



Staff Report & Recommendations

Stephens Hillside Estates Subdivision: Type III

Preliminary Plat and SEPA DNS

(2018-016-SUB) September 11, 2018

PROPOSAL:	Preliminary subdivision of on 42.3 acres into 85 residential lots for detached single family homes located on the west side of Aspen Avenue; along with areas for a public park (Tract A), stormwater management (Tract B); and open space to be retained by the owners (Tract C & D)
LOCATION:	<ul style="list-style-type: none"> ▪ 34700 NE North Fork Road, PIN 258901000, 4.3 Ac., Carleen & Perry Stephens ▪ No Situs, PIN 258971000, 5.02 Ac., Mary Rerick ▪ 115 NE 348th Street, PIN 258972000, 6 Ac., Mary Rerick ▪ 208 NE 348th Street, PIN 258922000, 6.7 Ac., Roni & Mark Stephens ▪ 617 NE 348th Street, PIN 258919000, 20.01 Ac., Carleen and Perry Stephens ▪ 614 NE 348th, PIN 258906000, 2 Ac., Seth & Jennifer Stephens
HEARING:	The La Center Hearing Examiner will conduct a public hearing on Tuesday, September 18, 2018 beginning at 5:30 PM at La Center City Hall, 214 East 4 th Street, La Center, WA
APPLICABLE STANDARDS	La Center Municipal Code; 18.30, Procedures; 18.130, Low Density Residential; 18.147, Parks and Open Spaces; 18.210, Subdivision; 18.230, Monumentation, Survey, and Drafting Standards; 18.240 Mitigation of Adverse Impacts; 18.245, Supplemental Development Standards; 18.280, Off-street Parking and Loading Requirements; 18.300, Critical Areas; 18.310, Environmental Policy; 18.320, Stormwater; 18.340, Native Plant List; 18.350, Tree Protection; 18.360, Archaeological Protection; and La Center Engineering Standards
RECOMMENDATION:	APPROVAL , subject to conditions

I. CONTACT LIST

APPLICANT

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Battle Ground, WA 98604
360.687.3402, carleenstephens@gmail.com

OWNERS

Perry/ Carleen Stephens & Mark/ Roni Stephens & Mary Rerick
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Battle Ground, WA 98604
360.687.3402, carleenstephens@gmail.com

APPLICANT'S REPRESENTATIVE

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II. OVERVIEW

The project site is located west of Aspen Avenue and NE North Fork Avenue along the access of unimproved NE 348th Street. The northern boundary of the site is the La Center Urban Growth Boundary (UGB). The properties to the north outside of the UGB are zoned Clark County Rural 5 (5 acre minimum). Within the La Center Urban Growth Area (UGA) all of the abutting lands are zoned low density residential, LDR 7.5 (7,500 s/f minimum lot size). Immediately south of the site the land is zoned Park and Open Space and has been set aside for environmental conservation purposes associated with built subdivisions. Public access is available via Aspen Ave along the eastern site border. 9th Avenue abuts the western site border but will not provide access into the subdivision. The Applicant has agreed to provide access to Bolen Road to the west via a dedication of an extension of Road "A" (NE 348th St.) to be constructed at a future date.

Figure 1 – Project Location

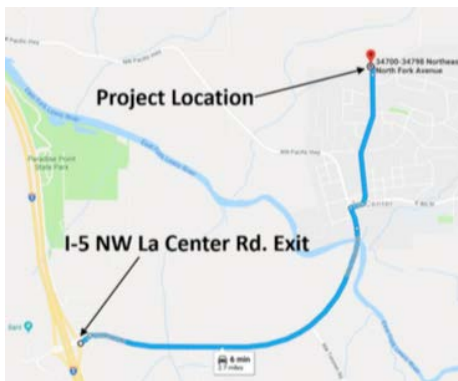
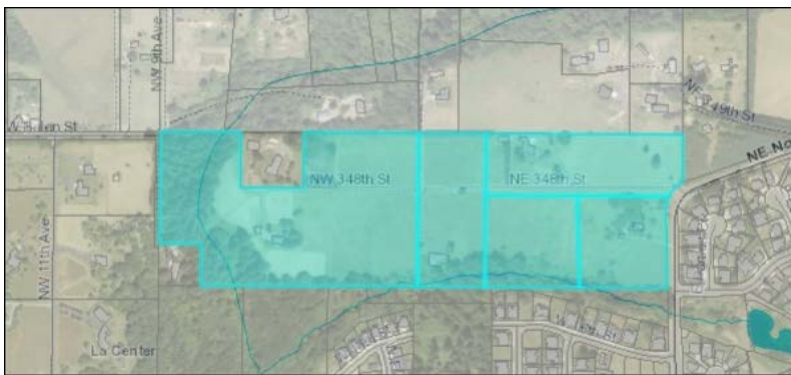
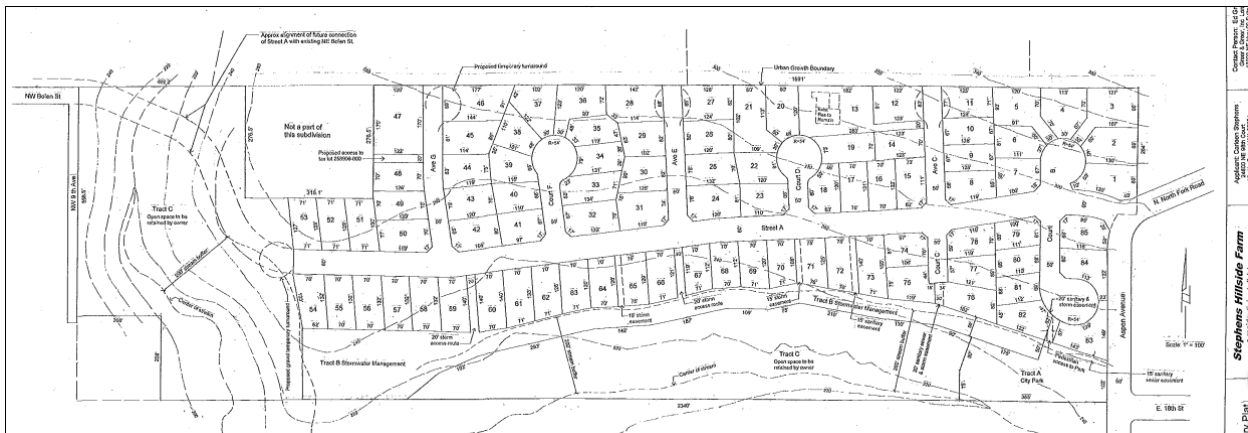


Figure 2 Subject Site



The Applicant proposes to create 85 residential lots for detached single family homes on 42.3 acres west of Aspen Avenue in La Center. The site is zoned LDR-7.5. Approximately 32% of the site cannot be developed due to existing streams and associated 200' wide buffers. The proposal will also create Tract A, an improved public park; Tract B, the area for stormwater management; and Tracts C and D, as open space to be retained by the owners. All but one existing home will be removed.

Figure 3 Proposed Preliminary Plat



III. REVIEW

III. A Jurisdiction

The site is within La Center City limits and is zoned LDR-7.5, 7,500 sq. ft. lots. The City of La Center provides sanitary sewer service and public streets. Clark Public Utilities provides potable water service. The project is within the La Center School District and the Clark County Fire and Rescue service area.

III.B Applicable regulations

The relevant La Center regulations include:

- 18.30, Procedures
- 18.130, Low Density Residential (LDR-7.5)
- 18.147, Parks and Open Spaces
- 18.210, Subdivision
- 18.230, Monumentation, Survey, and Drafting Standards
- 18.240, Mitigation of Adverse Impacts
- 18.245, Supplemental Development Standards
- 18.280, Off-street Parking and Loading Requirements
- 18.300, Critical Areas
- 18.310, Environmental Policy
- 18.320, Stormwater
- 18.340, Native Plant List
- 18.350, Tree Protection
- 18.360, Archaeological Protection
- La Center Engineering Standards

III.C Public Notice

On August 15, 2018 the Battle Ground Reflector published legal notice of the land use application, SEPA MDNS, and public hearing Scheduled for September 18, 2018. The Department of Ecology entered the SEPA Checklist and MDNS in the Ecology SEPA Register on August 10, 2018. (Ecology SEPA # 201804460.)

The SEPA comment period closed on August 31, 2018 and the City has received two comments:

- Cowlitz Indian Tribe regarding inadvertent discovery of cultural resource language; and
- WA Department of Ecology, related to hazardous and toxic wastes, grading, shorelands and the environment, solid waste, water resources, and water quality.

III.D Proposal

The applicant proposes to subdivide 42.3 acres into 85 residential lots for detached single-family homes. All lots exceed 7,500 square feet in area. The maximum lot area permitted in the zone is 11,000 square feet. Though some lots along the northerly property line will exceed 11,000 sq. ft., this is allowed, as they abut the urban growth boundary. The net density of this project is 4.31 lots per acre.

The Applicant proposes to construct the subdivision in four (4) phases moving from east to west:

- Phase 1: 21 lots, including improvements in Tracts A, C, and D
- Phase 2: 20 lots
- Phase 3: 24 lots
- Phase 4: 20 lots

Each phase shall construct the required public roadways and sidewalks to serve the new lots. There will be a 1.06 AC park (Tract A) and 13 AC of open space (Tracks C & D).

III.E Key Issues

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

1. Minimum Density: Variance requested to allow calculation of net density to include critical areas.
2. Park Location: Variance requested to allow portion of park frontage along collector street
3. CAR / fish bearing (unnamed creek commonly known as Bolen Creek) a Type F (fish-bearing) stream.)
4. Septic field to north / future “unidentified” phase to north
5. Road modification request (not approved)
6. Grid / Connectivity East West to Bolen (see MDNS)

The La Center Transportation Capital Facilities Plan (TCFP), transportation project T-19, calls for improvements to NE 348th Street between Aspen Avenue-North Fork Avenue and the west terminus of 348th Street and the reconstruction of NE 348th St. as a Major Collector with pedestrian and bicycle facilities. The TCFP also includes transportation project T-18, extending Bolen Street to 348th Street as a Major Collector with pedestrian and bicycle facilities.

The applicant has voluntarily agreed to voluntarily and irrevocably commit to a dedication of right-of-way for a future street connection from the westerly terminus of proposed Street A (348th St.) of Stephens Hillside Estates Subdivision across proposed Tract C to connect with the easterly terminus of existing NE Bolen Street, the exact route to be determined within a reasonable time frame. The commitment shall encumber that portion of Tract C that is north of the proposed south right-of-way of proposed street A. The City of La Center shall be responsible for all costs related to the design and construction of said street connection. The commitment shall not exceed ten (10) years from the date of preliminary plat approval.

III.F Land Use Analysis

LCMC Title 18, Development Code.

LCMC 18.30.100 Type III Procedures

Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearings examiner. Public comments may be submitted either prior to or during the public hearing in writing or orally during the hearing. The City has not received any public comments on the proposal.

LCMC 18.130 (Low Density Residential District)

Detached single-family dwellings are a permitted use in the LDR-7.5 zone (LCMC 18.130.030). The maximum building height in all LDR districts is 35 feet measured from the lowest finished grade level to the highest point on the roof for single-family detached units. Detached garages shall not exceed 18 feet in height. The maximum building height for a detached accessory structure is 12 feet; 14-1/2 feet for a solar energy system on a detached accessory structure. The maximum building height for a solar energy system on a primary structure is 39-1/2 feet. (LCMC 18.130.070.)

<i>Zoning District</i>	<i>Minimum Lot Area (sq. ft.)</i>	<i>Maximum Lot Area (sq. ft.)</i>	<i>Minimum Net Density per Acre</i>
LDR-7.5	7,500	11,000	4

Maximum building lot coverage shall not exceed 35 percent (SFR). Maximum impervious surface area shall not exceed 50 percent. (LCMC 18.130.090(1))

*Table 18.130.090
– Lot Coverage and Dimensions (feet)*

<i>District</i>	<i>Minimum Lot Width</i>	<i>Minimum Lot Depth</i>	<i>Minimum Front Yard Setback</i>	<i>Minimum Side Yard Setback</i>	<i>Minimum Street Side Yard Setback</i>	<i>Minimum Rear Yard¹</i>
LDR 7.5	60	90	20	7.5	10	20

The City policy is to encourage each development to create a variety of housing products within so as to promote housing affordability, architectural variety and unique neighborhood character.

New residential developments shall provide street or front yard trees at a minimum of 30-foot intervals near the street frontage of each lot. As a **Condition of Approval**, prior to final plat approval, the Developer shall provide the Public Works Department with a scaled plan showing the type, location, and planting method of street or front yard trees. LCMC 18.130.100.

New residential developments shall provide parks and open space pursuant to the applicable requirements of LCMC 18.147, see below. As a **Condition of Approval**, prior to final plat approval, the Developer shall provide the Public Works Department with a scaled plan showing park features at a Family park level as required by LCMC 18.147. LCMC 18.130.110.

LCMC 18.147 Parks and Open Spaces

The purpose of this chapter is to ensure implementation of the 2013 La Center Parks, Recreation, and Open Space Master Plan (Parks Plan) in new residential development by requiring developers to dedicate, develop, and maintain family parks, trails, and open space based on the size of their development. The Developer proposes the following park and open space areas service its 85 lots. (See Park Plan exhibit¹)

Phase 1

21 lots = 0.82 AC park required
1.06 AC proposed (Tract A)

Phase 2

20 lots = 0.08 AC park required
0.1 AC proposed (unnamed tract)

Phase 3

24 lots = 0.32 AC park required

Phase 4

20 lots = 0.16 AC park required

¹ Calculations submitted with preliminary parks plan.

3.58 AC proposed (Tract D, open space) 0.11 AC proposed (unnamed tracts)

TOTAL: 0.53 AC park space required; 1.06 AC park space proposed; 13.0 AC open space proposed

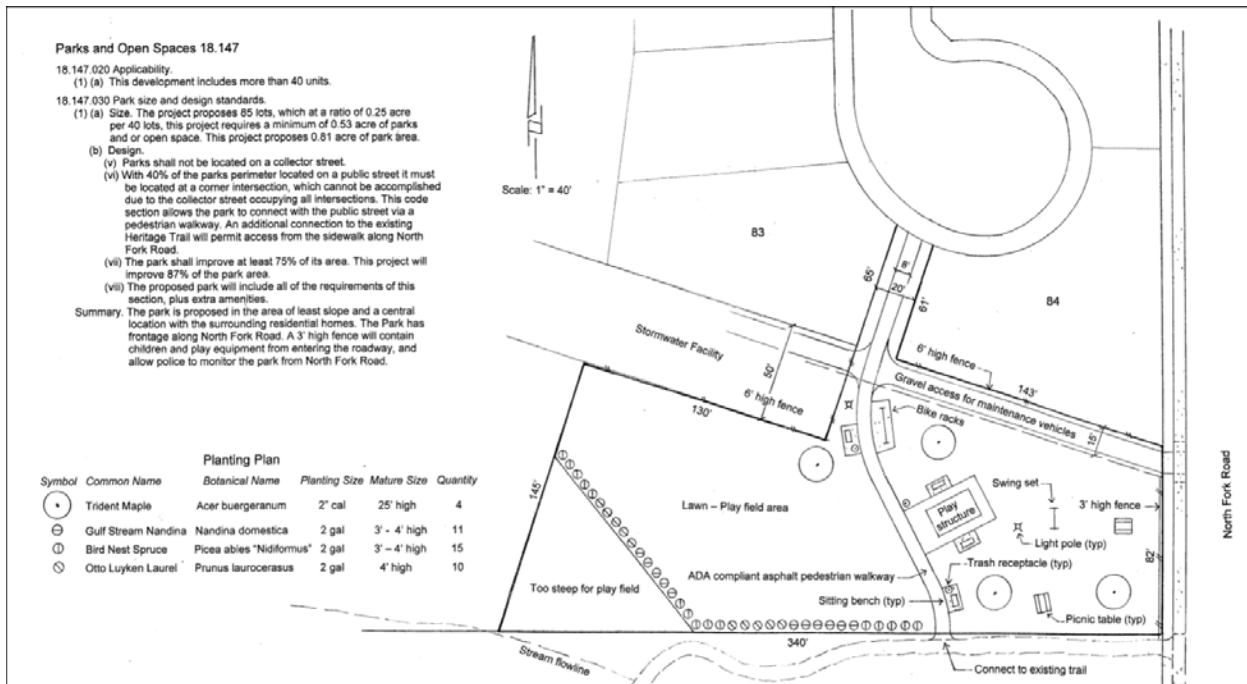


Figure 4 Proposed Park Plan

The Applicant states that the proposed park location was selected because it is the least sloped area on site and it is centrally located. The Applicant also states that *“In order to meet ADA standards, the park must be located on the least steep area of the site, which is the location proposed.”* Because of the topographic conditions, the Applicant proposes to situate the park within the stream buffer rather than on buildable land. (See LCMC 18.300.050(4)(b).

The proposed park has frontage on Aspen/North Fork. The park may be accessed from S. “B” Court Cul-de-sac via a 20 foot wide accessway to the stormwater facility and 8-foot wide pedestrian walkway to the park in Tract A. The path will connect to the existing trail south of the site. Proposed amenities include a bike rack, swing set, play structure, picnic table, sitting bench, landscaping, and lawn for play field. The southwest portion of the park is labeled *“too steep for play field”*.

18.147.030 Park size and design standards.

(1)(a) Size. The size and location of park shall be established in such a manner as to ensure compliance with and implementation of the parks plan. The minimum park size requirements are:

(i) Each development in an LDR-7.5 zoning district shall provide one or more family parks at a ratio of one-quarter acre per 40 dwelling units (0.25 ac/40 du).

Response

The proposal is for 85 single family units; therefore, the subdivision must provide 0.53 acres of park area consistent with this chapter.

(b) Design. Parks provided pursuant to this section shall meet the following minimum standards:

(i) Park design and layout shall meet current La Center park standard requirements and Americans with Disabilities Act (ADA) regulations.

Response

The Parks Plan provides that “Family Parks”² shall be from one to five (1-5) acres in size. An 85 unit single family subdivision is only required to provide 0.53 acres of park area. The Applicant states Tract A will provide 1.06 acres of park area. The preliminary park plan states that the path will be ADA compliant but does not indicate whether other park features will be ADA compliant.

As a **Condition of Approval**, prior to final Plat approval the Developer shall provide the City with a Final park plan that demonstrates how the park will comply with applicable the design requirements of chapter 18.147, Family Parks, and applicable ADA requirements.

(ii) Parks shall be designed by a landscape architect licensed in the state of Washington.

Response

The preliminary park plan was designed by David Watson, a landscape architect registered in the state of Washington in 2017.

(iii) It is highly desirable that parks required pursuant to this chapter be one contiguous space to minimize maintenance work load. However, a required park need not be a single contiguous area if the applicant demonstrates the following:

(A) A noncontiguous park arrangement meets requirements of this section and the goals of the parks plan; and

(B) A noncontiguous park arrangement better meets the needs of the residents; or

(C) The development topography does not make it feasible to provide a contiguous space for the required park.

² Family parks are very similar to the neighborhood parks except that they are developed and maintained by the local Home Owners Association (HOA). These parks focus on adjacent residences, are typically targeted toward young children and teens, and are within a one-quarter mile walking or biking distance. These parks are developer-financed, without the use of Park Impact Fees (PIF). The typical size for a family park ranges from one to five acres. Elements include, but are not limited to, benches, picnic tables, play equipment, open lawn, and plantings. The La Center Municipal Code requires future residential developments to provide park facilities on-site. 2017 La Center Parks Recreation and Open Space Master Plan Page 10.

(iv) The minimum contiguous parks size shall be 0.25 acres.

Response

The Tract A park is 1.06 contiguous acres.

(v) Parks provided under these provisions shall not be located on streets of a minor collector or higher classification as defined in the La Center Comprehensive Plan.

Response

The Tract A park abuts Aspen Avenue, a Rural Major Collector. NE 348th Street is classified as a Major Collector Street. S. "B" Court is a local street. The application does not meet this criterion; therefore, the Applicant requests a variance to this standard. The application states, "The only areas on the entire site not located adjacent to a collector street, would be at the north property line where slopes exceed 12%; which would not comply with ADA regulations."

(vi) All parks shall be fronted by a public road for at least 40 percent of their perimeter. If it is not feasible or practical to meet this standard because of location and/or physical site constraints, a pedestrian pathway or other design element approved by the review authority to assure free and open public accessibility shall be established through a dedication or perpetual easement with a minimum width of 20 feet. This pedestrian pathway connection shall be made from the public street to the park.

Response

The proposed Tract A park has 120 feet of frontage along Aspen Avenue. The Applicant proposes to construct a public pathway from S "B" Court via a 20 foot wide accessway that will connect to the existing Heritage Trail located south of the site's south property line.

(vii) All parks shall have at least 75 percent of their area improved with usable active play areas and open space.

Response

The Applicant states that the proposed park will improve 0.87 acre of usable active play area, which is 82% of the park area.

(viii) The provided park facilities and amenities should consider the range of ages of the target residents for the development. While the choice of park facilities and amenities is determined by the developer, each family park shall, at a minimum, contain the following amenities. The review authority may amend this requirement if the proposed facilities and amenities meet the intent of this chapter and the parks plan.

(A) Paved pedestrian circulation path or sidewalk;

(B) Two sitting benches, a minimum of four feet long each, for each 0.25 acre of park area or part thereof;

(C) One trash receptacle for each 0.25 acre of park area or part thereof;

(D) Bike rack(s) to accommodate a minimum of six bicycles for each 0.25 acre of park area or part thereof;

(E) One play structure intended primarily for use by children ages two to 12;

(F) One picnic table for each 0.25 acre of park area or part thereof.

Response

Proposed amenities include fourteen bike parking spaces, one play structure designed for ages 2 to 12, two picnic table, five sitting benches, three trash receptacles, landscaping, and lawn for play field.

(ix) The undeveloped play space shall be covered with live vegetation which shall be irrigated by a permanent, below-ground, automatic irrigation system.

Response

The preliminary park plan includes a lawn and preliminary planting plan and schedule.

(x) 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 three and one-half feet in height and shall not exceed six feet in height. Neither the fence nor hedge shall be fully sight-obscuring.

Response

A six-foot high fence is proposed along the abutting edge of the stormwater facility and where lots 82 and 83 abut the access easement. A three foot high fence is proposed along North Fork Avenue. The preliminary park plan includes Prunus laurocerasus, commonly called cherry or English laurel. All parts of the plant are considered **poisonous**³ and it is listed as a prohibited nuisance plant in LCMC Table 18.340.040(3) Nuisance Plant List. As a **Condition of Approval** the Applicant's park plan must be revised to exclude poisonous plants. Because the park is located within the riparian buffer, all plantings shall be native non-poisonous plants.

³ See <https://homeguides.sfgate.com/poisonous-cherry-laurel-tree-67400.html>

(xi) Policing of the parks is a critical concern for the city, therefore, each park shall meet the following safety requirements:

(A) The parks shall be designed to facilitate community policing through crime prevention through environmental design (CPTED) guidelines.

(B) A minimum of one side of the park shall abut a public road, unless otherwise approved by the review authority.

(C) Street lighting or park lighting as necessary shall be used to illuminate the park for citizen and police patrols to see into the park at night from a public street.

Response

The applicant states that the proposed park design will “allow community policing through (CPTED guidelines)” but does not indicate how this will occur than by means of abutting Aspen Avenue and installation of required street lights on Aspen Avenue. Prior to final plat approval, as a Condition of Approval, the Developer must clearly show how the proposed park design is consistent with “community policy through CPTED guidelines”.⁴

(xii) Trail linkages shall be provided to the existing or planned La Center and regional trail systems consistent with the provisions of the parks plan. The total area allocated to new trails shall not be used to meet the parks area requirement of subsection (1)(a) of this section.

Response

The park will be connected to the existing Heritage Trail to the south.

(xiii) Passive open spaces, such as wetlands, stream corridors or other unbuildable lands, shall be combined with active open spaces, either contiguously or via pedestrian facilities, to create interconnectivity between neighborhoods and/or other park and pedestrian facilities. Where possible and feasible, these areas shall be improved with an integrated network of trails within the buffer areas. Where feasible these trails will be connected to existing or planned La Center and regional trail systems consistent with the provisions of the parks plan. Such unbuildable areas shall either be dedicated to the city or encumbered with public easements for pedestrian facilities. Easements shall be composed of a 20-foot-wide construction easement which, upon

⁴ CPTED Guidelines are available at http://cptedsecurity.com/cpted_design_guidelines.htm.

completion, will expire in lieu of trail construction and a 12-foot-wide perpetual pedestrian easement.

Response

More than 13 acres of open space will be combined with the 1.06 acre park.

(xiv) Developers are encouraged to incorporate into the open spaces other required facilities such as stormwater treatment and detention ponds to provide more open space. However, such areas shall not be used to meet the park area requirements of subsection (1)(a) of this section.

Response

Stormwater management facilities are planned adjacent to open space areas and are may not be used to meet the park area requirements.

(xv) Other design features in addition to or in lieu of the standards included in this section may be acceptable if determined by the review authority to meet the intent of this section and the parks plan.

Response

A swing set and a large grassed play field are proposed.

(2) Parks required pursuant to this chapter shall be completed prior to the issuance of the occupancy permit of the twenty-fifth dwelling unit within an approved development.

Response

Development of 85 detached single-family lots requires the creation of 0.53 acres of active park area and other open space areas. The 1.06 AC proposed park area exceeds the 0.53 AC minimum required for the 85 units proposed at this time.⁵

The information submitted⁶ concerning park and open spaces facilities must be completed prior the final plat approval for each phase developed. Supplemental preliminary plan sets included information regarding the set aside for parks and opens spaces, pathways, and landscaping. A final park plan will be required prior to final plat approval that clearly demonstrates compliance with the requirements of a Family Park under LCMC 18.147.030 Park size and design standards and LCMC 18.147.040 Facility plan.

As a **Condition of Approval**, prior to Final Plat approval, the Developer shall submit to the City for approval the final list of landscaping plants and park amenities (equipment cut sheets, number of units and capacity of each) at or exceeding the "Family Park" standard, and per ADA requirements, as part of the stamped Final Landscape Plan.

As a **Condition of Approval**, if the Development cannot meet the design standards for parks the Developer shall redesign the plat to meet the requirements of LCMC 18.147.

⁵ Calculation: 0.25 AC per 40 LDR units, $(40 / 85 = 2.125) * (0.25) = 0.53$ AC

⁶ Preliminary Parks Plan resubmitted and stamped 03/23/18.

LCMC 18.210 Subdivisions

A preliminary plat is subject to pre-application review. LCMC 18.210.010. Technically complete review of a plat application is subject to a Type I process. 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. LCMC 18.210.020.

Response

The City conducted a pre-application conference for Stephens Hillside Estates Subdivision on December 20, 2015. 2016-025-PAC. The City received an application for preliminary plat on February 28, 2018. The City found the application “not technical complete” on March 9, 2018 and postponed further review until all required application items were provided. The Applicant revised their proposal consistent with adopted City regulations and standards and the City found the application technical complete on July 19, 2018. The La Center Hearing Examiner will consider the application for preliminary plat approval on October 18, 2018 at La Center City Hall beginning at 5:30 PM.

18.210.040 Approval criteria for a preliminary plat.

- (1) *The review authority shall approve a preliminary plat if he or she finds:*
- (a) *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:*
 - (i) *Chapter [12.05](#) LCMC, Sidewalks, and Chapter [12.10](#) LCMC, Public and Private Road Standards;*
 - (ii) *Chapter [18.300](#) LCMC, Critical Areas;*
 - (iii) *Chapter [18.310](#) LCMC, Environmental Policy;*
 - (iv) *Chapter [18.320](#) LCMC, Stormwater and Erosion Control;*
 - (v) *Chapter [15.05](#) LCMC, Building Code and Specialty Codes;*
 - (vi) *Chapter [15.35](#) LCMC, School Impact Fees; and*
 - (vii) *LCMC Title [18](#), Development Code.*
 - (viii) *LCMC Title [13.10](#), Sewer System Rules and Regulations.*

Response

LCMC 18.210.040(1) requires the La Center review authority to approve a final plat if he or she finds:

- (b) *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;*
- (c) *The subdivision makes appropriate provision for parks, trails, potable water supplies and disposal of sanitary wastes; and*
- (d) *The subdivision complies with Chapter [58.17](#) RCW.*

Response

Refer to the sections that follow for more detail. Builders shall pay all system development fees and park, traffic and school impact fees in effect at the time of building permit application.

- (2) *If phases are proposed, then the subdivision also complies with the following:*
- (a) *The preliminary plat identifies the boundaries of each phase and sequence of phases;*
 - (b) *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;*

- (c) *The sequence and timing of phases maintains compliance with applicable standards throughout the development of the subdivision;*
- (d) *The applicant completes or assures completion of public parks improvements consistent with LCMC 18.147.030, such as concerning size (0.25 ac/ 40 du), design (ADA accessibility, licensed landscape architect, etc.), timeliness (required park facilities to be completed before the issuance of the occupancy permit of the twenty-fifth dwelling unit per the approved development phase), and public access (either a dedication or with public access easements prior to / concurrent with final development approval);*
- (e) *The applicant assures the provision of public parks, quantity and quality of its amenities and construction information with the submission of a preliminary park site plan and landscape plan in order that the preliminary land-use plan is consistent with Facility Plan LCMC 18.147.040 and thus complete;*
- (f) *The applicant provides [or assures that the HOA provides] liability responsibilities and maintenance comparable to City facilities for the non-city parks and trails developed with this project consistent with LCMC 18.147.050, and the owner of these facilities shall permit the city the right of third-party enforcement if needed; and*
- (g) *The applicant completes or assures completion of public improvements consistent with LCMC [18.210.090](#)*

Response

Stephens Hillside Estates Subdivision is divided into four (4) phases of LDR-7.5 development that will be reviewed for this hearing process:

<p><u>Phase 1:</u></p> <ul style="list-style-type: none"> • Bioretention Facility • Stormwater Facilities • Parks: Tract A • Roads: Portions of Streets A & B • Fences and Walls: all (only fences identified are in park) • Frontage work along Aspen Avenue and North Fork 	<p><u>Phase 2:</u></p> <ul style="list-style-type: none"> • Roads: Portions of Streets A & C & Court D <p><u>Phase 3:</u></p> <ul style="list-style-type: none"> • Roads: Portions of Streets A & E & Court F <p><u>Phase 4:</u></p> <ul style="list-style-type: none"> • Roads: Portions of Street A & Court G
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Unless the City accepts dedication of the Tract A park, which it is not required to do, prior to final plat approval for Phase 1, as a **Condition of Approval**, the Applicant must provide CC&Rs for a homeowners association (HOW) that ensure that the HOA assume full responsibility for the liability and maintenance of the Tract A park comparable to what the city provides for City-owned. The CC&Rs shall permit the City the right of third-party enforcement.

LCMC 18.210.050 Expiration and extension of preliminary plat approval.

(1) Approval of a preliminary plat expires five 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.

Response

A preliminary plat shall expire within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. LCMC 18.210.050(1) and RCW 58.17.140(3)(a).

LCMC 18.230 Monumentation, Survey, and Drafting Standards

- 18.230.010 Imprinted Monumentation
- 18.230.02 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

Response

All sections apply to the Applicant's development.

Chapter 18.230.090 Final Plat Drawing Requirements through 18.230, Lettering and Location

The Mylar "as-built" drawings shall be 22" by 34" full scale drawings. A copy of the "as-built" drawings shall be provided in PDF format on disk and Autocad DWG file. The information on the as-built drawings shall be per 1.13 of the Engineering Standards.

LCMC 18.240 Mitigation of Adverse Impacts

Chapter 18.240.010 Purpose

This chapter provides the City with the authority to require prospective developers to mitigate the direct impacts specifically identified by the City as a consequence of proposed development, and to make provisions for mitigation 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.

Chapter 18.240.020 Determination of Direct Impacts

(1) 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:

- (a) Predevelopment versus post development demands upon city streets, drainage facilities, parks, playgrounds, recreation facilities, schools, police services, and other municipal facilities or services;*
- (b) 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;*
- (c) Size, number, condition and proximity of existing facilities to be affected by the proposed development;*
- (d) Nature and quantity of capital improvements reasonably necessary to mitigate specific direct impacts identified as a consequence of the proposed development;*
- (e) Likelihood that the users of the proposed development will benefit from any mitigating capital improvements;*
- (f) Any significant adverse environmental impacts of the proposed development;*
- (g) Consistency with the city's comprehensive plan;*

(h) Likelihood of city growth by annexation into areas immediately adjacent to the proposed development;

(i) Appropriateness of financing necessary capital improvements by means of local improvement districts;

(j) Whether the designated capital improvement furthers the public health, safety or general welfare;

(k) Any other facts deemed by the review authority to be relevant.

(2) The cost of any investigations, analysis or reports necessary for a determination of direct impact shall be borne by the applicant. [Ord. 2006-17 § 1, 2006.]

Chapter 18.240.030 Mitigation of Direct Impacts

The City will review an applicant's proposal for mitigating any identified direct impacts and determine whether the 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. The City may not approve a development until provisions have been made to mitigate identified direct impacts that are consequences of such development. Mitigation methods may include, but are not limited to, dedication of land and/or off-site improvements.

Response

The La Center TCFP anticipates the extension of NW 348th Street and the connection between the western terminus of NW 348th Street and Bolen Road as a Major Collector. The TCFP identifies this road system as being necessary to provide cross circulation through the northern side of town, reduce traffic congestions from Aspen Avenue into the center of town; and facilitate safe routes to schools when the La Center School District (LCSD) constructs the new school at the corner of Bolen Road and NW 14th Street, as envisioned in the LCSD Capital Facilities Plan. This proposal will add approximately 850 new average daily trips to the La Center road network and will create a situation in which there is only one way in and out of the subdivision.

To help mitigate for this potential adverse effect, the subdivision plat shall carry the following note:

"The applicant has voluntarily agreed to voluntarily and irrevocably commit to a dedication of right-of-way for a future street connection from the westerly terminus of proposed Street A (348th St.) of Stephens Hillside Estates Subdivision across proposed Tract C to connect with the easterly terminus of existing NE Bolen Street, the exact route to be determined within a reasonable time frame. The commitment shall encumber that portion of Tract C that is north of the proposed south right-of-way of proposed street A. The City of La Center shall be responsible for all costs related to the design and construction of said street connection. The commitment shall not exceed ten (10) years from the date of preliminary plat approval."

Chapter 18.245 Supplementary Development Standards

The application did not include specific information regarding the fencing, hedging, solid waste, lighting, noise, and landscaping requirements regulated by Chapter 18.245. The park plan and narrative included only generalized information regarding the location and heights/ quantities of the park fencing (3 FT and 6FT sections), street light locations, and other amenities.

As a **Condition of Approval**, prior to final plat the applicant must provide information regarding and proposed fencing, hedging, and landscaping and solid waste, lighting, and noise impacts to the extent as regulated by Chapter 18.245.

LCMC 18.260 Variances

The application included two requests for road modification which are addressed in the engineering section of this report.

The application includes two requests for variances to Title 18:

1. modify the method to calculate the minimum density, and
2. allow the park to have frontage along a collector street.

The variance approval criteria are:

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. LCMC 18.260.040.

In response to the criteria the Applicant stated:

“(1) Steep topography and critical areas on the subject site and a strict interpretation of the density code section would require 147 lots on the site, which is not possible or feasible. A Park cannot be located in steep slopes, as complying with ADA standards would also be impossible.”

“(2) The granting of the variances will not be detrimental to the public welfare, or injurious to the property or improvements in the vicinity in which the site is located. The gross density (85 lots divided by 42.3 acres) is approximately 2 lots per acre, which is less impact on the surrounding neighborhood. The proposed City Park location is located in the least slope area and will provide a great Park for surrounding neighborhoods to enjoy.”

Response

Regarding density requirements:

Table 18.130.080 – Density Requirements, states that the minimum net density in the LDR 7-5 zone is 4 units per acre. The footnote to standard states: “Densities shall be calculated based on the gross area of the site minus any public rights-of-way.” The same Table requires that the minimum lot size shall be 7,500 s/f and that only 10% of the lots may be as small as 6,000 s/f.

The Applicant argues that a strict reading of the code sets up an impossibility on this site: in order to achieve a net density of 4 units and acre while only deducting for public rights-of-way, the average lots

size would be 5,570 s/f. So many small lots would run afoul of the requirement that only 10% of the lots may be as small as 6,000 s/f/.

The La Center 2016 Comprehensive Plan clearly states that, *“The minimum density for an LDR housing development is 4 dwelling units per gross acre.”*⁷ The LCMC 18.130.080 standard requiring density calculations based on minimum net density (gross minus rights-of-way) is in conflict with the Comprehensive Plan standard requiring density calculations based on gross acre. LCMC 18.10.070(1) states that the highest local land use authority is the La Center Comprehensive Plan.

In the present case, using the Comprehensive Gross area standard, a 42.3 gross acre site containing 85 lots would generate 4.976 (rounded up to 5) units per acre which is consistent with the Comprehensive Plan minimum requirement of 4 units per gross acre. Therefore, staff does believe a variance to the minimum net density requirement in LCMC 18.130.080 is necessary.

Regarding the park location:

The Applicant specifically seeks a variance to LCMC 18.147.030(1)(b)(v), *“Parks provided under these provisions shall not be located on streets of a minor collector or higher classification as defined in the La Center comprehensive plan”*; and LCMC 18.147.030(1)(b)(vi), *“All parks shall be fronted by a public road for at least 40 percent of their perimeter”*.

The Applicant’s argument that site topography prevents locating the park anywhere else but in the flatter riparian buffer is not supported by conclusions not substantial evidence. The Applicant proposes to grade the upland portions of the site to create building pads and could surely grade an upland portion of the site to create an ADA compliant park area. Similarly, locating a park on graded land near the northern extension of one of the cul-de-sacs could eliminate the problem of locating a park along a collector street.

The Applicant turns their attention to the second part of subsection (b)(VI) when it is *“not feasible or practical to meet this standard because of location and/or physical site constraints, a pedestrian pathway or other design element approved by the review authority to assure free and open public accessibility shall be established through a dedication or perpetual easement with a minimum width of 20 feet. This pedestrian pathway connection shall be made from the public street to the park.”*

In the present case the preliminary park plan provides a 20 foot wide dedicated accessway that connects Tract A Park, located within the unbuildable riparian buffer, directly to “B” Court and the Heritage Trail to the south.

The site is located at the northern edge of the UGA and is separated from residential lands to the west by the “Bolen” Creek corridor. To the east is the older Southview Heights development and to the south is the Gordon Crest subdivision. Locating the Tract A Park as proposed would make the park more accessible to other nearby neighborhoods that would place the park on graded land to the north.

⁷ La Center 2016 Comprehensive Plan, Chapter 2, Land Use, Low Density Residential, page 20.

Although LCMC 18.147 places a burden on and provides a benefit to a specific development, the purpose of this chapter is broader; family parks are intended to benefit the larger La Center Community, as well:

“These parks benefit all residents by:

- (a) Providing opportunities for both active and passive outdoor activities;*
- (b) Providing a variety of activities;*
- (c) Ensuring outdoor activities are available to all elements of the community; and*
- (d) Enhancing the sense of community. (Emphases added)*

Consequently, staff believes that the benefits the park provides in this location are superior to other locations within the subdivision and supports that requested variance to the two park location standards.

LCMC 18.280 Off-Street Parking and Loading Requirements

Each dwelling unit shall be provided with at least two (2) off-street parking spaces per LCMC Table 18.280.010. Parking spaces within garages, carports and driveways serve to meet this requirement. Garage doors shall be a minimum of 20 feet from the interior edge of the public sidewalk.

Response

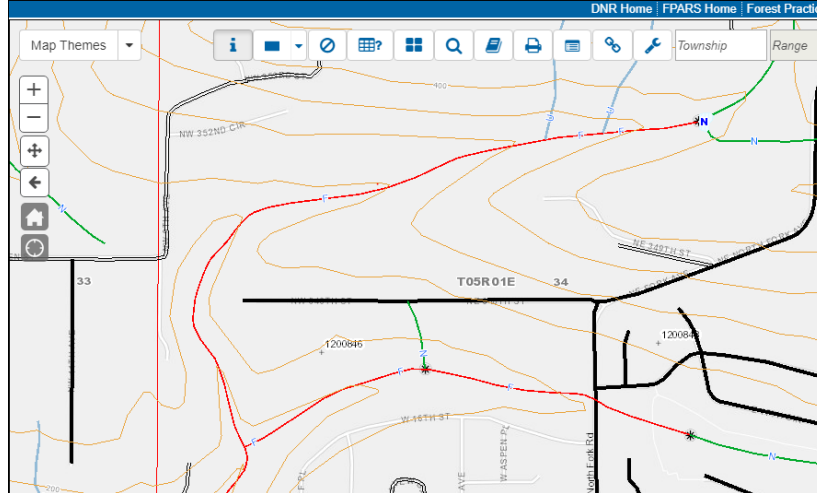
The proposal did not identify off-street parking areas. As a **Condition of Approval**, the Developer shall provide each dwelling unit, at the time of construction, with at least two (2) off-street parking spaces per LCMC Table 18.280.010.

III.G Critical Areas Review / SEPA Analysis

LCMC 18.300, Critical Areas

The Washington Department of Natural Resources (DNR) Forest Practices Application Review System (FPARS) mapping tool indicates the unnamed creek, commonly known as Bolen Creek, a fish bearing stream bisect the property on the west side. Along the southern side of the site a fish bearing tributary to “Bolen” Creek runs from Aspen Avenue west towards “Bolen” Creek. <https://fpamt.dnr.wa.gov/default.aspx#>

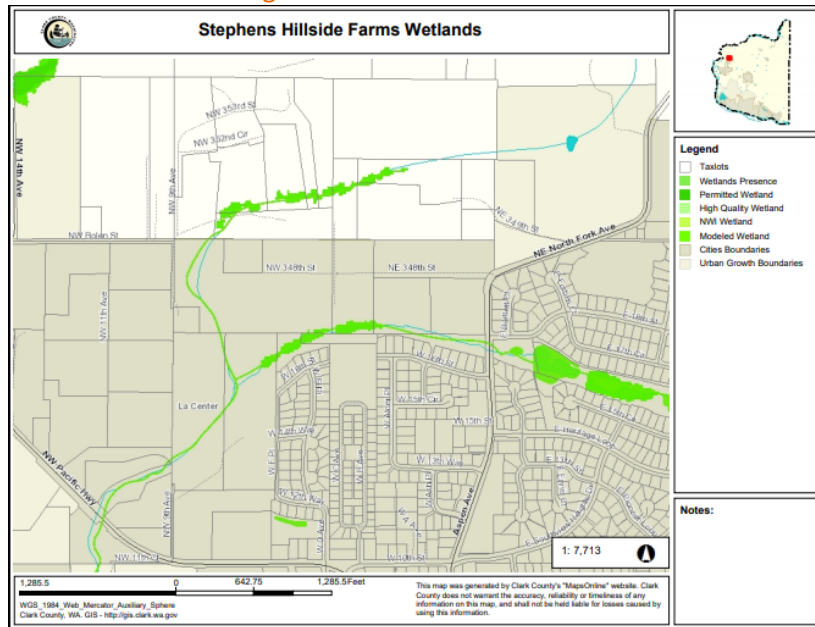
Figure 4 Riparian Areas



Clark County MapsOnline indicates there are wetlands associated with the stream corridors but not elsewhere on site.

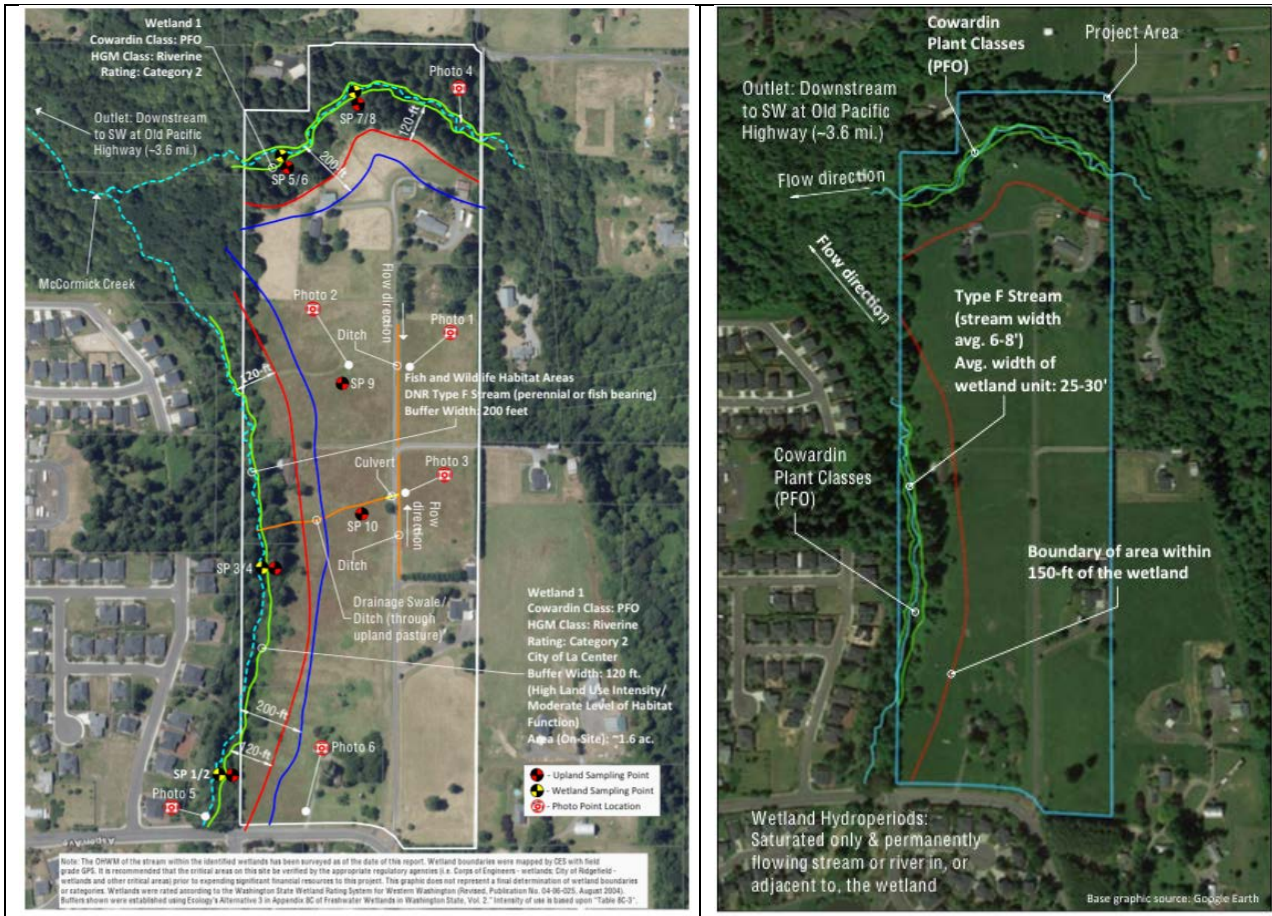
<https://gis.clark.wa.gov/Geocortex/Essentials/REST/TempFiles/11%20x%208.5%20Landscape.pdf?guid=074f1802-665c-42de-b31d-49a5d8d96d51&contentType=application%2Fpdf>

Figure 5 Associated Wetlands



The Critical Areas Report authored by Cascade Ecological Services (CES) is dated January 29, 2018. CES conducted soil sampling and wetland assessments in the mapped wetlands associated with “Bolen” Creek and tributary along the south and west portions of the project area (November 20, 2017). The slopes on the project area averaged between 10 and 15 percent except within the riparian corridor of ‘Bolen’ Creek where steeper slopes are present in the range of 25 to 40 percent.

The site has two wetland areas which join off-site to form one larger contiguous wetland labelled as "Wetland Unit 1" (1.60 AC with a buffer of 120 FT). CES concluded that the wetlands should be rated as Category 2 PFO riverine. Additionally, CES confirmed that "Bolen" Creek is a DNR Type F (fish-bearing) stream which is regulated under LCMC 18.300.090(2) as a fish and wildlife habitat conservation area. The Applicant proposes to mitigate the 1.45 AC of impacted stream habitat buffer loss with 2.65 AC of on-site stream habitat buffer enhancement using a ratio of 1.83:1.



Critical Areas on Site Document Image by CES

Wetland Basin Identified by CES

Chapter 18.310 LCMC Environmental Policy

The Applicant submitted a SEPA Checklist. The City reviewed the checklist and relevant materials, including an archaeological pre-determination, and the Responsible Official issued a Modified Determination of Non-Significance (MDNS) Threshold Determination on August 10, 2018. The City published notice of the MDNS in the Battle Ground reflector, a center newspaper of record, and the Ecology SEPA Register. The City has received one SEPA comment: The Cowlitz Indian Tribe requested language related to inadvertent discovery of cultural resources which has been incorporated into the conditions of approval.

LCMC 18.340 Native Plant List

Response

The final Landscape Plan, once submitted, should only include Native plants approved for use in La Center per Table 18.340.040(2), avoid plants if possible on the Nuisance List Table 18.340.040(3), and

not use prohibited plants from Table 18.340.040(4). Only native plantings are allowed in the critical area buffers.

LCMC 18.350 Tree Protection

Response

In order to preserve the wooded character of the city and to protect trees as a natural resource of the city, the City of La Center regulates the removal of trees and prescribes preventative protection measures to avoid damage to trees during site development. The City of La Center's Tree Protection ordinance is triggered by a Type III project. As a **Condition of Approval**, prior to soil disturbance or removal of any trees regulated under LCMC 18.350 the Developer shall provide the City with a tree inventory and protection and mitigation plan for review. Any trees proposed for removal shall be identified on the plan and shall be flagged in the field consistent with LCMC 18.350.060. Trees regulated by chapter 18.350 that are proposed to be removed shall be mitigated consistent with LCMC 18.350.070(3)

The City tree protection program includes Oregon white oaks (*Quercus Garryana*) which provides habitat for state regulated priority species. As a **Condition of Approval** the Developer shall install protective fencing around all Oregon white oak trees larger than 6" DbH.

III.H Public Works and Engineering Analysis

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

Transportation Impact Analysis

The applicant conducted a transportation impact study for the Stephens Hillside Estates Subdivision, prepared by Lancaster Engineering, dated February 1, 2018. The proposed development will construct an 85-lot subdivision on multiple properties located near 34700 NE North Fork Avenue. Access to the site is proposed from Aspen Avenue. The proposed project is scheduled for completion in 2020.

The City of La Center has adopted mobility standards for transportation facilities during the highest one-hour period on an average weekday. The City's 2012 Transportation Capital Facilities Plan requires signalized intersections to operate with a Level of Service (LOS) "D" or better and have a Volume-to-Capacity (V/C) ratio not higher than 0.95. All unsignalized or roundabout controlled intersections must operate with a Level of Service (LOS) "E" or better.

The traffic impact analysis provided operations for existing (2017) and future (2020) conditions during the AM peak hour and PM peak hour at the following study intersections:

- NE 348th Street/NE North Fork Avenue/Aspen Avenue (stop-controlled on minor street)
- E 18th Street/Aspen Avenue (stop-controlled on minor street)
- E Heritage Loop/Aspen Avenue (stop-controlled on minor street)
- W 10th Street/E Southview Heights Drive/Aspen Avenue (all way stop-controlled)
- W 5th Street/Aspen Avenue (stop-controlled on eastbound approach)
- W 4th Street/Pacific Highway (stop-controlled on minor street)
- W 4th Street/Aspen Avenue (stop-controlled on minor street)

- E 4th Street/NE Lockwood Creek Road/NE Highland Avenue/E Ivy Avenue (stop-controlled on minor street)

Peak hour traffic counts were conducted at all study intersections in December 2017. Year 2017 traffic volumes were increased by two percent per year for three years to account for background traffic growth through 2020. Trips generated from the approved Sunrise Terrace in-process development were also added to the year 2020 traffic volumes. Trips associated with the development are identified for the AM and PM peak hours at each study intersection.

Traffic accident history was obtained and evaluated for the study intersections (2012 to 2016). None of the intersections reach a collision rate of 1.00 collisions per million entering vehicles. The rate of 1.00 is used as a limit level to identify where mitigations could be required. No safety issues were reported at the study intersections.

ITE Ninth Edition Trip Generation Land Use Code 210 (single-family detached housing) was used to estimate the subdivision trips. The proposed subdivision would generate approximately 764 daily trips, 60 AM peak hour trips (15 in/45 out) and 80 PM peak hour trips (50 in/30 out). The trip generation estimate was based on 81 new homes, accounting for the removal of 3 existing homes and maintaining one existing home.

Trip distribution assumptions are based on existing traffic patterns and engineering judgement. The trip distribution assumes 65 percent of trips will travel to/from the south on Pacific Highway, 15 percent to/from the west on Pacific Highway, 5 percent to/from the north on Highland Avenue, 5 percent to/from the north on NE North Fork Avenue, 5 percent to/from the east on Lockwood Creek Road and 5 percent in the immediate vicinity.

No future transportation projects were included in the intersection operation analysis. The W 4th Street/Pacific Highway intersection is planned to be improved with the construction of a roundabout starting in 2018. This improvement should have been included in the 2020 operations analysis. The 2012 La Center Capital Facility Plan includes several projects that would extend Bolen Street from Pacific Highway to NE 348th Street as a Major Collector. The potential impact of the proposed development with the planned Bolen Street extension future connection and revised site trip distribution should have been evaluated to ensure adequate operations.

All intersections were found to operate at LOS E or better during both AM and PM peak periods of the 2017 Existing, 2020 Background and 2020 Background plus Site Trip Conditions.

The planned site access onto NE North Fork Avenue/Aspen Avenue was reviewed and found to meet minimum sight distance requirements.

The study did not evaluate access spacing standards.

Queueing analysis for the 2058 condition at the intersection of "Street A" (existing NE 348th Street) and North Fork Rd/Aspen Ave was provided in a supplementary report dated May 8, 2018. The planned connection of the "Street A" stub and NW Bolen St is expected to be completed by 2058 providing a potential for diversion of traffic currently using NW Pacific Hwy and W 10th St. The diversion was estimated at 30% of the southbound right-turning traffic and eastbound left-turning traffic at the intersection of Aspen Ave and W 10th St and 30% of the northbound NE North Fork Ave traffic north of the "Street A" intersection.

This analysis also included a review of additional traffic volume generated by a planned elementary school along NW Bolen St, west of the site. Trip rates were estimated using an estimate of 84,000 square

feet for ITE code 520 from the Trip Generation Manual, 10th edition. 70% of the school trips to and from the site are expected to utilize the “Street A” intersection.

Synchro/SimTraffic was used for the queuing analysis. The results of the analysis found that the 95th percentile queues were 47 feet for both the AM and PM peak hour in 2020 and 83 feet and 55 feet for the AM and PM peak hour in 2058. The available storage space was estimated at 200 feet based on the site plan distance of “Court B” to Aspen Ave. The actual distance appears to be much closer to 100 feet. Northbound queues along Aspen Ave/NE North Fork Ave that are expected to occur in 2020 PM and 2058 AM/PM analysis are not discussed but presents a problem due to the lack of storage space along the two-lane road.

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 Public Works Department. LCMC 12.10.040.

The applicant shall provide full street improvements on interior streets according to the City of La Center Local Access standard ST-15 and Rural Major Collector full street improvements per standard ST-13A for along Street “A” per the preliminary plat.

In addition to the interior street improvements and frontage improvements along Aspen Avenue, street lights, street trees and stormwater improvements per LCMC 12.10.190.

For driveways to each lot the applicant will need to comply with maximum driveway width as shown on standard detail ST-3.

All pedestrian path of travel in public right of way including; sidewalks, curb ramps and street pedestrian crossings shall comply with the American Disabilities Act.

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 Fire District must approve access to all the lots per the IFC.

Clark Public Utilities must approve the water pipe system and service to all lots. CPU needs to be contacted about the existing water system pressure and the applicant must meet CPU approval for the new water system.

The final plat shall contain street names and addresses as provided by the City.

Monumentation shall be as directed by the City and shall be inside a cast iron monument case flush with the final street grade and shall be a brass cap, in a 30-inch long pipe as set by the surveyor of record and shown on the final subdivision plat map.

Streets and Circulation

The Applicant must verify that the site distance from Court “B” will meet the Engineering Standards for site distance to North Fork Road. The minimum line of site per the Engineering Standards is 250 lineal feet at 25 MPH. The intersection spacing between Court “B” and Aspen Avenue is less than 200 feet from the centerline of the intersections. Traffic turning east onto Street “A”, from the north or south side of Court “B”, does not have adequate line of site for traffic turning right onto Street “A” from North Fork Avenue. North Fork Avenue traffic turning right onto Street “A” will not have enough line of site of traffic queuing on Court “B”. The recent update to the CFP recommends 275 feet intersection spacing for Major Collectors. The applicant will need to modify the spacing of Court “B” to provide adequate line of site to meet the city standards.

The Applicant must verify that the site distance from Court "B" will meet the Engineering Standards for site distance to North Fork Road. The minimum line of site per the Engineering Standards is 250 lineal feet at 25 MPH. The intersection spacing between Court "B" and Aspen Avenue is less than 200 feet from the centerline of the intersections. Traffic turning east onto Street "A", from the north or south side of Court "B", does not have adequate line of site for traffic turning right onto Street "A" from North Fork Avenue. North Fork Avenue traffic turning right onto Street "A" will not have enough line of site of traffic queuing on Court "B". The recent update to the CFP recommends 275 feet intersection spacing for Major Collectors. The applicant will need to modify the spacing of Court "B" to provide adequate line of site to meet the city standards.

Tax lot 258962000 has a 20-foot wide ingress, egress and utility easement on the applicant's property from 348th Street. The preliminary plat submitted by the applicant does not show this easement being maintained and does not provide access to this parcel. The applicant will need to provide at least a 20-foot ingress, egress and utility easement on the plat to tax lot 258962000.

Grading

The Applicant shall submit final grading and erosion control permit as part of the subdivision plans showing the proposed contours on the plans.

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. All erosion control measures shall be designed, approved, installed and maintained consistent with Chapter 18.320 LCMC and the applicant's Construction Stormwater Permit. Per the City Erosion Control Manual, from October 1 through April 30th, no soils shall remain exposed for more than two (2) days. From May 1st through September 30th, no soils shall remain exposed more than seven (7) days.

Site development earthwork for site grading and construction of sewer, storm drain, water and street systems shall be limited to the dry weather season between May 1st and October 31st with planting and seeding erosion control measures completed by October 1st to become established before the onset of wet weather.

The Applicant shall incorporate all recommendations for site construction as described in the Geotechnical Report by Columbia West Engineering Inc. dated October 20, 2017.

The Geotechnical Report did not investigate the structural section necessary for the pavement, but referred to City standard detail sections. As a minimum the structural sections listed in the city standard street sections must be used. In addition the report must recommend the over-excavation section for unstable soil encountered during construction. The Geotechnical Engineer is responsible for determining the over-excavation stabilization section during construction for unstable soil encountered, but a recommended over-excavation section must be provided as part of the report and site plans.

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.

Per the City Engineering Standards, sanitary sewers should be designed to care for future loads that may reasonably be expected from full development upstream, consistent with the La Center Comprehensive Plan, Capital Facilities Plan, LCMC Title 13, and the Sewer Master Plan (General Sewer Plan).

The City Engineer has reviewed the Sewer Basin Capacity Analysis by the applicant's Engineer and found it to be adequate to support connection to the existing 8-inch sewer main in Aspen Avenue with the following requirements as described in the report:

Connection shall be made to the sanitary sewer manhole on Aspen Avenue at the intersection of E. 18th Street. A public 8-inch diameter public sewer shall be extended on Aspen Avenue north to the site. Connection to the manhole, sewer main open trench installation in Aspen Avenue shall be constructed per City Engineering Standards. LCMC 13.10.180. A minimum 8 inch diameter public main pipe will be installed between the proposed development and the point of connection at the City manhole. LCMC 13.10.190. A back water valve is required, if the lots are lower than the street, on each sewer connection from the lots and will be located at the property line within the applicants property. A cleanout is required at the property line. LCMC 13.10.110. *La Center Engineering Standards for Construction* are also applicable.

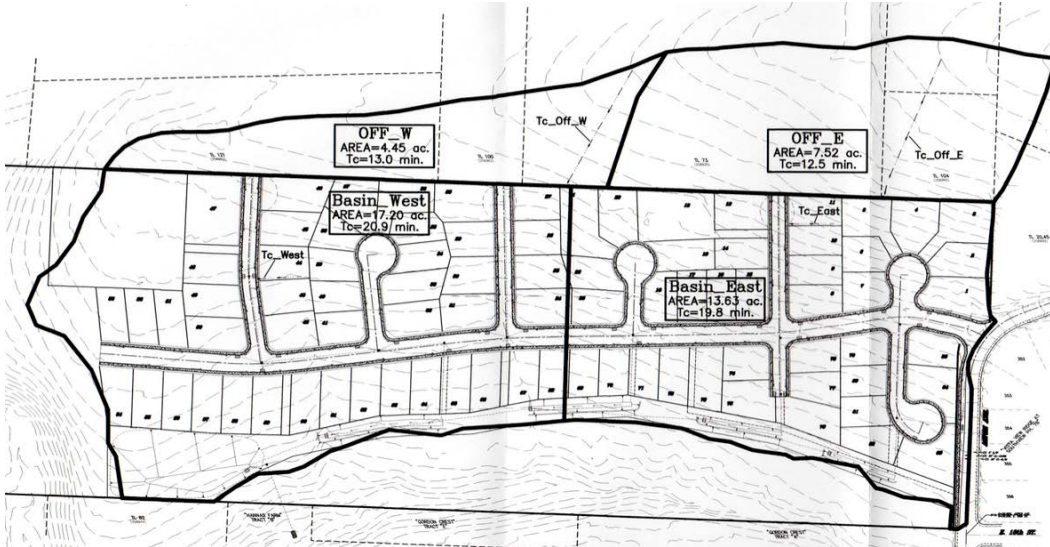
Video inspection of the existing 8-inch gravity line must be performed verifying its structural integrity and ability to accommodate the developer's preferred option. Should repairs be necessary in the existing 8-inch gravity line, the developer will perform such repairs using generally accepted methods at the developer's sole expense prior to connection or discharge from the development into the existing 8-inch gravity system.

Existing septic system must be abandoned or removed as necessary per Clark County Environmental Health permitting.

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.

The Applicant proposes to create new impervious interior streets in the subdivision. Per LCMC 18.320.210, treatment BMPs shall be sized to the treat the water quality design storm, defined as the six-month, 24-hour storm runoff volume.



A final Technical Information Report (TIR) will need to be submitted by the Applicant and must comply with LCMC 18.320.

The LCMC section 18.320.220 states that if surface water leaves the site, stormwater must be detained per LCMC. Runoff calculations need to consider undisturbed forest as the pre-developed condition in determining runoff curve numbers or a downstream analysis of the existing conveyance system is required. The Applicant proposes to use a series of bioswales to treat for water quality and a detention pond at the outfall to provide detention for quantity control before release of stormwater to the existing downstream swale south of the site.

The use of a bioswale and detention pond is allowed per the City of La Center standards and 1992 Puget Sound Manual which requires compliance with the Water Pollution Control Act and the Water Resources Act.

The collection system shall be designed by the rational method using HEC-12 1984 edition standards for gutter and storm pipe capacity. As an alternate, WSDOT Hydraulics Manual can be used for inlet capacity design. The 100-year rainfall intensity must be used for pipe capacity design using the rational method.

Downspouts connections from the houses must connect directly into the site stormwater system. Laterals from the storm main in the street must be shown to serve each lot.

Maintenance of Stormwater Facility

The Applicant shall be responsible for maintenance of the stormwater facility until an HOA is established to maintain the facility. When the HOA assumes responsibility of the facility, they will establish monetary funding of a reserve fund, for maintenance of the stormwater facility, when at least 50% of development of the housing units has occurred or at minimum 2-years after completion and acceptance of the subdivision by the City, whichever is more. The Applicant and future owners will be responsible for maintaining the stormwater facility. An operations manual must be submitted for City review approval for the maintenance of the facility in all cases. Adequate bonding is required to guarantee maintenance of the facility for a period of two years following final plat. The minimum bond amount

shall be 10% of the construction cost of the stormwater facility. Stormwater facilities must be located in a separate tract.

Prior to initiation of any construction or final plat approval, the developer shall demonstrate to the City's satisfaction that:

1. The developer shall establish a homeowners association (HOA) and Articles of Incorporation, By-laws and CC&Rs of the HOA shall reflect that the HOA's operation and maintenance costs for stormwater facilities shall be borne by the HOA. The Applicant will provide a "Stormwater Covenant" that shall describe the scope of maintenance of the stormwater facility and it shall be recorded and incorporated in the CC&Rs.
2. The HOA shall be empowered to access its members' fees to be reserved and used to reimburse the City for the operation and maintenance of the facilities, if enforcement becomes necessary.
3. The City shall have the right of a third party enforcement to ensure that the HOA remains intact and collects the fees and the City shall have the right to recapture any fees and costs associated with enforcement actions. Further, the following language is to be placed on the face of the plat: The City shall be granted the right, but not the duty, to access and maintain the stormwater facility consistent with 18.320.230 LCMC.

Street Lighting

Street light design and installation is reviewed and approved by the City of La Center. Street lighting on local streets shall be Acorn full cutoff LED single fixture on a black decorative fiberglass pole per the Engineering Standards or the then current City-approved design at the time of construction. Street lights on Street "A" and the half street improvements on Aspen Avenue shall be Cobra Head Style lights with direct bury fiberglass poles per the Engineering Standards or the then current City-approved design at the time of construction. House side shields shall be provided for all Acorn and Cobra Head Style lights. The Applicant shall submit a Photometric analysis along with the street light design to verify compliance with the Engineering Standards.

Chapter 15.35 LCMC, School Impact Fees;

Response

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

Additional Engineering and Public Works Requirements and Conditions

1. The plat notes should stipulate amount of impervious/saturation development allowed (Maximum building lot coverage is 35 % and maximum impervious surface area is 50%).
2. Plat conditions for individual lot build out should include provision of adequate foundation drainage, in particular on the high side of the each lot.
3. If retaining walls are to be constructed there needs to be design details in the plat 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 plat standard detail.
4. An adequate absorption/dissipater design should be included in the plat conditions for storm water that can't flow by gravity to the storm lateral.
5. No lot's development shall create hazards or conditions for any adjacent lot.
6. Stormwater collected from newly created impervious sources or surfaces (roof, slabs, flatworks, etc.) shall be terminated in an approved manner.

7. Provide a plat note and detail for a concrete truck washout area which builders and contractors shall be required to use and maintain until final build out.
8. The Developer shall coordinate with Clark County Fire and Rescue (CCF&R) regarding hydrant spacing and related fire flow and fire protections issues and shall provide the Public Works Department with evidence of said coordination prior to final plat approval.

For these reasons, staff concludes that the proposed project has satisfied, or can satisfy as conditioned, the required burden of proof.

IV. CONCLUSIONS & RECOMMENDATION

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

IV.A Planning Conditions

1. The applicant, at time of engineering approval, shall comply with all applicable City of La Center Engineering Standards for Construction, unless modified by the Public Works Department (LCMC 12.10.040), all engineering recommendations contained in the October 12, 2015 Staff Report and applicable La Center land use regulations, goals and policies.
2. In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100' buffer; this number may vary by circumstance) must stop and the following actions taken:
 - a. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; and
 - b. Take reasonable steps to ensure the confidentiality of the discovery site; and,
 - c. Take reasonable steps to restrict access to the site of discovery.
3. The project proponent will notify the concerned Tribes and all appropriate county, state, and federal agencies, including the Department of Archaeology and Historic Preservation. The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural material, and will reach an agreement with the project proponent regarding actions to be taken and disposition of material. If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.
4. The preliminary plat shall expire within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. LCMC 18.210.050(1) and RCW 58.17.140(3)(a).
5. Prior to final plat approval, the Developer shall identify the setbacks for all lots on the face of the final plat. To minimize impacts to pedestrian safety and mobility, garage doors shall be setback a minimum of 20 feet from the interior edge of a sidewalk. The application for final plat approval must provide information regarding any proposed fencing, hedging, landscaping or solid waste, lighting, and noise impacts to the extent as regulated by Chapter 18.245.
6. The Developer shall provide each dwelling unit, at the time of construction, with at least three (3) off-street parking spaces (per LCMC Table 18.280.010).
7. The Developer shall coordinate with the Public Works Department regarding the City's future street naming procedure prior to final plat approval.

8. New residential developments shall provide street or front yard trees at a minimum of 30-foot intervals near the street frontage of each lot. Prior to final plat approval, the Developer shall provide the Public Works Department with a scaled plan showing the type, location, and planting method of street or front yard trees. A Street Tree bond shall be provided to the City guaranteeing the performance and maintenance of planted trees for two years. LCMC 18.130.100.
9. The Applicant shall provide a detailed planting list per LCMC 18.340 prior to final plat approval.
10. Oregon white oak tree - The Applicant shall provide a detailed plan that demonstrates compliance with the code section LCMC 18.300.120(2) and secondarily modifies the grading plan to stay outside the dripline and establish such a tract and or conservation easement before any work starts. The plan should consider how to integrate this regulated tree into park planning for the tracts reserved for future development.
11. The application for final plat approval must provide information regarding and proposed fencing, hedging, and landscaping and solid waste, lighting, and noise impacts to the extent as regulated by Chapter 18.245 – Supplementary Development Standards.
12. Parks.
 - a. Consistent with LCMC 18.147.030(2) the Tract A park and trail shall be completed prior to the issuance of the occupancy permit of the twenty-fifth dwelling unit in the subdivision.
 - b. Prior to final plat approval for the first phase of development the Developer shall:
 - i. Provide the Public Works Department with a final park plan that demonstrates how the Tract A and trail park will comply with applicable the design requirements of chapter 18.147.030, Family Parks, and applicable ADA requirements.
 - ii. Provide the Public Works Department with a final park plan that demonstrates how the Tract A park and trail meet the CPTED guidelines, street access, and lighting per LCMC 18.147.030(1)(b)(xi)(A) thru (C).
 - iii. Complete the required park and trail improvements or provide the City with a bond or other financial security bond, in an amount of at least 125 percent of the estimated cost of construction of the Tract A park, trail and amenities with surety and conditions satisfactory to the Public Work Department providing for and securing to the City the actual construction and installation of such improvements prior to the issuance of the 25th occupancy permit, and to be enforced by the engineer by appropriate legal and equitable remedies.
 - iv. Provide the City with a final copy of the CC&Rs for a homeowners association (HOA) that ensure that the HOA assumes full responsibility for the liability and maintenance of the Tract A park trail and other amenities comparable to what the city provides for City-owned parks and trails. The CC&Rs shall indemnify the City against loss or injury sustained by any person that occurs while using the Tract A private park or trail system. The CC&Rs shall also permit the City the right of third-party enforcement.

- c. If the Development cannot meet the Family Park standards for each phase or for all phases, then the Applicant shall redesign the plat to meet the requirements of Chapter 18.147.
13. Impact Fees. Each builder shall be assessed and shall pay the impact fees for schools, parks and transportation in effect at the time of building permit issuance.

IV.B Public Works Engineering Conditions

1. The Applicant, at time of engineering approval, shall demonstrate compliance with all applicable La Center regulations, goals and policies contained herein including the requirements and condition in Section III.H., Public Works and Engineering Analysis in the Final Staff Report.
2. As-constructed drawing(s) will be provided in '*.dwg' electronic format as well as Mylar and paper.
3. Construction plans shall identify staging areas for all equipment, contractors, deliveries, and supplies prior to construction plan approval.
4. Construction plans shall identify and show all utilities with trench and location details.
5. Streets:
 - a. The development shall construct the street improvements noted in section III.H. Public Works and Engineering Analysis of this Staff Report.
 - b. Minimum sight distance requirements shall be met at all site intersections and driveways. The City Public Works Department prior to final site plan approval shall approve sight distances on the internal street system.
 - c. The development shall pay a proportionate share contribution towards improvements at the La Center Road/ Timmen Road intersection.
 - d. Street lighting installed shall be installed consistent with City and Clark Public Utility standards.
6. Site development earthwork for site grading and construction of sewer, storm drain, water, and street systems should occur during the dry weather season between May 1st and October 31st with planting and seeding erosion control measures completed by October 31st.
7. The Developer shall inspect and confirm any property markers before grading and add new markers as may be necessary.
8. Site improvements shall not proceed without an approved erosion control plan. All erosion control measures shall be designed, approved, installed and maintained consistent with Chapter 18.320 LCMC and City Engineering Standards. The applicant is required to have a construction stormwater permit in place with a SWPPP per D.O.E. before construction begins. Where these standards differ, the more stringent shall apply. All erosion control measures shall be in place prior to removal of vegetation or any construction activity and shall be maintained during all phases of construction.

9. Prior to site disturbance, the applicant shall consult with the Public Works Department or and City Engineer to incorporate the design recommendations in Section 6.0 of the Geotechnical Site Investigation prepared by Columbia West Engineering dated October 20, 2018.
10. The Developer is responsible for all costs associated with the service installation, hydrant installations, and any other needed water improvements.
11. The design and construction of storm drainage shall be in accordance with the LCMC and applicable city engineering standards for public works.
12. The Developer shall confirm functionality of existing wastewater facilities and capacity to treat proposed loads from all phases of proposed development and make design modifications to the proposal if such is found deficient.
13. The Developer shall add utility stubs to allow future connection of adjoining developments to the public sanitary sewer service and water service.
14. The Developer shall provide a sanitary sewer stub for the property with higher elevations to the north to be served by the proposed pump station. The cost of any future hook-up will be the responsibility of the property owner.
15. The Developer shall extend the sanitary sewer system to the appropriate extremities of the project. Future sewer service to these properties will need to be connected by the owner of said property and at their cost. The developer shall dispose of stormwater on-site per LCMC. The applicant is required to treat stormwater and detain on-site meeting the city ordinance.

IV.C Transportation Conditions

1. The development shall construct "Street A" from NE North Fork Avenue to the western site boundary as a Major Collector per city standard detail ST-13. T-19 Improve 348th Street between Aspen Avenue / NE North Fork Avenue and the west terminus. Reconstruct as a Major Collector with pedestrian and bicycle facilities.]
2. The development shall dedicate right-of-way and construct frontage half-street improvements on Aspen Ave as a Major Collector per city standard detail ST-13.
3. The development shall reconfigure the site plan to remove cul-de-sac street connections north of the "Street A" Major Collector to meet access spacing standards and preserve capacity. A Major Collector requires 275-feet between public streets.
4. The development shall reconfigure the site plan to remove or relocate the "Court B" intersection with "Street A" to meeting spacing standards. A Major Collector requires 275-feet between public streets.
5. The development shall provide a paved pedestrian/bicycle connection between lots 82 and 83 to access the planned private park in Tract A.
6. The development shall construct a multi-use trail within Tracts B and C between NE North Fork Avenue and Tract D. The trail shall be coordinated with planned trails in the Tract A city park.

7. Minimum sight distance requirements shall be met at all site intersections and driveways. Sight distances on the internal street system shall be approved by the City Public Works Department prior to final site plan approval.
8. T-18 Extend Bolen Street to 348th Street. Construct as a Major Collector with pedestrian and bicycle facilities.
9. The applicant agrees to voluntarily and irrevocably commit to a dedication of right-of-way for a future street connection from the westerly terminus of proposed Street A (348th St.) of Stephens Hillside Estates Subdivision across proposed Tract C to connect with the easterly terminus of existing NE Bolen Street, the exact route to be determined within a reasonable time frame. The commitment shall encumber that portion of Tract C that is north of the proposed south right-of-way of proposed street A. The City of La Center shall be responsible for all costs related to the design and construction of said street connection. The commitment shall not exceed ten (10) years from the date of preliminary plat approval.

IV.C SEPA Documentation and Mitigation Conditions

1. Oregon white oak (if the Oak on site is an Oregon white oak):
 - a. Any Oregon white oak (*Quercus Garryana*) trees shall be included in any updated analysis and proposed mitigation or must be preserved in a separate tract.
 - b. The Applicant shall complete the required notice for development permit that would require or result in any tree removals and shall include a site plan indicating the location of any trees proposed for removal and an approved mitigation plan. The dripline shall be fenced and flagged with yellow tape and inspected by the City so that no compaction of the soil and root zone within the drip line occurs. Such flagging shall be maintained until a final decision on the proposal is rendered and inspected by the City. Trees remaining on site must be protected and such approved by the City before construction activities begin. (LCMC 18.350.)

IV.D CCFR Fire Conditions

1. Fire 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' per IFC C102.⁸ The Fire District must approve the location of all the hydrants.
2. The perimeter of all structures must be within 150' an approved access road with a minimum clear width of 20' per IFC 503.1.1 / D102. The Fire District must approve access to all the lots per the IFC.

⁸ Hydrant spacing was 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 per (IFC Table B105.1(2) / C102.1).

3. Combustible construction above ground should not occur until the required, paved access roadways and fire hydrants are in place and functional.
4. Any dead-end 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 per IFC D103.4.
5. 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 ft. wide. Signs for no-parking must be provided on one side of all streets that are between 26 ft. and 32 ft. wide in accordance with local standards for future enforcement. Roadways that are 32 ft. or greater in width do not require parking restrictions or related signage. IFC D103.6
6. One and Two Family Residential Developments with more than 30 dwelling units must be provided with two separate and remote fire apparatus access roads.
7. Residential (NFPA 13D) may not be required but are recommended for any dwelling units and may be considered as an alternate method to increase hydrant spacing or to address access issues.

V. APPEALS

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

Anthony Cooper, P.E.

City of La Center
City Engineer



Eric Eisemann

Planning Consultant
E² Land Use Planning, Inc.

Exhibits

See Exhibits List – Attached

Exhibit A – Application Materials

A.1 [Master Land Use Application](#)

Exhibit B – SEPA

B.1 [SEPA Checklist](#)

Exhibit C – Public Hearing Notice

D.1 [Public Hearing Notice](#)