



FINAL TYPE II NOTICE OF DECISION

Peterson Boundary Line Adjustment and Variance (2019-031-BLA/VAR)

- Proposal:** The applicant requests a boundary line adjustment (BLA) for three lots under common ownership and also requests approval of a variance application to exceed the maximum lot size standard of 15,000 square feet for detached single-family residences in the medium density residential (MDR-16) zone.
- Location:** The three existing lots are in La Center, Washington: Assessor's numbers: 258766000 (4.63 Acres), 258768000 (0.61 Acres), and 258631000 (4.37 acres) and total 9.61 acres.

I. CONTACTS

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II. OVERVIEW

The applicant requests a boundary line adjustment (BLA) to alter the lot area and dimensions of three existing subject parcels to eliminate conflicts between existing structures and lot lines. The existing boundaries of parcel 258768000 overlap with the existing single-family structure onsite which is permitted under the International Building Code.

Boundary line adjustments are not permitted to create new lots (see LCMC 18.220). The applicant is not proposing a new lot and therefore this criterion is met. However, the existing and proposed lots exceed the maximum 15,000 square-foot lot size in the MDR-16 zone. The applicant has filed a variance application to allow lot sizes exceeding the maximum size in the MDR-16 zone. Given that the site

contains three lots ranging in size from 0.66 to 4.46 acres, there is no way for the applicant to comply with the lot size requirement in the zone. While the applicant intends to subdivide and develop the site later, should this not occur, the variance will be important to document the proposed lot sizes should the adjusted lots redevelop with new uses.

The following table provides the existing and proposed lot sizes.

Parcel Number	Lot Size (Acres)	
	Existing	Proposed
258766000	4.46	4.65
258768000	0.66	0.82
258631000	4.31	3.96

Following the submittal of this Type II variance application, city staff **approves the BLA and variance applications subject to conditions.**

III. REVIEW

This application is proposing boundary line adjustments to three parcels that are, and will remain, inconsistent with lot size requirements. Because the lots exceed the maximum lot size permitted within their respective zone by more than 10 percent, a Type II variance is also necessary.

Once the City receives a complete Type II variance application, it must issue the decision within 56 calendar days. The City received the application on 19 November 2019 and it was deemed complete on December 12, 2019. The City notified the applicant on 20 December 2019 that a variance application would be necessary and review stopped on the eighth day. The applicant supplied additional materials to support the review on 10 February 2020. The Notice of Decision was issued on 25 March 2020 within the allotted time period, in accordance with LCMC 18.30.090, following the public comment period.

LCMC 18.30 – Procedures

Review for Technically Complete Status: LCMC 18.30.050

(3) When Information May Be Excluded. The director may accept as technically complete an application without information listed as being required if such information is not necessary to make a finding required by the law.

Finding: The applicant is requesting a BLA and variance in the MDR-16 zone. After reviewing the materials submitted by the applicant, the director determined all necessary information has been submitted and the Type II variance application request for exceeding lot size is complete.

LCMC 18.220.010 – Boundary Line Adjustments

The applicant is altering three (3) lots under common ownership. Each lot is zoned MDR-16 with a UH-10 overlay. The minimum lot size in this zone is 1,400 square feet (3,000 square feet for detached), with a maximum lot area of 15,000 square feet (detached), and no maximum for attached units. In the UH-10 overlay, parcels may not exceed 10 acres.

All lots within this zone shall be a minimum of 20 feet by 60 feet (30' x' 60' for detached products) with 10-foot front yard setbacks, 4-foot side yard setbacks, and 10-foot rear yard setbacks.

Approval Criterion: LCMC 18.220.010(4)

(a) No additional lots could be created that do not meet current zoning of the property.

Finding: The proposed BLA adjusts the lot lines of three (3) existing lots. No new lots are created and therefore this criterion is met.

(b) The resulting lots must meet current dimensional requirements including minimum width and depth requirements.

Finding: The lots are currently zoned MDR-16 and will remain MDR-16. The minimum size in the MDR-16 zone is 1,400 SF (3,000 detached), maximum of 15,000 SF (detached), and all lots shall be a minimum of 20 feet by 60 feet (30' x 60' for detached products). The adjusted lots are consistent with the minimum area, width and depth requirements in the zone but exceed the 15,000 SF maximum (see discussion of compliance with variance criteria below). The adjustments also bring the lots into conformity with the setbacks of the zone. With the exception of maximum lot size, the resulting lots satisfy all dimensional requirements of LCMC 18.140.030.

(c) The resulting lots must be buildable.

Finding: Water service is provided to the existing lots by Clark Public Utilities and sewer is provided by on-site septic systems. Should the adjusted lots develop in the future, water services to each lot will continue to be supplied by Clark Public Utilities and sewer services will be supplied by the City of La Center. One previously approved sewer stub in NW Larsen Road can also provide service to lot 258631000, with further extension to parcel 25876000.

Access to the existing lots is from Pacific Highway and Larsen Road and will continue to be so if the adjusted lots redevelop in the future. The applicant is proposing a 30-foot wide access easement on parcel 258766000. However, given that Larsen Road will be publicly dedicated and improved as part of the Riverside Subdivision to the west, staff find that the proposed 30-foot easement is unnecessary.

The applicant's proposed lot configuration satisfies all density and dimensional requirements of the City and all lots can be serviced by public utilities and roads, therefore staff finds the lots are buildable. As a **Condition of Approval**, the applicant shall remove the unnecessary 30-foot easement adjacent to Larson Road prior to recording the boundary line adjustment.

LCMC 18.260 – Variances

Pre-Application Review: LCMC 18.260.010

(2) An application for one or more variances subject to Type II review is subject to pre-application review under LCMC 18.30.090.

Finding: The director has waived the pre-application conference under LCMC 18.30.020, therefore this requirement is not applicable.

Review Process: LCMC 18.260.020

(2) Review of a technically complete application for all other variances greater than 10 percent are subject to a Type II process. See LCMC 18.30.090.

(3) An application for a variance(s) necessarily associated with another application(s) under the La Center Municipal Code shall be combined with the associated application(s) for processing. The variance application shall be subject to the highest number review procedure applicable to the combined applications.

Finding: The proposed lot sizes are non-conforming and exceed the lot area standards by more than 10 percent. The applicant has submitted the items necessary to review the variance application which is reviewed concurrently with the boundary line adjustment application.

Approval criteria: LCMC 18.260.040

The review authority shall approve or approve with conditions an application for a variance if he or she finds the applicant has sustained the burden of proving 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.

Finding: The applicant is requesting a BLA consistent with the requirements in LCMC 18.220. However the applicant's proposed lot sizes exceed the maximum of 15,000 square feet required in the MDR-16 zone.

Because the existing lots exceed the maximum lot area before the adjustment is proposed, it is mathematically impossible for the proposed lots to meet the lots size maximum of 15,000 square feet through the boundary line adjustment process. Therefore, staff find that the applicant has met the burden of proving that an unusual circumstance exists.

Moreover, staff find that the proposed lots can continue to be served by a combination of public and private utilities and accessed from Pacific Highway or Larson Road. Granting of the variances will be consistent with public welfare and will not be injurious to the property or improvements in the vicinity or zone.

IV. CONCLUSIONS & DECISION

The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of La Center's Municipal Code. Therefore, the application is hereby **APPROVED, SUBJECT TO COMPLIANCE WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

1. Compliance with City regulations, plans and standards: Unless otherwise specified herein, at the time of construction and at all times thereafter, the applicant shall comply with all approval requirements established in applicable plans, policies, regulations and standards adopted at the time of this application, including but not limited to, the *La Center Urban Area Comprehensive Plan (LCUACP)*, the *La Center Capital Facilities Plan (LACFP)*, the *La Center Municipal Code (LCMC)*, the *La Center engineering standards* current water and sanitary sewer plans, and the *Stormwater Management Manual for the Puget Sound Basin (Puget Sound Manual)*.
2. Prior to recording the boundary line adjustment, the applicant shall remove the 30-foot easement bordering Larson Road.
3. The applicant shall record the boundary line adjustment consistent with this decision with Clark County and provide the recorded copy to the City of La Center. Failure to record the boundary line adjustment shall render this decision void.

VI. APPEALS

A final decision regarding a Type II application may be appealed by the applicant, applicant's representative, or by any person, agency, or firm with an interest in the matter within 14 calendar days of this decision date. Appeals shall contain all information specified in LCMC 18.30.130. The public record for this file is available at the City's Public Works Building, 305 NW Pacific Highway, La Center, Washington between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Please contact Sarah Dollar at 360-263-7665 for further information.

For an appeal regarding a decision subject to a Type II process, the Finance Director/City Clerk shall schedule a public hearing to be held by the hearings examiner not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal. LCMC 18.030.130(4).

Dated this 25 March 2020.



Ethan Spoo, Consulting Planner, WSP



Tony Cooper, City Engineer

Exhibits:

Application materials