



Staff Report & Notice of Decision
Tapani Type II Temporary Use Permit
 (File # 2022-005-TUP/SEPA)

PROPOSAL:	The applicant requests a Type II Temporary Use Permit to operate a commercial landscape supply business that requires minor site improvements.
LOCATION:	31313 NW PARADISE PARK RD, RIDGEFIELD, WA 98642. #24 SEC 9 T4N R1EWM 4.42 A Assessor's PIN 211226000
APPLICANT:	Shane Tapani (Tapani Materials), 1904 SE 6 th Place, Battle Ground, WA 98604 Contact: 360-907-8629
ZONING:	Junction Plan (JP); vested as C-2 Community Commercial under a 2011 development agreement (4791050 AGR)
SEPA:	Optional Mitigated Determination of Non-Significance (MDNS) comment period issued February 12, 2022. Public comment period ended on February 28, 2022. Comments received during the public comment period are included as attachments to this staff report. Final MDNS issued concurrent with this staff report.
DECISION:	Approved, subject to conditions
APPROVAL DATE:	March 23, 2022
CITY REVIEWER:	Ethan Spoo, AICP, Consulting Planner Tony Cooper, P.E., City Engineer

CONTACT LIST

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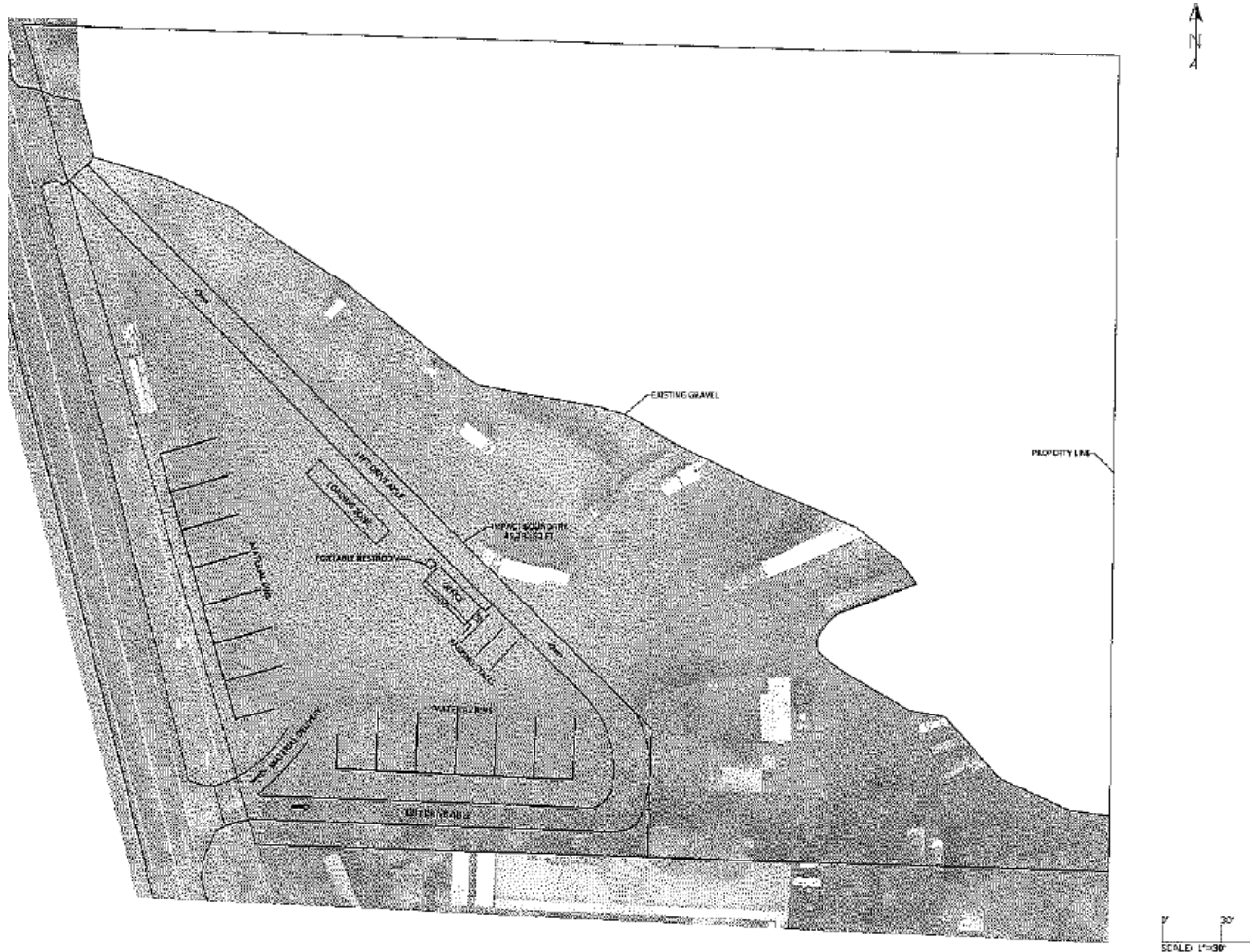
I. Overview and Procedural Background

Proposal

The applicant proposes to establish a commercial “rockery” business selling landscaping products (rock, bark, soil, etc.) under a temporary use permit. Temporary use permits are required to cease within one year of their approval under La Center Municipal Code (LCMC) 18.265. Products would be stored in bins constructed of eco blocks. Approximately 50 trips per day are anticipated for material drop off by suppliers and pickup by customers as shown on Figure 1 below. The property is serviced with electric power and water through the Clark Public Utilities District. The site operates on a septic system, but the proposal is for use of a portable toilet. A temporary mobile office would be established onsite. Water service would be extended from the existing water line in Paradise Park Road. Two to four employees are anticipated to be at the site during operations.

The subject property is 4.42 acres and is zoned Junction Plan (JP). However, the site is vested in the City’s Community Commercial (C-2) zone under a development agreement from 2011 (see Exhibit A). The City’s C-2 zoning standards were repealed in 2017 with the adoption of the Junction Plan, but the proposed landscaping product business is reviewed under applicable C-2 zone standards. Clark County Maps Online shows that the site has two structures. Approximately half of the site is a gravel lot.

Figure 1: Proposed Site Plan



Application Timeline

- January 18, 2022: Temporary use permit and Washington State Environmental Policy Act (SEPA) application submitted
- February 1, 2022: Type II determination of completeness issued
- February 14, 2022: Notice of application and Optional State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance (MDNS) issued
- February 28, 2022: End of 14-day notice of application and public comment period

Applicable Standards and Approval Criteria

This staff report addresses the following standards and approval criteria: LCMC Chapter 18.30 Procedures; Chapter 18.150 Commercial Districts; Chapter 18.215 Site Plan Review; 18.265 Temporary Use Permit; 18.300 Critical Areas; 18.310 Environmental Policy; 18.360 Archaeological Resource Protection; Chapter 18.320 Stormwater and Erosion Control; Chapter 3.35 Impact Fees.

Public Comment

The City received comments and questions from two agencies during the notice of application and option SEPA MDNS 14-day comment period:

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- Clark County Public Health (CCPH) commented that the applicant should be aware of the Circle C Landfill and the ongoing monitoring wells and probes on the project site.
 - **Response:** The project is conditioned to ensure that the monitoring probes and wells are not disturbed, and access is not impeded.
- CCPH also requested that the facility implement best management practices including 1) prevent the attraction of flies, rodents, and other vectors, b) control nuisance odors to prevent migration beyond property boundaries, c) ensure that any leachate and/or stormwater does not cause pollution to surface or ground water and, d) prevent the migration of agricultural pests identified by local horticultural pest and disease control boards (*if applicable*)."
 - **Response: A condition of approval** is that the applicant will comply with the mitigation measures outlined in the letter dated February 28, 2022, from CCPH. This letter is included as Exhibit B of this staff report.
- The Washington State Department of Ecology (Ecology) issued public comment stating the following:
 - *All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.*
 - *There are known contaminated site(s) within approximately half-a-mile of the proposed SEPA action. The site(s) include, but may not be limited to the following, see Ecology Facility Site ID No's, site name and project manager:*
 - *29398 South Bound I-5 MP 9 (no project manager assigned, contact Craig Rankine [360] 690-4795)*
 - *42691 I-5 SB MP17 (no project manager assigned, contact Craig Rankine [360] 690-4795)*
 - *If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator for the Southwest Regional Office (SWRO) at (360) 407-6300.*
 - *Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.*
 - *Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.*
 - Some activities require coverage under the Construction Stormwater General Permit.
 - **Response: A condition of approval** is that the applicant will comply with the mitigation measures outlined in the letter dated February 28, 2022, from Ecology. This letter is included as Exhibit B.

II. Engineering Review

Chapter 3.35 – Impact Fees

Chapter 3.35.030 Findings

(4) The imposition of impact fees upon residential development in order to finance specified public facilities, the demand for which is created by such development, is in the best interest of the general welfare of the city and its residents, is equitable, and does not impose an unfair burden on such development by requiring new development to pay more than its fair or proportionate share of the cost, and is reasonably necessary in order to provide the necessary public facility infrastructure to serve new development as planned for in the La Center comprehensive growth management plan (CGMP)

Findings: The application assumes that there will be no connection to the public sewer, so a sewer impact will not be assessed. Since this is a temporary use, there will not be any significant impact from traffic on public streets. If an extension is granted to the temporary use, the City reserves the right of assess traffic impact fees for the proposed use.

III. Land Use Review

Chapter 18.30 – Procedures

Findings: The application is a request for a temporary use permit subject to the procedures outlined in LCMC 18.265.020. The application is processed as a Type II review because it will exist for more than 60 days. Type II review procedures are presented in LCMC 18.30.090, which require the City to issue a decision in 56 days. The applicant submitted their application on January 18, 2022; the City deemed the application complete on February 1, 2022, and issued a notice of application and optional SEPA MDNS on February 14, 2022 (see Exhibit C). The 14-day notice of application period ended on February 28, 2022.

Staff find that the applicant has met the burden of proving they meet the applicable regulations or can be conditioned to do so, as summarized in this staff report.

Chapter 18.150 Commercial Districts (C-1, C-2, C-3 and MX)

The application is vested under the C-2 zoning code standards in place in 2011, when the City approved the development agreement. Both “temporary uses” and retail sales for “lumber and other building materials stores and yards, with only incidental cutting and planting of products” are permitted uses in the C-2 zone. Therefore, the landscaping supply business is a permitted use.

The C-2 zone contains development standards for lots, building height, setbacks, landscaping, and additional site plan review standards. These standards are primarily intended to apply to permanent uses in the C-2 district, not temporary uses. The City’s temporary use code approval criteria (discussed below) require that the use can be ceased within 48 hours or converted to a permanent use; that it will cease within one year or be converted to a permanent use; and that the temporary use will not be materially detrimental to the public health, safety, convenience, and general welfare. Therefore, the City does not have to apply all of the development standards in the C-2 zone to a temporary use, only those deemed necessary to comply with the temporary use criteria. The following discussion highlights standards from the C-2 zone the City is applying in this case

LCMC 18.150.030 Development Standards

(1) New lots and structures and additions to structures subject to this section shall comply with the

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applicable standards for lots and building height, and setbacks in Tables 18.150.030(1) and 18.150.030(2). Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.

Finding: The temporary use's compliance with the applicable standards for lots, building height, and setbacks in Tables 18.150.030(1) and (2) is discussed below. The temporary use is exempt from site plan review, as discussed in the response to LCMC 18.215 in this staff report.

(2) In C-2 and C-3 districts, not less than 15 percent of the total lot area shall be landscaped. Pedestrian plazas, sidewalks over the minimum width and other pedestrian amenities may be used to meet the required landscaping at a one to one (1:1) ratio.

Finding: The City has determined that the landscaping requirements do not apply to temporary uses.

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

Finding: The City has determined that the temporary use is exempt from site plan review and is only subject to the requirements of this subsection as they pertain to the temporary use criteria. If the temporary use is converted to a permanent use at this location, it will be subject to all of the requirements of this section.

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

(b) Landscaping.

(i) Landscaping is required along the side of all buildings in C-2 and C-3 districts where the primary pedestrian access is provided. Minimum requirements shall be trees provided every 30 feet on center planted along the length of the parcel. Street trees may not be planted closer than 25 feet away from street corners to preserve intersection sight distance.

(ii) Landscape buffers required by LCMC 18.245.060 shall not apply between pad development sites and the remainder of the development site.

(iii) Landscaping required between commercial developments may be altered where parking lots are adjoining as follows: a single, shared five-foot buffer instead of five feet for each development; provided, that joint access is provided between parcels for auto

Finding: The applicant is proposing to place a temporary structure (a job shack) and portable toilet on the site. Since these are temporary uses, staff finds that the pedestrian circulation and landscaping requirements do not apply to the project.

Table 18.150.030(1) – Lot Requirements

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
C-1	2,500	25	100
C-2	10,000	None	None
C-3	10,000	None	None

Table 18.150.030(2) – Setbacks, Lot Coverage and Building Height

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

Finding: The site is approximately 4.42 acres and meets the City’s minimum lot size requirements for the C-2 zone. Properties to the north are zoned C-2 under the development agreement, and properties to the south are zoned industrial. LCMC 18.245 does not require a buffer between C-2 or industrially zoned properties. Therefore, there are no setbacks that apply to the proposed temporary office (job shack) and portable toilet. The proposed structures will not exceed 40 feet in height. There is no lot coverage limitation since there are no applicable buffering standards from LCMC 18.245. Therefore, these requirements are met.

Chapter 18. 215 Site Plan Review

LCMC 18.215.030 Exemptions

The following are exempt from the site plan review provisions of this chapter:

(5) Other development determined by the planning director to be exempt because it does not result in an appreciable increase in land use activity or intensity or in an adverse impact.

Response: The City has determined that the temporary use is exempt from site plan review. The project meets the temporary use permit criteria, and the City has determined that the use will not be materially detrimental to the public health, safety, convenience, and general welfare and will not result in an adverse impact, provided the conditions of approval and mitigations required by the temporary use code and SEPA are followed. Since the use is temporary, it will not result in an appreciable increase in land use activity.

Chapter 18.265: Temporary Use Permit

LCMC 18.265.010 Pre-application review

An application for a temporary use permit is not subject to pre-application review, unless included with an application that is subject to pre-application review.

Response: An optional preapplication conference for this project was held on November 23, 2021, and preapplication notes were issued on January 4, 2022. The preapplication notes for this project are included in the applicant's submittal documents.

LCMC 18.265.020 Review Process

(2) Review of a technically complete application for a temporary use permit for a use that will exist for more than 60 calendar days is subject to a Type II process. See LCMC 18.30.090.

Response: The applicant proposes, and the City is granting, that the temporary use will operate for one year, and therefore, the City followed the Type II process as outlined in LCMC 18.30.090 to review the project.

LCMC 18.265.030 Application Contents

An applicant for a temporary use permit shall submit the requisite fee and four copies of the information required by LCMC 18.30.050, except as otherwise provided therein.

Response: The application was deemed complete on February 1, 2022. The information required per LCMC 18.30.050 is included in the applicant's submittal on file with the City.

LCMC 18.265.040 Approval criteria.

(1) The review authority shall approve or approve with conditions an application for a temporary use permit in any zone if he or she finds the applicant has sustained the burden of proving that:

(a) The use is of a temporary nature, limited to a structure which can be readily dismantled and removed from the site within 48 hours of cessation of the use or activity, or converted to a permitted use in the zoning district;

Finding: The proposed use as a rockery, or a commercial operation selling and distributing landscaping materials, includes one mobile office, a portable toilet, and 13 constructed eco block "bins" filled with product (bark dust, gravel, soil, etc.). All proposed uses are temporary in nature, in accordance with the definition of "temporary structure or building" in LCMC 18.40 and can be removed from the site within 48 hours.

As a **condition of approval**, the applicant shall dismantle and remove the temporary use from the site within 48 hours of cessation or convert it to a permanent use.

(b) The use will cease and/or the structure will be removed or converted to a permitted use within one year; and

Finding: Temporary use permits are valid for no more than one year. This temporary use permit is valid for one year, and the applicant shall either remove or seek approval to continue the temporary use within one

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year of issuance.

(c) Establishment and operation of the temporary use will not be materially detrimental to the public health, safety, convenience, and general welfare.

Finding: The proposal complies with the City's code or is conditioned to do so. Meeting the City's code and following the conditions of approval and SEPA mitigation will ensure that the proposal will not be materially detrimental to public health, safety, convenience, and general welfare.

The associated SEPA determination for this permit includes several best management practices as conditions of approval that the applicant is required to enact, including for noise and fumes, which are anticipated to be two of the primary impacts from the business. Trucks will drop off materials, and customers will pick up materials at the site, and wheel loaders will load materials into trucks. These activities will generate noise from engines and loading and unloading activities. Noise generated by an industrial use is limited to 60 decibels at the property line under LCMC 18.245.050, which requires compliance with Washington Administrative Code (WAC) 173-60. The proposed use is a Class C Environmental Designation for Noise Abatement (EDNA) next to a Class A EDNA (existing residential use to the south).

The applicant took noise readings at the site for existing conditions and with operation of a wheel loader with backup alarm, with the following results:

- First reading was with the backup alarm on 30 feet from loader (74.6 decibels)
- Second reading was same but with no back up alarm (59.4 decibels)
- Third reading was West side of lot by road (78.6 decibels)
- Fourth reading was middle of lot (72.6 decibels)
- Fifth reading was east end of lot (69.7 decibels)

Based on the preliminary measurements provided by the applicant, it appears that the background sound levels on the project site range from 69.7 to 78.6 A-weighted decibels. Due to its location next to Interstate 5 (I-5), the site already exceeds the allowable noise limits, as shown by noise readings 3 through 5. Backup noise alarms associated with loaders are exempt per WAC 173-60-050(4)(e), which exempts sounds created by safety and protective devices where noise suppression would defeat the intent of the device. WAC 173-58-040 (3) essentially determines that it would be difficult to establish that noise from the site exceeds the regulatory limitations if the receiving property is already affected by high ambient noise from I-5.

To meet regulatory noise requirements for the state and the City of La Center, a **condition of approval** is that the applicant will: (a) comply with LCMC 18.245.050 for the duration of the temporary use permit; (b) respond within seven calendar days to any noise complaints by obtaining noise measurements in accordance with WAC chapters 173-58 and 173-60; and (c) modify operations if necessary to comply with maximum permissible noise levels.

Fumes will result from operation of vehicles and heavy equipment at the site. One of the SEPA **mitigation measures** is to ensure that, while not in operation, all vehicles, including graders, loaders, dump trucks, and customer vehicles, must have engines shut off and must not idle to reduce excess fumes and particulates. In addition, all commercial vehicles must have manufacturer's emissions equipment installed and in proper working order.

To further address any public health and safety concerns from the project, a **condition of approval** is that the applicant obtain all applicable building permits and approvals, including complying with WAC 51-50-

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0108.

Finally, as outlined in response to LCMC 18.300, below, the City is requiring conditions of approval that ensure compliance with the City's critical areas ordinance. Therefore, as conditioned according to the City's code and mitigated under the City's SEPA authority, the proposal is not anticipated to be materially detrimental to the public health, safety, convenience, and general welfare, and LCMC 18.265.040 (c), 18.245.050, and WAC 173-60 are met.

LCMC 18.265.050 Expiration and extension

(1) A temporary use permit shall automatically expire on the date specified in the approval.

Finding: The applicant has requested and the City is granting a temporary use permit for one year. A **condition of approval** reflects this validity period.

(2) A temporary use permit approved through a Type I process may be extended for up to an additional 60 calendar days through a Type I process.

(3) A temporary use permit approved through a Type II process may be extended for up to an additional three calendar months through a Type I process, provided the duration of the temporary use permit may not exceed one calendar year.

Finding: The applicant has requested and the City has granted the temporary use permit for the duration of one calendar year. Therefore, an extension would go beyond the one calendar year maximum duration and would not be approved.

As a **condition of approval**, the temporary use permit shall expire one year after the date of the notice of decision after which time the rockery operation shall cease.

LCMC 18.300 Critical Areas

The project site is located adjacent to Clark County mapped wetlands, a Washington State Department of Natural Resources (DNR) identified stream and areas of potential instability, as shown on Figures 2 and 3, below. Wetlands, landslide hazards, and fish and wildlife habitat conservation areas are critical areas regulated under LCMC 18.300.

Wetlands and FWHCA

The project is not anticipated to disturb the mapped wetland or DNR identified stream. As conditioned in the SEPA and included in section LCMC 18.310 below, the proposal is limited to the extent of existing improved (gravel) surfaces and, therefore, will not negatively impact functions of the wetland, fish and wildlife habitat conservation area or buffers. As a **mitigation measure** under SEPA, the applicant is conditioned to maintain erosion control at the edge of the cleared gravel area to prevent stormwater runoff impacts to the wetland, fish and wildlife habitat conservation area, and buffers.

Additionally, a **condition of approval** is that the applicant will post signage stating the presence of a wetland and a stream and to not disturb the area. Signage will be stationed at the edge of the existing graveled area and will be in place during construction and throughout the duration of the temporary use. Signage shall meet City standards presented in LCMC 18.300.090(2)(n) and 18.300.090(6)(f).

Figure 2: Critical Areas



*Green polygon indicates modeled wetlands on Clark County MapsOnline.

** Green hatch is mapped riparian habitat.

*** Blue line indicates DNR streams.

Landslide Hazards

Clark County MapsOnline shows that portions of the site are mapped as landslide hazard areas, as shown on Figure 3, below. The applicant prepared a geotechnical review dated January 12, 2022, that was prepared by NV5 and is included in the applicant's submittal on file with the city (Exhibit D). The letter states that the slope on the site consists of man-made cut slopes that have been present for 40 to 50 years without stability issues. The site reconnaissance did not indicate any evidence of prior slope instability or seepage that could lead to future slope failures. The investigation stated that the proposed rockery will not negatively impact the existing slope at the site and recommends that material not be stored within 20 feet of the top of the slope and the surface water from rockery activities not be allowed to flow over the face of the slope.

A **condition of approval** is that the applicant must comply with the recommendations of the geotechnical review conducted by NV5 dated January 12, 2022. Material cannot be stored within 20 feet of the top of the slope, and surface water from the rockery activities cannot flow over the face of the slope.

Figure 3: Landslide Hazards



LCMC 18.310 (Environmental Policy)

The proposal is not exempt from SEPA as it exceeds the allowable SEPA categorical exemptions provided in LCMC 18.310.090 and WAC 197-11-800. An optional determination of nonsignificance notice was published on February 17, 2022, and an MDNS is issued concurrently with this notice of decision. Public comments were received and are included in Exhibit B. The threshold determination included the following **mitigation measures**:

- **Earth:** The applicant must comply with the recommendations of the slope stability considerations letter dated January 12, 2022, by NV5, including that material not be stored within 20 feet of the top of the slope and that surface water from rockery activities not be allowed to flow over the face of the slope.
- **Water:** The applicant is required to comply with the provisions of LCMC 18.300 (critical areas) with regard to mapped fish and wildlife habitat conservation areas and wetlands, including that activities and operations of the proposed use must be located within the existing graded and graveled area to prevent impacts to potential critical areas and buffers.
- **Water:** The applicant must maintain erosion and sediment control along the northern graveled area of the development to prevent runoff from entering the mapped wetlands and stream.
- **Air:** While not in operation, all vehicles, including graders, loaders, dump trucks, and customer vehicles, must have engines shut off and must not idle to reduce excess fumes and particulates. In addition, all commercial vehicles must have manufacturer's emissions equipment installed and in proper working order.
- **Air:** The applicant shall implement standard best management practices such as spraying to prevent dust and particulates from crossing the property line.
- **Environmental Health (Noise):** The applicant will: (a) comply with LCMC 18.245.050 for the duration of the temporary use permit; (b) respond within seven calendar days to any noise complaints by obtaining noise measurements in accordance with WAC chapters 173-58 and 173-60; and (c) modify operations if necessary to comply with maximum permissible noise levels.

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- Light and Glare: Any lighting used must comply with the requirements of LCMC 18.245.040, must not reflect or cast glare into any residential zone, and must not exceed one foot-candle measured at any property line.
- Historic and cultural preservation: No ground disturbance is permitted due to the site's location in medium to high risk areas for encountering archaeological resources.

Public comments were received from Ecology and CCPH during the public comment period. An additional **mitigation measure** is that the applicant will comply with the mitigation measures outlined in the letter dated February 28, 2022, from Ecology. These letters are included as Exhibit B.

The Circle C Landfill located adjacent to the site includes monitoring wells and gas monitoring probes, as depicted in Exhibit E. Access to these wells and probes is vital to the landfill meeting the parameters of their solid waste handling permit. A **mitigation measure** is that the applicant shall not impede or limit access to these wells and probes. This includes ensuring that materials or vehicles do not block access to these areas, ensuring that debris is kept free of the area, and preventing damage to these wells and probes from rockery operations. An additional **mitigation measure** is that the applicant will comply with the mitigation measures outlined in the letter dated February 28, 2022, from CCPH.

LCMC 18.360 Archaeological Resource Protection

The project is mapped as having a "moderate-high" risk of encountering archaeological resources by the Clark County Archaeological Predictive Model. The project will not include any ground-disturbing activities and will be located within previously disturbed gravel areas.

As a **condition of approval**, in the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100-foot buffer; this number may vary by circumstance) must stop and the following actions must be taken:

- Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
- Take reasonable steps to ensure confidentiality of the discovery site; and,
- Take reasonable steps to restrict access to the site of discovery.

The applicant shall notify the concerned Tribes and all appropriate county, city, state, and federal agencies, including the Washington Department of Archaeology and Historic Preservation (DAHP) and the City of La Center. The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural material and will reach an agreement with the applicant 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 to mitigate the final disposition of said remains.

See the Revised Code of Washington, Chapter 27.53, "Archaeological Sites and Resources," for applicable state laws and statutes. See also Washington State Executive Order 05-05, "Archaeological and Cultural Resources." Additional state and federal law(s) may also apply.

Copies of the above inadvertent discovery language shall be retained on site while project activity is underway. Contact information for notification of affected Tribes and parties are listed below.

Contact	Information
Cowlitz Indian Tribe, Nathan Reynolds, Interim Cultural Resources Manager	Phone: 360-575-6226; email: nreynolds@cowlitz.org
City of La Center, Tony Cooper, City Engineer	Phone: 360-263-2889; email: acooper@ci.lacenter.wa.us
Office of the Clark County Medical Examiner (for human remains)	Phone: 564-397-8405; email: medical.examiner@clark.wa.gov
Washington DAHP, Dr. Allison Brooks, Ph.D, Director	Phone: 360-586-3066; email: Allyson.Brooks@dahp.wa.gov

CONCLUSIONS AND DECISION

The review authority finds that the applicant has sustained the burden of proving the application complies with the applicable provisions of La Center’s Municipal Code. Therefore, the subject application is hereby APPROVED subject to the following **conditions of approval**:

Planning Conditions

1. The applicant will dismantle and remove the temporary use from the site within 48 hours of cessation or convert it to a permanent use.
2. The applicant will: (a) comply with LCMC 18.245.050 for the duration of the temporary use permit; (b) respond within seven calendar days to any noise complaints by obtaining noise measurements in accordance with WAC chapters 173-58 and 173-60; and (c) modify operations if necessary to comply with maximum permissible noise levels.
3. The applicant will obtain all applicable building permits and approvals, including complying with WAC 51-50-0108.
4. The temporary use permit shall expire one year after the date of the notice of decision, after which time the rockery operation will cease.
5. The applicant will post signage stating the presence of a wetland and a stream and to not disturb the area. Signage will be placed at the edge of the existing graveled area and will be in place during construction and throughout the duration of the temporary use. Signage shall meet City standards in LCMC 18.300.090(2)(n) and 18.300.090(6(f)).
6. The applicant must comply with the recommendations of the geotechnical review conducted by NV5 dated January 12, 2022. Material cannot be stored within 20 feet of the top of the slope ,and surface water from the rockery activities cannot flow over the face of the slope.
7. In the event that any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100-foot buffer; this number may vary by circumstance) must stop and the following actions must be taken:
 - Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
 - Take reasonable steps to ensure confidentiality of the discovery site; and,
 - Take reasonable steps to restrict access to the site of discovery.
 - Notify the concerned Tribes and all appropriate county, city, state, and federal agencies including DAHP and the City of La Center.
8. In the event the applicant fails to adhere to the terms and conditions of this decision, the City has the

authority to exercise all rights and remedies reserved to it under LCMC 18.50, Enforcement and Penalties.

SEPA Mitigation Measures

- **Earth:** The applicant must comply with the recommendations of the slope stability considerations letter dated January 12, 2022, by NV5, including that material not be stored within 20 feet of the top of the slope and that surface water from rockery activities not be allowed to flow over the face of the slope.
- **Water:** The applicant is required to comply with the provisions of LCMC 18.300 (critical areas) with regard to mapped fish and wildlife habitat conservation areas and wetlands, including that activities and operations of the proposed use must be located within the existing graded and graveled area to prevent impacts to potential critical areas and buffers.
- **Water:** The applicant must maintain erosion and sediment control along the northern graveled area of the development to prevent runoff from entering the mapped wetlands and stream.
- **Air:** While not in operation, all vehicles, including graders, loaders, dump trucks, and customer vehicles, must have engines shut off and must not idle to reduce excess fumes and particulates. In addition, all commercial vehicles must have manufacturer's emissions equipment installed and in proper working order.
- **Air:** The applicant shall implement standard best management practices such as spraying to prevent dust and particulates from crossing the property line.
- **Environmental Health:** The applicant will (a) comply with LCMC 18.245.050 for the duration of the temporary use permit; (b) that the applicant respond within seven calendar days to any noise complaints by obtaining noise measurements in accordance with WAC chapters 173-58 and 173-60; and (c) that the applicant modify operations if necessary to comply with maximum permissible noise levels.
- **Light and Glare:** Any lighting used must comply with the requirements of LCMC 18.245.040, must not reflect or cast glare into any residential zone, and must not exceed one foot-candle measured at any property line.
- **Historic and cultural preservation:** No ground disturbance is permitted due to the site's location in medium to high risk areas for encountering archaeological resources.

SEPA Mitigation Measures Based on Public Comments

- The applicant will comply with the mitigation measures outlined in the letter dated February 28, 2022, from Ecology.
- The applicant will comply with the mitigation measures outlined in the letter dated February 28, 2022, from CPH.
- The applicant shall not impede and/or limit access to monitoring wells and probes. This includes ensuring that materials or vehicles do not block access to these areas, ensuring that debris is kept free of the area, and preventing damage to these wells and probes from rockery operations.

APPEALS

A final decision regarding a Type II application may be appealed by the applicant, applicant's representative, or any person, agency, or firm with an interest in the matter within 14 calendar days of this decision date, or by April 6, 2022. Appeals shall contain all information specified in LCMC 18.30.130. The public record for this file is available at the City's Public Works Building, 305 NW Pacific Highway, La Center, Washington, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Please contact Jessica Nash at 360-263-7665 for further information.

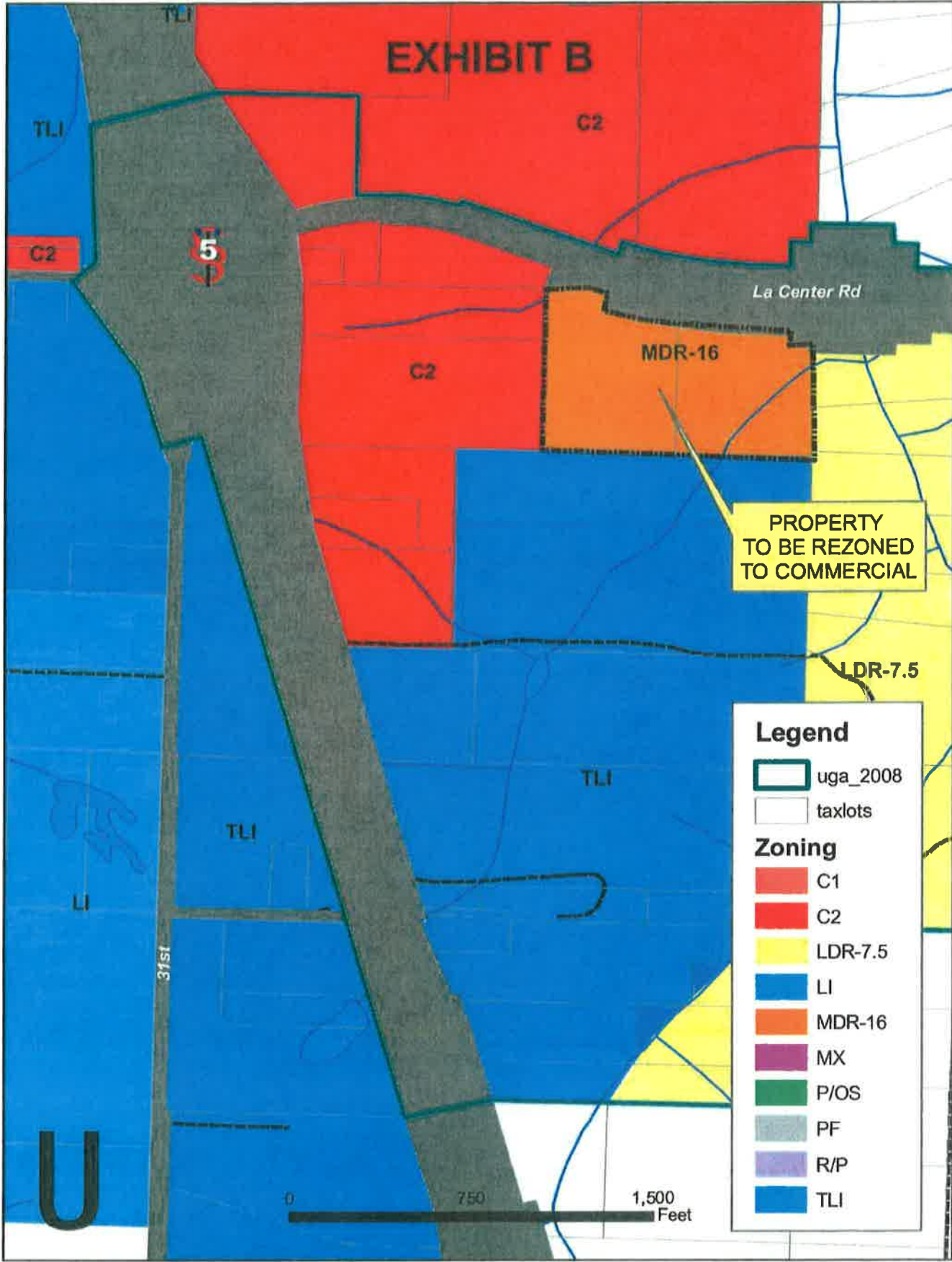
For an appeal regarding a decision subject to a Type II process, the Director of Administrative Services shall schedule a public hearing to be held by the hearings examiner not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal, per LCMC 18.030.130(4).

Exhibits:

- A. Development Agreement
- B. Public Comments Received
- C. Notice of Application and Optional MDNS
- D. Geotechnical Review
- E. Circle C Monitoring Well Map

Attachment A

EXHIBIT B



PROPERTY TO BE REZONED TO COMMERCIAL

Legend

- uga_2008
- taxlots

Zoning

- C1
- C2
- LDR-7.5
- LI
- MDR-16
- MX
- P/OS
- PF
- R/P
- TLI

Attachment B



February 28, 2022

Jessica Nash, Permit Technician
City of La Center
Community Development Department
305 Northwest Pacific Highway
La Center, WA 98629

Dear Jessica Nash:

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the La Center Rockery Project (2022-005-SEPA-TUP) located at 31313 Northwest Paradise Park Road as proposed by Shane Tapani. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SHORELANDS & ENVIRONMENTAL ASSISTANCE:
Miranda Adams, Wetlands/Shorelands Specialist
(360) 690-7164 | miranda.adams@ecy.wa.gov

Ecology notes that the SEPA checklist omits any mention of a creek or drainage on the property, but a review of geographical information systems data indicates that surface water flows through the site and into McCormick Creek. There may be wetlands associated with this drainage; thus, Ecology strongly recommends a site visit by regulatory agencies to ensure critical areas will not be impacted as a result of the project. As long as the project stays within previously disturbed areas and no expansion of the us or cleared/graded area is proposed, then a site visit is probably not necessary. Site activities must not degrade water quality in the tributary or downstream waters, so an appropriate buffer should be maintained between site activities and any drainages.

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

TOXICS CLEANUP: Craig Rankine (360) 690-4795

There are known contaminated site(s) within approximately half-a-mile of the proposed SEPA action. The site(s) include, but may not be limited to following, see Ecology Facility Site ID No's, site name and project manager:

- 29398 South Bound I-5 MP 9 (no project manager assigned, contact Craig Rankine [360] 690-4795)
- 42691 I-5 SB MP17 (no project manager assigned, contact Craig Rankine [360] 690-4795)

If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator for the Southwest Regional Office (SWRO) at (360) 407-6300.

**WATER QUALITY/WATERSHED RESOURCES UNIT:
Greg Benge (360) 690-4787**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
 - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:

- a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
- b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Carol Serdar at Carol.Serdar@ecy.wa.gov, or by phone at (360) 742-9751.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/ - Application>. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(GMP:202200667)

cc: Miranda Adams, SEA
Derek Rockett, SWM
Craig Rankine, TCP
Greg Bengé, WQ
Shane Tapani (Proponent)



MEMORANDUM

DATE: 02/28/2022

PHONE: (564) 397-8167

ATTN: Jessica Nash, Permit Technician, City of La Center

SITE ADDRESS: 31313 NW Paradise Park Road, Ridgefield, WA 98642 (TAX ID: 211226000)

PROJECT DESCRIPTION: SEPA COMMENTS- Tapani/Carlson Temporary Use Permit

FROM: Melissa M. Sutton, Environmental Health Specialist II

EMAIL: melissa.sutton@clark.wa.gov

Clark County Public Health (CCPH) and Washington State Department of Ecology (ECY) are in receipt of the SEPA review notification regarding a request to operate a landscaping company at the property of 31313 NW Paradise Park Road, Ridgefield. Per the Notice of Application (File # 2022-005-TUP/SEPA) the request is as follows: *"The applicant proposes to sell building material/ landscape products on 50,000 sq ft of the lot. Products will consist of rock, bark products and soils that will be stored in bins constructed out of concrete eco blocks. Each bin will keep products separated. This will all be on the existing gravel parking lot."*

CCPH and ECY oversee solid waste handling activities in Clark County under Washington State Administrative Code (WAC) Chapter 173-350 (*Solid Waste Handling Standards*). Be advised that this proposed project is adjacent to Circle C Landfill, a permitted closed landfill (TAX ID: **211263000**). Be advised that gas monitoring probes and groundwater monitoring wells for the landfill are located on the subject parcel (211226000). It is imperative the proposed project does not impede and/or impact any of the monitoring infrastructure for the Circle C Landfill. For your convenience, I have attached Figure 2: Site Map from the 2021 Circle C Landfill Annual Report prepared and submitted by Dennis R. Dykes, LHG (Washington), RG (Oregon), Bright Fields Groundwater, Inc. on behalf of the Circle C Corporation.

Be advised that WAC specifies that certain solid waste facilities are conditionally exempt from solid waste permitting, provided they meet the requirements and operating procedures identified in the rule. These facilities include: recycling, material recovery, composting, piles of agricultural, inert or wood wastes, etc. *NOTE: while the facility may qualify to be exempt from solid waste handling permit (fees), the facility is not exempt from solid waste reporting, inspections, solid waste regulations (i.e. Washington State Administrative Code 173-350 and Clark County Code 24.12) or other local, state and federal rules and/or regulations etc.* Per WAC 173-350-040 all solid waste handling facilities must be in compliance with applicable local, state and federal laws and regulations.

As proposed, it appears this will be a resale location of finished product and will not require solid waste handling oversight. If, however, the facility operations anticipate stockpiling more than 250 cubic yards of inert material on-site at one time or accept additional recycling materials (i.e. concrete, asphalt, scrap metal, glass etc.) &/or accept material from the public and/or other business entities, a Notice of intent (NOI) application will be required 30-days prior to operation. The NOI must be submitted on a form provided by the Washington State Department of Ecology; this form is available online at:

<https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070493.html>

CCPH and ECY request the conditional use permit ensures the facility operates in a manner that protects public health and the environment. If this project is approved to move forward, we request the facility operations include the following best management practices: a) prevent the attraction of flies, rodents, and other vectors, b) control nuisance odors to prevent migration beyond property boundaries, c) ensure that any leachate and/or stormwater does not cause pollution to surface or ground water and d) prevent the migration of agricultural pests identified by local horticultural pest and disease control boards (*if applicable*).

Please feel free to contact me via email at melissa.sutton@clark.wa.gov or via phone, (564)397-8167, or Derek Rockett via email at droc461@ecy.wa.gov or via phone, (360)407-6287 if you have any questions regarding this correspondence.



Attachment C



**NOTICE OF APPLICATION
AND LIKELY SEPA DETERMINATION OF NON-SIGNIFICANCE
Tapani/Carlson Commercial Type II Temporary Use Permit and SEPA
(File # 2022-005-TUP/SEPA)**

Description of proposal: The applicant proposes to sell building material/landscape products on 50,000 sq ft of the lot. Products will consist of rock, bark products and soils that will be stored in bins constructed out of concrete eco blocks. Each bin will keep products separated. This will all be on the existing gravel parking lot. There will be a gated entrance and exit. Approximately 50 trips per day are anticipated. Sanitary sewer service will be served by a temporary porta potty. The office will be a temporary mobile office. Clark County Public Utility District (PUD) serves water across the front of the property. Existing power already serves the site. There would be approximately 2-4 employees on site. Construction equipment (grader, wheel loader, and dump trucks) will be used onsite to maintain the parking lot, material piles, to deliver and load product. The applicant is applying for a temporary use permit to establish the use for up to one year.

Likely SEPA DNS: NOTICE IS HEREBY GIVEN that, an application has been submitted as noted below and based on a review of that application, the City of La Center expects to issue a Mitigated Determination of Non-Significance (MDNS) for this proposal pursuant to the "Optional DNS process" allowed by State Law (WAC 197-11-355) and the La Center Municipal Code (LCMC 18.310). A copy of the determination may be requested now and will be mailed when available. Comments received within the deadline, will be considered in the review of the proposal and the State Environmental Policy Act (SEPA) environmental checklist. ***This may be the only opportunity to comment on the environmental impacts of the proposal and no additional comment period will be provided, unless probable significant environmental impacts are identified during the review process, which would require additional study or special mitigation.*** The proposal may include mitigation under applicable codes, and the project review process may incorporate or require mitigation measures.

Any person has the right to comment on this application, receive notice of and participate in any hearings, request a copy of the decision once made, and appeal the final SEPA determination of the project. **Written comments submitted by 5:00 PM on February 28, 2022 will be considered in the application and amended SEPA determination.** Please send comments to the City of La Center, Community Development, 210 E 4th Street, La Center, WA 98629 or by email to Jessica Nash, Permit Technician, at jnash@ci.lacenter.wa.us

Application: Tapani/Carlson Type II Temporary Use Permit/SEPA (File # 2022-005-TUP/SEPA)

Application date: January 18, 2022

Technically Complete: February 1, 2022

Proponent/applicant: Shane Tapani, Tapani Materials, 1904 SE 6th Place, Battle Ground, WA 98604

Property owner: Skip Carlson, Carlson Investment LLC, 31313 NW Paradise Park Road, Ridgefield, WA 98642

Location of proposal: 31313 NW Paradise Park Road, Ridgefield, WA 98642.

Public Hearing: Not applicable. A public hearing is not required for this project.

Existing Environmental Documents relied upon: SEPA requires that a review of the potential environmental impacts be conducted. City staff and interested agencies will review the proposal for compliance with applicable state requirements and city codes. Through this process, a determination will be made as noted under the following statement of determination.

The following environmental documents were relied upon in the City's assessment of a likely determination of non-significance: SEPA Environmental Checklist dated, January 12, 2022 and Attachment A; Site Plan (Sheet 01); Slope Stability Considerations letter (NV5, January 12, 2022).

Statement of Determination: As lead agency under the State Environmental Policy Act (SEPA) rules [Chapter 197-11, Washington Administrative Code] the City of La Center must determine if there are potential significant adverse environmental impacts associated with this proposal. The options include the following:

- Determination of Significance – (DS). The impact cannot be mitigated and therefore require the preparation of an Environmental Impact Statement (EIS).
- Mitigated Determination of Nonsignificance – (MDNS). The impact can be mitigated through conditions of approval, or;
- Determination of Nonsignificance – (DNS). The impacts can be addressed by applying the city codes.

Approval Standards/Applicable Laws: The applicant is vested to the City's zoning and development standards from 2011 under a development agreement (4791050 AGR). The following standards will apply to the application under the 2011 code: 18.150 (Commercial Districts), 18.215 (Site Plan Review), 18.240 (Mitigation of Adverse Impact); 18.245 (Supplementary Development Standards); 18.280 (Off-Street Parking and Loading Requirements; 18.300 (Critical Areas); 18.310 (Environmental Policy); 18.320 (Stormwater and Erosion Control); In addition, the procedural standards for the most currently adopted version of the municipal code will apply including: 18.30 (Procedures); and 18.265 Temporary Use.

Mitigation Measures: The applicant will be required to comply with all applicable approval standards and laws in addition to the following project-specific mitigation measures:

- Earth: The applicant must comply with the recommendations of the slope stability considerations letter dated January 12, 2022 by NV5 including that material not be stored within 20 feet of the top of the slope and that surface water from rocky activities not be allowed to flow over the face of the slope.
- Water: The applicant is required to comply with the provisions of LCMC 18.300 (critical areas) with regard to mapped fish and wildlife habitat conservation areas and wetlands including that activities and operations of the proposed use must be located within the existing graded and graveled area to prevent impacts to potential critical areas and buffers.
- Water: The applicant must maintain erosion and sediment control along the northern graveled area of the development to prevent runoff from entering the mapped wetlands and streams.
- Air: While not in operation, all vehicles including graders, loaders, dump trucks, and customer vehicles must have engines shut off and must not idle to reduce excess fumes and particulates. In addition, all commercial vehicles must have manufacturer's emissions equipment installed and in proper working order.
- Air: The applicant shall implement standard best management practices such as spraying to prevent dust and particulates from crossing the property line.
- Environmental Health: The applicant must comply with the standards of LCMC 18.245.050 and WAC 173-60 for a Class C environmental designation for noise abatement (EDNA) adjacent to a Class A EDNA. In particular, noise levels shall not exceed 60 decibels above background noise levels at the property lines between 7:00 a.m. and 10:00 p.m. and 50 decibels between 10:00 p.m. and 7:00 a.m.
- Light and Glare: Any lighting used must comply with the requirements of LCMC 18.245.040 and must not reflect or cast glare into any residential zone and must not exceed one foot-candle measured at any property line.
- Historic and cultural preservation: No ground disturbance is permitted due to the site's location in medium to high risk areas for encountering archaeological resources.
-

Responsible Official: Greg Thornton, Mayor

Date: 2-14-22

Signature:



Issued: February 14, 2022



File Name: Tapani/Carlson Type II Temporary Use Permit/SEPA (File # 2022-005-TUP/SEPA)

Date Published: February 14, 2022

Attached is a likely SEPA environmental Mitigated Determination of Non-Significance (MDNS) and associated environmental checklist issued pursuant to the State Environmental Policy Act (SEPA) rules (WAC 197-11). The City (lead agency) completed evaluation of the environmental checklist as required by WAC 197-11. You may comment on this likely determination within fourteen (14) days of the issuance of this notice February 14, 2022. The lead agency will not act on this proposal until the close of the **14-day comment period, which ends February 28, 2022.**

Please address any correspondence to: Jessica Nash, Permit Technician
ATTN: SEPA COMMENTS – Tapani/Carlson Temporary Use Permit
c/o 305 NW Pacific Highway
La Center, WA 98629

DISTRIBUTION:

Federal Agencies: National Marine Fisheries, PRD Division (Mail)
US Army Corps of Engineers, Regulatory Functions (Mail)

Native American Interests: Confederated Tribes of the Grande Ronde (Mail)
Cowlitz Tribe, Longview, WA (Mail and email)

State Agencies: Dept of Ecology (Email)
Dept of Health, Office of Drinking Water (Email)
Dept of Commerce (Email)
Dept of Fish & Wildlife, Region 5 (Email)
Dept of Natural Resources, SEPA Center (Email)
Dept of Transportation, Environmental Services (Email)
Dept of Transportation, SW Region (Email)
Department of Archaeology & Historic Preservation (Email)
Washington Parks & Recreation Commission (Email)

Local Agencies: City of Ridgefield (Email)
Clark County, Dept of Community Development (Email)
Clark County, Dept of Health (Email)
Clark County, Dept of Parks & Recreation (Mail)
Clark County, Dept of Public Works (Email)
Clark County Sheriff
Clark County Fire and Rescue
Town of Yacolt (Email)
La Center Police Department

School Districts: La Center (WA) School District (Mail)

Special Purpose Agencies: Clark Public Utilities (Email)
Columbia River Economic Development Council (Email)
C-TRAN (Email)
Lower Columbia Fish Recovery Board

Southwest Clean Air Agency
Southwest Washington Regional Transportation Council
Clark Regional Wastewater District

Libraries: Fort Vancouver Regional Library, La Center (Mail)

Fire Districts: Clark County Fire & Rescue

Media: The Columbian

Other Interested Parties: Audubon Society, Vancouver (Mail)
Clark County Natural Resources Council (Email)
NW Natural (Mail)
Vancouver Wildlife League (Mail)

Attachment D



January 12, 2022

Tapani Materials
PO Box 1900
Battle Ground, WA 98604

Attention: Shane Tapani

Slope Stability Considerations

La Center Rockery
31313 NW Paradise Park Road
La Center, Washington
Project: Tapani-20-01

INTRODUCTION

NV5 has prepared this letter to discuss slope stability considerations associated with the proposed La Center Rockery in La Center, Washington. The approximately 4.4-acre site is located at 31313 NW Paradise Park Road.

Based on correspondence with Tapani Materials, the site will be developed with a new rockery. New fill will not be placed as part of the development and the rockery will utilize the existing gravel parking area for all operations. All activities will be conducted west of the up-to-20-foot-tall slope traversing southeast to northwest on the property.

We understand that the City of La Center has requested a geotechnical engineer evaluate if the proposed rockery will negatively impact the slope stability at the site. To evaluate slope stability and impacts from the proposed use, we conducted a geotechnical reconnaissance at the site and spoke to the property owner.

BACKGROUND

Based on a review of historical aerial photography and discussion with the existing owner, the slope traversing southeast to northwest is a cut slope that was constructed approximately 40 to 50 years ago for the building southeast of the site. With the exception of the minor grading at the top of the slope, additional activity has not been conducted since the slope was cut. We understand that the extreme northeastern portion of the site previously operated as a landfill.

SITE RECONNASIANCE

A reconnaissance was conducted at the site on January 11, 2022, by a geotechnical engineer licensed in the state of Washington with 17 years of experience in Clark County, Washington. The approximately 4.4-acre site is located at 31313 NW Paradise Park Road in La Center, Washington. It is east of NW Paradise Park Road approximately 0.25 mile south of the intersection of NW La Center Road and NW Paradise Park Road.

The western portion of the site is currently a gravel parking area used for storage and logistics. The parking area grades gently downward from southwest to northeast between elevations of approximately 278 and 270 feet.

In the center of the site, in an approximately southeast to northwest orientation, is the previously described cut slope. The slope varies in height from approximately 5 feet in the northern portion to approximately 20 feet in the southern portion. The slope is generally vegetated with brush and mature trees and varies between approximately 4H:1V and 1.5H:1V. There is a small drainage at the base of the slope that transports seasonal water south and away from the slope. Based on correspondence with the owner and observations during the reconnaissance, slope failures do not appear to have occurred over its approximately 40- to 50-year existence. Some evidence of erosion was observed on portions of the slope from heavy rainfall events where stormwater flowed over the face of the slope from the parking area. We did not observe evidence of “pistol butted” trees on the slope or seepage within the slope face.

East of the slope is an access road and an approximately 7,000-square-foot metal storage building southeast of the site. East of the access road, the topography slopes upward and toward the former landfill.

SUMMARY AND CONCLUSIONS

The proposed rockery will consist of storage and sale of bulk landscape materials adjacent to NW Paradise Park Road and away from the slope in the center of the site. Based on discussion with the existing owner, the slope is a man-made cut slope and has been in place for approximately 40 to 50 years without stability issues. We did not observe evidence of prior slope instability or seepage that could lead to future slope failures. Based on the development use and its location with respect to the slope, it is our opinion that the proposed rockery will not negatively impact the existing slope at the site. To reduce the potential for future instability, we recommend that material not be stored within 20 feet of the top of the slope and that surface water from rockery activities not be allowed to flow over the face of the slope.



We appreciate the opportunity to submit this letter. Please call if you have questions concerning the information provided.

Sincerely,

NV5



Nick Paveglio, P.E.
Principal Engineer



Signed 01/12/2022

cc: Janette Pipkin, Tapani Materials (via email only)

NNP:sn

One copy submitted (via email only)

Document ID: Tapani-20-01-011222-geol.docx

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Attachment E

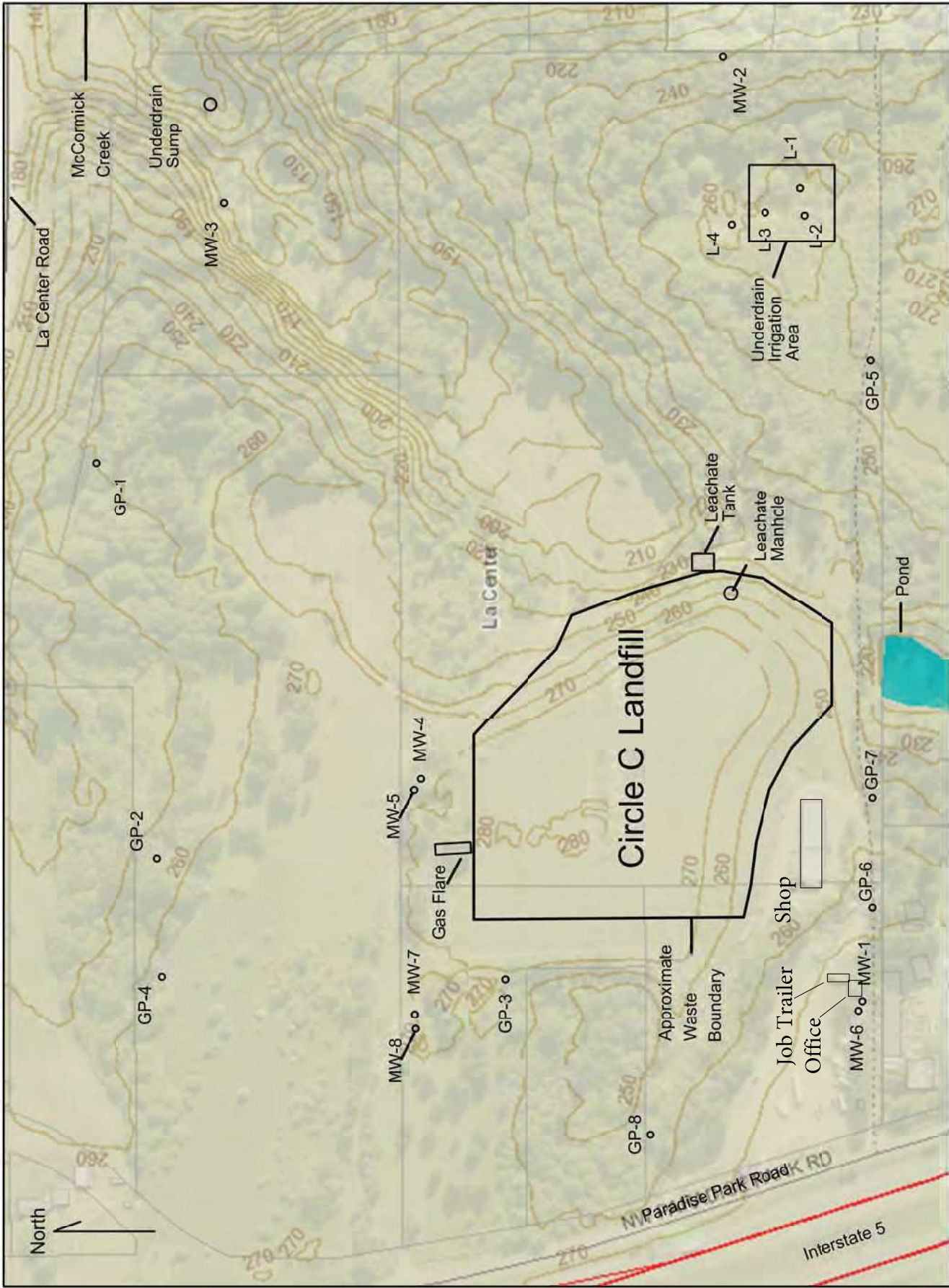


Figure 2
Site Map
 Circle C Landfill
 La Center, Washington

Base map from Clark County Maps Online

- MW-5 Monitoring Well
- L-4 Lysimeter
- GP-6 Gas Monitoring Probe