

August 8, 2017

Greg Thornton

Mayor

RE: SEPA Comments – Riverside Estates Preliminary Plat

305 NW Pacific Highway

La Center, WA 98629

Mr. Mayor,

I am the representative of property addressed as 34506 NW Pacific Highway La Center, WA. 98629. Tax parcel 258689000.

It is owned by LaCenter Pacific LLC and is nearly surrounded by this proposed development. I look forward to the new homes and apartments being built nearby but I do have some concerns that I will address here as public comment.

- 1) This parcel is of irregular shape and I do not believe there are property markers at all corners. One portion of the property is less than five feet wide and twenty five feet long. My concern is that property lines will be ignored during grading and site prep.
- 2) Once development is complete, this property will have been eliminated from utility connections that could benefit the property and the City of La Center in the future. Is it possible to get a sewer and water line brought onto said property during this process? If any septic or well water issues arise in the future, this would allow for a permanent solution.
- 3) Will any grading cause an elevation change next to my property that could allow run off to enter my property not just during development but during heavy rain storms several years after completion?

Please do address my concerns and respond by either e-mail or regular mail. Thank you in advance for your concern in this matter.



Kurt Wohlers

PO Box 644

LaCenter, WA. 98629

KJWPROPERTIES@AOL.COM

Received

AUG 08 2017

LaCenter
Public Works

August 3, 2017

Greg Thornton
Mayor
305 NW Pacific Highway
La Center, WA 98629


RE: Riversides Estates Preliminary Plat—SEPA comments

Dear Sir:

We live in the E Fork Estates development, located just adjacent to the proposed Riversides Estates development. Our lot is on the SW corner of this proposed development and includes the existing storm water detention pond mentioned in SEPA DNS sent out to us. Our concern is what responsibility Riversides Estates has in the maintenance and upkeep of this storm water detention pond, since this pond will be receiving runoff from the southern portion of the site, as stated in the DNS report. The E Fork Estates HOA currently is responsible for maintenance of the pond and it only seems fair that the Riversides Estates HOA would also be responsible for a portion of its maintenance and upkeep.

Would you please address this concern to the developer and let us know what you determine?

Thank you.


Steve Luther
1501 NW 339th St
La Center, WA 98629

Received

AUG 10 2017

LaCenter
Public Works

Received

AUG 14 2017

LaCenter
Public Works

August 13, 2017

Attn: SEPA Comments - Riverside Estates Subdivision

C/O 305 NW Pacific Highway

La Center, WA 98629

Dear Mayor Greg Thornton:

This letter contains comments on the finding of non-significant adverse impact on the environment by the Riverside Estate proposed development.

First, I would like to state that my family has owned and lived on the adjoining property east of Larsen Road since 1968. We are very familiar with the property being developed. Though your finding may be correct based on the information you were provided, I do not feel the checklist submitted was filled out complete and accurate.

1. Wet lands:

When the large field was purchased by Mr. Goode from the Larsen's (approx. 40 acres) it had a large drainage swale running east to west through the middle of the property. The north portion of the property had a large area along NW Pacific Hwy that remained wet most of the year. It is my understanding that when Mr. Goode marketed the property to the La Center School District, the LCSD had a wetland study done and decided not to purchase the property due to the result of the study, finding too many wetland indicators to make building a school feasible and purchased the Alanko property instead.

After the failed sale to LCSD, Mr. Goode began farming the land with the help of local farmer, Mike Marugg. The drainage swale that ran east to west disappeared and a series of 4 inch pipe drains were plowed in running north to south. All of this work was done under the premise of farming, yet the checklist states "It is not known whether the project site has been used as working farmlands".

Before the Larsen's purchased this property in the 50's, it was a dairy farm. The Larsen's raised beef cattle and used this field for hay production and grazing. In the 70's they grew commercial sweet corn on it. For several years it was leased to Donald Brothers Farms in Woodland where they pastured their young dairy stock. After Mr. Goode purchased the property he had an arrangement with Mike Marugg to grow both grain and hay.

Animals:

As for birds and animals, I see no mention of any animals, yet I often see deer, racoon, weasel and coyote on the property. Also, the omission of many birds often seen, such as geese, herons, cranes, osprey, killdeer and bald eagles.

Transportation:

The amount of parking proposed seems inadequate and the traffic impact understated. There is only one practical way to I-5 south, which is where most of the traffic will go and that is through town and across the bridge making it even harder on the people coming from 4th Street. I think the city should require a traffic impact fee, per lot, and use it for needed improvements to our road system. As for parking, if this inadequate number of parking spaces is allowed, I would hope for strict enforcement of "no parking" on half streets as required by Clark County Fire District.

This has to be a fairly steep learning curve for the La Center building department, to go from very little development to several large scale developments all at the same time. I hope they can take the time to look at each development and see how it fits and affects our community. My personal opinion is Riverside Estates is the wrong plan for this property. To me, it makes more sense to put the higher density where the services are. There are no parks, trails, schools or stores on this end of town. Infact, it is my understanding LCSD no longer plans to build on the Alanko property and is looking at other locations. Lower density would make more sense on this property and higher density where the services are located. Yet, the city is allowing large lot sizes and lower density in those areas.

Thank you for taking the time to review my comments.

Sincerely,

Rodney Peterson

PO Box 176

34214 NW Pacific Hwy

rodman@tds.net

JACKSON, JACKSON & KURTZ, INC., P.S.

704 EAST MAIN STREET, SUITE 102
P.O. BOX 340
BATTLE GROUND, WASHINGTON 98604
(360) 687-7106

Attorneys at Law

Earl W. Jackson
Jill R. Kurtz
Peter K. Jackson
David A. Kurtz
Ryan P. Kurtz

Earl W. Jackson, Sr.
(1910-1985)
Facsimile Telephone
(360) 687-3121

Received

AUG 15 2017

LaCenter
Public Works

August 10, 2017

The Honorable Mayor Greg Thornton
ATTN: SEPA COMMENTS – Riverside Estates Subdivision
c/o 305 NW Pacific Highway
La Center WA 98629

Re: James D. Larsen and Georgia J. Larsen Trust
(Dated October 30, 1995)

Dear Mayor Thornton:

I represent Lisa J. Carpenter and Leland J. Larsen, the Successor Co-Trustees of their parents' trust, the James D. Larsen and Georgia J. Larsen Trust dated October 30, 1995. They have requested I respond on their behalf, and on behalf of their family, regarding the recent Determination of Non-Significance in regard to the Riverside Estates Subdivision.

The property held in their parents' Trust lies south of the Riverside Estates Subdivision and consists of approximately 21.28 acres. The tax parcel number is 209692000, and is depicted in the attached map.

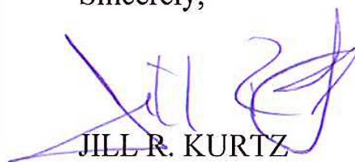
My clients and their family have three major concerns. The first is the potential water run-off onto their property as a result of the proposed development. They are not opposed to the development but want to make sure their property is adequately protected from water run-off. When the five acre tracts lying directly east and north of the trust property were developed by Randy and Kari Goode in conjunction with the East Fork Estates Short Plat, there was tremendous water run-off resulting in flooding on the Larsen parcel. The Preliminary Hydrology Report prepared by Tim Wines of Precision Land Services indicates water run-off on the southeast portion of the development will be routed thru a detention facility constructed for improvements to the East Fork Estates Short Plat (see page 6 of the Preliminary Hydrology Report). This is the same detention facility that failed previously. The Larsen family is naturally concerned that they may have more of a problem with the water run-off given the number of units proposed. Moreover, the Larsen property lies downhill from the development.

The second area of concern is regarding their access to their property. The Preliminary Pre-Application Conference report indicates Larsen Drive would be eliminated if access to the new subdivision is off of 15th Street (see page two). The Larsen family would like to continue to have ingress and egress from Old Pacific Highway onto Larsen Drive. They do not want to have to weave through the new development to get to and from their property. Not only has Larsen Drive been the access for ingress and egress for the Larsen family for several years, but for several other residents as well. In addition the PUD has been using Larsen Drive for access to a substation on the north part of Larsen Drive. The Larsen family believes having to drive through the subdivision would diminish the value of their property.

The third area of concern is in regards to the name of Larsen Drive. The Larsen family would appreciate that Larsen Drive retain its current name rather than be assigned a number or re-named. James and Georgia Larsen have owned the property since 1959. Their son, Leland Larsen, lives just east of his parents' property and also uses Larsen Drive for his access. The family feels the name of Larsen Drive would not only honor their parents but should be retained as it has been used by the owners of property along Larsen Drive for several years, as well as known in the community.

We appreciate your consideration of the concerns we have raised. We are hopeful that the City of La Center will protect the real property held in the Larsen Trust from potential water run-off. We urge the City to allow the Larsen family as well as the other residents to be able to continue to use Larsen Drive for ingress and egress to Old Pacific highway. Finally, we are also hopeful that the City will retain the name of Larsen Drive.

Sincerely,


JILL R. KURTZ
Attorney at Law

JRK:ve

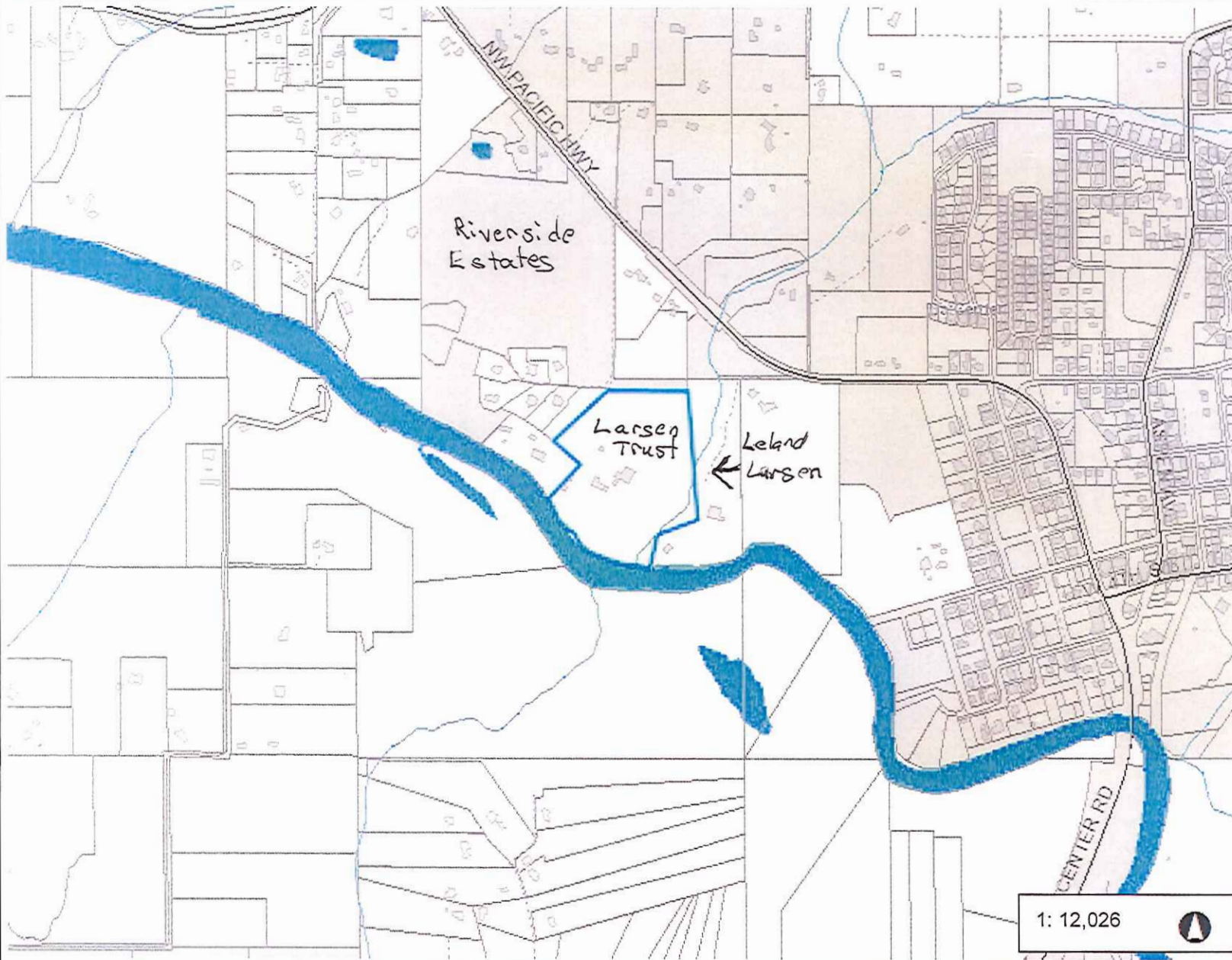
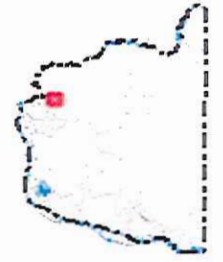
Enclosure

cc: Lisa J. Carpenter

Leland J. Larsen

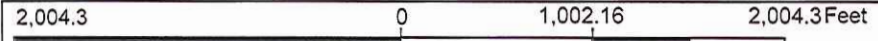


James & Georgia Larsen Trust Property



- Legend**
- Building Footprints
 - Taxlots
 - Cities Boundaries
 - Urban Growth Boundaries

Notes:



1: 12,026



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

August 16, 2017

Mr. Greg Thornton
Mayor
City of La Center
305 NW Pacific Highway
La Center, WA98629

In future correspondence please refer to:

Project Tracking Code: 2016-11-08013

Property: *Results of a Cultural Resource Study of the Proposed Riverside Estates Subdivision, Clark County, Washington Applied Archaeological Research Report No. 1746*

Re: Archaeology-Permit from DAHP Required

Dear Mr. Thornton:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). The above referenced project has been reviewed on behalf of the State Historic Preservation Officer (SHPO). Two precontact archaeological sites were identified in the project area. If archaeological sites 45CL1234 and 45CL1235 cannot be avoided a permit from DAHP is required under RCW 27.53 prior to any ground disturbance within the archaeological sites.

The DAHP permit requires the services of a professional archaeologist and takes 60 days to issue after DAHP has received a sufficient permit application. This includes a mandatory 30-day comment period, under statute, for interested parties. Since the sites consist of low density lithic scatter the DAHP permit may be submitted for professional archaeological monitoring with a screening protocol



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

August 16, 2017

Ms. Naomi Hansen
La Center Public Works
305 Northwest Pacific Highway
La Center, WA 98629

Dear Ms. Hansen:

Thank you for the opportunity to comment on the determination of nonsignificance for the Riverside Estates Subdivision Project (2017-007-SEPA) located at 1514 and 1518 Northwest 339th Street and 34509 and 34512 Northwest Pacific Highway as proposed by Kevin Engelstad, La Center Riverside Estates LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

WATER QUALITY: Chris Montague-Breakwell (360) 407-6364

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.

- a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
 - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
 - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

You may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> - [Application](#). Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(SM:17-4037)

cc: Chris Montague-Breakwell, WQ
Kevin Engelstad, La Center Riverside Estates LLC (Proponent)

Thank you for the opportunity to review and we look forward to receiving the permit application. If you have any questions, please contact me.

Sincerely,



Gretchen Kaehler
Assistant State Archaeologist, Local Governments
(360) 586-3088
gretchen.kaehler@dahp.wa.gov

cc. Bill Routlett, Principal, AAR
dAVE Burlingame, Cultural Resources, Cowlitz Tribe
James Gordon, Cultural Resources, Cowlitz Tribe
Dave Harrelson, THPO, Grand Ronde Tribes
Robert Brunoe, THPO, Warm Springs Tribes
Johnson Meninick, Cultural Resources, Yakama Nation
Tony Johnson, Cultural Resources, Chinook Tribe
Dan Penn, Cultural Resources, Chehalis Tribe
Lance Wollwage, Permit Coordinator, DAHP



JACKSON, JACKSON & KURTZ, INC., P.S.

704 EAST MAIN STREET, SUITE 102
P.O. Box 340
BATTLE GROUND, WASHINGTON 98604
(360) 687-7106

Attorneys at Law

Earl W. Jackson
Jill R. Kurtz
Peter K. Jackson
David A. Kurtz
Ryan P. Kurtz

Earl W. Jackson, Sr.
(1910-1985)
Facsimile Telephone
(360) 687-3121

August 16, 2017

The Honorable Mayor Greg Thornton
ATTN: SEPA COMMENTS – Riverside Estates Subdivision
c/o 305 NW Pacific Highway
La Center WA 98629

Re: Edward and Bonnie Darienzo

Dear Mayor Thornton:

Edward Darienzo has contacted me requesting I respond to the Determination of Non-Significance in regard to the Riverside Estates Subdivision.

Mr. Darienzo and his wife own their home and real property located at 33617 NW Larsen Drive in La Center. Their property, consisting of their home and approximately 3.96 acres, lies south of the proposed Riverside Estates Subdivision. Their tax parcel number is 209689000, and is depicted in the attached map.

Mr. and Mrs. Darienzo share the same concerns regarding the development as do the Larson family, whom I also represent. The first is the potential water run-off onto their property as a result of the proposed development. They are not opposed to the development but want to make sure their property is adequately protected from water run-off. When the five acre tracts lying directly north of the Darienzo property were developed by Randy and Kari Goode in conjunction with the East Fork Estates Short Plat, there was tremendous water run-off resulting in flooding on the Darienzo property as well as the Larsen parcel which lies directly north and east of the Darienzo property. The Preliminary Hydrology Report prepared by Tim Wines of Precision Land Services indicates water run-off on the southeast portion of the development will be routed thru a detention facility constructed for improvements to the East Fork Estates Short Plat (see page 6 of the Preliminary Hydrology Report). This is the same detention facility that initially failed. The County subsequently required the installation of a 15 inch underground culvert running from the detention facility through the Larsen property which corrected the drainage issue for the few houses involved in the East Fork Estates Short Plat. The Darienzos are naturally concerned that they may have more of a problem with the water run-off given the number of units proposed. Like the Larsen property, the Darienzo property lies downhill from the proposed development.

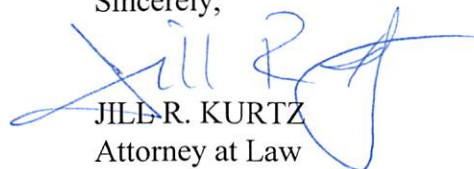
Mr. and Mrs. Darienzo do not want to be responsible for maintaining any pipes traversing their property for drainage from water run-off from the Riverside Estates Subdivision. That should be the responsibility of the developer. They also do not want to be responsible for anything that passes through the pipes from the development that may contaminate the river. Again, that should be the responsibility of the developer.

The second area of concern is regarding their access to their property. The Preliminary Pre-Application Conference report indicates Larsen Drive would be eliminated if access to the new subdivision is off of 15th Street (see page two). Mr. and Mrs. Darienzo would like to continue to have ingress and egress from Old Pacific Highway onto Larsen Drive. They do not want to have to weave through the new development to get to and from their property. Larsen Drive has not only been their access for ingress and egress, but for several other residents as well. In addition the PUD has been using Larsen Drive for access to a substation on the north part of Larsen Drive. Mr. and Mrs. Darienzo believe having to drive through the subdivision would diminish the value of their property.

The third area of concern is in regards to the name of Larsen Drive. Mr. and Mrs. Darienzo support the Larsen family's efforts to retain the name of Larsen Drive rather than have the road re-named. Mr. and Darienzo appreciate that the Larsen family has owned property off of Larsen Drive for over fifty years. Like the Larsen family, they feel the name of Larsen Drive should be retained as it has been used by the owners of property along Larsen Drive for several years, as well as being known in the community.

We appreciate your consideration of the concerns we have raised. We are hopeful that the City of La Center will protect the real property owned by Mr. and Mrs. Darienzo from potential water run-off, including any liability for maintaining any pipes that traverse their property as a result of the water run-off from the development, and from any liability for contamination to the river as a result of the water run-off. We urge the City to allow the Darienzos as well as the other residents to be able to continue to use Larsen Drive for ingress and egress to Old Pacific highway. Finally, we are also hopeful that the City will retain the name of Larsen Drive.

Sincerely,



JILL R. KURTZ
Attorney at Law

JRK

Enclosure

cc: Mr. and Mrs. Edward J. Darienzo



Dariento Property



Legend

- Building Footprints
- Taxlots
- ImageOrtho
 - Red: Red
 - Green: Green
 - Blue: Blue
- Cities Boundaries
- Urban Growth Boundaries

Notes:

1,002.2 0 501.08 1,002.2 Feet

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 Clark County, WA. GIS - <http://gis.clark.wa.gov>

This map was generated by Clark County's "MapsOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

SEP 15 2017

Public Hearing Comment 01

Memo For La Center Hearing Examiner

LaCenter
Public Works

September 15, 2017

Subject: Public Comments on Proposed Riverside Estates Subdivision (2017-007-SUB)

1. The following comments are submitted for the public hearing on the application for development of the Riverside Estates subdivision, and these comments represent the opinions of the East Fork Estates Home Owners Association. The East Fork Estates HOA consists of seven homes abutting the southern boundary of the proposed Riverside Estates. All of these homes are in the La Center Urban Growth Area (UGA).

2. Most of the south side and all of the eastern side of the proposed Riverside Estates abuts the La Center Urban Growth Area (UGA) and the entire western boundary abuts either the UGA or an Urban Reserve Area (URA). The parcels along the south side are developed as one-acre lots, the parcels along the west side range from 2 to 5 acres, and the parcels to the east are undeveloped except for one single family residence. The majority of these abutting parcels have already been developed with single family residences. We residents value and enjoy the open spaces surrounding our properties and strongly desire to minimize the impact to this important feature.

3. I wish to address six areas where the proposed Riverside Estate does not comply with city requirements: lot size and setback beveling, dwelling unit density, product type, half-width road improvement, landscaping, and parks. Additionally, I will raise an issue concerning stormwater management. Since these comments are being submitted before the city has completed their staff report on the subject application, I acknowledge the city may address some of our issues.

4. LOT SIZE AND SETBACK BEVELING.

a) In the applicant's Project Narrative in the section titled Chapter 18.140 LCMC, Med Density Res. District (MDR-16), they state that "The project meets the minimum beveling requirement with all lots that abut an LDR 7.5 area exceed the 6,750 square foot minimum." This statement is not correct and is misleading, because there is only one LDR-7.5 parcel (258775) abutting the development and one of the three proposed lots abutting parcel 258775 is less than 6,750 square feet. The applicant seems to conclude the referenced beveling requirement applies to all perimeter lots. This conclusion is incorrect and is not consistent with the requirements and intent of city's development code and policies.

b) The following are the pertinent sections of the city's various regulatory documents that specify beveling policy and requirements:

i) La Center Comprehensive Plan Land Use Policy 1.1.5: "Consider standards or guidelines to foster greater compatibility in cases where adjacent uses differ. Standards might include beveling lot size, building scale, landscape buffers, or public trails or parks, and other effective means to create separation between uses."

ii) La Center Comprehensive Plan Land Use Policy 1.2.5: "Allow "Urban Residential" lot size for newly created lots to reach 11,000 square feet where the lot abuts the Urban Growth Boundary, particularly if there are no roads at the boundary."

iii) La Center Ordinance 2016-003, Section 2: "New lots created adjacent to low density residential land shall employ a "beveling" technique at the perimeter of the project. New lots adjacent to: (a) LDR district, (b) the La Center UGA or (c) land outside the La Center UGA, shall be no less than 7,000 square feet. The term 'adjacent' includes

abutting land or land separated by a public right-of-way, private road, utility or transportation easement or open space or critical areas less than 60 feet wide. Adjacent rear and side yard setbacks shall be no less than 20 feet and 15 feet respectively. The future developer may transfer the density by application of this beveling standard to interior lots.”

iv) LCMC Table 18.140.030, Note 2: “Beveling. New lots used for medium density residential purposes created adjacent to low density residential (LDR) districts shall employ a “beveling” technique at the perimeter of the project. New perimeter MDR-16 lots abutting LDR districts, not including public rights-of-way or dedicated public open space, shall be no less than 80 percent of the lot area of the minimum lot size of the abutting LDR district. Setbacks from the property lines of abutting LDR land shall be no less than 80 percent of the setback requirement of the abutting LDR district. For example, if the abutting property is zoned LDR-7.5, a 7,500-square-foot minimum lot size, the MDR-16 lots abutting the LDR district may not be less than 6,750 square feet.” Note that this minimum buffer lot size does not apply to the majority of Riverside Estates since only one abutting parcel is zoned LDR-7.5.

c) First, let me address where the proposed development does not meet the above referenced minimum requirements. According to city ordinance referenced above (4.b.iii), the lots abutting the UGA or land outside the UGA shall not be less than 7,000 ft². However, the following 41 lots abut either the UGA or URA and do not meet the 7,000 ft² minimum requirement: Phase 1 lots 44 - 48 and 109 - 115; Phase 2 lots 7 and 8; Phase 3 lots 1 - 3, 5 - 7 and 9; Phase 4 lots 12 and 13; and Phase 5 lots 1 - 18

d) Next, let me address where the proposed development is not meeting the intent of the city. While the above referenced requirements have some inconsistencies and there is not a specific requirement that comprehensively applies to the beveling between an MDR-16 district and the UGA or URA, it is clear the city's intent that beveling be implemented between differing uses and densities.

i) From the reference in paragraph 4.b.ii above, the city clearly intends for beveling lots to reach a maximum size of 11,000 ft².

ii) While LCMC 18.140.030, Note 2 (paragraph 4.b.iv above) addresses only the specific requirement of beveling between MDR-16 and LDR-7.5 developments, it demonstrates the city's intent that the lot size and setbacks of beveling lots to be a minimum of 80% of the abutting parcels. If this 80% criteria were applied along the UGA on the southern boundary of the proposed development, the minimum beveling lot size would be 0.8 acre. While it is unrealistic to expect this large of a beveling lot, it is reasonable and consistent with the intent of the city to require the lots to be at least 11,000 ft². In fact, using this 80% criteria from the LCMC, a 11,000 ft² beveling lot could be interpreted as the required size for lots abutting the UGA and URA.

iii) If all of the 19 lots proposed on the southern boundary with the UGA were required to be 11,000 ft², it would result in a reduction of only 3 lots. This is not an unreasonable burden to impose on the developer to protect the open spaces that current residents value. Additionally, the developer can utilize the density transfer provisions of LCMC Table 18.140.030 to offset the revenue lost with the larger sized buffer lots.

e) While the applicant has removed the apartments from the current version of the site plan, locating apartments adjacent to a single-family residence on the western boundary of the development clearly does not meet the city's intent to create a separation between

different uses.

f) The applicant must be required to comply with the requirement and intent of the city's beveling requirements.

5. DWELLING UNIT DENSITY.

a) In the Project Narrative the applicant incorrectly interprets the density requirements as a minimum of 8 dwelling units per acre to a maximum of 16 dwelling units per acre. In fact, LCMC 18.140.030 specifies the maximum as 14 dwelling units per acre for multi-family and attached single family units and 12 dwelling units per acre for single family detached units. The density can only reach 16 dwelling units per acre if a density transfer is approved. With July update to the site plan, the apartments were removed from the site plan, however, the apartments are still being used in the calculation of dwelling unit density. The dwelling unit density of the apartments far exceed the maximum density requirements.

b) The applicant must be required to comply with the city's density requirements.

6. PROJECT TYPES. LCMC 18.140.030(4), Product Types, specifies that no single housing type (multifamily, single-family attached, or single-family detached) shall exceed 75% of the total dwelling units. While the July updated to the site plan removes apartments from the proposed site plan, the applicant is still using the apartments to justify compliance with product type requirements. Additionally, the updated site plan no longer specifies the mix of single-family attached and single-family detached residences, so it is impossible to determine compliance with the product type requirements.

7. HALF-WIDTH ROAD IMPROVEMENTS. The applicant is proposing to do half-width improvements on the portions of Pacific Highway and NW Larsen Dr (NW14th Ave) that are abutting the the proposed development. However, they are not proposing to do similar improvements along the abutting portion of NW 339th St. It should be noted that the entire width of NW 339th St that abuts the proposed development is contained within the subject property and the city limits. In accordance with LCMC 12.19.180 (2), half-width improvements are required along the entire length of a private road abutting a new development. The applicant must be required to make half-width improvements to the abutting portion of NW 339th St and dedicate that portion to the city. Additionally, I assume parking will not be allowed on the east side of NW 14th Ave since the half-width street improvements does not allow sufficient width for parking on both sides of the street.

8. LANDSCAPING. The applicant's landscaping plan does not meet the requirements of LCMC 18.245.060, Landscaping. These requirements are intended to provide a landscaping buffer between different zoning districts. The applicant proposed landscaping plan does not meet these requirements along that portion of the subject property abutting NW 339th St, along the western boundary with the Urban Reserve Area, and along the northwestern boundary with the Urban Growth Area. The applicant must be required to meet the landscaping requirements of LCMC 18.245.060.

9. PARKS. While the applicant has a good proposal for parks and trails, the applicant has not demonstrated compliance with the following parks requirements:

a) Per 18.147.030(1)(b)(vi) at least 40% of the park perimeter shall be fronted by a public road or provide 20 ft wide pathway,

b) Per 18.147.030(1)(b)(iii) applicant did not demonstrate why a single contiguous park is not feasible,

- c) Per 18.147.030(1)(b)(xi) applicant did not demonstrate how the proposed parks are designed to meet CPTED guidelines,
- d) Per 18.147.040 the required park facilities plan has not been provided, and
- e) It is not clear when the park facilities would be completed, but LCMC 18.147.30(2) requires the park facilities completed prior to the issuance of the occupancy permit for the 25th dwelling unit.

10. STORMWATER MANAGEMENT.

- a) The Riverside Estates proposes directing the stormwater runoff from 47 homes along the eastern portion of the development, from NW 11th St and from the southern portions of NW 14th Ave and NW 15th Ave to an existing stormwater pond on the south side of NW 339th St. This stormwater pond is a privately owned and maintained by the East Fork Estates HOA, and is not on the property to be developed and is not within the city limits. It is not clear that the new development can use this stormwater pond without the approval of the Riverside Estates HOA.
- b) The applicant's Preliminary Drainage Report, dated March 28, 2017, presents no analysis to demonstrate that this existing stormwater pond has the capacity for the increase flow coming from the significant increase in impervious surfaces in the Riverside Estates.
- c) Additionally, given that the Riverside Estate will be directing the stormwater from 47 homes and a portion of their streets to our stormwater pond compared to three of our homes that direct stormwater to this pond, it is reasonable that Riverside Estate be responsible for the future operation and maintenance of this stormwater pond and associated catch basin and conveyance system.

Thank you,



Dennis L. Nuttbrock
President, East Fork Estates Home Owners Association

**Riverside Exhibit:
Email Correspondence Rebecca Rothwell, Ecology and Eric Eisemann**

From: Eric Eisemann [mailto:e.eisemann@e2landuse.com]
Sent: Wednesday, September 20, 2017 11:22 AM
To: 'Rothwell, Rebecca (ECY)'
Subject: RE: La Center Riverside Estates CR Critical Areas Report - 1514 NW 339th St.pdf

I know the buried feeling, too well.

Next week is okay.

I am working on my staff report for the October 3rd hearing and may send you a draft set of conditions regarding the wetland and future re-evaluation prior to soil disturbance.

Thanks,

Eric

From: Rothwell, Rebecca (ECY) [mailto:rebs461@ECY.WA.GOV]
Sent: Wednesday, September 20, 2017 11:01 AM
To: Eric Eisemann
Cc: 'Urbane Streets'; 'Anthony Cooper'; 'Naomi Hansen'
Subject: RE: La Center Riverside Estates CR Critical Areas Report - 1514 NW 339th St.pdf

Absolutely. I need to take a closer look at the reports you sent. Will try to do that this week, but am buried as usual, so it may be next week.

Rebecca Rothwell

Wetlands/Shorelands Specialist

Shorelands and Environmental Assistance Program

WA Department of Ecology | Southwest Regional Office | (360-407-7273

G 300 Desmond Drive SE, Lacey, WA 98503 | + PO Box 47775 Olympia, WA 98504-7775

This communication is a public record and may be subject to disclosure per RCW 42.56.

From: Eric Eisemann [mailto:e.eisemann@e2landuse.com]
Sent: Wednesday, September 20, 2017 10:36 AM
To: Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>
Cc: 'Urbane Streets' <urbane.streets@gmail.com>; 'Anthony Cooper' <acooper@ci.lacenter.wa.us>; 'Naomi Hansen' <nhansen@ci.lacenter.wa.us>
Subject: RE: La Center Riverside Estates CR Critical Areas Report - 1514 NW 339th St.pdf

Thank you, Rebecca.

I hope either I or Todd Boulanger can tag along whatever date you do your site visit.

Eric

The logo consists of the letter 'E' with a superscript '2' to its upper right, and a vertical line extending downwards from the bottom of the 'E'.

Eric Eisemann

E2 Land Use Planning, LLC

215 W. 4th Street, Suite # 201

Vancouver, WA 98660

360.750.0038

e.eisemann@e2landuse.com

From: Rothwell, Rebecca (ECY) [<mailto:rebs461@ECY.WA.GOV>]
Sent: Wednesday, September 20, 2017 10:26 AM
To: Eric Eisemann
Cc: 'Urbane Streets'; Anthony Cooper; Naomi Hansen
Subject: RE: La Center Riverside Estates CR Critical Areas Report - 1514 NW 339th St.pdf

Hi Eric,

Yes, we can set up a site visit. I got a VM from Jason at Castle Rose yesterday and will call him back in a few minutes. I will be important to verify the wetland boundaries and ratings to make sure the buffers are marked correctly at the site before any earth work takes place. I'll keep you posted.

Rebecca Rothwell

Wetlands/Shorelands Specialist
Shorelands and Environmental Assistance Program
WA Department of Ecology | Southwest Regional Office | (360-407-7273
G 300 Desmond Drive SE, Lacey, WA 98503 | + PO Box 47775 Olympia, WA 98504-7775

This communication is a public record and may be subject to disclosure per RCW 42.56.

From: Eric Eisemann [<mailto:e.eisemann@e2landuse.com>]
Sent: Thursday, September 14, 2017 1:24 PM
To: Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>
Cc: 'Urbane Streets' <urbane.streets@gmail.com>; Anthony Cooper <acooper@ci.lacenter.wa.us>; Naomi Hansen <nhansen@ci.lacenter.wa.us>
Subject: RE: La Center Riverside Estates CR Critical Areas Report - 1514 NW 339th St.pdf

Hello Rebecca,

I met with the Riverside Estates developer, Kevin Englested, today and one topic concerned revisiting the site during the rainy season to re-evaluate the wetland. Kevin said he would contact Castle-Rose (they did the most recent wetland evaluation) to ask them to call you to set up a site visit. What is driving this right now is the developer's desire to grade areas outside critical areas and buffers as soon as possible. If you do agree to a sit visit I would like to tag along; I learned a great deal following you on your site visit of the La Center bridge and kayak launch. If I am out of town, I believe Todd Boulanger can represent the city's planning interests well.

Thanks,
Eric



Eric Eisemann
E2 Land Use Planning, LLC
215 W. 4th Street, Suite # 201
Vancouver, WA 98660
360.750.0038
e.eisemann@e2landuse.com

From: Rothwell, Rebecca (ECY) [<mailto:rebs461@ECY.WA.GOV>]
Sent: Thursday, August 24, 2017 1:05 PM
To: Eric Eisemann
Subject: RE: La Center Riverside Estates CR Critical Areas Report - 1514 NW 339th St.pdf

Eric, sorry this slipped through the cracks—I think you'd be covering your bases by requiring that the delineation be revisited. I can work with you on determining whether the update is adequate.

Rebecca Rothwell
Wetlands/Shorelands Specialist
Shorelands and Environmental Assistance Program
WA Department of Ecology | Southwest Regional Office | (360-407-7273
G 300 Desmond Drive SE, Lacey, WA 98503 | + PO Box 47775 Olympia, WA 98504-7775

This communication is a public record and may be subject to disclosure per RCW 42.56.

From: Eric Eisemann [<mailto:e.eisemann@e2landuse.com>]
Sent: Thursday, August 17, 2017 4:34 PM
To: Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>
Subject: RE: La Center Riverside Estates CR Critical Areas Report - 1514 NW 339th St.pdf

Thank you, Rebecca.

I wonder if this means the subsequent letters from biologists, who visited the site, are adequate updates. OR, whether I should create a SERPA mitigation measure asking them to revisit the site in the spring?
Eric

From: Rothwell, Rebecca (ECY) [<mailto:rebs461@ECY.WA.GOV>]
Sent: Thursday, August 17, 2017 2:04 PM
To: Eric Eisemann
Subject: RE: La Center Riverside Estates CR Critical Areas Report - 1514 NW 339th St.pdf

Eric,

I wanted to follow up on my email yesterday with a clarification that the delineation may not need to be re-done entirely. Our [website](#) has a section on wetland delineations over five years old. I've copied the text below:

Generally, any delineation done over five years ago needs to be revisited. This is due to several factors:

- Wetlands can change significantly in a five-year period, due to changes in hydrology, land uses, and plant species composition.
- Approved jurisdictional determinations by the Corps expire after five years (see the Corps' Regulatory Guidance Letter [05-02, Expiration of Geographic Jurisdictional Determinations](#)).
- The Corps' 1987 wetland delineation manual has a requirement for comprehensive determinations to "quantitatively describe the vegetation in the past 5 years" (page 41, Step 5).

Revisiting a wetland delineation that is five or more years old does not necessarily mean that a new wetland delineation needs to be done. It means that it may be necessary to revisit the site to determine whether the delineation is still accurate or whether it needs to be redone based on current conditions. Consult with the agencies to discuss your specific wetland delineation.

Rebecca Rothwell

Wetlands/Shorelands Specialist

Shorelands and Environmental Assistance Program

WA Department of Ecology | Southwest Regional Office | (360-407-7273

G 300 Desmond Drive SE, Lacey, WA 98503 | + PO Box 47775 Olympia, WA 98504-7775

This communication is a public record and may be subject to disclosure per RCW 42.56.

From: Rothwell, Rebecca (ECY)

Sent: Wednesday, August 16, 2017 10:36 AM

To: 'Eric Eisemann' <e.eisemann@e2landuse.com>

Subject: RE: La Center Riverside Estates CR Critical Areas Report - 1514 NW 339th St.pdf

Hi Eric,

Good to hear from you. I'm glad the heat wave is over!

Delineations are good for five years, so the delineation on which the 2010 plat is based is outdated. Neither of the two more-recent delineations was done in the early part of the growing season, which is when a delineation should be done, especially if there are discrepancies between delineations that need to be resolved. The Cascadia delineation was done in August 2015, during a severe drought, so this was an especially difficult time to do an accurate wetland delineation. I would recommend having a follow-up delineation done in spring of 2018.

It looks like the property is regularly hayed/mowed. This should be suspended prior to doing a delineation so that the delineator will be able to determine the species and area of cover.

If a follow-up delineation is done in the spring, I could come out and do a boundary verification after that.

Is this enough to get you started? Please let me know if you would like to discuss this further.

Rebecca Rothwell

Wetlands/Shorelands Specialist

Shorelands and Environmental Assistance Program

WA Department of Ecology | Southwest Regional Office | (360-407-7273

G 300 Desmond Drive SE, Lacey, WA 98503 | + PO Box 47775 Olympia, WA 98504-7775

This communication is a public record and may be subject to disclosure per RCW 42.56.

From: Eric Eisemann [<mailto:e.eisemann@e2landuse.com>]

Sent: Monday, August 14, 2017 2:45 PM

To: Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>

Subject: La Center Riverside Estates CR Critical Areas Report - 1514 NW 339th St.pdf

Hello Rebecca,

I hope your summer is enjoyable!

I am working with the City of La Center on the Riverside Estates preliminary plat and SEPA review. (SEPA #201704037). <https://fortress.wa.gov/ecy/separ/Main/SEPA/Record.aspx?SEPANumber=201704037>
I hope you can help provide some direction relating to the presence or absence of wetlands on site.

In 2010 Clark County approved a short plat on the subject properties. The recorded plat identifies specific wetlands and buffers on site,

See, <http://gis.clark.wa.gov/PDFbuilder/tiff2pdf.aspx?doctype=subdiv&imagero=\bk311\31165101>
<http://gis.clark.wa.gov/PDFbuilder/tiff2pdf.aspx?doctype=subdiv&imagero=\bk311\31165102>
<http://gis.clark.wa.gov/PDFbuilder/tiff2pdf.aspx?doctype=subdiv&imagero=\bk311\31165103>

However, the Critical Area assessments provided by Cascadia and Castle Rose present a different perspective as to the scope of the on-site wetlands. (See attached.)

I know you will be providing Ecology comments related to this project and I hope your comments can help clarify for the City how to resolve the seemingly conflicting documents.

Thanks in advance,
Eric
La Center Planning Consultant



Eric Eisemann
E2 Land Use Planning, LLC
215 W. 4th Street, Suite # 201
Vancouver, WA 98660
360.750.0038
e.eisemann@e2landuse.com

Staff Review Comments



To: Todd Boulanger, Consultant Planner
Cc: City of La Center Building and Planning
From: Michael J. Jackson, Division Chief
Date: 9/22/2017
Re: Proposed Riverside Estates Subdivision – La Center, WA

Fire Department Access:

- **Roadways to Structures:** No problems were identified with the proposed roadway network. The perimeter of all structures must be within 150' an approved access road with a minimum clear width of 20'. IFC 503.1.1 / D102
- **Dead end Streets:** Roadway and turn-around dimensions were difficulty to assess from the provided materials. Any dead-end road longer than 150' must be provided with an approved cul-de-sac or hammer-haed turn-around in accordance the International Fire Code design criteria. IFC D103.4
- **Parking Restrictions:** Roadways must have signage for parking restrictions as follows: Signs for no-parking must be provided on both sides of all streets that are less than 26' wide. Signs for no-parking must be provided on one side of all streets that are between 26' and 32' wide in accordance with Ridgefield Standards for future enforcement. IFC D103.6
- **Remote Access Points:** One and Two Family Residential Developments with more than 30 dwelling units must be provided with two separate and remote fire apparatus access roads. Multiple Family Residential Developments with more than 100 dwelling unites must be provided with two separate and remote fire apparatus access roads. IFC D106/107 Based on a single dwelling unit with each lot, remote access does not appear to be an issue. If significant delays between construction of phases that provide the alternate access to 339th and Larson, temporary access may need to be provided or other mitigating efforts considered. The secondary access from Larson Dr. and 339th Street must meet the minimum clear, unobstructed width of 20'.

Fire Department Water Supply and Suppress Systems:

*Hydrant spacing was assessed based on structures that are non-sprinklered, type V-B Construction and no larger than 4,800 combined square feet. Additional hydrants may be required for streets providing access to structures greater than 4,800 SF. (IFC Table B105.1(2) / C102.1)

- **Fire Hydrants:** Hydrants must be provided on fire access roadways so that average spacing does not exceed 500' and the maximum distance from any point on the street frontage to a hydrant is no more than 250'. IFC C102
- **Construction:** Combustible construction above ground should not occur until the required, paved access roadways and fire hydrants are in place and functional.

RESIDENTIAL (NFPA 13D) FIRE SPRINKLERS may not be required, but are recommended for any dwelling units and may be considered as an alternate method to increase hydrant spacing or to address access issues.

Please feel free to contact me with any questions or concerns that you have.

Subject: Public Comments on Proposed Riverside Estates Subdivision (2017-007-SUB)

References:

1. My Comments, Same Subject, 15 September 2017
2. La Center Staff Report & Recommendations Riverside Estates Subdivision: Type III Preliminary Plat and SEPA DNS (2017-007-SUB) September 26, 2017
3. La Center Review For Technically Complete Status: Riverside Estates Subdivision (2017-007-SUB) June 06, 2017

1. Since I submitted my comments in reference 1, the city has completed their staff report on the subject subdivision (reference 2). I wish to comment on the city's staff report and I will address the following three subjects: lot size beveling, half-width street improvements, and stormwater. All of my comments in reference 1 are still applicable.

2. LOT SIZE AND SETBACK BEVELING.

a) LCMC 18.140.030 (2) Beveling.

i) In reference 2, page 7 and reference 3, page 4 the city concludes that the lot size and setback beveling requirements for the subject subdivision are defined in LCMC 18.140.030(2). However, this paragraph applies to the very specific case of MDR-16 lot size beveling when abutting a LDR-7.5 zoning district. There are only three lots that partially abut the only LDR-7.5 parcel (258775) adjacent to the subject subdivision. The remainder of the lots around the perimeter of the subdivision abut either the Urban Growth Area (UGA) or the Urban Reserve Area (URA), and therefore, LCMC 18.140.030(2) does not apply to these perimeter lots.

ii) The city's response in reference 2, page 7 is "The City is proposing treating these adjoining lots that are currently in the county AND within its UGA, as if they were LDR-7.5, which would be how they would be handled today if annexed. This is a minimum lot size much larger than the current County requirements for these RC12 and R1C6 lots. The use of the larger LDR 7.5 size meets the intent of the beveling outcome. A proposed MDR-16 beveled lot must be at least 80% of the minimum lots size of a LDR-7.5 lot, thus any new MDR 16 residential lot directly abutting another lower density residential lot should be at least 6,000 sq. ft. in size per LCMC 18.140.030(2). The fourteen lots (Lots 44 to 48 and 108 of Phase 1, and Lots 101 to 108 of Phase 3) abutting the residences of the southern project boundary are all above 6,000 sf. ft. The other remaining five lots (Lot 109 to 113 of Phase 1) are under 6,000 sq. ft. but this is allowable as they abut a private road and no residences." There are two obvious problems with this response.

A) First, there is no provision in the city code or precedent that would allow lots in the UGA or county adjoining a MDR-16 district to be considered LDR 7.5 for purposes of establishing lot size beveling. In fact this position directly contradicts La Center Ordinance 2016-003.

B) Second, the city code has no provisions for whether an adjoining lot has a residences or not when considering the lot size beveling requirements. The primary consideration is the difference in zoning between adjoining lots.

iii) LCMC 18.140.030(2) is not applicable to the majority of the lots around the perimeter of the proposed subdivision, and therefore, it can not be used to establish the beveling requirements for those lots.

b) La Center Ordinance 2016-003.

i) La Center Ordinance 2016-003 approved annexation of the Goode property and Section 2 specifically addressed lot size and setback beveling. Section 2 of this Ordinance states “New lots created adjacent to low density residential land shall employ a “beveling” technique at the perimeter of the project. New lots adjacent to: (a) LDR district, (b) the La Center UGA or (c) land outside the La Center UGA, shall be no less than 7,000 square feet. The term 'adjacent' includes abutting land or land separated by a public right-of-way, private road, utility or transportation easement or open space or critical areas less than 60 feet wide. Adjacent rear and side yard setbacks shall be no less than 20 feet and 15 respectively. The future developer may transfer the density by application of this beveling standard to interior lots.”

ii) As I stated in reference 1, paragraph 4c, there are 41 lots less than 7,000 square feet adjacent to the UGA on the southern and eastern perimeter and adjacent to the UGA or URA on the western perimeter of the subject subdivision.

iii) The city's response in reference 2, page 8 is “Regarding this ordinance, the proposed 19 lots in question are not (a) adjacent to a La Center LRD district, (b) adjacent to the La Center UGA, or (c) land outside the La Center UGA; while other proposed lots on the west side are affected by this ordinance, but are buffered by other lots, open space, or roadways thus meet it.” While it is correct the lots in question are not adjacent to a LDR zoning district, the remainder of the city's conclusions are factually incorrect.

A) First, all of the 41 lots identified in reference 1 are in fact adjacent to either the UGA or land outside the La Center UGA (URA). This can easily be verified by reviewing the Clark County GIS.

B) Second, the city's conclusion that the ordinance does not apply to the lots on the west side because they are “buffered by other lots, open space or roadways” is not entirely correct. There are 6 proposed lots in the southwest corner of the subdivision that have an open space greater than 60 feet, therefore, the ordinance would not apply. However, there is not a roadway on the west side, and if there was, the ordinance considers lots separated by a roadway to be “adjacent”. Additionally, it is not clear the applicability of city's comment concerning “buffered by other lots” since the lots in question are all adjacent to the UGA or URA.

iv) Contrary to the city's conclusion, Ordinance 2016-003, Section 2 is directly applicable to the majority of the lots on the perimeter of the subdivision. The applicant must be required to comply with the minimum lot size and setback beveling requirements of La Center Ordinance 2016-003.

c) La Center Comprehensive Plan Land Use Policy 1.2.5.

i) In reference 1 paragraph 4d, I make the case using La Center Comprehensive Plan Land Use Policy 1.2.5 and the 80% criteria from LCMC 18.140-030(2) that it is the intent of the city that beveling lots abutting UGA should be 11,000 square feet. Land Use Policy 1.2.5 states "Allow "Urban Residential" lot size for newly created lots to reach 11,000 square feet where the lot abuts the Urban Growth Boundary, particularly if there are no roads at the boundary."

ii) The city's response in reference 2 page 8 states "Regarding policy 1.2.5, this policy is not mandatory but an aspiration that lots in this land use scenario reach up to 11,000 sq. ft. when possible". LCMC 18.10.070, Hierarchy of Plans and Regulations, states that the La Center Comprehensive Plan is the highest authority in the hierarchy of the city's regulations. Therefore, is incomprehensible that the city would conclude that Land Use Policy 1.2.5 is "not mandatory but an aspiration".

d) In conclusion, the city's conclusions on lot size beveling are based on several factual errors and incorrect interpretation of city regulations. LCMC 18.140.030(2) clearly does not apply to the majority of the perimeter lots in the proposed subdivision. Ordinance 2016-003, Section 2 was written to apply specifically to lot size beveling when the adjoining parcels of land are in the UCA or the county. Finally, in reference 1 paragraph 4d I make the case that it is clearly the intent of the city that beveling lot size abutting the UGA or county property be 11,000 square feet. The applicant must comply the minimum beveling lot size and setback requirements of Ordinance 2016-003. Additionally, due consideration must be give to requiring larger beveling lot sizes to comply with the clear intent of the city.

3. HALF-WIDTH STREET IMPROVEMENTS. In reference 1, paragraph 7, I make the case that in accordance with LCMC 12.19.180 (2), half-width street improvements are required along the entire length of NW 339th Street where it abuts the proposed subdivision. The city's response in reference 2, page 27 is basically that there is insufficient right-of-way to implement half-width improvements due to the existing stormwater pond on the south side of NW 339th Street. However, since entire width of the abutting portion of NW 339th Street is within the Goode property and the city limits, the applicant can be required to dedicate sufficient right-of-way for the half-width street improvements along NW 339th Street.

4. STORMWATER MANAGEMENT. In reference 1, paragraph 10, I express concerns about the applicant's plan to route stormwater from a portion of the proposed subdivision through a stormwater pond owned and maintained by the East Fork Estates Homeowners Association. It is not clear from the city's response in reference 2 whether the city will allow the applicant to direct their stormwater through our stormwater pond. However, it is not reasonable that the city can authorize the applicant to use a privately owned stormwater facility that is outside the city limits.

5. Thank you for taking the time to consider my comments.

Sincerely,

- signed -

Dennis L. Nuttbrock
President, East Fork Estates Home Owners Association