

Building & Planning Department

P.O. Box 9, 230 Davidson Avenue
Woodland, WA 98674

www.ci.woodland.wa.us

Building: (360) 225-7299 / Planning: (360) 225-1048 / Fax: (360) 225-7336

MAJOR VARIANCE INFORMATION & APPLICATION PACKET

The Woodland Municipal Code includes standards relating to development such as residential setbacks, lot dimensions, building height modification of a pre-existing/non-conforming building, lot sizes, etc. A variance is a zoning adjustment which permits minor changes to district requirements where individual properties are both harshly and uniquely burdened by the strict application of the ordinance. The approval of a variance is limited to the minimum adjustment necessary to remedy the specific burdens of the site. A variance recognizes that the same district requirements do not affect all properties equally.

A major variance is reviewed and decided upon by the Hearing Examiner with recommendations made by the Development Review Committee. If the major variance request is part of a larger project requiring additional land use applications, all applications will be reviewed and decided upon by the Hearing Examiner with recommendations made by the Development Review Committee. This is done at an open public hearing which the applicant or applicant representative should attend. The applicant is responsible for Hearing Examiner fees, in addition to the land use application fees due at time of submittal.

To qualify for a major variance, the following criteria must be met, as outlined in WMC 17.81.020(B), and should be addressed in the required narrative:

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

The following conditions cannot be considered pertinent to the application: proof that a variation would increase the financial return from the land; personal hardship; or self-imposed hardship. Recognition of conditions created by the applicant (or predecessor in title) would encourage and condone violation of the zoning ordinance.

The Hearing Examiner shall make findings to determine: whether the reasons set forth in the application justify the granting of the variance, including findings relating to compliance with any relevant criteria found in other sections of the Woodland Municipal Code; whether the variance is the minimum variance that will make possible the reasonable use of land, building, or structure; and whether the granting of the variance will be in harmony with the general purpose and intent of this Title and other applicable provisions of the Woodland Municipal Code and will not be injurious to the neighborhood, or otherwise detrimental to public welfare.

In granting any variance, the Hearing Examiner may prescribe such conditions and safeguards as are necessary to secure adequate protection for the locality in which the use is to be permitted.

Approval of a Major Variance shall be void after three (3) years, unless a building permit has been issued and substantial construction has taken place. The Public Works Director, for good cause, may extend approval for no more than one (1) year. If a variance is specifically related to an approved phasing program, the validity of the variance shall be limited only by the phasing plan. Approval expiration shall apply to all applications deemed complete on or after the effective date of this ordinance.

SUPPLEMENT FOR CRITICAL AREAS ORDINANCE VARIANCES:

If the applicant is proposing to vary from the dimensional setbacks of WMC 15.08, the variance submittal must include a site assessment prepared by a qualified professional that supports a modification of the dimensional requirements. Such a conclusion must also include all necessary mitigation measures. Please include three copies of this report. Further, demonstrate in writing that the issuance of a zoning variance by itself will not provide sufficient relief to avoid the need for a variance to the dimensional setback and other requirements for critical areas regulated by Chapter 15.08. Finally, demonstrate how the site assessment and mitigation plan demonstrates that the proposed project allows for development of the subject parcel with the least impact on critical areas while providing reasonable use of the property, and full mitigation of project impacts.

The Hearing Examiner will ensure the opportunity for public comments, including that from the Washington Departments of Ecology, Fish and Wildlife, and Natural Resources, before deciding on variance requests and shall develop and maintain a public record on each variance request which includes all findings, assessments and public comments. Such record shall be available to the public before the variance decision is made. If the Hearing Examiner decides to grant the variance, there shall be a further finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure and allows the minimum impact to critical areas necessary to allow such reasonable use. The Hearing Examiner shall make a further finding that the granting of the variance will be consistent with the general purpose and intent of this chapter, and will not create significant adverse impacts to the associated critical areas or otherwise be detrimental to the public welfare.

SUPPLEMENT FOR FLOOD DAMAGE PREVENTION VARIANCES:

Variations to Chapter 14.40 are limited to elevation requirements for first floor construction, elevation requirements for flood-proofing, and the type and extent of required flood proofing. The applicant's requesting a variance from Chapter 14.40 shall explain the narrative how the granting of any variances shall not result in: increased flood heights; additional threats to public safety; extraordinary public expense; creation of nuisances; fraud or victimization of the public; or conflicts with other existing local laws or ordinances. All applicants granted a variance from Chapter 14.40 shall be notified that the issuance of a variance may result in increased premium rates for flood insurance and that construction below base flood elevation increases risks to life and property.

The following checklist identifies information to be included with the application for a Major Variance. All of the following information must be submitted and the application fees must be paid in order for the application to be considered complete.

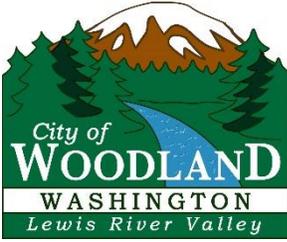
Applicant	City Staff	
<input type="checkbox"/>	<input type="checkbox"/>	Application Fees - See the fee schedule. Checks shall be made payable to the "City of Woodland." Additional applicable fees will be charged if other applications are attached including SEPA Review, Critical Area Permit, Variance, or Shoreline Substantial Development Permit, etc.
<input type="checkbox"/>	<input type="checkbox"/>	Land Use Application Form - Shall be completed and signed by the applicant and property owner(s).
<input type="checkbox"/>	<input type="checkbox"/>	Ownership Certification
<input type="checkbox"/>	<input type="checkbox"/>	Completed Critical Areas Checklist - If critical areas are present on the site or within 200 feet, a Critical Area Report shall be submitted unless exempt pursuant to WMC 15.08. Submit with the applicable fee.
<input type="checkbox"/>	<input type="checkbox"/>	Legal Description – Supplied by a title company or surveyor licensed by the State of Washington.
<input type="checkbox"/>	<input type="checkbox"/>	Narrative - A written narrative shall be submitted that explains how the project meets the criteria as outlined in WMC 17.81.020(B).
<input type="checkbox"/>	<input type="checkbox"/>	Agreement to Reimburse for Professional Consultant Services
<input type="checkbox"/>	<input type="checkbox"/>	Site Plan – i) Six (6) full size copies (24" x 36") drawn to scale (not less than 1"= 20' and not more than 1"=50') and ii) One (1) reduced copy (11" x 17" or 8.5" x 11") showing at a minimum the following:
<input type="checkbox"/>	<input type="checkbox"/>	1. Project name, date, scale, and north arrow.

Applicant	City Staff	
<input type="checkbox"/>	<input type="checkbox"/>	2. Applicant's name, address, phone and fax numbers, and email address.
<input type="checkbox"/>	<input type="checkbox"/>	3. Property owner's name, address, phone and fax numbers, and email address.
<input type="checkbox"/>	<input type="checkbox"/>	4. Contact person's name, address, phone and fax numbers, and email address.
<input type="checkbox"/>	<input type="checkbox"/>	5. Legal description including Section, Township, Range, and Donation Land Claim.
<input type="checkbox"/>	<input type="checkbox"/>	6. Vicinity map.
<input type="checkbox"/>	<input type="checkbox"/>	7. Location of the City Limit or Urban Growth Boundary (UGB), if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	8. Parcel numbers of all existing parcels.
<input type="checkbox"/>	<input type="checkbox"/>	9. Location and description of the environmental features including Critical Areas, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	10. The existing and proposed contours with intervals of five (5) feet or less if the site has steep slope(s) greater than 10%.
<input type="checkbox"/>	<input type="checkbox"/>	11. The Base Flood Elevation (BFE) benchmarks surveyed by a professional surveyor or engineer if the subject property is located in the 100-year floodplain.
<input type="checkbox"/>	<input type="checkbox"/>	12. The ordinary high water mark boundaries surveyed by a professional surveyor or engineer if the subject property is located within 200 feet from a river, stream, lake, etc.
<input type="checkbox"/>	<input type="checkbox"/>	13. Square footage of the subject property.
<input type="checkbox"/>	<input type="checkbox"/>	14. Location and length of property lines.
<input type="checkbox"/>	<input type="checkbox"/>	15. Location and size of the existing and proposed structures on site.
<input type="checkbox"/>	<input type="checkbox"/>	16. Identify use(s) of all existing and proposed structures.
<input type="checkbox"/>	<input type="checkbox"/>	17. Setbacks to all existing and proposed structures from the property lines.
<input type="checkbox"/>	<input type="checkbox"/>	18. Location of existing and proposed streets, curbs, gutters, sidewalks, driveways, drive aisles, off-street parking, on-site traffic arrows, railroads, alleys, loading areas, bicycle parking, and pedestrian and bicycle pathways, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	19. Widths of existing and proposed streets.
<input type="checkbox"/>	<input type="checkbox"/>	20. Area(s) proposed to be dedicated, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	21. Existing and proposed parking lots and parking calculations.

Applicant	City Staff	
<input type="checkbox"/>	<input type="checkbox"/>	22. Outside storage area, if any.
<input type="checkbox"/>	<input type="checkbox"/>	23. Location of existing and proposed private and public easements.
<input type="checkbox"/>	<input type="checkbox"/>	24. Location and dimensions of all existing and proposed above ground and below ground utilities.
<input type="checkbox"/>	<input type="checkbox"/>	25. Location, dimensions, and screening of proposed outdoor ground level mechanical equipment, garbage receptacles, and recycling containers.
<input type="checkbox"/>	<input type="checkbox"/>	26. Location and dimensions of existing and proposed recreational areas and open spaces, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	27. Location and dimension of all existing and proposed fences, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	28. Location and dimension of all existing and proposed signs, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	29. Proposed lighting plan, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	30. Proposed landscaping plan stamped by a licensed landscape architect or certified landscaping professional, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	31. Building elevation plans on all sides for all proposed buildings and structures, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	32. Floor plans for all proposed structures, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	33. Any additional information determined to be necessary to demonstrate compliance with any other portions of the Woodland Municipal Code (WMC).

Typical Timeframe for Major Variances:

1. Applicant submits land use applications with required documents and fees.
2. The City reviews the submittal for completeness (within **28 days** of application submittal). A Notice of Incomplete/Complete application is issued.
 - a. If a Notice of Incomplete Application is issued, the applicant has 90 days to submit any missing information.
 - b. A Notice of Complete Application will be issued once all missing items are submitted/addressed.
3. The public hearing will be scheduled with the Hearing Examiner.
4. The City issues a Notice of Application within **14 days** of the Notice of Complete Application. The NOA has a **14 day** comment period.
5. The City issues a Notice of Public Hearing at least **10 days** prior to the hearing. Much of the time, the Notice of Application and Notice of Public Hearing are jointly issued in one document.
6. The City submits a staff report to the Hearing Examiner and the applicant at least **5 days** before the public hearing.
7. The Hearing Examiner holds the public hearing.
8. The Hearing Examiner issues a written decision within **10 days** after the close of the hearing.
9. The Hearing Examiner's decision must be transmitted to the applicant and parties of record with **5 days** of the date the written decision is issued.



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LAND USE APPLICATION

LU # _____

Applicant: _____

Mailing Address: _____

Phone: _____

Cell Phone: _____

Fax #: _____

Email: _____

Property Owner: _____

Mailing Address: _____

Phone: _____

Cell Phone: _____

Fax #: _____

Email: _____

Site Address: _____

Parcel # _____

Comprehensive Plan Designation: _____

Zoning Designation: _____

Flood Zone Designation: _____

FIRM Map Panel # _____

Map Date: _____

Road Access: _____

Brief Project Description: _____

Property Owner Signature

Date

Applicant Signature

Date

Fees listed (shown on reverse) are minimums based on land use application type and do not include cost recovery for outside review and Hearing Examiner fees, which are to be paid by the applicant. **Fees are set by resolution of the City Council and are non-refundable.** By signing this application and the additional Agreement to Reimburse for Consulting Services form, you agree to pay all fees for outside review and any applicable Hearing Examiner fees.

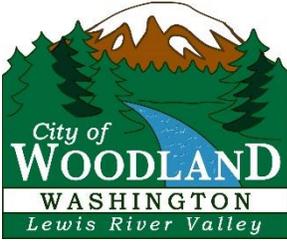
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BARS	Application	Base Fee	Total
<input type="checkbox"/> 81-00	Boundary Line Adjustment	\$400 + \$75 per lot	
<input type="checkbox"/> 81-00	Short Plat	\$800 + \$75 per lot	
<input type="checkbox"/> 81-00	Preliminary Plat	\$3,500 + \$75 per lot	
<input type="checkbox"/> 81-00	PURD	\$3,000	
<input type="checkbox"/> 81-00	Binding Site Plan	\$2,000 + \$150 per acre	
<input type="checkbox"/> 81-00	Final Plat	\$1,500 + \$75 per lot	
<input type="checkbox"/> 81-00	Plat Vacation	\$250 (+HE)	
<input type="checkbox"/> 81-00	Plat Extension	\$300	
<input type="checkbox"/> 81-00	Administrative Conditional Use	\$700	
<input type="checkbox"/> 81-00	Conditional Use	\$2,500 (+HE)	
<input type="checkbox"/> 81-00	Administrative Temporary Use	\$100	
<input type="checkbox"/> 81-00	Similar Use Determination	\$500	
<input type="checkbox"/> 81-00	Minor Variance	\$400	
<input type="checkbox"/> 81-00	Major Variance	\$1,500 (+HE)	
<input type="checkbox"/> 81-00	Comp Plan Map/Text Amendment	\$2,000	
<input type="checkbox"/> 81-00	Zoning Map/Text Amendment	\$2,500	
<input type="checkbox"/> 81-00	Annexation (Notice of Intent)	\$250	
<input type="checkbox"/> 81-00	Annexation (Petition)	\$1,200 / \$1,500	
<input type="checkbox"/> 81-00	Appeal	\$700 (+HE)	
<input type="checkbox"/> 83-00	Site Plan Review	\$110 per 1,000 sq. ft. up to 25,000 sq. ft. Plus \$25 per 1,000 sq. ft. above 25,000. (min. \$400)	
<input type="checkbox"/> 89-00	Shoreline Substantial Development	\$800 (+HE)	
<input type="checkbox"/> 89-00	Shoreline Cond. Use or Variance	\$600 (+HE)	
<input type="checkbox"/> 89-00	Shoreline Substantial Development w/ Cond. Use or Variance	\$900 (+HE)	
<input type="checkbox"/> 89-00	Shoreline Exemption	\$100	
<input type="checkbox"/> 89-00	SEPA	\$650	
<input type="checkbox"/> 89-00	Critical Areas	\$600	
<input type="checkbox"/> 89-00	Other:		
<input type="checkbox"/> 89-00	Report or Data Preparation		
TOTAL:			

*This is not an all-inclusive list. Please refer to the current fee schedule for full list.

DO NOT WRITE BELOW THIS SPACE – FOR OFFICE USE ONLY

LAND USE #	PERMIT TYPE	DATE
RECEIPT NUMBER	AMOUNT	RECEIVED BY



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OWNERSHIP CERTIFICATION

I, _____, hereby certify that I am the property owner or representative of the corporation owning the property described in the attached application and I have familiarized myself with the rules and regulations of the City of Woodland with respect to filing this application for _____ and that the statements, answers, and information submitted are in all respects true and correct to the best of my knowledge.

Street Address: _____

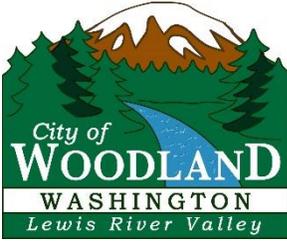
City, State, Zip: _____

Email: _____

Phone: _____

Signature: _____ Date: _____

For: (Corporation or company name, if applicable) _____



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CRITICAL AREAS IDENTIFICATION CHECKLIST

Applicant: _____

Site Address: _____

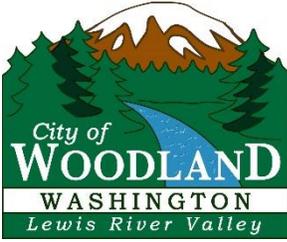
Land Use Application Number: _____

Please answer the following questions concerning Critical Areas indicators located on or within 200 feet of the subject site:

1. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject site? If yes, please attach a list of document titles.
2. Are there any surface waters (including year-round and seasonal streams, lakes, ponds, bogs, swamps)?
3. Have any wetlands been identified? Any vegetation that is associated with wetlands?
4. Are there areas where the ground is consistently inundated or saturated with water?
5. Is the project located within a Flood Hazard Zone?
6. Are there are state or federally listed sensitive, endangered, or threatened species or habitats?
7. Are there slopes of 15% or greater?
8. Are there any landslide hazard areas?

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas. I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of WMC 15.08.

Signature: _____ Date: _____



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AGREEMENT TO REIMBURSE PROFESSIONAL CONSULTING SERVICES EXPENSES RELATED TO LAND USE APPLICATION

The applicant recognizes that the City of Woodland is obligated by state law and the Woodland Municipal Code to provide a complete review of land use applications, including all technical support documents, in order to ensure compliance with all applicable approval standards and that some of those support documents exceed the professional certifications and capabilities of city staff. In these instances, the city must contract with outside qualified professionals in order to perform plan review responsibly.

City Ordinance #1157 (WMC 19.02.110) authorizes recovering the cost of professional consulting services related to all land use applications by outside professionals. The applicant is therefore responsible for reimbursing to the city those fees and related expenses in addition to the normal permit and plan review fees.

The applicant hereby agrees and commits to reimburse to the City of Woodland the actual cost of professional consulting services for reviewing all development projects by outside professionals.

This Agreement to Reimburse the Professional Consulting Services Expenses Related to Reviewing the Land Use Application ("Agreement") is entered into this _____ date of _____ by and between _____ ("Applicant") and the City of Woodland, WA ("City") as indicated by the below signed authorized representative of the parties.

Applicant is the applicant for _____, which has been assigned City Planning / Land Use Application No. _____.

The applicant acknowledges that the applicant is liable for such costs, and these costs are due and payable to the City at the time of final plan approval. The applicant further acknowledges that the City is authorized to require the applicant to deposit an amount which the City estimated at discretion of the Public Works Director.

IT IS SO AGREED:

Name: _____ Date: _____

Title: _____

Mailing Address: _____

Signature: _____