

WOODLAND PLANNING COMMISSION AGENDA

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

Woodland Community Center
782 Park Street, Woodland, Washington

CALL TO ORDER

APPROVAL OF MINUTES

- March 15, 2012

PUBLIC WORKSHOP

- 1) Historic Preservation Update (LU# 211-906)
 - Staff Notes from March 27 DWR Meeting
 - Explore Recommendation to Council
- 2) Amend Woodland's SEPA and Administrative Appeals Processes (LU# 210-917)
 - Staff Report
 - Review Draft Ordinance
- 3) Boundary Line Adjustment Ordinance (LU# 212-907)
 - Staff Report
 - Review Draft Ordinance
- 4) Expanding Uses in the C-1 (Central Business District)
 - Discussion

REPORT / PROJECT UPDATE / DISCUSSION

- 1) Project Updates

ADJOURN

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

WOODLAND PLANNING COMMISSION MINUTES

Planning Commission Regular Meeting
7:00 p.m.

Thursday, March 15, 2012

Woodland Community Center
782 Park Street, Woodland, Washington

Present:

Chair David Simpson
Commissioner Sharon Watt
Commissioner Murali Amirineni
Commissioner Jim Yount

Absent:

Commissioner Nancy Trevena

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 February 15, 2012 minutes as written. Commissioner Yount seconded the motion. The motion passed unanimously.

PUBLIC WORKSHOP

1. 2012 Comprehensive Plan Updates

Planning Commission to determine if a proposal should receive further consideration as part of the comprehensive plan amendment process (WAC 365-196-640(6)(d)).

- Staff Report given by Carolyn Johnson
- If a property is denied, there is no recourse by applicant
- The City did not budget for rezones this year, so applicants will be responsible for the fees and studies.
- Properties to be considered for Rezones:
 - 3 properties involved. Ronald Fryer is no longer seeking a re-zone. No Planning Commission decision needed.

- Tsugawa property: Approximately 3.1 acres of property, from I-1 to C-2. Current use fits most consistently in the Highway Commercial zone. Planning Commission voted unanimously that this proposal should receive further consideration.
- Skip Urling/Liberty Evans: Approximately 6 acres of property from I-1 to C-2. The parcel is 27.15 acres and will be segregated. Commission voted unanimously that this proposal should receive further consideration.
 - Skip Urling: Using Dike Access Road for access is not..
 - Darlene Johnson: Property should stay industrial. Additional commercial land is not needed or wanted in the industrial area.
 - Mark Fleischouer: Stated that they would like a chance to present their case at public hearing.
- Pamela Wenzel: Approximately .19 acres of property, from HDR to C-2. She wants to sell her property and feels it will be more sellable if it were zoned commercial. Commission voted unanimously that this proposal should not receive further consideration in 2012.
 - This would be spot zoning.
 - Minimum highway commercial lots are 10,000 sq ft., and this property is under this minimum.
 - Difficult to access this property.
- Park land and police station properties are not zoned PQPI, the Commission would like to change it so that they do not skew our land inventory.
 - The police station is an outright permitted use in the current zone. It could be constructed and we could rezone it at a later date.
 - Traffic studies may be needed for both and there is no money to do this at this time.

2. **Presentation of Historic Preservation Options**

Presentation given by Carolyn Johnson. Woodland could adopt the State's model ordinance, or an alternate ordinance.

- Council has said they are interested in pursuing this. Council members have found that interested parties would like some sort of recognition.
- If we adopt the state's model ordinance it will need to be codified.
- The Certified Local Government group is willing to help us.
- Under the model ordinance a property needs to be at least 50 years old, and there are other criteria also.
- Our Comprehensive Plan addresses historic properties.

If the model ordinance is adopted there is training in historic preservation available, there are grants available but the funds are very small.

- Are there any communities in Cowlitz County have an historic preservation program?

- What do other Washington communities have for their community?
- It looks like it could be put it as a subcommittee under the Planning Commission umbrella.
- What are the goals? What is it that we want from this process? We should survey the community to see what they want to do.
- There may only be one (1) application per year. It's not something that would go before us every a month. DWR has 7 people and they could make recommendations to the Planning Commission, also the Museum may be interested. We may be able to fill a committee with qualified people.
- Are there any groups out there that may be willing to go do a placard program?
- What happens when the nine (9) or so properties go onto the registry, then what would the commission do?

Update Planning Commission during April's meeting.

REPORT / PROJECT UPDATES / DISCUSSION

1. Final 2012 Priorities

- Dave Simpson gave update on list of priorities. We should put the Ad Hoc Committee list on the Agenda for next month, to start thinking and talking about it.

2. Discussion

- The sign code does not address vehicles. There is a concern about all the vehicles being used as off site signs. Do we have authority over vehicles? Off premise signs are allowed in the C-2 zone, but they must be less than 32 sq ft. Put on next month's agenda.

3. Project Updates

- On March 5, Council approved the first reading of LU# 211-918, Retreat Centers as Conditional Uses in the LDR. A final reading of the ordinance will be on March 19th.
- PacifiCorp Release Pond Shoreline Substantial Development Permit, Shoreline CUP, Critical Areas Permit, SEPA and Site Plan Review (LU#211-914)
 - FEMA reviewing technical memorandum to ensure work in the floodway will not raise water elevation above what is permissible for a fish enhancement project. Listing of the euclon has complicated design and redesign may be required.
- Pacific Plaza Short Plat (LU# 211-920)
 - Preliminary approval issued March 5, 2012.
- Columbia Colstor Expansion, Site Plan Approval and SEPA (LU# 211-921)
 - Preliminary site plan approval issued February 24, 2012.
- Longview Housing Authority, Site Plan Approval and SEPA (LU# 212-903)
 - Application submitted February 10, 2012. A Notice of Incomplete application was issued March 6th.

ADJOURN

Commissioner Yount moved to adjourn to our next regularly scheduled meeting on April 19, 2012, Commissioner Amirineni 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

Downtown Woodland Revitalization Meeting

March 27, 2012

DWR invited members of the Woodland Historical Museum to attend their March 27, 2012 meeting. Carolyn Johnson presented information on the State's model historic preservation ordinance and discussed options for an alternative to the model ordinance. Group discussion followed the presentation.

The general consensus was that the establishment of a Historic Preservation Commission is unlikely to be successful for a number of reasons. One challenge would be finding qualified and interested people to serve on the commission. Another challenge would be the small number of structures to be listed. The additional administrative burdens placed on City staff were another concern. If the Council and community desire a program to identify and mark important structures, a less formal program could be developed by DWR for providing placards. The Council could show support for the program by approving a resolution for the program and funding a placard program in their annual budget.

Comments from the meeting:

- Walt Hansen Sr. is aware of approximately 10 property owners who, in the past, have expressed interest in being listed as a historic structure. Walt feels that the owners of historic structures should work directly with the State to get listed on the statewide register. He doubts whether Woodland has the capacity, at this point in time, to have a successful Historic Preservation Commission.
- The Grange Hall has discussed getting a historic designation but ultimately decided not to proceed because of the red tape involved.
- DWR is already a resource for people interested in historic preservation and there hasn't been a lot of interest expressed.
- DWR has been exploring a placard program. Possibly starting with buildings listed in the Historic Walking Tour Map.

**Staff Report – Amending Woodland’s Administrative and
SEPA Appeals Processes**

DATE: April 12, 2012

TO: Woodland Planning Commission

FROM: Carolyn Johnson, Community Development Planner

RE: WMC Amendments to SEPA and Administrative Appeal Procedures (LU# 210-917)

The primary purposes of this code amendment are to:

- 1) Clarify the City’s SEPA appeal procedures and authority by making them consistent with the SEPA statute.
- 2) Clarify the review procedures and authority for appeals of administrative (staff) decisions or interpretations of the Woodland Municipal Code.
- 3) Clarify other review and appeal procedures and authorities. The current table in WMC 19.08.030 does not accurately reflect all of the review and appeal procedures and authorities outlined in the code.

SEPA

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

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

DRAFT WMC AMENDMENTS

Date: April 11, 2012

Administrative and SEPA Appeal Procedures

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

Chapter 16.19 - BINDING SITE PLANS

16.19.100 - Appeal procedures.

Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08. The decision of the administrator shall be final unless an appeal by any aggrieved party, addressed to the city council, is made within ten calendar days of the date of the decision. Said appeal shall be in writing and filed with the city clerk treasurer. The city council shall act on said appeal within twenty days of the date of the appeal. The decision of the city council on the appeal shall be final unless an appeal by any aggrieved party, addressed to the appropriate county superior court, is made within ten calendar days of the date of council's decision.

Chapter 16.32 - SHORT SUBDIVISIONS

16.32.080 - Appeal.

Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08. A person aggrieved by the decision of the administrator may appeal the decision to the city council not later than ten days following issuance of the decision. The appeal shall be made in writing and shall include a statement specifying the basis for such appeal. The administrator shall submit all reports, maps, findings and documentation pertaining to the application to the council for their consideration in this matter. The city council, following a public hearing giving adequate notice thereon, may affirm or reverse the administrator's decision or may refer the application to the administrator with instructions to approve the same upon compliance with any conditions imposed by the city council. Upon appeal, the burden of proof is upon the appellant.

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

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

~~1. Any agency or person may appeal to the hearing examiner, pursuant to Chapter 17.81, the conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11. When such conditioning, lack of conditioning or denial of action is attached to a recommendation of the director or the development review committee to the hearing examiner regarding a land use application, no appeal shall be necessary for consideration and revision of such conditions, lack of conditioning, or denial by the hearing examiner.~~

~~2. The responsible official's initial decision to require or not require preparation of an environmental impact statement, i.e., to issue a determination of significance or nonsignificance, is subject to an interlocutory administrative appeal upon notice of such initial decision. Failure to appeal such determination within fourteen calendar days of notice of such initial decision shall constitute a waiver of any claim of error.~~

~~3. All appeals shall be in writing, be signed by the appellant, be accompanied by the appropriate filing fee, and set forth the specific basis for such appeal, error alleged and relief requested. Any appeal must be filed within six calendar days of the SEPA determination being final. Where there is an underlying governmental action requiring review by the hearing examiner, any appeal and the action shall be considered together. Where there is an underlying permit decision to be made by city staff, any appeal periods shall conclude simultaneously.~~

~~4. For any appeal under this subsection, the city shall keep a record of the appeal proceedings which shall consist of the following:~~

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

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

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

19.06.040 Appeals of Administrative approvals and determinations.

1. Administrative decisions regarding the approval or denial of the following applications or administrative determinations/interpretations may be appealed to the hearing examiner, *Planning Commission, or City Council as set forth in WMC 19.08.030*, within fourteen days of the final staff decision. *Appeal of any administrative decisions or determinations/interpretation not specifically listed in WMC 19.08.030 may be appealed to the hearing examiner unless otherwise specified below:*

- A. Appeal of the director's determination of the number of off-street parking spaces required for developments in the heavy industrial district and floodway use district shall be appealed to the Planning Commission as set forth in WMC 17.56.*

~~as set forth in Section 15.04.225 (Refer to WMC 19.08.030 for other appeal authorities):~~

- A. All administrative interpretations/determination;
- B. Boundary line adjustments;
- C. Building permits;
- D. Preliminary short plats;
- E. Preliminary SEPA threshold determination (EIS required);
- F. Shoreline exemptions and staff level substantial development permits;
- G. Sign permits;
- H. Variances, administrative;
- I. Temporary uses, administrative;
- J. Conditional uses, administrative.

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

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

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

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

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

19.06.050 Appeal of SEPA related issues/administrative matters.

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

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

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

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

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

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

- a. An appeal of a determination of significance (DS);
- b. An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review, including any appeals of its procedural determinations, prior to submitting an application for a project permit; or
- c. An appeal of a procedural determination made by an agency on a nonproject action.
- d. An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes.

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

- a. The name and address of the party or agency filing the appeal;
- b. An identification of the specific proposal and specific SEPA actions or determinations related to conditioning, lack of conditioning or denial of an action for which appeal is sought; and,
- c. A statement of the particular grounds or reasons for the appeal including all relevant provisions of Woodland Municipal Code, Comprehensive Plan, and other adopted plans.

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

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

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

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

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

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

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

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

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

Chapter 19.08 APPROVAL, REVIEW AND APPEAL AUTHORITY

Sections:

19.08.010 ~~Department staff A~~ *Department staff A* approval and appeal authorities.

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

19.08.030 Review and appeal authority.

19.08.040 Conflicts.

19.08.010 ~~Department staff A~~ *Department staff A* approval and appeal authorities.

The project review process for an application or a permit may include review and approval by one or more of the following processes:

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

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

~~A. Any development which includes a request for one or more variances shall be considered by the planning commission concurrently with the plat or plan to which it applies.~~

~~B A. When a public hearing is required in conjunction with a project permit, the recommending authority shall issue its recommendation in sufficient time for the hearing examiner to issue a *A written* notice of final decision *concerning project permits shall be issued* within one hundred twenty days of the date of the complete application. *The 120-day limit may be extended by agreement between the applicant of the project and City. The following periods of time shall be excluded from the 120 days.*~~

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

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

~~*B. When separate applications are consolidated at the applicant's request, the final decision shall be rendered by the highest authority designated for any part of the consolidated application.*~~

19.08.030 Review and appeal authority.

The following table describes development permits and the final decision and appeal authorities. When separate applications are consolidated at the applicant's request, the final decision shall be rendered by the highest authority designated for any part of the consolidated application. ~~Council decisions may be appealed~~ *All applicable administrative appeals shall be exhausted prior to judicial reviews can be initiated. All judicial appeals shall be* made to county superior court *in accordance with RCW 36.70.C* except comprehensive plan *policy* decisions *or updates* which may be appealed to the State Growth Management Hearings Board and final shoreline permit actions which may be appealed to the Shoreline Hearings Board.

Key:	R	=	Recommendation to Higher Review Authority	D	=	Decision
	OP	=	Open Record Predetermination Hearing	SR	=	Staff Recommendation <i>with Staff Report</i>
	OPX	=	Optional Open Record Hearing	A	=	Appeal Decision
	C	=	Closed Record Appeal Hearing			

	NOT SUBJECT TO RCW 36.70B	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
ZONING						
ADMIN. CONDITIONAL USE PERMITS		D		A (OPX)		
CONDITIONAL USE PERMITS			SR	D (OP)		A (C)
MINOR MODIFICATION TO APPROVED CONDITIONAL USES AND ADMIN. CONDITIONAL USES			D		A (OP or OPX???)	
ADMIN. TEMPORARY USE PERMITS		D		A (OPX)		
MAJOR VARIANCE			SR	D (OP)		A (C)
MINOR VARIANCE			D		A (OP or OPX???)	
SITE SPECIFIC ZONE CHANGES			SR		R (OP)	D (C)
ZONING TEXT AMEND (DEV. REG. CHANGES)			SR		R (OP)	D (OPX)
AREA WIDE MAP AMEND			SR		R(OP)	D (OPX)
COMPREHENSIVE PLAN						

C.P. TEXT AMENDMENT			SR		R (OP)	D (OPX)
C.P. MAP AMENDMENT			SR		R (OP)	D (OPX)
LAND DIVISION						
RE-PLAT		SR		D (OP)		A (C)
PLAT VACATION		SR		D (OP)		A (C)
BOUNDARY LINE ADJUSTMENT		D				A (OP)
PRELIMINARY PLAT			SR		R (OP)	D (C)
<i>VARIANCE RELATED TO PRELIMINARY PLAT</i>			SR		R (OP)	D (C)
<i>PHASING AND EXPIRATION EXTENSION OF APPROVED PRELIMINARY PLAT</i>			D	A (OP)		A (C)
SHORT PLAT		D				A (C)
<i>VARIANCE RELATED TO SHORT PLAT</i>			SR			D (OP)
FINAL PLAT			SR		R	D
PLANNED UNIT RESIDENTIAL DEVELOPMENT			SR		R (OP)	D (C)
BINDING SITE PLAN		D				A (C)

PLAT TIME EXTENSION			SR			D (C)
ENVIRONMENTAL						
CRITICAL AREAS PLAN PERMIT		D		A (OP)		
SEPA PROCEDURAL DETERMINATION						
1. DNS		D		A (OP) ^{*1}		
2. MDNS		D		A (OP) ^{*1}		
3. DS/EIS		D		A (OP) ^{*1}		
4. SUPPLEMENTAL		D		A (OP)		
SHORELINES						
SUB. DEV. PERMIT			SR	D (OP) ^{*2}		
CONDITIONAL USE PERMIT			SR	D (OP) ^{*2}		
VARIANCE			SR	D (OP) ^{*2}		
EXEMPTION		D		A (OP) ^{*2}		
EXTENSION OF SHORELINE RELATED PERMIT		D		A (OP)		
SITE PLAN REVIEW						
COMMERCIAL			D		A (OP) ^{*3}	A (C) ^{*3}
INDUSTRIAL			D		A (OP) ^{*3}	A (C) ^{*3}
MULTI FAMILY			D		A (OP) ^{*3}	A (C) ^{*3}

OTHER USES			D		A (OP)^{*3}	A (C)^{*3}
M/H PARK			D		A (OP) ^{*3}	A (C) ^{*3}
OTHER						
BLDG. / GRADING / FILL PERMIT W/SEPA		#		A (OP) ^{*4}	A (OP)^{*5}	
SIGN PERMIT		D		A(OP)		
SIMILAR USE DETERMINATION			SR		D (OP)	A (C)
FLOODPLAIN DEVELOPMENT PERMIT		D^{*5}		A (OP)		
APPEAL OF ENFORCEMENT ACTION PER WMC 17.92			SR	D (C)		
APPEAL OF ADMINISTRATIVE DECISIONS UNRELATED TO SEPA OR ENFORCEMENT ACTION PER WMC 17.92			SR	D (OP)		A (C)
APPEAL OF DECISIONS RELATED TO TAKINGS OR SUBSTANTIVE DUE PROCESS RELATED ISSUES AS			D	A (OP)		

OUTLINED IN WMC 17.81.095						
WAIVER OF VIOLATION AS OUTLINED IN WMC 17.81.020.C				D(OP)		

Decision made by Building Official

*¹ See WMC 19.06.040 and .050.

*² Appeals of the hearing examiner's decisions shall be reviewed by the Shoreline Hearings Board. Shoreline Conditional Use Permits and Variances must also be approved by the Department of Ecology.

*³ If appeal doES not include SEPA matters.

*⁴ If appeal includes SEPA matters, the appeal shall be reviewed by the hearing examiner. If appeal does not include SEPA matters, the appeal shall be reviewed by the Planning Commission.

*⁵ Preferably the City's Floodplain Manger.

STAFF REPORT – *Boundary Line Adjustments*

To: Planning Commission

From: Carolyn Johnson, Community Development Planner

Date: April 12, 2012

Re: Land Use No.: 212-907.ZTC, Boundary Line Adjustment Ord.

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.

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. However, the state specifically exempts boundary line adjustments 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, Ridgefield, 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)).

NEXT STEPS

Ideally, the draft ordinance will go before Council for approval in May.

Article III. - Boundary Line Adjustments and Lot Consolidations

16.XX – BOUNDARY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS

Sections:

- 16.XX.XX – Applicability.
- 16.XX.XX – Purpose.
- 16.XX.XX – Application requirements.
- 16.XX.XX – Approval criteria.
- 16.XX.XX – Recording.
- 16.XX.XX – Appeal.

16.XX.XX – 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.XX.XX – 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.XX.XX – 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.XX.XX – 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 BLA proposal that would reduce the overall area in a plat or short plat devoted to open space shall not be approved; and
6. A BLA proposal that would adjust a boundary line across a public roadway shall not be approved.

16.XX.XX – 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.XX.XX – Appeals.

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

Exhibit A

Expanding the List of Uses Allowed in the C-1 District

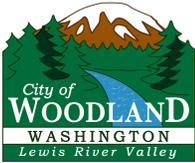
The Ad-Hoc Committee recommends that the following uses be considered for addition to lists of permitted, conditional or temporary uses, in the Central Business District (C-1):

1. Agricultural stands
2. Automobile and truck tire sales and repair
3. Automobile diagnostic and repair facilities, major and minor repairs, and towing businesses*
4. Automobile service stations and car washes
5. Automobile, truck, and motorcycle sales*
6. Breweries and distilleries*
7. Commercial recreation and entertainment facilities
8. Drive-in and fast-food restaurants*
9. Dry cleaning and pressing, except those using volatile or combustible materials and chemicals or using high pressure steam tanks or boilers
10. Event facilities*
11. Farmers' markets, bazaars, and open air markets
12. Farm machinery sales and services*
13. Feed and seed stores
14. Food lockers, primarily retail
15. Funeral homes and mortuaries
16. Furniture and home furnishing establishments
17. Lumber and building supply stores*
18. Grocery stores
19. Movie theaters
20. Medical clinics*
21. Medical offices
22. Nurseries, greenhouses, yard and garden supplies
23. Pet stores and animal grooming facilities
24. Public transportation system terminals
25. Restaurant and hotel supply
26. Schools*
27. Shopping centers
28. Veterinary offices and clinics with no outside animal runs

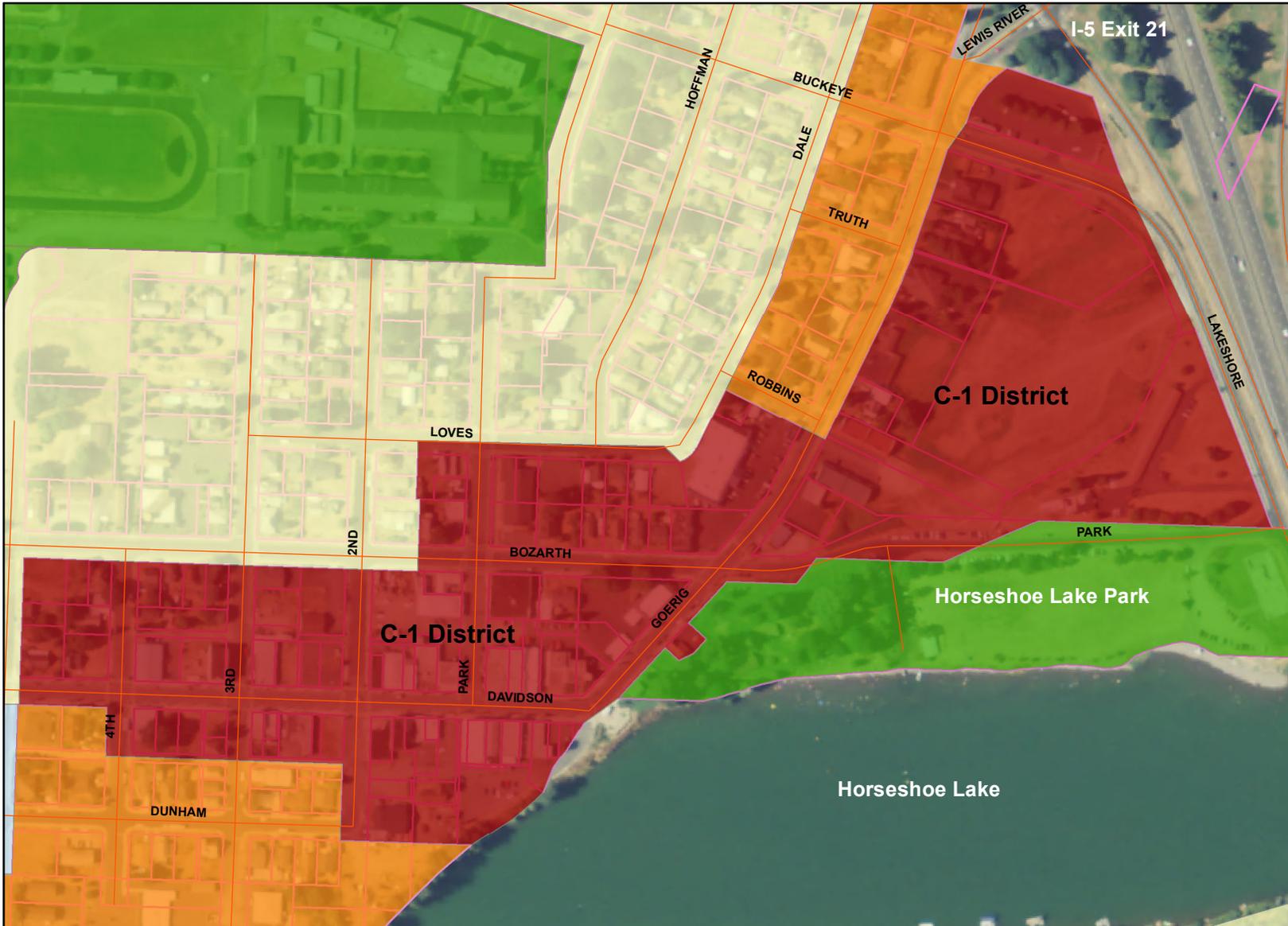
**The development of special standards may be necessary to make these uses compatible in the C-1 district.*

The Ad Hoc Committee also recommends that the following be added to the list of prohibited uses:

1. Medical marijuana dispensaries



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

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.



Project Updates – April 2012

1. Pacific Plaza Short Plat (LU# 211-920)
 - Recorded on March 23, 2012.
2. Columbia Colstor Expansion, Site Plan Approval and SEPA (LU# 211-921)
 - Building plans under review. Construction of foundation underway.
3. Longview Housing Authority, Site Plan Approval and SEPA (LU# 212-903)
 - NOA and Likely DNS issued April 3, 2012.
4. Burris Creek Flood Control Berm (LU# 212-906)
 - NOA issued April 4, 2012
5. WCSPC Community Recreation Center (LU# 209-932)
 - NOA issued April 10, 2012 (No SEPA threshold determination has been made)