WOODLAND PLANNING COMMISSION AGENDA

Planning Commission Regular Meeting
7:00 p.m.
Thursday, October 20, 2011

Woodland Community Center
782 Park Street, Woodland, Washington

CALL TO ORDER

APPROVAL OF MINUTES

- August 18th Meeting

PUBLIC WORKSHOP

1) Rough Mapping of Potential Urban Reserve Areas for the Cowlitz County Comprehensive Plan Update *(No Packet Materials)*
2) Pre-existing Uses and Structures ZTC (LU# 211-913)
    - Review draft ordinance
3) Pet and Domestic Animal ZTC (LU# 211-912)
    - Review draft ordinance
4) Variances and Changes to Approved Conditional Uses ZTC (LU# 210-919)
    - Issues identified with draft code passed by PC and potential next steps

REPORT / PROJECT UPDATE / DISCUSSION

1) U-Haul Business in C-2 District
2) Adding Retreat Centers to the list of Conditional Uses in the LDR-District
3) Comp Plan Update Pushed Back to June 30, 2016
4) Project Updates

ADJOURN

cc**:** Post (City Hall Annex, Library, Post Office, City Hall)
City of Woodland website
Planning Commission (5)
City Council (6)
Mayor
Those who have expressed interest in agenda topics
Department Heads (5)

WOODLAND PLANNING COMMISSION

Planning Commission Regular Meeting
7:00 p.m.
Wednesday, August 18 , 2011
Woodland Community Center
782 Park Street, Woodland, Washington

Present:	Chair David Simpson Commissioner Nancy Trevena Commissioner Sharon Watt Commissioner Jim Yount Commissioner Murali Amirineni
Absent:	None
Also Present:	Secretary JoAnn Heinrichs Community Development Planner Carolyn Johnson

CALL TO ORDER: 7:06:14 PM

APPOVAL OF MINUTES 7:06:23 PM

Commissioner Yount moved to accept July 21, 2011 minutes as written, Commissioner Trevena seconded the motion. Passed unanimously.

PUBLIC WORKSHOP 7:08:51 PM

1) Providing Input into the Cowlitz County Comprehensive Plan Update – A mapping workshop with Barbara Kincaid

Carolyn Johnson introduced Barbara Kincaid AICP, Senior Planner, Cowlitz-Wahkiakum Council of Governments.

- Gave background of the Comprehensive Plan.
- The current County Comp Plan was done in the 1970s
- Should have a draft completed in March or April 2012.
- Recommendations from Woodland PC will go to Steering committee to give recommendations to County PC and in turn the County Commissioners, who will ultimately adopt this plan.
- This will not change our urban growth boundaries.
- The county created the Vision Statement and list of guiding principles.

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- Ms Kincaid would like to see a future urban reserve area designated for those places where Woodland is likely to expand. Would like to see in this area with large lots.
- Areas not to go to: Areas where road and utilities would be extremely difficult and expensive

Population

- Would like to see where residential development will occur. More logical to look toward Clark County instead of north and going uphill.
- Went with OFM 20 year projection. The 2010 census has a larger growth number than the old projection. We will go with the 2010 Census numbers to start, adding the 3.5% growth rate. Estimated 2030 population will be 11,163. Approximately 2.5 people per household.
- Cities must show (the GMA) that they need more land to support the increased population in order to expand our UGB. Land is a limited resource.
- The PC could use rough circles on a map to give Barbara an idea of what areas the City if likely to expand into.
- Barbara will make an allocation table for county population; will get a copy to Carolyn.
- What will be done with properties that don't fit into our code. Need to revise Interlocal Agreement with Cowlitz & Clark Counties to address these issues.
- We will discuss further next meeting.

Carolyn gave the dike certification update. We are using Community Development Block Grant monies so the Army Corp of Engineers can complete certification. 7:29:15 PM

NOTE: Futurewise.org: Watchdogs for urban sprawl. 8:33:49 PM

George Tsugawa is interested in incorporating land into the UGB area.

PROJECT UPDATE 8:35:30 PM

1) Planning Commission Calendar update
2) Project Updates

- Shorelines Plan: Woodland is required this time to do our own Shorelines program. Received $50,000 grant, which will be administered by the COG. City has asked for additional funds for public outreach. Need ideas for public engagement.
- Hilltop Park is coming up and it would be good to have PC involvement and comments. Do we need to rezone to PQPI?
- CC recent decisions: CC will workshop Commercial Cardrooms in September.
- An Ad-Hoc committee has been formed to make a recommendation on the Downtown Design Standards. The CC's preference appears to be to make them standards and guidelines, and not regulations.

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- Historic Preservation District: COG thought it might not be a good idea economically.
- Dave: We need to have the design standards in place before letting a long established non-conforming use business be allowed to expand their footprint.
- Woodland Commerce Center has applied for a new Shoreline Substantial Use Permit.

ADJOURN 9:10:35 PM

Commissioner Yount moved to adjourn to our next regularly scheduled meeting on September 15, 2011, Commissioner Trevena seconded the motion. Passed unanimously.

_____ _____

JoAnn Heinrichs, Planning Commission Secretary Date

These minutes are not a verbatim record of the proceedings.
A recording is available in the office o the Clerk-Treasurer

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STAFF REPORT

To: Planning Commission

From: Carolyn Johnson, Community Development Planner

Date: Sept. 15, 2011

Re: Land Use No.: 211-913, Nonconforming Uses, Zoning Text Change

Clarifying WMC Chapter 17.60 (Pre-existing uses and Structure) is a 2011 Planning goal. The July Staff Report gives background on the need for reviewing and amending this section of the code. Since our July meeting, the City has received two documents that make amending this ordinance even more urgent.

First, the City's attorney has notified the mayor that the City ordinance for nonconforming uses conflicts with what the Courts are saying. He goes on to say that the Courts have made it clear that the City bears the burden of proof of abandonment and that the Courts have allowed conclusory statements by owners to rebut the City's evidence.

Secondly, the City received the Hearing Examiner's Final Order on the 208 Buckeye (Foglia House) matter on September 7th, 2011. His ruling calls into question current code language and the way the ordinance has been administered. In his ruling, the Examiner found:

> WMC 17.60.030 provides "If a pre-existing use is nonconforming and not actively used for a period of six months, it shall be deemed discontinued." However this Code section uses the term "discontinued." The courts have repeatedly held that discontinuance is synonymous with abandonment. "A discontinuance results from the concurrence of an intent to abandon and some overt act or failure to act which carries the implication of abandonment." Andrew v. King County, 21 Wn.App. 566, 572, 586 P.2d 509 (1978).
>
> Once the Appellant meets the burden of proof that a nonconforming use was established on the site, the burden of proof shifts to the City to prove that the use was discontinued or abandoned. Van Sant v. City of Everett, 69 Wn.App. 641, 647-648, 849 P.2d 1276 (1993). "Nonconforming uses are vested property rights which are protected. Protected property rights cannot be lost or voided easily." Id. 69 Wn.App. at 649 (internal citations omitted). In order to prove discontinuance or

abandonment, the City must establish “(1) intent [to abandon] and (2) an overt act, or failure to act, which carries with it the implication that the owner does not claim or retain any interest in the right to the nonconforming use.” Id. at 648.

> *The intent [to abandon] cannot be inferred from or established by a period of nonuse alone, but must be shown by the owner or occupier's overt acts or failure to act, such as written or oral statements evincing an intent to abandon the use, structural alterations to the building inconsistent with the continuance of the nonconforming use, or failure to take some step such as license renewal necessary to the continuance of the use. Id. at 653.*

In the Foglia case, the City failed to provide any evidence that the Appellant or her predecessors ever manifested any affirmative intent to abandon the multi-family use of the existing residential structure on the site.

With this further clarification on Court rulings, the City has a better understanding of what changes need to be made.

STAFF REPORT

To: Planning Commission

From: Carolyn Johnson, Community Development Planner

Date: July 21, 2011

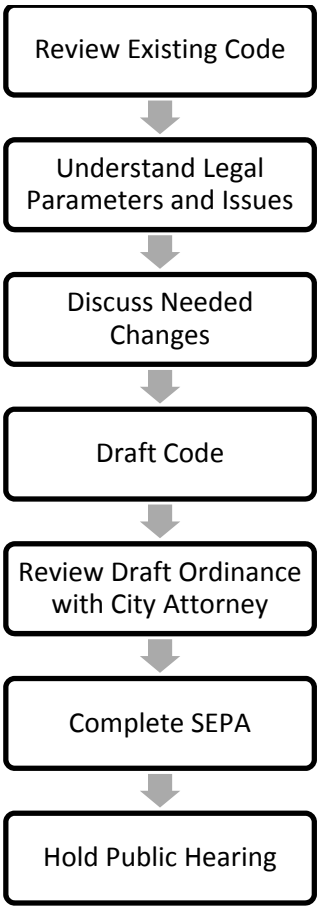
Re: Land Use No.: 211-913, Non-Conforming Uses, Zoning Text Change

Clarifying WMC Chapter 17.60, Pre-existing uses and Structure, is a 2011 Planning goal. This code text amendment will be worked on in conjunction with those text changes needed to clarify Woodland's Pet and Domestic Animal Code.

Why does Chapter 17.60 need to be clarified?

1. Section 17.60.030, Discontinuance, states "If a pre-existing use is nonconforming and not actively used for a period of six months, it shall be deemed discontinued." In practice, it has been difficult for staff to interpret the phrase "actively used." For example, does *actively used* include periods of time when a structure is advertised as being *for rent/sale*?
2. Section 17.60.040, Change of Use, states "If a pre-existing use which is nonconforming is changed, it shall be changed to a use conforming to the regulations of the district in which it is located, and after change, it cannot be changed back again." In practice, it has been difficult for staff to gauge what changes in *use* are (un)acceptable. For example, if a non-conforming business, a book store, were rented to a new tenant and became an antique store, would the *use* have changed? Or, should this section be construed more broadly as meaning a commercial use of the same general intensity? The current code gives staff no criteria in which to test whether a change in business should result in the loss of nonconforming use status. Should staff be focusing on the quality, character and intensity of the use? Or would any new business, other than another book store, be prohibited?

Proposed Process:


Review Existing Code
Understand Legal Parameters and Issues
Discuss Needed Changes
Draft Code
Review Draft Ordinance with City Attorney
Complete SEPA
Hold Public Hearing

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Date: September 15, 2011

The text highlighted and italicized are proposed amendments to the current code. Text struck through is proposed to be eliminated from the current code.

Chapter 17.60 - PRE-EXISTING USES AND STRUCTURES

Sections:

17.60.010 – Purpose.

17.60.020 – Nonconforming uses, structures and lots.

17.60.030 – Continuation.

17.60.040 – Modification.

17.60.050 – Discontinuance.

17.60.060 – Change of use.

17.60.070 – Destruction.

17.60.080 – Completion of structure.

17.60.090 – Single-family dwellings.

17.60.100 – Manufactured home on an individual lot.

17.60.110 – Nonconforming lots.

17.60.010 - Purpose.

The purpose of this chapter is to provide for those circumstances, uses and lots that are inconsistent with regulations of this title but which enjoy rights based on their previous legal existence.

17.60.020 - Nonconforming uses, structure and lots.

A nonconforming use is 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. A nonconforming structure is a structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies

with those regulations. A nonconforming lot is one 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, is now smaller than that minimum lot size.

17.60.030 **- Continuation.**

A pre-existing use or structure which is nonconforming may be continued and maintained in reasonable repair and safe condition; provided that the use or structure is not enlarged, increased, made more nonconforming, or extended to occupy a greater area than was occupied on the date of adoption of the ordinance codified in this title or applicable amendments thereto. The extension of said pre-existing use to a portion of a structure which was built for the pre-existing use at the time of the passage of the ordinance codified in this title is not considered an extension of a nonconforming pre-existing use. A nonconforming, pre-existing use or structure may not 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. For single-family dwelling exception, see Section 17.60.090.

17.60.040 **- Modification.**

A. A pre-existing structure nonconforming with respect to height, yard requirements, lot coverage, or density may be utilized by a use which is permitted in the district in which the structure is located. In order to accommodate a permitted use, the structure may be repaired, modified, or altered, internally and externally; provided such repairs and modifications do not increase the nonconformance of the structure and that they meet the Uniform Building Code standards.

B. In addition, a pre-existing structure which is non-conforming according to the description contained in subsection (A) of this section may be modified or altered in such a manner that it conforms to the standards of the district, this title, and the Uniform Building Code.

C. *Non-conforming uses wishing to expand may be allowed to do so by special permission of the hearing examiner through a conditional use permit per Chapter 17.72.*

17.60.050 **- Discontinuance.**

A pre-existing, nonconforming use that is abandoned for a period of six months, shall be deemed discontinued. Abandonment is evidenced by an overt act, or failure to act, which carries the implication that the owner does not claim or retain any interest in the right to the nonconforming use. A period of nonuse alone does not prove an intent to abandon a nonconforming use. Instead, the intent to abandon must be shown by the owner or occupier's overt acts, or failure to act, such as written or oral statements showing an intent to abandon the use, structural alterations to the building inconsistent with the continuance of the nonconforming use, listing of the property or structure for sale or lease in a manner inconsistent with the continuance of the nonconforming use, failure to take some step such as license renewal necessary to the continuance of the use. ~~If a pre-existing use is nonconforming and not actively used for a period of six months, it shall be deemed discontinued.~~ A discontinued pre-existing use which

is nonconforming cannot be revived and any further uses of the property must conform to the provisions of this title ~~as provided for above~~.

17.60.060 **- Change of use.**

If a pre-existing use which is nonconforming is changed, it shall be changed to a use conforming to the regulations of the *zoning* district in which it is located, and after change, it cannot be changed back again.

A nonconforming use may, by conditional use permit from the hearing examiner, be changed to an equal or more compatible use so long as no new building, enlargement or extensive alteration is involved.

17.60.070 **- Destruction.**

If a pre-existing use or structure which is nonconforming 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 or use of the property shall conform to the provisions of this title. For single-family dwelling exception, see Section 17.60.090.

17.60.080 **- Completion of structure.**

Nothing contained in this title shall require any change in the plans, construction, alternation, 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.

17.60.090 **- Single-family dwellings.**

A. Single-family dwellings existing in the C-1, C-2, and I-1 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 district.

B. If said single-family dwelling existing at the time of passage of the ordinance codified in this title are destroyed by any cause to an extent exceeding fifty percent of the cost of the structure, such dwellings are permitted to be improved or reconstructed; provided the standards of the LDR-6 district are maintained.

17.60.100 **- Manufactured home on an individual lot.**

A manufactured home legally sited on an individual lot outside of a manufactured home park or subdivision, may be replaced by another manufactured home, provided the replacing manufactured home meets the standards set forth in Section 17.16.080(L) of this code.

17.60.110 - Nonconforming lots.

a) Continuation. Any nonconforming single lot, tract or parcel of land that was lawfully created and recorded with the county auditor's office may be developed for any use allowed by the zoning

district in which it is located, even though such lot does not meet the size, width, depth and other dimensional requirements of the district, so long as all other applicable site use and development standards are met or a variance from such site use or development standards has been obtained. In order to be developed, a nonconforming lot must meet minimum lot size standards established by the provisions of this code.

b) Combination. WMC 17.76.050 provides for the combination of contiguous lots when one or both are nonconforming.

c) Exception for Single-Family Dwelling Units. An applicant may build one single-family residence consisting of no more than one dwelling unit on a lot or parcel regardless of the size of the lot or parcel if all of the following apply:

i. The lot area of the nonconforming lot is not less than the minimum lot area specified in the table below for the zoning district in which the subject property is located; or

ii. Community facilities, public utilities and roads required to serve the nonconforming lot are available concurrently with the proposed development; and

iii. Existing housing stock will not be destroyed in order to create a new buildable lot.

iv. The lot or parcel has not at any time been simultaneously owned by the owner of a contiguous lot or parcel with fronts on the same access right-of way.

Lot Area Table		
Zone	*Required Lot Size(sf)*	*% of Lot Size Needed to Build on a Legal, Nonconforming Lot*
LDR-6	*6,000*	*85% (5,100 sf minimum)*
LDR-7.2	*7,200*	*80% (5,760 sf minimum)*
LDR-8.5	*8,500*	*75% (6,375 sf minimum)*

Pet and Domestic Animal ZTC - DRAFT

Highlighted and italicized text is proposed to be added to the current code, while text that is struck through is proposed to be eliminated from the current code.

Chapter 17.16 – Low Density Residential (LDR) Zoning Districts

17.16.100 - Criteria and standards for accessory uses.

A. Accessory dwelling units subject to the following criteria:

1. One accessory dwelling unit shall be allowed per legal building lot as a subordinate use in conjunction with any single-family structure;

2. Either the primary residence or the accessory dwelling unit must be occupied by an owner of the property. In addition, accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the main building. Owners shall sign an affidavit affirming that the owner will occupy the main building or the accessory unit as their principal residence for at least six months of every year, and agreeing to the conditions of this section. Upon approval, the property owner shall record a notice on the property title that shall be in the form specified by the city;

3. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in this title;

4. The accessory dwelling unit shall not contain less than three hundred square feet and not more than eight hundred square feet, excluding any related garage area; provided that if the accessory unit is completely located on a single floor of an existing structure, the building official may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met;

5. The square footage of the accessory dwelling unit, excluding any garage area, shall not exceed forty percent of the total square footage of the primary residence and accessory dwelling unit combined after rehabilitation, excluding any garage area. This percentage shall apply to both attached and detached accessory dwelling units. Where the building official allows increased size per subsection (A)(4) of this section as part of an existing structure, the square footage shall not exceed fifty percent of the total square footage of the primary residence and accessory dwelling unit combined, excluding any garage area;

6. There shall be one off-street parking space in a carport, garage, or designated space provided for the accessory dwelling unit in addition to that which exists on the site for the primary residence;

7. Accessory dwelling units shall be located only in the same building as the principal residence unless the lot is at least eight thousand five hundred square feet in area or unless the accessory dwelling unit will replace a detached, preexisting structure of at least four hundred square feet.

Where lots contain at least eight thousand five hundred square feet in area or there is a detached, preexisting structure of at least four hundred square feet, the accessory dwelling unit may be part of the principal residence or located in a detached structure;

8. An accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence and to be generally compatible with the surrounding single family uses. If the accessory unit extends beyond the current footprint of the principal residence, such an addition shall be consistent with the existing roof pitch, siding and windows. If an accessory unit is detached from the main building it must also be consistent with the existing roof pitch, siding and windows of the principal residence. In addition, only one entrance for the main building will be permitted in the front of the principal residence. A separate entrance for the accessory dwelling unit shall be located either off the rear or the side of the building. Where garages in the vicinity predominantly face the primary street, the accessory unit shall not result in a new garage face to the street unless no other design is possible. The accessory dwelling unit shall be to the rear of the principal residence unless it is not possible;

9. The accessory dwelling unit shall meet all technical code standards including building, electrical, fire, plumbing and other applicable code requirements;

B. Adult day care home facilities which:

1. Meet Washington Association of Adult Day Centers Adult Day Care Guidelines;

2. Comply with all building, fire, safety, health code and business licensing requirements;

3. Conform to lot size, building size, setbacks, and lot requirements of this chapter except if the structure is a legal nonconforming structure;

4. Comply with the applicable provisions of the sign code of this title;

5. Make no structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure which would make it incompatible with surrounding residences;

6. Have no more than six adults served by the facility;

C. Family child care home or family day care home facilities which:

1. Meet Washington State child day care licensing requirements;

2. Comply with all building, fire, safety, health code and business licensing requirements;

3. Conform to lot size, building size, setbacks, and lot requirements of this chapter except if the structure is a legal nonconforming structure;

4. Comply with the applicable provisions of the sign code of this title;

5. Make no structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure which would make it incompatible with surrounding residences;

D. Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses shall not be in existence for more than six days in any calendar year, and shall not be in violation of any other chapter in this code, or city ordinance, and provided further, that any such garage sales and yard sales involve only the sale of household goods, none of which were purchased for the purpose of resale;

E. Home occupations which meet the following criteria:

1. The resident operator shall obtain a business license, which shall be renewed annually;

2. The home occupation shall employ no more than one person in addition to those who are residents of the dwelling;

3. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, exhausts, or vibrations that carry beyond the premises;

4. Signs indicating the presence of a home occupation must meet standards set forth in WMC Chapter 17.52

5. No storage or display of goods shall be visible from the outside of the structure;

6. No highly explosive or combustible material shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line;

7. Traffic generated which exceeds the following standards shall be prima facie evidence that the activity is a primary business and not a home occupation:

a. The parking of more than two customer vehicles at any one time, so long as customer parking does not displace or impede the use of off-street parking spaces for neighboring dwelling units.

b. More than eight clients or customers coming to the site each day, except that home day cares may have as many trips as required for the number of allowed children per the State Department of Social and Health Services (DSHS) requirements.

c. No customer visits or workers arriving or departing before 7:00 a.m. or after 8:00 p.m., with the exception of home day cares.

d. The use of loading docks or other mechanical loading devices.

e. Home occupations shall have no more than one delivery per week by commercial motor vehicle, excluding courier and mail services;

8. Materials, goods or commodities shall be delivered to or from the home occupation only from 8:00 a.m. to 6:00 p.m. Monday through Friday.

9. Merchandise shall not be offered for direct sale within the residence, accessory structure, or on-site;

10. No commercially licensed vehicles over fourteen thousand five hundred (14,500) pounds gross vehicle weight rating (GVWR) capacity shall be utilized in the business. No more than one type of commercially licensed vehicle under fourteen thousand five hundred (14,500) pounds gross vehicle weight rating (GVWR) capacity shall be utilized in the business on the premises;

~~**F.** Keeping of not more than four family pets, which can be kept in the home, such as dogs, cats or other domestic or tamed animals which are not vicious by nature. This list of four pets shall not include birds, fish, suckling young of a pet or other animals which at all times are kept inside a fully enclosed building or accessory building and which do not create an odor which is detectable on an adjoining lot.~~

F. Keeping of pets and domestic animals subject to the following restrictions:

1. *No horses, cattle, sheep, or goats on lots less than 0.5 acres;*
2. *For lots less than 10,000 sf:*
    a. *Beekeeping is permitted in fenced yards, subject to state statues and regulations;*
    b. *The keeping of not more than four poultry and four rabbits is permitted where poultry are defined as domesticated birds kept for the purpose of collecting eggs, raising of meat and/or feathers;*
    c. *The keeping of roosters is prohibited;*
    d. *One miniature hooved animal kept in an open fenced area 5,000 sf or larger permitted per dwelling unit; and*
    e. *No more than 4 dogs or cats or combination there of four months or age or older per dwelling unit.*

(Ord. 939 § 7 (part), 2000)

(Ord. No. 1212, § 14, 6-20-2011)

17.20.100 - Criteria and standards for accessory uses.

A. Family Child Day Care Home or Family Child Care Home.

1. Meet Washington State child day care licensing requirements;

2. Comply with all building, fire, safety, health code and business licensing requirements;

3. Conform to lot size, building size, setbacks, and lot requirements of this chapter except if the structure is a legal nonconforming structure;

4. Comply with the applicable provisions of the sign code of this title;

5. Make no structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure which would make it incompatible with surrounding residences;

B. Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses shall not be in existence for more than six days of any calendar year, and shall not be in violation of any other chapter in this code, or city ordinance, and provided further, that any such garage sales and yard sales involve only the sale of household goods, none of which were purchased for the purpose of resale.

C. Home Occupations.

1. The resident operator shall obtain a business license, which shall be renewed annually;

2. The home occupation shall employ no more than one person in addition to those who are residents of the dwelling;

3. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, exhausts, or vibrations that carry beyond the premises;

4. The home occupation shall have no advertising, display, or other indications of a home occupation on the premises;

5. No storage or display of goods shall be visible from the outside of the structure;

6. No highly explosive or combustible material shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line;

7. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located;

8. Merchandise shall not be offered for direct sale within the residence, accessory structure, or on-site;

9. No commercially licensed vehicles over fourteen thousand five hundred pounds gross vehicle weight rating (GVWR) capacity shall be utilized in the business. No more than one type of

commercially licensed vehicle under fourteen thousand five hundred pounds gross vehicle weight rating (GVWR) capacity shall be utilized in the business on the premises.

D. Keeping of Family Pets.

~~**1.** For single-family dwellings, keeping of not more than four family pets, which can be kept in the home, such as dogs, cats or other domestic or tamed animals which are not vicious by nature. This list of four pets shall not include birds, fish, suckling young of a pet or other animals which at all times are kept inside a fully enclosed building or accessory building and which do not create an odor which is detectable on an adjoining lot;~~

1. Keeping of pets and domestic animals subject to the following restrictions:

a. No horses, cattle, sheep, or goats on lots less than 0.5 acres;

b. For lots less than 10,000 sf:

i. Beekeeping is permitted in fenced yards, subject to state statues and regulations;

ii. The keeping of not more than four poultry and four rabbits is permitted where poultry are defined as domesticated birds kept for the purpose of collecting eggs, raising of meat and/or feathers;

iii. The keeping of roosters is prohibited;

iv. One miniature hooved animal kept in an open fenced area 5,000 sf or larger permitted per dwelling unit; and

v. No more than 4 dogs or cats or combination there of four months or age or older per dwelling unit.

c. The keeping of pets or domestic animals in a manner that violates WMC Title 7.

2. For multifamily dwellings, keeping of not more than two family pets~~, which~~ *that* can be kept in the home, such as dogs, cats or other domestic or tamed animals which are not vicious by nature *is permitted*. This list of two pets shall not include birds, fish, suckling young of a pet or other animals which at all times are kept inside a fully enclosed building or accessory building and which do not create an odor which is detectable on an adjoining lot. *The keeping of domestic animals or bees is prohibited.*

Chapter 7.04 - DOGS, CATS AND OTHER PETS

7.04.050 - Regulations and violations relating to pet animals.

Any person who harbors, keeps, maintains or has temporary custody of a pet animal shall be responsible for the behavior of such animal whether the person knowingly permits the behavior or not. Such person shall violate the terms of this chapter if:

A. Dog at Large. Such person's dog is at large as defined in Section 7.04.030; provided, however, this section shall not prohibit the owner and pet animal from participating in an organized show or training, exercise or hunting session in locations designated and authorized for that purpose.

B. Nuisance Pet Animal. Such person's pet animal constitutes a nuisance pet animal as defined in Section 7.040.030. Nuisance pet animal is a class 4 infraction.

C. Pet Animal on Public Property. Such person's pet animal is on public property such as a public park, beach or school ground and not on a leash held by a person who is able to maintain physical control, or proper safeguards have not been taken to protect the public and property from injury or damage from said animal, or is in violation of additional specific restrictions which have been posted. Such restrictions shall not apply to guide dogs for the visually impaired or service animals for the physically handicapped, or public property specifically designated by the city of Woodland as not requiring a leash. Pet animals on public property is a class 4 infraction.

D. Injury to a Person or Animal. Such person's pet animal causes injury to a person or domestic or pet animal (see also potentially dangerous dog or dangerous dog, Section 7.04.070). Injury to a person or animal is a misdemeanor.

E. Failure to Remove Fecal Material. Such person: (1) fails to possess and use the equipment or material necessary to remove animal fecal matter when accompanying an animal in public parks; or (2) fails to remove animal fecal matter when accompanying an animal off the owner's property. Failure to comply constitutes a class 4 infraction.

F. Failure to Sterilize an Adopted Pet Animal. Such person, when adopting a pet animal from the animal services shelter, fails to have the pet sterilized within the time period specified in the written agreement, unless specifically recommended by a veterinarian in writing, or in cases of verifiable placement within a governmental law enforcement agency. Failure to sterilize an adopted pet animal is a class 4 infraction.

G. Failure to Provide Humane Care. Such person fails to provide a pet animal with humane care as defined in Section 7.04.030. Failure to provide humane care is a misdemeanor.

H. Failure to Meet Terms of Quarantine. Such person fails to accept or to meet the terms of the quarantine notice served pursuant to Cowlitz County health department regulation after an animal has bitten a human. Failure to meet terms of quarantine is a misdemeanor.

Pet and Domestic Animal ZTC - DRAFT

I. *Keeping of Pets and Domestic Animals Not Allowed in Residential Districts. Such person fails to meet limits on the type or number of pets and domestic animals allowed in residential zoning districts. In Low Density Residential (LDR) Zoning Districts, the following restrictions apply:*

1. *No horses, cattle, sheep, or goats on lots less than 0.5 acres;*
2. *For lots less than 10,000 sf:*
    - ***a.*** *Beekeeping is permitted in fenced yards, subject to state statues and regulations;*
    - ***b.*** *The keeping of not more than four poultry and four rabbits is permitted where poultry are defined as domesticated birds kept for the purpose of collecting eggs, raising of meat and/or feathers;*
    - ***c.*** *The keeping of roosters is prohibited;*
    - ***d.*** *One miniature hooved animal kept in an open fenced area 5,000 sf or larger permitted per dwelling unit; and*
    - ***e.*** *No more than 4 dogs or cats or combination there of four months or age or older per dwelling unit.*

In Multifamily Residential (MDR and HDR) Zoning Districts, the following restrictions apply:

1. *Keeping of pets and domestic animals subject to the following restrictions:*
    - ***a.*** *No horses, cattle, sheep, or goats on lots less than 0.5 acres;*
    - ***b.*** *For lots less than 10,000 sf:*
        - ***i.*** *Beekeeping is permitted in fenced yards, subject to state statues and regulations;*
        - ***ii.*** *The keeping of not more than four poultry and four rabbits is permitted where poultry are defined as domesticated birds kept for the purpose of collecting eggs, raising of meat and/or feathers;*
        - ***iii.*** *The keeping of roosters is prohibited;*
        - ***iv.*** *One miniature hooved animal kept in an open fenced area 5,000 sf or larger permitted per dwelling unit; and*
        - ***v.*** *No more than 4 dogs or cats or combination there of four months or age or older per dwelling unit.*
    - ***c.*** *The keeping of pets or domestic animals in a manner that violates WMC Title 7.*

2. For multifamily dwellings, keeping of not more than two family pets~~, which~~ *that* can be kept in the home, such as dogs, cats or other domestic or tamed animals which are not vicious by nature *is permitted*. This list of two pets shall not include birds, fish, suckling young of a pet or other animals which at all times are kept inside a fully enclosed building or accessory building and which do not create an odor which is detectable on an adjoining lot. *The keeping of domestic animals or bees is prohibited.*

(Ord. 852 § 2 (part), 1997)

7.04.080 - Infractions.

Violation of the following sections of this chapter shall constitute a class 4 civil infraction:

A. Section 7.04.040(A): Failure to license;

B. Section 7.04.050(A): Dog at large;

C. Section 7.04.050(B): Nuisance pet animal;

D. Section 7.04.050(C): Pet animals on public property;

E. Section 7.04.050(E): Failure to remove fecal material;

F. Section 7.04.050(F): Failure to sterilize an adopted pet animal.

G. *Section 7.04.050(I): Keeping of pets and domestic animals not allowed in residential zoning districts.*

Civil infractions shall be heard and determined according to RCW Chapter 7.80, as amended, and any applicable court rules.

Jurisdiction	Walla Walla	Wenatchee	Union Gap	SeaTac	Longview	Tumwater
Dogs and Cats	3 dogs and cats, or any combination thereof four months of age or older, shall be permitted per dwelling unit.	3 dogs and 3 cats	Unless licensed as a kennel, no more than 4 dogs or cats, or combination thereof, per lot.	No limit on inside cats. 5 inside dogs allowed. Number of outside animals is based on lot size. See SeaTac table below.		
Bees	Beekeeping permitted in all districts subject to the following: Minimum lot size of one-half acre Hives must be fenced State statutes and regulations must be met			Not regulated		
Chickens, Fowl, Rabbits	No more than 50 each per family. Must be housed in a coop or shelter enclosed by a fence.		For lots under 0.5 acres, no more than 4 poultry and a maximum of four rabbits. Roosters prohibited.	5 chickens allowed on any sized lot. 5 outside rabbits allowed on any sized lot.		
Hoofed Animals	A minimum of 10,000 sf of opened fenced area per horse, mule, donkey, or burro is required.		No horses, cattle, sheep, or goats lots less than 0.5 acre.	See the SeaTac table for sheep and goats. Horses on lots at the time of code adoption can remain as a legal nonconforming use. Any new horses can only be permitted with the approval of a special district overlay (rezone process).		
Miniature Hoofed Animals	A minimum of 5,000 sf of open fenced area is required per animal			See the SeaTac table for miniature horses and pygmy		

				goats.		
Swine	Not permitted except miniature pigs		No swine on lots less than 0.5 acre.	See SeaTac table below. No indoor pot-bellied pigs on lots under 15,000 sf.		
Excess Animal Provision		Excess Animal license needed for more cats or dogs than allowed.	Yes. Kennel license needed to keep more than 4 dogs and cats.	None		
Other	Code addresses animal kennels, commercial horse boarding, fencing of animals and animal outbuildings			Differentiates between inside and outside animals		

Figure 1. SeaTac Table – Limits on Outdoor Animals

	Less Than 7,200 sq. ft.	7,200 – 15,000 sq. ft.	15,001 – 30,000 sq. ft.	30,000+ sq. ft.
Total Number of Outside Animals Allowed	5*	6*	7*	8*
Cats	3	3	4	5
Dogs	3	3	4	5
Rabbits	5**	5**	5**	5**
Goats/Pygmy Goats	1**	2**	3**	4**
Sheep	1**	2**	3**	3**
Pigs/Pot-Bellied Pigs	0**	0**	1**	2**
Chickens (Including Roosters)	5**	5**	5**	5**
Ducks	5**	5**	5**	5**
Other Fowl	0	0	1**	2**
Miniature Horses	0	0	1**/***	2**/***

* This denotes the total number of outside animals allowed. This total may be any combination of the above listed animals (for example, three (3) dogs, one (1) goat, and one (1) sheep).

** This is the total number of this animal type that is allowed as part of the total number of animals allowed based on lot size

STAFF REPORT

To: Planning Commission
From: Carolyn Johnson, Community Development Planner
Date: October 20, 2011
Re: Land Use No.: 210-919, Review Procedures and Criteria for Variances and Minor Modifications to Approved Conditional uses

If it is the Planning Commission's intent to make variances from side and rear yard setback standards in industrial zones easier to obtain, the draft ordinance recently approved will likely miss the boat. In speaking with the City's Hearings Examiner about a recent land use decision, I came to the realization of how difficult it is to meet one particular variance criteria which makes applicants prove their property is physically unique or made unique because of its location or surroundings. See criteria WMC 17.81.020.B.1 below:

> *B. Major Variances. The examiner shall decide upon application for major variances from the terms of this title; provided that any variance granted shall be subject to such conditions as will assume that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and:*
>
> > *1. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to other properties in the vicinity and in the same zone in which the subject property is located; and*
> >
> > *2. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;*
> >
> > *3. If such permit for variance is denied, no reapplication shall be made within one year from the date of denial;*
> >
> > *4. An approved variance will go with or be assigned to the subject property and shall not be transferable to another property;*
> >
> > *5. No use variance shall be granted except for lawfully created pre-existing uses.*

Major variances must meet all criteria above. However, if passed, so would all **minor** variances as per the draft ordinance recently approved by the Commission.

The underlined criterion above is a critical standard and something that should remain in the code. **However, if one intent of the draft ordinance is to make obtaining a variance from industrial setback standards easier, then I propose a small change.**

A proposed revision to the draft approved by the PC is underlined on page 3.

ORDINANCE NO. 1219

THE CITY OF WOODLAND, WASHINGTON

AN ORDINANCE AMENDING WMC 17.81.020 TO DEFINE MAJOR AND MINOR VARIANCES, CLARIFY APPROVAL AND APPEAL AUTHORITY FOR MINOR VARIANCES AND MINOR MODIFICATIONS TO APPROVED CONDITIONAL USES, AND TO ESTABLISH REVIEW CRITERIA FOR MINOR VARIANCES AND MINOR MODIFICATIONS TO APPROVED CONDITIONAL USES.

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

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

NOW THEREFORE, be it hereby ordained by the City Council of the City of Woodland as follows:

Highlighted and italicized text is proposed to be added to the current code, while text that is struck through is proposed to be eliminated from the current code.

WMC 17.81.020 Creation of land use hearing examiner.

The office of Woodland municipal land use hearing examiner, hereinafter referred to as "examiner," is created. The examiner shall interpret, review, and implement land use regulations and policies as provided in this chapter or by other ordinances of the city, including but not limited to the following:

A. Conditional Uses per Chapter 17.72. Applications for conditional uses when the zoning ordinance sets forth the specific uses to be made subject to conditional use permits.

B. *Major* Variances. *A major variance shall be defined as a variance to a measurable zoning standard which does not fall under a category of minor variances as outlined in WMC 17.81.180.A.* The examiner shall decide upon application for *major* variances from the terms of this title; provided that any variance granted shall be subject to such conditions as will assume that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and:

This is a very difficult criterion to meet but also an important standard to keep in the code. Please note, this language is fairly standard amongst codes.

1. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to other properties in the vicinity and in the same zone in which the subject property is located; and

2. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;

3. If such permit for variance is denied, no reapplication shall be made within one year from the date of denial;

4. An approved variance will go with or be assigned to the subject property and shall not be transferable to another property;

5. No use variance shall be granted except for lawfully created pre-existing uses *in accordance with WMC 17.60*.

C. Violations. Recognizing the fact that a building may be erected in good faith with every intent to comply with the provisions of this title in respect to the location of the building upon the lots and the size and location of required yards, and that it may later be determined that such building does not comply in every detail with such requirements, although not violating the spirit or intent of this title, the examiner may issue a waiver of violation, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

D. All appeals regarding SEPA matters, shoreline exemptions and supplemental environmental impact statements.

E. Issuance of replats, plat vacations, shoreline development permits, shoreline conditional use permits and shoreline variances. See also Section 19.08.030 describing decision making and appeal authority of the hearing examiner.

F. Appeals regarding written administrative decisions concerning a land use or environmental permit application as outlined in WMC 19.08.030 or written interpretations of a provision of the Woodland Municipal Code (WMC) issued by the Development Review Committee (DRC) or Public Works Director.

17.81.180 Minor variances or *minor modifications to approved* conditional uses *or administrative conditional uses* – Review *and Appeal Authority*.

A. The following variances shall be deemed minor in nature and may be approved*, approved with conditions, or denied* by the ~~hearing examiner~~ *Development Review Committee (DRC)* without a public hearing *based on the approval criteria outlined in WMC 17.81.180.B and in accordance with the notice requirements outlined in WMC 17.81.200*:

1. A reduction in lot area, setbacks, lot dimensions; and, an increase in lot coverage and building height, all by not more than ~~ten~~ *thirty* percent of that required by the applicable standard of the zoning district in which the proposal is located; ~~and~~

2. Any reduction in a side or rear yard setback below the minimum setback required by the applicable standard in the Light Industrial (I-1) or Heavy Industrial (I-2) zoning district; or

~~2~~ *3*. The modification of pre-existing nonconforming structures housing permitted uses, to the extent that the modification will not cause a greater infringement than exists of any standard of the zoning district in which the proposal is located.

Suggested changes to PC approved draft based on comments from the HE.

B. Approval criteria for minor variances

1. No variance shall be approved by the DRC which will allow an increase in the number of dwelling units on a parcel greater than that permitted by the applicable zoning district, or which will permit the reduction in area of any lot created after the adoption of the ordinance codified in this chapter;

2. All major variance criteria outlined in WMC 17.81.020.B shall be met, except where a variance is proposed to side or rear setback standards applicable to the Light Industrial (I-1) or Heavy Industrial (I-2) zoning districts. In these cases, the DRC shall consider criteria 2-5 outlined in WMC 17.81.020.B. The DRC shall also consider whether or not the requested minor variance is necessary due to the unique physical characteristic of the existing site configuration, building, and/or use and consistent with the intent of applicable standard to which the minor variance is sought.

~~*2. All major variance criteria outlined in WMC 17.81.020.B shall be met; and*~~

~~*3. For variances to the side or rear setback standards applicable to the Light Industrial (I-1) or Heavy Industrial (I-2) zoning district, it shall also be considered whether or not the requested minor variance is necessary due to the unique physical characteristic of the existing site configuration, building, and/or use and consistent with the intent of applicable standard to which the minor variance is sought.*~~

#2 and #3 were in the PC approved draft

~~B.~~ *C*. The following *modifications to approved* conditional uses *or administrative conditional uses* shall be deemed minor in nature and may be approved *, approved with conditions, or denied* by the ~~hearing examiner~~ *DRC* without a public hearing *based on the approval criteria outlined in WMC 17.81.180.D and in accordance with the notice requirements outlined in WMC 17.81.200*:

1. ~~the~~ ~~c~~*C*onstruction of accessory buildings which will not alter or affect the permitted conditional use of the property.

D. Approval criteria for minor modifications to approved conditional uses or administrative conditional uses

1. No ~~variance or~~ *minor modifications to an approved* conditional use *or administrative conditional use* shall be approved by the ~~hearing examiner~~ *DRC* which will allow an increase in the number of dwelling units on a parcel greater than that permitted by the applicable zoning district, or which will permit the reduction in area of any lot created after the adoption of the ordinance codified in this chapter~~.~~*; and*

2. Granting of the proposed minor modification to the approved conditional use or administrative conditional uses is consistent with the applicable zoning district requirements, and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

E. The DRC may solicit advice from the Planning Commission as part of a public meeting and/or qualified professionals without a public meeting, to help determine whether the proposed minor variance or minor modification to the approved conditional use or administrative conditional use meets the approval criteria.

F. The DRC shall develop a written decision including the DRC's response to each applicable approval criteria concerning minor variances outlined in WMC17.81.180.B or concerning minor modifications to approved conditional uses or administrative conditional uses outlined in WMC 17.81.180.D.

G. The DRC's decisions concerning minor variances or minor modifications to approved conditional uses or administrative conditional uses can be appealed to the Planning Commission within ten days from the date the DRC's written decision is issued. The Planning Commission shall review such appeals at an open record public hearing in accordance with the notice requirements outlined in WMC 19.06.070 and .080 and render decisions based on the applicable review criteria outlined in WMC17.81.180.B or WMC 17.81.180.D, the intents of applicable standards, and applicable provisions in the Woodland Comprehensive Plan.

17.81.190 Minor variances or *minor modifications to approved* conditional uses *or administrative conditional uses* --Procedure.

A. Valid Applicant. The proper owner~~,~~ *or* the owner's authorized agent, or a non-owner resident may file an application for a minor variance or *minor modification to an approved* conditional use *or administrative conditional use*. Where the applicant is a non-owner resident, the owner or owner's agent shall co-sign the application.

B. An application for a minor variance or *minor modification to an approved* conditional use *or administrative conditional use* shall be accompanied by the following:

1. A site plan of the property involved *that is to scale* showing all *property lines*, existing and proposed structures and off-street parking;

2. In the case of a variance from the height limitations, front and side or longitudinal cross-sections of the proposed structure(s) showing grade and building elevations;

3. ~~A list showing the current ownership of the subject property as shown in the records of the Clark County or Cowlitz County Assessor, and a list of names and addresses of current owners of all abutting properties as shown by the records of the county assessor of the county in which such properties are located, which such lists are certified as correct by the appropriate county assessor or by a title company~~;

4. A filing fee as determined by the city council;

5. *The applicant's response to each applicable approval criteria outlined in WMC 17.81.180.B or WMC 17.81.180.D; and*

6. *Other information as determined by the DRC that is necessary to demonstrate the proposed minor variance or minor modification to the approved conditional use or administrative conditional use permit meets the approval criteria and other applicable standards in the Woodland Municipal Code and policies and goals in the Comprehensive Plan.*

17.81.200 Minor variances or *minor modifications to approved* conditional uses *or administrative conditional uses* --Notification.

Upon receipt of a valid application, the city clerk-treasurer or designee shall notify in writing the applicant, the owner of record of the subject property, *the Planning Commission*, and the owners of record of all ~~abutting~~ properties *located within three hundred feet* that the requested *minor* variance or *minor modification to an approved* conditional use *or administrative conditional use is being reviewed and approved, approved with conditioned, or denied by the DRC based on the applicable approval criteria. The City shall mail such notices at least fourteen days prior to the date the DRC makes the final decision on the proposal. Such notices shall provide a fourteen-day public comment period. Not later than five days following the rendering of the DRC's written decision, copies thereof shall be mailed to the applicant, the owner of record of the subject property, and those who have submitted to the City a non-anonymous written comment during the fourteen-day comment period.* ~~may be approved unless written objections are received within ten calendar days of said notification. Upon receipt of any written objection, a public hearing will be scheduled for the earliest possible hearing examiner meeting. Notice of a public hearing shall be as set forth in Section 17.81.100. Notice of the hearing examiner's decision shall be as set forth in Section 17.81.110.~~

~~**17.81.210 Minor variances or conditional uses --Consideration.**~~

~~Prior to any approval, the hearing examiner shall determine that the granting of the variance meets the criteria specified in Section 17.81.020(B), or the granting of the conditional use is consistent with the applicable zoning district requirements, and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.~~

CHAPTER 19.08 – APPROVAL, REVIEW AND APPEAL AUTHORITY

19.06.040 - Administrative approvals.

Administrative decisions regarding the approval or denial of the following applications or determinations/interpretations may be appealed to the hearing examiner within fourteen days of the final staff decision as set forth in Section 15.04.225 (Refer to WMC 19.08.030 for other appeal authorities):

A. All administrative interpretations/determination;

B. Boundary line adjustments;

C. Building permits;

D. Preliminary short plats;

E. Preliminary SEPA threshold determination (EIS required);

F. Shoreline exemptions and staff-level substantial development permits;

G. Sign permits;

~~**H.** Variances, administrative;~~

I. Temporary uses, administrative;

J. Conditional uses, administrative

19.08.010 – Approval and appeal authorities.
The project review process for an application or a permit may include review and approval by one or more of the following processes:

Department Staff. Individual staff as assigned by the director shall have the authority to review and approve, deny, modify, or conditionally approve, among others, boundary line adjustments, administrative temporary and conditional use permits, building permits and other construction permits exempt from the State Environmental Policy Act, environmental determinations, review (including reviews of undersized lots of record) short plats, sign permits, certificates of occupancy, and shoreline exemptions, and to provide interpretations of codes and regulations applicable to such projects.

(Ord. 983 § 2, 2003: Ord. 817 § 4 (part), 1996)

19.08.020 – Consolidation of appeals/completion of process.
A. Any development which includes a request for one or more variances shall be considered by the planning commission concurrently with the plat or plan to which it applies.

B. When a public hearing is required in conjunction with a project permit, the recommending authority shall issue its recommendation in sufficient time for the hearing examiner to issue a notice of final decision within one hundred twenty days of the date of the complete application.

C. In the event RCW 43.21C.075 or other state law shall now or in the future require the city to consolidate appeals of procedural determinations made under SEPA with any appeal of the underlying governmental action, both shall be consolidated in one open record hearing before the hearing examiner. Subsequent appeals of the consolidated open record hearing shall be governed by the city's SEPA appeals process as set forth in Section 19.08.030 of this chapter.

(Ord. 1087 § 1, 2006: Ord. 817 § 4 (part), 1996)

19.08.030 – Review and appeal authority.
The following table describes development permits and the final decision and appeal authorities. When separate applications are consolidated at the applicant's request, the final decision shall be rendered by the highest authority designated for any part of the consolidated application.

Council decisions may be appealed to superior court except comprehensive plan decisions which may be appealed to the State Growth Management Hearings Board and final shoreline permit actions which may be appealed to the shoreline hearings board.

Key:	**R**	**=**	**Recommendation to Higher Review Authority**	**D**	**=**	**Decision**	
	OP	**=**	**Open Record Predetermination Hearing**	**SR**	**=**	**Staff Recommendation**	
	OPX	**=**	**Optional Open Record Hearing**	**A**	**=**	**Appeal Decision**	
	C	**=**	**Closed Record Appeal Hearing**				
			NOT SUBJECT TO RCW 36.70B	**PUBLIC WORKS DEPARTMENT STAFF**	**DEVELOPMENT REVIEW COMMITTEE**	**HEARING EXAMINER**	**PLANNING COMMISSION**	**CITY COUNCIL**
ZONING							
ADMIN. CONDITIONAL USE PERMITS				**D**		**A (OPX)**		
CONDITIONAL USE PERMITS					**R**	**D (OP)**		**A (C)**
TEMPORARY USE				**D**		**A (OPX)**		

PERMITS						
***MAJOR* VARIANCE**			**R**	**D (OP)**		**A (C)**
MINOR VARIANCE		***D***			***A(OP)***	
SITE SPECIFIC ZONE CHANGES			**SR**		**R (OP)**	**D (C)**
ZONING TEXT AMEND (DEV. REG. CHANGES)			**SR**		**R (OP)**	**D (OPX)**
AREA WIDE MAP AMEND						**D (OPX)**
COMPREHENSIVE PLAN						
C.P. TEXT AMENDMENT			**SR**		**R (OP)**	**D (OPX)**
C.P. MAP AMENDMENT			**SR**		**R (OP)**	**D (OPX)**
LAND DIVISION						
RE-PLAT		**R**		**D (OP)**		**A (C)**
PLAT VACATION		**R**		**D (OP)**		**A (C)**
BOUNDARY LINE ADJUSTMENT		**D**				**A (OP)**
PRELIMINARY PLAT			**SR**		**R (OP)**	**D (C)**
SHORT PLAT		**D**				**A (C)**
FINAL PLAT			**SR**		**R**	**D**
PLANNED UNIT RESIDENTIAL DEVELOPMENT			**SR**		**R (OP)**	**D (C)**

BINDING SITE PLAN		**D**				**A (C)**
PLAT TIME EXTENSION			**SR**			**D (C)**
ENVIRONMENTAL						
CRITICAL AREAS PLAN		**D**		**A (OP)**		
SEPA DET.						
1. DNS		**D**		**A (OP)**		
2. MDNS		**D**		**A (OP)**		
3. DS/EIS		**D**		**A (OP)**		
4. SUPPLEMENTAL		**D**		**A (OP)**		
SHORELINES						
SUB. DEV. PERMIT			**SR**	**D (OP)**		
CONDITIONAL USE PERMIT			**SR**	**D (OP)**		
VARIANCE			**SR**	**D (OP)**		
EXEMPT		**D**		**A (OP)**		
SITE PLAN REVIEW						
COMMERCIAL			**D**		**A (OP)**	**A (C)**
INDUSTRIAL			**D**		**A (OP)**	**A (C)**
MULTI FAMILY			**D**		**A (OP)**	**A (C)**
M/H PARK			**D**		**A (OP)**	**A (C)**

OTHER						
BLDG. PERMIT W/SEPA		**#**		**A (OP)***		

 # Decision made by Building Official

** If appeal includes SEPA matters*

(Ord. 983 § 2, 2003: Ord. 817 § 4 (part), 1996)

19.08.040 – Conflicts.

In the event of conflicts between the procedural requirements of this title and other development regulations of the city, the provisions of this title shall control.

Chapter 17.46 - HEAVY INDUSTRIAL DISTRICT (I-2)

17.46.128 - Variance from requirements.

Whenever there are difficulties that result from physical peculiarities of the property which make it difficult to implement these standards, the hearing examiner *or Development Review Committee* shall have the authority to grant a variance from strict compliance with specific standards or requirements. The hearing examiner shall review such variance application at an open record public hearing in accordance with the procedure outlined in WMC Chapter 17.81 and render decisions based on the criteria outlined in WMC Section 17.81.020(B) and provisions in the Woodland Comprehensive Plan. *The DRC shall review applications for minor variances based on approval criteria outlined in WMC 17.81.180(B) and provisions in the Woodland Comprehensive Plan.* Any such deviation so granted shall be specifically identified in the approved site plan and landscaping plan.

Chapter 17.44 - LIGHT INDUSTRIAL DISTRICT (I-1)

17.44.138 - Variance from requirements.

Whenever there are difficulties that result from physical peculiarities of the property which make it difficult to implement these standards, the hearing examiner *or Development Review Committee* shall have the authority to grant a variance from strict compliance with specific standards or requirements. The hearing examiner shall review such variance application at an open record public hearing in accordance with the procedure outlined in WMC Chapter 17.81 and render decisions based on the criteria outlined in WMC Section 17.81.020(B) and provisions

in the Woodland Comprehensive Plan. *The DRC shall review applications for minor variances based on approval criteria outlined in WMC 17.81.180(B) and provisions in the Woodland Comprehensive Plan.* Any such deviation so granted shall be specifically identified in the approved site plan and landscaping plan.

FY 2011
Year To Date Report
Planning Department

LONG-RANGE PLANNING / CODE AMENDMENTS:

Downtown Design Standards (LU# 209-917)

a) 03/24/2011 Revised SEPA DNS issued
b) 05/23/2011 Struck from CC agenda pending further information on financial impacts
c) 08/08/2011 CC held workshop to discuss proposed design standards, special committee recommended
d) 08/25/2011, 09/07/2011, 09/21/2011 and 10/05/2011 Ad Hoc Committee meetings held

Planned Unit Residential Development (PURD) Standards (LU# 208-919)

a) 02/07/2011 First reading before CC
b) 02/22/2011 Approved by CC at final reading

Commercial Vehicle Parking in Residential Zoning Districts (LU# 210-924)

a) 02/09/2011 PC discussed and made changes to draft ordinance
b) 03/09/2011 PC discussed and moved to hold a Public Hearing
c) 04/13/2011 Public Hearing before the Planning Commission. Commission voted to send ordinance to CC with a recommendation of approval.
d) 05/16/2011 CC approved 1st reading of the ordinance
e) 06/06/2011 CC approved the Final reading of the ordinance

Home Occupation Review Criteria in LDR Zoning Districts (LU# 210-926)

a) 02/09/2011 PC discussed and made changes to draft ordinance
b) 03/09/2011 PC discussed and made changes to draft ordinance
c) 04/13/2011PC discussed and voted to redo SEPA and Public Notification and schedule a Public Hearing
d) 04/20/2011 NOA and DNS issued
e) 05/11/2011 PC held a Public Hearing and voted to send the draft ordinance to CC with a recommendation of approval.
f) 06/06/2011 CC approved 1st reading of the ordinance
g) 06/20/2011 CC approved Final reading of the ordinance

Industrial Setback Standards (LU# 210-919)

a) 01/19/2011 NOA and SEPA DNS issued
b) 06/08/2011 PC held a Public Hearing. Changes to the draft ordinance were made following the hearing.
c) 07/21/2011 PC held workshop on draft ordinance and voted to send the draft ordinance to CC with recommendation of approval

Variance Expirations and Site Plan Approval (LU# 210-912)

a) 02/04/2011 NOA and SEPA DNS issued

Commercial Card Room Interim Zoning Control (LU# 210-928)

a) 02/09/2011 PC held workshop to discuss a permanent/final zoning ordinance
b) 03/16/2011 Joint PC and CC session where Amy Hunter from the Washington State Gambling Commission spoke and answered questions
c) 04/11/2011 CC workshop to discuss options for zoning commercial card rooms
d) 04/13/2011 PC held a workshop to discuss a permanent/final zoning ordinance
e) 05/11/2011 PC held a workshop to discuss a permanent/final zoning ordinance
f) 06/06/2011 CC approved a 2nd Interim Zoning Control (6 months)
g) 06/08/2011 PC held a workshop where Mr. Eling's 06/06/2011 Memo to Council was discussed.
h) 07/21/2011 PC reviewed draft recommendation to the CC
i) 08/07/2011 PC recommendation sent to Council
j) 09/26/2011 CC held workshop to discuss PC recommendation

Creation of a Historic Preservation Ordinance (LU# 211-906)

a) 05/11/2011 PC held workshop to review background information and to review the State's model ordinance
b) 06/08/2011 PC held workshop to review lessons learned by other communities with historic preservation programs
c) 07/21/2011 PC reviewed draft ordinance and background materials

Pet and Domestic Animals Zoning Code Text Change (LU# 211-912)

a) 07/21/2011 PC held workshop to review current code and discuss issues

Non-Conforming Use Zoning Code Text Change (LU# 211-913)

a) 07/21/2011 PC held workshop to review current code and discuss issues

DEVELOPMENT REVIEW

Swimming Pool Site Plan Review and SEPA (LU# 209-932)

a) 02/25/2011 3rd Notice of Incomplete Application issued
b) 09/02/2011 4th Notice of Incomplete issued

Les Schwab Tire Center Site Plan Review and SEPA (LU# 211-902)

a) 03/04/2011 Application materials received
b) 03/30/2011 Notice of Incomplete Application issued
c) 04/04/2011 City staff, consultants, and Les Schwab met to discuss concerns around the proposed stormwater pond
d) 04/06/2011 2nd Notice of Incomplete Application issued
e) 04/08/2011 Notice of Complete Application Issued
f) 04/21/2011 NOA and SEPA MDNS issued

g) 05/13/2011 Approval with Conditions issued
h) 06/02/2011 Conditions of approval met

City Sidewalk Construction Project, Shoreline Substantial Development Permit (LU# 211-903)

a) 05/04/2011 Notice of Application issued
b) 06/07/2011 Public Hearing before the City's Hearing Examiner held
c) 06/13/2011 Written approval received from Hearing Examiner
d) 06/14/2011 Hearing Examiner's decision transmitted to Department of Ecology
e) 07/11/2011 DOE acknowledgement letter received

Wal-Mart Sign Variance (LU# 211-904)

a) 03/31/2011 Application for variance to WMC sign requirements submitted
b) 04/27/2011 Notice of Complete Application issued
c) 05/04/2011 Notice of Application issued
d) 06/07/2011 Public Hearing before the City's Hearing Examiner held
e) 07/12/2011 Hearing Examiner issued Final Order (Approval with Condition)

Chumbley Boundary Line Adjustment (LU# 211-905)

a) 04/29/2011 Application for BLA submitted
b) 05/05/2011 Notice of Complete Application issued
c) 05/06/2011 Notice of Filing issued
d) 05/27/2011 Notice of Decision issued (approval)
e) 07/12/2011 BLA recorded with the County

America's Family Diner Administrative Conditional Use Permit (LU# 211-909)

a) 06/05/2011 Application for ACUP submitted
b) 06/10/2011 Notice of Incomplete Application issued to applicant
c) 06/17/2011 Notice of Complete Application issued to applicant
d) 06/22/2011 Notice of Application issued
e) 07/13/2011 DRC reviewed Draft NOD
f) 07/13/2011 Notice of Decision issued (Approval with Conditions)

Thoeny Produce Stand Administrative Temporary Use Permit (LU# 211-911)

a) 06/13/2011 Application for ATUP submitted
b) 06/17/2011 Notice of Complete Application and Notice of Decision issued

PacifiCorp Release Pond Shoreline Substantial Development Permit, Shoreline CUP, Critical Areas Permit, SEPA and Site Plan Review (LU#211-914)

a) 07/18/2011 Application received
b) 08/11/2011 Notice of Incomplete issued
c) 08/29/2011 Notice of Complete Application issued
d) 09/07/2011 1st Notice of Application and MDNS issued

HCI/HCT Industrial Facility Site Plan Review, SEPA, and Critical Areas Permit (LU# 211-915)

a) 07/18/2011 Application received
b) 08/08/2011 Notice of Incomplete issued

c) 09/15/2011 Notice of Complete Application issued
d) 09/21/2011 Notice of Application and MDNS issued

Davidson Alley Water Line Shoreline Substantial Development Permit (LU# 211-916)

a) 07/25/2011 Application received
b) 07/27/2011 Notice of Complete Application
c) 08/10/2011 Notice of Application issued
d) 08/04/2011 Notice of Public Hearing issued
e) 09/12/2011 Public Hearing before the Hearing Examiner
f) 09/19/2011 Final Order (approval) received and transmitted to DOE

Woodland Commerce Center Shoreline Substantial Development Permit (LU# 211-917)

a) 08/25/2011 Application received
b) 09/21/2011 Notice of Complete Application issued
c) 09/23/2011 Critical Areas Exemption letter issued
d) 10/05/2011 Notice of Application issued

New Land Use Applications Submitted 2011

1) Les Schwab Tire Center Site Plan Review and SEPA (LU# 211-902)
2) City Sidewalk Construction Project, Shoreline Substantial Development Permit (LU# 211-903)
3) Wal-Mart Sign Variance (LU# 211-904)
4) Jim Chumbley Boundary Line Adjustment (LU# 211-905)
5) Creation of a Historic Preservation Ordinance (LU# 211-906)
6) America's Family Diner Administrative Conditional Use Permit (LU# 211-909)
7) Thoeny Produce Stand Administrative Temporary Use Permit (LU# 211-911)
8) PacifiCorp Fish Release Pond Facility, Shoreline Substantial Development, Shorelines Conditional Use, Site Plan Approval, SEPA, and Critical Areas Permit (LU# 211-914)
9) HCI/HCT Industrial Facility, Site Plan Approval, SEPA, and Critical Areas Permit (LU# 211-915)
10) Davidson Alley Waterline, Shoreline Substantial Development Permit (LU# 211-916)
11) Woodland Commerce Center Shorelines Substantial Development Permit (LU# 211-917)

Land-use Decisions Issued this Year

1) PURD ordinance approved by CC on 02/22/2011 (LU# 208-919)
2) Les Schwab approved with conditions on 05/13/2011 (LU# 211-902)
3) Chumbley BLA approved 05/27/2011 (LU# 211-905)
4) Commercial vehicle parking in residential districts ordinance approved by CC on 06/06/2011 (LU# 210-924)
5) 2nd interim zoning ordinance for commercial card rooms approved by CC on 06/06/2011 (LU# 210-928)
6) City sidewalk SSDP approved by Hearing Examiner 06/13/2011 (LU# 211-903)
7) Home occupation standards related to parking and traffic generation approved by CC on 06/20/2011 (LU# 210-926)
8) Wal-Mart sign variance approved with conditions by the Hearing Examiner 07/12/2011 (LU# 211-904)

9) America's Family Diner Administrative Conditional Use Permit approved (with conditions) by DRC on 07/13/2011 (LU# 211-909)
10) Davidson Alley Water Line Shoreline Substantial Development Permit approved by Hearing Examiner on 09/19/2011 (LU# 211-916)
11) 208 Buckeye Final Order issued by the Hearing Examiner on 09/07/2011 (LU# 210-927) finding that the use of the structure on the site as a multi-family dwelling, with a residence on the main floor and two one-bedroom walkup apartments, may continue as a legally established nonconforming use.

PRE-APPLICATION CONFERENCES

1) 03/23/2011 Burris Creek Berm Project, Critical Areas
2) 04/06/2011 HCI, 1951 Shurman Way, Site Plan Review, SEPA, Critical Areas
3) 04/27/2011 PacifiCorp Release Pond, Critical Areas and Shorelines
4) 06/29/2011 Bulk Transportation Facility, Site Plan Review and SEPA
5) 08/31/2011 Oak Tree Casino Phase I and Phase II