

City of Winlock  
Development Codes



Adopted  
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## **SECTION 1 – GENERAL ADMINISTRATION**

### **Chapters:**

- 1.010 General Provisions
- 1.020 Administration
- 1.030 Procedures
- 1.040 Definitions
- 1.050 Enforcement

## Chapter 1.010 - GENERAL PROVISIONS

### Sections:

- 1.010.010 Title
- 1.010.020 Applicability
- 1.010.030 Standards designated
- 1.010.040 Purpose
- 1.010.050 Organization
- 1.010.060 Term construction
- 1.010.070 Hierarchy of plans and regulations
- 1.010.080 Timing of regulations
- 1.010.090 Concurrency
- 1.010.100 More restrictive provisions govern
- 1.010.110 Severability
- 1.010.120 Enforcement

### **1.010.010 Title**

This Title shall be known as “The Winlock Development Code (WDC).” This document replaces all other related development chapters and ordinances within the City of Winlock.

### **1.010.020 Applicability**

No building or other structure shall be constructed, improved, altered, enlarged or moved; nor shall any use or occupancy of premises within the city be commenced or changed; nor shall any condition of or upon real property be caused or maintained; nor shall vegetation be removed or excavation be undertaken; after the effective date of the ordinance codified in this title, except in conformity with conditions prescribed by this title. Where the WDC imposes greater restrictions than those imposed or required by other rules, regulations or ordinances, the provisions of the WDC shall control.

It is unlawful for any person, firm, or corporation to erect, construct, establish, move into, alter, enlarge, use or cause to be used, any buildings, structures, improvements or use of premises contrary to the provisions of this title.

### **1.010.030 Standards designated**

The standards established by this title are determined to be the minimum requirements in the interest of public health, safety and general welfare. The City may impose conditions of approval beyond the standards identified herein in order to allow the use or activity being proposed.

### **1.010.040 Purpose**

The purposes of this document are: to implement the Winlock Comprehensive Plan (WCP); to encourage appropriate use of land; to conserve and stabilize the value of property; to aid in rendering of fire and police protection; to provide adequate open space for all types of recreation; to lessen the congestion on streets; to create orderly growth within the City and UGA, to distribute population wisely; to improve the city's appearance; to facilitate adequate provision of urban level utilities and facilities such as water, sewage, electrical distribution, transportation, schools, parks, and other public requirements; and in general to promote public health safety and general welfare.

### **1.010.050 Organization**

The text of the WDC is organized as follows:

- A. Title. The Winlock Development Code (WDC) is divided into four (4) Sections: Section 1, General Administration Chapters; Section 2, Zoning Chapters; Section 3, Land Divisions and Development Chapters, and Section 4, Critical Lands Chapters.

#### **1.010.060 Term construction**

- A. Defining Words. All words used in this title unless otherwise defined in Chapter 1.040, Definitions, shall be defined by the latest version of Merriam Webster's Unabridged Dictionary.
- B. Tenses and Usage.
1. Words used in the singular include the plural. The reverse is true.
  2. Words used in the present tense include the future tense. The reverse is true.
  3. The words "must," "shall," "will" and "will not" are mandatory.
  4. "May" is permissive.
  5. "Prohibited" means that the proposed use or improvement is not allowed. An adjustment, variance, conditional use or other land use review shall not be approved if the effect of the approval would circumvent a prohibition. This does not preclude the council from making legislative changes in accordance with state law.
- C. Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:
1. "And" indicates that all connected items or provisions apply;
  2. "Or" indicates that the connected items or provisions may apply singly or in combination; and
  3. "Either...or" indicates that the connected items or provisions apply singly, but not in combination.
- D. Lists. Lists of items that state, "Including the following," "such as," or similar language are not limited to just those items. Lists provide examples, but do not exhaust all possibilities.

#### **1.010.070 Hierarchy of plans and regulations**

- A. General hierarchy. When interpreting land use plans, policies, maps and standards, the city review authority shall apply the following general hierarchy of authority. In case of ambiguity or conflict, the review authority shall refer to and rely upon the Winlock Comprehensive Plan (WCP) for guidance above all other city texts or maps.
1. The WCP is the highest authority. Plan text supersedes plan designation maps.
  2. The Winlock Capital Facilities Plan (CFP) element of the WCP is the next level of authority and must be interpreted to be consistent with the WCP.
  3. The Winlock Development Code (WDC) text and zoning maps are the next level of authority. WDC text supersedes zoning maps. Interpretations of WDC text and zoning maps must be consistent with the WCP and Winlock CFP.
  4. The city public works and engineering standards are the lowest authority. Interpretations of the city public works and engineering standards must be consistent with the WCP and Winlock CFP and with the WDC text and zoning maps.

5. The review authority shall not interpret general language in the WCP so as to supersede specific or numeric standards in the WDC or adopted engineering standards.

#### **1.010.080 Timing of regulations**

##### **A. Land Use Approval and Building Permits.**

1. The review authority shall not process an application until the review authority finds the application to be technically complete.
2. A technically complete application is an application that fully complies with the relevant portions of Chapter 1.030 (Procedures) and this Title.
3. The city will process technically complete applications for land use review relying upon the regulations in effect at the time the applicant submitted a complete application to the city.

##### **B. Legislative Changes.** Applications for legislative changes, such as a plan amendment or annexation, do not create a vested right to development regulations in effect at the time the legislative application was submitted.

#### **1.010.090 Concurrency**

##### **A. Transportation.** The city shall not approve a land use action if the action proposed will cause the level of service (LOS) on a transportation facility to fall below the LOS adopted within the CFP for that roadway or intersection.

##### **B. Other concurrency requirements.** The city shall ensure that all public facilities and services identified in the adopted CFP are adequate to serve the development at the time it is available for occupancy and use without decreasing current service levels below the levels of service established in the Winlock CFP.

##### **C. Approval.**

1. Exception. The city may approve a land use action which would result in a reduction of LOS below adopted CFP standards if the transportation improvements or strategies necessary to accommodate the impacts of the land use action are made concurrent with the development. Such strategies might include: increased public transportation services, ride sharing programs, demand management or other transportation systems management strategies, proportional off-site improvements. (See, RCW 36.70A.070(6)(e)).
2. For the purposes of this subsection, "concurrent with the development" means that improvements or strategies are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years.
3. The burden is on the one requesting the land use action to demonstrate, by a preponderance of evidence, whether the proposed action would not result in a reduction in the LOS for a transportation facility to fall below the standards or LOS adopted within the CFP.

**1.010.100 More restrictive provision governs**

Where the conditions imposed by any provision of this title upon the use of land or building or upon the size, location, coverage or height of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this title or of any ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

**1.010.110 Severability**

The Winlock City Council hereby declares that should any section, paragraph, sentence, or word of this Chapter be declared for any reason to be void or unconstitutional, it is hereby provided that all other parts of the same which are not expressly held to be void or unconstitutional shall continue in full force and effect.

**1.010.120 Enforcement**

The City of Winlock reserves the right and authority to pursue all legal means of enforcement of all parts of the Winlock (WDC).



## Chapter 1.020 - ADMINISTRATION

### Sections:

- 1.020.010 Planning Commission
- 1.020.020 Planning Department
- 1.020.030 Review Authority
- 1.020.040 Interpretations
- 1.020.050 Conditions of Approval
- 1.020.060 Administrative Authority
- 1.020.070 Enforcement
- 1.020.080 Record Maintenance
- 1.020.090 Application Fee Schedule

### **1.020.010 Planning Commission**

There is hereby created the Winlock Planning Commission (The Commission) to consider and take actions consistent with Chapter 35.63 RCW.

### **1.020.020 Planning Department**

The City Council may, at its discretion, create a Winlock Planning Department which shall have such duties, authority and financing as the council deems appropriate. The Mayor shall assign a person with the responsibility of directing the activities of the Winlock Planning Department who shall be known as the Planning Director. In the absence of a Planning Department the City Planner shall assume the role of the Planning Director

### **1.020.030 Review Authority**

The review authority shall be that individual or governing body delegated with the responsibility of issuing a final decision on a land use proposal. The review authority responsible for issuing final decision for land use proposals shall be as follows:

- A. Type I application, Planning Director,
- B. Type II application, Planning Director,
- C. Type III application, Hearing Examiner, and
- D. Type IV application, City Council, upon receipt of the recommendation of the Planning Commission, where appropriate.

### **1.020.040 Interpretations**

- A. The review authority responsible for making a decision regarding a given application may interpret relevant ambiguous terms in this title in the course of or in advance of making a decision on the merits of the application.
  - 1. If an interpretation is made in advance of a decision on the merits of an application, the interpretation shall be in writing and shall be included as part of the decision on the merits of the application.
  - 2. An interpretation may be appealed as part of an appeal of the decision on the merits of an application.

- B. A use that is not listed in any zone or district may be permitted by similar use determination pursuant to Type I process under Section 1.030.080 WDC.

**1.020.050 Conditions of approval**

The Review Authority may impose conditions of development approval necessary to either ensure compliance with the purposes of this title, or to preserve and promote the general health, safety and welfare of Winlock.

**1.020.060 Administrative Authority**

- A. Designation of Review Authority and Responsible Official.
1. Unless otherwise noted, the Planning Director, or the Mayor's designee, shall be the primary review authority and shall interpret and apply the provisions of the WDC.
  2. The Hearing Examiner shall be the review authority for Type III quasi-judicial reviews.
  3. Where noted in the WDC, the city engineer shall interpret and apply the provisions of the WDC relating to transportation, water and sewer facilities and all other city infrastructure.
  4. The Winlock Building Official shall interpret and apply the building and construction provisions which the city has adopted.
  5. The Planning Director, or the Mayor's designee, shall be the Responsible Official for purpose of local administration of the State Environmental Policy (SEPA), WDC 18.310.
  6. The Planning Director or Director's designee shall be the responsible official for the purpose of administering the International Fire Code, 15.05.030(2) WDC.
- B. Review Authority. Unless otherwise noted, it shall be the duty of the responsible official to interpret and apply the provisions of the WDC. An interpretation shall be subject to appeal pursuant to Section 1.030.130 WDC. The review authority response shall be in writing and kept on permanent file.

**1.020.070 Enforcement**

It shall be the duty of the review authority to determine the applicability of the WDC for enforcement purposes. All departments, officials and public employees of the city vested with the duty or authority to issue permits, shall conform to the provisions of the WDC and shall issue no permit, certificate or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by the WDC. Any permit, certificate or license issued in conflict with the provisions of the WDC, intentionally or otherwise, shall be void. The review authority shall be responsible for carrying out the enforcement provisions of this Title.

**1.020.080 Record Maintenance**

- A. The Planning Director, or Mayor's designee, shall maintain the official Winlock Comprehensive Plan Map, Zoning Map, Critical Areas maps and other official land use maps and shall, from time to time, update these maps to reflect amendments by the City Council.

The City Clerk shall maintain the complete record of all land use planning applications and decisions.

**1.020.090      Application Fee Schedule**

The City Council shall establish a land use application fee schedule which should be reviewed on a yearly basis.

## Chapter 1.030 - PROCEDURES

### Sections:

- 1.030.010 Review Required
- 1.030.020 Pre-application review
- 1.030.030 Application types and classification
- 1.030.040 Application contents
- 1.030.050 Review for technically complete status
- 1.030.060 Vesting
- 1.030.070 Approval criteria
- 1.030.080 Type I procedure
- 1.030.090 Type II procedure
- 1.030.100 Type III procedure
- 1.030.110 Type IV procedure
- 1.030.120 Notices
- 1.030.130 Appeal
- 1.030.140 Expiration and extension of decisions
- 1.030.150 Post-decision review
- 1.030.160 Reapplication

### **1.030.010 Review Required**

Land use project review and approval is required prior to issuance of building permits for the following:

- A. All residential developments which result in more than one dwelling unit;
- B. All permitted or conditional uses in any district, other than one detached single-family residences;
- C. All changes in the use of a structure or land that increase the intensity of use, such as by increasing the gross floor area, height or bulk of the structure, number of access points or parking spaces, number or size of signs, or other measures of intensity or that changes the structure location or significant elements of the site plan or design;
- D. Building and demolition permits or any change, except painting and minor repair, to the exterior of properties listed on the National Historic Register of Historic Places;
- E. Any expansion or alteration of a non-conforming use.

### **1.030.020 Pre-application review**

- A. Applicability
  - 1. Unless otherwise expressly provided in this Title, all applications subject to Type II, Type III, or Type IV review are subject to pre-application review unless the Director waives the requirement in writing on a form provided by the city clerk for that purpose.
  - 2. The applicant shall submit the pre-application materials to the city clerk.
- B. Waiver. The city discourages waiver of the pre-application process. In the event that the Director waives the pre-application review, the pre-application waiver form shall state that waiver of pre-application review may increase the maximum time for review for technically

complete status and may increase the risk that the application will be rejected, or processing will be delayed.

C. Application Contents.

1. At a minimum, a pre-application submittal shall include the following:
  - a. The requisite fee and ten (10) copies of the following information;
  - b. A completed form provided by the city clerk for that purpose;
  - c. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
  - d. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering, structures and landscaping on the site; existing and proposed natural features on the site, including vegetation, topography and grades; existing and proposed utilities (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned. The applicant is encouraged to submit drawings showing the elevation(s) of a proposed primary structure;
  - e. Proposed dedications to the city or other agency, if applicable;
  - f. A legal description of the site; and
  - g. A written description of the proposed use or development. The description shall identify any variances, adjustments or exceptions needed for approval of the plan.

D. Scheduling, Notice and Attendees.

1. Within 7 calendar days after receipt of an application for pre-application review, the city clerk shall mail or otherwise convey written notice of the pending pre-application conference to the applicant and other interested agencies. The notice shall state the date, time and location of the pre-application conference, the purposes of pre-application review, and the nature of the conference. Notice of the proposed pre-application meeting shall be posted on the city hall bulletin board.
2. The pre-application conference shall be scheduled not more than 21 calendar days after the notice is mailed or otherwise conveyed.
3. The Planning Director shall determine who shall be invited to the meeting. In addition to the applicant and representatives, possible attendees include the Director of Public Works, the consulting city engineer, a representative from affected service districts, and representatives from interested state agencies and neighborhood associations recognized by the City Council or by Lewis County.

- E. Meeting Summary. Within 14 calendar days after a pre-application conference, the Director will provide a written summary of the conference to the applicant, the city clerk and to other persons who request it. The written summary shall, to the extent possible:
1. Summarize the proposed application(s);
  2. Identify the relevant approval criteria and development standards in the city code or other applicable law; and exceptions, adjustments or other variations from applicable criteria or standards that may be necessary;
  3. Evaluate the information offered by the applicant to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or is recommended to respond to other issues;
  4. Identify applicable application fees in effect at the time, with a disclaimer that fees may change;
  5. Identify information relevant to the application that may be in the possession of the city or other agencies of which the city is aware, such as:
    - a. Comprehensive plan map designation and zoning on and in the vicinity of the property subject to the application;
    - b. Physical development limitations, such as steep or unstable slopes, wetlands, or water bodies, that exists on and in the vicinity of the property subject to the application;
    - c. Other applications that have been approved or are being considered for land in the vicinity of the property subject to the proposed application that may affect or be affected by the proposed application.
- F. Time Limit. The written summary of a pre-application conference is valid for up to one year. If more than one year has elapsed between the date of the last pre-application conference and the date an application is submitted, a new pre-application conference may be required.

#### **1.030.030 Application types and classification**

- A. Applicability. Applications for land use review are subject to procedures in this chapter unless otherwise expressly provided in other titles of the WDC.
- B. Concurrent Application. If the applicant requests more than one type of review for a given development, an applicant may submit all applications required for the development at one time, unless otherwise prohibited from doing so by law. Concurrent applications for a given development are subject to the highest number procedure that applies to any of the applications.
- C. Procedure Types. There are four types of land use review procedures. This chapter or the chapter that authorizes an application generally identifies the type of procedure that applies to the application. If the appropriate procedure is not clearly defined, the Director shall decide which of the four procedures will apply, based on the following considerations:
1. A Type I process generally involves nondiscretionary standards or standards that require the exercise of professional judgment about technical issues. It is generally exempt from SEPA review.

2. A Type II process generally involves a mix of discretionary and nondiscretionary standards that require the exercise of limited discretion about non-technical issues and about which there may be a limited public interest. It may be subject to SEPA review.
3. A Type III process generally involves standards that require the exercise of substantial discretion and about which there may be a broad public interest. SEPA review is generally required.
4. A Type IV process involves the creation, implementation or amendment of policy or law by ordinance. In contrast to the other three procedure types, the subject of a Type IV process applies to a relatively large geographic area containing many property owners. SEPA review is generally required.

D. Undefined review. If this title is silent as to the type of review procedure required, the Director shall, using a Type I review process, determine the appropriate level of review.

#### **1.030.040 Application contents**

An applicant for development review shall submit the requisite fee and ten (10) copies of the information required by Section 1.030.050 WDC except as otherwise provided therein, and drawings showing the elevations of all sides of proposed structure(s).

#### **1.030.050 Review for technically complete status**

- A. Applicability and Schedule. Before accepting an application subject to a Type I, II or III review, the Director shall determine whether the application is technically complete as follows:
  1. Within 14 calendar days after the application is submitted if the application was reviewed at a pre-application conference; or
  2. Within 28 calendar days after the application is submitted if the application was not reviewed at a pre-application conference; or
  3. Within fourteen (14) calendar days after an application is amended for the purpose of providing all information necessary to make it complete.
- B. Standards for Technical Completeness. An application is technically complete if it includes the information required by the Winlock Development Code section(s) that apply to the application in question. An application is technically complete if it includes four copies of the following information:
  1. A completed form provided by the city clerk for that purpose;
  2. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
  3. An environmental checklist or EIS, if applicable under Chapter 1.310 WDC;
  4. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale, existing and proposed lots, tracts, easements, rights-of-way and structures on the site, and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall

- provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned;
5. Proposed easements or dedications to the city or other agency, if applicable;
  6. Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Lewis County Assessor;
  7. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance;
  8. A legal description of the site;
  9. A copy of the pre-application conference summary, if the application was subject to pre-application review, which shall include all information required to address issues, comments and concerns in the summary;
  10. A written description of how the application does or can comply with each applicable approval criterion, and basic facts and other substantial evidence that supports the description;
  11. The names and addresses of owners of land within a radius of 150 feet of the site for an application subject to Type II review and within a radius of 300 feet of the site for an application subject to Type III review. Owner names and addresses shall be printed on mailing labels affixed to pre-stamped envelopes.
    - a. The applicant shall submit a statement by the assessor's office or a title company certifying that the list is complete and accurate, based on the records of the Lewis County assessor within 30 days of when the list is submitted.
    - b. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, then notice shall be mailed to owners of property within a 150- or 300-foot radius, as provided above, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application;
  12. Applications necessarily associated with the proposal, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the road standards that are required to approve the proposal;
  13. A wetlands delineation and assessment if required by Chapter 1.300 WDC, prepared and signed by a qualified professional and an application for a critical area permit and associated preliminary plan, if required;
  14. A study, prepared by a geotechnical engineer or geologist, licensed in the State of Washington if:
    - a. The city engineer determines that the applicant proposes to place substantial fill on the site; or
    - b. The site contains land identified by the city, Lewis County or the State of Washington as having slopes in excess of 25 percent or as being subject to instability,



unless the applicant will not develop or otherwise significantly affect such lands or shows that the site does not contain unstable soils or steep slopes;

15. An archaeological predetermination if the area proposed for development contains lands classified as having moderate or higher probability of containing archaeological resources according to Lewis County mapping resources.
  16. Preliminary grading, erosion control and drainage plans may be required for Type I applications. Type II and Type III applications shall include such a plan and it shall be consistent with applicable provisions of, Section 4 – Critical Lands;
  17. Information about proposed utilities, including water and sanitary waste.
- C. When Information May be Excluded. The Director may accept as technically complete an application without information listed as being required if such information is not necessary to make a finding required by the law.
- D. When Information is Missing. If the Director determines an application is not technically complete, he or she shall send the applicant a written statement rejecting the application based on a lack of information. The statement shall:
1. List what is required to make the application technically complete;
  2. Specify a date by which the required missing information must be provided;
  3. State that the applicant can apply to extend the deadline for filing the required information, and explain how to do so; and
  4. Include recommendations for additional information that, although not necessary to make the application technically complete, are recommended to address other issues that are or may be relevant to the review.
- E. Final Actions for a Technically Incomplete Application. If the Director decides that all of the required information is not submitted by the date specified, or as extended, he or she shall:
1. Return to the applicant the application with a statement rejecting the application for lack of completeness; or
  2. Issue a decision denying the application based on a lack of information.
- F. Notice of a Technically Complete Application. Within 14 calendar days of deciding an application is technically complete, the Director shall send to the applicant a written statement to that effect and the expected review schedule, including the date of a hearing for an application subject to a Type III process.

#### **1.030.060 Vesting**

A land use application is subject to the applicable city regulations in effect on the day the city accepted the application, if it is technically complete. If the Planning Director finds the application to be technically incomplete, the vesting date shall be the date upon which the applicant submitted all materials needed to make the application complete.

#### **1.030.070 Approval criteria**

The review authority shall approve an application for project review if he or she finds the applicant has sustained the burden of proving that:

- A. The application complies with the applicable regulations of the Winlock Development Code; or that the application can comply with all applicable regulations by complying with adopted conditions of approval; or that necessary adjustments, exceptions, modifications or variations have been approved and shall be subject to approval prior to final plat approval.
- B. The development makes adequate provision for public services consistent with the level of service provided in adopted city policies, plans and regulations.

#### **1.030.080 Type I procedure**

- A. Decision. Within 21 calendar days after the date an application subject to a Type I process is accepted as technically complete, the review authority shall issue a decision that approves, approves with conditions, or denies the application; provided, an applicant may agree in writing to extend the time and may provide additional information within that time at the request of the city. The decision shall include a brief summary of the relevant facts and applicable standards for the application and of how the application complies with those standards based on the facts and evidence, including any conditions of approval.
- B. Notice of the Decision. Within seven (7) calendar days after issuing a decision regarding an application subject to a Type I process, the city clerk shall mail a copy of the decision to the applicant and applicant's representative(s).
- C. Appeal and Post-Decision Review. The applicant may appeal the decision pursuant to Section 1.030.130 WDC or may apply for post-decision changes pursuant to Section 1.030.150 WDC.

#### **1.030.090 Type II procedure**

- A. Notice of Application. Within 14 calendar days after the date an application subject to Type II review is accepted as technically complete, the city clerk shall mail a written notice of the application as provided in Section 1.030.120 WDC.
- B. Comments. The city clerk shall mail to the applicant a copy of comments timely received in response to the notice together with a statement that the applicant may respond to the comments within 14 calendar days from the date the comments are mailed.
- C. Decision.
  - 1. Within 56 calendar days after the date an application subject to a Type II process is accepted as technically complete, the review authority shall issue a decision that approves, approves with conditions, or denies the application; provided, an applicant may agree in writing to extend that time and may provide additional information within that time at the request of the city.
  - 2. The decision shall include a brief summary of the relevant facts and applicable standards for the application and a summary of how the application complies with those standards based on the facts and evidence, including any conditions of approval.
- D. Notice of Decision. Within seven (7) calendar days after issuing a decision, the city clerk shall mail notice of the decision as provided in Section 1.030.120 WDC.
- E. Appeal and Post-Decision Review. A final decision regarding an application subject to Type II process can be appealed pursuant to Section 1.030.130 WDC and can be amended by post-decision changes pursuant to Section 1.030.150 WDC.

**1.030.100 Type III procedure**

- A. **Hearing.** An application subject to a Type III process will be considered at one or more public hearings before a city hearings examiner. The city clerk shall schedule a public hearing for an application within 78 calendar days after the date the city found the application was technically complete.
- B. **Notice of Hearing.** At least 15 calendar days before the date of the hearing, the city clerk shall mail public notice of the hearing as provided in Section 1.030.120 WDC. At least 10 days before the date of the hearing, the city clerk shall cause notice of the hearing to be published and posted as provided in Section 1.030.120 WDC.
- C. **Staff Report.** At least seven (7) calendar days before the date of the hearing, the Planning Director shall issue a written staff report regarding the application(s). The staff report shall set out the relevant facts and applicable standards for the application and a summary of whether the application complies with those standards based on the facts and evidence, including any conditions of approval. The city clerk shall mail a copy of the staff report to the hearings examiner, the applicant, and the applicant's representative(s) and other parties who request it. Copies of the staff report also shall be available at City Hall seven days prior to the hearing and at the public hearing.
- D. **Public Hearings.** Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing examiner, except to the extent waived by the hearings examiner. A public hearing shall be recorded on audio or audiovisual tape.
1. At the beginning of the hearing, the hearings examiner shall:
    - a. State that testimony will be received only if it is relevant to the applicable standards and is not unduly repetitious;
    - b. Identify the applicable standards;
    - c. State that a witness may request that the hearings be continued or that the record be kept open for a period of time;
    - d. State that the hearings examiner must be impartial and whether the hearings examiner has had any ex-parte contact or has any personal or business interest that could affect his impartiality regarding an application. The hearings examiner shall allow witnesses to challenge his or her impartiality;
    - e. State whether the hearings examiner has visited the site;
    - f. State that persons who want to receive notice of the decision may sign a list for that purpose at the hearing and indicate where it is kept; and
    - g. Summarize the conduct of the hearing and the order of testimony.
  2. At the conclusion of the hearing on each application, the hearings examiner shall announce one of the following actions:
    - a. That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.

- b. That the public record is held open to a date and time certain. The hearings examiner shall state where additional evidence and testimony can be sent and shall announce any limits on the nature of the evidence that will be received after the hearing.
  - c. That the application(s) is/are taken under advisement, denied, approved, or approved with conditions, together with a brief summary of the basis for the decision, and that a final order will be issued as provided in this section; provided, the hearings examiner shall not make a final decision regarding the application(s) until at least 15 calendar days after the SEPA threshold determination is made.
- E. Decision. Within 14 calendar days after the date the record closes regarding a given application(s), the hearings examiner shall submit to the city clerk a written decision regarding that application(s). The decision shall set out the relevant facts and applicable standards for the application(s) and a summary of how the application(s) complies with those standards based on the facts and evidence, including any conditions of approval.
- F. Notice of Decision. Within seven (7) calendar days of the date of the decision, the city clerk shall mail a notice of decision as provided in Section 1.030.120 WDC.
- G. Appeal and Post-Decision Review. A final decision regarding an application subject to Type III process can be appealed pursuant to Section 1.030.130 WDC and can be amended by post-decision changes pursuant to Section 1.030.150 WDC.

#### **1.030.110 Type IV procedure**

- A. Hearing. An application subject to a Type IV process will be considered at one or more public hearings before the planning commission and one or more public hearings before the city council. The planning commission and city council may combine their meetings into one public meeting.
- B. Notice of the Initial Planning Commission Hearing. At least 14 calendar days before the date of the first planning commission hearing regarding an application subject to a Type IV process, the city clerk shall mail public notice of the hearing to parties who have requested such notice and to other individuals, firms or agencies as deemed appropriate. At least 10 days before the date of the hearing, the city clerk shall cause notice of the hearing to be published as provided in Section 1.030.120 WDC
- C. Staff Report. At least seven (7) calendar days before the date of the first planning commission hearing, the city clerk shall issue a written staff report regarding the application. The staff report shall set out the relevant facts and applicable standards for the application and a summary of how the application complies with those standards. The city clerk shall mail a copy of the staff report to the planning commission and to other parties who request it. Copies of the staff report also shall be available at the public hearing.
- D. Public Hearings. Public hearings shall be conducted in accordance with the rules of procedure adopted by the review authority, except to the extent waived by the review authority. A public hearing shall be recorded on audio or audiovisual tape.
- 1. At the conclusion of a planning commission hearing on an application subject to a Type IV process, the planning commission shall announce one of the following actions, which may not be appealed:
    - a. That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed

or published. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing; or

- b. That the planning commission recommends against or in favor of approval of the application(s) with or without certain changes, or that the planning commission makes no recommendation regarding the application(s), together with a brief summary of the basis for the recommendation.
2. At least 14 calendar days before the date of the first hearing before the city council, the city clerk shall mail public notice of the hearing to parties who have requested such notice and to other individuals, firms or agencies as deemed appropriate. At least 10 days before the date of the hearing, the city clerk shall cause notice of the hearing to be published as provided in Section 18.030.120 WDC.
  3. At the conclusion of its initial hearing, the city council may continue the hearing, take an action forwarding the application for further review consistent with the Winlock Development Code, or take an action to terminate or postpone further consideration of the application. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed or published. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.
- E. Appeal and Post-Decision Review. An application subject to a Type IV process is not subject to appeal or post-decision review before the city.

#### **1.030.120 Notices**

- A. Contents of a Notice of Application Subject to Type II Review. The notice of Type II application shall contain at least the following information:
1. The file number;
  2. The name(s) and address(es) of the applicant and owner;
  3. The legal description of the site;
  4. The street address or other easily understood geographical reference to the subject property;
  5. A map depicting the subject property in relation to surrounding properties;
  6. A description of the proposal;
  7. A copy of the preliminary plan or plat;
  8. A list of the applicable standards for the application;
  9. A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the city's cost for providing the copies;
  10. An invitation to comment, in writing, on the proposal and the place, date and time that comments are due.
  11. A statement outlining the appeals process.
- B. Contents of a Mailed Notice of a Public Hearing for an Application Subject to a Type III Process. Mailed notice of a public hearing shall contain at least the following information:

1. The information required by Section 1.030.120(A) WDC
  2. The date, time and place of the hearing;
  3. A statement that the city hearings examiner will conduct the hearing in accordance with the rules of procedure adopted by the hearing examiner;
  4. A statement that interested parties may testify orally or in writing at the public hearing and that copies of the staff report will be available at City Hall not less than seven days before the date of the hearing;
  5. The name and telephone number of the city staff person to contact for information about the case or to review the case file.
- C. Contents of a Published and Posted Notice of a Public Hearing for an Application Subject to a Type III Process. Published and posted notice of a public hearing shall contain at least the following information:
1. The date, time and place of the hearing;
  2. The case number(s);
  3. The nature and location of the proposal; and
  4. Instructions for obtaining further information.
- D. Contents of a Notice of a Decision. Notice of a decision subject to a Type I, Type II or Type III process shall contain at least the following information:
1. A copy or summary of the written decision;
  2. A statement that the decision and SEPA threshold determination (if applicable) are final unless appealed to the city hearings examiner (Type II decision) or the city council (Type III decision) as provided by Section 1.030.130 WDC within 15 calendar days after the date the notice of the decision is mailed;
  3. The appeal closing date;
  4. A description of how to file an appeal of the decision or SEPA determination or both, including applicable fees;
  5. A statement that the public record in the case is available for review and the place, days and times for review; and
  6. The name and telephone number of the city staff person to contact for information about the case or to review the case file.
- E. Distribution of Notices by Mail.
1. The city clerk shall mail notice of application subject to Type II review to:
    - a. The applicant and the applicant's representative;
    - b. Owners of property within a radius of 150 feet of the property that is the subject of the application; provided, if the applicant owns property adjoining or across a right-of-way or easement from the subject property, then notice shall be mailed to owners of property within 150 feet of the edge of such additional property owned by the applicant.

- i The property owner of record shall be the person(s) listed in the records of the Lewis County assessor; and
    - ii Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be conclusive evidence that notice was mailed to parties listed or referenced in the certificate;
  - c. Agencies with jurisdiction;
  - d. Other persons who request such notice in writing.
2. The city clerk shall mail notice of a hearing regarding an application subject to a Type III process to:
  - a. The applicant and the applicant's representative;
  - b. Owners of property within a radius of 300 feet of the property that is the subject of the application; provided, if the applicant owns property adjoining or across a right-of-way or easement from the subject property, then notice shall be mailed to owners of property within 300 feet of the edge of such additional property owned by the applicant.
- F. The property owner of record shall be the person(s) listed in the records of the Lewis County assessor; and
- G. Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing executed by the person who did the mailing shall be conclusive evidence that notice was mailed to parties listed or referenced in the certificate;
  1. Agencies with jurisdiction;
  2. Other persons who request such notice in writing.
- H. Published and Posted Notice. The city clerk shall cause notice of an initial hearing for an application subject to a Type III process to be published in a newspaper of general circulation in the area and posted in at least two (2) locations in the public right-of-way abutting the property or on the property subject to the application. The Director shall develop a standard notice format for publication and posting.

### **1.030.130 Appeal**

- A. Deadline for Appeal. An appeal together with the requisite fee and information must be received by the city clerk within 14 calendar days of the date of the decision being appealed.
- B. Standing.
  1. A final decision regarding an application subject to a Type I process may be appealed by anyone.
  2. A final decision regarding an application subject to a Type II process may be appealed by the applicant or applicant's representative or by any person, agency or firm with an interest in the matter.
  3. A final decision regarding an application subject to a Type III process may be appealed by the applicant or applicant's representative or by any person, agency or firm who

offered oral or written testimony before the hearing's examiner closed the public record in the case.

C. Appeal Contents. An appeal shall include the appropriate fee and the following information:

1. A form provided for that purpose by the city;
2. The case number as designated by the city;
3. The name of the applicant;
4. The name, address and signature of each appellant;
5. The specific aspect(s) of the decision and/or SEPA issue being appealed;
6. The reasons why each aspect is in error as a matter of fact or law; and
7. The evidence relied on to prove the error.

D. Process for an Appeal.

1. Within seven calendar days after a timely, complete appeal is filed regarding a decision subject to a Type I process, the city clerk shall send to the hearing examiner a copy of the appeal and the case file together with any new evidence submitted with the appeal. The hearing examiner shall conduct a de novo review. Within 21 calendar days after a timely, complete appeal is filed, the hearing officer shall send to the city clerk a final decision for distribution to the applicant and applicant's representative.
2. For an appeal regarding a decision subject to a Type II process, the city clerk shall schedule a public hearing to be held by the hearing examiner not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for application subject to a Type III process in Section 1.030.100 WDC
3. For an appeal regarding a decision subject to a Type III process, the city clerk shall schedule a public hearing to be held by the city council not more than 35 days from the date a complete appeal was timely filed. Notice and a staff report shall be provided, a public hearing shall be conducted, and a decision shall be made and noticed regarding the appeal as for application subject to a Type III process in Section 1.030.100 WDC. The appeal must be a closed record appeal subject to RCW 36.70B.060 (3).

**1.030.140 Expiration and extension of decisions**

- A. Except as otherwise expressly provided by the Winlock Development Code or the decision in question, decisions made pursuant to this chapter expire two (2) years after the effective date of the decision unless, within that time, the applicant or a successor in interest files an application for an extension of the decision or submits an application for project review or a building permit, or undertakes substantial development of the use authorized by the decision. Approval of a preliminary long plat or short plat shall expire within five (5) years from the date of approval.
- B. An application for extension of a decision is subject to a Type I process. An applicant for an extension shall submit the requisite fee, a completed application review form provided for that purpose by the city, and text describing how the application complies with the approval criteria for an extension, and basic facts and other substantial evidence to support the text.



- C. The Planning Director may approve a single one-year extension of a decision if he or she finds that the relevant facts and the law have not changed substantially since the original approval, or that the application can comply with the law in effect on the date the application for the extension was filed by complying with certain additional and/or modified conditions of approval, and those additional conditions and/or modifications are adopted.

#### **1.030.150 Post-decision review**

- A. Generally. Post-decision review may change decisions and conditions of approval without necessarily subjecting the change to the same procedures as the original decision. Such changes may be warranted by ambiguities or conflicts in a decision and by new or more detailed information, permits or laws. Post-decision review cannot substantially change the nature of the development approved pursuant to a given decision and can only be conducted regarding a decision that approves or conditionally approves an application. An application that is denied is not eligible for post-decision review.
- B. Eligibility and Contents. An applicant or successor in interest may, at any time, file an application for post-decision review of a Type I, II or III decision, describing the nature of and the basis for the proposed change to the decision, including the applicable facts and law, together with the fee prescribed for that application by the city council.
- C. Relationship to an Appeal. An application for post-decision review does not extend the deadline for filing an appeal of the decision being reviewed and does not stay appeal proceedings.
- D. Preliminary Processes.
1. An application for post-decision review is not subject to pre-application review.
  2. An application for post-decision review is subject to technical completeness review, Section 1.030.050 WDC; provided, the review authority shall not require an application for post-decision review to contain information that is not relevant and necessary to address the requested change or the facts and law on which it is based. As part of the technical completeness review, the Planning Director shall:
    - a. Determine whether the proposed change can be reviewed as a post-decision review or should be subject to a new application on the merits of the request;
    - b. Classify an application for post-decision review as a Type I, II or III process based on the circumstances of the original decision and the guidelines in subsection (5) of this section.
  3. Notify the applicant in writing of the determination and classification.
    - a. The classification of the application is subject to appeal as part of the decision on the merits of the post-decision review.
    - b. A decision denying post-decision review and requiring a new application may be appealed to the hearing's examiner.
- E. Post-Decision Review Guidelines.
1. An application for post-decision review of a Type I decision shall be subject to a Type I process.

2. An application for post-decision review of a Type II decision shall be subject to a Type I process if the Director finds the requested change:
  - a. Does not increase the potential adverse impact of the development authorized by the decision or SEPA determination;
  - b. Is consistent with the applicable law or variations permitted by law, including permits to which the development is subject;
  - c. Does not involve an issue of broad public interest, based on the record of the decision; and
  - d. Does not require further SEPA review.
3. An application for post-decision review of a Type II decision shall be subject to a Type II process if it does not qualify for a Type I process.
4. An application for post-decision review of a Type III decision shall be subject to a Type I review process if the Director finds the requested change:
  - a. Reduces the potential adverse impact of the development authorized by the decision;
  - b. Is consistent with the applicable law or variations permitted by law, including permits to which the development is subject; and
  - c. Does not involve an issue of broad public interest, based on the record of the decision.
5. An application for post-decision review of a Type III decision shall be subject to a Type II review process if Director finds the requested change:
  - a. Does not increase the potential adverse impact of the development authorized by the decision or SEPA determination;
  - b. Is needed to address a minor change in the facts or the law, including permits to which the development is subject; and
  - c. Does not involve an issue of broad public interest, based on the record of the decision.
6. An application for post-decision review of a Type III decision shall be subject to a Type III review process if it is not subject to Type I or II review.
7. Modifications to a decision other than by a timely appeal or post-decision review shall be by new application.

#### **1.030.160 Reapplication**

No person, including the original applicant, shall reapply for a similar use on the same land, building, or structure within a period of one (1) year from the date of the final decision on such previous application, unless said decision is a denial without prejudice, or unless, in the opinion of the review authority, conditions have substantially changed.