

**BEFORE THE LAND USE HEARING EXAMINER
OF CITY OF WOODLAND, WASHINGTON**

Regarding an application by the City of Woodland for) **FINAL ORDER**
site plan approval for a new 1.5-million-gallon water)
reservoir on a five-acre site located at 130 Scott) **File No. WLD-2023-021**
Hill Road in the City of Woodland, Washington) **(Woodland Reservoir No. 4)**

A. SUMMARY

1. The City of Woodland Public (the “applicant”) requests site plan approval to construct and operate a new 1.5-million-gallon water reservoir (Reservoir No. 4) on the site of the existing City of Woodland Water Treatment Plant, located at 130 Scott Hill Road; also known as Parcel No. 5062302 (the “site”). The site and abutting properties to the north, south, and west are zoned PQ-PI (Public/Quasi-Public/Institutional). Properties to the east are zoned LDR-8.5 (Low Density Residential, 8,500 square foot minimum lot size). One the new reservoir is operational the applicant proposes to decommission and remove the existing 0.5-million-gallon Reservoir No. 2. Additional basic facts about the site and surroundings and applicable approval standards are provided in the City of Woodland Staff Report dated March 10, 2024 (the "Staff Report").

2. Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about this application. City planning staff recommended approval of the application, subject to conditions of approval in the Staff Report, as amended at the hearing. The applicant’s representative testified in support of the application and accepted the findings and conditions in the Staff Report, as amended. No one else testified orally or in writing. Contested issues in the case include:

a. Whether the proposed reservoir is a “building” as defined by the Code;
and

b. Whether the reservoir complies with the setback requirements of the PQ-PI zone.

3. Based on the findings provided or incorporated herein, the examiner concludes that the applicant sustained the burden of proof that the proposed use does or can comply with the relevant approval standards of the Woodland Municipal Code (the “WMC”), provided the applicant complies with conditions of approval recommended by planning staff to ensure the proposed use does comply in fact with those standards. Therefore, the examiner approves the application, subject to the conditions at the end of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at the public hearing about this application on January 12, 2024. All exhibits and records of testimony are filed at the City of Woodland. The examiner announced at the beginning of the hearing the rights of persons with an interest in the matter, including the right to request that the examiner continue the hearing or hold open the public record, the duty of those persons to testify and to raise all issues

to preserve appeal rights and the manner in which the hearing will be conducted. The examiner disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the examiner of selected testimony and evidence offered at the public hearing.

2. City planner Malene Garcia-DeBoard summarized the Staff Report and the applicable standards and described the proposed use on the site. She noted that the applicant proposed to construct a new 106-foot diameter 29-foot-tall reservoir on the site. The reservoir is a permitted use in the PQ-PI zone. However, because the city is the applicant, the use is subject to Type III review.

3. City of Woodland planning director Travis Goddard corrected the Staff Report to note that the reservoir is a “building” as defined by the Code. The structure complies with the setback, lot coverage, and building height requirements of the PQ-PI zone.

4. City consulting engineer Ryan Walters appeared on behalf the applicant. He noted that the reservoir is part of the City’s capital water system plan, which was approved by the Washington Department of Health. The water system plan calls for a one-million-gallon reservoir to provide needed capacity to serve future development within the City. However, the existing Reservoir No. 2 is leaking. Therefore, the City is proposing a 1.5-million-gallon reservoir to replace Reservoir No. 2 and provide needed capacity for future development. The applicant will remove Reservoir No. 2 once Reservoir No. 4 is operational. He accepted the recommended conditions of approval in the Staff Report, as amended at the hearing, without exceptions.

5. No one else testified orally or in writing about the application. The examiner closed the record at the end of the hearing and announced his intention to approve the application subject to the conditions in the Staff Report.

C. DISCUSSION

1. City staff recommended approval of the application, based on affirmative findings and subject to conditions of approval in the Staff Report. The applicant accepted those findings and conditions without exception.

2. The examiner concludes the Staff Report identifies the applicable approval standards in the WMC for the application and contains affirmative findings showing that the proposal does or can comply with those standards, provided that the applicant complies with the recommended conditions of approval. The examiner adopts the affirmative findings in the Staff Report as his own, except to the extent they are inconsistent with the following findings.

3. The examiner finds that the proposed structure is a “building” as defined by the Code.

a. WMC 17.08 provides the following relevant definitions:

"Building" means any structure having a roof. When a use is required to be within a building, or where special authority granted pursuant to this title requires that a use shall be within an entirely enclosed building, the term "building" means one so designated and constructed that all exterior walls of the structure shall be solid from the ground to the roof line, and shall contain no openings except for windows and doors which are designed so that they may be closed. WMC 17.08.100.

"Roof" means a structural covering over any portion of a building or structure, including the projections beyond the walls or supports of the building or structure. WMC 17.08.640.

"Structure" means anything constructed in the ground, or anything erected which required location on the ground or water, or is attached to something having location on or in the ground, but not including driveways or other paved areas. WMC 17.08.825.

b. The proposed reservoir is a structure with a roof. Therefore, it is a "building" as defined by WMC 17.08.100.

4. As a building, the reservoir is subject to the setback, lot coverage, and building height requirements of the PQ-PI zone.

a. WMC 17.24.070 requires the following setbacks for buildings in the PQ-PI zone:

- i. 30-foot front yard;
- ii. Ten-foot side yard; and
- iii. 25-foot rear yard.

b. Based on the applicant's site plan "Drawing SP2" the proposed reservoir will be setback more than 30 feet from the east, west, and south property lines of the site. However, the north wall of the reservoir appears to be less than ten feet from the north boundary of the site. Mr. Goddard testified that the line shown on the drawing north of the reservoir is a fenceline. However, based on the City's GIS mapping, it appears to be a lot line. The examiner finds that it is feasible to relocate the proposed reservoir as necessary to meet setback requirements. A condition of approval is warranted to that effect.

c. The proposed 29-foot-tall reservoir complies with the maximum 45-foot building height limit required by WMC 17.24.080.

d. Based on the applicant's site plans, the existing and proposed structures on the site will not exceed the maximum fifty percent lot coverage allowed by WMC 17.24.090.

e. Based on the findings in the Staff Report, the proposed reservoir complies with all other applicable approval requirements.

D. CONCLUSION

Based on the findings and discussion provided or incorporated herein, the examiner concludes that File No. WLD-2023-021 (Woodland Reservoir No. 4) should be approved, because the application does or can comply with applicable standards of the WMC, provided it is subject to conditions that ensure timely compliance in fact with the WMC.

E. ORDER

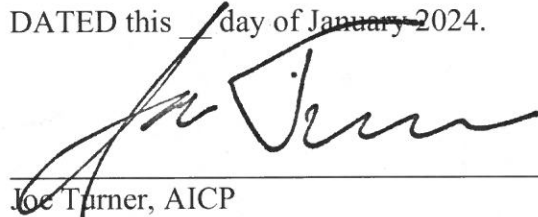
The Hearing Examiner APPROVES File No. WLD-2023-021 (Woodland Reservoir No. 4) subject to the following conditions of approval:

CONDITIONS OF APPROVAL

1. No approved site plan shall be modified or amended except after reapplication for site plan review and approval.
2. Approved site plans (without phasing) shall be null and void if complete building permit applications are not submitted within three years of the date of this approval. Site plans shall also be null and void if construction does not commence within four years of the date of this approval.
3. An Inadvertent Discovery Plan (IDP) meeting requirements established by the Washington Department of Archaeology and Historic Preservation should be prepared and provided to the City and all interested tribes before any ground-disturbing activities commence. The plan should include the methods utilized to ensure any archaeological and/or cultural resources found during construction are reported promptly to the Department of Archaeological and Historic Preservation and all interested tribes.
4. The proposal shall not increase the site's total impervious surfaces above 75%.
5. All improvements in the public right-of-way shall be completed in accordance with City of Woodland standards per Title 12.
6. A final erosion control plan will be required with final engineering plans. The applicant is required to install and maintain erosion control measures per the best management practices as outlined in WMC 15.10.
7. The proposed project must comply with all applicable regulations in WMC Title 13.

8. All lighting shall be installed and arranged to ensure that no reflection or glare shall conflict with the readability of traffic signs or control signs. Lighting shall not rotate, glitter, or flash.
9. All buildings and yards shall be maintained in a neat and orderly manner and landscaping shall be maintained in a healthy, presentable state.
10. All structures, buildings, fences, and walls shall be kept free of rust, corrosion, peeling paint, and other surface deterioration.
11. It is the applicant's responsibility to ensure their operation complies with all relevant performance standards per WMC 17.48, including sound level, vibration, air emissions, smoke, dust, odors, industrial wastes, fire hazards, heat, glare, radioactivity, and radio transmitters.
12. Applicant shall meet all requirements by Clark Cowlitz Fire Rescue, and apply for any/all required permits as determined by CCFR.
13. A Final Stormwater Technical Information Report (TIR) is required that complies with WMC 15.12 and the 1992 Stormwater Management Manual for the Puget Sound Basin as adopted by the City of Woodland
14. Building permits are required before initiating construction.
15. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling.
16. All removed debris resulting from this project must be disposed of at an approved site. Contact the Cowlitz County Environmental Health Unit (EHU) for information regarding proper management of these materials. The Cowlitz County EHU can be found at: <https://www.co.cowlitz.wa.us/1600/Environmental-Health-Unit-EHU>
17. All mechanical equipment must be screened from view from all public streets and adjacent lots and/or parcel(s) and/or uses, per WMC 17.20.090(A).
18. All trash and recycling receptacles must be screened from view from the street and neighboring lots. Provide screening enclosure dimensions with final engineering submittals.
19. Applicant shall construct proposed utilities in accordance with applicable WMC.
20. The proposed project must comply with all applicable parking regulations set by WMC 17.56.
21. The reservoir shall comply with the setback requirements of WMC 17.24.070.
22. Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Saturday. Construction is prohibited on Sundays.
23. The applicant shall provide documentation to the Community Development Department that the requirements of the Department of Ecology Stormwater NPDES permit process are met in the course of construction.

DATED this ___ day of January 2024.



Joe Turner, AICP
City of Woodland Hearing Examiner

NOTE: Only the decision and the conditions of approval are binding on the applicant as a result of this order. Other parts of the final order are explanatory, illustrative and/or descriptive. They may be requirements of local, state, or federal law, or requirements which reflect the intent of the applicant, the city staff, or the Examiner, but they are not binding on the applicant as a result of the final order unless included as a condition.

APPEAL: Pursuant to WMC 18.81.150, this decision is final and conclusive, unless an appeal therefrom is filed with the clerk-treasurer within fourteen days from the date of this final order. Such appeal shall be in writing, shall contain all grounds on which error is assigned to the examiner's decision and shall be accompanied by a fee as established by resolution of the city council; provided, that such appeal fee shall not be charged to a department of the city or to other than the first appellant.