

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

Regarding an application by Genteel Investments for approval) **FINAL ORDER**
of a private school in Building B of the existing Heritage) **File No. 2021-006-CUP**
Center commercial development, south of E. 5th Street and) **(Heritage Center**
east of E. Cedar Avenue in the City of La Center, Washington) **Building B)**

A. SUMMARY

1. The applicant, Genteel Investments, requests Conditional Use Permit (“CUP”) approval of a proposed private school - Teresa’s Little School – providing preschool and tutoring services for children and adults.

a. The school is proposed to be located in Building B of the existing Heritage Center commercial development, located on a 0.47-acre parcel situated south of East 5th Street and east of East Cedar Avenue in the City of La Center. The legal description of the site is #72 and #73 JOHN TIMMONS & ANDREW BREZEE CL; also known as Parcel No. 62694-000 (the “site”). The site and surrounding properties to the east, west, and south are zoned C-1 (Downtown Commercial). Properties to the north, across East 5th Street, are zoned RP (Residential/Professional).

b. The site is currently developed as the Heritage Center commercial development. Building B of the development is currently constructed and was approved under Site Plan Review (2019-010-SPR/SEPA) in May 2019. The building provides 3,600 square feet of floor area on the second floor and 3,080 square feet on the bottom floor. The proposed school will occupy the entire top floor and part of the bottom floor of the building. Pre-schools, daycares, nursery schools and private educational uses require a conditional use permit under section 18.150.020 of the La Center Municipal Code in the C-1 zone where the building is located. New conditional use permits are a Type III process under LCMC 18.250.

c. Building B did not obtain final site plan review before construction. Therefore, as a condition of this approval, the applicant will be required to obtain final site plan approval prior to occupancy.

2. Hearing Examiner Joe Turner (the “examiner”) conducted an online public hearing to receive testimony and evidence about the application. City staff and consultants recommended that the examiner approve the application subject to conditions in the Staff Report and Recommendation to the Hearings Officer dated March 30, 2021 (the “Staff Report”), as modified at the hearing. The applicant accepted those findings and conditions, as modified, without exceptions. The owners of the proposed private school also testified in support of the application. No one else testified orally or in writing.

3. Based on the findings provided or incorporated herein, the examiner approves the application subject to the conditions at the end of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. Hearing Examiner Joe Turner (the "examiner") received testimony at the public hearing about this application on April 6, 2021. That testimony and evidence, including a recording of the public hearing and the casefile maintained by the City, are included herein as exhibits, and they are filed at City Hall. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. La Center contract planner, Sam Rubin, summarized the Staff Report and City engineer, Tony Cooper, summarized the engineering issues. They agreed with the amended conditions proposed by Mr. Heikkala.

3. Consultant, Roy Heikkala, testified on behalf of the applicant, Genteel Investments. He accepted the findings and conditions of the Staff Report with two amendments:

a. The proposed use does not include a daycare as stated on p. 8 of the Staff Report. It is a private school, providing preschool services as well as tutoring for school children and adults. Unlike daycare facilities, private schools currently do not require licensing from the state. He requested the examiner modify condition of approval B.3 to that effect.

b. He requested the examiner modify condition of approval A.1 to require the applicant submit a photometric lighting plan "or other means of showing the light coverage approved by the City engineer."

4. No one else testified at the online hearing. The examiner closed the record at the end of the hearing and announced his intention to approve the application, subject to the findings and conditions in the Staff Report, as modified at the hearing.

C. DISCUSSION

1. City staff recommended approval of the application based on the affirmative findings and subject to conditions of approval in the Staff Report, as modified at the hearing. The applicant accepted those revised findings and conditions without exception.

2. The examiner concludes the Staff Report identifies the applicable approval standards in the LCMC for the application and contains affirmative findings showing that the proposal does or can comply with those standards, provided that the applicant complies with the recommended conditions of approval. The examiner adopts the affirmative findings in the Staff Report, as amended, as his own.

D. CONCLUSION

The examiner concludes that the applicant sustained the burden of proof that the proposed development does or can comply with the applicable provisions of the La Center Municipal Code and Revised Code of Washington, provided it is subject to

reasonable conditions of approval warranted to assure compliance in fact with those provisions.

E. DECISION

In recognition of the findings and conclusions contained herein, and incorporating the reports of affected agencies and exhibits received in this matter, the examiner hereby approves File No. 2021-006-CUP (Heritage Center Building B) in general conformance with the applicant's preliminary plat, subject to the following conditions:

A. Engineering and Public Works

Per the SPR 2019-010, the applicant shall submit the following for Final Site Plan Review:

1. The applicant shall submit a site lighting plan showing the photometrics or other means approved by the City engineer of showing the light coverage. Manufacturers information about the lights shall show that the lights will not glare or result in light trespass on other adjacent property. The information shall show how the lights will be "dark sky" compliant by not impacting light into the sky. All building entrances shall be well lighted and provide at least four-foot candles of light and shall be shielded to reduce glare.
2. If any tree greater than 5-inches DBH will be removed, a tree cutting permit shall be obtained from the City showing all trees that are removed to serve the building and parking lot. A tree protection plan will be required in accordance with LCMC 18.350.060. The applicant shall show how the tree plan will provide mitigation of the trees that are removed per LCMC 18.350.050.
3. A final landscaping plan will need to be submitted to enhance the lot appearance and screen off street parking that abuts the street.
4. A maintenance report shall be submitted to the City, verifying the adequacy of the existing underground stormwater detention and treatment system, that will serve Building B.
5. A plan showing the directory signs for Building B and adjacent Buildings A and C will need to be submitted to the City for review addressing the following. These sign locations will be coordinated with CCF&R for emergency access:

The Heritage Complex will need to have directories at each entrance of the complex with the following information.

- Clarify where each building is located in regards to the entrance
- Clarify how to access the entrances of the suites – For instance, Building A has individual access to two suites from the front, but then on the back there is a main entrance to the rest of the suites, Building C has two suites that access

from the parking lot of Building C, but there is one more that is accessed on the opposite side.

- Provide the Complex Address

There will also need to be a sign placed at the bottom of the ramp in the parking lot leading up to the backside of Building A and Building C.

- The sign will need to provide clarity to where Building C is located.

The signs will be subject to the requirements of the La Center Sign Code, which is located in 8.60 of the Municipal Code.

B. Land Use

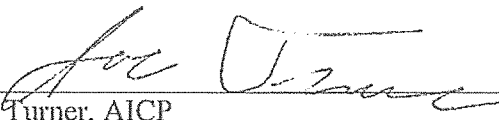
Prior to Issuance of Occupancy

1. The applicant shall obtain final site plan review and engineering document approval prior to occupancy to ensure compliance with the conditions of approval from the preliminary site plan review and this conditional use permit application.
2. The applicant shall comply with the International Building Code and International Fire Code prior to occupancy through the issuance of a building permit and tenant improvement permits.
3. The applicant shall obtain, and furnish to the City, a copy of a State of Washington license for childcare and an early learning facility prior to issuance of occupancy, or evidence that such licensing is not required for the proposed private school use.
4. Parking space adequacy shall be verified prior to occupancy for the remaining unleased space in Building B not used for Teresa's Little School or when there are subsequent changes of use in the building.

Prior to final site plan approval

5. The applicant is required to designate two parking spaces for loading and unloading of children prior to final site plan approval.

DATED this 9 day of April 2021.



Joe Turner, AICP
City of La Center Hearing Examiner