



COMMUNITY DEVELOPMENT DEPARTMENT  
616 NE 4<sup>th</sup> Avenue  
Camas, WA 98607

**STAFF REPORT**  
**BOUNDARY LINE ADJUSTMENT**  
**FILE # BLA15-08 HILLSIDE TERRACE BLA**

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**DECISION DATE:** May 27<sup>th</sup>, 2016

**PROPOSAL:** To adjust the property boundaries of assessor parcel numbers 83779-066 and 83066-000.

**ZONING:** Residential low density – 15,000 square foot lots (R-15)

**LOCATION:** Tax lot 80 (Lot number 23 of the Hillside Terrace II Subdivision) – parcel number 83779066 and Parcel number 83066-000 at the NE corner of NW 6<sup>th</sup> Place and NW Utah Street.

**OWNER(S):** Joseph McKay  
23318 NE 151<sup>st</sup> Street  
Brush Prairie, WA 98606

**APPLICANT:** Bryan Anderson  
814 NW 35<sup>th</sup> Avenue  
Camas, WA98607

**FINDINGS:**

**CMC 17.07.030 Application Requirements.** No application will be deemed complete nor a decision issued until a complete application is submitted to the city.

*The application was submitted and deemed completed on April 15<sup>th</sup>, 2015. It should be noted for the record that this is not a straight forward Boundary Line Adjustment application. The success of the BLA will be contingent upon a successful vacation of right of way by the City of Camas for a portion of NW Utah Street, the dedication of a stormwater easement for an existing utility line through tax lot 80, and the addition of new stormwater outfall improvements at the base of the lots in question. The applicant has worked in good faith to pursue those efforts.*

*A development agreement was approved by the City of Camas with Mr. Anderson dated December 7<sup>th</sup>, 2015 (ARG # 5242579). The agreement specifies the required steps and improvements needed to vacate the right of way and to install the outfall structure for the stormwater line. The site work plans have been accepted by the city's engineering department as of May 12<sup>th</sup>, 2016.*

*The site itself is also considered a steep slope and as such is subject to the City's critical areas ordinance. A SEPA was required for this action and a Determination of Non-significance (DNS) was issued on August 11<sup>th</sup>, 2015 (SEPA.15-13). Once comment letter was received by neighboring property owners. A copy of this decision will be mailed to them as they are parties of record.*

*As a result of the steep slope the applicant was required to provide a geo-technical report to address the impacts of the development and assigns mitigation measures accordingly.*

**CMC 17.07.040 Approval Criteria.** The approval authority shall approve, approve with conditions, or deny a request for a boundary line adjustment in writing based on findings addressing the following criteria:

- A. No additional lots, sites, parcels, tracts, or divisions are created.

*No additional lots have been created.*

- B. The adjustment will not create nonconforming lots, with respect to zoning dimension and area standards, zoning setbacks and lot area coverage standards identified in CMC Chapter 18.09 or to fire, building, and other applicable codes.

*Tax lot 80 (83779066) is currently .48 acres in size (20,908 square feet), and is proposed to be adjusted to .34 acres (14,810 square feet). The other lot in question, parcel number (83066-000) is currently .05 acres in size (2,178 square feet) and will be adjusted to .19 acres (8,276 square feet). The right of way that is to be vacated is 2,256 square feet in area.*

*Because the site is considered a critical area due to the steep slope the applicant can utilize density transfer provisions as listed in Camas Municipal Code section 18.09.040-2, which will allow for lot sizes to range from 10,500-18,000 square feet in area. As such, Tax Lot 80 can comply with this requirement as adjusted.*

*Parcel number 83066-000, once adjusted, will be shy of the required minimum lot area by 2,224 square feet. However, the right of way to be vacated is 2,256 square feet in area. When combined the total area for this lot will be 10,532 square feet thereby complying with the minimum lot size standards. Prior to recording the boundary line adjustment, the applicant shall have successfully obtained the needed right of way vacation from the City and have incorporated into the adjusted lot. As conditioned this section can be met.*

- C. The degree of nonconformance on existing nonconforming lots with respect to zoning dimension and area standards, zoning setbacks, and floor area ratio are not increased, except that a one time exception may be allowed to create a lot that exceeds the maximum lot size permitted in the underlying zone. Any future partitioning/reduction of the oversized lot must comply with the lot size requirements of the underlying zone.

*As discussed above Tax lot 80 is a conforming lot and will still comply with standards once adjusted. Parcel number 83066-000 is already undersized and non-conforming. Once the adjustment and incorporation of the right of way is included then the lot will comply with minimum lot sizing standards. This section can comply as conditioned herein.*

- D. All lots have legal access to a public road. Existing required private road improvements and easements are not diminished below city street standards for lots that are served by a private road, and shall not create unreasonably restrictive or hazardous access to a property;

*Current access for Tax lot 80 is taken off of NW Sierra Lane, a public road. Access is not going to change for this lot.*

*Access for parcel number 83066-000 will be taken off of NW 6<sup>th</sup> Way, a public road.*

*This section can be met as proposed.*

- E. The boundary line adjustment will not result in a lot that contains area in two zone designations.

*All lots will remain entirely within the R-15 zone.*

- F. Boundary lines adjustments that are used to circumvent subdivision or short subdivision procedures set forth in this title are not allowed. Factors which indicate that the boundary line adjustment process is being used in a manner inconsistent with statutory intent include: numerous and frequent adjustments to existing contiguous lot boundaries, and/or a large number of contiguous lots being proposed for boundary line adjustments at the same time.

*This boundary line adjustment does not appear to be circumventing subdivision or short subdivision procedures.*

- G. Approval of a boundary line adjustment shall not result in the need for a reasonable use exception as defined in CMC 16.51.

*The boundary line adjustment will not result in a need for a reasonable use exception.*

- H. Existing easements for utilities conform to adopted standards for their intended function, or they are extended, moved or otherwise altered to an approved location. The applicant shall be responsible for the relocation of any installed utilities.

*The lots in question do have an existing City stormwater utility line running through it from NW Sierra Lane down to NW Utah Street. There is not an associated easement for the stormwater line. The applicant has agreed to provide the necessary 15' wide easement with the recording of the boundary line adjustment. Prior to recording the adjustment the applicant shall provide the City's engineering department with a legal description and any associated documents for the easement for review and approval. The final survey to be recorded shall have the easement clearly illustrated on it.*

*The stormwater outfall is also required to be constructed and accepted prior to applying for building permits as conditioned by the recorded development agreement.*

**17.070.050 Recording.** Upon approval, prior to recording the boundary adjustment, the following must be submitted to the community development department for review.

- A. Survey of the Boundary Line Adjustment. If the approval authority finds, based upon an exhibit to the legal descriptions, that conformance with existing area and dimensional or use standards will clearly be satisfied without the need of a survey, the approval authority may waive the requirement for a survey, otherwise a survey shall be prepared by a Washington State licensed professional land surveyor.
- B. Legal descriptions of the proposed property configuration including the 15' wide stormwater easement as conditioned herein.
- C. The applicant will be responsible for recording the boundary line adjustment, including an exhibit that corresponds to the drawing approved by the city, with the Clark County auditor's office. A copy of the recorded documents must be returned to the planning division within one year.

*See Conditions of Approval below.*

**17.07.060 Expiration.** The boundary line adjustment application shall expire if it has not been recorded within one year from the date of approval unless a different time frame is specified in a decision for a consolidated review. Upon written request from the applicant prior to the expiration date, the community development director is authorized to grant one extension, not to exceed six months.

**DECISION:**

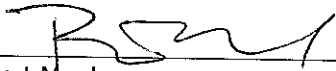
Approval is granted to file number BLA15-08, based on Findings of Fact, with the following conditions.

**CONDITIONS OF APPROVAL:**

Approval is based on the applicant's submitted application, with the following conditions:

1. A copy of the final drawing and the new legal descriptions for each lot must be submitted to the Community Development Department (as required in CMC 17.07.750, above), for review and approval before the documents can be recorded with Clark County.

2. Prior to recording the boundary line adjustment the applicant shall successfully obtain the proposed vacated right of way for NW Utah Street to have the minimum amount of area for the underlying zoning district.
3. The installation and final acceptance of the stormwater outfall shall be completed prior to building permit submittal.
4. A copy of the recorded documents shall be returned to the planning department.
5. A copy of this boundary line adjustment approval and the drawings showing the new property lines shall accompany any building permits or other development reviews.
6. Any future portioning/reduction of the lots must comply with the lot size requirements of the underlying zone, and the requirements of CMC 17.09 Short Subdivisions or CMC 17.11 Subdivisions.



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Robert Maul  
Planning Manager