WOODLAND PLANNING COMMISSION AGENDA

Planning Commission Regular Meeting – 7:00 PM

THURSDAY JULY 21, 2016

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

CALL TO ORDER – 7:00 PM

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- June 16, 2016 meeting minutes

PUBLIC HEARING

- Holwick Rezone Request (LU #216-918) – rezone of parcels 505350200, 505350100, 507340100, 50503, 5052501, 50525, 50181, 501810100 from LDR to HDR

WORKSHOP/DISCUSSION

- Port of Woodland Similar Use Determination (SUD-16-001)
    - Staff Report
    - Application Packet

- Community Development Department (Code Update)
    - Staff Report
    - Draft Code

- C-1 multifamily & height increase
    - Staff Report
    - Draft Code

UPDATE

- Project status – Report
    - Critical Areas Ordinance Update

ADJOURN

cc: Post (City Hall Annex, Library, Post Office, City Hall)
City of Woodland website
Planning Commission (4)
City Council (7)
Mayor
Department Heads
City Administrator

WOODLAND PLANNING COMMISSION MINUTES

Planning Commission Regular Meeting – 7:00 PM

THURSDAY JUNE 16, 2016

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

DRAFT

CALL TO ORDER – 7:02 PM

Roll Call.
Present: David Simpson, Sharon Watt, Paula Bosel, Amanda Smeller (Not voting), Kasey Smith (Not voting).
Excused: Tel Jensen.

APPROVAL OF MINUTES

- May 19, 2016 meeting minutes

Motion: Agenda Approval, **Moved by** Sharon Watt, **Seconded by** Paula Bosel.
Motion passed unanimously.

PUBLIC HEARING

- Impact Fee Deferral Ordinance (LU #216-915; Ordinance 1368)
    - Staff Report given by Amanda Smeller
        - Public Comment – 7:06pm
            - No Public Comment – Closed 7:07pm

Motion: Send to City Council for approval **Moved by** Sharon Watt, **Seconded by** Paula Bosel.
Motion passed unanimously.

- Variances for Non-Conforming SFRs (LU #216-916; Ordinance 1369)
    - Staff Report given by Amanda Smeller
        - Public Comment – 7:09pm
            - No Public Comment – Closed 7:09pm

Motion: Send to City Council for approval **Moved by** Sharon Watt, **Seconded by** Paula Bosel.
Motion passed unanimously.

WORKSHOP/DISCUSSION

- **Holwick Rezone Request (LU #216-918)**
    - Commission and staff discussed the rezone proposal with Mr. Holwick. Commission will discuss further at the next meeting.

- **Community Development Department**

    - Staff Report given by Amanda Smeller
    - Staff and Commission discussed Code Matrix modifications. Discussed the need to change the Public Works "Director" when the title gets changed to Public Works "Manager"...additional changes will need to be made in the future with the Public Works changes. Mr. Simpson asked staff to bring back the Code with changes to the next meeting.

- **C-1 multifamily & height increase**

    - Staff Report given by Amanda Smeller
    - Commission proposes adding Multi-family and up to 4 stories with 1st floor recommended either commercial or convertible. No density limits and no limit as to how many properties can do the additional floors.
    - Staff will make changes and bring back to Commission at the next meeting.

- **Golf Cart Ordinance**

    - Draft code provided by Councilmember Fredericks was discussed by commission and staff. Commission would like to make an attempt to make the code allow for safe drivers, as long as they meet State requirements, even if they don't have a valid "Washington" driver's license. At a minimum it should be changed to valid driver's license, not limited to Washington State only.

UPDATE

- Project status – Report given by Amanda Smeller

Motion: Adjourn, **Moved by** Sharon Watt, **Seconded by** Paula Bosel.
Motion passed unanimously.

ADJOURN – 8:09pm

DRAFT

Staff Report: Holwick Rezone Request

Date: July 14, 2016
To: Planning Commission
From: Amanda Smeller, Community Development Planner
Re: Holwick Rezone Request – Parcels 505350200, 505350100, 507340100, 50503, 5052501, 50525, 50181, 501810100

Mr. Holwick owns parcel 50503, which was part of a Boundary Line Adjustment recorded in March 2016. The County Assessor has not updated the GIS maps as of yet to reflect this change. The recorded BLA map is attached.

Mr. Holwick would like to put a four-plex on this property, but it is currently zoned Low Density Residential, which does not allow a four-plex. The property in question is approximately 17,413 square feet. Mr. Holwick is proposing a Rezone for his property, along with parcels 50181, 50525, 505350200, 505350100, 507340100, 501810100, and 5052501. Rezoning these other properties will help avoid a spot zone of one or two parcels. All lots are currently zoned Low Density Residential. They all have a Comprehensive Plan designation of Residential, which is why we do not have to go through an amendment to the Comprehensive Plan, only a rezone.

Ownership, current use, and size of all properties involved in the rezone are as follows:

Parcel 505350200: Woodland School District, vacant, .66 acres (approx.)
Parcel 505350100: Woodland School District, vacant, .61 acres (approx.)
Parcel 507340100: Woodland School District, vacant, .12 acres (approx.)
Parcel 50503: Holwick, vacant, 17,413 square feet (after BLA)
Parcel 50181: Milligan, SFR, 12,801 square feet (after BLA)
Parcel 50525: Milligan, vacant/driveway, 11,693 square feet (after BLA)
Parcel 5052501: Milligan, apartment building, 17,073 square feet (after BLA)
Parcel 501810100: Bovee, apartment building, 9,208 square feet

In total, approximately 2.94 acres will be rezoned from Low Density Residential to High Density Residential. The code does not require a minimum area for the High Density Residential zone, but this amount of acreage avoids a spot zone, and creates a block of High Density Residential. Further, this rezone makes the apartment building on the corner of Bozarth and 5th conforming, and it does not affect the current single family residence, as an SFR is allowable in the HDR as well. The vacant lots will have greater residential development potential, which meets the recently adopted Comprehensive Plan, but does not take away a person's right to place a single-family residence. The school would have to apply for a Conditional Use for any development (school related) on their properties whether they are zoned Low Density Residential or High Density Residential. If they wanted a rezone, they'd have to apply for a Comprehensive Plan amendment as well.

The Development Review Committee reviewed this request at the June 22 meeting and voted to recommend approval of the rezone. The approval is for the rezone request only. Future development on each lot will be reviewed for code compliance at time of application. The Planning Commission supported this rezone moving forward at the June 16 meeting. The public hearing will occur on July 21, and after the close of the hearing, the Planning Commission will

make a recommendation to the City Council for the final decision. Council will review and decide on this item in August.

Staff Report: Holwick Rezone Request

Date: June 9, 2016
To: Planning Commission
From: Amanda Smeller, Community Development Planner
Re: Holwick Rezone Request – Parcels 505350200, 505350100, 507340100, 50503, 5052501, 50525, 50181, 501810100

Mr. Holwick owns parcel 50503, which was part of a Boundary Line Adjustment recorded in March 2016. The County Assessor has not updated the GIS maps as of yet to reflect this change. The recorded BLA map is attached.

Mr. Holwick would like to put a four-plex on this property, but it is currently zoned Low Density Residential, which does not allow a four-plex. The property in question is approximately 17,413 square feet. Mr. Holwick is proposing a Rezone for his property, along with parcels 50181, 50525, 505350200, 505350100, 507340100, 501810100, and 5052501. Rezoning these other properties will help avoid a spot zone of one or two parcels. All lots are currently zoned Low Density Residential. They all have a Comprehensive Plan designation of Residential, which is why we do not have to go through an amendment to the Comprehensive Plan, only a rezone.

Ownership, current use, and size of all properties involved in the rezone are as follows:

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Parcel 50525: Milligan, vacant/driveway, 11,693 square feet (after BLA)
Parcel 5052501: Milligan, apartment building, 17,073 square feet (after BLA)
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In total, approximately 2.94 acres will be rezoned from Low Density Residential to High Density Residential. The code does not require a minimum area for the High Density Residential zone, but this amount of acreage avoids a spot zone, and creates a block of High Density Residential. Further, this rezone makes the apartment building on the corner of Bozarth and 5th conforming, and it does not affect the current single family residence, as an SFR is allowable in the HDR as well. The vacant lots will have greater residential development potential, which meets the recently adopted Comprehensive Plan, but does not take away a person's right to place a single-family residence. The school would have to apply for a Conditional Use for any development (school related) on their properties whether they are zoned Low Density Residential or High Density Residential. If they wanted a rezone, they'd have to apply for a Comprehensive Plan amendment as well.

The process for a rezone request is a review and recommendation by the Development Review Committee to Planning Commission, who makes a recommendation, after holding a public hearing, to the City Council who makes the final decision. I wanted to provide a heads up to the Planning Commission that this item will be coming, hopefully for public hearing and decision in July, after a determination by the Planning Commission with recommendation from the DRC.

The next DRC meeting is scheduled for June 22, where we will discuss this item. As it meets the Comprehensive Plan, it is my assumption that the rest of DRC will not have concerns with this item. Provided that the Planning Commission does not have concerns at the June 16, 2016 meeting, I will bring it back to public hearing and recommendation on July 21. Mr. Holwick is eager to move forward with the construction of the four-plex, but cannot even submit a building permit until the rezone is complete.

Two out of the three other property owners has provided Mr. Holwick their signature and support for this rezone moving forward. Mr. Holwick is presenting before the Woodland School District on June 14 in hopes of securing their signatures moving forward. I have spoken to Superintendent Michael Green previously about this and he did not appear to have issue with this, but wanted to move it through his board to ensure support. If the school district does not sign, we will discuss the possibility of removing those three properties from the rezone request and moving forward with the remaining properties that do have signatures.

RECEIVED
JUN 07 2016
City of Woodland
Building Dept
Planning Dept

Rezone Application Narrative

Applicant: Levi Kruse and Patrick Holwick
Area to be rezoned: (See attached map)

Reasons behind the request:

The purpose for rezoning the area outlined on the map from that of low-density residential to that of high-density residential is two-fold. First, doing so would make the current available properties more attractive for developers and builders who are looking for locations to build more affordable housing. Second, this rezone would help facilitate one of the goals of the new Comprehensive Zoning Map, that is, to alleviate the need for more affordable housing in Cowlitz County.

With the new casino being built in Ridgefield there will be an influx of small businesses also being built in the surrounding area. This will result in many jobs being created for all levels of pay and experience. This, in conjunction with the lack of new residential areas to be developed, will create an even more serious need for new housing in our county. This rezone will be a small step in the right direction toward alleviating this need while still remaining consistent with the county's Comprehensive Plan.

Criteria for Approval

1. The proposal is consistent with the provisions of the Growth Management Act (GMA) and will not result in Comprehensive Plan or regulation conflicts? **-Correct.**

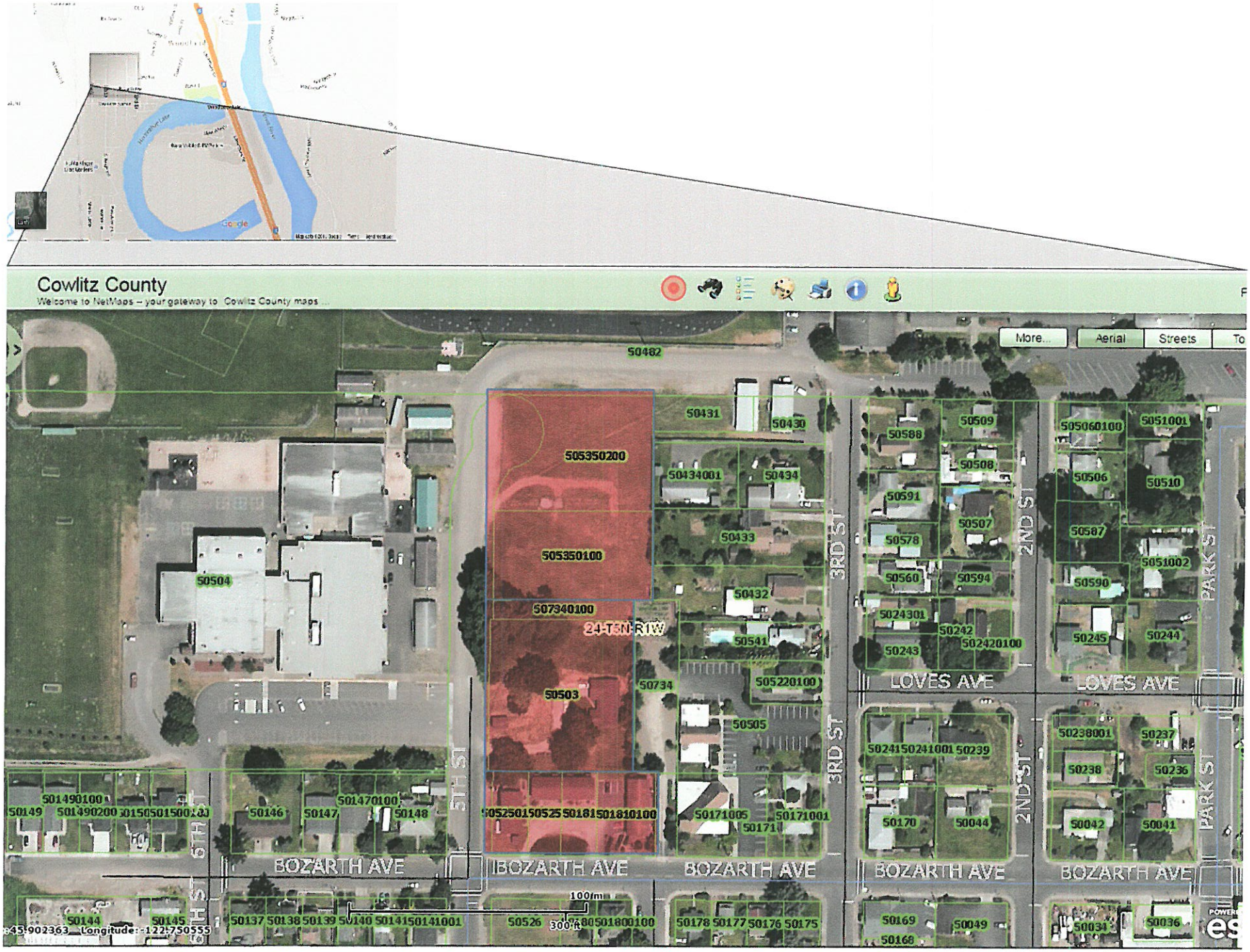
2. The proposal will change the development or use potential of a site or area without creating significant adverse impact on existing sensitive land uses, businesses, or residents? **–Yes because the rezone will not change the residential status of this area. It will remain residential as per the new Comprehensive Plan regulations.**

3. The proposed amendment can be accommodated by all applicable services and facilities, including transportation? **–Yes.**

4. The proposal will help implement the goals, objectives and policies of the Woodland Comprehensive Plan? **–Yes because the rezone will allow for more residential housing within the already residential zone.**

5. If the proposal could have substantial impacts beyond the City limits, it has been sent as appropriate to Clark and/or Cowlitz Counties for review and comment. **–Not applicable for this proposal.**

6. And 7. Vicinity Map and Site Plan **–(See attached map)**


Cowlitz County
Welcome to NetMaps – your gateway to Cowlitz County maps ...
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Streets
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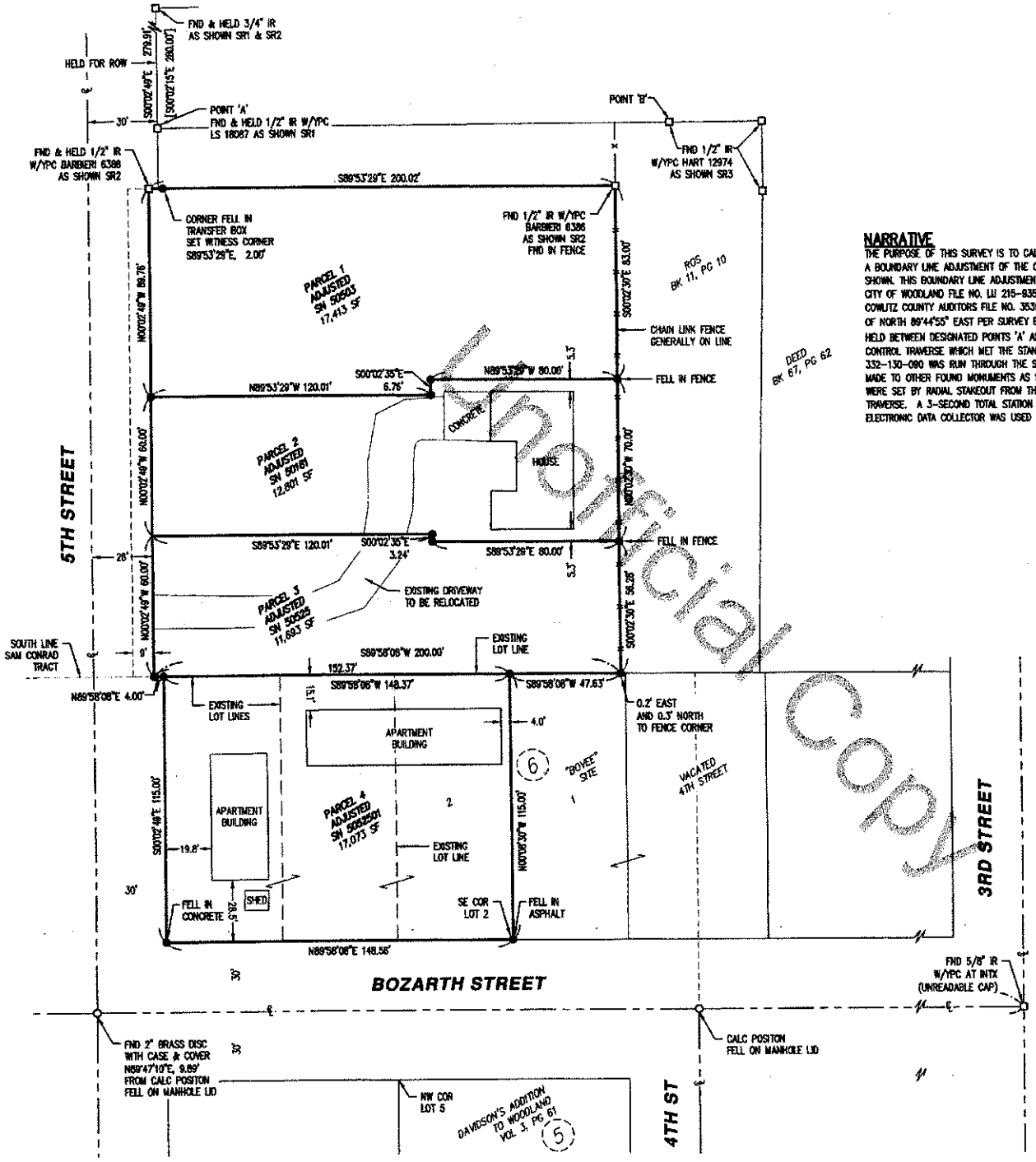
Latitude: 45.902363 Longitude: -122.750555

3539743 V:35 P:62

RECORD OF SURVEY

BOUNDARY LINE ADJUSTMENT NO. LU NO. 215-935
IN A PORTION OF THE HANS KRAFT D.L.C ALSO BEING
LOCATED IN THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4
OF SECTION 24, T5N, R1W, W.M.
CITY OF WOODLAND, COWLITZ COUNTY, WA



NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO CALCULATE AND MONUMENT A BOUNDARY LINE ADJUSTMENT OF THE CITED MILLIGAN TRACTS AS SHOWN. THIS BOUNDARY LINE ADJUSTMENT WAS APPROVED PER CITY OF WOODLAND FILE NO. LU 215-935 AND RECORDED UNDER COWLITZ COUNTY AUDITORS FILE NO. 3539308. RECORD BEARING OF NORTH 89°44'55" EAST PER SURVEY BOOK 11, PAGE 10 WAS HELD BETWEEN DESIGNATED POINTS 'A' AND 'B' AS SHOWN. A CONTROL TRAVERSE WHICH MET THE STANDARDS CONTAINED IN WAC 332-130-090 WAS RUN THROUGH THE SITE WITH RADIAL TIES MADE TO OTHER FOUND MONUMENTS AS SHOWN. NEW CORNERS WERE SET BY RADIAL STAKEOUT FROM THE ABOVE MENTIONED TRAVERSE. A 3-SECOND TOTAL STATION INSTRUMENT WITH ELECTRONIC DATA COLLECTOR WAS USED FOR ALL FIELD WORK.

BASIS OF BEARINGS
ROS 11-10 (SEE NARRATIVE)

SCALE 1" = 30 FEET

LEGEND

- ● SET 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "AKS ENGR PLS 34127"
- □ FOUND MONUMENT AS NOTED (TIED 10/21/2015)
- O CALCULATED POSITION (NOT SET)
- IR IRON ROD
- ROS RECORD OF SURVEY
- SR SURVEY REFERENCE
- INTX INTERSECTION
- ROW RIGHT-OF-WAY
- W/YPC WITH YELLOW PLASTIC CAP
- AFN AUDITOR'S FILE NO.
- ℄ CENTERLINE
- [ ] RECORD DATA PER SR 1
- ( ) RECORD DATA PER SR2
- < > DEED DATA

CARL A. BESEDA STATE OF WASHINGTON 34127 REGISTERED PROFESSIONAL LAND SURVEYOR

PAGE 2 OF 3

JOB NAME:	MILLIGAN_TRUST
JOB NUMBER:	4891
DRAWN BY:	SKW
CHECKED BY:	CAB
DRAWING NO.:	4891ROS

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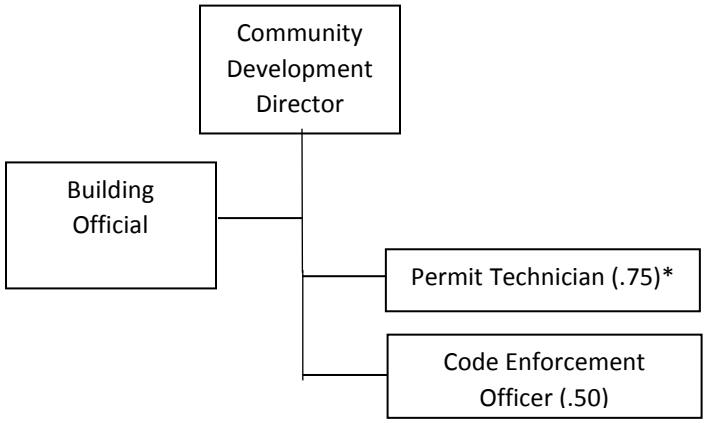
Unofficial Copy

Staff Report: Community Development Department

Date: July 14, 2016
To: Planning Commission
From: Amanda Smeller, Community Development Planner
Re: Community Development Department

Proposed Community Development Department organization chart. I will report directly to the City Administrator (which I have already started to do because the Public Works Director is no longer with the City).



To formally create our new department, there are a variety of code changes that are required. The two main changes required are amendments to Title 2 (Administration and Personnel) to add the Community Development Department, as well as define the department's role, and to add Community Development Director as a City Officer.

<u>Change to Title 2, Chapter 2.08 – Departments Created</u>

Section 2.08.010 – Departments created. Currently reads as follows:

There is hereby created and established the following departments in the city: police department; fire department; building department; clerk-treasurer department; and public works department. In addition, the following divisions are hereby created within the public works department: parks; planning; water; sewer; and streets. Additional departments may be created from time to time by ordinance with proper budgetary approval.

Section 2.08.010 – Departments created. Would be amended to read as follows:

There is hereby created and established the following departments within the city: police department; fire department; ~~building department~~; clerk-treasurer department; ~~and~~ public works department; and community development department. In addition, the following divisions are hereby created within the public works department: parks, water; sewer; and streets. In addition, the following divisions are hereby created within the community

development department: building; and planning. Additional departments may be created from time to time by ordinance with proper budgetary approval.

Change to Title 2, Chapter 2.10 – Officers:

Section 2.10.010 – Designated. Currently reads as follows:

The officers of the city, besides the mayor and councilmembers, shall be as follows: a clerk-treasurer, a city attorney, or city attorney and a city prosecutor as the mayor and council shall deem appropriate, a chief of police, a fire chief, a building official, and a public works director. Additional offices and employment shall be created in the budgetary process as necessary.

Section 2.10.010 – Designated. Would be amended to read as follows:

The officers of the city, besides the mayor and councilmembers, shall be as follows: a clerk-treasurer, a city attorney, or city attorney and a city prosecutor as the mayor and council shall deem appropriate, a chief of police, a fire chief, a building official, ~~and~~ a public works director and a community development director. Additional offices and employment shall be created in the budgetary process as necessary.

Propose to amend Section 2.10.090 to read as follows:

2.10.090 – Community development director appointment/duties

A. There is created the position of community development director. The community development director shall be appointed by the mayor, which appointment shall be subject to confirmation by a majority vote of the city council. Compensation payable to the community development director shall be as established in each annual budget.
B. The community development director shall be in charge of all employees in the department of community development, including the divisions thereof, and shall perform those and responsibilities as listed in the job description, and as may be determined from time to time by the mayor.

Current 2.10.090 – Officers/employment contracts would be moved to new section 2.10.100.

I have attached the amended code (from the matrix previously provided) showing the following:

- Community Development Director: I used this position/term in the existing code to replace “city planner,” “planning official,” and “planning agency.” This makes sense as we do the planning in house, and there is only one planner (the Director) in the City. I replaced the public works director with Community Development Director in many instances where the task is already the responsibility of the planning department.. I also replaced “Building Inspector” with “Community Development Director” in a few occasions where the job is not the task of the building division. I added no new tasks to my job description as per these code changes

- Public Works Manager: The city is replacing the Public Works Director with a Public Works Manager who will not be required to have an engineering background and will not be doing engineering review. I put in this position/term to replace Public Works Director and Supervisor (as applicable) because this position will still be responsible for ensuring the third party engineering consultant, etc. is completing the tasks as required.
- Building Official. I replaced “building inspector” in the existing code with “Building Official.” The city does not have a building inspector.

TITLE 15 – CRITICAL AREAS

15.04.040 - Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through WAC 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

"Aggrieved person" means any citizen of Woodland or any property owner residing within three hundred feet of the proposal.

"City" means the city of Woodland, Washington.

"Department" means the Community Development department.

"Director" means the Community Development Director or his/her designee.

"Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated DNS procedures).

"Ordinance" means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.

"Responsible official" means the Community Development Director or his/her designee.

"SEPA rules" means WAC Chapter 197-11 adopted by the Department of Ecology.

15.04.050 - Designation of responsible official.

A. For those proposals for which the city is the lead agency, the responsibility official shall be the Community Development Director or his/her designee.
B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS, and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that were adopted by reference.

15.08.020 - Authority.

As provided herein, the director is given the authority to interpret and apply, and responsibility to enforce this chapter to accomplish the stated purpose. The city may withhold, condition, or deny permits or approvals to ensure that the proposed action is consistent with this chapter.

15.08.030 - Definitions.

Unless specifically defined below, words or phrases in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. The following words, phrases and terms, as used in this chapter, shall have the following meaning ascribed to them, unless a different meaning clearly appears from the context.

"Act" means the Growth Management Act (GMA).

"Adjacent" means any activity located:

1. On a site immediately adjoining a critical area;
2. A distance one-half mile or less from a bald eagle nests;
3. Within a floodway, floodplain or channel migration zones;
4. Within the required critical area buffer;
5. A distance of two hundred feet or less upland of a stream wetland or water body;
6. A distance of two hundred feet or less from a critical aquifer recharge area.

"Agricultural uses (existing and ongoing)" means farming, horticulture, aquaculture, irrigation or grazing of animals, and those activities involved in the production of crops or livestock, for example:

1. The operation and maintenance of farm and stock ponds or drainage ditches;
2. The operation and maintenance of all irrigation systems and their components;
3. Changes between agricultural activities (i.e., crops to grazing, farming to fallow);
4. Fencing activity;
5. Normal maintenance, repair, or operation of existing agricultural-related structures, facilities, or improved areas;
6. Preparation of the land for agricultural uses.

An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for five years, unless the idle land is registered in a federal or state soils conservation program.

"Alteration" means any human-induced action, which impacts the existing condition of a critical area. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation or any other activity that changes the character of the critical area. Alteration does not include walking (except trails), passive recreation, fishing, or other similar activities.

"Anadromous fish" means fish that spawn and rear in freshwater and mature in the marine environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live for many years, moving in and out of saltwater and spawning each year. The life history of Pacific salmon and char contains critical periods of time when these fish are more susceptible to environmental and physical damage than at other times. The life history of salmon, for example, contains the following stages: upstream migration of adults, spawning, inter-gravel incubation, rearing, smoltification (the time period needed for juveniles to adjust their body functions to live in the marine environment), downstream migration, and ocean rearing to adults.

"Applicant" means any person or business entity, which applies for a development proposal, permit, or approval, who is the owner of the land on which the proposed activity would be located, a contract purchaser, or authorized agent of such a person.

"Aquifer" means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Aquifer recharge area" means areas which, due to the presence of certain soils, geology, and surface water, act to recharge groundwater by percolation. (Also critical aquifer recharge area.)

"Base flood" means a flood event having a one percent chance of being equaled or exceeded in any given year, also referred to as the one-hundred-year flood.

"Best available science" means current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined in WAC 365-195-900 through WAC 365-195-925.

"Best management practices" means systems of practices and management measures that: (1) control soil loss and reduce water quality degradation caused by nutrients, animal waste and toxins; (2) control the movement of sediment and erosion caused by land alteration activities; (3) minimize adverse impacts to surface water and groundwater quality, flow and circulation patterns; and (4) minimize adverse impacts to the chemical, physical and biological characteristics of a critical area.

"Buffer" means an area contiguous to a stream or wetland that protects the integrity, functions and values, or habitat. An area adjacent to a critical area that is required for the continued maintenance, functioning, and/or structural stability of a critical area.

"City" means the city of Woodland, Washington.

"Clearing" means the cutting or removal of vegetation or other organic plant material by physical, mechanical, chemical, or any means other than vegetation management.

"Conservation easement" means an easement on a particular piece of real property that restricts or eliminates the building of structures or other improvements and activities that would result in encroachment onto a designated buffer.

"Critical areas" means and includes: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in RCW 36.70A and this chapter.

"Cumulative impact or effect" means under National Environmental Policy Act (NEPA) regulations, the incremental environmental impact or effect of the action together with the impacts of past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions (40 CFR 1508.7). Under Endangered Species Act Section 7 regulations, the effects of future state or private activities not involving federal activities, that are reasonably certain to occur within the action area of the federal action subject to consultation (50 CFR 402.02).

"Degraded" means to have suffered a decrease in naturally occurring functions and values due to activities undertaken or managed by persons on or off a site.

"Department" means the Woodland Department of Community Development.

"Developable area" means a site or portion of a site that may be utilized as the location of development, in accordance with the rules of this chapter.

"Development" means any man-made change including, but not limited to, buildings or other structures, filling, grading, disturbance of vegetation, excavation or drilling, and the subdivision of property. Any activity upon the land that requires a building or use permit.

"Director" means the city of Woodland Community Development Director, or designee.

"Enhancement" means actions performed to improve the condition or functions and values of an existing viable wetland or buffer, or fish and wildlife habitat area or buffer. Enhancement actions include, but are not limited to, increasing plant diversity, increasing fish and wildlife habitat, installing environmentally compatible erosion controls, removing invasive plant species such as milfoil and loosestrife.

"Erosion" means the process whereby wind, rain, water, and other agents natural or man-made mobilize and transport particles.

"Erosion hazard areas" means areas that contain soil types which, according to Soil Conservation Service's Classification System, may experience severe to very severe erosion process.

"Excavation" means the mechanical removal or displacement of earth material.

"Fill material" means a deposit of earth or other natural or man-made material placed by artificial means.

"Filling" means the act of placing fill material (on any critical area) including temporary stockpiling of fill material.

"Fish and wildlife habitat conservation areas" means and includes the following areas:

1. Areas with which endangered, threatened and sensitive species have a primary association;
2. Habitats and species of local importance;
3. Commercial and recreational shellfish areas;
4. Smelt spawning areas;
5. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
6. Water of the state (refer to WAC 222-16-030);
7. Lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity; and
8. State natural area preserves and natural resource conservation areas.

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood protection elevation" means the elevation that is one foot above the base flood elevation.

"Floodplain" means the total land area adjoining a river, stream, watercourse or lake subject to inundation by the base or one-hundred-year flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the surface water elevation more than one foot.

"Frequently flooded areas" means areas in the floodplain subject to a one percent or greater chance of flooding in any given year (one-hundred-year floodplain).

"Geologically hazardous area" means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, may not be suited to siting commercial, residential, or industrial development due to health, safety or environmental standards. Types of geologically hazardous areas include erosion, landslide, seismic, mine, and volcanic.

"Geologist" means a person who has earned a degree in geology from an accredited college or university or a person who has equivalent educational training and has experience as a practicing geologist and who is state-licensed as a geologist.

"Geotechnical assessment" means an assessment prepared by a geologist or geotechnical engineer licensed with the state of Washington as a civil engineer, which evaluates the site conditions and the effects of a proposal and identifies mitigating measures necessary to insure that the risks associated with geologic hazards will be eliminated.

"Geotechnical engineer" means a practicing geotechnical engineer licensed as a professional civil engineer with the state of Washington with experience in landslide and slope stability evaluation.

"Grading" means any excavation, filling, or removing of earth on any piece of property.

"Groundwater" means water in a saturated zone or stratum beneath the surface of the land or water.

"Growth Management Act (GMA)" means RCW 36.70A and as amended.

"Habitat conservation areas" means areas designated as fish and wildlife habitat conservation areas.

"High intensity land use" means and includes land uses which are associated with high levels of human disturbance or substantial wetland habitat impacts including, but not limited to, commercial, urban, industrial, and residential uses (more than one unit/acre).

"Impervious surface" means a hard surface area that prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under

natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

"In-kind compensation" means to replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity.

"Intermittent streams" means a stream which flows only at certain times when it receives water from springs or from some other source, such as melting snow or rain.

"Isolated wetlands" means those wetlands that are outside of and not contiguous to any one-hundred-year floodplain of a lake, river, or stream, and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

"Lake" means a naturally existing or artificially created body of standing water, including reservoirs, twenty acres or greater in size, which exists on a year-round basis and occurs in a depression of land or expanded part of a stream.

"Landslide hazard areas" means areas that are potentially subject to risk of mass movement due to a geologic landslide resulting from a combination of geologic, topographic, and hydrologic factors. These areas are typically susceptible to landslides because of a combination of factors including: bedrock, soil, slope gradient, slope aspect (exposure), geologic structure, groundwater, or other factors.

"Lot" means a platted or unplatted parcel of land of record either unoccupied, occupied, or to be occupied by a principal use or structure together with such yards and open spaces.

"Low-intensity land use" means and includes land uses which are associated with low levels of human disturbance or low wetland habitat impacts and are compatible with the natural environment, including, but not limited to, forestry (cutting of trees only), unpaved trails, low-intensity open space and similar low-impact uses.

"Mitigation" means avoiding, minimizing or compensating for adverse critical areas impacts. Mitigation is listed in descending order of preference:

1. Avoiding the impact altogether by not taking certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments;
6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation for individual actions may include a combination of the above measures.

"Moderate-intensity land use" means and includes land uses that have a moderate level of disturbance and impact to wetlands including, but not limited to, residential (less than one unit/acre), paved trails, utility corridor or right-of-way and moderate-intensity open space (parks with biking, jogging, etc.).

"Monitoring" means evaluating the impacts of development proposals on the biological, hydrologic and geologic elements of a system and assessing the performance of required mitigation measures. Monitoring is achieved through the collection and analysis of data by various methods for the purposes of understanding and documenting changes in natural ecosystems and features, including the gathering of baseline data.

"Native vegetation" means plant species that are indigenous to the area and which reasonably could have been expected to naturally occur on the site. Native vegetation does not include noxious weeds.

"Natural disasters" means events caused by natural processes resulting in the loss of life and/or property, including flooding, landslides, erosion, volcanic eruptions, or seismic events.

"No net loss of function" means wetland losses must be offset by wetland gains. There must be no net loss of the structure, value, and functions of the natural systems constituting the protected critical area.

"Off-site compensation" means to replace wetlands away from the site on which a wetland has been impacted by a regulated activity.

"On-site compensation" means to replace wetlands on the site on which a wetland has been impacted by a regulated activity.

"Ordinary high water line" means the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland; provided, that in any area where the ordinary high water line cannot be found the ordinary high water line adjoining saltwater shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood.

"Passive recreation" means facilities designed and in accordance with an approved critical area report, including:

1. Walkways and trails, provided that those pathways that are generally parallel to the perimeter of the wetland shall be located in the outer twenty-five percent of the buffer area;
2. Wildlife viewing structures; and
3. Fishing access areas.

"Permeability" means the capacity of an aquifer or confining bed to transmit water. It is a property of the aquifer and is independent of the force causing movement.

"Pond(s)" means a naturally existing or artificially created body of standing water under twenty acres which exists on a year-round basis and occurs in a depression of land or expanded part of a stream.

"Priority habitat" means a habitat type or elements with unique or significant value to one or more species as classified by the Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element (WAC 173-26-020(34)).

"Priority species" means fish and wildlife species requiring protective measures and/or management guidelines to ensure their perpetuation, as determined by the Washington Department of Fish and Wildlife's priority habitats and species list, as now exists or is hereafter amended.

"Qualified professional" means an accredited or licensed professional with a combination of education and experience in the discipline appropriate for the subject matter that is being commented on. Someone who would qualify as an expert in their field.

"Restoration" means the actions taken to return a wetland or other critical area to a state in which its stability, functions and values approach its naturally occurring unaltered state as closely as possible.

"Riparian" means areas that have vegetation requiring water year-round and seasonally. The width of these areas depends upon slope and vegetation cover.

"Riparian habitat" means areas adjacent to aquatic systems with flowing water that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. Widths shall be measured from the ordinary high water mark or from the top of the bank if the ordinary high water mark cannot be identified. It includes the entire extent of the floodplain and the extent of vegetation adapted to wet conditions as well as adjacent upland plant communities that directly influence the stream system. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities.

"Seismic hazard area" means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

"Significant" means, for the purposes of this chapter, to be significant something must be an important aspect or quality inherent in some larger whole. The aspect or quality must be measurable by a factual and scientific standard. The burden of establishing that something is significant must be borne by the party asserting it. A significant adverse impact occurs if a change eliminates some important aspect or quality of the larger whole. The party asserting a significant impact has the burden of:

1. Identifying the aspects or qualities of the larger whole;
2. Identifying the inherent important aspects or qualities;
3. Identifying a factual and scientific standard to be used for measuring the impact;

4. Establishing in a measurable fashion that an important aspect or quality will be impacted by such change.

"Slope" means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In these regulations, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A forty percent slope, for example, refers to a forty-foot rise in elevation over a distance of one hundred feet.

"Site" means any parcel or combination of contiguous parcels, or right-of-way, or combination of contiguous rights-of-way under the applicant's ownership or control where the proposed project occurs.

"Species of local importance" means those species that are of local concern due to their population status or their sensitivity to habitat manipulation or that are game species.

"Species, priority" means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

"Species, threatened" means any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

"Stream" means water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or WAC 22-16-031 as listed under "water typing system." Streams do not include irrigation ditches, waste ways, drains, outfalls, operation spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse.

"Unavoidable and necessary impacts" means impacts for a use that, if not allowed, would deny all reasonable economic use of the land. The applicant shall demonstrate losses to all reasonable economic use. Such unavoidable impacts shall be mitigated.

"Wetland edge" means the boundary of a wetland as delineated, based on the definitions contained in this chapter.

"Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, bogs, marshes, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation facilities, wastewater treatment facilities, farm ponds, landscape amenities, or wetlands created after July 1, 1990, that were unintentionally created as a result of road, street, or highway construction. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversions of wetlands.

15.08.080 - Best available science.

A. Critical area reports or decisions to alter critical areas shall rely on the best available science criteria as defined in WAC 365-195-900 through WAC 365-195-925. Best available science is scientific information prepared by qualified scientific professionals through a process. Best available science shall be used to protect the functions and values of critical areas.
B. Evaluation of Scientific Process. To evaluate if the information received meets the requirements of best available science, the director shall determine whether the information has been derived from a valid scientific process. The following are characteristics of a valued scientific process:
    1. Peer Review. The information has been critically reviewed by other persons who are qualified scientific experts in that scientific discipline. The proponents of the information have addressed criticism by the peer reviewers.
    2. Methods. The methods to obtain the information are clearly stated and are reproducible. The methods are standardized in the scientific discipline or the methods have been appropriately peer reviewed to assure reliability and validity.
    3. Logical Conclusions and Reasonable Inferences. The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented. Gaps or inconsistencies with other information have been adequately explained.
    4. Context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of scientific knowledge.
    5. References. The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.
C. Nonscientific Information. Nonscientific information may supplement scientific information, but is not an adequate substitute for valid and available scientific information.

15.08.090 - Applicability.

All development proposals within the city of Woodland, whether public or private, shall comply with the requirements of this chapter, whether or not a permit or authorization is required. Responsibility for the enforcement of this chapter shall rest with the Community Development Director. For the purposes of this chapter, development proposals shall include, but are not limited to the following:

A. Any project or development that requires a federally issued permit;
B. Any project or development that requires compliance with the Washington State Growth Management Act (RCW 36.70A);
C. Alteration of a wetland or riparian habitat area as defined herein;
D. Any project or development that requires a permit under the adopted building code;
E. Any development or use that requires approvals under existing or subsequently adopted Woodland codes and/or ordinances (e.g., subdivision, zoning, shoreline, conditional use, etc.).

15.08.140 - Critical area identification checklist.

A. Submittal. Prior to the city's consideration of a proposed activity not found to be exempt pursuant to this chapter, the applicant shall submit a complete critical area identification checklist to the city.

B. Critical Area Identification Review Process. The director shall review the critical area identification checklist, review information available about the site, and perform a site visit.
C. Site Inspection. Upon receipt of a completed critical area identification checklist, the director or designee shall conduct a site visit of the proposed project site to determine if any critical area conditions exist on site. The director shall notify the applicant prior to the inspection. Reasonable access shall be provided for the purposes of site inspections.
D. Review of Available Information. The director may determine if a critical area report is needed by using the following indicators:
    1. Information obtained from the critical area identification checklist;
    2. Maps depicting critical areas, soil types and other appropriate features;
    3. Information and scientific opinions from appropriate agencies;
    4. Washington Department of Fish and Wildlife Priority Habitats and Species (PHS) and Salmonscape maps;
    5. Documentation from other scientific sources;
    6. Findings by qualified professionals or a reasonable belief by the director that a critical area may exist on or adjacent to the proposed activity.
E. Determination If Critical Area Report Is Needed.
    1. No Critical Areas Present. If the director determines the proposed project is not within or adjacent to a critical area or buffer or that the project is not likely to degrade the functions or values of a critical area, then the director shall rule that no further critical area review is required. The director shall consult with resource agencies or individuals with special expertise, as necessary, to assist in the determination of critical areas and potential impacts associated with project proposals. A summary of the director's decision and review shall be included in the file and/or staff report.
    2. Critical Area Present But No Impact. If the director determines there are critical areas within the proposed project but that the project is not likely to degrade the functions or values of a critical area, then the director may waive the requirements of a critical area report. The director shall consult with resource agencies or individuals with special expertise, as necessary, to assist in the determination of critical areas and potential impacts associated with project proposals. A waiver may be granted if all of the following are met:
        a. No alteration of the critical area or buffer will occur;
        b. No impact to the critical area will occur that is contrary to the intent of this chapter;
        c. The proposal is consistent with other applicable regulations and standards.
    3. Critical Areas May Be Affected. If the director determines that a critical area may be affected by a proposal, then the applicant shall be required to submit a critical area report prior to any further project activity. The director shall inform the applicant within ten business days following the site visit of his findings and indicate what critical area types should be addressed in the report.

A determination by the director is not an expert classification regarding the presence of critical areas. If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances. If a qualified professional determines no critical areas exist or will not be affected by the proposal, the director may reconsider their determination.

15.08.150 - Public notice of initial determination.

The city shall include in its notice of application the initial critical area determination by the director and any reasons for the determination. If a critical area report is required, a description of the critical area and location shall be included in the notice.

15.08.170 - Critical area report—Modifications.

A. Study Area—Limitations. The director may modify the geographic area of the critical area report if:
   1. Permission to access adjacent properties cannot be obtained;
   2. Only a limited portion of the site will be affected by the activity.
B. Required Contents—Modifications. The director may modify the required contents of the critical area report if, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and mitigation.
C. Additional Information. The director may require additional information to be included with the critical area report when deemed necessary to the review of the proposed project.

15.08.210 - Determination and review.

Δ The director shall make a determination as to whether the proposed activity and mitigation is consistent with the provisions of this chapter. Any alteration to a critical area, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria:

1. Impacts to critical areas are avoided or minimized in accordance with Section 15.08.190, Mitigation sequencing;
2. There is no unreasonable threat to public health, safety, or welfare;
3. The proposal is consistent with this chapter and the public interest;
4. Permitted alterations are mitigated in accordance with Section 15.08.180, Mitigation requirements;
5. The critical area functions and values are protected in accordance with the best available science; and
6. The proposal is consistent with other applicable regulations and standards.

B. The city may condition a proposed activity as necessary to mitigate for impacts to critical areas and to conform to standards of this chapter.
C. Any project that cannot adequately mitigate for impacts to critical areas shall be denied except as provided in this chapter.

15.08.220 - Determination, favorable.

Upon determination that a proposed activity meets the requirements of Section 15.08.210 of this chapter, and complies with the requirements of this chapter. The director shall prepare a written notice of determination and identify any conditions of approval. Any changes to the conditions of approval shall void the previous determination pending a review of the alternative proposal and conditions by the director.

15.08.230 - Determination, unfavorable.

Upon determination that a proposed activity does not meet the above criteria and/or does not adequately mitigate for impacts to critical areas, the director shall prepare a written notice of determination and identify the findings. A revised critical area report may be submitted by the applicant for consideration, following notice of the determination. The director may make a new determination based on the revised critical area report.

15.08.270 - Unauthorized critical area alterations and enforcement.

A. When a critical area or buffer has been altered in violation of this chapter, the city shall have the authority to issue a stop-work order to cease all ongoing development work and order restoration, rehabilitation or replacement at the owner's or responsible parties' expense.
B. Restoration Plan Required. No work on the site shall be allowed until a restoration plan has been prepared and approved by the city in accordance with this chapter.
C. Minimum Performance Standards.
    1. For unauthorized alterations to critical aquifer recharge areas, frequently flooded areas, wetlands habitat conservation areas, or associated buffers, the following shall be required at a minimum in accordance with an approved restoration plan:
        a. Historic functional and structural values, water quality, habitat, and soils shall be restored;
        b. Critical areas and buffers shall be replanted with native vegetation, types, sizes and densities, historically found on the site;
        c. Historic functions and values shall be replicated.
    2. For flood and geological hazards, the following standards shall be met:
        a. Risk of public or personal hazard resulting from the alteration shall be eliminated or significantly reduced to a level equal to the pre-altered state;
        b. Hazard areas and buffers shall be replanted with native vegetation to minimize the hazard.
D. Site Visits/Inspections. Reasonable access shall be provided. The director is authorized to make site visits/inspections as necessary to enforce this chapter.
E. Penalties. Any person or entity determined to be in violation of this chapter is guilty of a misdemeanor. Each day or portion of a day the violation occurs shall constitute a separate offense. Any development conducted in violation of this chapter shall constitute a public nuisance and shall be subject to penalty in accordance with the Woodland Municipal Code.

15.08.280 - Markers and signs.

A. Critical area boundaries shall be permanently delineated using iron or concrete markers in accordance with survey standards.
B. The outer boundary of a critical area or buffer shall be identified with temporary signs prior to any site development or alteration. Permanent signs may be required by the director upon completion of the project.

15.08.360 - Initial project review.

Wetlands shall be identified and designated through a site visit and/or site assessment utilizing the definitions, methods, and standards as set forth in the Washington State Wetland Identification and Delineation Manual, Department of Ecology Publication #93-74.

A site visit shall be conducted by the director to confirm the presence of wetland indicators listed in the critical areas checklist or identified in the State Environmental Policy Act (SEPA) checklist. The site visit shall be used to determine if a wetland or wetland buffer area are within two hundred feet of a proposed project or activity. A positive confirmation that wetland indicators are present or that the proposed project may impact the wetland area will then require a professional site assessment. The director shall use the following map references to

assist in making a determination: (1) National Wetland Inventory Map; and (2) any records of previously mapped wetlands.

15.08.380 - Critical area report—Requirements for wetlands.

In addition to the general critical area report requirements of Section 15.08.160 of this chapter, wetland critical area reports must meet the requirements of this section. Critical area reports that include two or more types of critical areas must meet the report requirements for each type of critical area. If a wetland critical area report is required, the report shall meet the following requirements:

A. Wetland Reconnaissance by Qualified Professional. A wetland reconnaissance shall be performed by a qualified wetlands professional. The reconnaissance shall identify the presence of wetlands within two hundred feet of the proposed project or activity area. If this reconnaissance demonstrates no wetlands within two hundred feet of the activity area, then no further study is required. If the reconnaissance identifies wetlands present within two hundred feet of the proposed project or activity, then a wetland critical areas report shall be prepared by a qualified professional.

B. Preparation of Report by Qualified Professional. A wetland critical areas report shall be prepared by a qualified professional who is a wetland biologist with experience in preparing wetland reports.

C. Area Addressed in Wetland Critical Area Report. The following areas shall be addressed in a wetland critical area report:
   1. The project area of the proposed activity;
   2. All wetlands and recommended buffers within two hundred feet of the project area; and
   3. All shoreline areas, water features, floodplains, and other critical areas, and related buffers within two hundred feet of the project area.

D. Wetland Analysis. A wetland critical area report shall contain an analysis of the wetlands including the following site and proposal related information:
   1. A written assessment of the wetlands and buffers within two hundred feet of the project area including:
      a. Maps of the wetland and buffer areas;
      b. Wetland delineation and required buffers;
      c. Acreage of the existing wetland;
      d. The wetland category including vegetation, faunal, and hydrologic characteristics;
      e. Soil and substrate conditions;
      f. Topographic contours at five-foot contours.
   2. Proposed measures to avoid damaging the existing wetland and current levels of function or ways to minimize damage to the wetland and current levels of function.
   3. A habitat and native vegetation plan that addresses methods to protect and/or enhance wetland functions and habitat.
   4. Proposed mitigation, if needed.
      a. Existing and proposed wetland acreage;
      b. Existing and proposed vegetative, faunal, and hydrologic conditions;
      c. Relationship to wetland with existing water bodies and to the watershed;
      d. Existing and proposed adjacent site conditions;
      e. Required buffers;
      f. List of all property owners.

5. A list of management practices that will be used to protect and maintain the quality of the wetland and/or covenants and restrictions that will be used in managing the wetland.

E. Additional Information. Additional information may be required when deemed necessary by the director.

15.08.400 - Wetland buffers.

A. Measurement of Wetland Buffers. All buffers shall be measured from the wetland boundary as surveyed in the field. Buffer widths shall be determined according to wetland category and intensity of the proposed land use. The buffer of a created, restored, or enhanced wetland shall be in conformance with the category of the wetland.

B. Standard Buffer Widths. The standard buffer width is intended to protect the wetland functions and values in relation to the project intensity at the time of the proposed activity. Required buffer widths are as follows:

Table 15.08.400-1
Wetland Buffers

Wetland Category	Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use
Category 1	Natural Heritage Wetlands	Low - 125 feet
		Moderate - 190 feet
		High - 250 feet
	Bogs	Low - 125 feet
		Moderate - 190 feet
		High - 250 feet
	High level of function for habitat (score for habitat 29-36 points)	Low - 150 feet
		Moderate - 225 feet
		High - 300 feet
	Moderate level of function for habitat (score for habitat 20-28 points)	Low - 75 feet
		Moderate - 110 feet
		High - 150 feet
	High level of function for water quality improvement (24-32 points) and low for habitat (<20 points)	Low - 50 feet
		Moderate - 75 feet
		High - 100 feet
	Not meeting any of the above characteristics	Low - 50 feet
		Moderate - 75 feet
		High - 100 feet

Wetland Category	Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use
Category 2	High level of function for habitat (score for habitat 29-36 points)	Low - 150 feet
		Moderate - 225 feet
		High - 300 feet
	Moderate level of function for habitat (score for habitat 20-28 points)	Low - 75 feet
		Moderate - 110 feet
		High - 150 feet
	High level of function for water quality improvement and low for habitat (score for water quality 24-32 points; habitat <20 points)	Low - 50 feet
		Moderate - 75 feet
		High - 100 feet
	Not meeting above characteristics	Low - 50 feet
		Moderate - 75 feet
		High - 100 feet
Category 3	Moderate level of function for habitat (score for habitat 20-28 points)	Low - 75 feet
		Moderate - 110 feet
		High - 150 feet
	Not meeting above characteristic	Low - 40 feet
		Moderate - 60 feet
		High - 80 feet
Category 4	Score for all 3 basic functions is less than 30 points	Low - 25 feet
		Moderate - 40 feet
		High - 50 feet

C. Increased Wetland Buffer Widths. The director shall require increased buffer widths when recommendations by a qualified professional biologist and the best available sciences deem additional buffer widths necessary. The determination shall be based on the following:
   1. An increased buffer area is necessary to protect other critical areas within the same project area;
   2. The buffer area or adjacent uplands have a slope greater than fifteen percent or the buffer is susceptible to erosion where standard erosion controls will not prevent adverse impacts to the wetland;
   3. Where an increased buffer is recommended due to minimal vegetation cover, a vegetation planting plan may be implemented as a substitute to the increased buffer width. A vegetation planting plan shall not result in a decrease in the buffer area. The

vegetation planting plan shall include measures to monitoring and maintenance of the vegetated area.

D. Reduction of Wetland Buffer Widths.
   1. The director may allow for a reduction in the standard buffer width in accordance with an approved critical areas report and following the best available science. Reductions in buffer widths shall be done on a case-by-case basis and only when it has been determined that a smaller buffer area is adequate to protect the wetland functions and values based on site-specific characteristics.
   2. A determination for reduced wetland buffer area shall be supported by documentation that shows that a reduced buffer is adequate based on the following criteria:
      a. The critical area report provides sound rationale for a reduced buffer based on the best available science and site-specific conditions;
      b. The existing buffer area is densely vegetated or will be significantly enhanced with native species and has less than ten percent slopes; and
      c. No present or future adverse impacts to the wetland will result from the proposed activity. The director may determine that long-term monitoring is required. The director may require monitoring of the wetland to determine if there are any adverse impacts as a result of the project. If adverse impacts are discovered, corrective actions may be required.
   3. Under no circumstances may the standard buffer width be reduced by more than twenty-five percent, nor shall the buffer width be less than fifty feet except where the standard buffer width is already less than fifty feet.

E. Special Conditions for a Possible Reduction in Buffer Widths. Distinct from the provisions of Section 15.08.100(D) of this chapter, the buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts under the following conditions, and only after submittal of a critical areas report prepared by a qualified professional that provides clear justification for the reduced buffer:
   1. For wetlands that score moderate or high for habitat (twenty points or more for the habitat functions), the width of the buffer can be reduced if both of the following criteria are met:
      a. A relatively undisturbed, vegetated corridor at least one hundred feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife ("relatively undisturbed" and "vegetated corridor" are defined in questions H 2.1 and H 2.2.1 of the Washington State Wetland Rating System for Western Washington—Revised. The corridor must be protected for the entire distance between the wetland and the priority habitat by some type of legal protection such as a conservation easement.
      b. Measures to minimize the impacts of different land uses on wetlands, such as the examples summarized in Table 15.08.400-2, are applied.

Table 15.08.400-2
Examples of Measures to Minimize Impacts to Wetlands from Proposed Change in Land Use That Have High Impacts
(This is not a complete list of measures.)

Examples of Disturbance	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
Lights	Parking lots	Direct lights away from wetland
	Warehouses	
	Manufacturing	
	Residential	
Noise	Manufacturing	Locate activity that generates noise away from wetland
	Residential	
Toxic runoff*	Parking lots	Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered
	Roads	
	Manufacturing	
	Residential areas	Establish covenants limiting use of pesticides within 150 feet of wetland
	Application of agricultural pesticides	Apply integrated pest management
	Landscaping	
Stormwater runoff	Parking lots	Retrofit stormwater detention and treatment for roads and existing adjacent development
	Roads	Prevent channelized flow from lawns that directly enters the buffer
	Manufacturing	
	Residential areas	
	Commercial	
	Landscaping	
Change in water regime	Impermeable surfaces	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
	Lawns	
	Tilling	
Pets and human disturbance	Residential areas	Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract
Dust	Tilled fields	Use best management practices to control dust

* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.

2. For wetlands that score less than twenty points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying measures to minimize the impacts of the proposed land uses (see examples in Table 15.08.400-2).

F. Averaging of Buffer Widths. The director may allow for the standard buffer width to be averaged in accordance with an approved critical area report on a case-by-case basis. Averaging of buffer widths shall only be allowed when a qualified wetlands professional demonstrates that:
   1. Averaging will not reduce wetland functions or values;
   2. The wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places due to varying wetland quality;
   3. The total area of the averaged buffer is not less than would be contained if there were no buffer averaging; and
   4. The buffer width is not reduced to less than twenty-five percent of the standard buffer width or fifty feet, whichever is greater in any one location.

G. Buffer Conditions Shall Be Maintained. Wetland buffers in their natural state shall not be altered and shall be maintained in an undisturbed condition except as allowed in this chapter.

H. Mitigation Buffers. Any wetland that is created, restored, or enhanced as compensation for approved regulated wetland alterations shall have the standard buffer required for the category of the created, restored, or enhanced wetland.

I. Altered Wetland and/or Buffer Areas. Wetlands or buffer areas that have been altered and have lost their ecological functions and values are encouraged to be restored in order to replace these lost functions. Prior to the issuance of a development permit that is proposed adjacent to degraded wetlands or buffers, the property owner shall agree to undertake restoration activities or authorize such activities to occur, through an approved legal device such as a conservation program or restoration effort, or by legal agreement with restoration agencies or groups. Access shall be granted by the property owner for such restoration activities.

J. Functionally Isolated Buffer Areas. Areas which are functionally separated from a wetland and do not protect the wetland from adverse impacts due to preexisting roads, structures, or vertical separation shall be excluded from buffers otherwise required by this chapter on a case-by-case basis subject to a critical area report and review as determined by the director.

K. Exempted Wetlands. Isolated Category 4 wetlands less than five thousand square feet in size and Category 3 wetlands less than one thousand square feet that are not located in the buffer of a nonexempt wetland are exempted from the provisions of this chapter. If the city has established a fee program for wetland impacts, these nonexempt wetlands are subject to such a fee unless preserved.

L. Use of Buffer Areas. The following uses may be permitted within a required wetland buffer unless otherwise prohibited:
   1. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
   2. Passive Recreation. Passive recreation in accordance with an approved critical area report. Such activities include but are not limited to:
      a. Walking paths or trails (no motorized use) located in the outer twenty-five percent of the buffer area. Trails shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed area and may need to be enhanced with screening. Trails or paths within a wetland or buffer area shall be planned to minimize removal of vegetation (trees, shrubs, etc.) and important

wildlife habitat. Trail widths shall not be wider than three feet for private trail and ten feet for public use or publicly owned trails. Trail surfaces shall be comprised of natural materials (gravel, rock, bark) and permanent surfacing materials (asphalt or concrete) shall require a variance. No construction or surfacing materials shall significantly alter the existing drainage or negatively affect the wetland or buffer area;

b. Wildlife viewing structures, platforms, interpretive areas, picnic areas, benches and associated activities shall be designed and located to minimize disturbance to wildlife habitat and/or critical wetland and/or buffer values or functions;

c. Access to fishing areas.

3. Hazard Tree Removal. When a threat to human life or property is determined, the director may allow the falling of a danger or hazard tree subject to the following criteria:
   a. Tree removal shall be the minimum necessary to balance the protection of the wetland or buffer area with the protection of life or property;
   b. For every hazard tree removed, a minimum of two should be planted as mitigation.
4. Stormwater Management Facilities. Stormwater management facilities such as bioswales or retention ponds may be allowed within the outer twenty-five percent of the required buffer area for Category 3 and 4 wetlands only, provided that:
   a. No other location is feasible; and
   b. Locating such facilities within the buffer area will not degrade the wetland values or functions or alter the hydroperiod of the wetland or adversely affect water quality; and
   c. Compensatory mitigation shall be included for all losses of wetland function as a result of the stormwater management facility.

15.08.410 - Signing and fencing wetlands.

A. Temporary Markers. The outer perimeter of a wetland or buffer area and the limit of the wetland or buffer area to be disturbed pursuant to an approved permit, shall be marked in the field in such a way as to prevent unauthorized disturbance of the wetland or buffer area. Temporary marking shall be maintained throughout the permitted activity and shall not be removed until final inspections are completed and approved permanent signs, if required, are in place. The location of temporary markers shall be shown on all site plans and final plats associated with the proposal. Temporary markers shall be composed of one-half inch galvanized pipe or equivalent monument, at least eighteen inches long, and shall show above the surface at least two inches. Temporary markers shall be spaced no more than fifty feet apart or as determined by the director.

B. Permanent Signs. The director may require the applicant to install permanent signs along the boundary of Class 1 and Class 2 wetlands or buffer areas as a condition of any permit. The director may also require signs for Class 3 or Class 4 wetlands.

C. Temporary Fencing. All wetlands shall be temporarily fenced between the permitted activity and the buffer with a highly visible and durable protective barrier during the proposed activity to prevent access and to protect the critical area and buffer. The director may waive this requirement if an alternative to fencing which achieves the same objective is proposed and approved.

D. Permanent Fencing. The director may require the wetland and/or buffer area to be fenced for any proposed project. Permanent fencing shall be installed at the applicant's expense and height and type shall be such that it provides protection yet is not sight-obscuring.

15.08.420 - Stormwater management.

A. The following stormwater management standards are required as they apply to each activity:
B. New developments shall utilize best management practices to minimize stormwater quantity and quality impacts to wetlands, both during and following construction.
C. Stormwater runoff from new development shall not significantly change the rate of flow, hydroperiod which is the seasonal period and duration of water saturation or inundation, nor decrease the water quality of wetlands.
D. Authorized modifications of wetlands or buffer areas for construction of discharge from drainage facilities shall protect wetland hydrologic functions classified pursuant to this section.
E. Stormwater runoff shall not be diverted from the watershed of wetlands.
F. Developments which handle, store, dispose, or transport or generate hazardous substances/wastes defined as "dangerous" or "extremely dangerous" wastes under WAC 173-303 (regardless of quantity) shall not allow direct precipitation or stormwater runoff to contact such substances where stored on-site.
G. The Washington State Department of Ecology's Stormwater Manual shall be the standard reference when implementing a stormwater management plan unless the Public Works Manager authorizes an alternative approach.

15.08.430 - Wetland mitigation.

A. Mitigation Options. As a condition of any permit allowing for the alteration of wetlands, the applicant will engage in the restoration, creation or enhancement of wetlands in order to offset the impacts resulting from the alteration. An appropriate mitigation plan shall be developed by a qualified professional with experience in wetland mitigation, and shall be approved by the director. The following mitigation measures shall be considered for any mitigation plan:
    1. Avoid the impact completely by not taking certain action or parts of the action;
    2. Minimize impacts by reducing the magnitude of the action or by avoiding or reducing impacts;
    3. Resolve the impact by repairing, rehabilitating, or restoring the affected environment;
    4. Reduce or eliminate the impact over time by preservation, restoration and maintenance;
    5. Compensate for the impact by replacing or enhancing the affected area;
    6. Monitoring the impacted area.
B. Mitigation Ratios. Any wetland that is degraded as a result of a permitted or nonpermitted activity shall be restored, created or enhanced at an area equal to or greater than the wetland area that was altered in order to compensate for losses to wetland acreage or functions according to the following ratios:

Wetland Area Impacted	Wetland Replacement Area Required		
Category 1	1	to	6
Category 2 or 3	1	to	3.0
Category 4	1	to	1.5

C. Wetland Enhancement. Any applicant proposing to degrade wetlands may propose to enhance existing wetlands in order to compensate for wetland losses. Applicants proposing to enhance wetlands shall present an enhancement program designed by a qualified professional with experience in wetland enhancement. Acreage replacement ratios may be increased up to one hundred percent at the recommendation of a qualified professional performing the enhancement program, with the approval of the director, if the following conditions exist:
   1. High degree of uncertainty as to the probable success of the proposed restoration or creation;
   2. Significant (greater than twelve months) period of time between destruction and replacement of wetland functions;
   3. Projected losses in functional value and other uses, such as recreation, scientific research and education, are relatively high;
   4. Not possible to create or restore the same type of wetland.

D. Decreased Replacement Ratio. The replacement ratio may be decreased only under the following circumstances:
   1. Scientifically supported evidence, which demonstrates that no net loss of wetland function or value is attained under the decreased ratio;
   2. In all cases a minimum ratio of 1:1 shall be required.

E. In-Kind/Out-of-Kind Mitigation. In-kind mitigation shall be provided except where the applicant can demonstrate that either:
   1. The wetland system was already degraded prior to any activity and out-of-kind replacement will result in a wetland with greater functional value; or
   2. Technical problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind mitigation impossible.

F. On-Site/Off-Site Mitigation. On-site mitigation shall be provided except where the applicant can demonstrate that:
   1. The hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be damaged by the loss of the on-site wetland; and
   2. On-site mitigation is not scientifically feasible due to problems with hydrology, soils, or factors such as other potentially adverse impacts from surrounding land uses; or
   3. Existing functional values at the site of the proposed restoration are significantly greater than the lost wetland functional values; or
   4. Goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify locating mitigation measures at another site.

G. Mitigation Site Selection. Mitigation sites shall be selected in accordance with a prepared wetland report by a certified wetland biologist and shall be within the existing city limits or with the director's approval, within the approved and adopted Woodland Urban Growth Boundary.

H. Timing of Mitigation. Mitigation shall be completed prior to activities that will disturb wetlands where feasible. Bonding or other financial guarantee is required if mitigation projects cannot be completed prior to project completion. Mitigation projects shall be timed to reduce impacts to existing wildlife or vegetation.

I. Components of Mitigation Plans. All wetland restoration, creation and/or enhancement projects required pursuant to this chapter either as a permit condition or as the result of an enforcement action shall follow a mitigation plan approved by the city. The applicant or violator must receive written approval by the director for the mitigation plan prior to the

commencement of any wetland restoration, creation, or enhancement activity. The mitigation plan shall contain at least the following components:

1. Baseline Information. A written assessment and accompanying maps of the impacted wetland including, at a minimum, wetland delineation, existing wetland acreage, proposed wetland impacts, vegetative, faunal, and hydrologic characteristics, soil and substrate conditions, and topographic elevations. If the mitigation site is different from the impacted wetland site, baseline information should also include surface hydrology, existing and proposed adjacent land uses, proposed buffers, and a list of all property owners within five hundred feet of the edge of the wetland.
2. Timing and Objectives. The following shall be submitted in writing: proposed timing of the mitigation, a complete description of the functions and values intended to be created or enhanced.

15.08.450 - Critical area report—Additional requirements for aquifer recharge areas.

In addition to the general critical report requirements of Section 15.08.160 of this chapter, proposed developments within critical aquifer recharge areas must also meet the following:

A. Report—Prepared by Qualified Professional. A critical area report for an aquifer recharge area shall be prepared by a qualified professional who is licensed by the state as a hydrologist, geologist, or engineer and who has experience in preparing hydrologic assessments.
B. Assessment Required—Hydrologic. All proposed activities, except those permitted activities above, shall have a level one hydrological assessment prepared. A level two hydrologic assessment shall be required for the following activities:
    1. Activities that result in five percent or more impervious surface area;
    2. Any activity that diverts, alters, or reduces the flow of surface or groundwater or reduces aquifer recharge;
    3. The use of hazardous substances other than household chemicals used in accordance with the package directions for domestic applications;
    4. Injection wells, except domestic septic systems;
    5. Any activity determined by the director that may likely have an adverse effect on aquifer recharge or groundwater quality.
C. Level One Hydrologic Assessment. A level one hydrologic assessment shall include all of the following:
    1. Geologic and hydrologic characteristics for the site and immediately surrounding areas, if applicable, and any surface aquifer recharge areas;
    2. Groundwater depth and flow direction and quantity;
    3. Data on springs or wells within one thousand feet of the site;
    4. Location of other critical areas within one thousand feet of the site;
    5. Water quality data;
    6. Proposed best management practices for the project.
D. Level Two Hydrologic Assessment. In addition to the requirements of a level one hydrologic assessment, a level two hydrologic assessment shall also include all of the following:
    1. Historic water quality data for the affected area for the past five years;
    2. Provisions for a groundwater monitoring plan;
    3. Effects the proposed project may have on groundwater quantity and quality, including:
        a. Evaluation of groundwater withdrawal effects on nearby wells or surface water;
        b. Evaluation of groundwater contamination from potential releases;

4. A spill plan identifying structures or equipment that may fail and result in an impact. A spill plan shall include provisions for regular inspections, repair, and replacement of structures or equipment.

15.08.630 - Allowed activities.

The director may allow the following activities within other geologically hazardous areas if the activity will not increase the risk of the hazard:

A. Construction of new buildings with less than two thousand five hundred square feet of floor area or roof area, whichever is greater;
B. Additions to existing residences that are two hundred fifty square feet or less; and
C. Installation of fences.

15.08.640 - Regulation.

For all regulated activities proposed within landslide and erosion hazard areas, a geotechnical report prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering shall be submitted. Where the applicant can clearly demonstrate to the department through submittal of a geotechnical assessment that the regulated activity or any related site alterations will not occur within the landslide or erosion hazard area or any associated buffers, the requirements for a geotechnical report may be waived. A geotechnical assessment may be prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering. A geotechnical assessment may also be prepared by a professional geologist/hydrologist or soils scientist who has earned a bachelor's degree in geology, hydrology, soils science, or closely related field from an accredited college or university or equivalent educational training, and having five years' experience assessing erosion and landslide hazards.

A. Geotechnical Assessments.
    1. If an applicant questions the presence of landslide or erosion hazard areas on a site, the applicant may submit a geotechnical assessment.
    2. A geotechnical assessment shall include all of the following:
        a. A description of the topography, surface and subsurface hydrology, soils, geology, and vegetation of the site;
        b. An evaluation of the analysis area's inherent landslide and erosion hazards and any other critical areas and buffers, and any critical areas that may be likely to impact the site;
        c. A site plan of the area delineating all areas of the site subject to landslide and erosion hazards, based on sources and criteria above;
        d. The submittal must include a contour map of the proposed site, at a scale of one inch equals twenty feet or as deemed appropriate by the department. Slopes shall be clearly delineated for the ranges between fifteen percent and twenty-nine percent, and thirty percent or greater, including figures for area coverage of each slope category on the site. When site-specific conditions indicate the necessity, the department may require the topographic data to be field surveyed. When possible, the footprint of the proposed project shall be shown.
B. Geotechnical Reports. A geotechnical report shall be prepared by a professional engineer licensed by the state of Washington with experience in geotechnical engineering and shall address the existing geology, topographic and hydrologic conditions of the site, including an evaluation of the ability of the site to accommodate the proposed activity. The geotechnical report shall include at a minimum the following:

1. Site geology information required:
    a. Topographic Data. The submittal must include a contour map of the proposed site, at a scale of one inch equals twenty feet or as deemed appropriate by the department. Slopes shall be clearly delineated for the ranges between fifteen percent and twenty-nine percent, and thirty percent or greater, including figures for area coverage of each slope category on the site. When site-specific conditions indicate the necessity, the department may require the topographic data to be field surveyed. When possible, the footprint of the proposed project shall be shown;
    b. Subsurface Data. The submittal must include boring logs and exploration methods; soil and rock stratigraphy, groundwater levels, and seasonal changes of groundwater levels;
    c. Site History. The submittal must include a description of any prior grading, soil instability, or slope failure; and
    d. Seismic Hazard. The submittal shall include data concerning the vulnerability of the site to seismic events.
2. Geotechnical engineering information required:
    a. Slope stability studies and opinion(s) of slope stability;
    b. Proposed angles of cut and fill slopes and site grading requirements;
    c. Structural foundation requirements and estimated foundation settlements;
    d. Soil compaction criteria;
    e. Proposed surface and subsurface drainage;
    f. Lateral earth pressures;
    g. Vulnerability of the site to erosion;
    h. Suitability of on-site soil for use as fill;
    i. Laboratory data and soil index properties for soil samples; and
    j. Building limitations.
1. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be utilized and a new report may not be required. If any changed environmental conditions are associated with the site or surrounding the site, or the proposed activity has changed, the applicant shall submit an amendment to the geotechnical report.
2. The development proposal may be approved, approved with conditions, or denied based on the department's evaluation of the ability of the proposed mitigation measures to reduce risks associated with the erosion and landslide hazard area.
3. Other critical areas or buffers on or adjacent to the site that may impact the proposal.

C. Performance Standards. The department shall evaluate all geotechnical reports for landslide and erosion hazard areas to insure that the following standards are met:
1. Location and extent of development:
    a. The development shall be located to minimize disturbance and removal of vegetation;
    b. Structures shall be clustered where possible to reduce disturbance and maintain natural topographic character; and
    c. Structures shall conform to the natural contours of the slope, and foundations should be tiered where possible to conform to the existing topography of the site.
2. Design of development:
    a. All development proposals shall be designed to minimize the building footprint and other disturbed areas;

    b. All development shall be designed to minimize impervious surfaces;
    c. Roads, walkways, and parking areas shall be designed to parallel the natural contours; and
    d. Access shall be in the least sensitive area of the site.
  3. The department may approve, approve with conditions, or deny development proposals based on these performance standards.

D. Buffer Requirements.
  1. A buffer consisting of undisturbed natural vegetation and measured in a perpendicular direction from all landslide and erosion hazard areas shall be required. The buffer shall be from the top of the slope and toe of the slope of all landslide or erosion hazard areas that measure ten feet or more in vertical elevation change from top to toe of slope, as identified in the geotechnical report, maps, and field checking. The minimum buffer distance requirements from the top of slope and toe of slope of the landslide or erosion hazard areas shall be the same as for setbacks from slopes as identified in the Uniform Building Code.
  2. To increase the functional attributes of the buffer, the director may require that the buffer be enhanced through the planting of indigenous species.
  3. The edge of the buffer area shall be clearly staked, flagged, and fenced prior to any clearing, grading or construction. The buffer markers shall be clearly visible, durable, and permanently affixed to the ground. Site clearing shall not commence until the engineer has submitted written notice to the director that the buffer requirements of this chapter have been met. The buffer shall be permanently protected through a protective easement or other appropriate permanent protective measure.

E. Modification to Buffer Width. When a geotechnical report demonstrates that a lesser buffer distance may be achieved through design and engineering solutions, such reduced buffer and design and engineering solutions may be permitted. If a geotechnical report demonstrates that a greater buffer distance is needed, the greater buffer shall be required.

F. Building Setback and Construction Near Buffer. The setback for any proposed building or impervious surface from a buffer area shall be the same setback as required for that zoning district or ten feet, whichever is greater. No building or impervious surface shall be constructed closer than ten feet to any buffer area. Clearing, grading, and filling within the required setback shall only be allowed if the applicant can demonstrate that vegetation within the buffer will not be damaged.

G. Erosion Control Plan. Erosion control plans shall be required for all regulated activities in erosion hazard areas.

15.08.710 - Critical area report—Additional requirements for habitat conservation areas.

In addition to the general critical area report requirements of Section 15.08.160 of this chapter, critical area reports for habitat conservation areas shall meet the requirements of this section. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

A. Prepared by Qualified Professional. A critical report for a habitat conservation area shall be prepared by a qualified professional biologist with experience preparing reports for the appropriate type of habitat.

B. Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for habitat conservation areas:
  1. The total area of the proposed activity;

2. All habitat conservation areas and recommended buffers within two hundred feet of the project area; and
3. All shoreline areas, floodplains and other critical areas with related buffers within two hundred feet of the project area.

C. Habitat Assessment. A habitat assessment or investigation of the proposed project area that evaluates the presence of a potential fish or wildlife species or habitat shall be prepared. A habitat conservation area report shall contain an assessment of following site and proposal related information:
   1. Detailed description of vegetation and other habitat features on and adjacent to the proposed project area;
   2. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association habitat on or adjacent to the proposed project area;
   3. An assessment of potential impacts to the species by the proposed project;
   4. A discussion of any federal, state, or local special management recommendation that have been developed for species or habitats on or adjacent to the proposed project;
   5. A detailed discussion of the potential impacts to the habitat by the proposed project, including impacts to water quality or quantity;
   6. A discussion of measures, including avoidance, minimization and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded in accordance with Section 15.08.190 (Mitigation sequencing) of this chapter;
   7. A discussion of continuing management practices that will protect habitat after the project site has been developed, including monitoring and maintenance programs.

D. Additional Information Required. The director may require additional information when the type of habitat or species dictates the need. The habitat management additional requirement shall include:
   1. An evaluation by an independent qualified professional regarding the analysis and effectiveness of proposed mitigation or programs, including any recommendations as appropriate;
   2. A request for consultation with the Department of Fish and Wildlife; and
   3. A detailed surface and subsurface hydrologic features both on and adjacent to the proposed project site.

15.08.720 - Performance standards—General requirements.

A. Alterations Shall Not Degrade the Functions and Values of Habitat. A habitat conservation area may only be altered if the proposed alteration of the habitat does not degrade the quality or quantity of functions or values of the habitat. All new structures are prohibited from habitat conservation areas except in accordance with this chapter.

B. Nonindigenous Species Shall Not Be Introduced. Unless authorized by a state or federal permit of approval, no species not indigenous to the region shall be introduced into a habitat conservation area.

C. Mitigation, Contiguous Corridors. Mitigation sites shall be located so as to achieve continuous habitat corridors in accordance with an approved mitigation plan.

D. Approvals May Be Conditioned. The director may condition approvals of allowed activities within or adjacent to habitat conservation areas or buffers. Conditions may include, but are not limited to, the following:
   1. Establishment of buffer zones;
   2. Preservation of critically important vegetation;

3. Limiting access, including fencing;
4. Seasonal restriction of construction activities.

E. Mitigation Shall Achieve Equivalent or Greater Functions. Mitigation activities shall achieve equivalent or greater biologic functions and shall include mitigation for adverse impacts upstream or downstream of the development site. Mitigation shall address each function.

F. Approval shall be supported by the best available science.

G. Buffers.
1. The director shall require buffer areas to be established for all activities in or adjacent to habitat conservation areas when needed for habitat protection. Buffers shall be undisturbed areas of native vegetation, or shall be areas identified for restoration, to protect the integrity, functions, and values of the affected habitat. Buffers shall reflect the sensitivity of the habitat and intensity of the proposed project, and shall be consistent with recommendations by the State Department of Fish and Wildlife. Buffers shall be preserved in perpetuity.
2. Seasonal Restrictions. If a species is more prone to disturbance during specific times of the year, seasonal restrictions may apply. Larger buffers may be required, and activities may be restricted during that specific season.
3. Habitat Buffer Averaging. The director may allow the recommended buffer width to be reduced in accordance with an approved critical area report, best available science, and management recommendations by the State Department of Fish and Wildlife. Averaging may only occur if:
   a. Averaging will not reduce habitat or stream functions;
   b. It will not adversely affect salmonid habitat;
   c. Additional natural resource protection such as buffer enhancement will be provided;
   d. The total of the averaged buffer area is not less than what would be contained in the standard buffer;
   e. The buffer area width is not reduced by more than twenty-five percent.

H. Signs and Fencing.
1. Temporary Markers. The outer perimeter of the habitat conservation area or buffer and the limits of the area to be disturbed shall be marked in such a way as to prevent unauthorized intrusion. The marking shall be verified by the director prior to any activities taking place. Temporary marking shall be maintained throughout the project timeline until permanent signs, if required, are in place.
2. Permanent Signs. The director may require permanent signs along the boundary of a habitat conservation area or buffer. The signs, if required, must be made of a durable material, mounted on a metal post. Signs shall be posted approximately fifty feet apart. The property owner shall maintain the signs.
3. Fencing.
   a. The director may require permanent fencing of a habitat conservation area or buffer when fencing will prevent future impacts to the area.
   b. Permanent fencing shall be required if domestic grazing animals are present or may be introduced in the future.
   c. If permanent fencing is required, it shall be the sole responsibility of the applicant to install and maintain.
   d. Fencing shall not interfere with species migration and shall be installed in a manner that minimizes habitat impacts.

I. Subdivisions/Short Subdivisions.

1. Land that is located entirely within a habitat conservation area or its buffer shall not be subdivided. Buffer areas shall be identified on the face of subdivision maps and shall be protected in perpetuity with conservation covenants, deed restrictions, or other legally binding mechanisms.
2. Land that is located partially within a habitat conservation area or buffer may be divided provided an accessible portion of each new lot is located outside the conservation area or buffer. A lot may be subdivided into lots outside the conservation area or buffer and a lot entirely within the buffer area, so long as the lot within the conservation area or buffer area is designated as not developable on the final plat.
3. Roads and utilities serving the proposed subdivision may only be permitted in the conservation area or buffer if the city determines that no other feasible alternative exists and adverse impacts to critical areas and buffers are fully mitigated in accordance with all mitigation and critical area report requirements of this chapter.

15.08.730 - Performance standards—Specific habitats.

A. Endangered, Threatened and Sensitive Species.
   1. No development shall be allowed within a habitat conservation area or buffer where state or federally endangered, threatened, or sensitive species have a primary association.
   2. Proposed activities adjacent to a conservation area where state or federally endangered, threatened, or sensitive species have a primary association shall be protected in accordance with an approved critical area report. No activity shall be permitted prior to consultation with the State Department of Fish and Wildlife and/or appropriate federal agency.
   3. Bald eagle habitat shall be protected pursuant to Washington State Bald Eagle Protection Rules (WAC 232-12-292). For activities proposed adjacent to a verified nest or communal roost a habitat management plan shall be developed by a qualified professional. Activities are adjacent to a bald eagle site when they are within eight hundred feet or within two thousand six hundred forty feet and in a shoreline foraging area. The city shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the habitat management plan by the Department of Fish and Wildlife.
B. Anadromous Fish.
   1. All activities, uses, and alterations proposed to be located within water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to the following:
      a. Activities shall be timed in accordance with the allowable work window as specified by the Department of Fish and Wildlife for the applicable species;
      b. The activity is designed so it will not degrade the functions or values of the fish habitat or other critical areas;
      c. Any impacts to the functions or values are mitigated in accordance with an approved critical area report;
      d. Hydraulic project approval may be required from the Department of Fish and Wildlife.
C. Wetland Habitats. All proposed activities within or adjacent to habitat conservation areas containing wetlands shall conform to the wetland portion of this chapter. If wetland and

nonwetland critical areas are present at the same location, the provisions that afford the greatest protection shall apply.

D. Riparian Habitat Areas. Unless otherwise allowed in this chapter, all structures and activities shall be located outside of the riparian habitat area.
   1. Establishment of Riparian Habitat Areas. Riparian areas shall be established for habitats that include aquatic and terrestrial ecosystems that mutually benefit each other, and are located adjacent to rivers, perennial or intermittent streams, and springs.
   2. Riparian Habitat Area Widths. Riparian habitat area widths shall be as shown in the following table:

Table 15.08.730-1
Riparian Habitat Areas (RHA)

Stream Type	RHA Width
Type 1(S) and 2(F); or shorelines of the state, or shorelines of statewide significance	250 feet
Type 3(F); or other perennial or fish bearing streams, 5-20 feet wide	200 feet
Type 3(F); or other perennial or fish bearing streams, <5 feet wide	150 feet
Type 4(Np) and 5(Ns); or intermittent streams and washes with high mass wasting potential	225 feet
Type 4(Np) and 5(Ns); or intermittent streams and washes with low mass wasting potential	100 feet

A riparian habitat shall have the width specified unless a greater width is required, or a lesser width is allowed. Widths shall be measured from the ordinary high water mark or from the top of the bank if the ordinary high water mark cannot be identified.

   3. Riparian Habitat Required. A riparian habitat area shall apply only to projects permitted after the adoption date of the ordinance codified in this chapter.
   4. Streams, Not Classified. Projects where streams have not been classified on a map are exempt from this portion of the critical areas ordinance, but must comply with all other portions of the critical areas ordinance.
   5. Increased Riparian Widths. Riparian habitat widths shall be increased when:
      a. The director determines that the recommended width is insufficient to prevent habitat degradation and to protect the functions of the habitat area;
      b. A channel migration zone exceeds the recommended riparian width. The width shall be extended to the outer edge of the channel migration zone;
      c. The riparian area is in an area of high blowdown potential. The riparian habitat area shall be expanded an additional fifty feet on the windward side;
      d. The riparian area is within an erosion or landslide area. The buffer width will be that of the critical area affording the greatest protection.
   6. Reduction of Habitat Buffer Widths. The director may allow the standard habitat buffer width to be reduced in accordance with an approved critical area report and the best available science on a case-by-case basis when it is determined that a smaller area is adequate to protect the habitat functions and values based on site-specific characteristics and when all of the following criteria are met:
      a. The critical area report provides a sound rationale for a reduced buffer based on the best available science;
      b. The existing buffer area is well-vegetated or will be significantly enhanced with native species and has less than a ten percent slope;

c. No direct or indirect, short-term or long-term, adverse impacts to habitats will result from the proposed activity;
d. As required by the director, a five-year monitoring program of the buffer and habitat shall be included. Subsequent corrective actions may be required if adverse impacts to the habitats are discovered during the monitoring period;
e. In no case shall the standard buffer width be reduced by more than fifty percent using this provision.

7. Riparian Habitat Area Width Averaging. The director may allow the riparian habitat area width to be averaged in accordance with a critical area report only if:
   a. The reduction will not degrade the habitat;
   b. The reduction will not reduce the stream or habitat functions;
   c. The reduction will not reduce non-fish habitat functions;
   d. Additional habitat protection will be provided;
   e. The total area of the riparian area is not reduced by more than twenty-five percent in any one location;
   f. The total area of the riparian area is not decreased;
   g. The reduction in width will not be within another critical area or buffer; and
   h. The reduction in habitat area is supported by best available science.
8. Riparian Habitat Mitigation. Mitigation of adverse impacts shall result in equivalent functions and values on a per function basis. The mitigation shall be located as near the alteration as possible, and be located in the same sub-drainage basin as the impacted habitat.
9. Alternative Mitigation for Riparian Areas. If the applicant demonstrates that greater habitat functions can be obtained as a result of alternate mitigation measures, the director may modify the requirements of the performance standards of this section, including the riparian habitat area buffers.
10. Use of Buffer Area. Buffers for fish and wildlife habitat conservation areas not subject to the shoreline master program, shall follow the same rules as those outlined in Section 15.08.400(L) of this chapter.
11. Functionally Isolated Riparian Habitat Area. Areas which are functionally separated from a riparian habitat area due to preexisting roads, structures, or similar circumstances, shall be excluded from buffers otherwise required by this chapter on a case-by-case basis subject to a critical area report and review as determined by the director.

E. Aquatic Habitat/Shoreline Jurisdiction. The following activities may be permitted within a riparian habitat area when the activity is done in accordance with the shoreline management program and this chapter, including Section 15.08.040:
1. Clearing and grading as part of a permitted activity.
   a. Grading is allowed only in the dry season as determined by the director.
2. Shoreline Erosion Control. Shoreline erosion control measures may be permitted in accordance with an approved shoreline permit and critical areas report that demonstrates the following:
   a. Natural shoreline process will be maintained;
   b. There will be no increased beach or other erosion;
   c. Fish and wildlife habitat will not be degraded;
   d. There is no net loss of functions or values.
3. Streambank Stabilization. Only in accordance with an approved critical area report and shoreline permit.

4. Boat Ramps. Boat ramps may be permitted in accordance with a shoreline permit and approved critical area report that demonstrates the following:
    a. Natural shoreline process will be maintained;
    b. There will be no increased shoreline, bank or other erosion;
    c. Fish and wildlife habitat will not be degraded;
    d. There is no net loss of functions or values.
5. Roads, Trails, Bridges, Rights-of-Way. Roads, trails, bridges, and rights-of-way may be permitted up to thirty feet wide in accordance with a shoreline permit and approved critical area report that demonstrates the following:
    a. There is no feasible alternative route with less environmental impact;
    b. Roads do not run parallel to the water body;
    c. Trails are located on the outer edge of the riparian area;
    d. Crossings shall be as near perpendicular to the water body as possible;
    e. Mitigation for impacts is provided;
    f. Trail shall not be made of continuous impervious materials.
6. Utility Facilities. New utility lines and facilities may be permitted in accordance with an approved critical area report that demonstrates compliance with the following:
    a. Fish and wildlife area shall be avoided to the maximum extent possible;
    b. Utilities shall cross at an angle greater than sixty degrees;
    c. Crossings shall be contained within an existing road or utility crossing where feasible;
    d. The utility shall avoid paralleling a stream;
    e. The utility shall not increase or decrease the natural rate of shore or channel migration.
7. Public Flood Protection Measures. Public flood protection measures may be permitted subject to the city's review and approval of a critical area report and shoreline permit.
8. Instream Structures. May be permitted in accordance with an approved critical area report and shoreline permit. The structure shall be designed to avoid modifying flows and adversely affecting water quality.
9. Stormwater Conveyance Facilities. Conveyance facilities may be permitted in accordance with an approved critical area report subject to the following:
    a. No other feasible alternatives with less impact exist;
    b. Mitigation for impacts is provided;
    c. Conveyance facilities shall incorporate habitat features; and
    d. Vegetation shall be maintained.
10. On-Site Sewage Systems and Wells.
    a. New on-site sewage systems and individual wells may be permitted in accordance with an approved critical area report only for residences where it is not feasible to connect to the public sanitary sewer system.
    b. Repairs to failing on-site sewage systems associated with an existing structure shall be by utilizing one of the following methods that results in the least impact:
        i. Connection to the public sanitary sewer system;
        ii. Replacement with a new on-site system located in a portion of the site that has already been disturbed;
        iii. Repair to the existing system.

15.10.030 - Authority and general requirements.

A. The city hereby adopts the BMP manual by reference.
B. The Public Works Manager is hereby given the authority to interpret and apply, and the responsibility to enforce this chapter. The Public Works Manager may withhold, approve, approve with conditions, or deny erosion control plans in accordance with the provisions outlined in this chapter and the BMP manual.
C. Meeting the requirements of this chapter and the BMP manual is the responsibility of the property owner on whose parcel the land disturbing activity occurs and the person undertaking such activities. In addition, if the land disturbing activity involves a city issued permit, the permit holder is also responsible for meeting the requirements of this chapter.
D. If the BMPs applied to a site are insufficient to prevent sediment from reaching water bodies, adjacent properties, or public right-of-way, then the Public Works Manager shall require additional BMPs.

15.10.040 - Definitions.

This chapter adopts by reference the uniform usage and definitions of terms from the BMP manual. Unless specifically defined in this section or in the BMP manual, the words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Best available science" means current scientific information, used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined in WAC 365-195-900 through WAC 365-195-925.

"Best management practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

"BMP manual" means the most current issue of the Stormwater Management Manual for Western Washington (SMMWW).

"City" means the city of Woodland, Washington.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to the construction and expansion of buildings, other structures, sewers or streets, creation of impervious surfaces, demolition, mining, dredging, paving, excavating, compaction, clearing, landscaping, and filling or grading in amounts greater than five hundred cubic yards on any lot.

"Director" means the Community Development Director or his/her designee.

"Emergency" means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

"Erosion" means the movement of soil particles resulting from actions of water, wind, gravity or mechanical forces.

"Erosion control plan" means a plan showing any temporary or permanent measures to be taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave the site.

"Erosion control permit" means a stormwater pollution prevention plan (SWPPP) required by the Washington Department of Ecology (WDOE).

"Excavation" means any act of development by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, exposed or relocated.

"Fill" means any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed for the purposes of development or redevelopment.

"Grading" means any stripping, clearing, stumping, excavating, filling, or stockpiling of the land, or any combination thereof, including the land in its excavated or filled condition.

"Impervious surface" means a hard surface area that prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

"Land disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or existing soil topography. Land disturbing activities include, but are not limited to demolition, reconstruction, construction, expansion, compaction, associated with stabilization of structures, clearing, grading, filling, excavation, and landscaping.

"Large parcel development" means creation or addition of five thousand or more square feet of new impervious surface or land disturbing activities of one acre or more provided that the construction of individual detached single-family residences and duplexes shall be treated as small parcel developments.

"Owner" means any party, including an owner, part owner or agent that has a legal interest in a piece of real property upon which development is proposed, or their designated representatives.

"Person" means any individual, group of individuals, association, corporation, partnership, limited liability company or any business entity.

"Pollution" means contamination or other alteration of the physical, chemical, or biological properties, of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic,

commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

"Sediment" means any soil, sand, dirt, dust, mud, rock, gravel, refuse, mineral or any other organic or inorganic material that is in suspension, is transported, has been moved or is likely to be moved by erosion.

"Small parcel development" means construction of individual, detached, single-family residences and duplexes, or creation or addition of less than five thousand square feet of impervious surface, or land disturbing activities of less than one acre.

"Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface waterbody, or a constructed infiltration facility.

15.10.050 - Exemption.

The following categories of land disturbing activity are exempt from the requirements of this chapter:

A. Commercial agricultural and forest practices regulated under WAC Chapter 222, except for Class IV general forest practices that are conversions from timber land to other uses.
B. Road maintenance in the public right-of-way, including but not limited to, pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regarding drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, and vegetation maintenance.
C. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to requirements concerning the construction stormwater pollution prevention provisions outlined in the BMP manual.
D. Installation and maintenance of the public utilities by the city or utility companies or their contractors.
E. Routine gardening and landscape maintenance activities on existing landscaped areas on developed lots, including pruning, weeding, and planting.
F. Removal of trees and groundcover in emergency situations involving immediate danger to life or property or substantial fire hazards.
G. Removal of diseased, dead or dying trees upon written verification by a qualified arborist or landscape architect, or landscape contractor which states that removal of the trees is essential for the protection of life, limb, or property and is filed with the director.

15.10.060 - Required submittals.

An erosion control plan is required for all land disturbing activity, and such erosion control plan shall satisfy the applicable requirements in Section 15.10.110 or 15.10.120 and shall include the following information:

A. Clearing and grubbing for perimeter controls;
B. Installation of perimeter controls;
C. Construction phasing;
D. Clearing and grubbing, grading and trenching for activities other than perimeter control;
E. Final grading, landscaping, and stabilization;

F. Work on or at bridges and other watercourse structures;
G. Utility installation and removal;
H. Work required in any wetlands;
I. Monitoring of rainfall;
J. Inspection of controls;
K. Installation and maintenance of permanent controls;
L. Installation, maintenance and removal of temporary controls; and
M. Disposal of waste materials generated on-site;
N. If required by the director or applicable law, all plans, studies, and reports shall be stamped, signed and dated by the professional civil engineer(s) registered in the state of Washington and, if required by the director, the registered soil scientist(s). The plan shall include a soils survey or a written description of the soil types of the exposed land area contemplated for the earth change. An erosion control plan shall contain methods and measures to be used during and after construction to prevent or control erosion prepared in compliance with the provisions in the BMP manual;
O. The erosion control plan shall indicate that erosion control measures will be managed and maintained during the land disturbing activity. The erosion control plan shall also indicate that erosion control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures;
P. Alternative BMPs;
Q. Vicinity maps;
R. Other maps showing the contours and the following:
    1. Steep slopes,
    2. Floodplains,
    3. Wetlands, and
    4. Shoreline management areas;
S. Any other information required by the director to demonstrate compliance with this chapter.

15.10.090 - General approval procedure.

A. The director shall review the erosion control plan for compliance with the BMPs, and withhold, approve, approve with conditions, or deny the plan with notice of the decision to the applicant. The erosion control plan shall be approved prior to issuance of the associated land use or building permits. Upon issuance of the land use or building permit, the owner or his/her designated representative of the land subject to the land disturbing activity shall implement the plan.
    1. If the land disturbing activity does not require a land use or building permit, the director may withhold, approve, approve with conditions, or deny the erosion control plan with notice of the decision to the applicant. Upon approval of the plan, the owner or his/her designated representative of the land subject to the land disturbing activity shall implement the plan.
    2. The director may approve the alternative BMPs based on the provisions in the BMP manual and the best available science.
B. A stormwater pollution prevention permit (SWPPP), if required by the WDOE, shall be submitted concurrent with the erosion control plan. The SWPPP is required to be approved by the WDOE prior to the issuance of the associated land use or building permit.
C. The city may inspect the site of land disturbing activity to determine compliance with the approved erosion control plan and associated permit.

D. Approval of an erosion control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

15.10.100 - Applicable minimum requirements for small parcel developments.

Small parcel developments shall comply with the requirements in this section:

A. Construction Access. Construction vehicle access shall be limited, wherever possible, to only one route. Access points shall be stabilized with two- to four-inch diameter gravel to minimize tracking of sediment or debris onto public roads. Vehicles not performing a construction activity shall not be permitted off-street. Worker personal vehicles shall be parked on adjacent streets or other approved areas.

B. Stabilization of Denuded Areas. All exposed and unworked soils shall be stabilized by suitable application of BMPs, including but not limited to sod or other vegetation, plastic covering, mulching, or application of ground base on areas to be paved. All BMPs shall be selected, designed, and maintained in accordance with the BMP manual. From October 1st through April 30th of any calendar year, no soils shall remain exposed for more than two days. From May 1st through September 30th of any calendar year, no soils shall remain exposed for more for seven days. Construction materials such as lumber shall be delivered and stored on designated locations that are stabilized and protected from erosion. All sidewalk areas shall be pre-graded and stabilized for use as sediment traps.

C. Protection of Water Bodies and Adjacent Properties. Water bodies and adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes, mulching, or by a combination of these measures and other appropriate BMPs. Each owner, builder, or permit holder shall install and maintain inlet protection on storm drain inlets impacted from construction activity on their site.

D. Maintenance. All erosion control BMPs shall be inspected and maintained and repaired as needed to ensure continued performance of their intended function. Maintenance and repair shall be conducted in accordance with the BMP manual or approved site plans. A maintenance log for private facilities shall be provided and kept as a permanent record. The maintenance log shall be in a designated on-site location. Uncompleted construction sites shall be inspected at least once a week and after each rainfall and shall be repaired if needed. An inspection log shall be maintained from the beginning of construction until the completion of the warranty period and final project inspection.

E. Sediment Removal from Roadways. If sediment, mud or debris is transported onto a road surface, the roads shall be cleaned thoroughly at the end of the workday, or more often if necessary. Significant soil deposits shall be removed from roads by shoveling or sweeping. Street washing, which must be approved by the Public Works Manager, shall be allowed only after sediment is removed in this manner. Prior to washing, all inlets and downstream facilities must be protected.

F. The methods of cutting and removal of the existing vegetation and significant trees shall comply with the provisions of the BMP manual.

15.10.110 - Applicable minimum requirements for large parcel developments.

Large parcel developments shall comply with the requirements in this section:

A. Construction Access Route. Construction vehicle access shall be limited to specific access points. Access points shall include a temporary sedimentation pond or other approved BMP to contain or treat wash water from construction vehicles. Additional accesses shall be approved by the Public Works Manager. Access points shall be stabilized with four- to eight-

inch diameter gravel, and a minimum of twelve-inch thick, fifteen-foot wide, and one hundred-foot deep, to minimize the tracking of sediment or debris onto public roads. Evidence of tracking of material from a construction site may require construction activities to cease until corrections are made.

B. Sediment Removal from Roadways. If sediment or debris is transported onto a road surface, the roads shall be cleaned thoroughly at the end of the workday, or more often if necessary. Significant soil deposits shall be removed from roads by shoveling or sweeping. Street washing, which must be approved by the Public Works Manager, shall be allowed only after sediment is removed in this manner. Prior to washing, all inlets and downstream facilities must be protected.

C. Delineate Clearing and Easement Limits. At the site, mark clearing limits and/or any easements, setbacks, sensitive/critical areas and their buffers, trees and drainage courses.

D. Stabilization and Sediment Trapping. All exposed and unworked soils shall be stabilized by suitable application of BMPs. From October 1st to April 30th of any calendar year, no soils shall remain unstabilized for more than two days. From May 1st to September 30th of any calendar year, no soils shall remain unstabilized for more than seven days. Prior to leaving the site, stormwater runoff shall pass through a sediment pond or sediment trap, or other appropriate BMPs.

E. Protection of Water Bodies and Adjacent Properties. Water bodies and properties adjacent to the site shall be protected from sediment deposition by appropriate use of BMPs. Prior to leaving sites larger than one acre, stormwater runoff shall pass through a sediment pond, sediment trap, or other appropriate BMP designed in accordance with the BMP manual. Sediment traps alone are not adequate on sites greater than three acres. BMPs shall be selected, designed and maintained in accordance with the BMP manual.

F. Timing of Sediment Trapping Measures. Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment on-site shall be constructed as a first step in grading. These BMPs shall be stabilized and functional before land disturbing activities take place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched according to the timing indicated in subsection (D) of this section concerning stabilization and sediment trapping.

G. Infiltration System Protection. Permanent infiltration systems shall be isolated and protected from sedimentation by sediment traps, sacrificial systems, duplicate systems, or redundant systems.

H. Controlling Off-Site Erosion. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. Acceptable BMPs include temporary or permanent detention ponds and temporary infiltration BMPs limiting the discharge from a two-year storm to one-half the pre-development two-year storm peak runoff rate.

I. Stabilization of Temporary Conveyance Channels and Outlets. All temporary on-site conveyance channels shall be designed, constructed and stabilized to prevent erosion from the expected velocity of flow from a two-year, twenty-four-hour frequency storm for the developed condition. Stabilization adequate to prevent erosion of outlets, adjacent streambanks, slopes and downstream reaches shall be provided at the outlets of all conveyance systems. BMPs shall be selected, designed and maintained in accordance with the BMP manual. Outlet protection shall also include energy dissipation structures or devices that retard peak flows to non-erosive conditions.

J. Storm Drain Inlet Protection. All storm drain inlets shall be protected so that stormwater runoff shall not enter the conveyance system without first being filtered or otherwise

treated to remove sediment. BMPs shall be selected, designed and maintained in accordance with the BMP manual. Other BMPs may be utilized, provided they have prior approval by the responsible official. The details on the methods of storm drain inlet protection will be developed after the ordinance is adopted.

K. Maintenance. All erosion control BMPs shall be inspected, maintained and repaired as needed to ensure continued performance of their intended function. Maintenance and repair shall be conducted in accordance with the BMP manual or approved site plan. A maintenance log for private facilities shall be provided and kept as a permanent record. The maintenance log shall be in a designated on-site location. Uncompleted construction sites shall be inspected at least once a week and after each rainfall and shall be repaired if needed. An inspection log shall be maintained from the beginning of construction until the completion of the warranty period and final project inspection.

L. Underground Utility Construction. The construction of underground utility lines shall be subject to the following criteria:
   1. Where feasible, no more than five hundred feet of trench shall be opened at one time;
   2. Excavated material shall be placed to minimize runoff into the trench and adjacent roadways consistent with safety and space considerations;
   3. Trench dewatering devices shall discharge into a sediment trap or sediment pond;
   4. BMPs shall be used to control erosion during and after construction;
   5. BMPs damaged during construction shall be replaced or repaired; and
   6. An erosion control plan specifically related to underground work shall be submitted and approved prior to beginning work.

M. Construction Site Dewatering. Dewatering devices shall discharge into a sediment trap or sediment pond. Off-site dewatering discharges shall not be authorized unless the applicant has received prior approval from the appropriate permitting authority.

N. Control of Pollutants Other Than Sediment on Construction Sites. All pollutants other than sediment that occur on-site during development shall be handled and disposed of in a manner that does not cause contamination of stormwater or waters of the state.

O. Removal of Temporary BMPs. All temporary erosion and sediment control BMPs shall be removed within thirty days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on-site. Disturbed soil areas resulting from removal shall be permanently stabilized.

P. Cut and Fill Slopes. Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. In addition, slopes shall be stabilized in accordance with subsection (D) above concerning stabilization and sediment trapping.

Q. If the BMPs approved and applied to a site are insufficient to prevent sediment from reaching water bodies, adjacent properties, or public rights-of-way, additional BMPs shall be implemented immediately by the property owner, person undertaking the activity, or permit holder.

R. The methods of cutting and removal of the existing vegetation and significant trees shall comply with the provisions of the BMP manual.

15.10.120 - Authority to inspect and enforce provisions.

A. Any authorized official of the city is given the authority to inspect any site of land disturbing activities, pursuant to WMC 1.16.010, for the purpose of determining compliance with the provisions in this chapter.

B. If the director finds that the facilities and techniques approved in an erosion control plan are not sufficient to prevent erosion during any land disturbing activity regulated by this

chapter, the director shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion control measures as specified in the BMP manual, required by the director, or otherwise directed by WDOE (Washington Department of Ecology).

15.10.130 - Penalty.

The city adopted this chapter pursuant to its police powers to protect the public's health, safety, and welfare. It shall be unlawful to violate this chapter. Whenever the director determines that a violation has occurred or is occurring, the director, in response to the seriousness and severity of the violation, may utilize one or a combination of the enforcement mechanisms in this section. The following enforcement mechanisms may be used instead of, or in addition to, any other remedies available under law:

A. Correction Notice. The director may issue a correction notice to any person who violates this chapter. The correction notice shall specify the violated provisions of this chapter and impose a date certain by which corrective action must be taken.
B. Civil Infraction. The director may issue a civil infraction to the person(s) who violate this chapter, as provided in Chapter 1.12 of the Woodland Municipal Code. Each violation of this chapter shall constitute a Class 1 Civil Infraction. The director may issue a separate civil infraction to the person(s) who violate this chapter each day a violation continues. Every civil infraction shall cite the provision(s) of this chapter that has been violated.
C. Stop Work Order. The director may issue a stop work order to the person who is in violation of this chapter until the violator demonstrates compliance with this chapter's requirements.
D. Criminal Prosecution. A violator(s) of this chapter may be criminally prosecuted as provided in Woodland Municipal Code Chapter 1.12.

15.10.140 - Appeal.

Any appeal of the director's decision to require, approve, approve with conditions, or deny an erosion control plan may be appealed in accordance with WMC 19.08.

15.12.040 - Definitions.

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

"Basin plan" means a stormwater management plan adopted by the council and meeting the requirements of Chapter 36.94 RCW.

"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.

"City" means the city government of the city of Woodland. Authority for stormwater compliances rests with the Public Works Manager.

"Construction" means any site-altering activity, including but not limited to grading, utility construction and building construction.

"Contributing drainage area" means the subject property together with the watershed contributing water runoff to the subject property.

"Council" means the city of Woodland city council.

"Design storm" means the rainfall from a storm of twenty-four-hour duration. For example, "two-year storm" means the two-year, twenty-four-hour storm.

"Development activity" means:

1. The creation of more than two thousand square feet of impervious surface or the division of urban single-family residential land creating the reasonable potential for more than two thousand square feet of additional impervious surface;
2. The addition of more than one thousand square feet of new impervious surface on existing industrial or commercial parcels; or
3. The replacement of existing structures exceeding five thousand square feet on commercial or industrial parcels.

"Development site" means the property on which a development activity is proposed.

"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.

"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).

"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.

"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.

"NPDES" means the National Pollutant Discharge Elimination System.

"Peak discharge" means the maximum stormwater runoff rate in cubic feet per second determined for the design storm.

"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.

Puget Sound Manual. "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 the city of Woodland may be necessary to correct clear and obvious mathematical and technical errors in manual criteria.

"Regional facility" means a facility designed to treat and control stormwater runoff from a contributing drainage area of at least forty acres.

"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.

"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(B) for these systems.

"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.

"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.

"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 forty acres.

"Wetlands" means those areas defined as wetlands under Chapter 15.08 WMC, Critical Areas Regulation.

TITLE 16 – SUBDIVISIONS

16.04.050 - Actual cost of inspection.

"Actual cost of inspection" means the cost, including overhead, to the Public Works Manager, or his designee, of inspecting subdivision improvements.

16.04.710 - Street classification system.

"Street classification system" means the categorization of streets and alleys, by the following classes: freeway or expressway, major (primary) arterial, minor (secondary) arterial, collector street, local street in multifamily housing areas, local street in single-family housing areas, and alleys. Classification of any given street is based upon its location, present and prospective traffic volume, and relative importance and function. Streets providing egress from a subdivision to connecting streets outside are generally collectors. Authority for determination of the class of a street shall rest with the Public Works Manager.

~~16.04.750 - Supervisor.~~

~~"Supervisor" means the public works supervisor of the city of Woodland.~~

16.06.040 - City clerk-treasurer.

The clerk-treasurer shall refer prospective subdivision applicants to the Community Development Director, and shall not accept applications, proposed preliminary plats or application fees until the prospective subdivider has met with the Building Official and Community Development Director. The clerk-treasurer is not required to participate in preapplication conferences.

16.06.050 - Prospective applicants.

A In the early concept stages of subdivision design and prior to designing a preliminary plat, a prospective subdivider should meet with the Building Official or Community Development Director to arrange for a preapplication conference. Prospective sub-dividers participating in a conference shall provide the following at the conference:

1. At least six copies of a sketch plan, conforming to the specifications listed in Section 16.18.010;
2. A tentative schedule of development;
3. A statement on how improvements will be financed and maintained;
4. A profile of the steepest proposed road grade;
5. An indication of contemplated drainage facilities;
6. A description of existing uses of the subject property and of uses of adjacent properties.

B. If a prospective subdivider prepares a plan more typifying a preliminary plat than a sketch plan, said plan nonetheless shall be the basis for the preapplication conference discussion and shall have the status of a sketch plan.

16.06.060 – Community Development Director.

The Community Development Director, shall perform the following duties in connection with the preapplication conference:

A. Inform prospective subdividers of the purpose and desirability of a preapplication conference;
B. Arrange, coordinate and notify participants of pre-application conferences. In establishing a date and location for preapplication conferences, he shall strive to determine the date of earliest convenience for the participants. The date ordinarily shall be within two weeks of a prospective subdivider's request for a preapplication conference;
C. Provide an application form for preliminary plat approval;
D. Provide an environmental checklist and instructions for completing it;
E. Inform prospective subdividers about procedures, fees, specifications for plats and plans, design and improvement standards and options, and assurances for completion and maintenance of improvements;
F. Review the sketch plan's relationship to the city's shoreline master program; flood damage ordinance maps and standards; zoning classifications and standards; and comprehensive plan classifications, goals and policies;
G. Determine need for any special permits or approvals;
H. If the subject property lies within the one-hundred-year floodplain, provide the required elevation of first floors of buildings;
I. Encourage prospective subdividers to become familiar with the subdivision ordinance and comprehensive plan;
J. Insure that the prospective subdivider is furnished a preapplication conference summary checklist as a follow-up to the conference. Such checklist shall contain the conclusions and recommendations of each of the city employee participants and the Community Development Director. The director, shall encourage participants who are not city employees to complete a checklist or submit other written summaries.

16.06.070 - Public Works Manager.

Δ In addition to the responsibilities of the Community Development Director undertaken by the Public Works Manager in the absence of the Community Development Director, the Public Works Manager shall have the following responsibilities in connection with the preapplication conference:

B. Inform prospective subdividers about specifications for plats and plans, design and improvement standards and options, assurances for completion and maintenance of improvements, and inspections;
C. Determine the availability of water and sewer service and identify connection points while considering the proposal's relationship to the capital improvements program and growth management policies;
D. Determine the possibility of conformance to fire flow requirements and provide fire hydrant location standards;
E. Provide standards for drainage control and review potential impacts on existing off-site drainage systems;
F. Review the adequacy and desirability of the proposed circulation system and the proposal's potential impacts on existing streets;
G. Determine potential need for construction, repair, expansion, improvement or other provision of off-site improvements;

H. Determine the project site's location by soil map classification pursuant to Sections 16.14.110 through 16.14.160. If a geologic feasibility report is required, provide a list of consultants who may be able to prepare such report.

16.06.080 - Fire chief or assistant.

The fire chief or an assistant is an optional participant but shall be encouraged to attend by the Community Development Director. The fire chief or assistant may review sketch plans on the basis of fire flow requirements, need for on-site water storage, emergency vehicle access, road grades and hydrant location, and may make recommendations.

~~16.06.090 - City planner or planning agency.~~

~~The city planner or agency providing planning services to the city shall assist the building inspector and public works supervisor in performance of their responsibilities listed in Sections 16.06.060 and 16.06.070. He shall also review the sketch plan for adequacy and design of recreational and open space provisions, and shall recommend sites or systems for public dedicated or private in-common parks, playgrounds, trails and other open space pursuant to Chapter 16.14 requirements.~~

16.06.100 - Public utility district, special purpose district and private utility representatives.

Participation by the PUD, special districts and private utilities is optional but shall be encouraged by the Community Development Director.

16.06.110 - County planner.

The Community Development Director shall seek attendance by staff from the Cowlitz County department of community development when the subject property is adjacent to unincorporated area.

16.08.070 - Copies of plats—Distribution.

A. The city clerk-treasurer shall distribute a copy of the preliminary plat, the public notice prepared pursuant to Sections 16.08.040 and 16.08.050 and, if applicable, the master plan to the following:
   1. City Building Official;
   2. City Public Works Manager;
   3. City fire chief;
   4. City police chief;
   5. Woodland parks board chairman;
   6. City Community Development Director;
   7. Woodland school district;
   8. Cowlitz County communication center;
   9. Cowlitz-Wahkiakum health district;
   10. Cowlitz County department of community development, when a plat adjoins unincorporated area;
   11. State Department of Transportation, when a proposed subdivision is located adjacent to a state highway right-of-way;

12. State Department of Ecology, when a proposed subdivision adjoins a river or stream or is located in a flood-control zone;
13. Public utility district;
14. Soil conservation service, Kelso office;
15. Each planning commission member;
16. Planning commission secretary;
17. Natural gas company;
18. Telephone company.

B. Any plat copies remaining after distribution shall be retained by the city clerk-treasurer for such additional distribution as may be called for. At the direction of city staff or the planning commission, applicants may be required to furnish copies in addition to the original twenty-five.

16.08.120 - Duties of city officials.

A. The following persons shall prepare comments and recommendations to be considered by the planning commission and city council in review of proposed preliminary plats:
   1. Public Works Manager;
   2. City fire chief;
   3. Woodland parks board in the case of residential subdivisions, when requested, pursuant to Section 16.14.210;
   4. City Community Development Director.

B. The Public Works Manager, fire chief and parks board shall forward their comments and recommendations to the Community Development Director in a timely manner, and the planning commission secretary shall forward any comments received from the public, public agencies or utilities to the Community Development Director. The Community Development Director shall consolidate the comments and recommendations into a staff report to be considered by the planning commission.

16.08.175 - Curb, sidewalk, drainage and roadway improvements.

All lots of a subdivision abutting a street shall be improved with curbs, sidewalks, drainage, and roadway constructed to standards outlined in this chapter and approved by the Public Works Manager to the centerline of such streets.

16.08.300 - Effect of preliminary plat approval.

Approval of a preliminary plat by the city council is approval of the proposed subdivision's design, relationship with adjoining property and improvements to be provided. Engineering, construction and installation of improvements and final platting detail shall be subject to approval of the Public Works Manager. Approval of a preliminary plat shall not guarantee approval or constitute acceptance of the final plat. Rather, it shall be deemed to authorize the subdivider to proceed with preparation of the final plat in conformance with the approved preliminary plat and conditions set thereon, and, upon the Public Works Manager’s approval of detailed construction plans, to proceed with construction and installation of the required improvements.

16.08.310 - Submission of construction plans.

After approval of the preliminary plat and prior to the beginning of construction and installation of improvements or performance bonding or other assurance in lieu thereof, the subdivider's engineer shall submit to the Public Works Manager detailed construction plans for all required

improvements and applications for necessary permits. Such plans shall conform to the specifications set forth in Section 16.18.050. Upon the Public Works Manager's approval of the construction plans, and prior to submission of the final plat, the subdivider shall proceed to construct and install required improvements to completion, unless the performance bonding or other option set forth in Chapter 16.12 is accepted.

16.10.010 - Preparation.

A After approval of the preliminary plat and the detailed construction plans, and within the time limits set forth in Section 16.08.290, the subdivider shall cause to be prepared a final plat and the supplementary materials required by this chapter. The final plat shall:

B. Be drawn to the specifications and contain the information required by Section 16.18.070;
C. Conform to the preliminary plat approved by the city council and to any conditions that may have been part of the approval. Slight deviation from the approved preliminary plat may be allowed if the Community Development Director determines such deviations are necessary because of unforeseen technical problems;
D. Include all of the area shown in the approved preliminary plat;
E. Include, in the manner specified by Section 16.18.070, all formal, irrevocable offers of dedication to the public and space for the acknowledgments, endorsements and certifications required by Section 16.18.070.

16.10.020 - Supplementary materials.

The original hard copy drawing of the final plat shall be accompanied by:

A. At least two copies of the final plat on mylar material;
B. A minimum of ten paper copies of the final plat;
C. A copy of any deed restrictions and restrictive covenants proposed by the subdivider;
D. A title report issued by a title insurance company showing all parties whose consent is necessary and their interest in the premises and listing all encumbrances;
E. "As-built" plans of such required improvements as have been completed, unless other arrangements are made to guarantee that "as-built" plans will be submitted;
F. A complete survey and field and computation notes;
G. If required improvements have not been completed, a plat performance bond or other security conforming to Chapter 16.12;
H. If a local improvement district is proposed, a petition for creation of the district, unless the city council in approving the preliminary plat indicated it would create a district by resolution;
I. Payment of the inspection fee required by Chapter 16.12 for such improvements as have been completed;
J. Payment of a fee as prescribed by resolution for each street sign required by the Public Works Manager, which street signs shall be installed by the city.

16.10.030 - Sequence for obtaining signatures.

Signatures required by Section 16.18.070 for dedications, acknowledgments and endorsements normally shall be obtained in the following sequence:

A. The owners in fee simple;
B. Notary public in and for the state of Washington;
C. Licensed land surveyor;

D. Cowlitz County treasurer;
E. Public Works Manager;
F. Planning commission chairman;
G. Mayor;
H. City clerk-treasurer;
I. Cowlitz County auditor.

16.10.040 - Review by Public Works Manager.

Δ The subdivider shall submit the original drawing of the proposed final plat and supplementary materials to the Public Works Manager. The Public Works Manager shall:

1. Inspect the detail and computations of the final plat for conformance with the specifications and standards of this article; the Public Works Manager's determinations shall be conclusive;
2. Inspect the final plat for conformance with the preliminary plat approved by the city council and the conditions made a part of such approval;
3. Determine either that all required improvements have been installed in accordance with these regulations or that certain improvements may properly be deferred under Chapter 16.12.

B. When the Public Works Manager is satisfied with the detail and computations of the plat, determines that the plat conforms with the approved preliminary plat and conditions set thereon, and determines that improvements either are complete or may properly be deferred, he shall signify his approval of the subdivision by signing the original and mylar copies of the final plat. Thereafter, he shall forward the plats and the supplementary material to the city clerk-treasurer, who shall arrange for planning commission review.

C. If the Public Works Manager is not satisfied with the detail and computations of the final plat, finds that the plat does not conform with the approved preliminary plat and conditions, determines that improvements were installed incorrectly, or is not satisfied with the extent or manner in which completion of improvements would be deferred, he shall withhold his signature until the matter is corrected or resolved by the subdivider to the satisfaction of the Public Works Manager.

16.10.050 - Review by planning commission.

Δ After the inspection by the Public Works Manager the planning commission shall review the proposed final plat for conformance with the preliminary plat and conditions approved by the council. Such review shall take place at a regular public meeting.

B. If the planning commission finds a final plat to be conforming, the commission chairman shall signify the commission's approval by signing the original drawing and mylar copies, then shall forward them to the city clerk-treasurer for consideration by the council.

C. If the commission finds that a final plat contains significant divergences from the approved preliminary plat, it shall withhold its approval, return the plat sheets to the applicant and provide him with a statement indicating the reasons for the withholding of approval and the changes necessary. If the applicant does not modify the proposed final plat to the commission's satisfaction, the city's approval of the preliminary plat shall become null and void. To be reactivated, the plat must be resubmitted as a new preliminary plat subject to the provisions of this article, including payment of preliminary plat review fees.

16.10.060 - Review by city council.

Δ The city council shall review final plats at a public meeting considering the factors set forth in this subsection. The council review shall occur after the reviews by the Community Development Director, Public Works Manager and planning commission. The council shall determine whether:

1. The final plat conforms to the approved preliminary plat and conditions set thereon;
2. The public use and interest will be served by the subdivision and the final plat meets the requirements of RCW Chapter 58.17 and of this article;
3. Improvements have been completed or properly guaranteed to be completed in accordance with Chapter 16.12;
4. The dedications, certifications and acknowledgments and signatures required by Section 16.18.070 have been duly stated and obtained;
5. Inspection and street sign fees have been paid;
6. Proposed covenants are in satisfactory form and ready for recording with the final plat;
7. Any such supplementary materials required by this article or by the council have been satisfactorily completed.

B. If the council affirmatively makes the determinations set out in subsection (A) of this section, the mayor shall inscribe and execute the council's will on the face of the original drawing and mylar copies of the final plat. If the council withholds approval, it shall return the plat sheets and supplementary material to the applicant and provide him with a statement of reasons for its decision and of the changes necessary to permit granting approval. Changes shall be subject to the time limit set forth in Section 16.08.290.

16.10.070 - Filing.

The subdivider shall file the original drawing of the final plat for recording with the Cowlitz County auditor. One reproduced full copy on mylar material shall be furnished to the Community Development Director. ~~One paper copy shall be filed with the Cowlitz County assessor. At least six paper copies shall be furnished to the city clerk-treasurer.~~

16.12.030 - Future improvements.

The city council may defer construction or installation of any improvement required by this article when in its judgment future planning considerations, lack of connecting facilities, or other circumstances make the improvement inappropriate at the time. In such event, the council may require one or more of the following prior to final plat approval:

A. That the applicant dedicate land for future construction or installation of the improvement;
B. That the applicant pay to the city his share of the cost, as estimated by the Public Works Manager, of constructing or installing the improvement at a later date; said payment shall be held in an account reserved for the future improvement, and any unused portion shall be returned to the subdivider;
C. That the applicant post a bond or other security in conformance with this chapter assuring completion of the improvement by the applicant at the demand of the city.

16.12.040 - Permanent improvements—Option for completion.

No final plat shall be approved by the city council unless one or a combination of the following methods assuring completion and maintenance of permanent improvements required of the subdivider is satisfied:

A. All improvements required of the subdivider have been completed by the subdivider to the satisfaction of the Public Works Manager; or
B. The subdivider posts a plat performance bond, as defined in Chapter 16.04; or
C. The subdivider posts a personal bond cosigned by at least one additional person, together with evidence of financial responsibility and resources of those signing the bond sufficient to secure to the city satisfactory completion of the incomplete portions of improvements required of the subdivider; said bond shall be accompanied by an agreement executed by the subdivider and the city as set forth in Sections 16.12.060 through 16.12.130; or
D. The subdivider submits a letter of credit from a bank authorizing a draft from the bank for an amount sufficient to assure satisfactory completion of improvements; said letter shall be accompanied by an agreement between the subdivider and the city as set forth in Section 16.12.060 through 16.12.130; or
E. The subdivider submits a certified or cashier's check or assignment of funds securing to the city the satisfactory completion of the incomplete portion(s) of improvements required of the subdivider. Such check or assignment shall be made payable to the city clerk-treasurer, and shall be accompanied by an agreement between the city and subdivider as set forth in Sections 16.12.060 through 16.12.130.

16.12.050 - Interim improvements—Option for completion.

In any case when a subdivider is required to construct an interim improvement, one or a combination of the forms of security set forth in subsections (B), (C), (D) and (E) of Section 16.12.040 shall be required to assure maintenance and, at the appropriate time as determined by the Public Works Manager, removal of the interim improvement.

16.12.080 - Amount of bond.

The amount of any bond or other security posted or submitted shall be at least one hundred twenty-five percent of the cost of completion of improvements as estimated by the Public Works Manager. In the event of interim improvements, the amount shall include the cost of their completion, maintenance and removal as estimated by the Public Works Manager. Amounts determined by the Public Works Manager shall be conclusive. The subdivider may provide cost estimates to the Public Works Manager.

16.12.090 - Bond or agreement—Time for completion.

The period in which improvements must be completed shall be specified in the plat performance bond or agreement, which period shall not exceed eighteen months from date of final plat approval. However, extensions may be granted. Requests for extension shall be made to the planning commission for consideration at a public meeting and shall require a recommendation from the Public Works Manager. The commission shall determine whether sufficient progress has been made and good faith indicated to warrant an extension. The commission shall forward a recommendation to the city council, which shall have sole authority to grant extensions.

16.12.140 - Inspections.

Improvements shall be inspected by the Public Works Manager or designee at the start, during, and at completion of construction and installation. The person, firm or contractor actually

performing the work shall notify the Public Works Manager at least twenty-four hours in advance of commencing operations or commencing any construction phase.

16.12.150 - Inspection fee.

After completion of improvements, the subdivider shall reimburse the city for the actual cost of the inspections. Such inspection fee shall be paid to the city prior to final plat approval for those improvements found by the Public Works Manager to be complete. Payment of inspection fees for improvements whose completion is deferred by plat bonding or other security shall be made to the city upon completion of the improvements. The city shall have authority to invoke any bond or other security posted by the subdivider to recover actual inspection costs from the subdivider, surety company, bank or cosigner or to seek other remedy.

16.12.160 - Maintenance of permanent improvements.

As assurance against defective workmanship or materials employed in the construction or installation of permanent improvements dedicated to the public, the subdivider, at his expense, shall be responsible for maintenance of and correction of any defects in said improvements for a period of twelve months following certification of completion by the Public Works Manager. If improvements are not maintained, or if defects are not corrected as requested by the Public Works Manager, the city may invoke any bond or other security posted by the subdivider, may cause the work to be done, and may recover the full cost thereof from the subdivider, surety company, bank or cosigner, or may seek other remedy.

16.12.170 - Maintenance and removal of interim improvements.

The subdivider shall be responsible for maintenance of interim improvements and, at the time deemed appropriate by the Public Works Manager, for their removal. If interim improvements are not adequately maintained, and at the appropriate time removed, the city may invoke any bond or other security posted by the subdivider, may cause the work to be done, and may recover the full cost thereof from the subdivider, surety company, bank or cosigner, or may seek other remedy.

16.12.190 - "As-built" plans.

After completion of all required improvements, but prior to acceptance of completed work by the Public Works Manager, the subdivider shall furnish the Public Works Manager with an acceptable set of reproducible plans indicating the "as-built" condition of the work. Such plans shall show all changes, additions and deletions in alignments, grades, and other engineering detail from the original detailed construction plans, all of which shall be certified by an engineer registered in the state of Washington responsible for the work.

16.14.110 - Soil, geologic and hazard considerations—Effect on plat design.

A. So that plat design reflects natural limitations and hazards inherent in the property, the following document shall be used in the design and review of plats for determining areas most appropriate for roads, building foundations, utilities and nondevelopment (open space): "Soil Survey for the Cowlitz Area, Washington" (Soil Conservation Service, 1974) and 1979 update.

B. Areas with slopes greater than eight percent shall be deemed sensitive to development and shall be given careful consideration in plat design. Areas with slopes greater than thirty percent generally shall be deemed unsuitable for development, and instead suitable for open space, including unimproved park land.
C. As slopes increase and as soils exhibit moderate to severe limitations for urban development, as documented by qualified geologists, soils scientists or engineers, the density of development should decrease. Thus plats should provide for larger lot sizes, fewer roads and clustering of development on more appropriate building areas.
D. Areas documented to be hazardous or probably hazardous for development in geologic feasibility reports prepared pursuant to Section 16.14.130 shall be designed as open space, including unimproved park land.
E. Areas that the city council, as recommended by the Public Works Manager and/or the Community Development Director, determines to be unsuitable for development due to flood hazards, poor drainage, rock formations or other features likely to be harmful to the safety and welfare of future residents and adjacent landowners shall be designed as open space, unless protective improvements assuring maintenance of the public safety and welfare and acceptable to the Public Works Manager can be developed.

16.14.140 - Maps controlling.
Soil maps contained in the soil survey shall be controlling in determining limitations for development by location by soil type. Determinations of location by soil type shall be made by the Community Development Director and shall be conclusive.

16.14.160 - Evaluation of geologic reports.
The Community Development Director shall be responsible for evaluating submitted geologic reports for adequacy and conformance to Section 16.18.040. The Community Development Director may consult with the soil conservation service, Washington Department of Natural Resources, or other qualified agencies or individuals with respect to the adequacy of the report. The Community Development Director may require additional information to be submitted by the applicant.

16.14.270 - Grade of streets.
Street grades shall not exceed seven percent for arterials. Collector and local street grades should not exceed ten percent. Streets with grades between six percent and ten percent shall be constructed of six-inch portland cement six-sack mix. All streets shall have a grade of at least 0.20 percent at the gutter. Intersections shall be designed with a flat grade whenever possible. In hilly areas, a leveling area of a distance acceptable to the Public Works Manager shall be provided at the approach to intersections.

16.14.290 - Curves.
A. Where a deflection angle of more than ten degrees occurs in the alignment of a street, a simple curve or reasonably long radius shall be designed subject to the approval of the Public Works Manager. Acceptable centerline radii of curvature shall be determined by the Public Works Manager, but no radius shall be less than one hundred fifty feet.

B. Vertical curves may be required by the Public Works Manager per standard construction practice.
C. Tangent distances between reverse curves shall be acceptable to the Public Works Manager.
D. 16.14.300 - Slope of cut and fill embankments.
E. The slope of cuts and fills for street construction shall not exceed two feet horizontal to one foot vertical, unless the Public Works Manager determines conditions allow steeper slopes.

16.14.300 - Slope of cut and fill embankments.

The slope of cuts and fills for street construction shall not exceed two feet horizontal to one foot vertical, unless the Public Works Manager determines conditions allow steeper slopes.

16.16.010 - Drainage system.

Δ A drainage system satisfactory to the Public Works Manager shall be required in all subdivisions. Underground storm sewers or drainage-ways connecting or intended to connect in the future to storm sewers or drainageways outside the subdivision may be required by the Public Works Manager.

B. The drainage system shall be adequate to contain a twenty-five-year storm without ponding on private property except within drainage easements. In the calculation of system needs, a fully developed drainage basin upstream from the subdivision shall be assumed so that potential runoff of upstream areas can be accommodated.
C. The drainage system shall be installed in the street rights-of-way. Storm sewer location shall conform to the standard utility location plans (see Figures 4, 5 and 6, included in Chapter 16.16). Installation shall conform to requirements of the Public Works Manager and to the APWA specifications.
D. Ditches and pumps may be required in low-lying areas, water retention basins in uphill areas, and such additional devices necessary to contain the twenty-five-year storm.
E. The subdivider may be required to replace or make improvements to storm sewers and other drainage systems off the subdivision site.

16.16.040 - Grass in utility/planting strip.

The subdivider shall be responsible for insuring that, prior to issuance of an occupancy permit for a lot, the utility/planting strip abutting the curb adjacent to the lot is seeded in grass or sodded. Seeding or sodding shall be conducted in accordance with the APWA specifications. The subdivider shall be liable to the city for incomplete grass seeding or sodding at the cost of sodding as estimated by the Public Works Manager. These provisions do not apply to utility strips located outside the sidewalk under the integral curb and sidewalk option for local streets serving single-family residential areas.

16.16.070 - Streets, curbs and sidewalks.

Δ Streets, curbs and sidewalks shall be constructed by the subdivider, all in accordance with the design standards of this article, the standard utility location plans, the APWA specifications, and the requirements of the Public Works Manager.

B. Timing and procedure for construction of sidewalks and driveway entrances shall be as follows:

1. The subdivider shall determine the location of all driveway entrances and indicate curb indentations in the detailed construction plans. Curb indentations for driveways shall be at least twenty feet in width.
2. Where integral curbs and sidewalks are to be developed, the curb/sidewalk shall be constructed with driveway indentations at the points indicated on the plans at the same time as the street is constructed.
3. Where sidewalks are to be separated from the street by the utility/planting strip, the curb shall be constructed with indentations. Construction of the sidewalk and of the portion of the driveway within the right-of-way shall be done on a lot-by-lot basis, prior to issuance of a certificate of occupancy for the lot. However, no later than three years after final plat approval or expiration of the plat performance bond or other security if one has been posted, the subdivider shall cause continuous sidewalks to be completed, including sidewalks in front of undeveloped lots. The subdivider shall be liable to the city for the cost of incomplete sidewalk construction as estimated by the Public Works Manager.

16.16.080 - Installation of utilities.

Δ All distribution laterals and primary and secondary lines and wires serving the subdivision, including those providing electric, street lighting, telephone and cable television service, shall be placed underground. All utilities shall be installed to the property line of each and every lot prior to acceptance of improvements. The subdivider shall make necessary arrangements with utility providers or other appropriate persons for underground installations. This requirement does not apply to surface-mounted transformers, switching facilities, connection boxes, meter cabinets, temporary utility facilities used during construction, high capacity transmission lines, electric utility substations, cable television amplifiers, telephone pedestals, cross-connect terminals, repeaters, warning signs or traffic-control equipment.

B. Sanitary sewers and water lines shall be installed to serve all subdivisions, by extension of existing city sewer and water lines when available. They shall be designed and sized in accordance with the city water and sewer plans and shall be of sufficient capacity to accommodate the ultimate development density of all intended phases and adjacent area.
C. Timing for installation of lines, pipes, cables, hydrants and service connections for sanitary sewer, storm sewer, water, electric, gas, telephone, television and fire protection service shall be after grading in the rights-of-way is complete and before any street base material is applied.
D. Utility installations shall be in accordance with the standard utility location plans, the APWA specifications, the Uniform Fire Code as may be amended by the city, the requirements of the Public Works Manager, and, for streetlights, the additional documents cited in Section 16.16.090.

16.16.090 - Streetlight system.

A complete street lighting system, including conduits, wiring, concrete bases, poles, junction boxes, meter base, service cabinets and luminaires, shall be installed by the subdivider throughout the subdivision. Work shall be in accordance with the "State of Washington Standard Plans for Road and Bridge Construction," 1976, as may be amended; the "State of Washington Standard Specifications for Road and Bridge Construction," 1977, as may be amended; the latest edition of the National Electrical Code, as may be amended; the standard utility location plans; and the requirements of the Public Works Manager, public utility district, and the State Electrical

Inspector. The subdivider's contractor shall submit plans and manufacturer's technical information to the Public Works Manager and public utility district for approval of all specifications and materials used in the system.

16.16.100 - Monuments and property markers.

Δ Monuments shall be placed at all subdivision boundary angle points, points of curvature in streets, and such intermediate points required by the Public Works Manager. The monuments shall be of concrete-filled pipe or tile, weighing at least fifty pounds, capped with a brass marker or a radioactive marker along with the brass marker, and bearing the surveyor's registration number. Street monuments shall be set between six inches and one foot below the finished street grades with casing as set forth in the APWA specifications.

B. The boundary points of all blocks within the subdivision shall be marked by a galvanized iron pipe not less than one and one-half inches in diameter and thirty-six inches in length and firmly driven into the ground.
C. All corners of all lots shall be marked by a reinforcement bar or iron pin not less than three-fourths inch in diameter and thirty-six inches in length, firmly driven into the ground.

16.18.70 - Final plat

5. EXAMINED AND APPROVED this day of 20_____.
   (Signed) _____(Seal)
   Public Works Manager

16.22.200 - General standards for private service facilities.

A. Development Standards. All private service facilities must be designated by a qualified civil engineer to city standards or comparable design life as determined by the Public Works Manager.
B. Connection to Public Facilities. Private service facilities may not be connected to public facilities without consent from the city.
C. Maintenance of Private Facilities. The declaration of covenants, conditions, and restrictions for the PURD must require periodic assessments for the maintenance and repair of all private service facilities, and must require that the governing body of the PURD adequately maintain the facilities.

16.22.210 - Streets.

A. Public Streets.
   1. Standards and Widths. Public streets must be to city street, street lighting and ADA standards. Narrower right-of-way and roadways and deviations from city standards may be approved by the review body with the approval of the Public Works Manager upon successful qualification of a PURD in accordance with WMC 16.22.025. Deviations from city standards may be approved where conditions, particularly topography or size and shape of the PURD, make it impracticable to provide buildable sites or where special design features of the PURD make the standard widths unnecessary. An easement protecting undevelopable slopes may be required.
   2. Future Extension. Where right-of-way dedications are required to provide future service to abutting properties, reserve strips, or street plugs may be required.

B. Private Streets.
   1. Standard. Private streets may be developed to a minimum width of twenty-six foot pavement width and to the ADA requirements, provided that private street layouts, turn-around designs, parking restrictions, and location of fire hydrants shall be approved by the city fire chief, police chief, and the Public Works Manager to ensure safe maneuvering areas for emergency vehicles.
   2. Access. Streets must be kept open and passable at all times. However, obstructions to access, such as gates, may be allowed if approved by the city fire chief, police chief, and the Public Works Manager.
   3. Separation From Public Streets. Private streets must be separated from the public roadway by a driveway-type entrance and posted as a private street.
   4. Street Names. Except for extensions of existing streets, street names may not be used which will duplicate or be confused with names of existing streets. Street names must be approved by the Public Works Manager.

16.22.240 - Control and disposal of stormwater and groundwater.

A. Standard. Facilities for the control and disposal of stormwater and groundwater must be provided per the 1992 Stormwater Management Manual for Puget Sound Basin standards, and be approved by the city.
B. In order for a PURD to qualify as an advanced PURD under WMC 16.22.025.B.2, stormwater facilities must be designed to low impact development (LID) standards, such as provided by the Puget Sound Partnership Resource Center. The LID standard must be approved by the Public Works Manager and be included as a preliminary plat condition. The intent is to encourage superior design by integrating stormwater management, open space requirements and protection of the natural resources.
C. Capacity. The facilities must be adequate to serve the PURD site. The facilities must address undeveloped areas of the PURD as well as stormwater runoff from all impervious surfaces within the PURD.
D. Connections. The facilities must be connected to drainage ways, storm sewers, or subsurface disposal systems that have the capacity to accommodate the expected loading. The connection shall be made immediately after the installation of the facility and prior to creation of any impervious areas within the development site.
E. Off-Site Improvements. Construction of facilities outside the PURD may be required per the discretion of the Public Works Manager if the applicant demonstrates adequate on-site stormwater management systems cannot be provided.

16.22.290 - Effect of approval of preliminary site plan and plat.

After council approval of the preliminary plat, preliminary site plan and accompanying material, and after submission and Public Works Manager approval of the detailed construction plans, the subdivider may proceed to install the agreed upon improvements of a public nature, landscaping and recreational facilities excluding buildings or to pursue the other options assuring completion of such improvements, landscaping and recreational facilities set forth in Chapter 16.12. Such improvements shall conform to the approved preliminary site plan and accompanying materials, preliminary plat and the detailed construction plans.

16.24.040 - Enforcement authority.

It shall be the responsibility of the Public Works Manager to enforce these regulations and to bring to the attention of the city attorney any violations or lack of compliance herewith.

16.32.015 - Definitions.

For the purpose of this article, the following terms shall be defined as follows. All other words used in this chapter shall carry the customary meanings.

"Administrator" means the Community Development Director or his/her designee.

"Boundary line adjustment" means a change in the location of lot lines which does not result in an increase in the number of lots contained therein.

"Building site" means a parcel of land occupied or intended to be occupied by one main building and its accessory buildings, together with all of the required yards, open space and setbacks.

"Commission" means the city planning commission.

"Comprehensive plan" means a coordinated plan for the physical development of the city, designating among other things, elements and programs to encourage the most appropriate use of land and to lessen congestion throughout the city in the interest of public health, safety, and welfare and promote efficiency and economy. For purposes of this chapter, the "comprehensive plan" is the text and map as adopted by the council, and thereafter amended.

"Contiguous common parcels" means land adjoining or touching other land at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different sections, different government lots or are separated from each other by roads or rights-of-way, unless such roads and rights-of-way are improved and maintained by the city.

"Council" means the Woodland city council.

"Day" means days that the office of the administrator is open for business, unless otherwise specified.

"Dedications" means the deliberate appropriation of land by an owner for any general or public uses reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

"Department" means the Community Development Department.

"Difficult development land" means land which the administrator has found to be environmentally sensitive or unsuitable for division due to flooding, bad drainage, steep slopes, slide areas and potential slide areas, rock formations, or other features likely to be harmful to the safety and general health of the future residents and adjacent land owners.

"Division of land" means any conveyance, not otherwise exempt or provided for in this chapter, which alters the legal description of any lot or parcel that was segregated and recorded prior to

the effective date of the ordinance codified in this article, and shall include the development of two or more building sites on an existing parcel.

"Driveway" means any ingress or egress which provides access to only one lot or parcel and which joins with a private or public street and is intended for use by the occupant.

"Easement" means a written grant by a property owner to specific individuals, corporations or to the public or its agencies to use land for specific purposes.

"Engineer" means the Public Works Manager or his/her designee.

"Final short plat" means the final drawing of the short subdivision, including dedication, prepared for filing for record with the Cowlitz County auditor and containing all the elements and requirements that are set forth in this chapter and regulations adopted pursuant to this chapter.

"Improvement" means any structure or works constructed including, but not limited to roads, storm drainage systems, ditches and dikes, sanitary sewerage facilities, storm drainage containment facilities and water systems.

"Land surveyor" shall be defined by the Engineers and Land Surveyors Act as it now exists or is hereafter amended.

"Lot" means a fractional part of divided lands, having fixed boundaries being of sufficient area and dimensions to meet current minimum zoning requirements for width and area. The term shall include tracts, parcels or building sites.

"Original tract" means a unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of the ordinance codified in this article, configuration of which may be determined by the fact that all land abutting a tract is separately owned by others, not related to or associated by business partnership with the owner.

"Owner" means the owner of record, as determined by the records of the county auditor, provided that the owner under a real estate contract is the purchaser-vendee and the owner of mortgaged property is the mortgager.

"Person" means any natural person, firm, partnership, association, social and fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

"Plat" means the map or representation of the subdivision showing therein the division of a tract or parcel of land into more than four lots if any one of the divisions is less than five acres in size with blocks, streets, alleys and other divisions and dedications.

"Private road" means a particular ingress and egress, in private ownership, to more than one lot or parcel and used by the owner or those having an express or implied permission from the owner, but not for other persons.

"Right-of-way" is a general term denoting land, property or interest therein, usually in a strip acquired to or devoted for transportation and/or utility purposes.

"Road" means the improved and maintained portion of a right-of-way which provides vehicular circulation, or principal means of access to abutting properties.

"Short plat" means the map of the short subdivision.

"Short subdivision" means the division or re-division of land into four or fewer lots, tracts, sites, parcels or divisions which is less than five acres in size.

"The State Environmental Policy Act (SEPA)" means the State Environmental Policy Act as defined by RCW Chapter 43.21C as it now exists or is hereafter amended.

"Subdivision" means a division or re-division of land into five or more lots, tracts, parcels, sites or divisions.

"Title" refers to Title 16 of this code.

16.32.030 - Administrator duties.
The city council appoints the Community Development Director to be the administrator of this chapter. The administrator is vested with the duty of administering the provisions of this regulation and is authorized to summarily approve or disapprove short subdivision. The administrator may prepare and require the use of such application forms as he deems essential to assure compliance to this chapter. If the administrator deems it to be in the public interest, he may require that the short subdivision be placed before the planning commission to be approved or denied by them pursuant to this title.

16.32.078 - Approval and denial procedures.
5. EXAMINED AND APPROVED this _____ day of _____, 20_____.
(Signed) _____
Public Works Manaer

16.32.079 - Sequence for obtaining signatures.
Signatures required for Section 16.32.078 of this article for dedications, acknowledgements and endorsements shall be in the following sequence:
A. The owners in fee simple;
B. Notary public in and for the state;
C. Professional land surveyor registered in the state;
D. Cowlitz or Clark County treasurer;
E. Public Works Manager;
F. Cowlitz or Clark County auditor.

16.32.100 - Monumenting and marking.
Monuments shall be located at all controlling corners on the boundaries of the short subdivision, and at each corner of each lot within the short subdivision, and shall be marked by three-quarter inch galvanized iron, or approved equivalent, monument driven into the ground. If the

short subdivision included a road dedication, monuments shall be placed as required by the Public Works Manager.

16.34.050 - Approval criteria.

The Community Development Director or his/her designee shall approve, disapprove or condition boundary line adjustment applications based on the following conditions:

A. No new lots are created by the BLA proposal;
B. The adjusted lots meet current zoning requirements related to property size including, but not limited to, minimum requirements for width, depth, and area. Whenever a lot involved in a proposed BLA does not meet minimum requirements for size prior to adjustment, the change may be approved so long as the change does not increase the existing nonconformity;
C. No lot shall be reconfigured or adjusted which would render access for vehicles, utilities, fire protection, or existing easements impractical to serve their purpose. Blanket utility easements existing along lot lines, that are specifically required as a condition of development approval, may be moved during a boundary line adjustment; provided, there is compliance with RCW 64.04.175 and the easement is not occupied by a utility. If the easement is occupied, this provision is inapplicable, and the provisions of RCW 64.04.175 shall apply.
D. A BLA proposal that is inconsistent with any restrictions or conditions of approval for a recorded plat or short plat shall not be approved;
E. A BLA proposal between lots with different zoning designations shall not be approved;
F. A BLA proposal that would reduce the overall area in a plat or short plat devoted to open space shall not be approved; and
G. A BLA proposal that would adjust a boundary line across a public roadway shall not be approved.

16.34.060 - Recording.

If the proposed boundary line adjustment is approved, the applicant shall resubmit the map with the following information added:

A. Signature blocks for all property owners;
B. Signature block for the Public Works Manager;
C. Legal descriptions shall be prepared for each lot and placed on the face of the map; and
D. On the face of the map, the language of any and all covenants, deed restrictions, or other property use limitations on the property shall be set forth, together with the auditor's file number, volume and page where such language is recorded.

The BLA shall be recorded with the county assessor's office at the expense of the applicant.

TITLE 17 - ZONING

17.08.233 - Director.

"Director" means the Community Development Director or his/her designee.

17.20.037 - Administrative temporary uses.

The following uses in the MDR, HDR districts require administrative temporary use permit approval from the director per Chapter 17.70:

A. Roadside produce stand;
B. Farmer's market.

17.24.100 - Screening—Landscaping.

Δ Along the boundary between the site and any adjacent residential district shall be installed either a solid wall or sight-obscuring fence between five and six feet in height, or vegetative buffer.

B. Where such a use is located across the street from a residential district the street frontage shall be planted to a depth of at least eight feet with substantial trees, shrubbery and ground cover. A landscape plan shall be submitted to the Community Development Director or designee for written approval prior to issuance of a building permit.

17.28.200 - Utilities.

All utilities shall be shown on the site plan, installed underground within the park, meet all applicable building, plumbing, electrical, health, and engineering codes and standards and be subject to approval by the Public Works Manager. Utilities at the home site shall have the ability to be capped when a home is not on-site.

17.28.230 - Development plans.

Δ For development of a manufactured home park ten copies of a complete, detailed, and drawn-to-scale site development plan shall be submitted to the city for hearing examiner review through the public hearing process. The site development plan shall be considered a binding site plan pursuant to RCW 58.17.020(7) and 58.17.040(5). The site development plan or, if determined by staff to be needed, a separate plan showing grade changes, drainage and utilities shall be submitted to and reviewed by the city's development review committee for recommendations to the hearing examiner.

B. The site development plan shall measure a minimum of eighteen inches by twenty-four inches, be drawn to a scale of not more than one inch equals one hundred feet, be certified by a registered land surveyor, and show the following:
   1. The name and address of the applicant (and the owner, if different from the applicant);
   2. Name and address of the manufactured home park;
   3. Area, dimensions and general legal descriptions (quarter section, section, township, range) of the tract of land;
   4. True north direction arrow;
   5. Density calculation of the park;
   6. Topography, grade changes, and drainage improvements;
   7. Location and width of streets, sidewalks and walkways;
   8. Location, area and dimensions of all sites and the numbering thereof in an orderly manner;
   9. Location and number of all off-street parking spaces;
   10. Location and dimension of all structures including garages, carports, recreation, maintenance and storage buildings;
   11. Location and dimensions of recreation or open space and outside storage areas;
   12. Location and type of on-site and perimeter screening, fencing and landscaping;
   13. Method and plan of water supply, sewage disposal, garbage disposal and electrical service, including street and other outside lighting;
   14. Location of all easements of record pertaining to the property; and
   15. Such other information as the applicant, city staff, or hearing examiner deems necessary in the evaluation of the proposal.

C. Hearing examiner approval of the plan shall be considered as binding on the manufactured home park design.

D. The Community Development Director and Building Official shall check building and construction plans for basic consistency with the approved site development plan prior to issuing permits. If the building and construction plans indicate significant differences in dimensions, lots, setbacks, points of ingress/egress, parking, recreation areas, screening, or other pertinent features from the approved plan, a revised plan shall be required and reviewed and acted on by the hearing examiner.

17.30.100 - Fences and hedges.

In times of flood, the floodway contains flowing waters carrying debris. Fences and hedges can act as obstructions or dams diverting waters or otherwise exacerbating the flood hazard. Thus, care must be taken in the design and arrangement of any fences or hedges in the FW district. Therefore, the Community Development Director shall approve the design and arrangements of all fences and hedges in the FW district. Fences and hedges in the FW district shall be no higher than six feet. Fencing shall be reviewed with respect to its impact on the flood carrying capacity of the floodway in accordance with the "no rise" considerations of 44 CFR 60.3(d)3, Regulations for the National Flood Insurance Program.

17.32.028 - Conditional uses—Administrative.

The following uses in the central business district (C-1) require conditional use permit approval from the Community Development Director as per WMC Chapter 17.72.

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

17.32.032 - Administrative temporary uses.

The following uses in the central business district (C-1) require temporary use permit approval from the Community Development Director or his or her designee as per WMC Chapter 17.70.

1. Agricultural stands;
2. Mobile vending carts;
3. Parking lot sales that are not ancillary to the indoor sale of similar goods and services;
4. Uses similar to the above to be located on a temporary basis in the C-1 district.

17.36.025 - Conditional uses—Administrative.

The following uses in the highway commercial district (C-2) require administrative conditional use permit approval from the Community Development Director per Chapter 17.72:

A. Vending stands or kiosk (e.g. espresso stands).

17.36.026 - Administrative temporary uses.

The following uses in the highway commercial district (C-2) require temporary use permit approval from the Community Development Director per Chapter 17.70:

A. Roadside produce stand;
B. Farmer's market.

17.40.025 - Conditional uses—Administrative.

Vending stands or kiosk (e.g. espresso stands) to be situated in the neighborhood commercial district (C-3) requires administrative conditional use permit approval from the Community Development Director per Chapter 17.72.

17.44.023 - Conditional uses—Administrative.

Vending stands or kiosk (e.g. espresso stands) to be situated in the light industrial district (I-1) require administrative conditional use permit approval from the Community Development Director per Chapter 17.72.

17.44.024 - Administrative temporary uses.

The following uses in the light industrial district (I-1) require administrative temporary use permit approval from the Community Development Director per Chapter 17.70:

A. Roadside produce stand;
B. Farmer's market.

17.44.132 - Definitions.

As used in this chapter:

"Approving authority" means approving authority of the land use application or review authority for the appeal application. Director or his or her designee when a land use application is not required for the proposed development.

"Certified landscaping professional (CLP)" means a landscaping professional certified by PLANET (Professional Landcare Network).

"Outdoor hardscape features" means water features, walls, patios, walkways, and other permanent man-made features in the landscape.

17.46.031 - Conditional uses—Administrative.

Vending stands or kiosk (e.g. espresso stands) to be situated in the heavy industrial district (1-2) require administrative conditional use permit approval from the Community Development Director per Chapter 17.72.

17.46.122 - Definitions.

As used in this chapter:

"Approving Authority" means approving authority of the land use application or review authority for the appeal application. Director or his or her designee when a land use application is not required for the proposed development.

"Certified landscaping professional (CLP)" means a landscaping professional certified by PLANET (Professional Landcare Network).

"Outdoor hardscape features" means water features, walls, patios, walkways, and other permanent man-made features in the landscape.

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

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

A. On-premise Freestanding Signs.

1. Allowable Area. Primary frontage within the C-1 and C-3 districts shall be calculated at one square foot per linear foot of street frontage of the premises up to a maximum of one hundred square feet, provided that premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of street frontage up to a maximum of fifty square feet.
2. Primary frontage within the C-2 district shall be calculated at one square foot per linear foot of street frontage of the premises up to a maximum of two hundred square feet; provided that a premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of street frontage up to a maximum of one hundred square feet.
3. Number of Signs. Each commercial building shall have not more than one freestanding sign to be located either on a primary frontage or a secondary frontage. A business complex shall have not more than two freestanding signs; one sign to be located on a primary frontage and the second sign located on the secondary frontage.
4. Height of Sign. Maximum height in all C-2 districts shall not exceed thirty feet. Businesses or business complexes of 1.5 acres of greater located within five hundred feet of the traveled way of the I-5 corridor (including off ramps and the frontage roads known as Pacific and Atlantic) may be allowed one freeway oriented sign not to exceed forty-five feet in height. Such signs must be placed within five hundred feet of the travel way of the I-5 corridor. Maximum height in C-1 and C-3 districts shall not exceed twenty-five feet.
5. The placement of freestanding signs or pole signs shall be in such a fashion and location as to not unreasonably obstruct the safe vision of motorists and pedestrians, nor unreasonably obstruct the view of signs on adjacent properties.
6. Freestanding or pole signs shall not be located closer than one hundred feet to another freestanding sign along the same side of the street or right-of-way, except if the establishment's lot width would result in less than one hundred feet, the distances between signs shall be the maximum possible.
7. Each freestanding or pole sign shall have a landscaped area twice the size of the sign face around the base of the sign. Pre-existing developments may be exempt from the landscape requirement subject to the approval of the Community Development Director or his or her designee.
8. If more than one business in an area where businesses share the use of a parking lot, structure, parcel or facility, has the need of a freestanding, pole sign, or monument type sign, all signs shall be located together on the same joint use sign.
9. One sandwich board or A frame sign is allowed. The sign shall be situated on the private property of the location of the business or within the planting strip immediately at the front of said business, and is erected only during hours of operation. Where the sidewalk immediately at the front of said business is six-feet wide or greater, an A frame sign may be situated in the public sidewalk as long as forty-four inches of pedestrian travel area, or current ADA standard, whichever is greater, is maintained at all times. Such signs shall not be placed so as to obstruct traffic or visibility.
10. For the purpose of informing and directing traffic, on-premises directory signs, menu boards, bank machines and height warning signs are permitted; provided the signs are not oriented to and not intended to be legible from a street or other private property.

On-site directory signs shall not exceed thirty-two square feet in area and eight feet in height.

11. For the purpose of informing and directing traffic; on-premise directional signs are permitted; provided the placement of such signs shall be situated in such a way as not to create a vehicle or pedestrian hazard; shall be limited to not more than two signs per business; shall not exceed sixteen square feet in area and eight feet in height.

B. Off-premise Signs.

1. Any second party sign that advertises goods, products, services or facilities, or directs persons to a location different from where the sign is installed and that does not relate strictly to the lawful use of the premises on which it is located may be allowed in the highway commercial (C-2) district provided; such signs shall be unobtrusive in nature; shall not exceed thirty-two square feet in gross area per sign face; shall be limited to one double faced sign on the premise of either the off-premise type or on-premise type; and shall be subject to written permission by the property owner of said site where the off-premise sign is located. Off-premise signs shall not exceed ten feet in height. Off-premise sign shall be subject to building permit approval.
2. Off-premise signs shall not be posted in state, county or city rights-of-way, on telephone poles, utility poles, bridge abutments, traffic signs or other public structures. Off-premise signs shall not be affixed to or painted on trees, rocks, or other natural features. Such signs shall observe the corner vision requirements and shall be placed in such a manner that does not create any type of traffic hazard. All off-premise signs shall be aesthetically pleasing and unobtrusive in nature.

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

1. Allowable Area. Primary frontage within the C-1 and C-3 districts shall be calculated at one square foot per linear foot of building frontage as measured horizontally along the side building elevation at the appropriate frontage, up to a maximum of one hundred square feet total sign area. Primary frontage within the C-2 district shall be calculated at one square foot per linear foot of building frontage as measured horizontally along the side building elevation at the appropriate frontage, up to a maximum of two hundred square feet total sign area; provided that a building elevation with less than thirty-two feet of horizontal length shall be allowed a maximum of thirty-two square feet of sign area. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of building frontage up to a maximum of fifty square feet.
2. Number of Signs. Three per primary frontage; one per secondary frontage; and in no event shall there be more than a total of four wall, roof or projecting signs per business.
3. In any building occupied by more than one business, the maximum sign area on each primary frontage shall be shared proportionally by those businesses whose main public entrance is along that frontage. Where applicable, the sign allowed on the secondary frontage shall be a joint use sign.
4. The maximum sign area per primary frontage may be divided between projecting, wall and first floor window signs. The total sign area per frontage shall be determined by adding together the area for all types of signs.
5. Each business shall be allowed one painted window sign in addition to the maximum number of signs and square footage allowed by this chapter for the limited purpose of identifying the business owner, business name and hours of operation. The sign shall not cover more than six square feet of window area where it is located.
6. For buildings located on or within one foot of the street right-of-way line, projecting signs shall project no more than five feet from the walls to which they are attached.

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

D. Awnings and Canopies.
   1. Awnings and canopies shall not be considered signs, except that the area of any awning or canopy, which displays advertising copy, shall be considered a sign.
   2. Advertising copy, which appears on any side of an awning, or canopy, which most nearly parallels the side of the building, shall be treated as a wall sign, and shall be subject to all the requirements of this chapter which apply to wall signs affixed directly to a building.
   3. Advertising copy which appears on any side of an awning or canopy which is generally perpendicular to the side of the building, shall be treated as a projecting sign, and shall be subject to all of the requirements of this chapter which applies to projecting signs affixed directly to a building. In the event advertising copy appears on two sides of an awning or canopy which are perpendicular to the same wall, those sides shall be considered one projecting sign.
   4. Marquees, awnings, and canopies shall not extend further than the curb of the street.

E. Sign Illumination. The light from any illuminated sign shall be shaded, shielded or directed so that the light will not be objectionable to surrounding uses, residential areas and public safety. No sign shall have rotating, flashing or blinking lights or other illuminating device that changes in lights or other illuminating device that changes in light intensity, brightness or color except as follows:
   1. In the central business (C-1) district and the highway commercial (C-2) district one changing image sign shall be allowed per business.
   2. In the central business (C-1) district and the highway commercial (C-2) district, changing image signs are allowed for alphanumeric messages. Changing image signs may scroll, travel and may not change information more frequently than once every two seconds.
   3. In the central business (C-1) district changing image signs shall not exceed eight square feet in area and the lighting of the message area and lighting of the background shall not consist of more than one color each, for a possible two color changing image sign. The allowed changing image sign area is to be included in the total allowed sign area, not in addition to.
   4. In the highway commercial (C-2) district changing image signs shall not exceed eight square feet in area and the lighting of the message area and lighting of the background shall not consist of more than one color each, for a possible two color changing image sign. The allowed changing image sign area is to be included in the total allowed sign area, not in addition to.
   5. Rotating barber poles are allowed in all commercial districts.

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

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

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

A. On-premise Freestanding Signs.

1. Allowable Area. Primary frontage shall be calculated at one square foot per linear foot of street frontage of the premises up to a maximum of two hundred square feet, provided that premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign.
2. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of street frontage up to a maximum of one hundred square feet, provided that a premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign.
3. Number of Signs. Each industrial business shall have not more than one freestanding business identification sign, located on the primary or secondary frontage. An industrial complex shall have not more than two freestanding signs; one to be located on a primary frontage and the second sign located on the secondary frontage. Entrance, delivery, warning and other strictly directional signs are permitted; provided each sign does not exceed sixteen square feet in area and eight feet in height.
4. Height of Sign. Maximum height shall not exceed thirty feet.
5. The placement of freestanding signs or pole signs shall be in such a fashion and location as to not unreasonably obstruct the safe vision of motorists and pedestrians, nor unreasonably obstruct the view of signs of adjacent property owners.
6. Freestanding or pole signs shall not be located closer than one hundred feet to another freestanding sign along the same side of the street or right-of-way, except if the establishment's lot width would result in less than one hundred feet, the distances between signs shall be the maximum possible.
7. Each freestanding or pole sign shall have a landscaped area twice the size of the sign face around the base of the sign. Pre-existing developments may be exempt from the landscape requirement subject to the approval of the Community Development Director or his or her designee.
8. If more than one business in a complex where businesses share the use of a parking lot, structure, parcel or facility, has the need of a freestanding, pole sign or monument type sign, all signs shall be located together on the same joint use sign.
9. One sandwich board or A frame sign is allowed. The sign shall be situated on the private property of the location of the business or that portion of public right-of-way immediately at the front of said business, and is erected only during hours of operation. Such signs shall not be placed so as to obstruct traffic or visibility. A minimum of forty-four inches of pedestrian travel area, or current ADA standard, whichever is greater, must be maintained at all times.

B. On-premises Wall, Window, Roof Projecting.
1. Allowable Area. One square foot per linear foot of building frontage as measured horizontally along a side building elevation, at the appropriate frontage, up to a maximum of two hundred square feet per sign; provided that a building elevation with less than thirty-two feet of horizontal length shall be allowed a maximum thirty-two square foot sign.
2. Number of Signs. One per primary frontage; one per secondary frontage; and in no event shall there be more than a total of two wall, roof or projecting signs per business.
3. In any building occupied by more than one business, the maximum sign area on each primary frontage shall be shared proportionally by those businesses whose main public entrance is along that frontage. Where applicable, the sign allowed on the secondary frontage shall be a joint use sign.

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

C. Awnings and Canopies.
   1. Awnings and canopies shall not be considered signs, except that the area of any awning or canopy, which displays advertising copy, shall be considered a sign.
   2. Advertising copy, which appears on any side of an awning, or canopy, which most nearly parallels the side of the building, shall be treated as a wall sign, and shall be subject to all the requirements of this chapter which apply to wall signs affixed directly to a building.
   3. Advertising copy which appears on any side of an awning or canopy which is generally perpendicular to the side of the building, shall be treated as a projecting sign, and shall be subject to all of the requirements of this chapter which apply to projecting signs affixed directly to a building. In the event advertising copy appears on two sides of an awning or canopy which are perpendicular to the same wall, those sides shall be considered one projecting sign.
   4. Marquees, awnings and canopies shall not extend further than the curb of the street.

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

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

17.52.110 - Signs as public nuisance.

Δ The following signs are hereby declared to be a danger to the health, safety and welfare of the citizens of Woodland and not permitted by this chapter:

1. Any sign illegal under this chapter or not exempt pursuant to WMC 17.52.030.
2. Any abandoned sign. For purposes of this chapter, a sign shall be deemed "abandoned" if it is displayed without lawful authority on public property or private property.
3. Any sign advertising a closing of a business still displayed after the closure of the business.
4. Any graffiti placed on a sign, building, parking lot or landscaped area.
5. Any temporary sign displayed after the passing of the temporary condition or event date.
6. Any sign that is partially or wholly obscured by the growth of vegetation or weeds or obscured by the presence of debris or litter.
7. And any sign which impairs the vision of the operators of motor vehicles.

B. All signs described in subsection A are hereby deemed a public nuisance. Any such sign, unless subject to summary abatement, shall be removed either by the sign owner or the property owner within five days of oral or written notice from the Community Development Director or the director's designee.

C. Voluntary Correction.

1. General. The Community Development Director shall attempt to secure voluntary correction by contacting the person responsible for the violation when practical, explaining the violation and requesting correction.
2. Issuance of Voluntary Correction Agreement. A voluntary correction agreement to abate the violation within a specified time and according to specified conditions may be entered into between the person responsible for the violation and the city acting through the Public Works Manager or designee.
    a. Right to a Hearing Waived. Upon entering into a voluntary correction agreement, the person responsible for the violation waives the right to an administrative appeal of the violation and of the corrective action.
    b. Extension—Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the Community Development Director if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation but unforeseen circumstances render correction under the original conditions unattainable.
    c. Abatement by the City. The city may abate the violation if the terms of the voluntary correction agreement are not met or performed in a timely manner.
    d. Collection of Costs. If the terms of the voluntary correction agreement are not met the person responsible for the violation shall be responsible to reimburse the city for the cost of abatement.

D. Notice of Civil Infraction.
1. Issuance.
    a. Except as set forth in subsection B, when the Community Development Director determines that a violation has occurred or is occurring, and is unable to secure voluntary correction, the Community Development Director may issue a notice of civil violation to the person responsible for the violation pursuant to WMC 1.12.020.
    b. The Community Development Director may issue a notice of civil violation without having attempted to secure voluntary correction under the following circumstances:
        i. When an emergency exists;
        ii. When a repeat violation occurs;
        iii. When the person knows or reasonably should have known that the action is in violation of a city regulation.
        iv. When the sign impairs the vision of operators of motor vehicles
2. Monetary Penalty.
    a. The monetary penalty for each violation per day or portion thereof as well as the other relief set forth in WMC 1.12.020 shall be as set forth in WMC 1.12.020:
        i. First Violation—Class 4 Civil Infraction;
        ii. Second Violation—Class 3 Civil Infraction;
        iii. Third Violation—Class 2 Civil Infraction;
        iv. Fourth and Subsequent Violations—Class 1 Civil Infraction.
    b. Examples.
        i. An illegal sign is displayed for three consecutive days. The sign owner could be cited for a first, second and third violation.
        ii. An illegal sign is displayed but voluntarily corrected, another illegal sign is displayed a day later but not corrected. The sign owner could be cited for a first violation for the sign displayed a day later.
        iii. Three illegal signs are displayed for several days and the sign owner is cited for only one violation for each sign. Each separate sign is a Class 4 infraction.

iv. Three illegal signs are displayed for three (3) days and the sign owner is cited for each day the signs are displayed. The sign owner could be cited for three separate Class 4, Class 3 and Class 2 violations.

3. Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice of civil violation was issued of the duty to correct the violation.

E. Abatement by the City [See WMC 8.12].
   1. The city may abate a condition which was caused by or continues to be a civil violation when:
      a. The terms of voluntary correction agreement have not been met; or
      b. A notice of civil violation has been issued and the required correction has not been completed by the date specified in the hearing examiner's order; or
      c. The condition is subject to summary abatement in subsection F; or
      d. When the sign impairs the vision of operators of motor vehicles.

F. Summary Abatement. Whenever the placement or presence of an unpermitted sign impairs the vision of operators of motor vehicles or causes a condition the continued existence of which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the city may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. In addition to any fine, the person in violation shall reimburse the City for all costs of abatement including costs of enforcement and hearing.

17.52.130 - Exemptions.

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

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

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

C. Special Event and Other Time-Limiting Signage.
   1. Special event signs are allowed, provided that all of the following conditions are met:
      a. The promoter of the event receives annual permission from the Public Works Manager or his/her designee that the event meets the following criteria for a special event, 1) the event is open to the general public, and 2) the event has broader benefits related to tourism, promotion of a charitable or civic cause, or fostering community pride and identity. Events such as the Planters Days Festival, the Farmers Market, the Lilac Festival, and the Tulip Festival are examples of special events;
      b. No such sign shall include moving parts of flashing lights;
      c. No such sign shall be erected or displayed more than ten days before the special event it announces;
      d. Special event signs less than six square feet in size and no more than three feet in height above ground may be placed in planting strips within the public right-of-way or with permission on private property. Special event signs can also be situated on the public sidewalk where the sidewalk is six feet wide or greater as long as forty-eight inches of pedestrian travel area, or current ADA standard, whichever is greater,

is maintained at all times. Signs shall not be placed so as to obstruct traffic or visibility in street medians or sidewalks within the public right-of-way;

e. All such signs shall be removed within three days after the conclusion of the event;
f. A map showing the locations of all proposed special event signs must be submitted with the special event application. Special event signs have a maximum of ten signs that are allowed per event.

2. Christmas tree farm signs are allowed provided that all the following conditions are met:
   a. The owner receives permission from the Public Works Manager or his/her designee;
   b. No such sign shall include moving parts or flashing lights;
   c. Christmas tree farm signs less than six square feet in size and no more than three feet in height above ground may be placed in planting strips within the public right-of-way or with permission on private property. Christmas tree farm signs can also be situated on the public sidewalk where the sidewalk is six feet wide or greater as long as forty-eight inches of pedestrian travel area, or current ADA standard, whichever is greater, is maintained at all times. Signs shall not be placed so as to obstruct traffic or visibility in street medians or sidewalks within the public right-of-way;
   d. A map showing the locations of all proposed Christmas tree farm signs must be submitted with the application. Christmas tree farm signs have a maximum of ten signs that are allowed per Christmas tree farm.
   e. Christmas tree farm signs shall be erected no sooner than the Wednesday immediately before Thanksgiving Day. These signs shall be removed on or before December 28.

D. Temporary signs to indicate that the premises are for sale or rent. Such signs using terms such as quitting business, open for business, for sale, inquire within, for rent, open house, sold, may also include a telephone number and insignia. These signs shall not exceed two square feet.
E. Signs erected by a public official in the performance of his or her duty, on property under the jurisdiction of that official shall be allowed without a permit.
F. Campaign political signs are permissible providing the sign copy is limited to information about a candidate, political party or public issue in a current election campaign. They shall be removed within five days after the applicable election.
G. Public service directional signs for public buildings such as public schools, libraries, hospitals and similar public services facilities placed within public rights-of-way.
H. Signs of a public, noncommercial nature including, but not limited to, safety, direction, danger, and no trespassing.
I. Traffic signs, traffic control devices, traffic signals and markings installed by the city.
J. "No hunting," "no trespassing," "no dumping," "no parking," "private" and other informational warning signs, shall not exceed four square feet in gross area per sign.
K. Plaques, tablets or inscriptions indicating the name of a building, its date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are non-illuminated, and which do not exceed three square feet in surface area.
L. Product Dispensers.
M. Sandwich board or A Frame.
N. Reasonable seasonal decorations within the appropriate public holiday season. However, such displays shall be removed promptly at the end of the public holiday season.

O. The Flag of a Commercial Institution. No more than one flag is permitted per business premises, the flag shall not exceed twenty square feet in surface area, and shall be left loose to fly in the breeze.
P. Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification.
Q. Advertisement on existing theater marquees (freestanding and/or building-mounted).
R. Repair, maintenance and/or modification of existing conforming or pre-existing nonconforming signs; provided the sign's conformance or nonconformance is not structurally altered and/or increased.

17.52.150 - Review procedures.

Δ All sign permit applications shall be reviewed to comply with this chapter by the Community Development Director or designee as provided in this section:

1. Name, address and telephone number of sign owners;
2. Name, address and telephone number of sign contractor or erectors;
3. Address of sign by site location;
4. Two site plans showing locations of proposed sign(s);
5. Two plans of the proposed sign with sign style and size included with a scaled design;
6. Type of sign, whether illuminated or non-illuminated;
7. Electrical permit for the sign, if illuminated.

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 Manager 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.

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 Manager 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.

17.56.080 - General design requirements.

Δ Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.

B. Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the

necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

C. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public right-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
D. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians and without interfering with parking areas.
E. Unless specifically allowed in the zoning district, no required yard shall be used to satisfy off-street parking requirements.
F. The location and design of all entrances, exits and drives shall be subject to the approval of the Public Works Manager and, in the case where the matter is before it, the planning commission.

17.56.090 - Materials—Design—Lighting.

A. Vehicle accommodation areas, including lanes for drive-in windows, shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Design of pavement section for vehicle accommodation areas shall be approved by the Public Works Manager. The parking area shall be graded and drained so as to dispose of surface water to the satisfaction of the Public Works Manager.

B. Parking spaces in areas surfaced in accordance with subsection A of this section shall be appropriately demarcated with painted lines or other markings.
C. Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, weeds, dust, trash, and debris, etc.) and parking space lines or markings shall be kept clearly visible and distinct.
D. Any lighting used to illuminate any off-street parking facility shall be arranged so as to reflect light away from any adjoining residential area.

17.70.050 - Criteria for approval.

The director or designee may approve, or modify and approve an application for a temporary use permit if the application satisfies all of the following criteria:

1. The temporary use will not be materially detrimental to the public health, safety or welfare, nor injurious to property or improvements in the immediate vicinity;
2. The temporary use is compatible with the purpose and intent of this title, and the specific zoning district in which it will be located;
3. The temporary use is compatible in intensity and appearance with existing land uses in the immediate vicinity;
4. Structures proposed for the temporary use comply with the setback requirements of the specific zoning district in which it will be located;
5. Adequate on-site parking area is available to serve the temporary use;
6. Hours of operation of the temporary use are specified;
7. The temporary use will not cause noise, light, or glare which adversely impacts surrounding land uses;
8. The use must provide sanitary facilities if the director or designee finds it to be necessary.

17.70.060 - Time limitation.

A temporary use is valid for up to one hundred eighty calendar days from the effective date of the permit; however, the director may establish a shorter time frame. The director may grant one extension not to exceed sixty days, upon the applicant showing compliance with all conditions of permit approval. The property owner or holder of a temporary use permit may not file an application for a successive temporary use permit for sixty days following the expiration of an approved permit applying to that property. Within five days of the expiration of the temporary use permit, the applicant shall have the use and all physical evidence removed from the site.

17.70.070 - Abatement.

Prior to the approval of a temporary use permit, the applicant shall submit to the director an irrevocable, signed and notarized statement granting the city permission to summarily enter the applicant's property with reasonable notice and abate the temporary use, and all physical evidence of that use if it has not been removed as required by the terms of the permit. The statement shall also indicate that the applicant will reimburse the city for any expenses incurred in abating a temporary use under the authority of the chapter.

17.70.080 - Assurance device.

In appropriate circumstances the director may require a reasonable performance of maintenance assurance device, in a form acceptable to the finance department, to assure compliance with the provisions of this title and the temporary use permit as approved.

17.72.010 - Purpose.

It is the purpose of this chapter to establish review and permit approval procedures for unusual or unique types of land uses, which, due to their nature, require special consideration of their impact on the neighborhood, and land uses in the vicinity. Administrative conditional uses or conditional uses may be located by special permission of the director and/or the hearing examiner under such conditions as the director or the hearing examiner as the case may be may impose.

17.72.030 - Permit—Application.

A. Application for administrative conditional use permits or conditional use permits shall be made in accordance with Chapter 17.81 of this code. An application shall not be considered unless and until a written application for said request is submitted to the city containing the following:
    1. Vicinity map;
    2. Name, address, phone number of property owner;
    3. Name, address, phone number of engineer or agent;
    4. Boundaries and dimensions of property;
    5. Adjacent public street;
    6. Easements, existing and proposed;
    7. Location of building, including setbacks;
    8. Location and layout of off-street parking;
    9. Location and size of signs;

10. Landscape detail;
11. A narrative statement demonstrating that the requested conditional use conforms to the standards as set forth in Section 17.72.050.

B. The site plan shall be properly dimensioned and drawn at a scale not less than one inch equals fifty feet. The site plan must be easily reproducible. Two copies of the site plan shall be submitted at the time of application.
C. The site plan shall be made part of the permit and subsequent building permits and construction activity shall be in accordance with the approved site plan. The director may approve minor adjustments to the site plan.

17.72.050 - Permit—Criteria to grant.

The director or hearing examiner as the case may be shall be guided by the following criteria in granting a conditional use permit:

A. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;
B. The proposed use shall meet or exceed the performance standards that are required in the district in which the subject property is situated;
C. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
D. The proposed use shall be in keeping with the goals and policies of the Woodland comprehensive plan;
E. All measures have been taken to minimize the possible adverse impacts, which the proposed use may have on the area in which it is located.

17.72.060 - Conditions of approval.

The director or hearing examiner as the case may be may impose conditions on his/her approval of a conditional use, which he/she finds are necessary to ensure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to, the following:

A. Limiting the hours, days, place, and manner of operation;
B. Requiring design features, which minimize environmental impacts such as, noise, vibration, air pollution, glare, odor, and dust;
C. Requiring additional setback areas, lot area, or lot depth or width;
D. Limiting the building height, size or lot coverage, or location on the site;
E. Designating the size, number, location, and design of vehicle access points;
F. Requiring street right-of-way to be dedicated and the street to be improved;
G. Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
H. Limiting the number, site location, height, and lighting of signs;
I. Limiting or setting standards for the location and intensity of outdoor lighting;
J. Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
K. Requiring and designating the size, height, location, and materials for fences;
L. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

17.72.070 - Performance security.

A performance bond or other adequate and appropriate security may be required by the director or hearing examiner as the case may be for any elements of the proposed project which the director and/or hearing examiner determines are crucial to the protection of the public welfare. Such bond shall be in an amount equal to one hundred percent of the cost of the installation or construction of the applicable improvements.

17.72.080 - Reapplication after permit denial.

An application for a conditional use permit, which has been denied, may not be resubmitted within six months from the date of the director's or hearing examiner's disapproval.

17.72.090 - Expiration of approval.

A. Approval of a conditional use by the director and/or hearing examiner shall be void if:
   1. Initial construction of the approved plan has not been started within a one-year period; or
   2. Construction on the site is a departure from the approved plan.
B. The development review committee, upon written request by the applicant, may grant one extension of the approval period not to exceed one year provided that:
   1. No changes are made on the original conditional use plan as approved by the director and/or hearing examiner;
   2. The applicant can demonstrate that construction will be substantially complete on the site within the one year extension period; and
   3. There have been no changes to the applicable comprehensive plan policies and zoning ordinance provisions on which the approval was based.
C. A conditional use permit shall be reviewed annually by a designated city official to ensure proper compliance with all permit provisions and conditions. At any time, if a permit is found to be in violation of permit conditions, the director and/or hearing examiner is empowered to review the permit and findings of the appropriate city official and, if deemed necessary, issue an order requiring compliance with the permit or revoke the permit.
D. Notice of the decision shall be provided to the current permit holder and or owner of the property.

17.81.020 - Creation of land use hearing examiner.

The office of Woodland municipal land use hearing examiner, hereinafter referred to as "examiner," is created. The examiner shall interpret, review, and implement land use regulations and policies as provided in this chapter or by other ordinances of the city, including but not limited to the following:

A. Conditional uses per Chapter 17.72. Applications for conditional uses when the zoning ordinance sets forth the specific uses to be made subject to conditional use permits.
B. Major Variances. A major variance shall be defined as a variance to a measurable zoning standard which does not fall under a category of minor variances as outlined in WMC 17.81.180.A. The examiner shall decide upon application for major variances from the terms of this title; provided that any variance granted shall be subject to such conditions as will assume that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and:
   1. That such variance is necessary, because of special circumstances or conditions relating to the size, shape, topography, location, or surroundings of the subject property, to

provide it with use, rights, and privileges, permitted to other properties in the vicinity and in the zone in which the subject property is located;

2. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;
3. If such permit for variance is denied, no reapplication shall be made within one year from the date of denial;
4. An approved variance will go with or be assigned to the subject property and shall not be transferable to another property; and
5. No use variance shall be granted except for lawfully created pre-existing uses in accordance with WMC 17.60.

Expiration of Approval—Major Variances. Approval of a major variance shall be void after three years, unless a building permit has been issued and substantial construction has taken place. The Community Development Director, for good cause, may extend approval for no more than one year. If a variance is specifically related to an approved phasing program, the validity of the variance shall be limited only by the phasing plan. Approval expiration shall apply to all applications deemed complete on or after the effective date of the ordinance from which this section is derived.

C. Violations. Recognizing the fact that a building may be erected in good faith with every intent to comply with the provisions of this title in respect to the location of the building upon the lots and the size and location of required yards, and that it may later be determined that such building does not comply in every detail with such requirements, although not violating the spirit or intent of this title, the examiner may issue a waiver of violation, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.
D. All appeals regarding SEPA matters, shoreline exemptions and supplemental environmental impact statements.
E. Issuance of replats, plat vacations, shoreline development permits, shoreline conditional use permits and shoreline variances. See also Section 19.08.030 describing decision making and appeal authority of the hearing examiner.
F. Appeals regarding written administrative decisions concerning a land use or environmental permit application as outlined in WMC 19.08.030 or written interpretations of a provision of the Woodland Municipal Code (WMC) issued by the development review committee (DRC) or Community Development Director.
G. All city applications for any type of project proposal.

17.81.140 - Notice of examiner's decision.

Not later than five working days following the rendering of a written decision, copies thereof shall be personally delivered or mailed to the applicant, Community Development Director, Public Works Manager, and to other parties of record in the case. "Parties of record" shall include all persons who specifically request notice of decision by signing a register provided for such purpose at the public hearing.

17.81.210 - Minor variances—Expiration of approval.

Approval of a minor variance shall be void after three years, unless a building permit has been issued and substantial construction has taken place. The Community Development Director, for

good cause, may extend approval for no more than one year. If a variance is specifically related to an approved phasing program, the validity of the variance shall be limited only by the phasing plan. Approval expiration shall apply to all applications deemed complete on or after the effective date of the ordinance from which this section is derived.

17.84.130 - Site plan review and decision procedures—Development proposals.

The site development plan for development proposals shall accompany application for the building permit and shall be reviewed by the Community Development Director, Building Official, Public Works Manager, and other affected agencies for conformance to standards, ordinances, and codes. The city staff will work with the applicant to correct any site plan deficiencies, if necessary. Approval of site plans for development proposals shall be by the Community Development Director, who shall denote approval on the face of the site plan for filing in city records. The approved site plan shall be binding on the ultimate design and construction of the project. Prior to decision, the Community Development Director may refer site plans for development proposals to the planning commission for review and comment and shall make such referral when requested by the planning commission.

17.84.140 - Site plan review and decision procedures—Zone changes.

A The site development plan for zone change proposals shall accompany the application for the zone change and shall be reviewed initially by the Community Development Director, Building Official, Public Works Manager, and other affected agencies for conformance to standards, ordinances and codes. City staff will work with the applicant to correct any site plan deficiencies, if necessary. Staff findings and recommendations to the planning commission should address the merits of the site plan as well as of the proposed zone change.

B. The planning commission shall review the zone change application and site development plan together according to normal rezone procedures. The commission's findings and recommendations to the city council should address the merits of the site plan as well as of the zone change. City council approval of the site development plan at the time of rezone approval shall be considered as binding on the development design.
C. The Community Development Director, Public Works Manager, and Building Official shall check building and construction plans for basic consistency with the approved site development plan prior to issuing permits. If the building and construction plans indicate significant differences in dimensions, setbacks, points of ingress/egress, parking and loading spaces and areas, or other pertinent features from the approved site plan, a revised site development plan shall be required and reviewed and acted on by the city council.

17.92.010 - Definitions.

For purposes of this chapter, certain words and terms shall be used, interpreted, and defined as follows:

A. Commercial/Noncommercial Ventures. Any person engaged in the development, management, sale, rental or use of property solely for the purpose of residential occupancy by the person or such person's immediate family shall be deemed to be engaged in a noncommercial venture. All other persons shall be deemed to be engaged in commercial ventures.
~~B. "Supervisor" means the supervisor of public works or such other person as the city council shall authorize to utilize the provisions of this chapter and shall include any duly authorized representative of such supervisor.~~

C. "Hearing examiner" means the person or tribunal appointed by the city council to hear appeals or any appeal under this chapter or his duly authorized representative.
D. "Land use ordinance" means this chapter and any other existing or future ordinance or resolution of the city which regulates the use and development of land, including but not limited to zoning regulations, subdivision regulations, short subdivision regulations, signing regulations, and all building, fire and construction codes. "Land use ordinance" also includes any existing or future law of the state legislature which regulates the use and development of land, including but not limited to the State Subdivision Law, RCW Chapter 58.17; the Shorelines Management Act, RCW Chapter 43.51; and the Solid Waste Management Act, RCW Chapter 70.95. This chapter shall be construed as, and is intended to be enacted as, a regulation adopted pursuant to any such state law and pursuant to Art. II, Sec. 11, Washington State Constitution.
E. "Nuisance" means unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs, or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life or in the use of property.
F. "Person" means any natural person, organization, corporation or partnership and their agents or assigns.
G. "Public nuisance" means a nuisance which affects the rights of an entire community or neighborhood, although the extent of the nuisance may be unequal.

17.92.020 - Administration.
The director is authorized to utilize the procedure of this chapter in order to enforce any land use ordinance.

17.92.030 - Declaration of intent.
All violations of land use ordinances are determined to be detrimental to the public health, safety, and welfare and are declared to be public nuisances. All conditions which are determined by the director to be in violation of any land use ordinance shall be subject to the provisions of this chapter and shall be corrected by any reasonable and lawful means as provided in this chapter.

17.92.040 - Right of entry.
Whenever necessary to make an inspection to enforce the provisions of any land use ordinance, or whenever the director has reasonable cause to believe that any building, structure, property or portion thereof is being used in violation of any land use ordinance, the director may enter such building, structure, property or portion thereof at all reasonable times to inspect the same.

17.92.050 - Civil penalty.
In addition to or as alternative to any other judicial or administrative remedy provided in this chapter by law, any person who violates any land use ordinance, or rules and regulations adopted thereunder, or by each act of commission or omission procures, aids or abets such violation, shall be subject to a civil penalty in an amount of fifteen dollars in the case of noncommercial ventures, and fifty dollars in the case of commercial ventures per day for each continuous violation to be directly assessed by the director until such violation is corrected. The per diem penalty shall double for the second separate violation and triple for the third and

subsequent separate violation of the same regulation within any five-year period. All civil penalties assessed will be enforced and collected in accordance with the lien, personal obligation, and other procedures specified in this title.

17.92.060 - Abatement.

In addition to or as an alternative to any other judicial or administrative remedy provided in this chapter by law, the director may order a land use ordinance violation to be abated. The director may order any person who creates or maintains a violation of any land use ordinance, or rules and regulations adopted thereunder, to commence corrective work and to complete the work within such time as the director determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the director will proceed to abate the violation and cause the work to be done. He will charge the costs thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation.

17.92.070 - Additional enforcement.

Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of any land use ordinance or rules and regulations adopted thereunder.

17.92.090 - Notice and order.

Whenever the director has reason to believe that a violation of a land use ordinance or any rules and regulations adopted thereunder will be most promptly and equitably terminated by an administrative notice and order proceeding, he shall issue a written notice and order directed either to the owner or operator of the source of the violation, the person in possession of the property where the violation originates, or the person otherwise causing or responsible for the violation. The notice and order may be posted on the property and shall contain:

A. The street address when available and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;
B. A statement that the director has found a person to be in violation of a land use ordinance with a brief and concise description of the conditions found to be in violation;
C. A statement of the corrective action required to be taken. If the director has determined that corrective work is required, the order shall require that all required permits be secured and the work physically commence within such time and be completed within such time as the director shall determine is reasonable under the circumstances;
D. A statement specifying the amount of any civil penalty assessed on account of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent;
E. Statements advising that (1) if any required work is not commenced or completed within the time specified, the director will proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation; and (2) if any assessed civil penalty is not paid, the director will charge the amount of the penalty as a lien against the property and as a joint and separate personal obligation of any person in violation;
F. A statement advising that the order shall become final unless, no later than ten days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the hearing examiner.

17.92.110 - Appeals.

A. Any person aggrieved by the order of the director may request in writing within ten days of the service of notice and order an appeal hearing before the hearing examiner. The request shall cite the notice and order appealed from and contain a brief statement of the reasons for seeking the appeal hearing. The method of appeal as provided in this chapter shall be sole and exclusive, and no appeal shall be had to the board of adjustment from any determination rendered under the authority of this chapter.

B. The appeal hearing shall be conducted on the record and the hearing examiner shall have such rule making and other powers as were available to the director originally. Such appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing will be sent to each appealing party, to the director whose order is being appealed, and to other interested persons who have requested in writing that they be so notified.

C. All appeals shall be conducted in accordance with Washington Administrative Code Chapter 1-08 "Uniform Procedural Rules"; provided, however, that Sections 1-08-540 through 1-08-590 shall be excluded. Should any conflict arise between the provisions of this chapter and the applicable sections of WAC Chapter 1-08, the provisions of this chapter shall prevail. For the purposes of this chapter, all references in the WAC to "agency" shall mean "hearing examiner." In addition, the hearing examiner may promulgate and adopt such additional rules as are necessary for the conduct of a hearing.

D. Each party shall have the following rights, among others:
   1. To call and examine witnesses on any matter relevant to the issues of the hearing;
   2. To introduce documentary and physical evidence;
   3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
   4. To impeach any witness regardless of which party first called him to testify;
   5. To rebut evidence against him;
   6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

E. Following review of the evidence submitted, the hearing examiner shall make written findings and conclusions, and shall affirm or modify the order previously issued if he finds that a violation has occurred. The written decision of the hearing examiner shall be mailed by certified mail, postage prepaid, return receipt requested, to all parties.

F. The appeal hearing before the hearing examiner shall occur within sixty days following receipt of the written notice of appeal, unless the matter is continued at the discretion of the hearing examiner after receiving consent of all parties to the proceeding.

17.92.120 - Final order.

A. Any order duly issued by the director pursuant to the procedures contained in this chapter shall become final ten days after service of the notice and order unless a written request for hearing is received by the hearing examiner within the ten-day period.

B. An order which is subjected to the appeal procedure shall become final twenty days after mailing of the hearing examiner's decision unless within that time period an aggrieved person initiates review by writ of certiorari in Cowlitz County Superior Court.

17.92.130 - Supplemental notice and order.

The director may at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notices and orders as contained in this chapter.

17.92.140 - Enforcement of final order.

A. If, after any order duly issued by the director has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, the director may:
   1. Cause such person to be prosecuted under this chapter; and/or
   2. Institute any appropriate action to collect a civil penalty assessed under this chapter; and/or
   3. Abate the land use violation using the procedures of this chapter; and/or
   4. File in the county auditor's office a certificate describing the property and the violation and stating that the owner has been so notified; and/or
   5. Pursue any other appropriate remedy at law or equity under this chapter.
B. Enforcement of any notice and order of the director issued pursuant to this chapter shall be stayed during the pendency of any appeal under this chapter, except when the director determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued.

17.92.150 - Settlement of civil penalty claims.

The director is authorized to settle and compromise claims for civil penalties accruing pursuant to this chapter where such settlement is clearly in the interests of the city; provided, that the director shall periodically report such settlements and compromises to the city council.

17.92.160 - Suspension of permits.

A. The director may temporarily suspend any permit issued under a land use ordinance for
   1. failure of the holder to comply with the requirements of any land use ordinance or rules and regulations promulgated thereunder, or
   2. failure to comply with any notice and order issued pursuant to this chapter.
B. Such permit suspension shall be carried out through the notice and order provisions of this chapter, and the suspension shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such suspension as provided for in this chapter.
C. Notwithstanding any other provision of this chapter, whenever the director finds that a violation of any land use ordinance or rules and regulations has created or is creating an unsanitary, dangerous or other condition which, in his judgment, constitutes an immediate and irreparable hazard, he may, without service of a written notice and order, suspend and terminate operations under the permit immediately.

17.92.200 - Notice lien may be claimed.

The notice and order of a director pursuant to this chapter shall give notice to the owner that a lien for the civil penalty of the cost of abatement, or both, may be claimed by the city.

TITLE 19 – DEVELOPMENT ADMINISTRATION

19.02.020 - Definitions.

"City" means the city of Woodland, Washington.

"Closed record appeal" means an administrative appeal on the record following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

"Days" means calendar days, including weekends and holidays.

"Department" means the department of Community Development.

"Determination of completeness" means a written determination by the director or his/her designee that all required elements of an application have been received by the city. This determination initiates the statutory review period for the application, if any, and subject to certain exceptions, entitles the applicant to have the application considered and reviewed pursuant to the laws, regulations and standards in effect on the date the application was complete.

"Development review committee" (DRC) means a group of city and fire agency staff composed of the Community Development Director, Public Works Manager, Building Official and fire chief or designee who conduct preapplication conferences and review and/or approve development permit applications.

"Director" means the Community Development Director unless another department or agency is in charge of the project in which case it refers to the chief administrative officer of that department or agency.

"Feasibility review" means an optional preapplication meeting between a prospective applicant or development proponent and the DRC to provide limited information on applicable development and site requirements as a precursor to a "preapplication conference."

"Open record hearing" means a hearing, conducted by a single hearing body or officer that creates the record through testimony and submission of evidence and information. An open record hearing may be held prior to a decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing was held on the project permit.

"Planned action" means one or more types of project actions that are designated planned actions by city ordinance or resolution as more particularly outlined in Section 19.04.030 (B)(2).

"Preapplication conference" means a meeting between the applicant for a project permit and the DRC held prior to the actual submission of the permit application for the purposes described in Section 19.02.060.

"Project permit" means any land use or environmental permit or license required from the city for a project action, including but not limited to subdivisions, planned unit developments, conditional uses, shoreline substantial development permits, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection. Project action also includes any proposal for development of any new commercial/industrial or multifamily (three units or more) structure or addition or modification to a commercial/industrial or multifamily structure or change in occupancy of such an existing structure that changes utility requirements, parking requirements or necessitates additional site improvements.

19.02.030 - Development review committee established.

Δ There is hereby established a development review committee (DRC) as defined in WMC 19.02.020. Normally the Community Development Director will chair DRC meetings. The primary purpose of such committee is to make such decisions as are delegated to it by ordinance and administrative directive, conduct preapplication conferences and make post application determinations in conjunction with the issuance of project permits as well as staff recommendations where the hearing examiner, planning commission or city council is charged with approval authority.

B. For all matters for which the planning commission or hearing examiner is the reviewing or decision making authority, the Community Development Director shall prepare the staff report.
C. In the event of a tie vote the Community Development Director will make the decisive vote.

19.02.090 - Submission and acceptance of application.

Δ Determination of Completeness. Within twenty-eight days after receiving a project permit application or sooner, if completed, the department shall mail or personally provide a written determination to the applicant which states either: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete. (RCW 36.70B.070).

B. Identification of Other Agencies With Jurisdiction. To the extent known by the city, other agencies with jurisdiction over the project permit application shall be identified in the city's determination required by Section 19.02.090(A). (RCW 36.70B.070).
C. "Complete" Application/Additional Information. A project permit application is complete for purposes of this section when it meets the requirements of Section 19.02.080, as well as the submission requirements contained in all other applicable development regulations of the city. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The city's determination of completeness shall not preclude the city from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action. (RCW 36.70B.090(1)).
D. Incomplete Application Procedure.

1. If the applicant receives a determination from the city that an application is not complete, the applicant shall have ninety days to submit the necessary information to the city. Within fourteen days after an applicant has submitted the requested additional information or sooner if completed, the city shall make the determination as described in Section 19.02.080(A), and notify the applicant in the same manner.
2. If the applicant either refuses or fails to submit the required information or additional information or does not submit such information within the ninety-day period, the application shall lapse. Upon failure to cure any deficiency the department shall refund fifty percent of the filing or application fees submitted with the incomplete application.

E. City's Failure to Provide Determination of Completeness. A project permit application shall be deemed complete under this section if the city does not provide a written determination to the applicant that the application is incomplete as provided in Section 19.02.090. When the project permit application is complete, the director shall accept it, and note the date of acceptance. (RCW 36.70B.070(4)(a)).

19.02.110 - Use of consultants.

Whenever review of a land use application including, but not limited to, comprehensive plan map/text amendment, zoning map/text amendment, Annexation, development proposal, or building permit application requires the retention by the city for professional consulting services, the applicant shall reimburse the city, the cost of such professional consulting services. Such costs are due and payable to the city at the time of final plan or land use approval. The city may require the applicant to deposit an amount with the city estimated in the discretion of the Community Development Director, to be sufficient to cover anticipated costs of retaining professional consultant services and to ensure reimbursement for such costs.

19.02.115 - Inspections of development projects and subject sites.

Δ Right to Inspect. The city of Woodland is authorized to inspect all on site, civil, and frontage improvements as needed to enforce applicable standards, and ensure the quality and integrity of development improvements. Development shall be as defined in WMC Section 17.08.232. Development improvements shall be inspected by either the Public Works Manager, their designee, city staff, or consultants retained by the city for this purpose. Inspections shall be conducted at the start of, during and at completion of installation of development improvements. The city is also authorized to inspect the subject property as needed to review technical studies and reports including, but not limited to, transportation impact analyses, critical area reports, and utility-related reports required to review land use applications.

B. Notification Required. The person, firm or contractor actually performing the work shall not begin without securing necessary right-of-way permits and other required approvals; and receiving approval for a traffic control plan, and providing at least forty-eight hours notice to the city.

19.04.040 - Determining time limits.

Δ Except as otherwise provided in subsection (B) of this section and Section 19.02.050, the director shall issue his/her notice of final decision on a project permit application within one hundred twenty days, or sooner if possible, after notifying the applicant that the application is complete, as provided in Section 19.02.090(F). In determining the number of days that have

elapsed after the director has notified the applicant that the application is complete, the following periods shall be excluded:

1. Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information.
    a. The period shall be calculated from the date the director notifies the applicant of the need for additional information until the earlier of the date the director determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided;
    b. If the director determines that the information submitted by the applicant under subsection (A)(1)(a) of this section is insufficient, he/she shall notify the applicant of the deficiencies and the procedures under subsection (A)(1)(a) of this section shall apply as if a new request for studies had been made;
2. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to RCW 43.21C;
3. Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for considering and deciding shall not exceed: (a) ninety days for an open record appeal hearing; and (b) sixty days for a closed record appeal. The parties to an appeal may agree to extend these time periods; and
4. Any extension of time mutually agreed upon by the applicant and the director.

B. The time limits established by subsection (A) of this section do not apply if a project permit application:
    1. Requires an amendment to the comprehensive plan or a development regulation;
    2. Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or
    3. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete. An application is substantially revised if proposed changes would have affected decisions in the approval process.

C. If the director is unable to issue its final decision within the time limits provided for in this section, he/she shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

19.06.020 - Referral and review of project permit application.

As soon as possible, but in any event within ten days of accepting a complete application, the director shall do the following:

A. Transmit a copy of the application, or appropriate parts of the application, to each affected agency and city department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have fifteen days to comment. The referral agencies or city departments are presumed to have no comments if comments are not received within the specified time period. The director shall grant an extension of time for comment only if the application involves unusual circumstances. Any extension shall only be for a maximum of three additional days. (RCW 36.70B.070).

B. If hearing examiner approval is required, notice and hearing shall be provided as set forth in Chapter 17.81.

19.06.060 - Reconsideration in response to SEPA comments.

Any interested person may submit written comments and request reconsideration by the Community Development Director within fifteen days of the date any final recommendation or decision attached to a SEPA threshold determination. Unless further action is taken by the development review committee in response to such comments, the period in which to file an appeal shall terminate twenty-one days after the date such final recommendation or decision is issued. SEPA exempt actions shall not be subject to reconsideration and shall be subject to only a fourteen-day appeal period.

19.08.010 - Department staff approval authorities.

As outlined in Section 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.

19.10.040 - Site plan review types and procedures.

A Except for exempt activities listed in WMC 19.10.030, site plan reviews shall be classified and processed as follows:

1. Type I Site Plan Review. Type I site plan reviews are typically relatively minor in nature, consistent with the zoning of surrounding land uses, and do not have a substantial impact on the natural and built environment. Type I applications are approved by the Community Development Director or his/her designee without public notice and without a public hearing. A pre-application conference is not required unless requested by the applicant. The following are classified as Type I site plan reviews:
   a. Changes in use of an existing structure or site not exempt under WMC 19.10.030.
   b. Any development or change of use that will result in thirty or fewer PM peak trips and that requires payment of a traffic impact fee. Trips shall be based on the latest edition of the International Transportation Engineer's Trip Generation Manual or substantial evidence by a professional engineer licensed in the State of Washington with expertise in traffic engineering.
   c. New construction or expansions of existing construction that does not exceed any of the following:
      i. Four thousand square feet of additional floor area;
      ii. Twenty new parking spaces; or
      iii. Four new multifamily residential units, except as provided for in WMC 19.10.030.

2. Type II Site Plan Review. Type II site plan reviews are typically more substantial in nature and may have potential incompatibility with surrounding zoning or land uses or may have a more substantial impact on the natural and built environment. Type II reviews are approved by the development review committee with public notice and an opportunity for comment. A pre-application conference is required. The following are classified as Type II site plan reviews:
    a. Any development which is not listed as a Type I site plan in subsection (A)(1) of this section or listed as exempt under WMC 19.10.030.
    b. Any development subject to SEPA pursuant to WMC Chapter 15.04 (Environmental Policy).
    c. Any development or change of use that will result in thirty-one or more PM peak trips, based on the latest edition of the International Transportation Engineer's Trip Generation Manual, or substantial evidence by a professional engineer licensed in the State of Washington with expertise in traffic engineering.
3. Binding Site Plan Reviews. A binding site plan functions as an alternative to dividing commercial or industrial property through the platting process. A binding site plan is required for any proposal which involves the division of commercial or industrial property for the purposes of sale, lease, or transfer of ownership without completing the platting process pursuant to WMC Title 16 and RCW Chapter 58.17.
    a. There are two types of binding site plans:
        i. Binding Site Plan—New Developments. This type of binding site plan includes all applications to create legal lots in conjunction with a new development. Any binding site plan of this type less than five acres in size shall be administratively approved by the development review committee. Land division associated with any binding site plan of this type five acres or greater in size shall first be approved by city council with a recommendation by the planning commission (preliminary binding site plan approval). Following preliminary approval of the proposed land division, staff shall administratively approve proposed site improvements.
        ii. Binding Site Plan—Existing Developments. This type of binding site plan includes all applications to create legal lots in conjunction with an existing development or when no development is proposed. Any binding site plan of this type that is less than five acres shall be administratively approved by the development review committee. Any binding site plan of this type five (5) acres or greater shall be approved by city council with a recommendation by the planning commission.
            a. A pre-application conference is required for all binding site plan applications. Binding site plans shall be completed consistent with the requirements and provisions of RCW 58.17.035 and this chapter and shall be valid for the same period as a Type I or II site plan.
            b. Revisions to a binding site plan are permitted so long as any revisions are made through the site plan review process and are consistent with the regulations in effect at the time of application for revisions. If a binding site plan expires or is vacated, the parcel boundaries shall return to the original configuration. Vacation of a binding site plan shall require the signatures of all current owners of the parcels involved.

B. If a site plan review is part of an overall application that is subject to a higher approval authority, site plan review shall be considered in conjunction with the overall application by that higher review authority.

19.10.060 - Criteria for site plan approval.

A. In approving site plans, it shall be the responsibility of the Community Development Director to review each plan for compliance with all provisions of this chapter and any other applicable regulations that may affect the final plan as submitted or revised. The Community Development Director shall coordinate review with the Public Works Manager, Building Official, staff or contract fire professionals, and the city's reviewing consultants.

B. In reviewing a site plan for approval, the Community Development Director shall find that all of the following have been met:
   1. The proposal does or can comply with all applicable land use and development standards including but not limited to landscaping and screening requirements, parking and loading standards, frontage improvements, design standards, sewer and water standards, stormwater and erosion control standards, and critical areas standards, with or without conditions of approval. If compliance cannot be achieved by imposing conditions of approval, the application shall be denied.
   2. All conditions of any applicable previous approvals have been met.
   3. Proposed phasing plans comply with the requirements of WMC 19.10.120 and any necessary performance bonds or other suitable securities per WMC 19.10.110 have been secured.

19.10.070 - Preliminary site plan approval—Final civil plan approval.

A. Where a site plan is issued subject to conditions that require the submittal of additional materials or changes to existing plans (preliminary approval), the Community Development Director may require that the applicant submit for final civil plan approval to determine if the revised plans comply with the conditions of approval. If so required, the proponent must submit final civil construction drawings for review and approval. Unless waived by the Community Development Director, the final civil plan set shall include the following elements:

   1. Overall site plan that is substantially the same as that preliminarily approved.
   2. Final grading plan.
   3. Final stormwater plan and report pursuant to WMC Chapter 15.12.
   4. Erosion control plan pursuant to WMC Chapter 15.10.
   5. Final landscaping plan.
   6. Final utilities plan.
   7. Additional information as required by the Community Development Director or his/her designee.

B. **CITY OF WOODLAND:**
   Examined and Approved:
   This _____ Day of _____, 20_____.
   (Signed) _____
   Public Works Manager

C. Prior to decision, the Community Development Director may refer site plans for development proposals to the planning commission for review and comment and shall make

such referral when requested by the planning commission or as the Community Development Director or Public Works Manager deems appropriate.

D. Approved binding site plans shall be filed with the county auditor at the applicant's expense and three copies of the recorded document shall be returned to the Community Development Department. All lots or parcels created through the binding site plan procedure shall be legal lots of record.

19.10.100 - Compliance required and expiration.

Δ All development of the property for which a site plan was approved shall conform to the approved site plan and any conditions imposed thereon unless amended or replaced by a subsequent city approval.

B. An approved site plan (without phasing) shall be null and void if:
   1. Complete building permit applications for all proposed structures are not submitted to the Woodland Building Department within three years of site plan review approval.
   2. Construction does not commence within four years of site plan review approval.

C. A site plan review approval with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan.

D. Once expired, an applicant must re-apply for site plan review and receive approval before further development of the site proceeds. Expiration of site plan approval shall not apply to applicants with complete applications before the effective date of the ordinance from which this chapter is derived, September 16, 2013. The Community Development Director or his/her designee may approve up to two, one-year extensions if:
   1. There have not been any substantial changes in the laws governing the development of the site with which lack of compliance would be contrary to the changed laws;
   2. Approved building permits have been issued to the applicant; and
   3. The applicant has pursued development in good faith where good faith is evidenced by progress on final permitting, surveying, engineering, and construction of improvements.

19.10.110 - Completion prior to occupancy.

Δ All required public and site improvements and other conditions of site plan approval shall be met prior to occupancy of any site unless required sooner as a condition of approval provided that completion and occupancy may be accomplished in phases if approved by the Community Development Director or his/her designee as part of the site plan review process. Incomplete items may be secured by the issuance of a performance bond or other suitable security as a condition of approval to secure an applicant's obligation to complete the provisions and conditions of the approved site plan.

B. For binding site plans, the roads and utilities shown on the plan need not be constructed and/or installed at the time the property is divided. However, no permit required to build permanent structures upon any portion of the property, other than for site preparation (including grading and infrastructure installations), shall be issued until the roads and utilities necessary to serve that portion of the property have been constructed and installed or until arrangements acceptable to the city have been made to ensure that the construction and installation of such roads and utilities will be accomplished.

19.10.120 - Phasing.

Δ Upon written request, the Community Development Director or his/her designee may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than eight years without reapplying for site plan review.

B. The criteria for approving a phased site plan review application shall be as follows:
   1. All public facilities necessary to serve a phase shall be completed prior to or with the development of the phase.
   2. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable city standard.
   3. The phased development shall not result in requiring the city, other property owners, or latecomers, to construct public facilities that were required as part of the approved development proposal.

Staff Report: CBD Multi-family use and height increase

Date: July 14, 2016
To: Planning Commission
From: Amanda Smeller, Community Development Planner
Re: CBD Multi-family use and height increase

During the June 16 Planning Commission meeting, the commission decided to allow for up to four stories/forty-five feet in height for buildings in the C-1 district. Also, the Commission decided to allow multi-family developments without the requirement of a commercial space on the lowest floor. This includes a recommendation that the ground floor as at least 50% flexibility for converting to a commercial use.

The draft code is attached with the decisions made last month.

Chapter 17.32 - CENTRAL BUSINESS DISTRICT (C-1)

1732.010 - Purpose—Location.

The central business district (C-1) is a zoning classification providing for a wide range of retail and professional business uses and services compatible to the central business district of Woodland and providing a focal point of commerce in a setting conducive to safe, convenient, and attractive pedestrian use. 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 districts. The central business district is intended to be that area generally north of Dunham, south of Bozarth, east of the railroad, and west of Interstate 5.

17.32.020 - Permitted uses.

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

1. Artisanal/craft shop and shops for custom work or repair;
2. Arts and cultural facilities, institutions, and businesses such as museums, theaters, art galleries, and art studios;
3. Automatic teller machines (ATM);
4. Automobile sales (Indoor);
5. Bakeries with retail service;
6. Banks and financial services;
7. Bed and breakfast inns;
8. Community clubs, fraternal societies, and other places of assembly for membership groups;
9. Daycare center;

~~10. Dwelling units; provided residential uses are located above a permissible C-1 commercial use and adequate off-street parking is provided pursuant to Chapter 17.56. Lobbies for residential uses on upper floors may be located on the ground floor.;~~

~~11.~~10. Electric vehicle charging stations;
~~12.~~11. Entertainment facilities such as indoor theaters and playhouses;
~~13.~~12. Event center (three hundred person occupancy);
~~14.~~13. Existing, legally established, automotive repair and towing businesses established before December 27, 1979;
~~15.~~14. Existing, legally established, manufacturing and production businesses established before passage of the ordinance codified in this section, April 15, 2013;
~~16.~~15. Farm and garden stores;
~~17.~~16. Farmers' markets, bazaars, and open air markets;
~~18.~~17. Funeral homes and mortuaries;
~~19.~~18. Grocery stores, delicatessens, butcher shops, and indoor markets selling food and farm products;
~~20.~~19. Hardware and building supply stores (retail);
~~21.~~20. Home occupations provided they are accessory to single-family dwellings and meet the requirements of WMC 17.16.100;
~~22.~~21. Hotels, motels, and hostels;
~~23.~~22. Laundry and dry cleaning operations (retail and self);
~~24.~~23. Live-work units;
~~25.~~24. Medical clinics and offices;

~~26.~~25. Microbreweries, microdistilleries, and microwineries;
~~27.~~26. Motorcycle, scooter, bicycle, and other small motorized or non-motorized means of transportation (indoor and outdoor sales);
27. Multi-family Dwelling Units: Residential units are allowable without a commercial use. It is recommended that the ground floor has at least 50% flexibility for converting to a commercial use;
28. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully permitted in this zone, provided that such facilities must meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210 as now or hereafter amended;
29. Outdoor eating and/or drinking areas associated with an indoor facility;
30. Outdoor storage of product when: a. Accessory to a permitted use on site, b. Storage area does not exceed fifty percent of the area of the permitted use on a square foot basis, and c. Storage areas is located behind buildings and screened by landscaping or an architectural wall at least six feet in height. If appropriate, some viewing of activity may be allowed through gaps in screening.;
31. Personal and business services;
32. Pet stores and animal grooming businesses;
33. Plant nurseries;
34. Printing shops;
35. Professional and business offices;
36. Public and commercial recreation facilities, gyms, and sports complexes;
37. Public and private off-street parking facilities;
38. Public and quasi-public buildings and uses such as post offices, libraries, and government offices;
39. Public parks, open spaces, and courtyards;
40. Public transportation facilities such as bus stations, train stations, and transit shelters;
41. Recycling collection point;
42. Religious institutions;
43. Repair shops for small equipment and items;
44. Restaurants and cafes and other eating and drinking establishments;
45. Retail establishments, less than fifty thousand one square feet;
46. Signs and outdoor advertising displays pursuant to Chapter 17.52;
47. Single-family dwellings existing at the time of passage of the ordinance codified in this title shall be allowed to remain, and any additions or improvements thereto shall meet the standards of the LDR-6 district;
48. Taverns and liquor establishments;
49. Upholstery and furniture repair;
50. Veterinary offices and clinics without outdoor animal runs;
51. Uses similar to the above that are not otherwise listed in this chapter.

17.32.028 - Conditional uses—Administrative.

The following uses in the central business district (C-1) require conditional use permit approval from the public works director as per WMC Chapter 17.72.

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

17.32.030 - Conditional uses—Hearing examiner.
The following uses in the central business district (C-1) require conditional use permit approval from the hearing examiner as per WMC Chapter 17.72.
1. Automobile diagnostic and repair facilities, major and minor repairs;
2. Automobile sales (outdoor);
3. Automobile service stations, gas stations, and car washes;
4. Drive-through facilities;
5. Event center, greater than three hundred one person occupancy;
6. Farm machinery sales and services;
7. Hospital, psychiatric facility, rest home, home for the aged, nursing home, or convalescent home;
8. Schools (public, parochial, private, vocational, technical, business or other schools, nonprofit or operated for profit);
9. Shelters, temporary housing, emergency housing;
10. Wireless communication facilities.

17.32.032 - Administrative temporary uses.
The following uses in the central business district (C-1) require temporary use permit approval from the public works director or his or her designee as per WMC Chapter 17.70.
1. Agricultural stands;
2. Mobile vending carts;
3. Parking lot sales that are not ancillary to the indoor sale of similar goods and services;
4. Uses similar to the above to be located on a temporary basis in the C-1 district.

17.32.040 - Prohibited uses.
The following uses are specifically not permitted in the central business district (C-1):
1. Animal kennel, commercial/boarding;
2. Animal shelter;
3. Any use whose operation constitutes a nuisance by reason of smoke, fumes, odors, steam, gases, vibration, noise hazards or other causes readily detectable beyond property lines;
4. Collective garden, medical marijuana;
5. Commercial dispatch and maintenance facilities;
6. Drug treatment facilities;
7. Junkyards and wrecking yards;
8. Laundry/dry cleaning (industrial);
9. Lumber yards and other building material sales that sell primarily to contractors (wholesale);
10. Manufacturing and production, except those specifically listed as permitted uses in this chapter;
11. Outdoor sales of boats, campers, motor homes, and mobile homes;
12. Recreational vehicle park;
13. Recycling center or plant;
14. Sand, soil, gravel sales and storage;
15. Sexually oriented businesses;
16. Storage facilities, such as self-storage or recreational vehicle storage businesses;
17. Storage, distribution and warehousing when such use is not a part of and not essential to a permitted use; also, when it is proposed to be independently sited within the C-1 district or independently owned and operated within a permitted structure, i.e. using a second floor of a building;

18. Towing;
19. Wholesale businesses.

17.32.050 - Lots—Minimum size.
There are no limitations for minimum lot size.

17.32.060 - Lots—Width, depth.
There are no limitations for minimum lot width and depth.

17.32.070 - Building setbacks.
All setbacks shall be measured from the nearest wall or corner to the appropriate property line.

A. Front Setback. No limitations, except to provide room for a sidewalk in conformance with city standards;
B. Side Setback. No limitations, except where the C-1 zone abuts a residential zone, the side yard setback shall be that required by the residential zone;
C. Rear Setback. No limitations, except where the C-1 zone abuts a residential zone and there is no alley between the C-1 zone and the residential zone, the rear setback shall be that required by the residential zone.

17.32.080 - Building height.
No building shall be more than ~~three~~ four stories or ~~forty~~fifty-five feet in height.

17.32.090 - Lot coverage.
There are no limitations; provided the applicable setbacks are observed.

17.32.100 - Off-street parking.
Off-street parking in the C-1 district shall meet the requirements of Chapter 17.56.

17.32.110 - Screening—Landscaping.

A. Abutting Residential Zones. C-1 uses which abut residential districts along the side and rear property lines shall provide a sight-obscuring fence a minimum of six feet, but not more than eight feet high. In addition to the fence, hedges and shrubbery may be placed along the inside of the fence but shall not become a nuisance to adjacent properties.

   If the applicant proposes that the C-1 use and building will be visually and functionally compatible with the neighboring residential character of the area without providing a fence, the applicant shall present the proposal to the planning commission for a determination of zone and neighborhood compatibility. The planning commission may require the use and its site to be designed and landscaped so as to further blend into the area.
B. Corner Lots. Fences and hedges on corner lots shall be no higher than three feet along the front property line and three feet along the side street property line to a point equal to the front setback of the main building.

17.32.120 - Building and yard maintenance.
All buildings and yards in the C-1 district shall be maintained in a neat and orderly manner. Landscaping shall be maintained in a healthy, presentable state. Nonfunctional vehicles, machinery, appliances, steel drums, boxes, crates, pallets and related equipment and materials shall not be openly stored in front, side and rear yards.

17.32.130 - Lighting.

Lighting, including permitted illuminated signs, shall be designed and arranged so as not to:

A. Reflect or cast glare into any residential zone;

B. Rotate, glitter, or flash; and

C. Conflict with the readability of traffic signs and control signals.

Building & Planning Project Update (highlights)

(As of July 14, 2016 – supplement to DRC notes)

- Comprehensive Plan Update:
    - The Comprehensive Plan was adopted by Council in March and became effective on April 21, 2016.
    - The Critical Areas Ordinance must be updated as part of the Comprehensive Plan update and is due by December 2016.
        - The City Council passed a resolution on June 20 regarding the status and timeline of the Critical Areas Ordinance update as part of the Comprehensive Plan Update.
            - I am attending a full day Planner's Forum on July 21 that will cover the required critical areas ordinance updates. I will provide the Planning Commission an update the evening of the meeting. Draft code will be provided to the Commission in August.

- Shoreline Master Program Update:
    - The Department of Ecology has provided the City with review comments, which includes one required change and two recommended changes. I have spoken with the Department of Ecology regarding these changes and have no concerns.
    - Changes include:
        - Modification of Existing Flood Control Works (including relocation further landward) was mistakenly labeled as a Shoreline Conditional Use in our draft SMP submitted to Ecology. The City had proposed it to be a permitted use (still needing a Shoreline Substantial Development permit should the threshold/exemption limits be exceeded) specifically to allow the diking district to be able to maintain and modify the existing dike along Lewis River Road.
        - Boating Facility Standard: The Department of Ecology recommends that this language be added to boating facilities: "When feasible boating facilities shall be designed to be aesthetically compatible with the surrounding shoreline environment, and where aesthetic impacts are unavoidable, mitigation shall be provided." For the purposes of the SMP, boating facilities are defined as any public or private facilities for mooring, storing, or transfer of materials from vessels on the water, such as docks and piers, including on-land related facilities such as approaches and ramps, and includes any private and publicly accessible launch sites or facilities. A boating facility does not include on-land accessory facilities such as parking or storage. Docks, buoys, and marine railways that are accessory to four (4) or fewer single-family residences are also not boating facilities.
        - Non-Motorized Facilities, in the Traffic & Parking Standards section. Ecology is requiring that the City state that "soft surface trails (mulch or dirt) not wider than three (3) feet constructed for public access to shoreline areas, rather than indicating they are constructed for water

access. Ecology wants language allowing for trails (when they cannot be located outside the buffer) as long as the trails are intended to private visual or physical access to the shoreline areas. This is a required change by Ecology. If the City does not agree to this language change, we will have to work with Ecology to come up with other language or another agreement to meet this intent.

- The Council passed first reading for the ordinance to officially adopt the SMP is scheduled for June 20, 2016. During the July 5 meet, City Council voted to postpone final reading to August as there was public comment regarding the dock regulations on Horseshoe Lake. According to the Department of Ecology, it is too late in the process for the City to change any language in the document other than the comments made by Ecology. I am attending the Horseshoe Lake Management Committee meeting this evening and will provide a report to Planning Commission. I am also providing a report to City Council regarding the Department of Ecology comments and state rule.

- One single-family dwelling permits were issued in June: 1775 Lewis River Road.

- Certificate of Occupancy was issued for 320 Lolo Trail on June 10, 2016.

- The final Certificate of Occupancy was issued for Carl's Jr on May 20, 2016.

- The public hearing for the Richards' modified conditional use permit for 1773 N. Goerig is scheduled for August 9. This is to modify an approved conditional use permit to allow for rebar construction as a business.

- Columbia River Carbonate's submitted their Site Plan Review/SEPA applications for the proposed Agricultural lime prilling plant on their vacant property on Pekin Road. The packet is under completeness review.

- City Council will vote on first reading for Ordinance 1368, Impact Fee Deferral and for Ordinance 1369, Minor Variances for Non-Conforming Single-Family Residences at the July 18 regular meeting.