



NOTICE OF DECISION
 Riverwalk at Lewis River – Variance

Land Use Application No.:	WLD-2023-020 (Minor Variance – Type II)
Decision Issue Date:	February 14, 2024
Contact:	Mackay Sposito, Inc 18405 SE Mill Plain Blvd #100 Vancouver WA 98683 msicow@mackaysposito.com
Property Owners:	Sarkela 10 LLC 2433 Quantum Blvd Boyton Beach FL 33426 rodney@sarkelacorp.com
Site Location:	2215 Lewis River Rd
Parcel:	508440102
Zoning Designation:	Low Density Residential (LDR-6)
Date Application Received:	December 6, 2023
Date Application Deemed Complete:	December 11, 2023
Last Day of Comment Period:	January 24, 2024
Notice of Decision Issued:	February 14, 2024
DRC Decision:	Approved with Conditions

I. DESCRIPTION OF PROPOSAL

The subject parcel has been preliminarily approved to be subdivided. The applicants request a variance to increase the allowed lot coverage to 65% for 31 lots to be created by the subdivision. The request would be a 30% increase from the 50% lot coverage allowed in the LDR zone. The increase would allow for the future construction of single-story “empty nester” housing.

II. REVIEW AUTHORITY

Per WMC 19.08.030, Minor Variances shall be approved, approved with conditions, or denied by the Development Review Committee and decisions shall be issued by the Community Development Department.

III. FINDINGS – Woodland Municipal Code (WMC)

Minor Variances – Applicability | WMC 17.81.180(A)

WMC 17.81.180.A: The following variances shall be deemed minor in nature and may be approved, approved with conditions, or denied by the Development Review Committee (DRC) without a public hearing based on the approval criteria outlined in WMC 17.81.180.B and in accordance with the notice requirements outlined in WMC [17.81.200](#):

- Reductions to lot area, setbacks, lot dimensions, lot coverage, and building height, if not greater than 30% of that required by the applicable standard of the zoning district in which the proposal is located;
- Any reduction in a side or rear yard setback below the minimum setback required by the applicable standard in the light industrial (I-1) or heavy industrial (I-2) zoning district;
- The modification of pre-existing nonconforming structures housing permitted uses, to the extent that the modification will not cause a greater infringement than exists of any standard of the zoning district in which the proposal is located;
- The enlargement, addition, or modification to any non-conforming single-family residence built prior to 1968.

Finding 1: Per WMC 17.16.070.H, the maximum lot coverage in the LDR-6 zone is 50%. Per WMC 17.08.420, lot coverage in LDR districts includes driveways and other paved areas. The requested 65% lot coverage is a 30% increase from what is allowed for the zone.

Conclusion: The application can be processed as a minor variance.

Minor Variances – Approval Criteria | WMC 17.81.180.B & WMC 17.81.020.B

WMC 17.81.180.B(1): No variance shall be approved by the DRC which will allow an increase in the number of dwelling units on a parcel than that permitted by the applicable zoning district, or which will permit the reduction in area of any lot created after the adoption of the ordinance codified in this chapter.

Finding 2: The proposal will not increase density more than what is allowed in the zone. The applicants do not request a variance from the minimum lot size of 6,000 square feet required by WMC 17.16.070 and propose single-family detached dwellings which are a principal use for the zone per WMC 17.16.020.

Conclusion: The proposal will comply with this standard.

WMC 17.81.180.B(2): All major variance criteria outlined in WMC 17.81.020.B shall be met, except where a variance is proposed to side or rear setback standards applicable to the light industrial (I-1) or heavy industrial (I-2) zoning districts. In these cases, the DRC shall consider criteria 2—5 outlined in WMC 17.81.020.B. The DRC shall also consider whether or not the requested minor variance is necessary due to the unique physical characteristics of the existing site configuration, building, and/or use and consistent with the intent of applicable standard to which the minor variance is sought.

Conclusion: The proposal meets the criteria set by WMC 17.81.020.B. This code section is outlined below.

WMC 17.81.020.B(1): A variance must be necessary because of special circumstances or conditions relating to the size, shape, topography, location, or surroundings of the subject property or to provide it with use, rights, and privileges permitted to other properties in the vicinity and zone in which the subject property is located.

Finding 3: All lots to be created by the associated subdivision (WLD-2023-011) will be larger than the minimum lot size required for the zone. Lots will range from 7,200 square feet to 11,777 square feet with an average of 8,971 square feet. The applicants intend to build “empty nester” homes to accommodate more senior populations that require single-level homes. Unlike other zones, lot coverage calculations in LDR zones must include driveways in their square footage. Even though the lot sizes are above the minimum size required and the future homes are modest in size and will comply with all building setbacks, the total lot coverage exceeds the maximum for the zone. To build single-family homes (at approximately 3,000 square feet with 650 square foot garages), without a variance, significantly larger parcels would be required. This is because the driveway, front patios, rear patios, walkways, and RV pads must be counted in the lot coverage. To build these homes with all the associated impervious surfaces, the lots would need to be about 11,000 in size which is almost double the minimum lot size required for the zone.

Conclusion: The proposal complies with this standard.

WMC 17.81.020.B(2): The granting of such variance shall not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

Finding 4: The variance requested is only for lot coverage. All future development and uses on the lots will require compliance with all other regulations. An increase in lot coverage should not lead to any detrimental impacts to the public welfare or be injurious to property or improvements in the general area. No additional density is added by this request so there will be no further strain on infrastructure in the area or traffic. The

request will increase the amount of impervious surface in the area which contributes to stormwater runoff, but construction on these lots will only be approved if the proposals meet the city's standards for erosion and stormwater (*see Conditions 10 & 11*). The applicant's current plan for future development includes collecting and infiltrating stormwater runoff from each driveway within the project site. This means no negative impact related to stormwater would be created by the variance. The applicants plan to use the increased lot coverage maximum to build single-story "empty nester" housing. This will maintain the overall character of the area and provide additional housing needed in the city for an aging population. The increased lot coverage will also allow adequately sized driveways for the homes which will ensure there is not an increase in vehicles parked on the street in the area.

Conclusion: The proposal will comply with this standard.

WMC 17.81.020B(3): Should a permit for a variance be denied, no reapplication shall be accepted within one year of the date of denial.

Finding 5: The permit is not being denied.

Conclusion: This standard is not applicable.

WMC 17.81.020B(4): An approved variance will go with or be assigned to the subject property and shall not be transferable to another property.

Finding 6: A condition has been added so that any approved variance is not transferable (*see condition 12*).

Conclusion: As conditioned, the proposal will comply with this standard.

WMC 17.81.020B(5): No use variance shall be granted except for lawfully created pre-existing uses in accordance with WMC 17.60.

Finding 7: No use variance is being proposed.

Conclusion: The proposal will comply with this standard.

IV. PUBLIC COMMENT

There was a public comment period from January 10, 2024, to January 24, 2024. One public comment was received.

Lori Byrnes had concerns about the additional housing to be built after the land is subdivided.

Finding: The Variance application is for lot coverage and is separate from the subdivision that has already been preliminarily approved. An increase in lot coverage will not create an increase in the number of homes allowed to be built.

V. DECISION

Per WMC 17.81.180, the above application for a minor variance has been APPROVED WITH CONDITIONS by the City of Woodland Development Review Committee (DRC) based on the criteria and standards outlined in Woodland Municipal Code (WMC). *See section VI for conditions of approval.*

VI. CONDITIONS OF APPROVAL

Based on the application materials provided, the findings of fact, and conclusions of law, the application is hereby APPROVED subject to the following conditions:

1. Approval shall be void after three years unless a building permit has been issued and substantial construction has taken place. The Community Development Director, for good cause, may extend approval for no more than one year.
2. Approval for lot coverage variances is contingent upon the final plat being approved. If no subdivision occurs on the subject lot, this approval will no longer be applicable.
3. Building permits are required before initiating any construction.
 - a. Approved sewer connections will be required prior to occupancy of buildings on the new lots.
 - b. Water and sewer assessment fees are required based on meter size in accordance with the Woodland rate schedule.
4. Pay all impact fees when building permits are issued per WMC 3.41 and WMC 3.42. The following Impact fees have been estimated based on the information provided with this preliminary application and will be due at the time of building permit issuance for each residence:
 - a. Transportation: The current rate (which will go up November 6, 2024) is \$2.58 per square foot of gross floor area.
 - b. Fire: \$1,530
 - c. Park: \$4,580
 - d. School: \$5,900
5. All improvements in the public right-of-way require a Right-of-Way permit and shall be completed in accordance with City of Woodland and Cowlitz County standards, as applicable. Include Woodland standard details for water, sewer, erosion control, etc. as required to support the civil design when drawings are submitted for final civil approval. Please visit the city's Public Works website for more information: <https://www.ci.woodland.wa.us/publicworks>. More information on Cowlitz County standards can be found at: <https://www.co.cowlitz.wa.us/915/Design-Standards>.
6. An Inadvertent Discovery Plan (IDP) meeting requirements established by the Washington

Department of Archaeology and Historic Preservation should be prepared and provided to the City and all interested tribes before any ground-disturbing activities commence. The plan should include the methods utilized to ensure any archaeological and/or cultural resources found during construction are reported promptly to the Department of Archaeological and Historic Preservation and all interested tribes.

7. Aside from the approved variance, all future uses and development on the subject parcel must comply with WMC Title 17.
8. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling.
9. All removed debris resulting from this project must be disposed of at an approved site. Contact the Cowlitz County Environmental Health Unit (EHU) for information regarding proper management of these materials. The Cowlitz County EHU can be found at: <https://www.co.cowlitz.wa.us/1600/Environmental-Health-Unit-EHU>
10. Future development must comply with erosion control requirements in WMC Title 15.
11. All future site drainage improvements must comply with WMC 15.12 and the city's Engineering Standards.
12. No approved variance is transferable to any other lot, tract, or other subdivision of land other than the lot for which it has been approved.
13. Aside from the approved lot coverage, all future development and uses must remain consistent with WMC Title 17.
14. Building construction plans shall be submitted to Clark-Cowlitz Fire Rescue (CCFR) for review, along with any fire alarm and/or fire sprinkler alterations. Include any required revisions with the civil engineering submission. All work is subject to field inspection and correction as identified at the time of the on-site inspection; all work shall be compliant with the applicable standards and codes; including the adopted edition of the International Fire Code and the City's Municipal Code.
15. All future construction and engineering must comply with the most recent City of Woodland's Construction and/or Engineering Standards, released in 2022 and found online at: <https://www.ci.woodland.wa.us/publicworks/page/construction-standards>.

VII. APPEALS

Per WMC 17.81.180(G), the DRC's administrative decision approving a minor variance may be appealed to the planning commission within ten (10) days from the date the DRC's written decision is issued. The appeal shall be made in writing and be consistent with all requirements outlined within WMC chapter 19.08. Appeals can be submitted to the Community Development Department by 5:00 PM on February 28, 2024.

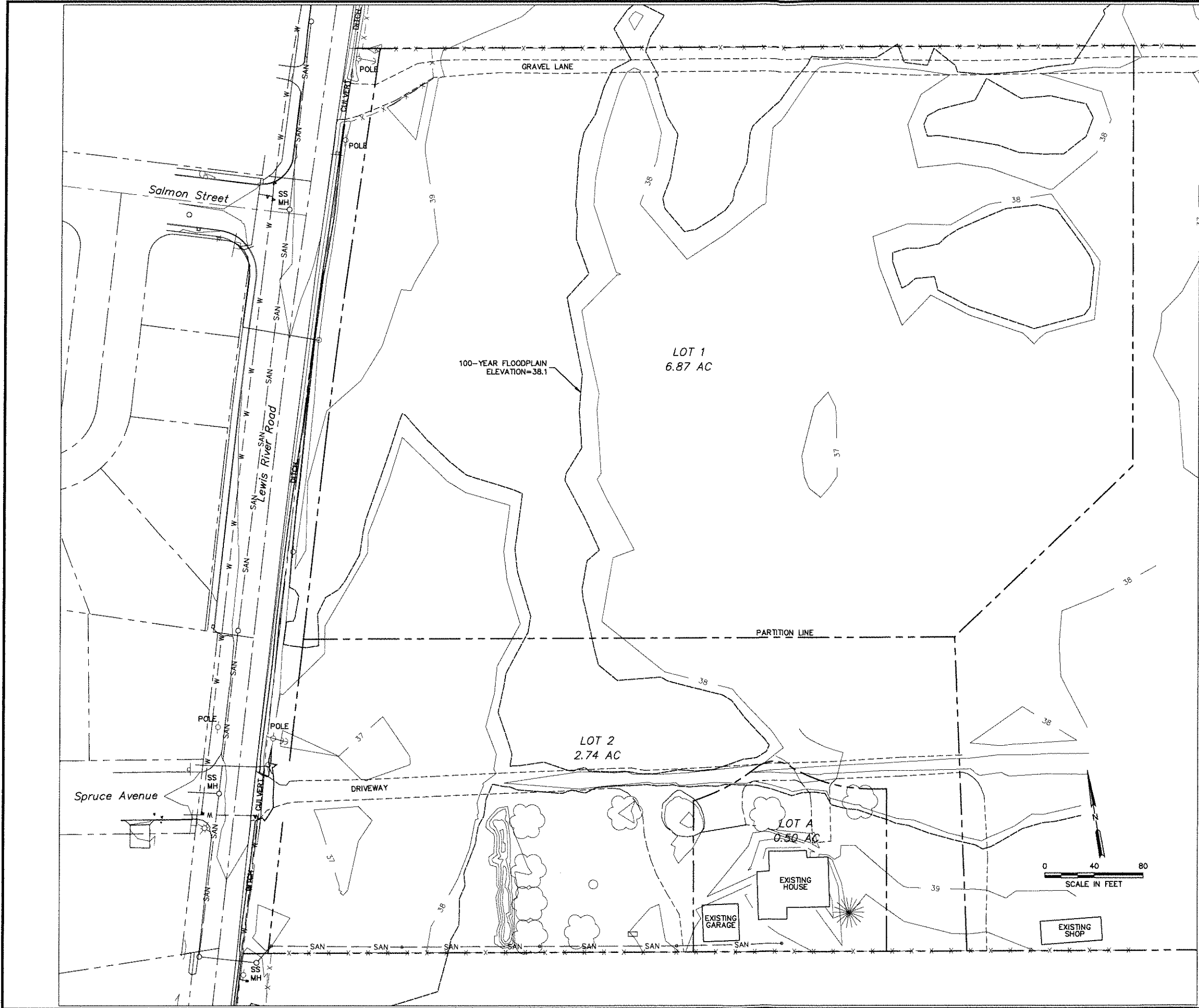
Staff Contact: Malene Garcia-DeBoard, Associate Planner
City of Woodland
P.O. Box 9

230 Davidson Ave
Woodland, WA 98661
Garcia-deboardm@ci.woodland.wa.us

Date: 2/14/24 **Signature:** Malene Garcia-DeBoard
Malene Garcia-DeBoard, Associate Planner

Attachments: A: Site Plan
 B: Public Comment

CC: Applicant
 Owner
 Mayor
 File
 Parties of Record
 City Website
 Front Counter



PARCEL 3 & PART OF PARCEL 2,
 OF THE SURVEY
 FILED IN VOL. 37 PG. 74
 LOCATED IN THE JOSEPH EATON D.L.C.,
 AND THE NE1/4 NE1/4 SEC. 18, SE1/4 SE1/4 7,
 SW1/4 SW1/4 8, AND THE NW1/4 NW1/4 SEC. 17
 ALL LOCATED IN
 TOWNSHIP 5 NORTH, RANGE 1 EAST, W.M.
 COWLITZ COUNTY, WASHINGTON

QUAIL EXISTING 2/15/20

DRAWING NO. **C-2**
 PROJECT NO.

HERON MEADOWS SUBDIVISION
 2215 LEWIS RIVER ROAD
 WOODLAND, WASHINGTON 98674

EXISTING CONDITIONS



REV.	DATE	DESCRIPTION	DRAWN BY	CHECKED BY	APP. BY
1	FEB 2020	ISS	ISS	ISS	ISS



Mackay Sposito lot coverage

Lori Byrnes <loribyernes11@yahoo.com>

Sun 1/7/2024 6:31 PM

To: Malene Garcia-DeBoard <garcia-deboardm@ci.woodland.wa.us>

Greetings,

I'd like to express my concern about allowing increased lot coverage to this developer.

That field is home too deer, coyotes, and bald eagles to name a few animals... I feel we should leave them some territory.

It is also already a traffic mess in our town, and cramming in additional homes will only compound this. I often have to sit for several minutes at the end of my road (Dehning Drive) in order to get onto Lewis River Road.

Until we have some permanent traffic solutions, I feel we need to very carefully consider how much additional housing we bring in.

Thank you for your time,

Lori Byrnes