



Notice of Decision
Type II Land Use Application – TDS: Preliminary Short Plat
(File # 2016-0024 Short Plat)
February 08, 2017

PROPOSAL The applicant applied for preliminary short plat approval for the properties known as the TDS Telecom site in downtown La Center.

LOCATION 200 and 210 East 4th St., La Center, WA 98629; East 4th Street, La Center, WA; Brezee's Addition (A-22) in the SW ¼ of the NE ¼ of Section 3, T4N R1E WM, Clark County, WA; #63, of John Timmons & Andrew Brezee HD Claim 0.20A, PIN #62681010; #67 of John Timmons & Andrew Brezee HD Claim 0.20A , PIN# 62685000; #22 Timmons & Brezee HD CL 1.80A M/L, PIN #62648000; and #101 Timmons & Brezee HD CL.27A M/L, PIN #62722000

DECISION **APPROVED**, subject to the conditions listed herein.

I. CONTACTS

OWNER
Lewis River Telecom
525 Junction Road
Madison, WI 53717

LA CENTER STAFF
Eric Eisemann, Consulting Planner
c/o City of La Center Public Works Department
305 W. Pacific Highway
La Center, WA 98629

APPLICANT
exp US Services, Inc.
205 North Michigan Avenue, Suite 3600
Chicago, IL 60601-5924

PUBLIC NOTICE Published in the Battle Ground Reflector –January 13, 2017. Notice mailed and posted on January 13th. Comment period closed on January 27th, 2017. The city did not receive any public comments.

SEPA The short plat is exempt from SEPA review.

II. OVERVIEW

The applicant applied for preliminary short plat approval for the properties known as the TDS Telecom site in downtown La Center. The properties are identified in Table 1 and depicted in Figure 1.

Lot	Assessor's PIN	Lot Size (Sq. Ft.)
# 67	62685000	9,148
# 63	62681010	8,712
# 22	62468000	24,849
# 101	62722000	11,761

Table 1.

Legal Description: John Timmen's & Andrew Brezee HD - Book Page A22

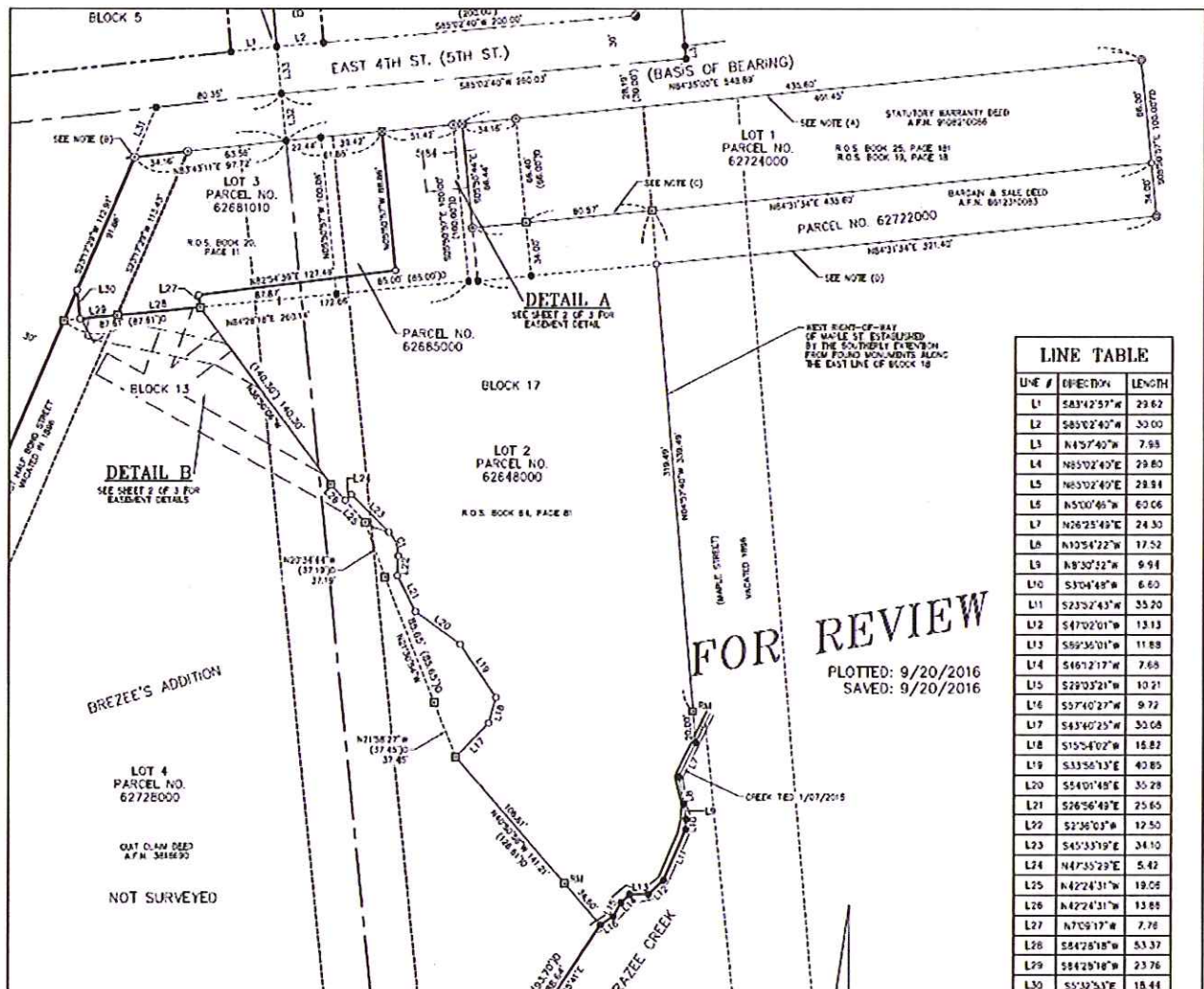


Figure 1. Subject Properties

III. REVIEW

CRITERIA: LCMC 3.35 (Impact Fees)

This chapter provides for the assessment of impact fees.

Finding(s): Construction of new facilities will trigger the responsibility to pay traffic impact fees (TIFs) at the time of building permit issuance; however, the act of short plating property does not, per se, trigger any demand for payment of TIFS.

CRITERIA: Title 12 LCMC (Street, Sidewalks and Public Ways)

Chapter 12.10 LCMC regulates the provision of public roads, private roads, and driveways.

Finding(s): Public improvements along 4th Street, including curbs, gutters and sidewalks have been installed. No additional frontage improvements are required.

CRITERIA: Title 13 LCMC (Sewer System Rules and Regulations)

This title regulates the city's wastewater utility.

Finding(s): New commercial or office development shall connect to City sanitary sewer and pay sanitary sewer system development charges (SDC). However, the act of short plating property does not, per se, trigger any demand for additional sanitary sewer service.

CRITERIA: LCMC 15.05 (Building Code & Specialty Codes)

The Building & Specialty Codes establishes the minimum construction standards for development. The Fire Code establishes the minimum life safety and fire protection standards for developments.

Finding(s): Future construction is subject to compliance with adopted building and specialty codes.

CRITERIA: LCMC 15.35 (School Impact Fees)

This chapter provides for the assessment of impact fees.

Finding(s): Commercial development is not subject to payment of school impact fees.

CRITERIA: LCMC 18.150 (Commercial Districts [C-1, C-2, C-3 and MX] zone)

Regulates uses within the Commercial zoning districts. Office use is allowed uses in the Commercial Zones.

Finding(s): The properties are zoned C-1, Downtown Commercial, and have a C-3 Overlay, Downtown Overlay District. Within the C-1 zone the minimum lot area is 2,500 Sq. Ft., the minimum lot width is 25 feet, and the minimum lot depth is 100 feet.

The existing lots pre-date zoning. The reconfigured lots will all exceed 2,500 Sq. Ft. and will meet the minimum lot depth and width standards.

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
C-1	2,500	25	100

Table 2. LCMC 18.150.030(1).

CRITERIA: LCMC 18.155 (Downtown Overlay District)

The purpose of the downtown overlay district is to implement the adopted La Center Downtown Design Plan and Guidelines (2005)

Finding(s): Chapter 18.1565 does not impose any additional site area or dimension standards. Future development of the site may be subject to the requirements of this chapter.

CRITERIA: LCMC 18.300 (Critical Areas)

This chapter requires protection of critical areas by providing appropriate delineations and buffering.

Finding(s): According to Clark County GIS Maps-Online the subject properties show indications for Critical Areas. Lot #101 is constrained by potential Priority Habitat Species Area and Non-riparian habitat Area. Lot # 22 is constrained by a Priority Habitat Buffer and Priority Species Buffer. However, much of the site area is built-out; therefore, Critical Areas may not be present. Future development may be subject to Critical Area requirements in LCMC 18.300.

CRITERIA: LCMC 18.310 (Environmental Policy)

This chapter requires submittal of a SEPA environmental checklist and provides authority for issuing Threshold Determination.

Finding(s): The application is exempt from SEPA review. LCMC 18.310.080.

CRITERIA: LCMC 18.320 (Stormwater and Erosion Control)

Requires the collection and treatment of stormwater and erosion control measures during construction.

Finding(s): Future development shall demonstrate compliance with city stormwater management requirements and erosion control requirements.

Criteria: LCMC 18.205 (Short Plat Provisions)

18.205.030 Preliminary short plat application contents.

An applicant for a preliminary short plat shall submit the requisite fee, a completed application review form provided for that purpose by the city, and the information required in subsection (1) – (15), including:

- (1) Short plat name (if any);*
- (2) Contact information*
- (3) Environmental (SEPA) checklist or EIS, if applicable*
- (4) A preliminary short plat at a scale*

- (5) Proposed dedications*
- (6) Written authorization to file the application signed by the owner of the*
- (7) Proof of ownership*
- (8) A legal description of the property proposed to be divided;*
- (11) A written description of how the proposed preliminary short plat does or can comply with each applicable approval criterion*
- (12) The names and addresses of owners of land within a radius of 300 feet of the site. Owner names and addresses shall be printed on mailing labels.*

Finding(s): The applicant provided the necessary applicable materials.

18.205.040 Approval criteria for a preliminary short plat.

- (1) The review authority shall approve a preliminary short plat if he or she finds:*
 - (a) The applicant has sustained the burden of proving that the application complies with the following regulations of the La Center Municipal Code to the extent relevant:*
 - (i) Chapter 12.05 LCMC, Sidewalks, and Chapter 12.10 LCMC, Public and Private Road Standards;*
 - (ii) Chapter 18.300 LCMC, Critical Areas;*
 - (iii) Chapter 18.310 LCMC, Environmental Policy;*
 - (iv) Chapter 18.320 LCMC, Stormwater and Erosion Control;*
 - (v) Chapter 15.05 LCMC, Building Code and Specialty Codes;*
 - (vi) Chapter 15.35 LCMC, School Impact Fees; and*
 - (vii) LCMC Title 18, Development Code;*
 - (b) That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final short plat is approved;*
 - (c) The application makes appropriate provision for potable water supplies and for disposal of sanitary wastes; and*
 - (d) The application complies with RCW 58.17.010.*
- (2) If the application includes the creation of one or more flag lots, those lots shall comply with LCMC 18.210.040(3).*

Finding(s): As discussed above the application demonstrates it is consistent with the applicable regulations in the La Center Municipal Code. Potable water and sanitary waste services are available at the site. The proposal does not create any flag lots.

RCW 58.17.060 Short plats and short subdivisions—Summary approval—Regulations—Requirements.

- (1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and shall provide that a short plat and short subdivision may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of*

preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Finding(s): A condition of approval will limit future divisions of property consistent with RCW 58.17.060.

18.205.050 Expiration and extension of preliminary short plat approval.

A decision approving a preliminary short plat expires five years from the effective date of approval and can be extended as provided in LCMC 18.30.140.

Finding(s): As a condition of approval, preliminary plat approval shall expire within five (5) years from date of approval of the preliminary plat.

18.205.060 Final short plat application contents.

An applicant for a final short plat shall submit to the city clerk the requisite fee and the information required by this subsection.

Finding(s): The City reviews applications for Short Plat approval as a Type II review. (LCMC 18.205.020.(2).

IV. CONCLUSIONS & DECISION

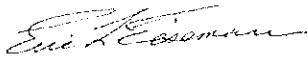
The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of La Center's Municipal Code. Therefore, the subject application is hereby **APPROVED** subject to the following conditions:

1. This preliminary plat approval shall expire within five (5) years from date of approval of the preliminary plat unless the city grants Final Plat approval consistent with LCMC 18.205.070 or extends the preliminary plat as provided in LCMC 18.30.140.
2. The applicant shall record the Final Plat, as approved by the Public Works Department, with Clark County within 60-days of recording and shall provide the City with a copy of the recording.

3. Consistent with RCW 58.17.060(1), land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries.
4. Future development of the site shall be subject to La Center land use rules and regulations in effect at the time of land use application, including, but not limited to site plan review, building and life safety codes, impact fees, and system development charges.

V. APPEALS

Pursuant to §18.030.130 LCMC, a final decision regarding a Type II application may be appealed only by the applicant or applicant's representative.



Eric Eisemann
Consulting Planner
City of La Center



Anthony Cooper,
City Engineer
City of La Center

Attachment
Preliminary Plat