

**BEFORE THE LAND USE HEARING EXAMINER
FOR THE CITY OF LA CENTER, WASHINGTON**

Regarding an application by Physical Therapy Northwest Partners, LLC for similar use and Conditional Use Permit approval to operate a physical therapy clinic in the former City Hall at 214 E. 4th Street in the City of La Center, Washington) **FINAL ORDER**
) **File No. 2022-031-CUP**
) **(Physical Therapy**
) **Northwest Partners)**

A. SUMMARY

1. The applicant, Physical Therapy Northwest Partners, LLC, requests similar use determination and Conditional Use Permit (“CUP”) approval to operate an outpatient physical therapy clinic in an existing office building located at 214 E. 4th Street; also known as Lot 1 SP 4-132, Parcel number 62724-000 (the “site”). The City of La Center owns the site. The site is zoned UP (Urban Public). Properties to the south, west, and north (across E. 4th Street) are zoned C-1 (Downtown Commercial). Properties to the east are zoned P/OS (Parks/Open Space). The site is currently developed with a 1,617 square foot office building that was previously used as the La Center City Hall.

2. The applicant proposes to operate an outpatient physical therapy clinic in the existing building on the site, providing outpatient rehabilitation services - including physical therapy, occupational therapy, speech therapy, and vestibular therapy. With the exception of a sign that is subject to separate sign permit approval, no exterior modifications are proposed.

a. Outpatient clinics are not listed as a permitted or conditional use in the UP zone. Therefore, the applicant requests a similar use determination pursuant to LCMC 18.20.040 that the traffic and parking impacts of the proposed outpatient clinic are similar to a governmental building or structure.

b. Governmental buildings or structures are conditional uses in the UP zone. LCMC 18.170.030(4). Therefore, the applicant requests CUP approval for the proposed outpatient clinic as a use similar to a governmental building.

3. Hearing Examiner Joe Turner (the “examiner”) conducted a public hearing to receive testimony and evidence about the application. The city’s consulting planner recommended that the examiner approve the application subject to conditions in the Staff Report and Recommendation to the Hearings Officer dated August 24, 2022 (the “Staff Report”). The applicant accepted those findings and conditions without exceptions. No one else testified orally or in writing.

4. Based on the findings provided or incorporated herein, the examiner approves the application subject to the conditions at the end of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. Hearing Examiner Joe Turner (the "examiner") received testimony at the public hearing about this application on August 31, 2022. That testimony and evidence,

including a recording of the public hearing and the casefile maintained by the City, are included herein as exhibits, and they are filed at City Hall. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. La Center consulting planner Ethan Spoo summarized the Staff Report.

a. He noted that outpatient clinics are not listed as a permitted or conditional use in the UP zone. However, the traffic and parking impacts of the use are similar to the impacts of the former City Hall, which is a government building permitted as a conditional use in the UP zone. The Code does not define the term “similar use” or provide any limitations as to how a use is determined to be “similar.” Therefore, he recommended the examiner find, pursuant to LCMC 18.20.040, that the proposed clinic is similar to a government building, based on the similar impacts of these uses.

b. Government buildings, and therefore uses similar to government buildings, are allowed as conditional uses in the UP zone. Therefore, the applicant is also requesting approval of a conditional use permit for the proposed outpatient clinic. The proposed clinic is expected to have nearly identical parking, traffic, and other impacts compared to the former City Hall use of the site.

i. The characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography, and natural features. LCMC 18.250.040(1)(a). The applicant is not proposing any exterior changes to the existing building on the site, other than a sign that is subject to separate sign permit review. The proposed use requires 12 parking spaces. There are nine parking spaces on the site and the City will allow the clinic to use three additional parking spaces at the adjacent new City Hall abutting the site to the south. There is more than enough parking available on the adjacent property to meet the Code requirements for the new City Hall and the extra parking required for this use. The City owns the site and the adjacent property. Therefore, a shared parking agreement is not warranted.

ii. All required public facilities (i.e., water, sanitary waste, drainage, and roads) have adequate capacity to serve the proposed use. LCMC 18.250.040(1)(b).

iii. The proposed outpatient clinic use complies with the applicable requirements of the UP zone, pursuant to the similar use determination. LCMC 18.250.040(1)(c).

iv. The establishment, maintenance or operation of the proposed outpatient clinic will not be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city. LCMC 18.250.040(1)(d). The traffic, parking, hours of operation, and other impacts of the use are similar to the prior use of the site as the La Center City Hall. That use did not have any adverse impacts on the public health and welfare or adjacent properties. Therefore, the proposed use will not have such impacts.

3. Bruce Snell, vice-president of development for Physical Therapy Northwest Partners, LLC, testified on behalf of the applicant. He noted that the proposed clinic will only provide physical rehabilitation. It will not provide drug or alcohol rehabilitation services. He accepted the findings and conditions in the Staff Report without exceptions.

4. No one else testified at the hearing. The examiner closed the record at the end of the hearing and announced his intention to approve the application, subject to the findings and conditions in the Staff Report.

C. DISCUSSION

1. City staff recommended approval of the application based on the affirmative findings and subject to conditions of approval in the Staff Report. The applicant accepted those findings and conditions without exception.

2. The examiner concludes the Staff Report identifies the applicable approval standards in the LCMC for the application and contains affirmative findings showing that the proposal does or can comply with those standards, provided that the applicant complies with the recommended conditions of approval. The examiner adopts the affirmative findings in the Staff Report as his own.

D. CONCLUSION

The examiner concludes that the applicant sustained the burden of proof that the proposed development does or can comply with the applicable provisions of the La Center Municipal Code and Revised Code of Washington, provided it is subject to reasonable conditions of approval warranted to assure compliance in fact with those provisions.

E. DECISION

In recognition of the findings and conclusions contained herein, and incorporating the reports of affected agencies and exhibits received in this matter, the examiner hereby approves File No. 2022-031-CUP (Physical Therapy Northwest Partners) in general conformance with the applicant's conditional use permit, subject to the following conditions:

A. Engineering and Public Works **General Conditions**

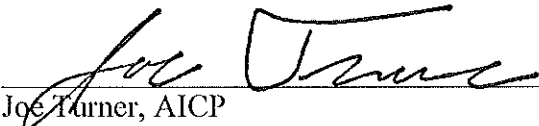
- None

B. Land Use **Prior to Issuance of Occupancy**

1. The applicant shall obtain a sign permit in conformance with LCMC Chapter 8.60.

2. The applicant shall comply with the International Building Code and International Fire Code prior to occupancy through the issuance of a tenant improvement permit.
3. The applicant shall obtain and furnish to the City a copy of a Washington State Department of Health license for physical therapy prior to issuance of occupancy

DATED this 14th day of September 2022.



Joe Turner, AICP
City of La Center Hearing Examiner