



**Asa's View Subdivision
Preliminary Plat, Variance, Critical Areas Permit
Type III
Technical Completeness Review**
La Center City Hall
210 E 4th St

Site Address: 2313 NE Lockwood Creek Road

Parcel: 209064000 and 209121000

Legal Description: #102 and #39 of Section 2, T4N R1E WM

Project Description:

The applicant is proposing a 68-lot subdivision on the approximate 18.57-acre site. Lot sizes would range from 7,500 square feet to 10,201 square feet. The property is located on the south edge of NE Lockwood Creek Road at the eastern La Center City limits. The site is zoned LDR-7.5 and the comprehensive plan designation for the site is Urban Residential (UR). Access to the property would be from a public street entrance from NE Lockwood Creek Road

Date: August 4, 2022

Applicant's Representative:

Contact: Shawn Ellis
NW Consillo LLC
2410 NE 22nd Avenue
Portland, OR 97212
Sellispx@gmail.com

The City's planning consultant (WSP USA Inc.) and engineering staff reviewed application materials for the proposed Type III Preliminary Plat Review. We are writing to notify you that the application is deemed **Incomplete** as documented below.

Planning Comments

The pre-application conference notes (2021-016-PAC) contain a list of required submittal items based on LCMC 18.30.050, 18.30.150, and 18.210.

- *The information listed in LCMC 18.210.010(2), provided an environmental checklist is required for a technically complete application unless categorically exempt.*
 - Status: **Complete**. The applicant provided a SEPA Environmental checklist.
- *An application form with original signatures by the applicant and property owners. If there is more than one property owner, separate application forms and signatures are required.*
 - Status: **Complete**. The applicant provided an application form signed by the property owner.

- *Proof of ownership document, such as copies of deeds and/or a policy of satisfactory commitment for title insurance.*
 - Status: **Complete.** The applicant provided a copy of the statutory warranty deed for the property confirming ownership by Gravitare Capital, LLC.
- *A legal description of the site.*
 - Status: **Complete.** The legal description is contained on the application form and an extended legal description is contained on the deed.
- *Site Plan. At a scale of no more than one inch equals 200 feet with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned.*
 - Status: **Incomplete.** The applicant provided preliminary plat plans including a site plan (with north arrow, date, graphic scale, lots, tracts, and rights-of-way) and an existing conditions plan. The plan is 1" = 80' and can be reduced to fit on an 8.5" x 11" sheet.
 - The preliminary park design needs to include the items in LCMC 18.147.030(b) including:
 - Having at least 75% of the their area improved with usable active play areas and open space. The park plan shown on the preliminary landscape plan does not show improvements outside of the playgrounds, benches, and open space. The applicant should provide additional details on improvements to the remaining area even if this is just landscaping for active open space use.
 - Amenities including paved pedestrian circulation path, trash receptacles, and bike racks.
 - Vegetation for undeveloped portions of the park
 - Fencing or vegetative buffer abutting residential lots.
 - The plans do not show trees on the north part of the site for protection/removal per 18.350. The applicant needs to provide a tree protection plan meeting the requirements of 18.350.060 including documenting all trees on the site and within 15 feet of the site and protection measures for proposed trees to be preserved. Please note that the City can require changes to the design of the site to preserve trees based on the criteria in 18.350.080.
 - The applicant has modified grading since the first submittal to eliminate grading within the oak tree drip line. However, there are still presumed improvements for Lot 21 within the oak tree dripline. Please see further comments below regarding a required critical areas report and, if improvements are proposed in this area including future buildings and yards, a mitigation plan for these impacts.
- *A copy of the pre-application conference summary*
 - Status: **Complete.**
- *A written description of how the proposed preliminary plat does or can comply with each applicable approval criterion for the preliminary plat, and basic facts and other substantial evidence that support the description.*
 - Status: **Complete.** The applicant provided a Project Narrative discussing compliance with selected standards.).

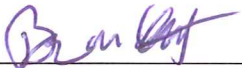
- Please also note that it appears that the proposed plat will exceed the minimum density of 4 units per net acre calling into question the narrow dimensions and requested variances for lots 55-59 and 64-68. The City is not obligated to approve more than the minimum density for the site and maximizing density is not a sufficient argument for approving a variance. The variance will be further reviewed during formal application review.
- *Names and addresses of owners of land within a radius of 300 feet:*
 - Status: **Complete**. The applicant provided mailing labels for properties within 300 feet of the subject site.
- *Applications associated with the preliminary plat, such as exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the road standards in Chapter 12.10 LCMC that are required to approve the preliminary plat application as proposed.*
 - Status: **Incomplete**. The applicant discusses their variance in their Project Narrative document. However, no variance fee has been paid. Please file the variance fee prior to the application being deemed complete.
 - The applicant provided additional information indicating that the 40-inch oak tree onsite is a priority, non-riparian habitat and therefore is also a critical area. It appears that the applicant's development plans would include impacts to the dripline of the oak tree including fences and landscaping for Lot 21 and the park. If any impacts are proposed within this area, the applicant will need to complete a critical areas report and a mitigation plan meeting the requirements of LCMC 18.300.090(2)(d & k). For your convenience, we have attached the critical areas report and mitigation plan requirements. Please also provide a critical areas fee of \$340 for fish and wildlife habitat conservation areas.
 - The applicant's geotechnical report indicates that the site is classified as Site Class D for ground shaking amplification which is a geologic hazard critical area under the City's critical areas ordinance. The application form should be updated to note that the applicant is applying for a critical areas permit for geologic hazards. Please also provide a critical areas fee of \$340 for geologically hazardous critical areas review.
- *A wetlands delineation report **OR** letter from a certified wetland biologist stating that there are no wetlands/stream resources onsite.*
 - Status: **Complete**. The applicant submitted a letter from Environmental Technology Consultants has determined that the mapped wetland resource is a roadside ditch, and therefore is not a critical area per LCMC 18.300.
- *A geotechnical study is required if the site will contain substantial fill or there are steep or unstable slopes on the site.*
 - Status: **Complete**. The applicant provided a geotechnical report addressed whether the site will contain substantial fill and if any steep and/or unstable slopes are present on site.
- *Preliminary grading, erosion control and drainage plans, which may be a single plan, consistent with applicable provisions of Chapter 18.320 LCMC.*
 - Status: **Incomplete**. Sheets 5-7 are the preliminary plans file show stormwater drainage and grading. The applicant also provided a separate Drainage Design report, which


discusses storm water and drainage. An attachment in Appendix D (geotechnical report) discusses drainage, grading and erosion control.

- *Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.*
 - Status: Complete. The applicants preliminary grading and stormwater plan shows public water and sewer throughout the site.
- *A phasing plan, if proposed.*
 - Status: Not applicable.
- *An archeological predetermination*
 - Status: Complete. The applicant has provided an archaeological predetermination report, as required.
- *A traffic study.*
 - Status: Complete. The applicant provided a Transportation Impact Study and a supplementary memorandum from a traffic consultant.
- *A signed Agreement to Pay Outside Professional Review Expenses Related to Land Use Application. (Provided during the meeting.)*
 - Status: Complete.
- *Topographic Map*
 - Status: Complete. The applicant's existing conditions plan (sheet 2 of the plans) provides existing topographic information.

Public Works and Engineering Comments

Public Works and Engineering do not have any comments at this time.

Signed:  Date: 8/4/22
Bryan Kast, P.E, Public Works Director

Signed:  Date: 8/4/22
Tony Cooper, P.E, City Engineer

Attachments

- Attachment A: Critical Areas Report and Mitigation Plan Code Requirements

ATTACHMENT A

LCMC 18.300.090(2)

(d) Critical Area Report. A critical area report is required where specifically indicated and when an activity is proposed within a critical area or buffer that is not specifically exempt, or is permitted only with review. Where a critical area report is required, it must:

(i) Be completed by a qualified professional.

(ii) Use scientifically valid and professionally recognized and accepted methods and studies or best available science in the analysis of critical area data and field reconnaissance and refer to the source of science used. The critical area report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this chapter.

(iii) Minimum Report Contents. At a minimum, the report shall contain the following:

(A) The name and contact information of the applicant, the name and address of the qualified professional who prepared the report, a description of the proposal, and an identification of the permit requested;

(B) A copy of the site plan for the development proposal showing:

(I) Identified critical areas, buffers, and the development proposal with dimensions;

(II) Limits of any areas to be cleared;

(III) A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations; and

(IV) General location and types of vegetation;

(C) The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

(D) Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;

(E) A statement specifying the accuracy of the report, and all assumptions made and relied upon;

(F) A description of reasonable efforts made to apply mitigation sequencing pursuant to LCMC 18.300.030(52) to avoid, minimize, and mitigate impacts to critical areas;

(G) Plans for adequate mitigation, as needed, to offset any impacts, in accordance with mitigation plan requirements, LCMC 18.300.120, including, but not limited to:

(I) The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area; and

(II) The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;

(H) A discussion of the performance standards applicable to the critical area and proposed activity;

(I) Financial guarantees to ensure compliance; and

(J) Any additional information required for the critical area as specified in the corresponding chapter.

(iv) Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared, by a qualified professional, for and applicable to the development proposal site, as approved by the director.

(v) The director may waive specific requirements of the critical area reports where less information is required to address the impacts to the critical area adequately or where existing information is on file with the city that addresses the impacts.

(vi) The director may require additional information that is necessary to determine compliance with the standards of this chapter.

(vii) A qualified professional shall be a person who has the education, training, experience, and/or certification that meets the specific requirements to evaluate fish and wildlife habitat.

(k) Mitigation Plan. A mitigation plan shall provide for the design, implementation, maintenance, and monitoring of mitigation measures. A mitigation plan shall include but is not limited to the following:

(i) Methods and techniques to be used to mitigate impacts to the critical area;

(ii) Explanation of methods and techniques, such as construction practices to be used to implement the identified mitigation methods;

(iii) Methods and techniques for monitoring the proposed mitigation and a time frame for such monitoring.