



Subject Highland Terrace Phase 2 Final Plat Comments – First Review

Project Description: Plat Review (**File No. 2022-036-FPL**)

Applicant: Christ Sundstrom
Felida Rose, LLC
2122 South Victory Court
Ridgefield, WA 98642

The City’s consulting planner (WSP Inc.) and the City Engineer completed their first review of the Highland Terrace Phase II final plat submittal. We reviewed the final plat documents submitted by WFG National Title for compliance with the conditions of approval of the preliminary plat (File No. 2006-019-SUB), Post Decision Reviews (File No. 2022-001-PDR and 2020-011-PDR/VAR/SEPA), and the development agreement (File No. 5464098 AGR) and its first amendment.

Planning Comments

The following comments are organized by the numbered conditions of approval in the preliminary plat, post-decision reviews, and key provisions of the recorded development agreement and amended agreement.

(File No. 2006-019-SUB)

1. Condition of approval number 1 requires that the Traffic Impact Analysis prepared by CTS Engineers, dated on June 5, 2006, shall be incorporated herein and considered as conditions of approval through final design of the subdivision except at otherwise noted herein.

Response: The traffic impact study (TIS) recommends mitigation for the operational impacts new traffic from the project would have to the intersection of La Center Road and East 4th Street, as at the time of approval, this intersection would operate at a Level of Service (LOS) F with or without the development. The TIS recommended that the developer pays traffic impact fees to finance the scheduled improvement project at La Center Road and East 4th Street. However, as shown in the next condition, this improvement has occurred and the condition of approval for this impact fee has been removed by a Post Decision Review (2022-001-PDR).

2. Condition of approval number 2 requires that prior to final plat approval, the applicant shall pay a proportionate share towards the cost of a traffic signal at the intersection of West Pacific Highway and West 4th Street.

Response: This condition is no longer applicable and was removed per approval of the Post Decision Review (2022-001-PDR) as discussed below. The subject intersection has since been constructed with a roundabout.

3. Condition of approval number 4 requires that no lot shall have direct access onto W Pacific Highway.

Response: Not applicable. Lots abutting W Pacific Highway are in Phase 1 of the development.

4. Condition of approval number 6 requires the applicant to revise the alignment of the eastern leg of proposed 18th Street to align the centerline of the street with the common boundary between tax lots 10 and 149 east of the site.

Response: The provided final plat shows NW 18th Street is revised accordingly and this condition is met.

5. Condition of approval number 19 requires that the applicant file CC&Rs showing that:
 - a. The HOA will maintain the stormwater facilities
 - b. That the HOA is empowered to assess fees.
 - c. The City has the right of third-party enforcement to ensure that the HOA remains intact and collect the fees and the City shall have the right to recapture any fees and costs associated with enforcement actions.
 - d. The applicant shall produce and provide the City with a copy of the operations and maintenance manual for approval for any drainage facilities prior to final platting or issuance of building permits.

Response: The applicant provided CC&Rs for Phase 1 that the City reviewed and approved. The applicant also provided an amendment to the original recorded CCR's to include and annex Phase 2 within the CCR's of Highland Terrace, meeting this requirement.

6. Condition of approval number 31 states that the findings and recommendations of the Archeological Predetermination Report prepared by Archeological Services of Clark County, dated March 7, 2006, shall be incorporated, and considered conditions of approval through final design of the subdivision.

Response: The Archeological Predetermination Report recommends that no further archaeological work is needed at the time. However, condition of approval number 32 includes provisions for inadvertent discovery.

7. Condition of approval number 32 states that if significant cultural or archaeological resources are discovered on the site during construction activity, including burial sites, the Office of Archaeology and Historic Preservation in Olympia and the City of La Center Planning Department are to be notified immediately. Failure to comply with these requirements may constitute a Class C felony, subject to imprisonment or fines. A note to this affect shall be placed on the face of the plat.

Response: Note 3 on the final plat contains a corresponding inadvertent discovery note. Most construction of Phase 2 improvements is complete. This condition is met.

8. Condition of approval number 37 requires permanent signs be posted along the stream corridor and other critical areas buffers every 100 feet or on every lot.

Response: Not applicable. The required critical areas buffers and permanent signs are within Phase 1 of the development.

9. Condition of approval 41 requires cul-de-sacs to have a minimum 45-foot radius.

Response: Phase 2 of the final plat has one cul-de-sac at Northwest 19th Street with a 50-foot radius and meets this requirement

10. Condition of approval 55 requires all easements necessary to provide lawful lot access shall be recorded prior to final plat.

Response: Please provide draft access easements for lots 74-76, 86-88, and 89-91 for City review. Recorded easements will be necessary prior to final plat approval.

11. Condition of approval 57 requires that appropriate building setbacks shall be listed on the face of the plat.

Response: Note 6 on the Sheet 1 of the final plat sufficiently provides this information. However, there is an addition to this note that appears to be a leftover note from Phase 1 and is not applicable to this phase (Lot 51). Please remove and provide updated Sheet 1.

12. Condition of approval 58 requires the face of the plat shall include a note that each lot shall provide two off-street parking spaces, inclusive of garages.

Response: Sheet 1, Note 5 on the submitted final plat indicates that each dwelling unit includes a garage that is at least 200 square feet and at least one additional uncovered parking space, meeting this condition. See additional requirements provided by condition number 2 in the Post Decision Review (File No. 2020-011-PDR/VAR/SEPA).

(File No. 2020-011-PDR/VAR/SEPA)

1. Condition of approval number 2 requires that building and lot coverage not exceed a 40 percent lot coverage.

Response: This condition of approval will be verified at the time building permits are submitted.

2. Condition of approval number 3 requires that each dwelling unit include a garage that is at least 200 square feet and have at least one additional uncovered parking space.

Response: Sheet 1, Note 5 on the submitted final plat indicates that each dwelling unit includes a garage that is at least 200 square feet and have at least one additional uncovered parking space. This is to be verified at the time building permits are submitted.

3. Condition of approval number 9 requires that any rooftop and/or ground-level exterior mechanical equipment be screened from adjoining residences or from public right-of-way to at least an F2 (6-foot-high sight obscuring fence with trees every 30 feet and ground cover) or L3 (6-foot-high shrubs, one tree per 30 lineal feet, and groundcover) standard.

Response: Staff will confirm this requirement is met prior to issuance of occupancy for each unit, but the applicant should be aware that this will require the construction of fences or installation of landscaping prior to issuance of occupancy.

4. Conditions of approval number 11, 15, and 16 require that the applicant file a conservation covenant with the final plat for the stream buffer onsite and also for Wetland D and its buffer and to reference these conservation covenants on the final plat. Please provide the conservation covenants for staff review and reference them on the face of the plat. The conservation covenants should be two separate documents (one for the stream and one for the wetland).

Response: Not applicable. Phase 1 of the development contains applicable areas where conservation covenant and buffering is required.

5. Condition of approval 12 requires that the applicant purchase mitigation credits outlined in the Revised Bank Use Plan for impacting onsite wetlands and buffers and provide the proof of purchase to the City.

Response: Not applicable. The purchase of mitigation credits were provided with Phase 1 of the development.

(File No. 2022-001-PDR)

This was a request to remove condition number 2 in the original preliminary subdivision approval (File No. 2006-019-SUB) pertaining to paying a proportionate share of the roundabout improvements at NW Pacific Highway and 4th Street as discussed above.

Response: This request was approved with a Type I review, therefore, condition 2 of the original preliminary subdivision approval is void.

(Development Agreement: File No. AGR 546098)

1. Provision 1 of the development agreement extends preliminary plat approval through December 18, 2020. The City agrees the final plat may be approved and recorded in one or more phases, up to five phases.

Response: The extension with the original development agreement was extended by the amended development agreement to December 31, 2021. The Phase 1 plat was filed prior to this date.

2. Provision 2 of the development agreement requires the applicant to provide a 27,000 square feet of park land with required amenities per LCMC 18.210.
 - a. Provision 2.1 of the development agreement allows the owner/applicant to seek final plat approval without constructing the park by providing the City a bond for the park. However, the park must be constructed with required improvements when at least 25 homes in the development have been constructed and occupied.

Response: The required park and amenities is constructed and approved as part of the Phase 1 development. The applicant provided a 14,018 square-foot park combined with an adjacent 21,718 square-foot open space as permitted by LCMC 18.147 for a total park and open space area of 35,736 square feet. The park meets this requirement.

- b. Provision 2.2 of the development agreement requires the owner/applicant to receive a City inspection for park and its improvements. When the park is in compliance with requirements, the City shall accept the dedication of the park and its improvements to the City.

Response: Not applicable as the park was provided and approved in Phase 1 of the development.

- c. Provision 2.3 of the development agreement requires the owner/applicant to perform all park maintenance for a period of two years from the date of City acceptance and no park maintenance bond can be provided to the City.

Response: Not applicable as the park was provided and approved in Phase 1 of the development.

- 3. Provision 3 of the development agreement states that upon completion and acceptance of the park by the City, the owner/applicant shall deed or dedicate the park to the City. After completion of the 2-year maintenance period provided by the owner/applicant, the City is responsible for park maintenance.

Response: Not applicable as the park was provided and approved in Phase 1 of the development. The amended development agreement in provision 3 states that the park and trails must be dedicated to the City or grant a perpetual public easement over these areas. The latter was pursued with phase 1 approval.

- 4. Provision 6 of the development agreement extends the expiration to December 18, 2020 unless owner/applicant files an application for final plat prior to the date. If this is filed prior to the expiration date, the new expiration date will be the date five years after the City's final plat approval.

Response: The original extension with the development agreement has been extended by the amended development agreement (File No. XXX AGR) to December 31, 2021, and meets this provision as further discussed in provision 1 of the amended development agreement.

(Amended Development Agreement)

1. Provision 1 of the development agreement requires the owner to file an application for final plat approval with the city on or before December 31, 2021. The city acknowledges and agrees that the final plat may be approved and recorded in one or more phases, up to five phases.

Response: Felida Rose LLC filed the final plat of phase 1 prior to the expiration date which was approved on May 12, 2022. This provision is met.

2. Provision 2 of the development agreement requires compliance with LCMC 18.282 Outdoor Lighting and 18.350 Tree Protection.

Response: The applicant applied for a tree removal permit (File No. 2021-012-TRE) in accordance with LCMC 18.350, which the City approved with conditions. Condition number 2 of the tree cutting permit requires that all 138 street trees as proposed shall be planted prior to issuance of occupancy permits. Staff will confirm this requirement is met prior to the issuance of the first occupancy permit for this phase of development. Streetlights and exterior house lights are to meet the requirements of LCMC 18.282. Streetlights meet this requirement. Exterior lighting will be reviewed at the time of building permit submittal.

3. Provision 3 of the development agreement requires compliance with LCMC 18.147 Parks and Open Space and requires the provision of a park described in the development agreement.

Response: Not applicable. Phase 1 of the development contains the park as described in the development agreement. The City verified this requirement was met during Phase 1 final plat review.

Engineering Comments

The applicant shall comply with the Hearing Examiner conditions dated December 18th, 2006, for the Plat approval.

1. Prior to final plat of phase 2, the applicant shall submit a stormwater covenant/maintenance agreement for the water quality facility for the lots in phase 2. Yearly updates of the status of maintenance are required by the applicant and future HOA.
2. Prior to final plat approval, the applicant shall pay a proportionate share of \$13,608 towards the cost of a traffic signal at the intersection of Pacific Highway and W. 4th Street. Since the HE conditions in 2006, the city built at roundabout at this intersection instead of a traffic signal. There is no project to pay the proportionate share dollars that were originally required. A post decision may be required to remove this condition.
3. The applicant will need to provide a maintenance bond for 20% of the cost of public improvements. The owner has already submitted the cost of public improvements for phase 2, and this is still under review.
4. The City will need to determine the street addresses before building permits can be issued. The applicant will need to incorporate these final addresses on the final plat.

5. The developer shall establish a Homeowners Association (HOA) and submit CC&Rs for the city to review. The bylaws and CC&Rs need to reflect the operation and maintenance of the stormwater private stormwater facility that will need to be funded by the HOA.

The City shall have the right of a third-party enforcement to ensure that the HOA remains intact, and collects fees to maintain the stormwater facility. The following note shall be placed on the cover of the plat "The City shall be granted the right but not the duty, to assess and maintain the stormwater facility consistent with 14.10.200 LCMC.

6. The applicant shall obtain Clark Cowlitz Fire and Rescue approval for the site fire hydrant placement.
7. The developer shall obtain Clark Public Utilities approval for the site water system and verification of fire flows.
8. Note 7 on the cover sheet of the plat references an easement of private stormwater system to be granted to the city. The city will not monitor a private storm pipe between lots. This reference needs to be removed.
9. Survey comments to the plat are attached redlines on the plat. Note 2 on the plat survey comments, describes an easement that is needed for a temporary hammerhead turnaround on lots 57 and 58. The easement will need to be granted to the City of La Center for access.

Upon resubmittal of the plans, further comments may result.

Signed: Anthony Procope Date: 11/22/22
Tony Cooper, City Engineer

Signed: Bryan Kast Date: 11/22/22
Bryan Kast, Public Works Director