



NOTICE of DECISION

Heritage Country Estates – Variance

Type II Post Decision Review and Variance (File # 2017-019-PDR)

Proposal	Vary the front and rear setbacks and lot coverage standards to allow side-loading garages rather than front-loading garages, as follows: Front Yard setback from 20 feet to 10 feet for the front of the porch or 15 feet for the front of the house, whichever is more restrictive; Side yard setback from 7.5 feet to 5 feet; Maximum lot coverage from 35% to 45%; and Maximum impervious surface area from 50% to 65%.
Location	1908 NE Lockwood Creek Rd., La Center, WA. Assessor’s PID: 209047000, 986027188 and 986027189
Applicant	Waverly Homes, LLC, 9208 NE Hwy 99 # 107, PMB 145, Vancouver, WA 98665. Contact: Brett Simpson, 36-.314.6877, brett@mywaverlyhomes.com
Approval Criteria	La Center Municipal Code (LCMC) Title 18, Development Code: LCMC 18.30.120(1), Type II Notices; 18.30.090, Type II Procedures; 18.30.150, Post Decision Review; 18.130, Low Density Residential Districts; and 18.260, Variances.
Public Comment	November 29, 2017 – December 13, 2017
Decision	Approved subject to Conditions
Date Issued	January 2, 2018
Appeal	A party to this request may appeal the administrative decision, consistent with LCMC 18.03.1130, within 14 days after issuance of the decision
Reviewer	Eric Eisemann, La Center Planning Consultant; E ² Land Use Planning, LLC, 215 W. 4th Street, Suite # 201, Vancouver, WA 98660, 360.750.0038, e.eisemann@e2landuse.com

Overview

Waverly Homes, LLC will construct several single-family homes in the Heritage Country Estates subdivision. They propose to vary the front and rear setbacks and lot coverage standards to allow side-loading garages rather than front-loading garages, as follows:

- Front Yard setback from 20 feet to 10 feet for the front of the porch or 15 feet for the front of the house, whichever is more restrictive;
- Side yard setback from 7.5 feet to 5 feet;
- Maximum lot coverage from 35% to 45%; and
- Maximum impervious surface area from 50% to 65%.

Review

The City will review the application for compliance with the La Center Municipal Code (LCMC) Title 18, Development Code. Applicable regulations include: LCMC 18.30.120(1), Type II Notices; 18.30.090, Type II Procedures; 18.30.150, Post Decision Review; 18.130, Low Density Residential Districts; and 18.260, Variances.

The application is subject to Type II review because the requested deviation from the setback standards exceeds 10%. (See LCMC 18.260.020(2)) The city provided public notice of the proposed variance consistent with LMCM 18.30.090. The public comment period extended from November 29, 2017 through December 13, 2017. The city did not receive any public comments.

LCMC 18.260.040 provides “the review authority shall approve or approve with conditions an application for a variance” based upon a finding that:

- (1) Unusual circumstances or conditions, such as size, shape, topography and location of an existing legal development on the site, apply to the property and/or the intended use such that the strict application of this title would deprive the owner of the subject property of rights and privileges enjoyed by owners of other properties in the vicinity in the same zone; and*
- (2) The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the property is situated. [Ord. 2006-17 § 1, 2006.]*

Applicant’s Proposal and City Analysis

The applicant proposes to construct “farmhouse style” homes with large front porches and rear/side-loading garages. The applicant’s asserts “large front-porches and rear/side-loading garages are design features” that the La Center LDR 7.5 code does not facilitate.

Variance Requests

1. Front Setback

Reduce the front yard setback from twenty feet (20 ft.) to fifteen feet (15 ft.) for the front of the home and ten feet (10 ft.) for the covered porch.

City Finding

The applicant suggests that reduction of the setback will allow the construction of housing units which “better match the character of La Center” and that the code does not adequately accommodate side and rear loading garages. The applicant suggests that granting the variance will not be detrimental to the public welfare and “allow the applicant to better maintain the character of La Center while adding substantial development.”

The La Center Comprehensive Plan encourages construction of a variety of housing types and products. In recent years the dominant single-family housing type constructed in La Center has been homes with front loading garages. Side loading garages will enhance the variety of housing types in the city giving consumers more choice and more choice, in this case, is not injurious to public welfare or the values of nearby properties. Furthermore, the decreased distance from the front porch and sidewalk area will lend itself to a more walking friendly feel because front doors are closer to sidewalks and cars won't be visible parked in driveways.

The front yard setback shall not be less than be 15 feet for the front plane of the house and 10 feet for the front plane of the front porch.

2. Side Setback

Reduce the side setback from seven and one-half feet (7.5 ft.) to five feet (5 ft.)

City Finding

LCMA 18.130.090 allows the reduction of side yard setbacks for cornices, chimneys, decks, porches and other features. Additionally, *"A garage or carport may be situated in a rear and/or side yard provided it is at least 20 feet from the front and street side lot lines, seven and one-half feet from an interior side lot line, 15 feet from a rear lot line; provided, further, if there is direct vehicular access from a garage or carport to the street abutting the street side lot line, then the garage or carport shall be set back at least 20 feet from that street side lot line."* (LCMC Table 18.130.090 – Lot Coverage and Dimensions, Footnote 3.)

The applicant suggests one side of the home will be closer to the property line and the opposite side of the house will be further away from the lot line to accommodate the increased distance needed for driveway clearance. The Applicant did not request a rear yard setback. The Applicant's arguments in support of the variance are similar to those raised for the front yard variance request – attractiveness and maintain the character of the city.

For the same reasons as stated in the request for front yard setback, the city staff supports the reduction of the non-street side yard setback. A non-street side yard shall not be less than 5 feet so long as the opposing non-street side yard is greater than 7.5 feet deep to safely accommodate a car or private truck. Street side yard setbacks shall be a minimum of 20 feet deep. Rear yard setbacks shall be a minimum of 20 feet deep.

3. Building Lot Coverage

Increase the maximum building lot coverage from the thirty five percent (35%) to a maximum of forty-five percent (45%).

City Finding

The applicant arguments in support of this request are similar to those made in support of the front yard variance request – attractiveness and maintain the character of the city. While there are no unusual circumstances that apply to the land or lots, there is also nothing substantially injurious to public welfare by allowing a slightly larger building footprint in exchange for a house plan different from most others in the city. Furthermore, LCMC Table 18.140.030 provides that medium density lots may have a maximum lot coverage of 60% for detached units to 80% for attached units.

The maximum building cover on a lot shall not exceed 45% of the lot gross area.

4. Impervious Lot Coverage

Increase the maximum impervious lot coverage from fifty percent (50%) to a maximum of sixty-five percent (65%).


City Finding

The applicant's argument in support of this request are similar to those made in support of the front yard variance request – attractiveness and maintain the character of the city. In addition, the applicant asserts that their *“engineer of record for this subdivision design has confirmed that there is an abundance of capacity in the storm system to accommodate this increased impervious surface.”* See letter from Jeff Whitten, PE, attached.

Conclusions

The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of the La Center Municipal Code. Therefore, the application for Type II Post Decision Review (Variance) is hereby APPROVED, subject to the following conditions:

1. Unless expressly authorized by this Decision, the Decision and Conditions of Approval in the Final Order for File No. 2014-006-SUB (Sunrise Terrace Preliminary Plat) remain in full force and effect.
2. The variances granted by this Post Decision Review Decision apply only to lots upon which a side-load or rear-load garage design is presented to the city.
 - a. The front yard setback shall not be less than 15 feet for the front plane of the house and 10 feet for the front plane of the front porch.
 - b. A non-street side yard shall not be less than 5 feet so long as the opposing non-street side yard is greater than 7.5 feet deep to safely accommodate a car or private truck. Street side yard setbacks shall be a minimum of 10 feet deep. Rear yard setbacks shall be a minimum of 20 feet deep.
 - c. The maximum building cover of a lot shall not exceed 45% of the lot gross area.
 - d. The maximum impervious lot coverage of a lot shall not exceed sixty-five percent (65%) of the gross lot area.

By: 

January 02, 2018

Eric Eisemann
La Center Consulting Planner

Appeal

Pursuant to LCMC 18.030.130, a final decision regarding a Type II Decision may be appealed by the applicant or applicant's representative or by any person, agency or firm with an interest in the matter to the La Center Hearing Examiner within 14 days from calendar from the date of this decision.

THE WOLFE GROUP, L.L.C.

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December 20, 2017

City of La Center Public Works Department
305 N.W. Pacific Highway
La Center, WA 98629

ATTN: Tony Cooper, P.E.

Subject: Email correspondence from our office to the City of La Center on November 14, 2017 regarding building envelopes and lot impervious surfaces.

We have been asked to provide a signed copy of the email that was sent from our office referenced above on our letterhead. The email in its entirety as sent on November 14, 2017 is presented and signed below.

----- Original Message -----

Subject: "Sunrise Terrace" stormwater design

From: <jeff@wolfe-group.com>

Date: Tue, November 14, 2017 10:46 am

To: "Brett Simpson" <brett@mywaverlyhomes.com>, "Anthony Cooper" <acooper@ci.lacenter.wa.us>

Cc: "e.eisemann@e2landuse.com" <e.eisemann@e2landuse.com>, "Naomi Hansen" <nhansen@ci.lacenter.wa.us>

Hello,

I have read through the chain of emails regarding lot impervious areas, etc. Let me provide the background of the stormwater design assumptions for the "Sunrise Terrace" subdivision project.

In the drainage calculations, it was assumed that each lot would have a roof area of 2,500 square feet and a driveway area of 500 square feet. It is usually anticipated that there will be some larger roof areas for single story homes and smaller roof areas for two-story homes. 2,500 square feet is a common average to use. Obviously we have to make some assumptions during the stormwater design process as we don't know the particular home sizes or even who the builder may be.

For this particular project, the stormwater design is very conservative with respect to the design peak release rates. The size of the treatment wetpond governed the size of the stormwater facility and thus additional storage volume has been provided for detention. The designed peak release rates for the 2-Yr., 10-Yr., 25-Yr., & 100-Yr. 24-Hr storm events are 47%, 36%, 40%, & 59% of the allowed release rates respectively.

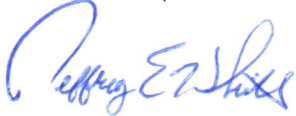
Furthermore, the primary wetpond design provides approximately 27% additional treatment storage volume while the secondary wetpond provides approximately 24% additional treatment volume.

As can be seen from the above discussion, the design of the treatment and detention facilities for the "Sunrise Terrace" subdivision project have been done in a conservative manner for the very purpose of this discussion... to account for unforeseen or unknown parameters.

Therefore, there is no reason for concern that the stormwater facilities will not function as intended with the proposed additional impervious surface as described in the emails from Brett Simpson of Waverly Homes, LLC.

Please feel free to call me with any questions you may have.

Thank You,



Jeff Whitten, P.E.

The Wolfe Group, LLC
2401 W. Main St. Suite 210
Battle Ground, WA 98604

360-687-2699