



HAYWARD USKOSKI
& ASSOCIATES

MEMORANDUM

To: City of La Center Community Development Department

From: Thomas Ellis

Date: December 14, 2021

RE: Post Decision Review for Stephen's Hillside Farm Subdivision - Lot Size Variance

Introduction

Hayward Uskoski & Associates, Inc. (HUA) is hereby submitting a Variance application on behalf of New Tradition Homes (henceforth known as “the Applicant”) to address maximum lot size within the proposed development of Parcels 258919000, 258972000, 258922000, 258971000 and 25890100 (“the Site”). HUA is requesting a variance to the City of La Center’s Density and Dimensional Requirements laid out in LCMC 18.190.080. The applicant is requesting that lots exceed the maximum lot size listed in Table 18.190.080(2) for 10 lots in the proposed reconfiguration of the Stephen’s Hillside Farm Subdivision. The following narrative details how the variance meets City approval criteria of Title 18.30.090 and therefore merits approval.

Narrative

Stephen’s Hillside Farms is an approved subdivision in La Center, WA. The northern portion of the project borders the City of La Center’s Urban Growth Area (UGA). The project achieved planning approval in April 2018 following the decision of the Hearing Examiner. The applicant is requesting that the site be reconfigured from the approved plan through a Post Decision Review (“PDR”) application.

Per Title 18.30.080(2), “Maximum lot size is 11,000 square feet”. As part of the PDR, the applicant is requesting a variance to increase the maximum size allowance for 10 lots to beyond 11,000 square feet. The variance applies to Lots 1, 32, 38-42 and 82-84 which are over 11,000 square feet but do not abut the City of La Center’s UGA. Per Title 18.130.080(1)(c), “The maximum lot area of a lot abutting the urban growth area boundary may exceed 11,000 square feet”. Title 18.260.040 of the La Center Municipal Code Washougal defines the requirements for this type of variance to be approved.

This variance to the code will allow the lots in question to accommodate a reasonable buildable area due to the proposed grading plan which responds to the sloping topography encountered throughout the site by incorporating proposed grading within these lots. There would be no negative impact to the approval of this variance, and the proposal meets or exceeds the approval criteria, as demonstrated below, and therefore merits approval.

Approval Criteria

The following approval criteria are listed in LCMC 18.260.040 as applying to Variances:

- (1) Unusual circumstances or conditions, such as size, shape or topography of a site, or the location of an existing legal development apply to the property and/ or the intended use that do not generally apply to other properties in the vicinity or zone. An unusual circumstance could also include another obligation under a different municipal code section or a state or federal requirement;*

The shape and size of the proposed lots is due to existing conditions that include topography, street layout and a nearby stream. These circumstances lead to certain lots exceeding the allowable lot size in the Stephen's Hillside Farms Subdivision.

The lots exceeding 11,000 square feet are proposed in an area of the site with slopes that range from 15-25%. These lots will not be able to utilize the entire parcel due to proposed slopes to make substantial grade changes between future roads. The effective building area will be reduced to accommodate the proposed slope of the land.

The location for the Aspen Ave/W 19th Ave intersection is fixed due to available sight distance and intersection spacing. Aspen Avenue's existing slope along the project frontage is up to 15%. To meet the minimum density of four lots per net acre within the zoning district, the project is proposing to use a cul-de-sac (Avocet Ave) to serve Lots 82-85. To create an accessible road and cul-de-sac navigable by emergency vehicles Avocet Ave will be required to meet the applicable La Center Engineering Standards and creates a dissimilar grade change between Avocet and Aspen. An additional grade change to the 200-foot Type F Stream buffer to the south of Lots 82 and 83 is also necessary. As such a significant portion of Lots 82, 83 and 84 will be used as unbuildable slopes to change grade between the cul-de-sac and surrounding existing features.

The fixed location for the Aspen Ave/W 19th Ave intersection and existing topography also creates the unusual circumstance requiring Lots 1, 32 and 38-42 to exceed 11,000 square feet. Roads are not permitted to exceed 15% in grade per the La Center Engineering Standards. The project has been reconfigured to include W 20th Drive, a new east-west street which provides access to Lots 1-10 and 38-42 and eliminates the requirements for steep cul-de-sac roads. In order to meet the requirements of the engineering standards on W 20th Drive, match existing grades on the perimeter of the site and create buildable lots, those between W 20th Drive and W 19th Street will include large areas of graded slopes to change elevation between the two roads. Double frontage lots are not prohibited by the LCMC; however, the proposed

grading would prevent access from W 19th Street on all double frontage lots. As such, these lots will function similarly to 11,000 square foot lots and will not provide significantly larger building footprints. Lot 1 is also encumbered by the requirement to tie into existing grade adjacent to property to the east of the site.

(2) The unusual circumstance cannot be a result of actions taken by the applicant;

The need for the variance is not the result of a self-imposed hardship for the following reasons:

1. The variance is necessary due to responding to the existing topographical conditions as laid out in the previous section. In order to tie into existing grading on neighboring property, existing and proposed streets, and environmental setbacks, some lot dimensions have been forced to exceed lot size requirements in order to provide a reasonable buildable area and eliminate site walls.
2. The project was previously approved under similar conditions. The approved layout proposed 3 lots internal to the subdivision that exceeded 11,000 square feet based on the final plat drawings which were in process for the project. The revised layout proposes an additional 7 internal lots that exceed 11,000 square feet. The overall change requested is small when considering the overall project.
3. The applicant is required to conform to several standards per the LCMC and City of La Center Engineering Standards for Construction. In order to meet all engineering standards for safety, some lot sizes need to exceed the 11,000 SF allowance.

Therefore, this variance is necessary as a result of the applicant's efforts to implement the project considering existing conditions and the standards laid out in the City of La Center Municipal Code and City of La Center Engineering Standards for Construction.

(3) The variance request is necessary for the preservation of a substantial property right of the applicant which is possessed by the owners of other properties in the vicinity or zone;

The applicant is proposing reconfigure the layout to create the same number of lots as the approved plan within the same net acreage. In 2018, 85 lots were approved within the subdivision. The variance request is necessary to maintain the approved lot count with the reconfigured layout. The approved lot number exceeded the minimum lot density of the underlying zoning district. The applicant does not wish to provide additional lots that would increase the impact of the subdivision on the surrounding area.

(4) The variance request is the least necessary to relieve the unusual circumstances or conditions identified in subsection (1) of this section;

The number of lots exceeding 11,000 square feet has been reduced to the extent possible. Generally, the project has attempted to size lots based on buildable width. The lots which exceed 11,000 square feet have the same buildable width as adjacent, conforming lots. The lots exceeding the maximum value are due to areas of the site which cannot be utilized due to access or topography.

(5) Any impacts resulting from the variance are mitigated to the extent practical; and

This variance will not result in any adverse impacts. It will simply allow the subdivision design to conform to the existing environmental conditions of this area.

Creating larger lots with areas of grading will maintain a more consistent subdivision appearance and allow a higher variety of housing product be provided within these lots, as is a goal within the comprehensive plan. The lots proposed to exceed 11,000 square feet are no wider than other lots in the subdivision. The applicant is willing to place a plat note prohibiting home building on the sloped areas and re-division of the lots created within the subdivision which exceed 15,000 square feet.

(6) The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the property is situated.

1. Granting the variance will not affect the livability of the residential area, it will not have any negative impacts, and it will not allow anything different than that which is permitted and encountered on similarly sized lots throughout the City.
2. Furthermore, the variance is necessary as a result of the developer's efforts to preserve a significant amount of open space and natural resources by incorporating graded slopes into the development area rather than within open space buffers.
3. Granting the variance will significantly enhance the livability and appearance of the proposed residential area. The proposed increase in lot coverage area will allow builders increased flexibility in design and specifically will increase the feasibility of home construction on these lots. Granting the variance allows the project to eliminate walls and steep turnarounds at the termini of W Dove Ave and W Bluebird Ave which will no longer inhibit future development to the north of the site.

4. Safety will be improved by the granting of this variance. The applicant has chosen to reconfigure lots so that access will be taken from flatter residential streets rather than streets with 15% grades. This will allow emergency responders and service providers to alleviate stopping and starting on steep streets. Additionally, by providing alternative access to residential streets for lots close to the W 19th Ave and Aspen Ave intersection will reduce turning conflicts when further properties in this area develop or when the W 19th Ave is extended to the west.

Variances may not be used to change the required residential density or to allow uses that would not otherwise be permitted in a zone.

The proposed project only intends to develop single-family homes which are a permitted use in the underlying zone and meet the density requirements of LCMC 18.130.080.

Summary

Without the approval of this request, the livability, character, and functional ability of the Stephen's Hillside Farms Subdivision development will be decreased due to unusual conditions that exist on the site. As described above, the granting of this variance is not a result of actions taken by the applicant and is the minimum necessary for the preservation of property rights. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the property is situated. In fact, it will be beneficial to the area. The variance application meets the City of La Center's approval criteria of 18.260.040. Therefore, the variance application warrants approval.