

STEPHEN'S HILLSIDE FARM

POST DECISION REVIEW NARRATIVE

Prepared for:

New Tradition Homes LLC
11815 NE 113th Street Ste 110
Vancouver WA, 98662

Contact:

Thomas Ellis
Hayward Uskoski & Associates, Inc
1101 Broadway St. #130
Vancouver, WA
thomas@huaconsulting.com
(360) 635-5478

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HAYWARD USKOSKI
& ASSOCIATES

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NARRATIVE

1. Introduction

Hayward Uskoski and Associates, Inc. (HUA) is hereby submitting the following memorandum on behalf of New Tradition Homes (applicant) addressing alterations to Stephen's Hillside Farm. The applicant wishes to amend the layout to better reflect the topography of the site and improve emergency access conditions of the subdivision. The applicant is additionally requesting amendments to a number of conditions of approval to address ambiguity, additional information received since the 2018 approval and reflect alterations to the subdivision design.

The proposed changes would not substantially change the nature of the development approved at preliminary plat, does not increase the potential adverse impact of the development authorized by the decision of SEPA determination and does not require additional SEPA review and does not involve an issue of broad public interest based on the record of the decision. As discussed in this narrative, the proposed revisions would not make the project uncompliant with the conditions of approval, is compliant with the requirements of the La Center Municipal Code (LCMC) and all other applicable local or state standards.

2. Background

Stephen's Hillside Farm is an approved subdivision in La Center, WA. The project is located on approximately 42.3 acres in the northern portion of the City of La Center within the Urban Growth Area. The project achieved land use approval through a Type III quasi-judicial review as of September 18, 2018 following a public hearing. The planner for the project through the preliminary land use approval was Ed Greer. Engineering approval was gained in April 2019 by the Wolfe Group, LLC, based on the approved layout.

The applicant undertook a pre-application conference with the City of La Center in November 2021 to discuss the proposed amendments to the layout and conditions.

3. Proposal

Layout alterations: The applicant is requesting to amend the layout so that the project better responds to the existing topography of the site and non-compliant elements of the design are removed from the project. Alongside the 2018 land use approval, the original design team applied for a road modification to allow streets steeper than 15% within the development, which was denied by the City. Ultimately, without amending the approved preliminary plat plan, the engineering design was approved by the City however it was unable to reconcile the existing topography and resulted in approximately 7-foot tall (Bluebird Ave) retaining walls being required at street end, extending along the northern property line to the east creating a wall in excess of ten feet at the site boundary. Temporary turnarounds were designed on slopes exceeding 14.5 percent on Dove Ave and Bluebird Ave which are not grades that emergency vehicles can successfully navigate.

Lot grades found in the original plan were also reflective of the steep road grades with some lot

driveways exceeding 20%. The homebuilder is limited to a much smaller range of home plans in this situation which creates uniformity and would worsen the aesthetic of the future community in addition to creating access issues for emergency vehicles.

The applicant's proposed amendments are intended to alleviate these issues found within the initial plan. The revised plan features roadways which traverse the slopes on site. Through the provision of W 20th Drive, road stubs on the perimeter are not long required to provide a temporary turnaround due to length. Turnarounds over 12% which are a life safety concern are eliminated from the revised plan. Providing additional cross circulation will also improve life safety through the provision of additional access routes for emergency vehicles to future residences. The plan proposes to reduce the provision of road stubs down to those necessary for current and future access requirements due to the existing topography. With the Bluebird Ave connection removed and grades altered on Dove Ave and Falcon Ave, the project is hoping to reduce the retaining wall requirement on the north property line which created a hinderance and restriction to future development on neighboring properties to the north of the site. The impact of large retaining walls was not considered at the time of the initial preliminary land use approval.

The revised plan will not add additional lots, traffic, stormwater nor increase or change impacts to critical areas. Some lots will contain graded slopes or site walls as elevation drops across the site, however the revised plan intends to create a buildable area on each lot will allow for a better variety of home styles.

Removal of Condition A.10: The applicant is requesting removal of Condition A.10 as it relates to the Oregon white oak trees which were believed to exist on site at the time of preliminary land use approval. A technical memo, written by Mr. J Barnes in 2019, consultant for Cascadia Ecological Services, clarified that there were no Oregon white oak trees on site and there may have been a misinterpretation at the time of determination. As such, no condition relating to Oregon white oaks should be included within the decision.

Amendment of Condition A.12(b)(iv): If the City is not to own the Park shown in Tract A, then the applicant would request that the condition be amended as it would be no longer applicable. Amendments to this condition should reflect the status of the park, trail and amenities being owned by the Homeowners Association (HOA).

Amendment of Condition A.15: The applicant requests that the condition be amended to update the street name to W 19th Street in lieu of Street "A" to follow the current naming convention. Right-of-way will continue to be dedicated to access the "outparcel" following the condition.

Removal of Condition B.5c: The La Center Road/Timmen Road intersection improvements are complete and thus, there would be no proportionate share to be paid by the development. The applicant is requesting that this condition be removed.

Amendment of Condition B.12: The applicant is requesting that this condition be amended as the findings of the staff report did not inform or form basis for the condition. The condition requests further analysis be completed by the applicant on the City's existing wastewater facilities and then to modify those facilities if they are deficient. The City staff report of 09/11/2018, page 26, explained "The City Engineer has reviewed the Sewer Basin Capacity Analysis by the applicant's Engineer and

found it to be adequate to support connection to the existing 8-inch sewer main in Aspen Avenue”. No additional improvements were found to be necessary in the downstream conditions. The condition does not reflect the findings and should be removed or amended to specifically discuss inspection of the existing 8-inch sewer main in Aspen Ave as discussed in the findings. As the revised site plan does not change the lot yield, the statement regarding capacity is still accurate.

Amendment of Condition B.13: The applicant requests that the condition be amended to clarify the requirements for utility stubs at the perimeter of the property. The applicant requests that the condition specify that utilities be provided within the stub streets which extend to the north property line of the site, and that utility improvements may be ended at the road terminus at the west end of W 19th Street. As the right-of-way to the “outparcel” will remain undeveloped per condition A.14, the condition should specify that extension of utilities to the “outparcel” is not required of this development.

Amendment of Condition B.14: The applicant requests that the condition be clarified to explain that the cost of future hook-up will be the responsibility of the neighboring property owner. The current condition is ambiguous and could be interpreted that the responsibility lies with the owner of the subject property.

Amendment of Condition B.15: The applicant requests that the first two sentences of this condition be struck, as this is repeated information from condition B.13 and B.14.

Removal of Condition D.1: The applicant requests that the condition be struck as there are no Oregon white oaks found on site, as discussed in the request for removal of condition A.10.

Amendment of Condition E.6: The applicant requests that the condition be amended to add that if the number of one- or two-family dwellings exceeds thirty units served from a single access road, all dwellings shall be equipped with an approved automatic sprinkler system in accordance with the applicable requirements and access from two directions shall not be required, per IFC Section D107.

4. LCMC 18.30.150 Post Decision Review

1. *Generally, Post-decision review may change decisions and conditions of approval without necessarily subjecting the change to the same procedures as the original decision. Such changes may be warranted by ambiguities or conflicts in a decision and by new or more detailed information, permits or laws. Post-decision review cannot substantially change the nature of the development approved pursuant to a given decision and can only be conducted regarding a decision that approves or conditionally approves an application. An application that is denied is not eligible for post-decision review.*

The applicant is applying for a Post Decision Review to modify the site plan based on additional information and to modify conflicts and ambiguities found in the conditions of approval of the original decision.

Regarding the change in layout, the applicant is applying for a post-decision review due to more detailed information being available relating to the relationship of the existing grades and the engineering standards and fire code in effect for new developments in La Center. Fire and life safety standards require turnarounds on less than 12% grade. The original plan provided

turnarounds on 15% grade and terminated roads at seven to ten feet below existing grade, which would inhibit future development to the north of the site. The proposed layout is aiming to provide conditions for a safe, efficient and compliant transportation design which permits reasonable extension of roads and utilities to neighboring properties in the future.

For the subdivision design to be compliant with life safety standards it is necessary to modify the layout to ensure that streets can be designed in compliance with the applicable fire code and engineering standards. The changes aim to provide road grades allow for emergency vehicle circulation, eliminate steep temporary turnarounds and provide additional circulation for emergency response. The changes proposed to the layout do not substantially change the nature of the approved development as described in this narrative.

Regarding the modifications to specific conditions, the majority of modifications to conditions are due to ambiguities in the original decision or due to additional information. None of the requested condition modifications substantially change the nature of the proposed development.

2. *Eligibility and Contents. An applicant or successor in interest may, at any time, file an application for post-decision review of a Type I, II or III decision, describing the nature of and the basis for the proposed change to the decision, including the applicable facts and law, together with the fee prescribed for that application by the city council.*

The applicant is filing an application for Type II Post Decision Review to the approved Stephens Hillside Farm Subdivision. The following narrative and attached plans describe the nature and basis for the proposed changes and respond to the applicable facts and law.

3. *Relationship to an Appeal. An application for post-decision review does not extend the deadline for filing an appeal of the decision being reviewed and does not stay appeal proceedings.*

This is not applicable to this application. The appeal period for the subdivision approval expired in 2018.

4. *Preliminary Processes.*

- a. *An application for post-decision review is not subject to pre-application review.*

The applicant undertook a pre-application with the City of La Center to formally discuss the project with all concern parties. The pre-application notes are included in this application packet for reference.

- b. *An application for post-decision review is subject to technical completeness review, LCMC 18.30.050; provided, the review authority shall not require an application for post-decision review to contain information that is not relevant and necessary to address the requested change or the facts and law on which it is based. As part of the technical completeness review, the director shall:*
 - i. *Determine whether the proposed change can be reviewed as a post-decision review or should be subject to a new application on the merits of the request;*
 - ii. *Classify an application for post-decision review as a Type I, II or III process based on the circumstances of the original decision and the guidelines in subsection (5) of this section.*

The applicant is submitting all required information relating to a Post Decision Review of the nature described in this narrative and shown in the attached plans. The applicant is applying for a Type II post decision review as the proposed changes meet the requirements given in subsection (5) for projects not increasing the impact proposed by the original development.

- c. *Notify the applicant in writing of the determination and classification.*
 - i. *The classification of the application is subject to appeal as part of the decision on the merits of the post-decision review.*
 - ii. *A decision denying post-decision review and requiring a new application may be appealed to the hearings examiner.*

The applicant anticipates that the City will provide a notification regarding the Post Decision Review following its codified timelines.

5. *Post-Decision Review Guidelines.*

The applicant is applying for a Type II Post Decision Review. All planning conditions from the original decision are valid and remain unaffected or unchanged by the layout alterations other than those conditions identified in the Proposal section of this narrative. The reconfigured site plan qualifies for a Type II post decision review as the land use constraints remain unchanged, the impact of the development has not increased as authorized by the decision of SEPA determination and does not involve issues of broad public interest based on the record of decision. Additionally, the new layout better serves the City's long-term planning goals while accommodating emergency services and future expansion of the Urban Growth Boundary.

All land use conditions of approval remain valid and applicable to the layout reconfiguration with no additional conditions warranted. The proposed changes are consistent with the applicable law or variations permitted by law to which the development is subject. No further SEPA review is necessary based on the layout changes. This is outlined in the following narrative and shown in the revised plans submitted for City review and approval.

There are several other conditions which are requested to be revised by the applicant. Revised conditions are needed to address minor changes in the facts associated with the original approval, to address ambiguities within the original decision and new information available to the applicant at this time.

The requested changes or removals of the conditions do not involve an issue of broad public interest based on the record of the decision and will not result in a potential adverse impact of the development. The conditions requested to be revised were not discussed at length in SEPA determination or by neighbors or staff in the land use hearing.

The application was approved on September 18, 2018. Per 18.30.140, approval of a preliminary plat shall expire five years from the date of approval (September 18, 2023). Hence, this application for post-decision review is undertaken within the allowed timeframe for a review of this type.

5. LA CENTER MUNICIPAL CODE (LCMC)

The following section of the narrative addresses how the proposed changes to the development plan meet the La Center Municipal Code and by extension, the La Center Engineering Standards as well as other relevant codes and standards. The revised layout conforms with all conditions of approval and discussion set forth within the Hearing Examiners Final Order, except for those that the applicant is requesting to be removed or revised. Of the discussion recorded in the Hearing Examiner Final Order, the proposed change to the layout does not change any of the facts set forth.

5.1 LCMC 12.10 PUBLIC AND PRIVATE ROAD STANDARDS

The revised layout has been designed to meet the applicable roadway and right-of-way standards based on the applicable engineering standards and specifically, the City of La Center Engineering Standards for Construction. Roads standards have not been modified from the original approval.

Street classification will remain the same as the approved plan with a mix of collectors and local access roads. The approved layout included several cul-de-sac street and one stub street that was less than 150 feet in length. One cul-de-sac was retained (W Avocet Ct) but shifted slightly west on the south side on 19th Street, while the other cul-de-sacs and stub street were eliminated. The shift of W Avocet Ct to the west increases available queuing length for the intersection for W 19th Street and Aspen Ave.

The proposed reconfiguration adds internal cross circulation within the development that was lacking previously. The reconfigured layout added a secondary street (W 20th St) running east and west, creating internal cross-circulation. W 20th St will terminate in a cul-de-sac on the east end and at the intersection with W Falcon Ave on the west. No lots are connecting directly to Aspen Ave in either layout.

Interior streets including W Falcon Ave, W Dove Ave, W Bluebird Ave, W Avocet and W 20th Drive are designed to the Local Access standard conforming to the requirements of Standard Drawing ST-15. A Local Access road provides a minimum 50-foot right-of-way width, 32 feet of roadway width and 6-foot wide sidewalks on both sides.

The collector streets, W 19th Street and Aspen Avenue will remain as Rural Major Collector streets conforming to the requirements set forth in Table 2.1 of the engineering standards. A Rural Major Collector road provides a minimum 60-foot right-of-way width, 40 feet of roadway width and 6-foot wide sidewalks on both sides.

There are no private streets proposed within the revised development design.

Previous intersection spacing along W 19th Street ranged from approximately 212 feet between Aspen Ave and Avocet Court and up to 342 feet for other intersections. The previous design was approved prior to a change in the standards. With the reconfiguration, intersection spacing increases to 245 feet between Aspen and Avocet Court and up to 620 feet for the other intersections. This increased intersection spacing provides additional queuing for the intersection of W 19th St and Aspen as well as reduces turning conflicts with intersections in the future when W 19th St is connected to the west.

An intersection spacing modification was requested for the 275-foot intersection spacing for W 19th and W Avocet Court. This request was deemed unnecessary as the application was deemed technically complete prior to the update the capital facilities plan. Under a PDR, this would still remain the same; however, the revised layout does increase the spacing between W Avocet Ct and Aspen from approx. 212 feet to 249 feet when measured centerline to centerline. A road modification is requested for intersection spacing exceeding 500 feet along W 19th Street, which is addressed in Section 5.1.2.

The city denied the original request to increase the street grades in excess of 15%. The reconfiguration does not contemplate roads in excess of 15% therefore this remains unchanged from the original approval. The revised layout will be designed so that roads meet the engineering standard grade limit of 15%.

The applicant is proposing to use two permanent cul-de-sac turnarounds, at the terminus of W Avocet and W 20th Drive. The proposed turnarounds meet the requirements of engineering standards 2.12 as designed and are not more than 500 feet in length, as measured along the centerline of the roadway. Specific engineering details for the permanent turnarounds will be finalized at the time of final engineering.

A temporary turnaround is proposed at the terminus of W 19th Street, which will be extended across the ravine in the future. The temporary turnaround has not been changed from the approved plan in location or design. The temporary turnaround will be designed to meet the Fire Departments approval for fire service and to Standard Detail drawing ST-27 or ST-28 and ST-30 if the cul-de-sac is to be offset.

The City supported the temporary turnarounds at the northern termini of the proposed street extensions in the original decision. The applicant is proposing to remove the temporary cul-de-sacs from the ends of W Falcon and W Dove Ave, which were proposed in the approved plan. The stub roads do not exceed 150 feet and do not serve more than one home therefore do not require a turnaround per the IFC. The elimination of the temporary turnarounds is better aligned with CCFR standards which prohibit turnaround in excess of 12% grade. The reconfiguration also significantly reduces the street grade across the lot frontages creating a safer environment for emergency responses with vehicles and staging in front of a home.

The applicant is not proposing to modify the driveway standards used by residences in the approved plan. Residential driveways will conform with the engineering standards. Frontage improvements to Aspen Ave will be undertaken by the developer with no changes from the approved plans.

5.1.1 LCMC 12.10.090 PUBLIC ROADS – GENERAL ROADWAY AND RIGHT OF WAY STANDARDS

The approval provides conditions for a future extension to the west that will connect W 19th St with NW Bolen Street on the far side of the ravine. The proposed reconfiguration does not propose to alter this arrangement. Right-of-way or a dedicated easement for a future connection extending to the west property line will continue to be dedicated to the City through the open space tract by plat note or other approved method per the requirements of the Transportation Capital Facilities Plan.

The approved layout proposed three street extensions to the north. The eastern-most extension terminated below grade at a 10-foot retaining wall. Due to the grades of the adjacent property, this road extension (W Bluebird Ave) will preclude extension in the future, as a result, this connection point was eliminated. The remaining two connection points (W Falcon Ave and W Dove Ave) were retained. Cross circulation meets the requirements by providing streets to properties served by existing easements and where required by the transportation plan due to critical areas. Property where access was eliminated is takes access from NE 249th Street to the North East of the site, hence the modification does not cause a property to become landlocked.

The removal of the W Bluebird Ave extension should not involve a broad public interest. The record does not show discussion or concern from neighbors regarding the stub streets proposed to the north property line of the development site. Furthermore, Bluebird Ave was terminating at a 7-foot wall, precluding any reasonable extension of the roadway to the north. The property intended to be served by the original proposal currently takes access from NE 249th Street and does not have an easement or access rights across the subject property. Future development will not be precluded by the elimination of this stub street.

5.1.2 LCMC 12.10.310 MODIFICATIONS

A road modification for street spacing on W 19th Street, between W Falcon Ave and W Dove Ave has been submitted as part of the application packet, as requested by the City engineer.

Clark County code requires a minimum full access intersection spacing of 500 feet on Rural Major Collectors, La Center code does not differentiate street classification with intersection spacing standards and relies on a maximum spacing of 500 feet. The applicant is requesting that an increased intersection spacing as proposed be permitted as it better suits the classification of W 19th St as a major collector.

5.1.3 LCMC 13.10 SEWER SYSTEM RULES AND REGULATIONS

The existing septic systems will be decommissioned, and the remaining house will be connected to public services in accordance with the public health standards. No changes will be made from the previously proposed and approved plans regarding the existing septic systems on site.

The project is proposing to provide sewer mains and laterals so that each lot can connect to the public sewer system upon home construction. The existing sewer system that the project is proposing to connect to is within Aspen Avenue to the east of the site. Sewer will flow from new residences via laterals to a newly constructed sewer main within the right's-of-way before leaving the site. The sewer lines will be sized according to the requirements of the engineering standards at the time of final engineering. While the internal layout of sewer pipes has changed since the approved plan, the quantity and flow direction of sewerage has not changed.

A condition containing ambiguity associated with utility improvements is requested to be revised, specifically the requirement to inspect and repair off-site sewer mains based on the original land use findings and where underground utilities are required to be constructed based on the extent of required site improvements. The condition requests further analysis be completed by the applicant on the City's existing wastewater facilities and then to modify those facilities if they are deficient. The City staff

report explained “The City Engineer has reviewed the Sewer Basin Capacity Analysis by the applicant’s Engineer and found it to be adequate to support connection to the existing 8-inch sewer main in Aspen Avenue”. No additional improvements were found to be necessary in the downstream conditions. The condition does not reflect the findings and should be removed or amended to specifically discuss inspection of the existing 8-inch sewer main in Aspen Ave as discussed in the findings

An engineering report has been produced addressing the flow from the development and future off-site influent as requested in the submittal requirements. All utilities will be located underground within the site with the reconfigured site.

There are no proposed changes to how sewer will be constructed. Sewer line construction will be undertaken according to the City standards. Backwater valves will be installed where lots are lower than the street and located at the property line. All lots will be installed with a clean-out at the property line. Locations of sewer laterals will be provided for approval within the final engineering drawings.

If sewer mains are proposed outside of the public right-of-way a minimum 15-foot wide sewer easement will be provided to the City for future maintenance.

5.1.4 WATER SERVICE AND STREET LIGHTING

Clark Public Utilities (CPU) will continue to provide domestic water and the City of La Center will continue to provide sanitary sewer service to each proposed lot with the reconfigured site. A water request for utility review is submitted with the post-decision review application showing that water service is available at the site for the project. CPU approved engineering plans for the original design layout so are fully aware of the proposed development of this site.

All streetlights will be located to provide lighting levels consisted with current code requirements for the reconfigured site plan including use of “dark-sky” compliant fixtures.

5.1.5 LCMC 18.320 STORMWATER AND EROSION CONTROL

In the approved plan, stormwater is proposed to be collected and directed to one of four proposed stormwater facilities within proposed Tract B for treatment and detention, with metered release to the stream in the western portion of the site at less than predevelopment rates. This remains unchanged with the reconfigured layout. A stormwater memo describing the pervious and impervious areas of the reconfigured layout against the original design with discussion on stormwater treatment and detention is provided in the application packet.

The requested amendments will not alter the project’s ability to meet the erosion control ordinance. Best Management Practices will be used around the site in accordance with the standards in place. Final erosion control plans will be provided at the time of engineering approval.

The project continues to disturb more than 5,000 square feet. New impervious surfaces will be created by the project in the form of streets, sidewalks, and roof areas. Impervious surfaces will be treated within bioswales located in the outer 25% of the stream buffer. Stormwater treatment and runoff will meet the requirements of the 1992 Puget Sound Manual and the City ordinance which requires

compliance with the Water Pollution Control Act and Water Resources Act. The applicant is not proposing to generally alter the size or methods of detention or release proposed within the approved engineering plans. Conveyance pipes and collection systems will be altered with grade changes on the site. The treatment of the stormwater will be modified during engineering review to account for the relocation of the easement connections between W 19th Street and the stormwater access road. Designs for these can be provided at the time of final engineering for the reconfigured project.

Infiltration is not proposed due to the low permeability of soil types found on site.

Final grading plans will also be submitted at the time of final engineering application. The general grading scheme will be amended from the original approved layout. Cut and fill will be balanced on site, if possible. Preliminary grading plan have been submitted with the application packet. The grading scheme will be in conformance with the project geotechnical study, undertaken by Columbia West Engineering. Grading on site will be performed with the correct permits and erosion control measures in place.

5.1.6 LCMC 15 BUILDING AND CONSTRUCTION

The project is proposing a residential subdivision however buildings are not proposed as part of this application. Details of building designs will be provided at the time of building permit approval by the homebuilder. Should retaining walls be required on the site, designs will be submitted as part of the final engineering packet. Appropriate plat notes related to building approvals can be applied to the final plat.

Hydrants will be located at the time of final engineering design and reviewed/approved by the fire district. Fire flow analysis has been provided by the applicant as part of this application packet submittal. CPU have determined that adequate fire flow exists on site for the proposal.

School impact fees will be paid at the time of building permit approval.

5.1.7 LCMC 18.130 LOW-DENSITY RESIDENTIAL DISTRICT (LDR-7.5)

The applicant has reconfigured the layout to work with the hillside slope, reduce road grades and provide internal cross circulation. The revised plan maintains the same density as the approved preliminary plat with a minimum lot size of 7,500 square feet and a density of over four units per net acre. Maximum lot area in this zoning district is 11,000 square feet unless the lots are adjacent to the Urban Growth Area Boundary (UGAB) per LCMC 18.130.080. For this project, the UGAB is adjacent to the north property line of the site, so lots adjacent to the north boundary can exceed 11,000 square feet without a variance. A variance has been provided for lots that exceed 11,000 square feet within the interior of the development. The applicant is willing to apply a plat note preventing lots exceeding 15,000 square feet from being subdivided in future, or other method to be agreed with the City prior to final plat recording.

The table below compares proposed lot areas, dimensions, density figures and other relevant facts to the requirements of the LCMC:

Dimension	LDR-7.5	Proposed
Average lot area	N/A	9,712 sf
Minimum lot area	7,500 sf	7,542 sf
Maximum lot area not adjacent to UGA boundary	11,000 sf	21,445 sf*
Maximum lot area adjacent to UGA boundary	No maximum	24,016 sf
Minimum density based on net acres	4 d.u./ac	4.5 d.u./ac
Minimum Lot Width	60 ft	60 ft
Minimum lot frontage	30'	30'
Front Setback	20' Garage	At building permit
Side Setback	5' Lot 10' Street	At building permit
Rear Setback	20'	At building permit
Maximum Lot Coverage	35%	At building permit
Maximum Impervious Surface area	50%	At building permit
Maximum Height	35 ft	At building permit

*Applicant has submitted variance for lot area standards. See section 5.1.11.

Street trees will be provided at 30 feet on center along the street frontage within planter strips. The project meets the applicable criteria of LCMC 18.147.020 thus is proposing to provide a park and open space per the requirements of LCMC 18.47. The applicant is not proposing to alter the area proposed to be provided as park space and open space from the approved plan.

5.1.8 LCMC 18.147 PARKS AND OPEN SPACE

As the development contains 40 or more dwelling units and within the LDR-7.5 district, the project is proposing to incorporate a park as part of the development proposal. The park size required for the

development of 85 homes is 0.28 acres. The park proposed with the subdivision is 1.06 acres, meeting the size requirement. The original application received an approved variance allowing the park to be located alongside the collector street. The applicant is not proposing any changes to the park size or location from the approved project, so the original variance application would not be amended for the post decision review application.

The park area was designed to be dedicated to the city; however, as the city no longer desires ownership of the park, the applicant has provided an updated design for the park amenities to meet the private park standard. The revisions include changes to items such as types of play structures, irrigation, and surfacing around the play structures. The requirements of 18.147.030 continue to be met by the revised plans. No changes will be made to the location or the connection to the Heritage Trail.

The applicant has submitted an updated landscape and parks plan, completed by the Clark Land Design, the projects consulting landscape architect to reflect changes in the layout and in the future park ownership.

5.1.9 LCMC 18.190 URBAN HOLDING DISTRICT

Parcel 258901000 which is in the southeast corner of the site is currently within urban holding (UH-10) within the City. The applicant is aware that the overlay will be removed with the approval of the final plat for the project. The applicant will not be applying for a separate Type II application to remove urban holding on this property but will instead await the approval of the final plat.

5.1.10 LCMC 18.210 SUBDIVISIONS

The applicant has submitted all required items for the technically complete and full review of a Post-Decision Review application.

Addressing LCMC 18.210.040 Approval Criteria for a preliminary plat, the applicant project remains in compliance with the requirements of the applicable sections of the LCMC, as shown by this narrative, plans and other documents submitted with this application. The facts allowing the subdivision to be approved under the original proposal have not been changed and there is no additional impact as a result of the proposal. The reconfigured plan makes appropriate provision for parks, trails, potable water and sanitary waste and complies with RCW 58.17 and specifically 58.17.110.

The application can comply with all relevant conditions of approval that were applied to the original approval, other than those requested to be amended due to new information, ambiguity or are no longer applicable due to the reconfiguration.

The design has reduced the number of flag lots from six proposed within the approved plan to three in the reconfigured plan. Flag poles are at least 20 feet wide in all circumstances, are not longer than 150 feet and will be marked as fire lanes. The flagpole has not been considered part of the lot size in lot area calculations.

The timeframe for the post-decision review application conforms with the timeframe requirements as the original subdivision application was approved in 2018 making the post-decision review application within five years of the original approval.

5.1.11 LCMC 18.260 VARIANCES

The original application included two variance requests for the park location and calculating minimum density. Both variance requests remain unchanged for the proposed reconfiguration.

An additional variance request is made for the project to exceed the maximum lot size of 11,000 square foot lots not directly adjacent to the urban growth area boundary.

5.1.12 LCMC 18.275 SIGN REQUIREMENTS

No monument signs are current proposed but if the applicant wishes to use a monument sign within the development the design will comply with the requirements of this Title.

5.1.13 LCMC 18.280 OFF STREET PARKING AND LOADING REQUIREMENTS

No changes are proposed to the number of off-street parking stalls each dwelling unit will provide. The project intends to provide a minimum of two off street parking stalls per dwelling unit in conformance with Table 18.280.010. Garage setbacks of 18 feet and parking requirements can be added to the final plat.

No loading areas are proposed or required within the development.

5.1.14 LCMC 18.300 CRITICAL AREAS

The critical areas, associated buffers, and mitigation of impacts will remain unchanged for the proposed reconfiguration of the site. All reconfiguration work is limited to the lot areas and creates no further infringement on the critical areas. A letter has been submitted within the application packet from the consulting ecologist for the project, Cascadia Ecological Services. Should any impacts to the critical areas at the terminus of W 19th Street to accommodate fire turnaround be required, the impacts will be mitigated, and the mitigation plan will be updated accordingly.

Conditions associated with new information include those referencing Oregon white oaks which were considered incorrectly under the original decision. Trees on site have been delineated as alternative species by the ecological consultant. A letter supporting this delineation has been submitted within the application packet.

5.1.15 LCMC 18.310 ENVIRONMENTAL POLICY

The requested amendments to the plan do not increase the potential adverse impact of the development authorized by the decision or SEPA determination. The existing SEPA determination remains applicable to the development.

The City of La Center issued a MDNS for the subdivision. The following disputed issues or concerns were brought forth by the public:

- a. *Whether the development will impact the stream and associated wildlife habitat in the western portion of the site;*
- b. *Whether traffic from the development will exceed the capacity of the area streets or create a hazard; and*
- c. *Whether the development will provide access for future development of the “outparcel,” tax lot 258906-000, near the northwest corner of the site.*

These concerns are all unrelated to the reconfiguration of the lots and internal streets shown in the proposed plans. The discharge location of the stormwater facility remains unchanged, therefore no additional impacts or changes to impacts related to the stream and associated wildlife habitat are expected with the reconfiguration. The number of lots remains unchanged as are the connection points. No changes to the traffic conditions will occur with the reconfigured layout. The access to the outparcel remains unchanged. Based on the findings provided and incorporated within the record, the examiner approved the subdivision subject to the conditions of approval. The PDR application does not involve an issue of broad public interest based on the record of the SEPA responses and does not increase the potential adverse impact of the development authorized by the decision of SEPA determination.

While the SEPA is still applicable to the project, the applicant wishes to address some minor variations relating to the proposed plan amendments and original SEPA checklist. Firstly, the anticipated timing for the construction has passed (item A6), however the project is still in the code-allowed timeframe under the original approval. The original checklist anticipated impervious surfaces of approximately 20% upon the finished project (item B1g). There is a discrepancy between this figure and the impervious surface calculated in the original Stormwater TIR which was proposing approximately 32%. The proposed revisions will not significantly increase impervious area or exceed the code allowed maximum value of 50% impervious surface and is not proposing increasing building lot coverage above 35%. Finally, the original approval anticipated providing a City Park, with future City ownership. The City have expressed that they no longer wish to own the park, however the park will remain as a neighborhood park and will continue to be made available to surrounding residences. The existing determination of MDNS is still valid and no further SEPA review is required.

5.1.16 LCMC 18.350 TREE PROTECTION

The project team will inventory all trees on site and provide a plan showing protection and mitigation of trees removed for review and approval with the City at the time of final engineering approval. Trees will be flagged in the field for removal and replanted on site. Tree protection plan details will be included in the grading plan or final landscape plan with final engineering. Removal of trees on site will not impact erosion or soil stability and in order to construct approved development.

6. CONCLUSION

The post decision review is submitted to reconfigure the layout to respond to the slopes on site to better meet the applicable design standards since the plan approved with the 2018 land use decision and to remove ambiguities and inconsistencies of the original decision in part caused by new

information available. The application conforms to the requirements of the Type II Post Decision Review as no additional impact is caused by the proposal and the proposal is not a matter of broad public interest. The reconfigured layout meets all the applicable criteria of the LCMC and can conform to the conditions of approval of the original subdivision with the exception of the conditions requested for amendment.

As the requested change remains compliant with the conditions of approval and meets the applicable requirements of the LCMC and by extension the La Center Engineering Standards and therefore, the requested revision warrants approval.