

WOODLAND PLANNING COMMISSION

Planning Commission Regular Meeting

7:00 p.m.

Wednesday, March 9, 2011

Woodland Community Center

782 Park Street, Woodland, Washington

CALL TO ORDER

APPROVAL OF MINUTES

- 1) February 9, 2010 Meeting

PUBLIC WORKSHOP

- 1) Commercial Vehicle Parking in Low Density Residential (LDR) Zoning Districts, Land Use Application No. 210-924
- 2) Home Occupation Review Criteria in Low Density Residential (LDR) Zoning Districts, Land Use Application No. 210-926
- 3) SEPA Administrative and Appeal Processes, Land Use Application No. 210-912

DISCUSSION

- 1) Planning Commission Priority List
- 2) Commercial Public Card Room Standards, Land Use Application No. 210-928.
Amy Hunter from the Gambling Commission is joining us on March 16th during the joint session to explain their processes; she will be there to answer questions.

REPORT / PROJECT UPDATE

ADJOURN

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

WOODLAND PLANNING COMMISSION

Planning Commission Regular Meeting

7:00 p.m.

Wednesday, February 9, 2011

Woodland Community Center

782 Park Street, Woodland, Washington

Present:

Chair David Simpson
Commissioner Nancy Trevena
Commissioner Sharon Watt
Commissioner Jim Yount

Absent:

Commissioner Murali Amirineni

Also Present:

Clerk JoAnn Heinrichs
Community Development Planner Carolyn Johnson
Public Works Director Steve Branz
Mayor Chuck Blum

CALL TO ORDER: Planning Commission Regular Meeting

APPROVAL OF MINUTES

Commissioner Yount moved to accept January 12, 2011 minutes as written Commissioner Trevena seconded the motion. Passed unanimously

WORKSHOPS

1. Commercial Vehicle Parking in Low Density Residential (LDR) Zoning Districts, Land Use Application No. 210-924
 - Steve Branz gave Overview: This stemmed from a complaint from the public. The Council changed the code in other areas, except for Title 17 which was sent to the PC for the land use changes.

Planning Commission will workshop again during the March 9, 2011 meeting.

2. Home Occupation Review Criteria in Low Density Residential (LDR) Zoning Districts, Land Use Application No. 210-926
 - Steve Branz gave overview: Generated through a complaint. WMC says that "A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located." This is poorly written. CC would like the PC to review and make changes where necessary.

- #9 under home occupation still says 10,000 lb GVW, needs to be changed to 14,500 GVW.
- #7 was struck because of its ambiguity.

Planning Commission will workshop again during the March 9, 2011 meeting.

3. Commercial Public Card Room Standards, Land Use Application No. 210-928:

- Carolyn gave PowerPoint presentation: Gambling Commission can differentiate between the types of gambling that is allowed, and also communities can absolutely allow or prohibit gambling. If you allow a restaurant in one area to have gambling, then you cannot refuse a restaurant in another area to have one.
- Woodland Commerce Center wants to be added into the temporary overlay zone.
- Need to send this information to CC so that they are aware of the same items as the PC.
- Bill Eling struck some of the language because he felt it overstepped the legal boundaries of what a city could do.
- No card rooms are allowed within 500' of schools, churches or parks.

Planning Commission would like to see if we can get someone from the Gambling Commission here for the March 9, 2011 meeting.

REPORT / PROJECT UPDATE

Jim Chumbley Schurmay Way Short Plat / SEPA for Grading Permit

On-site grading activity underway. The applicant is going to bond the frontage improvements (curb, gutter, sidewalks, etc.)

Skyward Construction Site Plan Review (1356 & 1358 Down River Drive)

Close to the project completion.

Old Apostolic Lutheran Church (1500 Dike Access Road)

The pre-construction meeting has been held. The City Council has approved the proposed latecomer's agreement for water and sewer main extensions.

Woodland Swimming Pool

The applicant is to submit the proposed mitigation/contribution to the Buckeye/Goerig intersection. The application is still incomplete.

Historic Downtown District Zoning and Design Standards

The public hearing was held on 11/10. The revised standards were reviewed by the Planning Commission on 01/12. The City Council had the 1st reading on 02/07.

LDS Church Parking Lot Expansion

On-site construction has begun.

PURD Standards

Planning Commission held a public hearing on 01/12. The City Council had the 1st

reading on 02/07. Got an email from Councilman Burke, had concerns that our code talks about a gated community, regarding access and egress.

Public question: Rick Hallock (River Mist development): Ours is a private road, not a public street. How would this affect the Gated Community issue?

Commercial Vehicle Parking in Residential Districts

SEPA DNS issued. A public workshop is scheduled for 02/09.

Home Occupation Review Criteria

SEPA DNS issued. A public workshop is scheduled for 02/09.

Commercial Public Card Room Standards

A public workshop is scheduled for 02/09.

ADJOURN:

Commissioner Trevena moved to adjourn to our next regularly scheduled meeting on March 9, 2011, Commissioner Watt 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 of the Clerk-Treasurer.

MEMORANDUM

DATE: March 1, 2011

TO: Woodland Planning Commission

FROM: Carolyn Johnson, Community Development Planner

RE: Commercial Vehicle Parking Standards in Residential Zoning Districts

BACKGROUND

At the August 2, 2010 meeting, the City Council approved the first reading of draft Ordinance No. 1191 to amend WMC 10.56.030 concerning commercial vehicle parking in residential zoning districts. The new commercial vehicle parking standards, once adopted, would allow commercial vehicles up to 14,500 Gross Vehicle Weight (GVW) to park in residential zoning districts and provide exemptions for authorized emergency vehicles, public and privately-owned ambulances, tow trucks, etc.

The City Council also passed a motion to forward this matter to the Planning Commission so that the zoning code (WMC Chapter 17) can be amended to make it consistent with the proposed commercial vehicle parking standards. The necessary amendments to WMC Chapter 17 require SEPA, a public hearing by the Planning Commission, adoption of an ordinance by the City Council, etc.

SEPA

The SEPA Notice of Application (NOA) and Determination of Non-Significance (DNS) have been completed and the comment period ended on January 11, 2011. A single comment letter was received from the Cowlitz Indian Tribe who responded with a standard letter about inadvertent discovery.

FOLLOW UP

During the Planning Commission's February 9th workshop on this matter, Commissioners asked staff to report back on:

- 1. The range of vehicles this ordinance change would impact.** Neither "commercial vehicle" nor "vehicle" is defined in the WMC. Without this definition, it would appear to include commercial boats, limos, etc. However, other sections of the WMC prohibit boats from parking on the street (WMC 10.56.020 and WMC 17.16.080). According to Municipal Research and Services Center (MRSC), most cities require boats to be stored off-street and to be sight screened. Some allow temporary on-street boat parking for a short duration.
- 2. Whether or not local roads would be negatively impacted by this higher weight restriction.** The Public Works department does not have the data necessary to definitively answer this question. An assessment of the streets would cost \$10,000 and is under consideration. It is doubtful however that a weight limit change from 10,000 to 14,500 pounds would have much effect.

STAFF RESEARCH

Staff's review of other city codes, shows that other jurisdictions are more restrictive than Woodland with regards to commercial vehicle parking in residential areas. Many prohibit commercial vehicle parking in residential areas altogether while others allow for the temporary parking of commercial vehicles. When commercial vehicle parking is allowed, the upper weight limit is typically 10,000 or 12,000 pounds. In addition to restricting by weight, other cities have restricted by length and/or height. The City of Seattle even considers vehicle width.

The Commission also asked staff to review the Woodland Municipal Code for any items that would also have to be amended to reflect the new 14,500 GVW limit. Staff's review found three items that mentioned the a 10,000 lb weight restriction.

NEXT STEPS

After the Planning Commission has completed their review, staff will amend the SEPA Determination of Non-Significance (DNS) to include any additional WMC items that were left out of the original SEPA. No comment period would be necessary for this amendment. Then, the Commission would have to hold a public hearing.

City of Woodland, WA
Proposed Amendment to the Woodland Municipal Code (WMC)

Commercial Vehicle Parking in Residential (LDR, MDR, and HDR)
Zoning Districts

Land Use Application #210-924/ZTC/SEPA
November 18, 2010

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.

Low Density Residential (LDR) Zoning Districts

WMC 17.16.080 (B)

Parking and Storage of Recreational, Utility and Commercial Vehicles in Residential Neighborhoods.

- 1.** Exemptions. Pickup or light trucks, ~~ten~~ *fourteen* thousand *five hundred (14,500)* pounds gross *vehicle* weight *rating (GVWR)* or less, with or without a mounted camper unit, which are primarily used by the property owner/renter for transportation purposes are exempt from this section.
- 2.** Recreational and Utility Vehicles. Recreational and utility vehicles are defined as travel trailers, folding tent trailers, motor homes, truck campers removed from a truck or pickup, horse trailers, boat trailers with or without boats, other recreation trailers and utility trailers, boats, motorcycles, snowmobiles and other motorized recreation vehicles. Recreational and utility vehicles may be parked in residential areas provided the following conditions are met:
 - a. Vehicles shall not intrude into public right-of-way or obstruct sight visibility from adjacent driveways;
 - b. Vehicles shall not be parked in the front building setback unless there is no reasonable access to the building side yards or rear yards because of topography or other physical conditions on the site. However, not more than one recreation and/or utility vehicle shall be parked in the front setback, with no more than three stored outside per single-family lot;
 - c. The recreational vehicles shall be maintained in a clean, well-kept state which does not detract from the appearance of the surrounding area;

- d. Recreational vehicles equipped with liquefied petroleum gas containers shall meet the standards of the Interstate Commerce Commission. Valves or gas containers shall be closed when the vehicle is stored, and, in the event of leakage, immediate corrective action must be taken;
 - e. At no time shall parked or stored recreational vehicles be occupied or used as a permanent or temporary dwelling unit except that guests who travel with a recreational vehicle may reside in the vehicle on the host's premises on a temporary basis not to exceed thirty days per year.
3. ~~Truck Tractors and Trailers, Large Commercial Vehicles. Parking of commercial vehicles~~ *On-street and off-street parking of truck tractors, truck tractor trailers or commercial vehicles in excess of ~~ten-fourteen~~ thousand five hundred (14,500) pounds gross vehicle weight rating (GVWR) is prohibited in residential areas. The following vehicles are exempt from these parking restrictions:*
- a. *authorized emergency vehicles as defined in RCW 46.04.040, as presently enacted or hereafter amended;*
 - b. *public or privately owned ambulances licensed pursuant to RCW 18.73.130;*
 - c. *Tow Trucks, provided (1) the tow truck is owned and operated by a registered owner/operator pursuant to WAC 204-91A; (2) the tow truck is no larger than a Class B tow truck as defined in WAC 204-91A-170 (2) and (3); and (3) the truck has no more than two (2) axles.*

Violation of this section is a parking infraction.

Medium Density Multifamily Residential (MDR) and High Density Multifamily Residential (HDR) Zoning Districts

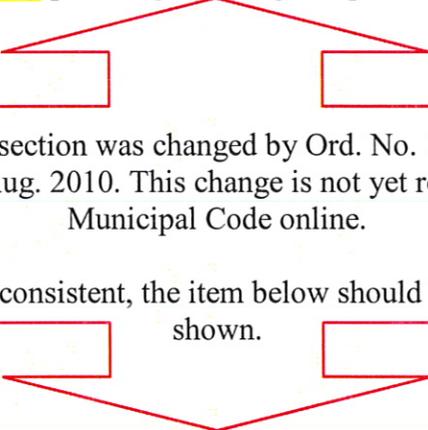
WMC 17.20.090 (C)

Outdoor Storage of Materials. Required front and street side yards shall not be used for the storage of any motor vehicle or vehicle accessory such as camper shells, trailers, boats, motorbikes or other wheeled accessory or conveyance. Personal, noncommercial storage of such vehicles and vehicle accessories is permitted within the legal building site area and rear and interior side yards provided that such vehicles and accessories are screened from neighboring properties and public rights-of-way by a six-foot high solid fence or landscaped screen. For purposes of this section, "storage" means the keeping of such vehicles and accessories on any portion of any parcel of property for a period of one hundred twenty continuous hours.

On review, staff found that the following sections of the Municipal Code still refer to a 10,000 lb limit.

WMC 10.56.030 Truck tractors and trailers in residential areas.

On-street and off-street parking of large trucks, trailers or commercial vehicles over ~~ten~~ *fourteen* thousand *five hundred (14,500)* pounds gross weight or with a licensed capacity ~~ten~~ *fourteen* thousand *five hundred (14,500)* pounds gross weight is prohibited in all residential districts of the city.



Above: This section was changed by Ord. No. 1191 that was approved in Aug. 2010. This change is not yet reflected on the Municipal Code online.

Below: To be consistent, the item below should be amended as shown.

10.56.010 (C) Truck tractor and/or commercial trailer parking.

On-street parking of large truck tractors, commercial trailers or commercial vehicles over ~~ten~~ *fourteen* thousand *five hundred (14,500)* pounds gross weight, or with a licensed capacity over ~~ten~~ *fourteen* thousand *five hundred (14,500)* pounds gross weight, is prohibited in all districts of the city.

17.20.100 (9) - Criteria and standards for accessory uses. Home Occupations.

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



This item is about the size of trucks that can deliver to **home occupations**. Does the PC want to make this change?

EXERPTS FROM OTHER JURISDICTIONS' CODES -

Clark County Code - 10.10.010 Parking prohibited.

- (1) Except where allowed pursuant to a neighborhood parking plan adopted under Section 40.430.030(A), no person shall park or leave standing on any street of any residential area of the county any of the following:
 - (a) A truck with a gross weight capacity in excess of ten thousand one (10,001) pounds;
 - (b) A trailer in excess of twenty (20) feet in length.

Des Moines Municipal Code. 18.44.110 Parking and storage of recreational, utility, and commercial vehicles in residential neighborhoods.

- (3) Truck Tractors, Trailers, and Large Commercial Vehicles. Parking of commercial vehicles over 10,000 pounds gross weight, exceeding 20 feet in length and/or 7.5 feet in width, is prohibited in residential areas, except on a temporary and nonregular basis not exceeding six hours when sight visibility is not obstructed. [Ord. 695 § 11, 1987]

Edmonds, WA. 17.50.100 Commercial vehicle regulations.

- A. No person shall park or store more than one commercial vehicle or any commercial vehicle over 10,000 pounds licensed gross vehicle weight per dwelling unit on any lot in any R zoned district unless he/she has first obtained a conditional use permit. For the purposes of this section, "commercial vehicle" means any motor vehicle, the principal use of which is the transportation of commodities, merchandise, produce, freight, vehicles, animals, passengers for hire, or which is used primarily in construction or farming, including but not limited to bulldozers, backhoes, tractors and cranes.
- B. The provisions of this section shall not apply to commercial vehicles which are being loaded or unloaded. [Ord. 3496 § 2, 2004].

DEFINITIONS – When amended, we might consider including definitions specific to this chapter (i.e. for the purposes of this chapter, a commercial vehicle means . . .).

Commercial vehicle means any motor vehicle, the principal use of which is the transportation of commodities, merchandise, produce, freight, vehicles, animals, passengers for hire, or which is used primarily in construction or farming, including but not limited to bulldozers, backhoes, tractors and cranes. (Edmonds City Code)

Commercial or industrial vehicle means any vehicle the principal use of which is the transport of commodities, merchandise, produce, freight, and any vehicle used primarily in construction, industry or farming, including, but not limited to, bulldozers, backhoes, tractors, trucks, or trucks fitted with cranes, air compressors, welders, tanks or similar equipment. "Commercial or industrial vehicle" also includes nonmotorized dumpsters, storage units, tool lockers and any other structure. (Sequim Municipal Code)

Commercial vehicle – used for business or commercial purposes, registered in a business name, or carries 14,000 lbs or more declared gross weight. (WA State Department of Licensing)

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle." (WAC 173-62-020)



Municipal Research and Services Center of Washington

Working Together for Excellence in Local Government

Updated 11/10

Parking and Storage of Oversized Vehicles (Commercial Vehicles, RV's, Boats)

Contents

- [About Parking and Storage of Oversized Vehicles](#)
- [Ordinance Provisions](#)
- MRSC Related Pages
 - [Comprehensive Parking Regulations](#)
 - Parking in Yards - See [Automobile Storage - Too Many Parked Cars](#)

About Parking and Storage of Oversized Vehicles

Restrictions for on-street and off-street parking of oversized vehicles and recreational vehicles vary from community to community. The definitions of "oversized vehicles" vary, as do the length of time such vehicles are allowed to park, if at all. Some jurisdictions define oversized and commercial vehicles by gross weight, such as 12,000 lbs, or 10,000 pounds gross vehicle weight rating. Others may define them in terms of length and height, for example 12 feet long, or in the case of Seattle, 80 inches wide. Even more specific are combinations of height and weight such as a commercial vehicle not more than nine feet in height and 22 feet long, or, in the North Bend code provisions, a truck-tractor, truck and/or trailer, truck-tractor and/or semitrailer combination over 32,000 pounds licensed gross weight, over 80 inches in width, or over 30 feet in length.

Most communities prohibit overnight parking of trucks in residential areas. A few, such as Edmonds, provide for off-street parking in a residential zone by permit. Vehicles, such as campers and RVs are allowed in residential areas under various zoning requirements. A few cities allow temporary on-street parking, such as Burlington, which limits the parking to two consecutive days or no more than two days in any seven-day period. Tacoma allows a maximum of 7 calendar days for a vehicle, boat trailer, recreation trailer, camper, or other licensed or unlicensed vehicle or device on the street. Most cities require boats to be stored off-street and to be sight screened. Some allow temporary on-street parking of a short duration.

Ordinance Provisions

- Battle Ground Municipal Code [Chapter 10.12](#) - Truck and Trailer Parking on Residential Streets
- Bellevue Land Use Code [Section 20.20.720](#) - Recreational Vehicles, Watercraft, and Utility Trailers
- Burlington Municipal Code [Section 10.12.170](#) - Parking Restrictions for Commercial and Recreational Vehicles
- Clark County Code [Chapter 10.10](#) - Truck and Trailer Parking on Residential Streets
- Des Moines Municipal Code [Section 18.44.110](#) - Parking and Storage of Recreational, Utility, and Commercial Vehicles in Residential Neighborhoods
- Edmonds Municipal Code [Section 17.50.100](#) - Commercial Vehicle Regulations - Storage in R zoned districts
- Issaquah Land Use Code [Section 18.07.210](#) - Parking and Storage of Vehicles and Boats

- Lake Forest Park [Ordinance No. 960](#) - Regulates parking of commercial truck, trailer, or any type of construction equipment in residential zone except for loading or unloading, passed 8-07.
- North Bend Municipal Code [Chapter 10.06](#) - Parking (Trucks in Multi-family Zones, Time Limits for Large Commercial Vehicles)
- Olympia Unified Development Code [Section 18.40.060\(F\)](#) - Pleasure Boat Storage
- Pullman Municipal Code [Chapter 17.105](#) (📄 72 KB) - See 17.105.035 Recreational Vehicle and Trailer Parking and Storage Regulations and 17.105.037 Camper and Canopy Storage Regulations
- Puyallup Municipal Code [Section 20.20.040\(3\)](#) - Performance Standards – RS Zones - Outdoor Storage of Vehicles
- Redmond Community Development Code [Section 20D.130.10-050](#) - Parking and Storage of Recreational, Utility and Commercial Vehicles in Residential Neighborhoods
- Renton Municipal Code [Title X, Section 10-10-13](#) - Parking of Certain Commercial Vehicles or Vehicles over Twelve Thousand Pounds Gross Vehicle Weight Regulations
- Seattle Municipal Code [Section 11.72.070](#) - Commercial and Large Size Vehicles
- Sequim
 - Sequim Municipal Code [Section 10.12.017](#) (📄 190 KB) - Recreational Vehicles, Boats and Trailers - parked on street
 - Sequim Municipal Code [Chapter 10.14](#) (📄 190 KB) - Commercial Vehicle Parking Regulations
 - Sequim Municipal Code [Section 18.48.100](#) (📄 1.2 MB) - Parking and Storage of Recreational Vehicles, Boats and Trailers on Residential Property - *Scroll*
- Tacoma Municipal Code Section [11.05.200 through 11.05.230](#) (📄 3.50 MB) - MTO -Covers commercial vehicles and time restrictions on recreational vehicles - *Scroll*

Related Resources

[MRSC Index - Overnight and oversized vehicle parking, including parking trucks and recreational vehicles overnight on city streets, camping in vehicles](#)
[MRSC Index - Green River ordinances](#)

MEMORANDUM

DATE: March 2, 2011

TO: Planning Commission

FROM: Carolyn Johnson, Community Development Planner

RE: Home Occupations

BACKGROUND

Per WMC 17.16.030.F, a Home Occupation, as defined in WMC 17.08.357, can be permitted as an Accessory Use in LDR zoning districts (LDR-6, LDR-7.2, and LDR-8.5) as long as they meet all applicable development standards including the Home Occupation Review Criteria, WMC 17.16.100.

At the September 20, 2010 regular meeting, the City Council passed a motion to initiate a code amendment concerning the Home Occupation Review Criteria, WMC 17.16.100.E. This action was prompted by a recent concern raised by a business owner regarding the City Development Review Committee's (DRC) interpretation of a Home Occupation criterion, WMC 17.16.100.E.7, which states "a home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located."

The DRC's interpretation of this criterion is that a home occupation is prohibited from having on-site customers while the DRC acknowledges that WMC 17.16.100.E.7 may not be enforceable due to the ambiguous wording such as "normal" for the district.

The Planning Commission is working to amend WMC 17.16.100.E.7 to provide clearly measurable standard such as "up to --- customers a day are allowed" or "no on-site customers are allowed" rather than just saying "shall not create greater vehicle or pedestrian traffic than normal for the district."

SEPA

The SEPA Notice of Application (NOA) and Determination of Non-Significance (DNS) were issued on December 17, 2010 with the comment period ending January 5, 2011. A single comment letter was received from the Cowlitz Indian Tribe about inadvertent discovery.

FOLLOW UP

During the Planning Commission's February 9th workshop on this matter, Commissioners asked staff to report back on:

- 1. Should the Trip Generation manuals be the starting point for providing a threshold for the new ordinance?** It is my recommendation that the Institute of Traffic Engineers' manual not be used as the starting point for determining vehicle trip thresholds for home occupations. Small businesses that generate only a small number of trips are, in general, not listed in the Trip Generation manuals. This would include typical home occupation businesses (web design, very small internet-based businesses, nail salon, photography, accounting, etc.). Instead, I recommend that the Commission sets a threshold based on a common sense number of trips per day that would maintain the residential character of the neighborhoods by prevent excessive traffic and parking.
- 2. What is the maximum number of kids a residential daycare can accommodate?** Family day care providers can provide day care for no more than 12 children (WAC 170-296-0320). With 12 children, the Institute for Traffic Engineers' Trip Generation manual shows that this use would generate approximately 50, one-direction vehicle trips per day.
- 3. What is the maximum number of adults that can stay at adult daycare?** Adult day care businesses can have no more than six adults served by the facility as per WMC 17.16.100.B.6.

INCONSISTENCIES WITHIN THE WMC

In reviewing the current WMC provisions, staff found several potential zoning code issues related to the proposed code amendment. Staff would appreciate the Planning Commission's guidance on the following inconsistencies.

1. Our sign code (WMC 17.52.060.B.6) allows one Home Occupation sign, which is smaller than four square feet in gross area, per property. This provision appears to be inconsistent with WMC 17.20.100.C.4 and 17.16.100 E.4 which both state: "the home occupation shall have no advertising, display, or other indications of a home occupation on the premises". What's more, WMC 17.52.060.B.5 says "with the exception of individual residence nameplates and permanent development identification signs, all lighting of signs shall terminate at ten p.m." WMC 17.52.050 defines a "nameplate sign" as a "sign which indicates no more than the name, address and home occupation of the resident of the premises." Therefore, WMC 17.52.060.B.5 appears to be inconsistent with WMC 17.16.100.E.4 and 17.20.100.C.4 because it implicitly allows signs for Home Occupations.

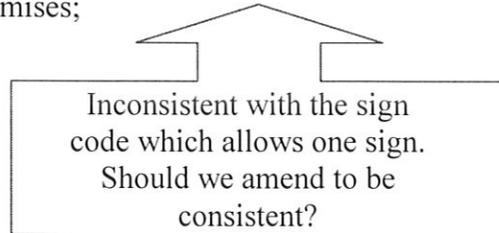
Should WMC 17.16.100.E below be further amended?

WMC 17.16.100.E:

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;

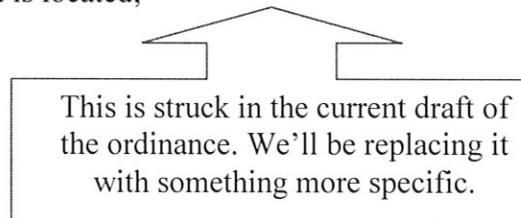
3. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character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



Inconsistent with the sign code which allows one sign. Should we amend to be consistent?

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;~~



This is struck in the current draft of the ordinance. We'll be replacing it with something more specific.

8. Merchandise shall not be offered for direct sale within the residence, accessory structure, or on-site;
9. No commercially licensed vehicles over ~~ten~~ *fourteen thousand five hundred (14,500)* pounds gross weight capacity shall be utilized in the business. No more than one type of commercially licensed vehicle under ~~ten~~ *fourteen thousand five hundred (14,500)* pounds gross weight capacity shall be utilized in the business on the premises.

City of Woodland, WA
Proposed Amendment to the Woodland Municipal Code (WMC)

**Home Occupation Review Criteria in Low Density Residential
(LDR) Zoning Districts**

Land Use Application #210-926/ZTC/SEPA
November 18, 2010

The texts highlighted and italic are the texts proposed to be added to the current code, and the ~~texts struck through~~ are the texts proposed to be eliminated from the current code.

**Low Density Residential (LDR) Zoning Districts – Criteria and Standards for
Accessory Uses**

WMC 17.16.100.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, 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 ~~ten~~ *fourteen* thousand ~~five hundred~~ *(14,500)* pounds gross weight capacity shall be utilized in the business. No more than one type of commercially licensed vehicle under ~~ten~~ *fourteen* thousand ~~five hundred~~ *(14,500)* pounds gross weight capacity shall be utilized in the business on the premises.

CODE EXCERPTS FROM OTHER JURISDICTIONS' CODES

Cheney, Washington. 21.59.040 Performance standards.

Home occupations shall meet these standards:

(3) 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;

(B) More than eight clients, customers, noncommercial deliveries, or combination thereof, coming to the site each day;

(C) The use of loading docks or other mechanical loading devices;

(D) Home occupations shall have no more than one delivery per week by commercial motor vehicles.

Issaquah, Washington. 18.07.470.16

Traffic Trips: The home occupation, by itself, shall not generate more than twenty (20) vehicular trips a 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. As used here, a trip is considered either the arrival or the departure of a vehicle from the household. For example, one (1) vehicle making a delivery and then leaving immediately would be considered two (2) trips.

Port Townsend, Washington. 17.56.060 Minimum standards.

Every home occupation shall meet all of the following minimum standards:

I. 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; truck delivery or pick-up not common to a residential dwelling is not allowed;

J. No more than one worker vehicle may be parked on-street, and under no circumstances shall parking for the home occupation cause traffic hazards or parking problems on adjacent rights-of-way;

17.56.070 Required conditions.

Examples

March 9, 2011 Woodland PC Meeting

The director may issue a permit for a home occupation provided that the following affirmative findings are made:

B. The home occupation does not significantly increase local vehicular or pedestrian traffic;

Walla Walla, Washington. 20.122.030 General requirements.

I. Traffic generated by home occupations shall not exceed two (2) commercial vehicles per week. Customer or client traffic generated by the home occupation shall not be of a greater volume than is customary in the neighborhood in which the home occupation is located.

MEMORANDUM

DATE: March 2, 2011

TO: Woodland Planning Commission

FROM: Carolyn Johnson, Community Development Planner

RE: Amendment to Administrative and SEPA Appeals Procedures

Kei Zushi recently completed the attached draft code concerning SEPA and other administrative appeal procedures. The Planning Commission last reviewed draft SEPA appeal procedures in August 2010. This draft includes additional language related to non-SEPA related administrative appeal procedures.

The primary purposes of this code amendment are to:

- 1) Clarify the City's SEPA appeal procedures and authority by making them consistent with the SEPA statute. For example, the current code is not clear about what types of staff SEPA decisions can be appealed to the Hearing Examiner. In addition, while the SEPA statute requires an appeal hearing for certain SEPA decisions be consolidated with a hearing for the underlying governmental action (e.g., a site plan review decision) to avoid more than one hearing for one project, it is not clearly reflected in the current code. Please see the proposed WMC 19.06.050 addressing these issues.
- 2) Clarify the review procedures and authority for appeals of administrative (staff) decisions or interpretations of the Woodland Municipal Code. The proposed WMC 19.06.040.3 addresses this by providing the Hearing Examiner with the authority to review such appeals.
- 3) Clarify other review and appeal procedures and authorities. The current table in WMC 19.08.030 does not accurately reflect all of the review and appeal procedures and authorities outlined in the code. The proposed amendment would address this issue, however, I would recommend the Planning Commission review the proposed table to see if it reflects their ideas about who should review what land use applications.

This project is categorically exempt from SEPA as per WAC 197-11-800(19):

“Procedural actions. The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt.”

DRAFT WMC AMENDMENTS

Date: February 8, 2011

Administrative and SEPA Appeal Procedures

The texts highlighted and italic are the texts proposed to be added to the current code, and ~~the texts struck through~~ are the texts proposed to be eliminated from the current code.

15.04.225 Appeals *Repealed. See WMC 19.06.040 and .050.*

A. The following administrative appeal procedures are established under RCW 43.21C.075 and WAC 197-11-680:

1. ~~Any agency or person may appeal to the hearing examiner, pursuant to Chapter 17.81, the conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11. When such conditioning, lack of conditioning or denial of action is attached to a recommendation of the director or the development review committee to the hearing examiner regarding a land use application, no appeal shall be necessary for consideration and revision of such conditions, lack of conditioning, or denial by the hearing examiner.~~
2. ~~The responsible official's initial decision to require or not require preparation of an environmental impact statement, i.e., to issue a determination of significance or nonsignificance, is subject to an interlocutory administrative appeal upon notice of such initial decision. Failure to appeal such determination within fourteen calendar days of notice of such initial decision shall constitute a waiver of any claim of error.~~
3. ~~All appeals shall be in writing, be signed by the appellant, be accompanied by the appropriate filing fee, and set forth the specific basis for such appeal, error alleged and relief requested. Any appeal must be filed within six calendar days of the SEPA determination being final. Where there is an underlying governmental action requiring review by the hearing examiner, any appeal and the action shall be considered together. Where there is an underlying permit decision to be made by city staff, any appeal periods shall conclude simultaneously.~~
4. For any appeal under this subsection, the city shall keep a record of the appeal proceedings which shall consist of the following:
 - a. Findings and conclusions;
 - b. Testimony under oath; and
 - c. A taped or written transcript of any hearing

5. Any procedural determination by the city's responsible official shall be given substantial weight in any appeal proceeding.

B. The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

19.06.040 Appeals of Administrative approvals and determinations.

1. 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.

2. Appeals concerning SEPA related determinations shall be reviewed as set forth in WMC 19.06.050, 19.08.030, and 17.81.110 through 17.81.150.

3. Appeals concerning non SEPA related matters shall be filed with the city planning department within fourteen (14) days after the final written administrative interpretation/determination date and shall be initiated by filing a written notice of appeal accompanied with the applicable appeal fee. Such a written notice of appeal shall include:

- a. The name and address of the party or agency filing the appeal;
- b. An identification of the specific administrative interpretation or determination for which appeal is sought; and
- c. A statement of the particular grounds or reasons for the appeal including all relevant provisions of Woodland Municipal Code, Comprehensive Plan, and other adopted plans.

Such appeals shall be reviewed by the hearing examiner at an open record public hearing as set forth in WMC 19.08.030 and 17.81.110 through 17.81.150. An administrative decision shall become final when no appeal is filed within the fourteen day appeal period.

4. Appeals concerning enforcement matters shall be reviewed by the hearing examiner as set forth in WMC 17.92.110 and .120.

19.06.050 Appeal of SEPA related issues/administrative matters.

A. The city establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

1. Any agency or person may appeal the city's approval, procedural SEPA decision, or threshold determination such as a determination of significance (DS), determination of nonsignificance (DNS), mitigated determination of nonsignificance (MDNS), or adoption or issuance of a final environmental impact statement (EIS), or substantive SEPA decision which consists of any non-elected official's action with respect to conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11.

No administrative appeals shall be allowed for other actions and/or determinations taken or made related to the SEPA reviews (such as a determination as to who is the lead agency, a determination as to whether a proposal is categorically exempt, scoping of EIS, draft EIS adequacy, etc.).

All such appeals shall be made to the hearing examiner and must be filed within six days after the comment period for the threshold decision has expired. Except as provided in WMC 19.06.050.2, this such an appeal and a hearing for or any other appeal of an underlying governmental land-use action shall be considered together consolidated in a single simultaneous hearing before the hearing examiner.

The hearing or appeal shall be one at which the hearing examiner will consider either the city's decision or a recommendation on the proposed underlying governmental action. If no hearing or appeal on the underlying governmental action is otherwise provided, then no administrative SEPA appeal is allowed, except as allowed under WMC 19.06.050.2.

2. SEPA appeals that are not required to be consolidated with a hearing or appeal on the underlying governmental action include:

a. A determination of significance (DS);

b. A procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review, including any appeals of its procedural determinations, prior to submitting an application for a project permit; or

c. A procedural determination made by an agency on a nonproject action.

3. All procedural and substantive SEPA appeals shall be initiated by filing a written notice of SEPA administrative appeal, accompanied with the applicable appeal fee. The written notice of appeal shall include:

a. The name and address of the party or agency filing the appeal;

b. An identification of the specific proposal and specific SEPA actions or determinations related to, conditioning, lack of conditioning or denial of an action for which appeal is sought; and,

c. A statement of the particular grounds or reasons for the appeal including all relevant provisions of Woodland Municipal Code, Comprehensive Plan, and other adopted plans.

2 4. The following threshold decisions or actions are subject to timely appeal:

a. Determination of Significance. Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the hearing examiner within that fourteen-day period immediately following issuance of such initial determination.

b. Determination of Nonsignificance or Mitigated Determination of Nonsignificance. Conditions of approval and the lack of specific conditions may be appealed to the hearing examiner within six calendar days after the SEPA comment period expires.

c. Environmental Impact Statement. A challenge to an ~~determination of adequacy~~ *adoption or issuance* of a final EIS ~~may be~~ *shall not be required to be* heard by the hearing examiner in conjunction with any appeal or hearing regarding the ~~associated project permit~~ *underlying governmental/land use action*. Where no hearing is associated with the proposed action, an appeal of the *adoption or issuance of a final EIS* must be filed within fourteen days after the thirty-day comment period has expired.

d. Denial of a Proposal. Any denial of a project or nonproject action using SEPA policies and rules may be appealed to the hearing examiner within six days following the final administrative decision.

3 5. For any appeal under this subsection the city shall keep a record of the appeal proceedings, which shall consist of the following:

- a. Findings and conclusions; and
- b. Testimony under oath; and
- c. A taped or written transcript.

4 6. Any procedural determination by the city's responsible official shall carry substantial weight in any appeal proceeding.

B. The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

Chapter 19.08 APPROVAL, REVIEW AND APPEAL AUTHORITY

Sections:

19.08.010 **Department staff Approval and appeal authorities.**

19.08.020 **Consolidation of review and appeals/completion of process.**

19.08.030 **Review and appeal authority.**

19.08.040 **Conflicts.**

19.08.010 **Department staff 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 *Department* staff as assigned by the director shall have the authority to review and approve, deny, modify, or conditionally approve, among others *land use or environmental permit or license required from the City for a project action, including but not limited to, site plan review*, boundary line adjustments, administrative temporary and conditional use permits, building permits and other construction permits exempt from the State Environmental Policy Act, environmental *SEPA procedural and substantive* determinations, review (including reviews of undersized lots of record), short plats, *binding site plans, minor variances, minor modifications to approved administrative conditional use permits and conditional use permits, phasing and expiration extensions of subdivision preliminary plats*, sign permits, certificates of occupancy, *critical area permits, floodplain storage permits*, and shoreline exemptions, and to provide interpretations of codes and regulations applicable to such projects *as outlined in WMC 19.08.030*.

19.08.020 **Consolidation of review and 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 *A*. 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 *A written* notice of final decision *concerning project permits shall be issued* within one hundred twenty days of the date of the complete application. *The 120-day limit may be extended by agreement between the applicant of the project and City. The following periods of time shall be excluded from the 120 days.*

1. *The City requires the applicant to correct plans, perform required studies, or provide additional information concerning the project,*
2. *An Environmental Impact Statement (EIS) is being prepared,*
3. *Any administrative appeal of project permits is being processed, or*
4. *Exemption from the above timelines is specifically allowed in accordance with city, state, or federal law.*

~~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.~~

B. 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.

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~~ *All applicable administrative appeals shall be exhausted prior to judicial reviews can be initiated. All judicial appeals shall be made to county superior court in accordance with RCW 36.70.C* except comprehensive plan *policy* decisions *or updates* 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 <i>with Staff Report</i>
	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			SR	D (OP)		A (C)
MINOR MODIFICATION TO APPROVED CONDITIONAL USES AND ADMIN. CONDITIONAL USES			D	A (OP)		
ADMIN. TEMPORARY USE PERMITS	D			A (OPX)		
MAJOR VARIANCE			SR	D (OP)		A (C)
MINOR VARIANCE			D	A (OP)		A (C)
SITE SPECIFIC ZONE CHANGES			SR		R (OP)	D (C)
ZONING TEXT AMEND (DEV. REG. CHANGES)			SR		R (OP)	D (OPX)

AREA WIDE MAP AMEND				SR			R(OP)	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				SR		D (OP)		A (C)
PLAT VACATION				SR		D (OP)		A (C)
BOUNDARY LINE ADJUSTMENT			D					A (OP)
PRELIMINARY PLAT							R (OP)	D (C)
VARIANCE RELATED TO PRELIMINARY PLAT				SR			R (OP)	D (C)
PHASING AND EXPIRATION OF EXTENSION OF APPROVED PRELIMINARY PLAT				D		A (OP)		A (C)
SHORT PLAT			D					A (C)

VARIANCE		SR	D (OP) ^{*2}			
EXEMPTION	D		A (OP) ^{*2}			
EXTENSION OF SHORELINE RELATED PERMIT		SR	A (OP)			A (C)
SITE PLAN REVIEW REQUIRED PER WMC 17.84.110						
COMMERCIAL		D		A (OP) ^{*3}		A (C) ^{*3}
INDUSTRIAL		D		A (OP) ^{*3}		A (C) ^{*3}
MULTI FAMILY		D		A (OP) ^{*3}		A (C) ^{*3}
OTHER USES		D		A (OP) ^{*3}		A (C) ^{*3}
M/H PARK		D		A (OP) ^{*3}		A (C) ^{*3}
OTHER						
BLDG. / GRADING / FILL PERMIT W/SEPA	#			A (OP) ^{*4}		A (OP) ^{*5}
SIGN PERMIT	D			A (OP)		
SIMILAR USE DETERMINATION		SR				A (C)
FLOODPLAIN STORAGE PERMIT REQUIRED BY NFIP		D		A (OP)		

APPEAL OF ENFORCEMENT ACTION PER WMC 17.92		SR	D (C)		
APPEAL OF ADMINISTRATIVE DECISIONS UNRELATED TO SEPA OR ENFORCEMENT ACTION PER WMC 17.92		SR	D (OP)		A (C)
APPEAL OF ECISIONS RELATED TO TAKINGS OR SUBSTANTIVE DUE PROCESS RELATED ISSUES AS OUTLINED IN WMC 17.81.095		D	A (OP)		
WAIVER OF VIOLATION AS OUTLINED IN WMC 17.81.020.C			D(OP)		

Decision made by Building Official

*1 See WMC 19.06.040 and .050.

*2 Appeals of the hearing examiner's decisions shall be reviewed by the Shoreline Hearings Board.

*3 If appeal do not include SEPA matters.

*4&5 If appeal includes SEPA matters, the appeal shall be reviewed by the hearing examiner. If appeal does not include SEPA matters, the appeal shall be reviewed by the planning commission.

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.

(The texts highlighted and italic are the texts proposed to be added to the current code through LU#210-912)

19.08.050 Expiration of Vested Status of Land Use Permits and Approvals.

A. The vested status of a land use permit or approval shall be void as follows unless otherwise specified in other provisions of Woodland Municipal Code (WMC):

- 1) An approval concerning a Minor Variance or Major Variance shall be void after two years from the City's final approval date unless during that time the applicable construction directly related to the approved variance has been completed and approved by the City. However, a variance approved simultaneously with a subdivision preliminary plat shall be void at the time the preliminary plat expires.*
- 2) The time period established pursuant to subsection WMC 19.08.050.(3) and .(4) shall not include the time during which an activity was not actively pursued due to the pendency of litigation which may materially affect rights of the applicant for the permit or approval related to that permit or approval.*
- 3) The vested status of a site plan approval required per WMC 17.84.110 and .120 shall be void two years from the City's final approval date unless:
 - a.) A complete set of the civil/engineering plans for all applicable off- and on-site improvements, building permits, and technical reports required for the land use permit or approval including, but not limited to, traffic impact analyses, stormwater reports, wetland delineation reports, geotechnical reports, and any other applicable critical area reports are submitted to the City and approved by the City before the end of the two-year term; or*
 - b.) For projects which do not require civil/engineering plan approval, building permit, or any other technical report, the use allowed by the permit or approval has been established before the end of the two-year term.**
- 4) The vested status of a site plan approval required per WMC 17.84.110 and .120 may be extended pursuant to this subsection only when WMC 19.08.050.(3).(a) is met. The vested status of a site plan approval shall be void five years from the City's final approval date unless;*

a.) All approved off- and on-site improvements and constructions are completed and approved by the City and the use allowed by the permit or approval has been established before the end of the five-year term.

- 5) All approvals for Minor Variances and Major Variances and site plan approvals required per WMC 17.84.110 and .120 which were issued prior to the adoption of WMC 19.08.050 shall be void five years from the effective date of the ordinance adopting WMC 19.08.050 unless otherwise specified in other sections of Woodland Municipal Code.*

19.08.060 Cancellation of land use applications.

Applications for land use permits and approvals may be canceled for inactivity if an applicant fails to respond to the City's written request for revisions, corrections, or additional information within 60 days of the request. The Director may extend the response period beyond 60 days if within that time period the applicant provides and subsequently adheres to a schedule with specific target dates for submitting the full revisions, corrections, or other information established by the City.

Project Update
Wednesday, March 09, 2011

Jim Chumbley Schurmay Way Short Plat / SEPA for Grading Permit

Short Plat recorded. Frontage Improvement drawings signed. File closed.

Old Apostolic Lutheran Church (1500 Dike Access Road)

Have completed foundation inspection for utility building.

Woodland Swimming Pool

Third Notice of Incomplete application sent.

Historic Downtown District Zoning and Design Standards

Staff revising SEPA.

PURD Standards

Adopted by City Council on February 22, 2011. File Closed.

Commercial Vehicle Parking in Residential Districts

Planning Commission to workshop at March 9th meeting.

Home Occupations in Residential Districts

Planning Commission to workshop at March 9th meeting.

Industrial Setback Standards

Awaiting Public Hearing

Variance Expirations and Site Plan Approvals

Bill Eling is reviewing SEPA comment from an attorney on the legality of applying this ordinance reactively.