WOODLAND PLANNING COMMISSION AGENDA

Planning Commission Regular Meeting – 7:00 PM

Thursday, December 19, 2013

Woodland NEW City Council Chambers
200 E Scott Avenue, Woodland, Washington

CALL TO ORDER – 7:00 PM

APPROVAL OF MINUTES

- November 21, 2013 meeting minutes

WORKSHOP

- Non-Conforming Uses Draft Ordinance
  o Staff Report
  o Comparison to C-1
  o Defining major/minor enlargement/intensification

- Gateway Rezone
  o Staff Report
  o Map – where should the line be drawn

DISCUSSION

- Sign Ordinance
  o Make changes to allowed size for multi-tenant buildings?

- Lot sizes
  o Establish maximums for residential lots?

- Review of City projects
  o Should a proposal made by the City go before the Hearing Examiner?

ADJOURN

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

Planning Commission Regular Meeting – 7:00 PM

Thursday, November 21, 2013

Woodland City Council Chambers
100 Davidson Avenue, Woodland, Washington

CALL TO ORDER
The meeting was called to order at 7:01 PM

PRESENT:
Commissioner Deborah Deans
Commissioner Tel Jensen
Commissioner David Simpson
Commissioner Sharon Watt

ABSENT:
Commissioner Mike Amirenini

STAFF:
Clerk III Shannon Rychel
Clerk I Jessica Myers
Community Development Planner Amanda Smeller

APPROVAL OF October 17, 2013 MEETING MINUTES
Commissioner Deans made a motion to approve the minutes as written. This motion was seconded by Commissioner Jensen and passed unanimously.

WORKSHOP

- Non-Conforming Uses Draft Ordinance
  - Staff Report was given by Amanda Smeller. There was concern from the city attorney about definitions and clarifications in the Non-Conforming Uses Draft Ordinance.
  - Review City Attorney memo - We need to define intensification of use. Commissioner Simpson does not like the fact that the attorney used code from another city. He suggests we have a section for uses and a section for structures and lots.
  - Review draft ordinance - how would minor to major variance be defined? Commissioner Simpson would like to see the Downtown code and see what conflicts with that. He would also like to workshop this longer.

- Project update
  - Shoreline Management Plan Update – we are continuing to have meetings with the new consultant. A new first draft should be available in the early part of 2014. It will be available for review by the Planning Commission, Department of Ecology, City Council, and the public.
Comprehensive Plan Update – we are in the very beginning stages of the comprehensive plan update. Staff is working with Clark County to ensure consistency among plans.

ADJOURNMENT 8:18 PM
A motion to adjourn the meeting was made by Commissioner Jensen, seconded by Commissioner Simpson, and unanimously approved at 8:18pm.

Shannon Rychel, Administrative Clerk III                             Date

These minutes are not a verbatim record of the proceedings.
During the November Planning Commission meeting there was discussion regarding changes to the non-conforming ordinance.

A non-conforming use is defined as a use that was allowed at the time the use was established but which, because of changes in zoning regulation, is no longer permitted. The draft ordinance outlines the procedures for intensifying, enlarging, extending, recognizing and reinstating a non-conforming use, if allowed. Commissioner Simpson expressed concern that the proposed ordinance was in conflict with Ordinance 1263, adopted earlier this year, which amended permitted, conditional, and prohibited uses in the Central Business District. Commissioner Simpson said there will be some businesses that are non-conforming that will not be required to follow the non-conforming ordinance. Staff researched and compared the existing section on the Central Business District and the proposed non-conforming ordinance. Section 17.32.020 of the existing Central Business District ordinance, Permitted Uses, lists “existing, legally established, automotive repair and towing businesses established before December 27, 1979”, and “existing, legally established, manufacturing and production businesses established before passage of this ordinance, April 15, 2013” as permitted uses. Therefore, these uses are not considered non-conforming (as they are listed as permitted and not conditional or prohibited) and would not have to follow the non-conforming ordinance. In that respect, there would be no conflict.

There was also discussion regarding the intensification/enlargement language. The Commission discussed the possibility of splitting this into minor and major intensification/enlargement. The Commission did not want all requests for intensification/enlargement to go before the Hearing Examiner. There was a suggestion of having a commercial or industrial request go to the Hearing Examiner and a residential request as being reviewed by staff. A final determination was not settled on in terms of what is considered minor or major.

Staff made grammatical changes as requested by the Commission, and better defined Section 17.60.050(B).

As a reminder, text is coded as follows:

Green text is what was previously proposed – the draft Carolyn had worked on and that passed Planning Commission.

Yellow text is language from the City of Minnetonka (Minnesota) and requested by City Attorney, Bill Eling.

Blue text is what is currently adopted.
Purple text is taken from Skamania County’s Non-Conforming ordinance.

Grey text is new, not necessarily taken from any code language, but clarifies a proposed statement.

Attached is the draft ordinance with the above text highlights and changes as requested. Also attached is Ordinance 1263, amended uses in the C-1 District, that was adopted in spring of this year.
Chapter 17.60: Non-Conforming Uses, Structures, and Lots

17.60.010 Purpose
The purpose of this chapter is to provide for those circumstances, uses, and lots that are inconsistent with the regulations of this title, but which enjoy rights based on their previous legal existence. The intent of this chapter is to permit legal non-conforming developments, lots, structures, and uses to continue until they are removed but not to encourage their perpetuation.

17.60.020 Definitions
- Non-Conforming Lot – A lot that, at the time of its establishment, met the minimum lot size requirements for the zone in which it is located but which, because of subsequent changes to the minimum lot size applicable to that zone, no longer complies with requirements.
- Non-Conforming Structure – A structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies with those regulations in regards to height, setbacks, lot coverage, size, or area.
- Non-Conforming Use – A use of property that was allowed at the time the use was established but which, because of changes in zoning regulation, is no longer permitted.
- Expansion/Enlargement – Any increase in dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking, or swimming pool or any move of operations to a new location on the property.
- Intensification – Any improvement that would allow the land to be more intensely developed, or any increase in intensity of use based on a review of the original nature, function or purpose of the non-conforming use, the hours of operations, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the City.
- Improvement – Making the non-conforming use better, more efficient, or more aesthetically pleasing, including any change that does not replicate what pre-existed, but does not include an expansion, enlargement, or intensification.
- Pre-Existing – That which existed prior to the adoption of the ordinance codified in this title.
17.60.030 – Abatement of illegal use, structure or development
Any use, structure, lot or other site improvement not established in compliance with use, lot, size, and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal.

17.60.040 – Completion of Structure
Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been legally issued and construction commenced prior to the adoption of the ordinance codified in this title and subsequent amendments thereto.

17.60.050 – Non-Conforming Uses
A. A non-conforming use may not increase in intensity or be made more non-conforming without special permission by the Hearing Examiner through a Conditional Use Permit as per Chapter 17.72. A structure containing a non-conforming use may be enlarged or extended only by special permission of the Hearing Examiner through a Conditional Use Permit as per Chapter 17.72. The extension of a non-conforming use to a portion of a structure which was built for the non-conforming use at the time of the passage of the ordinance codified in this title is not considered an extension of a non-conforming use. For example, if a building was constructed for the non-conforming use, but the use did not fill the entire building, expanding the use into the empty portion of the building does not constitute the extension of the non-conforming use.

C. No non-conforming use shall be moved in whole or in part to any other portion of the lot or zoning district in which it is located. If moved, it must be to a district in which the use is permitted.

D. If any non-conforming use ceases for any reason for a period of six months, any subsequent use shall conform to the regulations specified by this title for the district in which such use is located.

E. The Hearing Examiner may recognize a legal non-conforming use and/or may authorize reinstatement of a non-conforming use. The procedure for recognizing and/or reinstatement shall be the same as for Conditional Use Permits as outlined in Chapter 17.72 and conditions may be imposed if reinstatement is allowed. A non-conforming use cannot be changed to another kind of non-conforming use, but is limited to either retaining the specific non-conforming use legally established or changed to a use permitted in the zoning district. If a non-conforming use is changed to a conforming use, it cannot be changed back, unless as permitted by the Hearing Examiner.

G. If a structure containing a non-conforming use is destroyed by any cause to an extent exceeding fifty percent of the cost of replacement of the structure, using new materials, a future use of the property shall conform to the provisions of this title. See Section 17.60.080 for single-family dwelling exemptions.

17.60.060 – Non-Conforming Structures
A. A non-conforming structure may be continued and maintained in reasonable repair and safe condition, provided that the structure is not enlarged, extended, or increased without special permission by the Hearing Examiner through a Conditional Use Permit as per Chapter 17.72. A non-conforming structure may not be made more non-conforming.
B. A non-conforming structure may not be moved in whole or part to any other portion of the lot of zoning district in which it is located, unless to bring the structure into conformance.

C. A non-conforming structure may be utilized by a use which is permitted in the zoning district in which the structure is located. In order to accommodate a permitted use, the structure may be repaired, modified, or altered, internally and externally; provided such repairs and modifications do not increase the non-conformance of the structure and that they meet the International Building Code standards.

D. In addition, a non-conforming structure as described in C above may be modified or altered in such a manner that it conforms to the standards of the district, this title, and the International Building Code.

E. If a non-conforming structure is destroyed by any cause to an extent exceeding fifty percent of the cost of replacement of the structure, using new materials, a future structure of the property shall conform to the provisions of this title. See Section 17.60.080 for single-family exemptions.

F. A non-conforming structure that is made conforming will not be allowed to become non-conforming again, without following the Variance process outlined in Chapter 17.81.

17.60.070 – Non-conforming Lots

Any permitted use may be established on an undersized lot that cannot satisfy lot size or width requirements of this Title, provided that:

A. All other applicable zoning development standards, such as building setback requirements and lot coverage requirements, are met or a variance has been granted;

B. The lot was legally created and satisfied the lot size and width requirements applicable at the time of creation;

C. No unsafe condition is created by permitting development on the non-conforming lot; and

D. The lot was not created as a “special tract” to protect critical areas, provide open space, or as a public or private access tract.

17.60.080 – Single-Family Dwellings

A. Single-family dwellings, including manufactured homes, existing in the C-1, C-2, C-3, I-1, or I-2 districts at the time of passage of the ordinance codified in this title shall be allowed to remain, and any addition or improvements thereto shall meet the standards of the LDR-6 zoning district.

B. In any zone, a single-family dwelling destroyed by any cause to any extent, shall be allowed to be improved or reconstructed, provided the setback standards of the LDR-6 district are maintained or provided that the original footprint of the destroyed dwelling is maintained.
CITY OF WOODLAND

ORDINANCE NO. 1263

AN ORDINANCE AMENDING WMC TITLE 17 AS IT RELATES TO PERMITTED, CONDITIONALLY ALLOWED, TEMPORARY, AND PROHIBITED USES IN THE CENTRAL BUSINESS DISTRICT (C-1) AUTHORIZING A PUBLICATION BY SUMMARY.

WHEREAS, at their March 12, 2012 workshop, the City Council confirmed their support for updating the lists of uses in the C-1 zoning district (Central Business District);

WHEREAS, a public hearing was held before the Woodland Planning Commission on February 21, 2013 and, following the hearing, the Commission made a motion to forward the ordinance to the Woodland City Council with an Affirmative recommendation;

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 ORDAINED by the City Council of the City of Woodland as follows:

1. Repeal and Replace. WMC 17.32.020

   a. Old Section WMC 17.32.020 – The existing code section to be superseded and replaced reads as follows:

   17.32.020   Permitted uses.

The following uses only are permitted in the C-1 district. All other uses are not permitted.

1. Art galleries, libraries and museums;
2. Banks and financial services;
3. Community clubs, fraternal societies, and memorial buildings;
4. Cultural entertainment facilities such as indoor theaters and playhouses;
5. 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
6. Establishments selling alcoholic beverages by virtue of a class C, D, E, F or H liquor license issued by the state;
7. Government and quasi-public buildings;
8. Hotels;
9. Newspaper offices;
10. Personal services;
11. Professional and business offices;
12. Public parks and open spaces, courtyards;
13. Public and private off-street parking facilities;
14. Public utility offices;
15. Restaurants and cafes except for drive-in and fast food restaurants. Outdoor eating and/or drinking areas associated with an indoor facility are permitted pursuant to state law;
16. Retail stores;
17. Shops for custom work or repair or the making of custom articles where such activity does not produce noise, objectionable odors, dust or chemical waste discharges. Uses may include printing shops, upholstery and furniture repair, craft shops, bakeries with retail service, laundry and dry cleaning operations, and appliance repair;
18. 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;
19. Signs and outdoors advertising displays pursuant to Chapter 17.52
20. Churches;
21. Community swimming pool facilities, commercial recreation and entertainment facilities, health spas and dance studios;
22. Bed and breakfast inns;
23. 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.

b. New Section WMC 17.32.020 – The code section is amended to read as follows:

17.32.020 Permitted uses.

The following uses are permitted in the Central Business District (C-1). Other uses may require a conditional use or temporary use permit or be prohibited in the C-1 District.

1. Artisanal/craft shop and shops for custom work or repair
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. Bakeries with retail service
6. Banks and financial services
7. Bed and breakfast inns
8. Community clubs, fraternal societies, and other places of assembly for membership groups
9. Daycare center
10. 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. Lobbies for residential uses on upper floors may be located on the ground floor.
11. Electric vehicle charging stations
12. Entertainment facilities such as indoor theaters and playhouses
13. Event center (300 person occupancy)
14. Existing, legally established, automotive repair and towing businesses established before December 27, 1979
15. Existing, legally established, manufacturing and production businesses established before passage of this ordinance, April 15, 2013
16. Farm and garden stores
17. Farmers’ markets, bazaars, and open air markets
18. Funeral homes and mortuaries
19. Grocery stores, delicatessens, butcher shops, and indoor markets selling food and farm products
20. Hardware and building supply stores (retail)
21. Home occupations provided they are accessory to single-family dwellings and meet the requirements of WMC 17.16.100
22. Hotels, motels, and hostels
23. Laundry and dry cleaning operations (retail and self)
24. Live-work units
25. Medical clinics and offices
26. Microbreweries, microdistilleries, and microwineries
27. Motorcycle, scooter, bicycle, and other small motorized or non-motorized means of transportation (indoor and outdoor sales)
28. 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.
29. Outdoor eating and/or drinking areas associated with an indoor facility
30. Outdoor storage of product when: a. Accessory to a permitted use on site, b. Storage area does not exceed 50% of the area of the permitted use on a square foot basis, and c. Storage areas is located behind buildings and screened by landscaping or an architectural wall at least six feet in height. If appropriate, some viewing of activity may be allowed through gaps in screening.
31. Personal and business services
32. Pet stores and animal grooming businesses
33. Plant nurseries
34. Printing shops
35. Professional and business offices
36. Public and commercial recreation facilities, gyms, and sports complexes
37. Public and private off-street parking facilities
38. Public and quasi-public buildings and uses such as post offices, libraries, and government offices
39. Public parks, open spaces, and courtyards
40. Public transportation facilities such as bus stations, train stations, and transit shelters
41. Recycling collection point
42. Religious institutions
43. Repair shops for small equipment and items
44. Restaurants and cafes and other eating and drinking establishments
45. Retail establishments, less than 50,001 sf
46. Signs and outdoor advertising displays pursuant to Chapter 17.52
47. 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
48. Taverns and liquor establishments
49. Upholstery and furniture repair
50. Veterinary offices and clinics without outdoor animal runs
51. Uses similar to the above that are not otherwise listed in this chapter

2. Repeal and Replace. WMC 17.32.028

a. Old Section WMC 17.32.028 – The existing code section to be superseded and replaced reads as follows:
17.32.028 Conditional uses—Administrative.

The following uses in the central business district (C-1) require conditional use permit approval from the Director per Chapter 17.70:

A. Day care center;
B. Public utility uses except electrical substations and transfer facilities and power-generating units.

b. New Section WMC 17.32.028 – The code section is amended to read as follows:

17.32.028 Conditional uses — Administrative.

The following uses in the Central Business District (C-1) require conditional use permit approval from the Public Works Director as per WMC Chapter 17.72.

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

3. Repeal and Replace. WMC 17.32.030

a. Old Section WMC 17.32.030 – The existing code section to be superseded and replaced reads as follows:

17.32.030 Conditional uses—Hearing examiner.

The following uses in the central business district (C-1) require conditional use permit approval from the Hearing Examiner per Chapter 17.72:

A. Hospital, sanitarium, rest home, home for the aged, nursing home, or convalescent home.

b. New Section WMC 17.32.030 – The code section is amended to read as follows:

17.32.030 Conditional uses - Hearing examiner.

The following uses in the Central Business District (C-1) require conditional use permit approval from the Hearing Examiner as per WMC Chapter 17.72.

1. Automobile diagnostic and repair facilities, major and minor repairs
2. Automobile sales (Outdoor)
3. Automobile service stations, gas stations, and car washes
4. Drive-through facilities
5. Event center, greater than 301 person occupancy
6. Farm machinery sales and services
7. Hospital, psychiatric facility, rest home, home for the aged, nursing home, or convalescent home
8. Schools (public, parochial, private, vocational, technical, business or other schools, nonprofit or operated for profit)
9. Shelters, temporary housing, emergency housing
10. Wireless communication facilities

4. New Section. WMC 17.32.032 – Administrative Temporary Uses

a. New Section WMC 17.32.032 – The following code section is to be added:

17.32.032 Administrative temporary uses.

The following uses in the Central Business District (C-1) require temporary use permit approval from the Public Works Director or his or her designee as per WMC Chapter 17.70.

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

5. Repeal and Replace. WMC 17.32.040

a. Old Section WMC 17.32.040 – The existing code section to be superseded and replaced reads as follows:

17.32.040 - Prohibited uses.

The following uses are specifically not permitted in the C-1 district:

A. 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;
B. Automobile and light and/or heavy truck repair facilities;
C. Automobile, motorcycle, and boat dealerships and servicing establishments;
D. Bowling alleys;
E. Dog kennels and the outdoor housing of dogs when associated with a veterinary office or clinic;
F. Drive-in and fast food restaurants;
G. Outdoor sales of vehicles, boats, campers, motor homes, mobile homes, and related equipment;
H. Storage or 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.

b. New Section WMC 17.32.040 – The code section is amended to read as follows:

17.32.040 Prohibited uses.

The following uses are specifically not permitted in the Central Business District (C-1).
1. Animal kennel, commercial/boarding
2. Animal shelter
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. Collective garden, medical marijuana
5. Commercial dispatch and maintenance facilities
6. Drug treatment facilities
7. Junkyards and wrecking yards
8. Laundry/dry cleaning (industrial)
9. Lumber yards and other building material sales that sell primarily to contractors (wholesale)
10. Manufacturing and production, except those specifically listed as permitted uses in this chapter
11. Outdoor sales of boats, campers, motor homes, and mobile homes
12. Recreational vehicle park
13. Recycling center or plant
14. Sand, soil, gravel sales and storage
15. Sexually oriented businesses
16. Storage facilities, such as self-storage or recreational vehicle storage businesses
17. 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
18. Towing
19. Wholesale businesses

6. Amend. WMC 17.08 - Definitions

a. The following definitions are to be added to WMC 17.08:

17.08. Animal Shelter. “Animal Shelter” means a place where dogs, cats or other stray or homeless animals are sheltered. Activities and services may include kenneling, animal clinic, pet counseling and sales, as well as animal disposal.

17.08. Artisan/craft shop. “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.

17.08. Drive-through facility. “Drive-through facility” means a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; and quick-lube or quick-oil change facilities.

17.08. Drug treatment facility. “Drug treatment facility” means a facility that offers inpatient detoxification services and drug rehabilitation counseling. Drug treatment facility does not mean residential structures occupied by persons with handicaps, also known as group homes, where “handicap” is defined by the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3602). Drug treatment facility also does not mean facilities used as meeting space for Alcoholics Anonymous or Narcotics Anonymous meetings.
17.08.____ Event center. "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.

17.08.____ Laundry/dry cleaning (Industrial). "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.

17.08.____ Live-work unit. "Live-work unit" means a structure or portion of a structure: (1) that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; (2) where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and (3) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

17.08.____ Microbrewery, microdistillery, or microwinery. "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.

17.08.____ Wholesale sales. "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.

17.08.____ Wrecking yard. "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.

ADOPTED this 15th day of April, 2013.

CITY OF WOODLAND, WASHINGTON

Approved:

Grover Laseke, Mayor

Attest:

Mari E. Ripp, Clerk / Treasurer
Approved as to form:

William Eling, City Attorney
Staff Report: Gateway Rezone

Date: December 10, 2013
To: Planning Commission
From: Amanda Smeller, Community Development Planner
Re: Gateway Rezone

In November 2013, the City Council voted down a proposed Comprehensive Plan Text Change that would allow auto-oriented uses within the Central Business District. The basic purpose of the proposed change was to allow drive-through restaurant facilities in the C-1 district, namely the Gateway area. Staff informed both the City Council and the Planning Commission when the ordinance was under review that there were only properties in the Gateway area that would be able to support a drive-through facility, as many other properties in the C-1 zone were either already developed or too small. Once the ordinance failed, Council expressed interest in going forward with a rezone of the Gateway district, and accomplishing the auto-oriented use allowance this way.

Staff completed the necessary paperwork in November to begin review of the proposed rezone. Attached are several maps of the area, showing the proposed area of rezone. The rezone can be done at any time as the Comprehensive Plan Map designation of the properties is already commercial. It is only when a Comprehensive Plan Map designation change needs to occur that it can only be done once a year.

Currently, staff is proposing eight parcels being rezoned, as shown on the maps. Parcels include: 50442, 5044201, 5044001, 50475, 50445, 5047301, 50480, and 50478. Staff requests input from the Commission as to which parcels should be included in the rezone.

There will be an open house in January 2014 in regards to the proposed rezone. Mailers will be sent out to everyone in the vicinity. Maps and other information will be available online and at the open house. The public hearing before the Planning Commission will take place after the open house.
Staff Report: Sign Ordinance – Allowable sign sizes

Date: December 10, 2013
To: Planning Commission
From: Amanda Smeller, Community Development Planner
Re: Discussion on sign size allowances

Recently staff granted a minor variance for a second secondary frontage for a sign at 1935 Belmont Loop. This is a multi-tenant building with four spaces, two of which already filled by Lexar Homes. Guns & Ammo moved into the third space just recently, and the fourth space remains vacant.

In 2012, Lexar Homes was issued a permit for a freestanding pole sign and two wall signs. One wall sign was placed on the primary frontage, and the second was on the secondary frontage. As per the code, listed below, wall sign size is based on building frontage, both primary and secondary. A multi-tenant building is allowed the same amount of sign size as a single tenant building. Lexar Homes was the only tenant in this building for over a year. They applied, and received approval, for a wall sign on their secondary frontage that would use up the allowable size maximum.

Section 17.52.070, Commercial districts (signs)), currently reads:

A. On-premise Freestanding Signs:
   1. Allowable Area. Primary frontage within the C-1 and C-3 districts shall be calculated at one square foot per linear foot of street frontage of the premises with up to a maximum of one hundred square feet, provided that premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of street frontage up to a maximum of fifty square feet.
   2. Primary frontage within the C-2 district shall be calculated at one square foot per linear foot of street frontage of the premises up to a maximum of two hundred square feet is allowed provided that premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of street frontage up to a maximum of one hundred square feet.
   3. Number of Signs. Each commercial building shall have not more than one freestanding sign to be located either on a primary frontage or a secondary frontage. A business complex shall have not more than two freestanding signs; one sign to be located on a primary frontage and the second sign located on the secondary frontage.

   8. If more than one business in an area where businesses share the use of a parking lot, structure, parcel or facility, has the need of a freestanding, pole sign, or monument type sign, all signs shall be located together on the same joint use sign.

C. On-premise Wall, Window, Roof Projecting:
   1. Allowable Area. Primary frontage within the C-1 and C-3 districts shall be calculated at one square foot per linear foot of building frontage as measured horizontally along the side building elevation at the appropriate frontage, up to a maximum of one hundred square feet total sign area. Primary frontage within the C-2 district shall be calculated at one square foot per linear foot of building frontage as measured horizontally along the side building elevation at the appropriate frontage, up to a maximum of two
hundred square feet total sign area; provided that a building elevation with less than thirty-two square feet of horizontal length shall be allowed a maximum of thirty-two square feet of sign area. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of building frontage up to a maximum of fifty square feet.

2. Number of Signs. Three per primary frontage; one per secondary frontage; and in no event shall there be more than a total of four wall, roof or projecting signs per business.

3. In any building occupied by more than one business, the maximum sign area on each primary frontage shall be shared proportionally by those businesses whose main public entrance is along that frontage. Where applicable, the sign allowed on the secondary frontage shall be a joint use sign.

Questions for discussion:

1. Should multi-tenant buildings be allowed a larger sign size allowance than those buildings with a single tenant?
2. Should multi-tenant buildings be allowed more than one secondary frontage than those buildings with a single tenant?
3. If the code isn't changed, is it appropriate to allow for a minor variance for another business to utilize a second secondary frontage?
4. How should the City be involved in the sharing/splitting of the sign size? As with the situation above, Lexar Homes was the only tenant in that building for over a year and they had properly permitted signs. No one can know when other spaces in a multi-tenant building will be filled. Should the City only permit a portion of the sign size in anticipation of other tenants in the future?
5. Other discussion/questions?

A separate item to note in regards to the Sign Ordinance is the civil infraction language. Attorney Eling is currently drafting language for abandoned and illegal signs. This will be brought back to the Planning Commission at a future meeting.

Attached is the proposed draft ordinance that went through Planning Commission a few months back. It does not yet include the civil infraction language or any language from this discussion.
Chapter 17.52 - SIGN REQUIREMENTS

Sections:

17.52.010 - Purpose.

17.52.020 - Applicability.

17.52.030 - General requirements.

17.52.040 - Prohibited signs.

17.52.050 - Definitions.

17.52.060 - Residential (LDR, MDR and HDR) districts.

17.52.070 - Commercial (C-1, C-2 and C-3) districts.

17.52.080 - Industrial (I-1 and I-2) districts.

17.52.090 - Temporary signs.

17.52.100 - Conditional uses.

17.52.110 - Abandoned or illegal signs.

17.52.120 - Maintenance of nonconforming signs.

17.52.130 - Exemptions.

17.52.140 - Permit requirements.

17.52.150 - Review procedures.

17.52.010 - Purpose.

The purpose of this chapter is to create a more attractive economic and business climate while improving the overall quality in the city. It is to promote and protect the public health, safety, welfare and aesthetics by regulating outdoor signs of all types and to encourage the installation of advertising signs that harmonize with buildings, natural settings, neighborhoods, and other signs in the area.

17.52.020 - Applicability.
This chapter applies to all signs that are visible from the public right-of-way, built or altered after the effective date of the ordinance codified in this chapter. No sign, unless exempted by this chapter, shall be constructed, displayed or altered without a sign permit issued by the city.

17.52.030 - General requirements.

A. Sign standards and conditions shall be as follows:

1. The structure and installation of all signs shall comply with the latest adopted edition of the building code and sign code and with all applicable state, county, and city building and fire codes;

2. Awnings, bulletin boards, canopies, display cases and marquees shall be subject to standards outlined in the latest adopted edition of the building code, and shall require, a building permit and inspection by the city building official;

3. All electrically illuminated signs shall have electrical components, connections and installations that conform to all federal, state and local requirements;

4. All signs, including all of their supports, braces, guys and anchors shall be maintained in good repair and in a safe, neat, clean and attractive manner.

B. Illumination. The light directed on, or internal to any sign shall be shaded, shielded or directed so that its brightness or glare does not adversely affect the safe vision of drivers or pedestrians to an unreasonable degree. Lighted signs visible from nearby residences shall be shielded in such a way to prevent glare and reduce brightness.

17.52.040 - Prohibited signs.

The following types of signs and advertising displays or structures are not permitted, except as indicated. Prohibited signs are subject to removal at the owner's expense after appropriate notification by the city:

A. Off-premise Signs. Any second party sign that advertises goods, products, services or facilities, or directs persons to a location different from where the sign is installed, and that does not relate strictly to the lawful use of the premise on which it is located. Lawful use is defined as a sign which indicates the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of person, firm or corporation occupying the premises (exception: off-premise signs as allowed in Section 17.52.070).

B. Flashing, animated, rotating, moving or audible signs.

C. Billboards. Billboards are prohibited in all zones.

D. Signs that Obstruct. Any sign that substantially obstructs free and clear vision of an exit, traffic intersection entrance, traffic sign or signal or constitutes a traffic hazard by reasons thereof.

E. Signs Containing Unwarranted Content. Any sign, which contains statements, words and pictures of an obscene nature.
F. Window signs containing material unrelated to the merchandise for sale or service performed by the person or business on whose premises or property the sign is located; provide, however, on-premises signs may call the attention of the public to public holidays or community events.

G. Miscellaneous Signs and Poster. The tacking, pasting, painting or otherwise affixing of any sign or signs of a miscellaneous character, visible from a public right-of-way, located on exterior walls of any building, barn, shed, tree, pole, post, fence or other structure is prohibited unless otherwise permitted as official sign.

H. Signs which purport to be, or are in imitation of, or resemble an official traffic sign or signal, or which bear the words, "stop," "caution," "danger," "warning," or similar words.

I. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be construed as a traffic-control sign, signal or device, or the light of an emergency or radio equipment vehicle; or which obstruct the visibility of any traffic or street sign or signal device.

J. Signs which, by reason of their size, location, movement or manner of illumination, obstruct the visibility of any aviation flight path.

K. Any sign or advertisement on a vehicle, trailer or cart visible from the public right-of-way and parked for the primary purpose of gaining signage not allowed by this chapter. This provision shall not be construed as prohibiting the identification of a firm or its principal products on a vehicle used in the normal course of business, or preventing the normal travel of fleet vehicles to and from places of employment and employee places of residence. Violation shall be evidenced by either of the following:

   i. The vehicle, trailer or cart is parked further than one hundred (100) feet from the space occupied by the business being promoted and such vehicle, trailer or cart is parked for a period exceeding twenty-four (24) consecutive hours; or
   ii. The advertising is promoting a business with no valid City of Woodland business license.

L. Any other sign that does not conform to all provisions of this code.

17.52.050 - Definitions.

The following definitions and terms shall be used in the interpretation of this chapter:

"Advertising copy" means any letters, figures, symbols, logos, trademarks or similar devices which identify or promote the sign user or any product or service; or which provides information about the sign user, the premises, the building or the products or services available.

"Awning, retractable" means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported by that wall and that is collapsible, retractable, or capable of being folded against the face of the supporting building.

"Awning, fixed" means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported by that wall, and is held in place with rigid frames and covered with a flexible material.
"Banner" means an on-site sign such as those used to announce an open house, a grand opening or to make a special announcement. Normally, it is constructed of cloth, canvas, or similar material and is without a rigid frame. It will be considered either as a fascia or freestanding sign, depending on the method of attachments, and will have to comply with the normal zone requirements.

"Building code" means the current building code as adopted by the state and Woodlands Municipal Code.

"Building frontage—Primary" means as follows:

1. In a building containing only one business, primary frontage shall be the width, as defined in this section, of that side of the building, which contains the main public entrance to that business.

2. In a building containing more than one business, all of which businesses have their main public entrances on the same side, primary frontage shall be the width, as defined in this section, of that side of the building, which contains those public entrances.

3. In a building containing more than one business, where those businesses have their main public entrances on more than one side of the building, each such side shall constitute a primary frontage. Each primary frontage shall be the width, as defined in this section, of that frontage.

"Building frontage—Secondary" means as follows:

1. In a building containing one or more businesses, and having all main public entrances on one side, one secondary frontage may be designated by the building owner. That frontage shall be the width, as defined in this section, of that side of the building so designated.

"Bulletin board" means a board utilized for posting public notices, i.e. garage sales, for sale, etc.

"Business complex" means two or more commercial businesses on a lot or contiguous lots with common access and parking.

"Canopy" means a freestanding permanent structure providing protection from the elements, such as a service station gas pump island.

"Changing image sign" means any sign that, through the use of moving elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement, or change of sign image or text. Changing image signs do not include otherwise static signs where illumination is turned off and back on not more than once every twenty-four hours.

"Directional sign" means any sign which is designed and erected solely for the purpose of traffic or pedestrian direction (i.e. menu boards, bank machines, height warning) and which are placed on the property to which the public is directed.

"Facade" means the entire building front or the street sidewall of a building from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

"Flashing sign" means an illuminated sign, which changes intensity of lighting and/or switches on and off in a constant pattern or in which lighting is not maintained stationary and constant intensity and color.
"Freestanding sign" means a sign or advertising display which is not supported by a building, but which is supported by one or more upright poles or braces which are in or on the ground.

"Gross area of a sign" means the area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements, which are not a part of the display. The gross area of a two-faced sign equals the area of one side. The gross area of a spherical, cubical or polyhedral sign equals one-half the total surface area.

"Marquee" means a permanent roof or hood structure attached to, supported by, and projecting from a building over the public right-of-way or public place. It provides protection from weather elements, but does not include a projecting roof.

"Monument sign" means a sign and supporting structure, which has similar top and bottom dimensions and is constructed as a solid structure or one, which gives the appearance of a continuous, nonhollow, unbroken mass.

"Nameplate sign" means a sign, which indicates no more than the name, address and home occupation of the resident of the premises.

"Off-premise sign" means any sign that draws attention to or communicates information about business establishment (or any other enterprise) that exists at a location other than the location of that which the sign has been placed.

"On-premise sign" means a sign which carries only advertisements strictly related to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises.

"Outdoor advertising" means all publicly displayed messages such as signs, placards, pennants or posters whose purpose is to provide official or commercial information, direction and advertising.

"Political signs" means a sign that is deemed to include information pertaining to levies, nonpartisan, partisan, initiative and/or referendum elections.

"Projecting sign" means a sign attached to and supported by a wall of a building or structure which projects more than one foot horizontally from the vertical face of a building, awning, canopy or parapet.

"Public or semipublic sign" means a sign, which directs attention to public or semipublic buildings, including but not limited to churches, schools, libraries and hospitals.

"Real estate sign" means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

"Roof sign" means a sign or advertising display supported by and erected on or above a roof or parapet of a building or similar structure.
"Sign" means a display or device affixed to the ground, attached to a building, or other structure using graphics, logos, symbols, and/or written copy designed specifically for the display of a commercial or other advertisement to the public.

"Street frontage—Primary" means the property width as measured along the street right-of-way at the primary entrance to the property. In cases of pipestem lots or similar reduction in street right-of-way, the lot width which is most parallel to the primary building frontage.

"Street frontage—Secondary" means the property width at the street frontage that is not the primary frontage as measured along the street right-of-way.

"Temporary sign" means a sign that is (1) used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (2) is intended to remain on the location where it is erected or placed for a period of not more than thirty days. In case of construction project signs, they may be maintained for the duration of the construction. If a sign display area is subject to periodic changes, that sign shall not be regarded as temporary.

"Wall sign" means a sign attached to and supported by a wall of a building or structure, with the exposed face of the sign parallel to the wall. Any sign placed behind glass, or affixed to a window of a building and located in such a manner as to have an obvious intent to capture interest of persons outside the building, shall be considered a wall sign and shall be treated in the same manner.

"Width" means the horizontal distance measured in a straight line between any two corners of a building, exclusive of corners having an angle of greater than ninety degrees.

"Window sign" means a sign attached to or otherwise obscuring vision, in whole or in part, through a window. It is intended to be viewed by persons outside of the building.

17.52.060 - Residential (LDR, MDR and HDR) districts.

The following signs are permitted in the LDR, MDR and HDR zoning districts with an approved building permit:

A. Public or Semipublic Uses.

1. Public or semipublic use freestanding identification sign and/or bulletin board. Such signs shall not exceed sixty square feet in gross area per face, shall be placed a minimum of ten feet behind all property lines, and shall not be over sixteen feet in height from ground level to sign top. No more than one double-faced freestanding sign shall be allowed per use. Such sign shall be located on the premises of the use to which the sign refers and shall be unobtrusive and in keeping with the character of the neighborhood.

2. Wall, Roof or Projecting Signs. Public or semipublic use, wall, roof or projecting identification sign and/or bulletin board shall not exceed six percent of the building face to which the sign is attached and in no event shall there be more than a total of two signs of either the freestanding, wall, roof or projecting type allowed per use.

B. Residential.
1. A sign advertising a subdivision, housing development or construction thereof; no more than two double-faced signs shall be allowed per subdivision or housing development. Such signs shall be located on the premises, of the use, to which the sign refers and shall be unobtrusive and reflect the character of the neighborhood. Such signs shall not exceed thirty-two square feet, shall be setback a minimum of ten feet behind all property lines, and shall be no more than ten feet in height from ground level. Once all lots or units have been sold or otherwise disposed of, the sign or signs shall be removed by the original owner, property developer, builder or agent.

2. A permanent sign identifying a subdivision, multifamily complex or building, mobile home park or subdivision, or similar housing development and located on the premises of the development. Such sign shall not exceed sixteen square feet in gross area per face, shall be placed a minimum of ten feet from all property lines, and shall not be over ten feet in height from ground level if a wall sign or five feet in height from ground level if freestanding. Each entrance is allowed one sign of either the freestanding or wall type, to a maximum of two per subdivision and/or development. Freestanding signs shall be set in a landscaped setting and designed and constructed of materials compatible with the development and the neighborhood and shall be unobtrusive.

3. For sale, lease or rent signs—Allowable area six square feet, sign shall be located inside property lines as not to restrict site distance and shall be considered a temporary sign to be removed upon the sale, rental or lease of said property. Sign shall be located on property for which the sale, lease or rental is referring.

4. Directional signs; for real estate purposes (open house or special sale)—One four square foot sign per function per street frontage, which shall be removed at completion of open house or special sale or a maximum of seven continuous days.

5. Illumination of signs in any residential district shall be limited to ground or sign level flood lighting, illuminating only the sign and not casting glare or light into neighboring properties. With the exception of individual residence nameplates and permanent development identification signs, all lighting of signs shall terminate at ten p.m.

6. Identifying home occupation signs shall not exceed four square feet in gross area, shall be limited to one per property, and shall be set back a minimum of ten feet from all property lines. The style and materials used shall be in keeping with the character of the neighborhood.

17.52.070 - Commercial (C-1, C-2 and C-3) districts.

The following signs are permitted in the C-1, C-2 and C-3 zoning districts with an approved building permit:

A. On-premise Freestanding Signs.

1. Allowable Area. Primary frontage within the C-1 and C-3 districts shall be calculated at one square foot per linear foot of street frontage of the premises up to a maximum of one hundred square feet, provided that premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of street frontage up to a maximum of fifty square feet.
2. Primary frontage within the C-2 district shall be calculated at one square foot per linear foot of street frontage of the premises up to a maximum of two hundred square feet; provided that a premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of street frontage up to a maximum of one hundred square feet.

3. Number of Signs. Each commercial building shall have not more than one freestanding sign to be located either on a primary frontage or a secondary frontage. A business complex shall have not more than two freestanding signs; one sign to be located on a primary frontage and the second sign located on the secondary frontage.

4. Height of Sign. Maximum height in all C-2 districts shall not exceed thirty feet. Businesses or business complexes of 1.5 acres or greater located within five hundred feet of the traveled way of the I-5 corridor (including off ramps and the frontage roads known as Pacific and Atlantic) may be allowed one freeway oriented sign not to exceed forty-five feet in height. Such sign must be placed within five hundred feet of the travel way of the I-5 corridor. Maximum height in C-1 and C-3 districts shall not exceed twenty-five feet.

5. The placement of freestanding signs or pole signs shall be in such a fashion and location as to not unreasonably obstruct the safe vision of motorists and pedestrians, nor unreasonably obstruct the view of signs on adjacent properties.

6. Freestanding or pole signs shall not be located closer than one hundred feet to another freestanding sign along the same side of the street or right-of-way, except if the establishment’s lot width would result in less than one hundred feet, the distances between signs shall be the maximum possible.

7. Each freestanding or pole sign shall have a landscaped area twice the size of the sign face area around at the base of the sign. Pre-existing developments may be exempt from the landscape requirement subject to the approval of the public works director or his or her designee.

8. If more than one business in an area where businesses share the use of a parking lot, structure, parcel or facility, has the need of a freestanding, pole sign, or monument type sign, all signs shall be located together on the same joint use sign.

9. One sandwich board or A frame sign is allowed. The sign shall be situated on the private property of the location of the business or within the planting strip right-of-way immediately at the front of said business, and is erected only during hours of operation. Where the sidewalk immediately at the front of said business is six-feet wide or greater, an A frame sign may be situated in the public sidewalk as long as forty-four inches of pedestrian travel area, or current ADA standard, whichever is greater, is maintained at all times. Such signs shall not be placed so as to obstruct traffic or visibility. A minimum of forty-four inches of pedestrian travel area must be maintained at all times.

10. For the purpose of informing and directing traffic, on-premises directory signs, menu boards, bank machines and height warning signs are permitted; provided the signs are not oriented to and not intended to be legible from a street or other private property. On-site directory signs shall not exceed thirty-two square feet in area and eight feet in height.
11. For the purpose of informing and directing traffic; on-premise directional signs are permitted; provided the placement of such signs shall be situated in such a way as not to create a vehicle or pedestrian hazard; shall be limited to not more than two signs per business; shall not exceed sixteen square feet in area and eight feet in height.

B. Off-premise Signs.

1. Any second party sign that advertises goods, products, services or facilities, or directs persons to a location different from where the sign is installed and that does not relate strictly to the lawful use of the premises on which it is located may be allowed in the highway commercial (C-2) district provided; such signs shall be unobtrusive in nature; shall not exceed thirty-two square feet in gross area per sign face; shall be limited to one double faced sign on the premise of either the off-premise type or on-premise type; and shall be subject to written permission by the property owner of said site where the off-premise sign is located. Off-premise signs shall not exceed ten feet in height. Off-premise sign shall be subject to building permit approval.

2. Off-premise signs shall not be posted in state, county or city rights-of-way, on telephone poles, utility poles, bridge abutments, traffic signs or other public structures. Off-premise signs shall not be affixed to or painted on trees, rocks, or other natural features. Such signs shall observe the corner vision requirements and shall be placed in such a manner that does not create any type of traffic hazard. All off-premise signs shall be aesthetically pleasing and unobtrusive in nature.

C. On-premise Wall, Window, Roof Projecting.

1. Allowable Area. Primary frontage within the C-1 and C-3 districts shall be calculated at one square foot per linear foot of building frontage as measured horizontally along the side building elevation at the appropriate frontage, up to a maximum of one hundred square feet total sign area. Primary frontage within the C-2 district shall be calculated at one square foot per linear foot of building frontage as measured horizontally along the side building elevation at the appropriate frontage, up to a maximum of two hundred square feet total sign area; provided that a building elevation with less than thirty-two feet of horizontal length shall be allowed a maximum of thirty-two square feet of sign area. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of building frontage up to a maximum of fifty square feet.

2. Number of Signs. Three per primary frontage; one per secondary frontage; and in no event shall there be more than a total of four wall, roof or projecting signs per business.

3. In any building occupied by more than one business, the maximum sign area on each primary frontage shall be shared proportionally by those businesses whose main public entrance is along that frontage. Where applicable, the sign allowed on the secondary frontage shall be a joint use sign.

4. The maximum sign area per primary frontage may be divided between projecting, wall and first floor window signs. The total sign area per frontage shall be determined by adding together the area for all types of signs.

5. Each business shall be allowed one painted window sign in addition to the maximum number of signs and square footage allowed by this chapter for the limited purpose of identifying the business owner,
business name and hours of operation. The sign shall not cover more than six square feet of window area where it is located.

6. For buildings located on or within one foot of the street right-of-way line, projecting signs shall project no more than five feet from the walls to which they are attached.

7. All projecting signs shall be at least ten feet above sidewalks and walkways.

D. Awnings and Canopies.

1. Awnings and canopies shall not be considered signs, except that the area of any awning or canopy, which displays advertising copy, shall be considered a sign.

2. Advertising copy, which appears on any side of an awning, or canopy, which most nearly parallels the side of the building, shall be treated as a wall sign, and shall be subject to all the requirements of this chapter which apply to wall signs affixed directly to a building.

3. Advertising copy which appears on any side of an awning or canopy which is generally perpendicular to the side of the building, shall be treated as a projecting sign, and shall be subject to all of the requirements of this chapter which applies to projecting signs affixed directly to a building. In the event advertising copy appears on two sides of an awning or canopy which are perpendicular to the same wall, those sides shall be considered one projecting sign.

4. Marquees, awnings, and canopies shall not extend further than the curb of the street.

E. Sign Illumination. The light from any illuminated sign shall be shaded, shielded or directed so that the light will not be objectionable to surrounding uses, residential areas and public safety. No sign shall have rotating, flashing or blinking lights or other illuminating device that changes in light intensity, brightness or color except as follows:

1. In the central business (C-1) district and the highway commercial (C-2) district one changing image sign shall be allowed per business.

2. In the central business (C-1) district and the highway commercial (C-2) district, changing image signs are allowed for alphanumeric messages. Changing image signs may scroll, travel and may not change information more frequently than once every two seconds.

3. In the central business (C-1) district changing image signs shall not exceed eight square feet in area and the lighting of the message area \textit{and lighting of the background each, for a possible two color changing image sign}. The allowed changing image sign area is to be included in the total allowed sign area, not in addition to.

4. In the highway commercial (C-2) district changing image signs shall not exceed fifty percent of the total allowed sign area up to a maximum of thirty-two square feet in area. The lighting of the message area \textit{and lighting of the background each, for a possible two color changing image sign}. The allowed changing image sign area is to be included in the allowed sign area, not in additions to.
5. Rotating barber poles are allowed in all commercial districts.

F. For Sale, Lease or Rent Signs. *No more than one, double-face sign* Allowable area six thirty-two square feet *in area shall be allowed. The* sign shall be located inside property lines as not to restrict site distance and shall be considered a temporary sign to be removed upon the sale, rental or lease of said property. Sign shall be located on property for which the sale, lease or rental is referring and shall be no more than ten feet in height from ground level and more than ten feet from all property lines.

17.52.080 - Industrial (I-1 and I-2) districts.

The following signs are permitted in the I-1 and I-2 zoning districts with an approved building permit:

A. On-premise Freestanding Signs.

1. Allowable Area. Primary frontage shall be calculated at one square foot per linear foot of street frontage of the premises up to a maximum of two hundred square feet, provided that premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign.

2. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of street frontage up to a maximum of one hundred square feet, provided that a premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign.

3. Number of Signs. Each industrial business shall have not more than one freestanding business identification sign, located on the primary or secondary frontage. An industrial complex shall have not more than two freestanding signs; one to be located on a primary frontage and the second sign located on the secondary frontage. Entrance, delivery, warning and other strictly directional signs are permitted; provided each sign does not exceed sixteen square feet in area and eight feet in height.

4. Height of Sign. Maximum height shall not exceed thirty feet.

5. The placement of freestanding signs or pole signs shall be in such a fashion and location as to not unreasonably obstruct the safe vision of motorists and pedestrians, nor unreasonably obstruct the view of signs of adjacent property owners.

6. Freestanding or pole signs shall not be located closer than one hundred feet to another freestanding sign along the same side of the street or right-of-way, except if the establishment's lot width would result in less than one hundred feet, the distances between signs shall be the maximum possible.

7. Each freestanding or pole sign shall have a landscaped area twice the size of the sign *face area around* at the base of the sign. Pre-existing developments may be exempt from the landscape requirement subject to the approval of the public works director or his or her designee.

8. If more than one business in a complex where businesses share the use of a parking lot, structure, parcel or facility, has the need of a freestanding, pole sign or monument type sign, all signs shall be located together on the same joint use sign.
9. One sandwich board or A frame sign is allowed. The sign shall be situated on the private property of the location of the business or that portion of public right-of-way immediately at the front of said business, and is erected only during hours of operation. Such signs shall not be placed so as to obstruct traffic or visibility. A minimum of forty-four inches of pedestrian travel area, or current ADA standard, whichever is greater, must be maintained at all times.

B. On-premises Wall, Window, Roof Projecting.

1. Allowable Area. One square foot per linear foot of building frontage as measured horizontally along a side building elevation, at the appropriate frontage, up to a maximum of two hundred square feet per sign; provided that a building elevation with less than thirty-two feet of horizontal length shall be allowed a maximum thirty-two square foot sign.

2. Number of Signs. One per primary frontage; one per secondary frontage; and in no event shall there be more than a total of two wall, roof or projecting signs per business.

3. In any building occupied by more than one business, the maximum sign area on each primary frontage shall be shared proportionally by those businesses whose main public entrance is along that frontage. Where applicable, the sign allowed on the secondary frontage shall be a joint use sign.

4. Each business shall be allowed one painted window sign in addition to the maximum number of signs and square footage allowed by this chapter for the limited purpose of identifying the business owner, business name and hours of operation. The sign shall not cover more than six square feet of window area where it is located.

C. Awnings and Canopies.

1. Awnings and canopies shall not be considered signs, except that the area of any awning or canopy, which displays advertising copy, shall be considered a sign.

2. Advertising copy, which appears on any side of an awning, or canopy, which most nearly parallels the side of the building, shall be treated as a wall sign, and shall be subject to all the requirements of this chapter which apply to wall signs affixed directly to a building.

3. Advertising copy which appears on any side of an awning or canopy which is generally perpendicular to the side of the building, shall be treated as a projecting sign, and shall be subject to all of the requirements of this chapter which apply to projecting signs affixed directly to a building. In the event advertising copy appears on two sides of an awning or canopy which are perpendicular to the same wall, those sides shall be considered one projecting sign.

4. Marquees, awnings and canopies shall not extend further than the curb of the street.

D. Sign Illumination. The light from any illuminated sign shall be shaded, shielded or directed so that the light will not be objectionable to surrounding uses, residential areas and public safety. No sign shall have rotating, flashing or blinking lights or other illuminating device that changes in lights or other light intensity, brightness or color.
E. For Sale, Lease or Rent Signs. *No more than one, double-face sign.* Allowable area six thirty-two square feet in area shall be allowed. The sign shall be located inside property lines as not to restrict site distance and shall be considered a temporary sign to be removed upon the sale, rental or lease of said property. Sign shall be located on property for which the sale, lease or rental is referring and shall be no more than ten feet in height from ground level and more than ten feet from all property lines.

17.52.090 - Temporary signs.

A. Signs endorsing bond elections, levies, fairs, political signs, little league sign up, and similar activities shall be removed within five days following the election, event and/or last showing of any fair, show or similar activity. It shall be the joint responsibility of the property owner or tenant and the party or parties who initiated the placement of the sign or signs to remove said sign or signs, within five days after the election or event for which the sign(s) are displayed. Failure to comply with this requirement shall be deemed a violation of this chapter and each and every day for which said violation continues shall be deemed a distinct and separate violation (See Section 17.52.130).

B. Political signs shall be deemed to include those pertaining to nonpartisan, partisan, initiative and/or referendum elections. Political signs shall not exceed four feet in height or width and eight feet in length, shall not be placed or situated in such a manner to obstruct or impede the sight distance of those using the public streets and shall not be erected on public right-of-way.

C. Outdoor Sale and Temporary Advertising Signs. Individual business establishments may utilize special but temporary advertising signs or displays related only to the services and goods offered by the business. No more than two signs are to be used and the gross areas of each sign will not exceed twenty-five square feet with the total area of all signs, not exceeding fifty square feet, shall be placed in such a fashion and location as to not unreasonably obstruct the safe vision of motorists and pedestrians, and shall not exceed fifteen days unless through an approved temporary use or conditional use permit.

D. Displays utilizing banners, flags, pennants, streamers, twirlers or propellers, strings of light, flares, balloons and similar devices are permitted as seasonal decorations, grand openings or special sales. Such signs may be used for a maximum of thirty consecutive days with no more than three events per year, provided it does not adversely affect the safe vision of drivers, pedestrians or aviation traffic.

E. Beacon and Searchlights. Individual business establishments may utilize special but temporary beacons or search lights for special sales, and/or grand openings and may be used for a maximum of three consecutive days provided it does not adversely affect the safe vision of drivers, pedestrians or aviation traffic.

17.52.100 - Conditional uses.

Signs for all conditional uses in all zoning districts will be permitted as part of the conditional use approval. The sign code applicable to that zoning district, in which the conditional use is approved, shall designate the size, number and location of each sign unless otherwise noted on the conditional use allowed.

17.52.110 - Abandoned or illegal signs.
A. Any abandoned or illegal sign, any sign that exists after a business closes that advertised the closed business, any graffiti placed on a sign, building, parking lot or landscaped area, or any temporary sign that exists after its expiration time is hereby declared to be a danger to the health, safety, and welfare of the citizens of Woodland. Any sign that is partially or wholly obscured by the growth of vegetation or weeds or by the presence of debris or litter also presents a danger to the health, safety and welfare of the citizens.

B. Any such signs as set forth in subsection A of this section are hereby deemed to be a public nuisance. Any such sign shall be removed by the property owner within ten days after notice from the public works director or designee. Any sign not removed within ten days after such notice, may summarily be abated by the public works director or designee. Costs of such abatement may be assessed against the property using the procedures established in Woodland Municipal Code Chapter 8.12. C. Legal, conforming structural supports for abandoned signs may remain, if installed with a blank sign face and supporting structures are maintained.

17.52.120 - Maintenance of nonconforming signs.

Except as restricted in specific zoning districts, legally pre-existing nonconforming signs may be maintained, or altered if:

A. Structural revisions or alterations will not increase the sign's nonconformity with the provisions of this chapter.

B. Such alteration or relocation is required because of government action.

C. The sign is not changed to another nonconforming sign.

D. The sign is not reestablished after discontinuance for ninety days or more.

E. The sign is in full compliance with all other ordinances of the city.

17.52.130 - Exemptions.

The following types of signs are permitted without benefit of a building permit, all signs are required to conform to the provision of this chapter.

A. A residential nameplate sign not to exceed two square feet and bearing only the name and address of the occupant.

B. A sign announcing a product is being offered for sale at a reduced price for a limited period, provided that the sign is located within the building where the product is sold, to include the interior surface of windows and doors.

C. Special event signs, provided that all of the following conditions are met:

1. The promoter of the event receives permission from the Public Works Director or his/her designee that the event meets the following criteria for a special event, 1) the event is open to the general public, and 2) the event has broader benefits related to tourism, promotion of a charitable or civic cause, or fostering community pride and identity. Events such as the Planters Days Festival, the farmers market, the Lilac Festival, and the Tulip Festival are examples of special events; shall have first met with the public works
director or designee to obtain a determination that the proposed sign falls within the definition of a special event sign;

2. No such sign shall include moving parts or flashing lights;

3. No such sign shall be erected or displayed more than ten days before the special event it announces; and

4. Special event signs less than 6 square feet in size and no more than 3 feet in height above ground level may be placed in planting strips within the public right-of-way or with permission on private property. Special event signs can also be situated on the public sidewalk where the sidewalk is six-feet wide or greater as long as forty-four inches of pedestrian travel are, or current ADA standard, whichever is greater, is maintained at all times. Signs shall not be placed so as to obstruct traffic or visibility or in street medians or sidewalks within the public right-of-way.

5. All such signs shall be removed within three days after the conclusion of the event.

D. Temporary signs to indicate that the premises are for sale or rent. Such signs using terms such as quitting business, open for business, for sale, inquire within, for rent, open house, sold, may also include a telephone number and insignia. These signs shall not exceed two square feet.

E. Signs erected by a public official in the performance of his or her duty, on property under the jurisdiction of that official shall be allowed without a permit.

F. Campaign political signs are permissible providing the sign copy is limited to information about a candidate, political party or public issue in a current election campaign. They shall be removed within five days after the applicable election.

G. Public service directional signs for public buildings such as public schools, libraries, hospitals and similar public services facilities placed within public rights-of-way.

H. Signs of a public, noncommercial nature including, but not limited to, safety, direction, danger, and no trespassing.

I. Traffic signs, traffic control devices, traffic signals and markings installed by the city.

J. "No hunting," "no trespassing," "no dumping," "no parking," "private" and other informational warning signs, shall not exceed four square feet in gross area per sign.

K. Plaques, tablets or inscriptions indicating the name of a building, its date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are non-illuminated, and which do not exceed three square feet in surface area.

L. Product Dispensers.

M. Sandwich board or A Frame.

N. Reasonable seasonal decorations within the appropriate public holiday season. However, such displays shall be removed promptly at the end of the public holiday season.
O. The Flag of a Commercial Institution. No more than one flag is permitted per business premises, the flag shall not exceed twenty square feet in surface area, and shall be left loose to fly in the breeze.

P. Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification.

Q. Advertisement on existing theater marquees (freestanding and/or building-mounted).

R. Repair, maintenance and/or modification of existing conforming or pre-existing nonconforming signs; provided the sign's conformance or nonconformance is not structurally altered and/or increased.

17.52.140 - Permit requirements.

A. A sign permit shall be required before the placing, erecting, moving, reconstructing, altering or displaying of any sign within the city, unless expressly exempted by Section 17.52.130 of this chapter. Signs requiring permits shall comply with this chapter and all other applicable laws and ordinances.

B. Sign permit applications shall be made on forms provided by the city of Woodland, public works department. The completed application form and plans shall be accompanied by the required fee as set forth from time to time by the Woodland city council by resolution.

17.52.150 - Review procedures.

A. All sign permit applications shall be reviewed to comply with this chapter by the public works director or designee as provided in this section:

1. Name, address and telephone number of sign owners;

2. Name, address and telephone number of sign contractor or erectors;

3. Address of sign by site location;

4. Two site plans showing locations of proposed sign(s);

5. Two plans of the proposed sign with sign style and size included with a scaled design;

6. Type of sign, whether illuminated or non-illuminated;

7. Electrical permit for the sign, if illuminated.
The City has several large size residential lots many of which are currently undeveloped. While there are residential lot size minimums, there are no lot size maximums. This means a lot can be any size provided it meets the minimum size requirements. There are several approximately five acre parcels in the City, predominantly in the extreme east side of the City.

Recently, an applicant submitted a building permit to construct a 2,400 square foot garage building on one of the five acre parcels. Under the current code, Section 17.16.070(K)(1)(a): “Garages and carports shall be a maximum of one thousand square feet in floor area.” In addition, Section 17.16.070(K)(1)(b) states that “accessory buildings other than garages and carports shall be a maximum of one hundred fifty square feet in floor area.” However, 17.16.070(K)(4) states that “any number of accessory buildings are allowed, provided that the maximum lot coverage standard is not exceeded.”

Based on the current code, the proposed size of the garage building cannot be approved. Staff determined that a variance could be applied for. A minor variance, allowing a 30% deviation from the code, could allow up to 1,300 square foot. A major variance, allowing anything over 30% deviation, might allow up to the requested amount, but it is based on the code and the Hearing Examiner’s decision. Under Section 17.81.020(B), criteria for variances are listed and one such criteria is listed as “that such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to other properties in the vicinity and in the same zone in which the subject property is located.” Should the fact that the lot is much larger than the code assumes be a basis for a special circumstance relating to size?

It could be interpreted that the lot size minimums, lot coverages, accessory building size limitations, etc. are based on the assumption that the lots in the City are meant to be small, certainly much smaller than a five acre parcel. As we do not have lot size maximums, that could encourage urban estate large lots. Larger lots also decrease the amount of taxable property for the City. If the intent of the code is to encourage small lots, then a lot size maximum should be established. If the Commission does not want to establish lot size maximums, is a variance a valid process to allow larger size limitations for larger parcels?

**Growth Management Act (RCW 36.70)**

Reduce sprawl: Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Estimates of future population growth: allowing larger lot sizes could skew what is required under the GMA. The land use element should include population densities, building intensities, and estimates of future population growth. These properties are within the urban growth area and as such are marked to support population growth. The GMA also states: “…Provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth…”
Staff Report: Hearing Examiner Review of City Applications

Date: December 10, 2013
To: Planning Commission
From: Amanda Smeller, Community Development Planner
Re: Hearing Examiner review of City project proposals

The City of Woodland will be submitting future applications for projects that, under our current code, only require a staff level review. Site Plan Reviews, SEPs, and Critical Area Permits are among the permit reviews completed by staff. These would only go before the Hearing Examiner if there is a shoreline element, a conditional use element, or a major variance requested as well.

Attached is the table from Section 19.08.030 of the Woodland Municipal Code in regards to review and decision authority.

Staff feels it would make more sense, and be less of a conflict of interest, for a City project proposal to go before the Hearing Examiner. The City should not make a decision on a City project. Also attached is an email response from the Municipal Research and Services Center.
3. The phased development shall not result in requiring the city, other property owners, or latecomers, to construct public facilities that were required as part of the approved development proposal.

4. Repeal and Replace Old Section WMC 19.08.030 – Review and appeal authority.

19.08.030 - Review and appeal authority.
The following table describes development permits and the final decision and appeal authorities. All applicable administrative appeals shall be exhausted prior to initiation of judicial review. 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. As per WMC 19.06.050, appeal of the city's procedural SEPA decision or threshold determination shall be consolidated with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before the hearing examiner and any further appeal shall be made to Cowlitz or Clark County Superior Court. When decision making authority rests with the city council, appeal shall be to the county superior court. Appeal procedures for decisions and interpretations of the fire chief and building official are set forth in WMC 14.48.

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WAIVER OF VIOLATION AS OUTLINED IN WMC 17.81.020.C

"1" See WMC 19.06.040 and 19.06.050
"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" Unless the appeal includes SEPA related matters in which case appeal is to hearing examiner as set forth in WMC 19.06.050

"4" Preferably the city’s floodplain manager.

ADOPTED this 3rd day of September, 2013.

CITY OF WOODLAND, WASHINGTON

Approved:

[Signature]

Grover Laseke, Mayor

[Signature]

Georgina D. Anderson, Deputy Clerk-Treasurer

Approved as to form:

[Signature]

William Eling, City Attorney
You provide the following information and question:

The City of Woodland employs a Hearing Examiner system, and it’s spelled out in our municipal code that they make decisions for conditional use permits, major variances, shoreline decisions, appeals, etc. In the next several months the City will be submitting an application for review of a large project (Site Plan Review, SEPA, and Critical Areas Permit) on City property that our current municipal code says is a staff level review and decision. For both conflict of interest, and size of the proposed project, are we able to take this application to the Hearing Examiner even though we don't have it spelled out in our code to do so? Can our "decision" be that we would like to forward the review/decision onto the Hearing Examiner?

I’ll give you two answers: To do it right, your code really should be changed to allow for review/decision by the hearing examiner as an exception to the general rule calling for staff review and decision (“except that projects involving city projects may be submitted to the hearing examiner for review and decision.”)

On the other hand, the project could probably be sent to the hearing examiner without changing the code. From a practical standpoint, who would object? And, if they did object, would they likely file a LUPA appeal within 21 days? So, it would be better to update your code, but, as a practical matter, you could probably assign it to the hearing examiner now.