WOODLAND PLANNING COMMISSION AGENDA

Planning Commission Regular Meeting
7:00 p.m.
Thursday, August 16, 2012

Woodland Community Center
782 Park Street, Woodland, Washington

CALL TO ORDER

APPROVAL OF MINUTES

- June 21, 2012

PUBLIC WORKSHOP

1) Pet and Domestic Animal Code Amendments (LU# 211-912)
    - Staff Report
    - Review Draft Ordinance
2) C-1 Use Overhaul (LU# 212-910)
    - Staff Report
    - Review Proposed Code Changes
    - Discuss Public Outreach
3) Stormwater Ordinance (LU# 212-909)
    - Review Draft Ordinance
4) Amending SEPA and Administrative Appeals Processes (LU# 210-917)
    - Review Draft Ordinance

REPORT / PROJECT UPDATE / DISCUSSION

1) Liberty Evans Rezone
2) Boundary Line Adjustment Ordinance

ADJOURN

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

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WOODLAND PLANNING COMMISSION MINUTES

Planning Commission Regular Meeting
7:00 p.m.
Thursday, June 21, 2012

Woodland Community Center
782 Park Street, Woodland, Washington

Present:	Chair David Simpson Commissioner Sharon Watt Commissioner Nancy Trevena Commissioner Murali Amirineni
Absent:	Commissioner Jim Yount
Also Present:	Secretary JoAnn Heinrichs Community Development Planner Carolyn Johnson

CALL TO ORDER 7:03:10 PM

APPROVAL OF MIUNUTES

- Commissioner Trevena moved to accept the April 19, 2012 minutes as written, Commissioner Watt seconded. Passed unanimously.

ANNOUNCEMENT

- Re-appointment of Murali Amirineni (05/16/2012 to 05/16/2018)

PUBLIC HEARING

1. **Boundary Line Adjustment Procedures (LU #212-907)** 7:04:06 PM

Staff Report given by Carolyn Johnson. The woodland municipal code (WMC) does not currently address procedures for Boundary Line Adjustments (BLA).

Public Testimony Open 7:06:35 PM
Public Testimony Closed 7:06:58 PM

Discussion ensued. Commissioner Trevena moved to send to City Council with a recommendation of approval, Commissioner Watt seconded the motion. Passed unanimously.

DRAFT

2. **Pet and Domestic Animal Code Amendments (LU #212-912)** 7:08:04 PM

Staff Report given by Carolyn Johnson. One of the purposes in modernizing the code is to account for trends in urban animal raising.

- Are miniature hoofed horses considered livestock? These are usually kept as pets.
- Can the Comprehensive plan be changed to address livestock? There are large lots that could raise horses and cows, some of the properties have grandfather rights, but what if the property changes hands?
- For future growth, the City will be expanding out toward the bottoms and pasture land.
- Commissioner Trevena has concerns about bees, after the email from Mr. Ellis. Concern about owner's responsibility, how would we handle enforcement? Ask Chief about enforcement ideas.
- Since there are so many new changes in the draft ordinance presented tonight, Planning Commission (PC) will workshop once more, then go to public hearing. PC liked the earlier ordinance version.

Public Testimony Open 7:21:27 PM

Dale Boone, 6262 Green Mt Road: Bees are already in city limits for pollination purposes. How would this effect 4-H animals?

Dave Simpson, 506 Robinson Road. I have 4 horses on 1 ½ acres, they are on a special diet and use the pasture area for walking around.

Scott Perry, 180 S Pekin Road: Under infractions: failure to have to have pet sterilized? Are we allowed to have any pet that is not sterilized?

Public Testimony Closed 7:30:51 PM

3. Amended Woodland's SEPA and Administrative Appeals Processes (LU #210-917) 7:30:59 PM

Staff report given by Carolyn Johnson. We need more consistency with RCWs and WACs, and adding clarification to administrative appeal procedures.

- Floodway use district, is it addressed in the Comprehensive Plan?
- Typically there is no development in the floodway.

Public Testimony Open 7:38:16 PM

Judy Grant, no address given: Appellant needs to list all applicable codes and standards that apply for an appeal, this is particularly onerous, and the timeline for submitting an appeal is too short. We were not informed and the neighbors didn't get notified. Don't like 38 units of low income housing next to us. We need a chance to get up and say "I don't want this".

Darlene Johnson, No address given: Should not have to site sections of code when appealing. Not enough days given to initiate an appeal. The changes in the SEPA, how is it different? How will it affect us?

Public Comment, no name/no address given: 300' feet away is not enough for notification, it should be further than 300'.

Scott Perry, 180 S Pekin Road: What is the appeal fee?

DRAFT

Public Testimony Closed 8:07:34 PM

Discussion ensued. Planning Commission will workshop again, after Bill Eling reviews the document.

- Strike the word "all" in 3c? Bill Eling should look at this change.
- Carolyn Johnson to check in to expanding notification to over 300' on industrial and commercial rezones.
- Carolyn Johnson explained the differences in types of appeals, and which ones are not charged a land use fee. The City is trying to be consistent with a recent court decision, Downey v. Pierce County.

PUBLIC WORKSHOPS

1. **Pet and Domestic Animal Code Amendments (LU #211-912)**
   - Rules need to be generic enough so anyone will be able to understand.
   - Could a Conditional Use Permit be used?
   - The proposed code is far less rest restrictive than the current code.
   - What is the weaning age for horses?
   - Changes in densities: 1 acre for the first animal and 1 acre for each additional animal.
   - Carolyn Johnson to make changes and Planning Commission will workshop again.

2. **Historic Preservation (LU #211-906)** 8:23:51 PM

   Staff report given by Carolyn Johnson. Downtown Revitalization wants to start a placard program and the City should support this endeavor.
   - Will be a combined group of Downtown Revitalization and Planning Commission, for placards.
   - No public hearing is necessary for this process.
   - There are no financial or tax incentives, because the state model ordinance will not be adopted by the City.
   - Public comment: Historic preservation is not applicable in Woodland any more. A placard program would be good. City should embrace the architectural styles of the 50s, 60s and 70s.

   Commissioner Watt moved to send draft Historic Preservation Ordinance to City Council, and Commissioner Trevena seconded the motion. Passed unanimously.

3. **C-1 Use overhaul (LU #212-910)** 8:32:06 PM

   Staff Report given by Carolyn Johnson.
   - Community Outreach:
     - Could hold an open house to get public input on what uses they feel would benefit the downtown district;
     - Could do door knocking once we have a model ordinance to vet with property owners.

DRAFT

- New definitions are needed.
- Scenario: Under conditional use, If Dave Wells wants to expand, currently he could not, but under the new code he could apply for a conditional use permit.
- Scott Perry: Fast food, motel and gas stations, I think people would like to see these as permitted uses. Do we want to sell boats and/or wheelchairs downtown?
- Jeff Leuthold: A business wouldn't want to invest in property with a Conditional Uses, they have to be reviewed each year and it could be revoked. I think a Variance would be a better way to go.
- Where will all of these items come from? A combination of door knocking, workshops, best practices and what we currently already have on the list.
- Can someone borrow money for a conditional use?
- If a long established business is nonconforming, can we find an avenue for expansion?
- What about on overlay? It was a past direction, can we go back to that?
- Planning Commission will workshop again.

4. **Collective Gardens (medical marijuana) Interim Zoning** 9:26:54 PM
   Staff Report given by Carolyn Johnson. Current Moratorium expires on July 30th, 2012. We can either extend the Moratorium or put a zoning ordinance in place.
   - SEPA is not needed.

   Commissioner Trevena moved to send the interim zoning ordinance for Collective Gardens adding site obscuring fence (on page 9, #2) to City Council , Commission Watt seconded the motion. Passed unanimously.

REPORT/ PROJECT UPDATE / DISCUSSION

1. Sign Code Review Added to Work Items

ADJOURN 9:36:07 PM

Commissioner Trevena moved to adjourn to our next regularly scheduled meeting on July 19, 2012, Commissioner Watt seconded the motion. Passed unanimously.

_____ _____

JoAnn Heinrichs, Planning Commission Secretary Date

These minutes are not a verbatim record of the proceedings.
A recording is available in the office of the Clerk-Treasurer

DRAFT

Staff Report: *Pet and Domestic Animal Code*

To: Planning Commission
From: Carolyn Johnson, Community Development Planner
Date: August 6, 2012
Re: Land Use No.: 211-912, Pet and Domestic Animal Code, Zoning Text Change

Changes Requested at June 2012 PC Meeting

At our June meeting, the Planning Commission discussed a conflict between the adopted Comprehensive Plan and the direction of the draft ordinance. A general land use policy of the Woodland Comprehensive Plan (2005) states, "Animals historically identified as *livestock* or raised for commercial benefit should not be raised within the confines of the city limits of Woodland" (page 1-50). The Commission reviewed a version of the ordinance drafted to reflect this policy. After discussing the matter, the group decided that the new changes would not best serve the community and that the original direction should be pursued.

Based on a recommendation from the 4-H State Equine Specialist, the Commission decided to decrease the allowed density of horses and ponies from 1 animal per 0.5 acre of open fenced land to 1 animal per 1 acre.

The Commission also expressed interest in ensuring that weaning hoofed animals were exempt from density restrictions.

Based on input at the June meeting the following changes have been made:

F. The keeping of pets and domestic animals is subject to the following restrictions:

1. *For singe-family dwellings, the keeping of pets and domestic animals are subject to the following restrictions:*
    a. *Animals including cattle, horses, goats, ponies, mule, sheep, donkeys, llamas, and miniature hoofed animals and pigs shall be regulated as follows:*
        i. *Horses, ponies, and cattle, one acre of open fenced land each;*
        ii. *Pigs and donkeys, one-half acre of open fenced land each;*
        iii. *Sheep and llamas, one-quarter acre of open fenced land each;*
        iv. *Goats and miniature hoofed animals, 3,000 sf of open fenced land each;*
        v. *Density limits do not apply to weaning young;*
        vi. *Animals shall be completely enclosed by a secure fence not less than five (5) feet tall, sufficient to confine the animals therein;*
        vii. *The minimum land area required to maintain any large animal shall be the sum of the required land areas listed above;*
        viii. *All stables and other buildings and all enclosures and premises upon which any such animals are kept and confined shall be kept in a clean, healthful, and sanitary condition; and*
        ix. *Animals shall be sheltered in weather protecting structures located at least 15 feet from property lines.*

b. *Two bee hives per residential lot 7,200 sf or larger. An additional 5,000 sf is needed for each additional hive. Beekeeping is prohibited on lots less than 7,200 sf. Where beekeeping is permitted, hives must be located at least ten feet from any dwelling, ten feet from any lot line, and at least 30 feet from any public sidewalk or roadway. Hives must be registered with the Washington State Department of Agriculture as per RCW 15.60.021, and completely enclosed by a fence not less than six feet high. Close access to a water source must be shown. Any bee colonies kept in the city not in compliance with this chapter or otherwise declared to be a nuisance may be summarily destroyed or removed at the expense of the property owner or tenant.*
c. *The keeping of roosters in any residential zone is prohibited.*
d. *On lots less than 10,000 sf, the keeping of not more than six poultry and four rabbits is permitted where poultry are defined as domesticated birds kept for the purpose of collecting eggs, raising of meat and/or feathers.*
e. *No more than 4 dogs, cats, miniature pigs or combination thereof four months or age or older per dwelling unit.*
f. *The number of small pets such as fish, birds, small rodents and reptiles that are typically kept indoors is not regulated by this chapter.*
g. *Animals do not violate nuisance pet animal regulations or other provisions of Chapter 7.04.*
h. *Animals that contribute unusually excessive noise, such as crowing, braying or barking, must be housed in such a manner as to minimize their effects on neighbors.*
i. *Animals shall not create a malodor that is detectable on adjoining lots.*

2. *Failure to comply with the requirements of this section is a class 4 infraction with a monetary penalty of $25.00 or as otherwise specified by WMC Chapter 7.04.*

Beekeeping

At the June meeting, it was clear that the Commission continues to have concerns about the inclusion of bees in the ordinance. Additional language has been added to the code giving the City authority to remove or destroy nuisance hives. If the Planning Commission decides to strike beekeeping language from the draft ordinance, the activity would not be regulated by local ordinance.

Raising Hens for Meat

Since our last meeting, Councilmember Fredricks brought a new issue to planning staff for further discussion and Planning Commission consideration. Currently, some residents are known to raise 20-30 hens for meat once per year. These hens are raised over a period of 8-10 weeks. Does the Planning Commission wish to allow for this activity in the ordinance?

CMJ

Draft Ordinance

PET AND DOMESTIC ANIMALS

Highlighted and italicized text is proposed to be added to the current code, while text that is struck through is proposed to be eliminated from the current code.

New changes underlined

Chapter 17.08 – Definitions

17.08.500 Miniature hoofed animal.

"Miniature hoofed animal" means a horse, donkey, or goat breed that reaches no more than 38 inches in height when fully grown.

Chapter 17.16 – Low Density Residential (LDR) Zoning Districts

17.16.100 - Criteria and standards for accessory uses.

~~**F.** Keeping of not more than four family pets, which can be kept in the home, such as dogs, cats or other domestic or tamed animals which are not vicious by nature. This list of four pets shall not include birds, fish, suckling young of a pet or other animals which at all times are kept inside a fully enclosed building or accessory building and which do not create an odor which is detectable on an adjoining lot.~~

F. The keeping of pets and domestic animals is subject to the following restrictions:

1. *For singe-family dwellings, the keeping of pets and domestic animals are subject to the following restrictions:*
    a. *Animals including cattle, horses, goats, ponies, mule, sheep, donkeys, llamas, and miniature hoofed animals and pigs shall be regulated as follows:*
        i. *<u>Horses, ponies,</u> and cattle, one acre of open fenced land each;*
        ii. *Pigs and donkeys, one-half acre of open fenced land each;*
        iii. *Sheep and llamas, one-quarter acre of open fenced land each;*
        iv. *Goats and miniature hoofed animals, 3,000 sf of open fenced land each;*
        v. *<u>Density limits do not apply to weaning young;</u>*
        vi. *Animals shall be completely enclosed by a secure fence not less than five (5) feet tall, sufficient to confine the animals therein;*
        vii. *The minimum land area required to maintain any large animal shall be the sum of the required land areas listed above;*
        viii. *All stables and other buildings and all enclosures and premises upon which any such animals are kept and confined shall be kept in a clean, healthful, and sanitary condition; and*

ix. Animals shall be sheltered in weather protecting structures located at least 15 feet from property lines.

b. Two bee hives per residential lot 7,200 sf or larger. An additional 5,000 sf is needed for each additional hive. Beekeeping is prohibited on lots less than 7,200 sf. Where beekeeping is permitted, hives must be located at least ten feet from any dwelling, ten feet from any lot line, and at least 30 feet from any public sidewalk or roadway. Hives must be registered with the Washington State Department of Agriculture as per RCW 15.60.021, and completely enclosed by a fence not less than six feet high. Close access to a water source must be shown. Any bee colonies kept in the city not in compliance with this chapter or otherwise declared to be a nuisance may be summarily destroyed or removed at the expense of the property owner or tenant.

c. The keeping of roosters in any residential zone is prohibited.

d. On lots less than 10,000 sf, the keeping of not more than six poultry and four rabbits is permitted where poultry are defined as domesticated birds kept for the purpose of collecting eggs, raising of meat and/or feathers.

e. No more than 4 dogs, cats, miniature pigs or combination thereof four months or age or older per dwelling unit.

f. The number of small pets such as fish, birds, small rodents and reptiles that are typically kept indoors is not regulated by this chapter.

g. Animals do not violate nuisance pet animal regulations or other provisions of Chapter 7.04.

h. Animals that contribute unusually excessive noise, such as crowing, braying or barking, must be housed in such a manner as to minimize their effects on neighbors.

i. Animals shall not create a malodor that is detectable on adjoining lots.

2. Failure to comply with the requirements of this section is a class 4 infraction with a monetary penalty of $25.00 or as otherwise specified by WMC Chapter 7.04.

(Ord. 939 § 7 (part), 2000)

(Ord. No. 1212, § 14, 6-20-2011)

CHAPTER 17.20 - MULTIFAMILY RESIDENTIAL DISTRICTS (MDR, HDR)

17.20.100 - criteria and standards for accessory uses.

D. Keeping of Family Pets.

~~**1.** For single-family dwellings, keeping of not more than four family pets, which can be kept in the home, such as dogs, cats or other domestic or tamed animals which are not vicious by nature. This list of four pets shall not include birds, fish, suckling young of a pet or other animals which at all times are kept inside a fully enclosed building or accessory building and which do not create an odor which is detectable on an adjoining lot;~~

Draft Ordinance

PET AND DOMESTIC ANIMALS

1. *For singe-family dwellings, the keeping of pets and domestic animals are subject to the following restrictions:*
    a. *Animals including cattle, horses, goats, ponies, mule, sheep, donkeys, llamas, and miniature hoofed animals and pigs shall be regulated as follows:*
        i. *Horses, ponies, and cattle, one acre of open fenced land each;*
        ii. *Pigs and donkeys, one-half acre of open fenced land each;*
        iii. *Sheep and llamas, one-quarter acre of open fenced land each;*
        iv. *Goats and miniature hoofed animals, 3,000 sf of open fenced land each;*
        v. *Density limits do not apply to weaning young;*
        vi. *Animals shall be completely enclosed by a fence not less than five (5) feet tall, sufficient to confine the animals therein;*
        vii. *The minimum land area required to maintain any large animal shall be the sum of the required land areas listed above;*
        viii. *All stables and other buildings and all enclosures and premises upon which any such animals are kept and confined shall be kept in a clean, healthful, and sanitary condition; and*
        ix. *Animals shall be sheltered in weather protecting structures located at least 15 feet from property lines.*
    b. *Two bee hives per residential lot 7,200 sf or larger. An additional 5,000 sf is needed for each additional hive. Beekeeping is prohibited on lots less than 7,200 sf. Where beekeeping is permitted, hives must be located at least ten feet from any dwelling, ten feet from any lot line, and at least 30 feet from any public sidewalk or roadway. Hives must be registered with the Washington State Department of Agriculture as per RCW 15.60.021, and completely enclosed by a fence not less than six feet high. Close access to a water source must be shown. Any bee colonies kept in the city not in compliance with this chapter or otherwise declared to be a nuisance may be summarily destroyed or removed at the expense of the property owner or tenant.*
    c. *The keeping of roosters in any residential zone is prohibited.*
    d. *On lots less than 10,000 sf, the keeping of not more than six poultry and four rabbits is permitted where poultry are defined as domesticated birds kept for the purpose of collecting eggs, raising of meat and/or feathers.*
    e. *No more than 4 dogs, cats, miniature pigs or combination thereof four months or age or older per dwelling unit.*
    f. *The number of small pets such as fish, birds, small rodents and reptiles that are typically kept indoors is not regulated by this chapter.*
    g. *Animals do not violate nuisance pet animal regulations or other provisions of Chapter 7.04.*
    h. *Animals that contribute unusually excessive noise, such as crowing, braying or barking, must be housed in such a manner as to minimize their effects on neighbors.*
    i. *Animals shall not create a malodor that is detectable on adjoining lots.*

2. For multifamily dwellings, keeping of not more than two family pets~~, which~~ *that* can be kept in the home, such as dogs, cats or other domestic or tamed animals which *do not violate nuisance pet animal regulations or other provisions of Chapter 7.04* ~~are not vicious by nature~~ *is permitted*. This list of two pets shall not include birds, fish, suckling young of a pet or other animals which at all times are kept inside a fully enclosed building or accessory building and which do not create an odor which is detectable on an adjoining lot *or detectable within another multi-family dwelling unit*. *Animals that contribute unusually excessive noise, must be housed in such a manner as to minimize their effects on neighbors.*
3. *Failure to comply with the requirements of this section is a class 4 infraction with a monetary penalty of $25.00 or as otherwise specified by WMC Chapter 7.04.*

Chapter 7.04 - DOGS, CATS AND OTHER PETS

7.04.050 - Regulations and violations relating to pet animals.

Any person who harbors, keeps, maintains or has temporary custody of a pet animal shall be responsible for the behavior of such animal whether the person knowingly permits the behavior or not. Such person shall violate the terms of this chapter if:

A. Dog at Large. Such person's dog is at large as defined in Section 7.04.030; provided, however, this section shall not prohibit the owner and pet animal from participating in an organized show or training, exercise or hunting session in locations designated and authorized for that purpose.

B. Nuisance Pet Animal. Such person's pet animal constitutes a nuisance pet animal as defined in Section 7.040.030. Nuisance pet animal is a class 4 infraction *with a monetary penalty of $25.00*.

C. Pet Animal on Public Property. Such person's pet animal is on public property such as a public park, beach or school ground and not on a leash held by a person who is able to maintain physical control, or proper safeguards have not been taken to protect the public and property from injury or damage from said animal, or is in violation of additional specific restrictions which have been posted. Such restrictions shall not apply to guide dogs for the visually impaired or service animals for the physically handicapped, or public property specifically designated by the city of Woodland as not requiring a leash. Pet animals on public property is a class 4 infraction *with a monetary penalty of $25.00*.

D. Injury to a Person or Animal. Such person's pet animal causes injury to a person or domestic or pet animal (see also potentially dangerous dog or dangerous dog, Section 7.04.070). Injury to a person or animal is a misdemeanor.

E. Failure to Remove Fecal Material. Such person: (1) fails to possess and use the equipment or material necessary to remove animal fecal matter when accompanying an animal in public parks; or (2) fails to remove animal fecal matter when accompanying an animal off the owner's property. Failure to comply constitutes a class 4 infraction *with a monetary penalty of $25.00*.

F. Failure to Sterilize an Adopted Pet Animal. Such person, when adopting a pet animal from the animal services shelter, fails to have the pet sterilized within the time period specified in the written agreement, unless specifically recommended by a veterinarian in writing, or in cases of verifiable placement within a governmental law enforcement agency. Failure to sterilize an adopted pet animal is a class 4 infraction *with a monetary penalty of $25.00*.

G. Failure to Provide Humane Care. Such person fails to provide a pet animal with humane care as defined in Section 7.04.030. Failure to provide humane care is a misdemeanor.

H. Failure to Meet Terms of Quarantine. Such person fails to accept or to meet the terms of the quarantine notice served pursuant to Cowlitz County health department regulation after an animal has bitten a human. Failure to meet terms of quarantine is a misdemeanor.

I. *Keeping of Pets and Domestic Animals Not Allowed in Residential Zoning Districts. Such person fails to comply with requirements for pet and animal keeping specified in Title 17. Failure to meet terms of Title 17 with regards to pet and animal keeping in residential zoning districts is a class 4 infraction with a monetary penalty of $25.00*.

(Ord. 852 § 2 (part), 1997)

7.04.080 - Infractions.

Violation of the following sections of this chapter shall constitute a class 4 civil infraction:

A. Section 7.04.040(A): Failure to license;

B. Section 7.04.050(A): Dog at large;

C. Section 7.04.050(B): Nuisance pet animal;

D. Section 7.04.050(C): Pet animals on public property;

E. Section 7.04.050(E): Failure to remove fecal material;

F. Section 7.04.050(F): Failure to sterilize an adopted pet animal.

I. *Section 7.04.050(I): Keeping of pets and domestic animals not allowed in residential zoning districts.*

Civil infractions shall be heard and determined according to RCW Chapter 7.80, as amended, and any applicable court rules.

Public Participation Component – Amendments to Woodland's Pet and Domestic Animal Code

The public participation program for this draft ordinance included two different comment periods:

1. Formal Notice of Application and SEPA DNS Comment Period. A SEPA DNS was issued March 1, 2012. SEPA comments were due March 21, 2012. Amongst others, SEPA notification went to the Humane Society and SPCA of Cowlitz County and Pet Aid of Washington.
    - March 7, 2012 – NOA and Likely Determination of Non-Significance published in *The Reflector*.
2. An informal public comment period that began March 16, 2012 and ended May 11, 2012. The informal comment period included the following components:
    - **March 16, 2012** - Flyer stacks left at the Public Library, Post Office, City Hall Annex, Remnant Farms, L&J Feed, Woodland Veterinary Hospital, and Timberland Pet Clinic.
    - **March 16, 2012** – Draft ordinance put on website for public comment.
    - **April 22, 2012** – Special notice included on utility bill free of charge. The short note directed the public to the city's website to view proposed changes and to comment.

STAFF REPORT – *Amending Land Uses Allowed, Conditionally Allowed, and Prohibited in the Central Business District (Historic Downtown)*

To: Planning Commission
From: Carolyn Johnson, Community Development Planner
Date: July 27, 2012
Re: C-1 Use Overhaul

Summary

On June 21, 2012, the Planning Commission reviewed draft changes to the lists of uses in the C-1 district. Concerns were raised about existing non-conforming uses and how they should be treated. In particular, concerns were raised about Dave's Garage and Jack's Towing and DZ and Family Machine Works. Based on discussion, staff is proposing the following changes:

Conditional Uses – Hearing examiner

1. *Automobile diagnostic and repair facilities, major and minor repairs, and towing businesses, except that existing establishments permitted before December 27, 1979 are conforming uses*

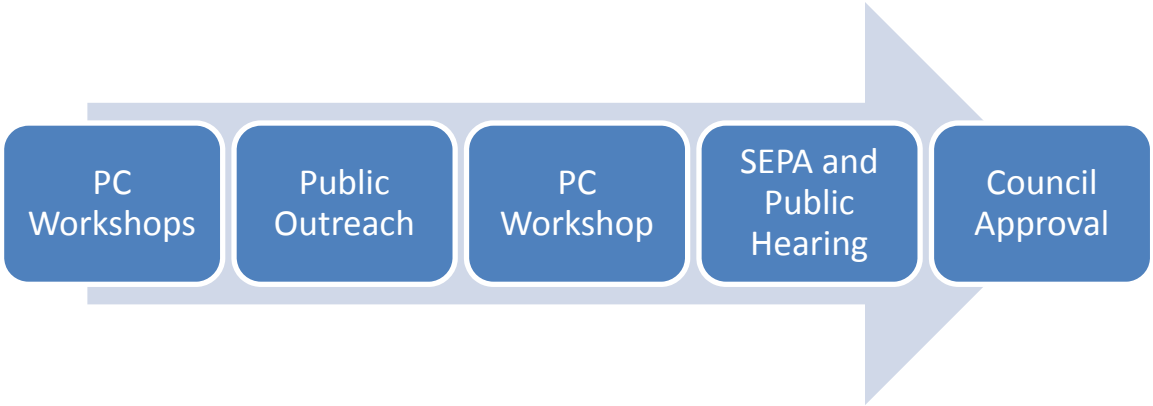
Prohibited Uses

1. *Manufacturing and production, except those specifically listed as permitted uses, and except those establishments permitted before the passage of this ordinance are conforming uses*

Community Outreach + Planning Process

Key goals of the public participation process are:

- **Generating Ideas –** *Did we overlook uses or fail to consider possible conflicts between listed uses?*
- **Disseminating Information –** *Ensuring property owners, tenants, the Chamber and any other stakeholders receive information on proposed changes.*
- **Measuring Opinion –** *Are we going in the right direction?*



Planning Framework
Comprehensive Plan Goals and Priorities:

> *Ensure that incompatible land uses are separated, thus enhancing the security, value and stability of land uses and improvements, and providing for the general health, safety and welfare of the community* (Land Use Goal E, page 1-47).
>
> *The city recognizes it should foster downtown redevelopment for the reasons of tourism enhancement and economic development generally, protection of existing public investments, protection and expansion of the tax base, the overcoming of obstacles to privately initiated investments in downtown, maintenance of community identity and appearance, and because only the city can marshal certain financial resources and public improvements* (Economic Development Policy 4, page 1-56).
>
> *The city recognizes that its appropriate role in downtown redevelopment is to take actions that will facilitate and attract private investment and help overcome private sector obstacles and risks characteristic in downtown renewal* (Economic Development Policy 6, page 1-57).
>
> *Encourage more professional offices and local services to locate within the Downtown Business District* (Central Business District Policy 2, page 1-57).

WMC 17.32.010 states the purpose of the Central Business District as follows:

> *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 <u>conducive to safe, convenient, and attractive pedestrian use</u>. The intent of the district is to insure that the downtown business district is preserved and has the capability for growth, expansion, and enhancement. Furthermore, the district provides for uses which will complement and not compete with other commercial use district* (WMC 17.32.010).

Non-conforming Uses Downtown
The following businesses appear to be pre-existing, non-conforming uses in the C-1 district:

1. Woodland Veterinary Clinic (non-conforming) → Proposed changes would make this a conforming use
2. Dave's Garage and Jack's Towing (non-conforming) → Proposed changes would make this a conforming use
3. DZ and Family Machine Works (non-conforming) → Proposed changes would make this a conforming use
4. Timberland Pet Clinic (non-conforming) → Proposed changes would make this a conforming use
5. Woodland Funeral Home (could possibly be considered non-conforming) → Proposed changes would make this a conforming use
6. L & J Feed (could possibly be considered non-conforming) → Proposed changes would make this a conforming use

Summary

The following tables show proposed changes to the lists of uses in the C-1 District. Existing code language is shown in black, proposed code language in red, and text to be eliminated is shown as being red text that is struck through. Suggested changes come from:

1. Discussion at June 21 Planning Commission meeting;
2. Recommendations from the Ad Hoc Committee;
3. Massaging existing code text to eliminate redundant items, replace archaic terms, and break apart uses that should be listed separately;
4. Staff's knowledge of the public's interest in downtown development (via public inquires); and
5. A review of municipal codes from Camas, Bellingham (Old Town Overlay Zone), Walla Walla (Central Commercial District), and Battleground (Downtown District).

Permitted Uses

1. ~~Art galleries~~*
2. Artisanal/craft shop
3. Arts and cultural facilities, institutions, and businesses such as museums, theaters, art galleries, and art studios
4. Automatic teller machines (ATM)
5. Automobile sales (Indoor)
6. Bakeries with retail service
7. Banks and financial services
8. Bed and breakfast inns
9. ~~Commercial recreation and entertainment facilities~~*
10. Community clubs, fraternal societies, and other places of assembly for membership groups ~~and memorial buildings~~
11. ~~Community~~ Public and commercial recreation ~~swimming pool~~ facilities, gyms, and sports complexes
12. ~~Dance studios~~*
13. Electric vehicle charging stations
14. Entertainment facilities such as indoor theaters and playhouses
15. Event center, 200 person occupancy
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. ~~Health spas~~*
21. Hotels and hostels
22. Laundry and dry cleaning operations (retail and self)
23. ~~Libraries~~*
24. Medical clinics and offices
25. Microbreweries, microdistilleries, and microwineries
26. Motorcycle, scooter, bicycle, and other small motorized or non-motorized means of transportation (indoor and outdoor sales)
27. ~~Museums~~*
28. ~~Newspaper offices~~*
29. 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.
30. Outdoor eating and/or drinking areas associated with an indoor facility ~~are permitted pursuant to state law~~
31. Outdoor storage of product when:
    a. Accessory to a permitted use on site and does not exceed 50% of the area of the permitted use on a square foot basis,
    b. Located to the rear of buildings and screened by landscaping or an architectural wall (not blank wall) at least six feet in height when installed. If appropriate, some viewing of activity may be allowed through gaps in screening.
32. Personal and business services
33. Pet stores and animal grooming facilities
34. Plant nurseries
35. Printing shops
36. Professional and business offices
37. Public and private off-street parking facilities
38. Public ~~Government~~ and quasi-public buildings and uses
39. Public parks and open spaces~~, courtyards~~
40. Public transportation facilities such as bus stations, train stations, and transit shelters
41. ~~Public utility offices~~*
42. Recycling collection point
43. Religious institutions ~~Churches~~
44. Repair shops for small equipment and items ~~Appliance and repair~~
45. Restaurants and cafes and other eating and drinking establishments ~~except for drive-in and fast food restaurants~~.
46. Retail ~~stores~~ establishments, less than 50,001 sf
47. Shelters, Temporary Housing - Emergency
48. Signs and outdoor advertising displays pursuant to Chapter 17.52
49. Taverns and liquor establishments ~~Establishments selling alcoholic beverages by virtue of a class C, D, E, F or H liquor license issued by the state;~~
50. Upholstery and furniture repair
51. Uses similar to the above that are not otherwise listed in this chapter

52. Veterinary offices and clinics with no outside animal runs

RESIDENTIAL

53. 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
54. 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
55. Home occupations provided they are accessory to single-family dwellings and meet the requirements of WMC 17.16.100

*Redundant use covered under a broader category/title

Conditional Uses – Administrative

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

Conditional Uses – Hearing examiner

1. Automobile diagnostic and repair facilities, major and minor repairs, and towing businesses except that existing establishments permitted before December 27, 1979 are conforming uses
2. Automobile sales (Outdoor)
3. Automobile service stations and car washes
2. Drive-in and fast-food restaurants
3. Event center, greater than 200 person occupancy
4. Farm machinery sales and services
5. Gas/fuel station
6. Hospital, psychiatric facility ~~sanitarium~~, rest home, home for the aged, nursing home, or convalescent home
7. Lumber and building supply stores
8. Schools, public, parochial, private, vocational, technical, business and others, nonprofit or operated for profit
9. Wireless communication facilities
10. Uses similar to the above that are not otherwise listed in this chapter

Prohibited Uses

1. Animal kennel, commercial/boarding ~~Dog kennels and the outdoor housing of dogs when associated with a veterinary office or clinic~~
2. Animal shelter, community
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. ~~Automobile and light and/or heavy truck repair facilities~~
5. ~~Automobile, motorcycle, and boat dealerships and servicing establishments~~
6. ~~Bowling alleys~~
7. Collective garden, medical marijuana
8. Commercial dispatch and maintenance facilities
9. ~~Drive-in and fast food restaurants~~
10. Junkyards and wrecking yards
11. Laundry/dry cleaning (industrial)
12. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation
13. Manufacturing and production, except those specifically listed as permitted uses, and except those establishments permitted before the passage of this ordinance
14. Mini-storage/vehicular storage
15. Outdoor sales of ~~vehicles,~~ boats, campers, motor homes, and mobile homes~~, and related equipment~~
16. Recreational vehicle park
17. Recycling center or plant
18. Sand, soil, gravel sales and storage
19. Sexually oriented businesses
20. 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.
21. Wholesale sales
22. Uses similar to the above that are not otherwise listed in this chapter

Temporary Uses - Administrative

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

New Definitions

"Animal Shelter, Community" means a place where dogs, cats or other stray or homeless animals are sheltered as part of a community animal control and protection program. Activities and services may include kenneling, animal clinic, pet counseling and sales, as well as animal disposal.

"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.

"Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

"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.

"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.

"Manufacturing and production" means firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firm or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

“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.

“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.

“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.

NEW ORDINANCE ***(Text to be added as a new WMC Chapter)***

Chapter 15.12

STORMWATER MANAGEMENT

Sections:

Article I. Introduction

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15.12.020 Purpose.
15.12.030 Applicability.
15.12.040 Definitions.
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Article II. Standard Requirements

15.12.060 Submittal requirements.
15.12.070 Water quality treatment.
15.12.080 Quantity control.
15.12.090 Maintenance and ownership.
15.12.100 Other requirements.

Article III. Exceptions and Special Cases

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15.12.120 Regional and subregional facilities.
15.12.130 Variances.
15.12.140 Other governmental agency projects.
15.12.150 Single-family home construction.
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Article IV. Other Provisions

15.12.180 Contents of preliminary and final stormwater plans – Technical information report (TIR).
15.12.190 Contents of an abbreviated preliminary stormwater plan.

Article V. Adopted Basin Plans

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Article I. Introduction

15.12.010 Findings.
The council finds that:

(1) Inadequately controlled stormwater runoff results in increased stormwater runoff volumes, peak flow rates and duration of peak flows in the city's streams, thereby causing flooding and safety hazards, and erosion, scouring, and deposition of sediment;

(2) Untreated stormwater runoff discharges nutrients, metals, oil and grease, toxic materials, and other forms of pollution to the city's surface and ground water resources, thereby endangering their use for recreation, drinking water, and fisheries;

(3) Stormwater problems from new development should be prevented and corrected at the time that such development occurs and that the governmental approval to proceed with new development should be so conditioned;

(4) The most financially sound and most equitable method for financing the improvements necessary to correct existing problems from stormwater runoff and to provide and maintain surface and ground water quantity and quality within drainage basins is for the owners and occupiers of existing properties and future developments within such basins to share the financial burden for such facilities and corrections with other funding sources when available; and

(5) The most technically and financially efficient method of addressing problems caused by stormwater runoff is through basin plans.

15.12.020 Purpose.
The purpose of this chapter is to:

(1) Prevent surface and ground water quality degradation and prevent erosion and sedimentation of creeks, streams, ponds, lakes, wetlands, and other water bodies;

(2) Prevent damage to property from increased runoff rates and volumes;

(3) Protect the quality of waters for drinking water supply, contact recreation, fishing and other beneficial uses;

(4) Establish sound developmental policies that protect and preserve the city's water resources;

(5) Protect roads and rights-of-way from damage due to inadequately controlled runoff and erosion;

(6) Preserve and enhance the aesthetic quality of the city's water resources;

(7) Protect the health, safety and welfare of the inhabitants of the city;

(8) Maintain existing ground water levels, in-stream flows, and available water supply volumes; and

(9) Further the goals of no net change in the quantity of runoff entering streams and no net negative change in the quality of runoff entering streams through the implementation of best management practices.

15.12.030 Applicability.

(1) Unless exempt by WMC 15.10.050, all ground-disturbing activities shall comply with City of Woodland erosion control standards and WMC Chapter 15.10, Erosion Control Ordinance.

(2) The provisions of this chapter apply to each of the following “development activities”:

> (a) The creation of more than 2,000 square feet of impervious surface or the division of urban single-family residential land creating the reasonable potential for more than 2,000 square feet of additional impervious surface.
>
> (b) The addition of more than 1,000 square feet of new impervious surface on existing industrial or commercial parcels.
>
> (c) Replacement of existing structures exceeding 5,000 square feet on commercial or industrial parcels.

(3) The provisions of this chapter also apply to “drainage projects,” as defined in WMC 15.12.040.

15.12.040 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(1) “Best management practice” or “BMP” means those physical, structural and managerial practices, and prohibitions of practices, that, when used singly or in combination, control stormwater runoff peak flow rates and volumes and prevent or reduce pollution of surface water or ground water.

(2) “Basin plan” means a stormwater management plan adopted by the council and meeting the requirements of Chapter 36.94 RCW.

(3) “City” means the Public Works Director of the City of Woodland or representative(s) designated by the Public Works Director.

(4) “Council” means the City of Woodland City Council.

(5) “Construction” means any site-altering activity, including but not limited to grading, utility construction and building construction.

(6) “Contributing drainage area” means the subject property together with the watershed contributing water runoff to the subject property.

(7) “Design storm” means the rainfall from a storm of 24-hour duration. For example, “two-year storm” means the two-year, 24-hour storm.

(8) “Development activity” means:

(a) The creation of more than 2,000 square feet of impervious surface or the division of urban single-family residential land creating the reasonable potential for more than 2,000 square feet of additional impervious surface;

(b) The addition of more than 1,000 square feet of new impervious surface on existing industrial or commercial parcels; or

(c) The replacement of existing structures exceeding 5,000 square feet on commercial or industrial parcels.

(9) “Development site” means the property on which a development activity is proposed.

(10) “Drainage project” means the excavation or construction of pipes, culverts, channels, embankments or other flow-altering structures in any stream, stormwater facility, or wetland in the City of Woodland.

(11) “Ground water” means water in a saturated zone or stratum beneath the surface of land or below a surface water body (source: WAC 173-200-020).

(12) “Impervious surface” means a hard surface area that either prevents or retards the entry of water into the soil. Examples include, but are not limited to, structures, walkways, patios, driveways, carports, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, haul roads and soil surface areas compacted by construction operations, and oiled or macadam surfaces. Open, uncovered stormwater facilities are not considered impervious surfaces.

(13) “Natural location” means the location and elevation of those channels, swales, and other nonmanmade conveyance systems as defined by the first documented topographic contours existing for the development site, either from maps or photographs.

(14) “NPDES” means the National Pollutant Discharge Elimination System.

(15) “Peak discharge” means the maximum stormwater runoff rate in cubic feet per second determined for the design storm.

(16) “Project engineer” means a registered professional engineer, licensed in the state of Washington, experienced and knowledgeable in the practice of civil engineering related to stormwater runoff control and treatment, who is responsible for the design and preparation of stormwater plans.

(17) “The Puget Sound Manual” means the State of Washington Department of Ecology’s “Stormwater Management Manual for the Puget Sound Basin,” February 1992 Edition, and updated errata sheets

issued by Clark County may be necessary to correct clear and obvious mathematical and technical errors in manual criteria.

(18) “Regional facility” means a facility designed to treat and control stormwater runoff from a contributing drainage area of at least 40 acres.

(19) “Registered soil scientist” means a professional soil scientist registered with the American Registry of Certified Professionals in Agronomy, Crops and Soils, experienced and knowledgeable in the practice of pedology related to soil survey, who is responsible for design and preparation of soils maps, related soil groups, and identifying soil factors for construction engineering.

(20) “Roof downspout systems” mean disposal systems that infiltrate stormwater runoff from roofs into the ground and meet the requirements stated in WMC 15.12.070(2) for these systems.

(21) “Stormwater facility” means the natural or constructed components of a stormwater drainage system, designed and constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, storage basins, infiltration devices, catch basins, manholes, dry wells, oil/water separators, and sediment basins.

(22) “Stream” shall mean those areas of year-round base flow or where surface waters produce a defined channel or bed at least two feet in width between ordinary high water marks. For the purposes of this chapter, streams shall include both natural channels and manmade channels that were constructed to replace a natural stream.

(23) “Subregional facility” means a facility designed to treat and control stormwater runoff from more than one development in a contributing drainage area of less than 40 acres.

(24) “Wetlands” means those areas defined as wetlands under Chapter 15.08 WMC, Critical Areas Regulation.

15.12.050 Enforcement.
The City is authorized to enforce the provisions of this chapter utilizing the remedies and procedures in this code.

Article II. Standard Requirements

15.12.060 Submittal requirements.
(1) Preliminary Stormwater Plan.

> (a) Purpose. The purpose of this plan is to determine whether a proposal can meet the requirements set forth in this chapter. The preliminary stormwater plan shall identify how stormwater runoff originating on the site or flowing through the site is presently controlled and how this will change due to the proposed development activity or drainage project. If the site is

within the region covered by a basin plan that is included in Article V of this chapter, then the information needed in the preliminary plan is reduced.

(b) Types of Projects. A preliminary stormwater plan is required for the following activities:

(i) Short plats;

(ii) site plan reviews subject to SEPA review;

(iii) Subdivisions;

(iv) Conditional use permits; and

(v) Planned unit developments.

(c) Timing.

(i) A preliminary stormwater plan shall be submitted with the land use application.

(ii) A land use application shall be considered “technically complete” from the standpoint of stormwater information when a preliminary stormwater plan meeting the submittal requirements of this chapter is provided.

(iii) To ensure adequate public review and avoid multiple reviews of preliminary plans by city staff, the preliminary stormwater plan shall not be significantly modified after public notice of the final SEPA determination without issuance of a new SEPA determination.

(d) Contents. The preliminary stormwater plan shall be prepared in the standardized format described in WMC 15.12.180. The purpose of this standardized format is to promote a quick and efficient review of required information and to evaluate the feasibility of the proposed stormwater control and water quality measures.

(e) Modification of Content Requirements. The City may waive in writing some or all of the content requirements in the preliminary stormwater plan if:

(i) The development activity or drainage project is included in an approved final stormwater plan which meets the requirements of this chapter; or

(ii) A basin plan exists that makes some of the information irrelevant.

(f) Review and Approval. For proposals connected with a land use application requiring a public hearing, the preliminary stormwater plan shall be heard and decided in accordance with the procedures applicable to the land use application. All other preliminary stormwater plans shall be

acted on by the City within 28 days following submittal of a preliminary stormwater plan meeting the submittal requirements of this chapter.

(g) Appeals. Preliminary stormwater plan decisions may be administratively appealed in conjunction with the associated land use application.

(2) Final Stormwater Plan.

(a) Purpose. The final stormwater plan provides final engineering design and construction drawings for the stormwater aspects of a proposed development activity or drainage project.

(b) Types of Projects. A final stormwater plan is required for all development activities and drainage projects described in WMC 15.12.030 even when a preliminary stormwater plan is not required under subsection (1)(b) or (e) of this section.

(c) Timing. The final stormwater plan is required and must be approved by the City prior to beginning construction related to a development activity or drainage project.

(d) Contents. The final stormwater plan shall consist of three parts:

(i) The approved preliminary stormwater plan, when required, with an explanation of any differences between the design concepts included in the preliminary stormwater plan and the final engineering plans. A final stormwater plan that differs from the approved preliminary stormwater plan in a manner that, in the opinion of the City, raises material water quality or quantity control issues, shall, if subject to SEPA, require another SEPA determination and, if subject to a public hearing, a second public hearing before the land use hearings examiner.

(ii) Final engineering plans that provide sufficient detail to allow construction of the stormwater facilities. These plans shall be stamped, signed, and dated by the engineer(s) registered in the state of Washington, responsible for hydrologic, hydraulic, geotechnical, structural and general civil engineering design and by the project engineer responsible for the preparation of the final stormwater plan. Additionally, the final engineering plan shall show all utilities to ensure that conflicts between proposed utility lines do not exist.

(iii) A technical information report (TIR).

(A) The TIR shall be a comprehensive report, supplemental to the final engineering plans, containing all technical information and analysis necessary to complete final water quantity and quality engineering plans based on sound engineering practices and careful geotechnical, hydrologic, hydraulic and water quality design.

(B) The TIR shall be stamped, signed and dated by the professional engineer(s), registered in the state of Washington, responsible for hydrologic, hydraulic, geotechnical, structural and general civil engineering design.

(C) The contents and format of the TIR are specified in WMC 15.12.180. This format is intended to serve as a guide to the type of information appropriate in the TIR. The level of detail in the TIR is dependent on the complexity and size of the project.

(e) Modification of Content Requirements. The City may waive, in writing, some of the content requirements in the final stormwater plan if:

(i) The development activity or drainage project is included in an approved final stormwater plan which meets the requirements of this chapter and the applicant demonstrates to the satisfaction of the City that the applicable provisions of the previously approved final stormwater plan will be met;

(ii) The City determines, upon receipt of a letter of request from the applicant, that less information is required to accomplish the purposes of this chapter; or

(iii) A basin plan exists that makes some of the information irrelevant.

(f) Review and Approval.

(i) Final stormwater plans shall be reviewed within 14 days of submittal or resubmittal.

(ii) All final stormwater plans require approval by the City. Approval is only for conformance with City of Woodland standards and does not relieve the engineer of record of responsibility for the design.

(iii) Approval of final stormwater plans does not relieve the applicant from the obligation to comply with this chapter and does not prevent the City from recovering for defective work or violation of this chapter.

(3) As-Built Plans.

(a) As-built plans which accurately represent the project as constructed shall be provided to the City prior to the issuance of building permits for single-family residential subdivisions, the issuance of occupancy permits for projects subject to site plan review, and within 60 days following completion of construction for other projects.

(b) The as-built plans shall include corrected engineering plans for the stormwater system, showing constructed dimensions and elevations. In addition, revisions to the final stormwater plan shall be submitted with the as-built plans where changes which take place during construction significantly alter the calculations and assumptions contained in the plan.

(c) All plans submitted shall be reproducible and submitted in paper and digital CAD files.

(d) The as-built plan submittal shall be stamped, signed and dated by a licensed professional engineer, registered in the state of Washington, certifying that the constructed project is in conformance with the final stormwater plan.

15.12.070 Water quality treatment.

(1) General Standards.

(a) All projects shall provide treatment of stormwater runoff through the use of BMPs specified in this section.

(b) Treatment BMPs shall be sized to capture, hold, and treat the water quality design storm, defined as the six-month, 24-hour storm runoff volume.

(c) If site conditions are appropriate and ground water quality will not be impaired, infiltration is the preferred BMP. All discharges to ground water shall comply with the following state laws: “The Water Pollution Control Act” (Chapter 90.48 RCW), “The Water Resources Act” (Chapter 90.54 RCW), and “Water Quality Standards for Ground Waters of the State of Washington” (Chapter 173-200 WAC). Infiltration may be limited near public water supply wells.

(d) The BMPs cited in this section shall be sited, designed, and constructed in accordance with the requirements detailed in the Puget Sound Manual for each BMP, with the following exceptions:

(i) For biofiltration swales (RB.05) and vegetative filter strips (RB.10), alternative design criteria from the publication “Biofiltration Swale Performance, Recommendations, and Design Considerations – Appendix G” by the Municipality of Metropolitan Seattle, Water Pollution Control Department, dated October 5, 1992, shall be used.

(ii) Where provisions of this chapter conflict with the Puget Sound Manual or other cited design guidance, this chapter shall take precedence.

(e) All discharges to surface waters shall comply with the following state laws: “The Water Pollution Control Act” (Chapter 90.48 RCW) and “Water Quality Standards for Surface Waters of the State of Washington” (Chapter 173-201A WAC).

(2) Standard BMPs.

(a) Standard stormwater treatment BMPs shall be used to treat stormwater throughout the City of Woodland.

(b) Acceptable standard treatment BMPs include the following from the Puget Sound Manual (Chapters III-3, III-4, and III-6):

(i) RI.05 – WQ infiltration basin.

(ii) RI.10 – WQ infiltration trench.

(iii) RI.15 – Roof downspout system.

(iv) RD.09 – Constructed wetland.

(v) RD.06 – Wet pond with marsh.

(vi) RD.05 – Wet pond without marsh.

(vii) RB.05 – Biofiltration swale.

(viii) RB.10 – Vegetative filter strip.

(ix) RF.05 – Sand filtration basin.

(x) RF.10 – Sand filtration trench.

(c) Sand filtration BMPs (RF.05 and RF.10) are not allowed on commercial or industrial sites where the effluent from the treatment systems will drain to ground water.

(d) For biofiltration swales and vegetative filter strips, the hydraulic residence used for design shall be no less than nine minutes. Swale slopes, however, may be less than two percent.

(e) Infiltration BMPs shall not be used as temporary erosion control devices.

(f) Alternative roof downspout systems that provide an equivalent level of performance to the system in the Puget Sound Manual (RI.15) may be approved by the city. Roof downspout systems can be constructed without observation wells.

(3) Source Control BMPs. In addition to the other water quality treatment requirements in this section, commercial, industrial, and public works development activities shall meet the source control BMPs specified in Chapters IV-2, IV-3, and IV-A of the Puget Sound Manual.

(4) Oil/Water Separators.

(a) The following development activities require API or CPS-type oil/water separators:

(i) Industrial machinery and equipment, trucks and trailer aircraft, parts and aerospace, railroad equipment;

(ii) Log storage and sorting yards;

(iii) Airfields and aircraft maintenance;

(iv) Fleet vehicle yards;

(v) Railroads;

(vi) Gas stations;

(vii) Retail/wholesale vehicle and equipment dealers;

(viii) Vehicle maintenance and repair;

(ix) Construction businesses such as paving, heavy maintenance, equipment storage and storage of petroleum products (this does not include construction sites);

(x) Other activities that exhibit a significant risk of high oil loading in runoff.

(b) The following development activities shall require spill control (SC) type oil/water separators:

(i) Restaurants;

(ii) Multifamily residential projects creating parking spaces for 25 or more vehicles;

(iii) Other activities where the risk of oil spills or illegal dumping of oil or grease is significant.

(c) For development activities cited in subsections (4)(a) and (b) of this section, oil/water separators shall not be required on portions of a site where the risk of oil or grease spills or dumping is minimal.

(d) Oil/water separators shall be designed in accordance with Chapter III, Section III-7 of the Puget Sound Manual.

(5) Infiltration BMPs on Industrial and Commercial Sites.

(a) Infiltration of stormwater runoff may not be allowed on commercial and industrial sites, which, due to location or the proposed use, pose a significant threat of contamination to ground water.

(b) Approval for use of infiltration BMPs (RI.05-30 in the Puget Sound Manual) on industrial and commercial sites, including gas stations, shall be conditioned on all the following criteria, unless found inappropriate by the City:

(i) Analysis of the potential for ground water contamination from the site. This analysis shall include a soils and ground water evaluation if deemed appropriate by the City.

(ii) Demonstration that no other feasible alternative exists for disposing of stormwater from the site.

(iii) A “State Waste Discharge Permit,” as described in Chapter 173-216 WAC, obtained from the State of Washington Department of Ecology, where required by the state, and other state permits and approvals as appropriate.

(c) The requirements of subsection (5)(a) of this section shall not apply to runoff from portions of a site where the risk of ground water contamination is no greater than single-family residential sites. Examples of these areas include rooftop drainage, runoff from undeveloped portions of a site, and drainage from portions of parking lots where the risk of illegal dumping is minimal.

(d) In cases where infiltration is allowed on commercial and industrial sites and a significant risk of ground water contamination exists, the City may require ground water monitoring to ensure against ground water contamination. The City may also require an agreement from the applicant for full mitigation in the event of ground water contamination.

(e) The provisions of this subsection (5) do not apply to nonindustrial and noncommercial sites that are defined under the NPDES permit system as industrial due to temporary construction activity.

(6) Experimental BMPs.

(a) Experimental best management practices are those which have not been fully tested and evaluated by the Department of Ecology and are not included as accepted practices in this code or the Puget Sound Manual. Experimental BMPs that are adequately tested and proven effective shall be incorporated into this chapter as standard or accepted BMPs in the future.

(b) Experimental BMPs may be allowed if all the following conditions are met:

(i) The experimental BMP usage is part of a Department of Ecology research project;

(ii) Monitoring of the effluent quality produced by the BMP, as well as influent quality, will be conducted for at least two years;

(iii) Results of the research will be published;

(iv) Financing is available to construct the BMP, conduct the testing, and publish the results.

(7) Drainage Structure Labeling and Signage.

(a) All catch basins and manholes capable of accepting stormwater shall be stenciled. The stenciling shall be redone once a year or as necessary to maintain readability. For infiltration

systems stenciling shall read: “Dump No Waste – Protect Your Ground Water.” For facilities draining to surface waters the stenciling shall read: “Dump No Waste – Drains to Stream.”

(b) Signs shall be installed along water quality biofiltration systems that read: “Water Quality Filter – Please Leave Vegetated.”

15.12.080 Quantity control.

(1) General Standards.

(a) All projects shall provide quantity control of stormwater runoff in accordance with the requirements of this section.

(b) Natural drainage flow routes through streams shall be maintained, and discharges from the site shall occur at the natural location and elevation, to the maximum extent practical.

(c) Transfer of runoff from one basin to another shall not be allowed.

(d) Surface water exiting a parcel shall be discharged with adequate energy dissipaters within the development site to prevent downstream damage.

(e) No reduction of existing conveyance capacity and no net loss of existing storage capacity for the 100-year storm is permitted in special flood hazard areas as defined by the Federal Emergency Management Agency in a scientific and engineering report entitled “The Flood Insurance Study for the City of Woodland, Washington” revised September 4, 1985. This requirement shall also apply to all areas within the limits of the existing 100-year floodplain, as determined by hydrologic/hydraulic computations in accordance with this chapter, for all streams and manmade channels within the City of Woodland.

(f) Where provisions of this chapter conflict with the Puget Sound Manual or other cited design guidance, this chapter shall take precedence.

(2) Hydrologic and Hydraulic Analysis.

(a) Hydrologic and hydraulic analysis shall be in accordance with Chapters III-1 and III-2 of the Puget Sound Manual, with the following exceptions:

(i) Table III-1.6, “Hydrologic Soil Groups for Soils in the Puget Sound Basin” is replaced by “Hydrologic Soil Groups for Soils in Clark County” and “Hydrologic Soil Groups for Soils in Cowlitz County”. (Source: SCS TR-55, Second Edition, June 1986, Exhibit A-i. Revisions made from SCS, Soils Interpretation Record, Form No. 5, September 1988). Alternatively, hydrological soil groups can be developed by a registered soil scientist using criteria set in the USDA, SCS National Soils Handbook.

(ii) Appendix AIII-1.1, “Isopluvial Maps for Design Storms” is replaced by “Isopluvial Maps for Design Storms in Cowlitz County”. (Source: NOAA Atlas 2, “Precipitation Frequency Atlas for the Western United States, Volume IX – Washington).

(iii) The “HEC-1 Flood Hydrograph Package” computer program, developed by the Hydrologic Engineering Center, U.S. Army Corps of Engineers, is an acceptable hydrologic computation program for use in the City of Woodland.

(iv) Design of stormwater collection systems shall be in accordance with Hydraulic Engineering Circular No. 12, “Drainage of Highway Pavements,” 1984 Edition, published by the United States Department of Transportation, Federal Highway Administration (FHWA).

(b) Table III-1.3, “SCS Western Washington Runoff Curve Numbers” of the Puget Sound Manual shall be used to calculate predevelopment and post-development runoff with the following constraints:

(i) Predevelopment land use shall be the typical land use over the past 50 years, as demonstrated by evidence acceptable to the City of Woodland. Alternatively, the land use shown on 1968 aerial photos can be used.

(ii) In areas where the predevelopment land use is determined to be forest, the curve numbers for “undisturbed” forest land shall be used.

(iii) Development activities involving replacement of existing commercial and industrial facilities can assume predevelopment land use equivalent to the facility being replaced.

(c) If surface runoff leaves a development site and the predevelopment runoff calculations do not assume undisturbed forest in determining the runoff curve number, then a hydraulic and hydrologic analysis of the capacity of the downstream conveyance system shall be required.

(i) The analysis shall analyze both the natural and manmade conveyance system to the Lewis River, Horseshoe Lake, and Burris Creek, or a point at least one mile downstream from the development site, whichever is less. This distance may be extended by the city if impacts further downstream are likely due to the development activity.

(ii) Based on the analysis, the system will be assumed to be at capacity if one of the following conditions exists currently or will exist as a result of the proposed development activity:

(A) The conveyance system fails to meet the requirements of this section.

(B) Streams that are part of the conveyance system overflow their banks during a two-year storm.

(C) Significant stream bank erosion is evident.

(D) Existing downstream residences are flooded during the 100-year storm.

(3) Design Methodology for Quantity Control Facilities.

(a) Except as limited by WMC 15.12.070(5) for commercial and industrial sites, infiltration of the 100-year storm is required for all stormwater discharges from development sites where local soil types and ground water conditions are suitable; provided, that water quality treatment as detailed in WMC 15.12.070 is provided prior to infiltration.

(b) The design infiltration rate for infiltration systems shall be limited to half the percolation rate. Percolation rates shall be tested on-site for all soils.

(c) The City may allow the base of infiltration facilities to be less than three feet above seasonal high water or an impermeable layer if the quality and quantity control requirements of this chapter can be met.

(d) For surface runoff leaving a development site, the following criteria shall be met:

(i) The peak release rate for the two-, 10-, 25- and 100-year design storms after development shall not exceed the respective predevelopment rates.

(e) For development activities where a downstream analysis is performed and the conveyance system is at capacity as defined in subsection (2)(c) of this section, the runoff volumes from the 25- and 100-year design storm after development shall not exceed the predevelopment runoff volumes from the 25- and 100-year storm.

(f) To ensure the standards in this section are met, the volume available for storing runoff in a stormwater facility shall be reduced by:

(i) High seasonal ground water; and

(ii) Assumed starting condition equivalent to an immediately prior two-year storm event.

(g) Design of stormwater control facilities shall be in accordance with the following methods from the Puget Sound Manual (Chapters III-1 and III-3):

(i) Section III-1.4.4 – Hydrograph Routing;

(ii) Section III-1.4.5 – Hydrograph Summation and Phasing;

(iii) Section III-1.4.6 – Computer Applications;

(iv) Section III-3.3 – Feasibility Analysis and General Limitations for Infiltration BMPs;

(v) Section III-3.4 – General Design Criteria for Infiltration and Filtration BMPs;

(vi) Section III-3.5 – Construction and Maintenance;

(vii) Section III-4.3 – General Design Criteria;

(viii) Section III-4.4 – Standards and Specifications for Detention Ponds.

(4) Conveyance Systems.

(a) Open channel conveyance systems incorporating water quality treatment, habitat improvement and emergency overland flood relief routes shall be utilized to the maximum extent practicable.

(b) Stormwater conveyance elements to transport water within and from a project site shall be sized to carry flows from the “design storm” from the contributing drainage area based upon the projected full buildout of that contributing drainage area, and be fully compatible with existing downstream conveyance elements and flow conditions.

(c) For stormwater conveyance design, the “design storm” shall be the 100-year storm.

(d) Development sites shall be planned to be able to pass a 100-year storm through the site.

(e) Closed conveyance system elements shall be designed to operate in an open flow, not pressure flow, regime.

(f) Design of conveyance systems shall be in accordance with Chapter III-2 of the Puget Sound Manual.

(g) Design of bridges shall be in accordance with the State of Washington Department of Transportation Bridge Design Standards, 1991 Edition or most current edition.

(h) Stormwater easements shall be provided to the City for access and maintenance of all conveyance systems within the development site which are to be maintained by the City. The minimum widths of easements shall be as follows, although the City may require increased widths when necessary to ensure adequate area for equipment access and maintenance:

(i) Pipes with I.D. less than or equal to 36 inches: 20 feet;

(ii) Pipes with I.D. greater than 36 inches: 20 feet plus pipe I.D.;

(iii) Pipes shall be located with their centerline no closer than one-quarter of the easement width from an adjacent property line;

(iv) Channels: top width of channel plus 15 feet on one side.

(i) Stormwater easements shall be provided to the City for access and maintenance of all streams within a development site.

(i) Easements shall include the land between the top of bank on both sides of the stream.

(ii) Easements shall also include an additional 25 feet adjacent to the top of bank on one side of the stream for equipment and maintenance access, if adequate access is not available in the area between the top of banks.

(iii) Excluded from the easements shall be any existing private structures, such as buildings, which prevent access to the stream.

(j) No buildings or other structures that prevent access are permitted within easements. Fences crossing easements shall provide gates of sufficient width over the easement for access by maintenance vehicles.

(5) Discharge to Large Water Bodies. Projects meeting all the following criteria are exempt from the quantity control requirements of subsections (3)(d) and (e) of this section:

(a) The runoff from the project directly enters the Lewis River, Horseshoe Lake, and Burris Creek.

(b) Runoff is treated in accordance with the requirements of WMC 15.12.070;

(c) The discharge and its related structures are approved by the Washington Department of Fish and Wildlife and other appropriate state and federal agencies;

(d) The discharge structure is designed to avoid erosion during all storms up to the 100-year storm;

(e) If an existing discharge structure is used:

(i) The structure must meet requirements in subsections (3)(d) and (e) of this section; and

(ii) The discharge structure and conveyance system leading to the discharge must have adequate capacity to meet the requirements of this chapter.

15.12.090 Maintenance and ownership.

(1) City Ownership of Stormwater Facilities.

(a) Stormwater facilities located within public road rights-of-way shall be owned by the City.

(b) City ownership of stormwater facilities outside public road rights-of-way is not required and will be considered on a case-by-case basis.

(c) City ownership of stormwater facilities is required where the City will assume long-term maintenance of the facilities.

(2) Initial Maintenance.

(a) To ensure satisfactory operation of new stormwater facilities, the applicant constructing the facility shall maintain it for two years after completion of the project.

(b) In cases where the stormwater facility is within a public road right-of-way or on land owned by the City of Woodland, the applicant constructing the facility, after satisfactory completion of the stormwater facilities and as a condition of acceptance of such facilities by the City of Woodland, shall commence a two-year period of maintenance of the facility. The applicant shall satisfactorily maintain the facility and repair any failure within this two-year period. Additionally, the applicant shall post and maintain a maintenance bond or other security acceptable to the City during this two-year initial maintenance period. The purpose of the maintenance bond is to cover the cost of design defects or failures in workmanship of the facilities. The amount of the maintenance bond shall be 10 percent of the construction cost of the stormwater facilities.

(3) Long-Term Maintenance.

(a) The City of Woodland shall provide long-term maintenance of new stormwater facilities under any of the following situations:

(i) Facilities located in public road rights-of-way; or

(ii) Facilities dedicated to the City of Woodland (dedication to the City of Woodland requires prior approval and acceptance by the City).

(b) If the City of Woodland provides long-term maintenance of a stormwater facility, all the following requirements shall be met:

(i) The requirements in subsection (2) of this section shall be completed;

(ii) The facilities shall be inspected and approved by the City prior to acceptance. Required remedial work to correct design and construction deficiencies shall be completed by the project developer prior to acceptance; and

(iii) All necessary ownerships and easements entitling the City to properly access and maintain the facility shall be conveyed to the City of Woodland and recorded with the county auditor.

(c) For stormwater facilities for which the City of Woodland will not provide long-term maintenance, the applicant shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance in a manner subject

to the approval of the City. Such arrangements shall be approved prior to City approval of the final stormwater plan and completed prior to the end of the two-year initial maintenance period of the applicant's responsibility or in the case of plats, prior to the time of recording.

(d) The City shall inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the City shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the City shall perform this maintenance and bill the parties responsible for the maintenance. The City may record a property lien for all costs associated with the maintenance performed.

(e) Easements or a covenant acceptable to the City shall be provided to the City for purposes of inspection of privately maintained facilities. The minimum dimensions of easements for stormwater facilities are as follows:

(i) Sufficient width around a treatment or storage pond to encompass the pond plus the additional area necessary for equipment accesses;

(ii) Pond design and easements shall allow access to all areas within the pond by standard maintenance equipment vehicles;

(iii) Widths of easements for conveyance facilities shall be as detailed in WMC 15.12.080(4)(l) and (m).

(f) Final plats shall include a note specifying the party(s) responsible for long-term maintenance of stormwater facilities.

15.12.100 Other requirements.

(1) Location of Stormwater Facilities.

(a) Treatment runoff control and recharge facilities shall be located prior to the point of discharge into a stream, lake, or fish-bearing water or prior to discharge to ground water.

(b) Location of stormwater facilities in relation to wetlands are specified in Chapter 15.08 WMC, Critical Areas Regulation.

(c) Stormwater facilities, other than closed conveyance systems, shall be located at least 100 feet from existing and proposed on-site sewage system drainfields.

(d) Infiltration systems used for stormwater disposal shall be located at least 100 feet from domestic water supply wells.

(e) Swales and other stormwater treatment facilities using biofiltration shall be located outside easements and corridors used by phone, electric, water, natural gas, and other utilities unless the utilities are installed prior to construction of the biofiltration system.

(f) Sites used for stormwater treatment and runoff control facilities shall be owned by the applicant, City, county, or state and:

(i) If the City, county or state owns the site, a letter from the responsible agency allowing use of the site for stormwater control shall be submitted with the preliminary stormwater plan.

(ii) If the City, county or state does not own the site and the proposal involves a development activity, the stormwater control site shall be included for consideration with the land use application for the development activity.

(g) Stormwater treatment and control facilities shall be located on separate tracts which are recommended, but not required, to meet minimum zoning lot size requirements. The plat or other dedication instrument shall indicate tract disposition in the event of City abandonment or vacation.

(2) Protection of Infiltration Systems from Erosion. Stormwater infiltration systems shall be isolated and protected from sedimentation due to erosion during the construction phase of a development activity or drainage project. Furthermore, use of infiltration systems shall be minimized until the erodible parts of a site are stabilized with adequate vegetation.

(3) Fencing of Stormwater Facilities.

(a) Stormwater treatment and runoff control facilities located in or adjacent to residential areas shall be fenced unless these facilities are constructed as part of a project amenity such as a park or the City waives the fencing requirement due to special circumstances.

(b) Stormwater treatment and runoff control facilities, other than those described in subsection (3)(a) of this section, shall be fenced if they pose safety risks to the public.

(c) The size and type of fence shall be determined by the City.

(4) Side Slopes of Stormwater Facilities.

(a) For maintenance and safety reasons, side slopes of stormwater facilities normally shall be no steeper than 4:1.

(b) For facilities to be maintained by the City, vertical slopes are allowed if all the following conditions are met:

(i) No more than 50 percent of the perimeter of the stormwater facility shall have vertical sides except in areas of steep topography where 75 percent of the perimeter may have vertical sides.

(ii) Vertical sides more than three feet high shall be fenced.

(iii) Slopes steeper than 2:1 shall be analyzed for structural stability and shown to be structurally sound.

(iv) Access for maintenance of facilities satisfactory to the City shall be provided.

(v) Side slopes in a biofiltration treatment area shall be no steeper than 4:1.

(c) For facilities that will not be maintained by the City, slopes steeper than 4:1 are allowed if all the following conditions are met:

(i) Side slopes in a biofiltration treatment area shall be no steeper than 4:1.

(ii) Adequate long-term erosion control is provided.

(iii) Slopes steeper than 2:1 shall be analyzed for structural stability and shown to be structurally sound.

(iv) The maintenance and operations manual for the facility shall demonstrate that the facility can be maintained.

(d) Side slope steeper than 4:1 may also be allowed by the City for specialized projects, such as stream bank reconstruction, where all the following conditions are met:

(i) Side slopes do not need to be mowed.

(ii) Adequate long-term erosion control is provided.

(5) Recovering Costs of Stormwater Facilities.

(a) The following costs associated with stormwater facilities may be recoverable through latecomers' agreements (RCW 35.91.010):

(i) Oversizing on-site facilities above their existing capacity or the capacity required for the proposed development;

(ii) A proportionate share of the total cost of off-site facilities.

(b) If a stormwater utility exists, the costs for building or oversizing a stormwater facility may be eligible as a credit against applicable system development charges.

Article III. Exceptions and Special Cases

15.12.110 Basin plans.

(1) Basin plans are strategies for a watershed designed to protect and enhance surface and ground water within a watershed.

(2) Where conflicts occur, the policies and standards in a basin plan shall supersede the other requirements of this chapter.

(3) To be valid, basin plans must be stamped by a registered professional engineer, adopted by the council and incorporated into this chapter.

(4) Adopted basin plans are identified beginning in WMC 15.12.200.

15.12.120 Regional and subregional facilities.

(1) If regional or subregional facilities are used to meet some or all of the standard requirements of Article II of this chapter, the following conditions shall be met:

> (a) Stormwater runoff shall be transported from a development site to a regional/subregional facility through a pipe or manmade open channel conveyance system.
>
> (b) If the regional/subregional facility does not yet exist, interim quantity control and treatment methods shall be used to meet the standard requirements of Article II of this chapter. All interim methods shall be reviewed and shall require written approval by the City.
>
> (c) The facility must have sufficient capacity to provide the treatment and quantity control specified in Article II of this chapter.
>
> (d) A written commitment from the owner of the facility, or the City, in the case of City facilities, shall be provided that allows use of the facility by the applicant.

(2) Where appropriate, a system development charge shall be assessed for use of a regional/subregional facility.

15.12.130 Variances.

(1) General.

> (a) Variance requests require a public hearing before a City of Woodland hearings examiner. Notice and appeal requirements will be the same as those provided for preliminary subdivision plat applications.
>
> (b) Variances shall be valid only for the life of the land use application permit or approval.

(2) Variances – Hardship. If application of the standard requirements of Article II of this chapter will preclude all reasonable use of a parcel, an applicant can make a written request for a waiver from some or all of the standard requirements of Article II of this chapter. For the variance request to be considered, the applicant must demonstrate all of the following:

(a) The proposed activities will not cause significant degradation of ground water or surface water quality;

(b) The proposed activities comply with all state, local and federal laws, including those related to sediment control, pollution control, floodplain and floodway restrictions, wetland and fish habitat protection;

(c) No material damage to nearby public or private property nor significant threat to the health or safety of people on or off the property will occur; and

(d) The inability to derive any reasonable use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of the ordinance codified in this chapter.

15.12.140 Other governmental agency projects.
The bonding and insurance requirements of WMC 15.12.100(6) shall be waived for development activities and drainage projects undertaken by governmental agencies.

15.12.150 Single-family home construction.
The construction of single-family homes, duplexes, and their accessory structures that fall into one of the categories below and meet the conditions stated for that category are exempt from the provisions of Article II (Standard Requirements) and Article IV (Other Provisions) of this chapter.

(1) Previously Reviewed and Approved Site. The development site or parcel is included in an approved final stormwater plan that meets the requirements of this chapter or a stormwater plan was approved that provided for detention or retention of runoff from residential lots.

(2) Lots 15,000 Square Feet and Less. Residential structures on lots 15,000 square feet or smaller constructed with roof downspout systems.

(3) Lots 15,000 Square Feet to One and One-Half Acres with Roof Downspout Systems. Lots larger than 15,000 square feet and smaller than or equal to one and one-half acres where the residential structure is constructed with a roof downspout system and the following minimum amounts of storage are provided for stormwater runoff:

(a) Two thousand cubic feet per acre, if the site is unforested at time of occupancy.

(b) Eight hundred cubic feet per acre, if the majority of the site is young second or third growth forest at the time of occupancy.

(c) No storage, if the majority of the site is undisturbed forest at the time of occupancy.

(4) Lots 15,000 Square Feet to One and One-Half Acres without Roof Downspout Systems. Lots larger than 15,000 square feet and smaller than or equal to one and one-half acres where the residential structure is constructed without a roof downspout system and the following minimum amounts of storage are provided for stormwater runoff:

(a) Three thousand cubic feet per acre, if the site is unforested at time of occupancy.

(b) One thousand six hundred cubic feet per acre, if the majority of the site is young second or third growth forest at the time of occupancy.

(c) Five hundred cubic feet per acre, if the majority of the site is undisturbed forest at the time of occupancy.

(5) Lots Larger than One and One-Half Acres. Lots larger than one and one-half acres where the following minimum amounts of storage are provided for stormwater runoff:

(a) Three thousand cubic feet per acre, if the site is unforested at time of occupancy.

(b) One thousand five hundred cubic feet per acre, if the majority of the site is young second or third growth forest at the time of occupancy.

(c) No storage, if the majority of the site is undisturbed forest at the time of occupancy.

15.12.160 Small residential projects.

(1) Qualifying Projects. Small residential projects include single-family residential short plats and subdivisions of four lots or less.

(2) Treatment and Runoff Control Requirements.

(a) As an alternative to meeting all the water quality treatment and quantity control requirements specified in WMC 15.12.070 and 15.12.080, small residential projects can utilize the following methods for treating and controlling stormwater runoff:

(i) Use of roof downspout systems for residential structures.

(ii) Control of runoff flows through creation of detention volume of at least 8,000 cubic feet per acre of the development site.

(iii) Use of one of the standard BMPs listed in WMC 15.12.070(2) for treating runoff other than the runoff from roofs.

(b) Small residential projects that utilize the methods identified in subsection (2)(a) of this section shall be exempt from the following sections of this chapter:

(i) Hydrologic and hydraulic analysis (WMC 15.12.080(2)).

(ii) Design methodology for quantity control facilities (WMC 15.12.080(3)(b), (c), and (d)).

(3) Information Requirements. The submittal requirements (WMC 15.12.060) for small residential projects are modified as follows:

(a) An abbreviated preliminary stormwater plan as outlined in WMC 15.12.190 can be substituted for the preliminary stormwater plan.

(b) A technical information report (WMC 15.12.060(2)(d)(iii)) shall not be required; however, sufficient information and data shall be provided with the final stormwater plan to allow the City to determine conformance with the applicable provisions of this chapter.

15.12.170 Other exemptions.

(1) Drainage Projects.

(a) Drainage projects that are not a part of a development activity are exempt from the water quality treatment provisions of this chapter (WMC 15.12.070).

(b) For drainage projects that are not part of a development activity, the City may waive all or parts of the submittal requirements (WMC 15.12.060), maintenance and ownership requirements (WMC 15.12.090), and bonding and insurance requirements (WMC 15.12.100(6)) if the project meets the other appropriate parts of this chapter.

Article IV. Other Provisions

15.12.180 Contents of preliminary and final stormwater plans – Technical information report (TIR).

The technical information report, which is part of the preliminary and final stormwater plans, shall contain the following information:

(1) Table of Contents.

(a) List of section headings and their respective page numbers;

(b) List of tables with page numbers;

(c) List of figures with page numbers;

(d) List of attachments, numbered;

(e) List of references.

(2) Site Location Map. The site location map (minimum USGS 1:24,000 quadrangle topographic map), shall be as required for the preliminary stormwater plan, updated to reflect additional data or revisions to concepts established in preliminary stormwater plan.

(3) Development Plan. The development plan, which can be combined with the final engineering plans, shall be as required for the preliminary stormwater plan with the following additional information:

(a) Delineate subbasins and show sub-basin acreage used in hydraulic/hydrologic calculations;

(b) Existing and proposed contours (two-foot maximum contour interval);

(c) Show directions and lengths of overland, pipe, and channel flow;

(d) Indicate outfall points and overflow routes for the 100-year storm;

(e) Show storage volumes, pipe and weir invert elevations, and lengths of weir for stormwater control facilities;

(f) Show all existing and proposed easements and rights-of-way.

(4) Soils Map. A soils map as required for the preliminary stormwater plan.

(5) Section A – Project Overview.

(a) Identify and discuss existing stormwater system functions.

(b) Identify and discuss site parameters influencing stormwater system design.

(c) Describe drainage to and from adjacent properties.

(d) Generally describe proposed site construction, size of improvements, and proposed methods of mitigating stormwater runoff quantity and quality impacts.

(6) Section B – Approval Conditions Summary. List each preliminary approval condition related to stormwater control, wetlands, floodplains, and other water-related issues and explain how design addresses or conforms to each condition.

(7) Section C – Downstream Analysis. If this information is required in accordance with WMC 15.12.080(2)(c), then the analysis shall include:

(a) Reference downstream analysis provided in the preliminary stormwater plan and identify any revisions to this analysis.

(b) Identify criteria and assumptions used in completing downstream analysis and their sources.

(c) Complete detailed hydrologic analysis of manmade and natural downstream system in accordance with WMC 15.12.080. Compute existing and proposed peak flows and volumes for the design storms at all discharge points both to and from the site and at downstream stormwater control structures. Calibrate and verify hydrologic models using existing rainfall and stream flow records, where available. Verify reasonableness of results by comparison with results from alternative engineering methods and comparison with available reports and studies. Discharge points should refer to labeled points shown on the site location map.

(d) Tabulate existing and proposed peak flows and volumes. Include and reference all hydrologic and hydraulic computations in the technical appendix.

(e) Verify hydrologic and hydraulic computations in the field by observation and measurement of significant rainfall events, where possible, evaluation of stream erosion, high water marks (e.g., lines of permanent vegetation and debris lines) and other hydrologic and hydraulic verification techniques. State whether the downstream system is at capacity and describe how runoff from the proposed project will impact the capacity of the system. Describe how the design of the stormwater facilities on the development site addresses the impacts.

(8) Section D – Quantity Control Analysis and Design.

(a) Hydrologic analysis, existing and developed conditions:

(i) Identify criteria used in completing analyses and their sources.

(ii) Identify and discuss any assumptions made in completing analysis.

(iii) Tabulate acreage; imperviousness; curve number; length and grade of overland, pipe, and channel flow; and other hydrologic parameters used in completing analyses.

(iv) Complete detailed hydrologic analysis for existing and developed site conditions in accordance with the requirements of WMC 15.12.080. Compute existing and developed peak flows and volumes for the design storms for all subbasins. Refer to labeled points shown on the site location map and development plan.

(v) Include and reference all hydrologic and hydraulic computations in the technical appendix.

(vi) Include all maps, exhibits, graphics, and references used to determine existing and developed site hydrology.

(b) Quantity Control System Design.

(i) Reference conceptual design proposed in the preliminary stormwater plan.

(ii) Identify revisions to conceptual design contained within the final engineering plans.

(iii) Identify and discuss geotechnical or pedological study or information used in completing analysis and design.

(iv) Identify criteria used in completing analyses and their sources.

(v) Identify initial conditions including stream base flows, beginning water surface elevations, hydraulic or energy grade fines, initial ground water elevation, beginning storage volumes, and other data or assumptions used to determine initial conditions in order to complete analyses. Reference sources of information.

(vi) Identify and discuss any assumptions used in completing analysis.

(vii) Complete detailed hydrologic/hydraulic analysis of all on-site stormwater control facilities impacted by the proposal, in accordance with the requirements of WMC 15.12.080. Compute inflow and outflow hydrographs and peak flows and storage volumes. Reference conveyance and stormwater control facilities to labeled points shown on the development plan.

(viii) Tabulate existing and proposed peak flows and storage volumes.

(ix) Include and reference all hydrologic and hydraulic computations, equations, rating curves, stage/storage/discharge tables, graphs and any other aides necessary to clearly show methodology and results in the technical appendix.

(x) Summarize results of quantity control system analyses and describe how the proposed design meets the requirements of this chapter.

(xi) Include all maps, exhibits, graphics and references used to complete quantity control system analysis and design.

(c) Quantity Control System Plan.

(i) Provide illustrative sketch of quantity control facility and its appurtenances.

(ii) Show basic measurements necessary to confirm storage volumes.

(iii) Show all orifice, weir, and flow restrictor dimensions and elevations.

(iv) Tabulate peak flow rates, storage volumes, and ponding elevations for all design storms.

(v) Sketch shall correspond with final engineering plans. Alternatively, final site grading plan incorporating the above information may be included as an attachment to the final stormwater plan.

(9) Section E – Conveyance Systems Analysis and Design.

(a) Reference conceptual drainage design proposed in the preliminary stormwater plan.

(b) Identify revisions to conceptual drainage design contained within the final stormwater plan.

(c) Identify criteria used in completing analyses and their sources.

(d) Identify and discuss initial conditions including stream base flows, beginning water surface elevations, hydraulic or energy grade lines, beginning storage elevations, and other data or assumptions used to determine initial conditions in order to complete analyses. Reference sources of information.

(e) Identify and discuss assumptions used in completing analyses.

(f) Complete detailed hydraulic analysis of all proposed collection and conveyance system elements and existing collection and conveyance elements influencing the design or impacted by the proposal, including outfall structures and outlet protection, in accordance with WMC 15.12.080. Compute and tabulate design flows and velocities and conveyance element capacities for all conveyance elements within the development. Compute existing 100-year floodplain elevations and lateral limits for all channels, and verify no net loss of conveyance or storage capacity from development. Reference conveyance system elements to labeled points shown on the site location map or development plan.

(g) Verify capacity of each conveyance system element to convey design flow and discharge at nonerosive velocities. Verify capacity of on-site conveyance system to convey design flows resulting from ultimate buildout of upstream areas.

(h) Include and reference all hydraulic computations, equations, pipe flow tables, flow profile computations, charts, nomographs, detail drawings and other tabular or graphic aids used to design and confirm performance of conveyance systems in the technical appendix.

(i) Summarize results of system analyses and describe how the proposed design meets the requirements of this chapter.

(j) Provide a conceptual drainage design in the preliminary stormwater plan.

(10) Section F – Water Quality Design.

(a) Reference conceptual water quality design proposed in the preliminary stormwater plan.

(b) Identify revisions to conceptual water quality design contained within the final stormwater plan.

(c) Identify geotechnical or soils study or other information used in completing analysis and design.

(d) Identify best management practices used in design and their sources.

(e) Identify and discuss initial conditions including ground water elevations, beginning storage elevations, and other data or assumptions used to determine initial conditions in order to complete analyses. Reference sources of information.

(f) Identify and discuss assumptions used in completing analysis.

(g) Complete detailed analysis and design of all proposed water quality system elements in accordance with WMC 15.12.070. Reference water quality system elements to labeled points shown on the site location map or development plan.

(h) Include and reference all computations, equations, charts, nomographs, detail drawings and other tabular or graphic aids used to design water quality system elements in the technical appendix.

(i) Summarize results of water quality design and describe how the proposed design meets the requirements of this chapter.

(j) Provide a conceptual water quality design in the preliminary stormwater plan.

(11) Section G – Soils Evaluation.

(a) Identify on-site soil types and their erosive potential and discuss their suitability for implementation of proposed best management practices (BMPs) and quantity control facilities.

(b) Identify seasonal high water table elevations in cases where this will impact the stormwater facilities.

(c) Identify and discuss soil parameters and design methods for use in hydrologic and hydraulic design of proposed facilities.

(d) Where infiltration BMPs are proposed, complete soil tests to determine the infiltration rates. In some cases the City may require additional geotechnical investigation, in accordance with the requirements of Section III-3.3.3 of the Puget Sound Manual.

(12) H – Special Reports and Studies. Where specific site characteristics, such as steep slopes, wetlands, and sites located in wellhead protection areas, pose difficult drainage and water quality design problems,

the city may require additional information or the preparation of special reports and studies which further address the specific site characteristics, the potential for impacts associated with the development, and the measures which would be implemented to mitigate impacts. Special reports shall be prepared by professional persons with expertise in the particular area of analysis, who shall date, sign, stamp and otherwise certify the report. Subjects of special reports may include, but not be limited to, the following:

(a) Geotechnical/pedological;

(b) Wetlands;

(c) Floodplains and floodways;

(d) Ground water;

(e) Structural design;

(f) Fluvial geomorphology (erosion and deposition). All special reports and studies shall be included in the technical appendix, or as an attachment to the TIR.

(13) Section I – Other Permits. Construction of roads and stormwater facilities may require additional water-related permits from other agencies. These additional permits may contain requirements that impact design of the stormwater system. This section shall list the titles of all other required permits, the agencies requiring the permits, and identify the permit requirements, if known, that affect the final stormwater plan. Approved permits that are critical to the feasibility of the stormwater facility design shall be included in this section. Examples of other permits are as follows:

(a) Wetland permit;

(b) On-site sewage disposal: Southwest Washington Health Department or Washington Department of Health;

(c) Developer/local agency agreement: Washington State Department of Transportation;

(d) Short-term water quality modification approval: Washington State Department of Ecology;

(e) Hydraulic project approval: Washington State Departments of Fisheries and Wildlife;

(f) Dam safety permit: Washington State Department of Ecology;

(g) Section 10, 404, and 103 permits: U.S. Army Corps of Engineers;

(h) Surface mining reclamation permits: Washington State Department of Natural Resources;

(i) Floodplain permit;

(j) Shoreline management permit.

(14) Section J – Ground Water Monitoring Program. Where required under WMC 15.12.070, a ground water monitoring program shall be included in the final stormwater plan. The ground water monitoring program shall be prepared by a person with expertise in ground water contamination investigation, prevention, and monitoring, and shall clearly describe a comprehensive ground water testing and evaluation program designed to ensure compliance with federal and state of Washington laws and the requirements of this chapter. Proposed ground water monitoring programs will be reviewed by the City on a site-specific basis.

(15) Section K – Maintenance and Operations Manual. For each stormwater control or treatment facility which is to be privately maintained and for those which constitute an experimental system under WMC 15.12.070(6) to be maintained by the City, the project engineer shall prepare a maintenance and operations manual. The manual, which may be brief, shall be clearly written in an orderly and concise format that clearly describes the design and operation of the facility. The manual shall also provide an outline of required maintenance tasks with recommended frequencies at which each task should be performed. Use of the maintenance procedures outlined in the Puget Sound Manual for various BMPs is encouraged.

(16) Section L – Technical Appendix. All technical information reports shall contain a technical appendix, including all computations completed in the preparation of the TIR together with copies of referenced data, charts, graphs, nomographs, hydrographs, maps, exhibits, and all other information required to clearly describe the stormwater runoff quantity and quality design for the proposed project. The format of the technical appendix shall follow as closely as possible the section format of the TIR, and shall be adequately cross-referenced to ensure that the design may be easily followed, checked, and verified. The technical appendix shall also contain all special reports and studies, other than those included as attachments to the TIR.

15.12.190 Contents of an abbreviated preliminary stormwater plan.
An abbreviated preliminary stormwater plan is allowed for certain projects specified in WMC 15.12.160. These plans shall contain the information listed below. All maps shall contain a scale and north arrow. Ensuring the accuracy of all the information is the applicant’s responsibility.

(1) Vicinity Maps. All vicinity maps shall clearly show the site of the development activity or drainage project.

(a) Site Location Map. Minimum USGS 1:24,000 quadrangle topographic map showing natural and manmade drainage features adjacent to site including existing and proposed (if known) stormwater facilities.

(b) Other Maps. The following additional vicinity maps shall be required in the situations noted below:

(i) Floodplains. If a floodplain mapped by FEMA exists on or adjacent to the site.

(ii) Shoreline Management Area. If the site contains or is adjacent to a stream or lake regulated under the State Shorelines Management Act.

(2) Preliminary Development Plan. The preliminary development plan shall show the character of the existing site and proposed features, including but not limited to:

(a) Existing and proposed property boundaries, easements and rights-of-way;

(b) Existing contours with a five-foot maximum contour interval, unless the city determines a lesser interval is sufficient to show drainage patterns;

(c) Existing on-site water wells, known agricultural drain tiles, areas of potential slope instability, structures, utilities, and septic tanks and drainfields;

(d) Location of the 100-year floodplain and floodways and shoreline management area limits on the site;

(e) Existing water resource features on and adjacent to the site including streams, wetlands, springs, sinks, and stormwater facilities;

(f) Drainage flow routes and existing discharge points to and from the site; and

(g) Approximate location and size of proposed stormwater facilities, including typical cross-sections of proposed facilities.

(3) Additional Site and Vicinity Information.

(a) If wetlands exist on the site and will be impacted by the proposal, a wetland delineation report may be required.

(b) If unstable or complex soil conditions exist which may significantly impact the design of the stormwater facilities, the city may require a preliminary soils report to be completed that addresses stormwater design considerations arising from soil conditions.

(c) The City may require additional site or vicinity information if needed to determine the feasibility of the stormwater proposal.

(4) Preliminary Stormwater Design Report. A written narrative shall be required to accompany the preliminary stormwater plan. The narrative shall describe the methods for meeting the requirements of this chapter and include the following information:

(a) Listing of approximate volumes of runoff storage required;

(b) Listing of tested percolation rates at sites to be used for infiltration, if required;

(c) Listing of proposed BMPs which will meet the treatment requirements of this chapter and are appropriate for the site;

(d) Description of the approximate size and location of stormwater facilities on the site;

(e) Discussion of who will maintain the facility(s) after completion and proposed method of funding for maintenance if the facility(s) will be privately maintained; and

(f) Listing of additional permits (e.g., wetland, floodplain, and shoreline management permits) that may be required in connection with the stormwater facilities.

Article V. Adopted Basin Plans

15.12.200 Reserved.

Staff Report – *Amending Woodland's Administrative and SEPA Appeal Processes*

DATE: August 6, 2012
TO: Woodland Planning Commission
FROM: Carolyn Johnson, Community Development Planner
RE: WMC Amendments to SEPA and Administrative Appeal Procedures (LU# 210-917)

Completing a code amendment to update the city's SEPA and administrative appeal processes is a 2012 Planning Commission Goal. A public hearing before the Planning Commission was held on June 21, 2012. Based on public testimony, the following changes were made:

> *3. Appeals concerning non SEPA related matters shall be filed with the city planning department within fourteen (14) days after the final written administrative interpretation/determination date and shall be initiated by filing a written notice of appeal accompanied with the applicable appeal fee. Such a written notice of appeal shall include:*
>
> > *a. The name and address of the party or agency filing the appeal;*
> >
> > *b. An identification of the specific administrative interpretation or determination for which appeal is sought; and*
> >
> > *c. A statement of the particular grounds or reasons for the appeal ~~including all relevant provisions of Woodland Municipal Code, Comprehensive Plan, and other adopted plans~~.*
>
> *3. All procedural and substantive SEPA appeals shall be initiated by filing a written notice of SEPA administrative appeal, accompanied with the applicable appeal fee. The written notice of appeal shall include:*
>
> > *a. The name and address of the party or agency filing the appeal;*
> >
> > *b. An identification of the specific proposal and specific SEPA actions or determinations related to conditioning, lack of conditioning or denial of an action for which appeal is sought; and,*
> >
> > *c. A statement of the particular grounds or reasons for the appeal ~~including all relevant provisions of Woodland Municipal Code, Comprehensive Plan, and other adopted plans~~.*

The primary purposes of this code amendment are to:

1) Clarify the City's SEPA appeal procedures and authority by making them consistent with the SEPA statute.

2) Amend the code to be consistent with RCW 36.70B.060 which requires no more than one consolidated open record hearing and one closed record appeal. Currently the code allows for an "optional open record hearing" after the pre-decision hearing has been commenced for certain land-use decision such as zoning text amendments and comprehensive plan map amendments. This is not allowed by statute.

3) Clarify the review procedures and authority for appeals of administrative (staff) decisions or interpretations of the Woodland Municipal Code.

4) Clarify other review and appeal procedures and authorities. The current table in WMC 19.08.030 does not accurately reflect all of the review and appeal procedures and authorities outlined in the code.

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

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

CMJ

ORDINANCE NO. XXXX

THE CITY OF WOODLAND, WASHINGTON

AN ORDINANCE AMENDING WMC TITLE 15, 16, 17 AND 19 REGARDING ADMINISTRATIVE SEPA AND NON-SEPA APPEAL PROCEDURES.

WHEREAS, the Planning Commission and City Council made the development of an ordinance that would address administrative SEPA and non-SEPA appeal procedures a priority in 2012;

WHEREAS, the Planning Commission held a public hearing on the draft ordinance on June 21, 2012;

WHEREAS, the Planning Commission voted to forward the draft ordinance to Council with a recommendation of *Approval* on **August 16, 2012**;

WHEREAS, the Woodland Municipal Code conflicts with RCW 43.21C.075 regarding administrative SEPA appeal procedures;

WHEREAS, the Woodland Municipal Code conflicts RCW 36.70B.060 provisions allowing no more than one consolidated open record hearing and one closed record appeal during the review process;

WHEREAS, the Woodland Municipal Code does not fully address the appeal process for certain administrative approvals and determinations;

WHEREAS, pursuant to RCW 43.21C.075 agencies may provide for an administrative appeal of determinations relating to SEPA in their agency SEPA procedures provided they comply with the statute;

WHEREAS, all procedural requirements of the Woodland Municipal Code (WMC) for these amendments have been met; and

NOW THEREFORE, be it hereby ordained by the City Council of the City of Woodland:

Repeal WMC 15.04.225.

Repeal WMC 16.19.100 and replace with the following:

16.19.100 Appeal procedures.

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

Repeal WMC 16.32.080 and replace with the following:

16.32.080 Appeal.

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

Repeal WMC 17.56.035 and replace with the following:

17.56.035 Off-street parking—Floodway use district.

All developments in the floodway use district shall provide adequate off-street parking for visitors, employees and delivery vehicles. The number of off-street parking spaces for developments in this district shall be determined by the public works director and based upon the information in the proponent's SEPA checklist or impact statement. Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08.

Repeal WMC 17.56.045 and replace with the following:

17.56.045 Off-street parking—Heavy industrial district.

All developments in the heavy industrial district shall provide adequate off-street parking for employees, delivery vehicles and visitors. The number of off-street parking spaces for developments in this district shall be determined by the public works director and based upon information in the proponent's SEPA checklist or impact statement. Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08. Up to thirty-five percent of the employee parking spaces may be compact spaces.

Repeal WMC 19.06.040 and replace with the following:

19.06.040 Appeals of administrative approvals and determinations.

1. Administrative decisions regarding the approval or denial of applications or administrative determinations/interpretations may be appealed to the hearing examiner, Planning Commission, or City Council as set forth in WMC 19.08.030, within fourteen days of the final staff decision.

Appeal of any administrative decisions or determinations/interpretation not specifically listed in WMC 19.08.030 may be appealed to the hearing examiner.

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

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

a. The name and address of the party or agency filing the appeal;

b. An identification of the specific administrative interpretation or determination for which appeal is sought; and

c. A statement of the particular grounds or reasons for the appeal.

Such appeals shall be reviewed by the hearing examiner at an open record public hearing as set forth in WMC19.08.030 and 17.81.110 through 17.81.150. An administrative decision shall become final when no appeal is filed within the fourteen day appeal period.

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

Repeal WMC 19.06.050 and replace with the following:

19.06.050 Appeal of SEPA related issues/administrative matters.

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

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

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

Except as provided in WMC 19.16.050.A.2, the appeal shall consolidate any allowed appeals of procedural and substantive determinations under SEPA with a hearing or appeal on the

underlying governmental action in a single simultaneous hearing before the hearing examiner. The hearing or appeal shall be one at which the hearing examiner will consider either the City's decision or a recommendation on the proposed underlying governmental action. If no hearing or appeal on the underlying governmental action is otherwise provided, then no administrative SEPA appeal is allowed, except as allowed under WMC 19.06.050.A.2.

Any appeal of a procedural or substantive determination under SEPA issued at the same time as the decision on a project action shall be filed within fourteen days after a notice of decision under RCW 36.70B.130 or after other notice that the decision has been made and is appealable. In order to allow public comment on a DNS prior to requiring an administrative appeal to be filed, this appeal period shall be extended for an additional seven days if the appeal is of a DNS for which public comment is required. For threshold determinations issued prior to a decision on a project action, any administrative appeal shall be filed within fourteen days after notice that the determination has been made and is appealable.

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

a. An appeal of a determination of significance (DS);

b. An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review, including any appeals of its procedural determinations, prior to submitting an application for a project permit;

c. An appeal of a procedural determination made by an agency on a nonproject action; and

d. An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statures.

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

a. The name and address of the party or agency filing the appeal;

b. An identification of the specific proposal and specific SEPA actions or determinations related to conditioning, lack of conditioning or denial of an action for which appeal is sought; and,

c. A statement of the particular grounds or reasons for the appeal.

4. Procedural determinations made by the responsible official shall be entitled to substantial weight.

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

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

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

Repeal WMC Chapter 19.08 and replace with the following:

Chapter 19.08 APPROVAL, REVIEW AND APPEAL AUTHORITY

Sections:
19.08.010 Department staff approval authorities.
19.08.020 Consolidation of review and appeal process.
19.08.030 Review and appeal authority.
19.08.040 Conflicts.

19.08.010 Department staff approval authorities.

As outlined in 19.08.030, department staff as assigned by the director or the DRC shall have the authority to review and approve, deny, modify, or conditionally approve, land use or environmental permits or licenses required from the City for a project action, including but not limited to, site plan review, boundary line adjustments, administrative temporary and conditional use permits, building permits and other construction permits, SEPA procedural and substantive determinations, short plats, binding site plans, minor variances, minor modifications to approved administrative conditional use permits and conditional use permits, phasing and expiration extensions of subdivision preliminary plats, sign permits, certificates of occupancy, critical area permits, floodplain development permits, and shoreline exemptions, and to provide interpretations of codes and regulations applicable to such projects.

19.08.020 Consolidation of review and appeal process.

A. A written notice of final decision concerning project permits shall be issued within one hundred twenty days of the date of the complete application. The 120-day limit may be extended by agreement between the applicant of the project and City. The following periods of time shall be excluded from the 120 days.

1. The City requires the applicant to correct plans, perform required studies, or provide additional information concerning the project;

2. An Environmental Impact Statement (EIS) is being prepared;

3. Any administrative appeal of project permits is being processed; or

4. Exemption from the above timelines is specifically allowed in accordance with city, state, or federal law.

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

19.08.030 Review and appeal authority.

The following table describes development permits and the final decision and appeal authorities. 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. When decision making authority rests with the City Council, appeal shall be to the county superior court.

Key:	R	=	Recommendation to Higher Review Authority	D	=	Decision
	OP	=	Open Record Predecision Hearing	SR	=	Staff Recommendation with Staff Report
	C	=	Closed Record Appeal Hearing	A	=	Appeal Decision

	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
ZONING					
ADMINISTRATIVE CONDITIONAL USE PERMITS	D		A (OP)		
CONDITIONAL USE PERMITS		SR	D (OP)		A (C)
MINOR MODIFICATION TO APPROVED CONDITIONAL USES AND ADMINISTRATIVE CONDITIONAL USES		D		A (OP)	
ADMINISTRATIVE TEMPORARY USE PERMITS	D		A (OP)		
MAJOR VARIANCE		SR	D (OP)		A (C)
MINOR VARIANCE		D		A (OP)	
SITE SPECIFIC ZONE CHANGES		SR		R (OP)	D
ZONING TEXT AMEND (DEVEVELOPMENT REGULATION CHANGES)		SR		R (OP)	D
AREA WIDE MAP AMEND		SR		R (OP)	D

	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
COMPREHENSIVE PLAN					
COMPREHENSIVE PLAN TEXT AMENDMENT		SR		R (OP)	D
COMPREHENSIVE PLAN MAP AMENDMENT		SR		R (OP)	D
LAND DIVISION					
RE-PLAT	SR		D (OP)		A (C)
PLAT VACATION	SR		D (OP)		A (C)
BOUNDARY LINE ADJUSTMENT	D				A (OP)
PRELIMINARY PLAT		SR		R (OP)	D
VARIANCE RELATED TO PRELIMINARY PLAT		SR		R (OP)	D
PHASING AND EXPIRATION EXTENSION OF APPROVED PRELIMINARY PLAT		D			A (OP)
SHORT PLAT	D				A (OP)
VARIANCE RELATED TO		SR			D (OP)

	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
SHORT PLAT					
FINAL PLAT		SR		R	D
PLANNED UNIT RESIDENTIAL DEVELOPMENT		SR		R (OP)	D
BINDING SITE PLAN	D				A (OP)
ENVIRONMENTAL					
CRITICAL AREAS PERMIT	D		A (OP)		
SEPA PROCEDURAL DETERMINATION					
1. DNS	D		A (OP)*1		
2. MDNS	D		A (OP)*1		
3. DS/EIS	D		A (OP)*1		
SHORELINES					
SUBSTANTIAL DEVELOPMENT PERMIT		SR	D (OP)*2		
CONDITIONAL USE PERMIT		SR	D (OP)*2		
VARIANCE		SR	D (OP)*2		
EXEMPTION	D		A (OP)*2		

	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
EXTENSION OF SHORELINE RELATED PERMIT	D		A (OP)		
SITE PLAN REVIEW					
COMMERCIAL		D		A (OP)*3	A (C)*3
INDUSTRIAL		D		A (OP)*3	A (C) *3
MULTI FAMILY		D		A (OP)*3	A (C)*3
OTHER USES		D		A (OP)*3	A (C)*3
MOBILE HOME PARK		D		A (OP)*3	A (C)*3
OTHER					
BLDG. / GRADING / FILL PERMIT W/SEPA	Building Official				
SIMILAR USE DETERMINATION		SR		D	A (OP)
FLOODPLAIN DEVELOPMENT PERMIT	D*5		A (OP)		
APPEAL OF ENFORCEMENT ACTION PER WMC 17.92		SR	D (OP)		

	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
APPEAL OF ADMINISTRATIVE DECISIONS UNRELATED TO SEPA OR ENFORCEMENT ACTION PER WMC 17.92		SR	D (OP)		A (C)
APPEAL OF DECISIONS RELATED TO TAKINGS OR SUBSTANTIVE DUE PROCESS RELATED ISSUES AS OUTLINED IN WMC 17.81.095		D	A (OP)		
WAIVER OF VIOLATION AS OUTILNED IN WMC 17.81.020.C			D(OP)		

[*1] See WMC 19.06.040 and .050.
[*2] Appeals of the hearing examiner's decisions shall be reviewed by the Shoreline Hearings Board. Shoreline Conditional Use Permits and Variances must also be approved by the Department of Ecology.
[*3] If appeal does not include SEPA matters.
[*4] If appeal includes SEPA matters, the appeal shall be reviewed by the hearing examiner. If appeal does not include SEPA matters, the appeal shall be reviewed by the Planning Commission.
[*5] Preferably the City's Floodplain Manger.

If any section, sentence, clause or phrase of this Ordinance shall be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

A Summary of this Ordinance shall be published.

This ordinance shall be in full force and effect five days after publication as required by law.

ADOPTED IN OPEN MEETING _____ DAY OF _____, 2012.

CITY OF WOODLAND, WASHINGTON

Approved:

_____
Grover Laseke, Mayor

Attest:

_____
Mari E. Ripp, Clerk / Treasurer

Approved as to form:

_____
Bill Eling, City Attorney

DRAFT WMC AMENDMENTS
Date: July 29, 2012

Administrative and SEPA Appeal Procedures

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

Chapter 16.19 - BINDING SITE PLANS

16.19.100 - Appeal procedures.

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

Chapter 16.32 - SHORT SUBDIVISIONS

16.32.080 - Appeal.

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

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

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

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

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

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

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

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

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

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

17.56.035 - Off-street parking—Floodway use district.

All developments in the floodway use district shall provide adequate off-street parking for visitors, employees and delivery vehicles. The number of off-street parking spaces for developments in this district shall be determined by the public works director and based upon the information in the proponent's SEPA checklist or impact statement. ~~Appeals of the director's determination may be made to the planning commission.~~ *Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08.*

17.56.045 - Off-street parking—Heavy industrial district.

All developments in the heavy industrial district shall provide adequate off-street parking for employees, delivery vehicles and visitors. The number of off-street parking spaces for developments in this district shall be determined by the public works director and based upon information in the proponent's SEPA checklist or impact statement. *Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08.* ~~Appeals of the director's determination may be made to the planning commission.~~ Up to thirty-five percent of the employee parking spaces may be compact spaces.

19.06.040 *Appeals of* ~~A~~administrative approvals *and determinations*.

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

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

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

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

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

a. The name and address of the party or agency filing the appeal;

b. An identification of the specific administrative interpretation or determination for which appeal is sought; and

c. A statement of the particular grounds or reasons for the appeal.

Such appeals shall be reviewed by the hearing examiner at an open record public hearing as set forth in WMC19.08.030 and 17.81.110 through 17.81.150. An administrative decision shall become final when no appeal is filed within the fourteen day appeal period.

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

19.06.050 Appeal of SEPA related issues/administrative matters.

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

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

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

Except as provided in WMC 19.16.050.A.2, the appeal shall consolidate any allowed appeals of procedural and substantive determinations under SEPA with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before the hearing examiner. The hearing or appeal shall be one at which the hearing examiner will consider either the City's decision or a recommendation on the proposed underlying governmental action. If no hearing or appeal on the underlying governmental action is otherwise provided, then no administrative SEPA appeal is allowed, except as allowed under WMC 19.06.050.A.2.

Any appeal of a procedural or substantive determination under SEPA issued at the same time as the decision on a project action shall be filed within fourteen days after a notice of decision under RCW 36.70B.130 or after other notice that the decision has been made and is appealable. In order to allow public comment on a DNS prior to requiring an administrative appeal to be filed, this appeal period shall be extended for an additional seven days if the appeal is of a DNS for which public comment is required. For threshold determinations issued prior to a decision on a project action, any administrative appeal shall be filed within fourteen days after notice that the determination has been made and is appealable.

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

a. An appeal of a determination of significance (DS);

b. An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review, including any appeals of its procedural determinations, prior to submitting an application for a project permit;

c. An appeal of a procedural determination made by an agency on a nonproject action; and

d. An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statures.

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

a. The name and address of the party or agency filing the appeal;

b. An identification of the specific proposal and specific SEPA actions or determinations related to conditioning, lack of conditioning or denial of an action for which appeal is sought; and,

c. A statement of the particular grounds or reasons for the appeal.

4. Procedural determinations made by the responsible official shall be entitled to substantial weight.

~~2~~ *5*~~. The following threshold decisions or actions are subject to timely appeal:~~

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

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

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

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

~~3~~ *5*. For any appeal under this subsection the ~~c~~*C*ity shall keep a record of the appeal proceedings, which shall consist of the following:

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

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

Chapter 19.08 APPROVAL, REVIEW AND APPEAL AUTHORITY

Sections:
19.08.010 *Department staff* ~~A~~*a*pproval ~~and appeal~~ authorities.
19.08.020 Consolidation of *review and* appeal~~s/completion of~~ process.
19.08.030 Review and appeal authority.
19.08.040 Conflicts.

19.08.010 *Department staff* ~~A~~*a*pproval ~~and appeal~~ authorities.
~~The project review process for an application or a permit may include review and approval by one or more of the following processes:~~
As outlined in WMC 19.08.030,~~Department Staff. Individual~~ *department* staff as assigned by the director *or the DRC* shall have the authority to review and approve, deny, modify, or conditionally approve, ~~among others~~ *land use or environmental permits or licenses required from the City for a project action, including but not limited to, site plan review*, boundary line adjustments, administrative temporary and conditional use permits, building permits and other construction permits, ~~exempt from the State Environmental Policy Act, environmental~~ *SEPA procedural and substantive* determinations, ~~review (including reviews of undersized lots of record),~~ short plats*, binding site* plans*, minor variances, minor modifications to approved administrative conditional use permits and conditional use permits, phasing and expiration extensions of subdivision preliminary plats*, sign permits, certificates of occupancy*, critical area permits, floodplain development permits,* and shoreline exemptions, and to provide interpretations of codes and regulations applicable to such projects.

19.08.020 Consolidation of *review and* appeal~~s/completion of~~ process.
~~A. Any development which includes a request for one or more variances shall be considered by the planning commission concurrently with the plat or plan to which it applies.~~

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

1. The City requires the applicant to correct plans, perform required studies, or provide additional information concerning the project;

2. An Environmental Impact Statement (EIS) is being prepared;

3. Any administrative appeal of project permits is being processed; or

4. Exemption from the above timelines is specifically allowed in accordance with city, state, or federal law.

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

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

19.08.030 Review and appeal authority.
The following table describes development permits and the final decision and appeal authorities. ~~When separate applications are consolidated at the applicant's request, the final decision shall be rendered by the highest authority designated for any part of the consolidated application. Council decisions may be appealed~~ *All applicable administrative appeals shall be exhausted prior to 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. *When decision making authority rests with the City Council, appeal shall be to the county superior court.*

Key:	R	=	Recommendation to Higher Review Authority	D	=	Decision
	OP	=	Open Record Predecision~~etermination~~ Hearing	SR	=	Staff Recommendation *with Staff Report*
	~~OPX~~	~~=~~	~~Optional Open Record Hearing~~	A	=	Appeal Decision
	C	=	Closed Record Appeal Hearing			

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

	~~NOT SUBJECT TO RCW 36.70B~~	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
COMPREHENSIVE PLAN						
~~C.P.~~ *COMPREHENSIVE PLAN* TEXT AMENDMENT			SR		R (OP)	D ~~(OPX)~~
~~C.P.~~ *COMPREHENSIVE PLAN* MAP AMENDMENT			SR		R (OP)	D ~~(OPX)~~
LAND DIVISION						
RE-PLAT		*S*R		D (OP)		A (C)
PLAT VACATION		*S*R		D (OP)		A (C)
BOUNDARY LINE ADJUSTMENT		D				A (OP)
PRELIMINARY PLAT			SR		R (OP)	D ~~(C)~~
VARIANCE RELATED TO PRELIMINARY PLAT			*SR*		*R (OP)*	*D*
PHASING AND EXPIRATION EXTENSION OF APPROVED PRELIMINARY PLAT			*D*			*A (OP)*
SHORT PLAT		D				A (~~C~~*OP*)

	~~NOT SUBJECT TO RCW 36.70B~~	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
VARIANCE RELATED TO SHORT PLAT			*SR*			*D (OP)*
FINAL PLAT			SR		R	D
PLANNED UNIT RESIDENTIAL DEVELOPMENT			SR		R (OP)	D ~~(C)~~
BINDING SITE PLAN		D				A (~~C~~*OP*)
~~PLAT TIME EXTENSION~~			~~SR~~			~~D (C)~~
ENVIRONMENTAL						
CRITICAL AREAS ~~PLAN~~ *PERMIT*		D		A (OP)		
SEPA *PROCEDURAL DETERMINATION*						
1. DNS		D		A (OP)*1		
2. MDNS		D		A (OP)*1		
3. DS/EIS		D		A (OP)*1		
~~4. SUPPLEMENTAL~~		~~D~~		~~A (OP)~~		
SHORELINES						
SUBSTANTIAL DEVELOPMENT ~~SUB. DEV.~~ PERMIT			SR	D (OP)*2		

	~~NOT SUBJECT TO RCW 36.70B~~	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
CONDITIONAL USE PERMIT			SR	D (OP)*2		
VARIANCE			SR	D (OP)*2		
EXEMPT*ION*		D		A (OP)*2		
EXTENSION OF SHORELINE RELATED PERMIT		*D*		*A (OP)*		
SITE PLAN REVIEW						
COMMERCIAL			D		A (OP)*3	A (C)*3
INDUSTRIAL			D		A (OP)*3	A (C)*3
MULTI FAMILY			D		A (OP)*3	A (C)*3
OTHER USES			*D*		*A (OP)**3	*A (C)**3
~~M/H~~ *MOBILE HOME* PARK			D		A (OP)*3	A (C)*3
OTHER						
BLDG. */ GRADING / FILL* PERMIT W/SEPA		Building Official		A (OP)		
SIMILAR USE DETERMINATION			*SR*		*D*	*A (OP)*
FLOODPLAIN DEVELOPMENT PERMIT		*D**5		*A (OP)*		

	~~NOT SUBJECT TO RCW 36.70B~~	PUBLIC WORKS DEPARTMENT STAFF	DEVELOPMENT REVIEW COMMITTEE	HEARING EXAMINER	PLANNING COMMISSION	CITY COUNCIL
APPEAL OF ENFORCEMENT ACTION PER WMC 17.92			*SR*	*D (OP)*		
APPEAL OF ADMINISTRATIVE DECISIONS UNRELATED TO SEPA OR ENFORCEMENT ACTION PER WMC 17.92			*SR*	*D (OP)*		*A (C)*
APPEAL OF DECISIONS RELATED TO TAKINGS OR SUBSTANTIVE DUE PROCESS RELATED ISSUES AS OUTLINED IN WMC 17.81.095			*D*	*A (OP)*		
WAIVER OF VIOLATION AS OUTILNED IN WMC 17.81.020.C				*D (OP)*		

~~# Decision made by Building Official~~

*[*1] See WMC 19.06.040 and .050.*

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

*[*3] If appeal does not include SEPA matters.*

[*5] *Preferably the City's Floodplain Manger*.

RCW 43.21C.075
Appeals.

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall allow no more than one agency appeal proceeding on each procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement);

(b) Shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous hearing before one hearing officer or body to consider the agency decision or recommendation on a proposal and any environmental determinations made under this chapter, with the exception of:

(i) An appeal of a determination of significance;

(ii) An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under this chapter, including any appeals of its procedural determinations, prior to submitting an application for a project permit;

(iii) An appeal of a procedural determination made by an agency on a nonproject action; or

(iv) An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an administrative appeal procedure, such person shall, prior to seeking any judicial review, use such agency procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. This subsection does not modify any such time periods. In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within such time period. The agency shall give official notice stating the date and place for commencing an appeal.

(b) If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 is used, appeals shall be commenced within the time period specified by RCW 43.21C.080.

(6)(a) Judicial review under subsection (5) of this section of an appeal decision made by an agency under subsection (3) of this section shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on

RCW 36.70B.060
Local governments planning under the growth management act to establish integrated and consolidated project permit process — Required elements.

Not later than March 31, 1996, each local government planning under RCW 36.70A.040 shall establish by ordinance or resolution an integrated and consolidated project permit process that may be included in its development regulations. In addition to the elements required by RCW 36.70B.050, the process shall include the following elements:

(1) A determination of completeness to the applicant as required by RCW 36.70B.070;

(2) A notice of application to the public and agencies with jurisdiction as required by RCW 36.70B.110;

(3) Except as provided in RCW 36.70B.140, an optional consolidated project permit review process as provided in RCW 36.70B.120. The review process shall provide for no more than one consolidated open record hearing and one closed record appeal. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing;

(4) Provision allowing for any public meeting or required open record hearing to be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with provisions of RCW *36.70B.090 and 36.70B.110;

(5) A single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing and any recommendations on project permits that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the local permit. If a threshold determination other than a determination of significance has not been issued previously by the local government, the report shall include or append this determination;

(6) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, if a local government elects to provide an appeal of its threshold determinations or project permit decisions, the local government shall provide for no more than one consolidated open record hearing on such appeal. The local government need not provide for any further appeal and may provide an appeal for some but not all project permit decisions. If an appeal is provided after the open record hearing, it shall be a closed record appeal before a single decision-making body or officer;

(7) A notice of decision as required by RCW 36.70B.130 and issued within the time period provided in RCW 36.70B.080 and *36.70B.090;

(8) Completion of project review by the local government, including environmental review and public review and any appeals to the local government, within any applicable time periods under *RCW 36.70B.090; and

(9) Any other provisions not inconsistent with the requirements of this chapter or chapter 43.21C RCW.

[1995 c 347 § 407.]

Notes:

***Reviser's note:** RCW 36.70B.090 expired June 30, 2000, pursuant to 1998 c 286 § 8.

Municipal Research and Services Center of Washington

Working Together for Excellence in Local Government

Regulatory Reform (ESHB 1724) Overview

The 1995 Legislature adopted "regulatory reform" legislation (ESHB 1724) for the purpose of simplifying and integrating the various state land use and environmental regulations. Most of this legislation is embodied in chapter 36.70B RCW. All of this legislation's requirements apply to cities and counties planning under the Growth Management Act (GMA), while only part of its requirements apply to non-GMA cities and counties. Cities and counties were required to implement locally the requirements that apply to them by March 31, 1996. What follows is a summary of the major provisions of this legislation, including amendments adopted since 1995.

I. Provisions of most significance:

A. Coordination/consolidation of local permit process with State Environmental Policy Act (SEPA) review (RCW 43.21C.075(3)).

1. Before regulatory reform: SEPA review of threshold determination appeal hearings (if provided for) occurred before hearing(s) on underlying land use permit. Some cities and counties allowed a threshold determination appeal hearing (such as before a hearing examiner) and then an appeal of that decision to the legislative body (city council, board of county commissioners). Problem with this procedure - length of permit process, duplication of review.
2. Regulatory reforms: Apply to all cities and counties, GMA and non-GMA
3. SEPA appeal hearing (if any is provided) on negative threshold determination (DNS) must occur at the same hearing in which a hearing body (e.g. planning commission) or officer (hearing examiner) makes a recommendation (to legislative body) or decision on the underlying land use permit. This is the "open record hearing," discussed below.
4. SEPA appeal hearing (if any is provided) on DS (requiring that an EIS be prepared) may occur before any hearing on the underlying land use permit. (As in pre-regulatory reform days, any appeal of a SEPA determination is to superior court along with the appeal on the underlying permit.)

B. Project permit process.

1. Definition of project permit (RCW 36.70B.020): any land use or environmental permit or license required by a city for a project action, including building permits, subdivisions, planned unit developments, shoreline permits, site-specific rezones. (Some of these project permits may, however, be excluded from most project permit process requirements; see below.) Does not include: comprehensive plan adoption or amendment; area-wide zoning.
2. All cities and counties (GMA and non-GMA) must have established a project permit process to do the following (RCW 36.70B.050):
   - Combine SEPA review process with process for review of project permit applications (see above), and
   - Provide for no more than one open record hearing and one closed record appeal on a project permit application.

   What is an open record hearing? It is the traditional public hearing in which testimony, evidence, and other information (reports, studies, etc.) is presented, where the record for the decision on the project permit is developed. It may be held prior to the decision on the project permit or it may be held on an appeal (such as from an administrative decision). (RCW 36.70B.020(3))

   What is a closed record appeal? It is an appeal proceeding (typically this would be before the legislative body) held after an open record hearing on a project permit application. It is not a hearing, because no, or only limited, new evidence or information may be presented (the record is closed). Basically, all that would be presented would be oral argument based on the record. (RCW 36.70B.020(1))

3. GMA cities and counties must have established an integrated and consolidated project permit process. This is the requirement that causes the most sweat and fuss for GMA cities and counties. (RCW 36.70B.060)

   This integrated and consolidated process includes the following requirements (these are not all of them, but they are the most significant):

   - A determination of completeness of a project permit application. This must be done within 28 days of a city or county receiving a project permit application. This determination must state that the application is complete or that it is not complete and indicate what is needed to complete the application. (RCW 36.70B.070)
   - A notice of application that is to be provided to the public and any agencies with jurisdiction. It must be provided within 14 days of the determination of completeness. There are many requirements for this notice. (RCW 36.70B.110). Note that this statute was amended in two different ways in two separate bills passed by the 1997 Legislature. Under statutory rules for resolving conflicts between bills on the same subject, the amendments that were part of chapter 429, Laws of 1997 control.)
   - An optional consolidated project permit review process. This process is to be available when there are two or more project permits relating to a proposed action. The determination of completeness and the notice of application would include all of the project permits addressed by the consolidated procedure.
   - A determination of consistency. (RCW 36.70B.030, 36.70B.040) During project permit review, the city or county must determine the proposed project's consistency with its development (zoning) regulations or, in the absence of such regulations, with the comprehensive plan adopted under the GMA.
   - The one open record hearing and one closed record appeal limitation is again referenced here.
   - A decision on the application within the time period established by local ordinance for that decision, which time period should not exceed 120 days. (RCW 36.70B.080, as amended by ESHB 1458 (Chapter 322, Laws of 2001)). The time period for local government action may exceed 120 days only if the local government makes written findings that a specified period of additional time is necessary for processing. Local governments are subject to potential liability under RCW 64.40.020(1) for failure to make a decision on an application within the time period they have established for making that decision.
   - Other requirements relating to the project review process. (RCW 36.70B.030) One important element of this review process is the authorization to determine that the environmental analysis conducted for and the mitigation measures included in applicable development/zoning regulations provide adequate mitigation of a project's adverse impacts. One of the important regulatory reform policies that is implemented here is to avoid duplication in environmental review. This policy recognizes that the environmental analysis of a comprehensive plan and of specific development regulations may adequately address the impacts of certain developments/projects permitted under the plan and regulations.
   - Exclusions allowed. (RCW 36.70B.140) A local government may exclude certain project permits from most of the above provisions. A city or county may by ordinance or resolution exclude landmark designations, street vacations, other approvals relating to the use of public areas or facilities, and other project permits that the city or county determines present special circumstances that warrant a different review process.

     A city or county may also exclude certain project permits from some of the above provisions. Such excludable project permits include boundary line adjustments, building permits, and similar approvals that are categorically exempt from SEPA.

II. Selected other elements of regulatory reform:

A. Shoreline Management Act (SMA) changes, including integration of SMA planning and GMA planning. The goals and policies of a local government's shoreline master program now function as an element of its comprehensive plan adopted under the GMA. (RCW 36.70A.480)

B. Optional "development agreements" authorized (for all cities and counties). (RCW 36.70B.170 - .210) A development agreement, consistent with development regulations, may be agreed to between a local government and a developer that would define the development standards and environmental mitigations that would apply to the development project.

C. A local government may now delegate to a hearing examiner the authority to hear and make final decisions on all project permit applications, with the exception of site-specific rezones, for which the legislative body must make the final decision. Thus, a city council or board of county commissioners may take itself almost entirely out of the land use permit appeal process, with that one exception.

D. New rules for judicial appeals of local land use decisions. The "Land Use Petition Act," codified in chapter 36.70C RCW, establishes a uniform procedure for appealing land use decisions to the superior court. A party now has 21 days from the issuance of a land use decision to appeal to the superior court. The new rules include uniform procedures for such appeals.

Related MRSC Resources

MRSC Index – Regulatory reform of land use and development (ESHB 1724, Ch. 36.70B RCW, Ch. 347 Laws of 1995)

(3) Agencies shall prepare a document that contains agency SEPA policies (WAC 197–11–902), so that applicants and members of the public know what these policies are. This document shall include, or reference by citation, the regulations, plans, or codes formally designated under this section and RCW 43.21C.060 as possible bases for conditioning or denying proposals. If only a portion of a regulation, plan, or code is designated, the document shall identify that portion. This document (and any documents referenced in it) shall be readily available to the public and shall be available to applicants prior to preparing a draft EIS.

[Statutory Authority: 1995 c 347 (ESHB 1724) and RCW 43.21C.110. 97–21–030 (Order 95–16), § 197–11–660, filed 10/10/97, effective 11/10/97. Statutory Authority: RCW 43.21C.110. 84–05–020 (Order DE 83–39), § 197–11–660, filed 2/10/84, effective 4/4/84.]

WAC 197–11–680 Appeals.

(1) **Introduction**. Appeals provisions in SEPA are found in RCW 43.21C.060, 43.21C.075 and 43.21C.080. These rules attempt to construe and interpret the statutory provisions. In the event a court determines that these rules are inconsistent with statutory provisions, or with the framework and policy of SEPA, the statute will control. Persons considering either administrative or judicial appeal of any decision which involves SEPA at all are advised to read the statutory sections cited above.

(2) **Appeal to local legislative body**. RCW 43.21C.060 allows an appeal to a local legislative body of any decision by a local nonelected official conditioning or denying a proposal under authority of SEPA. Agencies may establish procedures for such an appeal, or may eliminate such appeals altogether, by rule, ordinance or resolution. Such appeals are subject to the restrictions in RCW 36.70B.050 and 36.70B.060 that local governments provide no more than one open record hearing and one closed record appeal for permit decisions.

(3) **Agency administrative appeal procedures**.

(a) Agencies may provide for an administrative appeal of determinations relating to SEPA in their agency SEPA procedures. If so, the procedures must comply with the following:

(i) The agency must specify by rule, ordinance, or resolution that the appeals procedure is available.

(ii) Appeal of the intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed.

(iii) Appeals on SEPA procedures shall be limited to review of a final threshold determination and final EIS. These appeals may occur prior to an agency's final decision on a proposed action.

(iv) An agency shall provide for only one administrative appeal of a threshold determination or of the adequacy of an EIS; successive administrative appeals on these issues within the same agency are not allowed. This limitation does not apply to administrative appeals before another agency.

(v) Except as provided in (a)(vi) of this subsection, the appeal shall consolidate any allowed appeals of procedural and substantive determinations under SEPA with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before one hearing officer or body. The hearing or appeal shall be one at which the hearing officer or body will consider either the agency's decision or a recommendation on the proposed underlying governmental action. For example, an appeal of the adequacy of an EIS must be consolidated with a hearing or appeal on the agency's decision or recommendation on the proposed action, if both proceedings are allowed in agency procedures. If an agency does not provide for a hearing or appeal on the underlying governmental action (either a hearing on the

agency's recommendation or an agency appeal hearing after the decision is made), the agency may not hold a SEPA administrative appeal, except as allowed under (a)(vi) of this subsection.

(vi) The following appeals of SEPA procedural or substantive determinations need not be consolidated with a hearing or appeal on the underlying governmental action:

(A) An appeal of a determination of significance;

(B) An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under SEPA, including any appeals of its procedural determinations, prior to submitting an application for a project permit. Subsequent appeals of substantive determinations by an agency with jurisdiction over the proposed project shall be allowed under the SEPA appeal procedures of the agency with jurisdiction;

(C) An appeal of a procedural determination made by an agency on a nonproject action; and

(D) An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes.

(vii) If a county/city to which RCW 36.70B.110 applies provides for an administrative appeal, any such appeal of a procedural or substantive determination under SEPA issued at the same time as the decision on a project action shall be filed within fourteen days after a notice of decision under RCW 36.70B.130 or after other notice that the decision has been made and is appealable. In order to allow public comment on a DNS prior to requiring an administrative appeal to be filed, this appeal period shall be extended for an additional seven days if the appeal is of a DNS for which public comment is required under this chapter or under county/city rules adopted under SEPA. For threshold determinations issued prior to a decision on a project action, any administrative appeal allowed by a county/city shall be filed within fourteen days after notice that the determination has been made and is appealable. Nothing in this subsection alters the requirements of (a)(v) and (vi) of this subsection.

(viii) Agencies shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(b) Agencies providing for administrative appeals shall provide for a record as required by RCW 43.21C.075 (3)(c).

(c) If an agency provides an administrative appeal procedure, that procedure must be used before anyone may initiate judicial review of any SEPA issue that could have been reviewed under the agency procedures.

(4) Judicial appeals.

(a) SEPA authorizes judicial appeals of both procedural and substantive compliance with SEPA.

(b) When SEPA applies to a decision, any judicial appeal of that decision potentially involves both those issues pertaining to SEPA (SEPA issues) and those which do not (non –SEPA issues). RCW 43.21C.075 establishes time limits for raising SEPA issues, but says

that existing statutes of limitations control the appeal of non–SEPA issues. The statute contemplates a single lawsuit.

(c) If there is a time limit established by statute or ordinance for appealing the underlying governmental action, then appeals (or portions thereof) raising SEPA issues must be filed within such time period.

(d) The notice of action procedures of RCW 43.21C.080 may still be used. If this procedure is used, then the time limits for judicial appeal specified in RCW 43.21C.080 shall apply, unless there is a time limit established by statute or ordinance for appealing the underlying governmental action. If so, the time limit for appeal of SEPA issues shall be the time limit in the statute or ordinance for the underlying governmental action. If the proposal requires more than one governmental decision that will be supported by the same SEPA documents, then RCW 43.21C.080 still only allows one judicial appeal of procedural compliance with SEPA, which must be commenced within the applicable time to appeal the first governmental decision.

(e) If the time limit established by statute or ordinance for appealing the underlying governmental action is less than fifteen days, then the notice of action in RCW 43.21C.080(1) may be given by publishing once within that shorter time period, in a newspaper of general circulation in the area where the property that is the subject of the action is located, and meeting the other requirements of RCW 43.21C.080.

(f) If there is no time limit established by statute or ordinance for appeal, and the notice of action provisions are not used, then SEPA provides no time limit for judicial appeals. Appeal times may still be limited, however, by general statutes of limitation or the common law.

(g) For the purposes of this subsection, "a time limit established by statute or ordinance" does not include time limits established by the general statutes of limitation in chapter 4.16 RCW.

(5) **Official notice of the date and place for commencing a judicial appeal**.

(a) Official notice of the date and place for commencing an appeal must be given if there is a time limit established by statute or ordinance for commencing an appeal of the underlying governmental action. The notice shall include:

(i) The time limit for commencing appeal of the underlying governmental action and SEPA issues, and the statute or ordinance establishing the time limit; and

(ii) Where an appeal may be filed.

(b) Notice is given by:

(i) Delivery of written notice to the applicant, all parties to any administrative appeal, and all persons who have requested notice of decisions with respect to the particular proposal in question; and

(ii) Following the agency's normal methods of notice for the type of governmental action taken.

(c) Written notice containing the information required by subsection (5)(a) of this section may be appended to the permit, decision documents, or SEPA compliance documents or may be printed separately.

(d) Official notices required by this subparagraph shall not be given prior to final agency action.

[Statutory Authority: Chapter 43.21C RCW and 1997 c 429. 98–06–092 (Order 97–43), § 197–11–680, filed 3/4/98, effective 3/8/98. Statutory Authority: 1995 c 347 (ESHB 1724) and RCW 43.21C.110. 97–21–030 (Order 95–16), § 197–11–680, filed 10/10/97, effective 11/10/97. Statutory Authority: RCW 43.21C.110. 95–07–023 (Order 94–22), § 197–11–680, filed 3/6/95, effective 4/6/95; 84–05–020 (Order DE 83–39), § 197–11–680, filed 2/10/84, effective 4/4/84.]

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