



Notice of Decision
La Center Middle School Final Site Plan Review

(File # 2020-006-FSP)

PROPOSAL:	The applicant requests a Type I final site plan review approval for a new middle school which received preliminary approval under City file no. CUP-2018-027.
LOCATION:	2001 NE Lockwood Creek Road, La Center, WA 98629. Portions of SW 1/4 NE 1/4 and NW 1/4 SE 1/4, Section 2 T4N, R1E, Clark County, WA
APPLICANT:	NAC Architecture (Ben Hill and Steve M. Shiver)
ZONING:	Low Density Residential (LDR-7.5)
APPROVAL CRITERIA:	Conditions of approval contained in CUP-2018-027
DECISION:	Approval , subject to conditions
APPROVAL DATE:	February 14, 2020
CITY REVIEWER:	Ethan Spoo, AICP, Consulting Planner; Tony Cooper, City Engineer

Proposal

The Applicant has filed a final site plan review application and engineering plans as required subsequent to the preliminary approval CUP-2018-027 for a new middle school. This notice of decision evaluates compliance of the application with the conditions of approval stated in CUP-2018-027.

The new middle school would be 77,725 square feet with associated facilities including parking areas and sports fields. Permanent impacts to wetlands associated with proposed improvements also include landscaping, roads and pedestrian access, parking, utilities, and other required infrastructure serving the new middle school. Temporary impacts will include removal of soil contaminated with Dieldren in wetland A-S on the southern part of the site, placement of clean fill material, and replanting the wetland and associated buffer with native vegetation.

Review

Planning Comments

The City of La Center Planning team reviewed the proposed La Center Middle School Final Site Plan review application for compliance with the conditions of approval contained in Final Order No. 2018-027 Conditional Use Permit (CUP) and has the following comments:

2018-027-CUP

1. Planning condition A.2 requires that the applicant coordinate with the Department of Archaeology and Historic Preservation (DAHP) regarding conformance with DAHP's SEPA comment letter dated December 19, 2018. DAHP's comment letter recommended that additional archaeological survey work be conducted prior to ground disturbance to include shovel test probes excavated at closer spacing. DAHP also recommended consultation with the concerned Tribe's cultural committees and staff regarding cultural resources.

Following DAHP's issuance of comments in 2018, the applicant's archaeologist (AINW) completed three separate addendums dated October 10, 2018, February 25, 2019 and July 1, 2019 to their original cultural resources report dated June 19, 2018. The applicant was also required to comply with Section 106 of the National Historic Preservation Act as part of completing a Section 404 clean Water Act review for work in the onsite wetlands through the United States Army Corps of Engineers (Corps). The Corps reviewed the applicant's cultural resource survey and addendums and coordinated with DAHP and also consulted with the Cowlitz and Grand Ronde Tribes during the section 106 review. The Tribes did not comment on the application. As part of their review, the Corps applied the following condition of approval:

The permittee shall implement and abide by the inadvertent discovery plan, titled La Center Middle School Development Project, Clark County, Washington, Archaeological Monitoring and Site Protection Plan for Site 45CL1373 and Inadvertent Discovery Plan, dated July 23, 2019.

The Corps coordinated with DAHP during their Section 106 Review. DAHP issued a letter dated July 29, 2019 indicating that they concurred with the Corps Determination of No Adverse Effect on historic resources with a stipulation for professional archaeological monitoring, site avoidance, and an unanticipated discovery plan.

Therefore, the City of La Center has determined that the applicant has met Planning condition of approval A.2 from Final Order No. 2018-027-CUP and adopts the Corps' condition of approval 7.d from permit NWS-2018-696 by reference:

- **As a condition of approval**, the applicant shall implement and abide by the inadvertent discovery plan, titled *La Center Middle School Development Project, Clark County, Washington, Archaeological Monitoring and Site Protection Plan for Site 45CL1373 and Inadvertent Discovery Plan, dated July 23, 2019.*

Staff concludes that the remainder of Condition of Approval A.2 from File No. 2018-027 CUP regarding inadvertent discovery is met by implementing the applicant's inadvertent discovery plan referenced in the condition of approval above and requests that the inadvertent discovery plan be maintained onsite during construction at all times.

- **As a condition of approval**, the applicant shall maintain a copy of the inadvertent discovery plan onsite during construction at all times.

2. Condition of approval A.5 from 2018-027 CUP requires that the fencing, hedging, landscaping, solid waste, lighting, and noise impacts comply with LCMC 18.245 as demonstrated in the final site plan review application. Staff offers the following comments regarding compliance with LCMC 18.245:

Fencing: The applicant is proposing two different types of fencing on the project site: chainlink and 3-rail wood. The 3-rail wood fencing would be placed at the edge of wetland buffers to discourage intrusion. Chainlink fencing would be placed in various locations throughout the site including at the rear (southern) side of the school building on top of a retaining wall, enclosing the trash receptacles, and around the stormwater pond at the southeast side of the site.

LCMC 18.245.020 requires that fences not be greater than 6 feet in height along the side yard, street-side yard, or rear lot lines, that they not conflict with site distance standards in the Engineering Construction Standards, and that they not be constructed of prohibited materials (fiberglass, plastic, barbed wire, etc.). The applicant does not propose fences exceeding 6 feet in height in the yard setback areas. The proposed chainlink fences would generally be 6 feet tall with the exception of the fencing around the trash enclosure which would be 8 feet tall, but would not be located in the yard setback areas. The 3-rail wood fencing would be less than 6 feet tall. No fencing is proposed in the front yard area of the school property adjacent to NE Lockwood Drive and therefore, the fencing would not obstruct site distance. Therefore, staff finds that the applicant's proposal complies with the fencing standards in the code.

Solid Waste: LCMC 18.245.030 requires that refuse containers be screened from view from offsite by a sight-obscuring fence and/or evergreen landscaping. The proposed trash enclosure will be located at the southeastern side of the building and would be screened by an 8-foot tall chain link fence with sight obscuring slats. Therefore, the applicant's proposal meets this requirement.

Lighting: The applicant intends to install lighting throughout the site and street lights along NE Lockwood Creek Road as shown on the project engineering plan sheets C802 and E1.02A. The applicant will use six types of fixtures. The lighting details and cut sheets demonstrate that the proposed lighting does not rotate glitter, or flash. The lighting plans demonstrate that there will be less than 1 foot-candle measured at the property line. Therefore, the lighting standards of the code are met.

Noise: The application is for a new middle school. No manufacturing, processing, or industrial uses are proposed. The Applicant does not anticipate that the usual activities generated from middle school use will violate noise standards in Chapter 173-60 WAC which require that Class B Environmental Designations for Noise Abatement (EDNA) not exceed 57 decibels on adjacent Class A EDNAs (residential uses). Normal business hours for the school are generally from 7:00 a.m. to 4:00 p.m., Monday through Friday. Occasional evening events such as school plays or sporting events will take place.

Landscaping: As demonstrated in the conditional use permit approval (CUP 2018-027), the applicant's proposal meets landscaping requirements contained in LCMC 18.245.060. As conditioned

in the preliminary approval, the applicant is required to install the proposed landscaping and screening prior to issuance of an occupancy permit or final inspection and may delay this up to six months if the City finds extenuating circumstances, such as inclement weather, unexpectedly delaying planting.

3. Condition of approval A.6 of 2018-027 CUP requires the applicant to update the wetland delineation report to reflect the total wetland area, secure concurrence from the Corps and the Washington Department of Ecology, and submit a mitigation plan to the City of La Center consistent with the requirements of LCMC 18.300.100 through 18.300.120.

The applicant submitted an updated wetland delineation and secured concurrence from the Corps and Ecology (see Ecology Water Quality Certification Order No. 16566 and Corps permit no. NWS-2018-696). The applicant also submitted a wetland mitigation plan that complies with LCMC 18.300.100 through 18.300.120 as evaluated in the City critical areas permit file no. 2019-033-CAR/SEPA.

4. Condition of approval D.1 from File No. 2018-027 CUP requires the applicant to comply with comments issued by Ecology in a letter dated December 21, 2018 and the critical areas decision from File No 2019-033-CAR/SEPA requires compliance with Ecology's letter dated December 17, 2019. These two letters require the following:
 - Prior to cleanup with wetland A-S, Ecology will require an Army Corps of Engineers 404 Permit and a 401 Water Quality Certification. The applicant has obtained both of these permits under file numbers NWS-2018-696 (Corps of Engineers) and Water Quality Certification Order Nno. 16566 (Ecology). This condition is satisfied.
 - Only clean fill may be used in site grading. As a **condition approval**, all grading and filling of land must utilize only clean fill.
 - The applicant must obtain a Construction Stormwater General Permit from Ecology. As a **condition of approval**, prior to ground disturbance, the applicant or their contractor shall obtain a Construction Stormwater General Permit from Ecology and provide a copy to the City.

Engineering Comments

Engineering has reviewed the applicant's engineering plans for compliance with the conditions of approval in CUP-2018-027 and all applicable City regulations and standards. The City worked with the applicant to update plans and specifications to comply City requirements during review of the applicant's plans and has no further comments at this time.

Conclusions and Decision

The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of La Center's Municipal code and the conditions of approval from CUP-2018-027-CUP. Therefore, the subject application is hereby APPROVED subject to the following **conditions of approval**:

1. The applicant shall implement and abide by the inadvertent discovery plan, titled *La Center Middle School Development Project, Clark County, Washington, Archaeological Monitoring and Site Protection Plan for Site 45CL1373 and Inadvertent Discovery Plan, dated July 23, 2019.*
2. The applicant shall maintain a copy of the inadvertent discovery plan onsite during construction at all times.
3. All grading and filling of land must utilize only clean fill.
4. Prior to ground disturbance, the applicant shall obtain a Construction Stormwater General Permit from Ecology.

Appeals

A final decision regarding a Type I application may be appealed by the applicant, applicant's representative, or by any person, agency, or firm with an interest in the matter within 14 calendar days of this decision date or by February 28, 2020. Appeals shall contain all information specified in LCMC 18.30.130. The public record for this file is available at the City's Public Works Building, 305 NW Pacific Highway, La Center, Washington between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Please contact Sarah Dollar at 360-263-7665 for further information.

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

Please contact Ethan Spoo or Tony Cooper should you have any questions about the information in this letter, the review process, or any other issue. Ethan can be reached at ethan.spoo@wsp.com or by phone at (360) 823-6138. Tony can be reached at acooper@ci.lacenter.wa.us or 360-263-2889.

Signed:  Date: February 14, 2020
Ethan Spoo, AICP, Consulting City Planner

Signed:  Date: February 14, 2020
Tony Cooper, City Engineer