



**HAYWARD USKOSKI**  
& ASSOCIATES

MEMORANDUM

To: City of La Center, Ethan Spoo  
From: Valerie Uskoski, PE  
Date: October 27, 2021  
RE: Stephens Hillside Farm PDR Request (2018-016-SUB)

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Hayward Uskoski & Associates, Inc. (HUA) has prepared this memo to address the proposed reconfiguration to the Stephens Hillside Farm Subdivision. HUA has reconfigured the approved layout to work with the hillside slope, reduce the road grades along the lot frontages and provide internal cross circulation. The discussion below focuses on both the staff report and final order and how they apply to the reconfigured site as well.

The applicant is requesting that the reconfiguration be processed as a Type I Post Decision Review.

**Land Use Staff Report Key Issues:**

1. Minimum Density

The reconfigured subdivision maintains the same density as the approved preliminary plat with a minimum lot size of 7,500 SF and a density of over 4 units per acre. The approved plat does contain lots in excess of 11,000 SF allowed by code and the proposed reconfiguration will also have some lots that exceed the maximum permissible area. These larger lots have been minimized to the extent practicable and existing in areas where topography and critical areas constrain the developable area. These larger lots are in areas where cut/fill slopes will be required to create a flatter road network and building envelopes. HUA is requesting to maintain the approved density will a minimum lot size of 7,500 SF and over 4 lots per acre.

2. Park size and design standards

The applicant is not proposing any changes to the park size or amenities. The Park area was designed to be dedicated to the city; however, if the city no longer desires ownership of the park, the applicant may revise the park amenities to meet the private park standards from the City owned standards. These revisions would include changes to items such as types of play structures, irrigation, and surfacing around the play structures. No changes will be made to the location or the connection to the Heritage Trail.

3. 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.

#### 4. Septic

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.

#### 5. Road Modification

The original application requested a road modification for the street grades that was denied. The proposed reconfiguration will conform to the standards for street grade.

#### 6. 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.

#### 7. Grid/ connectivity to Bolen

The approval provides conditions for a future extension to the west that will connect W 19<sup>th</sup> St with Bolen on the far side of the ravine. The proposed reconfiguration does not propose to alter this arrangement. Aspen and W 19<sup>th</sup> St will remain as major collectors in both scenarios with all remaining streets as local access roads. The proposed reconfiguration does add internal cross circulation within the development that was lacking previously. Additionally, temporary turnarounds are eliminated with the exception of at the terminus of W 19<sup>th</sup> Street. 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.

Previous intersection spacing along W 19<sup>th</sup> St ranged from approx. 212 feet between Aspen 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 19<sup>th</sup> St and Aspen as well as reduces turning conflicts with intersections in the future when W 19<sup>th</sup> St is connected to the west. 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 be permitted as it better suits the classification of W 19<sup>th</sup> St as a major collector. This can be supported as W 19<sup>th</sup> St, when fully extended to Bolen, will act as a primary road connecting the west and east portion of the city and provide a second access to the western portion of the city limits.

### **Final Order:**

#### A. Summary

1. The proposed change to the layout does not change any of the facts set forth.
  - a. The approved layout consisted of a connection to Aspen Street, with a collector (W 19<sup>th</sup> St) extending west across the site with a dedicated easement for a future connection to NW Bolen Street. This remains unchanged with the new configuration.

The approved layout proposed three street extensions to the north. The eastern most extension terminated below grade at a 7-foot retaining. Due to the grades of the

adjacent property, this road extension (W Bluebird Ave) was precluded from being extended 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 provided meets the requirements by locating streets where existing easements are located and where required by the transportation plan. Property where access was previously provided to is currently served from NE 249<sup>th</sup> Street to the North East of the site, hence eliminating the extension would not cause a property to become landlocked.

The approved layout also 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 19<sup>th</sup> Street, while the other cul-de-sacs and stub street were eliminated.

The reconfigured layout added a secondary street (W 20<sup>th</sup> St) running east and west, creating internal cross-circulation. W 20<sup>th</sup> 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.

- b. Stormwater is 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.
  - c. 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.
2. 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 external to the reconfiguration of the lots. 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.

3. Based on the findings provided and incorporated the examiner approved the subdivision, subjected to the conditions. Based on lack of changes to impacting the surrounding area and neighbor concerns, the existing determination of MDNS is still valid.

#### B. Hearing and Record Highlights

Items 1 and 2 contain bookkeeping items that remain unaffected as well as clarification on density, variances, parking standards, and access for the outparcel.

3. The following engineering issues for the development were as follows:

- a. W 19th St and Aspen Ave are both designated as major collectors and should be improved consistent with the classification. This remains unchanged by the reconfiguration.
  - b. 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.
  - c. An intersection spacing modification was requested for the 275-foot intersection spacing for W 19<sup>th</sup> and W Avocet Ct. 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.
  - d. The City supported the temporary turnarounds at the northern termini of the proposed street extensions. These temporary turnarounds were eliminated with the reconfiguration as the extensions are now less than 150 feet in length. The revision also better addresses the turnaround requirements for fire and emergency vehicles.
  - e. All utilities will be located underground within the site with the reconfigured site.
  - f. All streetlights will be located to provide lighting levels consisted with Code requirements under both the original site plan and reconfigured site plan.
4. No items of significance were noted in this section of discussion that would necessitate a change to address the proposed reconfiguration of the site.

C. Discussion

All sections of the discussion remain unchanged with the reconfigured layout.

D. Conclusion

This section remains unchanged based on the on reconfiguration of lots in the site plan as all external connection points are maintained.

E. Decision

The land use decision conditions are approval are listed below, followed by a discussion of whether or not they apply to the reconfigured layout.

A. *Planning Conditions*

1. *The applicant, at the time of engineering approval, shall comply with all applicable City of La Center Engineering Standards for Construction, unless modified by the Public Works Department (LCMC 12.10.040), all engineering recommendations contained in the October 12, 2015 Staff Report and applicable La Center land use regulations, goals and policies.*

This condition is still applicable and requires no changes.

2. *In the event any archaeological or historic material are encountered during project activity, work in the immediate area (initially allowing for a 100' buffer; this number may vary by circumstance) must stop and the following actions taken:*

- a. *Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; and*
- b. *Take reasonable steps to ensure the confidentiality of the discovery site; and,*

*c. Take reasonable steps to restrict access to the site of discovery.*

This condition remains intact and unaffected by the proposed reconfiguration.

*3. The project proponent will notify the concerned Tribes and all appropriate county, state, and federal agencies, including the Department of Archaeology and Historic Preservation. The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural material, and will reach an agreement with the project proponent regarding actions to be taken and disposition of material. If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.*

This condition remains unchanged.

*4. The preliminary plat shall expire within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. LCMC 18.210.050(1) and RCW 58.17.140(3)(a).*

This would remain unaffected by a post decision review.

*5. Prior to final plat approval, the Developer shall identify the setbacks for all lots on the face of the final plat. To minimize impacts to pedestrian safety and mobility, garage doors shall be setback a minimum of 20 feet from the interior edge of a sidewalk. The application for final plat approval must provide information regarding any proposed fencing, hedging, landscaping or solid waste, lighting, and noise impacts to the extent as regulated by Chapter 18.245.*

This would remain unaffected by the reconfiguration request under a PDR.

*6. The Developer shall provide each dwelling unit, at the time of construction, with at least two (2) off-street parking spaces (per LCMC Table 18.280.010)*

This would remain unaffected by the reconfiguration request under a PDR.

*7. The Developer shall coordinate with the Public Works Department regarding the City's future street naming procedure prior to final plat approval.*

This would remain unaffected by the reconfiguration request under a PDR.

*8. New residential developments shall provide street or front yard trees at a minimum of 30-foot intervals near the street frontage of each lot. Prior to final plat approval, the Developer shall provide the Public Works Department with a scaled plan showing the type, location, and planting method of street or front yard trees. A Street Tree bond shall be provided to the City guaranteeing the performance and maintenance of planted trees for two years. LCMC 18.130.100*

This would remain unaffected by the reconfiguration request under a PDR.

*9. The Applicant shall provide a detailed planting list per LCMC 18.340 prior to final plat approval.*

This would remain unaffected by the reconfiguration request under a PDR.

*10. Oregon white oak tree - The Applicant shall provide a detailed plan that demonstrates compliance with the code section LCMC 18.300.120(2) and secondarily modifies the grading plan to stay outside the dripline and establish such a tract and or conservation easement*

*before any work starts. The plan should consider how to integrate this regulated tree into park planning for the tracts reserved for future development.*

This would remain unaffected by the reconfiguration request under a PDR.

11. *The application for final plat approval must provide information regarding and proposed fencing, hedging, and landscaping and solid waste, lighting, and noise impacts to the extent as regulated by Chapter 18.245 – Supplementary Development Standards.*

This would remain unaffected by the reconfiguration request under a PDR.

12. *Parks.*

- a. *Consistent with LCMC 18.147.030(2) the Tract A park and trail shall be completed prior to the issuance of the occupancy permit of the twenty-fifth dwelling unit in the subdivision.*
- b. *Prior to final plat approval for the first phase of development the Developer shall:*
  - i. *Provide the Public Works Department with a final park plan that demonstrates how the Tract A and trail park will comply with applicable the design requirements of chapter 18.147.030, Family Parks, and applicable ADA requirements.*
  - ii. *Provide the Public Works Department with a final park plan that demonstrates how the Tract A park and trail meet the CPTED guidelines, street access, and lighting per LCMC 18.147.030(1)(b)(xi)(A) thru (C).*
  - iii. *Complete the required park and trail improvements or provide the City with a bond or other financial security bond, in an amount of at least 125 percent of the estimated cost of construction of the Tract A park, trail and amenities with surety and conditions satisfactory to the Public Work Department providing for and securing to the City the actual construction and installation of such improvements prior to the issuance of the 25th occupancy permit, and to be enforced by the engineer by appropriate legal and equitable remedies.*
  - iv. *Provide the City with a final copy of the CC&Rs for a homeowner’s association (HOA) that ensure that the HOA assumes full responsibility for the liability and maintenance of the Tract A park trail and other amenities comparable to what the city provides for City-owned parks and trails. The CC&Rs shall indemnify the City against loss or injury sustained by any person that occurs while using the Tract A private park or trail system. The CC&Rs shall also permit the City the right of third-party enforcement.*
- c. *If the Development cannot meet the Family Park standards for each phase or for all phases, then the Applicant shall redesign the plat to meet the requirements of Chapter 18.147.*

This condition would remain unaffected by the reconfiguration request under a PDR, other than any changes the city would like to make to whether the park will be dedicated to the City or whether the park will be a private park owned and maintained by the HOA.

13. *Critical Areas. Stormwater facilities may be constructed in Tract B in the outer 25% (50 feet) of the Type F stream 200-foot riparian buffer and the Tract A park may be constructed in the 200-foot riparian buffer and 120-foot wetland buffer, PROVIDED, prior to final plat approval of any phase:*

- a. *The Tract B stormwater facilities are designed consistent with consistent with LCMC 18.300.050(5)(c)(i) through (x);*

- b. *The CES Critical Areas Mitigation Plan (CES Plan) is updated to reflect actual impacts to critical areas and buffers and the mitigation ratios are adjusted accordingly;*
- c. *The CES Plan is updated to demonstrate no-net loss of buffer function and value;*
- d. *The monitoring and mitigation Goals, Objectives, and Performance Criteria of the CES Plan (Chapters 6 and 7) are updated and implemented; and*
- e. *All mitigation of critical area and buffer impacts shall take place within the Stephens Hillside Farms subdivision.*

This would remain unaffected by the reconfiguration request under a PDR.

- 14. *Impact Fees. Each builder shall be assessed and shall pay the impact fees for schools, parks and transportation in effect at the time of building permit issuance.*

This would remain unaffected by the reconfiguration request under a PDR.

- 15. *The applicant shall modify the final plat to include a minimum 50-foot-wide right-of-way dedication between the western terminus of Street A and the "outparcel," tax lot 258906-000, to allow for construction of public street access to this parcel in the future.*

This would remain unaffected by the reconfiguration request under a PDR.

#### *B. Public Works Engineering Conditions*

- 1. *The Applicant, at time of engineering approval, shall demonstrate compliance with all applicable La Center regulations, goals and policies contained herein including the requirements and condition in Section III.H., Public Works and Engineering Analysis in the Final Staff Report.*

This would remain unaffected by the reconfiguration request under a PDR.

- 2. *As-constructed drawing(s) will be provided in '\*.dwg' electronic format as well as Mylar and paper.*

This would remain unaffected by the reconfiguration request under a PDR.

- 3. *Construction plans shall identify staging areas for all equipment, contractors, deliveries, and supplies prior to construction plan approval.*

This would remain unaffected by the reconfiguration request under a PDR.

- 4. *Construction plans shall identify and show all utilities with trench and location details.*

This would remain unaffected by the reconfiguration request under a PDR.

#### *5. Streets:*

- a. *The development shall construct the street improvements noted in section III.H. Public Works and Engineering Analysis of this Staff Report.*
- b. *Minimum sight distance requirements shall be met at all site intersections and driveways. The City Public Works Department prior to final site plan approval shall approve sight distances on the internal street system.*
- c. *The development shall pay a proportionate share contribution towards improvements at the La Center Road/ Timmen Road intersection.*

- d. *Street lighting installed shall be installed consistent with City and Clark Public Utility standards.*

These conditions would remain unaffected except for 5c which will be stricken from the existing approval requirements as the improvement at the intersection has been completed.

6. *Site development earthwork for site grading and construction of sewer, storm drain, water, and street systems should occur during the dry weather season between May 1st and October 31st with planting and seeding erosion control measures completed by October 31st.*

This condition would remain unaffected by the reconfiguration request under a PDR.

7. *The Developer shall inspect and confirm any property markers before grading and add new markers as may be necessary.*

This condition would remain unaffected by the reconfiguration request under a PDR.

8. *Site improvements shall not proceed without an approved erosion control plan. All erosion control measures shall be designed, approved, installed and maintained consistent with Chapter 18.320 LCMC and City Engineering Standards. The applicant is required to have a construction stormwater permit in place with a SWPPP per D.O.E. before construction begins. Where these standards differ, the more stringent shall apply. All erosion control measures shall be in place prior to removal of vegetation or any construction activity and shall be maintained during all phases of construction.*

This condition would remain unaffected by the reconfiguration request under a PDR.

9. *Prior to site disturbance, the applicant shall consult with the Public Works Department or and City Engineer to incorporate the design recommendations in Section 6.0 of the Geotechnical Site Investigation prepared by Columbia West Engineering dated October 20, 2018.*

This condition would remain unaffected by the reconfiguration request under a PDR.

10. *The Developer is responsible for all costs associated with the service installation, hydrant installations, and any other needed water improvements.*

This condition would remain unaffected by the reconfiguration request under a PDR.

11. *The design and construction of storm drainage shall be in accordance with the LCMC and applicable city engineering standards for public works.*

This condition would remain unaffected by the reconfiguration request under a PDR.

12. *The Developer shall confirm functionality of existing wastewater facilities and capacity to treat proposed loads from all phases of proposed development and make design modifications to the proposal if such is found deficient.*

This condition would remain unaffected by the reconfiguration request under a PDR.

13. *The Developer shall add utility stubs to allow future connection of adjoining developments to the public sanitary sewer service and water service.*

This condition would remain unaffected by the reconfiguration request under a PDR.

14. *The Developer shall provide a sanitary sewer stub for the property with higher elevations to the north to be served by the proposed pump station. The cost of any future hook-up will be the responsibility of the property owner.*



This condition would remain unaffected by the reconfiguration request under a PDR.

15. *The Developer shall extend the sanitary sewer system to the appropriate extremities of the project. Future sewer service to these properties will need to be connected by the owner of said property and at their cost. The developer shall dispose of stormwater on-site per LCMC. The applicant is required to treat stormwater and detain on-site meeting the city ordinance.*

This condition would remain unaffected by the reconfiguration request under a PDR.

#### C. *Transportation Conditions*

1. *The development shall construct "Street A" from NE North Fork Avenue to the western site boundary as a Major Collector per city standard detail ST-13. T-19 Improve 348th Street between Aspen Avenue / NE North Fork Avenue and the west terminus. Reconstruct as a Major Collector with pedestrian and bicycle facilities.]*

This condition would remain unaffected by the reconfiguration request under a PDR.

2. *The development shall dedicate right-of-way and construct frontage half-street improvements on Aspen Ave as a Major Collector per city standard detail ST-13.*

This condition would remain unaffected by the reconfiguration request under a PDR.

3. *The development shall provide a paved pedestrian/bicycle connection between lots 82 and 83 to access the planned private park in Tract A.*

This condition would remain unaffected by the reconfiguration request under a PDR.

4. *The development shall construct a multi-use trail within Tract A to connect to Heritage Trail on city-owned lot 258894122 to the south.*

This condition would remain unaffected by the reconfiguration request under a PDR.

5. *Minimum sight distance requirements shall be met at all site intersections and driveways. Sight distances on the internal street system shall be approved by the City Public Works Department prior to final site plan approval.*

This condition would remain unaffected by the reconfiguration request under a PDR.

6. *The La Center Transportation Capital Facilities Plan (TCFP), transportation project T-19, calls for improvements to NE 348th Street between Aspen Avenue-North Fork Avenue and the west terminus of 348th Street and the reconstruction of NE 348th St. as a Major Collector with pedestrian and bicycle facilities. The TCFP also includes transportation project T-18, extending Bolen Street to 348th Street as a Major Collector with pedestrian and bicycle facilities. The applicant agrees to voluntarily and irrevocably commit to a dedication of right-of-way for a future street connection from the westerly terminus of proposed Street A (348th St.) of Stephens Hillside Farm Subdivision across proposed Tract C to connect with the easterly terminus of existing NE Bolen Street, the exact route to be determined within a reasonable time frame. The commitment shall encumber that portion of Tract C that is north of the proposed south right-of-way of proposed street A. The City of La Center shall be responsible for all costs related to the design and construction of said street connection. The commitment shall not exceed ten (10) years from the date of preliminary plat approval.*

This condition would remain unaffected by the reconfiguration request under a PDR.

#### D. *SEPA (MDNS) Documentation and Mitigation Conditions*

1. *Oregon white oak (if the Oak on site is an Oregon white oak):*
  - a. *Any Oregon white oak (Quercus Garryana) trees shall be included in any updated analysis and proposed mitigation or must be preserved in a separate tract.*

This condition would remain unaffected by the reconfiguration request under a PDR.

- b. *The Applicant shall complete the required notice for development permit that would require or result in any tree removals and shall include a site plan indicating the location of any trees proposed for removal and an approved mitigation plan. The dripline shall be fenced and flagged with yellow tape and inspected by the City so that no compaction of the soil and root zone within the drip line occurs. Such flagging shall be maintained until a final decision on the proposal is rendered and inspected by the City. Trees remaining on site must be protected and such approved by the City before construction activities begin. (LCMC 18.350.)*

This condition would remain unaffected by the reconfiguration request under a PDR.

E. *CCFR Fire Conditions*

1. *Fire 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' per IFC C102. The Fire District must approve the locations of all the hydrants.*

This condition would remain unaffected by the reconfiguration request under a PDR.

2. *The perimeter of all structures must be within 150' of an approved access road with a minimum clear width of 20' per IFC 503.01.1/D102. The Fire District must approve access to all the lots per the IFC.*

This condition would remain unaffected by the reconfiguration request under a PDR.

3. *Combustible construction above ground should not occur until the required, paved access roadways and fire hydrants are in place and functional.*

This condition would remain unaffected by the reconfiguration request under a PDR.

4. *Any dead-end road longer than 150' must be provided with an approved cul-de-sac or hammer-head turn-around in accordance with the International Fire Code design criteria per IFC D103.4.*

This condition would remain unaffected by the reconfiguration request under a PDR.

5. *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 ft. wide. Signs for no-parking must be provided on one side of all streets that are between 26 ft. and 32 ft. wide in accordance with local standards for future enforcement. Roadways that are 32 ft. or greater in width do not require parking restrictions or related signage. IFC D103.6*

This condition would remain unaffected by the reconfiguration request under a PDR.

6. *One- and Two-Family Residential Developments with more than 30 dwelling units must be provided with two separate and remote fire apparatus access roads.*

This condition would remain unaffected by the reconfiguration request under a PDR.

7. *Residential (NFPA 13D) 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.*

This condition would remain unaffected by the reconfiguration request under a post decision review.

**Conclusion:**

The reconfigured site plan does qualify for a post decision review as the land use constraints remain unchanged and the new layout better serves the City's long term planning goals while accommodating emergency services and future expansion of the UGB. All land use conditions of approval remain valid and applicable to the reconfiguration with no new added conditions required.