WOODLAND PLANNING COMMISSION AGENDA

Planning Commission Regular Meeting
7:00 p.m.
Thursday, May 17, 2012

Woodland Community Center
782 Park Street, Woodland, Washington

CALL TO ORDER

APPROVAL OF MINUTES

- April 19, 2012

ANNOUNCEMENT

- Re-appointment of Murali Amirineni (05/16/2012 to 05/16/2018)

PUBLIC HEARING

1) Boundary Line Adjustment Procedures (LU# 212-907)
2) Pet and Domestic Animal Code Amendments (LU# 211-912)

PUBLIC WORKSHOP

1) Pet and Domestic Animal Code Amendments (LU# 211-912)
    - Review Public Comments
    - Review Proposed Changes
2) Historic Preservation (LU# 211-906)
    - Review Recommendation to Council
3) C-1 Use Overhaul (LU# 212-910)
    - Staff Report
    - Review Proposed Code Changes
    - Discuss Public Outreach
4) Collective Gardens (Medical Marijuana) Interim Zoning Ordinance
    - Staff Report
    - Review Draft Ordinance

REPORT / PROJECT UPDATE / DISCUSSION

1) Sign Code Review Added to 2012 Work Items

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 Head

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WOODLAND PLANNING COMMISSION MINUTES

Planning Commission Regular Meeting
7:00 p.m.
Thursday, April 19, 2012

Woodland Community Center
782 Park Street, Woodland, Washington

Present:	Chair David Simpson Commissioner Sharon Watt Commissioner Nancy Trevena
Absent:	Commissioner Jim Yount Commissioner Murali Amirineni
Also Present:	Secretary JoAnn Heinrichs Community Development Planner Carolyn Johnson Public Works Director Bart Stepp

CALL TO ORDER

APPROVAL OF MINUTES

- Commissioner Watt moved to accept the March 15, 2012 minutes as written. Commissioner Trevena seconded the motion. The motion passed unanimously.

PUBLIC WORKSHOPS

1. **Historic Preservation Update (LU# 211-906)**
    - Carolyn gave information on the Downtown Woodland Revitalization (DWR) meeting she attended
        - Walt Hansen says there are 10 property owners that have expressed interest in possibly being listed on an historical register.
        - DWR is already a source for people interested in historical preservation
        - DWR has been exploring the idea of a placard program
    - Owners could also work with State to get historic designation
    - Planning Commission likes the idea of having DWR take the lead in establishing a placard program; Carolyn will draft something supporting this. Criteria needs to be listed.
    - Check with DWR to see if this should be broader than structures (i.e. to possibly add sites)
    - We will review recommendation to City Council next month

DRAFT

2. **Amend Woodland's SEPA and Administrative Appeals Processes (LU# 210-917)**
    - Carolyn gave staff report
    - Grammatical errors will be corrected in Draft
    - Need to check entire code to make sure Appeals are consistent throughout
    - Carolyn is waiting for his clarification on a couple of questions from Bill Eling
    - Carolyn shared information from her planning meetings. Will investigate the court cases regarding fees paid for appeals
    - What is the threshold/criteria for open/closed meetings?
    - Remove "signs" from list
    - Put hearings by Hearings Examiner on project updates to make PC aware
    - The IBC may conflict with the WMC appeal authority
    - Bring back to Planning Commission one more time for final review and Public Hearing

3. **Boundary Line Adjustment Ordinance (LU# 212-907)**
    - Carolyn gave background
    - This does not need to go through SEPA
    - This could go under title 16
    - Lot consolidations need to be defined
    - Need it address lots being within the same zone designation? MRSC says there can be more than one zone. Could be under approval criteria.
    - No PH needed (Correction: Staff looked into this and a Public Hearing is necessary).

    Commissioner Trevena moved to send to City Council. Commissioner Watt seconded the motion. The motion passed unanimously.

4. **Expanding Uses in the C-1 Zone (Central Business District)**
    - Carolyn gave update
    - Carolyn wants to check other cities codes see what they do
    - What information does PC need to be able to make a decision to send to CC?
    - Check each of these uses, if they are allowable or disallows already in our code.
    - Check also the Comp Plan to make sure they fit in the downtown
    - Could add a Temp Uses or conditional uses section to the C1 district
    - Which are currently allowable? Then look at the ones that are currently non-conforming downtown.
    - Consider large truck traffic for deliveries, and the downtown impact
    - Could put limits on square footage

DRAFT

REPORT / PROJECT UPDATES

- Need to check into large trailers being used as signs. It is not addressed in the code. How does CC or other people feel about this? Should it be put on our priority list?
- SEPA notification needs to come to the City when Woodland will be impacted by a County project.
- Could address traffic & zoning, we should provide input to these terms
- Carolyn gave project update: Stormwater ordinance was added to our 2012 priority list.
- Dave: suggest checking how much ammonia & dangerous chemicals are being used by Columbia Colstor and asked if people close by should be notified.

ADJOURN

Commissioner Trevena moved to adjourn to our next regularly scheduled meeting on May 17, 2012, 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

DRAFT

STAFF REPORT – *Boundary Line Adjustments*

To: Planning Commission
From: Carolyn Johnson, Community Development Planner
Date: May 8, 2012
Re: Ordinance No. 1239, Boundary Line Adjustments

INTRODUCTION

Developing procedures for processing and approving Boundary Line Adjustments (BLAs) became a 2012 priority for the Planning Commission after staff identified the need for an ordinance that would clarify application requirements, approval criteria, and procedures for recording. On May 17, the Commission will hold the required public hearing for the proposed ordinance.

SUMMARY

Currently, the WMC does not clearly address procedures for processing or approving boundary line adjustments. The code appears to lump BLAs together with short subdivisions, asking proponents to provide the same level of information and to go through the same procedural steps. Not only is this an overly onerous requirement but it appears to conflict with RCW 58.17.040(6) which specifically exempts BLAs from subdivision regulation.

In drafting the ordinance before you, staff turned to the BLA ordinances of Clark, Cowlitz and King Counties as well as the Cities of Lacey, La Center, Longview and Ridgefield. Staff was looking for clear approval criteria and application requirements.

SEPA

This draft ordinance is exempt from SEPA as per WAC 197-11-800(19) which exempts procedural actions containing no substantive standards respecting use or modification of the environment.

> *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 (WAC 197-11-800(19)).*

ORDINANCE NO. 1239

THE CITY OF WOODLAND, WASHINGTON

AN ORDINANCE AMENDING WMC TITLE 16 TO OUTLINE PROCEDURES FOR PROCESSING BOUNDARY LINE ADJUSTMENTS AND LOT LINE CONSOLIDATIONS AND SETTING CRITERIA FOR THEIR APPROVAL.

WHEREAS, the Planning Commission and City Council made the development of an ordinance that would address boundary line adjustments a priority in 2012;

WHEREAS, the Woodland Municipal Code does not adequately address the processing of boundary line adjustments or criteria for their approval;

WHEREAS, RCW 58.17.040(6) specifically exempts boundary line adjustments from subdivision procedures;

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; and

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

WMC TITLE 16 PROVISIONS TO BE REPEALED *(Text that is struck through is proposed to be eliminated from the current code. Highlighted text in italics is proposed to be added.)*

16.02.030 Applicability.

C. *Requests for boundary line adjustments and lot consolidations shall be processed in accordance with WMC Chapter 16.34, unless the adjustment or consolidation is part of a plat request.* ~~Requests for adjustments of lot lines between properties, relocation of easements, and other changes affecting the size or shape of lots or the services available to a property without effecting a division of land shall be processed in the manner prescribed for short plats under Ordinance No. 407, codified in Chapter 16.32.~~

16.32.020 - Exemptions.

Provisions of this chapter shall not apply to:

D. Boundary line adjustments *or lot consolidations, unless the adjustment or consolidation is part of a short plat request;* ~~of parcels not in a recorded plat or short plat where access is not affected and where no new lot is created thereby or where no lot is reduced in size below the minimum square footage required by the applicability control;~~

NEW ORDINANCE *(Text to be added as a new WMC Chapter.)*

16.34 – BOUNDARY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS

Sections:
16.34.010 – Applicability.
16.34.020 – Definitions.
16.34.030 – Purpose.
16.34.040 – Application requirements.
16.34.050 – Approval criteria.
16.34.060 – Recording.
16.34.070 – Appeal.

16.34.010 – Applicability.

Every adjustment made for the purpose of adjusting boundary lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division shall proceed in compliance with this chapter. A consolidation of lots shall proceed through the same process as outlined for boundary line adjustments (BLA)

described in this chapter. BLAs and lot consolidations may also be accomplished as part of a plat or short plat.

16.34.020 Definitions.

For the purpose of this article, terms shall be defined as set forth in Title 16 and as set forth in this chapter.

"Boundary line adjustment" means a change in the location of lot lines which does not result in an increase in the number of lots contained therein.

"Lot consolidation" means the combining of two or more parcels, where a greater number of parcels than originally existed is not thereby created.

16.34.030 – Purpose.

The purpose of this chapter is to establish procedures for the administrative approval of boundary line adjustments in order to ensure that such divisions of land are accomplished in an orderly manner, with proper records established, and in compliance with applicable laws.

16.34.040 – Application requirements.

Application submittal requirements for BLAs include:

1. A completed application form;
2. The appropriate fee;
3. Prior recorded surveys;
4. Title insurance certificates;
5. Other information demonstrating compliance with the approval criteria; and
6. A survey drawing showing:
    a. The applicant's and contact person's name, mailing address and phone number;
    b. Names of all affected property owners, and addresses of affected parcels;
    c. A north point, graphic scale and small vicinity map;
    d. Old property lines and dimensions as dashed or broken lines, new property lines and dimensions as solid lines;
    e. All property lines shall be fully dimensioned, with the area calculations for each lot noted on the face of the plat;
    f. Correct street names and current zoning designation;

g. Building locations, building setbacks (distance from existing structures to nearest property lines), location of easements, utility connection points, septic tanks, septic drain fields, stormwater facilities, and wells;
h. Public and private roads and their dimensions and location;
i. Identification of all lots involved as Lot 1, Lot 2, etc.;
j. Any previous short plat or boundary line adjustments shall be noted on the survey map in the title block or plat notes; and
k. A surveyor's certificate consistent with RCW 58.09.080 and all other certificates and other information required by Chapter 58.09 RCW.

16.34.050 – Approval criteria.

The director or his/her designee shall approve, disapprove or condition boundary line adjustment applications based on the following conditions:

1. No new lots are created by the BLA proposal;
2. The adjusted lots meet current zoning requirements related to property size including but not limited to, minimum requirements for width, depth, and area. Whenever a lot involved in a proposed BLA does not meet minimum requirements for size prior to adjustment, the change may be approved so long as the change does not increase the existing nonconformity;
3. No lot shall be reconfigured or adjusted which would render access for vehicles, utilities, fire protection, or existing easements impractical to serve their purpose. Blanket utility easements existing along lot lines, that are specifically required as a condition of development approval, may be moved during a boundary line adjustment; provided, there is compliance with RCW 64.04.175 and the easement is not occupied by a utility. If the easement is occupied, this provision is inapplicable, and the provisions of RCW 64.04.175 shall apply.
4. A BLA proposal that is inconsistent with any restrictions or conditions of approval for a recorded plat or short plat shall not be approved;
5. A BAL proposal between lots with different zoning designations shall not be approved;
6. A BLA proposal that would reduce the overall area in a plat or short plat devoted to open space shall not be approved; and
7. A BLA proposal that would adjust a boundary line across a public roadway shall not be approved.

16.34.060 – Recording.

If the proposed boundary line adjustment is approved, the applicant shall cause the survey map to be drawn on mylar measuring 18 inches by 24 inches. The following information shall be added to the survey map:

1. Signature blocks for all property owners;
2. Signature blocks for the public works director;
3. Legal descriptions shall be prepared for each lot and placed on the face of the survey map; and
4. On the face of the survey map, the language of any and all covenants, deed restrictions, or other property use limitations on the property shall be set forth, together with the Auditor's File Number, Volume and Page where such language is recorded.

The BLA shall be recorded with the County Assessor's office and a copy of the recorded survey shall be provided to the City. Document recording fees shall be the responsibility of the applicant.

16.34.070 – Appeals.

Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08.

If any section, sentence, clause or phrase of this Ordinance shall be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

A Summary of this Ordinance shall be published.

This ordinance shall be in full force and effect five days after publication as required by law.

ADOPTED IN OPEN MEETING _____ DAY OF _____, 2012.

CITY OF WOODLAND, WASHINGTON

Approved:

_____

Grover Laseke, Mayor

Attest:

_____

Mari E. Ripp, Clerk / Treasurer

Approved as to form:

_____

Bill Eling, City Attorney

Draft Ordinance

PET AND DOMESTIC ANIMALS

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 17.08 – Definitions

17.08.500 Miniature hoofed animal.

"Miniature hoofed animal" means a horse, donkey, or goat breed that reaches no more than 38 inches in height when fully grown.

Chapter 17.16 – Low Density Residential (LDR) Zoning Districts

17.16.100 - Criteria and standards for accessory uses.

~~**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. The keeping of pets and domestic animals is subject to the following restrictions:

1. *For singe-family dwellings, the keeping of pets and domestic animals are subject to the following restrictions:*
    a. *Animals including cattle, horses, goats, ponies, mule, sheep, donkeys, llamas, miniature hoofed animals and pigs shall be regulated as follows:*
        i. *Cattle, one acre of open fenced land each;*
        ii. *Horses, pigs, ponies, and donkeys, one-half acre of open fenced land each;*
        iii. *Sheep and llamas, one-quarter acre of open fenced land each;*
        iv. *Goats and miniature hoofed animals, 3,000 sf of open fenced land each;*
        v. *Animals shall be completely enclosed by a secure fence not less than five (5) feet tall, sufficient to confine the animals therein;*
        vi. *The minimum land area required to maintain any large animal shall be the sum of the required land areas listed above;*
        vii. *All stables and other buildings and all enclosures and premises upon which any such animals are kept and confined shall be kept in a clean, healthful, and sanitary condition; and*
        viii. *Animals shall be sheltered in weather protecting structures located at least 15 feet from property lines.*
    b. *Two bee hives per residential lot 7,200 sf or larger. An additional 5,000 sf is needed for each additional hive. Beekeeping is prohibited on lots less than 7,200 sf. Where*

beekeeping is permitted, hives must be located at least ten feet from any dwelling, ten feet from any lot line, and at least 30 feet from any public sidewalk or roadway. Hives must be registered with the Washington State Department of Agriculture as per RCW 15.60.021, and completely enclosed by a fence not less than six feet high. Close access to a water source must be shown.

c. The keeping of roosters in any residential zone is prohibited.

d. On lots less than 10,000 sf, the keeping of not more than six 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.

e. No more than 4 dogs or cats or combination thereof four months or age or older per dwelling unit.

f. Animals do not violate nuisance pet animal regulations or other provisions of Chapter 7.04.

g. Animals that contribute unusually excessive noise, such as crowing, braying or barking, must be housed in such a manner as to minimize their effects on neighbors.

h. Animals shall not create a malodor that is detectable on adjoining lots.

2. Failure to comply with the requirements of this section is a class 4 infraction with a monetary penalty of $25.00 or as otherwise specified by WMC Chapter 7.04.

(Ord. 939 § 7 (part), 2000)

(Ord. No. 1212, § 14, 6-20-2011)

CHAPTER 17.20 - MULTIFAMILY RESIDENTIAL DISTRICTS (MDR, HDR)

17.20.100 - criteria and standards for accessory uses.

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. For singe-family dwellings, the keeping of pets and domestic animals are subject to the following restrictions:

a. Animals including cattle, horses, goats, ponies, mule, sheep, donkeys, llamas, miniature hoofed animals and pigs shall be regulated as follows:

i. Cattle, one acre of open fenced land each;

ii. Horses, pigs, ponies, and donkeys, one-half acre of open fenced land each;

iii. Sheep and llamas, one-quarter acre of open fenced land each;

iv. Goats and miniature hoofed animals, 3,000 sf of open fenced land each;

v. *Animals shall be completely enclosed by a fence not less than five (5) feet tall, sufficient to confine the animals therein;*

vi. *The minimum land area required to maintain any large animal shall be the sum of the required land areas listed above;*

vii. *All stables and other buildings and all enclosures and premises upon which any such animals are kept and confined shall be kept in a clean, healthful, and sanitary condition; and*

viii. *Animals shall be sheltered in weather protecting structures located at least 15 feet from property lines.*

b. *Two bee hives per residential lot 7,200 sf or larger. An additional 5,000 sf is needed for each additional hive. Beekeeping is prohibited on lots less than 7,200 sf. Where beekeeping is permitted, hives must be located at least ten feet from any dwelling, ten feet from any lot line, and at least 30 feet from any public sidewalk or roadway. Hives must be registered with the Washington State Department of Agriculture as per RCW 15.60.021, and completely enclosed by a fence not less than six feet high. Close access to a water source must be shown.*

c. *The keeping of roosters in any residential zone is prohibited.*

d. *On lots less than 10,000 sf, the keeping of not more than six 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.*

e. *No more than 4 dogs or cats or combination thereof four months or age or older per dwelling unit.*

f. *Animals do not violate nuisance pet animal regulations or other provisions of Chapter 7.04.*

g. *Animals that contribute unusually excessive noise, such as crowing, braying or barking, must be housed in such a manner as to minimize their effects on neighbors.*

h. *Animals shall not create a malodor that is detectable on adjoining lots.*

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 *do not violate nuisance pet animal regulations or other provisions of Chapter 7.04* ~~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 *or detectable within another multi-family dwelling unit*. *Animals that contribute unusually excessive noise, must be housed in such a manner as to minimize their effects on neighbors.*

3. *Failure to comply with the requirements of this section is a class 4 infraction with a monetary penalty of $25.00 or as otherwise specified by WMC Chapter 7.04.*

Draft Ordinance

PET AND DOMESTIC ANIMALS

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 *with a monetary penalty of $25.00*.

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 *with a monetary penalty of $25.00*.

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 *with a monetary penalty of $25.00*.

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 *with a monetary penalty of $25.00*.

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.

I. *Keeping of Pets and Domestic Animals Not Allowed in Residential Zoning Districts. Such person fails to comply with requirements for pet and animal keeping specified in Title 17. Failure to meet terms of Title 17 with regards to pet and animal keeping in residential zoning districts is a class 4 infraction with a monetary penalty of $25.00*.

(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.

I. *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.

Public Participation Component – Amendments to Woodland's Pet and Domestic Animal Code

The public participation program for this draft ordinance included two different comment periods:

1. Formal Notice of Application and SEPA DNS Comment Period. A SEPA DNS was issued March 1, 2012. SEPA comments were due March 21, 2012. Amongst others, SEPA notification went to the Humane Society and SPCA of Cowlitz County and Pet Aid of Washington.
    - March 7, 2012 – NOA and Likely Determination of Non-Significance published in *The Reflector*.
2. An informal public comment period that began March 16, 2012 and ended May 11, 2012. The informal comment period included the following components:
    - **March 16, 2012** - Flyer stacks left at the Public Library, Post Office, City Hall Annex, Remnant Farms, L&J Feed, Woodland Veterinary Hospital, and Timberland Pet Clinic.
    - **March 16, 2012** – Draft ordinance put on website for public comment.
    - **April 22, 2012** – Special notice included on utility bill free of charge. The short note directed the public to the city's website to view proposed changes and to comment.

Carolyn Johnson

From: Al Swindell
Sent: Saturday, December 10, 2011 11:50 AM
To: Carolyn Johnson
Subject: RE: Pet and Domestic Animal Code Amendments

Hi carolyn
I believe that #'s 3&4 on your list should be the same as #2 horses and pigs as they will be just as noisy and stinky as horses and pigs
thanks al swindell city council #2

From: Carolyn Johnson
Sent: Thu 12/8/2011 3:28 PM
To: Al Swindell; Marshall Allen; Scott Perry; Marilee McCall; Mari Ripp; Ken Alexander; Michael Jackson; R Stephenson; Susan Humbyrd; Benjamin Fredricks; JJ Burke
Cc: David Simpson; Chuck Blum; JoAnn Heinrichs
Subject: Pet and Domestic Animal Code Amendments

Hello City Council Members and Department Heads:

As you may know, the Planning Commission has been working on proposed changes to the city's pet and domestic animal code.

We have a working draft that we'd like to share with you for initial feedback, thoughts, and concerns before we go through the SEPA process.

I hope you'll have time to review what we're working on and get back to me.

For those of you that haven't looked at a document like this before:

- Yellow highlighted text is the proposed new language,
- Struck through text is proposed to be removed, and
- Plain text currently exists and will remain unchanged.

Thank You,

Carolyn

Carolyn Johnson MCP
Community Development Planner
City of Woodland
(360) 225-1048 Office
(360) 225-7336 Fax

Carolyn Johnson

From: Chief Rob Stephenson [StephensonR@woodlandpd.org]
Sent: Thursday, December 08, 2011 3:59 PM
To: Carolyn Johnson
Subject: RE: Pet and Domestic Animal Code Amendments

It'll be fine UNTIL the first kid or allergic person gets stung. It will immediately be forgotten that bees occur naturally and it will be because of unnatural/commercial bee hives. I just think it has some potential to be an issue for us.

I'd suggest talking to our insurance folk and making sure we're not out of line with what other cities do on the subject. Personally, I'd never even think of putting them in a residential area. But as soon as it's okay, you can bet someone(s) will.

"Your beliefs are your reality...if you don't like the reality, change your beliefs."
"One person's complaint does not make it a problem...it makes it ONE person's complaint"
"Ignoring the fact will not make the fact go away."

This e-mail and related attachments and any response may be subject to public disclosure under state law.

****

Chief Rob Stephenson
Woodland Police Department
stephensonr@woodlandpd.org

100 Davidson Ave., PO Box 9
Woodland, Wa. 98674
(360) 225-6965 – Bus.
(360) 225-8981 – 24-Hr Dispatch
(360) 225-1201 – Fax
police@woodlandpd.org

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From: Carolyn Johnson [mailto:JohnsonC@ci.woodland.wa.us]
Sent: Thursday, December 08, 2011 15:55
To: Chief Rob Stephenson
Subject: RE: Pet and Domestic Animal Code Amendments

Hi Rob,

Thanks for the feedback. Some of our Commissioners have real concerns about the bee keeping part and others seem to like the way its addressed. We'll see where it lands!

Thanks, Carolyn

Carolyn Johnson MCP
Community Development Planner
City of Woodland
(360) 225-1048 Office
(360) 225-7336 Fax

From: Chief Rob Stephenson [mailto:StephensonR@woodlandpd.org]
Sent: Thursday, December 08, 2011 3:52 PM

To: Carolyn Johnson
Subject: RE: Pet and Domestic Animal Code Amendments

I'm okay with this. A little concerned about the whole bee keeping thing in residential zones. Not that I care personally…but I can just see it coming…"I'm allergic to bees and you allow them in my neighborhood"….well, okay, beyond what naturally occurs.

"Your beliefs are your reality...if you don't like the reality, change your beliefs."
"One person's complaint does not make it a problem...it makes it ONE person's complaint"
"Ignoring the fact will not make the fact go away."

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****

Chief Rob Stephenson
Woodland Police Department
stephensonr@woodlandpd.org

100 Davidson Ave., PO Box 9
Woodland, Wa. 98674
(360) 225-6965 – Bus.
(360) 225-8981 – 24-Hr Dispatch
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police@woodlandpd.org

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From: Carolyn Johnson [mailto:JohnsonC@ci.woodland.wa.us]
Sent: Thursday, December 08, 2011 15:28
To: Al Swindell; Marshall Allen; Scott Perry; Marilee McCall; Mari Ripp; Ken Alexander; Michael Jackson; Chief Rob Stephenson; Susan Humbyrd; Benjamin Fredricks; JJ Burke
Cc: David Simpson; Chuck Blum; JoAnn Heinrichs
Subject: Pet and Domestic Animal Code Amendments

Hello City Council Members and Department Heads:

As you may know, the Planning Commission has been working on proposed changes to the city's pet and domestic animal code.

We have a working draft that we'd like to share with you for initial feedback, thoughts, and concerns before we go through the SEPA process.

I hope you'll have time to review what we're working on and get back to me.

For those of you that haven't looked at a document like this before:

- Yellow highlighted text is the proposed new language,
- Struck through text is proposed to be removed, and
- Plain text currently exists and will remain unchanged.

Thank You,

Carolyn

Carolyn Johnson MCP

Carolyn Johnson

From: Benjamin Fredricks
Sent: Thursday, January 05, 2012 11:38 AM
To: Carolyn Johnson
Subject: RE: Pet and Domestic Animal Code Amendments

Carolyn:

So far I have no objections to anything in this code amendment. Sorry for the delay in getting a response to you.

Regards,

Benjamin Fredricks
Woodland City Council, Pos. #6

"The democracy will cease to exist when you take away from those who are willing to work and give to those who would not." ~ Thomas Jefferson

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-----Original Message-----
From: Carolyn Johnson
Sent: Thu 12/8/2011 3:28 PM
To: Al Swindell; Marshall Allen; Scott Perry; Marilee McCall; Mari Ripp; Ken Alexander; Michael Jackson; R Stephenson; Susan Humbyrd; Benjamin Fredricks; JJ Burke
Cc: David Simpson; Chuck Blum; JoAnn Heinrichs
Subject: Pet and Domestic Animal Code Amendments

Hello City Council Members and Department Heads:

As you may know, the Planning Commission has been working on proposed changes to the city's pet and domestic animal code.

We have a working draft that we'd like to share with you for initial feedback, thoughts, and concerns before we go through the SEPA process.

I hope you'll have time to review what we're working on and get back to me.

For those of you that haven't looked at a document like this before:

Carolyn Johnson

From: stacygildersleeve@comcast.net
Sent: Wednesday, April 25, 2012 8:11 PM
To: Carolyn Johnson
Subject: Pet and domestic animals, draft ordinance

I have read the draft ordinance and would like a copy of Chapter 7.04 regarding nuisance pet regulations. Please email me a PDF file of this so I can review and make comment.

I am concerned that the wording regarding smells not being detectable on adjoining lots has not been carried over into the draft ordinance.

I am also concerned with the additional animal excrement due to the proposed changes affecting runoff water quality as well as the general health and cleanliness of the public, especially in the case of allowing poultry to be allowed in LDR, MDR and HDR housing respectively. Also, there is no wording or specification regarding weather protecting structures or fencing requirements for poultry.

In addition, no ordinance is truly effective without the ability to understand how possible violations should be reported as well as how to enforce and penalize for actual violations of the ordinance. I would like to know what is being done on the enforcement side of things regarding this ordinance.

I would appreciate an acknowledgement of receipt of this email no later than close of business, Thursday April 26, 2012. In addition, please let me know what will be done with my list of concerns and when I will receive a PDF copy of Chapter 7.04 for review.

Thank you,

Stacy Gildersleeve
196 Raspberry Lane
Woodland, WA 98674

Sent from Xfinity Mobile App

Carolyn Johnson

From: Chief Rob Stephenson [StephensonR@woodlandpd.org]
Sent: Thursday, March 01, 2012 12:26 PM
To: Carolyn Johnson
Subject: RE: NOA and Likely SEPA DNS - Changes to Woodland's Pet and Domestic Animal Code - Comments Due March 21

7.04.080 - Infractions lists the stuff that is a Class 4 infraction. I'd like to see language added, something like "is a Class 4 civil infraction with a monetary penalty of $xx.00". Under RCW. Class 4 infractions have a maximum penalty amount of $25 not including statutory assessments. And I'm not sure what the statutory assessments are.

"Your beliefs are your reality...if you don't like the reality, change your beliefs."
"One person's complaint does not make it a problem...it makes it ONE person's complaint"
"Ignoring the fact will not make the fact go away."

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From: Carolyn Johnson [mailto:JohnsonC@ci.woodland.wa.us]
Sent: Thursday, March 01, 2012 12:09
To: Jim Yount; David Simpson; Nancy Trevena; Sharon Watt; Mike Amirineni; Benjamin Fredricks; Al Swindell; Marilee McCall; Susan Humbyrd; Scott Perry; JJ Burke; marshalla@ci.woodland.wa.us; Mari Ripp; Chief Rob Stephenson; Michael Jackson; Ken Alexander; permitreview@cowlitz.org; dAVe burlingame; reviewteam@commerce.wa.gov; Harvey, Steve; sepaunit@ecy.wa.gov
Cc: JoAnn Heinrichs
Subject: NOA and Likely SEPA DNS - Changes to Woodland's Pet and Domestic Animal Code - Comments Due March 21

Good Afternoon:

The City of Woodland is considering changes to municipal code sections that deal with pets and domestic animals. The change is being initiated to address recent trends in animal keeping, such as raising chickens and keeping miniature animals, as well as to set regulations for the keeping of larger domestic animals such as horses and cows. The proposed changes would impact residential districts but will not impact animal keeping in Woodland's other zoning districts.

You are invited to comment on this proposed project.

Timelines: Comments can be submitted to the City Planning Department by **5:00 p.m. on March 21, 2012**. Appeals must be submitted no later than **5:00 p.m. on March 27, 2012.**

Please contact me at (360)-225-1048 or johnsonc@ci.woodland.wa.us if you have any questions regarding this matter.

Thank You,

Carolyn Johnson

From: Keiran, TJ [tkeiran@cwcog.org]
Sent: Friday, March 09, 2012 4:12 PM
To: Carolyn Johnson
Subject: RE: animal crackers

Carolyn,

I think urban farming is wonderful if it can be done correctly.

Quick thoughts on the draft ordinance:

1) You may want to consider keeping livestock on SFR lot as a CUP, not permitted use;
2) Lot sizes may be insufficient; You might need to say – one acre minimum for lama, then ¼ acre per lama after that. I suggest talking with someone at 4H
3) How will keeping livestock in the residential zones affect stormwater?
4) Animal's Waste?
5) Trailers?

Here is Centralia's code:

20.66.065 Limited agricultural uses—Permit requirements.

A. It is the intent of this section to allow limited agricultural uses within all residential areas with a limited agricultural use permit. This use is intended to allow the hobby farmer, student agricultural projects and the part-time commercial agricultural producer while protecting the residential atmosphere of the neighborhood.

B. In addition to the information required by the terms of Chapter 20.87 CMC, regarding special use application, such applications for limited agricultural uses shall also include a site plan or narrative explanation showing how the following criteria will be met:

1. Adequate room to provide animals with a healthy, secure and aesthetically pleasing facility;

2. The Maximum Number and Type of Animals. All animals shall be provided housing; large animals such as horses, livestock, sheep and goats shall have access to pasture or an exercise area free of excessive mud in wet weather;

3. All buildings, fences and other facilities must adhere to established building codes and zoning restrictions, including setbacks, landscaping and screening.

C. Common agricultural practices may not automatically be considered compatible with surrounding uses. In order to maintain residential neighborhood compatibility, special attention must be given to building design, waste management, chemicals, feed use and noise. The following factors shall be considered in review of the limited agricultural special use permit:

1. Building Design. All buildings must adhere to Centralia city building codes.

2. Waste Management. Animal waste shall not be stockpiled or be a source of pest or rodent problems. A management system of chemical treatment, off-site disposal, composting or incorporation into the soil shall be practiced.

3. Chemical Use. Chemicals that threaten the purity of the potable water supply or are incompatible with common residential uses, pets and landscaping shall be prohibited.

4. Feed. All animal feeds that attract pests and rodents must be stored and managed in such a way as to minimize or eliminate such nuisances.

5. Noise. Animals that contribute unusually excessive noise, such as crowing, braying or barking, during late night or early morning hours must be housed in such a manner as to minimize their effects on neighbors. Continuous problems with noisy animals may be cause for revocation of the permit or removal of the offending animal. (Ord. 2209 § 2 (part), 2008: Ord. 2147 § 17, 2005: Ord. 2024 § 1 (part), 1999).

TJ Keiran
Senior Planner / GIS Specialist
CWCOG
tkeiran@cwcog.org (360) 577-3041

From: Carolyn Johnson [mailto:JohnsonC@ci.woodland.wa.us]
Sent: Monday, March 05, 2012 8:32 AM
To: Keiran, TJ
Subject: RE: animal crackers

Hi TJ:

We would love your input! Comments in writing are the best so that our Planning Commission can review them. I'm attaching the draft ordinance.

Thank You,

Carolyn

Carolyn Johnson MCP
Community Development Planner
City of Woodland
(360) 225-1048 Office
(360) 225-7336 Fax

From: Keiran, TJ [mailto:tkeiran@cwcog.org]
Sent: Friday, March 02, 2012 1:49 PM
To: Carolyn Johnson
Subject: animal crackers

Hi Carolyn,

I saw the notice for the domestic pet ordinance and just wanted you to know I am available if you want to discuss the topic. I dealt with the issue while working at the City of Centralia and so I know a little (little) about it. I think the idea of having a minimum lot size per animal is a good idea, but the city may also consider a minimum overall size. For instance 1 acre minimum for the first lama, and then ¼ acre more for each additional lama.

Anyway, I'm not being critical, just offering to discuss.

See ya

TJ Keiran

DRAFT Recommendation to Council

From: Woodland Planning Commission
To: Woodland City Council
Date: June 4, 2012
Regarding: Historic Preservation Ordinance

1. RECOMMENDATION

At this point in time, the Planning Commission recommends against the adoption of the State's model historic preservation ordinance. The concern is that a local historic preservation program would not be successful because of 1) the small inventory of possible historic places, 2) difficulties in finding qualified volunteers to serve on a historic preservation commission, and 3) the added administrative burden placed on City staff. It is being made after careful consideration of the costs and benefits of the program.

Alternatively, the Planning Commission recommends that Downtown Woodland Revitalization (DWR) is supported in the development of a placard program that would identify places of historic importance. Support would be shown in annual City budgets that set aside funds for the program. Setting criteria for identifying historic resources remain important. For this reason, the Commission is recommending that DWR develop a historic placard program build on the criteria listed in the State's model historic preservation ordinance (*See Section 5*).

It is important to note that for communities without a local register, property owners can work directly with the State of Washington to be listed on the Washington Heritage Register.

2. KEY ISSUES

The adoption of a historic preservation ordinance appears unlikely to be successful for a number of reasons. Washington communities adopt the Department of Archeology and Historic Preservation's model ordinance to gain authority to encourage and enforce historic preservation. The State's model ordinance is built on the idea that cities and counties that adopt the model ordinance will become Certified Local Governments (CLGs). There are benefits to and responsibilities with becoming a CLG. These are summarized as follows:

Benefits and Responsibilities of becoming a CLG:

1. **Grant opportunities.** There are 49 CLGs in Washington State and DAHP receives approximately 20 grant applications per year from these communities. Of these 20 applications, between 12 and 15 are selected for funding each year. Annual funds available range from $110,000 to $120,000, making average awards rather small. Typical grant funded projects include survey and inventory work, educational programs, and website development. Grants typically required a 60/40 match; with 40% coming from

the community (in-kind work can count towards this 40%). Occasionally, no-match grants are available.

2. **Technical assistance.** Technical assistance and training from the State Historic Preservation Officer is available to CLG communities.
3. **"Special Valuation".** Owners restoring historic properties are subject to increased property taxes once improvements are made. This can discourage some owners from rehabilitating their structures. To encourage rehabilitation, the legislature has made available a property tax relief tool that provides a financial incentive for rehabilitation. The primary benefit of "Special Valuation" is that during the 10-year special valuation period, property taxes will not reflect substantial improvements made to historic property. Only local governments which implement the law (via adoption of the model ordinance) are eligible to pass on the tax relief to the public. The local government is responsible for identifying the types of properties that are eligible for special valuation and establishing a local review board that will review applications.
4. **Historic preservation commission.** To become a CLG, a community must have a Historic preservation commission whose members, amongst many other duties, review proposals to construct, change, alter, modify, remodel, etc properties listed on a local historic preservation register. At least two members of the commission must be professionals from the fields of architecture, history, planning, archaeology, or other related fields. One challenge to establishing a Historic preservation commission would be finding qualified, interested people to serve on a Historic preservation commission and keeping them engaged during their service.
    - ✓ There is a base requirement that at least two individuals with professional expertise serve on local historic preservation commissions. Some small communities have combined their planning commissions and historic preservation commissions. However, as MRSC points out, this would make it more difficult to meet the requirements of the CLG program because of the requirement for two professional members. DAHP generally prefers to maintain separate historic preservation commissions and planning commissions because their functions and purposes are different and it can muddy the functions of both groups. For some small communities, DAHP has waived the provision for two professional members, however, it is always understood that when there is an opening to be filled on the commission, that those professionals are sought.
    - ✓ Walt Hansen Sr. is aware of approximately 10 property owners who, in the past, have expressed interest in being listed to a local register. Given this small number of resources, keeping an engaged historic preservation commission could be a challenge.
5. A third challenge is the additional administrative burdens placed on City staff related to staffing another commission, inventorying, maintain a local register of historic places, etc.

3. ALTERNATIVE TO A HISTORIC PRESERVATION ORDINANCE

If the primary interest behind a historic preservation ordinance is in identifying and marking historically significant places, the City could support DWR in developing a placard program. DWR is already a resource for people interested in historic preservation and has already explored

different placard options. One possibility would be starting with the buildings currently listed in the Woodland Historic Walking Tour Map.

Staff has explored the option of joining, through an interlocal agreement, Clark County's historic preservation program as do the other jurisdictions within the County. Unfortunately, this is not an option available to Woodland because so little of our land base is within Clark County.

4. REVIEW HISTORY

The Planning Commission has explored the option of a historic preservation ordinance over the past year following the timeline below:

- ✓ March 2011 - Exploration of a historic preservation program listed as a 2011 priority for the Planning Commission
- ✓ 05/11/2011 PC held workshop to review background information and to review the State's model ordinance
- ✓ 06/08/2011 PC held workshop to review lessons learned by other communities with historic preservation programs
- ✓ 07/21/2011 PC reviewed model ordinance and background materials
- ✓ 02/15/2012 PC workshop where costs and benefits of the model ordinance were discussed and alternatives to the model ordinance were explored
- ✓ 02/29/2012 CC expressed their continued interest in having the PC explore options for a historic preservation program
- ✓ 03/27/2012 Staff made presentation to DWR and members of the Woodland Historic Museum Society
- ✓ 04/19/2012 PC asked staff to draft a recommendation to Council

5. CRITERIA FOR HISTORIC PLACARD PROGRAM

The Planning Commission recommends that DWR use the criteria listed in the State's Model Ordinance in the development of a historic placard program. These criteria are as follows:

> Any building, structure, site, object, or district may be designated for inclusion in the placard program if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least 50 years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories:
>
> 1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history.
>
> 2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction.

3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art.

4. Exemplifies or reflects special elements of Woodland's cultural, special, economic, political, aesthetic, engineering, or architectural history.

5. Is associated with the lives of persons significant in national, state, or local history.

6. Has yielded or may be likely to yield important archaeological information related to history or prehistory.

7. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event.

8. Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person.

9. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns.

10. Is a reconstructed building that has been executed in an historically accurate manner on the original site.

11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

6. NEXT STEPS

Council direction is needed on whether they support this recommendation or whether they would like staff to go in another direction.

EXHIBITS:

1. Presentation to PC, March 2012
2. Lessons Learned from Other Jurisdictions
3. DAHP Guidance
4. MRSC Guidance

STAFF REPORT – *Amending Land Uses Allowed, Conditionally Allowed, and Prohibited in the Central Business District (Historic Downtown)*

To: Planning Commission
From: Carolyn Johnson, Community Development Planner
Date: May 10, 2012
Re: C-1 Use Overhaul

Background
At their March 12, 2012 workshop, the City Council confirmed their support for updating the C-1 (Central Business District) land uses listed in the WMC, i.e. permitted uses, conditional uses, temporary uses, and prohibited uses. This is an effort to build off of planning work done over the past several years by the Planning Commission, Downtown Woodland Revitalization, and the Downtown Ad-Hoc Committee.

Community Outreach + Planning Process
Staff would like to form a working committee of two planning commission members that will advise staff on organizing a community outreach event and for reviewing public distribution materials. One idea being explored is holding an open house where the downtown community can provide input on what land uses they believe would benefit the downtown or, conversely, those uses that would be inappropriate in the historic downtown area.

Planning Framework
Comprehensive Plan Goals and Priorities:

> *Ensure that incompatible land uses are separated, thus enhancing the security, value and stability of land uses and improvements, and providing for the general health, safety and welfare of the community* (Land Use Goal E, page 1-47).
>
> *The city recognizes it should foster downtown redevelopment for the reasons of tourism enhancement and economic development generally, protection of existing public*

investments, protection and expansion of the tax base, the overcoming of obstacles to privately initiated investments in downtown, maintenance of community identity and appearance, and because only the city can marshal certain financial resources and public improvements (Economic Development Policy 4, page 1-56).

The city recognizes that its appropriate role in downtown redevelopment is to take actions that will facilitate and attract private investment and help overcome private sector obstacles and risks characteristic in downtown renewal (Economic Development Policy 6, page 1-57).

Encourage more professional offices and local services to locate within the Downtown Business District (Central Business District Policy 2, page 1-57).

WMC 17.32.010 states the purpose of the Central Business District as follows:

The central business district (C-1) is a zoning classification providing for a wide range of retail and professional business uses and services compatible to the central business district of Woodland and providing a focal point of commerce in a setting conducive to safe, convenient, and attractive pedestrian use. The intent of the district is to insure that the downtown business district is preserved and has the capability for growth, expansion, and enhancement. Furthermore, the district provides for uses which will complement and not compete with other commercial use district (WMC 17.32.010).

Non-conforming Uses Downtown

The following businesses appear to be pre-existing, non-conforming uses in the C-1 district:

1. Woodland Veterinary Clinic (non-conforming)
2. Dave's Garage and Jack's Towing (non-conforming)
3. DZ and Family Machine Works (non-conforming)
4. Timberland Pet Clinic (non-conforming)
5. Woodland Funeral Home (could possibly be considered non-conforming)
6. L & J Feed (could possibly be considered non-conforming)

Summary

The following tables show proposed changes to the lists of uses in the C-1 District. Existing code language is shown in black, proposed code language in red, and text to be eliminated is shown as being red text that is struck through. Suggested changes come from:

1. Recommendations from the Ad Hoc Committee;
2. Massaging existing code text to eliminate redundant items, replace archaic terms, and break apart uses that should be listed separately;
3. Staff's knowledge of the public's interest in downtown development (via public inquires); and
4. A review of municipal codes from Camas, Bellingham (Old Town Overlay Zone), Walla Walla (Central Commercial District), and Battleground (Downtown District).

Permitted Uses

1. Artisanal/craft shop
2. Arts and cultural facilities, institutions, and businesses such as museums, theaters, art galleries, and art studios
3. Automatic teller machines (ATM)
4. Automobile sales (Indoor)
5. ~~Art galleries*~~
6. Bakeries with retail service
7. Banks and financial services
8. Bed and breakfast inns
9. Community clubs, fraternal societies, and other places of assembly for membership groups ~~and memorial buildings~~
10. ~~Commercial recreation and entertainment facilities*~~
11. ~~Dance studios*~~
12. Electric vehicle charging stations
13. Entertainment facilities such as indoor theaters and playhouses
14. Event center, 200 person occupancy
15. Farm and garden stores
16. Farmers' markets, bazaars, and open air markets
17. Funeral homes and mortuaries
18. Public ~~Government~~ and quasi-public buildings and uses
19. Grocery stores, delicatessens, butcher shops, and indoor markets selling food and farm products
20. ~~Health spas*~~
21. Hotels and hostels
22. Laundry and dry cleaning operations (retail and self)
23. ~~Libraries*~~
24. ~~Museums*~~
25. Medical clinics and offices
26. Microbreweries, microdistilleries, and microwineries
27. Motorcycle and scooter sales
28. ~~Newspaper offices*~~
29. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully permitted in this zone, provided that such facilities must meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210 as now or hereafter amended.
30. Outdoor eating and/or drinking areas associated with an indoor facility ~~are permitted pursuant to state law~~
31. Outdoor storage of product when:
    a. Accessory to a permitted use on site and does not exceed 50% of the area of the permitted use on a square foot basis,
    b. Located to the rear of buildings and screened by landscaping or an architectural wall (not blank wall) at least six feet in height when installed. If appropriate, some viewing of activity may be allowed through gaps in screening.
32. Personal and business services
33. Pet stores and animal grooming facilities
34. Plant nurseries
35. Printing shops
36. Professional and business offices
37. ~~Community~~ Public and commercial recreation ~~swimming pool~~ facilities, gyms, and sports complexes
38. Public parks and open spaces~~, courtyards~~
39. Public and private off-street parking facilities
40. Public transportation facilities such as bus stations, train stations, and transit shelters
41. ~~Public utility offices*~~
42. Recycling collection point
43. Religious institutions ~~Churches~~
44. Repair shops for small equipment and items ~~Appliance and repair~~
45. Restaurants and cafes and other eating and drinking establishments ~~except for drive-in and fast food restaurants~~.
46. Retail ~~stores~~ establishments, less than 50,001 sf
47. Shelters, Temporary Housing - Emergency
48. Upholstery and furniture repair
49. Sings and outdoor advertising displays pursuant to Chapter 17.52
50. Taverns and liquor establishments ~~Establishments selling alcoholic beverages by virtue of a class C, D, E, F or H liquor license issued by the state;~~
51. Veterinary offices and clinics with no outside animal runs
52. Uses similar to the above

RESIDENTIAL

53. Dwelling units; provided residential uses are located above a

permissible C-1 commercial use and adequate off-street parking is provided pursuant to Chapter 17.56

54. Single-family dwellings existing at the time of passage of the ordinance codified in this title shall be allowed to remain, and any additions or improvements thereto shall meet the standards of the LDR-6 district
55. Home occupations provided they are accessory to single-family dwellings and meet the requirements of WMC 17.16.100

*Redundant use covered under a broader category/title

Conditional Uses – Administrative

1. Day care center
2. Public utility uses except electrical substations and transfer facilities and power-generating units
3. Vending stands and kiosks

Conditional Uses – Hearing examiner

1. Automobile diagnostic and repair facilities, major and minor repairs, and towing businesses
2. Automobile sales (Outdoor)
3. Automobile service stations and car washes
2. Drive-in and fast-food restaurants
3. Event Center, greater than 200 person occupancy
4. Farm machinery sales and services
5. Gas/fuel station
6. Hospital, sanitarium, rest home, home for the aged, nursing home, or convalescent home
7. Lumber and building supply stores
8. Schools, public, parochial, private, vocational, technical, business and others, nonprofit or operated for profit
9. Wireless communication facilities

Prohibited Uses

1. Animal kennel, commercial/boarding ~~Dog kennels and the outdoor housing of dogs when associated with a veterinary office or clinic~~
2. Animal shelter, community
3. Any use whose operation constitutes a nuisance by reason of smoke, fumes, odors, steam, gases, vibration, noise hazards or other causes readily detectable beyond property lines
4. ~~Automobile and light and/or heavy truck repair facilities~~
5. ~~Automobile, motorcycle, and boat dealerships and servicing establishments~~
6. ~~Bowling alleys~~
7. Collective garden, medical marijuana

8. Commercial dispatch and maintenance facilities
9. ~~Drive-in and fast food restaurants~~
10. Junkyards and wrecking yards
11. Laundry/dry cleaning (industrial)
12. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation
13. Mini-storage/vehicular storage
14. Manufacturing and production, except those specifically listed as permitted uses
15. Outdoor sales of ~~vehicles,~~ boats, campers, motor homes, and mobile homes~~, and related equipment~~
16. Recreational vehicle park
17. Recycling center or plant
18. Sand, soil, gravel sales and storage
19. Sexually oriented businesses
20. Storage, distribution and warehousing when such use is not a part of and not essential to a permitted use; also, when it is proposed to be independently sited within the C-1 district or independently owned and operated within a permitted structure, i.e. using a second floor of a building.
21. Wholesale sales

Temporary Uses - Administrative

1. Agricultural stands
2. Mobile vending carts
3. Parking lot sales that are not ancillary to the indoor sale of similar goods and services
4. Uses similar to the above to be located on a temporary basis in the C-1 district

New Definitions

"Animal Shelter, Community" means a place where dogs, cats or other stray or homeless animals are sheltered as part of a community animal control and protection program. Activities and services may include kenneling, animal clinic, pet counseling and sales, as well as animal disposal.

"Artisan/craft shop" means a retail store selling art glass, ceramics, clothing, jewelry, paintings, sculpture, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

"Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

"Event center" means a building used primarily by groups for celebratory events, meetings, and other events. Typically food service and alcohol are associated with this use.

"Laundry/dry cleaning (Industrial)" means a business supplying bulk laundry services, such as linen and uniform services on a rental or contract basis. May also include cleaning carpets and upholstery.

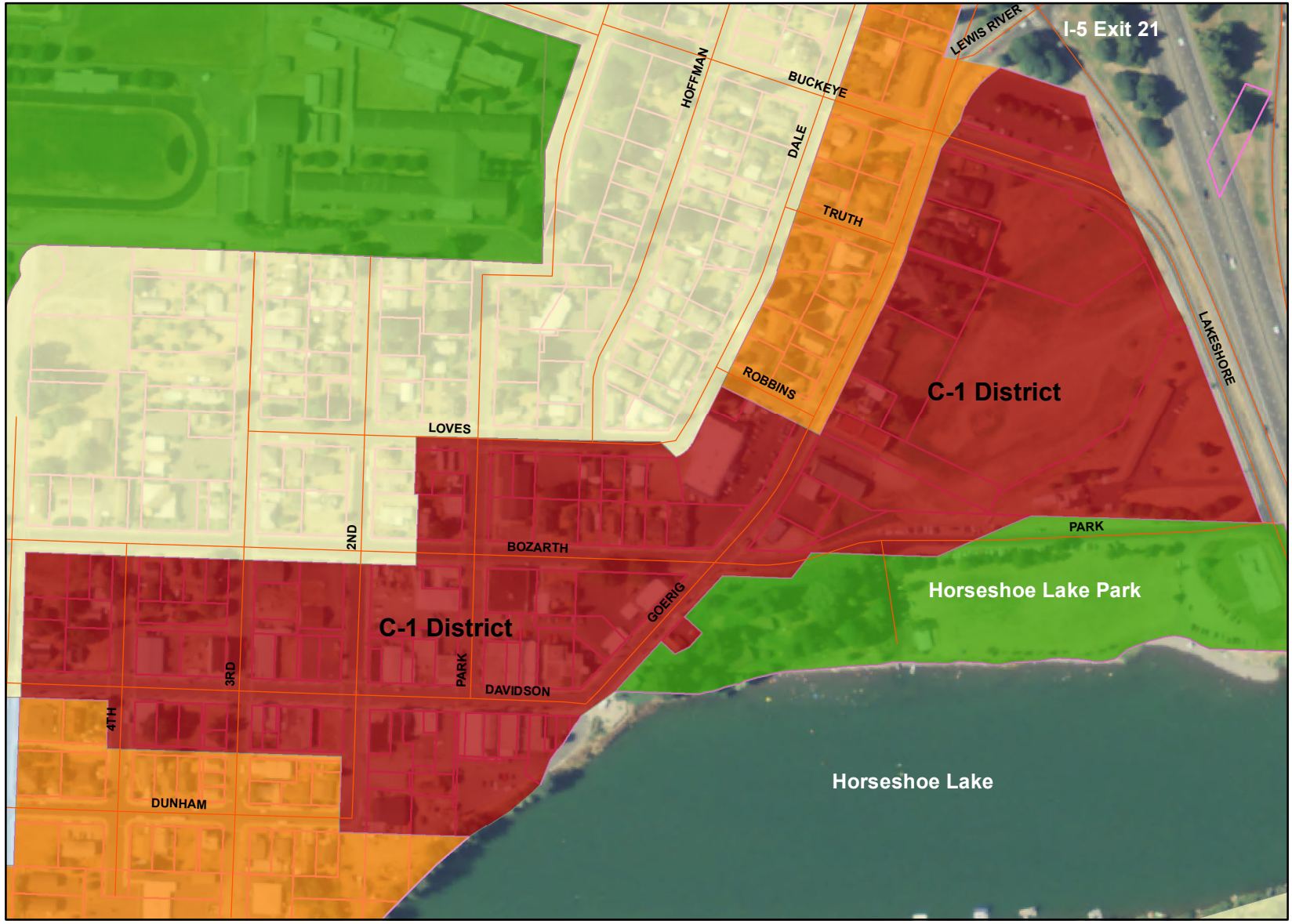
"Manufacturing and production" means firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firm or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

"Microbrewery, microdistillery, or microwinery" means a small-scale business located in a building where the primary use is for restaurant, retail, or tasting room, and which specializes in producing limited quantities of wine, beer, or other alcoholic beverage.

“Wholesale sales” means firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

“Wrecking yard” means the dismantling or disassembling of motor vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Woodland Zoning Map



Legend

- Railroad
- Streets
- UGB
- City Limits

Zoning

- C-1
- C-2
- C-3
- FW
- HDR
- I-1
- I-2
- LDR-6
- LDR-7.2
- LDR-8.5
- MDR
- P/Q-P/I
- UZ
- Parcels - Secure 6/20/11

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Disclaimer: The City of Woodland, WA, assumes no legal liability or responsibility for accuracy and completeness of this map. This map is to be used as a reference tool only. It is not a survey and the property and lines are not to be construed as being accurate.

STAFF REPORT – Interim Zoning Ordinance for Collective Gardens (Medical Marijuana)

To: Planning Commission
From: Carolyn Johnson, Community Development Planner
Date: May 10, 2012
Re: An interim zoning ordinance for collective gardens (medical marijuana)

On April 19, 2012, Council Member Swindwell and I attended the Southwest Planner's forum where the topic of discussion was medical marijuana. Like many cities in Washington, Woodland adopted a moratorium on collective gardens (note: marijuana dispensaries are currently illegal and no moratorium is needed). This moratorium is set to expire July 17, 2012. In order to continue extending the moratorium, the City needs to be in the process of working towards a permanent zoning ordinance. Key recommendations and points from the meeting include:

- It was recommended that the city put in place an interim zoning ordinance and then begin working on a permanent zoning ordinance to regulate the location of collective gardens. It was recommended that the interim zoning ordinance be fairly restrictive until the Planning Commission has adequate time to determine permanent zoning for the use.
- Woodland's current moratorium can be overturned if it is continually extended without taking steps to properly zone collective gardens.
- The city should not issue business licenses for collective gardens. It was recommended that we define collective gardens and appropriately zone them, but that we issue no city licenses for this use including conditional use permits.
- Collective gardens have real land use impacts that should be taken into consideration when considering their zoning – noise, lights, security, fire, and odor.

Attorney Carol Morris drafted a model ordinance for the Association of Washington Cities (AWC). While the ordinance drafted is meant to be a permanent ordinance, staff modified it to be the interim zoning ordinance in this packet.

****Staff recommended the text insertions that are highlighted in yellow.**
Theses are the key items for PC discussion.**

ORDINANCE NO. XXXX

AN INTERIM ZONING ORDINANCE OF THE CITY OF WOODLAND ADOPTING INTERIM ZONING CONTROLS FOR MEDICAL MARIJUANA COLLECTIVE GARDENS FOR A PERIOD OF SIX MONTHS, TO BE IN EFFECT WHILE THE CITY DRAFTS, CONSIDERS, HOLDS HEARINGS AND ADOPTS PERMANENT ZONING REGULATIONS FOR COLLECTIVE GARDENS.

WHEREAS, since 1970, federal law has prohibited the manufacture and possession of marijuana as a Schedule I drug, based on the federal government's categorization of marijuana as having a "high potential for abuse, lack of any accepted medical use, and absence of any accepted safety for use in medically supervised treatment." Gonzales v. Raich, 545 U.S. 1, 14 (2005), Controlled Substance Act (CSA), 84 Stat. 1242, 21 U.S.C. 801 et seq; and

WHEREAS, the voters of the State of Washington approved Initiative 692 (codified as RCW 69.51A in November 1998); and

WHEREAS, the intent of Initiative 692 was that qualifying "patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, shall not be found guilty of a crime under state law,"(RCW 69.51A.005), but that nothing in the law "shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes" (RCW 69.51A.020); and

WHEREAS, the Washington State Legislature passed ESSSB 5073 in 2011, which provides that a qualifying patient or his/her designated care provider are presumed to be in compliance, and not subject to criminal or civil sanctions/penalties/consequences, if they possess no more than 15 cannabis plants, no more than 24 ounces of usable cannabis (other qualifications apply); and

WHEREAS, Washington's Governor vetoed all of the provisions relevant to medical marijuana dispensaries in ESSSB 5073 but left the provisions relating to cultivation of marijuana for medical use by qualified patients individually and in collective gardens; and

WHEREAS, in the Governor's partial veto letter dated April 29, 2011, she stated that cooperative medical marijuana organizations should be exempted from state criminal penalties "conditioned on compliance with local government location and health and safety specifications" (page 3), creating a need to balance the interests of federal law, Washington medical marijuana patients and the health, safety and welfare of the community, (id.); and

WHEREAS, RCW 69.51A.0002 permitted qualifying patients "to create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use," provided no more than ten qualifying patients participate, a collective garden does not contain more than 15 plants per patient up to a total of 45 plants per garden, and the garden does not contain more than 24 ounces of useable cannabis per patient and up to a total of 72 ounces of useable cannabis; and

WHEREAS, under RCW 69.51A.060(1), it is a class 3 civil infraction to display medical cannabis in a manner or place which is open to view of the general public, which would include growing plants; and

WHEREAS, RCW 69.51A.130 allows local jurisdictions to adopt zoning requirements, business license requirements, health and safety requirements, and impose business taxes on the production, processing or dispensing of cannabis or cannabis products; and

WHEREAS, the City adopted Ordinance 1222, imposing a six-month moratorium on medical marijuana collective gardens, expiring July 17, 2012; and

WHEREAS, during the month of February 2012, it was learned that the Washington State Legislature would not be adopting any new regulations on medical marijuana; and

WHEREAS, the Council believes that the Governor's veto of the provisions in ESSSSB 5073 on the subject of medical marijuana dispensaries should be interpreted to mean that this use is prohibited by state law, and it is already prohibited under federal law; and

WHEREAS, as part of the process for the adoption of zoning regulations, the land use impacts of collective gardens must be identified; and

WHEREAS, the City of Woodland City Council believes that interim zoning regulations are necessary, until the City can consider all of the land use impacts of collective gardens, draft regulations, hold hearings and adopt new regulations; and

WHEREAS, the Planning Commission recommended approval of the draft interim zoning ordinance to the Council; and

NOW THEREFORE, the City Council of the City of Woodland do ordain as follows:

Section 1. Formal Repeal of Moratorium. Ordinance 1222, a six-month moratorium on medical cannabis collective gardens, is hereby repealed.

Section 2. Definitions:

A. "Cannabis" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this ordinance, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.
B. "Cannabis products" means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths of one percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and

lotions. The term "cannabis products" does not include useable cannabis. The definition of "cannabis products" as a measurement of THC concentration only applies to the provisions of this ordinance and shall not be considered applicable to any criminal laws related to marijuana or cannabis.

C. “Church” means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

D. “Collective Garden” means those gardens authorized under RCW 69.51A.085, which allows qualifying patients to assume responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants (as limited below). Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting and delivering cannabis for medical use subject to the following conditions:

    1) No more than ten qualifying patients may participate in a single collective garden at any time;
    2) A collective garden may contain no more than fifteen plants per patient up to a total of forty-five plants;
    3) A collective garden may contain no more than twenty-four ounces of usable cannabis per patient up to a total of seventy-two ounces of usable cannabis; and
    4) A copy of each qualifying patient’s valid documentation or proof of registration with the registry established in state law (now or in the future), including a copy of the patient’s proof of identity, must be available at all times on the premises of the collective garden; and
    5) No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden.

E. “Cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

F. "Designated care provider" means a person who:

    1) Is eighteen years of age or older;
    2) Has been designated in ((writing)) a written document signed and dated by a qualifying patient to serve as a designated provider under this ordinance and RCW 69.51A; and
    3) Is in compliance with the terms and conditions set forth in RCW 69.51A.040. A qualifying patient may be the designated provider for another qualifying patient and be in possession of both patients' cannabis at the same time.

G. “Indoors” means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the City, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2” by 4” or thicker studs overlain with 3/8” or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

H. “Legal parcel” means a parcel of land for which one legal title exists. Where contiguous legal parcels are under common ownership or control, such legal parcels shall be counted as a single parcel for purposes of this ordinance.

I. "Medical (or medicinal) use of cannabis" means the manufacture, production, processing, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating medical condition.

J. “Outdoors” means any location that is not “indoors” within a fully enclosed and secure structure as defined herein.

K. "Person" means an individual or an entity.

L. "Personally identifiable information" means any information that includes, but is not limited to, data that uniquely identify, distinguish, or trace a person's identity, such as the person's name, or address, either alone or when combined with other sources, that establish the person is a qualifying patient or designated provider.

M. "Plant" means an organism having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

N. "Process" means to handle or process cannabis in preparation for medical use.

O. "Produce" means to plant, grow, or harvest cannabis for medical use.

P. "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

Q. "Qualifying patient" means a person who:

1) Is a patient of a health care professional;
2) Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;
3) Is a resident of the state of Washington at the time of such diagnosis;
4) Has been advised by that health care professional about the risks and benefits of the medical use of cannabis;
5) Has been advised by that health care professional that he or she may benefit from the medical use of cannabis; and
6) Is otherwise in compliance with the terms and conditions established in chapter RCW 69.51A.

The term "qualifying patient" does not include a person who is actively being supervised for a criminal conviction by a corrections agency or department that has determined that the terms of this ordinance and RCW 69.51A are inconsistent with and contrary to his or her supervision and all related processes and procedures related to that supervision.

R. “Residential treatment facility” means a facility providing for treatment of drug and alcohol dependency;

S. “School” means an institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code, or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher learning, including a community or junior college, college or university.

T. "Terminal or debilitating medical condition" means:

1) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or
2) Intractable pain, limited for the purpose of this ordinance to mean pain unrelieved by standard medical treatments and medications; or
3) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or
4) Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or
5) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or
6) Diseases, including anorexia, which result in nausea, vomiting, cachexia, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or
7) Any other medical condition duly approved by the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

U. "THC concentration" means percent of tetrahydrocannabinol content per weight or volume of useable cannabis or cannabis product.

V. "Useable cannabis" means dried flowers of the Cannabis plant having a THC concentration greater than three-tenths of one percent. Useable cannabis excludes stems, stalks, leaves, seeds, and roots. For purposes of this subsection, "dried" means containing less than fifteen percent moisture content by weight. The term "useable cannabis" does not include cannabis products.

W. "Valid documentation" means:

1) A statement signed and dated by a qualifying patient's
2) health care professional written on tamper-resistant paper, which states that, in the health care professional's professional opinion, the patient may benefit from the medical use of cannabis;
3) Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035; and

4) In the case of a designated provider, the signed and dated document valid for one year from the date of signature executed by the qualifying patient who has designated the provider.

X. "Youth-oriented facility" means elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include a day care or preschool facility.

Section 3. <u>Applicability.</u> No part of this chapter is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 et seq., the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation.[1]

Section 4. <u>Restrictions on Medical Cannabis for Personal Use</u>.[2]

A. RCW 69.51A.040 allows an individual qualifying patient or designated provider to cultivate medical cannabis for personal use within his/her private residence, as long as the qualifying patient or designated provider:
   1) possesses no more than fifteen (15) cannabis plants;
   2) possesses no more than twenty-four (24) ounces of usable cannabis;
   3) possesses no more cannabis product than what could reasonably be produced with no more than twenty-four (24) ounces of usable cannabis; or
   4) possesses a combination of usable cannabis and cannabis produce that does not exceed a combination total representing possession and processing of no more than twenty-four (24) ounces of usable cannabis.

   If a person is both a qualifying patient and a designated provider for another patient, RCW 69.51A.040 allows possession of no more than twice the amounts described in subsection (1) of this section, whether the plants, usable cannabis, and cannabis products are possessed individually or in combination between the qualifying patient and his or her designated provider. (This section does not list all of the limitations on such use in RCW 69.51A.040 or chapter 69.51A RCW. This section is only meant to provide sufficient information to distinguish between cultivation of medical cannabis for personal use, as opposed to cultivation of medical cannabis in a Collective Garden, and to establish certain land use restrictions on such cultivation.)

B. Any cultivation of medical cannabis for personal use under chapter 69.51A RCW shall not exceed the following standards:
   5) The medical cannabis cultivation area shall not exceed fifty (50) square feet in length and not exceed ten (10) feet in height per residence.

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[1] *See, County of San Diego v. San Diego NORML,* 165 Cal. App.4th 798, 826, 81 Cal.Rptr.3d 461 (2006).

[2] This section is intended to merely set forth the requirements of RCW 69.51A.040, in order to distinguish between the cultivation of medical cannabis for personal use from the cultivation of medical cannabis by qualifying patients in a collective garden. In addition, this section establishes some land use restrictions on the cultivation of medical cannabis by an individual or qualifying patient. If the Town is not interested in recognizing this use, this section may be deleted altogether.

6) Medical cannabis cultivation lighting shall not exceed 1200 watts.
7) Use of gas products (CO2, butane, etc.) for medical cannabis cultivation or processing is prohibited.
8) Medical cannabis cultivation and sale is prohibited as a Home Occupation. Medical marijuana cultivation and sales is not considered an accessory use in residential zones.
9) From a public right of way, there shall be no exterior evidence of medical cannabis cultivation either within or outside the residence.
10) The qualified patient or designated provider shall reside in the residence where the medical cannabis cultivation occurs.
11) The qualified patient or designated provider cultivating cannabis for personal use shall not participate in any Collective Garden or other medical cannabis cultivation in any other residential location.
12) The residence shall maintain a kitchen, bathrooms, and primary bedrooms for their intended use and shall not be used primarily for medical cannabis cultivation.
13) The medical cannabis cultivation area shall be in compliance with the current, adopted edition of the Washington State Building Code provisions regarding natural ventilation or mechanical ventilation (or its equivalents).
14) The medical cannabis cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

Section 5. <u>Location Restrictions.</u>

A. Collective Gardens may be established only in the following zoning districts and locations.
    1) Collective Gardens in Outdoor Locations.
        a. Collective Gardens shall not be located outdoors in any zone other than the Heavy Industrial (I-2) zoning district.
    2) Separation: Outdoor Collective Gardens shall not be located:
        a. within 300 feet of a youth-oriented facility, a school, park, church or residential treatment facility as measured from the nearest edge of property line to nearest edge of property line.
        b. outdoors within 300 feet of any occupied legal residential structure located on a separate legal parcel as measured from the nearest edge of property line to nearest edge of property line.
    3) Collective Gardens in Indoor Locations.
        a. Indoor Collective Gardens shall not be located in any zone other than the following:
            i. Heavy Industrial Zoning District (I-2).
    4) Prohibited Areas. In addition to the above, Collective Gardens shall not be allowed in the following areas:
        a. Indoors or outdoors within 300 feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility;
        b. Outdoors within 300 feet of any occupied legal residential structure located on a separate legal parcel;

c. Outdoors in a mobile home park within 300 feet of an occupied mobile home;
d. Indoors or outdoors within 300 feet of any other Collective Garden; and
e. In any location where the cannabis plants are visible from the public right of way or publicly traveled private roads.

5) The distance between the above-listed uses and the Collective Garden where the cannabis is being cultivated shall be measured in a straight line from the nearest point on the fence required by this chapter, or if the cannabis is cultivated indoors, from the nearest exterior wall of the building in which the cannabis is cultivated to the nearest boundary line of the property on which the facility, building or structure or portion of the facility, building or structure in which the above-listed use occurs is located.
6) Accessory Uses. Collective Gardens, located indoors or outdoors, shall not be allowed as an accessory use.
7) Home Occupation Use Prohibited. Collective Gardens, located indoors or outdoors, are prohibited as Home Occupations.

Section 6. <u>Operating Standards.</u>

A. Indoor or Outdoor Operation. The following restrictions apply to the operation of Collective Gardens, whether they are located indoors or outdoors.
   1) Odor. The cultivation of cannabis shall not subject residents of neighboring parcels who are of normal sensitivity to objectionable odors.
   2) Lighting. All lights used for the cultivation of cannabis shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.
   3) Noise. The cultivation of medical cannabis in a Collective Garden shall not exceed the noise level standards as set forth in chapter 17.48 of the Woodland Municipal Code.
   4) Visibility. Cannabis shall not be grown or on display in any location where the cannabis plants are visible from the public right of way or a public place.
   5) Signage. There shall be no exterior signage relating to the Collective Garden.
   6) Gas Prohibited. The use of gas products (CO2, butane, etc.) for medical cannabis cultivation is prohibited.
   7) Compliance with Codes. The Collective Garden shall be in compliance with the applicable provisions of the currently adopted edition of the Washington State Building Code.
   8) Nuisance. The Collective Garden shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other adverse impacts, or be hazardous due to use or storage of materials, processes, products or waste.
B. Outdoor Operation. In addition to the operation restrictions in subsection A above, the following restrictions apply to Collective Gardens located outdoors:
   1) Lighting. The use of light assistance for the outdoor cultivation of cannabis shall not exceed a maximum of six hundred (600) watts of lighting capacity per one hundred (100) square feet of growing area.

2) Fencing. All cannabis grown outside of any structure or building must be fully enclosed by a secure fence at least six (6) feet in height. The fence must include a lockable gate that is locked at all times when a qualified patient is not in the immediate area. Said fence shall not violate any other ordinance or code provision relating to height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.

C. Indoor Operation. In addition to the operation restrictions in subsection A above, the following restrictions shall apply to Collective Gardens located indoors:

3) Limitation on Square Footage Devoted to Collective Garden. The indoor Collective Garden shall be limited to no more than one hundred (100) contiguous square feet per legal parcel.

4) Exterior Appearance. The indoor Collective Garden shall be located in a structure within a fully enclosed and secure structure, as defined in section 2(G).

5) Lighting. Interior structure lighting, exterior structure lighting and driveway and/or parking area lighting shall be of sufficient foot-candles and color rendition so as to allow the ready identification of any individual committing a crime on site at a distance of no less than forty feet from the structure.

6) Security. Security measures at the Collective Garden shall include, at a minimum, the following:

a. robbery and burglary alarm systems which are professionally monitored and maintained in good working condition;

b. exterior lighting that illuminates all exterior entrances;

c. deadbolt locks on all exterior doors; and

d. windows and roof hatches secured with bars on the windows so as to prevent unauthorized entry, and be equipped with latches that may be released quickly from the inside to allow exit in the event of an emergency.

D. Delivery only among members. No usable cannabis from the Collective Garden may be delivered to anyone other than one of the qualifying patients participating in the Collective Garden. Collective Gardens employees/volunteers or Collective Garden members may not sell any cannabis plants or usable cannabis. Such activities may be prosecuted under the Uniform Controlled Substances Act, chapter 69.58 RCW.

E. No on-site sales of paraphernalia. There shall be no on-site display or sale of paraphernalia used for the use or consumption of medical cannabis at the Collective Garden.

F. Nuisance. Nothing in this section (or this Chapter) shall be construed as a limitation on the City's authority to abate any violation which may exist from the cultivation of cannabis plants from any location, indoor or outdoor, including from within a fully enclosed and secure building.

Section 7. <u>Violations.</u>

A. It is a violation of this Chapter for any person owning, leasing, occupying or having charge or possession of any parcel of land within any unincorporated area of the City to cause or allow such parcel of land to be used for the indoor or outdoor cultivation of marijuana or cannabis plants for medicinal purposes in excess of the limitations set forth herein.

B. The cultivation of more than the number of cannabis plants set forth in this Chapter on one legal parcel, either indoors or outdoors, within the City, regardless of whether the persons growing the cannabis is/are a "qualified patient," or members of a "collective garden" as defined herein, is hereby prohibited.
C. Any violations of this Chapter may be enforced as set forth in Chapters 17.88 and 17.92, or as applicable, the Uniform Controlled Substances Act, chapter 69.58 RCW.

Section 8. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 9. Effective Date. This ordinance shall be effective five days after publication of an approved summary, which shall consist of the title.

ADOPTED IN OPEN MEETING _____ day of _____, 2012.

CITY OF WOODLAND, WASHINGTON

Approved:

_____

Grover Laseke, Mayor

Attest:

_____

Mari E. Ripp, Clerk / Treasurer

Approved as to form:

_____

Bill Eling, City Attorney