topping unless said tree cutting permit specifically authorizes such action.

B. Type II Permit:

1. A Type II permit is required prior to any tree removal application that does not qualify in issuance as a Type I permit, Dead Tree Removal Permit, Hazard Tree Removal Permit, Emergency Permit, Verification Permit, or Topping Permit as described in this section.
2. Type II permits shall be reviewed and approved by the Director pursuant to Sections 18.350.090 and 18.030.120 LCMC.
3. If a development permit would require or result in tree removal and/or a tree cutting permit as defined in this Chapter, compliance with this chapter shall be a criterion of approval of said development permit. Tree removals in conjunction with a development permit shall be considered in conjunction with such permit and shall be subject to the application, notice, hearing and appeal procedures applicable to the proposed development permit. The required Notice for development permit that would require or result in tree removals shall include a site plan indicating the location of any trees proposed for removal on the subject site. The proposed trees shall also be flagged with yellow flagging tape on site. Such flagging shall be maintained until a final decision on the proposal is rendered. The remaining notice, hearing and appeal procedures shall not apply to tree removals considered in conjunction with a development permit request. Subsequent tree removals that have not been reviewed through development permit procedures shall be reviewed as provided in this Chapter.
4. Once a final decision has been rendered on a development permit, trees that have been approved for removal as part of that decision shall be subject to City verification. Applications for verifications shall be made on the application forms as prescribed by the City Planner and be accompanied by an application fee as established by resolution of the City Council. The purpose of the verification process is to ensure that the trees approved for removal are properly identified for removal in the field and that the trees that were not approved for removal are not inadvertently removed. Removal of trees in violation of such land use approval shall be considered a violation of this Chapter. The criteria contained in Section 18.350.080 LCMC shall not apply to verification applications for tree cutting permits.
5. If a tree proposed to be removed has been specifically required to be preserved or protected as a condition of approval of a land use action pursuant to the La Center Municipal Code, the tree removal application shall be processed as a post decision review and shall be reviewed subject to the criteria of Section 18.350.080 LCMC by the body responsible for reviewing such land use actions. The post decision review process shall not be required in cases of an emergency, dead tree(s), or is a hazard tree(s).

C. Verification:

1. If a site has received development approval through a Type II or Type III permit, then City verification shall be conducted for those trees approved for removal through that process. To obtain verification, an applicant must clearly identify the trees to be removed by tying yellow tagging tape around each tree and submitting a tree protection plan indicating the location of the requested trees. The City Planner may require the building footprint of the development to be staked to allow for accurate verification of the permit application. The City Planner will then verify that the requested trees match the site plan approved through the Type II or Type III permit. The City shall require the applicant to mitigate for the removal of each tree pursuant to

Section 18.350.050 LCMC. Such mitigation requirements shall be a condition of approval of the original development permit.

2. Any tree not approved for removal through the original Type II or Type III permit shall not be approved as part of the verification process, unless the subject tree is located within an approved building footprint, public/private utility or improvement area, and no feasible alternative exists to preserve the tree. In such cases, the City may allow the tree to be removed without a Type II tree cutting permit process; however, the mitigation requirements of Section 18.350.050 LCMC shall still apply.
3. Verification permits shall be issued upon application and demonstration by the applicant that the request complies with this section. Verification permits shall not be issued prior to the issuance of a building permit for the subject property without prior authorization by the City Planner.

#### **Section 18.350.080 Approval Criteria.**

An applicant for a tree removal permit shall demonstrate that the following criteria are satisfied. The city Planner may require an arborist's report to substantiate the criteria for a permit.

- A. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and
- B. Removal of the tree is not for the sole purpose of providing or enhancing views.
- C. The tree is proposed for removal for landscaping purposes or in order to construct development approved or allowed pursuant to the La Center Municipal Code or other applicable development regulations. The City Planner may require the building footprint of the development to be staked to allow for accurate verification of the permit application;
- D. Removal of the tree will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood. The city may grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the La Center Municipal Code.
- E. The city shall require the applicant to mitigate for the removal of each tree pursuant to Section 18.350.050 LCMC. Such mitigation requirements shall be a condition of approval of the permit.
- F. The City may impose conditions of approval on any tree cutting permit if the condition is reasonably related to preventing, eliminating or mitigating a negative impact or potential impact on natural features or processes or on the built environment of the neighborhood which is as created or contributed to by the approved tree removal. Conditions of approval may include, but are not limited to:
  1. Cutting a tree or stump flush with the grade instead of grinding or fully removing a stump;
  2. Requiring modifications in the location, design or intensity of a development or activities on a site or to require or prohibit certain construction methods;
  3. Requiring vegetation not requiring a tree removal permit to remain in place or be planted.
  4. Requiring the removal of injurious vegetation (English Ivy) from other trees on the property.

#### **Section 18.350.090 Inspection.**

The applicant shall not proceed with any construction activity, except installation of erosion control measures, until the city has inspected and approved the installation of the required tree protection measures and a building and/or grading permit has been issued by the city.

**Section 18.350.100 Expiration of Tree Removal Permits.**

A properly issued tree removal permit shall remain valid for no more than 60 days from the date of issuance or date of final decision by a hearing body, if applicable. A 60 day extension shall be automatically granted by the City Planner if requested in writing before the expiration of the permit. No additional extensions beyond the first extension shall be granted. Permits that have lapsed are deemed void. Trees removed after a tree removal permit has expired shall be considered a violation of this Chapter and subject to enforcement under Chapter 18.050 LCMC.

**Section 18.350.110 Heritage Trees.**

- A. Purpose. The purpose of section is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.
- B. Nomination.
  1. Any person may nominate a particular tree or trees as a Heritage Tree. If the proposed Heritage Tree is located on property other than city property or public right-of-way under city jurisdiction, the nomination shall be submitted by the property owner or accompanied by the property owner's written consent. If the proposed Heritage Tree is located on city property or public right-of-way, the nomination shall be submitted to the Director and approved by the City Council
  2. Nominations shall include a narrative explaining why the tree qualifies for Heritage Tree status pursuant to the definition in Section 18.350.020(G) LCMC and the written consent of the property owner as described in subsection (B)(1) of this section.
- C. Review Process
  1. The City Council shall review all Heritage Trees nominations at a public meeting. Notice of the meeting shall be provided to the nominating applicant, the property owner (unless the nominated tree is located on city property or public right-of-way) and the chair of any recognized neighborhood association in which the tree is located.
  2. Staff shall prepare a report for the City Council analyzing whether the tree complies with the requirements for designation.
  3. After considering the staff report and any testimony by interested persons, the City Council shall vote on the nomination. The City Council may designate a tree as a Heritage Tree if the it determines that the following criteria are met:
    - a. The tree or stand of trees is of landmark importance due to age, size, species, horticultural quality or historic importance; and
    - b. The tree is not irreparably damaged, diseased, hazardous or unsafe, or the applicant is willing to have the tree treated by an arborist and the treatment will alleviate the damage, disease or hazard;
  4. Following approval of the nomination by the City Council:
    - a. If the tree is located on private property, the designation shall be complete upon the property owner's execution of a covenant running with the land suitable for recordation by the city. The covenant shall describe the subject property, generally describe the location of the heritage tree, and covenant that the tree is protected as a "Heritage Tree" by the city of La Center and is therefore subject to special protection under this chapter.
    - b. If the tree is located on public right-of-way, the designation shall be complete upon the Staff's listing of the tree on the City Heritage Tree records.



5. If the tree is located on the public right-of-way, the city shall condition any future property owner-requested right-of-way vacation upon the execution of a covenant in accordance with section (4) above, which shall be recorded by the city upon the vacation of the right-of-way.

#### D. Protection of Heritage Trees

1. Unless the tree qualifies for a dead or hazard tree removal permit, a permit to remove a designated Heritage Tree shall be processed as a Type II Tree Removal Permit subject to the criteria contained in Section 18.350.070 LCMC, as modified by subsection (2) of this section.
2. If an application to remove a Heritage Tree is sought pursuant to Section 18.350.070 LCMC, the applicant shall demonstrate that the burden imposed on the property owner by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner—or if appropriate, the city:
  - a. View obstruction;
  - b. Routine pruning, leaf raking and other maintenance activities; and
  - c. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.
3. Unless the permit is to remove a dead or hazard tree pursuant to Section 18.350.070 LCMC, the applicant requesting removal a heritage tree shall be required to mitigate for the loss of the tree pursuant to Section 18.350.050 LCMC.
4. Any person who removes a Heritage Tree in violation of this chapter shall be subject to enforcement as provided in Chapter 18.050 LCMC. In addition, the violator shall be subject to double the established enforcement fee(s).

#### E. Recognition of Heritage Trees

1. A Heritage Tree plaque shall be designed and may be furnished by the city to the property owner, or if the tree is in the public right-of-way, to the appropriate city or county official, of a designated Heritage Tree. The city may charge a fee to cover the costs of the providing the plaque. The plaque shall be posted at a location at or near the tree and, if feasible, visible from a public right-of-way.
2. The Director shall maintain a list and map of designated Heritage Trees.

#### F. Removal of Heritage Tree Designation

1. A Heritage Tree shall be removed from designation if it dies or is removed pursuant to Section 18.350.070 LCMC. If it is removed from private property, the city shall record a document extinguishing the covenant.

# Exhibit E

**From:** [Johnson, Deborah L \(DOH\)](#)  
**To:** [Pollock, R. Scott \(DOH\)](#); [Johnson, Emma](#)  
**Cc:** [Schultz, Fern M \(DOH\)](#); [justin@columbiatechnical.org](mailto:justin@columbiatechnical.org); [Spoo, Ethan](#)  
**Subject:** RE: Paradise Truck Stop water system (ID# 455615)  
**Date:** Friday, April 10, 2020 9:37:16 PM  
**Attachments:** [image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Emma,

I clarified with Scott that his comment was in relation to a small portion of the wellhead protection area (WHPA) called the sanitary control area, or SCA. An SCA is also required under that WAC I sent you. It's a 100' radius around the immediate well which will always fall within the greater WHPA. Because it's required to be under the water system's immediate control, there are often easement or protective covenant documents of record that serve to protect the SCA. It's these type of documents Scott is referring to, & he's correct that they will endure unless they are released via a subsequent recorded document.

This is what Scott is saying the property owner should follow up on, which is sound advice. Otherwise, there may be an "artifact" easement or covenants overlaying a portion of the redevelopment area.

### Deborah Johnson

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Washington State Department of Health  
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**From:** Pollock, R. Scott (DOH)  
**Sent:** Friday, April 10, 2020 7:13 AM  
**To:** Johnson, Deborah L (DOH) <[deborah.johnson@doh.wa.gov](mailto:deborah.johnson@doh.wa.gov)>; Johnson, Emma <[emma.johnson@wsp.com](mailto:emma.johnson@wsp.com)>  
**Cc:** Schultz, Fern M (DOH) <[fern.schultz@doh.wa.gov](mailto:fern.schultz@doh.wa.gov)>; [justin@columbiatechnical.org](mailto:justin@columbiatechnical.org); Spoo, Ethan <[ethan.spoo@wsp.com](mailto:ethan.spoo@wsp.com)>  
**Subject:** Re: Paradise Truck Stop water system (ID# 455615)

I consulted for 20 years before coming to ODW, and learned early on that law is a peculiar thing. I always would ask my attorney about these kinds of things. I was often surprised by the answer and glad I asked.

Under probably \*most\* circumstances wellhead protection documents are partially defined by the existence of a well. If the well physically goes away the definition of the protection area becomes invalid and the legal document essentially void. Likewise when grantee/grantor ceases to be. However there certainly are cases where the legal document remains valid regardless of the presence of a well or original parties involved.

Sometimes there are recorded documents defining a protection area that are matched by titles, etc., which also (separately) have restrictions.

It's very much case-by-case.

Scott

**R. Scott Pollock, P.E.**

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Gender Pronouns: he/him



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**From:** Johnson, Deborah L (DOH)  
**Sent:** Thursday, April 9, 2020 3:05:31 PM  
**To:** Johnson, Emma  
**Cc:** Schultz, Fern M (DOH); Pollock, R. Scott (DOH); [justin@columbiatechnical.org](mailto:justin@columbiatechnical.org); Spoo, Ethan  
**Subject:** RE: Paradise Truck Stop water system (ID# 455615)

Hi again,

That's close, but I'd like to add one point of clarification: wellhead protection areas (WHPAs) are part of the establishment of a water system plan for Group A systems. (See <https://app.leg.wa.gov/wac/default.aspx?cite=246-290-135> ). There isn't anything about the well decommissioning through Ecology that will serve to abolish the WHPA, but rather the inactivation of the water system itself. That may seem semantical, but the two processes do not "talk" to one another. Does that make sense?

**Deborah Johnson**

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**From:** Johnson, Emma [<mailto:emma.johnson@wsp.com>]  
**Sent:** Thursday, April 9, 2020 1:40 PM  
**To:** Johnson, Deborah L (DOH) <[deborah.johnson@doh.wa.gov](mailto:deborah.johnson@doh.wa.gov)>  
**Cc:** Schultz, Fern M (DOH) <[fern.schultz@doh.wa.gov](mailto:fern.schultz@doh.wa.gov)>; Pollock, R. Scott (DOH) <[RScott.Pollock@doh.wa.gov](mailto:RScott.Pollock@doh.wa.gov)>; [justin@columbiatechnical.org](mailto:justin@columbiatechnical.org); Spoo, Ethan <[ethan.spoo@wsp.com](mailto:ethan.spoo@wsp.com)>  
**Subject:** Re: Paradise Truck Stop water system (ID# 455615)

Hi Deborah,

Thanks for taking the time to talk with me yesterday. To summarize our conversation, the applicant is proposing a mixed use development on a property that currently contains a group A water system, with a single wellhead. The applicant intends to decommission the well in accordance with Ecology's process, and will instead connect to the La Center municipal water system. Once the well is decommissioned, the critical aquifer recharge area will be "removed" from the property, as it is only associated with the wellhead.

Please let me know if you agree with that summary - and good luck on your trip!

I will let the applicant know about the process to inactivate the water system.

Thanks,  
Emma

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**From:** Johnson, Deborah L (DOH) <[deborah.johnson@doh.wa.gov](mailto:deborah.johnson@doh.wa.gov)>  
**Sent:** Thursday, April 9, 2020 9:19 AM  
**To:** Johnson, Emma <[emma.johnson@wsp.com](mailto:emma.johnson@wsp.com)>  
**Cc:** Schultz, Fern M (DOH) <[fern.schultz@doh.wa.gov](mailto:fern.schultz@doh.wa.gov)>; Pollock, R. Scott (DOH) <[RScott.Pollock@doh.wa.gov](mailto:RScott.Pollock@doh.wa.gov)>; [justin@columbiatechnical.org](mailto:justin@columbiatechnical.org) <[justin@columbiatechnical.org](mailto:justin@columbiatechnical.org)>  
**Subject:** Paradise Truck Stop water system (ID# 455615)

Emma,  
I'm glad we were able to connect yesterday. In follow-up to our conversation, I've received more information from our regional staff. I know you're already aware that the system needs to undertake Ecology's well decommissioning process, but they also need to contact regional staff to initiate a formal request to inactivate the water system. If you would please pass that along to the project proponent, I'd appreciate it.

Just to keep everyone in the loop, I'm also cc'ing the personnel of record we have associated with this water system:

3<sup>rd</sup> party manager – Justin Hartmann 360-281-2650

In case you ever need it as a resource, here's our statewide map I mentioned yesterday:  
<https://fortress.wa.gov/doh/swap/index.html>

**Deborah Johnson**

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**From:** Johnson, Deborah L (DOH)  
**Sent:** Wednesday, April 8, 2020 4:12 PM  
**To:** [emma.johnson@wsp.com](mailto:emma.johnson@wsp.com)  
**Cc:** Schultz, Fern M (DOH) <[fern.schultz@doh.wa.gov](mailto:fern.schultz@doh.wa.gov)>; Pollock, R. Scott (DOH) <[RScott.Pollock@doh.wa.gov](mailto:RScott.Pollock@doh.wa.gov)>  
**Subject:** RE: Wellhead Protection Question

Emma, I am trying to reach you. From LinkedIn, I think you must work with my former coworker, Sam Rubin – but can't track down a phone number for you, & City of La Center didn't know. Could you please call me on my cell 360-701-3531? I'd like to get some more information from you.

Please note: I am transferring to a temporary COVID-19 assignment after tomorrow, so it would be great if you could call before Friday. Thanks!

**Deborah Johnson**

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**From:** Pollock, R. Scott (DOH)  
**Sent:** Wednesday, April 8, 2020 4:09 PM  
**To:** [emma.johnson@wsp.com](mailto:emma.johnson@wsp.com)  
**Cc:** Schultz, Fern M (DOH) <[fern.schultz@doh.wa.gov](mailto:fern.schultz@doh.wa.gov)>; Johnson, Deborah L (DOH) <[deborah.johnson@doh.wa.gov](mailto:deborah.johnson@doh.wa.gov)>  
**Subject:** Wellhead Protection Question

Hi Emma,

I was forwarded a question from you by Deborah Johnson and Fern Schultz in our office. I

understood you to ask about a property with wellhead protection zones.

Legal protections to wells through protection zones (covenants, etc.) can be vacated when protection for the well is no longer needed. Precisely what process would be needed to vacate a specific legal agreement is a question for an attorney.

Legal protections might not be needed when a well ceases to be a source requiring such protection, e.g., a public drinking water supply. Sometimes a public source is converted to an irrigation well. Likewise for decommissioning.

Whether the agreement remains in effect after a well is decommissioned also depends on the specific agreement and is a question for an attorney.

The physical threat to the aquifer from contamination does not substantially change with removal of the well or legal legal protections, although unused or poorly operated wells can be conduits for contamination. However if a well is decommissioned (removed physically through a process overseen by the Dept. of Ecology) the threat to the aquifer from potential contamination remains the same as it always was.

Please feel free to contact me if you need any elaboration or more information.

Scott

**R. Scott Pollock, P.E.**

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Gender Pronouns: he/him



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