



## Type III – Subdivision Decision Cover Letter

**Project Name:** Vineyard Vista  
**Case Number:** 2023-050-SUB/SEPA/CAR/TRE  
**Hearing Examiner Decision Date:** 07-23-2024  
**Appeal Period:** By 5:00 PM on 8-6-2024

The attached decision is final unless an appeal is filed with the City Clerk. The appeal shall be filed within fourteen (14) calendar days from the date of the Hearing Examiner's final decision. The city shall mail out this notice within 7 days of the Hearing Examiner's Final Decision date, only to the parties of record.

**Process for an Appeal:** An appeal can only be made by the applicant or applicant's representative or by any person, agency or firm who offered oral or written testimony before the hearing's examiner closed the public record in the case.

**Appeal Contents:** An appeal shall include the appropriate fee (Type III decision \$1,100 + Cost recovery (requires a reimbursement agreement); actual cost of staff, consultants, and/or hearing examiner plus 10 percent. This fee is applicable as part of a land use action or development review (i.e., traffic study, preliminary/final plat review) and the following information:

Any appeal of the final decision shall be in writing and contain the following:

- (a) A form provided for that purpose by the city;
- (b) The case number as designated by the city;
- (c) The name of the applicant;
- (d) The name, address and signature of each appellant;
- (e) The specific aspect(s) of the decision and/or SEPA issue being appealed;
- (f) The reasons why each aspect is in error as a matter of fact or law; and
- (g) The evidence relied on to prove the error.

For an appeal regarding this decision, the city clerk shall schedule a public hearing to be held by the city council not more than 35 days from the date the last complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for application subject to the process according to LCMC 18.30.100.



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

Regarding a request by Chinookan, LLC for preliminary plat approval to divide 29.46 acres into 84 single-family lots pursuant to density transfer east of NE Northfork Avenue at E. Gaither Avenue in the City of La Center, Washington ) **FINAL ORDER**  
 ) **File No. 2023-040-**  
 ) **SUB/SEPA/CAR/TRE**  
 ) **(Vineyard Vista)**

**A. SUMMARY**

1. Chinookan, LLC (the “applicant”) requests subdivision approval to divide the 29.46 acre parcel known as tax assessor parcels 258903000, located east of NE Northfork Avenue at E. Gaither Avenue,<sup>1</sup> directly north of the Southview Heights development (the “site”).

a. The site and abutting parcels to the south and west are zoned LDR-7.5 (Low Density Residential, 7,500 square foot minimum lot size). Properties to the north and east are located in unincorporated Clark County and zoned FR-40 (Forest, 40-acre minimum lot size). The site is currently vacant, with the exception of a small shed associated with the residence on parcel 258898000 southwest of the site.

b. There is a Type Ns (non-fish bearing seasonal stream) and associated 75-foot buffer in the northeast portion of the site. The also contains several Oregon white oak trees, which the Washington Department of Fish and Wildlife designates as “Priority Habitats and Species (PHS)”, and mapped geologically hazardous areas (landslide, erosion, and seismic hazard areas).

2. The applicant proposes to remove the existing shed and subdivide the 29.46-acre site into 84 residential lots and tracts for stormwater (Tract A), open space (Tracts B and D) and a park (Tract C).

a. The applicant proposed to preserve the stream and associated buffer and the steepest slopes in proposed Tract B. The applicant proposed to remove two of the Oregon white oak trees (14- and 20-inches diameter at breast height (dbh)) to accommodate grading required for lot and road improvements. The applicant will preserve the remaining oak trees in tracts or lots. The applicant proposed to improve Tract C as a community park with picnic tables and pickleball courts. The applicant proposed to develop a public path within proposed Tracts B and D to provide opportunities for passive recreation; as proposed, Tract B will extend along the east and south boundaries of the site to provide a buffer between the proposed development and the existing Southview Heights development south of the site.

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<sup>1</sup> The applicant’s preliminary plat identifies Gaither Avenue and other existing streets in the area as “NE”. However, with the exception of NE Northfork Avenue, County GIS maps identify these streets as “E”. Therefore, the examiner uses “E” to refer to existing streets in the area. However, the examiner uses “NE” for proposed streets within the site to be consistent with the notation used on the applicant’s plans. The City will confirm the names of the proposed streets through the final review process.

b. The applicant proposed to extend E. Gaither Avenue into the site from its existing terminus near the southeast corner of the site. The proposed E. Gaither Avenue will intersect a proposed loop road within the site (consisting of proposed NE 25<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup> Streets and NE Thomas, Vineyard, and James Avenues). The applicant will also create a new public street connection between the proposed loop road and NE Northfork Avenue, which abuts the west boundary of the site. The applicant proposed to dedicate right-of-way and construct half-width improvements on the site's NE Northfork Avenue frontage. No improvements or access are proposed to E 24<sup>th</sup> Circle, which is separated from the south boundary of the site by an intervening parcel.

c. Clark Public Utilities will provide domestic water and the City of La Center will provide sanitary sewer service to the site.

d. The applicant will collect storm water from impervious areas on the site and convey it to an on-site storm water facility in proposed Tract A for treatment and detention. The applicant will discharge treated stormwater into the on-site stream at less than predevelopment rates.

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e. The applicant will remove many of the existing trees on the site to accommodate required grading, streets, and utilities and buildable lots. The applicant will preserve 219 jurisdictional trees, including 21 Oregon white oaks. The applicant will plant over 1,059 new, native species trees on the site to mitigate for the tree removal: 279 street trees, 151 trees on individual lots, 116 Oregon white oaks as mitigation for the two Oregon white oaks proposed for removal, 367 trees for riparian buffer impact mitigation, and 146 other trees.

3. The City of La Center issued a Mitigated Determination of Nonsignificance ("MDNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA"). Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about the application. City staff and consultants recommended that the examiner approve the preliminary plat subject to conditions. See the Staff Report & Recommendations dated June 25, 2024 (the "Staff Report"), as amended at the hearing. The applicant accepted those findings and conditions, as amended, without exceptions. 13 persons testified orally with questions and concerns about the proposed development. Other persons testified in writing. Disputed issues or concerns in the case include the following:

a. Whether the City provided adequate notice of the application and likely SEPA determination and the public hearing;

b. Whether the City's SEPA determination should be revoked;

c. Whether the proposed development will cause or exacerbate flooding and other stormwater issues on adjacent properties;

d. Whether the amount of grading proposed on the site exceeds City standards;



- e. Whether the applicant can be required to provide a larger riparian buffer;
- f. Whether the proposed clearing and tree removal is allowed by the Code;
- g. Whether the proposed development will have prohibited impacts on wildlife habitat;
- h. Whether the applicant is required to extend E. Gaither Avenue into the site;
- i. Whether traffic from this development will exceed the capacity of area streets or otherwise create a hazard;
- j. Whether the directional portion (NE, E, etc.) of the street names shown on the plans are accurate;
- k. Whether the applicant can be required to relocate existing school bus stops; and
- l. Whether the school district can accommodate additional students from this development.

4. 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 June 25, 2024. 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 consulting city planner Alec Egurrola summarized the Staff Report and the proposed development.

a. The applicant proposed to subdivide the roughly 30-acre site into 84 lots for single-family detached dwellings. Proposed lots sizes range from 6,900 to 19,6456 square feet. The applicant proposed to develop the site pursuant to the City's density transfer ordinance, which allows lots smaller than 7,500 square feet in the R-7.5 zone. The two lots larger than 11, 000 square feet will abut the urban area boundary. The applicant also proposes five flag lots.

b. The site contains a stream and associated riparian buffer near the northeast corner of the site. The proposed development will cause minor temporary and permanent impacts to the stream buffer. The applicant will remove 24 trees from within

the riparian buffer and plant 367 riparian mitigation trees. The applicant is required to modify the preliminary plat to ensure that all lots are outside of the riparian buffer.

c. The site contains 23 Oregon white oak trees, two of which must be removed to accommodate grading for the proposed roads. The applicant will mitigate for the removal of those trees by planting 116 Oregon white oak trees on the site.

d. The site contains areas of slopes greater than 40-percent, seismic, landslide, and severe erosion hazard areas.

e. The applicant will remove 1,059 other trees on the site to accommodate grading on this sloped site. The applicant will preserve 219 existing trees and plant an additional 1,059 mitigation trees, consistent with the 1:1 mitigation ratio required by the Code.

f. The applicant proposed to create a 0.81-acre community park near the center of the site, exceeding the minimum 0.28-acre park required by the Code. The applicant will develop the park tract with pickle ball courts, picnic tables, and other amenities. A play structure is not required.

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g. He requested the examiner modify proposed condition IV.A.19 in the Staff Report to provide “Driveway parking spaces shall be within the 20-foot garage setback.”

h. The City works with the County regarding climate hazard mitigation for wildfires and other issues.

i. The City provided two separate notices and comment periods for this development: notice of the application and SEPA comment period and a second notice for the public hearing. As required by the Code, the City publishes notice in the newspaper, posts it on the City website, and mails notice to the owners of property within 300 feet of the site. The applicant submitted new documents after the first comment period to address issues raised by the City and public. The public had the opportunity to review and comment on the application at the public hearing.

j. The City requested the applicant consider alternative designs for this development in order to minimize the number of trees removed. The applicant modified the design to preserve additional trees and they will mitigate for the trees that are removed by planting additional trees at a 1:1 ratio. The Code attempts to strike a balance between the ecological benefits of preserving trees and the need for development. The applicant will retain many of the removed trees as downed logs or standing snags to provide additional habitat.

3. City engineer Tony Cooper summarized the engineering issues for the proposed development.

a. He requested the examiner delete proposed conditions IV.B.12, 13, and 14 in the Staff Report as those were a carryover from a prior Staff Report and do not apply to this site.<sup>2</sup>

b. The applicant proposed to extend two streets into the site; extending E. Gaither Avenue from its existing terminus at the south boundary of the site and a new connection to NE Northfork Avenue west of the site. E. Gaither Avenue was designed and constructed to extend into this site.

i. Based on the applicant's traffic impact analysis, the proposed development will generate 794 Average Daily Trips ("ADT"), including 59 a.m. and 79 p.m. peak hour trips. 60-percent of the new trips are projected to use the NE Northfork Avenue connection and 40-percent will use E. Gaither Avenue. Adequate sight distance can be provided at both access points, however the applicant will need to remove some existing vegetation at the proposed NE Northfork Avenue access. The homeowners association ("HOA") for this development will be required to maintain vegetation at this intersection in order to preserve sight distance.

ii. The applicant will construct half-width street improvements on the site's NE Northfork Avenue frontage and full-width street improvements for streets within the site. The applicant is not required to construct frontage improvements on E 24<sup>th</sup> Circle, as there is a roughly five-foot wide parcel between this street and the site. The previously approved Southview Heights development created the intervening parcel. Ownership and maintenance of that parcel was supposed to transfer to the Southview Heights HOA. However, that did not occur and the applicant now owns that parcel. The applicant will be required to repair the existing fence and maintain that parcel as open space.

c. The applicant will be required to install erosion control Best Management Practices ("BMPs") before undertaking any ground disturbing activities on the site. The applicant will collect, treat, and detain stormwater runoff from the site prior to discharging treated runoff into the on-site stream. The applicant will be required to collect runoff from the rear portion of lots on the south boundary of the site and direct it to the stormwater facility.

d. The applicant will extend the existing sewer line in E. Gaither Avenue into the site. The applicant will be required to inspect the existing sewer lines to ensure they can accommodate additional effluent from this site.

e. He agreed with the changes to the conditions of approval proposed by Mr. Wolfe.

f. He testified that the proposed development will not increase the amount of stormwater runoff from the site, including on E. Gaither Avenue. The applicant will collect stormwater runoff from all impervious surfaces on the site and direct it to the

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<sup>2</sup> The examiner notes that condition numbering in Section IV.B of the Staff Report begins with #5. The examiner corrected the numbering in this Final Order to begin with #1.

proposed stormwater facilities for treatment and detention. The applicant will release treated stormwater to the existing stream on the site at less than predevelopment rates. Underground springs occur throughout the City. The proposed roads will block groundwater flows and the applicant will install stormwater facilities on the roads to collect the runoff and direct it to the proposed stormwater facilities. The applicant will provide an engineered overflow facility to accommodate excess runoff from very large storm events and direct it to existing drainage channels. The applicant will be required to create a homeowners association that will be responsible for ownership and maintenance of the private stormwater facilities located outside of the public rights-of-way. The City will own and maintain stormwater facilities within the public rights-of-way. No pumps are proposed; all stormwater will be transported to the detention facilities by gravity flow.

g. The City will likely install a stop sign at the intersection of E. Gaither Avenue and E. 24<sup>th</sup> Street as well as at the proposed intersection of NE 26<sup>th</sup> Street and NE Northfork Avenue in order to reduce potential traffic conflicts and slow traffic. The City will review this issue through the final engineering process. Traffic from this development will not exceed the capacity of area streets as defined by the Code. The applicant is not required to alleviate all perceived existing traffic hazards in the area. It is impossible to predict speeding problems but the City can address problems that do occur.

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4. Project manager Mason Wolfe appeared on behalf of the applicant, Chinookan, LLC.

a. He accepted the findings and conditions in the Staff Report with certain amendments.

i. He noted that conditions IV.B.15 and 16 in the Staff Report repeat conditions 10 and 11. The repeated conditions should be deleted.

ii. He requested the examiner modify condition IV.B.10 to allow downspouts to discharge to weepholes in the curb if necessary. The City allowed this in condition of approval 34 of the Valley View development.

iii. He objected to any requirement that the applicant improve the five-foot wide parcel between the site and E 24<sup>th</sup> Circle. That parcel is not part of the site and title to that parcel is “clouded.” The applicant intends to address that area, to make it “look good”, but he objected to any specific improvements. He accepted the wording of proposed condition IV.B.6 of the Staff Report, which only requires that the applicant show ADA accessibility.

b. He argued that E. Gaither Avenue was designed and constructed to allow for future extension. The road improvements extend to the south boundary of the site and meet City requirements for asphalt thickness, base course, etc.

c. Clark Public Utilities will provide public water for this development. The applicant will upgrade existing water pumps as necessary to provide water service to the site.



d. The answer to neighbors' questions about who is responsible if the stormwater system fails depends on the cause of any failure. The applicant will design the stormwater facilities and the City will review and approve those designs. The applicant will hire contractors to install the stormwater facilities in compliance with the approved designs. The homeowners association will be responsible for maintaining the system.

e. The applicant's traffic study (page 10 and Figure 3 at page 11) notes that approximately 60-percent of the vehicle traffic from this site will access the site from NE North Fork Avenue and 40-percent will use E. Gaither Avenue.

f. The current, preliminary, review of this application is only intended to determine if it is feasible to comply with the applicable approval criteria. The applicant will refine the design and create detailed engineered plans which will be subject to rigorous review by the City prior to construction and final approval. The applicant will use its best efforts and engineering to minimize impacts from springs on the site. The applicant will address runoff from any springs observed on the site during construction.

g. The property owners could have logged the entire site prior to submitting this application. Instead, they chose to retain as many trees on the site as possible. The design of the development goes beyond the minimum requirements of the Code by providing parks, trails, and open space areas.

5. John Wynn appeared on behalf of himself and his wife, Karen Denny. He expressed concern with the lack of access to this area in the event of a fire. He questioned whether there has been a study of the fire risk in this area.

6. Al Loiz noted that the site and surrounding area is "prone to springs." He currently has issues with flooding below his house. He questioned who would be responsible if this development exacerbates existing flooding and groundwater issues.

a. There is nothing to slow traffic from the site traveling downhill on E. Gaither Avenue through the Southview Heights development. A stop sign at E Lucas Street would help.

b. Sight distance is limited at the access to the new development under construction near the intersection of Aspen and NE Northfork Avenues. Additional traffic generated by this development will exacerbate that hazard. A stop sign is needed at the intersection of Aspen Avenue and 18<sup>th</sup> Street.

c. Grading activities by prior developments in the area generated significant dust. Similar issues are likely to occur with this development.

7. Marsha Adams testified on behalf of herself and her husband Charles, summarizing their written testimony, Exhibit 6. The applicant should be required to commit to repair and maintenance of the fence and landscaping on the five-foot wide parcel between the site and E 24<sup>th</sup> Circle.

8. Celest Monroe testified that the steep grade of E. Gaither Avenue encourages drivers to speed going downhill and noisily accelerate going uphill. The applicant should be prohibited from using E. Gaither Avenue for construction access to the site. Groundwater and flooding are a significant issue in this area. Existing residents have spent considerable funds to mitigate existing problems. What will happen if this development exacerbates those issues.

9. Valeri Post testified on behalf of herself and her father, Pat Conte. She questioned how public water will be provided to the site.

10. Steve and Linda Workman questioned how the proposed stormwater facilities will be publicly owned but privately maintained. They expressed concern with increased traffic generated by the extension of E. Gaither Avenue into the site, especially with school buses. Removing more than 1,000 trees on the site will reduce the amount of water absorbed on the site and increase the volume of runoff.

11. Lisa Appel appeared on behalf of herself and her partner Craig Tylanda and summarized her written testimony, Exhibit 23. She objected to the change in the hearing date, as her partner was out of town and unable to attend. The Staff Report only noted one of her SEPA comments. She argued that the SEPA decision should be reconsidered, as the project as currently designed will have significant impacts.

a. The existing trees on the site provide significant carbon capture. Removal of more than 1,000 trees conflicts with the state's carbon neutrality goal. The City is exchanging 29-acres of stormwater infiltration and wildlife habitat for increased traffic, runoff, and taxes.

b. The applicant is proposing a significant amount of grading on a steeply sloped hill above an existing subdivision. The applicant will grade nearly 90-percent of the site, moving nearly 60,000 cubic yards of soil. Grading will create 25 acres of bare soil subject to erosion when it rains and dust when it is dry, both of which will impact adjacent properties. Dust was a significant issue with prior developments in the area.

c. The applicant's stormwater plan assumes that 35-percent of this development will be impervious surface. However, compacted soils created by the proposed grading will function as impervious surfaces compared to the existing conditions, thereby increasing the volume of runoff from this site. Failure to account for the reduced infiltration and increased runoff will impact downstream properties.

d. The 1,059 trees proposed for removal collect 228,7040 gallons of stormwater during a one-inch rainfall event. Removal of those trees will eliminate that absorption, further increasing the amount of runoff flowing downhill from this site.

e. This site slopes downhill towards the Southview Heights development. Therefore, stormwater from this site will flow downhill towards the Southview Heights. Runoff will flow down E. Gaither Avenue, impacting the stormwater facility serving the Southview Heights development. The proposed stormwater facility is uphill from the southern portion of the site, so stormwater from the southern portion of the site will flow

onto neighboring properties. Those properties will be severely impacted if the applicant miscalculates the amount of stormwater runoff or if the stormwater system fails.

f. The pavement on E. Gaither Avenue is cracking under existing conditions. Additional traffic from this development will further damage the pavement.

g. Miscalculation of runoff volumes or failure of the stormwater facilities on this site will impact the existing stormwater detention facilities in the Southview Heights development. Assuming pumps are required to move stormwater to the detention facilities serving this site, what happens if the pumps fail?

h. Runoff from this development will flow into Brezee Creek, causing “flashy” conditions and increasing erosion of the stream bed. Brezee Creek flows to the La Center Bottoms wetlands, which currently flood in the winter. Additional runoff from this development that would have been absorbed by the existing trees on the site will increase the frequency and amount of flooding. Erosion from this site will also impact the creek and wetlands. The applicant should be required to provide a 100-foot riparian buffer for the on-site stream as recommended by WDFW.

i. This development will significantly increase traffic on existing streets. Drivers speed on the downhill sections of roadway under existing conditions and traffic from this development will exacerbate that problem.

j. She argued that the City’s SEPA notice process was confusing and unreasonable. The proposed development evolved over time and additional documents were submitted after the SEPA comment period. The 300-foot notice radius is insufficient and the comment period did not provide sufficient time for interested residents to review and comment on the application.

k. The City should rescind the MDNS and issue a Determination of Significance for this project.

12. Christy Humphrey noted inconsistencies in the street names for this project, changing from Avenue to Circle. Gaither Avenue is East Gaither, not Northeast as indicated on the plat. Stormwater from the site flows downhill on E. 24<sup>th</sup> Avenue under existing conditions.

13. Frank Fortino expressed concerns with the potential for increased stormwater runoff from the site and potential significant impacts to downstream properties if the proposed stormwater facilities fail.

14. Chris Blair argued that the extension of E. Gaither Avenue into the site conflicts with the goal the City’s traffic calming program to reduce cut-through traffic. Streets in other developments in the City were not extended in order to limit cut-through traffic.

15. Melissa Flatt objected to the extension of E. Gaither Avenue due to increased traffic on existing roads. She noted other developments that have a single access. She



noted that drivers frequently run stop signs, pass other vehicles on the right, and execute other illegal behaviors. She has had several near misses when backing out of her driveway onto 18<sup>th</sup> Street east of Gaither Avenue. Ice forms at the bottom of the hill in the winter, creating a hazard. The two existing bus stops at the bottom of the hill should be relocated if the extension of E. Gaither Avenue is approved.

16. Brian Kohlman testified that E. Gaither Avenue is a quiet street with limited traffic under existing conditions. This development will significantly increase the amount of traffic on this road. Drivers frequently speed when traveling downhill on Northfork Avenue. The applicant should be required to install traffic calming measures to reduce speeds and discourage cut-through traffic. He reiterated other's concerns with stormwater runoff.

17. Karen Denne questioned whether La Center schools have sufficient capacity to accommodate students from this and other recently approved developments in the City. She argued that the School Impact Fees are insufficient to mitigate this impact.

18. City community development and public works director Tracy Coleman noted that the City will require additional geotechnical review to address the specific groundwater and stormwater issues noted in the public testimony. The City will review the applicant's engineering designs and construction to ensure compliance with all applicable Code and engineering standards.

19. At the end of the hearing the examiner held open the public record for one week to allow the public an opportunity to submit additional written testimony and evidence regarding the issues raised at the hearing. The examiner held the record open for a second week to allow the applicant to submit a closing argument. The record closed at 5 PM on July 8, 2015. Exhibits 24 through 29 were submitted during the open record period.

### **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 amended at the hearing. The applicant accepted those findings and conditions, as amended, without exception.

2. The examiner finds that the Staff Report, as amended, accurately identifies the applicable approval criteria for the preliminary plat and contains affirmative findings that the proposed preliminary plat does or can comply with the applicable standards of the LCMC (including cited plans and codes) and the Revised Code of Washington, provided the applicant complies with recommended conditions of approval as amended herein. The examiner adopts the affirmative findings in the Staff Report as his own, except to the extent that those findings are inconsistent with the findings in this Final Order.

3. The examiner finds that the City provided adequate notice of application and likely SEPA determination and the public hearing.



a. The City mailed notice of the application and likely SEPA MDNS on May 1, 2024, as required by LCMC 18.31.170(2). (Exhibit 3). That notice states that “A public hearing is required and will be scheduled at a later date. A separate notice will be provided at least 14 days in advance of the public hearing.” (*Id.* at 2).

b. The City mailed notice of the hearing to the applicant and owners of property within 300 feet of the site on June 5, 2024, as required by LCMC 18.30.100 and 18.30.120(5)(b). (Exhibit 18). The City also published notice of the hearing in the Columbian newspaper on June 11, 2024, as required by LCMC 18.30.120(8). Multiple forms of notice are required, in part, to provide a measure of overlap, so that if notice in one form is not effective (e.g., when a mailed notice is not received), another form of notice will be effective (e.g., published notice). There is no evidence that the City changed the date of the hearing.

c. The examiner finds that the public had an adequate opportunity to review and respond to the proposed development, consistent with the limitations of the Code. The neighborhood was well represented at the hearing and in the written record. Residents of the neighborhood testified clearly and succinctly regarding issues of concern to them. The examiner held the record open for one week after the hearing to allow the public the opportunity to submit additional written testimony and evidence.

4. Several persons objected to the City’s SEPA determination and issuance of an MDNS for this project. However, the examiner must accord the SEPA official’s determination “substantial weight.” RCW 43.21C.090.

In any action involving an attack on a determination by a governmental agency relative to the requirement or the absence of the requirement, or the adequacy of a "detailed statement", the decision of the governmental agency shall be accorded substantial weight.

The examiner must review the SEPA official’s decision under a "clearly erroneous" standard,” and may only reverse the City’s determination if he is "left with the definite and firm conviction that a mistake has been made." that the City made a mistake” *Id.* (quoting *Wenatchee Sportsmen Ass’n v. Chelan County*, 114 Wash.2d 169, 176, 4 P.3d 123 (2000)). In this case the examiner finds that the opponents failed to meet the burden of showing that the City’s decision was clearly erroneous. The majority of the concerns raised by opponents of this application are addressed by the Code, as discussed in the findings below, and other potential environmental and ecological effects were considered through the SEPA process and the conditions imposed in the MDNS.

5. Proposed grading will alter the existing topography of the site. Removal of the existing trees will reduce the amount of rainfall that is absorbed on the site. The proposed development will increase the amount of impervious surface area on the site and therefore the rate of stormwater runoff. All of this could potentially increase run-off onto adjacent properties. However, state law expressly prohibits development from increasing or concentrating stormwater runoff onto adjacent properties or blocking existing runoff flowing onto the site.

a. The applicant will collect stormwater from roofs, driveways, roads and other impervious surfaces on the site and direct it to the on-site stormwater detention pond. The applicant will discharge treated stormwater from the detention pond to the on-site stream at rates less than or equal to predevelopment rates, replicating the existing conditions. The proposed detention facilities will ensure that the development does not increase the rate of stormwater runoff leaving the site.

i. The proposed development will not increase, and may reduce the amount of surface runoff flowing onto the abutting properties south of the site.

(A) Based on the topographic maps in the record, stormwater falling on the southern portion of the site currently sheet flows south, downhill, towards the Southview Heights development. The Southview Heights stormwater facilities were designed to accommodate this existing runoff.

(B) Stormwater facilities created by this development will collect much of the runoff that currently flows to the south and direct it to the proposed detention facility and then into the on-site stream which flows offsite to the west, potentially reducing the amount of runoff flowing to the south.

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(C) The rear yards of the southern row of lots, proposed Lots 1 through 17, and E. Gaither Avenue are too low to discharge to the stormwater facility. Therefore, the applicant will install storm inlets in E. Gaither Avenue and area drains along the south boundary of these lots to collect runoff from these areas and direct it to the existing storm sewer in E. 24<sup>th</sup> Court, reducing the volume of surface water flowing south onto neighboring properties and streets. (See Exhibit 15). As discussed in Exhibit 26, the proposed rear yard drains may connect to the existing storm sewer system in E. 18<sup>th</sup> Street, which appears to be at capacity under existing conditions. Whether or not the applicant connects to this storm sewer system, the applicant will be required to inspect the existing downstream storm system to ensure that adequate capacity is available to accommodate any increased runoff from this development.

(D) The examiner cannot require any specific remedy as requested in Exhibit 26, as there is no certainty that the applicant will connect to the noted system and other alternatives may be available to address any capacity issues. The purpose of this preliminary review is to determine whether it is feasible to comply with applicable criteria. The preliminary engineering plans are conceptual, and analysis of all technical details is not required. The applicant's engineers will review the existing and proposed stormwater systems and develop detailed plans for this development and any required off-site improvements through the final engineering process. Engineers for the City will review those plans to ensure they comply with all applicable requirements. To require complete, detailed plans prior to preliminary approval would require re-working the entire design any time amendments or modifications of the project are required. This would be highly inefficient and is not necessary to protect the public interest. City staff's review of the final engineering plans provides adequate protection of the public interest.

(E) No pumps are proposed or needed to accommodate stormwater runoff from this site.

ii. The applicant will design the detention facilities to accommodate the increased stormwater runoff generated by this development. As neighbors noted at the hearing, trees absorb rainfall, which reduces the volume of runoff. Grading on the site will compact the soils, reducing their infiltration capacity and increasing runoff. However, those impacts are considered and addressed in the stormwater design. Surfaces with less infiltration capacity have higher “Curve Numbers” (“CN”). Forest areas have a lower CN than fields, fields have a lower CN than lawns, and lawns have a lower CN than roofs and driveways. The applicant will be required to determine the volume of runoff generated on the site based on predevelopment forested conditions and the amount of runoff generated by post-development conditions, calculating separate runoff rates for each type of surface (trees, landscaping, lawn, pavement, roof, etc.). The applicant will be required to provide sufficient storage capacity to accommodate all post-development runoff in excess of the predevelopment rate, ensuring that the development.

iii. The applicant will release runoff from the site at metered rates consistent with the historic rate of runoff. By controlling the rate of runoff, the development will not increase the risk of downstream erosion, stream scour, and flooding.

b. The applicant’s engineers will design the stormwater facilities and engineers for the City will review the design and installation to ensure compliance with all applicable requirements. The applicant will be required to create a homeowners association that will be responsible for maintaining the stormwater facilities. The HOA will be required to submit reports to the City documenting maintenance activities, to allow the City to ensure that required maintenance is actually occurring.

c. The applicant will address any springs that are discovered during grading on the site, collecting runoff and directing it to the proposed stormwater facilities.

6. Neighbors objected to the amount of grading proposed on the site. However, extensive grading is required to construct roads, install utilities, and create buildable lots on this sloping site. The Code does not impose any limits on the amount of grading allowed outside of critical areas. Although the site contains steep slopes, the applicant’s geotechnical engineer determined that the proposed grading and development is feasible, provided the applicant complies with the recommendations of the Geotechnical Report, Attachment 13 of Exhibit 1. The City may require additional geotechnical review during final engineering to address the springs, stormwater, and other issues noted at the hearing.

a. Grading and construction on this site will temporarily cause increased dust, traffic, and other impacts on adjacent roads and properties. The Code and state law regulate construction activities, including requirements for dust and erosion control, which will limit impacts on surrounding residents. The applicant will be required to obtain City approval of an erosion control plan for this development, including measures



to control dust. The applicant will be required to install erosion control measures consistent with the approved plan prior to undertaking grading or other soil disturbing activities on the site. Applicable regulations limit the times and duration that soils may be exposed on the site in order to limit potential erosion and dust. (See, e.g., conditions of approval B. 7 and B.8.c, which limit grading and certain construction activities to the dry weather season between May 1 and October 31). The City will inspect the site during construction to ensure ongoing compliance with applicable requirements. Compliance with these regulations will not eliminate all potential impacts. However, the examiner finds that, while such impacts may occur, they are not significant enough to require specific limitations on construction other than those imposed by State law and the Code. The examiner encourages residents to contact the City if excessive impacts occur as the City has the authority to address alleged violations through its enforcement process.

7. WDFW requested the examiner provide a 100-foot riparian buffer between the proposed development and the on-site seasonal stream. However, LCMC Table 18.300.090(2)(f) requires a 75-foot riparian buffer for the seasonal stream on this site and the City has no authority to require protection in excess of Code requirements. The proposed development will not increase, and may reduce, the amount of pollution flowing into the stream, as the applicant will collect, treat, and detain stormwater runoff from impervious areas on the site.

8. Development of the site as proposed is likely to require removal of most of the vegetation on the site, including mature trees. However, the Code does not prohibit such removal. This site and the surrounding area are zoned for single-family residential uses. Most vegetation on the site, including trees, must be removed to develop roads, utilities and building sites at the required density. More extensive grading is required to construct roads and other improvements on this sloping site. The examiner acknowledges the significant number of mature trees on the site. However, the City's tree protection ordinance, LCMC 18.350, does not prohibit the proposed tree removal. This ordinance recognizes benefits provided by trees (stormwater absorption, carbon capture, shade and heat reduction, etc.) and balances those benefits with benefits provided by development. The examiner has no authority to reconsider that balancing in this proceeding. As noted at the hearing, the applicant revised the design of the development to retain additional trees. However, given the amount of grading necessary to develop this sloping site, the applicant will need to remove the majority of the trees. The applicant is required to plant additional trees on the site to mitigate for those impacts.

9. Clearing and development on this site will eliminate habitat for wildlife, including birds, deer, and coyotes. But the Code does not prohibit such an effect. To the contrary, it is an inevitable consequence of concentrating new development in the urban area. The applicant will preserve the on-stream and buffer and all but two of the Oregon white oak trees, which are designated fish and wildlife habitat. However, the remainder of the site is not designated habitat and none of the animals observed on this site are listed as endangered or threatened. They are commonly observed in the area. Their presence is less likely after the site is developed, but that is to be expected. The riparian corridor associated with the on-site stream will remain largely undisturbed and continue to provide some wildlife habitat on the site as well as providing a connection to other



habitat areas located offsite. Owls and other bird species are protected by the migratory bird treaty act, which prohibits “incidental take” of such species.

10. The applicant is required to extend E. Gaither Avenue into the site to provide opportunities for cross-circulation and emergency access. The extension of this street was foreseeable. The very nature of the existing design of this street --- as a public right-of-way, pavement, and sidewalk stubbed to the boundary of the site, terminating in a traffic barricade without a turnaround --- evidenced an intention that the street would be extended. For people who have lived along what has heretofore been a dead-end street, the change created by the extension of this street will be more significant. They have enjoyed a relatively low level of traffic given their location in an otherwise urbanized area. But it is time to extend the street to accommodate development on this site and fulfill the City’s connectivity and cross circulation goals. The extension of this street will provide additional access opportunities for all area residents and allow traffic to disperse onto multiple streets, reducing traffic volumes and congestion on individual streets in the area. Traffic from this development does not constitute “cut-through” traffic as described in the definition cited in Exhibit 27, “Cut-through traffic means traffic that passes through a given residential neighborhood that has neither an origination nor destination point in that neighborhood.” Traffic from this development will be traveling to and from homes within the site, a destination within the neighborhood.

a. Additional traffic generated by this development, including the extension of E. Gaither Avenue, will increase wear and tear on area roads, requiring additional maintenance. The City is responsible for maintaining public roads.

11. This development will increase the volume of traffic on streets in the area. That increased traffic will be perceptible to area residents. However, City engineering staff determined, based on the applicant’s traffic analysis, that it will not exceed the capacity of streets nor create a hazard. There is no substantial evidence to the contrary. Neighbor’s unsupported concerns about increased traffic are not substantial evidence sufficient to overcome the expert testimony of the traffic engineers for the County and the applicant.

a. The additional traffic generated by this subdivision may pose an increased risk for drivers, cyclists, and pedestrians in the area. Higher vehicular traffic volume creates a marginally higher risk for pedestrians and bicyclists. It may well warrant a heightened degree of attentiveness to traffic when driving, cycling or walking in the neighborhood. However, those risks are consistent with the location of the site in the urban area where City plans call for the sort of development being proposed. Reasonably prudent drivers will observe the posted speed limit and other applicable traffic regulations. Unfortunately, not all drivers are prudent. However, there is no evidence that the development proposed in this application will contribute a disproportionate share of imprudent drivers. If necessary, the City can address issues of speeding by providing increased enforcement of traffic laws on all streets in the area, or installing traffic controls on area roads, if warranted based on actual traffic conditions. Area residents can petition the City to install traffic calming measures on area streets, if warranted based on actual traffic conditions. However, speeding is an existing problem, which the applicant cannot be required to remedy. As Mr. Cooper noted at the hearing,

the City may install (or require the applicant to install) additional stop signs to address changes in traffic patterns created by this development. The City will review that issue through the final engineering process.

b. The applicant is required to ensure that adequate sight distance is available at all intersections created by this development. However, the applicant is not required to remedy all existing perceived traffic issues in the area.

12. The examiner has no authority to prohibit use of E. Gaither Avenue for construction access. The applicant will be required to obtain City approval of construction plans prior to issuance of building or grading permits, which will govern all work within or impacting public rights of way. The City will review construction vehicle access to the site through its review of the applicant's construction plans.

13. The city will review and approve the names of the proposed streets within the site, including the directional designation based on applicable standards, through the final engineering review process.

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14. The School District has sole authority to determine the location of school bus stops.

15. Neighbors argued that the proposed development will exceed the capacity of schools in the area. The City considered school capacity when it adopted the zoning for this site. The proposed development density is consistent with the current zoning. This development will have an impact on the school district. By paying school impact fees, the proposed subdivision adequately provides for schools as a matter of law. Although the schools serving this site may be approaching capacity, the school district is required by law to accommodate students who live there. The district can adjust attendance boundaries and practices as necessary to fulfill student needs.

16. The strip of land between the site and NE 24<sup>th</sup> Circle is not part of the site. Therefore, the examiner has no authority to require the applicant to improve that area. In addition, Mr. Wolfe noted at the hearing, title to that parcel is "clouded." The examiner has no authority to resolve those title issues and determine ownership of this parcel. The applicant intends to address that area, to make it "look good", but the examiner cannot impose conditions of approval on lands that are not part of the proposed development.

17. The applicant is not required to conduct a fire hazard analysis for this development, as that is not relevant to the applicable approval criteria. However, The applicant will be required to comply with all applicable requirements and receive approval through Clark-Cowlitz Fire Rescue. (See proposed condition IV.D.1 in the Staff Report). There is no evidence that this development poses a higher risk of wildfire than any other residential development. The proposed extension of E. Gaither Avenue and the connection to NE Northfork Avenue will create an additional evacuation route for residents of this area.

18. Adequate water supply is available to serve the site, based on the service provider letter from Clark Public Utilities. (Attachment 16 of Exhibit 1). The applicant

may be required to upgrade existing pumps to provide required water volume and pressure to this site. As noted in the service provider letter, the applicant may connect this development to the existing 12-inch water main within NE North Fork Avenue and/or the 8-inch water main within E. 24<sup>th</sup> Circle. These issues will be addressed through the final engineering review process.

19. Sanitary sewer service will be obtained by connecting to the existing public sewer system in E. Gaither Avenue, which was stubbed to the boundary of this site for this purpose. The City's Engineering Standards required that "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." (Section 4.00.B.2 of the La Center Engineering Standards). The applicant will be required to review the existing sewer line to confirm it can accommodate effluent from this site. The City will review this issue through the final engineering review process.

#### **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 the remainder of the application, File No. 2023-040-SUB/SEPA/CAR/TRE (Vineyard Vista Subdivision) in general conformance with the applicant's preliminary plat, subject to the following conditions:

##### **A. Planning Conditions**

1. The applicant shall apply for and receive approval of a sign permit and building permit (if applicable) for a subdivision entrance sign prior to sign construction in accordance with LCMC 8.60.
2. The applicant shall demonstrate that building height requirements are met prior to issuance of a building permit for each lot.
3. The applicant shall demonstrate that the maximum building lot coverage and maximum impervious surface area requirements per lot are met prior to issuance of a building permits.
4. The applicant shall provide a note within the CC&Rs and on the face of the final plat that Lot 28 cannot be further subdivided.

5. Prior to engineering approval, the applicant shall provide a final landscape plan by a registered landscape architect with street trees spaced no greater than 30 feet on center.
6. Park Requirements
  - (a) Option 1: Family Park
    - (I) Prior to engineering plan approval, the applicant shall demonstrate that the picnic tables and pickleball courts meet ADA accessibility regulations.
    - (II) The applicant shall provide a final park plan designed by a registered landscape architect for final engineering approval.
    - (III) The applicant shall place the park in a public access easement prior to final plat approval.
    - (IV) The applicant's final park plan must provide a final landscape plan prior to engineering approval including six benches, three trash receptacles, bike racks to accommodate at least 18 bicycles, and three picnic tables.
    - (V) The applicant's final park plan shall include a pathway that provides circulation on the north, west, and south sides of the pickleball courts connecting to the sidewalk on NE James Street.
    - (VI) The applicant's final park plan shall show a low fence or vegetative barrier a minimum of three-and-one-half-feet that is not sight obscuring where Tract C abuts residential lots prior to final engineering approval (LCMC 18.147.030[1][b][x])
    - (VII) Prior to final engineering approval, the applicant shall provide a final park plan that: (1) provides lighting within the park in Tract C to deter criminal activity; the lighting shall illuminate the pathway and pickleball courts (2) contains maintenance notes that requires that all trees adjacent to Tract C, except Oregon white oaks, must be limbed up to provide clear line of site into the park (3) assigns an address for the park for emergency response and (4) provide video security of the pickleball courts, obscured away from the backyards of adjacent homes.
    - (VIII) The applicant shall construct the park prior to the issuance of occupancy for the building permit of the 25<sup>th</sup> dwelling unit.
    - (IX) The applicant shall complete the required park 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 C improvements 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 final plat approval.

(B) Option 2: Community Park



- (I) If the applicant and City agree to provide the City Community Park standards as identified in the 2024 PROS Plan, the applicant shall provide a final park plan to meet the community park standards as outlined in the PROS Plan and additional amenities as provided by the City prior to final engineering approval.
  - (II) The applicant shall dedicate the park to the City upon completion of all improvements and prior to receiving impact fee credits.
- 6. The applicant shall submit engineering, construction, final plat, and building permit documents in compliance with the preliminary plat documents unless otherwise modified by conditions of approval in this Final Order or as approved by the City through subsequent approvals.
- 7. The applicant shall obtain building permits in compliance with Chapter LCMC 15.05 prior to construction for each dwelling unit.
- 8. Prior to the issuance of occupancy, the applicant shall pay all system development fees, park, school, and traffic impact fees in effect at the time.
- 9. The applicant shall provide improved surface plans for all flag lots in accordance with LCMC 18.210.040(3)(b) in the final engineering plans.
- 10. The preliminary plat shall expire five years from the date of approval by the hearing examiner unless an application for final plat is submitted or an extension is approved per LCMC 18.210.050(2) and (3).
- 11. The applicant shall comply with all provisions regarding monumentation outlined in Chapter 18.230 prior to final plat approval.
- 12. As outlined in LCMC 18.230.090, the final plat shall be drawn with ink upon three-millimeter Mylar film, or equivalent; said sheets are to be 30 inches by 21 inches, with a one-inch border on each side or as otherwise directed by the Clark County recording agency.
- 13. As a condition of approval, if any fences or hedges are proposed prior to the final plat, the applicant must provide information demonstrating that the fences comply with LCMC 18.245.020.
- 14. The applicant shall provide a photometric plan prior to final engineering plan approval showing how the proposed lights will not cause more than a one foot-candle measure at any property line in conformance with 18.245.040 and LCMC 18.282.
- 15. Ground-level exterior equipment such as air conditioning units, must be screened from view to an F2 or L3 standard prior to issuance of final inspection for each dwelling unit.

16. The applicant shall install all landscaping prior to issuance of final inspection for each dwelling unit, or no more than six months after final inspection if it will increase plant survival. Installation after occupancy requires City notification and approval.
  17. Prior to issuance of final inspection for each dwelling unit, the applicant shall install landscaping consistent with the final landscape plan and the plant size and spacing requirements of LCMC 18.245.060(11-16).
  18. All required landscape areas, including within the planter strip along public roadways, must meet the City's irrigation requirements in LCMC 18.245.060(18). The applicant shall provide irrigation plans prior to final engineering approval.
  19. The applicant shall demonstrate that each dwelling unit has at least two (2) off-street parking spaces and one (1) guest parking space per LCMC Table 18.280.010 prior to building permit approval. Driveway parking spaces shall be within the 20-foot required garage setback.
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20. Prior to final engineering approval, the pedestrian path as shown on the provided preliminary plat shall be revised to be five-feet-wide within the riparian buffer and be composed of a permeable surface.
  21. The applicant shall revegetate the riparian buffer, including the temporarily impacted areas according to the Critical Areas Report and Mitigation Plan dated April 3, 2024 (Exhibit 1.26.w) and Tree Protection, Landscaping, and Tree Mitigation Planting Plan (Exhibit 13), and the supplemental letter to the Critical Areas Report and Mitigation Plan (Exhibit 1.26.w) prior to final plat approval.
  22. Impervious surfaces of 120 square feet or more are prohibited within 15 feet of the head or toe of the slope or the applicant shall provide an updated geotechnical report prior to engineering approval that the proposed impervious surfaces will not significantly affect the stability of the slope.
  23. The applicant shall stake, flag, and fence the riparian area buffer prior to any site improvements through the duration of site construction.
  24. The applicant shall revise the boundaries of Lots 26 and 27 to be entirely outside of the riparian buffer prior to final plat approval.
  25. The applicant shall revise the critical areas report to include a monitoring plan for the riparian buffer mitigations in accordance with LCMC 18.300.090(2)(k)(iii) prior to final engineering approval.
  26. The applicant shall permanently mark the outer extent of the riparian buffer in accordance with LCMC 18.300.090(2)(n)(ii) prior to final plat approval.

27. The applicant shall place the riparian buffer in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat prior to final plat approval.
28. The applicant shall show the dripline of the preserved OWOs on the approved engineering plans to demonstrate that there will not be improvements including grading within these areas.
29. The applicant shall stake, flag, and fence the OWOs dripline prior to any site improvements through the duration of site construction.
30. The applicant shall provide the mitigation as proposed in the Critical Areas Report & Mitigation Plan (Exhibit 1.26.w), Supplemental Letter to the Critical Areas Report & Mitigation Plan (Exhibit 1.26.w), and OWO mitigation email with WDFW (Exhibit 16) for the removal of the two OWOs on the site prior to final plat approval.
31. The applicant shall provide a revised Critical Areas Report to include a 10-year monitoring program or as required by WDFW in accordance with LCMC 18.300.090(2)(i)(v) for the preserved OWOs prior to final plat approval.
32. The applicant shall permanently mark the outer extent of the OWO driplines in accordance with LCMC 18.300.090(2)(n)(ii) prior to final engineering approval.
33. The applicant shall place the preserved OWO buffers in a conservation covenant and record this covenant in a form approved by the City attorney and reference this recording on the face of the final plat prior to final plat approval.
34. Prior to final engineering approval, a revised geotechnical report shall be provided to address the design development standards for the mapped landslide and erosion hazard areas and buffers in accordance with each of the standards as listed in LCMC 18.300.090(4)(c)(ii)(A) through (G).
35. If, upon receipt of the revised geotechnical report, it is determined that improvements are within the mapped geohazard areas and buffers, the applicant shall provide a drainage plan as required in subsection (ii)(F) prior to final engineering approval.
36. Prior to any site construction activities, the landslide hazard area buffer as established by the revised geotechnical report shall be clearly staked before and during any construction or clearing.
37. All portions of the landslide hazard areas and buffers shall be designated as a landslide protection area and recorded as such on the face of the final plat prior to final plat approval.
38. The applicant shall adhere to all recommendations contained in the geotechnical report by True North Geotechnical, Inc. dated December 1, 2023 (Exhibit 1.13.j).

39. The applicant shall comply with LCMC Title 15, Buildings and Construction, and the International Building Code for constructing structures in the seismic hazard area.
40. The final Landscape Plan, once submitted, shall use plants on the native plants list per Table 18.340.040(2) and avoid the use of plants from the nuisance plant list and the prohibited plants list per Table 18.340.040(3) and Table 18.340.040(4).
41. Any trees proposed for removal shall be identified on the plan and shall be flagged in the field consistent with LCMC 18.350.060 so that the City can verify trees to be removed and preserved consistent with 18.350.070(3).
42. Each tree 10-inches dbh or greater proposed to be removed shall be mitigated by one two-inch deciduous or a six-foot tall conifer tree consistent with LCMC 18.350.050.

**B. Public Works and Engineering Conditions**

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

1. The applicant will implement all recommendations from the Traffic Report from Lancaster Mobley dated March 6, 2024.
2. The applicant shall submit final grading and erosion control permit as part of the subdivision plans showing the proposed contours on the plans.
3. The parcel owned by the applicant, APN 63472946, is a five-foot wide strip that was formally owned and maintained by the Southview Heights developer. The applicant may propose to maintain this five-foot wide strip as part of the park or other landscaping.
4. The applicant shall show ADA accessibility from 24<sup>th</sup> Avenue to the new street improvements on Gaither Avenue.
5. The owner/HOA shall maintain vegetation along NE North Fork Avenue to maintain the site distance at the NE North Fork Avenue/E. 24<sup>th</sup> Street intersection.
6. The Applicant's Engineer proposes to add 84 homes to the existing eight-inch diameter sewer in E. Gaither Avenue. The applicant will need to verify that this existing manhole is in good condition.
7. The City Erosion Control Standards require that any disturbance over 500 square feet 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.

8. The applicant shall comply with the following, per the report prepared by True North Geotechnical dated December 1<sup>st</sup>, 2023:
  - a. Over-excavation and stabilization of pipe trenches or other excavations with imported granular fill or aggregate will also be necessary to provide adequate subgrade support.
  - b. LCMC 18.212.050. 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.
  - c. 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 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. The design must meet the LCMC 18.320 and the 1992 Puget Sound Manual for the design of the system.
  - d. 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.
9. Downspout connections from the houses must connect directly into the site stormwater system unless the City approves discharge to weepholes in the curb. Laterals from the storm main in the street must be shown to serve each lot.
10. Maintenance of Stormwater Facility:
  - a. 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 two-years after completion and acceptance of the subdivision by the City, whichever is more.

- b. 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.
  - c. Stormwater facilities must be located in a separate tract.
  - d. Prior to initiation of any construction or final plat approval, the developer shall demonstrate to the City's satisfaction that:
    - i. The developer has established a homeowner's 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 describes the scope of maintenance of the stormwater facility and it shall be recorded and incorporated in the CC&Rs.
    - ii. The HOA shall be empowered to assess its members fees to be reserved and used to reimburse the City for the operation and maintenance of the facilities, if enforcement becomes necessary.
    - iii. The City shall have the right of 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.
    - iv. 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.
11. 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 single fixture on a black decorative fiberglass pole and the frontage improvements will need to have Cobra Head LED light per the Engineering Standards. The applicant shall submit a Photometric analysis along with the street light design to verify compliance with the Engineering Standards.
12. LCMC 18.212.050. 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).

13. 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 treat the water quality design storm, defined as the six-month, 24-hour storm runoff volume. A 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. The design must meet the LCMC 18.320 and the 1992 Puget Sound Manual for the design of the system.

**C. SEPA (MDNS) Mitigation Conditions – see Exhibit 18**

1. Air: The applicant is required to apply best management practices to reduce dust during construction.
2. Air: Construction equipment shall not be permitted to idle and is required to be shut off while not in use.
3. Water: The applicant shall decommission the existing private well prior to ground disturbance in accordance with Clark County and State of Washington requirements and must provide evidence of the approval and decommissioning in accordance with agency requirements.
4. Water: The applicant must comply with the recommendations of the Preliminary Technical Information Report dated November 2023 and revised on March 2024).
5. Environmental Health: The applicant shall decommission the existing septic system prior to construction in accordance with Clark County requirements. The applicant shall provide a lateral sewer line stub to the home so that connection to the public sewer system is available when the septic system fails or is decommissioned on parcel no 258898000.
6. Historic and cultural preservation: 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;
  - (b) Take reasonable steps to ensure confidentiality of the discovery site; and,

- (c) 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 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 in order 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
Cowlitz Indian Tribe, Dalton Fry Interim Cultural Resources Manager	Phone: 360-577-5680; email: dfry@cowlitz.org
City of La Center, Tracy Coleman, Community Development/Public Works Director	Phone: 360-263-7665; email: tcoleman@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

7. Transportation: The applicant shall comply with the recommendations of the Traffic Analysis Report (Lancaster Mobley, March 6, 2024).

#### **D. CCFR Fire Conditions**

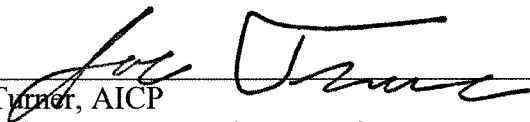
1. Applicant shall comply with all applicable requirements and receive approval through Clark-Cowlitz Fire Rescue.

#### **E. CPU Conditions**

1. Applicant shall comply with all applicable requirements and receive approval through Clark Public Utilities.



DATED this 29<sup>th</sup> day of July 2024

  
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Joe Turner, AICP  
City of La Center Hearing Examiner

2019



# EXHIBIT LIST

Project Name: **Vineyard Vista Subdivision**

Case Number: **SUB- 2023-00044**

EXHIBIT NUMBER	DATE	SUBMITTED BY	DESCRIPTION
1	2/5/24	Applicant	Application Package - o - Submittal Checklist; 1.a-TOC; 2.b-Application Form; 3.c-SEPA and & Revised SEPA Checklist; 4.d- Existing Conditions & Boundary Survey; 5.e- Proposed Plat; 6.d- Owner Authorization; 7.e- Proof of Ownership; 8.f- Legal Description; 9.g-Pre-application Conference Report; 10.h- Revised Narrative; 11.i -Radius Address List; 13.j- Geo Study; 14.k- Prelim Grading; 15.l- Revised Stormwater Plan; 16.m -Water Utility Review Letter; 17.n - Arch Pre-determination; 18.o - Prelim TIR; 19.p - Revised Traffic Study; 20.q- Arborist Report; 21.r- Arborist Report Supplemental; 22.s- Tree Survey; 23.t- Tree Removal - Retention Plan; 24.u- Email from Ethan Spoo - 25.v - Landscape Plan; 26.w- Critical Areas Plan; 27.x - Critical Areas Report & Mitigation Plan; 28.y -Reimbursement Agreement; 29.z- Revised full set of plans; 30- Not TC
2	4/17/24	LC Landuse	TC Determination
3	5/1/24	LC Landuse	Notice of Application
4	5/9/24	JoAnne Tucker	Comment Letter
5	5/1/24	LC Landuse	Affidavit of Mailing Notice of Application
6	5/14/24	Charles & Marsha Adams	Comment Letter
7	5/14/24	Gary Blakeney	Comment Email
8	5/15/24	DFW	Comment Email
9	5/15/24	CC LCMC Landuse	Correspondence to Applicant Re: 5ft Easement
10	5/15/24	Lisa Apple	Comment Email

Copies of these exhibits can be viewed at:  
 Department of Community Development  
 Development Services Division  
 1300 Franklin Street  
 Vancouver, WA 98666-9810

<b>EXHIBIT NUMBER</b>	<b>DATE</b>	<b>SUBMITTED BY</b>	<b>DESCRIPTION</b>
11	5/16/24	Kim Dickey	Comment Email
12	5/15/24	Adam Lake	Comment Email
13	5/30/24	Applicant	Revised Landscape Plan
14	5/30/24	Applicant	Revised Critical Areas Report
15	5/31/24	Applicant	Email to WDFW
16	5/31/24	DFW	Email Re: Mitigation Plan & Letter of Support
17	6/10/24	LC Landuse	SEPA MDNS/ Staff Report
18	6/10/24	LC Landuse	Notice of Hearing
19	6/10/24	LC Landuse	Affidavit of Mailing Hearing Notice/ SEPA/ Staff Report
20	6/10/24	LC Landuse	Columbian Posting
21	6/21/24	Applicant	Color copy of 300' radius
22	6/25/24	Craig Tylenda	Hearing presentation/ comment letter
23	6/25/24	Lisa Apple	Hearing presentation/ comment letter
24	6/27/24	Valerie Post & Pat Conte	Comment Letter
25	7/1/24	Charles & Marsha Adams	Comment Letter
26	7/2/24	Alan McLean	Comment Letter - VVR HOA Vineyard Vista public complaint & Videos
27	7/2/24	Celeste Monroe	Homeowner Testimony
28	7/2/24	Daina Mclean	Comment Letter
29	7/8/24	Applicant	Final Response From Applicant

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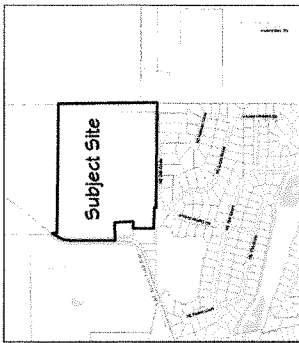


# Vineyard Vista

A Subdivision in The  
NE 1/4 of Section 34, T5N R1E WM  
County Parcel #(s): 258903000

## LEGEND

- INDICATES EXISTING ROWY
- INDICATES PROPOSED NEW ROWY
- INDICATES PROPOSED RECREATION PATHWAY
- INDICATES EXISTING STREAM
- INDICATES EXISTING BUFFER
- INDICATES PROPOSED EASEMENT
- INDICATES PROPOSED PUBLIC WATER
- INDICATES PROPOSED SANITARY SERVICE
- INDICATES PROPOSED SANITARY CLEAN OUT



VICINITY MAP

Subject Site

## PLAT NOTES

1. Total Net Area = 142,914.1 SF (17.05+/- acres)
2. Total Gross Area = 1,203,350.1 SF (27.49+/- acres)
3. Site is Zoned LDR-1.5
4. This subdivision proposes 64 single family residential lots
5. Net acreage equals 46.76 acres per acre
6. Net acreage equals 46.76 acres per acre
7. Largest lot is 14,564 SF (3.34+/- acres)
8. Total ROWY (existing and proposed) equals 246,205 SF (5.61+/- acres)
9. This subdivision proposes 235,423 SF (5.34+/- acres) of Open Space and Park which contains critical areas, proposed pedestrian path and other active park amenities.
10. Tract A is a stormwater tract contains 60,719 SF (1.40 acres) and is to collect, treat and detain all public and private stormwater runoff
11. Tract B is Open Space that has critical areas and a proposed pedestrian path
12. Tract C is Open Space that has Oregon White Oak and proposed pedestrian paths
13. Tract D is Open Space that contains a proposed pedestrian path. It contains 19,568 SF (0.45 acres)
14. Tract E is a private road serving lots 1-16 & 50. It contains 5,701 SF (0.13 acres)
15. There are NO existing structures
16. No new buildings or structures are proposed as part of this preliminary plat approval
17. If required, a 6' tall chain-link fence around the storm facility in Tract A is only proposed fence
18. No new buildings or structures are proposed as part of this preliminary plat approval
19. No new buildings or structures are proposed as part of this preliminary plat approval
20. No new buildings or structures are proposed as part of this preliminary plat approval
21. Only street parking proposed with this plan
22. Driveway and garage parking will be provided during building permit
23. No existing facilities are proposed
24. It is presumed that NE North Fork Ave is classified as a "Rural Major Collector" road
25. No additional ROWY along North Fork is required or proposed to be dedicated with this plan
26. It is presumed that NE Center Avenue is classified as a "Local Access" road
27. It is presumed that NE Center Avenue is classified as a "Local Access" road
28. There are NO existing easements. All proposed easements are shown on the plan
29. There is an existing septic tank or drain-field
30. There is NO existing septic tank or drain-field
31. There are NO other above ground tanks or known underground tanks
32. Refer to Existing Conditions for all existing public and private utilities
33. Public water will be extended from Southview Heights Phases VII and serve all new lots
34. Public water will be extended from Southview Heights Phases VII and serve all new lots
35. Refer to Preliminary Utility Plan submitted with this preliminary plat approval for details
36. Refer to Preliminary Utility Plan submitted with this preliminary plat approval for details
37. Private utilities such as phone, cable & gas may be extended onto and throughout the plan
38. ALL environmental critical areas are shown on this plan

APPLICANT REPRESENTATIVE / CONTACT:  
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360-607-5588  
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PREPARED BY:  
Columbia, LLC  
10000 1st Avenue, Suite 210  
Bellevue, WA 98004  
360-607-5588  
columbia@wolfeppm.com

DATE: 11/01/2022

SCALE: 1" = 60'

SHEET: P-1

REVISION TABLE

DATE: 11/01/2022

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