WOODLAND PLANNING COMMISSION AGENDA

Planning Commission Regular Meeting – 7:00 PM

THURSDAY, OCTOBER 16, 2014

Woodland City Council Chambers
200 E Scott Avenue, Woodland, Washington

CALL TO ORDER – 7:00 PM

APPROVAL OF MINUTES

- August 28, 2014 meeting minutes
- September 18, 2014 meeting minutes

PUBLIC HEARING

- Recreational Marijuana Ordinance
    - Staff Report
    - Public Hearing

WORKSHOP/DISCUSSION

- Shoreline Master Program Update
    - Presentation by Parametrix/The Watershed Company
    - Draft Code

- Non-Conformities
    - Staff Report
    - Draft Code

UPDATE

- Project status - Report

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 AGENDA

Planning Commission Regular Meeting – 7:00 PM

SPECIAL DAY
Thursday, August 28, 2014

Woodland City Council Chambers
200 E Scott Avenue, Woodland, Washington

CALL TO ORDER –7:03PM Call to Order

PRESENT:	**Commissioner Dave Simpson** **Commissioner Sharon Watt** **Commissioner Tel Jensen**
ABSENT:	**Commissioner Deborah**
STAFF:	**Clerk Shannon Rychel** **Community Development Planner Amanda Smeller**
ABSENT:	**Public Works Director Bart Stepp**

APPROVAL OF MINUTES

- July 24, 2014 meeting minutes

Commissioner Watt moved, seconded by Commissioner Jensen, to approve minutes from July 24, 2014.

PUBLIC HEARING

Woodland Action Center - Similar Use Determination (LU #214-922.SUD): To expand the services currently offered by the Center.

- Open public comment 7:18-7:19
    - No Public Comment

- Commissioner Watt moved, seconded by Commissioner Jensen to approve Similar Use Determination.

Comprehensive Plan Changes – Annual review and amendment of the Comprehensive Plan to include changes to parcels 508020100 and 508030100 (City Water Treatment Plant), 255240000 (City Public Works Shop), 50680002 and 506800013 (Intermediate School), and 50271, 50272, and 50273 (Hoffman Park, Library, and Community Center).

- Open public comment 7:21-7:21
    - No Public Comment

DRAFT

- Commissioner Jensen moved, seconded by Commissioner Watt to send to City Council.

WORKSHOP

- Shoreline Master Program Update
    - Presentation by Parametrix/The Watershed Company Shane Phelps and Jen Hughs
    - Staff Report
    - Draft Code

- Recreational Marijuana Ordinance
    - Staff Report
    - Draft Code

- Non-conformities- Moved to next meeting

UPDATE

- Project status - Report

ADJOURN 9:20pm

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

Shannon Rychel, Building and Planning Clerk Date

These minutes are not verbatim record of the proceedings

DRAFT

WOODLAND PLANNING COMMISSION MINUTES

Planning Commission Regular Meeting – 7:00 PM

THURSDAY, SEPTEMBER 18, 2014

Woodland City Council Chambers
200 E Scott Avenue, Woodland, Washington

DRAFT

CALL TO ORDER – 7:01 PM

Roll Call.
Present: David Simpson, Tel Jensen, Sharon Watt, Deborah Deans, Amanda Smeller (Not voting), Kasey Smith (Not voting).
Absent: Bart Stepp.

APPROVAL OF MINUTES

- August 28, 2014 meeting minutes, approval moved to next meeting.

WORKSHOP

- Shoreline Master Program Update
  - Presentation by Parametrix/The Watershed Company, Shane Phelps and Jen Hughs presenting
  - Planning Commission requested a summation of impacts on affected properties
  - Draft Code

- Recreational Marijuana Ordinance 7:51
  - Staff Report given by Amanda Smeller.
  - Draft Code
  - ADHOC committee members expressed concerns of crime and safety for children and surrounding residences. A 250 foot buffer perimeter was requested as a compromise.
  - Planning Commission proposes Producers/Processors be restricted to Heavy Industrial Zones as well as follow the Washington State law regarding indoor/outdoor growing.
  - **Motion:** Hold Public Hearing next meeting, **Moved by** Sharon Watt, **Seconded by** Tel Jensen. The motion carried unanimously.

- Non-conformities
  - Staff Report given by Amanda Smeller
  - Draft Code
  - It is requested the code be presented next month in the cleaned-up, proposed format for ease of reading and reviewing.
  - Continue to review next month

UPDATE

- Project status - Report

ADJOURN Motion: , Action: Adjourn, Moved by Sharon Watt, Seconded by David Simpson.
9:23pm

_____ _____
Kasey Smith, Building and Planning Clerk Date

These minutes are not a verbatim record of the proceedings.

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

DRAFT

Staff Report: Recreational Marijuana

Date: October 7, 2014
To: Planning Commission
From: Amanda Smeller, Community Development Planner
Re: Recreational Marijuana Draft Code

In August 2014, the Planning Commission was presented with a draft that the ad-hoc committee directed staff to put together. This draft had very similar language to many other jurisdictions in Washington State, and with the Liquor Control Board rules, in regards to items like definitions, security requirements, visibility of activities, etc. The main items the ad-hoc committee decided on included what zones each type of business would be allowable in and what the process would be to obtain approval.

The ad-hoc committee decided that producers and processors should be allowed in the Light Industrial zone (I-1) and the Heavy Industrial zone (I-2). Further discussion revealed there are industrial areas that directly abut residential zones, and one such property owner was on the ad-hoc committee. He expressed concern for the ability to have a marijuana facility directly behind him. He requested, and the ad-hoc committee supported, a 250' buffer from any residentially zoned property. Retail marijuana would be allowed outright in Highway Commercial, and no such buffer was requested for any properties directly abutting residential.

Further, the ad-hoc committee decided not to require any licensing or permits from the City, other than the obligatory business license that is needed by all establishments doing business within City limits. A license from the State is required as well. The ad-hoc committee did not add any additional uses that would require a buffer. (For example, State law states that all schools, public playgrounds, etc., require a 1,000 buffer from any proposed marijuana business).

During the August 2014 Planning Commission meeting, commissioners requested the removal of the 250' residential buffer for producers and processors. They also requested additional information in regards to possibly permitting the uses within a specified distance from residential zones.

During the September 2014 meeting, staff brought a draft back which removed the 250' buffer, and also had discussion regarding what other jurisdictions do in terms of permitting for this use. Members of the ad-hoc committee attended the meeting and there was discussion regarding the 250' buffer. It was decided a compromise would be to remove this buffer requirement, but only allow producers and processors in the Heavy Industrial (I-2) zone rather than all industrial properties. This was acceptable to the ad-hoc committee and the Planning Commission. The commission moved the draft forward to public hearing with the removal of allowance in the Light Industrial zone and the removal of the 250' buffer. There was no addition of permitting for the use.

The public hearing for this ordinance is October 16, 2014. The City Council requested this item be on the agenda for discussion at the October 27, 2014 Council workshop.

The ordinance will then go to City Council for adoption in November, and should be in effect before the moratorium expires on December 2, 2014.

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Chapter 17.50 – RECREATIONAL MARIJUANA

Sections:

17.50.010 Findings and Purpose
17.50.020 Definitions
17.50.030 Location Criteria for Recreational Marijuana Uses
17.50.040 Marijuana Uses Allowed in Identified Zones
17.50.050 Signs and Advertising
17.50.060 Security Requirements
17.50.070 Report of Disturbances and Unlawful Activity
17.50.080 Visibility of Activities; Control of Emissions
17.50.090 Enforcement

17.50.010 Findings and Purpose

A. The purpose of this chapter is to establish where marijuana producers, processors, and retail outlets may locate in the City, and to define the restrictions upon such uses.
B. No part of this chapter is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 et seq., the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state, or federal law, statute, rule or regulation. Nothing in this chapter shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana in any manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. Nothing in this chapter shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein. It is the intention of the city council that this chapter be interpreted to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass.

17.50.020 Definitions

A. “Child Care Center” means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington State Department of Early Learning, under chapter 170-295 WAC.
B. “Cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants of any part thereof.
C. “Deliver or Delivery” means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.
D. “Elementary school” means a school for early education that provided the first four to eight years of basic education and recognized by the Washington State Superintendent of Public Instruction.
E. “Game Arcade” means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

F. “Indoors” means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the City, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessibly only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2” by 4” or thicker studs overlain with 3/8” or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.
G. “Library” means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.
H. “Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. For the purposes of this chapter, “cannabis” or “marijuana” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
I. “Marijuana-infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include useable marijuana.
J. “Marijuana, useable” means dried marijuana flowers. The term “usable marijuana” does not include marijuana-infused products.
K. “Outdoors” means any location that is not “indoors” within a fully enclosed and secure structure as defined herein.
L. “Person” means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision of agency or any other legal or commercial entity.
M. “Playground” means a public outdoor recreation area for children, usually equipped with swings, slides and other playground equipment, owned and/or managed by a city, county, state or federal government.
N. “Process” means to handle or process cannabis in preparation for use.
O. “Processor, marijuana” means a person licensed by the State Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products as wholesale to marijuana retailers.
P. “Producer, Marijuana” means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
Q. “Produce or Production” means to manufacture, plant, grow or harvest cannabis or marijuana.
R. “Public Park” means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, state, federal government or metropolitan park district. Public park does not include trails.

S. “Public place” includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.
T. “Public Transit Center” means a facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.
U. “Recreation center or facility” means a supervised center that provided a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state or federal government.
V. “Retailer, Marijuana” means a person licensed by the State Liquor Control Board to sell useable marijuana and marijuana-infused products in a retail outlet.
W. “Retail outlet” means a location licensed by the State Liquor Control Board for the retail sale of useable marijuana and marijuana-infused products.
X. “Secondary School” means a high and/or middle school. A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington State Superintendent of Public Instruction.
Y. “Useable cannabis or useable marijuana” means dried flowers of the Cannabis plant. The term “useable cannabis or useable marijuana” does not include marijuana-infused products or cannabis products.

17.50.030 Location Criteria for Recreational Marijuana Uses

A. No recreational marijuana producer, processor, or retail outlet may be located within one thousand feed of the perimeter of the grounds of any of the following:
    a. Elementary or secondary school;
    b. Playground;
    c. Recreation center or facility;
    d. Child care center;
    e. Public park;
    f. Public transit center;
    g. Library
    h. Any game arcade (where admission is not restricted to persons age twenty-one or older).
B. No marijuana producer, processor or retail outlet may locate within any residentially zoned district or within any residential unit in the city.

C. The distances described in subsections A and B above shall be computed by direct measurement as follows: the distance shall be measured as the shortest straight line distance from the property line or the licensed premises to the property line of the above listed facility or facilities.

17.50.040 Marijuana Uses allowed in identified zones

A. Recreational marijuana production and processing is a permitted use for those properties in the Heavy Industrial (I-2) zoning district, subject to compliance with this chapter and all other applicable Woodland Municipal Code requirements.
B. Recreational marijuana retail outlets and retail uses are a permitted use in the Highway Commercial (C-2) zoning district, subject to compliance with this chapter, and all other applicable Woodland Municipal Code requirements.

17.50.050 Signs and advertising

All signage and advertising for a recreational marijuana processor, producer or retail outlet shall comply with the applicable provisions of this code, the sign code, zoning code and WAC 314-55-155 (and all applicable rules for city, state, and federal regulations).

17.50.060 Security Requirements

Security measures at all licensed premises shall comply with the requirements of WAC 314-55-083 (and all applicable rules for city, state and federal regulations).

17.50.070 Report of Disturbances and Unlawful Activity

A. All licensees and any agent, manager or employee thereof shall immediately report to the City of Woodland Police Department any disorderly act, conduct or disturbance and any unlawful activity committed in or on the licensed and permitted premises, including, but not limited to, any unlawful resale of marijuana, and shall also immediately report any such activity in the immediate vicinity of the business.
B. Each licensee shall post and keep at all times visible to the public in a conspicuous place on the premises a sign with a minimum height of fourteen (14) inches and a minimum width of eleven (11) inches with each letter to be a minimum of one-half (1/2) inch in height, which shall read as follows:

WARNING:
The City of Woodland Police Department must be notified of all
disorderly acts, conduct or disturbances and
all unlawful activities which occur on or within the premises
of this licensed establishment.

C. It shall not be a defense to prosecution of a code enforcement action under this Section that the licensee was not personally present on the premises at the time such unlawful activity, disorderly act, conduct or disturbance was committed; however, no agent or employee of the licensee shall be personally responsible for failing to report any disorderly act, conduct, or disturbance and any unlawful activity hereunder if such

agent, servant or employee was absent from the premises at the time such activity was committed.

17.50.080 – Visibility of Activities; Control of Emissions

A. All activities of the recreational marijuana business, including, but not limited to, cultivating, growing, processing, displaying, manufacturing, selling and storage, shall be conducted out of the public view.
B. No recreational marijuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.
C. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the recreational marijuana business must be in effect at all times. In the event that any odors, dust, fluids or other substances exit a recreational marijuana business, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for the immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

17.50.090 – Enforcement

A. Violation of this chapter including the sign code or zoning code shall result in a Class 1 civil infraction as defined by RCW 7.80.120, with each day of violation being a separate infraction. The city may enforce this section pursuant to Chapter 7.80 RCW. For violations of WAC 314-55-155 and 314-55-525, the City may report the violation to the State Liquor Control Board.
B. In addition to any other applicable remedy and/or penalty, any violation of this chapter is declared to be a public nuisance per se, and may be abated by the City under the applicable provisions of the Woodland Municipal Code or state law.
C. Nothing in this chapter shall be construed as a limitation on the City's authority to abate any violation which may exist from the cultivation of marijuana from any location.

Staff Report: Shorelines

Date: October 9, 2014
To: Planning Commission
From: Amanda Smeller, Community Development Planner
Re: Shorelines Master Program Update

Shorelines of the State (RCW 90.58.030(2), defined as:

1. All marine waters
2. Streams and rivers with greater than 20 cubic feet per second annual flow;
3. Lakes 20 acres or larger
4. Upland areas called shorelands that extend 200 feet landward from the edge of these waters; and
5. The following areas when they are associated with one of the above:
    a. Biological wetlands and river deltas; and
    b. Some or all of the 100-year floodplain including all wetlands within the 100-year floodplain.

Shorelines of Statewide Significance:

1. Pacific Coast, Hood Canal, and certain Puget Sound shorelines;
2. All waters of Puget Sound and the Strait of Juan de Fuca;
3. Lakes or reservoirs with a surface acreage of 1,000 acres or more;
4. Larger rivers (1,000 cubic feet per second or greater for rivers in Western Washington, 200 cubic feet per second and greater east of the Cascade crest); and
5. Wetlands associated with all the above.

Examples of rivers of Statewide Significance: Columbia River (entire length); Lewis River (entire length); Kalama River (entire length within Cowlitz County, from Cowlitz/Skamania border).

Examples of lakes of Statewide Significance: Merwin Lake, Yale Reservoir, Swift Reservoir, Silver Lake.

Examples of rivers that are Shorelines of the State: Washougal River, Salmon Creek, Toutle River.

Questions for discussion: What are the main differences between a shoreline of the state and shorelines of statewide significance? Why is Horseshoe Lake considered a Shoreline of Statewide Significance?

The Department of Ecology has a very helpful SMP Handbook at: http://www.ecy.wa.gov/programs/sea/shorelines/smp/handbook.

Shoreline Environmental Designations: Currently, the 1977 SMP contains only four designations which include natural, urban, rural, and conservancy. Both Lewis River and Horseshoe Lake are designated as urban shorelines. The Department of Ecology guidelines recommends six basic environments including High Intensity, Shoreline Residential, Urban Conservancy, Rural Conservancy, Natural, and Aquatic. Local governments do have the flexibility to establish a

classification system different from the guidelines. As proposed Woodland will contain High Intensity, Urban Conservancy, Residential, Recreational, and Aquatic.

According to our proposed SMP, the intent of assigning shoreline environmental designations (SEDs) to specific geographies is to encourage development that will enhance the present or desired character of the shoreline. To accomplish this, segments of shoreline are given a SED based on existing development patterns, natural capabilities and limitations, and the vision of the City of Woodland. The SEDs are intended to work in conjunction with the comprehensive plan and zoning. Management policies are also an integral part of the SEDs and are used for determining uses and activities that can be permitted in each shoreline environmental designation. There are management policies and designation criteria for each proposed SED in the draft SMP.

Staff Report: Non-Conformities

Date: October 9, 2014
To: Planning Commission
From: Amanda Smeller, Community Development Planner
Re: Non-Conformities Draft

The non-conformities draft was brought back before the Commission during the July 24, 2014 meeting with changes and additions from Mr. Eling (City Attorney). The Commission had some confusion in relation to the various colors indicating where the language originated and requested an easier to read copy comparing what is currently adopted and what is being proposed.

Among the changes Mr. Eling are the addition of some definitions and an expanded purpose section. He also included a new section that will deal with the recognition of a legal non-conforming use, structure, or lot. This may change the language we currently have (but weren't necessarily sure about yet) regarding the Hearing Examiner recognizing or reinstating non-conformities.

The Commission requested a clean copy of the proposed draft.

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
17.60.090 Inquiries Concerning Non-Conforming Status

17.60.010 – Purpose

The purpose of this Chapter is to establish regulations applicable to non-conforming lots, uses and structures. These regulations distinguish legally established non-conforming lots, uses and structures from illegal non-conforming lots, uses and structures. The intent of this Chapter is to discourage the expansion, enlargement or intensification of legal non-conforming uses and to establish a procedure to recognize legal non-conforming lots, uses and structures (provided they are not expanded, enlarged, intensified, removed or abandoned). The intent is not to discourage owners from performing routine maintenance or making improvements to a structure or a lot. Furthermore, with respect to illegal non-conforming lots, uses and structures, the intent of this Chapter is to prohibit and abate illegal non-conforming lots, uses and structures.

17.60.020 – Definitions

(1) "Non-conforming lot" means 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.
(2) "Non-conforming structure" means 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.
(3) "Non-conforming use" means 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.
(4) "Lot of record" means (a) an undeveloped lot, tract or parcel of land shown on an officially recorded short plat or subdivision or (b) a parcel of land officially recorded or registered as a unit of property with the County Auditor, Assessor or Treasurer and described by platted lot number or by metes and bounds and lawfully established for conveyancing purposes on the date of recording of the instrument that first references the lot. Use of the term "lot of record" does not mean that the lot was created in conformity with the legal regulatory requirements for subdivision of property in accordance with Chapter 58.17 RCW.
(5) "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 a deck, patio, fence, driveway or parking area, 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 and historical 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, noise, area of operation, number of employees, and other factors deemed relevant by the City.
(6) "Intensification of use, non-residential" includes, in addition to the description in WMC 17.60.020(5), any change or expansion of a non-residential use that results in both a greater than 10% increase in parking need or the Director of Public Works determines there is a material likelihood the use will have a negative impact regarding traffic generation, noise, smoke, glare, odors, hazardous materials, water use, and/or sewage generation, shall be an "intensification of use" for the purposes of this Chapter.
(7) "Intensification of use, residential" includes, in addition to the description in WMC 17.60.020(5), any change to a residence use which will result in an increase in the number of bedrooms is an "intensification of use" for the purposes of this Chapter.
(8) "Pre-Existing" means that which existed prior to the adoption of the ordinance codified in this title.
(9) "Alteration of nonconforming structures" means any change or rearrangement in the supporting members of existing buildings, such as bearing walls, columns, beams, girders, or interior partitions, as well as any changes in doors, windows, means of egress or ingress or any enlargement to or diminution of a building or structure, horizontally or vertically, or the moving of a building from one location to another. This definition excludes normal repair and maintenance, such as painting or roof replacement, but includes more substantial changes.

17.60.030 – Abatement of Illegal Non-Conforming Use, Structure or Lot.
The City may take such action as it deems necessary to abate or to enjoin any illegal non-conforming use, structure, lot or other site improvement when the owner or the owner's agent, successor, tenant, occupant or assignee fails to discontinue such use or fails to remove such non-conforming structure after written notice from the City. Such notice shall be sent to the owner at the address shown in the current online records of the County Treasurer and Assessor.

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 <u>be</u> made more non-conforming without special permission from the Hearing Examiner set forth in a Conditional Use Permit obtained 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 within a structure existing on the date this ordinance was amended that was built for the non-conforming use is not considered an extension of a non-conforming use. For example, if a building was constructed for the non-conforming use, but the use did not fill the entire building, expanding the use into the empty portion of the building does not constitute the extension of the 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 as part of reinstatement.
F. A non-conforming use cannot be changed to another kind of non-conforming use. The non-conforming use must remain either the prior non-conforming use legally established or a use permitted in the zoning district. If a non-conforming use is changed to a conforming use, the use cannot be changed back to the prior non-conforming use, unless permitted by the Hearing Examiner.
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 from 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 the move brings the structure into conformance.
C. A non-conforming structure may be used for a use permitted in the zoning district where 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 (1) do not increase the non-conformance of the structure and (2) that such repairs and modifications satisfy the International Building Code standards.
D. In addition, a non-conforming structure as described in Section C 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.

17.06.090 - Inquiries Concerning Non-Conforming Status

An owner or agent claiming a legal non-conforming use, structure or lot may petition the City to formally recognize the legal non-conforming use, structure or lot. Initial City review will be a Type _____ review and is the sole method to obtain recognition. This review shall be subject to the requirements of WMC _____. The owner/agent has the burden of showing legal non-conforming status. Non-Conforming status is established by documentary evidence and by narrative statements.

An owner/agent shall provide documentary evidence to establish the following:

1. Date the use was established or lot was created; date structure was completed;
2. Initial use at time of establishment, creation or completion;
3. Chronological list of subsequent uses;
4. Any advertisement for sale of the property; any advertisement for lease of the property;
5. Proof of business operation if a business use is claimed. Proof of business operation includes but is not limited to state and local business licenses, state business and occupation tax returns, state sales tax returns;
6. If multi-family use is claimed, proof of use as a multi-family unit during the prior 24 months and proof of compliance with RCW _____ and WAC _____;
7. Certificate of occupancy;
8. If the property has been leased, a copy of the leases.

The owner/agent may provide narrative statements to establish facts for which there is insufficient documentary evidence. Narrative statements shall be provided in affidavit or certificate form.

Official written recognition by City officials or the planning staff of legal non-conforming shall be given greater weight than informal oral statements by City officials or the planning staff. Oral

statements which identify the date and time of the oral statement, the persons present, the question asked will be given greater weight than general statements lacking such details. There is a rebuttable presumption that a business was not operated on the property and the business use was abandoned unless the documentary proof described in Subsection 5 is provided. "Leasing" property is not a separate independent business use for purposes of this Chapter but is considered a form of title.

After Type ____ review, the City shall issue a written decision either recognizing the legal non-conforming use or finding that a legal non-conforming use has not been established. The owner/agent shall have 20 days to appeal the decision to the Hearing Examiner. The Hearing Examiner shall review the decision based on the materials submitted by the owner/agent at the Type ____ review and on any supplementary material provided by the City. The petitioner shall pay a filing fee in an amount set by City Council Resolution. The Petitioner shall reimburse the City for 50% of the Hearing Examiner expense for this or any other review, application or petition under this Chapter.

Building & Planning Project Update
(As of October 9, 2014)

- During the October 6, 2014 City Council meeting, Council adopted six planning ordinances: Signs, Variance Expiration, Hearing Examiner approval of City applications, Condominium repeal, Addressing, and Accessory Structures. These will be in effect by October 20, 2014.

- Lewis River Short Plat: The public hearing for the proposed four-lot Lewis River Short Plat was on Tuesday, September 30, 2014. This short plat has a shorelines and critical areas element, which is why a public hearing was required. The Hearing Examiner issued the Final Order approving the request, with conditions, on October 6, 2014.

- Fish First Short Plat: The two lot Fish First short plat was recorded in late September. The Fish First Conditional Use, first heard in April 2014, for approval to utilize the property for a membership club/interpretive center, was also approved via Final Order by the Hearing Examiner on October 6, 2014. The conditional use request was dependent on the completion of the short plat.

- Land use review of the proposed Taco Bell is ongoing, as is the plan review for the building.

- The Woodland Vet Clinic broke ground on the new facility on Belmont Loop.

- Work continues on the new Woodland High School and many inspections continue to take place.