

WOODLAND PLANNING COMMISSION AGENDA

Planning Commission Regular Meeting – 7:00 PM

Thursday, September 19, 2013

Woodland City Council Chambers
100 Davidson Avenue, Woodland, Washington

CALL TO ORDER – 7:00 PM

APPROVAL OF MINUTES

- July 18, 2013 Meeting Minutes (held over from last meeting)
- August 15, 2013 Meeting Minutes

PUBLIC HEARING

- Comprehensive Plan Map Changes/Rezone Requests
 - Liberty Evans (LU #213-916)
 - Schurman Trial Run Trust (LU #213-914)
 - City of Woodland (LU #213-922)
- Comprehensive Plan Text Change
 - Auto-Oriented Uses within the C-1 District

UPDATES/WORKSHOP

- Non-Conforming Uses Draft Ordinance
- Shoreline Master Program Status Update
- Status on Planning Commission's 2013 work items

ADJOURN

cc: Post (City Hall Annex, Library, Post Office, City Hall)
City of Woodland website
Planning Commission (5)
City Council (7)
Mayor
Department Heads

WOODLAND PLANNING COMMISSION MINUTES

Planning Commission Regular Meeting – 7:00 PM

Thursday, July 18, 2013

Woodland City Council Chambers
100 Davidson Avenue, Woodland, Washington

PRESENT: Commissioner Debra Deans
Commissioner Tel Jensen
Chair David Simpson

ABSENT: Commissioner Mike Amirineni
Commissioner Sharon Watt

STAFF: Clerk III Shannon Rychel
Community Development Planner Amanda Smeller
Public Works Director Bart Stepp

CALL TO ORDER – [7:05:58 PM](#)

The meeting was called to order at 7:05 PM.

APPROVAL OF June 20, 2013 MEETING MINUTES

June 20, 2013 Meeting Minutes. Commissioner Deans moved, seconded by Commissioner Simpson, to approve the minutes. The motion passed unanimously.

PUBLIC HEARING

SEPA issued for: Signs, Site Plan Review Ordinance, and Non-Conforming Uses

- Sign code was cleaned up, clearing up any gray areas in the code.
- Open public comment: [7:33:03 PM](#), Close public comment: [7:33:17 PM](#). No comments received.

Commissioner Deans made a motion to send the Sign Ordinance, Site Plan Review Ordinance and the Non-Conforming Use Ordinance to City Council. Commissioner Jensen seconded. Discussion followed. The motion passed unanimously.

WORKSHOP

- **Rezone Requests:**
 - **Schurman Trial Run Trust Rezone** (further discussion) parcel on both sides of Lewis River Road. The property owner would like to make part of the parcel commercial. Request was made to change east side into Highway Commercial.

Highway Commercial would allow for a lot more use. Next month there will be a public hearing regarding this.

- **Liberty Evans rezone request-** There is a 27 acre parcel that is currently zoned as Light industrial and they would like to rezone 3.4 acres of the property to Highway Commercial. The rezone request was presented last year but was not approved. They have applied again for 2013. Nothing has changed since last time applied. Mark Fleischauer for Liberty Evans spoke - said once it got rejected he had people ask for them to consider reapplying. Commissioner Simpson added that there have been no updates to the Comprehensive Plan since the last time they applied.
- **City of Woodland (5 parcels)**
 - Scott Hill Park property - Would like to rezone from Low Density Residential to Public/Quasi-Public/Institutional
 - 300 & 200 E Scott - Would like to rezone from Light industrial to Public/Quasi-Public/Institutional

Commissioner Deans moved, seconded by Commissioner Jensen, to move to all of the proposed rezones to the docket. Motion passed unanimously.

- **Discussion - Auto-oriented uses in the C-1 district [7:34:51 PM](#)**

Looking at peak times of traffic. PM times are the most congested times.

Last meeting it was discussed that there are no design standards in the C-1 district. Need to think about design standards in the future.

- This will be a Comprehensive Plan text change.
- This Comprehensive Plan text change would have a 1st and 2nd reading. Planning Commission will need to put a recommendation together in August.
- Planning Commission will bundle with public hearing next month and present findings to City Council.

Commissioner Deans moved, seconded by Commissioner Jensen, to hold a public hearing with for the Comprehensive Plan text change.

ADJOURN

[7:52:27 PM](#)

Commissioner Deans moved, seconded by Commissioner Jensen, to adjourn.

cc: Post (City Hall Annex, Library, Post Office, City Hall)
City of Woodland website
Planning Commission (5)
City Council (7)
Mayor
Department Heads

WOODLAND PLANNING COMMISSION MINUTES

Planning Commission Regular Meeting – 7:00 PM

Thursday, August 15, 2013

Woodland City Council Chambers
100 Davidson Avenue, Woodland, Washington

CALL TO ORDER – 7:00 PM 7:01:28 PM

PRESENT:

Commissioner Mike Amirenini
Commissioner Tel Jensen
Commissioner David Simpson
Commissioner Sharon Watt

ABSENT:

Commissioner Deborah Deans

STAFF:

Clerk III Shannon Rychel
Community Development Planner Amanda Smeller

APPROVAL OF MINUTES

- July 18, 2013 Meeting Minutes - Moved to next month's agenda due to lack of possible votes to approve

WORKSHOP

- Preliminary Plat extension requests – Woodland Creek & Riverfront Village.

Woodland Creek

Woodland Creek is located off Lewis River Road near the Intermediate School. Preliminary approval was granted in August 2006. The critical area ordinance has changed since original application and the minimum lot size in the city is 6,000 sf. If the extension is approved the Shorelines will have to be redone but SEPA will not expire. Woodland Creek is required to be complete by August 2013. We have updated the storm water policy since they first applied. If we give them continuance they get to abide by old rules.

Should an extension be granted, Woodland Creek would have through August 14, 2014 to complete the process.

Commissioner Amirenini moved, seconded by Commissioner Watt, to deny Woodland Creek extension. Discussion followed. Motion passed unanimously.

Riverfront Village

Riverfront Village is zoned High Density Residential and is located in the flood plain. If the extension is granted, they will have until October 24, 2014 to receive final approval. Their Shoreline and critical areas permits are expired. The stormwater code has changed and the PURD code has been updated since they received preliminary approval.

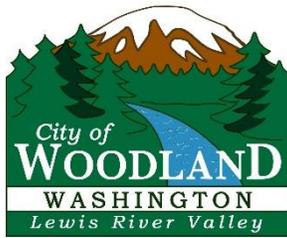
Several sections of applicable code have changed; Critical area and storm water. Lot sizes would never be able to happen under current code.

[7:36:57 PM](#)

Commissioner Amirenini moved, seconded by Commissioner Watt, to deny the plat extension request for Riverfront Village. Discussion followed.

- **Discussion on I-502:** ideas for implementation in Woodland. I-502 covers producers, retailers and processors of marijuana. Areas that will be allowed for zoning are industrial and some commercial. Dispensaries must be 1000 feet from schools, libraries, daycare facilities, etc.

ADJOURN Commissioner Watt moved, seconded by Commissioner Amirenini, to adjourn.



Building & Planning
 P.O. Box 9, 230 Davidson Avenue
 Woodland, WA 98674
<http://www.ci.woodland.wa.us>
 (360) 225-1048 / FAX # (360) 225-7336

**Woodland Planning Commission – Staff Report
 Comprehensive Plan Amendment and Concurrent Rezone**

Project Name:	Liberty Evans Comprehensive Plan Amendment and Rezone
Land Use Application No.:	#213-916/CPMC/ZMC/SEPA
Applicant:	Mark Fleischauer, Liberty Evans LLC
Property Owner:	Liberty Evans LLC
Location:	A vacant, unaddressed property located on the east side of Schurman Way just south of Dike Access Road. The 3.4 acres proposed to be rezoned make up the northern portion of the parcel. The subject site is in the southwest ¼ of Section 12, Township 5 North, Range 1 West, Willamette Meridian, Cowlitz County, Washington.
Parcel ID No.:	507870101
Parcel Size:	3.4 acres of the 26.9 acre site are proposed to be reclassified on the comprehensive plan map and rezoned.
Existing Comprehensive Plan Map Designation:	Light Industrial
Existing Zoning Designation:	Light Industrial (I-1)
Application Submitted:	July 1, 2013
Notice of Application:	July 26, 2013
SEPA Threshold Determination:	DNS issued September 12, 2012
Comment Period Ended:	September 26, 2012
SEPA Appeal Period Ended:	October 10, 2012
60-day Dept. of Commerce Notice Issued:	August 6, 2013
Planning Commission Public Hearing:	August 15, 2013

I. DESCRIPTION OF PROPOSAL

The applicant proposes to amend the Comprehensive Plan Map to change the designation of a 3.4-acre portion on the northern side of the 26.9-acre subject property from Light Industrial to Highway Commercial. Concurrent with this proposal is a request to rezone the same portion of the property from Light Industrial (I-1) to Highway Commercial (C-2).

This is the second time Liberty Evans has applied to rezone this same portion of property. In 2012, application was made to rezone the 3.4-acre portion of the 26.9-acre parcel from Light Industrial to Highway Commercial. That proposal was denied. The rezone proposal has not changed since the 2012 request, nor has the Comprehensive Plan. At the time of the 2012

application, the applicant had indicated that they were willing to undergo the land division process if Council moves towards an affirmative motion on the Comprehensive Plan Map Amendment and Rezone. Liberty Evans does not want to incur the expense or potential constraints of creating a new lot without substantial comfort that the City Council will support this proposal. While MRSC has indicated that zoning designations need not follow property lines, land division should occur prior to final approval of the rezone.

No specific commercial use is proposed at this time. However, possible uses include highway commercial oriented uses such as a convenience store and gas station, restaurants, and/or other retail outlets. The site is accessible via Schurman Way.

Table 1 Subject Property Site Characteristics	
Surrounding Land Uses	<p>North: City right of way, Dike Access Road and a vacant commercial lot</p> <p>South: Undeveloped industrial land</p> <p>West: Schurman Way and developed industrial properties and a vacant commercial property</p> <p>East: Undeveloped industrial land and Burlington Northern Rail tracks</p>
Surrounding Zoning	<p>North: Highway Commercial (C-2)</p> <p>South: Light Industrial (I-1)</p> <p>West: Light Industrial (I-1) and Highway Commercial (C-2)</p> <p>East: Light Industrial (I-1) and Highway Commercial (C-2)</p>
Site Topography & Critical Areas	<p>The site is generally flat and was preloaded with fill approximately 15 years ago in preparation for a development project that was never built. National Wetland Inventory mapping and aerial imagery suggests that the eastern portion of the area proposed to be rezoned may contain a wetland or wetland buffer.</p> <p>A Wetland Delineation Report, submitted by the applicant in July 2013, showed two small non-jurisdictional wetlands on the property itself and none in the area to be rezoned. The Wetland Report indicated both wetlands to be a Category IV, but as they are non-jurisdictional no buffer is required. These wetlands exist just outside of the area previously filled. The report did not appear to include any potential wetlands offsite, which show on the National Wetland Inventory mapping to the east of the parcel. These wetlands will not affect the rezone proposal; however at the time of future development, the applicant may be required to produce additional information on any critical areas on or adjacent to the site and to receive all permit approvals before site work can begin.</p> <p>Wetlands are known to exist at the south property line, approximately 1,350 feet from the area proposed to be rezoned and open water is visible in aerial photographs approximately 1,110 feet southeast of the area to be rezoned.</p>

Table 1 Subject Property Site Characteristics	
Street Classification	Schurman Way is a Collector. Dike Access Road is a Minor Arterial.
Water	City Service is available within Schurman Way.
Sanitary Sewer	City Service is available within Schurman Way.

II. PROCEDURAL REQUIREMENTS

All procedural requirements of RCW 36.70A, RCW 36.70B, and the Woodland Municipal Code (WMC) have been met.

III. REVIEW AUTHORITY

Per WMC 19.08.030, the City Council shall approve or deny the applications for Comprehensive Plan Map Amendments and Rezone applications based on the recommendations made by the City Planning Commission. The Planning Commission shall hold an open record public hearing, and its recommendations shall be based on the recommendations made by the City Development Review Committee (DRC).

The Comprehensive Plan and WMC 17.84.040 require that the Planning Commission consider the Approval Criteria (Comprehensive Plan, Page 1-45 and 1-46) and other factors including provisions in the State Growth Management Act (GMA) and Comprehensive Plan, other plans of the City, the standards in the WMC, ordinances and other City codes, and other factors necessary to protect the public health, safety, convenience, and general welfare. Action must be based on written findings and conclusions.

Per the Comprehensive Plan (Page 1-45), the Comprehensive Plan shall be amended no more frequently than once per calendar year. According to WAC 365-196-640, all amendment proposals shall be considered concurrently (in a package) by the Planning Commission and City Council so that their cumulative effects can be ascertained. The Liberty Evans application is one of four other applications being considered during 2013.

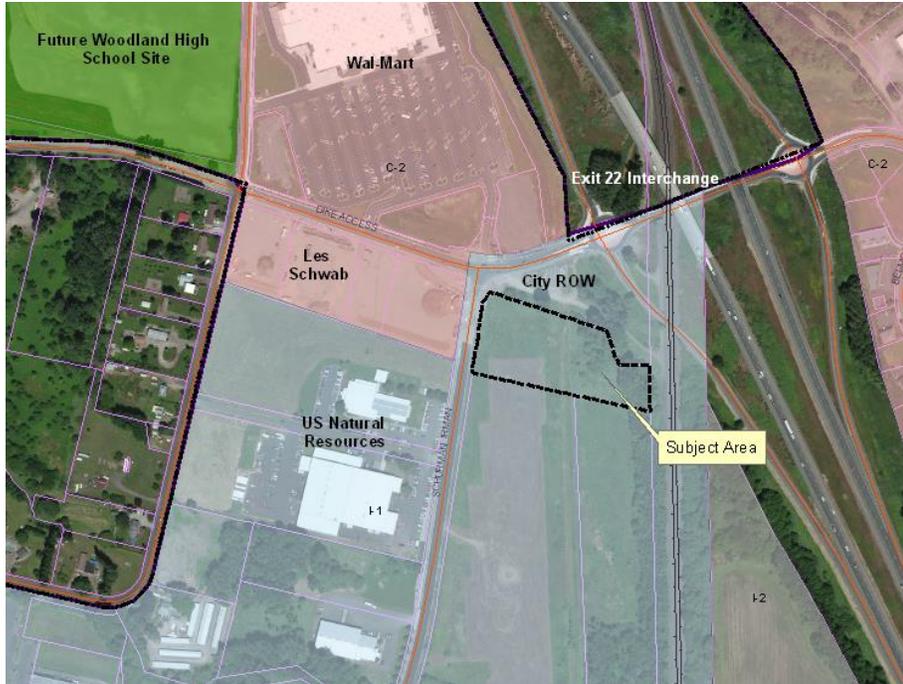


Figure 1. Vicinity map showing the subject area proposed to be rezoned from Light Industrial (I-1) to Highway Commercial (C-2).

IV. APPROVAL CRITERIA AND DRC'S RESPONSE

Proposed amendments shall be reviewed using the following criteria outlined in the Comprehensive Plan, Page 1-45 and 1-46.

- 1. The proposal is consistent with the provisions of the Growth Management Act (GMA) and will not result in Comprehensive Plan or regulation conflicts.**

The applicant submitted a narrative describing how the request is consistent with the GMA and the Woodland Comprehensive Plan (See Exhibit 1).

The proposed amendment has been processed in accordance with the GMA, Comprehensive Plan, and Woodland Municipal Code. Provided that any approved Comprehensive Plan Amendment is followed (concurrently) by a Zoning Map Amendment that is consistent with the new Comprehensive Plan Map designation, plan or regulation conflicts will not exist.

- 2. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents.**

The DRC finds the proposal will likely have no significant adverse impact on sensitive land uses but that significant adverse impacts on existing commercial businesses and commercial property owners are possible.

National Wetland Inventory mapping and aerial imagery suggests that the eastern portion of the area proposed to be rezoned may contain a wetland or wetland buffer. A Wetland Delineation Report, submitted by the applicant in July 2013, showed two small non-jurisdictional wetlands on the property itself and none in the area to be rezoned. These wetlands were considered non-jurisdictional as they were believed to be created by the placement of the preload on the property in the mid-1990s. The Wetland Report classified both wetlands Category IV, but as they are non-jurisdictional no buffer is required. The buffer is based on the intensity of the land use. These wetlands exist just outside of the area previously filled. The report did not appear to include any potential wetlands offsite, which show on the National Wetland Inventory mapping to the east of the parcel. These wetlands will not affect the rezone proposal; however, at the time of future development, the applicant may be required to produce additional information on any critical areas on or adjacent to the site and to receive all permit approvals before site work can begin. This includes the Army Corps of Engineers confirmation that the wetlands are indeed non-jurisdictional. Whether or not the subject area is rezoned, the presence of critical areas could impact the site design of future projects. Wetlands are known to exist at the south property line, approximately 1,350 feet from the area proposed to be rezoned and open water is visible in aerial photographs approximately 1,110 feet southeast of the area to be rezoned.

The City received three letters in support to the rezone and two letters against the rezone. Some of the benefits of the rezone addressed in the letters include:

- *Tax base growth,*
- *Increased employment*
- *Land values*
- *Availability of commercial services*

Some of the disadvantages as addressed in the letters include:

- *Loss of industrial zoned land*
- *Loss of industry employment*
- *Inability to retain and attract businesses*

The applicant's narrative states that no specific commercial use is proposed at this time but that uses contemplated include convenience store/gas station, restaurants, and other specialty retail outlets. Woodland has undeveloped highway commercial (C-2) land and vacant C-2 storefronts, some in the immediate vicinity of this proposed rezone. If the proposal is approved, the subject site would compete with these undeveloped and vacant properties. The 2012 Industrial and Highway Commercial Land Use Inventory shows there are 134 acres of undeveloped Highway Commercial (C-2) property in the City of Woodland. In addition, Woodland's Central Business District (C-1) has a number of vacant storefronts and vacant lots where restaurants and retail outlet stores would be outright permitted uses.

Certain Highway Commercial uses compete with the Central Business District (Woodland's historic downtown) the redevelopment of which is supported by the Woodland Comprehensive Plan in Economic Development Policies 4 and 6 (page 1-56 and 1-57) and Commercial Land Use/Central Business District Policy 2 (page 1-57). These policies are listed below:

"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" (Economic Development Policy 4).

"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" (Economic Development Policy 6).

"Encourage more professional offices and local services to locate within the Downtown Business District" (Commercial Land Use/Central Business District Policies 2).

The 2002 Woodland Urban Growth Management Program¹ (WUGMP) recommended that 39.6 acres of land currently designated Light Industrial be re-designated Commercial and that 71 acres of land outside of city limits be annexed and brought into the city under a commercial designation. In total, these recommendations would have resulted in 111 acres of new commercial land. Significant progress has been made towards reaching these goals. The 71 acres identified for annexation were located north of Scott Avenue and between Old Pacific Highway and Green Mountain Road. Since the plan was adopted, this land has been brought into City limits and all but 10 acres of it has a commercial designation. Additionally, approximately 29 acres of light industrial land has been re-designated as commercial. Page 1-23 of the 2005 Comprehensive Plan states "The city will not require any additional commercial lands. The downtown will grow by infill and the conversion of fringe areas. The city already has ample supply of vacant commercially designated land that is very visible from Interstate 5" (page 1-23).

The applicant submitted a memorandum analyzing the economic need for commercial property in Woodland.

3. The proposed amendment can be accommodated by all applicable services and facilities, including transportation.

City services including water and sanitary sewer are available at the subject site and at the time of development, new construction will be required to connect to these services.

A memorandum addressing traffic impacts dated June 12, 2012 was submitted by the applicant. If the proposal is approved, the change is expected to result in 2,694 additional vehicle trips per week including 185 additional peak PM trips per week. Under 2025 conditions with the proposed rezone, the Dike Access/I-5 southbound ramp is expected to operate at a LOS "F" (Note: 2025 conditions with current zoning are also

¹ The WUGMP was adopted May 20, 2002 by the City of Woodland (Resolution No. 458).

expected to result in LOS F at this intersection). The memo states that an eastbound right-turn slip lane at the intersection would improve the LOS to LOS C. In addition, Dike Access Road/Schurman Way is expected to degrade to LOS "E" with the proposed change versus a LOS "D" under current zoning. The memo states that the most appropriate improvement at Dike Access Road/Schurman Way would include the addition of a northbound right-turn slip lane, which would improve the LOS to "B".

WSDOT submitted comments during the review for this rezone in 2012 stating that the Traffic Analysis memo submitted indicates that roadway improvements may be required to mitigate the impacts of development but that one of the improvements anticipated, the eastbound right turn slip lane at the Dike Road/I-5 southbound off-ramp intersection, may be difficult to build because of site constraints. No comments were received from WSDOT for this rezone as of the date of this staff report.

One concern is ensuring transportation concurrency. The GMA requires that transportation improvements or strategies to accommodate development impacts need to be made concurrently with land development. The preliminary traffic analysis shows that improvements will be necessary. In 2013, the City adopted Transportation Impact Fees which the future development of this project will be assessed depending on the proposed use.

4. The proposal will help implement the goals, objectives and policies of the Woodland Comprehensive Plan.

Goal E, Page 1-47 – “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.”

Staff Response – Satisfied: The DRC finds that the proposal complies with the goal. Zoning is designed to prevent land use conflicts before they occur by separating incompatible uses. There is no inherent conflict with light industrial and highway commercial uses and, in fact, there are a number of areas within the city where the two zones converge. Highway commercial uses include fast-food restaurants, gas stations, car and truck dealerships, shopping centers, and many other auto-dependent or land-consumptive commercial uses. Normally the impacts of light industrial operations do not create nuisances for neighboring highway commercial users.

Goal H, Page 1-47, Bullet 6 - “Using the advantage of freeway visibility to establish the city as a traveler/tourist service center.”

Staff Response – Satisfied: The DRC finds that the proposal is generally consistent with this goal. Similar comprehensive map amendments and rezones have created a commercial node west of the Exit 22 I-5 Interchange. These businesses take advantage of freeway visibility and recent public infrastructure improvements. With no specific development planned, it is difficult to predict the degree to which any future commercial development at the site will make Woodland more of a traveler/tourist service center. However, the potential for commercial uses to draw travelers is greater than the potential for industrial businesses to do the same.

Policy 6 for Commercial Land Uses/Central Business District, Page 1-57 -

“Areas classified for commercial use on the Land Use Plan Map should be utilized before other areas are reclassified for commercial use. A market factor may be appropriate to ensure sufficient land and price stability.”

Staff Response – Not Satisfied: The DRC finds that the proposal is inconsistent with this goal. The City completed an Industrial and Highway Commercial Lands Inventory in October 2012. The City’s land use inventory identified 133.6 acres of undeveloped Highway Commercial (C-2) land. Approximately half of this undeveloped commercial land may be somewhat restricted by the presence of critical areas. While the average lot size is relatively small, many vacant parcels are contiguous and could be combined to accommodate larger developments. Large commercial development sites exist at the Woodland Commerce Site south of the CC Street Bridge, in the Belmont Loop area, and east of Atlantic Avenue.

Using a 20% market factor and an infrastructure allowance of 15%, the WUGMP concluded that Woodland would need an additional 80 acres of commercial land by 2020 (p. 22). The Committee working on the plan recommended reclassifying 39.6 acres of light industrial land within city limits and annexing in 71 acres of commercial land between Old Pacific Highway and Green Mountain Road.

Policy 2 for Industrial Land Use, Page 1-57 - “Preserve prime industrial sites and reserve suitable land for future industrial expansion prior to need.”

Staff Response – Not Satisfied: The DRC finds that the proposal is inconsistent with this goal. While Woodland has a large stock of undeveloped industrial land, only 272 acres or 36% are adjacent to services, i.e. adequate municipal water, sewer and roads. The Comprehensive Plan states “Of primary interest to businesses are industrially designated lands west of the freeway. This area is attractive because it is next to I-5 and the railroad. Large parcels of vacant industrially zoned land are still available at reasonable prices. The land is flat with few environmental constraints for development. Plus, there are few conflicting land uses nearby” (pages 1-23 and 1-24).

While Woodland has much more industrially zoned land than is anticipated to be needed to accommodate growth until 2020, much of this land is not adequately served by municipal water, sewer, and roads. The 2002 WUGMP estimated that Woodland would need between 320 and 349 acres of industrially designated land to accommodate growth until 2020 (page 21). This range included the following assumptions: 1.8% of industrial land may be used by non-industrial uses, a 40% market factor, and that 10% of industrial property in city limits would be used for infrastructure and/or environmental restrictions. Currently, 1,161 acres of land within City Limits have an industrial zoning designation, more than three times the amount identified as being needed in the WUGMP. A large increase of industrially zoned properties entered the city’s inventory when Ordinance 1187 was adopted on October 18, 2010 bringing an additional 462 acres of industrially zoned land into the city. However, as shown on the 2012 Land Inventory Map, only about half of all industrially zoned property is serviced by municipal water, sewer and roads and much of this land is already developed.

Policy 4 for Industrial Land Use, Page 1-58 - "Heavy to moderate industrial activities should not locate adjacent to school properties, commercial and residential areas. They should locate near railroads and/or major arterials adjacent to large land areas suitable for heavy industrial development."

Staff Response – Satisfied: The DRC finds that the proposal complies with the policy. If approved, the change would result in highway commercial uses abutting light industrial uses. Staff sees no conflict between the proposal and the policy.

Policy 6 for Industrial Land Use, Page 1-58 - "Vacant sites classified for industrial use by the Land Use Plan Map should not be encroached upon by incompatible non-industrial uses. Agriculture and open space are appropriate interim uses."

Staff Response – Satisfied: The DRC finds that the proposal complies with the policy. If the proposed comprehensive map amendment and rezone are approved through ordinance, no conflict would arise with this policy.

5. If the proposal could have substantial impacts beyond the city limits, it has been sent as appropriate to Clark and/or Cowlitz counties for review and comment.

Staff Response - Satisfied: If approved, the proposal could result in some additional vehicle trips on Cowlitz County roads. The County was notified of the 2012 rezone request (Notice of Application & Public Hearing), and also of the 2013 rezone request (Notice of Application & Public Hearing), as well as once during the issuance of the SEPA Determination of Non-significance (September 12, 2012). No comments from the County were received at any time.

V. CONCLUSION AND STAFF RECOMMENDATION

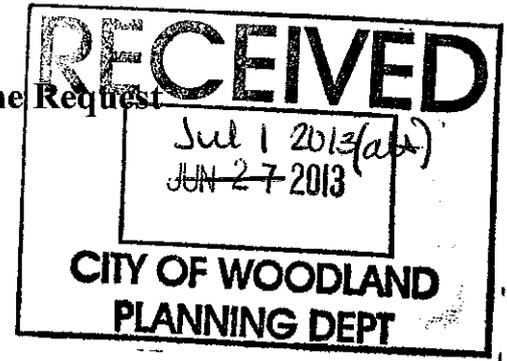
Nothing has changed from the 2012 rezone request for this property to this current request. It is the same portion of property that the applicant is seeking to rezone. Nothing has changed in the Comprehensive Plan since that time either. Therefore, the same policies this proposal did not satisfy in 2012 continue to not be satisfied with the current rezone request. Woodland's 2005 Comprehensive Plan was adopted before the commercial node west of Exit 22 developed and the next update to the plan is not due until 2016. Recent land use decisions have supported the development of this node and as businesses like Wal-Mart, Les Schwab, and O'Reillys open, the area becomes more attractive for commercial development. It is easy to imagine a much longer commercial strip west of I-5 along Dike Access Road. However, because changes have occurred between comprehensive plan updates, the city's vision and long range plan for northwest Woodland have not been formulated. The City has existing vacant and undeveloped commercial properties that lose out when new areas with better access and improved transportation infrastructure are opened up to commercial use. As part of the 2016 Comprehensive Planning process, Woodland may decide that some of these areas should be reclassified and that northwest Woodland should be allowed to grow as a commercial corridor. Recent land use decisions seem to support this path. On the other hand, Woodland may decide that existing commercial areas should be the focus of new development, infill, and

redevelopment. ***The DRC recommends against the rezone because the proposal conflicts with some provisions of the Woodland Comprehensive Plan. The DRC recognizes that the future development of northwest Woodland will play an important role in our city's future and the vision for the area should be explored as part of the 2016 Comprehensive Plan Update process.***

EXHIBITS

1. Applicant's Narrative
2. Comment Letters
3. Land Use Inventory Maps and Categories
4. Traffic Analysis Memo
5. Economic Needs Analysis
6. Notice of Application and Public Hearing
7. SEPA Determination of Non-Significance

Liberty Evans LLC
Comprehensive Plan Amendment and Rezone Request



Applicant: Liberty Evans LLC
 Attn: Mark Fleischauer
 2311 East First St.
 Vancouver, WA 98661

Proposal: Application to amend the Woodland Comprehensive Plan for approximately 3.4 acres currently classified as Light Industrial to Commercial, and to rezone the property from I-1, Light Industrial to C-2, Highway Commercial.

Location: The subject property is located on the east side of Schurman Way just south of Dike Access Road and is the most northern portion of parcel number 507870101.

Land Use: The subject property is undeveloped, but has been pre-loaded with fill since the late 1990s. Neighboring land uses include light industrial, commercial, and undeveloped property. A discount super store opened in the last two years to the north. Woodland School District owns property across the Dike Access Road and is in process of designing a new high school for that property. The comprehensive plan designation, zoning and use of adjacent properties are summarized below.

	Comprehensive plan designation	Zoning	Current use
east	Industrial	I-1, Light Industrial	Railroad
west	Commercial,	C-2, Highway Commercial	Developing commercial
north	Industrial	I-1, Light Industrial	Right-of-way
northwest	Commercial	C-2, Highway Commercial	Retail
south	Industrial	I-1, Light Industrial	Undeveloped

Woodland Municipal Code:

WMC 17.84.110(A) states that proposed zone changes to the light industrial zone must adhere to certain procedures and include in the application certain factual material, including a site plan. Because there is no development proposed at this time and no site plan, the discussion below summarizes the required information ordinarily depicted on a site plan drawing. An aerial photograph of the subject property and vicinity from the Cowlitz GIS is attached, as is a legal description and drawing prepared by Gibbs and Olson.

WMC 17.84.120 states that the applicant for a zone change shall prepare and submit to the city a site development plan...showing at a minimum:

1. **Identification of the proposed use:** no specific commercial use is proposed at this time; uses contemplated include high way commercial oriented uses, such as convenience store/gas station, restaurants, and other specialty retail outlets.
2. **Boundaries of the site:** see attached map photo
3. **Adjacent streets, properties and land uses:** The subject property is south of Dike Access Road and east of Schurman Way. Adjacent land uses are identified above.
4. **Site topography:** The site is flat. The fill was placed on the site in the late 1990s to preload it.
5. **Proposed points of entrance and exit:** No development plans have yet been prepared, ingress/egress would be limited to Schurman Way..
6. **Interior streets and circulation pattern, if any:** No development plans have yet been prepared.

Woodland Comprehensive Plan:

Below is a discussion of how the proposed map change complies with the amendment criteria of the comprehensive plan and applicable goals and policies.

1. *The proposal is consistent with the provisions of the Growth Management Act and will not result in comprehensive plan or regulation conflicts; and*

The subject property is within the city limits and poses no issue contradictory to the Growth Management Act.

In 2008, an analysis prepared by E.D. Hovee & Company LLC for the Chumbley rezone west of Schurman Way and south of Dike Access Road concluded that the Woodland Urban Growth Management Plan 2002 update and 2005 Comprehensive Plan indicated that there was an inadequate supply of commercial land and an oversupply of land designated for industrial use within the city and the urban growth boundary, supporting the argument for re-designating sites that are now developed or remain available for commercial use. Hovee further concluded that market demand and projections indicate the need for commercial land may be greater than what the comprehensive plan projects due to questions of suitability of the sites relative to size and environmental constraints. The attached update to that report which focused on this application and property drew similar conclusions—there remains a deficit of land available for commercial development over the span of the planning horizon. Because the Liberty

Evans property has no environmental constraints, re-designating it for commercial use would be consistent with the Act and comprehensive plan.

2. *The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents; and*

Amending the comprehensive plan map and rezoning the Liberty Evans property to allow commercial development serving the neighboring industries and future high school would complement the surrounding uses. The intent of the map amendment is to facilitate development that will meet the growing need for commercial services generally as well as meet the need more specifically created by the neighboring industrial development. The intersection of Dike Access Road and Schurman Way is developing as a commercial center to serve the developing industries to the south as well as the future high school and the region more generally with immediate access for traffic provided by Interstate 5 Exit 22. Approval of this application would complement that existing and emerging commercial development. Further, the city's development regulations will ensure that future commercial development of the site blends with all adjacent activities by requiring appropriate controls over access, screening, setbacks, stormwater management, etc.

3. *The proposed amendment can be accommodated by all applicable services and facilities; and*

The Liberty Evans property is located at the intersection of Schurman Way and Dike Access Road. The comprehensive plan identifies Schurman Way as a minor arterial with three travel lanes. Dike Access Road is also classified as a minor arterial with three lanes west of Schurman Way and three roundabout intersections at the two interstate on/off ramps and at Schurman Way. Transpo's analysis of the impacts to the transportation system by future commercial development of the subject property concludes the two roundabouts west of the freeway will operate at failing levels of service at the planning horizon. Transpo recommends a slip lane for northbound Schurman Way traffic destined for Interstate 5 southbound to bypass the two roundabouts which would remedy the traffic congestion and allow the two roundabouts to operate at acceptable levels of service. Please see the attached drawing.

Potable water and sanitary sewer facilities are discussed below under public facilities and services policy 6.

4. *The proposal will help implement the goals, objectives and policies of the Woodland Comprehensive Plan; and*

The comprehensive plan describes the highway commercial district as “mostly oriented to automobile access and convenience. It is intended to accommodate automobile oriented and land-consumptive commercial needs. A wide range of commercial uses and activities are encouraged.”

A variety of plan goals, objectives and policies are designed to foster the successful implementation of this land use designation. The discussion below demonstrates how the proposed comprehensive plan map amendment and rezone of the Liberty Evans property to highway commercial designations would be consistent with the policies and objectives and help fulfill the plan goals.

Land Use Goal A calls for the city to ensure that there is ample opportunity for economic benefit while protecting natural and cultural resources and minimizing threats posed by hazards, nuisances, incompatible land uses, and environmental degradation. This would be accomplished through 1) managing growth so that public facilities and services are delivered in a fiscally responsible manner; 2) achieving a stable and diversified economy with varied employment opportunities; 3) conserving neighborhoods to achieve balanced and organized land uses served by convenient and efficient transportation networks; and 4) preserving, conserving and enhancing the natural and built environment.

The Liberty Evans property is strategically located to broaden the opportunity for economic development and provide a range of employment opportunities without creating adverse impacts to the community. It is located in an area with ample utility infrastructure to accommodate additional commercial development designed to serve the needs of the growing industrial community west of the Burlington Northern Railroad as well as a broader regional market. With the school district planning a new high school on approximately 40 acres across the Dike Access Road, the demand for commercial development to serve the school and related activities will also increase. Because the Liberty Evans property is within a developed area with a changing character, designating it for commercial development will help to balance the neighborhood uses.

The proposal will help the city to fulfill this goal.

Land Use Goal E calls for ensuring separation of incompatible land uses to enhance security, stability of land uses and improvements, and the overall health, safety and welfare of the community. The proposed map amendment would be merely a small extension of the commercial designation and existing

and emerging commercial development adjacent to I-5 Exit 22. This expansion will serve only to complement that development, the future high school, and the on-going and future light industrial activities to the south along Schurman Way. The proposal meets this goal.

Land Use Goal H stresses the diversification of the local economy to ensure sustained growth and varied employment through a multi-faceted approach, among them making Woodland the commercial center of southern Cowlitz, and presumably, northern Clark counties, and taking advantage of the Interstate 5 visibility and access to establish the city as a traveler/tourist service center. This proposal is tailor-made to fulfill this goal. It is immediately visible from and accessible to the freeway and the recent street and intersection improvements will only serve to sustain that access. Adding this territory to the inventory of commercial land will help meet the market demand identified in the past and recent Hovee analyses and increase opportunities for a greater commercial presence and employment.

Commercial Land Use/Central Business District Policy 6 calls for the utilization of existing commercial lands before other areas are reclassified for such use. This policy, however, includes the caveat that a market factor may be appropriate to ensure sufficient land and price stability. The current Hovee analysis, like the 2008 study, concludes that there is insufficient inventory of commercial land to meet the market demand over the course of the planning horizon. Thus, the addition of this proposed territory, which has no development or environmental constraints, to that inventory will facilitate land and price stability that the market factor recommended by this policy espouses.

Industrial Land Use Policy 2 calls for the preservation of prime industrial site and reservation of suitable land for future industrial expansion prior to need. Again, the Hovee analysis concludes that the city has an over abundance--712 acres--of industrial land available, twice the 349 acres necessary to meet the market demand within the period of the current plan and beyond.

Industrial Land Use Policy 4 directs heavy to moderate industrial activities to locate away from school properties, commercial and residential areas, but near railroads and major arterials. The current zoning is light industrial, but changing the map designation to allow commercial development on the subject property would increase the buffer between future industrial development and the future high school.

Public Facilities and Services Policy 1 directs the city to encourage development of areas currently served with utilities prior to opening other areas for development. Re-designating the Liberty Evans property for

commercial development would be consistent with this policy. Both potable water and sanitary sewer facilities were installed adjacent to this site several years ago as an effort by the city and the property owners to stimulate economic development activities. Both utilities have the capacity to serve the subject and adjacent properties with commercial development.

At least three **Commercial Land Use/Central Business District Policies** would be met by the proposed map change. **Policy 3** calls for new commercial developments to provide sufficient amenities in their design and construction. These include lighting, signage, parking, appropriate provisions for handicapped individuals, and so on. Because the undeveloped property offers a “clean slate” and consists of approximately 3.4 acres, there is every opportunity to design future development to meet these policy standards. The proponent also contemplates working with the city to beatify the adjacent city owned right-of-way and enhance the view corridor from the freeway. **Policy 4** calls for neighborhood commercial uses to be clustered near arterial intersections. Although the proposal is requesting the highway commercial designation, future commercial development would also serve the growing industrial neighborhood and the future high school in the immediate vicinity. Because the plan identifies Schurman Way and Dike Access Road as arterials, the proposed map amendment for the subject property meets this policy.

Policy 6 directs the city to provide for the commercial utilization of properties currently designated for such use before reclassifying other areas for commercial activities. While the policy has general applicability in a theoretical sense, in the specific setting it is counterproductive to meeting the commercial land inventory deficit discussed above, the changing needs of the growing industrial community in the vicinity of the subject property, and the anticipated increase in demand for commercial activities and services to be generated by the future high school. As the neighboring industrial area continues to develop, so will the demand for commercial activities to support the industrial employees and business activities. Commercial land uses at this location would also likely have a broader appeal. Approval of the proposed change would lead to a well balanced combination of commercial and industrial uses leading to an improved local economy.

5. *If the proposal could have substantial impacts beyond the city limits, it has been sent as appropriate to Clark and/or Cowlitz counties for review and comment.*

This criterion does not apply.



Facilitating growth through leadership and action
Resources . Access . Partnerships

July 29, 2013

Ms. Amanda Smeller
Community Development Planner
City of Woodland
203 Davidson Ave
Woodland, WA 98674



Dear Ms. Smeller:

Please accept this letter in support of Liberty Evans's request for a zoning designation change of approximately 3.5 acres from Light Industrial to Highway Commercial. I have discussed the needs and benefits of the project with the proponents and have read the E.D. Hovee Economic Needs Analysis for the proposed rezone. The case being made for the rezone in this limited instance is a strong one.

The Cowlitz Economic Development Council tends to default at keeping as much land designated for industrial purposes as possible. In most cases a rezone away from industrial use results in lower land values, less tax base and lower job numbers. The Hovee Analysis and my history of working with the Liberty Evans people prove this small parcel will be better suited to a highway commercial designation. A good faith effort has been made for over a decade to market this entire property as light industrial, and, simply put, we have not been successful. The plan proposed by Liberty Evans – one in which a small sliver of highway commercial rezone jump starts the development of over 20 acres of adjacent light industrial land– has good merit, makes a lot of sense to us and could provide excellent results for the City of Woodland.

Thank you for the opportunity to comment on this matter and I would be happy to discuss this further at your convenience.

Sincerely,

Ted Sprague
President, CEDC

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

Subject:Notice of Application- Liberty Evans

Date:Fri, 09 Aug 2013 09:15:54 -0700

From:Judy <jg@topperfloats.com>

Reply-To:jg@topperfloats.com

To:smellera@ci.woodland.wa.us

M./ Smeller:

Topper Industries Inc., Duchess ***, Inc , and we, D.T. Lester and Judy Grant continue to oppose the application(s) from Liberty Evans, LLC to change Light Industrial to Commercial. This appears to be the same land involved and same issues included in the denied application from 2012. Knowing what specific commercial use is proposed seems to be vital for consideration, rather than "give us a rezone and we can decide", (i.e.) NO SPECIFIC COMMERCIAL USE IS PROPOSED AT THIS TIME.

This would be yet, another change to the City's Comprehensive Plan and again, will destroy more industrial land if approved.

A Comprehensive Plan is supposed to be a process that determines goals and aspirations for community development. Generally, it is considered to be strategic planning or visioning to determine a wide range of issues affecting a city for the viable future.

If every application for a deviation in the comprehensive plan is allowed and approved, why have a comprehensive plan at all? Why not just allow everybody to build whatever they might choose, wherever they want?

We found after burning down in Battle Ground that industrial land is rare and precious. We were forced to move fast if we were to keep working. Loosing more industrial land to commercial (and high density residential) seems to be loosing sight and focus of what industrial land is designed to do. It is to allow industries to work, providing living wage jobs to people in the community and a stable, continuing tax base for the city.

Industrial use, commercial use, and residential use are not comfortable or good neighbors. Everybody in each area is harmed with a mix. Fences can not solve the major problems.

The city has done a great deal of work for the current comprehensive plan to protect each area of use. However, the city's plan is failing at every application with continued approvals of non conforming use.

Soon, Woodland will have no industrial use and all industries will be forced to move: just so they can continue to work. This is the issue Topper and Duchess is facing now with the High Density Housing project to be built next door.

We appreciate the city's consideration: do not further erode industries' ability to work by approving commercial use in a designated industrial zone.

Thank you,

TOPPER INDUSTRIES, INC.

DUCHESS ***, INC.

D.T. Lester

Judy Grant

From: Darlene Johnson [<mailto:darlene@gowoot.net>]
Sent: Friday, August 09, 2013 12:28 PM
To: Darlene Johnson
Subject: FW: Notice of Application- Liberty Evans

Please read, as it might give you a hint of how many Industrial businesses feel the City of Woodland treats them. Jim and I feel this way. This treatment harms Woodland's ability to **attract** and **retain** businesses.

Dar
PS Also read her protest to the zone application.

From: Judy [<mailto:jg@topperfloats.com>]
Sent: Friday, August 09, 2013 9:31 AM
To: darlene@gowoot.net
Subject: Fwd: Notice of Application- Liberty Evans

M./ Darlene..

I am slow but I didn't forget.

I don't know how we keep getting stomped.
The way the city is run makes no sense to me.

I keep being sure that something is very "off"!

I think getting rid of the industries is simply killing the golden goose.

Do they really think that low income housing and commercial will pay the taxes to keep the city running and not bankrupt it.

Detroit is such a fine example of lost industries = go bankrupt.

It is an estimated failure of \$18- 20 BILLION!

It seems such a simple concept.

I must be missing something.

Thanks for keeping me knowledgeable.

Did not even get notice of application.

I am sure the city wishes that

I would just go away: me, too.

I would be pleased & glad to do dinner any time we can get together.

David is in California Monday/ Tuesday, delivering another set of floating toilets.

We just work..have to make time for some fun.

I do appreciate you.
You do good.

Judy

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

Subject:Notice of Application- Liberty Evans

Date:Fri, 09 Aug 2013 09:15:54 -0700

From:Judy <jg@topperfloats.com>

Reply-To:jg@topperfloats.com

To:smellera@ci.woodland.wa.us

M./ Smeller:

Topper Industries Inc., Duchess ***, Inc , and we, D.T. Lester and Judy Grant continue to oppose the application(s) from Liberty Evans, LLC to change Light Industrial to Commercial. This appears to be the same land involved and same issues included in the denied application from 2012. Knowing what specific commercial use is proposed seems to be vital for consideration, rather than "give us a rezone and we can decide", (i.e.) NO SPECIFIC COMMERCIAL USE IS PROPOSED AT THIS TIME.

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We appreciate the city's consideration: do not further erode industries' ability to work by approving commercial use in a designated industrial zone.

Thank you,

TOPPER INDUSTRIES, INC.

DUCHESS ***, INC.

D.T. Lester

Judy Grant



August 8, 2013

Attention: Amanda Smeller, Community Development Planner, City of Woodland
203 Davidson Avenue
Woodland, WA 98674
Sent via Email to smellera@ci.woodland.wa.us

To Whom It May Concern:

I am Vice President of Operations at USNR on Schurman Way in Woodland. I have worked at USNR for 27 years and our business was the first business in the Schurman Way area, with our first shop being built on our site in 1982. In fact, Schurman Way is named for our company founder Clyde Schurman. We employ over 200 people at our Schurman Way facility.

Our facility is directly across Schurman Way from the property that is involved in the upcoming public hearing for a rezone request. It is my understanding that the rezone request is aimed at rezoning a small section of the property that is closest to the freeway ramps from light industrial to commercial. I understand that as a result of the proposed rezone, the property owner has proposed that the property would be developed to include many typical businesses that would be adjacent to freeway access such as a gas station, convenience mart, and restaurant. It is my understanding that the remaining portion of the large property would remain as light industrial and would be developed as such in the near future.

I would like to go on record that I am supportive of the rezoning of the small parcel closest to the freeway as commercial. I submit the following arguments in support:

1. Property close to freeway ramps is valuable commercial real estate. In fact, it is what people generally want and expect where there is freeway access.
2. Rezoning the property could lead to the remaining large property finally being developed. This property has been an eyesore for almost 20 years now and I think finally building something on the property is what we all want – more industrial business in Woodland.
3. Ridgefield has a very similar situation with their main freeway ramps having commercial businesses close to the ramps, and then quickly transitioning to industrial. This seems to work fine for them.
4. On a personal note, I would welcome the idea of a gas station, convenience mart, and restaurant on this side of town. I think my 200 employees would agree.

I do have some concerns about increased traffic caused by a rezone, but I am confident that with the right amount of engineering and planning it can be managed. Maybe this is a good enough reason to re-widen Schurman Way back to the way it was before someone decided it should be narrowed?

Respectfully submitted,

Dale Brown
Vice President



American Paper Converting

Inc.

August 28, 2013

VIA US MAIL & Email: smellera@ci.woodland.wa.us

1845 Howard Way, Woodland, WA 98674
(360) 225-0488 Fax (360) 225-0478
www.americanpaperco.com

Ms. Amanda Smeller
Community Development Planner - City of Woodland
230 Davidson Ave
Woodland, WA 98674

Re: Liberty Evans Rezone Request

Dear Ms. Smeller:

I am the owner of American Paper Converting (APC) and am the proud employer of over 68 employees in the City of Woodland. APC has thrived and expanded numerous times since its arrival in Woodland over ten years ago, and APC has more growth plans on the table. We pride ourselves on being a great employer and a great corporate citizen. We are proud to have Woodland as our home, and we also feel strongly that APC has been – and continues to be – a valuable asset to Woodland.

What you may not know, however, is that would it not have been for the principals at Liberty Evans LLC, APC would not have relocated to Woodland. The management team at Liberty Evans (and their sister company, JH Kelly) lobbied us long and hard on the merits of building and locating in Woodland. They are one of Woodland's biggest proponents, and over many projects and many challenges, we have found them to be tremendous partners with the highest degrees of integrity, honesty, creativity -- and a desire to do what's right for the customer, their employees and the community they live in. We cannot endorse them highly enough, and we are very confident that their plans for the property along Schurman Way will yield rewards to Woodland for many years to come. They will help grow your tax base, your employment levels and your profile in the region.

On a more personal note, we at APC are also yearning for more convenient restaurants and commercial services for our employees and customers. I am always regretful when I am forced to take business clients to lunches and dinners in Longview, Vancouver or even Portland because of the limited options near our facility. We endorse Liberty Evans' rezone request because it will undoubtedly enhance those services to us while still enabling them to attract new family-wage employers on the remainder of their land. Take it from a successful Woodland manufacturer; this is a win-win scenario. I was extremely disappointed in the council's failure to approve of this rezone in 2012, and I think in so doing you sent a strong anti-economic development message to the public. The City is fortunate that Liberty Evans has continued to work with you on the proposed Woodland Corporate Center. Please don't let it slip through your hands again.

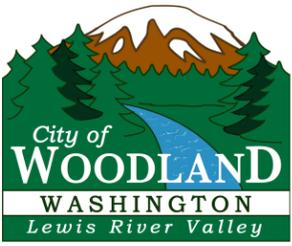
Please grant the rezone request of Liberty Evans and do whatever is necessary to facilitate their development of the Schurman Way property.

Thank you very much for your consideration. Please feel free to call me with any questions.

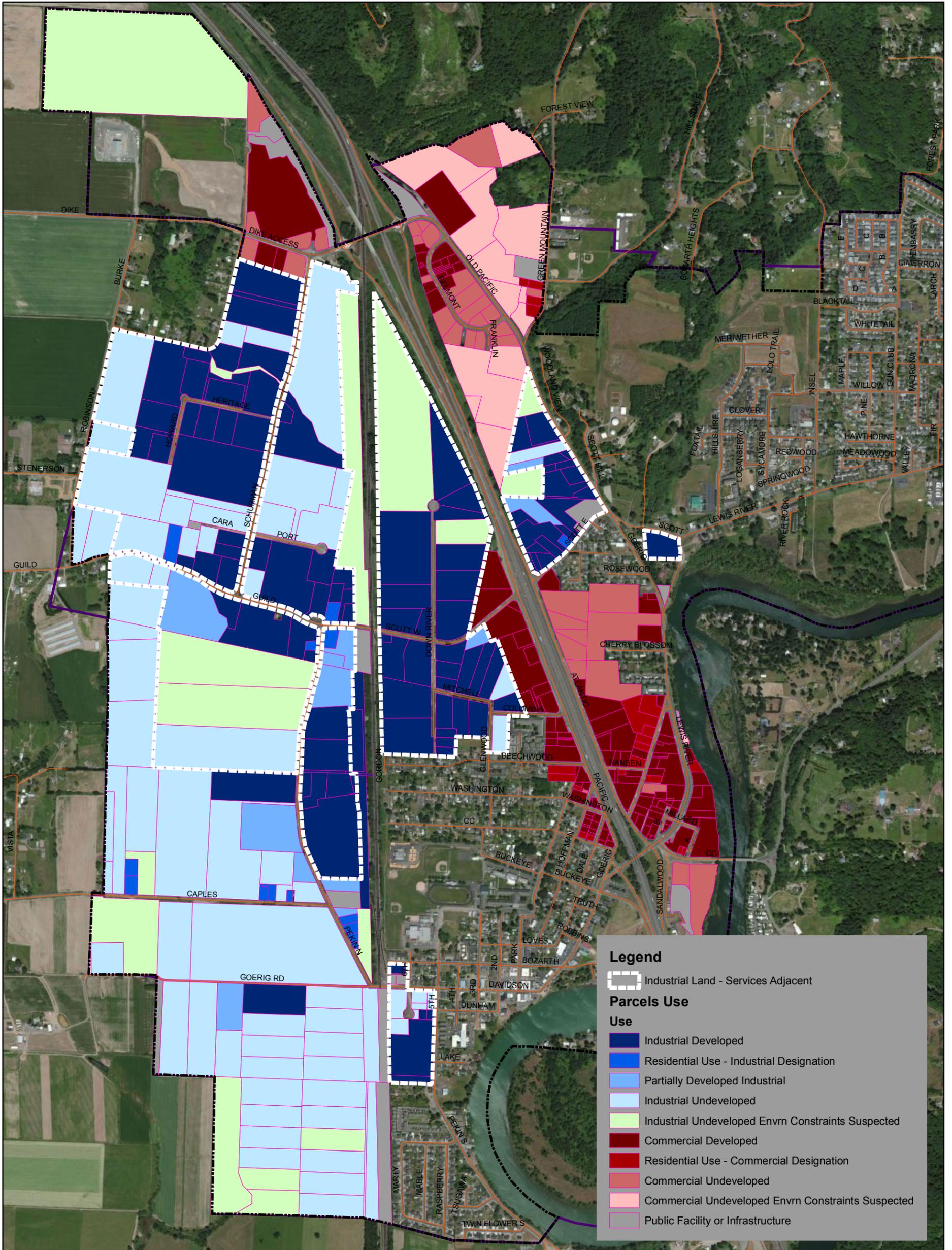
Sincerely,

Rich Rosentreter, Controller
On behalf of Lydia Work, President





2012 Industrial and Highway Commercial Lands Inventory



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.



RECEIVED

JUN 14 2012



CITY OF WOODLAND PLANNING MEMORANDUM

Date: June 12, 2012 **TG:** 12100.00

To: Carolyn Johnson, Community Development Planner, City of Woodland

CC: Mark Fleischauer
Skip Urling, Urban Planning Associates

From: Mike Swenson, PE, PTOE
Scott Lee, PE

Subject: Liberty Evans Rezone – Traffic Analysis

This memorandum summarizes the results of the traffic analysis conducted to evaluate the impacts associated with the rezone of the Liberty Evans parcel from light industrial to a commercial designation. The area of the proposed rezone is located on the southeast corner of the Dike Access Road / Schurman Way intersection in Woodland, WA (Attachment 1).

The scope of the analysis was coordinated in advance with City staff. Consistent with previous studies, the analysis focuses on the weekday PM peak hour. This memorandum includes a description of the following:

- Trip Generation
- Forecast Traffic Volumes
- Intersection Operations
- Long-Term Improvement Needs

Trip Generation

To evaluate the proposed rezone, trip generation estimates were prepared for both the existing (industrial land use) and proposed zoning (commercial zoning) of the site using trip rates identified in ITE Trip Generation, 8th Edition. The potential land uses and anticipated trip generation during the weekday PM peak hour for the existing and proposed zoning are shown in Table 1.

Table 1. Trip Generation Estimate – Weekday PM Peak Hour

	Size	Daily Weekday Trips	PM Peak-hour Trips ¹			
			Pass-by Trips ²	Primary Trips		
				Total	In	Out
Existing Zoning³						
Office (LU 710)	9,000 sf	100	0	13	2	11
Light Industrial (LU 110)	40,500 sf	282	0	39	5	34
Warehouse (LU 150)	40,500 sf	144	0	13	3	10
Total		526	0	65	10	55
Proposed Zoning						
Commercial (LU 820)	75,000 sf	3,220	95	185	90	95

1. Trip rates and in/out split from Trip Generation (ITE, 8th Edition, 2008).
2. Pass-by rates based on Trip Generation Handbook (34%).
3. Land uses assumed under existing zoning are consistent with the Economic Needs Analysis Proposal for Woodland Property Commercial Rezone report (May 9, 2012).

As shown in Table 1, the proposed commercial zoning could result in 185 new weekday PM peak hour trips. Under the current zoning and the uses defined in Table 1, the property could generate

65 new weekday PM peak hour trips. The proposed change in zoning could add approximately 120 trips during the weekday PM peak hour.

Forecast Traffic Volumes

Existing traffic volumes used in the analysis were collected in May 2012 and are shown in Attachment 2. Consistent with previous studies in the area, future traffic volumes were estimated by applying a 3.5 percent annual growth rate to existing volumes and adding anticipated traffic from the proposed rezone as well as three planned developments: Wal-Mart out-lots, Chumbley Short Plat (lots 1, 2, and 4), and Woodland High School. A horizon year of 2025 was identified for this analysis. Attachment 3 shows 2025 forecast traffic volumes under the current zoning for the subject area.

Additional traffic associated with the proposed rezone was distributed to the adjacent roadway network based on the distribution shown in Attachment 4. This distribution is consistent with the study that was completed for the planned Chumbley Short Plat development opposite the proposed project. The assignment of weekday primary and pass-by trips is shown in Attachment 5. 2025 with-rezone traffic volumes are shown in Attachment 6.

Intersection Operations

To evaluate the impacts of the proposed rezone, traffic operations at the site driveway and four off-site intersections were analyzed based on standard procedures from the Highway Capacity Manual (HCM) using the software packages Synchro 8.0 for stop-controlled intersections and roundabouts. The results are shown in Table 2. Detailed level of service worksheets are shown in Attachment 7. For purposes of the analysis, the area was assumed to be accessed via a single driveway on Schurman Way.

Table 2. 2025 With and Without Rezone Levels of Service

Intersection	2025 With Existing Zoning			2025 With Proposed Zoning		
	LOS ¹	Delay ²	WM ³	LOS	Delay	WM
Dike Access Rd / Schurman Way	D	29.8	-	E	44.7	-
Dike Access Rd / I-5 SB Ramp	F	101.8	-	F	115.0	-
Dike Access Rd / I-5 NB Ramp	C	22.7	-	D	28.3	-
Schurman Way / Guild Rd	B	12.9	SB	B	12.9	SB
Schurman Way / Site Access	B	13.6	WB	C	18.7	WB

1. Level of service, based on 2000 Highway Capacity Manual methodology.

2. Average delay in seconds per vehicle.

3. Worst movement reported for unsignalized intersections.

As shown in Table 2, all study intersections operate at LOS D or better during 2025 conditions assuming the existing zoning, with the exception of Dike Access / I-5 SB Ramp, which operates at LOS F. This is due to the high volume of traffic at the eastbound approach. Under 2025 conditions with the proposed zoning, Dike Access / I-5 SB Ramp remains at LOS F. In addition, Dike Access Road / Schurman Way degrades to LOS E due to the high volume of traffic on the northbound approach. The proposed zoning adds approximately 150 trips at this intersection due to new and pass-by trips associated with the assumed commercial land use.

Long-Term Improvement Needs

The proposed rezone degrades the LOS at Dike Access Road / Schurman Way from LOS D to LOS E during the weekday PM peak hour. In addition, queuing along Dike Access Road would

impact intersection operations within the corridor. Based on a review of the intersection operations, the most appropriate improvement at Dike Access Rd / Schurman Way would include the addition of a northbound right-turn slip lane, which would improve the LOS to LOS B.

In addition, the Dike Access Rd/I-5 Southbound ramp intersection is projected to operate at LOS F with or without the proposed rezone. Adding an eastbound right-turn slip lane at the intersection would improve the LOS to LOS C. This improvement is consistent with long term capacity needs as identified in the Transportation Infrastructure Strategic Plan (November 2008).

Actual development plans could result in less than 6 acres of development. As development plans are finalized and further environmental review takes place, the analysis and key assumptions (i.e. background growth rates, development trip generation, pipeline development, etc.) should be evaluated and the scope of the improvements should be reviewed/confirmed at that time.

These improvements would improve intersection and corridor operations along Dike Access Road under future conditions. With these improvements the study area intersections would operate within City and WSDOT LOS Standards.



NOT TO SCALE



Site Vicinity

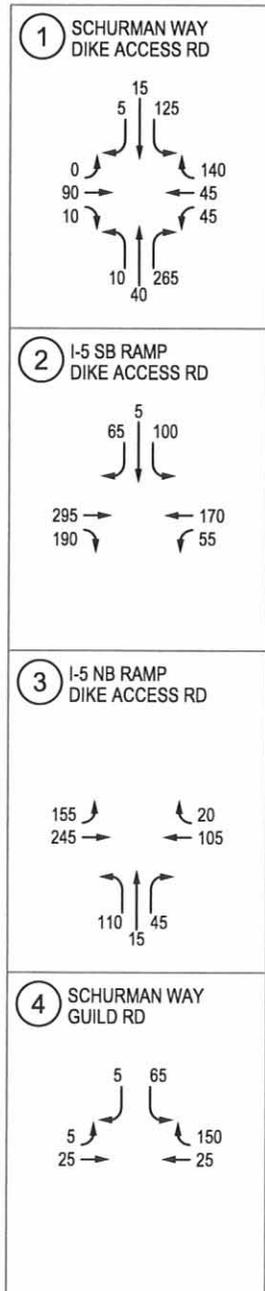
Liberty Evans Rezone

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ATTACHMENT



1



LEGEND
X = WEEKDAY PM PEAK HOUR

Existing Weekday PM Peak Hour Traffic Volumes

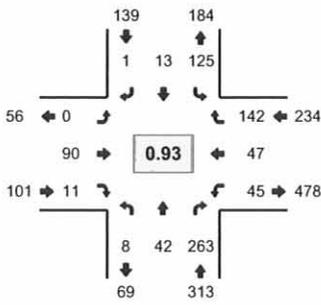
ATTACHMENT

Liberty Evans Rezone

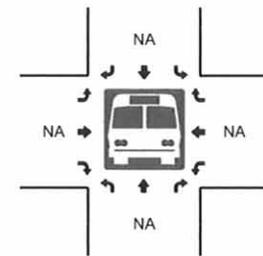
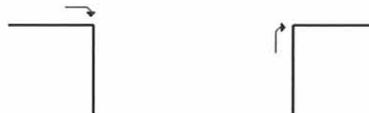
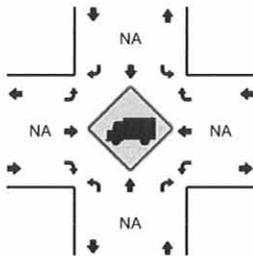
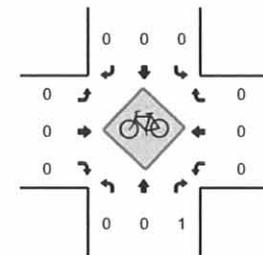
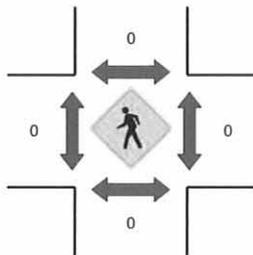
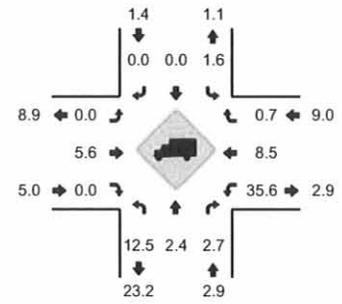


LOCATION: Schurman Way -- Dike Access Rd
 CITY/STATE: Woodland, WA

QC JOB #: 10761701
 DATE: Wed, May 16 2012



Peak-Hour: 4:30 PM -- 5:30 PM
 Peak 15-Min: 5:00 PM -- 5:15 PM

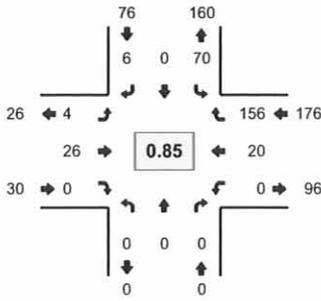


15-Min Count Period Beginning At	Schurman Way (Northbound)				Schurman Way (Southbound)				Dike Access Rd (Eastbound)				Dike Access Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	12	48	0	29	4	0	0	0	21	2	0	9	8	26	0	159	
4:15 PM	1	9	48	0	31	4	0	0	0	24	4	0	11	11	32	0	175	
4:30 PM	0	14	81	0	28	4	0	0	0	24	1	0	17	12	30	0	211	
4:45 PM	3	7	53	0	25	3	1	0	0	22	2	0	12	17	36	0	181	726
5:00 PM	3	7	82	0	31	2	0	0	0	21	4	0	10	7	45	0	212	779
5:15 PM	2	14	47	0	41	4	0	0	0	23	4	0	6	11	31	0	183	787
5:30 PM	1	7	29	0	30	3	0	0	0	26	1	0	10	6	25	0	138	714
5:45 PM	0	10	13	0	31	2	0	0	0	16	2	0	5	9	29	0	117	650
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	12	28	328	0	124	8	0	0	0	84	16	0	40	28	180	0	848	
Heavy Trucks	0	0	8		0	0	0		0	8	0		12	0	0		28	
Pedestrians	0	0	0		0	0	0		0	0	0		0	0	0		0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Railroad																		
Stopped Buses																		

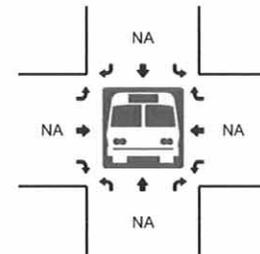
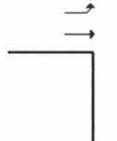
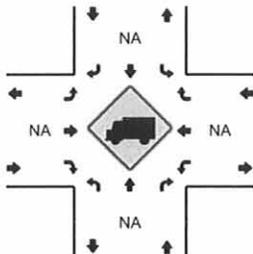
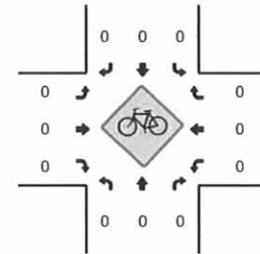
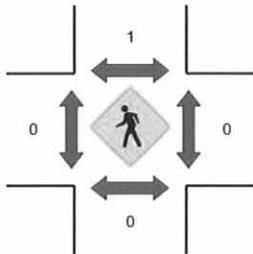
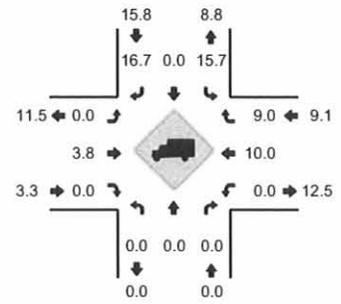
Comments: Roundabout

LOCATION: Schurman Way -- Guild Rd
 CITY/STATE: Woodland, WA

QC JOB #: 10770801
 DATE: Wed, May 30 2012



Peak-Hour: 4:05 PM -- 5:05 PM
 Peak 15-Min: 4:25 PM -- 4:40 PM

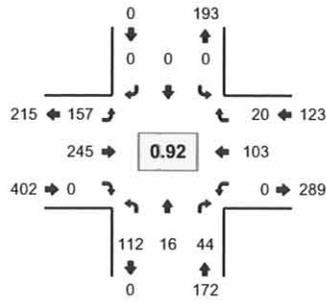


5-Min Count Period Beginning At	Schurman Way (Northbound)				Schurman Way (Southbound)				Guild Rd (Eastbound)				Guild Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	0	0	7	0	0	0	0	1	0	0	0	3	8	0	19	
4:05 PM	0	0	0	0	6	0	0	0	1	3	0	0	0	1	13	0	24	
4:10 PM	0	0	0	0	6	0	1	0	1	1	0	0	0	0	12	0	21	
4:15 PM	0	0	0	0	6	0	1	0	0	3	0	0	0	1	14	0	25	
4:20 PM	0	0	0	0	4	0	1	0	0	3	0	0	0	0	11	0	19	
4:25 PM	0	0	0	0	6	0	1	0	0	1	0	0	0	2	14	0	24	
4:30 PM	0	0	0	0	9	0	0	0	0	3	0	0	0	1	15	0	28	
4:35 PM	0	0	0	0	9	0	0	0	0	3	0	0	0	6	13	0	31	
4:40 PM	0	0	0	0	6	0	0	0	1	0	0	0	0	3	12	0	22	
4:45 PM	0	0	0	0	5	0	0	0	0	3	0	0	0	3	15	0	26	
4:50 PM	0	0	0	0	5	0	0	0	1	1	0	0	0	1	8	0	16	
4:55 PM	0	0	0	0	2	0	2	0	0	1	0	0	0	2	11	0	18	273
5:00 PM	0	0	0	0	6	0	0	0	0	4	0	0	0	0	18	0	28	282
5:05 PM	0	0	0	0	5	0	0	0	1	2	0	0	0	0	10	0	18	276
5:10 PM	0	0	0	0	3	0	1	0	1	0	0	0	0	4	11	0	20	275
5:15 PM	0	0	0	0	9	0	0	0	1	1	0	0	0	0	7	0	18	268
5:20 PM	0	0	0	0	5	0	1	0	0	2	0	0	0	1	11	0	20	269
5:25 PM	0	0	0	0	3	0	0	0	2	5	0	0	0	1	4	0	15	260
5:30 PM	0	0	0	0	6	0	1	0	0	3	0	0	0	2	4	0	16	248
5:35 PM	0	0	0	0	4	0	2	0	3	2	0	0	0	0	7	0	18	235
5:40 PM	0	0	0	0	6	0	0	0	1	3	0	0	0	4	2	0	16	229
5:45 PM	0	0	0	0	7	0	1	0	0	1	0	0	0	5	9	0	23	226
5:50 PM	0	0	0	0	6	0	0	0	0	2	0	0	0	1	4	0	13	223
5:55 PM	0	0	0	0	2	0	0	0	0	1	0	0	0	2	3	0	8	213
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	0	0	0	96	0	4	0	0	28	0	0	0	36	168	0	332	
Heavy Trucks	0	0	0	0	28	0	0	0	0	4	0	0	0	0	12	0	44	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

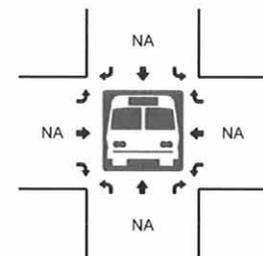
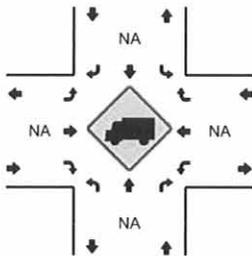
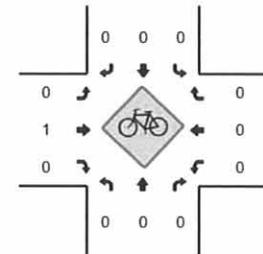
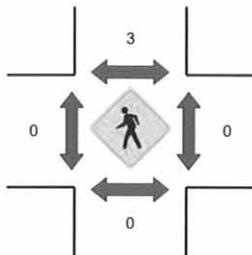
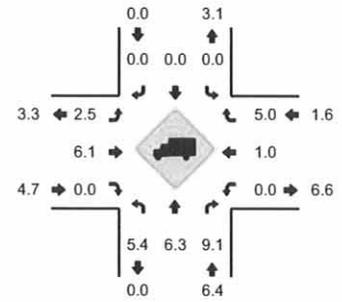
Comments:

LOCATION: I-5 NB Ramps -- Dike Access Rd
 CITY/STATE: Woodland, WA

QC JOB #: 10761703
 DATE: Wed, May 16 2012



Peak-Hour: 4:30 PM -- 5:30 PM
 Peak 15-Min: 5:00 PM -- 5:15 PM

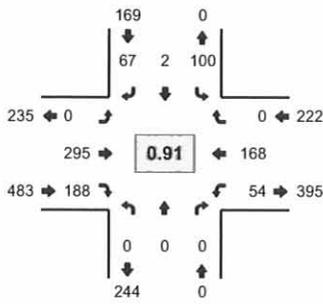


15-Min Count Period Beginning At	I-5 NB Ramps (Northbound)				I-5 NB Ramps (Southbound)				Dike Access Rd (Eastbound)				Dike Access Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	22	0	12	0	0	0	0	0	30	59	0	0	0	20	7	0	150	
4:15 PM	28	6	19	0	0	0	0	0	34	45	0	0	0	23	6	0	161	
4:30 PM	29	2	6	0	0	0	0	0	50	55	0	0	0	36	4	0	182	
4:45 PM	27	6	6	0	0	0	0	0	32	43	0	0	0	21	3	0	138	631
5:00 PM	30	3	11	0	0	0	0	0	46	72	0	0	0	24	4	0	190	671
5:15 PM	26	5	21	0	0	0	0	0	29	75	0	0	0	22	9	0	187	697
5:30 PM	14	0	13	0	0	0	0	0	20	50	0	0	0	24	15	0	136	651
5:45 PM	19	3	11	0	0	0	0	0	20	50	0	0	0	25	8	0	136	649
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	120	12	44	0	0	0	0	0	184	288	0	0	0	96	16	0	760	
Heavy Trucks	0	0	0		0	0	0		8	12	0		0	0	0		20	
Pedestrians	0	0	0		0	0	0		0	0	0		0	0	0		0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Railroad																		
Stopped Buses																		

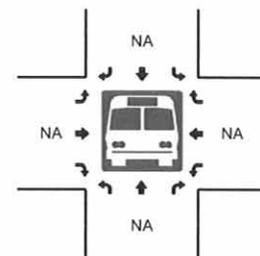
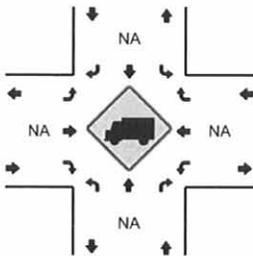
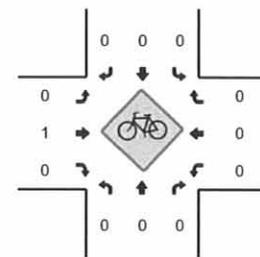
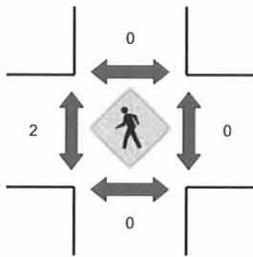
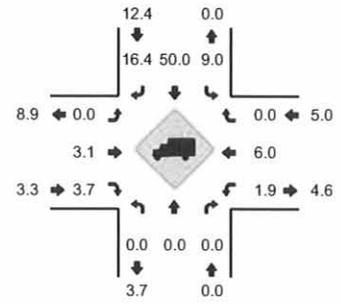
Comments: Roundabout

LOCATION: I-5 SB Ramps -- Dike Access Rd
 CITY/STATE: Woodland, WA

QC JOB #: 10761702
 DATE: Wed, May 16 2012

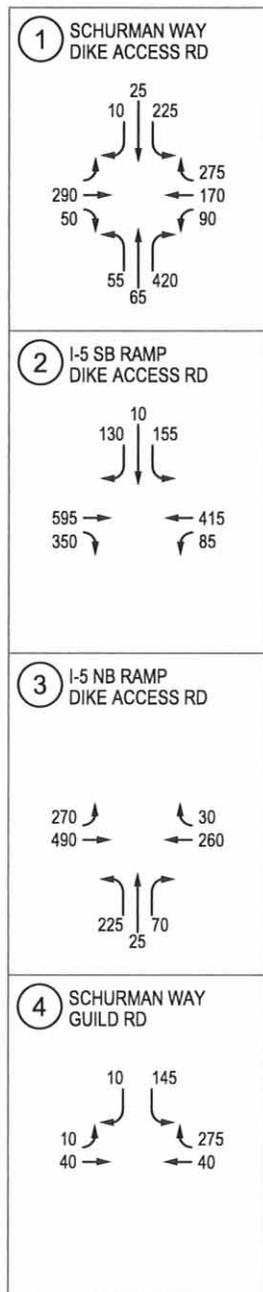


Peak-Hour: 4:30 PM -- 5:30 PM
 Peak 15-Min: 4:30 PM -- 4:45 PM



15-Min Count Period Beginning At	I-5 SB Ramps (Northbound)				I-5 SB Ramps (Southbound)				Dike Access Rd (Eastbound)				Dike Access Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	0	0	19	0	14	0	0	69	34	0	9	32	0	0	177	
4:15 PM	0	0	0	0	26	0	18	0	0	55	48	0	9	37	0	0	193	
4:30 PM	0	0	0	0	20	1	15	0	0	86	52	0	17	49	0	0	240	
4:45 PM	0	0	0	0	14	1	17	0	0	64	37	0	10	47	0	0	190	800
5:00 PM	0	0	0	0	27	0	20	0	0	79	55	0	14	41	0	0	236	859
5:15 PM	0	0	0	0	39	0	15	0	0	66	44	0	13	31	0	0	208	874
5:30 PM	0	0	0	0	21	0	12	0	0	50	33	0	10	26	0	0	152	786
5:45 PM	0	0	0	0	28	1	8	0	0	45	17	0	8	30	0	0	137	733
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	0	0	0	0	80	4	60	0	0	344	208	0	68	196	0	0	960	
Heavy Trucks	0	0	0	0	12	4	20	0	0	12	12	0	4	28	0	0	92	
Pedestrians	0	0	0	0	0	0	0	0	0	8	0	0	0	0	0	0	8	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

Comments: Roundabout



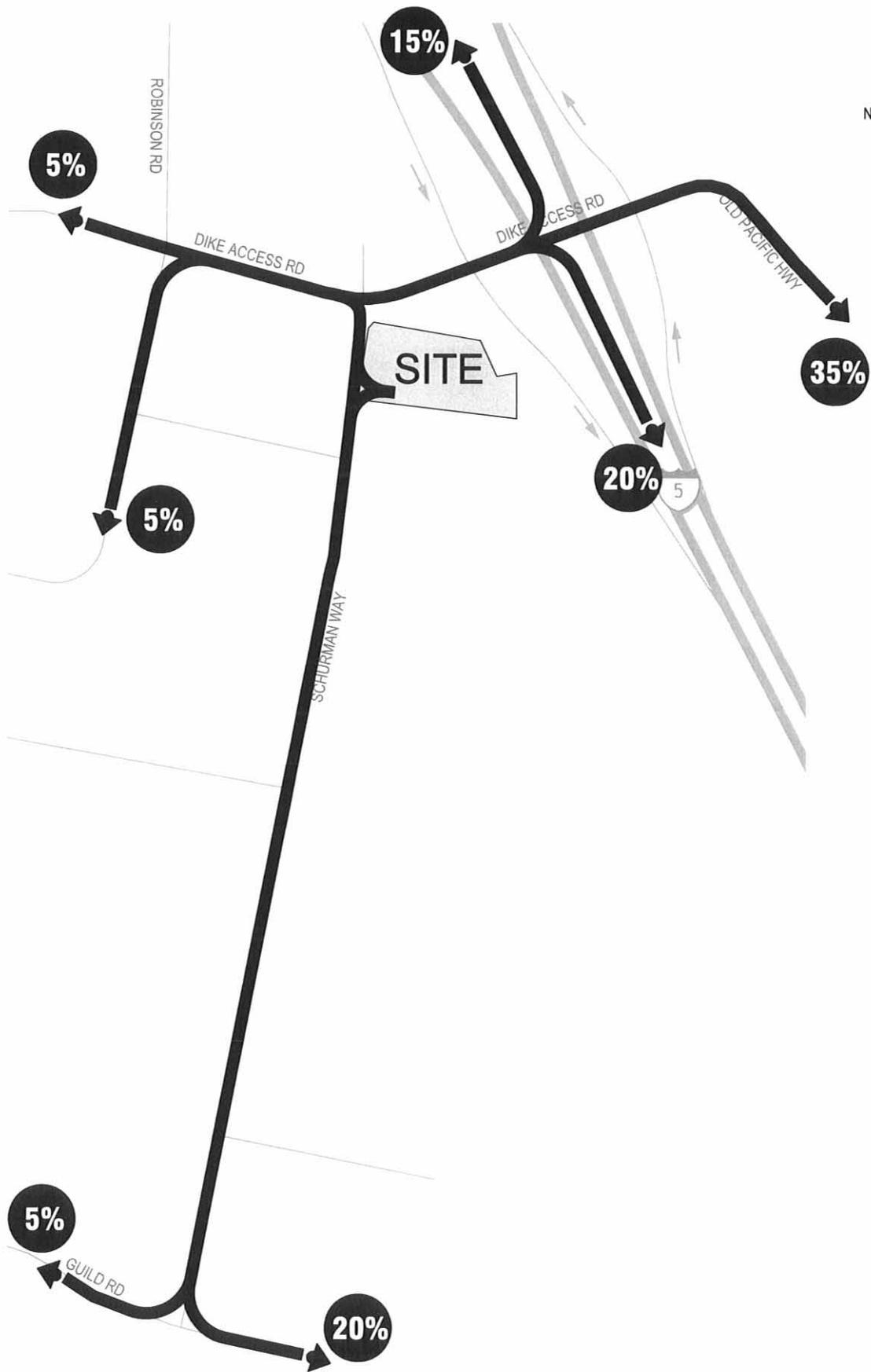
LEGEND	
X	= WEEKDAY PEAK HOUR
(X)	= SATURDAY PEAK HOUR

2025 Baseline Weekday PM Peak Hour Traffic Volumes

ATTACHMENT

Liberty Evans Rezone





↑
N
NOT TO SCALE

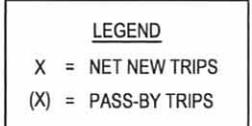
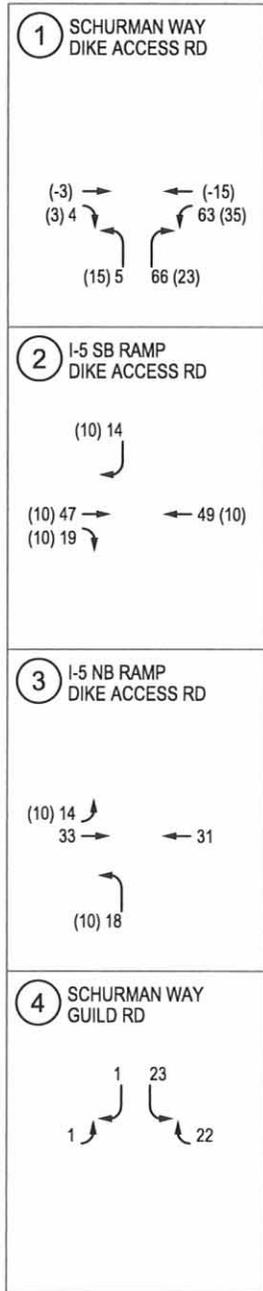
Project Trip Distribution

Liberty Evans Rezone

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ATTACHMENT





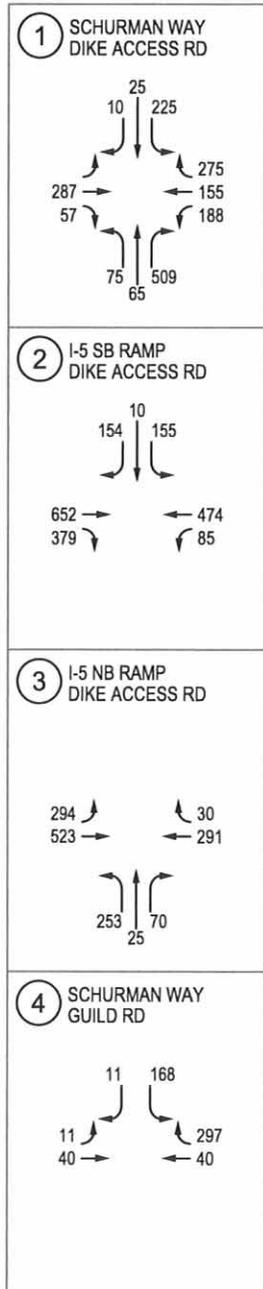
Project Trip Assignment

ATTACHMENT

Liberty Evans Rezone



5



2025 With-Project Weekday PM Peak Hour Traffic Volumes

ATTACHMENT

Liberty Evans Rezone



HCM Unsignalized Intersection Capacity Analysis
 2: Dike Access Rd & Schuman Way

6/6/2012

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Right Turn Channelized												
Volume (veh/h)	0	287	57	188	155	275	75	65	509	225	25	10
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Hourly flow rate (vph)	0	309	61	202	167	296	81	70	547	242	27	11
Approach Volume (veh/h)		370			665			698			280	
Crossing Volume (veh/h)		471			151			551			449	
High Capacity (veh/h)		955			1231			896			972	
High v/c (veh/h)		0.39			0.54			0.78			0.29	
Low Capacity (veh/h)		774			1022			722			789	
Low v/c (veh/h)		0.48			0.65			0.97			0.35	
Intersection Summary												
Maximum v/c High			0.78									
Maximum v/c Low			0.97									
Intersection Capacity Utilization		120.6%		ICU Level of Service					H			

HCM 2010 Roundabout
 2: Dike Access Rd & Schuman Way

6/6/2012

Intersection				
Intersection Delay (sec/veh)	44.7			
Intersection LOS	E			
Approach	EB	WB	NB	SB
Entry Lanes	1	1	1	1
Conflicting Circle Lanes	1	1	1	1
Adjusted Approach Flow (vph)	370	665	698	280
Demand Flow Rate (pc/h)	388	725	718	282
Vehicles Circulating (pc/h)	491	155	568	485
Vehicles Exiting (pc/h)	276	1131	311	395
Follow-Up Headway (s)	3.186	3.186	3.186	3.186
Ped Vol. Crossing Leg (#/hr)	0	0	0	0
Ped Capacity Adjustment	1.000	1.000	1.000	1.000
Approach Delay (sec/veh)	15.0	18.8	98.6	10.8
Approach LOS	C	C	F	B
Lane	Left	Left	Left	Left
Designated moves	LTR	LTR	LTR	LTR
Assumed Moves	LTR	LTR	LTR	LTR
Right Turn Channelized				
Lane Utilization	1.000	1.000	1.000	1.000
Critical Headway (s)	5.193	5.193	5.193	5.193
Entry Flow Rate (pc/h)	388	725	718	282
Capacity, Entry Lane (pc/h)	692	968	640	696
Entry HV Adjustment Factor	0.953	0.917	0.972	0.992
Flow Rate, Entry (vph)	370	665	698	280
Capacity, Entry (vph)	659	888	622	690
Volume to Capacity Ratio	0.561	0.749	1.121	0.405
Control Delay (sec/veh)	15.0	18.8	98.6	10.8
Level of Service	C	C	F	B
95th-Percentile Queue (veh)	3	7	22	2

HCM Unsignalized Intersection Capacity Analysis
 3: I-5 SB Ramp & Dike Access Rd

6/6/2012



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Right Turn Channelized												
Volume (veh/h)	0	652	379	85	474	0	0	0	0	155	10	154
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Hourly flow rate (vph)	0	716	416	93	521	0	0	0	0	170	11	169
Approach Volume (veh/h)		1133			614			0			351	
Crossing Volume (veh/h)		275			0			887			614	
High Capacity (veh/h)		1116			1385			683			852	
High v/c (veh/h)		1.01			0.44			0.00			0.41	
Low Capacity (veh/h)		918			1161			535			682	
Low v/c (veh/h)		1.23			0.53			0.00			0.51	

Intersection Summary												
Maximum v/c High											1.01	
Maximum v/c Low											1.23	
Intersection Capacity Utilization			115.6%			ICU Level of Service					H	

HCM 2010 Roundabout
 3: I-5 SB Ramp & Dike Access Rd

6/6/2012

Intersection

Intersection Delay (sec/veh) 115.0
 Intersection LOS F

Approach	EB	WB	NB	SB
Entry Lanes	1	1	0	1
Conflicting Circle Lanes	1	1	1	1
Adjusted Approach Flow (vph)	1132	614	0	350
Demand Flow Rate (pc/h)	1165	645	0	391
Vehicles Circulating (pc/h)	300	0	927	645
Vehicles Exiting (pc/h)	736	927	538	0
Follow-Up Headway (s)	3.186	3.186	3.186	3.186
Ped Vol. Crossing Leg (#/hr)	0	0	0	0
Ped Capacity Adjustment	1.000	1.000	1.000	1.000
Approach Delay (sec/veh)	200.2	10.6	0.0	22.3
Approach LOS	F	B	-	C

Lane	Left	Left	Left
Designated moves	TR	LT	LTR
Assumed Moves	TR	LT	LTR
Right Turn Channelized			
Lane Utilization	1.000	1.000	1.000
Critical Headway (s)	5.193	5.193	5.193
Entry Flow Rate (pc/h)	1165	645	391
Capacity, Entry Lane (pc/h)	837	1130	593
Entry HV Adjustment Factor	0.971	0.952	0.894
Flow Rate, Entry (vph)	1132	614	350
Capacity, Entry (vph)	813	1076	530
Volume to Capacity Ratio	1.392	0.571	0.660
Control Delay (sec/veh)	200.2	10.6	22.3
Level of Service	F	B	C
95th-Percentile Queue (veh)	49	4	5

HCM Unsignalized Intersection Capacity Analysis

4: Dike Access Rd & I-5 NB Ramp

6/6/2012

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Right Turn Channelized												
Volume (veh/h)	294	523	0	0	291	30	253	25	70	0	0	0
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	320	568	0	0	316	33	275	27	76	0	0	0
Approach Volume (veh/h)	888		349			378			0			
Crossing Volume (veh/h)	0		622			888			591			
High Capacity (veh/h)	1385		847			682			868			
High v/c (veh/h)	0.64		0.41			0.55			0.00			
Low Capacity (veh/h)	1161		678			534			696			
Low v/c (veh/h)	0.76		0.51			0.71			0.00			
Intersection Summary												
Maximum v/c High			0.64									
Maximum v/c Low			0.76									
Intersection Capacity Utilization			90.5%			ICU Level of Service			E			

HCM 2010 Roundabout
 4: Dike Access Rd & I-5 NB Ramp

6/6/2012

Intersection

Intersection Delay (sec/veh) 28.3
 Intersection LOS D

Approach	EB	WB	NB	SB
Entry Lanes	1	1	1	0
Conflicting Circle Lanes	1	1	1	1
Adjusted Approach Flow (vph)	888	349	378	0
Demand Flow Rate (pc/h)	932	356	402	0
Vehicles Circulating (pc/h)	0	657	932	614
Vehicles Exiting (pc/h)	614	677	0	399
Follow-Up Headway (s)	3.186	3.186	3.186	3.186
Ped Vol. Crossing Leg (#/hr)	0	0	0	0
Ped Capacity Adjustment	1.000	1.000	1.000	1.000
Approach Delay (sec/veh)	20.9	18.6	54.4	0.0
Approach LOS	C	C	F	-

Lane	Left	Left	Left
Designated moves	LT	TR	LTR
Assumed Moves	LT	TR	LTR
Right Turn Channelized			
Lane Utilization	1.000	1.000	1.000
Critical Headway (s)	5.193	5.193	5.193
Entry Flow Rate (pc/h)	932	356	402
Capacity, Entry Lane (pc/h)	1130	586	445
Entry HV Adjustment Factor	0.952	0.979	0.941
Flow Rate, Entry (vph)	888	349	378
Capacity, Entry (vph)	1076	574	419
Volume to Capacity Ratio	0.825	0.608	0.904
Control Delay (sec/veh)	20.9	18.6	54.4
Level of Service	C	C	F
95th-Percentile Queue (veh)	10	4	10

HCM Unsignalized Intersection Capacity Analysis

11: Guild Rd

6/6/2012



Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Volume (veh/h)	11	40	40	297	168	11
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85
Hourly flow rate (vph)	13	47	47	349	198	13
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type		None	None			
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	396				295	222
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	396				295	222
tC, single (s)	4.1				6.6	6.4
tC, 2 stage (s)						
tF (s)	2.2				3.7	3.5
p0 queue free %	99				70	98
cM capacity (veh/h)	1151				658	782

Direction, Lane #	EB 1	EB 2	WB 1	SB 1
Volume Total	13	47	396	211
Volume Left	13	0	0	198
Volume Right	0	0	349	13
cSH	1151	1700	1700	665
Volume to Capacity	0.01	0.03	0.23	0.32
Queue Length 95th (ft)	1	0	0	34
Control Delay (s)	8.2	0.0	0.0	12.9
Lane LOS	A			B
Approach Delay (s)	1.8		0.0	12.9
Approach LOS				B

Intersection Summary				
Average Delay		4.2		
Intersection Capacity Utilization		37.1%	ICU Level of Service	A
Analysis Period (min)		15		

HCM Unsignalized Intersection Capacity Analysis

19:

6/6/2012



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Volume (veh/h)	26	117	533	30	107	163
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	28	127	579	33	116	177
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			None
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1005	596			612	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1005	596			612	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	88	75			88	
cM capacity (veh/h)	235	504			967	

Direction, Lane #	WB 1	NB 1	SB 1
Volume Total	155	612	293
Volume Left	28	0	116
Volume Right	127	33	0
cSH	417	1700	967
Volume to Capacity	0.37	0.36	0.12
Queue Length 95th (ft)	42	0	10
Control Delay (s)	18.7	0.0	4.4
Lane LOS	C		A
Approach Delay (s)	18.7	0.0	4.4
Approach LOS	C		

Intersection Summary			
Average Delay		4.0	
Intersection Capacity Utilization		63.0%	ICU Level of Service B
Analysis Period (min)		15	

HCM Unsignalized Intersection Capacity Analysis
 2: Schurman Way/Schuman Way & Dike Access Rd

6/6/2012



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Right Turn Channelized												
Volume (veh/h)	0	290	50	97	170	275	58	65	458	225	25	10
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Hourly flow rate (vph)	0	312	54	104	183	296	62	70	492	242	27	11
Approach Volume (veh/h)		366			583			625			280	
Crossing Volume (veh/h)		373			132			554			349	
High Capacity (veh/h)		1033			1249			894			1052	
High v/c (veh/h)		0.35			0.47			0.70			0.27	
Low Capacity (veh/h)		843			1038			720			860	
Low v/c (veh/h)		0.43			0.56			0.87			0.32	

Intersection Summary												
Maximum v/c High											0.70	
Maximum v/c Low											0.87	
Intersection Capacity Utilization			112.0%			ICU Level of Service					H	

HCM 2010 Roundabout
 2: Schurman Way/Schuman Way & Dike Access Rd

6/6/2012

Intersection

Intersection Delay (sec/veh) 29.8
 Intersection LOS D

Approach	EB	WB	NB	SB
Entry Lanes	1	1	1	1
Conflicting Circle Lanes	1	1	1	1
Adjusted Approach Flow (vph)	366	583	624	280
Demand Flow Rate (pc/h)	385	635	643	282
Vehicles Circulating (pc/h)	384	136	572	376
Vehicles Exiting (pc/h)	274	1079	197	395
Follow-Up Headway (s)	3.186	3.186	3.186	3.186
Ped Vol. Crossing Leg (#/hr)	0	0	0	0
Ped Capacity Adjustment	1.000	1.000	1.000	1.000
Approach Delay (sec/veh)	12.2	14.1	64.1	9.1
Approach LOS	B	B	F	A

Lane	Left	Left	Left	Left
Designated moves	LTR	LTR	LTR	LTR
Assumed Moves	LTR	LTR	LTR	LTR
Right Turn Channelized				
Lane Utilization	1.000	1.000	1.000	1.000
Critical Headway (s)	5.193	5.193	5.193	5.193
Entry Flow Rate (pc/h)	385	635	643	282
Capacity, Entry Lane (pc/h)	770	986	638	776
Entry HV Adjustment Factor	0.952	0.917	0.970	0.992
Flow Rate, Entry (vph)	366	583	624	280
Capacity, Entry (vph)	732	905	619	770
Volume to Capacity Ratio	0.500	0.644	1.008	0.363
Control Delay (sec/veh)	12.2	14.1	64.1	9.1
Level of Service	B	B	F	A
95th-Percentile Queue (veh)	3	5	16	2

HCM Unsignalized Intersection Capacity Analysis
 3: I-5 SB Ramp & Dike Access Rd

6/6/2012

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Right Turn Channelized												
Volume (veh/h)	0	622	361	85	419	0	0	0	0	155	10	131
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Hourly flow rate (vph)	0	684	397	93	460	0	0	0	0	170	11	144
Approach Volume (veh/h)		1080			554			0			325	
Crossing Volume (veh/h)		275			0			854			554	
High Capacity (veh/h)		1116			1385			702			894	
High v/c (veh/h)		0.97			0.40			0.00			0.36	
Low Capacity (veh/h)		918			1161			551			720	
Low v/c (veh/h)		1.18			0.48			0.00			0.45	
Intersection Summary												
Maximum v/c High			0.97									
Maximum v/c Low			1.18									
Intersection Capacity Utilization		108.6%		ICU Level of Service						G		

HCM 2010 Roundabout
 3: I-5 SB Ramp & Dike Access Rd

6/6/2012

Intersection

Intersection Delay (sec/veh) 101.8
 Intersection LOS F

Approach	EB	WB	NB	SB
Entry Lanes	1	1	0	1
Conflicting Circle Lanes	1	1	1	1
Adjusted Approach Flow (vph)	1081	553	0	325
Demand Flow Rate (pc/h)	1114	581	0	363
Vehicles Circulating (pc/h)	300	0	895	581
Vehicles Exiting (pc/h)	644	895	519	0
Follow-Up Headway (s)	3.186	3.186	3.186	3.186
Ped Vol. Crossing Leg (#/hr)	0	0	0	0
Ped Capacity Adjustment	1.000	1.000	1.000	1.000
Approach Delay (sec/veh)	174.4	9.4	0.0	17.5
Approach LOS	F	A	-	C

Lane	Left	Left	Left
Designated moves	TR	LT	LTR
Assumed Moves	TR	LT	LTR
Right Turn Channelized			
Lane Utilization	1.000	1.000	1.000
Critical Headway (s)	5.193	5.193	5.193
Entry Flow Rate (pc/h)	1114	581	363
Capacity, Entry Lane (pc/h)	837	1130	632
Entry HV Adjustment Factor	0.971	0.952	0.895
Flow Rate, Entry (vph)	1081	553	325
Capacity, Entry (vph)	813	1075	565
Volume to Capacity Ratio	1.331	0.514	0.574
Control Delay (sec/veh)	174.4	9.4	17.5
Level of Service	F	A	C
95th-Percentile Queue (veh)	43	3	4

HCM Unsignalized Intersection Capacity Analysis

4: Dike Access Rd & I-5 NB Ramp

6/6/2012

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Right Turn Channelized												
Volume (veh/h)	278	509	0	0	264	30	227	25	70	0	0	0
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	302	553	0	0	287	33	247	27	76	0	0	0
Approach Volume (veh/h)		855			320			350			0	
Crossing Volume (veh/h)		0			576			855			534	
High Capacity (veh/h)		1385			878			701			909	
High v/c (veh/h)		0.62			0.36			0.50			0.00	
Low Capacity (veh/h)		1161			706			550			732	
Low v/c (veh/h)		0.74			0.45			0.64			0.00	
Intersection Summary												
Maximum v/c High			0.62									
Maximum v/c Low			0.74									
Intersection Capacity Utilization			86.0%		ICU Level of Service						E	

Intersection

Intersection Delay (sec/veh) 22.7
Intersection LOS C

Approach	EB	WB	NB	SB
Entry Lanes	1	1	1	0
Conflicting Circle Lanes	1	1	1	1
Adjusted Approach Flow (vph)	855	320	350	0
Demand Flow Rate (pc/h)	898	327	372	0
Vehicles Circulating (pc/h)	0	608	898	555
Vehicles Exiting (pc/h)	555	662	0	380
Follow-Up Headway (s)	3.186	3.186	3.186	3.186
Ped Vol. Crossing Leg (#/hr)	0	0	0	0
Ped Capacity Adjustment	1.000	1.000	1.000	1.000
Approach Delay (sec/veh)	18.8	15.2	39.1	0.0
Approach LOS	C	C	E	-

Lane	Left	Left	Left
Designated moves	LT	TR	LTR
Assumed Moves	LT	TR	LTR
Right Turn Channelized			
Lane Utilization	1.000	1.000	1.000
Critical Headway (s)	5.193	5.193	5.193
Entry Flow Rate (pc/h)	898	327	372
Capacity, Entry Lane (pc/h)	1130	615	460
Entry HV Adjustment Factor	0.952	0.979	0.942
Flow Rate, Entry (vph)	855	320	350
Capacity, Entry (vph)	1076	602	434
Volume to Capacity Ratio	0.795	0.532	0.808
Control Delay (sec/veh)	18.8	15.2	39.1
Level of Service	C	C	E
95th-Percentile Queue (veh)	9	3	7

HCM Unsignalized Intersection Capacity Analysis
 11: Guild Rd & Schurman Way

6/6/2012



Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations	↙	↑	↗		↙	↘
Volume (veh/h)	10	40	238	40	113	11
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85
Hourly flow rate (vph)	12	47	280	47	133	13
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type		None	None			
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	327				374	304
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	327				374	304
tC, single (s)	4.1				6.6	6.4
tC, 2 stage (s)						
tF (s)	2.2				3.7	3.5
p0 queue free %	99				78	98
cM capacity (veh/h)	1221				593	702

Direction, Lane #	EB 1	EB 2	WB 1	SB 1
Volume Total	12	47	327	146
Volume Left	12	0	0	133
Volume Right	0	0	47	13
cSH	1221	1700	1700	601
Volume to Capacity	0.01	0.03	0.19	0.24
Queue Length 95th (ft)	1	0	0	24
Control Delay (s)	8.0	0.0	0.0	12.9
Lane LOS	A			B
Approach Delay (s)	1.6		0.0	12.9
Approach LOS				B

Intersection Summary			
Average Delay		3.7	
Intersection Capacity Utilization		28.6%	ICU Level of Service A
Analysis Period (min)		15	

HCM Unsignalized Intersection Capacity Analysis
 19: Schurman Way & Site Access

6/6/2012



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Volume (veh/h)	14	41	520	3	7	140
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	15	45	565	3	8	152
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			None
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	734	567			568	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	734	567			568	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	96	91			99	
cM capacity (veh/h)	384	523			1004	

Direction, Lane #	WB 1	NB 1	SB 1
Volume Total	60	568	160
Volume Left	15	0	8
Volume Right	45	3	0
cSH	479	1700	1004
Volume to Capacity	0.12	0.33	0.01
Queue Length 95th (ft)	11	0	1
Control Delay (s)	13.6	0.0	0.5
Lane LOS	B		A
Approach Delay (s)	13.6	0.0	0.5
Approach LOS	B		

Intersection Summary			
Average Delay		1.1	
Intersection Capacity Utilization		37.6%	ICU Level of Service A
Analysis Period (min)		15	

E. D. Hovee & Company, LLC

Economic and Development Services



MEMORANDUM

To: Mr. Mark Fleischaeur
Liberty Evans LLC

From: Eric Hovee & Andrea Logue

Subject: Economic Needs Analysis Proposal for Woodland Property Commercial Rezone

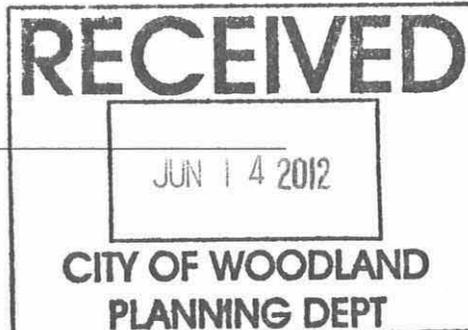
Date: May 14, 2012

At the request of Liberty Evans LLC, E. D. Hovee & Company, LLC has prepared this economic needs analysis for a proposal to redesignate approximately 3.4 acres owned by Liberty Evans as part of an approximately 6-acre site in Woodland from Light Industrial (I-1) to Highway Commercial (C-2) use in the city's Comprehensive Plan and zoning map. Topics covered by this assessment are:

- Summary background of the proposal and site location.
- Commercial land needs analysis – including review of suitability of the subject site and existing commercial lands inventory.
- Industrial land needs analysis – based on comprehensive plan evaluation of industrial land needs versus supply and associated market trends.
- Economic benefits of proposed redesignation – including added employment and sales/property tax revenues to the City of Woodland.
- Summary conclusions – regarding economic need in support of the rezone as proposed.

Information for this assessment is drawn from a review of the City of Woodland Comprehensive Plan and market information regarding commercial and industrial demand experienced in the Woodland area, including similar prior analysis conducted by our firm.¹ Comparative employment and tax benefits are calculated based on typical patterns of industrial and commercial development that might be anticipated for the subject site.²

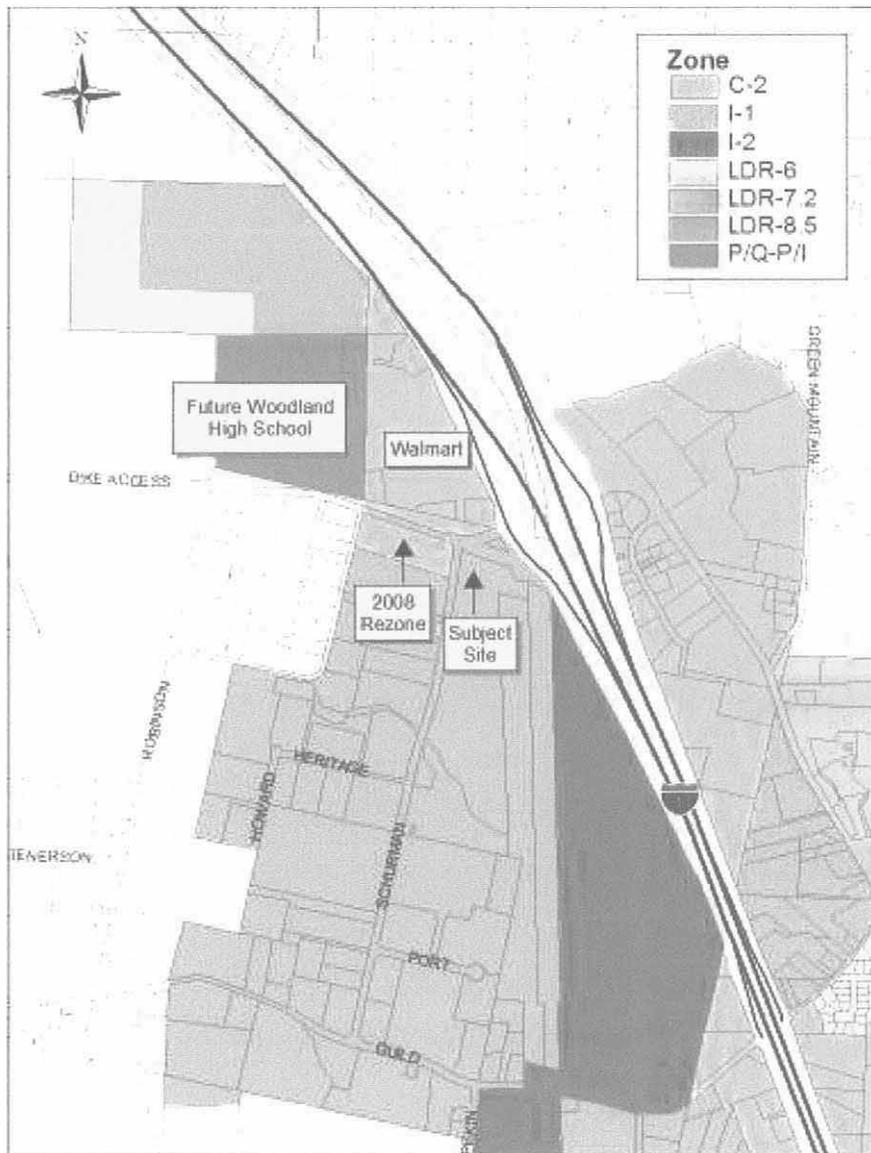
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PROJECT BACKGROUND

The approximately 6-acre subject site is located in the City of Woodland at the southeast corner of Dike Access Road and Shurman Way. The property is directly accessed from Interstate 5 via the Dike Access Road interchange (Exit 22).

Figure 1. Map of Subject Site & Vicinity



Source: Cowlitz-Wahkiakum Council of Governments GIS (2004-06) and amended by E. D. Hovee & Company, LLC.

While the subject site has some topographical and potential easement issues (as with a natural gas line, lift station and substation), these are anticipated to be resolved in a manner that will allow development to proceed. Taken together, the property's direct freeway accessibility

coupled with adjacency to other commercial uses will further strengthen this commercial node for the City of Woodland.

Vicinity Area Uses. Consistent with its location adjacent to an Interstate 5 freeway interchange, development of property on Dike Access Road at Exit 22 has become focused in recent years on commercial use. Immediately across Dike Access Road to the north of the subject site is a 157,000-square-foot Walmart store, which opened in 2010. In 2008, just under 6 acres (owned by the Brothers Chumbley, LLC) on the south side of Dike Access Road and west of Shurman was redesignated by the City of Woodland from industrial to commercial use.

Other nearby uses located further from the interchange include light industrial property to the south, residential to the west, and vacant land to the east. Also noted is that the Woodland School District has acquired property for construction of a school northwest of the subject property, and a bond measure to finance the new school was approved by voters in April 2012.

Criteria for Land Use Redesignation. Criteria that have been applied previously by the City of Woodland in considering comprehensive plan and zoning redesignations from industrial to commercial have included demonstration that:³

- Redesignation would be consistent with a goal of Woodland’s Comprehensive Plan to use “the advantage of freeway visibility to establish the city as a traveler/tourist service center.”
- Additional land in the city could be required to meet 20-year growth needs through the year 2025 (five years beyond the time horizon of the 2002-prepared *Woodland Urban Growth Management Program*).
- Rezoning would not create a nuisance or interfere with neighboring existing uses.

As with the other commercial and institutional uses adjoining the subject Liberty Evans LLC site, this proposed redesignation appears consistent with, and should reinforce, the ability for land in the vicinity of the Exit 22 interchange to effectively address these criteria. The remainder of this analysis provides an evaluation of needs for added commercial land in Woodland – both generally and for the subject site in particular. This is followed by review of relative need to maintain the Liberty Evans LLC property in its current industrial designation, and then discussion of economic benefits to Woodland in terms of employment and tax revenues.

COMMERCIAL LAND NEEDS

The first question addressed by this economic needs analysis is whether there is a demonstrated need for *additional suitably zoned and located commercial land* in Woodland. This determination of commercial land needs potentially met by rezoning of the subject Liberty Evans LLC property involves assessment of:

- Overall commercial land inventory versus projected demand (or acreage needs).
- Suitability of Woodland’s existing commercial inventory (compared to the subject site).

Commercial Acreage Need versus Supply. Commercial and industrial land needs for the City of Woodland were thoroughly evaluated in 2002 as part of the *Woodland Urban Growth Management Program (WUGMP)*. This analysis identified an inventory of 182 acres of commercially designated property within the Woodland Urban Growth Area (UGA).

Projected commercial land need to 2020 was estimated at 262 acres (based on a commercial land to population forecast methodology). Realization of this demand would mean that the available commercial land supply would fall short of need by about 86 acres.

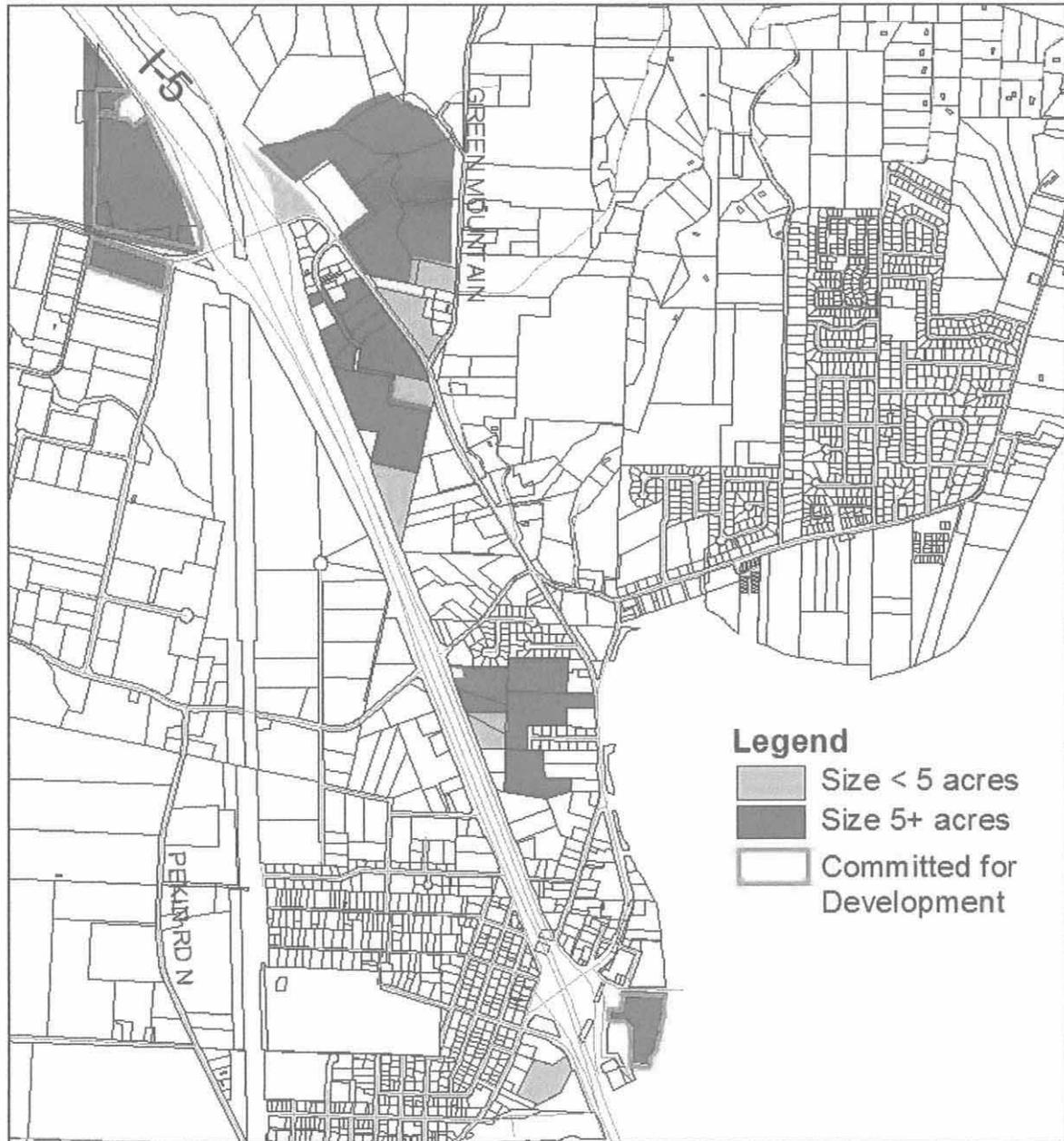
To address this deficit, the WUGMP recommended that Woodland add 71 acres of commercial land by 2020.⁴ The WUGMP report further recommended that: (a) 29.6 acres of light industrial land within the existing city be reclassified from industrial to commercial; and that (b) another 71.0 acres be added to the unincorporated area of the UGA.

Subsequent to the WUGMP and 2005 adopted Comprehensive Plan, Cowlitz-Wahkiakum Council of Governments indicated that there were approximately 173 acres of existing commercially designated vacant property as of 2005. The bulk of the inventory (approximately 169 acres) was comprised of C-2 Highway Commercial designated lands.

As was the case with previous 2008 analysis for the approved Chumbley Brothers rezone with property situated immediately west of the subject Liberty Evans LLC site, it is to the question of commercial site suitability that this assessment now turns. Site suitability is assessed from two perspectives: size of vacant commercial parcels and constraints to development.

Size of Commercial Parcels. As illustrated by the map on the following page, a substantial portion of the vacant commercial inventory consists of relatively small (less than 5 acre) parcels.

Figure 2. Map of Vacant Commercial Land by Area (2008)

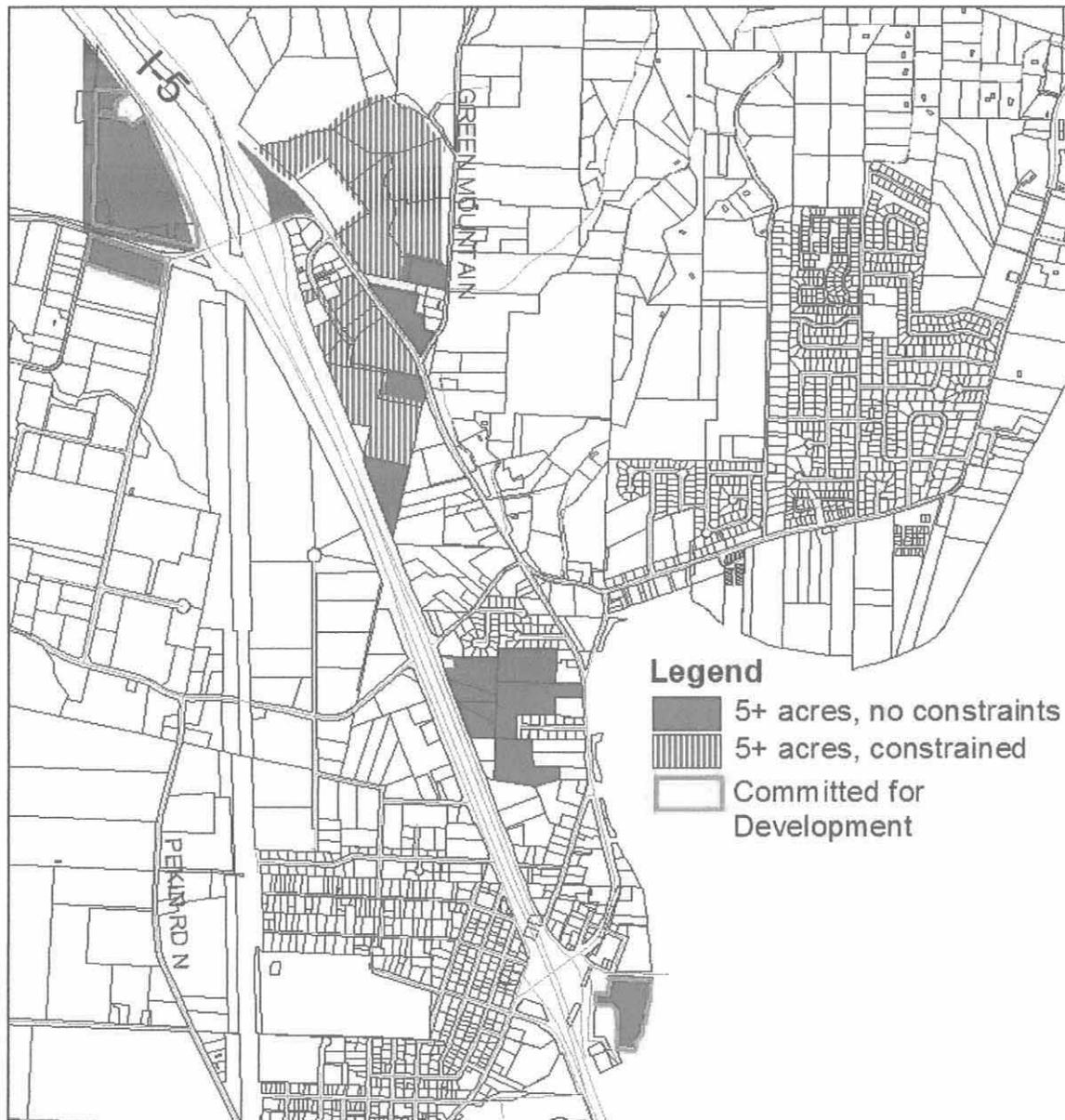


Source: Cowlitz-Wahkiakum Council of Governments GIS (2004-06) and amended by E. D. Hovee & Company, LLC.

Assuring an adequate supply of mid-size to larger sites (of 5+ acres) can be expected to serve as the primary location choice for master planned commercial developments offering one-stop shopping convenience for retail customers. However, while the map indicates some diversity of these larger sites, many of these sites have substantial development constraints – a factor that is particularly significant for properties east of I-5 in the vicinity of the Dike Access Road interchange.

Vacant Commercial Land Constraints. As illustrated by the following map, a substantive reason for consideration of added commercial land has been that much of the land designated for commercial use does not appear to be readily suitable for that use – due to factors such as poor access, lack of infrastructure and environmental constraints (including wetlands, floodplain and steep slopes). This is an issue that has been previously documented and remains of importance in considering the continued need for market-ready commercial development sites.

Figure 3. Map of Constrained Vacant Commercial Land 5+ Acres (2008)



Source: Cowlitz-Wahkiakum Council of Governments GIS (2004-06) and amended by E. D. Hovee & Company, LLC.

Issues with the development suitability of the existing vacant, commercially designated land inventory in Woodland are particularly apparent when comparing the attributes of the subject Liberty Evans LLC property to other vacant parcels in Woodland zoned for commercial use. Key observations of note that have been identified regarding major commercially designated lands include the following:

- All vacant commercial property at least 5 acres or more in size is zoned C-2 Highway Commercial and measures a total of 145 acres (or 84% of the total 173-acre vacant commercial inventory).
- However, over half (55%) of the vacant commercial property measuring 5+ acres has 50% or more of parcel land area constrained by wetlands, floodplain and/or slope. The unconstrained portion totals 65 acres. In effect, only 38% of Woodland's vacant commercial land inventory has been comprised of properties that are at least 5 acres in size and for which the majority of the site is not affected by wetland or slope constraints.

Also noted is that the remaining supply of commercial lands has been reduced by demand experienced since adoption of the 2005 Comprehensive Plan. As noted by our prior 2008 rezone analysis, major changes have included: development of the now-completed Walmart Supercenter on approximately 18.5 acres situated just west of Interstate 5 at the Dike Access Road interchange, coupled with three adjacent sites owned by Chumbley Brothers adding 3.3 and then 5.9 acres, and 6.5 acres along the Lewis River located east of the wastewater treatment plant.

Located across the street from the subject Liberty Evans LLC site, the Walmart development together with the 6.5-acre riverfront property development have the effect of further reducing the remaining readily developable commercial inventory to 37 acres. This reduced inventory is only 14% of the 262 acres of commercial land need projected to 2020 as cited by the WUGMP.⁵

Commercial Need Summarized. As with prior assessments, this updated analysis indicates that Woodland's inventory of vacant commercially zoned property remains inadequate to meet needs (resulting from WUGMP recommendations) for Woodland's Comprehensive Plan. The commercial lands deficiency is greatly magnified when substantially constrained sites are excluded from the inventory of sites of 5+ acres deemed as truly suitable for retail development.

INDUSTRIAL LAND NEEDS

The previous section of this economic needs analysis addressed questions related to the need for additional suitable commercial land in Woodland. A follow-on question (addressed in this section) is whether there is an *adequate supply of vacant industrial land* to readily allow for the redesignation of the Liberty Evans LLC property from industrial to commercial use – and still provide more than adequate industrial land to meet Woodland's current and future needs.

As has been previously documented, the answer to this question appears fairly clear-cut – both with respect to the city's WUGMP/Comprehensive Plan process and current market demand.

WUGMP/Comprehensive Plan. The 2002 WUGMP identified an acreage need of 320-349 acres of industrial land to 2020 versus vacant and buildable acreage of 712 acres. This left a

surplus of 363-392 acres – representing considerably more land than would be needed over the forecast period. As a result, the WUGMP committee recommended no change to the current designations – essentially meaning that the inventory of industrial land would remain more than twice the projected acreage needed.

The 2005-adopted Comprehensive Plan essentially followed the WUGMP recommendations with the specific observation that:

The City of Woodland will not need any additional industrial land in the next 20 years. The land designated industrial in the city and the land reserved for future industrial uses in the city's UGA provides an ample supply of industrial land.

In addition to the ample supply of land designated for industrial use, the Comprehensive Plan also designated another 1,410 acres within the city and adjoining urban growth area (UGA) as Agricultural-Industrial (AG-I). As noted by the Comprehensive Plan, this land is “designed to reserve the land for future industrial growth.”

Finally, it is noted that since the 2005 adoption of the Woodland Comprehensive Plan, approximately 400 acres of AG-I land within the city's UGA has been annexed to the City of Woodland further enhancing the effective development capacity of land available for future industrial use. Taken together, these actions indicate that the city has continued to be pro-active with designation of land long-term industrial employment needs of the Woodland community.

Industrial Need Summarized. When measured by 2005 WUGMP/Comprehensive Plan expectations, Woodland would appear to have more than double the inventory of industrial land required to meet projected need through 2020. The proposed redesignation of the 6-acre Liberty Evans LLC property from industrial to commercial use redesignation will affect less than 1% of the UGA vacant designated industrial inventory.

ECONOMIC BENEFITS OF PROPOSED REDESIGNATION

With this assessment, consideration is also given to economic benefits associated with proposed rezoning – in terms of added employment and taxes to the City of Woodland for industrial development (as currently zoned) compared with commercial retail use (as proposed).

Comparative Employment. As is detailed by calculations illustrated in the Appendix to this report, employment associated with industrial development of the approximately 6-acre Liberty Evans LLC site can vary widely – from as few as 35 jobs with a distribution facility having considerable outdoor storage up to a high end figure of 125 jobs for a business/industrial park type of use with typical site coverage and no outdoor storage. Assuming a relatively high level of site coverage, commercial retail development would involve a somewhat more predictable and higher employment count at build-out – estimated at approximately 190 jobs.

In effect, while industrial use often offers ability for somewhat greater site coverage (due to lower parking requirements), this is more than offset by higher average density of employment per square foot of building area with commercial development. Jobs with commercial retail

development could also be expected to materialize more rapidly than those with an industrial use – due to strong expressed demand from prospective commercial users of the subject site.

Of particular note at this time of early recovery from the recent recession is the continued need for added employment for residents of Woodland and surrounding communities, especially in economically distressed Cowlitz County. As of March 2012, the Cowlitz County unemployment rate was 12.0% – well above the comparable statewide rate of 8.8%.⁶

Woodland Tax Benefits of Commercial Retail versus Industrial Development. Tax benefits directly available to the City of Woodland from retail development are substantially greater than with industrial use (also detailed by calculations provided by the Appendix to this report). For industrial development, tax benefits calculated represent a best case scenario for the City of Woodland and could change due to the potential for sales tax exemptions for certain industries. Tax benefits from industrial as compared with commercial development are calculated to include:

- *One-time sales tax on construction* – estimated at \$74,000 for industrial versus an estimated \$83,000 with commercial development of the property.
- *Annual ongoing property and sales tax upon completion* – estimated at \$33,200 per year with industrial versus \$191,100 annually to the City of Woodland with commercial use.⁷

In effect, while sales tax on construction is roughly comparable for industrial and commercial development, the annual on-going tax yield to the City of Woodland from commercial development is estimated at close to six times the tax benefit with industrial use. Over time, this difference is magnified due to the greater growth potential of retail sales tax versus the constrained nature of property tax revenues (with voter approved 1% annual growth limitation).

Over a 20-year time horizon, the net present value (NPV) of cumulative tax revenues to the City of Woodland is estimated at \$3.1 million with commercial as compared to less than \$560,000 with industrial development. This estimate assumes a 5.0% discount rate – recognizing that the value of each dollar of revenue received in year 1 is greater than that of each dollar of revenue received at year 20.

Tax Benefits to All State/Local Jurisdictions. These above calculations do not include revenues to state and other jurisdictions which are substantial. For example, the annual property and sales tax revenues generated to the State of Washington and all benefitting Cowlitz County jurisdictions (including the City of Woodland) are estimated at nearly \$1.3 million per year with commercial development versus less than \$200,000 with industrial development. Also not included with these calculations is the potential added land value and resulting property tax contribution from this site that may result from redesignation of land from industrial to commercial use – as commercial is typically associated with greater land value than industrial.

SUMMARY CONCLUSIONS

In summary, this analysis supports the proposal for redesignation of approximately 6 acres owned by Liberty Evans LLC LLC from Light Industrial to Highway Commercial zoning – due

to greater need for added commercial than industrial land coupled with greater potential economic benefit with commercial than industrial use:

Greater Need for Added Commercial than Industrial Land:

- The 2002 WUGMP and 2005 adopted Comprehensive Plan for Woodland both indicate an inadequate supply of commercial land versus an oversupply of designated industrial land – supporting the redesignation of sites more suitable for commercial than industrial.
- The majority of Woodland’s existing vacant commercial inventory is not well suited at least in the near term for master planned commercial development – due to inadequate size and substantial wetland, steep slope and floodplain constraints.
- By comparison, the subject Liberty Evans LLC property is extremely well positioned for commercial use by virtue of its adjacency to the Exit 22 interchange with Interstate 5 and location across the street from a recently opened Walmart Supercenter development (which is drawing considerable retail patronage from Woodland and other area communities to this emerging commercial node).
- Retail businesses situated on the Liberty Evans LLC site offer the opportunity to benefit from the visibility and traffic generated by the Walmart and neighboring commercial, institutional and industrial uses, taking advantage of trips already generated to the site area.
- Redesignation will involve only 6 acres or less than 1% of the City of Woodland’s vacant UGA designated industrial inventory. There is still at least 350+ acres more than the industrial land need projected through 2020 *plus* added long-term potential with future conversion of another more than 1,400 acres with Agriculture-Industrial designation. Also noted is that of this added AG-I potential, approximately 400 acres have recently been annexed to the City of Woodland – bringing this added industrial land resource one step closer to development readiness.

Greater Potential Economic Benefit with Commercial than Industrial Use:

- Commercial retail development can be expected to generate an estimated 190 jobs with build-out of the property, somewhat more than maximum potential of 125 jobs that might be associated with industrial use. Commercial jobs will materialize more quickly due to expressed interest in the site.
- Finally, ongoing tax revenues directly available to the City of Woodland are close to six times greater with commercial retail than industrial development of the property. This is because retail use can be expected to generate a much higher level of taxable retail sales than industrial use – a difference that will be amplified over time due to statutory limitations on property tax revenue growth in the State of Washington.

E. D. Hovee & Company, LLC appreciates the opportunity to provide this economic need analysis on behalf of Liberty Evans LLC. We are happy to respond to questions or provide added information regarding any aspect of this report.

APPENDIX. SUPPLEMENTAL DATA TABLES

**Figure 4. Comparative On-Site Employment Analysis
(6-Acre Site)**

	Site Coverage	Building Area % of Use	Area Square Feet	Density SF/Job	Estimated Jobs
INDUSTRIAL USE					
A. Low Density Option					
Warehouse (w/outside storage/loading)	0.19	100%	50,000	1,390	35
B. High Density Option					
Office		10%	9,000	370	25
Light Industrial		45%	40,500	595	70
Warehouse		45%	40,500	1,390	30
	0.34	100%	90,000	720	125
COMMERCIAL USE					
Multi-Use Commercial (including dining)	0.29	100%	75,000	400	190
Gas Service w/Convenience		0%	-	-	-
Dining		0%	-	200	-
	0.29	100%	75,000	395	190

Source: E. D. Hovee & Company, LLC, consistent with analysis provided with prior 2008 rezone analysis.

Figure 5. Comparative City of Woodland Tax Benefits
(All Estimates are in 2012 Dollars)

	Industrial Development*	Commercial Development
<u>DEVELOPMENT PROGRAM</u>		
Site Acreage	6.0	6.0
Site Coverage Ratio	0.34	0.29
Building Square Footage	90,000	75,000
<u>ONE TIME TAX & FEE REVENUE</u>		
Sales Tax on Construction		
Tax Rate / \$1 Gross Contract Amount	1.100%	1.100%
Construction Contract	\$6,750,000	\$7,500,000
Estimated Sales Tax	\$74,000	\$83,000
ESTIMATED ONE TIME TAXES	\$74,000	\$83,000
<u>ONGOING TAX REVENUES</u>		
Property Tax		
Per Square Foot Construction Cost	\$75	\$100
Indirect (Soft) Cost %	30%	30%
Anticipated Value of Construction	\$8,780,000	\$9,750,000
Tax Rate / \$1,000	\$2.08600	\$2.08600
Estimated Property Tax	\$18,300	\$20,300
Sales Tax from On-Site Retail		
Tax Rate (City Share)	1.100%	1.100%
Gross Annual Taxable Retail Sales	\$1,350,000	\$15,525,000
Estimated Sales Tax	\$14,900	\$170,800
ESTIMATED ANNUAL TAXES	\$33,200	\$191,100
<u>NET PRESENT VALUE (NPV)</u>	\$559,000	\$3,084,000
Discount Rate Applied	5.0%	5.0%

*Note: Industrial development option evaluated is the higher intensity business park use.

Source: E. D. Hovee & Company, LLC. Estimates are preliminary and subject to revision.

END NOTES

- ¹ Much of the data for this memorandum report is based on a prior *Economic Needs Analysis Proposal for Woodland Property Rezone* conducted by E. D. Hovee & Company, LLC on behalf of Brothers Chumbley, LLC, dated April 23, 2008 – as submitted to the City of Woodland. The Chumbley analysis was for an adjoining 5.91 acre parcel located immediately west (across Schurman Road) from the current subject Liberty Evans LLC property. With the exception of the development of the approved Chumbley property rezone plus development the Walmart property to the north of the subject Liberty Evans LLC property, our understanding is that there are no other significant commercial land use changes of note over this time period of economic recession and subsequent early phase recovery.
- ² While data and related information for this economic needs analysis is drawn from sources generally deemed to be reliable, E. D. Hovee & Company, LLC does not guarantee the accuracy of information obtained from third party sources. The findings and conclusions provided in this report are those of the authors. They should not be construed as representing the opinion of any other party prior to their express approval of the contents of this report, whether in whole or in part.
- ³ Findings and comments are from city staff reports regarding the Brothers Chumbley, LLC property, prepared by Justin Erickson, Planner, dated September 8, 2006 and September 11, 2006.
- ⁴ This 71-acre recommendation for added commercial land was based on a commercial employment method based on the ratio of jobs to population – forecast forward to 2020. To this was added a 20% market factor and a 15% infrastructure allowance.
- ⁵ The remaining unconstrained commercial inventory of 37 acres also would be less than the more conservative 19-year growth need of 61 acres of land to serve retail needs calculated by E. D. Hovee & Company, on behalf of Pacific Development Associates with a *Supplemental Commercial Market Assessment for Woodland Residential Rezone Request*, submitted October 10, 2006.
- ⁶ While retail jobs tend to pay less than industrial employment, commercial growth opportunities often are more steady in response to population growth, as well as existing resident needs. Retail employment is also important for entry-level and part-time workers, who do not have other readily available job options.
- ⁷ Tax rates applied to this analysis are the general 2012 Woodland levy of \$2.086001 per \$1,000 tax assessed valuation and a composite 1.1% sales tax rate for the City of Woodland. Components of the 1.1% sales tax rate are 0.5% basic rate, 0.5% optional and 0.1% criminal justice portions.

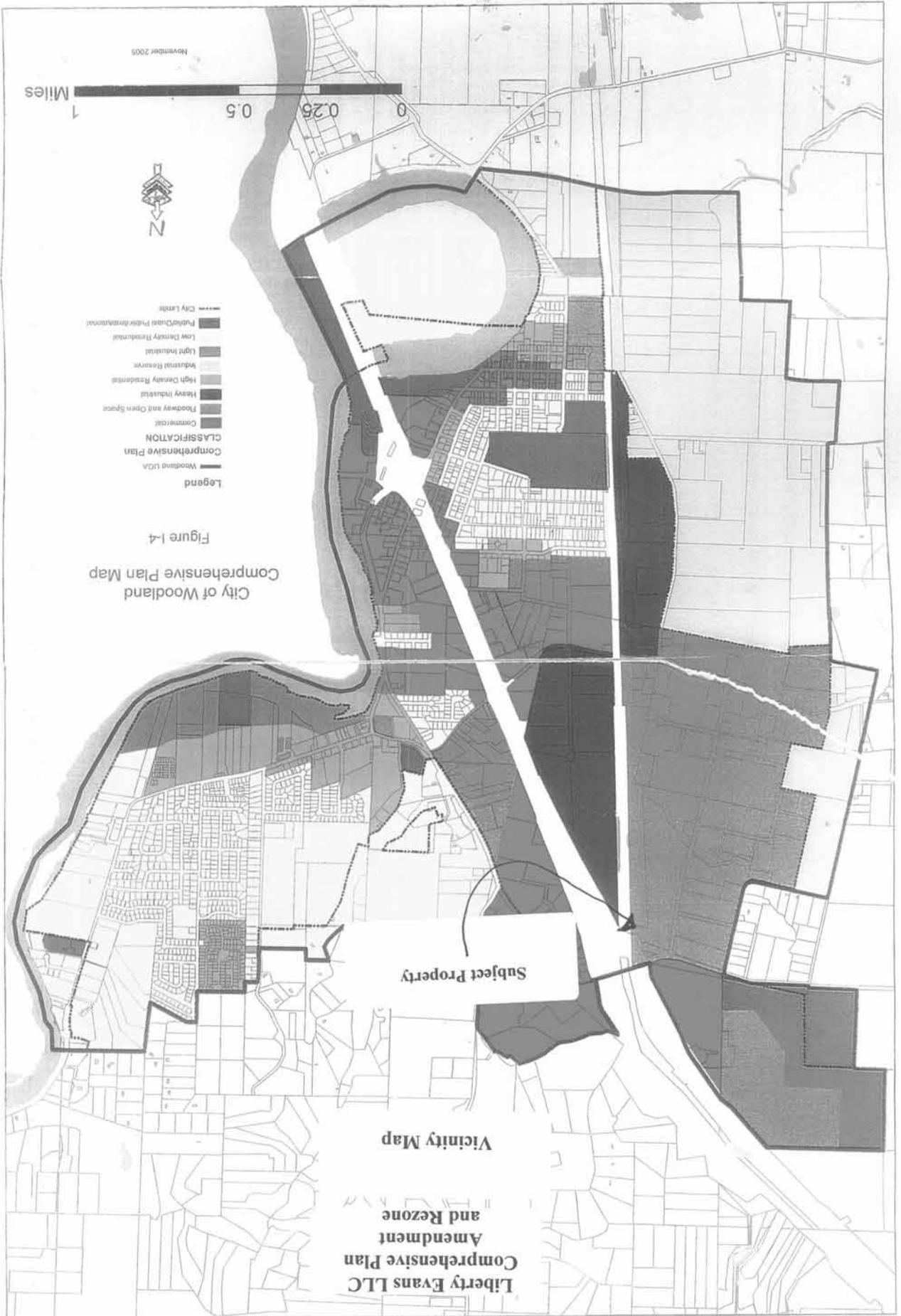
E. D. Hovee & Company, LLC is an economic and development consulting firm providing market and financial feasibility analysis for a range of real estate and related capital investment projects – on behalf of private land owners/developers, non-profit economic development organizations and public agencies, primarily in the Pacific Northwest states of Washington and Oregon.

The firm has conducted commercial and industrial market and economic need assessment assessments throughout the Southwest Washington region – for a range of projects in communities including Vancouver, Camas, Washougal, Stevenson, Battle Ground, Ridgefield, LaCenter, Woodland, Longview, Castle Rock, Chehalis and Centralia.

Private and non-profit organizations assisted with real estate market and feasibility assessments have included Portland General Electric, Fred Meyer, Inc., Walmart, Home Depot, Gramor Development, Killian-Pacific, Opus NW, Schnitzer Investment, Chumbley Brothers LLC, Grayco Resources (Salishan/Skamania Lodge), Lowe Development Resorts, and Newland Group.

Principal Eric Hovee has over 35 years of economic development experience – as practitioner and consultant. He served for four years as Economic Development Manager for the City of Portland and in a similar role with the City of Vancouver opening a consulting practice in 1984. This report has been prepared by Eric Hovee - Principal and Andrea Logue - Research Coordinator.

Vicinity Map



**Liberty Evans LLC
Comprehensive Plan
Amendment
and Rezone**

Vicinity Map

Subject Property

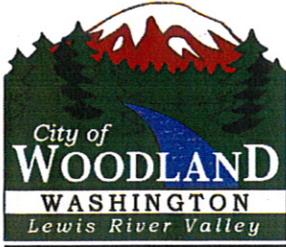
**City of Woodland
Comprehensive Plan Map**
Figure I-4

- Legend**
- Woodland UGA
 - Comprehensive Plan CLASSIFICATION
 - Commercial
 - Floodway and Open Space
 - Heavy Industrial
 - High Density Residential
 - Industrial Reserve
 - Light Industrial
 - Low Density Residential
 - Future/Urban Preference/Residential
 - City Limits



November 2005

Subject Property Aerial Photograph



Building & Planning Department

P.O. Box 9, 230 Davidson Avenue
Woodland, WA 98674
www.ci.woodland.wa.us
(360) 225-1048 / FAX # (360) 225-7336

NOTICE OF APPLICATION & PUBLIC HEARING Issue Date: July 26, 2013

Applicant: Mark Fleischauer, Liberty Evans LLC
Property Owner: Liberty Evans LLC
Parcel ID Number: 507870101
Comprehensive Plan Map Designation: Light Industrial
Zoning Map Designation: Light Industrial (L-1)
Application Received: July 1, 2013
Public Hearing: 7:00 PM, August 15, 2013

I. DESCRIPTION OF PROPOSAL

The applicant proposes to amend the Comprehensive Plan Map to change a 3.4 acre portion of the 26.9 acre site from Light Industrial to Highway Commercial. Concurrent with this proposal is a request to rezone the same portion of the property from Light Industrial (L-1) to Highway Commercial (C-2).

No specific commercial use is proposed at this time. However, possible uses include highway commercial oriented uses such as a convenience store and gas station, restaurants, and/or other retail outlets.

II. LOCATION OF PROPOSAL

The subject property is a vacant, unaddressed property located on the east side of Schurman Way just south of Dike Access Road. The 3.4 acres proposed for rezone make up the northern portion of the parcel. The subject property is in the Southwest ¼ of Section 12, Township 5 North, Range 1 West, Willamette Meridian, Cowlitz County, Washington.

III. ENVIRONMENTAL REVIEW:

This proposal was previously reviewed in 2012. As such, there is an existing SEPA Determination of Non-Significance that was issued and remains valid for this proposal. No additional SEPA documentation, comment period, or review is required.

IV. EXISTING ENVIRONMENTAL DOCUMENTS

1. Traffic Analysis, June 2012
2. Economic Needs Analysis, May 2012
3. SEPA Environmental Checklist, June 2012
4. SEPA Threshold Determination of Non-Significance, September 2012
5. Wetland Delineation Report, July 2013

Application materials including the documents listed above can be reviewed at the Woodland City Hall Annex, 230 Davidson Avenue, Woodland, WA 98674 or can otherwise be obtained by contacting the City Planning Department.

Comment Period: Any person has the right to comment on the application, receive notice of and participate in the public hearing, and request a copy of the decision once made. Comments must be submitted by mail, fax, or email by **5 p.m. on August 9, 2013 to:**

Responsible Official: Amanda Smeller, Community Development Planner
City of Woodland
203 Davidson Avenue
Woodland, WA 98674
Email: smellera@ci.woodland.wa.us
Phone: (360) 225-1048
Fax: (360) 225-7336

V. PUBLIC HEARING NOTICE

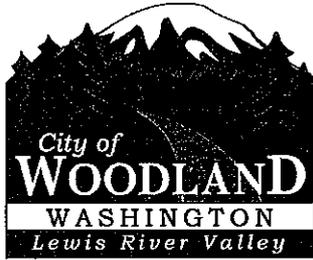
The Woodland Planning Commission will hold a public hearing on this matter at their August 15, 2013 meeting. The Planning Commission will accept testimony and make recommendations to the City Council based on the applicable review criteria. The public hearing will be held as follows:

Date: Thursday, August 15, 2013
Time: 7:00 p.m.
Location: Woodland City Council Chambers, 100 Davidson Ave, Woodland, WA

Date: July 26, 2013

Signature:  _____

Published in the Reflector: July 31, 2013



**DETERMINATION OF
NON-SIGNIFICANCE (DNS)**

Date of Issuance: September 12, 2012
Lead Agency: City of Woodland, WA
**Project Title: Liberty Evans LLC Comprehensive Plan
Map Amendment and Rezone**
Land Use Application No.: 212-914/CPMC/ZMC/SEPA

Applicant: Mark Fleischauer, Liberty Evans LLC
Property Owner: Liberty Evans LLC
Parcel ID Number: 507870101
Comprehensive Plan Map Designation: Light Industrial
Zoning Map Designation: Light Industrial (I-1)
Date Application Received: June 14, 2012
Date Notice of Complete Application Issued: July 9, 2012
Notice of Application: July 9, 2012
Comment Period Ends: September 26, 2012

I. DESCRIPTION OF PROPOSAL

The applicant proposes to amend the Comprehensive Plan Map to change the designation of a portion of the subject property from Light Industrial to Highway Commercial. Concurrent with this proposal is a request to rezone the same portion of the property from Light Industrial (I-1) to Highway Commercial (C-2). The applicant is proposing to rezone the north most 3.4 acres of the 26.9 acre site.

No specific commercial use is proposed at this time. However, possible uses include highway commercial oriented uses such as a convenience store and gas station, restaurants, and/or other retail outlets.

II. LOCATION OF PROPOSED DEVELOPMENT

The subject property is a vacant unaddressed property located on the east side of Schurman Way just south of Dike Access Road. The 3.4 acres proposed to be rezoned make up the northern portion of the parcel. The subject site is in the southwest ¼ of Section 12, Township 5 North, Range 1 West, Willamette Meridian, Cowlitz County, Washington.

III. LEAD AGENCY:

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required

under RCW 43.21c.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request by contacting the responsible official.

This DNS is issued under WAC 197-11-340; the lead agency will not act on this proposal for 14 days from the date below. Comment must be submitted by 5 PM September 26, 2012.

Responsible official:

City of Woodland
Building and Planning Department
c/o Carolyn Johnson
230 Davidson Ave., PO Box 9
Woodland, WA 98674

Email: johnsonc@ci.woodland.wa.us
Fax: 360-225-7336

Date: September 12, 2012

Signature: 

Any person may appeal this threshold determination in accordance with WMC 15.04.225 and then by filing such appeal in writing with the Clerk-Treasurer for the City of Woodland, WA, for service to the SEPA responsible official within fourteen (14) calendar days of the SEPA determination being final or by October 10, 2012 (WAC 197-11-680(3)(vii)).

Appeals must be submitted no later than 5:00 P.M. on October 10, 2012.

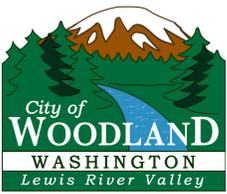
Published in *The Reflector*: September 12, 2012

Exhibits:

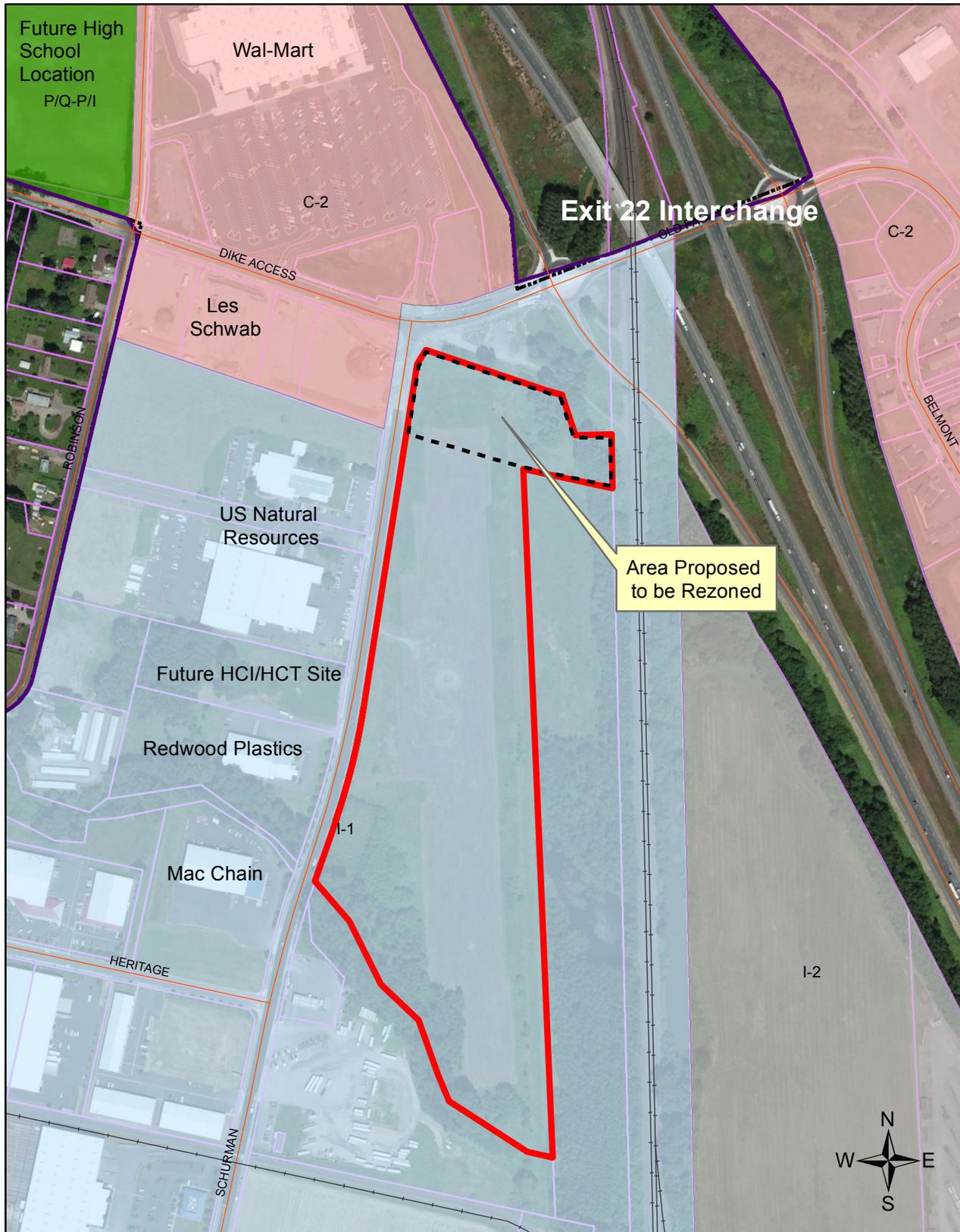
- 1. Vicinity Map
- 2. SEPA Distribution List
- 3. SEPA Checklist

cc:
Mark Fleischauer, Liberty Evans LLC
Skip Urling
Property owners within 300 feet
Those who commented on NOA (Darlene Johnson, Dave Lester, Judy Grant, Olympic Pipeline, Port of Woodland, WSDOT)

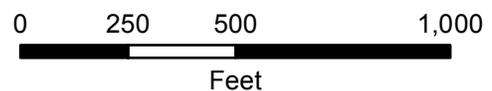
Planning Commission
Department Heads
Mayor
City Council
Post Site (2)
City Website
The Reflector, September 12, 2012 Edition



Liberty Evans Comprehensive Plan Map Amendment and Rezone Proposal



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.



NOTICE OF PUBLIC HEARING

Before the City of Woodland Planning Commission

COMPREHENSIVE PLAN MAP & TEXT CHANGES ZONING MAP CHANGES

The Woodland Planning Commission will hold a public hearing at their **September 19, 2013** meeting to consider changes to the Comprehensive Plan Map and Text. The Planning Commission will accept testimony and make recommendations to the City Council. Date, time, and location are as follows:

Date: Thursday, September 19, 2013
Time: 7:00 p.m.
Location: Woodland City Council Chambers, 100 Davidson Ave, Woodland, WA 98674

Public Hearing Topics:

- **Liberty Evans Rezone Request:** To rezone a 3.4 acre portion of a 26.9 acre property from Light Industrial to Highway Commercial. (Parcel No.: 507870101)
- **Schurman Trial Run Trust Rezone Request:** To rezone a portion of a 1.2 acre property from High Density Residential to Highway Commercial (Parcel No.: 50235005)
- **City of Woodland Rezone Request:** To rezone five parcels to Public/Quasi-Public/Institutional (Parcel Nos.: 50626, 50623, 5062302, 508800100, and 508990100)
- **Auto-Oriented Uses within the C-1 Zoning District:** Text change to allow for auto-oriented businesses/uses within the Central Business District.

The associated documents are available for review at the City Hall Annex, Planning Department, 230 Davidson Avenue, Woodland, Washington. You can also obtain information by contacting Amanda Smeller at 360-225-1048 or smellera@ci.woodland.wa.us.

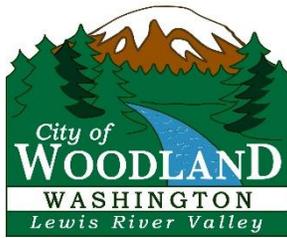
Any interested person that desires to express his or her views either for or against the proposed amendments is invited to attend the hearings. Written comments can also be submitted by mail, email, or in person **by 5:00 p.m., September 18, 2013** to:

Amanda Smeller, Community Development Planner
City of Woodland
230 Davidson Avenue, PO Box 9
Woodland, WA 98674
Email: smellera@ci.woodland.wa.us

cc: Planning Files: 213-921, 213-914, 213-922, 213-916
Liberty Evans (Mark Fleischauer – email)
Skip Urling
Schurman Trial Run Trust (Janice Schurman – email)
City Website
City Hall (Post)
City Hall Annex (Post)
Post Office (Post)
Library (Post)
Sites
City Council (7)
Mayor
Planning Commission (5)
Department Heads
09/04/2013 Reflector

Those who have expressed interest

- Darlene Johnson (email)
- Judy Grant (email)
- Jim Chumbley (email)
- Dale Brown, USNR (email)
- Tina Clayton, USNR (email)
- Dave Lester (email)



Building & Planning
 P.O. Box 9, 230 Davidson Avenue
 Woodland, WA 98674
<http://www.ci.woodland.wa.us>
 (360) 225-1048 / FAX # (360) 225-7336

**Woodland Planning Commission – Staff Report
 Comprehensive Plan Amendment and Concurrent Rezone**

Project Name:	Schurman Trial Run Trust Comprehensive Plan Amendment and Rezone Request
Land Use Application No.:	#212-914.CMA.ZMA.SEPA
Applicant:	Janice Schurman, Managing Trustee
Property Owner:	Schurman Trial Run Trust
Location:	The subject property is located at 1654 Lewis River Road, Woodland, Washington. It is located both on the east and west sides of Lewis River Road.
Parcel ID No.:	50235005
Parcel Size:	1.23 acres
Existing Comprehensive Plan Map Designation:	High Density Residential
Existing Zoning Designation:	High Density Residential (HDR)
Application Submitted:	April 15, 2013
Notice of Application:	July 26, 2013
SEPA Threshold Determination:	DNS issued July 26, 2013
Comment Period Ends:	August 14, 2013
SEPA Appeal Period Ends:	August 28, 2013
60-day Dept. of Commerce Notice Issued:	August 6, 2013
Planning Commission Public Hearing:	August 15, 2013

I. DESCRIPTION OF PROPOSAL

The applicant proposes to amend the Comprehensive Plan Map to change the designation of a portion of the subject property from High Density Residential to Highway Commercial. Concurrent with this proposal is a request to rezone the same portion of the property from High Density Residential (HDR) to Highway Commercial (C-2). The 1.23 acre property is currently zoned High Density Residential and has an existing home and existing structure that has been commercially used in the past. The parcel is divided by Lewis River Road. The portion to the west of Lewis River Road, containing the home, will remain HDR. The portion east of Lewis River Road, containing the commercial structure, is proposed to be Highway Commercial. Each portion of the property divided by Lewis River Road can be considered a separate parcel and can be created as such by recording deeds with Cowlitz County.

No specific commercial use is proposed at this time. However, proposed inquiries have included using the space for a café/restaurant (indoor/outdoor), dog grooming, Fish First office space, artist space with outdoor sales and a retail bakery shop.

Table 1 Subject Property Site Characteristics	
Surrounding Land Uses	North: Vacant Neighborhood Commercial property South: Right-of-way and residential property West: Development light industrial properties and developed residential properties East: Floodway and Lewis River
Surrounding Zoning	North: Light Industrial (I-1) and Neighborhood Commercial (C-3) South: Highway Commercial (C-2) West: High Density Residential (HDR) East: Floodway and High Density Residential (HDR)
Site Topography & Critical Areas	The site is located adjacent to the Lewis River, a Shoreline of Statewide Significance and Critical Area, and associated wetlands. The site is relatively flat.
Street Classification	Lewis River Road is a Minor Arterial.
Water	Available
Sanitary Sewer	Available

II. PROCEDURAL REQUIREMENTS

All procedural requirements of RCW 36.70A, RCW 36.70B, and the Woodland Municipal Code (WMC) have been met.

III. REVIEW AUTHORITY

Per WMC 19.08.030, the City Council shall approve or deny the applications for Comprehensive Plan Map Amendments and Rezone applications based on the recommendations made by the City Planning Commission. The Planning Commission shall hold an open record public hearing, and its recommendations shall be based on the recommendations made by the City Development Review Committee (DRC).

The Comprehensive Plan and WMC 17.84.040 require that the Planning Commission consider the Approval Criteria (Comprehensive Plan, Page 1-45 and 1-46) and other factors including provisions in the State Growth Management Act (GMA) and Comprehensive Plan, other plans of the City, the standards in the WMC, ordinances and other City codes, and other factors necessary to protect the public health, safety, convenience, and general welfare. Action must be based on written findings and conclusions.

Per the Comprehensive Plan (Page 1-45), the Comprehensive Plan shall be amended no more frequently than once per calendar year. All amendment proposals shall be considered

concurrently (in a package) by the Planning Commission and City Council so that their cumulative effects can be ascertained. The Schurman Trial Run Trust rezone is one of four Comprehensive Plan amendments being considered in 2013.

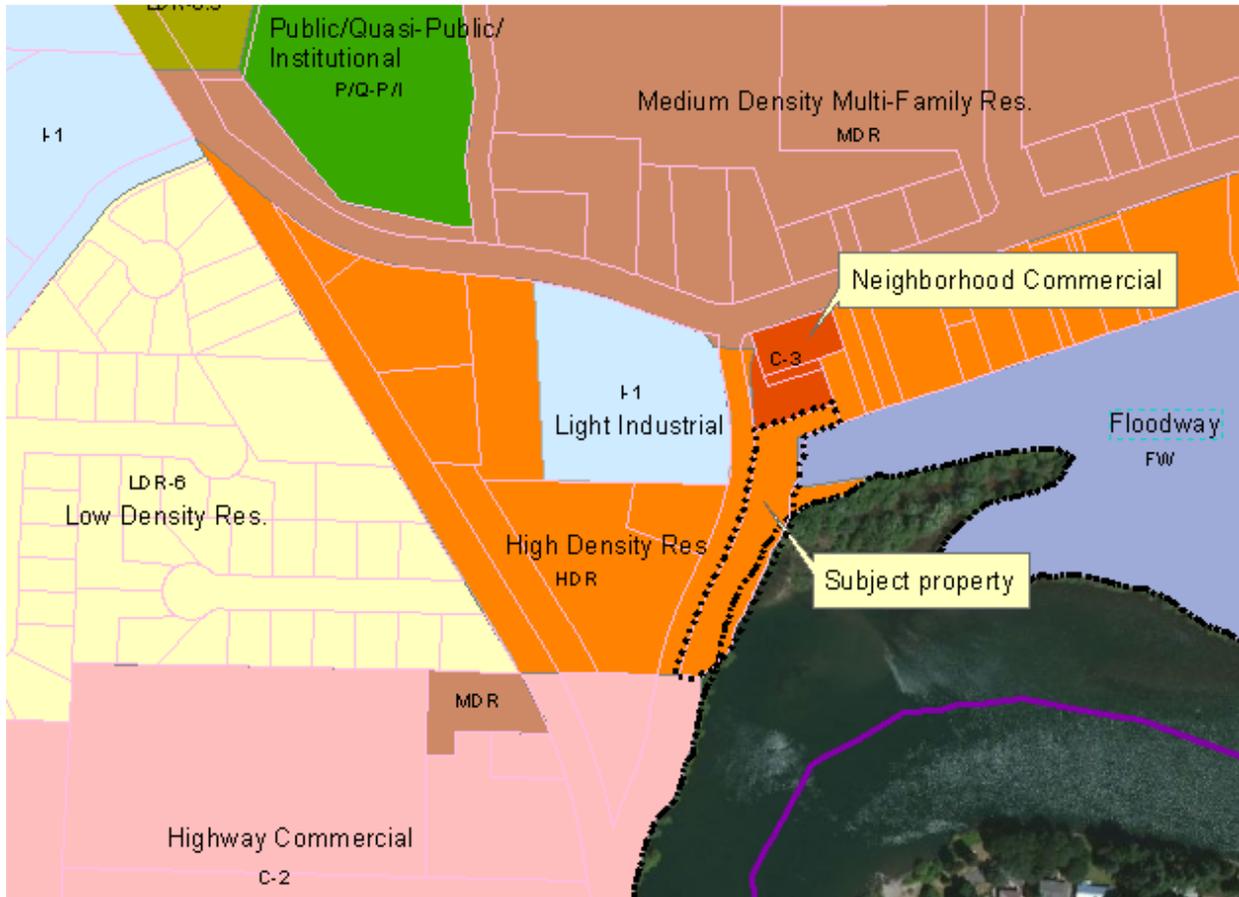


Figure 1. Vicinity map showing the subject area proposed to be rezoned from High Density Residential (HDR) to Highway Commercial (C-2).

IV. APPROVAL CRITERIA AND DRC'S RESPONSE

Proposed amendments shall be reviewed using the following criteria outlined in the Comprehensive Plan, Page 1-45 and 1-46.

1. The proposal is consistent with the provisions of the Growth Management Act (GMA) and will not result in Comprehensive Plan or regulation conflicts.

Staff Response – Satisfied: The applicant submitted a narrative describing how the request is consistent with the GMA and the Woodland Comprehensive Plan.

The proposed amendment has been processed in accordance with the GMA, Comprehensive Plan, and Woodland Municipal Code. Provided that any approved Comprehensive Plan Amendment is followed (concurrently) by a Zoning Map Amendment that is consistent with the new Comprehensive Plan Map designation, plan or regulation conflicts will not exist.

2. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents.

Staff Response – Satisfied: The DRC finds the proposal will likely have no significant adverse impact on sensitive land uses, business or residents. The rezone will be consistent with the property's current use. No additional buildings or structures are proposed as part of this rezone. There is one existing structure on the portion to be rezoned historically used commercially.

The Lewis River and adjacent wetlands exist to the east of the site. Local, state, and federal regulations protect or mitigate development impacts on wetlands and other environmentally sensitive areas. No new development is proposed as part of this rezone; however if any development is proposed in the future, the applicant will be required to produce information on any critical areas on or adjacent to the site and to receive all permit approvals before site work can begin. Whether or not the subject area is rezoned, the presence of critical areas could impact the site design of future projects.

This property abuts land zoned Neighborhood Commercial and land zoned Highway Commercial. The three parcels to the north are currently zoned Neighborhood Commercial. The City has plans to purchase these vacant properties to use for a road project along Lewis River Road and Scott Avenue. Therefore, this commercial land will be unavailable for development.

The City received no comments for or against this proposed rezone.

3. The proposed amendment can be accommodated by all applicable services and facilities, including transportation.

Staff Response – Satisfied: No new development is proposed as part of this rezone. The portion of the property being rezoned already contains a structure commercially used in the past. City services, including water and sanitary sewer, are available at the subject site. If there is future development proposed, new construction will be required to connect to these services. In addition, if future developed is proposed, a Transportation Impact Fee may be assessed.

4. The proposal will help implement the goals, objectives and policies of the Woodland Comprehensive Plan.

Goal E, Page 1-47 – “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.”

Staff Response - Satisfied: The DRC finds that the proposal complies with the goal. Zoning is designed to prevent land use conflicts before they occur by separating incompatible uses. The property abuts both Neighborhood Commercial and Highway

Commercial, and the portion being rezoned has been used commercially in the past. The portion containing the single-family residence will remain High Density Residential.

Goal H, Page 1-47, Bullet 4 - "Developing and securing Woodland's position as the commercial center serving southern Cowlitz County and the recreation trade of the upper Lewis River and Mount Saint Helens area."

Staff Response - Satisfied: A structure historically commercially used already exists on the portion of the site to be rezoned, and no new development is proposed as part of the rezone. The structure has been commercially used for many years. The property is located on Lewis River Road, SR503, which is a main route to the upper Lewis River and Mount Saint Helens recreation areas through Woodland. The proposal is consistent with this goal.

Goal H, Page 1-47, Bullet 1: Encouraging expansion and development of existing industries and businesses in the community.

Staff Response – Satisfied: The structure on the portion to be rezoned has been used commercially for many years. Inquiries for this building have included a restaurant, office space, dog grooming and bakery. Rezoning this portion of the property to allow for more varied commercial uses will help support this goal.

Policy 6 for Commercial Land Uses/Central Business District, Page 1-57 - "Areas classified for commercial use on the Land Use Plan Map should be utilized before other areas are reclassified for commercial use. A market factor may be appropriate to ensure sufficient land and price stability."

Staff Response – Satisfied: This is not bare ground being rezoned from residential to commercial. While Woodland does have a large amount of vacant storefronts and undeveloped commercial property, the rezone of this portion of the property does not conflict with this goal. The structure on site has been used commercially for many years. It is also currently vacant and by rezoning this portion, the building will be open to many more commercial opportunities. No new buildings or structures are proposed as part of this rezone. The three vacant properties to the north currently zoned Neighborhood Commercial are slated to be purchased by the City for a road project along Lewis River Road and Scott Avenue, thus removing the availability of some commercial land in this area.

V. CONCLUSION AND STAFF RECOMMENDATION

The portion of the property to be rezoned contains a structure that has been historically commercially used and is currently vacant. The City has received several inquiries for this property, including a café/restaurant, dog grooming, bakery and office space. As it stands, these are not allowable uses in the High Density Residential zone. In order for the commercial use of the structure to continue and to allow a wider amount of uses, it is sensible to rezone the property from residential to commercial. The proposal meets the goals and policies of the Woodland Comprehensive Plan and all procedural requirements have been met. **The DRC**

recommends approval of this rezone because the proposal supports the provisions of the Woodland Comprehensive Plan.

Attachments

1. Applicant's Narrative
2. Notice of Application & Public Hearing
3. SEPA Determination of Non-Significance
4. Notice of Public Hearing

Attachment to comprehensive plan and zoning amendment.

- I) application fee – attached
- II)
 - 1. Application form - attached
 - 2. Ownership certification - attached
 - 3. not applicable
 - 4. SEPA checklist - completed & signed
 - 5. legal description map and narrative of site - attached.

6. Narrative – reason for request.

This is a nonproject request affecting parcel #5023005. Trial Run Trust (Trust) owns the parcel. The property is for sale or lease and has generated interest as commercial use.

Parcel #5023005 is zoned High Density Residential. Lewis River Road/SR 503 runs through this site, dividing it. The west side of the road is residential. East of the road, 1654 Lewis River Drive, has always been used commercially. The Trust is requesting that this parcel be divided into two separate lots reflecting the natural division created by the road.

The Trust also is requesting that East (river) lot, 1654 Lewis River Road lot be rezoned from High Density Residential to commercial reflecting its historical and highest and best use. Due to the highway and configuration, this lot is not suitable for residential use.

Criteria for Approval

- 1. The proposal is consistent with the provision of the Growth Management Act (GMA) and will not result in comprehensive plan or regulation conflicts.

Response

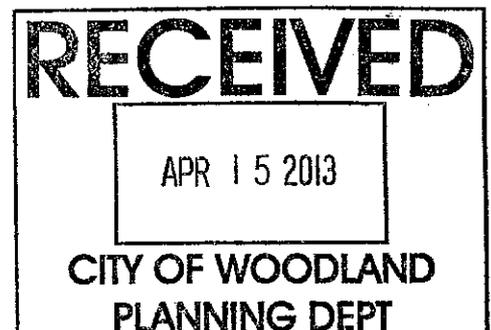
No conflict exists because if approved, the rezone and comp plan amendment would be concurrent.

- 2. The proposal will change the development or use potential of a site for area without creating significant adverse impacts on existing sensitive land uses, business, or residents.

Response:

The request will not change the site's development or use potential on sensitive land or business uses. The rezone will be consistent with the site's current use. In addition, the site is known to be regulated by the Shoreline Management Act and local Critical Areas Ordinance processes for addressing other impacts such as traffic which will be dealt with at the time of development.

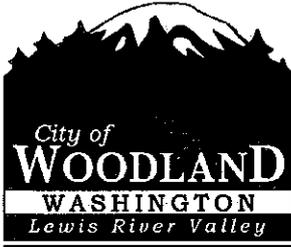
See Back



Environmental Checklist

Page 2 #12 Location of the proposal

Going North out of Woodland, this property begins approximately at the large Maple tree and the Junction of Lewis River road and highway 99. The property runs east of the road along the river and ends approximately at the sharp corner where Scott Hill road intersects with Lewis River Road. There are two residential homes and an industry located across the road from the river, the west side.



Building & Planning Department

P.O. Box 9, 230 Davidson Avenue
Woodland, WA 98674
www.ci.woodland.wa.us
(360) 225-1048 / FAX # (360) 225-7336

NOTICE OF APPLICATION & PUBLIC HEARING

Issue Date: July 26, 2013

Applicant:	Janice Schurman
Property Owner:	Schurman Trial Run Trust
Parcel ID Number:	50235005
Comprehensive Plan Map Designation:	High Density Residential
Zoning Map Designation:	High Density Residential (HDR)
Application Received:	April 15, 2013
Public Hearing:	7:00 PM, August 15, 2013

I. DESCRIPTION OF PROPOSAL

The applicant proposes to amend the Comprehensive Plan Map to change the designation of a portion of the subject property from High Density Residential to Highway Commercial. Concurrent with this proposal is a request to rezone the same portion of the property High Density Residential (HDR) to Highway Commercial (C-2). The 1.23 acre property is currently zoned High Density Residential and has an existing home and existing structure that has been commercially used in the past. The parcel is divided by Lewis River Road. The portion to the west of Lewis River Road, containing the home, would remain HDR. The portion east of Lewis River Road, containing the commercial structure, is proposed to be Highway Commercial. Each portion of the property divided by Lewis River Road can be considered a separate parcel and can be created as such by recording deeds with Cowlitz County.

No specific commercial use is proposed at this time. However, proposed inquiries have included using the space for a café/restaurant (indoor/outdoor), dog grooming, Fish First office space, artist space with outdoor sales and a retail bakery shop.

II. LOCATION OF PROPOSAL

The subject property is located at 1654 Lewis River Road in Woodland, Washington. The portion of the property to be rezoned lies to the east of Lewis River Road.

IV. EXISTING ENVIRONMENTAL DOCUMENTS

1. SEPA Checklist, April 2013

Application materials including the document listed above can be reviewed at the Woodland City Hall Annex, 230 Davidson Avenue, Woodland, WA 98674 or can otherwise be obtained by contacting the City Planning Department.

Comment Period: Any person has the right to comment on the application, receive notice of and participate in the public hearing, and request a copy of the decision once made. Comments must be submitted by mail, fax, or email by **5 p.m. on August 9, 2013 to:**

Responsible Official: Amanda Smeller, Community Development Planner
City of Woodland
203 Davidson Avenue
Woodland, WA 98674
Email: smellera@ci.woodland.wa.us
Phone: (360) 225-1048
Fax: (360) 225-7336

V. PUBLIC HEARING NOTICE

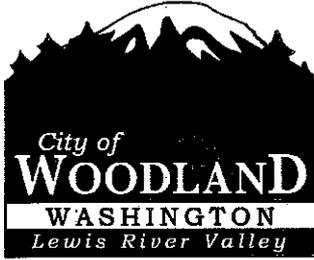
The Woodland Planning Commission will hold a public hearing on this matter at their August 15, 2013 meeting. The Planning Commission will accept testimony and make recommendations to the City Council based on the applicable review criteria. The public hearing will be held as follows:

Date: Thursday, August 15, 2013
Time: 7:00 p.m.
Location: Woodland City Council Chambers, 100 Davidson Ave, Woodland, WA

Date: July 26, 2013

Signature: 

Published in the Reflector: July 31, 2013



DETERMINATION OF NON-SIGNIFICANCE (DNS)

Date of Issuance: July 26, 2013
Lead Agency: City of Woodland, WA
Project Title: Schurman Trial Run Trust
Comprehensive Plan Map Amendment and Rezone
Land Use No.: 213-914/CMA/ZMA/SEPA

Applicant: Janice Schurman
Property Owner: Schurman Trial Run Trust
Parcel ID Number: 507870101
Comprehensive Plan Map Designation: High Density Residential
Zoning Map Designation: High Density Residential (HDR)
Application Received: April 15, 2013
Public Hearing: 7:00 PM, August 15, 2013

I. DESCRIPTION OF PROPOSAL

The applicant proposes to amend the Comprehensive Plan Map to change the designation of a portion of the subject property from High Density Residential to Highway Commercial. Concurrent with this proposal is a request to rezone the same portion of the property High Density Residential (HDR) to Highway Commercial (C-2). The 1.23 acre property is currently zoned High Density Residential and has an existing home and existing structure that has been commercially used in the past. The parcel is divided by Lewis River Road. The portion to the west of Lewis River Road, containing the home, would remain HDR. The portion east of Lewis River Road, containing the commercial structure, is proposed to be Highway Commercial. Each portion of the property divided by Lewis River Road can be considered a separate parcel and can be created as such by recording deeds with Cowlitz County.

No specific commercial use is proposed at this time. However, proposed inquiries have included using the space for a café/restaurant (indoor/outdoor), dog grooming, Fish First office space, artist space with outdoor sales and a retail bakery shop.

II. LOCATION OF PROPOSED DEVELOPMENT

The subject property is located at 1654 Lewis River Road in Woodland, Washington. The portion of the property to be rezoned lies to the east of Lewis River Road.

III. LEAD AGENCY:

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21c.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request by contacting the responsible official.

This DNS is issued under WAC 197-11-340; the lead agency will not act on this proposal for 14 days from the date below. Comment must be submitted by 5:00 p.m. on August 14, 2013.

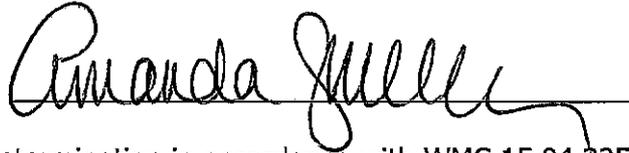
Responsible official:

City of Woodland
Building and Planning Department
c/o Amanda Smeller
230 Davidson Ave., PO Box 9
Woodland, WA 98674

Email: smellera@ci.woodland.wa.us
Fax: 360-225-7336

Date: July 26, 2013

Signature:



Any person may appeal this threshold determination in accordance with WMC 15.04.225 and then by filing such appeal in writing with the Clerk-Treasurer for the City of Woodland, WA, for service to the SEPA responsible official within fourteen (14) calendar days of the SEPA determination being final or by August 28, 2013 (WAC 197-11-680(3)(vii)).

Appeals must be submitted no later than 5:00 P.M. on August 28, 2013.

Published in *The Reflector*: July 31, 2013

Exhibits:

1. Vicinity Map
2. SEPA Distribution List
3. SEPA Checklist

cc:

Janice Schurman
Property owners within 300 feet
Planning Commission
Department Heads

Mayor
City Council
Post Site (2)
City Website
The Reflector, July 31, 2013 Edition

Distribution List for: DNS

Date of Issuance: July 26, 2013

Lead Agency: City of Woodland, WA

Project Title: Schurman Trial Run Trust Comprehensive Plan Map Amendment & Rezone

Land use Application #: 213-914.CPMA.ZMA.SEPA

Audrey Shaver, Cowlitz County Health Dept., shavera@co.cowlitz.wa.us
Bob Ziegler, DFW, Habitat Program, SEPAdesk@dfw.wa.gov
Cowlitz Indian Tribe, Cowlitz Indian Tribe Permit Review, permitreview@cowlitz.org
Dave Burlingame, Cowlitz Indian Tribe, culture@cowlitz.org
George Fornes DFW, Habitats & Special Biologist, george.fornes@dfw.wa.gov
Gretchen Kaehler, Dept of Archaeology & Historic Preservation, gretchen.kaehler@dahp.wa.gov
Holly Williamson, PB Olympic Pipeline, Field Project Coordinator, holly.williamson@pb.com
Jeff Barsness, DOT Engineering Services, barsnej@wsdot.wa.gov
Jennifer Keene, CWCOG, jkeene@cwco.org
Jennifer Kelly, Pacific Corp, jennifer.kelly@pacificcorp.com
Ken Burgstahler, WSDOT, Highway Division, burgskt@wsdot.wa.gov
Kent Cash, Cowlitz County Public Works, cashk@co.cowlitz.wa.us
Kevin Gray, Clark County Environmental Services, kevin.gray@clark.wa.gov
Nick Little, Cowlitz County Building & Planning, little@co.cowlitz.wa.us
Patrick Harbison, Cowlitz County PW, Stormwater Engineer, harbisonp@co.cowlitz.wa.us
Review Team, Dept of Commerce, Growth Management Services,
reviewteam@commerce.wa.gov
Scot Walstra, Cowlitz County EDC, walstra@cowlitzedc.com
SEPA Center, DNR, sepacenter@dnr.wa.gov
SEPA Unit, DOE SEPA Coordinator, separegister@ecy.wa.gov
Dept. of Health, Program Services, stephanie.mcgin@doh.wa.gov
Scott Patterson, CWCOG, scott.patterson@cwco.org
Steve West, DFW, Habitat Biologist, Steve.West@dfw.wa.gov
Ted Sprague, Cowlitz County EDC, sprague@cowlitzedc.com
Teegan Steen, Woodland School District, steent@woodlandschools.org
Terri Brooks, Clark County Community Development, terri.brooks@clark.wa.gov
Terry McLaughlin, Cowlitz County Assessor, mclaughlint@co.cowlitz.wa.us
Tina Hallock, SW Clean Air Agency, tina@swcleanair.org

NOTICE OF PUBLIC HEARING

Before the City of Woodland Planning Commission

COMPREHENSIVE PLAN MAP & TEXT CHANGES ZONING MAP CHANGES

The Woodland Planning Commission will hold a public hearing at their **September 19, 2013** meeting to consider changes to the Comprehensive Plan Map and Text. The Planning Commission will accept testimony and make recommendations to the City Council. Date, time, and location are as follows:

Date: Thursday, September 19, 2013
Time: 7:00 p.m.
Location: Woodland City Council Chambers, 100 Davidson Ave, Woodland, WA 98674

Public Hearing Topics:

- **Liberty Evans Rezone Request:** To rezone a 3.4 acre portion of a 26.9 acre property from Light Industrial to Highway Commercial. (Parcel No.: 507870101)
- **Schurman Trial Run Trust Rezone Request:** To rezone a portion of a 1.2 acre property from High Density Residential to Highway Commercial (Parcel No.: 50235005)
- **City of Woodland Rezone Request:** To rezone five parcels to Public/Quasi-Public/Institutional (Parcel Nos.: 50626, 50623, 5062302, 508800100, and 508990100)
- **Auto-Oriented Uses within the C-1 Zoning District:** Text change to allow for auto-oriented businesses/uses within the Central Business District.

The associated documents are available for review at the City Hall Annex, Planning Department, 230 Davidson Avenue, Woodland, Washington. You can also obtain information by contacting Amanda Smeller at 360-225-1048 or smellera@ci.woodland.wa.us.

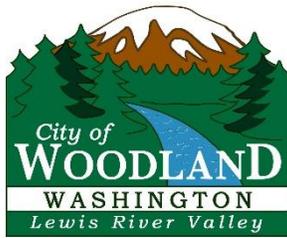
Any interested person that desires to express his or her views either for or against the proposed amendments is invited to attend the hearings. Written comments can also be submitted by mail, email, or in person **by 5:00 p.m., September 18, 2013** to:

Amanda Smeller, Community Development Planner
City of Woodland
230 Davidson Avenue, PO Box 9
Woodland, WA 98674
Email: smellera@ci.woodland.wa.us

cc: Planning Files: 213-921, 213-914, 213-922, 213-916
Liberty Evans (Mark Fleischauer – email)
Skip Urling
Schurman Trial Run Trust (Janice Schurman – email)
City Website
City Hall (Post)
City Hall Annex (Post)
Post Office (Post)
Library (Post)
Sites
City Council (7)
Mayor
Planning Commission (5)
Department Heads
09/04/2013 Reflector

Those who have expressed interest

- Darlene Johnson (email)
- Judy Grant (email)
- Jim Chumbley (email)
- Dale Brown, USNR (email)
- Tina Clayton, USNR (email)
- Dave Lester (email)



Building & Planning
 P.O. Box 9, 230 Davidson Avenue
 Woodland, WA 98674
<http://www.ci.woodland.wa.us>
 (360) 225-1048 / FAX # (360) 225-7336

**Woodland Planning Commission – Staff Report
 Comprehensive Plan Amendment and Concurrent Rezone**

Project Name:	Schurman Trial Run Trust Comprehensive Plan Amendment and Rezone Request
Land Use Application No.:	#212-914.CMA.ZMA.SEPA
Applicant:	Janice Schurman, Managing Trustee
Property Owner:	Schurman Trial Run Trust
Location:	The subject property is located at 1654 Lewis River Road, Woodland, Washington. It is located both on the east and west sides of Lewis River Road.
Parcel ID No.:	50235005
Parcel Size:	1.23 acres
Existing Comprehensive Plan Map Designation:	High Density Residential
Existing Zoning Designation:	High Density Residential (HDR)
Application Submitted:	April 15, 2013
Notice of Application:	July 26, 2013
SEPA Threshold Determination:	DNS issued July 26, 2013
Comment Period Ends:	August 14, 2013
SEPA Appeal Period Ends:	August 28, 2013
60-day Dept. of Commerce Notice Issued:	August 6, 2013
Planning Commission Public Hearing:	August 15, 2013

I. DESCRIPTION OF PROPOSAL

The applicant proposes to amend the Comprehensive Plan Map to change the designation of a portion of the subject property from High Density Residential to Highway Commercial. Concurrent with this proposal is a request to rezone the same portion of the property from High Density Residential (HDR) to Highway Commercial (C-2). The 1.23 acre property is currently zoned High Density Residential and has an existing home and existing structure that has been commercially used in the past. The parcel is divided by Lewis River Road. The portion to the west of Lewis River Road, containing the home, will remain HDR. The portion east of Lewis River Road, containing the commercial structure, is proposed to be Highway Commercial. Each portion of the property divided by Lewis River Road can be considered a separate parcel and can be created as such by recording deeds with Cowlitz County.

No specific commercial use is proposed at this time. However, proposed inquiries have included using the space for a café/restaurant (indoor/outdoor), dog grooming, Fish First office space, artist space with outdoor sales and a retail bakery shop.

Table 1 Subject Property Site Characteristics	
Surrounding Land Uses	North: Vacant Neighborhood Commercial property South: Right-of-way and residential property West: Development light industrial properties and developed residential properties East: Floodway and Lewis River
Surrounding Zoning	North: Light Industrial (I-1) and Neighborhood Commercial (C-3) South: Highway Commercial (C-2) West: High Density Residential (HDR) East: Floodway and High Density Residential (HDR)
Site Topography & Critical Areas	The site is located adjacent to the Lewis River, a Shoreline of Statewide Significance and Critical Area, and associated wetlands. The site is relatively flat.
Street Classification	Lewis River Road is a Minor Arterial.
Water	Available
Sanitary Sewer	Available

II. PROCEDURAL REQUIREMENTS

All procedural requirements of RCW 36.70A, RCW 36.70B, and the Woodland Municipal Code (WMC) have been met.

III. REVIEW AUTHORITY

Per WMC 19.08.030, the City Council shall approve or deny the applications for Comprehensive Plan Map Amendments and Rezone applications based on the recommendations made by the City Planning Commission. The Planning Commission shall hold an open record public hearing, and its recommendations shall be based on the recommendations made by the City Development Review Committee (DRC).

The Comprehensive Plan and WMC 17.84.040 require that the Planning Commission consider the Approval Criteria (Comprehensive Plan, Page 1-45 and 1-46) and other factors including provisions in the State Growth Management Act (GMA) and Comprehensive Plan, other plans of the City, the standards in the WMC, ordinances and other City codes, and other factors necessary to protect the public health, safety, convenience, and general welfare. Action must be based on written findings and conclusions.

Per the Comprehensive Plan (Page 1-45), the Comprehensive Plan shall be amended no more frequently than once per calendar year. All amendment proposals shall be considered

concurrently (in a package) by the Planning Commission and City Council so that their cumulative effects can be ascertained. The Schurman Trial Run Trust rezone is one of four Comprehensive Plan amendments being considered in 2013.

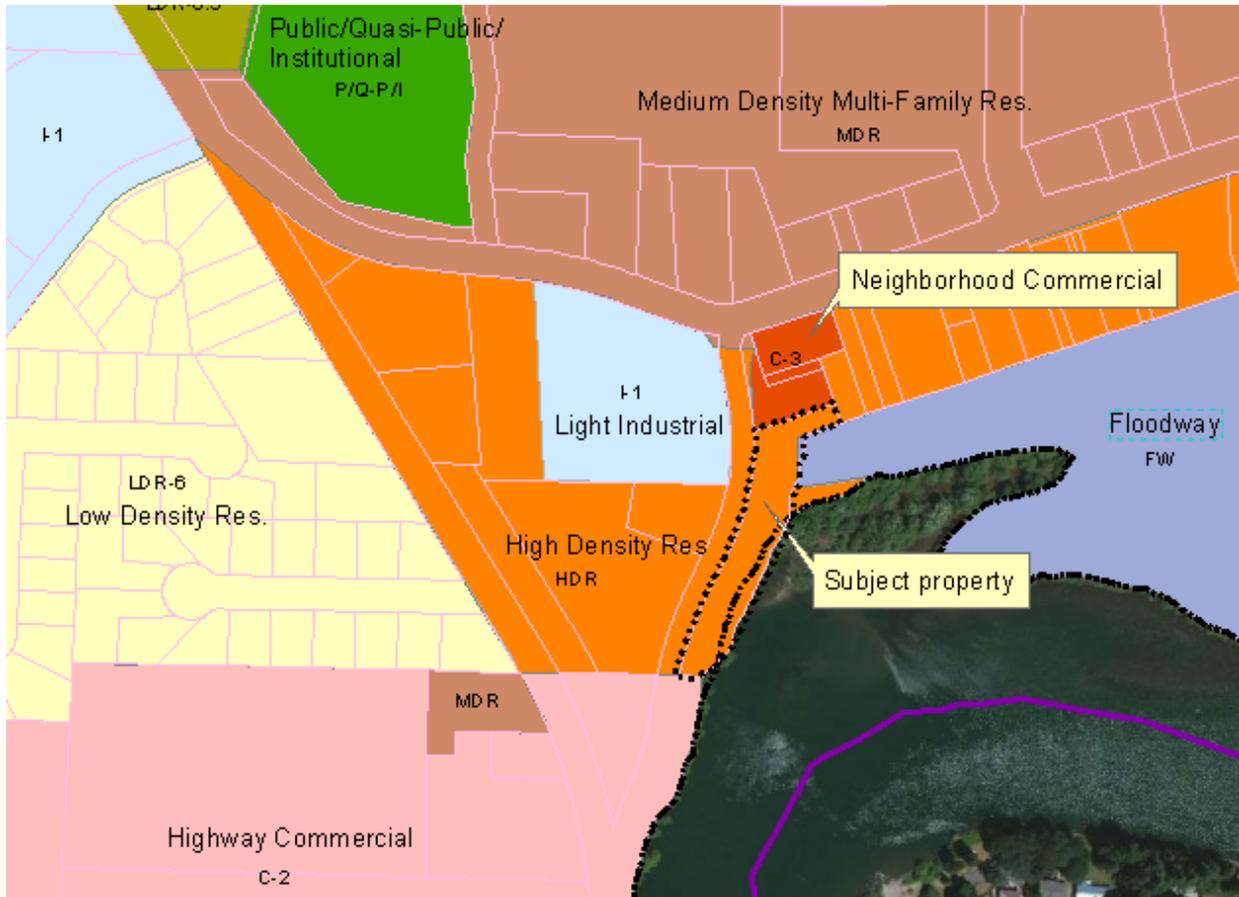


Figure 1. Vicinity map showing the subject area proposed to be rezoned from High Density Residential (HDR) to Highway Commercial (C-2).

IV. APPROVAL CRITERIA AND DRC'S RESPONSE

Proposed amendments shall be reviewed using the following criteria outlined in the Comprehensive Plan, Page 1-45 and 1-46.

1. The proposal is consistent with the provisions of the Growth Management Act (GMA) and will not result in Comprehensive Plan or regulation conflicts.

Staff Response – Satisfied: The applicant submitted a narrative describing how the request is consistent with the GMA and the Woodland Comprehensive Plan.

The proposed amendment has been processed in accordance with the GMA, Comprehensive Plan, and Woodland Municipal Code. Provided that any approved Comprehensive Plan Amendment is followed (concurrently) by a Zoning Map Amendment that is consistent with the new Comprehensive Plan Map designation, plan or regulation conflicts will not exist.

2. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents.

Staff Response – Satisfied: The DRC finds the proposal will likely have no significant adverse impact on sensitive land uses, business or residents. The rezone will be consistent with the property's current use. No additional buildings or structures are proposed as part of this rezone. There is one existing structure on the portion to be rezoned historically used commercially.

The Lewis River and adjacent wetlands exist to the east of the site. Local, state, and federal regulations protect or mitigate development impacts on wetlands and other environmentally sensitive areas. No new development is proposed as part of this rezone; however if any development is proposed in the future, the applicant will be required to produce information on any critical areas on or adjacent to the site and to receive all permit approvals before site work can begin. Whether or not the subject area is rezoned, the presence of critical areas could impact the site design of future projects.

This property abuts land zoned Neighborhood Commercial and land zoned Highway Commercial. The three parcels to the north are currently zoned Neighborhood Commercial. The City has plans to purchase these vacant properties to use for a road project along Lewis River Road and Scott Avenue. Therefore, this commercial land will be unavailable for development.

The City received no comments for or against this proposed rezone.

3. The proposed amendment can be accommodated by all applicable services and facilities, including transportation.

Staff Response – Satisfied: No new development is proposed as part of this rezone. The portion of the property being rezoned already contains a structure commercially used in the past. City services, including water and sanitary sewer, are available at the subject site. If there is future development proposed, new construction will be required to connect to these services. In addition, if future developed is proposed, a Transportation Impact Fee may be assessed.

4. The proposal will help implement the goals, objectives and policies of the Woodland Comprehensive Plan.

Goal E, Page 1-47 – “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.”

Staff Response - Satisfied: The DRC finds that the proposal complies with the goal. Zoning is designed to prevent land use conflicts before they occur by separating incompatible uses. The property abuts both Neighborhood Commercial and Highway

Commercial, and the portion being rezoned has been used commercially in the past. The portion containing the single-family residence will remain High Density Residential.

Goal H, Page 1-47, Bullet 4 - "Developing and securing Woodland's position as the commercial center serving southern Cowlitz County and the recreation trade of the upper Lewis River and Mount Saint Helens area."

Staff Response - Satisfied: A structure historically commercially used already exists on the portion of the site to be rezoned, and no new development is proposed as part of the rezone. The structure has been commercially used for many years. The property is located on Lewis River Road, SR503, which is a main route to the upper Lewis River and Mount Saint Helens recreation areas through Woodland. The proposal is consistent with this goal.

Goal H, Page 1-47, Bullet 1: Encouraging expansion and development of existing industries and businesses in the community.

Staff Response – Satisfied: The structure on the portion to be rezoned has been used commercially for many years. Inquiries for this building have included a restaurant, office space, dog grooming and bakery. Rezoning this portion of the property to allow for more varied commercial uses will help support this goal.

Policy 6 for Commercial Land Uses/Central Business District, Page 1-57 - "Areas classified for commercial use on the Land Use Plan Map should be utilized before other areas are reclassified for commercial use. A market factor may be appropriate to ensure sufficient land and price stability."

Staff Response – Satisfied: This is not bare ground being rezoned from residential to commercial. While Woodland does have a large amount of vacant storefronts and undeveloped commercial property, the rezone of this portion of the property does not conflict with this goal. The structure on site has been used commercially for many years. It is also currently vacant and by rezoning this portion, the building will be open to many more commercial opportunities. No new buildings or structures are proposed as part of this rezone. The three vacant properties to the north currently zoned Neighborhood Commercial are slated to be purchased by the City for a road project along Lewis River Road and Scott Avenue, thus removing the availability of some commercial land in this area.

V. CONCLUSION AND STAFF RECOMMENDATION

The portion of the property to be rezoned contains a structure that has been historically commercially used and is currently vacant. The City has received several inquiries for this property, including a café/restaurant, dog grooming, bakery and office space. As it stands, these are not allowable uses in the High Density Residential zone. In order for the commercial use of the structure to continue and to allow a wider amount of uses, it is sensible to rezone the property from residential to commercial. The proposal meets the goals and policies of the Woodland Comprehensive Plan and all procedural requirements have been met. **The DRC**

recommends approval of this rezone because the proposal supports the provisions of the Woodland Comprehensive Plan.

Attachments

1. Applicant's Narrative
2. Notice of Application & Public Hearing
3. SEPA Determination of Non-Significance
4. Notice of Public Hearing

Attachment to comprehensive plan and zoning amendment.

- I) application fee – attached
- II)
 - 1. Application form - attached
 - 2. Ownership certification - attached
 - 3. not applicable
 - 4. SEPA checklist - completed & signed
 - 5. legal description map and narrative of site - attached.

6. Narrative – reason for request.

This is a nonproject request affecting parcel #5023005. Trial Run Trust (Trust) owns the parcel. The property is for sale or lease and has generated interest as commercial use.

Parcel #5023005 is zoned High Density Residential. Lewis River Road/SR 503 runs through this site, dividing it. The west side of the road is residential. East of the road, 1654 Lewis River Drive, has always been used commercially. The Trust is requesting that this parcel be divided into two separate lots reflecting the natural division created by the road.

The Trust also is requesting that East (river) lot, 1654 Lewis River Road lot be rezoned from High Density Residential to commercial reflecting its historical and highest and best use. Due to the highway and configuration, this lot is not suitable for residential use.

Criteria for Approval

- 1. The proposal is consistent with the provision of the Growth Management Act (GMA) and will not result in comprehensive plan or regulation conflicts.

Response

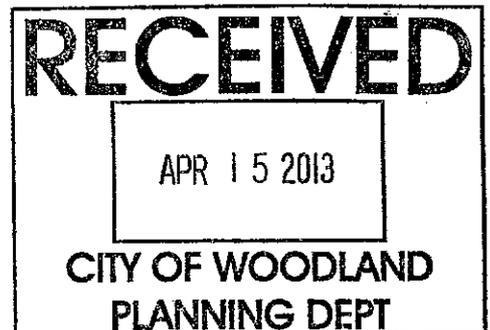
No conflict exists because if approved, the rezone and comp plan amendment would be concurrent.

- 2. The proposal will change the development or use potential of a site for area without creating significant adverse impacts on existing sensitive land uses, business, or residents.

Response:

The request will not change the site's development or use potential on sensitive land or business uses. The rezone will be consistent with the site's current use. In addition, the site is known to be regulated by the Shoreline Management Act and local Critical Areas Ordinance processes for addressing other impacts such as traffic which will be dealt with at the time of development.

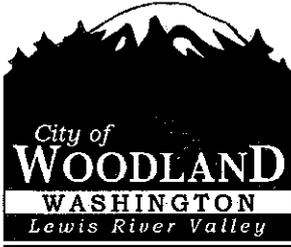
See Back



Environmental Checklist

Page 2 #12 Location of the proposal

Going North out of Woodland, this property begins approximately at the large Maple tree and the Junction of Lewis River road and highway 99. The property runs east of the road along the river and ends approximately at the sharp corner where Scott Hill road intersects with Lewis River Road. There are two residential homes and an industry located across the road from the river, the west side.



Building & Planning Department

P.O. Box 9, 230 Davidson Avenue
Woodland, WA 98674
www.ci.woodland.wa.us
(360) 225-1048 / FAX # (360) 225-7336

NOTICE OF APPLICATION & PUBLIC HEARING

Issue Date: July 26, 2013

Applicant:	Janice Schurman
Property Owner:	Schurman Trial Run Trust
Parcel ID Number:	50235005
Comprehensive Plan Map Designation:	High Density Residential
Zoning Map Designation:	High Density Residential (HDR)
Application Received:	April 15, 2013
Public Hearing:	7:00 PM, August 15, 2013

I. DESCRIPTION OF PROPOSAL

The applicant proposes to amend the Comprehensive Plan Map to change the designation of a portion of the subject property from High Density Residential to Highway Commercial. Concurrent with this proposal is a request to rezone the same portion of the property High Density Residential (HDR) to Highway Commercial (C-2). The 1.23 acre property is currently zoned High Density Residential and has an existing home and existing structure that has been commercially used in the past. The parcel is divided by Lewis River Road. The portion to the west of Lewis River Road, containing the home, would remain HDR. The portion east of Lewis River Road, containing the commercial structure, is proposed to be Highway Commercial. Each portion of the property divided by Lewis River Road can be considered a separate parcel and can be created as such by recording deeds with Cowlitz County.

No specific commercial use is proposed at this time. However, proposed inquiries have included using the space for a café/restaurant (indoor/outdoor), dog grooming, Fish First office space, artist space with outdoor sales and a retail bakery shop.

II. LOCATION OF PROPOSAL

The subject property is located at 1654 Lewis River Road in Woodland, Washington. The portion of the property to be rezoned lies to the east of Lewis River Road.

IV. EXISTING ENVIRONMENTAL DOCUMENTS

1. SEPA Checklist, April 2013

Application materials including the document listed above can be reviewed at the Woodland City Hall Annex, 230 Davidson Avenue, Woodland, WA 98674 or can otherwise be obtained by contacting the City Planning Department.

Comment Period: Any person has the right to comment on the application, receive notice of and participate in the public hearing, and request a copy of the decision once made. Comments must be submitted by mail, fax, or email by **5 p.m. on August 9, 2013 to:**

Responsible Official: Amanda Smeller, Community Development Planner
City of Woodland
203 Davidson Avenue
Woodland, WA 98674
Email: smellera@ci.woodland.wa.us
Phone: (360) 225-1048
Fax: (360) 225-7336

V. PUBLIC HEARING NOTICE

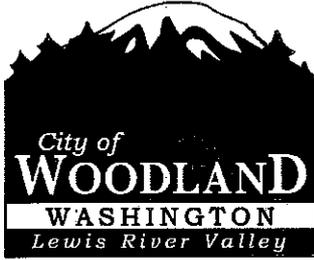
The Woodland Planning Commission will hold a public hearing on this matter at their August 15, 2013 meeting. The Planning Commission will accept testimony and make recommendations to the City Council based on the applicable review criteria. The public hearing will be held as follows:

Date: Thursday, August 15, 2013
Time: 7:00 p.m.
Location: Woodland City Council Chambers, 100 Davidson Ave, Woodland, WA

Date: July 26, 2013

Signature: 

Published in the Reflector: July 31, 2013



DETERMINATION OF NON-SIGNIFICANCE (DNS)

Date of Issuance: July 26, 2013
Lead Agency: City of Woodland, WA
Project Title: Schurman Trial Run Trust
Comprehensive Plan Map Amendment and Rezone
Land Use No.: 213-914/CMA/ZMA/SEPA

Applicant: Janice Schurman
Property Owner: Schurman Trial Run Trust
Parcel ID Number: 507870101
Comprehensive Plan Map Designation: High Density Residential
Zoning Map Designation: High Density Residential (HDR)
Application Received: April 15, 2013
Public Hearing: 7:00 PM, August 15, 2013

I. DESCRIPTION OF PROPOSAL

The applicant proposes to amend the Comprehensive Plan Map to change the designation of a portion of the subject property from High Density Residential to Highway Commercial. Concurrent with this proposal is a request to rezone the same portion of the property High Density Residential (HDR) to Highway Commercial (C-2). The 1.23 acre property is currently zoned High Density Residential and has an existing home and existing structure that has been commercially used in the past. The parcel is divided by Lewis River Road. The portion to the west of Lewis River Road, containing the home, would remain HDR. The portion east of Lewis River Road, containing the commercial structure, is proposed to be Highway Commercial. Each portion of the property divided by Lewis River Road can be considered a separate parcel and can be created as such by recording deeds with Cowlitz County.

No specific commercial use is proposed at this time. However, proposed inquiries have included using the space for a café/restaurant (indoor/outdoor), dog grooming, Fish First office space, artist space with outdoor sales and a retail bakery shop.

II. LOCATION OF PROPOSED DEVELOPMENT

The subject property is located at 1654 Lewis River Road in Woodland, Washington. The portion of the property to be rezoned lies to the east of Lewis River Road.

III. LEAD AGENCY:

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21c.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request by contacting the responsible official.

This DNS is issued under WAC 197-11-340; the lead agency will not act on this proposal for 14 days from the date below. Comment must be submitted by 5:00 p.m. on August 14, 2013.

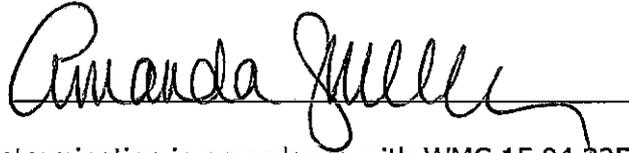
Responsible official:

City of Woodland
Building and Planning Department
c/o Amanda Smeller
230 Davidson Ave., PO Box 9
Woodland, WA 98674

Email: smellera@ci.woodland.wa.us
Fax: 360-225-7336

Date: July 26, 2013

Signature:



Any person may appeal this threshold determination in accordance with WMC 15.04.225 and then by filing such appeal in writing with the Clerk-Treasurer for the City of Woodland, WA, for service to the SEPA responsible official within fourteen (14) calendar days of the SEPA determination being final or by August 28, 2013 (WAC 197-11-680(3)(vii)).

Appeals must be submitted no later than 5:00 P.M. on August 28, 2013.

Published in *The Reflector*: July 31, 2013

Exhibits:

1. Vicinity Map
2. SEPA Distribution List
3. SEPA Checklist

cc:
Janice Schurman
Property owners within 300 feet
Planning Commission
Department Heads

Mayor
City Council
Post Site (2)
City Website
The Reflector, July 31, 2013 Edition

Distribution List for: DNS

Date of Issuance: July 26, 2013

Lead Agency: City of Woodland, WA

Project Title: Schurman Trial Run Trust Comprehensive Plan Map Amendment & Rezone

Land use Application #: 213-914.CPMA.ZMA.SEPA

Audrey Shaver, Cowlitz County Health Dept., shavera@co.cowlitz.wa.us
Bob Ziegler, DFW, Habitat Program, SEPAdesk@dfw.wa.gov
Cowlitz Indian Tribe, Cowlitz Indian Tribe Permit Review, permitreview@cowlitz.org
Dave Burlingame, Cowlitz Indian Tribe, culture@cowlitz.org
George Fornes DFW, Habitats & Special Biologist, george.fornes@dfw.wa.gov
Gretchen Kaehler, Dept of Archaeology & Historic Preservation, gretchen.kaehler@dahp.wa.gov
Holly Williamson, PB Olympic Pipeline, Field Project Coordinator, holly.williamson@pb.com
Jeff Barsness, DOT Engineering Services, barsnej@wsdot.wa.gov
Jennifer Keene, CWCOG, jkeene@cwco.org
Jennifer Kelly, Pacific Corp, jennifer.kelly@pacificcorp.com
Ken Burgstahler, WSDOT, Highway Division, burgskt@wsdot.wa.gov
Kent Cash, Cowlitz County Public Works, cashk@co.cowlitz.wa.us
Kevin Gray, Clark County Environmental Services, kevin.gray@clark.wa.gov
Nick Little, Cowlitz County Building & Planning, little@co.cowlitz.wa.us
Patrick Harbison, Cowlitz County PW, Stormwater Engineer, harbisonp@co.cowlitz.wa.us
Review Team, Dept of Commerce, Growth Management Services,
reviewteam@commerce.wa.gov
Scot Walstra, Cowlitz County EDC, walstra@cowlitzedc.com
SEPA Center, DNR, sepacenter@dnr.wa.gov
SEPA Unit, DOE SEPA Coordinator, separegister@ecy.wa.gov
Dept. of Health, Program Services, stephanie.mcgin@doh.wa.gov
Scott Patterson, CWCOG, scott.patterson@cwco.org
Steve West, DFW, Habitat Biologist, Steve.West@dfw.wa.gov
Ted Sprague, Cowlitz County EDC, sprague@cowlitzedc.com
Teegan Steen, Woodland School District, steent@woodlandschools.org
Terri Brooks, Clark County Community Development, terri.brooks@clark.wa.gov
Terry McLaughlin, Cowlitz County Assessor, mclaughlint@co.cowlitz.wa.us
Tina Hallock, SW Clean Air Agency, tina@swcleanair.org

NOTICE OF PUBLIC HEARING

Before the City of Woodland Planning Commission

COMPREHENSIVE PLAN MAP & TEXT CHANGES ZONING MAP CHANGES

The Woodland Planning Commission will hold a public hearing at their **September 19, 2013** meeting to consider changes to the Comprehensive Plan Map and Text. The Planning Commission will accept testimony and make recommendations to the City Council. Date, time, and location are as follows:

Date: Thursday, September 19, 2013
Time: 7:00 p.m.
Location: Woodland City Council Chambers, 100 Davidson Ave, Woodland, WA 98674

Public Hearing Topics:

- **Liberty Evans Rezone Request:** To rezone a 3.4 acre portion of a 26.9 acre property from Light Industrial to Highway Commercial. (Parcel No.: 507870101)
- **Schurman Trial Run Trust Rezone Request:** To rezone a portion of a 1.2 acre property from High Density Residential to Highway Commercial (Parcel No.: 50235005)
- **City of Woodland Rezone Request:** To rezone five parcels to Public/Quasi-Public/Institutional (Parcel Nos.: 50626, 50623, 5062302, 508800100, and 508990100)
- **Auto-Oriented Uses within the C-1 Zoning District:** Text change to allow for auto-oriented businesses/uses within the Central Business District.

The associated documents are available for review at the City Hall Annex, Planning Department, 230 Davidson Avenue, Woodland, Washington. You can also obtain information by contacting Amanda Smeller at 360-225-1048 or smellera@ci.woodland.wa.us.

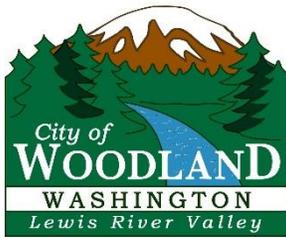
Any interested person that desires to express his or her views either for or against the proposed amendments is invited to attend the hearings. Written comments can also be submitted by mail, email, or in person **by 5:00 p.m., September 18, 2013** to:

Amanda Smeller, Community Development Planner
City of Woodland
230 Davidson Avenue, PO Box 9
Woodland, WA 98674
Email: smellera@ci.woodland.wa.us

cc: Planning Files: 213-921, 213-914, 213-922, 213-916
Liberty Evans (Mark Fleischauer – email)
Skip Urling
Schurman Trial Run Trust (Janice Schurman – email)
City Website
City Hall (Post)
City Hall Annex (Post)
Post Office (Post)
Library (Post)
Sites
City Council (7)
Mayor
Planning Commission (5)
Department Heads
09/04/2013 Reflector

Those who have expressed interest

- Darlene Johnson (email)
- Judy Grant (email)
- Jim Chumbley (email)
- Dale Brown, USNR (email)
- Tina Clayton, USNR (email)
- Dave Lester (email)



Building & Planning
P.O. Box 9, 230 Davidson Avenue
Woodland, WA 98674
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**Woodland Planning Commission – Staff Report
Comprehensive Plan Amendment and Concurrent Rezone**

Project Name:	City of Woodland Comprehensive Plan Amendment and Rezone Request
Land Use Application No.:	#212-922.CMA.ZMA.SEPA
Applicant:	Bart Stepp, City of Woodland Public Works Director
Property Owner:	City of Woodland
Parcel ID Nos.:	50623, 50626, 5062302, 508800100, 508990100
Location:	Parcels 50623 and 50626 are located at 300 E Scott Avenue in Woodland, Washington. Parcel 5062302 is located at 200 E Scott Avenue in Woodland, Washington. Parcel 508800100 is a vacant, unaddressed parcel located in Township 5 North, Range 1 West, Sections 12 & 13 East, and Township 5 North, Range 1 East, Section 7, Willamette Meridian. Parcel 508990100 is an unaddressed, vacant parcel located in Township 5 North, Range 1 West, Section 13, Willamette Meridian.
Parcel Size:	50623: 2.82 acres; 50626: .22 acres; 5062302: 2.43 acres; 508990100: 1.54 acres; 508800100: 44.14 acres
Existing Comprehensive Plan Map Designation:	50623, 50626, and 5062302: Light Industrial 508800100 and 508990100: Low Density Residential
Existing Zoning Designation:	50623, 50626, and 5062302: Light Industrial (I-1) 508800100 and 508990100: Low Density Residential (LDR7.2)
Application Submitted:	July 18, 2013
Notice of Application:	July 26, 2013
SEPA Threshold Determination:	DNS issued July 26, 2013
Comment Period Ends:	August 14, 2013
SEPA Appeal Period Ends:	August 28, 2013
60-day Dept. of Commerce Notice Issued:	July 26, 2013
Planning Commission Public Hearing:	September 19, 2013

I. DESCRIPTION OF PROPOSAL

The City of Woodland is proposing to amend the Comprehensive Plan Map to change the designation of five subject properties. Three of the parcels (50623, 50626, and 5062302) have a current Comprehensive Plan Designation of Light Industrial. The remaining two parcels (508800100 and 508990100) have a designation of Low Density Residential. The City is seeking

to amend the Comprehensive Plan Map for all five parcels to be designated Public/Quasi-Public/Institutional. Concurrent with the proposal is a request to rezone parcels 50623, 50626, and 5062302 from Light Industrial (I-1) to Public/Quasi-Public/Industrial (PQPI) and to rezone parcels 508800100 and 508990100 from Low Density Residential (LDR) to Public/Quasi-Public/Institutional (PQPI).

Parcel 5062302 is where the new City of Woodland Police Station is currently under construction. Parcel 50263 contains the existing Public Works Department building. Government buildings, including police and fire stations, are permitted uses within the PQPI zoning district. A new fire station will be located adjacent to the police station in the future.

A future public park and recreation complex are proposed on parcels 508800100 and 508990100.

Table 1 Subject Property Site Characteristics Parcels: 50623, 50626, and 5062302	
Surrounding Land Uses	North: Developed and undeveloped light industrial properties South: Developed residential properties West: Developed and undeveloped light industrial properties East: Developed and undeveloped residential properties; right-of-way
Surrounding Zoning	North: Light Industrial (I-1) South: Low Density Residential (LDR) West: Light Industrial (I-1) East: Low Density Residential (LDR) & Medium Density Residential (MDR)
Site Topography & Critical Areas	The site is relatively flat and is located in FEMA floodplain B. There are no streams within 250' of the subject properties. There is a PSSC wetland within 85' off the northwestern corner of parcel #50623.
Street Classification	Scott Avenue is a Collector.
Water	City Service is available within E. Scott Avenue and Old Pacific Highway
Sanitary Sewer	City Service is available within E. Scott Avenue.

Table 2 Subject Property Site Characteristics Parcels: 508800100 and 508990100	
Surrounding Land Uses	North: Developed and undeveloped residential properties / baseball field / unincorporated Cowlitz County South: Developed and undeveloped residential properties / City of Woodland public utility structures West: Developed and undeveloped residential properties East: Developed and undeveloped residential properties / unincorporated Cowlitz County
Surrounding Zoning	North: Unincorporated Cowlitz County South: Low Density Residential (LDR); Unzoned (UZ) West: Low Density Residential (LDR); Unincorporated Cowlitz County East: Low Density Residential (LDR)
Site Topography & Critical Areas	According to GIS maps, there is a fish-bearing water body and fish-bearing stream to the east of the subject properties. There is also an unclassified stream to the northeast of the subject properties and one in the western central portion. The properties are surrounded by areas of potentially unstable slopes and inactive slides. The eastern portion of the subject properties are covered by potentially unstable slopes and inactive slides. There are also areas along the eastern portions of the properties that have higher slopes.
Street Classification	Scott Hill Road: Local Access Meriwether Lane: Local Access

II. PROCEDURAL REQUIREMENTS

All procedural requirements of RCW 36.70A, RCW 36.70B, and the Woodland Municipal Code (WMC) have been met.

III. REVIEW AUTHORITY

Per WMC 19.08.030, the City Council shall approve or deny the applications for Comprehensive Plan Map Amendments and Rezone applications based on the recommendations made by the City Planning Commission. The Planning Commission shall hold an open record public hearing, and its recommendations shall be based on the recommendations made by the City Development Review Committee (DRC).

The Comprehensive Plan and WMC 17.84.040 require that the Planning Commission consider the Approval Criteria (Comprehensive Plan, Page 1-45 and 1-46) and other factors including provisions in the State Growth Management Act (GMA) and Comprehensive Plan, other plans of the City, the standards in the WMC, ordinances and other City codes, and other factors necessary to protect the public health, safety, convenience, and general welfare. Action must be based on written findings and conclusions.

Per the Comprehensive Plan (Page 1-45), the Comprehensive Plan shall be amended no more frequently than once per calendar year. All amendment proposals shall be considered concurrently (in a package) by the Planning Commission and City Council so that their cumulative effects can be ascertained. The City of Woodland rezone is one of four Comprehensive Plan amendments being considered in 2013.

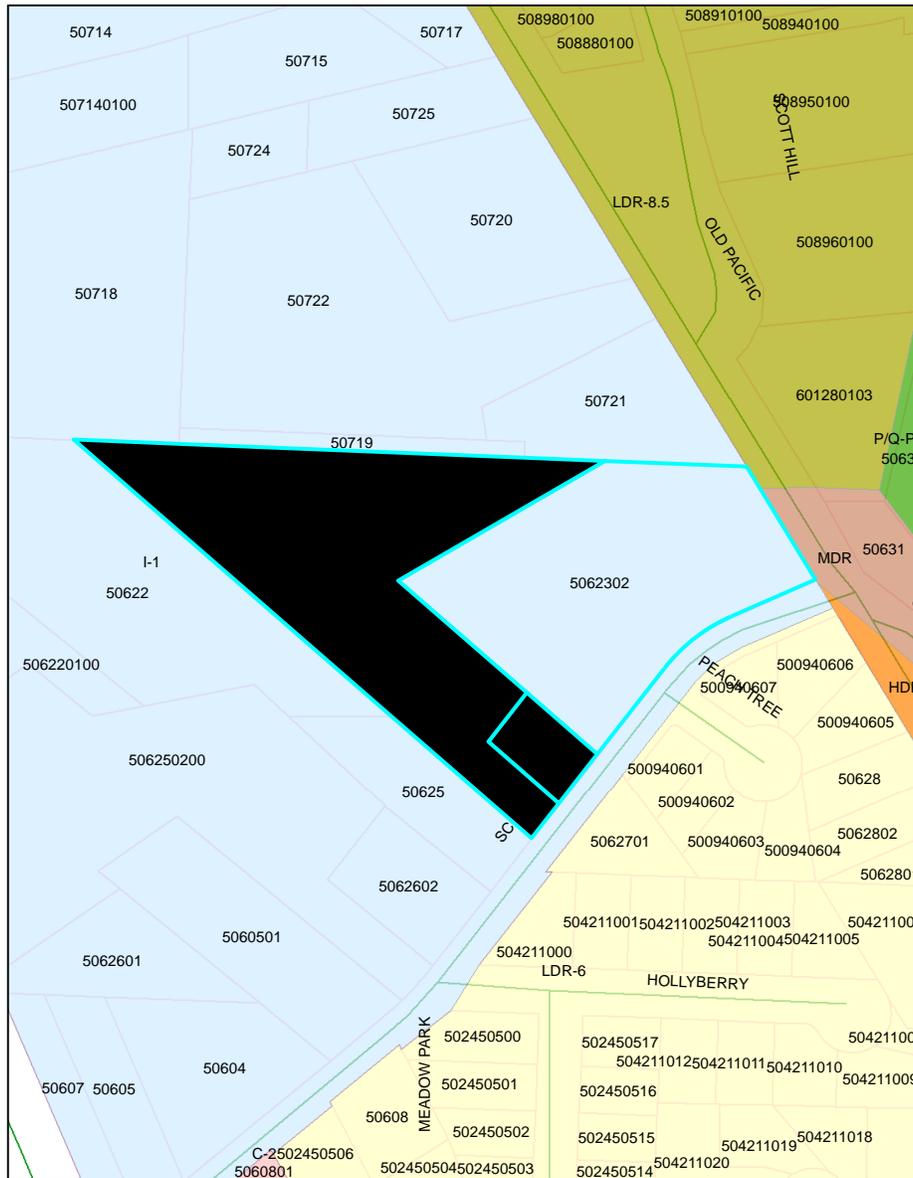


Figure 1. Vicinity map showing the subject area properties (50623, 5062302, and 50626) which will be rezoned from Light Industrial to Public/Quasi-Public/Public/Institutional.

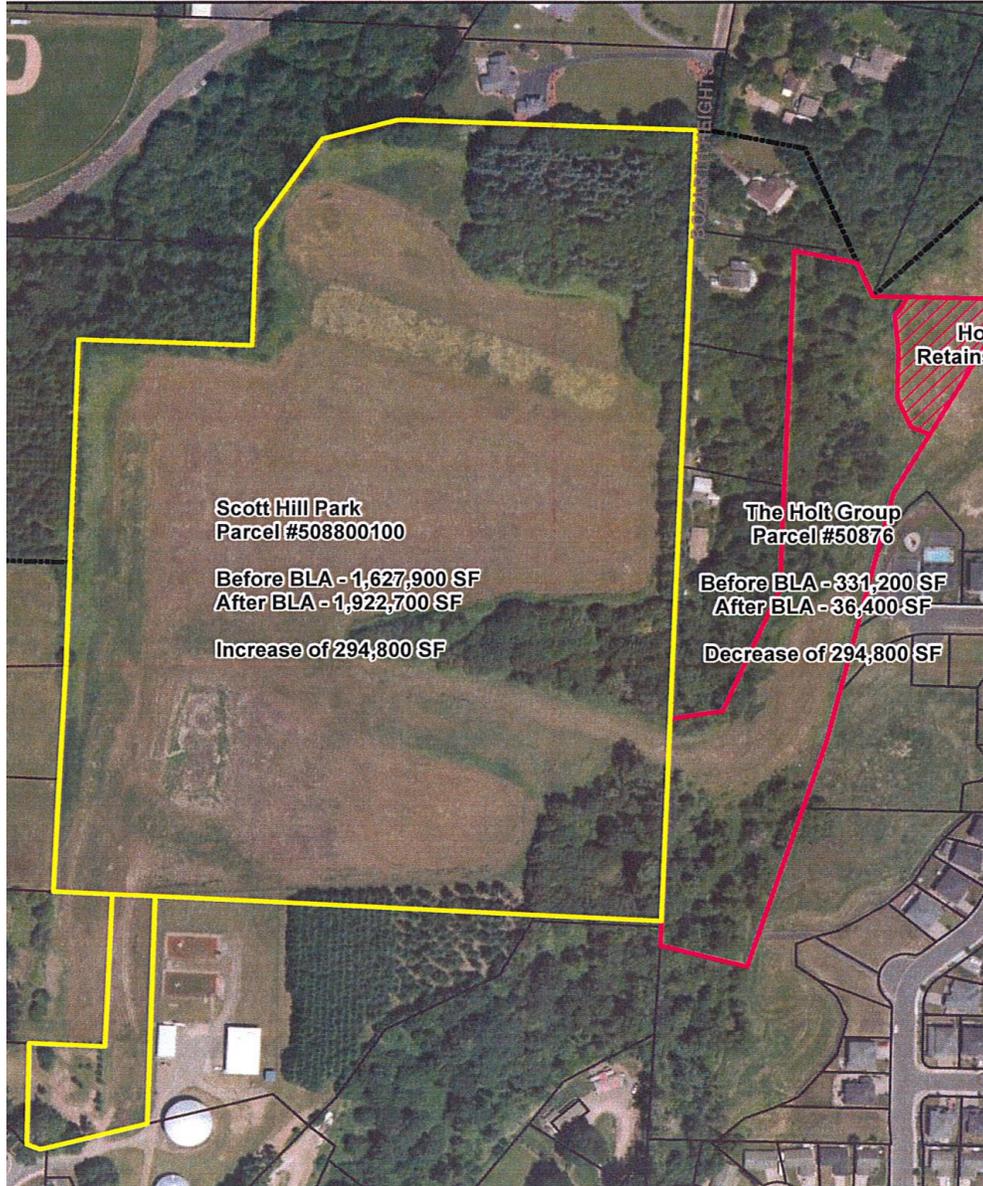


Figure 2. Vicinity map showing the subject area properties (508800100 and 508990100) which will be rezoned from Low Density Residential to Public/Quasi-Public/Institutional.

IV. APPROVAL CRITERIA AND DRC'S RESPONSE

Proposed amendments shall be reviewed using the following criteria outlined in the Comprehensive Plan, Page 1-45 and 1-46.

- 1. The proposal is consistent with the provisions of the Growth Management Act (GMA) and will not result in Comprehensive Plan or regulation conflicts.**

Staff Response – Satisfied: The proposed amendment has been processed in accordance with the GMA, Comprehensive Plan, and Woodland Municipal Code. Provided that any

approved Comprehensive Plan Amendment is followed (concurrently) by a Zoning Map Amendment that is consistent with the new Comprehensive Plan Map designation, plan or regulation conflicts will not exist.

2. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents.

Staff Response – Satisfied: Parcels 50626, 50623, and 5062302: The DRC finds that the proposal will not have a significant impact on existing sensitive land uses, business or residents. These three parcels are currently zoned Light Industrial and are proposed to change to Public/Quasi-Public/Institutional. The Public Works Office is currently on parcel 50623 and the new police station is being constructed on parcel 5062302. There are two existing other industrial/storage structures on the subject sites as well. There are no critical areas on any of these three parcels. Parcel 5062302 was reviewed for critical area and other impacts during the Site Plan Review for the new police station and any impacts were either not identified or were mitigated for. The proposed rezone and current/future uses of the properties will not have negative impacts on either businesses or residents. Residents will benefit from an improved police station and future fire station.

Parcels 508800100 and 508990100: The DRC finds that the rezone proposal will not have a significant impact on existing sensitive land uses, business or residents. These parcels are currently zoned Low Density Residential, and are mostly surrounded by developed and undeveloped residential properties. While maps show fish-bearing streams in the eastern portion of the subject properties and areas of potentially unstable slopes, these items will be mitigated for when the future park/recreation center proposal is made. The rezone will not have a negative impact on businesses or residents. The future park/recreation center use will be a benefit to residents.

The City received no comments for or against this proposed rezone.

3. The proposed amendment can be accommodated by all applicable services and facilities, including transportation.

Staff Response – Satisfied: Parcels 50626, 50623, and 5062302: These parcels are mostly already developed or are in the process of being developed. The properties either already have water and sewer service, or have the potential to be served from Scott Avenue. These parcels are served by existing roads.

Parcels 508800100 and 508990100: These parcels are currently undeveloped, and are not currently served by City sewer and water.

4. The proposal will help implement the goals, objectives and policies of the Woodland Comprehensive Plan.

Goal A(3), Land Use, Page 1-46 – “Neighborhood Conservation: Achieve a well-balanced and well-organized combination of open space, commercial, industrial, recreation, and public uses served by a convenient and efficient transportation network while protecting the fabric and character of residential neighborhoods.”

Staff Response – Satisfied: The City of Woodland does not currently have a large amount of Public/Quasi-Public/Institutional zoned land. What land is zoned PQPI contains existing and under construction schools, a cemetery, a public park and an undeveloped parcel along Lewis River. Parks and recreation uses are compatible with residential uses.

The parcels along Scott Avenue which currently contain the Public Works Office, the under construction police station and the future fire station about residential and industrial lands, both developed and undeveloped. Government and public buildings can be compatible with residential uses. These properties are served by existing public roads, City water and City sewer.

Rezoning these parcels to PQPI meets this goal of the Comprehensive Plan because the parcels will be used for essential and recreational public services, which are compatible with residential uses, and enhance the fabric and character of these neighborhoods. Also, the increase of public open and recreational space specifically meets this goal.

Goal E, Land Use, Page 1-47 – “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.”

Staff Response – Satisfied: DRC finds that the proposal is consistent with this goal. Zoning is designed to prevent land use conflicts before they occur by separating incompatible uses. A future proposal for a public park and recreation complex on parcels 508800100 and 508990100 is consistent with the surrounding residential uses. Parcels 50623, 50626, and 5062302 which contain the existing Public Works office, the police station under construction, and the future new fire station are compatible with surrounding residential uses, and industrial uses.

Goal H(3), Land Use, Page 1-47: “Ensuring that the public facilities and services necessary to attract and support economic development are available and adequate.”

Staff Response – Satisfied: Creating a new public park and recreation complex will help attract visitors to the City, and may help attract additional residents. All people attracted to the City help bring economic advantages. There are several new housing developments being constructed in Woodland, and more proposed. Residents enjoy a close, neighborhood park and recreation opportunity. In addition, having an updated and expanded police station will help residents and visitors feel safer and give them better access to public services. The future new fire station will do the same.

Policy 11, Public Facilities, Page 1-51: “The city will continue to enhance the levels of police and fire protection, ambulance and emergency response, public library, and

solid waste collection services available to city residents.”

Staff Response – Satisfied: The five parcels being rezoned either contain or will contain public facilities including a new police station, a future new fire station, and a new public park and recreation complex. The existing police and fire stations are in older, smaller buildings. New facilities will be larger and more accessible for employees and the public. A proposed future public park and recreation complex will be available to all city residents and visitors.

Parks and Recreation Element:

Goal 3: Provide a variety of parks and landscaped open space areas and recreation opportunities throughout Woodland.

Goal 6: Create and preserve park and recreation opportunities for all residents within the City of Woodland and surrounding areas.

Staff Response – Both goals are satisfied: As stated previously, the City of Woodland does not have a large amount of PQPI zoned property, and there are only a few parks in the City. Horseshoe Lake Park is very popular with residents and visitors alike. Creating a new public park and recreation complex will provide residents and visitors a new place to go and use for outdoor space.

Capital Facilities & GMA Element:

Public facilities and services, including law enforcement, fire protection and public parks and recreational facilities, are one of 13 goals of the Growth Management Act. GMA specifies that “urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such a development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources.”

Staff Response – Satisfied: The creation of a new public park and recreation complex meets this goal of the Growth Management Act, as does the expansion and updating of the police and fire stations.

Woodland’s 2005 Comprehensive Plan laid out the 6 and 20 year Capital Facilities Projects which included a new public safety building and fire station.

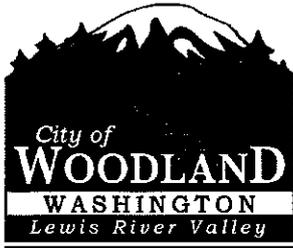
V. CONCLUSION AND STAFF RECOMMENDATION

Given the current and future use of these five parcels, it is sensible to rezone them to Public/Quasi-Public/Institutional. Government buildings, including police and fire stations, and public parks and/or publicly owned recreational facilities (i.e. community swimming pool, tennis courts, skate parks) are permitted primary uses within the PQPI zoning district. If the parcels are not rezoned, the Scott Hill Park project, proposed for parcels 508800100 and 508990100, would have to be approved through a Conditional Use before the Hearing Examiner. Any future modifications/expansions to the project would require a modified Conditional Use review. Police and fire stations are permitted uses within the Light Industrial zone; however all future uses of these three parcels (50626, 50623, and 5062302) will be public and government buildings.

The proposed rezone is consistent with the goals and policies of the Woodland Comprehensive Plan. It meets the criteria outlined above for a Comprehensive Plan Map Amendment and concurrent Rezone. **The DRC recommends approval of this rezone because the proposal supports the provisions of the Woodland Comprehensive Plan.**

Attachments:

- 1: Notice of Application & Public Hearing**
- 2: SEPA Determination of Non-Significance**
- 3: Notice of Public Hearing**



Building & Planning Department

P.O. Box 9, 230 Davidson Avenue
Woodland, WA 98674
www.ci.woodland.wa.us
(360) 225-1048 / FAX # (360) 225-7336

NOTICE OF APPLICATION & PUBLIC HEARING

Issue Date: July 26, 2013

Applicant:	City of Woodland
Property Owner:	City of Woodland
Parcel ID Numbers:	50626, 50623, 5062302 508800100, 508990100
Comprehensive Plan Map Designation:	Light Industrial Low Density Residential
Zoning Map Designation:	Light Industrial (L-1) Low Density Residential (LDR7.2)
Application Received:	July 18, 2013
Public Hearing:	7:00 PM, August 15, 2013

I. DESCRIPTION OF PROPOSAL

The City of Woodland is proposing to amend the Comprehensive Plan Map to change the designation of five subject properties. Three of the parcels (50623, 50626 and 5062302) have a current Comprehensive Plan Designation of Light Industrial. The remaining two parcels (508800100 and 508990100) have a designation of Low Density Residential. The City is seeking to amend the Comprehensive Plan Map for all five parcels to be designated Public/Quasi-Public/Institutional. Concurrent with the proposal is a request to rezone parcels 50623, 50626, and 5062302 from Light Industrial (L-1) to Public/Quasi-Public/Institutional and to rezone parcels 508800100 and 508990100 from Low Density Residential (LDR) to Public/Quasi-Public/Institutional (PQPI).

Parcel 5062302 is where the new City of Woodland Police Station is currently under construction. Parcel 50623 contains the existing Public Works Department building. Government buildings, including police and fire stations, are permitted uses within the PQPI zoning district. A new fire station will be located adjacent to the police station in the future.

A future public park and recreation center is proposed on parcels 508800100 and 508990100.

II. LOCATION OF PROPOSAL

Parcels 50623 and 50626 are located at 300 E Scott Avenue in Woodland, Washington. Parcel 5062302 is located at 200 E Scott Avenue in Woodland, Washington. Parcel 508800100 is a vacant, unaddressed parcel located in Township 5 North, Range 1 West, Sections 12 & 13 East, and Township 5 North, Range 1 East, Section 7, Willamette Meridian. Parcel 508990100 is an unaddressed, vacant parcel located in Township 5 North, Range 1 West, Section 13, Willamette Meridian.

IV. EXISTING ENVIRONMENTAL DOCUMENTS

1. SEPA Checklist, July 2013

Application materials including the document listed above can be reviewed at the Woodland City Hall Annex, 230 Davidson Avenue, Woodland, WA 98674 or can otherwise be obtained by contacting the City Planning Department.

Comment Period: Any person has the right to comment on the application, receive notice of and participate in the public hearing, and request a copy of the decision once made. Comments must be submitted by mail, fax, or email by **5 p.m. on August 9, 2013 to:**

Responsible Official: Amanda Smeller, Community Development Planner
City of Woodland
203 Davidson Avenue
Woodland, WA 98674
Email: smellera@ci.woodland.wa.us
Phone: (360) 225-1048
Fax: (360) 225-7336

V. PUBLIC HEARING NOTICE

The Woodland Planning Commission will hold a public hearing on this matter at their August 15, 2013 meeting. The Planning Commission will accept testimony and make recommendations to the City Council based on the applicable review criteria. The public hearing will be held as follows:

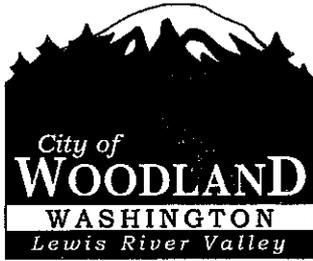
Date: Thursday, August 15, 2013
Time: 7:00 p.m.
Location: Woodland City Council Chambers, 100 Davidson Ave, Woodland, WA

Date: July 26, 2013

Signature: _____



Published in the Reflector: July 31, 2013



DETERMINATION OF NON-SIGNIFICANCE (DNS)

Date of Issuance: July 26, 2013
Lead Agency: City of Woodland, WA
**Project Title: City of Woodland Comprehensive Plan
Map Amendment and Rezone**
Land Use No.: 213-922/CMA/ZMA/SEPA

Applicant: City of Woodland

Property Owner: City of Woodland

Parcel ID Numbers: 50623, 50626, 5062302
508800100, 508990100

Comprehensive Plan Map Designation: Light Industrial
Low Density Residential

Zoning Map Designation: Light Industrial (L-1)
Low Density Residential (LDR7.2)

Application Received: July 18, 2013

Public Hearing: 7:00 PM, August 15, 2013

I. DESCRIPTION OF PROPOSAL

The City of Woodland is proposing to amend the Comprehensive Plan Map to change the designation of five subject properties. Three of the parcels (50623, 50626 and 5062302) have a current Comprehensive Plan Designation of Light Industrial. The remaining two parcels (508800100 and 508990100) have a designation of Low Density Residential. The City is seeking to amend the Comprehensive Plan Map for all five parcels to be designated Public/Quasi-Public/Institutional. Concurrent with the proposal is a request to rezone parcels 50623, 50626, and 5062302 from Light Industrial (L-1) to Public/Quasi-Public/Institutional and to rezone parcels 508800100 and 508990100 from Low Density Residential (LDR) to Public/Quasi-Public/Institutional (PQPI).

Parcel 5062302 is where the new City of Woodland Police Station is currently under construction. Parcel 50623 contains the existing Public Works Department building. Government buildings, including police and fire stations, are permitted uses within the PQPI zoning district. A new fire station will be located adjacent to the police station in the future.

A future public park and recreation center is proposed on parcels 508800100 and 508990100.

II. LOCATION OF PROPOSAL

Parcels 50623 and 50626 are located at 300 E Scott Avenue in Woodland, Washington. Parcel 5062302 is located at 200 E Scott Avenue in Woodland, Washington. Parcel 508800100 is a vacant, unaddressed parcel located in Township 5 North, Range 1 West, Sections 12 & 13 East, and Township 5 North, Range 1 East, Section 7, Willamette Meridian. Parcel 508990100 is an unaddressed, vacant parcel located in Township 5 North, Range 1 West, Section 13, Willamette Meridian.

III. LEAD AGENCY:

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21c.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request by contacting the responsible official.

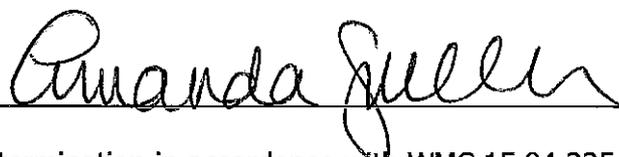
This DNS is issued under WAC 197-11-340; the lead agency will not act on this proposal for 14 days from the date below. Comment must be submitted by 5:00 p.m. on August 14, 2013.

Responsible official:

City of Woodland
Building and Planning Department
c/o Amanda Smeller
230 Davidson Ave., PO Box 9
Woodland, WA 98674

Email: smellera@ci.woodland.wa.us
Fax: 360-225-7336

Date: July 26, 2013

Signature: 

Any person may appeal this threshold determination in accordance with WMC 15.04.225 and then by filing such appeal in writing with the Clerk-Treasurer for the City of Woodland, WA, for service to the SEPA responsible official within fourteen (14) calendar days of the SEPA determination being final or by August 28, 2013 (WAC 197-11-680(3)(vii)).

Appeals must be submitted no later than 5:00 P.M. on August 28, 2013.

Published in *The Reflector*: July 31, 2013

Exhibits:

1. Vicinity Map
2. SEPA Distribution List
3. SEPA Checklist

cc:
City of Woodland
Property owners within 300 feet
Planning Commission
Department Heads

Mayor
City Council
Post Site (2)
City Website
The Reflector, July 31, 2013 Edition

NOTICE OF PUBLIC HEARING

Before the City of Woodland Planning Commission

COMPREHENSIVE PLAN MAP & TEXT CHANGES ZONING MAP CHANGES

The Woodland Planning Commission will hold a public hearing at their **September 19, 2013** meeting to consider changes to the Comprehensive Plan Map and Text. The Planning Commission will accept testimony and make recommendations to the City Council. Date, time, and location are as follows:

Date: Thursday, September 19, 2013
Time: 7:00 p.m.
Location: Woodland City Council Chambers, 100 Davidson Ave, Woodland, WA 98674

Public Hearing Topics:

- **Liberty Evans Rezone Request:** To rezone a 3.4 acre portion of a 26.9 acre property from Light Industrial to Highway Commercial. (Parcel No.: 507870101)
- **Schurman Trial Run Trust Rezone Request:** To rezone a portion of a 1.2 acre property from High Density Residential to Highway Commercial (Parcel No.: 50235005)
- **City of Woodland Rezone Request:** To rezone five parcels to Public/Quasi-Public/Institutional (Parcel Nos.: 50626, 50623, 5062302, 508800100, and 508990100)
- **Auto-Oriented Uses within the C-1 Zoning District:** Text change to allow for auto-oriented businesses/uses within the Central Business District.

The associated documents are available for review at the City Hall Annex, Planning Department, 230 Davidson Avenue, Woodland, Washington. You can also obtain information by contacting Amanda Smeller at 360-225-1048 or smellera@ci.woodland.wa.us.

Any interested person that desires to express his or her views either for or against the proposed amendments is invited to attend the hearings. Written comments can also be submitted by mail, email, or in person **by 5:00 p.m., September 18, 2013** to:

Amanda Smeller, Community Development Planner
City of Woodland
230 Davidson Avenue, PO Box 9
Woodland, WA 98674
Email: smellera@ci.woodland.wa.us

cc: Planning Files: 213-921, 213-914, 213-922, 213-916
Liberty Evans (Mark Fleischauer – email)
Skip Urling
Schurman Trial Run Trust (Janice Schurman – email)
City Website
City Hall (Post)
City Hall Annex (Post)
Post Office (Post)
Library (Post)
Sites
City Council (7)
Mayor
Planning Commission (5)
Department Heads
09/04/2013 Reflector

Those who have expressed interest

- Darlene Johnson (email)
- Judy Grant (email)
- Jim Chumbley (email)
- Dale Brown, USNR (email)
- Tina Clayton, USNR (email)
- Dave Lester (email)

Auto-Oriented Uses in the Central Business District (C-1)

Date: September 5, 2013

To: Planning Commission

From: Amanda Smeller, Community Development Planner

Re: Auto-Oriented Uses in the C-1 District

BACKGROUND:

In April 2013, the City Council moved to initiate a Comprehensive Plan Text Amendment to allow auto-oriented uses, specifically drive-through facilities, in the Central Business District (C-1).

During the June 2013 Planning Commission meeting, staff and the commission discussed the different options in regards to auto-oriented uses. A basic Comprehensive Plan text change is proposed which eliminates the wording which discourages auto-oriented uses downtown. The commission expressed concern with allowing drive-through facilities in this zone with regards to traffic impacts, impacts on bicyclists/pedestrians and design standards.

Additional information was provided to the Planning Commission during the July 2013 meeting in regards to transportation impacts/mitigation options, health downtown resources/literature, sections of the Comprehensive Plan speaking to pedestrian uses and auto-oriented uses, and presentation material from the Clark County Commission of Aging regarding healthy communities.

PLANNING COMMISSION'S DECISION:

The Planning Commission is against the proposed text change to allow auto-oriented uses in the C-1 zoning district.

Traffic Impacts: As of now, no studies have been made as to traffic impacts of allowing auto-oriented uses downtown. Traffic impacts, patterns and mitigation options would need to be explored. New businesses would be assessed a Transportation Impact Fee. While the Comprehensive Plan indicates traffic volumes along Davidson Avenue have declined since 1995, allowing for auto-oriented uses may increase traffic volumes again and the impact is unknown.

Design Standards: There are no design standards in the Central Business District. While buildings and structures must be maintained and kept neat, there are no requirements for a specific look or design. Therefore, any fast food restaurant, regardless of what it looks like, can be moved in to this area. This can affect the look and feel of the downtown district specifically that of the main downtown located along Davidson.

Bicyclist/Pedestrian Impacts: Increased automobile use is a safety issue for bicyclists and pedestrians. The more access points for cars can create issues for pedestrians, and curb cuts can make it difficult to meet ADA standards. The more cars, the more dangerous/difficult it is for pedestrians to cross the street.

Economic Development Impacts: Increased auto-oriented uses is not the point of the core downtown. Pedestrians and bicyclists are more likely to complete their trips within the City, as opposed to motorists. If other modes of transportation were favored over the automobile, there may be a larger portion of resident shopping occurring in Woodland, and local business and the City would see economic and other benefits.

STAFF INPUT:

There are approximately 26 vacant properties in the C-1 zone, some of which contain parking lots, and other just vegetation. Of these, eight are located in the core downtown (on Davidson Street).

The McDonald's site in town is approximately one acre, as is the Burgerville in town. There is a Taco Bell in Vancouver on an approximately 1/2 acre lot, and a McDonald's on an over acre lot. It takes space to construct a drive-through restaurant with required parking. Therefore, none of the eight properties in the main downtown are large enough to accommodate a drive-through restaurant. There are vacant parcels in the Gateway area that could support a drive-through restaurant.

DRAFT – COMPREHENSIVE PLAN TEXT AMENDMENTS

Language that is ~~struck through~~ is proposed to be removed.

Chapter 1: Land Use Classifications (Pg 1-20):

Downtown Commercial: This is high intensity land use including the central business district and other dense arrangements of professional offices and retail stores. This designation discourages land consumptive uses (i.e. warehouses) ~~and uses that generate high traffic (i.e. drive through business or gas stations).~~ This designation encourages higher floor area ratios (1.5 to 1.0) and also residential use on upper floors.

Chapter 1.V Land Use Map (Pg 1-41)

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; services, financial, insurance, real estate, and professional outlets and offices; municipal and private shared parking garages and lots; pedestrian malls 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.~~

Staff Report: Non-Conforming Uses, Structures, and Lots

Date: September 10, 2013

To: Planning Commission

From: Amanda Smeller, Community Development Planner

Re: Non-Conforming Uses, Structures, and Lots – updated draft ordinance

The Planning Commission reviewed a draft update Non-Conforming Ordinance (titled Pre-Existing Uses and Structures) in late 2012 and early 2013, which ended with a recommendation to send the draft to Council. The Public Hearing for this ordinance was in July 2013. The City Council passed the first reading in August 2013. Prior to the final reading, City Attorney Bill Eling brought forth concern regarding some language in the proposed ordinance, specifically that of expansion/intensification of existing non-conformities. He provided some background and text from other jurisdictions (attached).

With this information, staff reworked the proposed ordinance. Using the existing ordinance, proposed language, and language from other jurisdictions, staff moved around, added, and clarified some language. A few questions remain for discussion with Planning Commission as they are additions since the previously reviewed proposed ordinance:

1. The new proposed ordinance has sections for non-conforming uses, non-conforming structures, and non-conforming lots. Do we want to include other sections such as for non-conforming signs? Other sections?
2. Staff has now included a definition section. Are there other definitions you would like to see added?
3. Staff added the stipulation under 17.60.050 that the Hearing Examiner may recognize a legal non-conforming use and/or may authorize reinstatement of a non-conforming use. Does the Commission want to keep this possibility of remove it?
4. Other discussion.

Law Office of William J. Eling
9401 N.E. Covington Road, No. 102
Vancouver, Washington 98662

[360] 260-1189
[360] 892-9991 fax

MEMO

TO: Mayor Grover Laseke and the Woodland City Council
FROM: William J. Eling, City Attorney *WJE*
RE: Ordinance No. 1278 Pre-Existing Uses and Structures
DATE: September 3, 2013

Staff and the Planning Commission have prepared and presented Ordinance No. 1278 for Council action. A few modifications were proposed for WMC 17.60.040. In part this Section states "A pre-existing use or structure which is nonconforming may be continued and maintained in reasonable repair and safe condition; provided that the use or structure is not enlarged, increased, made more non-conforming, or extended to occupy a greater area than was occupied on the date of adoption of the ordinance . . ." Proposed change to WMC 17.60.050 adds New Section (c) which would allow nonconforming uses "to expand with special permission of the hearing examiner through a conditional use permit."

While the Section appears clear at first glance, it is not clear that the Code regulates an "intensification" of use. Although an argument could be made that an increased use is an intensification, it is not clear. Context for the distinction between enlargement and intensification is found in *Keller v. City of Bellingham*, 92 Wn.2d 726 [1979]. In *Keller*, the Washington Supreme Court reviewed the application of a Bellingham ordinance stating "A nonconforming use shall not be enlarged, relocated or rearranged after the effective date of the ordinance which made its use nonconforming." Georgia-Pacific commenced a plant modernization plan which added six electrolytic cells to produce liquid chlorine to a building designed to hold 32 such cells. GP's plant had begun producing liquid chlorine in 1965. In 1969 Bellingham prohibited the manufacture of chlorine in heavy manufacturing zones. The production would occur in a building designed and built before 1965 to accommodate that number of cells.

GP argued that adding the cells did not constitute the "unlawful enlargement" of a nonconforming use, but rather was an intensification of a nonconforming use and therefore, not prohibited under the Bellingham ordinance. The Court in a 5-4 decision ruled that "[a]lthough the Bellingham zoning ordinance could have specifically prohibited intensification of a nonconforming use by reference to a specified volume of such use, it did not do so." *Keller*, at 731. Neighbors had challenged the expansion because it increased chlorine production by 25% on the site. The Court found that this expansion did not create a fundamental change in the nonconforming use.

WMC 17.60.040 should include a reference to intensification of use. Furthermore, the ordinance would be clearer if it included examples of what is meant by enlargement and intensification. For example, the current City of Bellingham includes a reference to "intensification" and utilizes a hearing examiner process to allow for conditional use permits in those situations where an applicant can demonstrate that the nonconforming use is compatible with adjoining properties. A copy is attached for your reference. Also attached is the City of Minnetonka's attempt at defining expansion, enlargement and intensification. It includes reference to both residential and commercial properties.

In addition, the Council may wish to consider including a provision which requires that a nonconforming use be lawfully established under both the zoning law and other legislative enactments. In June the Washington Supreme Court issued an opinion regarding provisions which allow a use to vest as nonconforming. See *King County Department of Development and Environmental Services v. King County, et al.*, 177 Wn.2d 636 [2013]. The case involved a materials recycler who claimed that nonpermitted activity on a leased parcel was sufficient to establish a nonconforming use. The case involved both the expansion of the operation and whether the use had been established in accordance with the law in effect at that time. The Court held that ". . . when a landowner utilizes unlawful methods to establish a nonconforming use, that unlawfulness precludes a subsequent finding of a lawful nonconforming use." In recent years, the Washington appellate courts have denied nonconforming use status to trespassers and, in dicta [non-binding, speculative part of an opinion] that a failure to comply with other non-zoning licensing requirements was sufficient to deny establishment of a nonconforming use. See *First Pioneer Trading Co. v. Pierce County*, 146 Wn. App. 606 [2008] and *McMilian v. King County*, 161 Wn. App. 581 [2011].

Even though many municipal codes in Washington are silent regarding intensification, I submit it is important that the characteristics of enlargement and intensification be included in the Code. Further, the Council may consider whether failure to comply with non-zoning licensing requirements should be a factor in determining the establishment of a nonconforming use.



CONDITIONAL USE PROCEDURE ADDENDUM

EXPANSION OF A NON-CONFORMING USE

(Excerpt from Bellingham Municipal Code, Chapter 20.14, unless noted)

CHAPTER 20.14

.020 USES

- A. Any existing use lawfully established prior to the passage of this ordinance, which is not permitted in the Use District in which it is located is hereby declared a nonconforming use and not in violation of this ordinance.
- B. A nonconforming use shall not be relocated, expanded, enlarged, or increased in intensity unless such activity is approved through issuance of a Conditional Use Permit as provided by paragraph E below. Such prohibited activities shall include without being limited to:
1. Any activity, which would require a building permit other than repair or replacement of existing structures or improvements.
 2. Extension of a nonconforming use to any building or other structure or land area other than one occupied by such use on the effective date of this ordinance (or on the effective date of a subsequent amendment thereto that causes such use to become nonconforming).
 3. Extension of a nonconforming use within a building or other structure to any portion of the floor area that was not occupied by such use on the effective date of this ordinance (or on the effective date of a subsequent amendment thereto that causes such use to become nonconforming); provided, however, that a nonconforming use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.
 4. Operation of a nonconforming use in such manner as to conflict with, or to further conflict with if already conflicting on the effective date of this ordinance (or on the effective date of a subsequent amendment thereto that results in such use becoming nonconforming), any performance standards established for the district in which the use is located.
 5. Nothing contained in this section shall in any way prohibit a nonconforming use from acquiring additional off-street parking area or from installing any device, equipment, or structure whose sole purpose is to reduce any adverse environmental impact emanating from the nonconforming use.
- C. The Hearing Examiner may grant a Conditional Use Permit for a period not more than 5 years permitting a nonconforming use to change to another use not permitted in the Use District in which it is located provided the owner clearly demonstrates (1) that the structure, because of its particular design, cannot be reasonably used to house a Permitted Use, (2) that the proposed use will be more compatible with the Permitted Uses of the Use District than was the existing use. The Hearing Examiner may condition such permit if it finds that provisions have to be taken to safeguard adjoining properties from detrimental effects that might result from the proposed use.

D. The Hearing Examiner may extend such conditional use permit for an additional period or may declare such use a permanent nonconforming use provided the owner clearly demonstrates that the structure cannot be reasonably used for a permitted use because of its particular design. In determining whether to grant such an extension, and if so, for what period, the Hearing Examiner shall take into account the following:

1. If the Hearing Examiner finds that the nonconforming use's contribution to the welfare of the community at its present site outweighs detriment to the neighborhood, then the Hearing Examiner may declare such use a permanent nonconforming use.
2. If the Hearing Examiner finds that the detriment to the surrounding properties outweighs the nonconforming uses contribution to the general welfare of the community, then a period should be set which provides (a) a reasonable allowance of time for amortization of investments in the building and improvements, while (b) minimizing future detriment to the surrounding properties.
3. If the Hearing Examiner finds that the detriment to the surrounding properties significantly outweighs any deprivation of the property owners rights in the nonconforming uses caused by termination of such use, the Hearing Examiner may order that the use be terminated within a period of one year or longer.

The Hearing Examiner may otherwise condition the use so as to minimize detriment to the neighborhood. A time period shall be set so that the public benefit exceeds any private loss. No further extension shall be granted.

E. The Hearing Examiner may grant a Conditional Use Permit allowing a nonconforming use to expand, enlarge, or increase in intensity provided that:

1. The use may not expand beyond the site, lot, or parcel as defined by the legal description on the Certificate of Occupancy for a Nonconforming Use, or as owned or leased by the nonconforming use as of the date it became nonconforming in the event there is no Certificate of Occupancy,
2. Uses which are nonconforming due to the number of residential units may not add additional units,
3. The proposed modification will not result in further infringement of the provisions of this ordinance; modifications shall comply with all regulations (other than use restrictions) including but not limited to lot coverage, yard, height, open space, density provisions, or parking requirements unless waived by the Hearing Examiner through variance as provided by this ordinance,
4. The nonconforming use must be a permitted use within at least one of the General Use Types, and
5. The use must not be an industrial use in a Residential Single or Residential- Multi Duplex district. For the purpose of this section, "industrial use" shall mean any use, which is permitted only in Industrial general use type districts.

ORDINANCE NO. 2010-11

AN ORDINANCE AMENDING CITY CODE §§300.29 AND 710.005
REGARDING THE DEFINITION AND EXPANSION OF NON-CONFORMING USES

The City of Minnetonka Ordains:

Section 1. City code section 300.29, subd 2 is amended as follows:

a) "Non-conformity" or "non-conforming use" means any land use, structure, physical form of land development, lot of record or sign that is not in full compliance with the regulations of this ordinance and either (1) was legally established before the effective date of the ordinance provision with which it does not comply, or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale. A non-conformity or non-conforming use does not include a land use, structure, physical form of land development, lot of record, or sign that was allowed to deviate from this ordinance by an approved variance. A non-conformity or non-conforming use is one of two types of physical land development: a non-conforming land use or a non-conforming development.

b) "Non-conforming land use" means an activity using land, buildings, and/or structures for a purpose that is not currently allowed as a use in the zoning district in which it is located.

c) "Non-conforming development" means a non-conformity other than a non-conforming land use that does not currently conform to an ordinance standard such as height, setback, or size.

d) "Expansion," "enlargement," or "intensification" means any increase in a dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the non-conforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the city.

e) "Improvement" means making the non-conforming use better, more efficient, or more aesthetically pleasing, including any change that does not replicate what pre-existed, but does not include an expansion, enlargement, or intensification.

The ~~stricken~~ language is deleted; the underlined language is inserted.

Chapter 17.60: Non-Conforming Uses, Structures, and Lots

- 17.60.010 Purpose
- 17.60.020 Definitions
- 17.60.030 Abatement
- 17.60.040 Completion of Structure
- 17.60.050 Non-Conforming Uses
- 17.60.060 Non-Conforming Structures
- 17.60.070 Non-Conforming Lots
- 17.60.080 Single-family dwellings
- Other sections: signs, etc?

17.60.010 – Purpose

The purpose of this chapter is to provide for those circumstances, uses, and lots that are inconsistent with the regulations of this title, but which enjoy rights based on their previous legal existence. The intent of this chapter is to permit legal non-conforming developments, lots, structures, and uses to continue until they are removed but not to encourage their perpetuation.

17.60.020 – Definitions

- Non-Conforming Lot – A lot that, at the time of its establishment, met the minimum lot size requirements for the zone in which it is located but which, because of subsequent changes to the minimum lot size applicable to that zone, no longer complies with requirements.
- Non-Conforming Structure – A structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies with those regulations in regards to height, setbacks, lot coverage, size, or area.
- Non-Conforming Use – A use of property that was allowed at the time the use was established but which, because of changes in zoning regulation, is no longer permitted.
- Expansion/Enlargement – Any increase in dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking, or swimming pool or any move of operations to a new location on the property.
- Intensification – Any improvement that would allow the land to be more intensely developed, or any increase in intensity of use based on a review of the original nature, function or purpose of the non-conforming use, the hours of operations, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the City.
- Improvement – Making the non-conforming use better, more efficient, or more aesthetically pleasing, including any change that does not replicate what pre-existed, but does not include an expansion, enlargement, or intensification.

- Pre-Existing – That which existed prior to the adoption of the ordinance codified in this title.
- Other?

17.60.030 – Abatement of illegal use, structure or development

Any use, structure, lot or other site improvement not established in compliance with use, lot size, and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal.

17.60.040 – Completion of Structure

Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been legally issued and construction commenced prior to the adoption of the ordinance codified in this title and subsequent amendments thereto.

17.60.050 – Non-Conforming Uses

- A. A non-conforming use may not increase in intensity or made more non-conforming without special permission by the Hearing Examiner through a Conditional Use Permit as per Chapter 17.72.
- B. A structure containing a non-conforming use may be enlarged or extended only by special permission of the Hearing Examiner through a Conditional Use Permit as per Chapter 17.72. The extension of a non-conforming use to a portion of a structure which was built for the non-conforming use at the time of the passage of the ordinance codified in this title is not considered an extension of a non-conforming use.
- C. No non-conforming use shall be moved in whole or in part to any other portion of the lot or zoning district in which it is located. If moved, it must be to a district in which the use is permitted.
- D. If any non-conforming use ceases for any reason for a period of six months, any subsequent use shall conform to the regulations specified by this title for the district in which such use is located.
- E. The Hearing Examiner may recognize a legal non-conforming use and/or may authorize reinstatement of a non-conforming use. The procedure for recognizing and/or reinstatement shall be the same as for Conditional Use Permits as outlined in Chapter 17.72 and conditions may be imposed if reinstatement is allowed.
- F. A non-conforming use cannot be changed in another kind of non-conforming use, but is limited to either retaining the specific non-conforming use legally established or changed to a use permitted in the zoning district. If a non-conforming use is changed to a conforming use, it cannot be changed back.
- G. If a structure containing a non-conforming use is destroyed by any cause to an extent exceeding fifty percent of the cost of replacement of the structure, using new materials, a future use of the property shall conform to the provisions of this title. See Section 17.60.080 for single-family dwelling exemptions.

17.60.060 – Non-Conforming Structures

- A. A non-conforming structure may be continued and maintained in reasonable repair and safe condition, provided that the structure is not enlarged, extended, or increased without special permission by the Hearing Examiner through a Conditional Use Permit as per Chapter 17.72. A non-conforming structure may not be made more non-conforming.
- B. A non-conforming structure may not be moved in whole or part to any other portion of the lot of zoning district in which it is located, unless to bring the structure into conformance.
- C. A non-conforming structure may be utilized by a use which is permitted in the zoning district in which the structure is located. In order to accommodate a permitted use, the structure may be repaired, modified, or altered, internally and externally; provided such repairs and modifications do not increase the non-conformance of the structure and that they meet the International Building Code standards.
- D. In addition, a non-conforming structure as described in C above may be modified or altered in such a manner that it conforms to the standards of the district, this title, and the International Building Code.
- E. If a non-conforming structure is destroyed by any cause to an extent exceeding fifty percent of the cost of replacement of the structure, using new materials, a future structure of the property shall conform to the provisions of this title. See Section 17.60.080 for single-family exemptions.
- F. A non-conforming structure that is made conforming will not be allowed to become non-conforming again, without following the Variance process outlined in Chapter 17.81.

17.60.070 – Non-conforming Lots

Any permitted use may be established on an undersized lot that cannot satisfy lot size or width requirements of this Title, provided that:

- A. All other applicable zoning development standards, such as building setback requirements and lot coverage requirements, are met or a variance has been granted;
- B. The lot was legally created and satisfied the lot size and width requirements applicable at the time of creation;
- C. No unsafe condition is created by permitting development on the non-conforming lot; and
- D. The lot was not created as a "special tract" to protect critical areas, provide open space, or as a public or private access tract.

17.60.080 – Single-Family Dwellings

- A. Single-family dwellings, including manufactured homes, existing in the C-1, C-2, C-3, I-1, or I-2 districts at the time of passage of the ordinance codified in this title shall be allowed to remain, and any addition or improvements thereto shall meet the standards of the LDR-6 zoning district.
- B. In any zone, a single-family dwelling destroyed by any cause to any extent, shall be allowed to be improved or reconstructed, provided the setback standards of the LDR-6 district are maintained or provided that the original footprint of the destroyed dwelling is maintained.

2013 Planning Commission Work Items

March 19, 2013

1. Shoreline Master Program (SMP) Update

- The City received a \$50,000 grant to update its SMP by June 2014. Consultant work products must be reviewed by staff and the Planning Commission. The City's consultant made one presentation to the Planning Commission in 2012. It is estimated that five of the Planning Commission's agendas in 2013 will include Shoreline issues.

2. Comprehensive Plan and Map Amendments

- The City is required to consider proposed comprehensive plan amendments annually. It is currently unknown if the City will see amendment proposals in 2013.

3. Sign Code Review

- Council approved a review of the sign code on May 7, 2012. The purpose of the review is to address vehicles used as signs. In addition, staff has become aware of a number of conflicting or confusing provisions of the sign code that should be clarified. This includes provisions related to the size of "for sale" / "for lease" signs, the location of special event signs, signs in the right of way, and off-premise commercial signs. Although this was added to the list of 2012 work items, no work has been done on this item to date.

4. Non-conforming Uses Zoning Code Text Change (LU# 211-913)

- Amendments are being sought to address a number of issues. The existing code uses terms such as "actively used" that are undefined and difficult to interpret. Further, our existing code is unclear on what changes in use are (un)acceptable when dealing with a property with non-conforming use rights. Finally, the Hearing Examiner's Final Order on the 208 Buckeye (Foglia House) matter called into question current code language and the way the ordinance has been administered.

5. Comprehensive Site Plan Review Ordinance

- For all intensive purposes, the City has been operating without a site plan review ordinance. The current code says little to nothing about what site plan approval is, when it is required, submittal requirements, the approval process, the expiration period on approvals, revisions to approved plans, and approval extensions. Site plan approval is the most common land use process in the City of Woodland and there is a need to address the inadequacies of the current code.

6. Expiration on Approved Variances

- The code is currently silent on the period for which variance approval extends. This issue was first brought up in 2010.

7. Subdivision Phasing After Preliminary Approval

- During the 2012 Joint Session, Commissioner Simpson asked that subdivision phasing after preliminary approval be added to the list of possible 2013 work items. Review would entail reviewing provisions in WMC 16.14.030 that allow for phasing after preliminary plat approval.

Non-negotiable 2013 Work Items

Committed to Completing in 2013

Proposed 2013 Work Items

8. Amending Multi-family Zoning Standards

- Mr. Perry expressed concern during the March 2013 joint session meeting about the quality of apartment housing in Woodland. Specifically, he mentioned parking availability, garages, and the general quality of apartment housing. Mr. Perry will forward the Planning Commission example ordinances that he feels have worked well in other communities.

9. Low-density Residential Yard Standards

- After listening to a citizen's concerns regarding yard maintenance in low-density residential districts, the Council asked that a list of concerns go first through Council Committee and then to the Planning Commission. Carolyn Johnson is to develop a list for Committee based on Mr. Patrick's concerns.