

SECTION 2 - ZONING

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- 2.010 Establishment of Zoning Districts and Maps
- 2.020 Plan Amendments and Zone Changes
- 2.030 Low-Density Residential Districts (LDR-6, LDR-10)
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Chapter 2.010 - ESTABLISHMENT OF ZONING DISTRICTS AND MAPS

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2.010.010 Classification of districts

For the purposes of this title, the city is divided into zoning districts designated as follows:

Comprehensive Plan Designation	Corresponding Zoning District	Code Section
Urban Residential	Low-Density Residential (LDR – 6) Low Density Residential (LDR – 10), Medium Density Residential (MDR-16) Urban Holding (UH-10)	Chap. 2.030 WDC Chap. 2.040 WDC Chap. 2.090 WDC
Downtown Commercial General	Commercial and Mixed-Use Districts (C1, C2 and MX)	Chap. 2.050 WDC
Industrial	Light Industrial (LI)	Chap. 2.060 WDC
Public and Parks Facilities	Urban Public (UP)	Chap. 2.070 WDC
Urban Holding	Urban Holding Overlay (UH)	Chap. 2.090 WDC

2.010.020 Zoning map

- A. The location and boundaries of the zoning districts are shown on the map entitled, “Zoning Map of the city of Winlock,” dated with the effective date of the ordinance codified in this title and signed by the Mayor and City Clerk, and hereafter referred to as the “zoning map.”
- B. The signed copy of the city’s zoning map shall be maintained on file in the office of the city clerk and is made a part of this title.
- C. Revised Maps. The city council may, from time to time, direct the Planning Director to replace the official zoning maps, or portions thereof, with a map or maps, or portions thereof, which include all lawful changes of zone to date. Such maps, or portions thereof, filed as replacements, shall bear dated, authenticating signatures of the city council and city clerk. Any maps, or portions thereof, thereby replaced shall be retained in a separate file by the city clerk. Any revisions or replacements of said maps, when duly entered, signed, and filed with the city clerk as authorized by this chapter, are part of this title.

2.010.030 District boundaries

The district boundary lines are indicated on the zoning maps. Where uncertainty exists as to the boundaries of any district as shown on the zoning maps, the following rules shall apply.

- A. Unless otherwise specified, district boundaries are lot lines, the centerlines of streets, and railroad right-of-way, or such lines extended.

- B. If a district boundary divides a lot into two districts, the entire lot shall be placed in the district that accounts for the greater area of the lot; provided, that if a district boundary divides a lot into two equal portions, the lot shall meet the requirements of both districts to the extent practical.
- C. Any land or property not specifically identified with a zoning designation shall be considered to be zoned as is the most restrictive zone classification designated on adjoining and/or abutting properties, until such time as it is determined otherwise by a rezone action.
- D. Where the application of Section 2.110.130 WDC does not clarify the zone boundary location, the Director shall interpret the maps, and by written decision, determine the location of the zoning boundary. Said written descriptions shall be kept on file with the city clerk.

Chapter 2.020 - PLAN AMENDMENTS AND ZONE CHANGES

Sections:

- 2.020.010 Zoning amendment
- 2.020.015 Comprehensive plan amendment
- 2.020.020 Initiation of amendment
- 2.020.030 Pre-application review
- 2.020.040 Review process
- 2.020.050 Application contents
- 2.020.060 Approval criteria
- 2.020.070 Expiration and extension
- 2.020.080 Concomitant rezone

2.020.010 Zoning amendment

The boundaries of the comprehensive plan map designations and zoning districts established on maps by this title, the classification of uses herein, or other provisions of this title may be amended as provided herein through a Type III process

2.020.015 Comprehensive plan amendment

- A. The boundaries of the comprehensive plan map designations and the comprehensive plan text may be amended as provided herein through a Type IV process
- B. Consistent with the Washington State Growth Management Act (RCW 36.70A), the city shall amend its comprehensive plan and/or plan map no more than one time per year and shall consider the cumulative effects of all proposed comprehensive plan and map amendments simultaneously.

2.020.020 Initiation of amendment

Amendments of this title or the comprehensive plan may be initiated by the following:

- A. A Type III application by one or more owners of the property which is proposed to be changed or reclassified consistent with the adopted comprehensive plan; or
- B. A Type IV legislative process by motion of the planning commission and adoption by the city council.

2.020.030 Pre-application review

- A. An application for a Type III review is subject to pre-application review under Chapter 1.030 WDC. A pre-application conference for a Type III amendment is mandatory.
- B. An applicant for pre-application review for a plan map amendment or zone change shall submit the requisite fee and ten (10) copies of the following information except as otherwise provided by the city clerk/treasurer:
 - 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. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale and information relevant to the plan map amendment and/or zone change, such as existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering and structures 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;
4. A written summary of the proposed plan map amendment and/or zone change and of facts and evidence based on which the application(s) can be approved.

2.020.040 Review process

- A. Review of a technically complete application for a plan map amendment and/or zone change is subject to a Type III process pursuant to Section 1.030.100 WDC
- B. When a plan map amendment and/or zone change application is initiated by the city and involves relatively large areas of the city and/or relatively many property owners or involves the creation of new regulations, it is subject to a Type IV process. See Section 1.030.110 WDC

2.020.050 Application contents

- A. An applicant for a Type III amendment shall submit the requisite fee and ten (10) copies of the applicable information required by Section 1.030.050(B) WDC except as otherwise provided therein; provided application fees are not required for an application subject to Type IV review.
- B. A technically complete application shall contain:
 1. A map of the proposed amendment, if applicable;
 2. The complete proposed text amendment, if applicable;
 3. A narrative describing the potential effects the proposal will have on public services, including streets, schools, parks and utilities, to the extent applicable;
 4. An analysis of the potential cumulative effects of the proposal;
 5. Materials required under Section 1.030.050 WDC; and
 6. Other materials the Director deems necessary.

2.020.060 Approval criteria

- A. For a Type IV review, the city council shall approve the proposal upon findings that:
 1. The proposed amendment is consistent with the applicable policies of the comprehensive plan or that a significant change in circumstances requires an amendment to the plan or map,
 2. The proposed amendment complies with relevant statutory requirements under Washington law;
 3. The proposed amendment is in the public interest; and
 4. Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the Winlock Capital Facilities Plan.

- B. For a Type III review, the hearings examiner shall approve the application or approve it subject to conditions if he or she finds:
1. The requested zone map change is consistent with the comprehensive plan map designation;
 2. The requested zone map or text change is consistent with the relevant comprehensive plan policies;
 3. Conditions have changed substantially since the current zoning was applied to the property; and
 4. Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the Winlock Capital Facilities Plan.

2.020.070 Expiration and extension

A decision approving or conditionally approving a Type III request enacted by ordinance, other than a concomitant rezone, does not expire.

2.020.080 Concomitant Rezone

A. Rezone Agreements.

1. The purpose of this subsection is to allow for the implementation of the comprehensive plan policies relating to future commercial centers and industrial developments, as appropriate and consistent with the Winlock Comprehensive Plan and Winlock Capital Facilities Plan. If, from the facts presented, and the findings, report and recommendations of the Planning Commission as required by this section thereof, the City Council determines that the public health, safety and general welfare will be best served by a proposed change of zone, the City Council may indicate its general approval, in principle, of the proposed rezoning by the adoption of a "resolution of intent to rezone" the area involved.

This resolution shall include any conditions, stipulations or limitations which the City Council may feel necessary to require in the public interest as a prerequisite to final action. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the City Council.

Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning, or by imposing setback, area or lot coverage restrictions not specified in the code for the zoning classification, or as a substitute for a variance. Upon completion of compliance action by the applicant, the City Council shall, by ordinance, effect such rezoning.

The failure of the applicant to meet any or all conditions, stipulations or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to rezone null and void, unless an extension is granted by the City Council upon recommendation of the Planning Commission. Generally, the time limitation shall be one (1) year. The City Council may grant one (1) one (1) year extension, after which the resolution shall be null and void if all conditions, stipulations and limitations have not been met by the applicant.

2. Concomitant Rezone Agreements.

- a. Purpose. The purpose of this subsection is to explicitly provide for the use of agreements concomitant to rezone approvals. The agreement may call for performance by the applicant which is directly related to public needs which may be expected to result from the proposed usage of the property. The performance called for will mitigate the public burden in meeting those resulting needs by placing it more directly on the party whose property use will give rise to such needs. The agreement shall generally be in the form of a covenant running with the land. The provisions of the agreement shall be in addition to all other pertinent WDC requirements.
- b. Applicability. This agreement process will not generally be used for rezones to urban residential zoning districts such as LDR-8.5. It may, however, be used in any situation where extraordinary potential adverse impacts from a proposed rezone may be neutralized by the agreement. The agreement process may be employed for rezones in sensitive geographic areas or areas such as critical transportation corridors. The agreement process will generally be used for rezones to commercial, industrial, and non-single-family residential not specifically identified by the comprehensive plan map. The intent is that concomitant rezone agreements shall only be used when normal review and approval procedures are not adequate to resolve the specific issues involved in the rezone proposal.
- c. Mitigating Measures. The agreement may include mitigating measures such as:
 - i. Access control;
 - ii. Landscaping, screening, buffering;
 - iii. Improvements to public services including drainage, sewer, water and roads;
 - iv. Lot coverage, dimension;
 - v. Phasing of development.
- d. Concept Plan. A concept plan may be required. When required, the concept plan shall be drawn to a one (1) inch to one hundred (100) foot scale and include:
 - i. General location of existing and proposed structures;
 - ii. Location and number of access points;
 - iii. Approximate gross floor area of structures;
 - iv. Name of the proposal;
 - v. Identification of areas requiring special treatment due to their sensitive nature;
 - vi. North directional arrow; and
 - vii. Names and location of all public streets or roads bordering the site.
- e. Application Procedure. The applicant may propose an agreement concomitant to rezone approval at the time of, or after, a pre-application conference with the responsible official. The proposed agreement shall include any proposed mitigating measures and concept plan as provided for by this chapter. In cases where a specific project is to be considered in conjunction with a rezone request, the responsible official shall review the site plan.

- f. Modifications. Modifications which are minor and without major impact, as determined by the Planning Director, may be approved by the City Council or its duly authorized representative, administratively and without public hearing. Any other modifications shall only be approved after the same procedure applicable to all rezones has been followed, following a public hearing.
- g. Enforcement. The agreement shall provide for appropriate enforcement mechanisms and performance guarantees.

B. Release of Concomitant Rezone Agreements.

- 1. Upon application by the property owner, a concomitant rezone covenant may be fully or partially released, or modified, by the hearing examiner following a public hearing with notice as prescribed by Section 1.030.120 WDC and in accordance with the criteria set forth in this section;
- 2. In considering requests for release or modification of concomitant rezone covenants, the review authority shall consider the following:
 - a. In the case of full covenant release, whether development of the site would be consistent with current zoning regulations and comprehensive plan recommendations; and
 - b. In the case of either full or partial covenant release or covenant modification, whether adequate public/private services are available to support development of the site; and
 - c. In the case of either full or partial covenant release or covenant modification, whether the requested action would unreasonably impact development undertaken on nearby properties in reliance upon the covenant commitments; and
 - d. In the case of partial covenant release or covenant modifications, whether future development under current zoning will be consistent with existing and planned development.