

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: February 22, 2022

SUBJECT: Sand Hill Estates #4 Major Plat – Deferral Request – Recommendation to Hearing Examiner

Palos Verdes LLC has applied for the next phase of the Sand Hill Estates development north of Olympia Street. This phase includes some requests for deviations and deferrals of street and utility standards. OMC 16.40 sets up the process to deviate from standards and defer improvements.

**Staff Comments**

1. The Commission is reviewing only the deviation and deferral requests, to make a recommendation on whether each should be approved or denied. The major plat itself is reviewed and approved by the Hearing Examiner.
2. Note that the process specified in the Municipal Code has inconsistencies with the actual process we use currently. When Development Code Administration (Title 19) was adopted in 2009, Subdivisions (Title 16) was not updated to reflect the Hearing Examiner taking on quasi-judicial decisions such as major plat approvals. Therefore, we mesh the two codes as best we can until we update the Subdivision title to correct the inconsistencies. The most logical process for now is that the Planning Commission still provides a recommendation, which is forwarded to the Hearing Examiner to review along with the plat, rather than the former process where the City Council received the recommendation on deferrals and deviations to consider along with the plat.
3. Identified improvements or design needed to meet Municipal Code and/or Public Works Design Standards for this site are as follows:

Requirement	Developer’s Proposal	Staff Response
Improvements to 14 <sup>th</sup> Avenue to the north boundary of the plat.  OMC 16.29.140: A street lying along the boundary of a subdivision will be dedicated and completed to its full width.	Defer remaining improvements until Sand Hill #5.	Public Works prefers fewer joins in the street so is in favor of the deferral but wants to ensure it is completed in a timely manner. The City Engineer recommends setting a time limit of Oct. 2024. Finishing this segment of the street could be guaranteed with a covenant or similar mechanism. No

Requirement	Developer's Proposal	Staff Response
		justification was provided for deferring the sidewalk, but it could be argued that construction on these lots will be much easier if they can be accessed from 14 <sup>th</sup> without having to be concerned about breaking the sidewalk.
<p>Turnaround provisions at the north end of 11<sup>th</sup> and 13<sup>th</sup> Avenues, including land dedication or easement to accommodate the turnaround.</p> <p>OMC 16.29.050: Streets having no outlet shall not service more than 20 dwellings...nor be longer than 700' to the outermost driveway and shall be provided with a closed end with a turnaround....Dead end streets less than 150' long require a 60' diameter turn around. Streets over 150' long shall have a turn around no less than 100' in diameter...</p>	<p>11<sup>th</sup>: Temporary gravel turnaround, as part of the Development Agreement for this phase. Will be abandoned in Phase 5.</p>	<p>There is no Development Agreement for this phase, only for the completed Phase 1. Staff agrees a temporary turnaround makes sense, but there should be a method to guarantee the improvements and right-of-way if Phase 5 doesn't happen.</p>
	<p>13<sup>th</sup>: No turnaround proposed since less than 150' from the turnaround bulb at 13<sup>th</sup> and Mt. Cascade.</p>	<p>OMC 16.29.050 requires a 60' diameter turnaround for a dead-end street less than 150' long. This segment is 175' from the center of the bulb to the north boundary of the plat. The Fire Department did not provide comments yet. Staff suggests temporary gravel access in the alignment of the future street, from the north boundary of the plat to 14<sup>th</sup> Ave. There would need to be a guarantee for future improvements and right-of-way.</p>
<p>66' ROW for neighborhood streets.</p>	<p>60' ROW, based on reduced constructed street</p>	<p>Planning &amp; Engineering staff are in favor of the</p>

Requirement	Developer's Proposal	Staff Response
OMC 16.29.100	width recently approved, creating an additional 3' of undeveloped ROW on each side of the street.	reduced ROW width. The additional 6' of ROW is not needed for city purposes. A municipal easement could be required to provide additional space, but all city improvements can fit within the 60' ROW.
<p data-bbox="391 590 708 688">Monuments in the intersecting centerlines of streets.</p> <p data-bbox="391 730 743 829">OMC 16.29.380: Monuments shall be set at the centerlines of all streets at intersection.</p>	The intersection of 7 <sup>th</sup> Ave & Mt. Cascade will have a sanitary sewer manhole that prevents locating the monument at the centerline. The monument will be offset.	City Engineer notes the same situation in multiple locations. He recommends that the proposed manholes be relocated so the monuments can be at the intersection centerlines. Then the deviation is not needed.

4. Note that OMC 16.40 requires specific findings by the Planning Commission about the nature of the site or the area that justify granting the deferral.

**Attachments**

- OMC 16.40 (Packet p.13)
- Preliminary Sand Hill Estates #4 Major Plat (Packet p.14)
- Conceptual Engineering Plans (Packet p.21)
- Waiver request letter from McArthur Engineering, representing Palos Verdes LLC (p.25)
- City Engineer memo dated 2-17-22 (Packet p.27)

**Staff Recommendation:** Staff recommends the following:

1. That the request to defer street and utility improvements for 14<sup>th</sup> Avenue abutting Block 4 be granted, with a covenant or other guarantee for completion of the improvements by October 2024. The public will gain a better finished street by having fewer joins in the street.
2. That the request for a temporary gravel turnaround at the north end of 11<sup>th</sup> Ave be granted, with the condition that an easement or ROW be provided and a covenant be recorded to guarantee permanent turnaround provisions if the street is not extended by October 2025. It would be an unnecessary hardship to require a permanent turnaround

when the street is expected to be extended within the next few years. The covenant and easement will guarantee that a permanent turnaround is installed if the street is not extended.

3. That the request to not provide a turnaround or connection at the north end of 13<sup>th</sup> Ave be denied, but that a temporary gravel turnaround or temporary gravel connection to 14<sup>th</sup> Ave be allowed, with the condition that an easement or ROW be provided and a covenant be recorded to guarantee permanent turnaround or connection provisions if the street is not extended by October 2025. It would be an unnecessary hardship to require a permanent turnaround when the street is expected to be extended within the next few years. The covenant and easement will guarantee that a permanent turnaround or connection is installed if the street is not extended.
4. That the request for 60' ROW width be approved. The extra ROW is not needed now that the constructed width of the street has been reduced.
5. That the request for offset monuments be denied, since the utilities can be reconfigured to eliminate the need for this deviation.

**Action:** The Planning Commission should discuss each deviation or deferral request and make a recommendation on each to the Hearing Examiner. The Commission should make findings of fact to support each recommendation.

## Anne Henning

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**From:** Anne Henning  
**Sent:** Wednesday, February 23, 2022 9:35 AM  
**To:** Angel Garza (angel@palosverdesllc.com); Scott McArthur  
**Subject:** Sand Hill #4 changes  
**Attachments:** Deviation Deferral follow up letter.pdf

Hi Angel and Scott,  
Attached is the letter summarizing the Planning Commission's recommendations from last night.

The next steps are:

1. As stated in the letter, I will need one of you to formally submit in writing to clearly show the reduced scope of the plat.
2. Please review the comments from Engineering and Fire sent previously. While the plat could simply be approved subject to you making those corrections, to avoid delays and possible additional public hearings, please consider if any redesigning will be necessary to address these comments. The issues that come to mind are Fire comment #1 about lots that exceed 150' depth (some of the cul-de-sac lots) and Engineering comment #9 about whether the 20' ped path/emergency access is wide enough for all 3 utilities.

Thanks,

**Anne Henning, AICP**

*Community Development Director*

City of Othello

(509) 331-2710 direct line | (509) 488-5686 City Hall main phone

[www.OthelloWa.gov](http://www.OthelloWa.gov)





# The City of Othello

500 East Main Street OTHELLO, WASHINGTON 99344 Telephone (509) 488-5686  
Fax (509) 488-0102

February 23, 2022

Scott McArthur  
McArthur Engineering  
PO Box 2488  
Post Falls, ID 83877

Re: Sand Hill Estates #4 Major Plat – Planning Commission Recommendations on Deviations/Deferrals

Dear Scott:

At last night's Planning Commission meeting, after discussion about the need for a connection from East Mt. Cascade Street to 14<sup>th</sup> Avenue, the property owner stated he had been fairly sure he would not develop the east side of the plat until later, so he verbally withdrew that portion of the plat from current consideration and will resubmit it at a later date as a separate plat. **Please provide something in writing to formalize the reduced extent of the current plat.**

Based on the new information, the Commission made the following recommendations on the requested deviations and deferrals:

1. Defer improvements to 14<sup>th</sup> Ave – No longer relevant since the reduced plat does not abut 14<sup>th</sup> Ave.
2. Temporary gravel turnaround at north end of 11<sup>th</sup> Ave – Temporary gravel turnaround allowed, with an easement and covenant to guarantee construction of a permanent turnaround if the street is not extended by October 2025.
3. Turnaround at the north end of 13<sup>th</sup> Ave – No longer relevant since this portion of the plat has been removed.
4. 60' ROW width – Approved.
5. Offset monuments – Denied, since the manholes can be moved, allowing the monuments to be placed as required.

These recommendations will be forwarded to the Hearing Examiner for his consideration in reviewing the project.

If you have any questions, feel free to contact me at [ahenning@othellowa.gov](mailto:ahenning@othellowa.gov) or 509-331-2710.

Cordially,

Anne Henning, AICP  
Community Development Director

cc: Angel Garza, PO Box 464, Othello, WA 98837 (via email)

## Anne Henning

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**From:** Anne Henning  
**Sent:** Monday, February 28, 2022 11:31 AM  
**To:** Angel Garza (angel@palosverdesllc.com); Scott McArthur  
**Subject:** FW: Sand Hill #4 changes  
**Attachments:** Deviation Deferral follow up letter.pdf

Just a quick reminder that I will need the letter or drawing showing the reduced scope of the plat, and any substantive changes to the design triggered by addressing review comments, by this Wednesday at the very latest. I need to have the staff report written, attachments compiled, and everything ready to go to the Hearing Examiner by Friday, and I will hopefully be out of the office Thursday (chaperoning the first band trip in a long time; hopefully it doesn't get cancelled). Thanks,

**Anne Henning, AICP** | Community Development Director | City of Othello | 509-331-2710 direct | 509-488-5686 City Hall main number

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Thanks,

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*Community Development Director*

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## **Anne Henning**

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**From:** Scott McArthur <scott@mcArthur-eng.com>  
**Sent:** Tuesday, March 1, 2022 8:59 AM  
**To:** Anne Henning; Angel Garza (angel@palosverdesllc.com)  
**Subject:** RE: Sand Hill #4 changes

[External Message]

Anne:

I believe our intent is to submit as one (1) project, but with the “option” to break it into two (2) phases, as shown below:



How best do we address this in writing?

Scott McArthur, PE

Tel: 208.964.0481  
[www.mcarthur-eng.com](http://www.mcarthur-eng.com)

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## Anne Henning

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**From:** Anne Henning  
**Sent:** Tuesday, March 1, 2022 9:09 AM  
**To:** Scott McArthur; Angel Garza (angel@palosverdesllc.com)  
**Subject:** RE: Sand Hill #4 changes

At the Planning Commission meeting about the deviations/deferrals Feb. 22, because we couldn't come to a resolution on the issue of the extension of 13<sup>th</sup> Avenue, Angel said he wouldn't do that part yet, therefore taking away the need to address the issue of a dead end serving more than 20 lots. So the Planning Commission did not provide a recommendation on the 13<sup>th</sup> Ave. deviation/deferral. Which means you no longer have the option to do the full plat now, unless you want to delay the hearing and take the plat back to the Planning Commission to figure out how to deal with the 13<sup>th</sup> Ave. stub.

**Anne Henning, AICP** | Community Development Director | City of Othello | 509-331-2710 direct | 509-488-5686 City Hall main number

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**Sent:** Tuesday, March 1, 2022 8:59 AM  
**To:** Anne Henning <ahenning@othellova.gov>; Angel Garza (angel@palosverdesllc.com) <angel@palosverdesllc.com>  
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**Sent:** Tuesday, March 1, 2022 9:21 AM  
**To:** Anne Henning; Angel Garza ([angel@palosverdesllc.com](mailto:angel@palosverdesllc.com))  
**Subject:** RE: Sand Hill #4 changes

[External Message]

Anne:

Sorry, can you please clarify? Can we provide the gravel outlet to 14<sup>th</sup>? The only concern with that is tracking in/out for me...I do not want people to take that way home... or would it be wise to delay that section as being 20 Lots or less, if we move forward, so there would be an A, B and C phase for SHE IV, and phase C would most likely get built with Phase V? Trying to make the most of this request, and check all options. Open to your recommendations.

Thank you!

Scott McArthur, PE

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**Subject:** RE: Sand Hill #4 changes

## Anne Henning

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**From:** Anne Henning  
**Sent:** Tuesday, March 1, 2022 9:30 AM  
**To:** Scott McArthur; Angel Garza (angel@palosverdesllc.com)  
**Subject:** RE: Sand Hill #4 changes

So my idea of a gravel outlet to 14<sup>th</sup> did not meet with the Commission's approval, because then there would be a gravel street, potentially used by a lot of cars for the next few years.

You can't just do a turnaround (or gate it off) because then there are more than 20 lots off 13<sup>th</sup> with only 1 access.

The only solution I can see that would allow the full #4 to move forward would be to pave the connection to 14<sup>th</sup>. But you would need to install whatever utilities are needed under it (or plan to dig it up when you get to that part), and you wouldn't be able to add any new lots along that segment without starting over with the public notification.

There may be other solutions but I can't think of any. I thought we had solved the issue by delaying the east half of the plat until a future phase.

I don't understand what would be phase C so I can't say how that would work. At the meeting, Angel had said he had already been 90% sure he wouldn't build the east half until later anyway.

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**To:** Anne Henning <ahenning@othellowa.gov>; Angel Garza (angel@palosverdesllc.com) <angel@palosverdesllc.com>  
**Subject:** RE: Sand Hill #4 changes

[External Message]

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Thank you!

Scott McArthur, PE

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## Anne Henning

---

**From:** Scott McArthur <scott@mcArthur-eng.com>  
**Sent:** Wednesday, March 2, 2022 7:56 PM  
**To:** Anne Henning  
**Cc:** Angel Garza  
**Subject:** Sand Hill IV - Phasing or Modifications

Anne:

Sorry for the late email. I have been contemplating this predicament today from multiple angles:

**1. Two Phases:**

- a. Do we break this in to a Phase IV-A and a Phase IV-B, and then just limit the building permits for Phase IV-B to 20 Homes until a second access is provided to 14<sup>th</sup> Avenue
- b. As discussed, we could make this 20-Lot development until access is provided a condition of approval, or we could prepare a formal/legal document to such, and note the verbiage on the Plat in some manner.

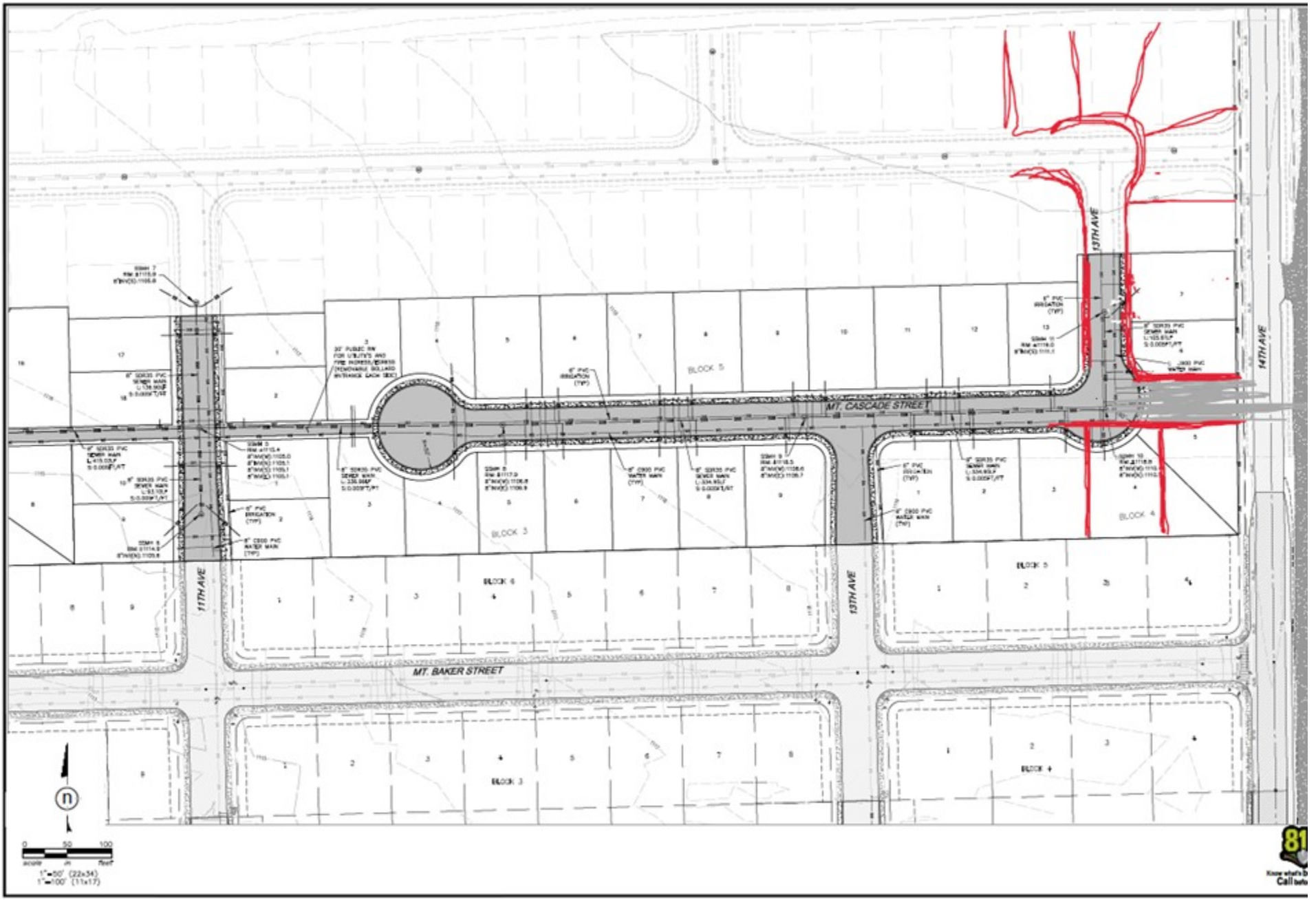
**2. Three Phases:**

- a. Or similarly, do we break this into three phases, Phase IV-A, Phase IV-B, and Phase IV-C, where Phase B is limited to 20 Lots, and Phase IV-C is undeveloped on the surface (water and sewer are extended, but no surface improvements), and then use the knuckle as a gravel turnaround.
- b. Again, we could make this 20-Lot development until access is provided a condition of approval, or we could prepare a formal/legal document to such, and note the verbiage on the Plat in some manner.



**3. Development Modification:**

- a. Or perhaps the best move may be to modify the end of Phase IV and Phase V, and extend Cascade to 14<sup>th</sup>, as shown, and then just move the proposed knuckle to Phase V. Sewer, water and drainage work, and this would solve the “20-Lot” second access situation. Thoughts? I think this could be a simple exhibit we could supplement into our request, which would clear up the planning concerns, and satisfy the City requirements.



Sorry again about the crudeness of this email, I tried to get it out sooner, but the more professional drafted version did not get finished.

Please let us know your thoughts.

Scott McArthur, PE

Tel: 208.964.0481  
[www.mcarthur-eng.com](http://www.mcarthur-eng.com)

## Anne Henning

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**From:** Anne Henning  
**Sent:** Thursday, March 3, 2022 8:24 AM  
**To:** Scott McArthur  
**Cc:** Angel Garza  
**Subject:** Re: Sand Hill IV - Phasing or Modifications

Scott,

I think I like the design with the direct connection from Mt. Cascade to 14th. But that's just me looking at it on my phone while riding a bus. At this late date, I don't see how we can move forward with any significant changes to the layout. I can't count on people to be available to review it in one day. And the public notification was done based on a particular layout. How serious a problem is it to just move forward with the A portion for now, then you can figure out the east side and submit it as it's own plat, which can get a full review?

Sent from my iPhone

On Mar 2, 2022, at 7:56 PM, Scott McArthur <scott@mcArthur-eng.com> wrote:

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## Anne Henning

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**From:** Anne Henning  
**Sent:** Friday, March 4, 2022 9:29 AM  
**To:** Scott McArthur  
**Cc:** Angel Garza  
**Subject:** RE: Sand Hill IV - Phasing or Modifications

So today is the day I need to finish my staff report. I'm just going to have to go with the "A" portion as the plat for this review. We can discuss the layout options for the rest of it next week, so you can get going on applying if you now feel that you will be ready to build the eastern half soon.

**Anne Henning, AICP** | Community Development Director | City of Othello | 509-331-2710 direct | 509-488-5686 City Hall main number

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**Sent:** Friday, March 4, 2022 9:57 AM  
**To:** Anne Henning  
**Cc:** Angel Garza  
**Subject:** Re: Sand Hill IV - Phasing or Modifications

[External Message]

Anne:

Please move forward with Phase A as planned and Angel and I will work with you on Phase B. Thank you!

Sincerely,

Scott McArthur  
Tel: 208.964.0481  
[www.mcarthur-eng.com](http://www.mcarthur-eng.com)

On Mar 4, 2022, at 9:29 AM, Anne Henning <ahenning@othellova.gov> wrote:

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