



Subject Stephens Hillside Farm Final Plat Comments – Third Review

Project Description: Plat Review (**File No. 2023-007-FPL**)

Applicant: Naaman Hannu
New Tradition Homes
1815 Northeast 113th Street #100
Vancouver, WA 98662

The City’s consulting planner (WSP Inc.) and the City Engineer completed their third review of the Stephens Hillside final plat submittal. We reviewed the final plat documents submitted by Chicago Title for compliance with the conditions of approval of the preliminary plat (File No. 2018-016-SUB) and Post Decision Reviews (File No. 2021-039-PDR/VAR/TRE and 2022-030-PDR).

Planning Comments

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

Post Decision Review (File No. 2022-039-PDR/VAR/TRE)

1. The applicant shall meet the City’s maximum building lot coverage of 35 percent and maximum impervious surface coverage of 50 percent at the time of building permit approval and shall identify the coverage requirements on the face of the final plat.

Response: This requirement has been updated per an approved development agreement (File No. 2023-009-DA). Please add a note to the final plat that the maximum building lot coverage of 35 percent and maximum impervious surface coverage of 50 percent is required for each lot unless otherwise authorized by the Development Agreement.

2. The applicant's final plat shows a 20-foot public access easement from West Avocet Avenue to the Park Tract A.

Response: The applicant’s final plat shows a 20-foot pedestrian access trail. Note 10 dedicates this trail to the City of La Center and Note 11 states this trail is to be maintained by the subdivision’s HOA.

3. A public access easement shall be established over the entirety of the park prior to final plat approval.

Response: Note 14 on the face of the final plat states that community park in Tract C is to be owned and maintained by the HOA with public access to the entirety of the park.

4. The applicant shall submit a final park plan that includes a permanent underground irrigation system for areas where vegetation is proposed.
5. The applicant's final park plan shall show how the park is adequately lit for citizens and police patrols to see into the park at night from Aspen Avenue.
6. The applicant's final park plan shall conform to the park design shown on sheet L1.0 by Clark Land Design dated March 18, 2022.

Response: The applicant has submitted a final park plan that includes irrigation, lighting and policing, and park design requirements. Verification that this was met was completed during engineering plan review.

7. The applicant shall record a covenant for all lots 15,000 square feet or greater preventing further subdivision of these lots and a note shall be provided on the face of the final plat containing the restriction that these lots cannot be subdivided.

Response: The applicant has not provided a draft covenant preventing further subdivision of lots 15,000 square feet or greater and did not provide this as a note on the face of the final plat. Please provide the draft covenant and revise the face of the plat to accommodate this note. A final recorded covenant would be required prior to final plat approval.

8. The applicant shall provide an all-weather surface with an unobstructed vertical clearance of 13.5 feet and a paved width of 15 feet for all flag lots which shall be marked and signed as a fire lane prior to engineering document approval.

Response: Lot 2 is a flag lot and is paved with an all-weather surface with an unobstructed vertical clear of 13.5 feet and a paved width of 15 feet.

9. Slopes that exceed 15 percent on oversized lots shall be planted with groundcover vegetation to stabilize these slopes and prevent erosion. Vegetation in these areas shall be maintained by individual lot owners or the homeowner's association to prevent erosion and the CCRs shall reflect this maintenance responsibility.

Response: All oversized lots with slopes that exceed 15 percent are vegetated or rock along 2:1 slopes for drainage purposes. Vegetation will be maintained by the individual lot owners.

10. The final landscape plan should include only native plants approved for use in La Center per Table 18.340.040(2), avoid plants on the Nuisance List Table 18.340.040(3), and not use prohibited plants from table 18.340.040(4). Only native plants are allowed in critical area buffers.
11. The applicant shall protect trees using protection measures compliant with LCMC 18.350.060(3).

12. The applicant shall plant at least one replacement tree for each tree that is 10 inches or larger that is removed on the site. The newly planted trees must be 2-inch caliper deciduous trees or six to eight-foot evergreen trees.
13. The applicant shall complete the verification process for trees proposed for removal prior to clearing activities in compliance with LCMC 18.350.070(3). 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.

Response: The final landscape plan was reviewed and approved as it met the requirements of LCMC 18.350, including native, nuisance, and prohibited plants; tree protection measures; tree mitigation measures; and the tree protection and removal verification process. The applicant completed construction of elements above.

Post Decision Review (File No. 2022-030-PDR)

1. The applicant shall maintain tree protection around the 50 trees and their root systems proposed to be preserved at the northwest corner of the stie to prevent damage during construction consistent with LCMC 18.350.060(3). The two trees at the location of the stormwater pond shall be flagged for removal and the 50 additional trees proposed for protection shall not be flagged consistent with LCMC 18.350.070.

Response: Construction has been completed on the site, which has included tree protection around the 50 trees and their root systems at the northwest corner of the site. The two trees at the stormwater pond have been removed.

Subdivision/Preliminary Plat (File No. 2018-016-SUB)

1. The applicant, at 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.

Response: There are several outstanding engineering and land use items that the applicant will need to complete for approval prior to final plat approval. See the remaining conditions and Staff responses in this document.

2. In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100-foot 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.

Response: Note 3 on the final plat contains a corresponding inadvertent discovery note. Most construction of the site is complete or is being completed. This condition is met.

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.

Response: Note 3 on the final plat contains a corresponding inadvertent discovery note. Most construction of the site is complete or is being completed. This condition is met.

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

Response: The preliminary plat was approved on October 3rd, 2018, which means the preliminary plat would expire on October 3rd, 2023. The final plat application has been filed prior to the expiration date; therefore, this provision is met.

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.

Response: Note 6 of the final plat identifies the required LDR-7.5 setbacks for some lots. See condition of approval number 11 regarding the requirements of LCMC 18.245. Fencing will be reviewed for each individual lot upon building permit approval.

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).

Response: This requirement is to be verified at the time building permits are submitted.

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

Response: The final plat includes street names that follow the City's street naming procedure. This requirement is met.

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

Response: A final scaled landscape plan was provided to meet the street tree and planting requirements at the time of engineering approval.

10. Oregon white oak tree – The Applicant shall provide a detailed plan that demonstrated 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.

Response: This condition has been removed with the Post Decision Review and tree cutting permit (File No. 2022-039-PDR/VAR/TRE) as no Oregon white oak trees were identified on the provided tree inventory.

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.

Response: Landscaping, hedging, and lighting were reviewed and approved with final engineering review. Solid waste and noise impacts are not applicable for this type of land use. Fencing will be reviewed for each individual lot upon building permit approval.

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) through (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 homeowners 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.

Response: The original preliminary plat has undergone a post decision review, which has altered the layout of the site. The location of the park is unchanged; however, it is now Tract C on the final plat instead of Tract A as shown on the preliminary plat. The park, trail, and other amenities are being completed concurrently with the required improvements of the subdivision. The subdivision, which includes 85 lots, is to be completed in one phase, therefore, meeting the requirement of LCMC 18.147.030(2). A final park plan was provided by the applicant and approved by the Public Works Department during engineering review. The applicant may elect to provide a bond for the required park for final plat approval for any construction not completed. A final copy of CC&Rs have been provided as conditioned above. However, the applicant has not provided a final copy of CC&Rs supporting HOA responsibility and maintenance of the park, trail, and other amenities and with additional language as conditioned above.

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 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 less 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.

Response: The stormwater facilities have been fully constructed and the CES Critical Areas Report and Mitigation Plan has been updated as conditioned to accommodate the impacts of the park that is in the riparian and wetland buffer, which was not accounted for in the original critical areas report and mitigations.

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.

Response: Impact fees will be collected accordingly with individual building permits.

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.

Response: The first Post Decision Review (File No. 2022-039-PDR/VAR/TRE) modified the reference of this condition from 'Street A' to 'West 19th Street'. However, the submitted final plat did not provide the required 50-foot-wide minimum right-of-way dedication as conditioned. Note 10 of the final plat states a "15' ingress, egress, and utility easement for the benefit of tax lot 39, to be maintained by tax lot 39. Granted with this plat." Parcel number 258906-000 is tax lot 39. The easement is located between Lots 23 and 24 of the final plat and extends west from the intersection of West Heron Avenue and West 20th Drive to tax lot 39. A right-of-way dedication is to be provided as shown on the plat. Please confirm that the right-of-way dedication will provide access to tax lot 39.

Engineering Comments

Signed:  Date: 8/14/23
Tony Cooper, City Engineer