



To: Joe Turner, Hearings Examiner
 From: Sarah Fox, Senior Planner
 Date: December 27, 2017
 RE: Open record for Dawson Ridge Subdivision (File #SUB17-02)

City's Response to Exhibit 73

1. GEOTECHNICAL SETBACKS WITHIN PRIVATE LOTS

The applicant submitted an appeal to the SEPA MDNS (File #SEPA17-16), which included the conditions concerning geotechnical setbacks at seven (7) lots. The applicant reiterated their objections to those conditions within Exhibits 70 and 73.

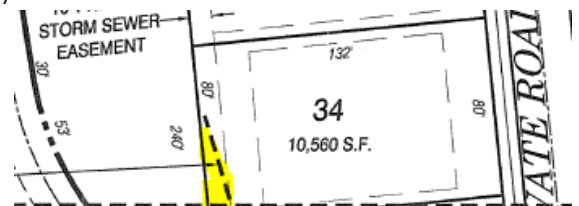
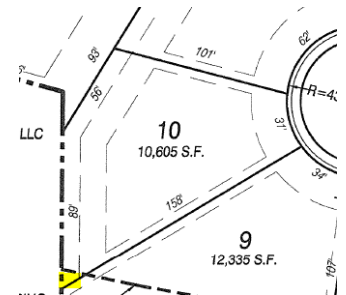
As discussed in the Staff Report, the city must ensure the long term safety of areas that are identified as hazardous. The provision from city code as cited by the applicant for allowing structures such as fences and patios within the hazard area, is not an exhaustive list. As noted by city, there are provisions within Chapter 18.17 Supplemental Development Standards, which allow for more than fences and patios without a building or other development permit. If under a certain size, pools, hot tubs, sheds, gazebos, retaining walls, etc., can be built throughout the city within a private residential lot. Both the city's consultant and the applicant's geotechnical engineers agreed that that fences and patios were safe, however they both stated that fill should not be placed within these areas without additional geotechnical review. Given that the city must ensure that safety is maintained over the long term, the proposed conditions within SEPA are intended to meet that duty. Short term measures, such as signage in a backyard may serve their function until they are removed by accident or intentionally by the property owner.

In accordance with CMC16.59.060, the city must ensure long-term slope stability, and "Shall exclude designs that require periodic maintenance or other actions to maintain their level of function" (Emphasis added). CMC§ 16.51.240(A) requires that critical areas and their associated buffer or management zones be protected through a permanent protective mechanism "acceptable to the city."

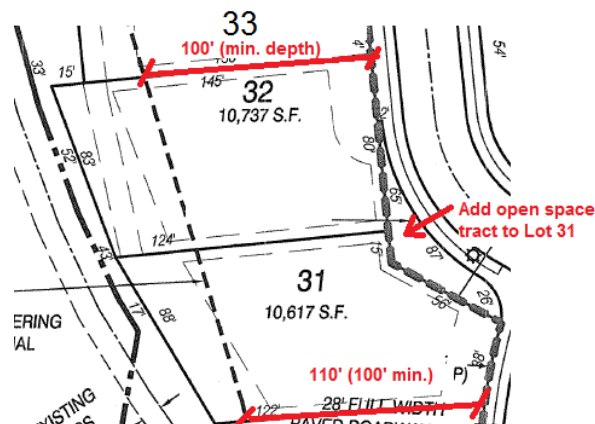
Staff notes that the condition to place the setback area into a tract is inconsequential to five (5) of the seven lots. For example, **Lots 10, 31, 32, 33 and 34** could be adjusted to remove the setback area from the back of the lot and still meet the minimum depth of 100 feet.

The remaining two lots, Lots 8 and 9, are proposed to be pie-shaped at the end of a cul-de-sac. It would appear that the lots would meet the lot depth minimum, however there would be a challenge meeting the lot width minimum of 80-feet.

As noted, establishing setbacks and buffers are some of the tools provided in code to exclude certain activities within a protected or hazardous area. However, as discussed in the staff report, the city could also provide additional flexibility to lot depth and width for a development that sets aside open space or critical areas, per CMC§ 18.09.060(D).



At the public hearing, the applicant requested additional flexibility in lot sizes for those lots that are affected by the set aside tract, *if the SEPA conditions are retained*. Staff could support a condition that is specific to **Lots 7 and 8**, which would allow them to utilize dimensional standards of R-12 zoning (minimum width of 70 feet and depth of 90 feet). The city would also support a condition to allow all seven lots to utilize the lot size range of the R-12 zone of 8,400 to 18,000 square feet (both R-12 and R-15 zones).



2. COLUMBIA VIEWPOINT (SU-11)

On December 18th, Pete Capell, City Administrator, and Robert Maul, Planning Manager ("the city"), met at the site with the property owner, David Lugliani, to discuss potential viewpoint locations. The city's photos that were submitted with the presentation materials were taken from the area of Tract B. They angled in the southerly direction from the tract. As clarified by the applicant at the hearing, that direction will someday be blocked by a home on the currently vacant adjacent lot. For these reasons, the open space Tract B would not be suitable for the viewpoint.

During their site meeting, the city and Mr. Lugliani discussed an alternate location, north of Tract B and west of the equestrian stables (See Figure 1). There is a potential view of the Columbia River to the west, although it is not entirely unobstructed with a few mature trees in the foreground. Mr. Maul noted that Mr. Lugliani was amenable to continuing to discuss this alternative location, as stipulated by Condition #13.

Views of the Columbia River are a protected public view per CMC§ 16.33.010(B). Further, the city may condition a project to provide for these views, as listed at Subsection 4 ("a" to "g").

"Mitigating measures may include, but are not limited to:

- a. Requiring a change in the height of development;*
- b. Requiring a change in the bulk of the development;*
- c. Requiring a redesign of the profile of the development;*
- d. Requiring on-site view corridors or requiring enhancements to off-site view corridors;*
- e. Relocating the project on the site;*
- f. Requiring a reduction or re-arrangement of walls, fences, or plant material; and*
- g. Requiring a reduction or rearrangement of accessory structures including, but not limited to, tower railings and antennae."*

Given the confusion between the applicant and staff (and possibly, the public) in regard to the exact location of the views to the Columbia River, the city requests that an additional condition be included, consistent with CMC§ 16.33.010(C) Visual Analysis Required.

Conditions 9 and 13 reference the SU-11 viewpoint. Condition 9 should be revised to read:

9. The Applicant shall install a 6-foot wide pedestrian connection, located on Tract 'I' between Lots 8 and 9, that will provide access ~~to the Columbia Viewpoint (SU-11)~~ for a future trail connection to adjoining properties when they develop.

Condition 13 should be revised as follows:

13. The Applicant shall meet with the Parks and Recreation Development Review Ad-hoc Committee for review of the design and location of the Columbia Viewpoint (SU-11) and the T-11 east-west trail segment. Public improvements for the viewpoint (e.g. benches, signs) and trail shall be park impact fee creditable.

And, the following conditions should be added:

The applicant shall provide a public viewpoint of the Columbia River, and note the location on the plat map. The applicant shall provide a visual analysis consistent with the requirements of CMC§ 16.33.010(C), and must submit it prior to engineering plan approval. Limited pruning of trees within the view corridor will be allowed as performed by an arborist. "Limited" pruning means less than 20% of the limbs of a single tree can be removed within a five year period.

Figure 1 Potential views of the Columbia River



3. TIMING OF FENCING INSTALLATION

The applicant requested that fencing adjacent to the stream and wetland not be installed until the time of individual home construction. The city requested that it be installed at Final Acceptance, per Condition #48, "Continuous fencing must be located along lot lines that are adjacent to critical areas (incl. buffers), and installed prior to final acceptance." This provision would apply to only seven lots: Lots 1, 26, 27, 28, 39, 40 and 43.

Protective measures, such as signage and fencing are the combined mitigation measures for development of the entire property and impacts, and are not the singular mitigation measure for each individual lot. Although, not conditioned, fencing should be maintained by the homeowners association.

The city can allow some aspects of the preliminary plat to be bonded or financially secured to achieve final plat approval, however at final acceptance all plat improvements must be installed. To grant final acceptance per CMC§17.21.070, "The city shall accept all improvements within all land divisions, and applicable site plan developments provided: (1) All improvements have been installed in accordance with the requirements of this title and with the preliminary plat approval..."

Staff does not support delaying the installation of fencing beyond final acceptance.

4. OTHER CLARIFICATIONS

System Development Charges (SDC): The applicant requested that SDC credits for the number of trips be applied for the existing equestrian facility when it is abandoned and homes are built. The city believes that the applicant is referring to transportation impact fees (TIF). There is no record that the transportation impact fees were paid for the existing facility when it was converted from a single family agricultural (barn

and stables) to the commercial equestrian facility. For this reason, no TIF credits should be allocated to this project when Phase 3 is developed with ten single family homes.

Lot Standards: Staff does not support the lot widths be reduced to 50-feet for Lots 6-11 and 31 to 39, or for lot coverage standard to be increased. Staff cannot support dimensional standards that were approved through a development agreement for other properties, Planned Residential Developments (PRD), or mixed use projects, and are more similar to those allowed with the R-6 zone (single-family high). The subject property is within a single family low designation. As noted, Staff could support a reduction in lot dimensions to the R-12 zone (single-family medium) for Lots 8 and 9.

Conditions 11 and 12. Staff agrees that both conditions should be amended to read, "To the extent feasible" at the beginning of the sentences instead of at the end.

Condition 39. Staff concurs that this condition should be revised as follows: The applicant shall place the stormwater facilities in separate tracts from critical areas, ~~and provide fencing~~ shall be provided around the perimeter of each between the stormwater facility and critical areas. Fencing shall be installed as part of the construction of the facility. Fencing is not required along the access roads to the facilities.

Condition 40. Staff concurs with the applicant's proposed revision.

Condition 42. Applicant clarified at the public hearing that Tract H would be eliminated and that the area would be added to the adjacent open space. Therefore this condition should be modified to read: ~~Tract H and~~ Lot 39 shall be modified to eliminate areas that encroach into critical areas or associated buffers.

Condition 44. If Lots 8 and 9 have a separate condition in regard to lot dimensions, then Condition 44 would need to be amended as follows: The lot widths of pie-shaped lots ~~(e.g. Lots 4, 7, 8, 9, and 10)~~ except Lots 8 and 9 must be adjusted to achieve the minimum lot width of 80-feet, from a point that is at least 20 feet from the front lot line, or the front setback line must be revised and established at the point at which a lot width of 80-feet is achieved. Meaning that the front setback of pie-shaped lots would be greater than the minimum of the zone.