



## Staff Report & Recommendations

Minit Management, LLC: Type III

Conditional Use Permit, Site Plan Review, Short Plat, and SEPA MDNS  
(2020-009-CUP/SPR/SPL/SEPA) May 19, 2020

<b>PROPOSAL:</b>	The Applicant proposes a phased commercial development that includes the following: a 101-unit 5-story hotel; a 11,600 square foot, one-story, multi-tenant commercial building; a 4,510 square foot one-story convenience store with a drive-through window; a 2,800 square foot one-story drive-through restaurant; a 12-pump automobile fueling island; and associated parking, utility, and other infrastructure improvements. There is an existing well on site categorized as a critical area that the Applicant plans to decommission.
<b>LOCATION:</b>	<ul style="list-style-type: none"> <li>▪ 2814 NW 319th Street, Ridgefield, WA</li> <li>▪ #17 #55 SEC 4 T4N R1EWM 3.97A M/L</li> <li>▪ Property Identification Number: 209738-000</li> </ul>
<b>HEARING:</b>	The La Center Hearing Examiner will conduct a public hearing on May 26, 2020 beginning at 6:30 PM. The hearing will be conducted online via GoTo Meeting (a video conferencing service).
<b>APPLICABLE STANDARDS</b>	La Center Municipal Code (LCMC) <i>as vested on March 2016</i> : This staff report addresses the following standards and approval criteria: 3.35, Impact Fees; 13.10.110, Side Sewer and Connections; 18.30, Procedures; 18.150, Commercial Districts; 18.205, Short Plat Provisions; 18.215, Site Plan Review; 18.245, Supplemental Development Standards; 18.250, Conditional Uses; 18.275, Sign Requirements, 18.280, Off-Street Parking and Loading Requirements; 18.300 Critical Areas; 18.310, Environmental Policy; 18.320, Stormwater and Erosion Control; and La Center Engineering Standards.
<b>RECOMMENDATION:</b>	<b>APPROVAL</b> , subject to conditions

## CONTACT LIST

### OWNER/APPLICANT

Minit Management LLC  
Contact: Don Rhoads  
PO Box 5889  
Vancouver, WA 98668  
360.901.3875

### APPLICANT'S REPRESENTATIVE

Olson Engineering, Inc.  
Contact: Mike Odren  
222 E Evergreen Blvd.  
Vancouver, WA 98660  
360.695.1385  
mikeo@olsoneagr.com

### LA CENTER STAFF

Anthony Cooper, PE, City Engineer  
305 NW Pacific Highway  
La Center, WA 98629  
360.263.7665  
[acooper@ci.lacenter.wa.us](mailto:acooper@ci.lacenter.wa.us)

Ethan Spoo, AICP, Consulting Planner  
WSP USA  
210 East 13th Street, Suite 300  
Vancouver, WA 98660  
360.823.6138  
[ethan.spoo@wsp.com](mailto:ethan.spoo@wsp.com)

Emma Johnson, AICP, Consulting Planner  
WSP USA  
210 East 13th Street, Suite 300  
Vancouver, WA 98660  
360.823.6135  
[emma.johnson@wsp.com](mailto:emma.johnson@wsp.com)

## I. OVERVIEW AND PROCEDURAL BACKGROUND

### Proposal

The Applicant proposes a phased commercial development that includes the following: a 101-unit 5-story hotel; a 11,600 SF, one-story, multi-tenant commercial building; a 4,510 SF one-story convenience store with a drive-through window; a 2,800 SF one-story drive-through restaurant; a 12-pump automobile fueling island; associated parking, utility, and other infrastructure improvements; and four-lot short plat. The applicant will also remove 5 trees and has applied for a tree removal permit.

The application is vested to the development regulations in place at the time when the City and applicant entered into a development agreement regulating future development activity on this property. The effective date of the development agreement is March 28, 2016, and a copy of applicable sections of the code is provided with this staff report.

There is an existing water well on site, and portions of the project site are within the wellhead protection area and 1-year and 10-year wellhead zone of travel (designated as a critical aquifer recharge area category 1 [CARA 1]). CARAs are a type of critical area otherwise regulated under LCMC 18.300. Because the applicant intends to decommission the wellhead, this staff report recommends the applicant be conditioned to decommission the wellhead and deactivate the water system before development can proceed within the CARA, thereby removing the critical area prior to development.

Clark County Maps Online indicates the site also has a “high” probability of archaeological resources. The applicant submitted an archaeological predetermination which recommended that no additional archaeological work be completed on the site, but recommended that the applicant implement an inadvertent discovery plan during construction to address the procedure for unexpected discovery of archaeological or cultural resources during development. This staff report includes a corresponding condition of approval.

The proposal is subject to review under SEPA per WAC 197-11. The applicant submitted a completed SEPA checklist with their application materials. During application review, the City reviewed the SEPA checklist and issued a mitigated determination of nonsignificance (MDNS) as further discussed in this staff report.

### Application Timeline:

- Staff conducted a pre-application conference with the applicant on June 11, 2019.
- The applicant filed the application materials on March 16, 2020.
- The City made a completeness determination on March 27, 2020.
- Notice of application was mailed to property owners within 300-feet on April 10, 2020, with the public comment period closing on April 24, 2020. No public comments were received on the notice of application.
- The SEPA threshold determination for MDNS was distributed to agencies and other interested parties on May 6, 2020. The public comment period closed on May 20, 2020. Staff will submit any public comments received into the public record and recommend any appropriate revisions to the staff report at the hearing.

## Applicable Standards and Approval Criteria

The application is vested to the development regulations in place at the time when City and applicant entered into a development agreement regulating future development activity on this property. The effective date of the development agreement is March 28, 2016. *Therefore, the zoning regulations pertaining to the C-2 zoning district and other development regulations in effect on that date govern this land use application.*

This staff report addresses the following standards and approval criteria: 3.35, Impact Fees; 13.10.110, Side Sewer and Connections; 18.30, Procedures; 18.150, Commercial Districts; 18.205, Short Plat Provisions; 18.215, Site Plan Review; 18.245, Supplemental Development Standards; 18.250, Conditional Uses; 18.275, Sign Requirements, 18.280, Off-Street Parking and Loading Requirements; 18.300 Critical Areas; 18.310, Environmental Policy; 18.320, Stormwater and Erosion Control; and La Center Engineering Standards.

## II. DEVELOPMENT AGREEMENT

The proposed development is subject to two existing development agreements (La Center & Minit Management dated March 28, 2016, and Cowlitz Tribe & Minit Management dated March 23, 2016). The development agreements regulate future development activity on the subject property. The applicant provided copies of the agreements with the application materials (Exhibit A). A condition of approval under the engineering and land use review, below, is that the applicant comply with the development agreement with the City. Certain provisions of the development agreements have already been fulfilled, while others remain outstanding. Staff conducted a review of the development agreements and noted the following: The realignment of Paradise Park Road to accommodate the roundabouts and La Center Road was completed during construction in 2016. The construction of the site storm system on the Minit Management site was completed to accommodate the current site plan meeting LCMC 18.320. The sewer system connection to the Minit Management site was installed in 2016 to provide sewer connection to the proposed site plan.

**Condition of Approval:** The applicant shall comply with all provisions of the development agreement with the City, dated March 28, 2016.

## III. ENGINEERING REVIEW

### Chapter 3.35 -- Impact Fees

**Findings:** Park and school Impact Fees are not assessed for commercial uses.

Per the Developer's Agreement between the City of La Center and Minit Management in March of 2016, Transportation Impact Fees (TIFs) will be assessed by the City on the redevelopment or change in use at the Minit Management Property. The City will credit the Average Daily Trip (ADT) generation and the P.M. peak hour trips from the Minit Management operation on the Property. The trip generation credit is 2,000 ADT, 187 a.m. peak hour trips and 199 p.m. peak hour trips. The TIF will be due for the redevelopment or change in use of the Minit Management Property will be based on the increase in ADT generation. Capacity for the current p.m. peak hour trips from the current use of Minit Management Property shall be reserved by the City and vested for Minit Management. The City received a Traffic Report as part of the redevelopment application recently submitted to the City.

Charbonneau submitted a Trip Generation Assessment as part of the documentation to determine the peak p.m. peak hour trips that will be used to determine the TIF rate assessed based on the redevelopment. DKS, the City's Transportation Consultant, reviewed the trip generation calculations and found them to be reasonable. The assessment shows that there will be a net p.m. peak hour trips of 52, which is less than the 199 p.m. peak hour trips vested per the agreement. As a result, the applicant will not be assessed any TIF dollars with this redevelopment. Below is an excerpt from the Developer's Agreement that describes the vested trips.

**Section 7. Vesting of Vehicle Trips.** For purposes of future concurrency management and Transportation Impact Fees (TIFs) that would be assessed by the City on the redevelopment or change in use at the Minit Management Property, the City will credit the Average Daily Trip (ADT) generation and p.m. peak hour trips from the Minit Management operation on the Property as of the effective date of this Agreement. That trip generation credit is 2,000 ADT, 187 a.m. peak hour trips and 199 p.m. peak hour trips. The TIF that will be due for the redevelopment or change in use of the Minit Management Property will be based on the increase in ADT generation attributable to the new development or use beyond the current level of trip generation. Capacity for the current p.m. peak hour trips from the current use of the Minit Management Property shall be reserved by the City and vested for Minit Management. If the ADT generation for the use on the Minit Management Property decreases over time, the ADTs attributable to the Property's use on the effective date of this Agreement shall serve as the basis for any TIF calculation performed within 5 years of the Effective Date of this Agreement.

**Condition of Approval:** Traffic impact fees are typically assessed and collected at the time of building permit issuance. Traffic impact fees will not be assessed based on the plans, unless the uses change from the original site plan when P.M Peak hour trips were vested and the trip cap per the Development Agreement is exceeded.

## Title 12 -- Street, Sidewalks and Public Ways

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

### Findings:

**General:** As part of the improvements completed during realignment of Paradise Park Road, sidewalk and street improvements were completed adjacent to the Minit Management property. According to the Engineering Company designing the realignment of Paradise Park Road, *"it is assumed that street lighting will be provided by the adjacent property owner as development occurs"*. Streetlights were not constructed along the frontage improvements along Paradise Park Road adjacent to the Minit Management site.

According to LCMC 12.10.190 Developments – Access road – Frontage improvements.

*(1) Unless already fully developed, and subject to the limitations of LCMC [12.10.180](#) and the modification provisions of LCMC [12.10.310](#), a half-width road improvement shall be constructed to the applicable standards set out in this chapter to that portion of an access road which abuts the parcel being developed, as a requirement of approval of a final plat, final short plat or proposed use requiring approval under city ordinances and regulations.*

As part of the frontage improvements, streetlights need to be installed per the Engineering Standards. As part of the realignment of La Center Road and Paradise Park Road completed in 2016, streetlights

were installed on La Center Road. Paradise Park Road is classified as a Rural Major Collector. In order to comply with “Dark Sky” compliance requirements, Cobra Head LED lights are required per the Engineering Standards, section 2.27 (F). A photometric plan will need to be submitted to determine the spacing to meet the standards. Street trees are also required to be installed per the Engineering Standards spaced at 30-feet on center minimum along Paradise Park Road.

**Streets and Circulation:** There is adequate circulation of existing streets adjacent to the development.

**Grading:** 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.

#### **Conditions of Approval**

- In lieu of completing public improvements, a performance bond in the amount not less than 110% of the construction estimate shall be provided prior to issuance of a building permit. LCMC 12.10.110.
- All handicap ramps must comply with current ADA standards, including street trees and street lighting according to the engineering standards. Any sidewalk that is damaged must be repaired to meet ADA current standards.
- Fire hydrants shall be spaced every 500’ per IFC or as otherwise approved by the Fire District. The location of all the hydrants must be approved by the Fire District.
- The applicant shall submit final grading and erosion control permit as part of the engineering review showing the proposed contours on the plans.
- 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.
- Submit a Photometric analysis along with the streetlight design to verify compliance with the Engineering Standards.
- Install Cobra Head streetlights on Paradise Park Road as required in section 2.27 (F) of the Engineering Standards.

### **Chapter 13.10 -- Sewer System Rules and Regulations**

**Findings:** 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.

As part of the street realignment and utility construction done as part of the Cowlitz casino, as sewer main was placed in La Center Road, with 8-inch lateral installed to serve future Minit Management site redevelopment.

Per LCMC 13.10.350 a sewer impact fee shall be charged for commercial development based on the use of the proposed structures. The exact impact charge will be assessed per LCMC at the time of building permit application or before occupancy is issued. Each equivalent ERU calculated for each structure on the site will be multiplied by the impact fee of \$7,800 per ERU to determine the total sewer impact. If

development is phased, impact fees will be charged for the structures permitted at the time of occupancy.

Any development west of the La Center Road Bridge is required to connect to the recently constructed sewer system in La Center Road. A latecomer agreement was approved by City Council in April of 2018, requiring that connection to this sewer system be assessed for development according to the cost per equivalent ERU. The latecomer cost is based on the location within the sewer basin as shown on the attached latecomer agreement and cost table. The Minit Management Site will connect to the sewer within basin A and will be assessed \$6,173.96 per equivalent ERU. The ERUs for the development will be calculated by LCMC 13.10.350 as stated above. The Latecomer Agreement is included with the application materials.

**Condition of Approval**

- To verify the condition of the existing sewer lateral, a video inspection of the existing sewer lateral must be performed verifying its structural integrity and ability to accommodate the developer's preferred option.
- The City will reassess the sewer development charges and latecomer's fees when building plans are submitted.
- Per LCMC 13.10.350 a sewer impact fee shall be charged for commercial development based on the use of the proposed structures at the time the building plans are submitted.

**Chapter 18.320 -- Stormwater and Erosion Control**

**Findings(s):** 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 limits the creation of more than, 1,000 square feet of impervious surface for commercial structures is subject to stormwater regulation. The applicant proposes to create new impervious surface for the new parking lot east of the site and the commercial building footprint.

A storm report was completed and submitted to the City for review. The City reviewed the storm report and determined that the area of the proposed building was included in the stormwater report and on-site construction previously completed.

In 2016, Minit Management the parking lot was modified to accommodate the realignment of the Paradise Park Road. As part of that construction, an underground filter vault was installed to treat stormwater from the parking lot and an underground detention system was placed to detain stormwater per LCMC. The water quality and detention system were sized to accommodate the existing site impervious area and for future redevelopment of the site. The City Engineering Standards require that roof drains be connected directly to an underground storm system. The applicant will need to show how the new building downspouts will connect to the underground detention system and the parking lot will be graded and connected to the filter vault for water quality treatment.

**Conditions of Approval:**

- Per LCMC 18.320.210, treatment BMPs shall be sized to treat the water quality design storm, defined as the six-month, 24-hour storm runoff volume.
- Provide a final stormwater Technical Information Report (TIR) that complies with LCMC 18.320 at the time of engineering review.
- Downspouts connections from the building must connect directly into the site stormwater system.

**Findings: Maintenance of Stormwater Facility.** The applicant shall be responsible for maintenance of the stormwater facility.

**Condition of Approval**

- Provide maintenance records to the city yearly showing that the detention and water quality system is maintained per the manufactures recommendations.

**Findings: Potable Water.** Water system connections are regulated by Clark Public Utility (CPU) and a permit and plan approval will be required for City plan approval. CPU must approve the water pipe system and service to all lots. CPU will need to be contacted about the existing water system pressure and the applicant must meet CPU approval for the new water system.

**Condition of Approval:** The applicant shall contact CPU about the existing water system pressure and shall obtain CPU approval for the new water system.

**Findings: Building.** The site improvements are reviewed and approved by Public Works Building Services. Proposed setbacks for each lot are required on the final site plan.

**Conditions of Approval**

- A geotechnical report will be required analyzing the development design for the structures on the property at the time of engineering review.
- Retaining walls and perimeter fencing are subject to building permit review.

## IV. LAND USE REVIEW

### Chapter 18.30 -- Procedures

**Findings:** All land use applications (Type III conditional use permit, Type II site plan, and Type II short plat) and SEPA review will be combined into one land use hearing before the La Center Hearing Examiner as permitted in LCMC 18.30.030. The application was noticed in accordance with a Type III procedure. The application was deemed complete March 27, 2020 having provided all applicable submittal requirements as outlined in LCMC 18.30.050. The hearing examiner will conduct the public hearing and issue a decision in accordance with LCMC 18.30.100(D).

Staff find that the applicant has met the burden of proving they meet the applicable regulations or can be conditioned to do so and that the applicant has made adequate provisions for public services in accordance with the City's adopted level-of-service standards.

### Chapter 18.150 -- Commercial Districts

#### 18.150.020 -- Uses

**Findings:** The property is vested under the Community Commercial (C-2) District zoning. The C-2 zone is intended to provide auto-oriented commercial areas for the regular shopping and service needs for the community. Under the vested C-2 zoning regulations, the proposal consists of the following permitted and conditional land uses (Table 18.150.020):

- Four lot short plat – Permitted activity
- 101-unit, 5-story hotel – *Conditional use*

- 11,600 square-foot, one-story multi-tenant commercial building - *Conditional use*
- 4,510 square-foot, one-story convenience store with a drive through window - Permitted use
- 2,800 square-foot, one-story drive-through restaurant - *Conditional use*
- 12-pump automobile fueling island - *Conditional use*
- Associated parking, utility and other infrastructural improvement – Permitted use

See further discussion under LCMC 18.250 regarding conditional uses.

**18.150.030 -- Development Standards**

A. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Section 18.150.030(A) LCMC. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.

**Table 18.150.030A Lot Requirements**

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
C-2	10,000	None	None

**Table 18.150.030B Setbacks, Lot Coverage and Building Height**

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

**Findings:** The new lots proposed under the short plat exceed the minimum lot area requirements for the C-2 zone stated above. The property is adjacent to land that was commercially zoned under the prior vested zoning. There are no setback requirements adjacent to other commercial zones per the buffering and screening standards in Chapter 18.245. In addition, no buffering would have been required for Junction Plan (JP) zoned lands (current zoning is JP). Therefore, staff concludes no minimum setbacks or maximum lot coverage apply. Maximum building height is 60 feet, and the tallest building on site is the hotel. The coping of the hotel roof is 60-feet while the stair parapet and elevator extension reach 64-feet. Per the Title 18 definition, “Building height” shall mean the vertical distance from a point as determined in this section to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hip roof. “Building height” does not include such accessory elements as utilities, rooftop mechanical equipment and enclosures for it, chimneys, church spires, water towers and accessory radio antennas. Staff concurs with the applicant that the height of the hotel should be measured from the ground surface to the coping of the roof and that the stair parapet and elevator extension should be considered accessory elements primarily used to maintain rooftop mechanical equipment and to accommodate elevator equipment. Therefore, the proposed buildings meet the maximum height requirement.

**B. Landscaping.**

*1. In C2 and C3 districts, not less than fifteen percent (15%) of the total lot area shall be landscaped. Pedestrian plazas, sidewalks over the minimum width and other pedestrian amenities may be used to meet the required landscaping at a one to one (1:1) ratio.*

**Findings:** According to the submitted preliminary site plan, approximately 17% of the site will be landscaped, meeting this requirement.

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

- 1. Primary pedestrian circulation routes connecting the street(s) to the primary building entry or entries shall be a minimum of eleven (11) feet (eight (8) feet of sidewalk/walkway with a minimum of three (3) feet of landscaping on one (1) side of the pedestrian route). The minimum three (3) foot landscaped area shall contain street trees planted at thirty (30) foot intervals to provide for a continuous tree canopy. The required landscape area should function as a buffer between auto drives and the pedestrian routes. Where the pedestrian circulation route crosses vehicular accessways the landscape area is not required. Pedestrian awnings, with a minimum of eight (8) feet of head clearance shall be provided along the front building façade when abutting public rights-of-way. Awnings may not project over the parking area or street.*

**Findings:** According to the submitted plan sets, there are 6 primary pedestrian circulation routes that connect streets to a primary building entry, as follows.

1. Connecting the drive-through restaurant to NW Paradise Park Road to the north (8-foot wide per the preliminary site plan)
2. Connecting the hotel to NW Paradise Park Road to the north
3. Connecting the hotel to NW Paradise Park Road to the east
4. Connecting the convenience store to NW Paradise Park Road to the east
5. Connecting the convenience store to NW La Center Road to the south
6. Connecting the multi-tenant commercial building to NW La Center Road to the south

The preliminary site plan identifies pedestrian route 1 (identified above) as 8-foot wide. The widths of the other routes are not identified on the site plan. On the architectural site plan, all routes are identified as 6-foot wide. The applicant will need to update their site plan to make all primary pedestrian circulation routes a minimum of 8-foot wide. On pathways where the vehicle overhang will extend into the pathway, the applicant will need to account for the overhang to maintain a minimum of 5-foot of clearance to meet ADA regulations. The applicant has indicated that this revision to the pathway widths can be accommodated with the current site layout.

**Condition of Approval:** Prior to final site plan approval, the applicant shall revise all primary pedestrian circulation routes between building entrances and streets to be a minimum of 8 feet wide. Where parking overhang occurs, the applicant shall maintain a minimum 5-foot wide clearance to meet ADA Standards.

*2. Landscaping.*

- a. Landscaping is required along the side of all buildings in C2 and C3 districts where the primary pedestrian access is provided. Minimum requirements shall be trees provided every thirty (30) feet on center planted along the length of the parcel. Street trees may not be planted closer than 25 feet away from street corners to preserve intersection sight-distance.*

- b. *Landscape buffers required by Section 18.245.060 LCMC shall not apply between pad development sites and the remainder of the development site.*
- c. *Landscaping required between commercial developments may be altered where parking lots are adjoining as follows: a single, shared five (5) foot buffer instead of five (5) feet for each development; provided, that joint access is provided between parcels for auto and pedestrian access and trees are planted every twenty (20) feet on center along the length of the buffer.*

**Findings:** The landscaping plan shows landscaping along all sides of the buildings that abut public sidewalks. Per the applicant's narrative, landscaping was provided along the pedestrian routes connecting the buildings to the abutting sidewalks or, where along the fronts of the buildings, tree wells have been placed at approximately every 30 feet on center. Since the proposed development is one commercial development, the standard for landscaping between commercial developments does not apply. LCMC 18.130.050.B requires that primary pedestrian circulation routes connecting to streets be 8 feet wide with 3 feet of landscaping on one side and further specifies that the intent of this standard is to buffer pedestrian routes from auto drives. The applicant's proposed site plan includes pedestrian walkways connecting building entrances to streets, but these pedestrian walkways are not proposed adjacent to auto drives. Therefore staff finds that the applicant's proposed site plan providing walkways with either adjacent landscaping buffers or tree wells meets the intent of the landscaping requirements. However, as noted above, certain primary pedestrian circulation routes are less than 8 feet wide as shown on the applicant's site plan and staff recommends a condition of approval that these be increased to a minimum of 8 feet wide (see above).

## Chapter 18.205 – Short Plat Provisions

### *18.205.030 Preliminary short plat application contents*

**Findings:** The applicant submitted all necessary application materials for a preliminary short plat. While not within a mapped geologic hazard area, a geotechnical report can be required if determined to be needed under LCMC 18.210.030. According to the USDA Soils Manual, soils are predominately Gee Silt Loam and some Odne Silt Loam. This type of soil is classified as very limited for road construction per USDA soils information. The applicant was advised at the pre-application conference to submit a geotechnical study and report, prepared by a geotechnical engineer or geologist licensed in the state of Washington, including at a minimum, testing to support the site building construction, grading and retaining wall design as necessary. The applicant submitted a geotechnical study meeting these qualifications (Columbia West Engineering, Inc., September 2019).

**Condition of Approval:** The applicant shall follow all recommendations contained in the submitted geotechnical study (Columbia West Engineering, Inc., September 2019).

### *LCMC 18.205.040 Approval criteria for a preliminary short plat*

- A. *The review authority shall approve a preliminary short plat if he or she finds:*
  - 1. *The applicant has sustained the burden of proving that the application complies with the following regulations of the La Center Municipal Code to the extent relevant; or*
    - a) *Chapters 12.05 (Sidewalks) and 12.10 (Public and Private Road Standards) LCMC;*
    - b) *Chapter 18.300 LCMC (Critical Areas);*
    - c) *Chapter 18.310 LCMC (Environmental Policy);*

- d) Chapter 18.320 LCMC (Stormwater and Erosion Control);*
- e) Chapter 15.05 LCMC (Building Code and Specialty Codes)*
- f) Chapter 15.35 LCMC (School Impact Fees); and*
- g) Title 18 LCDC (Development Code)*

- 2. That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final short plat is approved;*
- 3. The application makes appropriate provision for potable water supplies and for disposal of sanitary wastes; and*
- 4. The application complies with RCW 58.17.010.*

**Findings:** The short plat meets the above LCMC criteria as detailed throughout this staff report and recommended conditions of approval are included at the end of this staff report. Potable water supplies and sanitary sewer will be provided to the site as shown on the applicant's utility plan and as discussed in the Engineering Review section of this staff report. RCW 58.17.010 calls for the regulation of the subdivision of land to promote the public health, safety and general welfare in accordance with standards established by the state and, in addition, requires that adequate provisions are made for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and safe walking conditions for students who only walk to and from school. The proposed short plat and subsequent development are in conformance with the city's dimensional standards and will provide the necessary infrastructure and be serviced by providers to protect public health, safety, and general welfare. The applicant has indicated they may choose not to file a final short plat and record it with Clark County. Because the existing site is a single parcel that also meets the City's zoning standards, there is no requirement that the applicant file a final short plat with the City and record it with Clark County.

**Condition of Approval:** Should the applicant choose to proceed with a final short plat, the applicant shall apply for and receive final short plat approval from the City and provide a copy to the City after recording with Clark County.

## **Chapter 18.215 -- Site Plan Review**

### **18.215.060 Criteria for site plan approval**

*C. The proposed plan shall meet all applicable provisions of this title and other appropriate provisions of the La Center Municipal Code, the following are enumerated to indicate the various requirements under which a plan must be found consistent. Failure to meet any one of these, and other requirements not necessarily specified here, shall be grounds for denial of site plan approval:*

- 1. The proposed use is permitted within the district in which it is located.*
- 2. The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located.*
- 3. The proposal meets the screening, buffering and landscape strip requirements, as set forth in Section 18.245.060 LCMC.*

4. *Minimum parking and loading space requirements are met, as required by Chapter 18.280 LCMC.*
5. *All applicable conditions and criteria contained in other titles of the La Center Municipal Code are met.*
6. *Improvement requirements are provided in accordance with the applicable sections of the La Center development code.*
7. *All conditions of any applicable previous approvals (i.e., CUP) have been met.*
8. *Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication.*
9. *Public water, sewer and stormwater lines have been installed in conformance with the standards of the city code. Public water, sewer and stormwater lines within or along the frontage of a development have been extended to the extreme property lines of that development unless it can be demonstrated to the city engineer that such extensions are impractical or infeasible or inappropriate.*
10. *Proposed phasing plans do not exceed six years and all required public infrastructure is installed in the first phase of the development.*

**Findings:** Staff finds that the applicant has met the site plan review standards as follows:

1. The proposed uses include permitted uses and conditionally permitted uses in the C-2 zone. The applicant has provided sufficient information and staff finds that the conditional use permit criteria are met as detailed later in this staff report. See staff findings and recommended conditions of approval under LCMC 18.250.
2. The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located, as also detailed in this staff report. See staff findings and recommended conditions of approval under LCMC 18.150.030.
3. Staff finds that the proposed landscaping meets the intent of the landscaping requirements. See staff findings and recommended conditions of approval under LCMC 18.150.030 and 18.245.
4. Minimum parking and loading space requirements will be met. See staff findings and recommended conditions of approval under See staff findings for LCMC 18.280.
5. This staff report addresses the applicable criteria of the LCMC, and conditions of approval are provided at the end of this report.
6. The required improvements and conditions of approval in this report are in accordance with the LCMC.
7. The proposal meets the conditions of the previously approved development agreements; unfulfilled provisions of the development agreement remain in effect and the applicant is obligated to comply by them. See staff findings and recommended conditions of approval under section II – Development Agreement.
8. The development as proposed will provide underground public and private utility lines.
9. The City Engineer has found that the proposed infrastructure for public water, sewer, and stormwater complies with city standards. See staff findings under LCMC 13.10 and 18.320.
10. The applicant is proposing that the development occur in up to four phases, which includes the short plat being recorded in up to four phases. Details on the proposed phasing are shown on the Preliminary Site Plan and Short Plat.

**Conditions of Approval:**

- The applicant shall complete construction within six years and shall install all required public infrastructure in the first phase of the development.
- Prior to construction or ground disturbance, the applicant shall apply for and receive final site plan and engineering document approval from the City consistent with the preliminary site plan approval and conditions.

### Chapter 18.230 - Monumentation, Survey, and Drafting Standards

**Findings:** The applicant submitted an existing conditions plan based upon a property survey meeting the requirements of LCMC 18.230.

**Conditions of Approval:** The applicant shall comply with all monumentation and survey standards in this section prior to final plat approval.

### Chapter 18.245 Supplementary Development Standards

**Findings:** The applicant provided a preliminary site plan and preliminary landscape plan which are consistent with this chapter. Staff finds that the applicant will meet the supplementary development standards as conditions.

- **Fencing:** No fencing is proposed at this time. Retaining walls and perimeter fencing are subject to building permit review. The applicant will be conditioned to comply with these standards.
- **Waste handling:** The applicant will be conditioned to comply with these standards.
- **Lighting:** The applicant will be conditioned to comply with these standards and to provide street lighting.
- **Parking:** The applicant is meeting the off-street parking requirements. See discussion under LCMC 18.280. The applicant will be conditioned to comply with these standards.
- **Landscaping:** The applicant is meeting the intent of the landscaping requirements. See discussion under LCMC 150.030. The applicant will be conditioned to comply with these standards.

#### Conditions of Approval

- The applicant shall provide site improvements related to fencing, waste handling, lighting, parking and landscaping as depicted in Minit Management landscaping and site plan figures contained in this decision.
- Fences and hedges shall comply with LCMC 18.245.020.
- The applicant shall provide waste collection by Waste Connections prior to occupancy.
- The applicant shall submit a Photometric analysis along with the streetlight design to verify compliance with the Engineering Standards.
- Street lighting shall be “dark sky” compliant and meet the lighting standards per the Engineering Standards section 2.27.
- Install Cobra Head streetlights on Paradise Park Road (classified as a Rural Major Collector) as required in section 2.27 (F) of the Engineering Standards.

### Chapter 18.250 Conditional Uses

**Findings:** Under the vested C-2 zoning regulations the following proposed uses are conditional uses (Table 18.150.020):

- 101-unit, 5-story hotel
- 11,600 SF one-story multi-tenant commercial building
- 2,800 SF one-story drive-through restaurant

- 12-pump automobile fueling island

The applicant has requested approval of the conditional use “General retailer under 25,000” for the multi-tenant commercial building. Given the nature of multi-tenant commercial buildings (multiple tenants, variety of uses, tenant turnover), City staff evaluated additional uses listed in LCMC Table 18.150.020 for their inclusion in the permit. A recommended condition of approval is to permit some additional conditional uses under this conditional use permit, in addition to the uses listed as permitted in LCMC Table 18.150.020, without requiring additional land use review. The uses listed were identified as having similar land use and infrastructure requirements (e.g., utilities, parking) to “general retail” uses, and as uses that do not typically have additional impacts (e.g. hazardous materials). Any use not listed in LCMC Table 18.150.020 would be required to obtain a conditional use permit or other review by the City as currently stipulated in LCMC. Any Permitted use in LCMC Table 18.150.020 would be permitted.

**Conditions of Approval:**

- Uses must meet the trip cap in the development agreement with the City of 199 p.m. peak hour trips.
- Uses must verify adequate parking is available when specific uses are proposed.
- Uses that require outdoor storage are not permitted without additional review.
- The following conditional uses from LCMC Table 18.150.020 are permitted as tenants of the multi-tenant commercial building under the conditional use permit.

<b>Approved Conditional Uses at the Multi-Tenant Commercial Building (LCMC Table 18.150.020)</b>
2. Retail Sales – Food.
a. Markets in excess of 15,000 square feet gross floor area
c. Bakery – primarily retail outlet (> 10,000 square feet of gross floor area)
d. Bakery – primarily retail outlet (< 10,000 square feet of gross floor area)
3. Retail Sales – General.
b. General retailer (under 25,000 square feet gross floor area)
d. Single purpose/specialty retailers (greater than 10,000 square feet gross floor area)
e. Yard and garden supplies, including nurseries
4. Retail Sales – Restaurants, Drinking Places.
b. Restaurants, with associated drinking places, alcoholic beverages
6. Retail Sales – Building Material and Farm Equipment.
7. Retail Sales – Products (Finished product retailers with primary fabrication or assembly on-site. Within an entirely enclosed building.)
b. Uses of 10,000 square feet gross floor area or greater
9. Services – General.
g. Branch banks
j. Event facilities (<10,000 square feet)
l. Event facilities (>10,000 square feet)
11 Services – Medical and Health.
b. Outpatient clinics

<b>Approved Conditional Uses at the Multi-Tenant Commercial Building (LCMC Table 18.150.020)</b>	
f.	Animal hospitals and veterinary clinics
	(2) Inside animal activities only
12. Services – Professional Office.	
b.	Professional offices (> 10,000 square feet gross floor area)
13. Services – Amusement.	
a.	Amusement centers
b.	Bowling alleys, billiard and pool parlors, and video arcades
d.	Theaters, indoor
f.	Athletic, health and racket clubs (< 10,000 square feet of gross floor area)
14. Services – Educational.	
a.	Nursery schools, preschools
b.	Day care facilities consistent with Chapter 388-73 WAC
e.	Vocational schools
g.	Artistic studios and schools including but not limited to dance, music and martial arts (>10,000 square feet)
i.	Public/private educational institutions
15. Services – Membership Organizations.	
a.	Business, professional and religious (not including churches)
c.	Civic, social, fraternal, charitable, labor and political (>5,000 square feet)
d.	Churches
17. Public Services and Facilities.	
a.	Buildings entirely dedicated to public services, such as city hall, police and fire substations
e.	U.S. Post Offices

**18.250.040 Criteria for approval, minor modifications and revocation**

*A. The hearings examiner shall approve or approve with conditions an application for conditional use permit if he or she finds the applicant has sustained the burden of proving that:*

- 1. The characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features;*
- 2. All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use;*
- 3. The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with the La Center Municipal Code;*
- 4. The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.*

**Findings:** The characteristics of the site are suitable to accommodate the conditional uses, including the hotel, fueling island, drive-through restaurant, and the potential uses anticipated in the multi-tenant commercial building. The applicant has demonstrated that the required public facilities will be extended to the site and have adequate capacity to serve the proposed uses. Staff finds that the proposed project meets the above approval criteria.

*B. The hearings examiner may impose, in addition to regulations and standards expressly specified in this title, other conditions of approval necessary to ensure the use complies with applicable approval standards. These conditions may include, but are not limited to, the following: [...]*

**Findings:** This staff report contains recommended conditions of approval for the hearings examiner.

### Chapter 18.275 Sign Requirements

**Findings:** No signage is proposed under this application. Future signs must be reviewed and approved through an application for a sign permit.

### Chapter 18.280 Off-Street Parking and Loading Requirements

#### 18.280.010 Off-street parking requirements

**Findings:** Per the off-street parking requirements in table 18.280.010, the project must provide a minimum of 179 parking stalls (assuming the multi-tenant building develops with only general retail uses). The applicant is proposing 184 parking stalls and is exceeding the minimum off-street parking requirement. The current ADA parking standards require 3 standard ADA stalls and 1 van accessible ADA stall for parking lots of 76-100 spaces. The applicant is proposing 8 ADA parking stalls (4 standard ADA stalls and 4 van accessible ADA stalls) and is exceeding this requirement. Staff have proposed a condition of approval requiring that parking requirements be verified when tenants change at the multi-tenant building (see the conditions of approval under LCMC 18.250).

WAC 51-50-0427 requires that 5% of parking spaces be provided with electric vehicle (EV) charging infrastructure (when the calculation results in a fractional parking space, the applicant shall round up to the next whole number). The applicant is proposing 10 EV charging spaces and is meeting this requirement. WAC 51-50-0427.5 further requires that one accessible parking space be served by EV charging infrastructure, and this will be a condition of approval.

The applicant is meeting the off-street parking requirements for the minimum number of parking stalls, provision of ADA parking, and provision of EV charging stations.

#### **Conditions of Approval:**

- The applicant shall design and provide ADA parking in compliance with RCW 46.61.581, RCW 19.27.550, and other applicable state laws.
- The applicant shall design and provide EV charging infrastructure in compliance with WAC 51-50-0427 and other applicable state laws. This includes the requirement for one accessible parking space to be served by EV charging infrastructure (WAC 51-50-0427.5).

### **18.280.020 Joint use of facilities**

**Findings:** The applicant is proposing joint parking across the property lines proposed under the short plat.

**Condition of Approval:** The applicant shall record a joint parking agreement and provide it to the City prior to final plat approval.

### **18.280.030 Parking design standards**

**Findings:** The applicant is proposing a 2-foot overhang on some parking spaces adjacent to the pedestrian pathways and landscape areas. There is nothing in the LCMC prohibiting the overhang and the applicant is otherwise meeting the parking standards. Staff finds that the proposed parking spaces meet the City's requirements.

**Condition of Approval:**

- All parking stalls shall meet the dimensional standards of LCMC 18.280.030.
- Landscaping within the 2-foot overhang shall consist of groundcover that will not interfere with or be damaged by the overhang.

### **18.280.040 Loading**

**Findings:** The project will provide the minimum number of off-street loading berths in accordance with Tables 18.280.040(A) and (B) as follows: 1 loading space at the 11,600 SF multi-tenant commercial building, 0 loading spaces at the 4,510 SF convenience store, 1 loading space at the 61,703 SF hotel, and 1 loading space at the 2,800-SF restaurant.

**Condition of Approval:** All loading berths shall meet the dimensional standards of LCMC 18.280.040.

## **Chapter 18.300 Critical Areas**

### **18.300.090 Critical lands**

*A. Critical Aquifer Recharge Areas.*

*1. Category I Aquifer Recharge Areas (CARA I).*

*a. Areas with a critical recharging effect on aquifers used for potable water are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.*

*b. La Center wellheads are owned and operated by Clark Public Utilities.*

*c. Development, other than the maintenance of vegetation, shall be prohibited within 50 feet of any wellhead within the UGA.*

*d. For purposes of this chapter, critical aquifer recharge areas include lands within the 10-year zone of contribution, as shown on the La Center critical areas map.*

*e. The following uses are prohibited in Category I aquifer recharge areas: [...]*

**Findings:** The project site includes a wellhead protection area with a 1-year and 10-year wellhead zone of travel (CARA I). The applicant intends to decommission the well in accordance with Ecology's process and standards, and would then develop within 50-feet of the decommissioned wellhead. City staff reached out to the Department of Public Health, Drinking Water Division, for their input. Public Health indicated that the applicant will need to de-activate the water system, in addition to decommissioning

the wellhead, in order to effectively remove the mapped wellhead protection area. The Department of Health concurred that once these actions are complete there will be no mapped CARA I on site. The Departments of Health and Ecology both received copies of the Notice of MDNS.

**Conditions of Approval:**

- The applicant shall decommission the wellhead in accordance with state regulations and guidance from the Department of Ecology, and shall submit documentation of the wellhead decommissioning to the City prior to engineering approval.
- The applicant shall deactivate the water system in accordance with state regulations and guidance from the Department of Health, and shall submit documentation of the water system deactivation to the City prior to engineering approval.

*2. Storage Tank Permits. The Clark County fire marshal regulates and authorizes permits for underground storage tanks, pursuant to the Uniform Fire Code (Article 79) and this chapter. The Washington Department of Ecology also regulates and authorizes permits for underground storage tanks (Chapter 173-360 WAC).*

**Findings:** The applicant is proposing to re-use the existing underground storage tanks and will not construct any new tanks.

**Condition of Approval:** The applicant shall coordinate any required storage tank permit updates or renewals with the Clark County fire marshal and the Department of Ecology and shall provide documentation to the City prior to engineering approval.

*3. The applicant shall demonstrate, through the land use approval process, that the proposed activity will not have any adverse impacts on ground water in critical aquifer recharge areas, based on the Safe Drinking Water Act and the Wellhead Protection Area Program, pursuant to Public Water Supplies, Chapter 246-290 WAC; Water Quality Standards for Ground Waters of the State of Washington, Chapter 173-200 WAC; and Dangerous Waste Regulations, Chapter 173-303 WAC. By this reference, Chapters 173-200, 173-303 and 246-290 WAC, as written and hereafter updated, will be part of this chapter.*

**Findings:** The Departments of Health and Ecology were provided the SEPA MDNS for comment. The City previously reached out to the Department of Health regarding the CARA I, and those communications are provided as an Exhibit. City staff concurs with the Department of Health that the mapped CARA I will be effectively “removed” from the property through the decommissioning of the wellhead and the deactivation of the water system. Compliance with the above laws will be demonstrated through these processes. As conditioned above, the applicant will be required to provide documentation of the decommissioning and deactivation prior to engineering approval.

### **Chapter 18.310 Environmental Policy**

**Findings:** The city issued a SEPA MDNS on May 6, 2020. The SEPA review process is complete. The mitigation measures listed in the SEPA MDNS are incorporated into this staff report as conditions of approval. There is a mapped CARA I onsite and protection of this critical area is discussed above. Clark County Maps Online indicates the site also has a “High” probability of archaeological resources. The applicant submitted the required archaeological predetermination report with their application (ASCC, September 2019). The report recommends that no further testing is necessary, and that an Inadvertent

Discovery Plan should be in place through all phases of the project in the event that unexpected archaeological materials area encountered during development.

**Condition of Approval:** The applicant shall meet all recommendations in the submitted archaeological predetermination report (ASCC, September 2019).

### Chapter 18.350 Tree Protection

**Findings:** LCMC 18.350.020(L) defines “tree” as “*any woody plant having a trunk five (5) caliper inches or larger in diameter at breast height (DBH).*” The applicant identifies 5 existing trees on site (see the Existing Conditions plan), with DBH ranging from 8-inches to 16-inches. The applicant intends to remove all existing trees on site, and will plant new trees per the landscaping plan. No trees on site have been identified as heritage trees or are known to be protected by a condition of approval for a prior development permit. Removal of these trees requires a tree removal permit under LCMC 18.350.040.

Because the applicant has provided sufficient information regarding tree removal and proposed mitigation, City staff concluded that the tree removal permit can be sufficiently reviewed in conjunction with the other land use approvals addressed in this report. Although the applicant did not submit a tree protection plan, City staff have determined that there are no trees on or near the site that will require protection. Per the landscaping plan, the applicant is proposing to plant more trees meeting the mitigation standards than the required 1:1 ratio. The applicant has met the requirements for a tree removal permit.

## V. CONCLUSIONS & RECOMMENDATION

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

### A. Engineering and Public Works

#### General Conditions

1. The applicant, at time of engineering approval, shall comply with all applicable City of La Center Engineering Standards for Construction and all engineering recommendations contained in the Staff Report unless modified by the Public Works Department (LCMC 12.10.040); and the Applicant shall comply with all applicable La Center land use regulations, goals and policies.
2. The applicant shall comply with all provisions of the development agreement with the City, dated March 28, 2016.

#### Streets, Sidewalks and Public Ways

3. In lieu of completing public improvements, a performance bond in the amount not less than 110% of the construction estimate shall be provided prior to issuance of a building permit. LCMC 12.10.110.
4. All handicap ramps must comply with current ADA standards, including street trees and street lighting according to the engineering standards.
5. Fire hydrants shall be spaced every 500’ per IFC or as otherwise approved by the Fire District. The location of all the hydrants must be approved by the Fire District.

6. The applicant shall submit final grading and erosion control permit as part of the engineering review showing the proposed contours on the plans.
7. 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.

#### Sanitary Sewer

8. To verify the condition of the existing sewer lateral, a video inspection of the existing sewer lateral must be performed verifying its structural integrity and ability to accommodate the developer's preferred option.
9. The City will reassess the sewer development charges and latecomer's fees when building plans are submitted.
10. Per LCMC 13.10.350 a sewer impact fee shall be charged for commercial development based on the use of the proposed structures at the time the building plans are submitted.

#### Potable Water

11. The applicant shall contact CPU about the existing water system pressure and shall obtain CPU approval for the new water system.

#### Stormwater and Erosion Control

12. Per LCMC 18.320.210, treatment BMPs shall be sized to treat the water quality design storm, defined as the six-month, 24-hour storm runoff volume.
13. Provide a final stormwater Technical Information Report (TIR) that complies with LCMC 18.320 at the time of engineering review.
14. Downspouts connections from the building must connect directly into the site stormwater system.
15. Provide maintenance records to the city yearly showing that the detention and water quality system is maintained per the manufactures recommendations.

#### Lighting

16. Submit a Photometric analysis along with the streetlight design to verify compliance with the Engineering Standards.
17. Street lighting shall be "dark sky" compliant and meet the lighting standards per the Engineering Standards section 2.27.
18. Install Cobra Head streetlights on Paradise Park Road (classified as a Rural Major Collector) as required in section 2.27 (F) of the Engineering Standards.

#### Building

19. A geotechnical report will be required analyzing the development design for the structures on the property at the time of engineering review.
20. Retaining walls and perimeter fencing are subject to building permit review.
21. Traffic impact fees are typically assessed and collected at the time of building permit issuance. Traffic impact fees will not be assessed based on the plans, unless the uses change from the original site plan when P.M Peak hour trips were vested and the trip cap per the Development Agreement is exceeded.

### **B. Land Use**

General

22. Prior to construction or ground disturbance, the applicant shall apply for and receive final site plan and engineering document approval from the City consistent with the preliminary site plan approval and conditions.
23. The applicant shall provide site improvements related to fencing, waste handling, parking and landscaping as depicted in the Minit Management landscaping and site plan figures contained in this decision.
24. Applications for sign permits are not subject to land use review. Future signs are subject to sign permit application and must demonstrate compliance with LCMC 8.60, Signs.
25. Prior to final site plan approval, the applicant shall revise all primary pedestrian circulation routes between building entrances and streets to be a minimum 5 feet wide to meet ADA Standards.
26. Fences and hedges shall comply with LCMC 18.245.020.
27. The applicant shall provide waste collection by Waste Connections prior to occupancy.
28. The applicant must comply with the conditions provided by Clark County Fire & Rescue at the pre-application meeting (dated November 28, 2017).
29. Should the applicant choose to proceed with a final short plat, the applicant shall apply for and receive final short plat approval from the City and provide a copy to the City after recording with Clark County.
30. The applicant shall comply with all monumentation and survey standards in LCMC 18.230 prior to final plat approval.
31. The applicant shall complete construction within six years and shall install all required public infrastructure in the first phase of the development.

Parking and Loading

32. All parking stalls shall meet the dimensional standards of LCMC 18.280.030.
33. All loading berths shall meet the dimensional standards of LCMC 18.280.040.
34. The applicant shall record a joint parking agreement and provide it to the City prior to final plat approval.
35. Landscaping within the 2-foot overhang shall consist of groundcover that will not interfere with or be damaged by the overhang.
36. The applicant shall design and provide ADA parking in compliance with RCW 46.61.581, RCW 19.27.550, and other applicable state laws.
37. The applicant shall design and provide EV charging infrastructure in compliance with WAC 51-50-0427 and other applicable state laws. This includes the requirement for one accessible parking space to be served by EV charging infrastructure (WAC 51-50-0427.5).

Conditional Uses at the Multi-Tenant Commercial Building

38. Uses must meet the trip cap in the development agreement with the City of 199 p.m. peak hour trips.
39. Uses must verify adequate parking is available when specific uses are proposed.
40. Uses that require outdoor storage are not permitted without additional review.
41. The following conditional uses from LCMC Table 18.150.020 are permitted as tenants of the multi-use commercial building under the conditional use permit.

<b>Approved Conditional Uses at the Multi-Tenant Commercial Building (LCMC Table 18.150.020)</b>
2. Retail Sales – Food.

<b>Approved Conditional Uses at the Multi-Tenant Commercial Building (LCMC Table 18.150.020)</b>	
a.	Markets in excess of 15,000 square feet gross floor area
c.	Bakery – primarily retail outlet (> 10,000 square feet of gross floor area)
d.	Bakery – primarily retail outlet (< 10,000 square feet of gross floor area)
3. Retail Sales – General.	
b.	General retailer (under 25,000 square feet gross floor area)
d.	Single purpose/specialty retailers (greater than 10,000 square feet gross floor area)
e.	Yard and garden supplies, including nurseries
4. Retail Sales – Restaurants, Drinking Places.	
b.	Restaurants, with associated drinking places, alcoholic beverages
6. Retail Sales – Building Material and Farm Equipment.	
7. Retail Sales – Products (Finished product retailers with primary fabrication or assembly on-site. Within an entirely enclosed building.)	
b.	Uses of 10,000 square feet gross floor area or greater
9. Services – General.	
g.	Branch banks
j.	Event facilities (<10,000 square feet)
l.	Event facilities (>10,000 square feet)
11 Services – Medical and Health.	
b.	Outpatient clinics
f.	Animal hospitals and veterinary clinics
	(2) Inside animal activities only
12. Services – Professional Office.	
b.	Professional offices (> 10,000 square feet gross floor area)
13. Services – Amusement.	
a.	Amusement centers
b.	Bowling alleys, billiard and pool parlors, and video arcades
d.	Theaters, indoor
f.	Athletic, health and racket clubs (< 10,000 square feet of gross floor area)
14. Services – Educational.	
a.	Nursery schools, preschools
b.	Day care facilities consistent with Chapter 388-73 WAC
e.	Vocational schools
g.	Artistic studios and schools including but not limited to dance, music and martial arts (>10,000 square feet)
i.	Public/private educational institutions
15. Services – Membership Organizations.	
a.	Business, professional and religious (not including churches)
c.	Civic, social, fraternal, charitable, labor and political (>5,000 square feet)
d.	Churches
17. Public Services and Facilities.	

Approved Conditional Uses at the Multi-Tenant Commercial Building (LCMC Table 18.150.020)
a. Buildings entirely dedicated to public services, such as city hall, police and fire substations
e. U.S. Post Offices

SEPA and Critical Areas

- 42. The applicant shall decommission the wellhead in accordance with state regulations and guidance from the Department of Ecology, and shall submit documentation of the wellhead decommissioning to the City prior to engineering approval.
- 43. The applicant shall deactivate the water system in accordance with state regulations and guidance from the Department of Health, and shall submit documentation of the water system deactivation to the City prior to engineering approval.
- 44. The applicant shall coordinate any required storage tank permit updates or renewals with the Clark County fire marshal and the Department of Ecology and shall provide documentation to the City prior to engineering approval.
- 45. The applicant shall meet all recommendations in the submitted archaeological predetermination report (ASCC, September 2019).
- 46. The applicant shall follow all recommendations contained in the submitted geotechnical study (Columbia West Engineering, Inc., September 2019).

## VI. APPEALS

A final decision regarding an application subject to a Type III process may be appealed by the applicant or applicant’s representative or by any person, agency or firm who offered oral or written testimony before the hearings examiner closed the public record in the case. An appeal together with the requisite fee and information must be received by the City Clerk within 14 calendar days of the date of the decision being appealed. For an appeal regarding a decision subject to a Type III process, the City Clerk shall schedule a public hearing to be held by the hearing 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 as for application subject to a Type III process in Section 18.030.100 LCMC, except that the appeal shall be on the record except to the extent city council allows new evidence for good cause.

Ethan Spoo, AICP  
Consulting City Planner

Anthony Cooper, PE  
City Engineer

Emma Johnson, AICP  
Consulting City Planner