

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

Regarding an appeal by Shayne Olsen an administrative) **FINAL ORDER**
decision approving a mixed use development on a 19.3-)
acre parcel located south of the terminus of existing) **SPR 22-001 *et seq.***
Franklin Street in the City of Woodland, Washington) **(Logan’s Landing)**

A. SUMMARY

1. Shayne Olsen, representing Belmont-Lewis Holdings, LLC (the “applicant”), requested site plan approval for a proposed commercial/residential mixed use development on a 19.3-acre parcel located south of the terminus of existing Franklin Street in the City of Woodland, Washington, known as Tax Assessor Parcel Nos. 50680023, 50729, 50730 (the “site”). An off-site street connection is proposed on Tax Assessor Parcel 50714. The site and properties to the north are zoned C-2 (Highway Commercial). Properties to the east and south, including Parcel 50714, are zoned I-1 (Light Industrial). The I-5 freeway abuts the west boundary of the site.

a. The site currently vacant, with several mapped wetlands present, primarily within the northeast corner of the site. The applicant proposed to preserve the wetlands and associated buffers as undisturbed open space. There is a wetland and drainage way on Parcel 50714 that may be impacted by construction of the proposed off-site access road.

b. The applicant proposes to develop the upland portions of the site with 272 multi-family residential units and approximately 40,640 square feet of speculative commercial space for office and/or retail use in eight buildings. Each building is proposed to include two ground floor commercial spaces for lease (one being 3,140 square feet and the second being 1,940 square feet), a 23 space ground floor parking garage, and two floors of residential apartments, with 17 units per floor. Additional surface parking is proposed behind the buildings. The applicant proposes to designate 4.1 acres of open space on the site, including one acre of active open space located behind buildings F and G.

i. Phase 1 of the development, Buildings A and B which provide 10,160 square feet of commercial space, 68 residential units, and associated improvements, is expected to start construction in the summer of 2025 and be completed in 2026. One additional phase (consisting of one building each) will be completed each subsequent year, based on market demand.

c. The applicant proposes to extend Franklin Street through the site from its existing terminus at the north boundary to the south boundary of the site. The applicant also proposed to construct a half-width street improvement through Tax Assessor Parcel 50714, between the Franklin Street extension and Old Pacific Highway. The extension of Franklin Street and the connection to Old Pacific Highway are identified as a part of the City's Transportation Improvement Program (TIP)

2. The City of Woodland Planning Director (the “director”) issued a Determination of Non-Significance (“DNS”) and a Type II decision conditionally approving the application on December 21, 2023, labeled “Staff Report & SEPA DNS, Logan’s Landing” (the “director’s decision”).

3. Attorney LeAnne Bremer filed an appeal of the director’s decision on behalf of the applicant on December 28, 2023. The applicant objected to the director’s findings that:

a. The proposed ground floor parking is not a “a permissible C1-commercial use” that would allow residential development on the upper floors of the buildings;

b. The proposed façade does not meet the architectural standards of WMC 17.36.130.H.4;

c. The applicant should be required to construct a full-width public street connection between proposed Franklin Street and Old Pacific Highway, rather than a 20-foot wide emergency access road; and

d. The applicant should be required to provide a separate striping and circulation plan.

4. City of Woodland Hearing Examiner Joe Turner (the “examiner”) conducted a public hearing to receive testimony and evidence regarding the appeal. City staff recommended that the examiner deny the appeal and affirm the director’s decision. See the City of Woodland “Staff Report Logan’s Landing Appeal” dated March 18, 2024 (the “Staff Report”). Representatives of the applicant testified in support of the appeal. One person testified orally with questions and concerns. Contested issues in the case include:

a. Whether parking needed to support the proposed commercial and residential uses is “a permissible C1- commercial use” that would allow residential development on the upper floors of the buildings;

b. Whether the proposed structures comply with the “transparency” requirement of WMC 17.36.130.H.4;

c. Whether and when the applicant proposed to extend Franklin Street through the site and provide a public road connection to Old Pacific Highway through Parcel 50714; and

d. Whether the applicant is required to provide a separate striping and circulation plan.

5. Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner denies the appeal, affirms the director’s decision, and 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 29, 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 community development director Travis Goddard summarized the director's decision, the Staff Report, and his PowerPoint presentation.

a. He argued that the proposed ground-floor parking beneath the buildings is not a separate commercial uses that can justify residential uses on the upper floors. WMC 17.32.020(10) allows “[r]esidential uses ... located above a permissible C-1 commercial use...”

i. Required parking that is accessory to the proposed commercial and residential uses is not a separate “[p]ermissible C-1 commercial use...” that can be used to justify residential uses above the parking. WMC 17.32.020(10) provides “Lobbies for residential uses on upper floors may be located on the ground floor” The Code does not allow ground floor parking for residential uses on upper floors.

ii. Former WMC 17.36.020 that was in effect when the application was filed lists the uses permitted in the C-2 highway commercial district, including (5) “Commercial parking lots and garages” and (29) “Uses permitted in the C-1 central business district”. WMC 17.32.020 lists the uses permitted in the C-1 zone, including (37) “Public and private off-street parking facilities”.

(A) The text of the Code is plain and unambiguous. These uses are limited to commercial parking facilities that are unrelated to another use, such as airport shuttle parking, a paid parking lot, or public parking facility where the public can park while shopping or recreating in the area. The Code expressly lists “commercial” parking in the C-2 zone. The term “parking facilities” used in the C-1 zone is clearly intended to refer to commercial parking facilities, rather than parking that is needed to support another use.

(B) The ground floor parking proposed by the applicant is not a separate commercial parking lot/garage or a public or private off-street parking facility. The proposed parking is part and accessory to the proposed principle commercial and residential uses. Parking in the building would constitute a permissible C-1 use that could allow residential development if the parking is a stand-alone commercial parking facility, separate from the proposed commercial and residential uses. In that case the parking in the building would not count toward the parking requirements for the proposed

residential and commercial uses and the applicant would need to provide additional parking to meet the minimum requirements for those uses.

iii. Parking is not listed as a permitted use in most other zones. Therefore, under the applicant's interpretation that required parking can constitute a separate permitted use, parking would be prohibited in those zones. Interpreting the Code to find that required parking is a separate commercial use would also result in increased impact fees. An 800 square foot parking lot would require \$500,000 in impact fees.

iv. The applicant's interpretation, that required residential parking is a commercial use would allow the applicant to eliminate all commercial uses and develop the site with just high density multi-family apartments. That was clearly not the intent of the Code.

v. The examiner must give deference to the City's interpretation of its Code.

b. The applicant can be required to build a half-width street connection between the south end of Franklin Street and Old Pacific Highway.

i. The applicant originally proposed to provide a 20-foot wide gravel surfaced emergency vehicle access between Franklin Street and Old Pacific Highway. However, the City concluded that a second access is needed to serve the proposed development. The proposed development will create 272 residential units and 40,000 to 100,000 square feet of commercial development with a single access. The residential component of this development will house 20-percent of the current population of the City of Woodland. Therefore, the City issued a Determination of Significance ("DS") for the proposed development. The applicant appealed the DS and agreed to redesign the access. The City agreed to withdraw the DS based on the applicant's proposal.

ii. The applicant submitted a revised application with a larger amount of ground floor commercial use, less ground-floor parking, and a half-width street connection to Old Pacific Highway. The applicant proposed to construct the project in two phases. Phase 1 would consist of Buildings A and B and construction of roughly 600 feet of Franklin Street, extending this street to the Phase 2 boundary. Phase 2 would consist of Buildings A and B and the extension of Franklin Street to the south boundary of the site, a half-width street connection to Old Pacific Highway, and construction of one building per year, depending on market conditions. The applicant's traffic analysis included this public street connection. The City approved the proposed application, including the proposed half-width street connection.

iii. The applicant could be allowed to construct a gravel surfaced emergency access with curb, gutter, and sidewalk, and address any wetland impacts, with Phase 1. The applicant could complete the half-street improvement prior to construction of the 100th residential unit in Phase 2. The comprehensive plan requires connections within and between neighborhood to allow access to schools and recreation. However,

this project will create residential uses in a commercial zone, which does not have these facilities. Therefore, a pedestrian connection is needed to serve the proposed residential development, beginning with Phase 1. The proportionality analysis must consider the impacts of the entire project.

iv. With this appeal the applicant proposed to change the application, removing or delaying the half-width street connection to Old Pacific Highway. A second access will be required to serve the full development. Absent a clear phasing plan showing when this street connection will be provided, the City cannot determine when that requirement will be triggered. Elimination of this street connection changes the environmental analysis and requires additional SEPA review. Therefore, if the examiner grants the appeal the application should be remanded to the City for further SEPA review, as the applicant has significantly changed the proposal. The City can withdraw the DNS and issue a DS based on that change.

c. The application does not comply with the architectural design standards of WMC 17.36.130.H.4.a, as the building frontage does not provide thirty percent clear "vision" glass on the ground floor façade. The applicant proposed openings, with no glass, in the portion of the building façade where parking is proposed. The express intent of this provision is to provide pedestrian interest. The applicant's proposal conflicts with the intent to reduce the prominence of parking lots by locating them to the side and rear of buildings and screening views of parking.

d. Staff did not intend to require a separate striping and circulation plan. Staff only intended to require that the applicant demonstrate compliance with ADA requirements for curb cuts and ensure that the project provides adequate pedestrian and bicycle circulation.

3. Deputy Fire Marshall Mike Lackey noted that because the proposed emergency access will serve more than 100 residential units, the Fire Code requires a 26-foot wide paved emergency access. Sections 103 and 105 of Appendix D of the Uniform Fire Code require a secondary access for more than 100 residential units. Construction of the third building will trigger the need for this connection, as the development will exceed 100 dwelling units. Providing two entrances to this development would benefit the health and welfare of the citizens. Therefore, it would be better to provide this connection with Phase 1. Section 103.4 of Appendix D requires emergency vehicle turnarounds on streets longer than 100 feet. The Fire Code also requires that emergency access drives be "non-pervious" which has been interpreted to require pavement.

4. Attorney LeAnn Bremer and planner Ed Greer, testified on behalf of the applicant.

a. Ms. Bremer summarized her written Memorandum dated March 21, 2024.

i. She agreed with the City's proposed resolution of appeal issue 4, regarding a signing and striping plan, as discussed on page 11 of the Staff Report. The applicant can address the City's concerns through the final engineering process. She

requested the examiner adopt the language on page 11 of the Staff Report as a condition of approval.

ii. She argued that the proposed ground floor parking is a commercial use that can justify residential uses on the upper floors of the building.

(A) Parking is a permitted use in the C-1 and C-2 zones. WMC 17.32.020(37) allows “Public and private off-street parking facilities” in the C-1 zone. WMC 17.36.020(5) allows “Commercial parking lots and garages” and in the C-2 zone.

(B) WMC 17.32.020(10) allows dwelling units in the C-1 zone, “provided residential uses are located above a permissible C-1 commercial use and adequate off-street parking is provided pursuant to Chapter 17.56”. WMC 17.36.020(29) allows “Uses permitted in the C-1 central business district.”

(C) The ground floor parking proposed by the applicant is a permissible commercial use, either a “private off-street parking facility” allowed by WMC 17.32.020(37) or a “commercial parking lot[or] garage[.]” allowed by WMC 17.36.020(5). The plain language of the Code does not require payment for, or prohibit limits on, parking provided by these allowed uses. Therefore, the applicant can provide residential units on the upper floors of the building pursuant to WMC 17.32.020(10) and WMC 17.36.020(29). It could be argued that the “Commercial parking lots and garages” allowed in the C-2 zone require a fee. However, WMC 17.32.020(37) allows “Public and private off-street parking facilities” with no mention of commercial.

(D) Parking areas can be a permitted use and support another use at the same time.

iii. The proposed buildings meet the intent of the transparency requirement of WMC 17.36.130.H.4.a. As proposed, 18% of the building frontage is glass and 42% is transparent openings with no glass. The proposed openings fulfill the stated intent of providing a visual connection between activities inside and outside of buildings and encouraging pedestrian activities on the fronting public streets. The proposed parking garage is a building, not a parking lot. Therefore, locational and screening requirements for parking lots are inapplicable.

iv. The City has no authority to require a half-width street connection to Old Pacific Highway. The City has not demonstrated compliance with the requirements of *Burton v. Clark County*, 91 Wn. App. 505, 520 (1998). The Code does not require cross-circulation. Traffic generated by the proposed development will not cause any intersection to exceed the City’s minimum Level Of Service (“LOS”) standard of LOS D; all affected intersections will operate at LOS C or better. The applicant will provide a secondary emergency access connection to Old Pacific Highway with Phase 1. But there is no need for curb and sidewalk. The Fire Code allows up to 200 residential units with a single access, provided all buildings are equipped with sprinklers. The City may have the authority to require a secondary access through its SEPA review, but it did not. The SEPA determination was not appealed and is now final.

v. She requested the examiner hold the record open to allow the applicant an opportunity to submit additional argument and evidence.

b. Mr. Greer noted that the City recently amended the Code to prohibit residential dwellings in the C-2 zone. However, this application vested under an earlier version of the Code that allowed residential units above commercial development.

i. The design of the proposed buildings is consistent with the intent of the Code. The building will be setback between four and seven feet from the sidewalk and will provide windows and openings in excess of the transparency requirements of the Code. It is not feasible to install glass in the parking structure openings. The intent of the Code clearly allows either windows or openings.

ii. Parcel 50714 is not part of the proposed development. That parcel is zoned I-1 (Light Industrial) and no development is proposed on that parcel, other than a secondary emergency access. The driveways on the site are wide enough to function as emergency vehicle turnarounds as Franklin Street is extended in phases.

iii. The timing of development of Phase 2 is dependent on market conditions.

5. City resident Patrick Harbison noted that the applicant's traffic study assumed that the applicant would provide a public street connection to Old Pacific Highway and 95 site generated vehicle trips would use that connection. Eliminating that connection would redirect those vehicle trips to the southern intersection of Belmont Loop and Old Pacific Highway, identified as Intersection #4 in the traffic study. That additional traffic could reduce the LOS at that intersection to less than D or trigger traffic signal requirements.

6. No one else testified orally or in writing about the application. At the end of the hearing the examiner held the record open subject to the following schedule:

a. Until February 15, 2024, to allow all parties an opportunity to submit additional argument and evidence;

b. Until February 22, 2024, to allow all parties an opportunity to respond to whatever was submitted during the first period; and

c. Until February 29, 2024, to allow the applicant an opportunity to submit a final argument.

C. DISCUSSION

Appeal Issue #1: Is the proposed ground floor parking an allowed use that may be counted to meet parking minimum requirements?

1. Former WMC 17.36.020(29) allows “Uses permitted in the C-1 central business district” as permitted uses in the C-2 zone.

2. WMC 17.32.020 lists the uses permitted uses in the C-1 zone including:

...
(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;

...
(37) Public and private off-street parking facilities;

...

3. The examiner finds that WMC 17.32.020(10) only allows residential dwelling units located above a separate, independent, commercial use.

a. This section requires “Adequate off-street parking” to serve the residential use in addition to the ground-floor commercial use. “Adequate off-street parking” is part of the residential use. It is not a separate commercial use that can justify dwelling units on the upper floors of a development. Public and private off-street parking facilities can be a separate commercial use. But the ground floor parking proposed for this development is an accessory use, not a separate commercial use.

i. WMC 17.08 provides the following relevant definitions:

“Accessory use” means a use which is subordinate in area, extent, or purpose to the principle use on the same lot. WMC 17.08.016.

“Principal use” means the main use of land or buildings as distinguished from an accessory use. 17.08.573.

“Use” of property means the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of performance or operation of such activity with respect to the provision of this title... WMC 17.08.845.

ii. In this case the proposed “principle use” of the site, the main purpose or activity for which the buildings are intended, is commercial and residential. The ground floor parking is accessory to, and part of, the proposed principle commercial and residential uses. Parking will be located on the same lot as the commercial and residential uses and the parking is subordinate to those uses, as there is no reason to

provide this parking but for these primary uses. Therefore, the proposed ground floor parking is not a separate “C-1 commercial use” and the ground floor parking cannot justify residential uses on the upper floors of the buildings.

b. The proposed ground floor parking is not a separate “commercial use” required by WMC 17.32.020(10).

i. The Code does not define the term “commercial.” Therefore the examiner must refer to the dictionary definition of this term. *Lyft, Inc. v. City of Seattle*, 190 Wash.2d 769, 781, 418 P.3d 102 (2018) (where a term is undefined, its usual and ordinary meaning may be determined from the dictionary definition). Webster’s Dictionary provides the following relevant definitions:

Commercial:

1 a (1) : occupied with or engaged in commerce or work intended for commerce

a *commercial* artist

(2) : of or relating to commerce

commercial regulations

commercial services

(3) : characteristic of commerce

commercial weights

(4) : suitable, adequate, or prepared for commerce

found oil in *commercial* quantities

(“Commercial.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/commercial>. Accessed 16 Mar. 2024).

Commerce

...

2 : the exchange or buying and selling of commodities on a large scale involving transportation from place to place

a major center of *commerce*

interstate *commerce*

(“Commerce.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/commerce>. Accessed 16 Mar. 2024).

ii. The proposed parking will not be used for “commerce” as the applicant will not sell or lease the parking spaces. Parking must be available to serve the proposed commercial and residential uses in the buildings.

c. This interpretation, that required parking is not a separate commercial use, is consistent with the purpose of the C-1 zone set out in WMC 17.32.010:

The central business district (C-1) is a zoning classification providing for a wide range of retail and professional

business uses and services compatible to the central business district of Woodland and providing a focal point of commerce in a setting conducive to safe, convenient, and attractive pedestrian use...

Parking required to support commercial or residential uses is not a business use or service.

d. The applicant's interpretation, that parking required to support a residential use is a "commercial use" that can justify upper story residential development, ignores the word "commercial" in the Code. As discussed in more detail below, the examiner must interpret the Code to give effect to all of the words in the ordinance and may not add to or delete words from the Code. In addition, the applicant's interpretation would allow development in the C-1 and C-2 zones that is exclusively residential, provided parking is provided on the ground floor of the buildings. (See the applicant's February 29, 2024, Memorandum to the examiner at pages 1-2). That is inconsistent with the intent of these commercial zones. The C-1 zone is intended to provide "[f]or a wide range of retail and professional business uses and services..." WMC 13.32.010. The C-2 zone is intended to provide "[f]or commercial services ..." WMC 13.36.010. Residential uses are not allowed except when "[l]ocated above a permissible C-1 commercial use..." WMC 13.32.020(10).

i. The applicant's interpretation is also inconsistent with the purpose statement of the zoning Code set out in WMC 17.04.040:

- A. To classify uses and to regulate the location, design, and operation of such uses in such a manner as to group as nearly as possible those uses which are mutually compatible;
- B. To protect each group of uses from the intrusion of incompatible uses which would damage not only the public's general health, welfare, and safety, but also the security, value, and stability of the land and improvements thereon;

...

Allowing free-standing residential development in these commercial zones with no commercial component would frustrate these purposes as it would allow potentially incompatible exclusively residential development in commercial zones.

4. WMC 17.36.020(5), which allows "Commercial parking lots and garages" is not relevant to this issue, since this is not a "Use[] permitted in the C-1 central business district..." This use is only allowed in the C-2 zone. Even if it were an allowed use in the C-1 zone, the proposed ground floor parking does not constitute a "commercial" parking lot or garage as discussed above.

Appeal Issue #2: Does the proposed ground floor façade transparency requirements of WMC 17.36.130.H.4.a?

5. WMC 17.36.130.H.4.a provides, in relevant part:

Transparency.... Intent: To provide a visual connection between activities inside and outside of buildings, and encourage pedestrian activities on the fronting public streets.

a) A minimum of thirty percent of any ground floor facade*¹ that is visible from any public street, public space, or residential zone shall be comprised of windows with clear "vision" glass*².

*¹ The portion of the facade between three feet and seven feet above grade.

*² Clear "vision" glass shall be transparent, and shall not include translucent or reflective glass.

6. The applicant proposed to provide 24% clear vision glass for the retail/office portions of the building, and 41% of openings with no glass in the parking portions of the building (to provide vent openings for the parking structure) on the ground floor building façades that are visible from the public street.¹ The applicant argues that “Transparency means the ability to see-through the wall and openings without glass meet this requirement. The intent of the code is to not have solid walls...” (Applicant’s December 28, 2023, Appeal Letter at page 9).

7. The examiner finds that the proposed ground floor façade does not comply with the Code. The applicant’s interpretation ignores the wording of the ordinance, which requires “glass.” Although WMC 17.36.130.H.4 provides that this section is intended “To provide a visual connection between activities inside and outside of buildings, and encourage pedestrian activities on the fronting public streets”, the Code goes on to provide that that intent is met through the provision of “[]windows with clear "vision" glass.” The examiner may not ignore or delete words from the ordinance. The ordinance must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous. *State v. JP*, 149 Wash.2d 444, 450, 69 P.3d 318, 320 (2003). The applicant’s reference to the intent of the ordinance is misplaced as the wording of the ordinance is clear and unambiguous. (When statutory language is plain, its meaning must be derived from its wording.) *State v. Elgin*, 54 Wn.App. 739, 741, 775 P.2d 991 (1989). The plain text of the Code requires “glass”. Although openings in the wall may provide similar views and, arguably, meet the stated intent, openings without glass are not sufficient to comply with the express requirement of this Code provision. This is also consistent with the City’s interpretation, to which the examiner must give deference. *Milestone Homes*.

Appeal Issue #3: Is the applicant required to provide a half-width street connection to Old Pacific Highway?

8. The applicant’s proposed preliminary plat changed over time.

¹ The applicant originally proposed to provide 18% clear vision glass and 42% openings with no glass. However, the applicant submitted a revised design during the open record period. Attachment A of the applicant’s February 15, 2024, memorandum.

a. The plan submitted with the pre-application application terminated Franklin Street short of the south boundary of the site and did not include a connection to Old Pacific Highway. (“Staff Final Comment Letter (attachment packet) 2/22/24, page 36)².

b. The applicant submitted a revised site plan dated March 1, 2022, showing the extension of Franklin Street to the south boundary of the site and a gravel emergency access connection between the southern extension of Franklin Street and Old Pacific Highway. (Exhibit 27). The “Revised Narrative” dated March 11, 2022 (Exhibit 33), notes that the applicant proposed to construct the project in phases. “Phase 1 consists of Bldgs A and B, within the limits indicated on the Preliminary Site Plan. Subsequent phases will be determined by market demand... It is anticipated that market demand will allow approximately one new building every 1.5 years. Total buildout is estimated to be completed in 2033.” (Exhibit 33 at page 1). The narrative further provides:

Tax lot 50714 has extensive wetlands that prohibit the possibility of extending a public street easterly to Pacific Highway. There is however, an existing gravel access drive accessing Pacific Highway that will be connected to the end of proposed Franklin Street for emergency vehicles... Phase 1 will construct 102 dwelling units. Since subsequent phases will add additional residential units, Phase 2 will construct a connection from the end of proposed Franklin Street to the existing access drive along the southerly portion of Parcel 50714 that will connect the temporary end of Franklin Street to Old Pacific Highway.”

(Exhibit 33 at page 7).

The narrative also references the traffic study dated March 10, 2022, which the City identified as Exhibit 32, which also states that the applicant will provide a secondary emergency vehicle access to Old Pacific Highway via Parcel 50714. (Exhibit 32 at pages 3, 4 (Figure 2), and 17).

c. The City issued a Determination of Significance (“DS”) for this project on March 8, 2022. (Exhibit 29). The applicant appealed the DS. (Exhibit 50). The City withdrew the DS based on the applicant’s proposal to submit a revised application. (Goddard testimony).

d. The applicant submitted a second revised site plan dated August 22, 2023 (Identified as “Preliminary Site Plan” on the City’s website for “Logan’s Landing (Revised Submission 8.14.2023)”), and a revised narrative dated August 1, 2023, revised September 14, 2023 (Identified as “Revised Project Narrative” on the City’s website for “Logan’s Landing (Revised Submission 8.14.2023)”). The August 22, 2023, site plan shows a half-width street connection over tax Parcel 50714. A note on that portion of the

² The examiner is unable to determine the date of this plan from the online copy of this document.

site plan states “Half-street to be constructed with Phase 2 w 25’ of pavement & curb & gutter on north side.” The revised narrative provides:

Tax lot 50714 will be used for a new half street to connect Franklin Street to Old Pacific Highway during Phase 2 construction.... The project proposes a phased development consisting of 8 similar buildings located on both sides of the proposed southerly extension of existing Franklin Street. Phase 1 consists of Bldgs A and B, the stormwater facility, 0.4 acre of active open space, and an approximately 600 feet of southerly extension of Franklin Street, within the limits indicated on the Preliminary Site Plan. Subsequent phases will be determined by market demand....It is anticipated that market demand will allow approximately one new building every year.”

The narrative goes on to state “Phase 1 will provide less than 100 residential units, therefore a secondary access is not required until Phase 2 is constructed. At that time a half street connection to Old Pacific Highway will be constructed as shown on the Preliminary Site Plan.” (9/14/23 Revised Narrative at page 7). The applicant also submitted a revised traffic analysis dated July 31, 2022, which analyzed the half-width street connection to Old Pacific Highway. (Identified as “Traffic Impact Analysis” on the City’s website for “Logan’s Landing (Revised Submission 8.14.2023)”).

(9/14/23 Revised Narrative at page 1).

9. The City reviewed and approved the revised site plan with the half-street connection between Franklin Street and Old Pacific Highway. (See the site plan included at page 4 of the Notice of Application. (Identified as “SPR-22-01 Notice of Application and SEPA Preliminary Determination” on the City’s website for “Logan’s Landing (Revised Submission 8.14.2023)”)). The director’s decision included the August 22, 2023, site plan showing a half-street connection between Franklin Street and Old Pacific Highway. (Attachment A of the director’s decision). The City approved the applicant’s proposal to construct proposed Buildings 3 through 8 as additional phases, “as determined by market demand.” Contrary to the applicant’s assertion on appeal, the revised application did not propose to segment the extension of Franklin Street beyond Phase 1, extending Franklin street only as needed to serve the building proposed in a particular phase. The revised site plan and narrative expressly proposed to extend Franklin Street to the south boundary of the site and construct a half-width street connection to Old Pacific Highway with Phase 2 of the development. Subsequent phases, as described in the applicant’s narrative, and approved by the City, are limited to construction of the proposed buildings at a rate of one per year, “as determined by market demand.”

10. The examiner finds that the City approved what the applicant proposed in their revised submittal, including construction of the entire Franklin Street extension through the site and a half-street connection through Parcel 50714 between Franklin Street and Old Pacific Highway with Phase 2, as clearly stated in the revised narrative

and site plan. The City is not required to demonstrate that the street connections the applicant proposed to provide are required by the Code or are proportional to the impact of the development. The applicant offered to provide those improvements with Phase 2 of the development and that is what the City approved. If applicant now wants to change their application to delete that connection they must do so through a post-decision review or submit a new application. The applicant cannot revise their proposal through this appeal.

Appeal Issue #4: Is the applicant required to provide a Striping and Circulation?

11. The parties agree that this issue can be resolved through review of the final site plan and final engineering plans and a striping and circulation plan is not required. (See the Appeal Staff Report at page 10, the applicant's January 25, 2024, memorandum at page 5, and the applicant's February 15, 2024, memorandum at page 8). The examiner finds that a separate striping and circulation plan is not required provided the final site plan and final engineering plans provide the detail needed to show that there will be adequate circulation for pedestrians and bikes. The applicant agreed to a condition of approval to that effect.

D. CONCLUSION

Based on the findings and discussion provided or incorporated herein and the public record in this case, the examiner denies the appeal and affirms the director's decision.

E. ORDER

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner hereby denies the appeal and affirms the director's decision approving SPR 22-001, CAR 22-001, SEP 22-003 and NOW WLD-2023-006 (Logan's Landing), subject to the following revised conditions.

CONDITIONS OF APPROVAL

1. The following impact fees have been estimated based on the preliminary application and will be due at time of building permit issuance and are subject to change:
 - a. School District Impact Fees:
 - i. Multi-Family:
 - A. One Bedroom Units (Up to 800 SF): \$2,000/Unit x 0 units = \$0.00
 - B. Two- and Three-Bedroom Units: \$5,900/Unit x 272 Units = \$1,604,800
 - C. Estimated total School District Impact Fees: \$1,604,800.
 - b. Fire Impact Fees:
 - i. Multi-Family: Estimated to be \$378,872 (\$1,426/unit)
 - ii. Commercial: Estimated by square feet at \$.51 per sq. ft.
 - c. Park/Recreation Impact Fee:
 - i. Multi-Family: Estimated to be \$1,245,760 (\$4,580/unit)

- d. Transportation Impact Fees:
 - i. Per square foot of heated space:
 - \$3.64 per sq. ft. (until November 6, 2024)
 - \$4.09 per sq. ft. (between November 7, 2024, and November 6, 2025)
 - \$4.54 per square foot (after November 6, 2025)
2. Pay all impact fees when building permits are issued per WMC 3.42.
3. All improvements in the public right-of-way shall be completed in accordance with City of Woodland standards per Title 12. This will include street trees and improvements along Old Pacific Highway.
4. The proposed development is required to bond for its proportional impact to the force main sewer between Lift Station #12 and Lift Station #4 and improvements to Lift Station #4 once the capital projects are to be constructed.
5. Construct proposed utilities in accordance with applicable WMC.
6. Comply with water supply backflow and cross-connections requirements of WMC 13.28.
7. The fire mains shall be public mains with a 15-foot-wide easement to the City.
8. A revised critical area report and mitigation plan will be required as part of the final engineering process. This report shall consider the impacts from the road that will be built on parcel #50714 as approved by the final engineering plans. Applicant is responsible for complying with the following conditions of approval related to their critical areas permit:
 - a. Mitigation shall be implemented in accordance with the Woodland critical areas ordinances and shall be implemented as presented within the approved mitigation plan.
 - b. Mitigation shall not be implemented until all applicable land use, and building permits are approved and issued, and directly following identified impact(s) to the critical area (prior to construction of the road).
 - c. As necessary, the applicant shall provide the City with a copy of the monitoring reports outlined within the approved Critical Area Report and Mitigation Plan. The monitoring plan shall be updated to specifically note this requirement.
 - d. Applicant shall delineate critical area boundaries present on site in accordance with survey standards.
 - e. Applicant shall identify the outer boundary of critical area buffers on the development site with brightly colored construction fencing and temporary signs prior to any site development.
 - f. Applicant is responsible for recording a deed restriction stating that limitations to development may exist due to the presence of a critical area and/or buffer prior to final project approval. This boundary shall be delineated with some type of permanent means.
 - g. Applicant shall provide an updated Critical Areas Report and Mitigation plan alongside the civil engineering noting that the contractor will be required to use the best management practices from the Washington State Department of Fish and Wildlife should a protected species is discovered on the site during construction. The same statement shall be noted on the provided final site plan.

9. Install and maintain on-site erosion control throughout the duration of construction of the project. Include a Construction SWPPP report as well as an erosion control plan with the final engineering submittal.
10. Apply for a fill and grade permit and CSGP permit, as applicable.
11. Submit a final, revised stormwater TIR that addresses comments on the Plans and Preliminary TIR.
 - a. This TIR must be submitted to the Department of Transportation and Consolidated Diking Improvement District #2 for concurrent review.
12. A final site plan showing parking calculations shall be submitted with the final engineering plans. Said calculations shall consider the findings above and reflect the exclusion of parking that is internal to the buildings as discussed above. The site plan shall show the size and number of spaces, as well as the location, phase and/or building for which they are dedicated to. The use of up to 17% of compact spaces may be accepted for the final parking plan. The plan must show how ADA parking standards can be met by phase.
13. Applicant and/or property owner is responsible for complying with the following conditions during the life of the development and notes reflecting these standards should be added to final site plan:
 - a. Maximum height for the zone is 45 feet with a minimum height of 15 feet. All rooftop equipment will be screened to meet WCM 17.36.080.
 - b. Applicant is responsible for maintaining all buildings and yards in an orderly manner including the keeping of landscaping in a healthy and presentable state. This shall include all plazas and any balconies visible from a public street or right-of-way.
 - c. The project will include no 3-bedroom units or larger unless it can be shown that parking has been provided for such units at a rate of 2 parking spaces per unit.
 - d. All exterior mechanical devices shall be screened from surrounding properties and streets and shall be operated in such a manner that they do not disturb the peace.
 - e. Lighting shall not cast glare on to adjacent properties. Lighting shall not rotate, glitter, and/or flash per WMC 17.46.140.
 - f. Proposed signage will require a separate sign permit and must comply with WMC Chapter 17.52.
 - g. The applicant will be responsible for ensuring that their operation is complying with all performance standards of WMC 17.48 (hazards and nuisances including sound level, vibration, air emissions, smoke, dust, odors, industrial wastes, fire hazards, heat, glare, radioactivity and radio transmitters).
 - h. Signage throughout the site shall be in compliance with the approved signage master plan approved for this project. A copy of the master plan must be submitted with each sign application on this site.
14. The approval of this site plan is good for three years. During that time, per WMC 19.10.100 complete building permit applications for Buildings A & B must be submitted. Construction must be commenced within four years of this decision or the site plan shall become null and void.
15. Provide as part of the final engineering plan review, a complete phasing plan will be required. The phasing plan must include exact phasing lines outlining the timing of

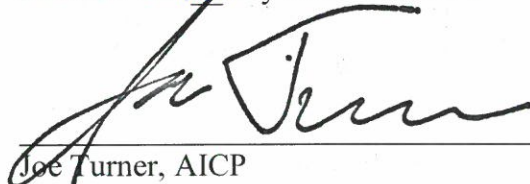
public improvements including streets and utilities, bonding, parking and landscaping, and the timing for each phase.

16. Submit site plan to CCFR for review. Include any required revisions with the civil engineering submission. All work subject to field inspection and correction as identified at the time of the on-site inspection; all work shall be compliant with the applicable standards and codes; to include the adopted edition of the International Fire Code and the City's Municipal Code.
17. Building/construction plans must be submitted to CCFR separately, along with fire alarm and/or fire sprinkler alterations. It is the responsibility of the applicant to comply with any and all conditions placed upon the development by CCFR as the City of Woodland will not approve any proposed development without CCFR approval.
18. The applicant is responsible for providing updating building plans to comply with the above criteria at time of application for a commercial building permit.
19. Applicant is required to install a RPBA (Reduced pressure backflow assembly) on the connection(s) to the city water supply. Call this out on provided utility plan(s) submitted for civil review.
20. The applicant is responsible for complying with the Department of Ecology comments and obtaining all required permits prior to final approval of the engineering and commencement of construction.
21. Provide the City and the Washington State Department of Archaeology & Historic Preservation an archaeological report meeting DAHP's Standards for Cultural Resource Reporting or an approved inadvertent discovery plan, prior to building permit issuance.
22. As noted in the Washington State Department of Transportation comments, the applicant is responsible for getting the stormwater plan reviewed and approved by the WSDOT and any permits obtained prior to final approval of the final engineering plans.
23. As noted in the Consolidated Diking Improvement District #2 comments, the applicant is responsible for getting the stormwater plan reviewed by CDID #2 prior to approval of final engineering. Addressing the concerns of CDID #2 and WSDOT will be required prior to final approval of the final engineering plans.
 - a. The stormwater submittal to CDID #2 must include the stormwater report for Pacific Park Center.
 - b. The stormwater submittal must address the groundwater mounding analysis and monitoring concerns requested by the district.
24. The applicant is responsible for coordinating the final stormwater review between the city, WSDOT, and CDID #2 to ensure that all the parties are reviewing the same information and that correspondence is coordinated during the review. Please contact the project planner for the city if assistance in this coordination is needed.
25. Provide architectural elevations of all proposed trash enclosure(s) and specifications of all container(s) proposed, including capacity, dimensions, and height of proposed receptacle, as well as dimensions and height of screening measures proposed.
26. Provide a Final Landscaping plan prepared by a qualified landscape professional alongside civil engineering submittal that meets the following conditions:

- a. The final landscaping plan shall indicate that street trees will be provided along street frontages by the applicant and/or their designee.
 - b. All trees identified in the landscaping plan must identify their caliper size at the time of planting measured at four feet above grade.
 - c. All street trees identified on the final landscaping plan must have a caliper measurement of at least two inches at the time of planting.
 - d. Add a note to the final landscaping plan that acknowledges that the property owner is responsible for maintaining on-site landscaping shall be permanently maintained in a neat and orderly condition per WMC 17.20.090 (B).
 - e. Add a note to the final landscaping plan that street trees shall be maintained in a manner consistent with WMC 12.28.060.
 - f. Trees shall be selected from the City's approved street tree list whenever possible. The approved street tree list may be found on the City's website here: <https://www.ci.woodland.wa.us/publicworks/page/street-trees>.
27. Provide a final engineering plan set for Civil review that includes updated utility plan(s) that demonstrates compliance with the following conditions:
- a. Construct proposed utilities in accordance with applicable WMC and submit an analysis of anticipated peak hour sewer discharge and water consumption for this development for review by the City. Upgrades to existing water and sewer infrastructure may be required of the developer.
 - b. Comply with water supply backflow and cross-connections requirements of WMC 13.28.
 - c. The fire mains shall be public mains with a 15-foot-wide easement to the City.
 - d. Pay all water and sewer connection fees and assessments at time of connection.
28. Provide a final engineering plan set for Civil review that includes a final erosion control plan that demonstrates compliance with the following conditions:
- a. Install and maintain on-site erosion control throughout the duration of construction of the project.
 - b. A fill & grade and NPDES permit will be required.
29. Provide a final stormwater TIR alongside civil engineering submittal that demonstrates compliance with the WMC and engineering standards. Final stormwater TIR shall address the City's comments as outlined within this report:
- a. Per Woodland Municipal Code 15.12, the City of Woodland follows the 1992 Puget Sound Manual. If the applicant chooses to utilize the design practices and guidelines in the newer versions of the SWMMWW, all elements of the design for this project must meet the current Ecology manual.
 - b. Ensure the contents of the final TIR includes all information as outlined in Section 15.12.180 of the woodland municipality code.
 - c. Provide conveyance calculations for all storm pipes. The City of Woodland requires the conveyance system to be designed for the 100-year storm event.
 - d. Downstream analysis to the CDID #2 pumping facility.
30. Provide a final photometric plan for both onsite lighting and proposed streetlights alongside civil review.

- a. Provide final photometric plan demonstrating compliance with WMC 17.36.130(Q) and RCW 47.36.180.
31. Applicant is responsible for submitting a revised site plan alongside proposed final civil engineering plan(s) at Civil Review. Civil review packet should include all documents required to document the applicant's compliance with listed conditions of approval, as well as all revised engineering plans reflecting provided engineering comments. The civil review application can be found:
<https://www.ci.woodland.wa.us/planning/page/civil-review-submission>.
32. The revised site plan shall include revisions which address how the project meets the Architectural and Site Design Standards in WMC 17.36.130, as follows:
 - a. Building elevations and site plan details showing and how each building will meet the "building prominence" section (E).
 - b. Building elevations and site plan details showing and how each building will meet the "building entrance" section (G).
 - c. Building elevations and site plan details showing and how each building will meet the "Articulation and Massing" section (H).
 - d. Building elevations and site plan details showing and how each building will meet the "sidewalks and street trees" section (J)
 - e. Building elevations and site plan details showing and how each building will meet the "Curb Cuts and Driveways" section (K).
 - f. Building elevations and site plan details showing and how each building will meet the "Pedestrian & Bicyclist Connections" section (M).
 - g. Building elevations and site plan details showing and how each building will meet the "Site Screening and Buffers" section (N).
 - h. Site plan and landscaping details showing and how the site will meet the "Parking Lot Landscaping" section (O).
 - i. Building elevations and site plan details showing and how each building will meet the "Screening of Trash and Service Areas" section (P).
 - j. Building elevations and site plan details showing and how each building will meet the "Site Screening and Buffers" section (Q).
 - k. Building elevations and site plan details showing and how each building will meet the "Sign Design" section (R). This will need to include a master sign plan to ensure that signage is distributed and standardized throughout the project.
33. The final site plan and final engineering plans shall provide sufficient detail to show adequate circulation for pedestrians and bikes.
34. Following final, civil review and engineering approval, submit two (2) copies of full sized and one (1) copy of reduced size (11" x 17") of the approved civil plans (including the final site plan and landscaping plan). In addition, submit an electronic version of the approved plans including AutoCAD and .pdf formats.
35. Payment shall be made to the City for any outstanding Professional Consulting Services per WMC 19.02.110.

DATED this ^{22nd} day of March 2024.



Joe Turner, AICP
City of Woodland Hearing Examiner