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**PRE-APPLICATION CONFERENCE**  
**La Center Middle School (2019-028-PAC)**

Meeting conducted on Thursday, November 7<sup>th</sup>, 2019– 2:30 PM

**PROJECT INFORMATION**

Site Address	2001 NE Lockwood Creek Rd., La Center, WA
Legal Description	NE & SE 1/4s of Sec. 02, T04N, R04E, W.M., Clark County Parcels 209118000, 209120000, and portion of 209064000
Applicant	Ben Hill Hill NAC Architecture 2025 First Ave., Ste. 300 Seattle, WA Contact: 206-441-4522, <a href="mailto:bhill@nacarchitecture.com">bhill@nacarchitecture.com</a>
Applicant's Representative	Anne Marie Skinner PBS Engineering and Environmental 4412 SW Corbett Ave. Portland, OR, 97239 Contact: 503-417-7684, <a href="mailto:annemarie.skinner@pbsusa.com">annemarie.skinner@pbsusa.com</a>
Property Owner	La Center School District P.O. Box 1840 La Center, WA 98629 Contact: David Holmes, Superintendent, 360-263-2131, <a href="mailto:daveholmes@lacenterschools.org">daveholmes@lacenterschools.org</a>
Proposal	Applicant seeks critical areas permit approval to permit wetland impacts associated with the previously approved conditional use permit application (file no. 2018-027-CUP) for a new middle school of 77,275 square feet. Proposed improvements also include landscaping, road and pedestrian access, parking, utilities, and other required infrastructure.
Date of Issue	November 14, 2018

**SUMMARY**

In January of 2019, the applicant received approval for a Type III conditional use permit for the proposed construction of a new 77,275 square foot middle school building (see final order file no. 2018-027 CUP). Other proposed improvements included landscaping, road and pedestrian access, parking, utilities, and other required infrastructure. The hearing examiner's final order noted the presences of five wetlands on the site and that direct impacts to these wetlands will require review and approval from the Washington State Department of Ecology and United States Army Corps of Engineers. Additionally,

direct and indirect permanent impacts to the wetlands will require compliance with the La Center Critical Area code, Chapter 18.300. No critical areas permit was issued at the time for impacts to these wetlands.

Subsequent site investigations indicated three additional wetlands located on site. These wetlands were not addressed in the submitted application documents, critical areas report, SEPA, or enhancement and mitigation plan contained in the October 2018 submittal, but were noted in the January 2019 hearing examiner's final order.

Because the full scope of wetland and buffer impacts was unknown at the time of issuance of a decision for CUP 2018-027, the City conditioned the applicant to update the wetland delineation report and mitigation plan and secure concurrence from the U.S. Army Corp of Engineers and Washington Department of Ecology. The wetlands mitigation plan needs to be consistent with the requirements of La Center Municipal Code 18.300.100 through 18.300.120. Since that time, the applicant has updated the wetland delineation report and mitigation plan to delineate and discuss impacts and mitigations for entirety of the site.

Additionally, one of the previously identified wetlands (referred to as Wetland A-S), was found to be contaminated with Dieldrin, a commercial pesticide. The applicant prepared an additional wetland Remediation/Restoration plan for Wetland A-S as a SEPA addendum. Restoration of wetland A-S will require temporary impacts to remove contaminated soil and replace with new soil and work to completely restore the wetland including replanting.

The applicant is working with the U.S. Army Corp of Engineers and the Washington Department of Ecology and expects approval of section 404 and 401 reviews soon. The applicant anticipates securing contractor services for the project within the month of November 2019 and completing all site construction work for the school and wetland work by September 2020.

### **PRELIMINARY REVIEW**

#### **Development Standards**

Subsequent application(s) shall address the following development standards. Failure of the City to cite specific requirements of the La Center Municipal Code (LCMC) in this report does not relieve the applicant of the responsibility to meet all applicable criteria.

## **Public Works and Engineering Analysis**

### **Chapter 12.10 -- 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.

The proposed medication to the wetland will not impact any improvements in the public right of way and therefore no additional requirements will be necessary.

#### **Grading**

The applicant submitted a Wetland Remediation/Restoration Plan with the revised SEPA for removal of Dieldren from the wetland. The applicant proposed to remove approximately 6,000 cubic yards

of contaminated material at approximately 12 to 24-inch depth. The contaminated material will be replaced with topsoil and hydroseeding the disturbed area. No further plans need to be submitted for removal of contaminated material and replacement of topsoil.

The City Erosion Control Standards require that any activity disturbance over 500 SF must comply with the City standards. Per the City Erosion Control Manual, from October 1 through April 30<sup>th</sup>, no soils shall remain exposed for more than two (2) days. From May 1<sup>st</sup> through September 30<sup>th</sup>, no soils shall remain exposed more than seven (7) days.

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 1<sup>st</sup> and October 31<sup>st</sup> with planting and seeding erosion control measures completed by October 1<sup>st</sup> to become established before the onset of wet weather.

The applicant proposed erosion control measures with the overall site plan that will be sufficient to perform this contaminated material removal.

#### **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.

There is not proposed sewer connection for removal of this contaminated material and the previously submitted, plans by the school, addresses all the site sewer system.

#### **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 is not increasing any impervious area as part of the contaminated material removal. The site plans submitted by the applicant previously addressed the water quality treatment and quantity disposal on the site using bioretention and detention ponds before out falling to the wetland.

## Land Use

The following code requirements are identified based on the City's initial review of the project against the adopted critical areas ordinance (*LCMC 18.300*). Formal review after application submission may reveal additional issues that require further discussion with the applicant or submittal of additional information during formal review.

### **Chapter 18.300 Critical Areas**

The City of La Center's Critical Areas Ordinance requires the conservation and/or enhancement of identified wetlands and other critical areas.

The City of La Center's Critical Areas ordinance is currently being updated and is expected to be adopted on November 20<sup>th</sup>, 2019. A few wetland-related changes are addressed in the updated Critical Areas Ordinance, including wetland mitigation ratios and wetland category rankings. The revised draft Critical Areas Ordinance is subject to change before adoption. A copy of the revised draft Critical Areas Ordinance is attached to these pre-application notes for the applicant's reference. Staff recommends that the applicant review the revised ordinance to ensure there are no changes that require updates to submittal materials.

### **Chapter 18.300.090 (6) Wetlands**

Wetland regulations apply to any soil disturbance or land use proposal affecting a Category I, II, III, or IV wetland or its buffer.

The City may allow disturbance of Category III and IV wetlands or wetland buffers through critical areas permit approval for public purposes if the disturbance directly advances the provision of infrastructure facilities and services. Public purpose includes streets, potable water, sanitary sewer, stormwater facilities, schools, and utilities. Monitoring of impacts is required for 10 years. However, in this case, the applicant proposes to monitor restoration of wetland A-S for 3 years. Since the wetland restoration will occur in an agricultural field and the applicant proposes replanting with shrubs rather than a forest community, 3 years of monitoring is appropriate in this case.

An application for wetland impacts cannot be deemed technically complete until the applicant submits a wetland delineation and enhancement/mitigation plan for impacts to wetlands and buffers. The location of a wetland and its boundary shall be determined through the performance of a field investigation, to be performed by a qualified scientific expert (see *WAC 395-195-905*) using the methodology contained in the wetlands delineation manual. If on-site or off-site mitigation is proposed through re-establishment, creation, rehabilitation, or enhancement, it must meet specified mitigation ratios in *Table 18.300.090(6)(k)* unless wetland mitigation is proposed through credit purchase at a bank, in which case, mitigation requirements follow the bank instrument.

Based on submitted information at the pre-application conference, the applicant proposes 2.34 acres of direct wetland impacts to be compensated for offsite through the purchase of wetland bank credits at the East Fork Lewis River Wetland Mitigation Bank. Mitigation bank credits as compensation for impacts

are allowed through section *18.300.050(4)(f)* provided that a critical areas permit is obtained, and the bank meets federal and state requirements which supersede City requirements.

Any development proposal that impacts a wetland or wetland buffer requires review and approval of a preliminary mitigation/enhancement plan consistent with LCMC *18.300.120* and the mitigation sequencing preference. The mitigation/enhancement plan should address other alternatives to mitigation banking that were considered and deemed infeasible and why impacts to wetlands and buffers are unavoidable. Wetland mitigation/enhancement plans shall include the following elements:

- I. Preliminary Plan
  - a. Baseline information
    - i. Wetland delineation report
    - ii. Description and maps of vegetative conditions
    - iii. Description of soil conditions
    - iv. Topographic map
    - v. Assessment of the functional uses of existing wetlands
  - b. Conceptual plan
    - i. Goals and objectives
    - ii. Description of wetland to be created
    - iii. Map showing proposed wetlands and buffer (base buffer and proposed buffer)
    - iv. Site plan
    - v. Discussion and map of plant material to be planted and planting densities
    - vi. Preliminary drainage plan identifying location of proposed drainage facilities including detention structures and water quality features
    - vii. Discussion of water sources for the wetland
    - viii. Project schedule
    - ix. Discussion of how the completed project will be managed and monitored
    - x. Discussion of contingency plans in case the project does not meet the goals initially set for the project
- II. Final Plan
  - a. Preliminary plan and all conditions imposed on that plans
  - b. Performance standards
  - c. Detailed construction plans
  - d. Monitoring Program; Detailed description of Monitoring Program that addresses standards in *LCMC 18.300.120* and including, but not limited to:
    - i. Establishing vegetation plots to track changes in plant species composition and density over time
    - ii. Photo stations to evaluate vegetation community response
    - iii. Sampling surface and subsurface waters to determine pollutant loading
    - iv. Measuring base flow rates
    - v. Measuring sedimentation rates
    - vi. Sampling fish and wildlife populations
  - e. Associated plans and permits
    - i. Final landscaping plan
    - ii. Final drainage plan
    - iii. Final erosion and sediment control plan
  - f. Evidence of Financial and Scientific Proficiency

g. Contingency plan

The contents of the final enhancement/mitigation plan shall include requirements as set forth in *18.300.090(6)(l)* and *(m)*. More information regarding mitigation and mitigation plans can be found in *18.300.120*.

In this case, the City will review the applicant's preliminary mitigation plan, provide comments, and the applicant can finalize the mitigation plan prior to final approval of the critical areas permit.

**Wetland Permit Submittal Requirements**

Applications for wetland permits shall be made to the City on forms furnished by the City. The City shall process a wetland permit application as a request for land use approval pursuant to *Chapter 18.30*. Wetland permit applications shall include:

- 1) Wetland delineations and required buffer width;
- 2) A site plan for the proposed activity overlaid on an aerial photograph at a scale no smaller than one-inch equals 400 feet showing the location, width, depth and length of all existing and proposed structures, roads, stormwater management facilities, sewage treatment, and installations within the wetland and its buffer;
- 3) The exact sites and specifications for all regulated activities including the amounts and methods;
- 4) As identified above, a proposed preliminary enhancement/mitigation plan meeting the requirements of *18.300.120* and best available science in *18.300.100*.
- 5) General application submittal requirements from *18.30.040* including:
  - a) A completed application form provided by the City Clerk
  - b) An environmental checklist. In this case the SEPA addendum with updates to address permanent wetland impacts will suffice for the environmental checklist.
  - c) Written authorization to file the application signed by the owner of the property that is the subject of the application
  - d) Proof of ownership document
  - e) Legal description of the site
  - f) A copy of the pre-application conference summary
  - g) A written description of how the application does or can comply with each applicable approval criterion, and basic facts and other substantial evidence that supports the description
  - h) The names and addresses of owners of land within a radius of 150 feet of the site for an application subject to a Type II review. Owner names and addresses shall be printed on mailing labels.
  - i) Applications necessarily associated with the proposal
  - j) An archeological predetermination (archaeological information was previously provided and will be updated based on the conditions of the conditional use permit).
  - k) Preliminary grading, erosion control, and drainage plans
  - l) Information about proposed utilities

Two hardcopies and one PDF copy of all submittal materials are required.

**Wetland Permit Approval Process**

The city shall issue final approval of the wetland permit authorizing commencement of the activity permitted thereby upon:

1. Submittal and approval of a final enhancement/mitigation plan;
2. Installation and approval of the required field markings;
3. The recording of a conservation covenant.

Wetland permit final approval shall be valid for a period of two years. A performance bond is also normally required, but since the applicant proposes purchase of wetland mitigation credits at an approved bank, a bond is not necessary in this case.

### **Chapter 18.310 Environmental Policy**

The original SEPA determination for the project did not include any permanent or temporary wetland impacts. The applicant plans to submit a SEPA addendum addressing both the temporary and permanent wetland impacts and the City will issue a modified SEPA determination addressing this issue.

### **Conditions of Approval from Final Order No. 2018-027 CUP**

In January of 2019, the applicant received approval for a Type III conditional use permit for the proposed construction of a new 77,275 square foot middle school building (see final order file no. 2018-027 CUP).

Several conditions of approval were imposed for the Type III conditional use permit; the applicant must comply with all conditions of approval from final order file no. 2018-027 CUP. The following conditions are related to Critical Areas:

- Planning Condition #6: Prior to any soil disturbance in any wetland or buffer, provide an updated wetland delineation report and mitigation report consistent with *LCMC 18.300.100* through *18.300.120*.
- Public Works Engineering Condition #6: Grading and Erosion Control conditions that include performing earthwork and planting between May 1<sup>st</sup> and October 31<sup>st</sup>, inspecting and confirming property markers, and having an approved erosion control plan and associated permits in place.
- SEPA Mitigation Measures Condition: Applicant shall follow SEPA recommendations made by the Washington State Department of Ecology related to wetland fill, shorelands, hazardous and toxic wastes, grading, solid waste, water resources, and water quality.

In addition to the above conditions, condition D.1 of file no. CUP 2018-027 requires additional archaeological survey work. To the extent the archaeological survey area overlaps with wetlands, this condition may need to be fulfilled prior to commencing work within wetlands and buffers. The applicant should review all conditions of CUP 2018-027 to ensure they can be met prior to commencement of critical areas work.

### **Application Fees**

An estimated fee schedule was provided during the meeting. Based upon the information provided to date, we estimate that the land use application fees will include:

- SEPA addendum review, determination, notice ad publication (\$510);
- Critical Area review (\$340);
- Reimbursement for planning consultant time (time and materials).

## November 7, 2019 – Attendees

Name	Address	Phone	Email
Jeff Swanson, Community and Economic Development Director	305 NW Pacific Highway, La Center, WA 98629	360-263-7665	jswanson@ci.lacenter.wa.us
Tony Cooper, P.E., City Engineer	305 NW Pacific Highway La Center, WA 98629	360-263-2889	acooper@ci.lacenter.wa.us
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