

From: [Bart Catching](#)
To: [Ken Miles](#)
Cc: [Jose Alvarez](#); [Jeffrey Delapena](#)
Subject: RE: Request Concerning BLA Procedures - 173156022 & 173156014
Date: Tuesday, July 9, 2024 9:52:04 AM
Attachments: [image001.png](#)

Ken,

We appreciate the additional background information. Again, the Community Planning Department is not directly involved in boundary line adjustments or resource zone cluster subdivision amendments. As you are aware, the county has received the [site-specific request for the zone change from you and several of your neighbors](#).

Your comments are part of the comprehensive plan record. This comment will be added as well.

I encourage you to keep abreast of the progress of the [2025 comprehensive plan update](#).

Thank you,



Bart Catching
Planner III
COMMUNITY PLANNING

564.397.4909

From: Ken Miles <kemiles@comcast.net>
Sent: Tuesday, July 9, 2024 9:21 AM
To: Bart Catching <Bart.Catching@clark.wa.gov>
Subject: Re: Request Concerning BLA Procedures - 173156022 & 173156014

Hello Bart,

We've now come full circle, back to our original request to be rezoned to residential.

The primary reason we desire this rezone is to be able to do a boundary line adjustment request the way normal neighborhoods do them. Fortunately, the owners of lots 7 and 11 as described below do not care all that much about fixing the goofy boundary with the road between them. But this lot is another story:

<https://gis.clark.wa.gov/gishome/Property/?pid=findSN&account=173156010#>

Note the photo under the Building tab. There is no garage, I suspect it's one of the few houses in the county of this type that has none. Long story short: we can find no practical way to put the garage in without a boundary line adjustment with the northern neighbor. But that neighbor does not want to do a BLA of the type imposed by the county on our neighborhood. They do not want a foot or two for the length of our driveway in exchange for a piece out of the back corner of their lot. A strip of approximately 10 x 70 feet or so would probably do it.

And so there we sit, as we have for 34 years thus far, with no practical solution for getting a

garage in, unless the county grants us some relief by fixing our zoning.

Remember that there is at least one advantage to the county for fixing the zoning, as highlighted in my original 3/7/2024 request.

I hope that we can resolve this in the near future.

-Ken

----- Forwarded Message -----

Subject:FW: Request Concerning BLA Procedures - 173156022 & 173156014

Date:Fri, 21 Jun 2024 18:53:30 +0000

From:Cnty CommDev Land Use <landuse@clark.wa.gov>

To:Ken Miles <kemiles@comcast.net>

CC:Bart Catching <Bart.Catching@clark.wa.gov>

Good morning Ken

The lots are zoned AG-20 as you previously mentioned. You are also correct about boundary line adjustment for legal non-conforming lots, the lot may be reconfigured, however they may not be reduced in overall acreage.

The only other options would be to apply for a lot reconfiguration, however as I read through the code section it does not appear that this is an option since the lots are 1 acre in size now.

The best option that I can see at this time would be to work with Community Planning with your request to change the zoning designation for the proposed site.

https://clark.wa.gov/sites/default/files/media/document/2023-12/lot-reconfiguration_0.pdf

What is a Lot Reconfiguration?

A lot reconfiguration can be used to adjust the boundaries of existing legal nonconforming lots to configure lots less than the current minimum lot size – only in Forest, Agricultural, and Urban Holding Districts. A lot reconfiguration can only be allowed when it either:

- Encourages the protection of sensitive lands;
- Expands the amount of commercially viable resource land under single ownership;
- Protects and buffers designated resource lands; or
- Reduces the amount of road and utility construction.

In the end, each resulting nonconforming parcel shall be at least one acre in size with a minimum width of at least 140 feet. Other lot requirements are established in the code.

Wendy Baird, Planner II
Clark County Community Development
landuse@clark.wa.gov

From: Ken Miles <kemiles@comcast.net>
Sent: Friday, June 21, 2024 8:37 AM
To: Cnty CommDev Land Use <landuse@clark.wa.gov>
Subject: Re: Request Concerning BLA Procedures

Hello Holly,

Here is a description of the problem concerning boundary line procedures. I am going to assume that you don't have the "three possibilities attachment" handy that I mentioned in the original note to Community Planning.

Our neighborhood consists of 15 one acre lots created as a cluster development in 1987 (see attached plat doc). Down through the years we have had several discussions about potential boundary line adjustments, but multiple times we were told by the county that because of our zoning (AG-20) the only BLA we can execute is by trading equal portions of land between lots so that there is no net change in the square footage of either lot. I believe that the justification for this interpretation of the code is that we are deemed "Legal Nonconforming Lots" per <https://www.codepublishing.com/WA/ClarkCounty/html/ClarkCounty40/ClarkCounty40530/ClarkCounty40530010.html> as our lots are much smaller than the 20 acre zone that we are sitting in.

Here is one of the BLA applications we have discussed in the past. The access road Country View Circle defines a cul-de-sac that allows access to lots 9 and 10 and runs between lots 7 and 11 (see the attached pic). However, when the neighborhood was laid out, the road landed almost entirely within the boundaries of lot 7. We once talked about applying for a boundary line adjustment to fix this. But note that it is impossible for lot 11 to "exchange" an equal number of square feet with lot 7 in order to

correct this situation. From our perspective, the county's BLA application constraints for neighborhoods like ours are not just onerous, they constitute an impossible hurdle for what otherwise would be entirely reasonable requests.

We want to be able to submit BLA applications the way "normal" neighborhoods do them.

The solution from our perspective seems straightforward enough: fix our zoning and reset it to one acre residential that aligns with how the county created our neighborhood in the first place. Note that our "cluster" no longer exists. The City of Camas annexed our remainder lot a few years ago and is currently overseeing development of 7-12K sq. ft. lots on it (along our western border). Camas is overseeing a similar development along our northern border. The Camas School District borders our eastern boundary. We have been lobbying for a rezone with Community Planning, but it is a slow, painstaking process.

Meanwhile, a potential BLA application languishes. There is another BLA that we have in mind that does not involve lots 7 and 11. But before I bring it up, perhaps you can give me your perspective on the 7/11 problem. My desire is that we can come to the realization that this has simply been one big, long running misunderstanding. I hope so!

One additional thought: It seems to me that 40.530.010(B)(1) applies to us:

"If a lot, use or structure deemed legal nonconforming under past zoning regulations is brought into compliance with current standards, it shall be considered conforming."

Our neighborhood has always been in compliance with the county's standards (as far as I know). We have always applied for proper permits, etc. We don't need "grandfathering in" of some weird structure that was put there before the county could establish proper zoning laws. That we are AG20 is just a quirk of the county's cluster creation process and doesn't seem to me to be a good reason to put additional constraints on a BLA application from us.

Thanks for listening! I look forward to your reply.

-Ken Miles

On 6/20/24 11:01, Cnty CommDev Land Use wrote:

Good morning,

Can you give me a little more background to the original question?

Are there specific addresses you are wanting to apply for a boundary line adjustment?

Thank you,

Holly Tinker-Peabody
Clark County LandUse
Planning Technician II
COMMUNITY DEVELOPMENT
564.397.5071

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Learn more at clark.wa.gov/community-development/learning-lab

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

From: Bart Catching <Bart.Catching@clark.wa.gov>

Sent: Tuesday, June 18, 2024 3:52 PM

To: Ken Miles <kemiles@comcast.net>

Cc: Jose Alvarez <Jose.Alvarez@clark.wa.gov>; Cnty CommDev Land Use
<landuse@clark.wa.gov>
Subject: RE: Request Concerning BLA Procedures

Ken,

I am going to be out of the office for the next several days so I wanted to respond and let you know this message is received. However, I do not know of a way to do a basic BLA on platted subdivision lots. This would be a question for the current planners in Community Development, but my general understanding is that any change to the boundaries of a plat requires a formal plat modification; that's the whole point of a plat, that it is rather permanent. But again, I am not an expert on state subdivision rules. Sorry I can't be of more help on this issue, but your 3/7 site-specific request is received and noted.

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

From: Ken Miles <kemiles@comcast.net>
Sent: Tuesday, June 18, 2024 3:06 PM
To: Bart Catching <Bart.Catching@clark.wa.gov>
Subject: Request Concerning BLA Procedures

EXTERNAL: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Bart,

As I mentioned previously, I am now submitting a followup request to our original 3/7/2024 submission for a site-specific request to the county's Growth Management Plan update process.

As highlighted previously, our request has nothing to do with the county's endeavors to plan for future growth. We have simply been trying to patiently follow instructions we were given in the past.

Our most urgent need is to have a sane way of executing a boundary line adjustment between lots within our neighborhood. The 3/7/2024 request, if fulfilled, would accomplish two things for us including this. But if it is easier for the county to entertain a phased approach, we are open to a solution that fixes the BLA procedures only at this time.

The attached describes three possibilities for accomplishing this, two of them are little more than coming to an agreement as to how to interpret the county's codes and procedures. If we can accomplish that, then I can submit our application and stop pestering you about this :-).

Regards,

-Ken Miles