

# **WOODLAND PLANNING COMMISSION AGENDA**

Planning Commission Regular Meeting – 7:00 PM

THURSDAY, FEBRUARY 19, 2015

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

## **CALL TO ORDER – 7:00 PM**

## **APPROVAL OF MINUTES**

- January 15, 2015 meeting minutes

## **PUBLIC HEARING**

- Collective Gardens (Banning in City Limits) permanent regulations – public hearing

## **WORKSHOP/DISCUSSION**

- Non-Conformities
  - Staff Report
  - Draft Code
- Site Plan Review fees
  - Staff Report
- Planning Commission Rules & Procedures
  - Updating rules
  - Election of Vice-Chairperson
- Open Public Records Meeting Act
  - Handouts
  - Webinars
    - Open Public Meetings Training RCW 42.30 & 42.32 (Video 17 minutes)
    - AGO-Records Training-Public Records Act (Video 23 minutes)
- Annexation Request
  - Letter from Greg Rhodes
  - Staff Report

## **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 MINUTES

Planning Commission Regular Meeting – 7:00 PM

THURSDAY, JANUARY 15, 2015

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

## CALL TO ORDER – 7:03 PM



### Roll Call.

**Present: David Simpson, Tel Jensen, Sharon Watt, Deborah Deans, Paula Bosel  
Amanda Smeller (Not voting), Bart Stepp (Not voting), Kasey Smith (Not voting).**



**Motion: Action: Approval of November 20, 2014 Minutes, Moved by Paula Bosel,  
Seconded by Tel Jensen.  
Motion passed unanimously.**

## PUBLIC HEARING: 7:10pm

- Liberty Evans Binding Site Plan (LU #214-941)
  - Staff Report given by Amanda Smeller
  - Applicant, Mark Fleischauer with Liberty Evans gave explanation of needs for lot line adjustments for the Binding Site Plan.
  - Dave Simpson questioned whether the property is within 200 ft of wetlands (Burris Creek).
  - Dave Simpson also questioned whether there could be public concerns regarding many accesses & egresses on the property.

## Open for Public Comment: 7:29pm

Bart Stepp – Addressed concerns regarding many access & egress, does not think it will be a problem due to the minimum distance conditions. Mr. Stepp explained that there will be one storm water facility for all of the lots on the property.

## Public Comment Closed: 7:35pm



**Motion: Action: Send to City Council for review, Moved by Deborah Deans,  
Seconded by Sharon Watt.  
Motion Passed, Paula Bosel Abstained**

- City of Woodland Wastewater Treatment Plant parcel rezone (LU #214-938)
  - Staff Report given by Amanda Smeller

**Open for Public Comment: 7:37pm**

**No Public Comment**

**Closed for Public Comment: 7:38**



**Motion: Action: Send to City Council for Approval, Moved by Deborah Deans, Seconded by Tel Jensen.**

**Motion Passed Unanimously**

## **WORKSHOP/DISCUSSION**

- Collective Gardens (Medical Marijuana)
  - Staff Report given by Amanda Smeller
  - Draft Code – Starts the process to permanently ban collective gardens.



**Motion: Action: Send code to City Council for approval, Moved by Deborah Deans, Seconded by Paula Bosel.**

**Motion passed unanimously.**

- Commercial/Industrial Sewer Dischargers
  - Bart Stepp discussed Sewer Dischargers
  - Draft Code will be sent to City Council for Approval
- Site Plan Review fees
  - Staff Report By Amanda Smeller
  - Amanda to work up example pricing and provide to commission for review.

## **UPDATE**

- Project status – Report
- Need to schedule joint meeting with City Council for March (After council retreat) Dave unavailable March 2



**Motion: Action: Adjourn, Moved by David Simpson, Seconded by Tel Jensen.**

**Motion passed unanimously.**

**ADJOURN: 9:02**

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

**ORDINANCE NO. 13XX**

***THE CITY OF WOODLAND, WASHINGTON***

**A ZONING ORDINANCE OF THE CITY OF WOODLAND, WASHINGTON, ADOPTING PERMANENT ZONING CONTROLS TO PROHIBIT MEDICAL MARIJUANA COLLECTIVE GARDENS WITHIN THE CITY OF WOODLAND CITY LIMITS.**

**FINDINGS**

Since 1970, federal law has prohibited the manufacture and possession of marijuana, designating it a Schedule I drug. This prohibition is based on the federal government’s finding that marijuana has a “high potential for abuse, lack of any accepted medial use, and absence of any accepted safety for use in medically supervised treatment.” *Gonzales v. Raich*, 545 U.S. 1, 14 (2005), Controlled Substance Act (CSA), 84 Stat. 1242, 21 U.S.C. 801 et seq;

In 1998, the voters of the State of Washington approved Initiative 692 (later codified as RCW 69.51A in November 1998), an initiative to de-criminalize the use of medical marijuana;

The intent of Initiative 692 was to permit qualifying “patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, to not be subject to state criminal sanction, RCW 69.51A.005. However the Initiative also stated that nothing in the law “shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes.” RCW 69.51A.020; and, as a result, “medical marijuana” does not violate state criminal law if maintained in accordance with the statute. “Medical marijuana” violates federal criminal law because the Federal law does not characterize marijuana by its use;

The Federal Government has not issued formal assurances that local government officials and employees will be immune from prosecution for their roles in zoning, permitting and licensing collective gardens. In fact, the Department of Justice has given written notice that local government officials and employees could be subject to criminal charges;

The Washington legislature later took further action regarding medical marijuana in SB 5073. Washington’s Governor, in her partial veto letter, of SB 5073, of April 29, 2011, indicated cooperative medical marijuana organizations should be exempted from state criminal penalties “conditioned on compliance with local government location and health and safety specifications”, creating a need to balance the interests of federal law, Washington medical marijuana patients and the health, safety and welfare of the community. The un-vetoed Act authorizes “collective gardens” which would authorize certain qualifying patients the ability to produce, grow and deliver Cannabis for medical use;

RCW 69.51A.140 allows local jurisdictions to adopt regulations for zoning requirements, business license requirements, health and safety requirements, and business taxes, however only

“so long as such requirements do not preclude the possibility of siting licensed dispensers within the jurisdiction”;

The adoption of zoning regulations requires the study and identification of the land use impacts of collective gardens in the context of the legality;

The production, growth and delivery of Cannabis in collective gardens present issues of public safety for surrounding properties as well as for the property on which the collective gardens exist. Furthermore, the location of such collective gardens near schools, day care facilities and other lawful uses presents issues relating to the public welfare and the protection of minors;

During 2012 the City held two council workshops and staff spent time studying the issue of collective gardens. Staff and the Mayor attended training sessions, including webinars, on the collective garden issues. No clear direction was determined through these efforts.

In June 2012, the Planning Commission was presented with an interim zoning ordinance, based on a model ordinance from the Association of Washington Counties. The Commission unanimously voted to send the interim zoning ordinance to the City Council for review. The proposed ordinance failed during a City Council meeting in July 2012.

In November 2012, voters passed Initiative 502 legalizing the recreational use of marijuana for people over 21 years of age. The Washington State Liquor Control Board has been tasked with establishing regulations for the sale of marijuana and to complete the regulatory and administrative process no later than December 1, 2013. Regulations may include siting criteria which could pre-empt local zoning of collective gardens. At this time no Washington legislative act reconciles Initiative 502 and RCW 69.51A. At this time no Washington legislative act reconciles Washington law with applicable Federal law;

The City has received no applications for the operation of a collective garden within the Woodland city limits. The City has held public hearings on previous moratoria and no person has given testimony objecting to a zoning moratorium on collective gardens;

On November 19, 2012, following the passage of Initiative 502 the Mayor met with department heads to discuss the status of the moratorium then in effect and to examine possible next steps. City Staff was directed to continue to research the question and review the responses of other cities;

On January 14, 2013, the City Council held a public workshop to discuss options for regulating collective gardens. The options considered included an ordinance extending the existing moratorium, an ordinance banning collective gardens as done by the City of Kent, or an ordinance similar to ordinances of the cities of Pasco and Kennewick prohibiting land uses inconsistent with State and Federal law;

On May 20, 2013, the City Council held a public meeting to further discuss and provide staff direction as to the regulation of collective gardens. The options considered still included an ordinance extending the existing moratorium, an ordinance banning collective gardens, or an ordinance prohibiting land uses inconsistent with State and Federal law;

On June 3, 2013, the City Council held a public meeting, which included a first and final reading of interim zoning regulations for collective gardens. The approach used was essentially prohibiting land uses inconsistent with State and Federal law. The proposed ordinance failed.

Given the convoluted status of the State and Federal Law and the unknown scope and breadth of potential regulations for the WSLCB, the Woodland City Council does not have sufficient information to consider the potential impacts from collective gardens, the regulations that should be enacted, or the legal implications of taking pre-mature action. The City of Woodland Council therefore believes that interim zoning regulations are necessary to address collective gardens and remain compliant with RCW 69.51A and Federal law while the City considers the land use impacts of collective gardens and viable legal options under the State regulations process, Washington Supreme Court review and Federal criminal statutes;

The Court of Appeals decision for the City of Kent declared that collective gardens are illegal and that cities can ban them. This decision may go to the Washington Supreme Court for further review or the Legislature may make changes.

On January 20, 2015, the City of Woodland enacted interim zoning regulations banning collective gardens in all zoning districts within the City. These interim zoning regulations are valid for six months.

On January 9, 2015, the City transmitted the proposed regulations to the Department of Commerce. Permanent regulations cannot be adopted by a jurisdiction less than 60 days after transmittal to the Department of Commerce.

On February 19, 2015, the City of Woodland Planning Commission held a duly advertised public hearing for these permanent collective garden regulations.

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

All procedural requirements of the Woodland Municipal Code (WMC) for these amendments have been met.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND AS FOLLOWS:**

1. Formal Repeal of Interim Regulations. Ordinance 1320, interim regulations for medical cannabis collective gardens, is hereby repealed.
2. Collective Gardens Defined. Collective Garden means those gardens authorized under RCW 69.51A.085, which allows qualifying patients to assume responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden cannabis plants (as limited below). Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use subject to the following conditions:
  1. No more than ten qualifying patients may participate in a single collective garden at any time;
  2. A collective garden may contain no more than fifteen plants per patient up a total of forty-five plants;
  3. A collective garden may contain no more than twenty-four ounces of usable cannabis per patient up to a total of seventy-two ounces of usable cannabis; and
  4. A copy of each qualifying patient's valid documentation or proof of registration with the registry established in state law (now or in the future), including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and
  5. No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden.
3. Collective Gardens Prohibited: Collective gardens, as defined above and in RCW 69.51A.085, are prohibited in all zoning districts within the City of Woodland.
4. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.
5. Findings and Conclusions Adopted. The City Council hereby adopts the recitals set forth above, as their Findings and Conclusions as required by RCW 36.70A.390.
6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this Ordinance.
7. Effective Date. This ordinance or summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

Adopted in an open public meeting this \_\_\_\_\_ day of March, 2015.

CITY OF WOODLAND, WA

Approved:

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Grover B. Laseke, Mayor

Attest:

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Mari E. Ripp, Clerk-Treasurer

Approved as to form:

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William J. Eling, City Attorney

## Chapter 17.60: Pre-Existing 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 be 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 **one year**, any subsequent use shall conform to the regulations specified by this title for the district in which such use is located.
  - a. **Standard evidence that the use has been maintained over time includes:**
    - i. Utility bills;
    - ii. Income tax records
    - iii. Business licenses
    - iv. Listings in telephone, business, and Polk directories;
    - v. Advertisements in dated publications, e.g. trade magazines; and/or
    - vi. Building, land use, or development permits.
- 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.

#### **17.60.090 - 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, **such as**:

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.

## Staff Report: Site Plan Review fees

**Date:** February 10, 2015  
**To:** Planning Commission  
**From:** Amanda Smeller, Community Development Planner  
**Re:** Site Plan Review fees

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The current Site Plan Review fee is based on building size, and is \$110 per 1,000 square feet of building space. There have been several Site Plan Review applications that do not include buildings. For example, the recently submitted Site Plan Review application for subdivision improvements does not include any new buildings. We have also received applications for parking lots, driveways, fill & grade, etc., all of which do not have a building. This makes it difficult to determine fees, as often the minimum fee of \$400 is not enough to cover the full review of the proposal. Other times we have used the new impervious surface to calculate the fees. This is how we handled the parking lot Site Plan Review, and the recently submitted Site Plan Review for the subdivision improvements.

This issue was discussed during the January 2015 Planning Commission meeting. The commission requested staff to compile data regarding timeframes for review of Type I Site Plan Review applications. Below is the information requested.

### 2013:

- 213-909: Driveway – 3 days
- 213-911: Driveway – 8 days
- 213-926: Graveled property – 63 days
- 213-931: Public Works Storage Building – 41 days

Average 2013: 29 days

### 2014:

- 214-901: Driveway – 69 days (had another review attached to it)
- 214-904: Manufactured home/office placement – 27 days
- 214-907: Parking lot expansion – 60 days
- 214-930: Small industrial building – 7 days

Average 2014: 41 days

The amount of work to review each Type I Site Plan Review does vary based on the project and requirements. Some of these projects required stormwater, and other permitting, and some did not. Some decisions were issued with conditions, some were not. The information above shows the time from when the application was considered complete to issuance of a decision.

Determination of completeness does not always indicate everything is in place to issue a decision. A determination of completeness indicates staff has the basic information to proceed with a review. This does not include the additional time to review the project once the decision was issued, if there were conditions.

The main difference between a Type I Site Plan Review and a Type II Site Plan Review is there is no Notice of Application or public comment period required for the Type I Site Plan Review. These are more minor projects that are not expected to have the same effects that a Type II Site Plan Review may.

## **Staff Report: Planning Commission Rules & Procedures**

**Date:** February 10, 2015

**To:** Planning Commission

**From:** Amanda Smeller, Community Development Planner

**Re:** Planning Commission Rules & Procedures

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The Planning Commission Rules & Procedures have not been updated since 2008 and several changes should take place to make the rules current. The updated version, with track changes, is attached for review. Changes are fairly minor and are being made to mirror what is currently happening with the commission (for example, the particular day of the week we meet and the location).

In addition, the rules call for the election of a vice-chairperson to serve in the chairperson's absence. David Simpson is currently the chairperson. Both the chairperson and vice chairperson serve two year terms and elections are held by the Planning Commission in September. The commission should select a vice chairperson to serve through September 2015, and then another election of chairperson and vice chairperson shall be made at that time, according to the rules and procedures.

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## PLANNING COMMISSION OF THE CITY OF WOODLAND

### Rules of Procedure

#### I. NAME

The official name shall be "The Planning Commission of the City of Woodland".

#### II. MEETINGS

Location: All meetings shall be held in the Woodland City Council Chambers, Woodland City Hall, unless otherwise directed by the Chairperson and appropriate notification to the media and public is provided. All meetings shall be open to the public.

Date and Time: Regular meetings shall be held on the ~~second~~<sup>third</sup> ~~Wednesday~~ ~~Thursday~~ of each month, at 7:00 p.m., for the primary purpose of conducting formal public hearings on applications and petitions properly presented to the city.

Rescheduling Meetings for Holidays: When a regular meeting falls on a holiday or is preempted by a City Council meeting, the meeting shall be rescheduled at the discretion of the Chairperson.

Special Meetings and Workshops: Special meetings and workshops may be held at the discretion of the Chairperson. Workshops shall be held for the development of long-range plans, updating ordinances, and other work programs deemed necessary by the Planning Commission or City Council. No discussion of an application for development, action to recommend approval or denial of an application for development, or action to amend a long-range plan or city ordinance, shall take place at a workshop. ~~Tape recordings of workshops are optional and are typically not done.~~

Action to recommend approval or denial of an application for development or amend a long-range plan or city ordinance may take place at a special meeting, provided that appropriate public notice requirements are met.

Meeting Notices and Agenda: Written notice of all regular and special meetings or workshops shall be post-marked one week in advance of the meeting date. The notice shall include an agenda of the matters to be considered by the Planning Commission at the meeting.

Meeting Cancellation: If no matters over which the Planning Commission has jurisdiction are pending, a meeting may be cancelled at the discretion of the Chairperson.

#### III. ORGANIZATION OF THE PLANNING COMMISSION

Membership: The Planning Commission shall consist of five members appointed by the Mayor and confirmed by the City Council. All members of the Woodland Planning Commission shall ~~be residents of the city~~ meet residency requirements per the Woodland Municipal Code.

Election of Officers: The officers of the Planning Commission shall consist of a Chairperson and Vice-Chairperson elected from the members of the Planning Commission by a majority vote of the members. The Chairperson and Vice-

Chairperson shall be elected at the regularly scheduled meeting in September and shall serve a two-year term of office. Any officer may be removed at any time by a majority vote of the Planning Commission. The vacancy of an office caused by the resignation or removal of any officer of the Planning Commission during his or her term of office shall be filled for the remaining term by a majority vote of the members of the Planning Commission.

Duties of the Chairperson and Vice-Chairperson: The Chairperson shall preside over the meetings of the Planning Commission and will exercise all the powers usually incident to the office. The Chairperson may create standing or temporary committees to examine, investigate and inquire into subjects of interest to the Planning Commission. No standing or temporary committee shall have the power to commit the Planning Commission to endorse any plan or program.

The Vice-Chairperson shall, in the absence of the Chairperson, perform all duties of the Chairperson at a regular or special meeting. In the absence of the Chairperson and Vice-Chairperson, the members present may elect a temporary Chairperson to preside at the meeting.

Secretary: The Clerk/Treasurer shall assign a non-voting secretary to the Planning Commission. The secretary shall be primarily responsible for all official records, the preparation of minutes of Planning Commission hearings, regular and special meetings, and shall prepare all notices of meetings, requiring notice to be given to the media and the public in according with the appropriate statutes.

#### IV. OPERATIONS AND CONDUCTING BUSINESS

Quorum: A quorum is required for the Planning Commission to conduct business. It shall consist of at least three Planning Commission members of record, including the Chairperson, at the call for a vote on a question. If members leave during the course of a meeting, reducing the attendance below three members, the quorum will have ceased. Action shall be by majority of those present and voting, when those present constitute a quorum, at any regular or special meeting of the Planning Commission.

Motions and Voting: All members of the Planning Commission may make and vote on motions to recommend approval, approval with conditions, or denial of any development proposal or amendment to a long-range plan or city ordinance. All motions shall be made in the affirmative. For matters requiring a public hearing, all motions shall be accompanied by an oral statement, by the person making the motion, of reasons and findings supporting the motion. This statement may include reference to any part or all of the planning staff's report and to testimony or evidence submitted at the hearing.

Motions addressing development proposals may be acted on by a majority of the Planning Commission present at the time of a vote on the question, provided there is a quorum present. Recommendations for approval on amendments to the text or maps of long-range plans and city ordinances require an affirmative vote by a majority of the Planning Commission.

Planning Commission members must be present to vote on motions; proxy votes are not considered valid votes. The Chairperson shall vote in the event of a tie

vote of the other members present. A tie vote means the motion fails. A member may abstain from voting.

Where not otherwise specified in these rules of procedure, the meetings of the Woodland Planning Commission and the manner of conducting business shall be governed by [Roberts Rules of Order, Revised. Robert's Rules of Order Newly Revised \(RONR\).](#)

Conflict of Interest and Appearance of Fairness: Any member of the Planning Commission who in his or her opinion has a personal interest in any matters before the Planning Commission that would tend to prejudice his or her actions shall indicate such interest. In the event of a conflict, he or she shall remove him or herself from the proceedings and retire to another room until a vote is taken on the item. In the event there is an appearance that any member could not make a fair and impartial decision because of a real or perceived interest in a matter before the commission, the member shall state the real or perceived interest, or have the interest described by other members of the commission or the audience and remove him or herself from the proceedings.

#### V. PUBLIC HEARING PROCEDURES

- A. The Chairperson shall open the public hearing on the subject case by identifying and briefly describing the proposal.
- B. The chair shall state that testimony and input will be taken in a prescribed fashion. All persons wishing to speak on the matter before the Commission must first be recognized by the Chairperson. For the record, that person shall state his or her name and address, and group or organization he or she represents, if any. All statements by the speaker shall be addressed to the Chairperson of the Planning Commission. The Chairperson may limit the amount of time allowed to any person or group in order to give all who wish the opportunity to speak. Speakers should keep their statements to the issue at hand and avoid repeating information already presented. The Chairperson may limit input to avoid duplication. Because public hearings are to gather information, there will be no cross-examination of speakers.
- C. The presentation and speaking order shall be as follows:
  - 1. Staff Planner: Presentation of staff report and other materials and correspondence into the record.
  - 2. Proponent: Presentation and statements by one representative of the proponent / applicant.
  - 3. Members of the Public: Presentations and statements by the public who wish to speak for or against the application.
- D. The public testimony portion of the public hearing is then closed. Planning commissioners then deliberate on the application and the testimony received. Members may ask questions of both staff and any other

speakers to clarify their understanding of relevant points or to gather additional information; all questions shall be posed through the Chairperson who shall ask the appropriate party for answers.

- E. A motion for disposition can then be made. This motion may be to continue the hearing to gather additional information, to recommend approval, approval with conditions, or denial of the proposal.
- F. The Planning Commission shall present its actions in unison to the City Council. Planning Commission actions shall be transmitted to the City Council in writing and shall include the recommendation, the tally of the vote, findings of fact if different from the planning staff report, the planning staff report, other correspondence, if any, and a summary of testimony presented to the Planning Commission.
- G. Written minutes of all public hearings shall be prepared for the review and approval of the Planning Commission at its next regularly scheduled meeting.

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VI. ADMENDEMENTS

These Rules of Procedure of the Planning Commission of the City of Woodland may be amended at any regular or special meeting of the Planning Commission by a majority vote of the entire membership.

DATED THIS ~~8th day of 1987 April, 2008~~ \_\_\_\_\_ day of March 2015.-

SIGNED:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Vice-Chairperson

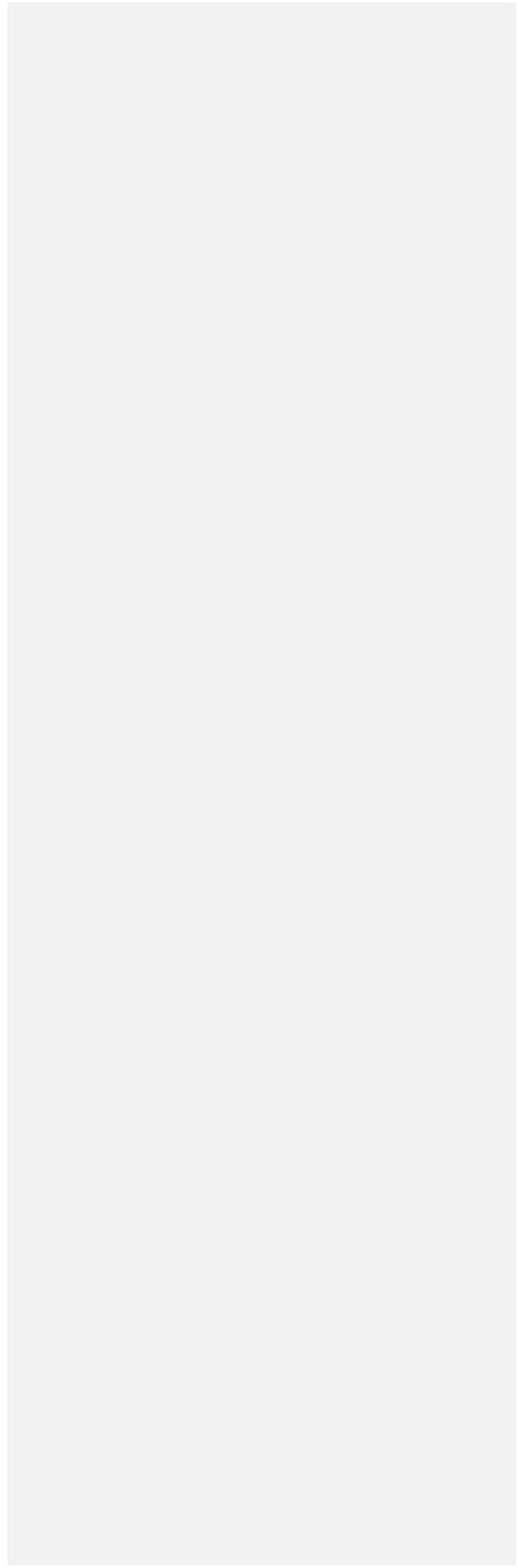
\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Member of the Commission

\_\_\_\_\_  
Member of the Commission

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Member of the Commission



## Staff Report: Open Public Meetings Act

**Date:** February 10, 2015  
**To:** Planning Commission  
**From:** Amanda Smeller, Community Development Planner  
**Re:** Open Public Meetings Act Training

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This information is provided by the Washington State Office of the Attorney General.

Washington's open government requirements are in state law. Open public records laws are at RCW 42.56. Open public meetings laws are at RCW 42.30 and RCW 42.32. These are Washington's "sunshine laws." In addition, records management and retention laws are at RCW 40.14.

Effective July 1, 2014, the Open Government Training Act (ESB 5964) requires many public officials and all agency records officers to receive training. These training resources are found here: <http://www.atg.wa.gov/OpenGovernmentTraining.aspx#.VNpuF2x0x9B>. Please also see the handouts provided.

We are going to watch two webinars from the above link to help fulfill this state training requirement.

# OPMA – NOTICE REQUIREMENTS

# PRACTICE TIPS

For Local Government Success



Under the Open Public Meetings Act (OPMA), to ensure that agency deliberations and other actions are conducted and taken openly, agencies are required to provide sufficient public notice of their meetings. Use these practice tips as a starting guide for OPMA notice requirements.\*

	Regular Meetings (RCW 42.30.070)	Special Meetings (RCW 42.30.080)
<b>Definition</b>	Held in accordance with a schedule fixed by ordinance, resolution, bylaws, or other rule.	Anything other than a regular meeting. May be called by the presiding officer or a majority of the members of the governing body.
<b>Notice and Agendas</b>	<p>Effective June 12, 2014, agendas must be made available on the agency's website at least 24 hours in advance of the meeting unless the agency:</p> <ol style="list-style-type: none"> <li>1. Doesn't have a website; or</li> <li>2. Employs fewer than 10 full-time equivalent employees.</li> </ol> <p>There are no other notice requirements for regular meetings in the OPMA. However, other relevant laws apply to some local governments. For example, cities and towns are required to establish a procedure for notifying the public of the preliminary agenda for the forthcoming council meeting (although not necessarily online) as well as regarding upcoming hearings. <a href="#">RCW 35A.12.160</a>; <a href="#">RCW 35.22.288</a>; <a href="#">RCW 35.23.221</a>; <a href="#">RCW 35.27.300</a>. There are no similar requirements for counties or special purpose districts related to preliminary agendas.</p>	<p>The special meeting notice must specify the date, time, and place of the special meeting, and the business to be transacted.</p> <ul style="list-style-type: none"> <li>• <b>Personal notice.</b> Written notice must be delivered personally, by mail, fax, or e-mail at least 24 hours before the meeting to: <ol style="list-style-type: none"> <li>1. Each member of the governing body, unless the member submits a written waiver of notice in advance with the clerk, or the member is actually present at the meeting; and</li> <li>2. Each member of the news media who has on file with the governing body a written request for notice of special meetings.</li> </ol> </li> <li>• <b>Website notice.</b> Notice must be posted on the agency's website 24 hours in advance of the meeting, unless the agency: <ol style="list-style-type: none"> <li>1. Doesn't have a website; or</li> <li>2. Employs less than 10 full-time equivalent employees; or</li> <li>3. Doesn't employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the website.</li> </ol> </li> <li>• <b>Notice at agency's principal location.</b> Notice must be prominently displayed at the main entrance of the agency's principal location and the meeting site if the meeting isn't held at the agency's principal location.</li> </ul>
<b>Emergencies</b>	In an emergency situation (e.g., fire, flood, earthquake, or other emergency), a meeting may be held at a site other than the regular meeting site, and the notice requirements under the OPMA are suspended during such an emergency.	The notices required for special meetings aren't required if a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.
<b>Holidays</b>	Regular meetings shall not be held on holidays. If a regular meeting falls on a holiday, the meeting must be held on the next business day.	Although not specifically addressed by the OPMA, we recommend that special meetings not be held on holidays out of consideration for public participation.
<b>Business Transacted</b>	There are no restrictions on the type of business that may be transacted at regular meetings.	Final disposition cannot be taken on any matter not listed in the special meeting notice.

\*DISCLAIMER: These practice tips are meant to provide summary information on the notice requirements of the OPMA; these tips are not intended to be regarded as specific legal advice. Consult with your agency's legal counsel about this topic as well. May 2014

# CHECKLIST

For Local Government Success



The Public Records Act (PRA) establishes basic procedural requirements that each agency must adopt. Use this checklist as a start for PRA compliance.\*



### Assign a Public Records Officer (PRO)

Post the PRO's contact information at the agency's place of business, on the agency's website (if any), and in any relevant publications. [RCW 42.56.580](#).



### Adopt a Local Public Records Act Policy

The local PRA policy should outline reasonable regulations for the agency's handling of public records requests, such as the agency's response process when it receives a records request. The policy must be prominently displayed. [RCW 42.56.040](#).



### Publish a List of Exemptions and Prohibitions Found Outside the PRA

Publish a list of exemptions and prohibitions to disclosure other than those listed in the PRA. [RCW 42.56.070](#). Examples of these other types of exemptions and prohibitions can be found in Appendix C of MRSC's *Public Records Act* publication.



### Maintain an Index of Public Records

Maintain a current index of many types of agency records unless to do so would be unduly burdensome for the agency. If it's unduly burdensome, the agency must adopt a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations. [RCW 42.56.070](#).



### Adopt a PRA Fee Schedule

Establish fees for PRA costs, including costs for hard copies, electronic copies, and mailing costs. [RCW 42.56.070](#) and [RCW 42.56.120](#).



### Provide for a Review Procedure for any Denial of Records

An agency must provide for review of a denial to inspect records. The review can be conducted by the PRO's supervisor, the agency's attorney, or any individual designated by the agency. Review is deemed complete two business days after the initial denial. [RCW 42.56.520](#).



### PRA Training Requirements, Effective July 1, 2014 (see Office of the Attorney General: [Open Government Training Act Q & A](#)):

- Every local elected official and every local government PRO must receive records training (PRA training concerning [chapter 42.56 RCW](#) and records retention training concerning [chapter 40.14 RCW](#)).
- This training must be completed no later than 90 days after these elected officials and PROs take their oath of office or assume their duties. They must also receive "refresher" training at intervals of no more than four years.

# PRACTICE TIPS

For Local Government Success



The basic requirement of the Open Public Meetings Act (OPMA) is that meetings of governing bodies be open and public. Use these practice tips to guide your agency's OPMA compliance.\*

## Basic Requirements

- **All meetings open and public.** All meetings of governing bodies of public agencies must be open to the public, except for certain exceptions outlined in the OPMA. RCW 42.30.030.
- **Quorum.** Generally, a meeting occurs when a quorum (majority) of the governing body is in attendance and action is taken, which includes discussion or deliberation as well as voting. RCW 42.30.020(2) & (3). *If no quorum, no OPM*
- **Attendees.** All persons must be permitted to attend and attendees cannot be required to register their names or other information as a condition of attendance. Disruptive and disorderly attendees may be removed. RCW 42.30.040 & .050.
- **No secret ballots.** Votes may not be taken by secret ballot. RCW 42.30.060(2). *No polling allowed*
- **Adoption of ordinances.** Ordinances, resolutions, rules, regulations, and orders must be adopted at a public meeting or they are invalid. RCW 42.30.060(1).

Position in Agency	Required to Comply
Member of a governing body <input type="checkbox"/> City or Town Councilmember or Mayor <input type="checkbox"/> County Commissioner or County Councilmember <input type="checkbox"/> Special Purpose District Commissioner/Board Member	Yes
Member of a subagency created by ordinance or legislative act, e.g.: <input type="checkbox"/> Planning Commission <input type="checkbox"/> Library Board <input type="checkbox"/> Parks Board <input type="checkbox"/> Civil Service Commission	Yes
Member of a committee <input type="checkbox"/> Committees that act on behalf of the governing body, conduct hearings, or take testimony or public comment	Yes
Agency staff	No

## Penalties for Noncompliance

- **Actions null and void.** Any action taken at a meeting which fails to comply with the provisions of the OPMA is null and void. RCW 42.30.060(1).
- **Personal liability.** Potential personal liability of \$100 for any member of a governing body who attends a meeting knowing that it violates the OPMA. RCW 42.30.120(1).
- **Agency liability.** Any person who prevails against an agency in any action in the courts for a violation of the OPMA will be awarded all costs, including attorney fees, incurred in connection with such legal action. RCW 42.30.120(2).

## OPMA Training Requirements, Effective July 1, 2014

- Every member of a governing body of a public agency must complete training requirements on the OPMA within 90 days of assuming office or taking the oath of office.
- In addition, every member of a governing body must complete training at intervals of no more than four years as long as they remain in office.

# OPMA – EXECUTIVE SESSIONS

# CHECKLIST

For Local Government Success



The Open Public Meetings Act (OPMA) requires specific steps be taken in order to hold an executive session. Use this checklist to guide your agency's compliance with the OPMA related to executive sessions.\*

	Requirement	Completed/ Applicable
Meeting	An executive session can only be held as part of a regular or special meeting.	<input type="checkbox"/>
Purpose	The presiding officer announces in open session the purpose of the executive session.	<input type="checkbox"/>
End Time	The presiding officer announces in open session the time the executive session will end.	<input type="checkbox"/>
Legal Counsel	Legal counsel is present during the executive session, if required. (See topics below and on the next page for discussions that require the presence of legal counsel.)	<input type="checkbox"/>
Confidentiality	At the start of the executive session, participants are reminded that discussions are confidential.	<input type="checkbox"/>
Topics	Related to local governments, the following topics set forth in RCW 42.30.110(1) can be discussed in executive session:	
	• Matters affecting national security. RCW 42.30.110(1)(a).	<input type="checkbox"/>
	• Lease or purchase of real estate if there's a likelihood that disclosure would increase the price. RCW 42.30.110(1)(b).	<input type="checkbox"/>
	• Consideration of the minimum offering price for sale or lease of real estate if there's a likelihood that disclosure would decrease the price. RCW 42.30.110(1)(c). <input type="checkbox"/> <b>Note:</b> Final action selling or leasing public property must be taken in open session.	<input type="checkbox"/>
	• Negotiations on the performance of a publicly bid contract. RCW 42.30.110(1)(d). See back of page.	<input type="checkbox"/>
	• Complaints or charges brought against a public officer or employee. RCW 42.30.110(1)(f). <input type="checkbox"/> <b>Note:</b> At accused's request, discussion must be in open session.	<input type="checkbox"/>
	• Qualifications of an applicant for public employment. RCW 42.30.110(1)(g). See back of page.	<input type="checkbox"/>
	• Performance of a public employee. RCW 42.30.110(1)(g). See back of page.	<input type="checkbox"/>
	• Qualifications of an applicant/candidate for appointment to elective office. RCW 42.30.110(1)(h). See back of page.	<input type="checkbox"/>
	• Agency enforcement actions. RCW 42.30.110(1)(i). See back of page. <input type="checkbox"/> <b>Note:</b> Requires presence of legal counsel.	<input type="checkbox"/>
	• Current or potential litigation. RCW 42.30.110(1)(i). See back of page. <input type="checkbox"/> <b>Note:</b> Requires presence of legal counsel.	<input type="checkbox"/>
• Legal risks of current or proposed action. RCW 42.30.110(1)(i). See back of page. <input type="checkbox"/> <b>Note:</b> Requires presence of legal counsel.	<input type="checkbox"/>	
Extended End Time	If the executive session is not completed by the originally announced end time, the presiding officer announces the extended end time in open session before returning to executive session.	<input type="checkbox"/>
Resumption	Open session is not resumed until after the announced end time.	<input type="checkbox"/>

Meeting Date \_\_\_\_\_ Form Completed By \_\_\_\_\_

Attendees \_\_\_\_\_

\*DISCLAIMER: This checklist is meant to provide summary information on executive sessions; the checklist is not intended to be regarded as specific legal advice. Consult with your agency's attorney about this topic as well.

## OPMA – EXECUTIVE SESSION PROCEDURES

# PRACTICE TIPS\*

For Local Government Success



An executive session must begin after a regular or special meeting is convened and adjourn before the meeting ends. While an executive session will therefore always be a part of a regular or special meeting, it is possible to hold a special meeting for the sole purpose of holding an executive session.

To start, the chair must announce the executive session to those in attendance at the meeting, including: (1) the purpose of the executive session; and (2) the time when the executive session will end.

**Announced Purpose and Topics of Discussion:** The announced purpose of the executive session must be one of the statutorily-identified purposes for which an executive session may be held. The announcement must contain enough detail to identify the purpose as falling within the limits of the law.

*It would not be sufficient, for example, for a meeting chair to declare simply that the governing body will now meet in executive session to discuss "personnel matters."* Discussion of personnel matters, in general, is not an authorized purpose for holding an executive session; only certain specific issues relating to personnel may be addressed in executive session.

**Attendance of legal counsel** – Legal counsel must be present at an executive session, either in person or remotely via a device that allows two-way communication, to discuss enforcement actions, current or potential litigation, or the legal risks of current or proposed action. "Potential litigation" means litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party; or the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity. Discussion of the "legal risks" of a current or proposed action can only occur in executive session if public discussion of those legal risks is likely to result in an adverse legal or financial consequence to the agency.

### Notes for Specific Discussion Topics

- **Contract Performance** – Review of contract performance of publicly bid contracts may only be discussed in executive session when public knowledge of such consideration would likely cause increased costs.
- **Qualifications of an applicant for public employment or review of performance of a public employee** – If the governing body elects to take final action regarding hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action must be taken in open session.
- **Qualifications of candidate for appointment to elective office** – Candidate interviews and final action appointing a candidate to elective office must be in an open public meeting.
- **Collective bargaining sessions** – Collective bargaining sessions with employee organizations are not subject to the requirements of the OPMA. This means that discussions of these topics may occur in closed session, and it's not necessary for the governing body to follow the OPMA procedures before such discussions. This exemption applies to contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement or to that portion of a meeting during which the governing body is planning or adopting the strategy to be taken by the governing body during the course of any collective bargaining, professional negotiations, grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

**Length of Session:** Another issue that may arise concerning these procedural requirements for holding an executive session involves the estimated length of the session. If the governing body concludes the executive session before the time that was stated, it should not reconvene in open session until the time stated. Otherwise, the public may, in effect, be excluded from that part of the open meeting that occurs between the close of the executive session and the time when the chair announced the executive session would conclude. If the executive session is not over at the stated time, it may be extended only if the chair announces to the public at the meeting place that it will be extended to a stated time.

**Attendance:** Attendance at an executive session need not be limited to the members of the governing body. Persons other than elected members may attend the executive session at the invitation of the governing body. Those invited should have some relationship to the matter being addressed in the executive session, or they should be in attendance to otherwise provide assistance to the governing body. Note that if the stated purpose for the executive session is to discuss litigation or potential litigation with the governing body's attorney, the presence of persons at the session who are not governing body members or agency staff may waive the attorney-client privilege.

**Minutes:** Minutes are not required to be taken at an executive session. If minutes or notes are taken during an executive session, they may be subject to the disclosure requirements of the Public Records Act.

RCW 42.32, 030 Minutes

\*DISCLAIMER: These practice tips are meant to provide summary information on executive sessions; these tips are not intended to be regarded as specific legal advice. Consult with your agency's attorney about this topic as well.

## Staff Report: Annexation Request

**Date:** February 11, 2015

**To:** Planning Commission

**From:** Amanda Smeller, Community Development Planner

**Re:** Annexation Request

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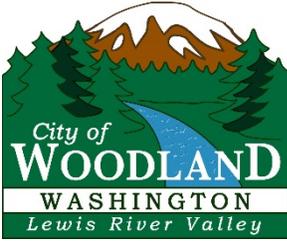
The City received a request for annexation from Mr. Greg Rhodes, who owns the Woodland Mobile Home Park at 39100 NW Pacific Highway in Clark County. This property is currently outside of city limits and outside of Woodland's Urban Growth Boundary. State law prohibits a city from annexing property that is not within the UGB.

Council originally made the decision to not expand the UGB in fall of 2014. City Council recently held a workshop to again discuss expanding the UGB. There was interest in expanding the UGB to include land south of city limits, in Cowlitz County. After this discussion, Council confirmed their choice not to expand the UGB.

Clark County recently extended the deadline to request an urban growth boundary expansion to March 3, 2015. This is due to the fact that Ridgefield and La Center have made requests after the original deadline to expand their boundaries. Therefore, it is still possible to have this request be part of the periodic Comprehensive Plan update, if the Planning Commission and City Council wish to go forward with that. Clark County does indicate the request needs to include a population based justification.

Attached is the staff report provided by myself and Eric Eisemann to the City Council for their January 26, 2015 workshop. Also attached is the request by Mr. Rhodes, and the letter from Clark County.

-AS



## Building & Planning Department

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

### MEMORANDUM

**Date:** January 23, 2015

**To:** City Council

**From:** Amanda Smeller, Community Development Planner

**Re:** Urban Growth Boundary expansion and population projections.

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The information below was taken from the Department of Commerce's Urban Growth Area Guidebook. It is intended to provide a basic synopsis of an Urban Growth Boundary, its purpose, and how best to designate one. The entire guidebook can be found here: <http://www.commerce.wa.gov/Documents/GMS-UGA-Guidebook-Final-2012.pdf>.

- Planning for Urban Growth Areas (UGAs) is an important tool provided by the Growth Management Act (GMA) for deciding where future urban growth should be encouraged, where the extent of that growth should be located, and how the financial and environmental responsibilities that come with growth, will be met.
- UGAs are areas where growth and higher densities are expected and that can be supported by cost-effective urban services. By directing growth into urban areas, counties and cities can also protect critical areas, conserve their natural resource lands – such as farms and forests – and maintain the rural character of their rural lands.
- Setting a realistic population projection to plan for twenty years of potential growth can ensure adequate amounts of land and services are planned for UGAs. Planning with an inflated population number can result in oversized UGAs that facilitate more growth than local governments can afford to provide with necessary urban services.
- The GMA requires that the land use plan for UGAs and the Capital Facilities Plan be consistent. Consistency means that the footprint of the land use plan matches the footprint of a jurisdiction's ability to provide the urban services shown in its Capital Facilities Plan. The two plans must align.
- Having an appropriate land supply within UGAs is paramount to meet the GMA's requirement for accommodating twenty years of potential growth.

Regarding annexation, Woodland's current Comprehensive Plan, Land Use Chapter, Policy 1, does not prohibit annexation of land outside of its UGA but land within your UGA is intended to annex or enter into binding site plan agreements. The annexation statutes (RCW 35.13.005) prohibit annexation outside of a UGA.

There is nothing in our current Comprehensive Plan relating to how land should be zoned when annexed. However, RCW 35.13.177 allows local governments to plan for the zoning and development of land within its UGA but the plan and regulations do not become effective until the land is annexed. Eric Eisemann, our consultant for the Comprehensive Plan Update, suggested doing just that in this Comprehensive Plan update, develop a plan for future annexation and be sure to coordinate this planning effort with Cowlitz County so we can meet the GMA and our own current Comprehensive Plan requirement of intergovernmental coordination. Cowlitz County can designate, but not zone, certain lands as industrial. Woodland can adopt plan policies relating to the future zoning and development of those lands, coordinate that effort with Cowlitz County, and then upon annexation, apply the zones and regulations the Woodland Comprehensive Plan anticipates. We should ensure our City Attorney agrees that this satisfies the law.

Mr. Eisemann indicated that there has been no scope or budget for the activity of readdressing the UGB and the population projection, so this will need to be addressed before moving forward. In addition, SEPA could be an issue, as we are hoping to avoid an EIS by limiting the amount of changes to our UGB. Cowlitz County anticipates issuing SEPA by summer 2015. We may be able to work with the County for SEPA issuance, especially if they go forward with an industrial comprehensive plan designation for the land we may wish to annex. This would again be important for coordination among jurisdictions.

Further, Mr. Eisemann indicates that the added review of opening up the UGB most likely will not affect our finish time. It won't delay the work we are doing through Clark County and Clark County will likely only be interested in the Comprehensive Plan elements that affect their jurisdiction. However, given that Cowlitz County has been working on their planning effort for longer than the City has, their finish line and ours might not be identical.

-AS

February 9, 2015

The Hon. Grover Laseke  
Mayor of the City of Woodland  
230 Davidson Ave.  
PO Box 9  
Woodland, WA 98674

RECEIVED  
FEB 09 2015  
CITY OF WOODLAND

RE: Annexation of Woodland Mobile Home Park

Dear Mayor Laseke,

I would be interested in having the City of Woodland consider annexing Woodland Mobile Home Park, 39100 NW Pacific Highway.

Woodland Mobile Home Park contains 77 spaces, 25 of which are for long-term RV's and the remainder are manufactured homes. We do not provide short-term RV parking.

Although we are located in Clark County, our residents identify with the City of Woodland. They shop in Woodland, receive services from the city's businesses, and many of them work in Woodland. Our children attend the Woodland Public Schools.

Within Clark County we are zoned in a rural district (R-5), yet we have significantly denser housing. It would be more appropriate for us to be connected to a suburban area for planning purposes. Woodland is the natural choice.

We understand that the City Council is currently reviewing the comprehensive plan. We hope they can see mutual benefit in considering the annexation of our property. We know this change must make sense to the City of Woodland as well as our residents. We currently pay nearly \$29,000 in property taxes that Woodland would receive a share of, and would be happy to consider other ways our annexation could benefit the city.

I would be happy to meet with you, city council members, or employees of the city to provide more information and explore this issue further. Thank you for your consideration.

Sincerely,



Greg Rhodes, Member  
TH Properties LLC  
PO Box 2873  
Vancouver, WA 98668  
360-608-0762  
Fax: 360-326-7001  
niktomgt@gmail.com



proud past, promising future

CLARK COUNTY  
WASHINGTON

## COMMUNITY PLANNING

February 5, 2015

To Clark County City Planning Directors:

We want to give you a brief update on the 2016 Clark County Comprehensive Plan update.

First of all, we are very appreciative of the support the cities have shown in the update process, and we thank you for the letter that was drafted by the cities in December and sent to the Board of County Councilors in January.

The Board of County Councilors held a work session on January 21, 2015 on the comprehensive plan. Staff reviewed the work that has been completed to date, including the alternatives for the supplemental EIS which at that point was to be released on February 4. At the work session, the Board asked that work on the SEIS be stopped until a fourth alternative could be developed. At this point we do not know what the additional alternative will be. This means we don't know how it will affect the SEPA process for the comp plan update, either timing-wise or substance-wise. It is possible we could add a fourth alternative to the SEIS, or it may require that a full EIS be prepared.

At a public hearing on February 3, 2015, the Board and heard testimony on, considered, and then tabled for further consideration, a request from the city of Ridgefield to add land to the city's urban growth area (UGA) for residential development. This request was received on October 22, 2014, well after the agreed-upon deadline of July 31, 2014. We have also received a request from the city of La Center to add 17 acres to the city's UGA, property that was recently bought by the La Center School District for use as a school site.

In order to be fair to all our city partners, we are giving the cities another opportunity to submit requests for urban growth boundary expansions. **The deadline for any request is March 3, 2015, and the request should include a population-based needs justification.** For the sake of the SEPA process we ask that any requests be limited to areas that were studied in the 2007 EIS. Also, as before, if the request includes land zoned for agriculture or forest, the city will be responsible for the de-designation process.

Even given this delay, we still envision completing the comprehensive plan update by the end of June 2016, as scheduled. Please let me know if you have questions.

Sincerely,

Oliver Orjiako, Director  
Clark County Community Planning

Cc: Board of County Councilors/County Manager  
City Mayors  
Chris Cook, Prosecuting Attorney's Office

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## **Building & Planning Project Update (highlights)**

**(As of February 11, 2015 – supplement to DRC notes)**

- Comprehensive Plan Update:
  - Mayor Laseke and Amanda Smeller made a presentation before the Woodland Quality Community Coalition on January 21, 2015 and before the Rotary Club on February 2, 2015.
  - The City Council held a workshop on January 26, 2015 to discuss again the possibility of expanding the Urban Growth Boundary. After discussion, the Council again decided to not expand the UGB and keep the population projection where it was decided in fall of 2014.
  - There was discussion and a public hearing regarding the Comprehensive Plan assumptions before City Council on February 2, 2015. City Council adopted the assumptions regarding the population projection of 2.3% and employment forecast of 2 jobs per household (growth of 2,584 net jobs)
  - Discussion on Policy Updates will occur with the Planning Commission during the March meeting.
  
- Shoreline Management Program Update:
  - Woodland's first draft of the Shoreline Management Program Update and supporting documents were transmitted to Department of Ecology on December 1, 2014 as required by Ecology.
  - City staff met with Ecology staff on January 29, 2015 to discuss the draft.
  - The updated draft is due to Ecology by March 15, 2015. This is also the time it will be submitted to Department of Commerce for the 60 day adoption period. The draft will also be put out for public comment at this time, and be distributed to the Planning Commission and City Council to prepare for meetings in May and June.
  - The update is due for adoption no later than June 30, 2015.
  
- Collective Gardens (Medical Marijuana): City Council adopted interim regulations for collective gardens on January 20, 2015. Permanent regulations went before the Planning Commission during the January 15, 2015 meeting. The public hearing will be at the February 19, 2015 Planning Commission meeting and City Council will make a final decision at their March/April meetings.
  
- The Taco Bell building permits were ready for issue as of December 17, 2014.
  
- City Council was provided the attached information regarding the 2014 Planning Commission work items status as well as a proposed list of 2015 work items. City Council will be having their retreat on February 21, 2015. It still is to be decided if there will be a joint session.
  
- The Notice of Decision for E&I Commercial Development (convenience store, gas station, fast-food restaurant on Belmont Loop) was issued on February 6, 2015.
  
- One single-family dwelling permit was issued in January.