



**LeAnne M. Bremer, P.C.**  
Admitted in Washington and Oregon  
leanne.bremer@millernash.com  
360.619.7002 (direct)

December 28, 2023

**VIA HAND-DELIVERY**

Hearing Examiner  
c/o of Travis Goddard, Community Development Director  
City of Woodland  
230 Davidson Avenue  
Woodland, WA 98661  
goddardt@ci.woodland.wa.us

Subject: **NOTICE OF APPEAL**  
WLD-2023-006 Notice of Decision – Logan's Landing Site Plan

To the City of Woodland Hearings Examiner:

On behalf of Belmont-Lewis Holdings, LLC, owner and applicant for Logan's Landing (Applicant), I am filing this appeal of the enclosed Staff Report and SEPA Determination of Nonsignificance dated December 21, 2023 (Notice of Decision), issued by the City of Woodland.

A party may appeal a Notice of Decision under WMC 19.08.030 and 19.06.040. This appeal is timely filed within 14 days of December 21, 2023.

This Notice of Appeal must include the following:

**A. Name and address of the party or agency filing the appeal:**

Applicant and Owner:

Shayne Olsen  
Belmont-Lewis Holdings, LLC  
PO Box 1940  
Bend, OR 97709  
(541) 306-1611  
shayne@saceinc.com

Contact Person:

LeAnne Bremer  
Miller Nash LLP  
500 Broadway Street, Suite 400  
Vancouver, WA 98660  
(360) 619-7002  
leanne.bremer@millernash.com

**B. Identification of the specific administrative interpretation or determination of which appeal is sought:**

Belmont-Lewis Holdings is appealing the enclosed Notice of Decision associated with the Logan's Landing project: Site Plan Review, Critical Areas Permit, and SEPA Checklist dated December 21, 2023.

**C. Statement of the particular grounds or reasons for the appeal:**

1. Appeal Issue #1: Ground Floor Parking is an Allowed Use and May be Counted to Meet Parking Minimum Requirements

The Appellant identifies the following findings relevant to this appeal issue:

a. Finding 19, page 11:

**Finding 19:** During the initial review of this case in 2022, staff indicated that having parking on the ground floor did not constitute a ground floor commercial use for the purposes of building residential uses above.

b. Findings 20 - 21, page 12:

**Finding 20:** The applicant counter argues that the parking in the building is commercial in nature and that the apartments on the second and third floor are therefor above a commercial use.

**Finding 21:** The applicant further argued that in the C-1 zone under "(37) Public and private off-street parking facilities" is a permitted use in the zone. Again, making those residential units above a commercial use

c. Finding 22, page 12:

**Finding 22:** Staff does not agree with this interpretation. Staff interprets (37) to apply to public parking facilities like those for City Hall and Horseshoe Lake, which are located in the C-1 district and allowed as a permitted use. Furthermore, (37) could allow for a commercial parking facility like a commercial garage structure or a commercial surface lot. Something like:

[photo]

d. Finding 23, page 13:

**Finding 23:** The applicant proposes commercial spaces on portions of each ground floor with the provision that the ground floor parking within the building will be the parking associated with those commercial spaces.

e. Finding 24, page 13:

**Finding 24:** Again, staff disagrees with this interpretation of commercial parking as a commercial parking structure under (37) as discussed above. The fact that the plan earmarks those spaces for commercial users instead of for the residential uses, does not make it meet the subsection (37).

f. Finding 25, page 14:

**Finding 25:** Those parking spaces could be specifically designed for use as a separate commercial parking facility. But that is counter-productive for this proposal because those parking facility spaces could not count toward parking for the other uses on the site.

[additional text in Notice of Decision also incorporated in this appeal statement]

g. Findings 26, 27, 28, page 14:

**Finding 26:** Required parking also cannot be considered as a commercial parking facility because as a listed use in the C-1 zone, it would automatically be an unlisted use in all other zones and become a prohibited use by default in those zones. It seems highly illogical that the intent of the city was to only allow for parking to be a permitted use in the C-1 zone. This alone seems to exclude the idea that parking required by the development regulations, should be interpreted as a stand-alone use.

**Finding 27:** Based on the above analysis, the parking spaces within the building cannot be counted toward the required parking spaces for either the commercial or residential units. A condition of approval has been added requiring that the parking be recalculated without those spaces. (See Condition #12)

**Finding 28:** With the loss of commercial parking within the structure, the proposal can no longer claim that the units above the parking are compliant with subsection (10) above. The entire ground floor will need to be converted to commercial space for a commercial use permissible by zoning. This will further change the parking calculations for the site. A condition of approval has been added requiring that the parking be recalculated with a full ground floor of commercial space. (See Condition #12)

h. Finding 53, pages 20-21:

**Finding 53:** The revised ground floor plan shows a building footprint of approximately 244 feet by 60 feet for a gross foot print of 14,640 and a 3-story total building mass of

43,920. Per code, at ratio of 1 space per 300 gross square feet, each building would require 146.4 spaces per building.

As stated above, the proposal includes parking within the building, which is a point of disagreement between the staff and the applicant.

The proposal does not give a total space count, nor does the site plan include a complete parking analysis.

i. Findings 61, 62, 63, and 65, page 22:

**Finding 61:** The revised parking count means that each building would have to have 49 parking spaces for the commercial use, and 51 parking spaces for the residential units, for a total of 100 parking spaces needed per building.

The proposal appears to propose 47 parking spaces per building.

Staff could not consider this request to be reasonably flexible under WMC 17.56.020.

**Finding 62:** The final site plan must be revised to accommodate compliance with the parking standard as part of the final engineering review process. (See Condition #12.)

Parking spaces are required to have a minimum area of 180 sq ft and be 9 ft wide per WMC 17.56.060.

**Finding 63:** The provided site plan identifies proposed parking spaces but does not clearly identify dimensions. The preliminary site plan includes compact spaces which are not allowed in the commercial zone. In this case, flexibility in administration of the parking code should accommodate the use compact parking spaces. (See Condition #12.)

**Finding 65:** The ground floor of each structure shall have parking calculated using full ground floor commercial uses, unless a commercial parking facility is being proposed in the building in which case, the spaces within the building itself will be excluded from the required parking calculations. Those commercial spaces can be considered a separate use and may include compact or be smaller by design. In that case, those spaces must be subtracted from the total calculation as discussed above. (See Condition #12.)

Related to the findings above, the Appellant appeals Condition of Approval #12:

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.

Contrary to some of the above findings and to the condition of approval, ground floor parking to serve the uses in the same building are permitted uses. On page 8 of the Notice of Decision, staff acknowledges that this application vested to the prior version of WMC 17.36.020. This prior version can be found at:

[https://library.municode.com/wa/woodland/codes/code\\_of\\_ordinances/401771?nodemd=WOODLAND\\_MUNICIPAL\\_CODE\\_TIT17ZO\\_CH17.36HICODIC-17.36.130ARSIDEST](https://library.municode.com/wa/woodland/codes/code_of_ordinances/401771?nodemd=WOODLAND_MUNICIPAL_CODE_TIT17ZO_CH17.36HICODIC-17.36.130ARSIDEST)<sup>1</sup>

The project site is located in the City's C-2 zone. The allowed uses in the C-2 zone under the vested code include all uses in the C-1:

**17.36.020 - Permitted uses.**

The following uses only are permitted in the C-2 districts; all other uses are not permitted or are permitted as a conditional use pursuant to this chapter.

\* \* \*

5. Commercial parking lots and garages;

\* \* \*

29. Uses permitted in the C-1 central business district;

This takes one to the permitted use list in the C-1 central business district, which includes the following permitted uses:

**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.

\* \* \*

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;

The City does not dispute that residential uses are allowed on the upper floors of the proposed buildings but takes issue with parking on the ground floor as being the "permissible C-1 commercial use." Permitted commercial uses in this case are ones allowed both in the C-1 and

---

<sup>1</sup> Note, at the top of the page it states VERSION with a drop down menu to locate prior versions of the code.

C-2 use lists. One such commercial use in the C-1 use list is “public and private off-street parking facilities.” The conditions for allowing residential uses in the upper floors of the building are a permissible commercial use on the ground floor and adequate off-street parking, both of which are met in the proposed project with the provision of parking on the ground floor. In other words, the parking in this case meets dual requirements. Even without the residential uses, the parking facilities are allowed in the building under the code in both the C-1 and C-2 zoning districts.

Moreover and significantly, the code, in using the term “public and private off-street parking facilities” does not distinguish between parking generally available to the public or parking associated with particular uses. Off-street parking facilities within a building to serve uses in that building are permitted by clear, ambiguous language of the code, most notably in WMC 17.32.020(37). “Facility” means something designed, built, installed, etc., to serve a specific function.<sup>2</sup>

Secondly, there is nothing in code that prevents an applicant from counting the parking spaces in a building towards the minimum parking requirements for a use. WMC 17.56.005 generally requires, in part:

Every building hereafter erected shall be provided with parking spaces, and such parking spaces shall be made permanently available and be permanently maintained for parking purposes and, except for parking areas used for playground purposes in connection with schools, shall be used only for the parking of automobiles or trucks. Any areas used to provide required off-street parking shall be of such size and shape and so designed that the area will accommodate the number of cars to be provided for.

There are no restrictions in code on where the off-street parking to serve a use must be, whether in a building or on a surface lot.

The City’s argument appears to be twofold. First, ground-floor parking in the buildings is not the type of commercial use that would allow residences on the upper floors. Second, even if parking is allowed on the ground floors, that parking must be considered a separate, stand-alone use and cannot be counted towards the parking requirements for the uses in the same

---

<sup>2</sup> <https://www.dictionary.com/browse/facility>

buildings. In that case, the Appellant must meet additional parking minimums elsewhere. While this may be the City's desire, there is no support in code for either position.

The decision on this appeal should include a conclusion that ground floor parking in a building is a permitted use in the C-2 zone as a private off-street parking facility. Further, Condition of Approval #12 should be revised to eliminate the second sentence.

2. Appeal Issue #2: The proposed façade meets the architectural standards

This appeal issue concerns the following finding on page 18:

For transparency, there is a requirement for 30% of the ground floor façade to be windows with clear vision glass. The proposal does not include any calculations for the building frontage or the window presence on the buildings that can be seen from streets or public open spaces. With the conversion of the ground floor to commercial, this standard will need to be revisited. Final architectural designs will need to accompany the final engineering submittal in order to ensure that the final designs meet these standards.

Related to the finding is Condition #32.c. on page 34, both of which the Appellant challenges in this Appeal:

- c. Building elevations and site plan details showing and how each building will meet the "Articulation and Massing" section (H).

The relevant code, WMC 17.36.130.H.4., states:

4. Transparency. (See Figures 37 and 38.) 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<sup>\*1</sup> that is visible from any public street, public space, or residential zone shall be comprised of windows with clear "vision" glass<sup>\*2</sup>.**
- b) A minimum of forty percent of any ground floor facade<sup>\*1</sup> located closer than sixty feet to a state highway, major arterial, or minor arterial shall be comprised of windows with clear "vision" glass<sup>\*2</sup>.



- c) A minimum of sixty percent of any ground floor facade\*<sup>1</sup> located closer than twenty feet to a state highway, major arterial, or minor arterial shall be comprised of windows with clear, "vision" glass\*<sup>2</sup>. Display windows may be used to meet this requirement
- d) A minimum of twenty percent of any upper floor facade that is visible from any public street, public space, or residential zone shall be comprised of windows with clear "vision" glass.
- e) For facades that do not have windows, see WMC 17.36.130.H.5, Blank Wall Treatments.
- f) Energy efficient windows should be used.

\*<sup>1</sup> The portion of the facade between three feet and seven feet above grade.

\*<sup>2</sup> Clear "vision" glass shall be transparent, and shall not include translucent or reflective glass.

In this case, for the proposed project, the entire ground floor facade that is visible from the street comprises 18% clear vision glass for the retail/office portions, and 42% of openings with no windows to provide vent openings along the parking structure portion of the facade. 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 with less than 30% windows or openings. The buildings more than meet this intent with 60% transparency of the qualifying portion of the facade. The Appellant requests a ruling that the proposed plan meets the requirements of WMC 17.36.130.H.4.

3. Appeal Issue #3: The Applicant should not be required to improve streets in front of undeveloped property

Finding 5 on page 4 states:

**Finding 5:** Frontage improvements along Old Pacific Highway will require construction of half-street improvements, attached sidewalk, landscaping, and street lighting consistent with City of Woodland Engineering Standards (Standards) and applicable Woodland Municipal Code (WMC). The Franklin Street extension and any private roads and driveway approaches shall be designed per the Standards and WMC. A condition is added that all improvements in the public right-of-way shall be completed in accordance with the Standards and WMC. Additionally, dedication of Right-of-Way shall comply with the Standards and WMC. (See Condition #3.)

Condition 3 states:

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.

Appellant challenges both the finding and the condition. Not only is this requirement vague in nature, but it would require the Applicant to make costly and extensive improvements to nearly 1,000 lineal feet of pavement, curb and gutter, sidewalk, street lighting and landscaping in front of undeveloped property.

Tax Parcel No. 50714 is not yet slated for development, so a requirement for half-street improvements along a future street that connects Franklin Street with Old Pacific Highway on Tax Parcel No. 50714, and along the parcel's frontage on Old Pacific Highway would not be proportional to the impacts of the development. The Appellant challenges this requirement as unlawful under the nexus and rough proportionality doctrines rooted in constitutional law, and under RCW 82.02.020, in addition to other applicable law, because it is a requirement that is not reasonably necessitated as a direct result of this development.

A 20' wide temporary access road in compliance with the fire code should be adequate emergency use until development occurs on Parcel 50714. The Appellant requests that Condition 3 be revised to exclude any requirements to make half-street improvements related to Tax Parcel No. 50714 along a future street and along the frontage with Old Pacific Highway.

4. Appeal Issue #4: A separate striping and circulation plan is duplicative and unnecessary

Finding 43 on page 19 states:

**Finding 43:** Curb Cuts and Driveways (WMC 17.36.130(K)) and (WMC 17.36.130(L)) Location of Parking Lot – To enhance pedestrian safety and activity, driveway access and parking lot circulation while also providing for adequate vehicular and service vehicle access. Accordingly, the preliminary site plan does include adequate information for pedestrian circulation routes, bike routes. Turning movements appear to provide for safe circulation of service vehicles, including garbage trucks and emergency vehicles but additional information may be needed as part of the final engineering process. The final engineering plan shall include a striping and circulation plan that would allow for proper evaluation of turning movements and safe pedestrian circulation given the intense parking lot design and distribution of the buildings. (See Condition #32.e)

There is no accompanying condition related to the requirement that the final engineering plan include a striping and circulation plan for pedestrians and bike routes. To the extent that this requirement is viewed as a condition of approval, the Appellant challenges it.

A separate striping and circulation plan is not required by WMC 17.36.130. Pedestrian and bike routes are already indicated on the preliminary site plan. Any necessary turning movements can be indicated on the civil engineering plans.

### Conclusion

The applicant respectfully requests that the Hearings Examiner require the City to revise the Notice of Decision as not fully supported by the facts or law consistent with the above requests.

According to the City's fee schedule effective July 1, 2023, the fee for an appeal is \$700, which accompanies this appeal, plus the Hearings Examiner's cost, which will be determined after the appeal is heard.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'LeAnne M. Bremer'.

LeAnne M. Bremer, P.C.

Enclosure: Notice of Decision