

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

Regarding a request by Tim Lapsley, for a preliminary plat) **FINAL ORDER**
to divide 11.8 acres into 37 lots for single-family detached)
homes in the LDR-7.5 zone south of NW Pacific Highway,) **File No. 2008-016-SUB**
west of "E" Avenue, in the City of La Center, Washington) **(Kay's Subdivision)**

A. SUMMARY

1. Tim Lapsley (the "applicant") requests approval of a preliminary plat to divide 11.8 acres into 37 lots for single-family detached homes. The site is located south of NW Pacific Highway and west of "E" Avenue. The legal description of the site is Tax Assessor Parcel No. 209488-000; also known as Lot 47 of the J Timmons & A Brezee HD Claim, Section 3, Township 4 North, Range 1 East, of the Willamette Meridian, Clark County (the "site"). The site and surrounding properties are zoned LDR-7.5 (Urban Residential). The site is currently vacant. The applicant will construct a new single-family detached dwelling on each of the proposed lots. The applicant also requested approval of a Type I variance to reduce the lot depth of proposed Lots 31 and 34. Proposed lot sizes vary from 7,505 to 10,227 square feet and do or can comply with applicable dimensional standards, as modified by the Type I variance.

a. The applicant proposed to dedicate right-of-way and construct public streets within the site. Proposed West "G" Avenue will extend into the site from Pacific Highway, abutting the north boundary of the site, to a new east-west street, proposed West 10th Street. 10th Street will intersect proposed West "F" Avenue on the east, and West "H" Avenue on the west. The applicant proposed to construct "H" Avenue as a half-width road on the west boundary of the site. Proposed "F" and "H" Avenues will intersect West 9th Street to the south. The applicant will extend West "G" Avenue from 9th Street to the south boundary site. "G" Avenue will be extended further south when the abutting property redevelops. The applicant also proposed to extend West 8th Street into the site from West "E" Avenue, intersecting proposed G Avenue within the site. The applicant will construct the offsite portion of 8th Street within the existing right-of-way. The applicant also will dedicate right-of-way and construct half-width improvements on the site's NW Pacific Highway frontage. See Exhibit C-3. All of the proposed lots will have direct access onto the proposed interior streets. No lots will access NW Pacific Highway.

b. The applicant proposes to collect stormwater from impervious areas on the site and direct it to a stormwater facility in proposed Tract "B" in the southern portion of the site for treatment and detention. The applicant proposed to discharge treated stormwater to the existing public storm sewer system east of the site. See Exhibit C-2.

c. There is a wetland area in the southwest corner of the site. The applicant will create an open space tract to protect the wetland and associated buffers, proposed Tract A.

d. Clark Public Utilities will provide domestic water and the City of La Center will provide sanitary sewer service to each proposed lot.

2. The City of La Center issued a Determination of Nonsignificance (“DNS”) 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 application and preliminary plat subject to conditions. See the Staff Report dated October 31, 2008 (the “Staff Report”). The applicant accepted those findings and conditions, as amended at the hearing, with certain exceptions. Five persons testified orally and in writing in opposition to the proposed development. In addition, 16 persons signed a petition opposing the proposed development. See Exhibit G. Disputed issues or concerns in the case include the following:

- a. Whether the applicant is required to extend West 8th Street into the site to provide cross-circulation consistent with LCMC 12.10.210;
- b. Whether, and to what extent, the applicant is required to improve offsite streets that provide access to the site;
- c. Whether additional traffic generated by the proposed development will exceed the capacity of area streets or create a hazard;
- d. Whether the development complies with the public street standards of LCMC 12.10;
- e. Whether the development makes adequate provisions for children who walk to school, RCW 58.17.110;
- f. Whether the applicant is required to construct West “H” Avenue along the west boundary of the site between proposed 9th and 10th Streets;
- g. Whether the proposed variance to the lot depth standards complies with the approval criteria in LCMC 18.260.040;
- h. Whether the development makes adequate provisions for accommodating stormwater runoff from the site; and
- i. Whether the proposed development will maintain the hydrology of the wetlands on the site.

3. Based on the findings provided or incorporated herein, the examiner approves the subdivision subject to the conditions at the conclusion 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 November 14, 2008. 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 city planner Dale Miller summarized the Staff Report.

a. He noted that the proposed development is also subject to a pre-annexation development agreement dated September 12, 2007. The agreement requires that the applicant complete construction of all public improvements by September 12, 2009.

b. He noted that the applicant requested approval of two road modifications to allow landscape medians within the public right-of-way at the intersection of "G" Avenue and Pacific Highway and where 8th Street enters the site.

c. He noted that the applicant will terminate West "G" Avenue at the south boundary of the site to allow for further extension when the abutting property redevelops. The applicant should be required to install a Type III barricade at the street terminus and signs indicating that the stub street will be extended in the future. He requested the examiner add a condition of approval to that effect.

d. He noted that the applicant proposed to discharge stormwater runoff to the Lewis River via an offsite pipe. The applicant should be required to locate the offsite portion of the stormwater pipe within a minimum 20-foot wide easement. He requested the examiner add a condition of approval to that effect.

e. He requested the examiner add a condition requiring that the applicant install a fence along the western edge of proposed West "H" Avenue to distinguish the public right-of-way from the abutting property.

f. He requested the examiner modify conditions 38, 43 and 46 to require a five-year monitoring and maintenance period for the wetland mitigation plantings.

g. He argued that the extension of 9th Street into the site would not eliminate the concerns raised by the neighbors. Sight distance is limited at the intersection of 9th Street and Pacific Highway due to the curve to the north of the intersection. In addition, the applicant would be required to construct two blocks of off-site improvements to extend this street into the site.

3. La Center Public Works engineer Bart Stepp requested the examiner modify condition of approval 42 to allow alternative locations for the stormwater outfall, subject to additional geotechnical analysis and public works approval.

a. He argued that sight distance is more of an issue at the intersection of 9th Street and Pacific Highway than it is at the intersection of 7th Street and Pacific Highway,

due to the curve to the north of the 9th Street intersection. The Code requires a minimum 250 feet of sight distance to the north and south of the intersection on Pacific Highway; 10-times the posted speed limit of 25 mph.

b. He testified that the City is considering adoption of a traffic-calming program. The City generally does not require that developers install traffic calming as a condition of development approval. The traffic-calming program will allow the City to install a variety of calming measures where existing traffic conditions demonstrate they are warranted.

4. Planner Erin Toman and professional engineer Henry Diaz testified on behalf of the applicant.

a. Mr. Toman requested the examiner grant a Type I variance to allow up to a ten-percent reduction in the lot depth requirements, as allowed by LCMC 18.260.

i. He requested the examiner modify condition 21 to require installation of fire hydrants prior to issuance of building permits, rather than “prior to construction.”

ii. He requested the examiner modify condition 22 to require that easements be “indicated” on the final plat, rather than “recorded prior to final plat.”

iii. He requested the examiner modify condition 27 to apply to “street monumentation.”

iv. He noted that condition of approval 38 requires that the applicant monitor the wetland mitigation areas for ten years. However condition 43 only requires a five-year maintenance period. He requested the examiner modify condition 38 to be consistent with condition 43.

v. He requested the examiner modify condition 50 to allow the applicant to propose alternative methods for disposal of treated stormwater runoff from the site, subject to City approval.

b. Mr. Diaz argued that the proposed development will benefit the general public. The applicant will extend gravity flow sanitary sewer service to the area, eliminating the need for pump stations to the north of the site. The proposed streets within the site will improve vehicular cross-circulation in the area.

i. He noted that the Code allows discharge of treated stormwater directly to the Lewis River without detention. He requested the examiner modify the conditions of approval to allow the applicant to utilize this option, subject to City approval. The geotechnical report prohibits the infiltration of stormwater on this site. Therefore the applicant will collect stormwater runoff from the lots south of “G” Avenue and discharge it to the stormwater facilities serving the site. He requested the examiner modify condition 53 to that effect.

ii. He opined that the applicant could eliminate proposed West “H” Avenue, stubbing proposed 9th and 10th Streets to the west boundary of the site and creating a “hammerhead” turnaround for emergency vehicles. This would eliminate the need for a retaining wall on the western edge of the proposed half-street improvement of West “H” Avenue.

iii. He noted that the applicant proposed to utilize existing City streets and rights of way. The proposed development will improve the existing section of 8th Street between the site and West “E” Avenue and provide additional access and cross-circulation opportunities in the City. There is no evidence that the intersection of 7th Street and Pacific Highway is hazardous. No accidents have been reported at this intersection. The applicant has no authority to remove the retaining wall, hedge and fence on the private property abutting the intersection. The applicant chose to extend 8th Street into the site, rather than 9th Street, because the topography of the site is flatter to the south, reducing the amount of grading required to extend the street. The applicant will extend “G” Avenue to the south boundary of the site. This street will be extended in the future and provide a more direct route to the south, which will eliminate much of the site generated traffic on 7th Street.

5. Steve Lindblom expressed concern with the applicant’s proposal to extend West 8th Street into the site.

a. The extension of 8th Street will direct traffic onto 7th, 8th Streets and “E” Avenue east of the site. These streets provide access Pacific Highway. However the existing pavement on these offsite streets is very narrow and inadequate to accommodate two-way traffic in many areas. There are no shoulders, sidewalks, streetlights or similar improvements. Potholes, ponded stormwater and vehicles parked on the shoulders further reduce the width of the available travel lanes. It is difficult to make a left-hand turn from “E” Avenue to 8th Street due to the narrow pavement width. The additional traffic generated by this development will create a hazard on these streets. Based on the applicant’s traffic study, more than 65-percent of the traffic from this development will utilize 7th Street to access Pacific Highway.

b. The intersection of 7th Street and Pacific Highway is also hazardous. 7th Street is relatively narrow at this intersection, making it more difficult to turn in and out of this street. Semi-trucks frequently park on the west side of Pacific Highway, which obstructs views of oncoming traffic. A retaining wall on the northwest quadrant of the intersection further restricts sight distance. There is a bus stop located near this intersection. Children gathered to wait for the bus also restrict sight distance.

c. The applicant should be required to utilize alternative access to the site that avoids adding traffic onto 7th Street west of the site. The applicant could extend 9th Street into the site, providing a direct route to Pacific Highway, which would avoid adding traffic onto the under-improved streets to the south. Although sight distance is also constrained at the intersection of 9th Street and Pacific Highway, it is no worse than the intersection of 7th Street and Pacific Highway. In the alternative, the applicant could limit

access to the site to the proposed “G” Avenue/Pacific Highway intersection, where adequate sight distance is available.

d. He requested the examiner hold the record open to allow an opportunity to submit additional testimony and evidence.

6. Becky Salsburg testified on behalf of her parents, Dawn and Ray Harman. She submitted a PowerPoint presentation to illustrate her testimony. Exhibit F.

a. She argued that the additional traffic generated by this development on 7th, 8th Streets and “E” Avenue east of the site will create a hazard. The existing pavement width on these streets narrows to as little as 15 feet in some areas. There are no existing sidewalks on “E” Avenue south of 8th Street. There is only one block of sidewalk on 7th Street. Drivers will speed through the area, increasing the hazard.

b. The intersection of 7th Street and “E” Avenue is dangerous due to the narrow pavement width. There is no room for pedestrians on these streets. Sight distance is inadequate at the intersection of 7th Street and Pacific Highway. A retaining wall, hedge and fence on the property in the northwest quadrant of the intersection restricts views of southbound traffic on Pacific Highway. Drivers must “nose into” the intersection to see oncoming traffic.

c. She argued that the City could achieve its connectivity goals by requiring a pedestrian/bicycle access onto 8th Street, but not extending the roadway for vehicular access. If the applicant does extend 8th Street into the site, the applicant should be required to install traffic calming, sidewalks, crosswalks and streetlights on the offsite streets between the site and Pacific Highway.

7. Don Harman expressed similar concerns with increased traffic on 7th and 8th Streets and “E” Avenue east of the site.

8. Barbara Barnhart argued that some residents of the site will use proposed “G” Avenue to access Pacific Highway, because it provides a direct route to Pacific Highway that avoids the numerous turns and under improved roads south of the site. She expressed concern with the design of the fence on the west boundary of the site. She argued that the applicant should consider naming the streets on the site after famous La Center residents.

9. Millie Campbell testified that the gravel shoulders on 7th and 8th Streets and “E” Avenue are insufficient to support traffic. Drivers can get stuck during the wet winter months. She argued that there is no history of accidents at the intersection of 7th Street and Pacific Highway because the existing residents in the area are aware of the limited sight distance and therefore approach the intersection with caution.

10. At the end of the hearing the examiner held open the public record for two weeks to allow all parties to submit additional testimony and evidence regarding the issues raised at the hearing. The examiner held the record open for a third week to allow all parties to respond to the information submitted during the first open record period. The

examiner held the record open for a final week to allow the applicant to submit a closing argument. The record closed at 5 PM on December 8, 2008. The following documents were submitted while the record was held open:

- a. A 16-page petition signed by residents opposed to the extension of 8th Street into the site. Exhibit G;
- b. A letter dated November 19, 2008 from Mr. Lindblom. Exhibit H;
- c. A letter dated November 24, 2008 from Mr. Miller. Exhibit I;
- d. A letter and attachments dated November 24, 2008 from Mr. Toman. Exhibit J;
- e. A letter dated December 1, 2008 from Mr. Miller. Exhibit K;
- f. A letter dated December 1, 2008 from Mr. Toman. Exhibit L; and
- g. The applicant's final argument, dated December 3, 2008, from Mr. Toman. Exhibit M.

C. DISCUSSION

1. City staff recommended that the examiner approve the preliminary plat and variance, based on the affirmative findings and subject to conditions of approval in the Staff Report, as modified at the hearing. The applicant largely accepted those findings and conditions as modified, with exceptions discussed below.

2. The examiner finds that the Staff Report 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 primary issue in this case is whether the applicant should be required to extend West 8th Street into the site as proposed.

a. The applicant originally proposed to construct this street extension. See Exhibit C-3. However area residents expressed concerns that this street extension will create a hazard by directing traffic from the site onto the under-improved streets east of the site, primarily "E" Avenue and 7th Street. Therefore the City agreed to allow the applicant to terminate the on-site portion of 8th Street in a cul-de-sac turnaround and extend a pedestrian/bicycle connection to West "E" Avenue. See Exhibit I.

b. The examiner finds that this alternative street design, terminating the on-site portion of 8th Street at the west boundary of the site, is consistent with the crossroads requirement of LCMC 12.10.210. This section provides:

On all dedicated rights-of-way exceeding 800 feet in length, cross streets shall be provided at intervals not greater than 800 feet in the urban or city area; provided, in order to minimize through traffic in residential neighborhoods, an overall development plan providing longer intersection intervals may be approved so long as it provides adequate vehicular circulation in the vicinity of the development; and provided further, that when cross street spacing exceeds 800 feet, pedestrian walkways connecting streets may be required. The cross street shall extend the full depth of the property at approximate right angles to the dedicated right-of-way and shall provide for a minimum width as specified in LCMC 12.10.090 or 12.10.140. Cross streets shall be aligned to join the existing streets at the terminal points for developing circulation of traffic.

c. The “G” Avenue right-of-way between Pacific Highway and the south boundary of the site and the “E” Avenue right-of-way between Pacific Highway and 7th Street are also more than 800 feet long. Therefore the extension of 8th Street into the site is necessary to provide an east-west street connection in compliance with the 800-foot intersection spacing requirements of LCMC 12.10.210.

d. However LCMC 12.10.210 provides that “[i]n order to minimize through traffic in residential neighborhoods, an overall development plan providing longer intersection intervals may be approved so long as it provides adequate vehicular circulation in the vicinity of the development”

i. The examiner finds that it is necessary to minimize through traffic in the residential neighborhoods east of the site, because the existing streets to the east, “E” and “D” Avenues and 7th and 8th Streets, are under-improved and inadequate to safely accommodate two-way traffic. The extension of 8th Street into the site would cause a significant increase in the amount of traffic on these streets. Based on the applicant’s traffic study, attached to Exhibit C-1, the proposed development will increase PM peak hour traffic at the intersection of 7th Street and Pacific Highway from 18 vehicle trips under existing to 42 vehicle trips with the proposed development. This additional traffic will exacerbate the existing hazard on the under-improved roads east of the site.

ii. The examiner further finds that the proposed development will eventually provide an “overall development plan...[that] provides adequate vehicular circulation in the vicinity of the development.”

(A) The applicant proposed to extend a new north-south street, proposed “G” Avenue, through the site between Pacific Highway and the south boundary of the site. This street will be further extended to intersect 5th Street when the abutting property redevelops in the future. Without the proposed 8th Street extension, or

the westward extension of 7th Street when the property to the south redevelops, “G” Avenue will provide a roughly 1500-foot right-of-way between Pacific Highway and 5th Street, with no cross-street connections to the east.

(B) The extension of 8th Street into the site would provide an opportunity for vehicular cross-circulation to the east. However the examiner finds that, once “G” Avenue is extended to 5th Street, the 8th Street extension will only accommodate local trips within the abutting neighborhood. “G” Avenue will provide the shortest, most direct route on fully improved roadways to the signalized intersection of 5th Street and Pacific Highway. Therefore the majority of drivers are likely to travel on “G” Avenue, rather than the 8th Street extension, for most non-local trips. Therefore the examiner finds that the 8th Street extension is not necessary to provide adequate vehicular circulation in the area.

(C) The applicant should be required to construct a pedestrian/bicycle connection between the on-site terminus of 8th Street and West “E” Avenue. This connection will provide direct access to the abutting neighborhood for local trips by pedestrians and bicyclists without adding additional vehicular traffic onto the under-improved roads east of the site. Therefore the examiner finds that the proposal to terminate 8th Street on the site is consistent with the crossroads requirement of LCMC 12.10.210.

e. If the applicant chooses not to extend 8th Street into the site, the applicant should be required to terminate the on-site section of 8th Street in a cul-de-sac or alternative design approved by the Fire Marshall and the City, The applicant should also be required to extend a pedestrian/bicycle connection between on-site terminus of 8th Street and West “E” Avenue, within the existing right-of-way abutting the site. The applicant also agreed to install picnic tables and other pedestrian amenities within the offsite right-of-way as outlined in Exhibit I. A condition of approval is warranted to that effect.

4. In the alternative, the applicant may choose to extend 8th Street into the site as originally proposed, creating a full-access cross-street connection between the site and “E” Avenue.

a. As noted above, the existing pavement on the streets east of the site is not wide enough to accommodate two-way traffic or emergency vehicles. The existing pavement narrows to as little as 15 feet in some areas. Section 503.2.1 of the International Fire Code (the “IFC”), adopted by the City in LCMC 15.05.030(2), provides:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm)

Therefore the examiner finds that, if the applicant chooses to extend 8th Street into the site, the applicant should be required to widen the pavement on the offsite

streets east of the site, between the site and Pacific Highway, to provide at least one through route with a minimum 20 foot paved width to safely accommodate two-way traffic and emergency vehicle access.

i. The examiner finds that this requirement is consistent with RCW 82.02.020.

(A) There is an essential nexus between the impacts of the proposed development and the need for offsite street improvements. The proposed development will generate additional traffic on the streets east of the site, exacerbating the existing hazard created by the narrow pavement.

(B) The cost of the improvement is proportional to the impacts of the development. This development will generate roughly 57-percent of the total traffic on the streets east of site.¹ The applicant is only required to construct roughly 33-percent of overall improvements.² Therefore the examiner finds that the exaction is proportional because the impact (57-percent) of the proposed development is greater than the exaction (33-percent).

b. The applicant is not otherwise required to construct or repair offsite streets and sidewalks, because it would be disproportionate to the impact of the subdivision on the need for such facilities. Applicants are not required to remedy all perceived and existing deficiencies in the vicinity of a development. The City Code requires an applicant to mitigate impacts a development causes or to which it contributes significantly. Although the proposed development contributes to problems with substandard streets in the area, those problems exist largely because of existing development. It would be inequitable to require an applicant to bear the full burden of improvements where the proposed development is only responsible for a small portion of the problem.

i. The need for sidewalks, streetlights and other improvements is one that exists generally along streets in the area, and is a need to which all adjoining properties contribute, not just the lots being created in this case. The applicant will provide sidewalks on both sides of all streets within the subdivision and along the portion of Pacific Highway abutting the site. Sidewalks in the area will interconnect over time as other properties in the area develop, but the applicant is not required to make such connections at this time.

¹ Based on Figure 2 of the applicant's traffic study, 18 vehicles access West 7th Street at the Pacific Highway intersection during the PM peak hour under existing conditions. Based on Figure 4, the proposed development will add another 24 vehicles during the peak hour, for a total of 42 vehicles. 24 site generated trips/42 total trips = 57-percent of the total traffic on 7th Street at Pacific Highway.

² Assuming all of the offsite streets are currently 15 feet wide, the applicant would be required to add five feet of additional pavement to provide a minimum 20-foot paved width. 5 feet of new pavement/20 feet of total improvement = 33-percent of the total street improvement.

ii. It was argued that the shoulders of the streets in the area cannot support vehicular traffic during wet weather. The required of offsite streets will provide adequate paved area for two-way vehicle traffic, eliminating the need for vehicles to drive on the shoulders of offsite streets. Therefore the applicant is not required to improve the road shoulders.

c. The examiner finds that adequate sight distance is available at the intersection of 7th Street and Pacific Highway based on the expert testimony of the applicant's traffic engineer. See Exhibit J. There is no substantial evidence to the contrary. Drivers must pull forward beyond the painted stop bar in order to see oncoming traffic. However there is sufficient room to do so without entering the vehicular travel lanes. This intersection is operating safely under existing conditions. No accidents have been reported at this intersection in the past five years. As noted in Exhibit J, vehicles parked on the west side of Pacific Highway may obstruct sight distance. The City should consider posting "No Parking" signs in this area as necessary to maintain adequate sight distance.

d. There is no dispute that the proposed development will increase the volume of traffic on roads in the area. That increased traffic will be perceptible to area residents and will increase congestion in the area. However the public works director determined that it will not exceed the capacity of streets nor create a hazard, provided the applicant constructs certain street improvements. There is no substantial evidence to the contrary as discussed above. Higher traffic volume creates a proportionally higher risk for drivers, pedestrians and bicyclists. In response reasonably prudent people exercise more care personally and with family members. 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. For people who have lived along what has heretofore been a relatively low traffic volume street, the change created by the extension of 8th Street will be more significant. They have enjoyed a relatively low level of traffic given their location in an otherwise urbanized area. But the Code allows the applicant to extend the street to provide cross-circulation and emergency access to development on this site and the surrounding area generally. These changes no doubt inconvenience residents of the affected streets. But inconvenience and popular opinion are not approval standards or evidence of a safety hazard. The examiner's decision must be based on the relevant criteria in the LCMC and RCW.

e. There is no substantial evidence that this development will create a need for speed bumps or other traffic calming measures. Although the examiner assumes that reasonably prudent drivers will observe the posted speed limits in the area and further reduce their speed to accommodate changing road conditions, some percentage of the new traffic will speed. However there is no evidence that the proposed development will contribute a disproportionate share of imprudent drivers. If necessary the City can address issues of speeding by installing speed bumps and other traffic calming measures if the City Council chooses to adopt a traffic calming program. This method retains the benefits of an interconnected street system while limiting impacts where needed.

5. Mr. Lindblom argued that the additional traffic generated by this development will violate certain code provisions listed in Exhibit H. The examiner disagrees.

a. LCMC 12.10.100 only requires that the applicant construct sidewalks on streets within and abutting the site. The Code does not require construction of offsite sidewalks.

b. 12.10.170 provides “Dedicated rights-of-way providing access to a parcel being developed shall have a minimum right-of-way width as specified in the design criteria contained in LCMC 12.10.050.” This provision only addresses right-of-way width, not pavement width. All of the proposed rights of way within the site and the existing rights of way between the site and Pacific Highway comply with LCMC 12.10.050.

c. The site abuts two existing public roads; Pacific Highway on the north and West 8th Street on the east. The applicant will dedicate additional right-of-way on the Pacific Highway frontage as necessary to ensure compliance with the minimum standards of LCMC 12.10.170. If the applicant chooses to extend 8th Street into the site, the applicant will dedicate additional right-of-way for this street extension consistent with the minimum standards of LCMC 12.10.170. Therefore the examiner finds that the application complies with LCMC 12.10.180. This standard does not apply to offsite roads.

d. The applicant will construct half-width frontage improvements along the site’s Pacific Highway frontage as required by LCMC 12.10.190. This provision only requires half-width improvements on roads abutting the site. It does not apply to offsite roads.

e. LCMC 12.10.270 only applies to intersections of residential roads and arterials. This development will not create any new arterial intersections. Therefore this provision is inapplicable.

f. LCMC 12.10.190(3) provides:

Nothing herein shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service “D” or a significant traffic hazard(s) would be caused or aggravated by the proposed development; provided that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.

The examiner finds that the off-site road conditions are adequate to provide a minimum level of service “D,” based on the applicant’s traffic study. The examiner further finds that the proposed development will not cause or aggravate a significant traffic hazard, based on the above analysis. The only potential significant safety hazard in the area is the narrow pavement width of the offsite streets between the site and Pacific Highway (West 7th and 8th Streets and West “D” and “E” Avenues. If the applicant chooses to extend 8th Street into the site the applicant will be required to improve the offsite streets to safely accommodate two-way traffic. If the applicant chooses to terminate the on-site section of 8th Street within the site, the proposed development will not generate additional through traffic on these narrow streets.

g. LCMC 12.10.200 requires that “Access road drainage facilities shall be sufficient to prevent water damage or impairment from normal rain flow or surface water.”

i. The examiner finds that the applicant is not required to remedy existing drainage problems on offsite streets in the area. The applicant can only be required to accommodate the additional runoff from new road improvements created by the development.

ii. The applicant proposed to accommodate stormwater runoff from all of the new streets within and abutting the site. The applicant will collect runoff from these areas and pipe it to the proposed stormwater facilities for treatment and discharge in compliance with the Code.

iii. If the applicant chooses to extend 8th Street into the site, the applicant will be required to construct additional offsite street improvements to provide a minimum 20-foot paved width street between the site and Pacific Highway. The applicant should be required to provide road drainage facilities as necessary to deal with this increased runoff. The examiner finds that it is feasible to accommodate the additional runoff within the existing street rights of way, given the relatively small amount of additional pavement required. A condition of approval is warranted to that effect.

h. The examiner finds that the proposed development complies with the “intersection design” requirements of LCMC 12.10.230, which requires that “Private and public roads shall be laid out so as to intersect at an angle as near to a right angle as practicable...” The proposed intersection of 8th Street and “E” Avenue is aligned at approximately 90-degrees and will within the minimum 75-degree alignment allowed by this section. This section does not address driveway intersection spacing.

i. LCMC 12.10.290(2) provides that “Driveways on non-arterial roads shall not be placed at more than one per 50 feet. Corner clearance shall be not less than 25 feet along the tangent and site distances shall comply with LCMC 12.10.240, Site distances.” The applicant proposed to construct West 8th Street within the existing right-of-way. The driveway cited by Mr. Lindblom is an existing driveway that intersects an existing road near this existing right-of-way intersection. The applicant is not required to remedy this existing nonconforming situation.

6. RCW 58.17.110 requires the development make adequate provisions for children who walk to school. Students residing within this site will be provided bus transportation to school. The applicant will construct sidewalks within and abutting the site, which will provide a safe walking route between the homes on this site and the bus stop. Therefore the examiner finds that the application complies with RCW 58.17.110.

7. The traffic-calming program cited in Exhibit H is not a relevant approval criterion for this subdivision.

8. The applicant proposed to extend West “G” Avenue to the south boundary of the site. The applicant should be required to install a Type III barricade at the end of the street to clearly demarcate the terminus of this street. This street will be extended in the future when the abutting property redevelops. The applicant should be required to install a sign approved by the City on or near the Type III barricade to inform future residents of the planned street extension. A condition of approval is warranted to that effect.

9. At the hearing the applicant proposed to alter the preliminary plat by stubbing 9th and 10th Streets to the west boundary of the site and eliminating the short section of West “H” Avenue connecting these two streets. This would eliminate the need for the retaining wall proposed by the applicant. City staff questioned whether this street connection is necessary for emergency vehicle access. In addition, if 10th Street is eliminated the applicant will need to dedicate a tract, right-of-way or easement in this location to accommodate proposed utilities. Therefore City staff recommended the examiner modify condition 60 as proposed on page 3 of Exhibit K.

a. The examiner finds that a paved pedestrian path is not required along the western boundary of the site if the City approves the elimination of “H” Avenue. The Code only requires pedestrian paths where necessary to comply with the 800-foot intersection spacing requirements of LCMC 12.10.210. Proposed “F” Avenue is roughly 500 feet from the west boundary of the site. Therefore the Code does not require another north-south street or pedestrian connection on this site. The applicant can locate the utilities in a separate right-of-way, tract or easement, as approved by the City

b. If the City approves the elimination of “H” Avenue the applicant should be required to provide emergency vehicle turnarounds at the ends of these streets, unless waived by the City and the Fire Marshall.

c. If the City denies the elimination of “H” Avenue the applicant should be required to install a fence along the west boundary of “H” Avenue to clearly distinguish between the half-width public street and the private property to the west. Condition of approval 60 should be modified to that effect.

10. The applicant should be required to install a Type III barricade at the western ends of 9th and 10th Streets and signs noting the planned continuation of these streets when the abutting properties redevelop.

11. At the hearing the applicant requested approval of a Type I variance to allow up to a ten-percent reduction in the lot depth requirements for lots 31 and 34, as allowed by LCMC 18.260. As discussed in the Staff Report, LCMC 18.130.090 requires a minimum 90-foot lot depth. Lots 31 and 34 do not meet this standard. The lot depth, measured horizontally by extending the midpoint of the front lot line perpendicularly to the rear lot line, for these lots is 81 and 87 feet respectively.

a. The examiner finds that unusual circumstances or conditions apply to this site. Development on the site is constrained by the location of the wetlands in the southwest portion of the site, forcing the applicant to concentrate the development in the

remaining upland. Strict compliance with the lot depth standards would likely force the applicant to eliminate one or more lots, depriving the applicant of the ability to fully develop the site, a right enjoyed by owners of other properties in the vicinity in the same zone. Therefore the variance complies with LCMC 18.260.040(1).

b. The examiner further finds that the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the property is situated. LCMC 18.260.040(2). The small reduction in lot depth will likely be imperceptible. Therefore the examiner grants a maximum ten-percent variance to the minimum lot depth standards for these lots. Condition of approval 23 should be modified to that effect.

12. At the hearing the applicant proposed a potential alternative design for the stormwater facility. The applicant proposed to discharge treated stormwater directly to the East Fork of the Lewis River, eliminating the need for an on-site detention facility. This is expressly permitted by LCMC 18.320.220(5). The examiner finds that such alternative stormwater facilities should be allowed, subject to City approval, which may require additional geotechnical and engineering analysis. Condition of approval 50 should be modified to that effect.

a. The applicant should be required to locate any offsite stormwater conveyance facilities in an easement. The easements widths should comply with LCMC 18.320.220(4)(I). Condition 51 requires compliance with LCMC 18.320.220(4). However this provision only applies to “[c]onveyance systems within the development site ...” The applicant should also be required to locate any offsite stormwater conveyance systems within easements sized consistent with LCMC 18.320.220(4)(I). A condition of approval is warranted to that effect.

b. Approval of an alternative stormwater discharge facility may eliminate the need for an emergency overflow. Therefore condition of approval 42 should be modified to apply only if the final stormwater design includes an emergency overflow.

13. Condition of approval 53 requires that the applicant infiltrate runoff from the roof and foundation drains on proposed lots 29-34. However the applicant’s geotechnical report prohibits infiltration of stormwater on this site, due to the location of the historic landslide southwest of the site. Therefore the applicant proposed to connect the roof and foundation drains on these lots to the public drainage system in West “G” Avenue. See the Memorandum from Erin Toman dated November 24, 2008, attached to Exhibit J. The City agreed with this proposal, provided the drains connect to manholes in the public drainage system and the individual owners maintain the piping. No drain piping will be allowed within the wetland buffer. See Exhibit K. Condition 53 should be modified to that effect.

14. The applicant submitted the wetland rating forms required by condition 41 during the open record period. Therefore that condition can be deleted.

15. The examiner finds that the proposed development will maintain the hydrology of the wetlands on the site, based on the expert testimony of the applicant's wetland biologist, attached to Exhibit J. There is no substantial evidence to the contrary.

16. The examiner finds that conditions 47 and 55 are redundant. Both conditions require compliance with the findings and recommendations of the Geotechnical Site Investigation prepared by Columbia West Engineering, Inc., and dated May 19, 2008. Only one condition to that effect is necessary. The other should be deleted.

D. CONCLUSION

The examiner concludes that the applicant sustained the burden of proof that the proposed subdivision and Type I variance 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.

F. DECISION

In recognition of the findings and conclusions contained herein, and incorporating the reports of affected agencies and exhibits received in this matter, the examiner hereby approves File No. 2008-016-SUB (Kay's Subdivision) and a Type I variance to the lot depth standards for proposed Lots 31 and 34 in general conformance with the applicant's revised preliminary plat (Exhibit C-3), subject to the following conditions:

1. Impacts fees for transportation, parks and schools shall be assessed and payable prior to issuance of building permits per Resolution No. 07-283.
2. The findings and recommendations of the Traffic Impact Analysis prepared by Charbonneau Engineering, LLC and dated May 17, 2007, shall be incorporated herein and considered as conditions of approval through final design of the subdivision except at otherwise noted herein.
3. The applicant shall pay a proportionate share (\$4,536) towards the cost of a traffic signal at the intersection of Pacific Highway and West 5th streets.
4. The applicant shall be required to dedicate additional right-of-way as needed and construct half-width frontage improvements along Pacific Highway in accordance with §§12.10.040, 12.10.190 LCMC, and the Pacific Highway road section attached as Exhibit A to this report. The preliminary plat dated 8/13/08 shows Pacific Highway with a ROW width of 65' and a paved half-width of 25'. The ROW shall be increased to 70' with a paved half-width of 22'. This will require the applicant to dedicate 5' of ROW along the length of Pacific Highway.
5. No lot shall have direct access onto Pacific Highway.
6. The applicant shall modify West "G" Avenue and West 8th Street road sections to indicate standard clear areas behind the sidewalks.

7. The HOA will be responsible for upkeep and maintenance of the center medians at the entrances to the development. The medians will be designated as private tracts under the control of the HOA in the final plat.
8. The applicant shall provide a maintenance warranty or assurance in a form acceptable to the city for a period of two years in the amount of 10% of the cost of construction as certified by a professional engineer, and accepted by the City Public Works Director, following final acceptance by the city for all other public or city-owned improvements including streets, street lighting, and landscaping, water and sanitary sewer systems.
9. The design and construction of streets, streetlights, street trees and storm drainage systems, sanitary sewers, site grading and erosion control plans, shall be in accordance with LCMC.
10. All utilities in the street rights-of-way shall be backfilled with approved crushed aggregate material and be compacted in 6-inch lifts to 95% relative density in accordance with AASHTO Method T-180 (modified), as determined by the city.
11. Construction shall not proceed without an approved grading and erosion control plan.
12. The applicant may use shared and substantially contiguous paired driveways to comply with §12.10.290(2) LCMC. Where it is not feasible to comply with this standard, driveways may—upon City review and approval—be situated less than 50 feet apart.
13. Prior to site disturbance, the applicant shall consult with the City Public Works Director and Public Works Engineer to incorporate the recommendations made by Columbia West Engineering into the site grading, erosion control plans, structural fills, and suitable crushed aggregate trench backfill.
14. The final plat shall contain street names and addresses as provided by the city pursuant to Chapter 12.20 LCMC.
15. The applicant shall receive approval for and install all street name and other signage (on and off-site) related to the subdivision.
16. The applicant shall provide gravity-based wastewater connections to the City wastewater system consistent with the adopted *City of La Center General Sewer Plan*.
17. Sanitary sewer construction, inspection and acceptance shall comply with Title 13 (Public Utilities) and Chapter 13.10 (Sewer System Rules and Regulations).
18. The developer shall provide a six-foot wide public easement along all lots fronting public streets for utilities such as gas, power, telecommunications, and cable.
19. A system development charge for wastewater treatment shall be assessed and payable prior to issuance of building permits per Resolution No. 07-283.

20. 'West H Street' shall be provided temporary curb markings and signed "Fire Lane – No Parking" in a manner approved by Clark County Fire & Rescue until abutting property to the west develops. This condition is moot if the City approves elimination of "H" Avenue.
21. All fire hydrants must be installed and operational, in a locations and manner approved by Clark County Fire & Rescue, prior to issuance of building permits. Fire hydrants must provide a minimum of 1,000 gallons per minute at 20 PSI for two hours. Fire hydrants shall have a maximum lateral spacing of 700 feet with no lot or parcel in excess of 500 feet from a fire hydrant. No obstruction will be allowed that would keep fire apparatus further than 10 feet from any hydrant in the project. A three (3) foot clear radius shall be maintained around all hydrants. The location all hydrants shall be approved by Clark County Fire & Rescue.
22. All easements necessary to provide lawful lot access and utilities shall be indicated on the final plat.
23. The applicant shall list appropriate building setbacks on the face of the plat. Alternatively, the applicant may indicate buildable envelopes for each parcel on the face of the plat.
24. The applicant shall provide street trees pursuant to §18.130.100 LCMC.
25. The applicant shall provide eight-inch (8") diameter water connections to water mains in Pacific Highway/West 10th St., and West "E" Ave. via West 8th Street.
26. The applicant shall install eight-inch (8") water mains in all proposed subdivision roads. Stubs shall be provided to the west and south project boundaries.
27. Street monumentation shall be as directed by the City and shall be inside a cast iron monument case flush with the final street grade and shall be a brass cap, in a 30-inch long pipe as set by the surveyor of record and shown on the final subdivision plat map. Property line monumentation shall comply with LCMC 18.230.
28. As-constructed drawing(s) will be provided in '*.dwg' electronic format as well as Mylar and paper.
29. Construction plans shall identify staging areas for all equipment, contractors, deliveries, and supplies prior to construction plan approval.
30. Signature blocks will be placed on the front page of all construction plan drawings and will contain signature blocks for the Public Works Engineer, City Public Works Director and Clark Public Utilities.
31. Construction plans shall identify and show all utilities with trench and location details including street lighting.
32. The face of the plat shall note that each lot shall provide two off-street parking spaces, inclusive of garages.

33. The findings and recommendations of the *Wetland Delineation* prepared by The Resource Company, and dated September 27, 2005, shall be incorporated herein and considered as conditions of approval through final design of the subdivision except as otherwise noted herein.
34. The findings and recommendations of the *Preliminary Wetland Rehabilitation Plan* prepared by LDC Design Group, and dated January 27, 2005, shall be incorporated herein and considered as conditions of approval except as otherwise noted herein.
35. Prior to soil disturbance, the developer shall install flags, stakes, fencing and/or signs, consistent with LCMC 18.300.090 and -.110, along the wetlands and slope setback areas to direct contractors to avoid and protect these areas from compaction, erosion and sedimentation.
36. The developer shall install permanent signs along the wetland(s) or other critical area buffers every 100 feet, or on every lot, whichever is greater, advising the public of the presence of protected areas. Signage will read "Wetland Buffer to Remain in Natural Vegetated State" or an approved equal. An affidavit of posting will must be returned to the City prior to final platting. Codes, Covenants and Restrictions (CC&R's) shall include a provision requiring that such signs be permanently maintained.
37. The soil within Wetland B buffer shall be amended with at least 6 inches of compost tilled into the upper 12 inches of the soil; alternatively, the area could be over-excavated and 18 inches of topsoil could be placed throughout the buffer enhancement area.
38. The applicant shall monitor all mitigation areas for a period of five (5) years, and submit yearly monitoring reports to the City. The required yearly monitoring activity shall include a complete count (not transects) of all woody vegetation within the wetland and buffer enhancement areas.
39. Watering of the mitigation area shall take place only between the hours of 6am and 9am.
40. To prevent the further spread of reed canarygrass, existing stands within Wetland B's buffer shall be excavated using hand or mechanical means and disposed of in an offsite location.
41. Prior to construction, and per the submitted *Geotechnical Site Investigation*, further geotechnical assessment is required to determine whether the proposed emergency overflow stormwater outfall at the top of a steep slope will result in soil slumping, mass wasting, or other unanticipated settlement. This condition is moot if the City approves alternative methods of stormwater disposal that eliminate the need for this emergency outfall.

42. The performance standards for the woody enhancement plantings shall be at least 80% survival at the end of the 5-year monitoring period (currently stated as 80% at the end of the second year).
43. No permanent improvements, other than pervious trails, shall be allowed within Tract A.
44. The proposed stormwater facilities shall be relocated outside of any wetland buffer and outside of the slope setback area as recommended in the geotechnical report.
46. The applicant shall provide a five-year performance bond or other surety acceptable to the City for one hundred and twenty-five percent (125%) of the estimated cost of restoring the functions and values of the critical area that are at risk.
47. There shall be indicated on the final plat a 165-foot steep slope setback.
48. The findings and recommendations of the *Preliminary Stormwater Plan* prepared by MacKay & Sposito, Inc. and dated July of 2008 shall be incorporated herein and considered as conditions of approval through final design of the subdivision except at otherwise noted herein.
49. A *Final Stormwater Plan* shall be prepared as part of the final design and will meet the requirements of LCMC 18.320.410.
 - a. If stormwater runoff is to be discharged into the existing City of La Center stormwater system a downstream analysis of the conveyance system is required as part of the *Final Stormwater Plan*. A maximum of 1.00 cfs may be discharged into the existing stormwater system. Offsite improvements to the existing stormwater system will be part of the final design of the subdivision and need to be approved prior to construction of the subdivision.
 - b. Any offsite improvements will be completed and in service prior to the issuance of any building permits within the development.
 - c. The applicant may utilize alternative methods for stormwater disposal approved by the City, including but not limited to direct discharge to the East Fork of the Lewis River without detention as allowed by LCMC 18.320.220(5).
50. On-site storm conveyance easements shall be provided in accordance with LCMC 18.320.220(4). Any offsite storm conveyance facilities shall also be located in easements consistent with LCMC 18.320.220(4).
51. Prior to the initiation of any construction or final plat approval the developer shall demonstrate to the City's satisfaction that:
 - a. The developer shall establish a homeowners association (HOA) and the Articles of Incorporation, By-laws and CC&Rs of the HOA shall reflect that

the HOA's operation and maintenance costs for the stormwater facilities shall be borne by the HOA.

- b. 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.
 - c. 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. 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.
 - d. The applicant shall produce and provide the city with a copy of the operations and maintenance manual for approval for any drainage facilities prior to final platting or issuance of building permits.
52. Catch basins shall be installed according to City Standard Specifications. All lots will drain to the street except lots 29-34. Roof and foundation drains on these lots shall be connected to the weep holes at the curb. A minimum 3-inch diameter pipe, or equivalent, weep hole through the curb shall be provided at the lot line of any lot that drains to the street. Weep holes shall be shown on the construction drawings.
- a. Lots 29-34 shall be connected to manholes in the public drainage system in West "G" Avenue. All drain piping for lots 29-34 will be private and must be maintained by the individual homeowners or the HOA. Easements for piping running across adjacent lots will be required if needed. No drain piping will be allowed within the established wetland buffer.
53. Stormwater facilities shall be located in separate tracts, fenced if necessary, and landscaped.
54. The findings and recommendations of the Geotechnical Site Investigation prepared by Columbia West Engineering, Inc., and dated May 19, 2008, and as applicable, the November 20, 2008 addendum report attached to Exhibit J, shall be incorporated herein and considered as conditions of approval through final design of the subdivision except as otherwise noted herein.
55. Recommendations of the Geotechnical Site Investigations—except as otherwise noted herein—shall be followed during final design and construction and a geotechnical engineer shall review the grading and earthwork construction plans prior to final plan approval, and observe, inspect and document earthwork activities with copies provided to the City.
56. Prior to construction, an NPDES permit must be secured from the Department of Ecology and a copy provided to the city. Grading and construction shall comply with the conditions of the NPDES permit.

57. All erosion control measures shall be designed, approved, installed and maintained consistent with Chapter 18.320 LCMC and the applicant's NPDES permit. Where these standards differ, the more stringent shall apply. All erosion control measures shall be in place prior to removal of vegetation or any construction activity and shall be maintained during all phases of construction.
58. Construction plans shall identify staging areas for all equipment, contractors, deliveries, and supplies prior to construction plan approval.
59. The applicant shall redesign West H Avenue in a manner that eliminates the need for a western retaining wall. The Public Works Director may approve alternative designs, provided they meet the City of La Center Engineering Standards and the requirements of the Clark County Fire and Rescue and the IFC (International Fire Code).
 - a. Alternative designs that do not include a paved street connecting West 9th Street and West 10th Street will require:
 - i. A minimum 25-foot tract, right-of-way or easement as required by the City along the "H" Avenue alignment for the installation of utilities. The applicant shall install landscaping approved by the City within the tract, right-of-way or easement.
 - ii. Emergency vehicle turnarounds approved by the Public Works Director and Clark County Fire and Rescue at the western termini of 9th and 10th Streets.
 - b. Unless the City approves the elimination of "H" Avenue, the applicant shall install a fence along the western edge of "H" Avenue to clearly demarcate the boundary between the public right-of-way and the private property to the west.
 - c. The applicant shall install Type III barricades at the western ends of 9th and 10th Streets. The applicant shall also install signs approved by the City on or near the Type III barricades to inform future residents of the planned street extension of these streets.
60. The applicant shall install Type III barricades at the southern end of proposed "G" Avenue and install sign(s) approved by the City on or near the Type III barricade to inform future residents of the planned street extension of this street.
61. The applicant shall either construct full-width street improvements for the offsite portion of West 8th Street within the existing right-of-way between the site and West "E" Avenue as proposed in the preliminary plat (Exhibit C-3) or terminate the on-site segment of 8th Street at or near the west boundary of the site as suggested by the City in Exhibits I and K.
 - a. If the applicant chooses to extend 8th Street between the site and "E" Avenue, the applicant shall:

- i. Widen the pavement on the offsite streets east of the site, between the site and Pacific Highway, to provide at least one through route that complies with Section 503.2.1 of the International Fire Code; i.e., with a minimum 20 foot paved width and an unobstructed vertical clearance of not less than 13 feet 6 inches to safely accommodate two-way traffic and emergency vehicle access; and
 - ii. Provide drainage facilities consistent with LCMC 12.10.200 to accommodate increased stormwater runoff from the additional pavement.
- b. In the alternative, if the applicant chooses to terminate the on-site segment of 8th Street at or near the west boundary of the site, the applicant shall:
- i. Terminate the on-site section of 8th Street in a cul-de-sac or alternative design approved by the Fire Marshall and the City; and
 - ii. Construct a concrete pedestrian path, landscaping, and three picnic tables with attached benches in the off-site W 8th Street public right-of-way between the site and W "E" Avenue. The location and design of the path, landscaping and amenities shall be approved by the City.
62. Site development earthwork for site grading and construction of sewer, storm drain, water, and street systems shall be limited to the dry weather season between May 1st and October 31st with planting and seeding erosion control measures completed by October 1st to become established before the onset of wet weather.
63. All lots shall comply with the minimum dimensional requirements of the Code, except lots 31 and 34 may vary from the minimum lot depth requirement by a maximum ten (10) percent.

DATED this 29th day of December 2008.

Joe Turner, AICP
City of La Center Hearing Examiner

EXHIBITS
2008-016-SUB(Kay's Subdivision)

Exhibit #	Date	Title
A	9/12/07	Res. No. 07-283 (Development Agreement)
B	1/8/07	Dept. of Ecology Order No. 3955
C		Application Materials
C-1	7/08	Type III Subdivision Application notebook
C-2	7/08	Preliminary Technical Information Report
C-3	8/13/08	Preliminary Plat

C-4	7/30/08	Preliminary Engineering Plan
C-5	n.d.	Conceptual Grading Plan
D	12/12/06	Clark Public Utilities letter
E	10/14/08	Pacific Highway cross-section (ST-13)
F	11/10/08	Harman Family PowerPoint presentation
G	11/18/08	16 page petition
H	11/19/08	Letter from Steve Lindblom
I	11/24/08	City's response letter from Dale Miller
J	11/24/08	Applicant's response letter from Erin Toman, with attachments
K	12/1/08	City's 2 nd response letter from Dale Miller
L	12/1/08	Applicant's 2 nd response letter from Erin Toman
M	12/3/08	Applicant's Final Argument from Erin Toman