

**City Of Woodland
City Council Meeting Agenda Summary Sheet**

Agenda Item: Final Reading of Ordinance 1263, Amending Central Business District (C-1) Uses	Agenda Item #: <u>(G) Action</u>
	For Agenda of: <u>April 1, 2013</u>
	Department: <u>Planning</u>
	Date Submitted: <u>March 25, 2013</u>

Cost of Item: 0
Amount Budgeted: _____
Unexpended Balance: _____

BARS #: Description:

Department Supervisor Approval: Carolyn Johnson, Community Development Planner

The prior draft of the ordinance was given an *Affirmative* recommendation by the Planning Commission on February 21, 2013.

Committee Recommendation: _____

Agenda Item Supporting Narrative (list attachments, supporting documents): <ol style="list-style-type: none">1. Staff report2. Map3. Ordinance (Changes Shown)4. Ordinance (Final for Signatures)5. Public Hearing Testimony6. Public Comments
Summary Statement: Please see staff report.

STAFF REPORT – Amending the Allowed, Conditionally Allowed, and Prohibited Land Uses in the C-1 District (Central Business District)

TO: City Council
 FROM: Carolyn Johnson, Community Development Planner
 RE: Proposed Ordinance 1263 Amending C-1 Uses
 DATE: Prepared March 25, 2013 for April 1, 2013 Council Meeting

Ordinance Changes Since March 18, 2013 Council Meeting

At the March 18, 2013 Council meeting, the first reading of the draft ordinance was approved with amendment. Consistent with that amendment, the following changes have been made to the ordinance:

1. Car washes were added to the list of permitted uses and removed from the list of conditional uses.
2. Drive through facilities, except drive-throughs associated with fast food restaurants, were added to the list of permitted uses and removed from the list of conditional uses.
3. Vending stands and kiosks were added to the list of permitted uses and removed from the list of conditional uses.
4. Fast-food restaurants with drive-through facilities was added to the list of conditional uses.

Background

At their March 12, 2012 workshop, the City Council confirmed their support for updating the C-1 (Central Business District) land uses listed in the WMC i.e., permitted uses, conditional uses, temporary uses, and prohibited uses. This was an effort to build on planning work done over the past several years by the Planning Commission, Downtown Woodland Revitalization, and the Downtown Ad-Hoc Committee.

The draft ordinance before you has been considered at numerous Planning Commission meetings and is informed by the Woodland Comprehensive Plan; public feedback; and a review of municipal codes from Camas, Bellingham (Old Town Overlay Zone), Walla Walls (Central Commercial District), Portland (Definitions), and Battleground (Downtown District). The proposed code also seeks to eliminate redundant items; replace archaic terms; break apart uses that should be listed separately; and address pre-existing, non-conforming uses.

Over the past year, the following steps have been taken by staff and the Planning Commission:

March 2012	Updating the lists of uses in the C-1 district is added to the Planning Commission’s work schedule by Council.
May 2012	Planning Commission workshop where a first draft of the ordinance is reviewed.
August 2012	Planning Commission workshop where pre-existing, non-conforming uses are discussed and a revised ordinance is reviewed.
September 2012	Eleven people attend public workshop. All property owners and tenants in C-1 are notified of workshop.
January 2013	Planning Commission reviews draft ordinance that incorporates feedback from the September 2012 public workshop. The Commission also addresses drive-through facilities, gas stations, wholesale sales, and manufacturing.
February 2013	A public hearing before the Planning Commission is held. Two people from the community testify at the hearing. The

	Commission considers public testimony and SEPA comments before making a recommendation to Council.
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Planning Framework

The Growth Management Act requires that development regulations be consistent with the adopted comprehensive plan. The Planning Commission looked specifically at the following goals and policies of the comprehensive plan:

The downtown commercial district is that area west of the Interstate 5 freeway and at or near the historic downtown area. It is oriented towards smaller retail stores; service, financial, insurance, real estate, and professional outlets and offices; municipal and private shared parking garages and lots; pedestrian mall and plazas; performing arts and other entertainment and cultural facilities and activities; transportation terminals; mixed use projects; upper story apartment housing; and pedestrian walkways linking key facilities. Discouraged uses are those that are land consumptive such as warehouses, automobile sales lots, and individual business parking lots that diminish the area’s compactness and convenience as an integrated shopping goods and services area. Also discouraged are uses that are strictly automobile-access oriented, such as drive-in restaurants and gas stations, as opposed to pedestrian oriented (2005 Comprehensive Plan Update, Page 1-41).

Ensure that incompatible land uses are separated, thus enhancing the security, value and stability of land uses and improvements, and providing for the general health, safety and welfare of the community (2005 Comprehensive Plan Update, Land Use Goal E, page 1-47).

The city recognizes it should foster downtown redevelopment for the reasons of tourism enhancement and economic development generally, protection of existing public investments, protection and expansion of the tax base, the overcoming of obstacles to privately initiated investments in downtown, maintenance of community identity and appearance, and because only the city can marshal certain financial resources and public improvements (2005 Comprehensive Plan Update, Economic Development Policy 4, page 1-56).

The city recognizes that its appropriate role in downtown redevelopment is to take actions that will facilitate and attract private investment and help overcome private sector obstacles and risks characteristic in downtown renewal (2005 Comprehensive Plan Update, Economic Development Policy 6, page 1-57).

Encourage more professional offices and local services to locate within the Downtown Business District (2005 Comprehensive Plan Update, Central Business District Policy 2, page 1-57).

Treatment of Drive-Through Facilities

The current code prohibits drive-through fast food restaurants but is silent on other types of drive-through facilities.

At the March 18, 2013 City Council meeting, the first reading of the ordinance was approved with amendments that made drive-through facilities (except those associated with fast food restaurants) outright permitted uses. This differs substantially from the ordinance approved by the Planning Commission.

The Planning Commission supported an ordinance that would make all new drive-through facilities conditional uses that are decided by a hearing examiner based on criteria. Conditional use permits allow the City to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district. The intent of conditional use permits is to provide flexibility within a zoning ordinance. Another purpose is to enable a municipality to control certain uses which could have detrimental effects on the community. The process involves public notification and a public hearing. Conditional uses are to be reviewed annually by staff for compliance with the terms of the approved conditional use permit.

The Planning Commission chose to make drive-through facilities a conditional use based on discussions about the range of businesses (i.e., bank, pharmacy, coffee stand, restaurant, etc.) that may desire a drive-through and the idea that while some may take away from the pedestrian environment, others may not have negative impacts because of their scale/size, design, or location. The Commission was aware that the Comprehensive Plan specifically discourages auto-oriented uses such as drive-throughs and that development regulations must be consistent with the Comprehensive Plan. However, approving drive-through facilities through a conditional use permitting process would require a developer to show that the facility is “compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design” (WMC 17.72.050.C) and that the proposal is in “keeping with the goals and policies of the Woodland Comprehensive Plan” (WMC 17.72.050.D), a plan which promotes a C-1 district with a pedestrian-oriented environment.

Legal Issue Regarding Drug Treatment Facilities

During the September 2012 public workshop, there was support for prohibiting drug treatment facilities within the C-1. This raised interesting legal questions about drug treatment facilities. The Fair Housing Act prohibits discrimination against group homes for the handicapped where “handicap” has been defined to include persons with alcoholism and drug addiction. The Act’s amendments extend to prohibiting discriminatory zoning ordinances. Listing all drug treatment facilities as a conditional use is also problematic because a refusal to grant a conditional use permit is a potential as-applied violation of the Federal Fair Housing Act. The Washington Housing Policy Act states that no city may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals.

For this reason, staff has proposed a definition of drug treatment facilities that specifically excludes group homes. The definition is included in the proposed ordinance and reads as follows:

“Drug treatment facility” means a facility that offers inpatient detoxification services and drug rehabilitation counseling. Drug treatment facility does not mean residential structures occupied by persons with handicaps, also known as group homes, where “handicap” is defined by the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3602). Drug treatment facility also does not mean facilities used as meeting space for Alcoholics Anonymous or Narcotics Anonymous meetings.

Spot Zoning Concerns Raised During Public Comment Period

Two citizen comment letters received raised concerns about spot zoning in reference to the treatment of two, non-conforming uses existing downtown, Dave’s Garage & Jacks Towing and DZ and Family Machine Works. Spot zoning is “the process of singling out a small parcel of land for a use classification different and inconsistent with the surrounding area, for the benefit of the owner of such property and to the detriment of the rights of other property owners” [Burkett v City of Texarkana, 500 S.W.2d 242, 244 (Tex. Civ. App. 1973)]. No special zoning designation is being given to the two subject properties and Bob Meinig, Legal Consultant with Municipal Research and Services Center (MRSC) said that the

proposed code, as written, raises no spot zoning issues (Bob Meinig, MRSC Legal Consultant, Telephone Conversation, February 14, 2013).

Pre-existing, Non-Conforming Uses

The following businesses appear to be pre-existing, non-conforming uses in the C-1 district:

1. Woodland Veterinary Clinic (non-conforming) → Proposed code would make this a conforming use
2. Dave's Garage and Jack's Towing (non-conforming) → Proposed code would prohibit new towing businesses and will make new automobile repair shops a conditional use (Hearing Examiner) however, legally established, pre-existing uses of these types would be permitted outright
3. DZ and Family Machine Works (non-conforming) → Proposed code would make new uses of this type prohibited while legally existing uses of this type would be permitted outright
4. Timberland Pet Clinic (non-conforming) → Proposed code would make this a conforming use
5. Woodland Funeral Home (could possibly be considered non-conforming) → Proposed code would make this a conforming use
6. L & J Feed (could possibly be considered non-conforming) → Proposed code would make this a conforming use

MRSC legal consultant, Bob Meinig has reviewed the draft ordinance as it relates to the following two listed permitted uses:

14. Existing, legally established, automotive repair and towing businesses established before December 27, 1979
15. Existing, legally established, manufacturing and production businesses established before passage of this ordinance, April ____, 2013

Meinig was not familiar with any legal precedence related to this treatment of pre-existing uses, but felt there was nothing wrong with language that would designate some pre-existing uses as permitted uses, without designating new businesses of the same type as permitted uses. Meinig recommended that language stay general and not single out specific addresses or business names.

SEPA Process

Notice of the code change and public hearing were emailed and mailed out on January 28, 2013 and printed in the Reflector on January 30, 2013. Notice was sent to all property owners of record in the C-1 District, SEPA agencies, and citizen groups. The public comment period ended on February 13, 2013.

Four comment letters were received. These comments are part of this packet and include:

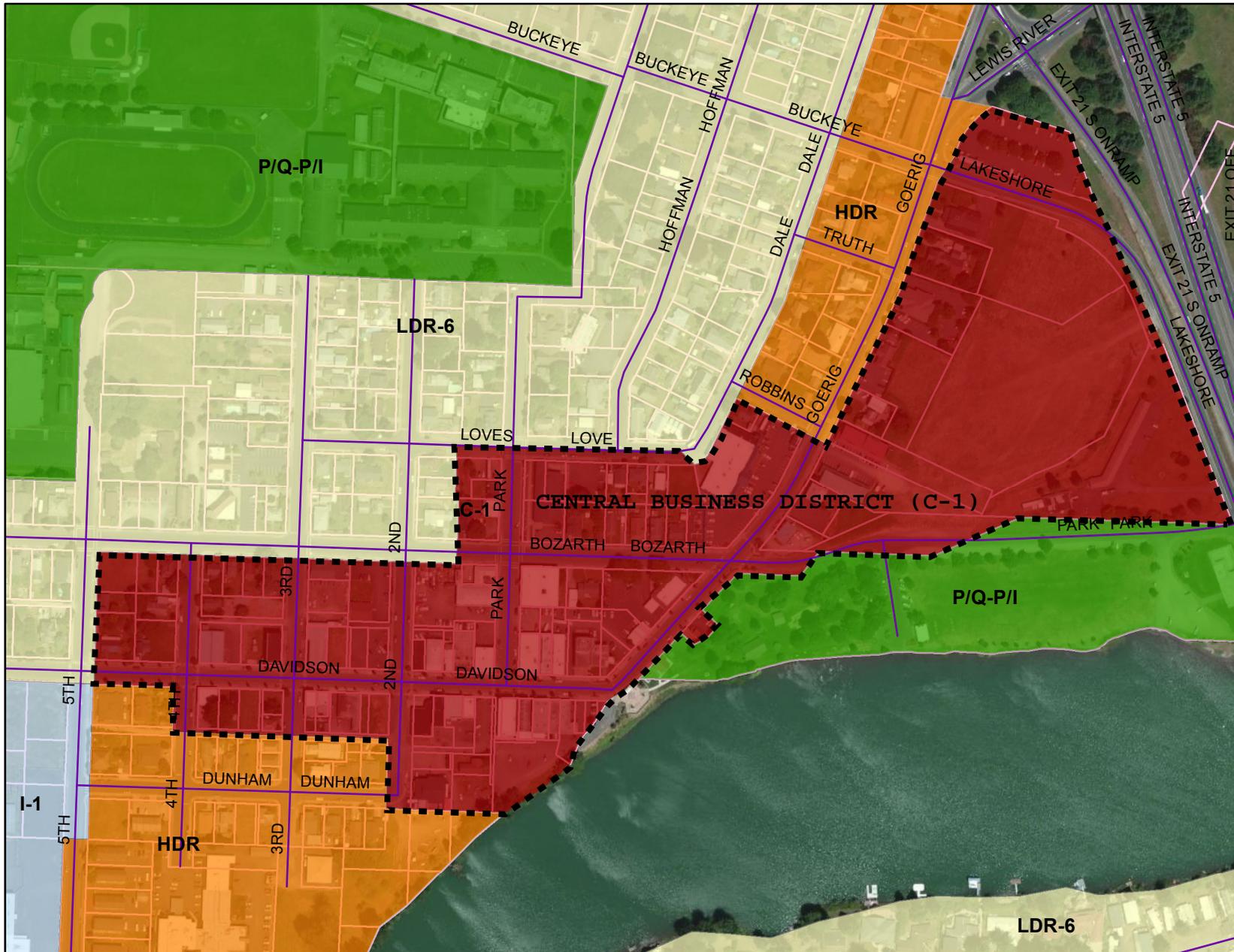
1. Comments from Scott Perry,
2. Comments from June Jones and Darlene Johnson,
3. Comments from Jeff Leuthold, and
4. Comments from the Department of Ecology.

A final SEPA Determination of Non-significance (DNS) was issued on February 14, 2013. No appeals to the determination were filed and the appeal deadline has passed.

CMJ



Woodland Zoning Map - January 2013



Legend

Zoning

- C-1
- C-2
- C-3
- FW
- HDR
- I-1
- I-2
- LDR-6
- LDR-7.2
- LDR-8.5
- MDR
- P/Q-P/I
- UZ



Disclaimer: The City of Woodland, WA, assumes no legal liability or responsibility for accuracy and completeness of this map. This map is to be used as a reference tool only. It is not a survey and the property and lines are not to be construed as being accurate.

ORDINANCE 1263

PROPOSED CODE

Amendments to the Permitted, Conditionally Allowed, Temporarily Allowed, and Prohibited Uses in the C-1 District

Language shown in **yellow highlight** and *italics* is proposed to be added to the existing code. Language that is ~~struck through~~ is proposed to be removed.

17.32.020 Permitted uses.

The following uses ~~only~~ are permitted in the **Central Business District (C-1)**. *Other uses may require a conditional use or temporary use permit or be prohibited in the C-1 District.* ~~All other uses are not permitted.~~

1. *Artisanal/craft shop and shops for custom work or repair* ~~or the making of custom articles where such activity does not produce noise, objectionable odors, dust or chemical waste discharges. Uses may include printing shops, upholstery and furniture repair, craft shops, bakeries with retail service, laundry and dry cleaning operations, and appliance repair;~~
2. *Arts and cultural facilities, institutions, and businesses such as museums, theaters, art galleries, and art studios* ~~Art galleries, libraries and museums;~~
3. *Automatic teller machines (ATM)*
4. *Automobile sales (Indoor)*
5. *Bakeries with retail service*
6. Banks and financial services
7. Bed and breakfast inns
8. *Car washes*
9. Community clubs, fraternal societies, and *other places of assembly for membership groups* ~~and memorial buildings~~
10. *Daycare center*
11. *Drive-through facilities, except drive-throughs associated with fast food restaurants*
12. Dwelling units; provided residential uses are located above a permissible C-1 commercial use and adequate off-street parking is provided pursuant to Chapter 17.56. *Lobbies for residential uses on upper floors may be located on the ground floor.*
13. *Electric vehicle charging stations*
14. ~~Cultural~~ Entertainment facilities such as indoor theaters and playhouses
15. *Event center (300 person occupancy)*
16. *Existing, legally established, automotive repair and towing businesses established before December 27, 1979*
17. *Existing, legally established, manufacturing and production businesses established before passage of this ordinance, Month, Day, Year*
18. *Farm and garden stores*
19. *Farmers' markets, bazaars, and open air markets*
20. *Funeral homes and mortuaries*
21. *Grocery stores, delicatessens, butcher shops, and indoor markets selling food and farm products*
22. *Hardware and building supply stores (retail)*
23. *Home occupations provided they are accessory to single-family dwellings and meet the requirements of WMC 17.16.100*
24. *Hotels, motels, and hostels*
25. *Laundry and dry cleaning operations (retail and self)*
26. *Live-work units*
27. *Medical clinics and offices*
28. *Microbreweries, microdistilleries, and microwineries*

29. *Motorcycle, scooter, bicycle, and other small motorized or non-motorized means of transportation (indoor and outdoor sales)*
30. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully permitted in this zone, provided that such facilities must meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210 as now or hereafter amended.
31. Outdoor eating and/or drinking areas associated with an indoor facility
32. *Outdoor storage of product when: a. Accessory to a permitted use on site, b. Storage area does not exceed 50% of the area of the permitted use on a square foot basis, and c. Storage areas is located behind buildings and screened by landscaping or an architectural wall at least six feet in height. If appropriate, some viewing of activity may be allowed through gaps in screening.*
33. Personal and business services
34. *Pet stores and animal grooming businesses*
35. Plant nurseries
36. Printing shops
37. Professional and business offices ~~Newspaper offices~~
38. *Public and commercial recreation facilities, gyms, and sports complexes* ~~Community swimming pool facilities, commercial recreation and entertainment facilities, health spas and dance studios~~
39. Public and private off-street parking facilities
40. *Public and quasi-public buildings and uses such as post offices, libraries, and government offices* ~~Government and quasi-public buildings; Public utility offices~~
41. Public parks, open spaces, and courtyards
42. *Public transportation facilities such as bus stations, train stations, and transit shelters*
43. *Recycling collection point*
44. *Religious institutions* ~~Churches~~
45. *Repair shops for small equipment and items*
46. Restaurants and cafes ~~except for drive-in and fast food restaurants~~ and other eating and drinking establishments
47. Retail ~~establishments~~ *stores, less than 50,001 sf*
48. Signs and outdoor advertising displays pursuant to Chapter 17.52
49. Single-family dwellings existing at the time of passage of the ordinance codified in this title shall be allowed to remain, and any additions or improvements thereto shall meet the standards of the LDR-6 district
50. *Taverns and liquor establishments* ~~Establishments selling alcoholic beverages by virtue of a class C, D, E, F or H liquor license issued by the state;~~
51. *Upholstery and furniture repair*
52. *Vending stands and kiosks*
53. *Veterinary offices and clinics without outdoor animal runs*
54. *Uses similar to the above that are not otherwise listed in this chapter*

17.32.028 Conditional uses – Administrative.

The following uses in the Central Business District (C-1) require conditional use permit approval from the **Public Works** Director **as** per **WMC** Chapter 17.72.

~~1. Day care center~~

1. Public utility uses except electrical substations and transfer facilities and power-generating units

17.32.030 Conditional uses - Hearing examiner.

The following uses in the Central Business District (C-1) require conditional use permit approval from the Hearing Examiner **as** per **WMC** Chapter 17.72.

1. *Automobile diagnostic and repair facilities, major and minor repairs*
2. *Automobile sales (Outdoor)*
3. *Automobile service stations, gas stations, and car washes*

4. Event center, greater than 301 person occupancy
5. Farm machinery sales and services
6. Fast-food restaurants with drive-through facilities
7. Hospital, psychiatric facility, rest home, home for the aged, nursing home, or convalescent home
8. Schools (public, parochial, private, vocational, technical, business or other schools, nonprofit or operated for profit)
9. Shelters, temporary housing, emergency housing
10. Wireless communication facilities

17.32.032 Administrative temporary uses.

The following uses in the Central Business District (C-1) require temporary use permit approval from the Public Works Director or his or her designee as per WMC Chapter 17.70.

1. Agricultural stands
2. Mobile vending carts
3. Parking lot sales that are not ancillary to the indoor sale of similar goods and services
4. Uses similar to the above to be located on a temporary basis in the C-1 District

17.32.040 Prohibited uses.

The following uses are specifically not permitted in the Central Business District (C-1).

1. Animal kennel, commercial/boarding ~~Dog kennels and the outdoor housing of dogs when associated with a veterinary office or clinic~~
2. Animal shelter
3. Any use whose operation constitutes a nuisance by reason of smoke, fumes, odors, steam, gases, vibration, noise hazards or other causes readily detectable beyond property lines
4. Automobile and light and/or heavy truck repair facilities
5. Automobile, motorcycle, and boat dealerships and servicing establishments
6. Bowling alleys
7. Collective garden, medical marijuana
8. Commercial dispatch and maintenance facilities
9. Drive in and fast food restaurants
10. Drug treatment facilities
11. Junkyards and wrecking yards
12. Laundry/dry cleaning (industrial)
13. Lumber yards and other building material sales that sell primarily to contractors (wholesale)
14. Manufacturing and production, except those specifically listed as permitted uses in this chapter
15. Outdoor sales of vehicles, boats, campers, motor homes, and mobile homes and related equipment
16. Recreational vehicle park
17. Recycling center or plant
18. Sand, soil, gravel sales and storage
19. Sexually oriented businesses
20. Storage facilities, such as self-storage or recreational vehicle storage businesses
21. Storage, distribution and warehousing when such use is not a part of and not essential to a permitted use; also, when it is proposed to be independently sited within the C-1 district or independently owned and operated within a permitted structure, i.e. using a second floor of a building
22. Towing
23. Wholesale businesses

Definitions to be added to WMC Chapter 17.08, Definitions.

“Animal Shelter” means a place where dogs, cats or other stray or homeless animals are sheltered. Activities and services may include kenneling, animal clinic, pet counseling and sales, as well as animal disposal.

“Artisan/craft shop” means a retail store selling art glass, ceramics, clothing, jewelry, paintings, sculpture, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

“Drive-through facility” means a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; and quick-lube or quick-oil change facilities.

“Drug treatment facility” means a facility that offers inpatient detoxification services and drug rehabilitation counseling. Drug treatment facility does not mean residential structures occupied by persons with handicaps, also known as group homes, where “handicap” is defined by the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3602). Drug treatment facility also does not mean facilities used as meeting space for Alcoholics Anonymous or Narcotics Anonymous meetings.

“Event center” means a building used primarily by groups for celebratory events, meetings, and other events. Typically food service and alcohol are associated with this use.

“Laundry/dry cleaning (Industrial)” means a business supplying bulk laundry services, such as linen and uniform services on a rental or contract basis. May also include cleaning carpets and upholstery.

“Live-work unit” means a structure or portion of a structure: (1) that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; (2) where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and (3) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

“Manufacturing and production” means firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firm or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

“Microbrewery, microdistillery, or microwinery” means a small-scale business located in a building where the primary use is for restaurant, retail, or tasting room, and which specializes in producing limited quantities of wine, beer, or other alcoholic beverage.

“Wholesale sales” means firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

“Wrecking yard” means the dismantling or disassembling of motor vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

CITY OF WOODLAND

ORDINANCE NO. 1263

AN ORDINANCE AMENDING WMC TITLE 17 AS IT RELATE TO PERMITTED, CONDITIONALLY ALLOWED, TEMPORARY, AND PROHIBITED USES IN THE CENTRAL BUSINESS DISTRICT (C-1).

WHEREAS, at their March 12, 2012 workshop, the City Council confirmed their support for updating the lists of uses in the C-1 zoning district (Central Business District);

WHEREAS, a public hearing was held before the Woodland Planning Commission on February 21, 2013 and, following the hearing, the Commission made a motion to forward the ordinance to the Woodland City Council with an *Affirmative* recommendation;

WHEREAS, pursuant to RCW 35A.11.020 and the Constitution of the State of Washington, Article 11, Section 11, cities have the power to enact regulations in the interest of the health, safety and welfare of their residents;

WHEREAS, all procedural requirements of the Woodland Municipal Code (WMC) for these amendments have been met; and

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Woodland as follows:

1. Repeal and Replace. WMC 17.32.020

a. Old Section WMC 17.32.020 – *The existing code section to be superseded and replaced reads as follows:*

17.32.020 Permitted uses.

The following uses only are permitted in the C-1 district. All other uses are not permitted.

1. Art galleries, libraries and museums;
2. Banks and financial services;
3. Community clubs, fraternal societies, and memorial buildings;
4. Cultural entertainment facilities such as indoor theaters and playhouses;
5. Dwelling units; provided residential uses are located above a permissible C-1 commercial use and adequate off-street parking is provided pursuant to Chapter 17.56
6. Establishments selling alcoholic beverages by virtue of a class C, D, E, F or H liquor license issued by the state;
7. Government and quasi-public buildings;
8. Hotels;
9. Newspaper offices;
10. Personal services;
11. Professional and business offices;
12. Public parks and open spaces, courtyards;
13. Public and private off-street parking facilities;

14. Public utility offices;
15. Restaurants and cafes except for drive-in and fast food restaurants. Outdoor eating and/or drinking areas associated with an indoor facility are permitted pursuant to state law;
16. Retail stores;
17. Shops for custom work or repair or the making of custom articles where such activity does not produce noise, objectionable odors, dust or chemical waste discharges. Uses may include printing shops, upholstery and furniture repair, craft shops, bakeries with retail service, laundry and dry cleaning operations, and appliance repair;
18. Single-family dwellings existing at the time of passage of the ordinance codified in this title shall be allowed to remain, and any additions or improvements thereto shall meet the standards of the LDR-6 district;
19. Signs and outdoors advertising displays pursuant to Chapter 17.52
20. Churches;
21. Community swimming pool facilities, commercial recreation and entertainment facilities, health spas and dance studios;
22. Bed and breakfast inns;
23. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully permitted in this zone, provided that such facilities must meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210 as now or hereafter amended.

b. New Section WMC 17.32.020 – The code section is amended to read as follows:

17.32.020 Permitted uses.

The following uses are permitted in the Central Business District (C-1). Other uses may require a conditional use or temporary use permit or be prohibited in the C-1 District.

1. Artisanal/craft shop and shops for custom work or repair
2. Arts and cultural facilities, institutions, and businesses such as museums, theaters, art galleries, and art studios
3. Automatic teller machines (ATM)
4. Automobile sales (Indoor)
5. Bakeries with retail service
6. Banks and financial services
7. Bed and breakfast inns
8. Car washes
9. Community clubs, fraternal societies, and other places of assembly for membership groups
10. Daycare center
11. Dwelling units; provided residential uses are located above a permissible C-1 commercial use and adequate off-street parking is provided pursuant to Chapter 17.56. Lobbies for residential uses on upper floors may be located on the ground floor.
12. Drive-through facilities, except drive-throughs associated with fast food restaurants
13. Electric vehicle charging stations
14. Entertainment facilities such as indoor theaters and playhouses
15. Event center (300 person occupancy)
16. Existing, legally established, automotive repair and towing businesses established before December 27, 1979
17. Existing, legally established, manufacturing and production businesses established before passage of this ordinance, April ____, 2013
18. Farm and garden stores

19. Farmers' markets, bazaars, and open air markets
20. Funeral homes and mortuaries
21. Grocery stores, delicatessens, butcher shops, and indoor markets selling food and farm products
22. Hardware and building supply stores (retail)
23. Home occupations provided they are accessory to single-family dwellings and meet the requirements of WMC 17.16.100
24. Hotels, motels, and hostels
25. Laundry and dry cleaning operations (retail and self)
26. Live-work units
27. Medical clinics and offices
28. Microbreweries, microdistilleries, and microwineries
29. Motorcycle, scooter, bicycle, and other small motorized or non-motorized means of transportation (indoor and outdoor sales)
30. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully permitted in this zone, provided that such facilities must meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210 as now or hereafter amended.
31. Outdoor eating and/or drinking areas associated with an indoor facility
32. Outdoor storage of product when: a. Accessory to a permitted use on site, b. Storage area does not exceed 50% of the area of the permitted use on a square foot basis, and c. Storage areas is located behind buildings and screened by landscaping or an architectural wall at least six feet in height. If appropriate, some viewing of activity may be allowed through gaps in screening.
33. Personal and business services
34. Pet stores and animal grooming businesses
35. Plant nurseries
36. Printing shops
37. Professional and business offices
38. Public and commercial recreation facilities, gyms, and sports complexes
39. Public and private off-street parking facilities
40. Public and quasi-public buildings and uses such as post offices, libraries, and government offices
41. Public parks, open spaces, and courtyards
42. Public transportation facilities such as bus stations, train stations, and transit shelters
43. Recycling collection point
44. Religious institutions
45. Repair shops for small equipment and items
46. Restaurants and cafes and other eating and drinking establishments
47. Retail establishments, less than 50,001 sf
48. Signs and outdoor advertising displays pursuant to Chapter 17.52
49. Single-family dwellings existing at the time of passage of the ordinance codified in this title shall be allowed to remain, and any additions or improvements thereto shall meet the standards of the LDR-6 district
50. Taverns and liquor establishments
51. Upholstery and furniture repair
52. Vending stands and kiosks
53. Veterinary offices and clinics without outdoor animal runs
54. Uses similar to the above that are not otherwise listed in this chapter

2. Repeal and Replace. WMC 17.32.028

a. Old Section WMC 17.32.028 – The existing code section to be superseded and replaced reads as follows:

17.32.028 Conditional uses—Administrative.

The following uses in the central business district (C-1) require conditional use permit approval from the Director per Chapter 17.70:

- A. Day care center;
- B. Public utility uses except electrical substations and transfer facilities and power-generating units.

b. New Section WMC 17.32.028 – The code section is amended to read as follows:

17.32.028 Conditional uses – Administrative.

The following uses in the Central Business District (C-1) require conditional use permit approval from the Public Works Director as per WMC Chapter 17.72.

- 1. Public utility uses except electrical substations and transfer facilities and power-generating units

3. Repeal and Replace. WMC 17.32.030

a. Old Section WMC 17.32.030 – The existing code section to be superseded and replaced reads as follows:

17.32.030 Conditional uses—Hearing examiner.

The following uses in the central business district (C-1) require conditional use permit approval from the Hearing Examiner per Chapter 17.72:

- A. Hospital, sanitarium, rest home, home for the aged, nursing home, or convalescent home.

b. New Section WMC 17.32.030 – The code section is amended to read as follows:

17.32.030 Conditional uses - Hearing examiner.

The following uses in the Central Business District (C-1) require conditional use permit approval from the Hearing Examiner as per WMC Chapter 17.72.

- 1. Automobile diagnostic and repair facilities, major and minor repairs
- 2. Automobile sales (Outdoor)
- 3. Automobile service stations and gas stations
- 4. Fast-food restaurants with drive-through facilities
- 5. Event center, greater than 301 person occupancy

6. Farm machinery sales and services
7. Hospital, psychiatric facility, rest home, home for the aged, nursing home, or convalescent home
8. Schools (public, parochial, private, vocational, technical, business or other schools, nonprofit or operated for profit)
9. Shelters, temporary housing, emergency housing
10. Wireless communication facilities

4. New Section. WMC 17.32.032 – Administrative Temporary Uses

a. New Section WMC 17.32.032 – The following code section is to be added:

17.32.032 Administrative temporary uses.

The following uses in the Central Business District (C-1) require temporary use permit approval from the Public Works Director or his or her designee as per WMC Chapter 17.70.

1. Agricultural stands
2. Mobile vending carts
3. Parking lot sales that are not ancillary to the indoor sale of similar goods and services
4. Uses similar to the above to be located on a temporary basis in the C-1 District

5. Repeal and Replace. WMC 17.32.040

a. Old Section WMC 17.32.040 – The existing code section to be superseded and replaced reads as follows:

17.32.040 - Prohibited uses.

The following uses are specifically not permitted in the C-1 district:

- A. Any use whose operation constitutes a nuisance by reason of smoke, fumes, odors, steam, gases, vibration, noise hazards or other causes readily detectable beyond property lines;
- B. Automobile and light and/or heavy truck repair facilities;
- C. Automobile, motorcycle, and boat dealerships and servicing establishments;
- D. Bowling alleys;
- E. Dog kennels and the outdoor housing of dogs when associated with a veterinary office or clinic;
- F. Drive-in and fast food restaurants;
- G. Outdoor sales of vehicles, boats, campers, motor homes, mobile homes, and related equipment;
- H. Storage or warehousing when such use is not a part of and not essential to a permitted use; also, when it is proposed to be independently sited within the C-1 district or independently owned and operated within a permitted structure, i.e., using a second floor of a building.

b. New Section WMC 17.32.040 – The code section is amended to read as follows:

17.32.040 Prohibited uses.

The following uses are specifically not permitted in the Central Business District (C-1).

1. Animal kennel, commercial/boarding
2. Animal shelter
3. Any use whose operation constitutes a nuisance by reason of smoke, fumes, odors, steam, gases, vibration, noise hazards or other causes readily detectable beyond property lines
4. Collective garden, medical marijuana
5. Commercial dispatch and maintenance facilities
6. Drug treatment facilities
7. Junkyards and wrecking yards
8. Laundry/dry cleaning (industrial)
9. Lumber yards and other building material sales that sell primarily to contractors (wholesale)
10. Manufacturing and production, except those specifically listed as permitted uses in this chapter
11. Outdoor sales of boats, campers, motor homes, and mobile homes
12. Recreational vehicle park
13. Recycling center or plant
14. Sand, soil, gravel sales and storage
15. Sexually oriented businesses
16. Storage facilities, such as self-storage or recreational vehicle storage businesses
17. Storage, distribution and warehousing when such use is not a part of and not essential to a permitted use; also, when it is proposed to be independently sited within the C-1 district or independently owned and operated within a permitted structure, i.e. using a second floor of a building
18. Towing
19. Wholesale businesses

6. Amend. WMC 17.08 - Definitions

a. The following definitions are to be added to WMC 17.08:

17.08.____ **Animal Shelter.** “Animal Shelter” means a place where dogs, cats or other stray or homeless animals are sheltered. Activities and services may include kenneling, animal clinic, pet counseling and sales, as well as animal disposal.

17.08.____ **Artisan/craft shop.** “Artisan/craft shop” means a retail store selling art glass, ceramics, clothing, jewelry, paintings, sculpture, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

17.08.____ **Drive-through facility.** “Drive-through facility” means a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; and quick-lube or quick-oil change facilities.

17.08.____ **Drug treatment facility.** “Drug treatment facility” means a facility that offers inpatient detoxification services and drug rehabilitation counseling. Drug treatment facility does not mean residential structures occupied by persons with handicaps, also known as group homes, where “handicap” is defined by the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3602). Drug treatment

facility also does not mean facilities used as meeting space for Alcoholics Anonymous or Narcotics Anonymous meetings.

17.08.____ **Event center.** "Event center" means a building used primarily by groups for celebratory events, meetings, and other events. Typically food service and alcohol are associated with this use.

17.08.____ **Laundry/dry cleaning (Industrial).** "Laundry/dry cleaning (Industrial)" means a business supplying bulk laundry services, such as linen and uniform services on a rental or contract basis. May also include cleaning carpets and upholstery.

17.08.____ **Live-work unit.** "Live-work unit" means a structure or portion of a structure: (1) that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; (2) where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and (3) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

17.08.____ **Microbrewery, microdistillery, or microwinery.** "Microbrewery, microdistillery, or microwinery" means a small-scale business located in a building where the primary use is for restaurant, retail, or tasting room, and which specializes in producing limited quantities of wine, beer, or other alcoholic beverage.

17.08.____ **Wholesale sales.** "Wholesale sales" means firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

17.08.____ **Wrecking yard.** "Wrecking yard" means the dismantling or disassembling of motor vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

ADOPTED this ____ day of April, 2013.

CITY OF WOODLAND, WASHINGTON

Approved:

Grover Laseke, Mayor

Attest:

Mari E. Ripp, Clerk / Treasurer

Approved as to form:

William Eling, City Attorney

WOODLAND PLANNING COMMISSION MINUTES

Planning Commission Regular Meeting - 7:30 PM
Thursday, February 21, 2013

Woodland Community Center
782 Park Street, Woodland, Washington

Present: Chair David Simpson
Commissioner Sharon Watt
Commissioner Nancy Trevena
Commissioner Murali Amirineni
Commissioner Deborah Deans

Absent: None

Also Present: Secretary JoAnn Heinrichs
Community Development Planner Carolyn Johnson
Public Works Director Bart Stepp
Mayor Grover Laseke

CALL TO ORDER 7:29:58 PM

APPROVAL OF MINUTES

Commissioner Watt moved to approve the January 17, 2013 minutes as written, Commissioner Trevena seconded the motion. The motion was unanimously approved.

PUBLIC HEARING 7:30:49 PM

1) Amending Central Business District (C-1) Uses. Land Use Permit 212-910.

- Staff report given by Carolyn Johnson. Johnson summarized changes made at the January Planning Commission meeting:
 - Added definition for Drug Treatment facilities that addresses group homes and AA/NA meeting spaces,
 - Drive through facilities were listed as conditional uses,
 - Gas stations remained conditional uses, and
 - Wholesale and most manufacturing remained prohibited uses.

Spot zoning concerns: A concern over spot zoning was brought up in the public comments. Staff discussed these concerns with MRSC legal council. The ordinance does not create a special zoning category for Dave's Garage and DZ Machine Works. MRSC concurred that no spot zoning is created by the draft ordinance.

Non-conforming, pre-existing uses: The code identifies pre-existing properties and uses. MRSC and staff are recommending more generic language presented in staff report

rather than language that includes specific addresses.

Summary: Two comment letters were received at the start of the meeting and were not in the packets. These letters were from Marilee McCall and Scott Perry.

Based on a comment letter received, the Planning Commission asked that “motels” be added to #22 and incorporated with “hotels and hostels”.

- Public Testimony

Open public testimony:7:39:05 PM

➤ Jeff Leuthold: Leuthold expressed a concern with excluding manufacturing. We used to have Lamiglas downtown. What if we had manufacturing along with retail in the same building? Manufacturing can be located in small facilities today. As long as they have a retail component, it seems like it would be appropriate downtown.

- Commissioners responded that some manufacturing is specifically allowed by the draft ordinance, namely #1 “artisanal and craft shops and shops for custom work or repair”. Adding additional manufacturing uses was considered by the Commission during recent workshops on the C-1, however, the Comprehensive Plan says that manufacturing is not to occur in the C-1.

➤ What would happen to the existing bank drive throughs?

- Existing drive throughs are pre-existing and the code would not impact them. Any new drive throughs would be approved through a conditional use permitting process. Conditional use permits are reviewed annually for compliance with the permit.

➤ Scott Perry: I am part of the Woodland Economic Development group. We have discussed that a niche we could serve is recreation. It is important that if someone wants to build or sell kayaks or canoes or something similar, that they can in the C-1. I have a concern about not including drive through facilities. Most lots wouldn't allow drive throughs because of their small size. If they don't have enough space for a drive through, then this should come out during the site plan review process. I don't believe drive throughs would result in heavy traffic.

Close public testimony:7:47:08 PM

- Planning Commission Deliberation

➤ Commissioner Trevena: Trevena said that the group had discussed manufacturing in past workshops and that sells of boats would fit under permitted use #27. Trevena then asked staff about the rebuilding of homes in the C-1 following destruction.

- Carolyn Johnson: There is a different section of the code that addressed rebuilding after destruction. It says that homes can

be rebuilt provided LDR-6 standards are maintained.

- Commissioner Trevena: Are there any lots in the downtown that wouldn't be able to be rebuilt following destruction because they were unable to meet setbacks?
 - Carolyn Johnson: A property in this situation would be a good candidate for a variance to those setback standards.
 - Chair Simpson: The comprehensive plan prohibits drive throughs and manufacturing in C-1. We would have to go in and change the comprehensive plan in order to make drive through facilities a permitted use. The current draft ordinance is pushing consistency with the comprehensive plan as far as we can without need for a comprehensive plan amendment.
 - Commissioner Trevena: Most of the issues brought up in the comments were things previously discussed.
- Commissioner Trevena made a motion made to send the proposed code to City Council with the amendments to #14 and #15 recommended in the staff report and the use "motels" being added to #22. Commissioner Watt seconded the motion. The motion passed unimously. 7:57:01 PM

February 11, 2013

Carolyn Johnson MCP
Community Development Planner
City of Woodland
Members of the Planning Commission

Re: Proposed Amendments to Central Business District Zoning Code Public Hearing

Dear Carolyn:

There are many parts of the draft ordinance that coincide with the goals of the 2011 Ad Hoc Committee report and the 2012 Workshop meeting. However unless drive-thru restaurants and service stations are changed from being conditional uses to being allowed uses I cannot support the draft ordinance.

After several years of public input from property owners, business owners and members of the community all supporting the revitalization of the downtown area and concern for the many non-conforming uses it is surprising and a slap in the face to the many citizens that have tried to participate in the process that staff is not listening.

Additional negative issues with the draft ordinance;

1. The Lakeside Motel would be a non-conforming use, why are Hotels allowed and not Motels?
2. Spot zoning for two of the many non-conforming uses is an unrealistic attempt to cure existing uses in the downtown area. Any commercial use should be allowed in the C-1 zone, new code should enhance the existing uses and allow everything that is allowed in the other Commercial zones of Woodland.
3. Rebuilding and remodeling of existing homes is not clear. It should be stated that houses can be rebuilt if destroyed. This is a problem for existing home owners when they seek to sell their homes as many lending institutions prohibit residential loan approval where the property is not an allowed use. New Single family residential and in-fill residential uses should be allowed as conditional uses.
4. Dwelling units should be encouraged under the PURD ordinance, allowing landowners additional opportunities to utilize their vacant land or aging buildings with economically viable and creative new developments.
5. Wholesale sales was discussed at the Public Workshop and there was consensus that it should be an allowed use.
6. Fails to offer incentives and preferential status for permits in the C-1 Zone.
7. Fails to establish permanent relief from parking requirements.

I hope that the Planning Commission will alter the draft to accommodate the Public's desires with the goal of having an ordinance that will be supported by the community and adopted by the City Council. Please read this letter into the Public Hearing on February 13, 2013.

Warm regards,



June Jones



Darlene Johnson

cc: Mayor, council member

To:
Carolyn Johnson
Woodland Planning Commission
Woodland City counsel
From:
Jeff Leuthold

RECEIVED

(10/1/11)

CITY OF WOODLAND

Dear Carolyn Etal

Thanks for forwarding the package on the proposed changes to the C-1 zone to me, I can see that a lot of effort has gone into the submittal.

As a member of the adhoc committee drafted by a former mayoral staff I would like to remind all of those associated with reforming the zoning in the downtown area of Woodland that the primary purpose was to revitalize the Old-town area.

Since the formation of the adhoc group a number of developments have taken place.

- The High School bond passed and the school will be moving down by Walmart
- The Police Department will be moving down by Scott Ave.
- The Public works Dept. moved to Scott Ave.
- A new tax was passed on water sewer garbage
- And the Oak Tree Casino Closed with the loss of all of its tax revenue as did Lewis River Motors.

The adhoc committees' had one over riding principle recommendation to the City of Woodland and that was to be incentive based and service driven.

With an additional idea that our city should preserve its core service area and that a principle way to accomplish this is to keep government offices like Police, Fire, City Offices, Schools and the like in the core of the town.

Every good business person knows that good service is the hallmark of a well run company, and that people, businesses and companies are attracted by incentives. These apply to City government as well.

Its not enough to allow a larger group of business types into the C-1 zone, it is also important to provide incentives for companies to make the

investment. If it requires no investment then it also probably has little value. We want companies to make investments in our town and in our Old-town. The history of a community has value, not just as a memory, but to bring depth to the life of the town.

With these things in mind I would respectfully ask the city at all levels to again consider what steps it can take to improve.

- Its Service to patrons
 - o Everything from paying a utility bill to city maintenance
 - o The timeline for permits
 - o The application of regulations
 - o Even the way it conducts Counsel meetings

- The ability of the City fathers to balance the regulatory process, improve communication, and assist the private citizens in meeting the criteria the city establishes. If there is a regulation, there should be a sound reason for it, and that reason should be clearly communicated.

The City serves the people not the other way around. Good government is a servant of the people.

I don't know that everyone has tightened their belt in these economic times but my family has, and it is a concern to me that the City of Woodland continues to expand its budget.

Private industry at all levels is the driving force behind a healthy metropolis. Even if the town is mostly residential, those individuals are also working somewhere. Respect their earnings and use them wisely. It is in our best interest to be welcoming to business.

Sincerely

Jeffrey M. Lenthold

PS, I THINK YOU'VE GOT A
LITTLE SPOT ZONING IN YOUR CODE.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 13, 2013

Ms. Carolyn Johnson
City of Woodland
230 Davidson Avenue
Woodland, WA 98674

Dear Ms. Johnson:

Thank you for the opportunity to comment on the optional determination of nonsignificance for the Amendments to Woodlands Central Business District Zoning Code project (LU# 212-910). The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**SHORELANDS & ENVIRONMENTAL ASSISTANCE:
Rebecca Schroeder (360) 407-7273**

Development within shoreline jurisdiction will continue to be subject to the provisions of the State Shoreline Management Act and the local Shoreline Master Program.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(SM:13-0393)

cc: Rebecca Schroeder, SEA

Carolyn Johnson

From: Scott Perry
Sent: Thursday, January 17, 2013 4:56 PM
To: Carolyn Johnson
Cc: Grover B. Laseke
Subject: C-1 Expanded uses

Consistent with the WEDG groups thoughts that one "theme" we should focus on RECREATION with the River, Mountains, Lakes, etc.

Recreational sales, service and repair should be businesses we might want to encourage. With this in mind you might consider these uses as ones we would like included for C-1 as most would not necessarily require large lots.

Boats and othe recreational sales of all types - including larger boats that might require outside sales

- Snow mobiles

- Jet skies

- Boat motors

- Sail boats, canoes, kayak, fishing of all type Manufacturing - recreational

- Canoes

- Kayaks

- Paddle boards

- Fishing accessories

Recreational equipments sales of all types.

Other uses - Home repair, builders, contractors, surveyors

Multi-level parking lot - to eliminate parking issues and encourage walking throughout downtown.

Let me know if any would NOT be allowed and you might consider them.

Scott Perry

From the Desk of Marilee McCall, 84D River Rock Lane, Woodland, WA 98674

February 21, 2013

Comments on Downtown Zoning:

As I have learned more about “Main Street USA” and continued to do research on what makes cities thrive both economically, as well as culturally; the more that I have learned, the more that I have realized that to get on track to truly revitalize our downtown, we need to rethink how we have done things and structured things in the past. The key culture that I believe needs to change for the downtown to truly thrive is to base it on walkability and increase the pedestrian access and comfort level.

As we move forward, the pool will be built, and we already have the jewel of Horseshoe Lake park, which will invite even more health-conscious individuals to visit (and live) in our city. Fostering this new paradigm for our city also attracts businesses, as detailed in my book excerpt at the end of these comments.

As we structure our downtown, it is vitally important that we do not include drive throughs, as they are hazardous to combine with pedestrians; and that we foster a different viewpoint.

All neighboring cities that have had marketing success have restructured to “walking outdoor malls” – nearby examples are the Twin City (formerly Triangle) center in Longview, and Battle Ground Village. People like to park once and have several shopping options within walking distance. They like wide, safe sidewalks, trees and plants, and family-oriented atmospheres.

This atmosphere creates a natural gathering place that is referred to as “Third Place” – You live at home, you go to work, and you gather in the “third places”. We have already gotten a good start in the summertime of creating an anchor at the end of Davidson with our Farmer’s Market and Hot Summer Nights events.

Thank you for taking the time to review my comments. I appreciate all of the work that you have done in reviewing and finessing the code for our City.

Marilee McCall

I am including some excerpts from a book that I am currently reading that I would suggest to all of the Planning Commission.

From “Walkable City: How Downtown Can Save America, One Step At A Time” by Jeff Speck:

“Questions like: What kind of city will help us thrive economically? What kind of city will keep our citizens not just safe, but healthy? What kind of city will be sustainable for generations to come? These three issues—wealth, health, and sustainability—are, not coincidentally, the three principal arguments for making our cities more walkable.”

“Many of my client cities ask me the same question: “How can we attract corporations, citizens, and especially young, entrepreneurial talent?” In Grand Rapids, Michigan, where I am employed by the city’s leading philanthropists, they ask it differently: “How can we keep our children from leaving? How can we keep our grandchildren from leaving?”

Note: These are some of the same questions that we are asking in Woodland.

“The obvious answer is that cities need to provide the sort of environment that these people want. Surveys—as if we needed them—show how creative-class citizens, especially millennials, vastly favor communities with street life, the pedestrian culture that can only come from walkability.”

Important Note: Wolverine World Wide, the manufacturers of Merrell and Patagonia Footwear WAS located in West Michigan. Their social scene could only be accessed by car. With no pedestrian culture, when it came time to launch a new apparel division, they decided to base it in Portland, Oregon.

“The economic advantage that has already begun to accrue to walkable places can be attributed to three key factors.

First, for certain segments of the population, chief among them young “creative”, urban living is simply more appealing; many wouldn’t be caught dead anywhere else.

Second, massive demographic shifts occurring right now mean that these pro-urban segments of the population are becoming dominant, creating a spike in demand that is expected to last for decades.

Third, the choice to live the walkable life generates considerable savings for these households, and MUCH OF THESE SAVINGS ARE SPENT LOCALLY.”



February 21, 2013

To: Planning Commission and Carolyn Johnson

As a local Realtor it is important I'm familiar with the direction of the city, zoning, etc. in serving our clients, thus I attended most of the meetings and reviewed the materials from at least three Studies the city has contracted for dated 1978, 2003, and 2009. **These studies have cost the city more than \$40,000 and need to be considered.**

I find several things consistent in the studies recommendations.

They all suggest from I-5 the "Gateway area" should be the door way to downtown and we should encourage, businesses that bring traffic into the downtown. This can be done by encouraging many types of business or a broad mix so locals, as well as visitors, have services available to shop locally.

The lot sizes downtown make it impracticable for most of the businesses like Automobile diagnostic and repair facilities, gas stations, car wash, Motels, drive-in fast food restaurants and banks as well as outside sales, however they would all be excellent businesses to bring people to this side of town, serve the current residents and bring people downtown. **These uses should be permitted** otherwise we are penalizing the few property owners with lots large enough to accommodate these uses and those that would benefit from the foot traffic they would bring into the area.

The Woodland Economic Development Group recently decided a great **target market would be recreational activities**, with the rivers and lakes so close. That would include repair as well as inside and outside sales of recreational equipment like all types of boats, jet skies, canoes, kayaks and other recreational craft, all should be permitted uses. I don't see them as permitted uses in the current draft but **should be added** for clarity if permitted within a permitted group.

I was told the objection to fast food is the traffic generated. However, people don't drive from outside the area for fast food instead they stop on their way home. I'm sure you are aware there is already considerable traffic on Lakeshore going to Horseshoe Lake Park, Island Aire Dr., Raspberry Park and the other residential areas south and west of downtown. These residents would appreciate a fast food restaurant in the gateway area and the study of 2009 looked at how traffic problems in the area could be addressed.

All studies stress Horseshoe Park and Lake are natural assets that should be utilized as part of the welcoming entrance with good pedestrian and vehicle access. As many as 80% of the locals surveyed indicated they frequent the park and it is a natural pathway to the downtown area.

Mobil food services as well as **drive-in fast food** should be permitted uses especially at Horseshoe Lake Park and other locations in town to provide drinks and quality foods to walkers, runners, swimmers, skate boarders, boaters and groups using the park or church facilities on weekends.



All studies mention the stakeholders as the property owners and businesses have financial resources and vested interest and their involvement is critical to the viability of any revitalization or development.

*Given 3 months to develop recommendations for revitalizing the downtown and gateway area many of the most involved business and property owners got together and met multiple times a month to meet the deadline. Now, more than a year later not a single recommendation has been enacted. As stakeholders they are the only ones that can actually implement change and **you have the opportunity to reward their efforts by expanding the uses as requested** to show the city is behind them in trying to improve the west side and Woodland as a whole.*

I understand and appreciate the efforts to make Dave's garage and others conforming by grandfathering them but question the legality.

*It could be argued they were given a special exclusive to the particular type of business and believe it cleaner to simply make the uses permitted as there are no other lots large enough to be utilized. It seems not including Motels puts them in the same situation Dave and the others have been in if they want to expand or upgrade. Certainly a nice new Motel in the gateway area would attract travelers and bring people into the downtown area. **I suggest a Motel be added as a permitted use.***

*I appreciate the effort Carolyn Johnson and the Planning Commission has put into this over the past year and hope you will expand the uses to include those listed earlier so the gateway and downtown area have the opportunities the east side has to grow. **Woodland needs to fill the lots and vacant building with businesses that will generate jobs and income** to the city as well as serve the citizens that live here.*

I will attach a copy of a map showing lots and buildings that are vacant or for sale in the gateway and downtown area.

Respectfully,

Scott Perry

(360) 921-2306

ScottPerry@cni.net

P.S.

For your convenience I have referenced some of the issues mentioned by study and page. If you don't have a copy of the multiple studies they can be made available.



1978 page 42. **Commercial Land Use.** “The commercial goals of the Comprehensive Plan are to maintain the downtown business district and **encourage a greater variety of new businesses to locate downtown**”.

2003 page 43 “One of the principal goals over the next 3 to 5 years and longer will be to **increase the number of retail businesses in the core downtown area.**”

2003 page 45 **“the two primary goals for enhancing Woodland’s business mix should be to:”**

1. **“Retain, strengthen and expand the existing business base in each commercial area of Woodland, with emphasis on the downtown.”**
2. **“Recruit businesses that will complement and improve the existing downtown commercial mix and enhance downtown’s attractiveness to its target market.”**

2003 page 48. *This paragraph is very clear and said it best.*

“There is a need for confidence-building, enthusiasm and pride within the general population for downtown Woodland revitalization, which is evident by the comments heard by the consultant from public and business leaders. Recognizing that residents and business owners are the key stakeholders of the community, the strategies were written for the Woodland revitalization and business development program were designed to bring residents and business owners into the process, build consensus, and take advantage of the unique assets and resources of downtown.” *After investing \$ 30,000 what effort was made to implement the recommendations? This study was not even reviewed in developing the uses originally proposed.*

This Business Development Report includes specific recommendations which are relevant today including: (pages 51 & 52)

- support existing businesses
- develop business assistance programs
- increase community resources
- city support
- fill retail gaps
- and a direct mail campaign

In November 2009 **The American planning Association** was requested, and for a \$10,000 fee, provided 7 individuals from the Seattle area with special expertise in all fields of planning to visit and **“Assist the town of Woodland in defining its vision for its Downtown and Gateway District.”**

I attended the two meetings and though it cost the city \$10,000 the guest planners were surprised and concerned as the key property owners, planning commission and possibly one Council member was present at the beginning. Obviously disappointed, the consultants verbally questioned the value of a meeting if decision makers and property owners were not involved. I thought at one point they were going to pack and return to Seattle. One planning commissioner and a couple property owners did join in the afternoon reporting they got notice the day of the meeting in the mail or understood they were only to attend the wrap-up after 4:00 PM.

*The consultants walked the areas, drafted maps addressing suggested traffic issues and again provided **HIGHEST PRIORITY ACTION STEPS** (page 6)*

1. “Establish coordination with property owners.” Page 6 They emphasized the importance of the business and property owners being involved.



They also suggested an **independent action committee** to hold government accountable. (page 6) In our case the Ad Hoc committee tried to step up but has largely been ignored.

They focused on the Gateway as the “front door” to the downtown and designed draft maps addressing possible solutions to anticipated traffic issues, including possible road locations, a roundabout and where buildings could be located. (Page 7)

Shortly thereafter, Dan Herman, owner of the largest share of the developable Gateway property, presented a drawing of a proposed development following their suggestions but within minutes returned saying the city was not interested. Recently he was contacted by city planning suggesting applying for a rezoning to C-2, however this is costly and time consuming where the same results would be accomplished with approval of the C-1 expanded uses asked for and studied for years. (See attached drawing)

*They also suggest – “Develop according to a master site design that maximizes **the significant community asset, Horseshoe Lake.**” (Page 9 & 23)*

*They suggested – “To the greatest extent possible, **focus activity and land uses to the downtown district** including commercial, residential, office, community/public spaces and tourism.” (Page 21)*

Gateway

Disclaimer: GIS maps do not carry legal authority and general information. Cowlitz County prides of merchantability or fitness for a purpose, and a

termine a boundary or the location of fixed works and are intended as a locational reference for planning, infrastructure formation on an "as is" basis without warranty of any kind, expressed or implied, including but not limited to warranties of no responsibility for anyone's use of this information.



Downtown

Disclaimer: GIS maps do not carry legal authority and general information. Cowlitz County provides information on an "as is" basis without warranty of any kind, expressed or implied, including but not limited to warranties of merchantability or fitness for a purpose, and assumes no responsibility for anyone's use of this information.



Ad Hoc Committee Members

Carolyn Johnson - City of Woodland planner

Joy Hassl - representing the Downtown Revitalization Committee

Gloria Loughry - Lewis River Review – Business owner with-in the proposed area.

Jeff Leuthold - Business owner and developer with multiple properties with-in the proposed area.

Jim Peterson - Business owner with multiple properties with-in the proposed area.

Dave Wells - Business and property owner with-in the proposed area.

June Jones - Business and Property owner in the proposed area- as realtor frequently works with those locating to the area.

Dan Heerman - Owns multiple properties, min-malls and developable land with-in the proposed area as well as throughout Woodland city limits.

Darleen Johnson - business owner, represents an owner with multiple properties within the area but now outside the area. Local activist with the Rotary and Chamber of Commerce

Dick Colf - developer with multiple properties within the area.

Others participated but these are the property owners that were given the task.

Carolyn Johnson

From: Scott Perry
Sent: Friday, June 22, 2012 3:31 PM
To: Carolyn Johnson
Cc: Grover B. Laseke
Subject: C-1 changes for Downtown

Carolyn

After attending last night Planning Commission meeting I just wanted to say I'm pleased to see the direction you are taking in addressing the concerns of the property owners in the downtown area. I realize you inherited the previous approach which was so adamantly opposed. This new direction is much more positive and I believe will be well received.

I also support your suggestion of having something like an open house where the people in the downtown area could come by and informally get information and comment. As mentioned the City Council and Mayor have been thinking of an informal "night to get to know the city" or something and I believe that would work well as a topic at least for those on the west side. I will mention to the mayor and others.

You ask for suggestions:

I would like to see permitted uses expanded to list retail and repair to be more inclusive. Sales and repair of boats, lawn equipment, motorcycles, bicycles and a myriad of other things we buy and repair should be allowed.

Medical equipment sales, rental and servicing should also be added.

I think major investment facilities should be permitted. As was mentioned no one will invest in a facility when the use is to be reviewed annually and they stand a chance of someone putting them out of business. Most areas wanting to increase traffic would want to allow fast food establishments and gas stations so I don't understand when we say we want to increase foot traffic and get people to the area we would not make them PERMITTED uses.

Conditional use – administrative.

Do Vending Stands and kiosks include food carts etc. if approved by the health department? Hopefully

Given the opportunity Dave Wells would likely prefer to move his towing storage lot to an area outside the downtown where land is less valuable if he could expand into sales and repair of boats, motorcycles, cars, watercraft, etc. Having the restrictions he and others are currently under is a big factor in them not improving their property to where they are a blight when the property could be more productive and better maintained.

That said the idea was to express my opinion the direction and approach is much better and pass on these ideas.

Keep up the good work,

Scott Perry