

City of Winlock
Development Codes



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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
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- 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.

Chapter 1.040 - DEFINITIONS

Sections:

1.040.010 Definitions

1.040.010 Definitions

Unless the context clearly requires otherwise, the definitions in this section shall apply to terms in this title. In addition to definitions provided below, there are chapter-specific or section-specific definitions in this Title.

Abutting	“Abutting” shall mean adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than eight feet in a single direction.
Access, Accessway	“Access” or “accessway” shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use, as required by this title.
Accessory Structure, Accessory Use	“Accessory structure or use” shall mean a structure or use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use. Private garages and carports are accessory buildings when not attached to the main building.
Addition (to an existing building)	Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls is considered to be new construction.
Adjacent	“Adjacent” shall mean near, close; for example, an industrial district across the street or highway from a commercial district shall be considered as “adjacent”.
Adjoin	“Adjoin” shall mean the same as “abutting”.
Aesthetics	A characteristic of development or the environment relating to physical beauty.
Affordable Housing	Decent, safe, quality housing that costs no more than 30 percent of a household's gross monthly income for rent/mortgage and utility payments.
Agricultural uses	“Agricultural uses” shall mean the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals.

Alley	“Alley” shall mean a public right-of-way not over 30 feet wide which affords, generally, a secondary means of access to abutting lots not intended for general use.
Amusement Park or Center	A group of amusement devices for children and/or adults and their accessory uses. Such a park or center may include miniature golf areas, bumper cars, batting cages, arcades, bumper boats, go-carts and other such activities.
Apartment	A room or suite of rooms within an apartment house or apartment hotel, used as a dwelling unit for one family with facilities that function or are intended to function for living, sleeping, and cooking.
Apartment Hotel	An apartment house that furnishes services for the use of its tenants which are ordinarily furnished by hotels, but the privileges of which are not primarily available to the general public.
Applicant	Any person or his or her authorized agent or representative who has applied for a permit and who has a valid, existing legal interest in the property proposed to be developed.
Appropriate Area, Minimum	The smallest total area of property that is allowed in a particular zone.
Area of special flood hazard	“Area of special flood hazard” shall mean the land in the flood plain subject to a one percent chance or greater of flooding in any given year as shown on flood insurance rate maps (FIRM) or except as otherwise determined by the Federal Emergency Management Agency (FEMA).
Assessment	An estimation or determination of the significance, importance, or value of land, buildings, or a proposed development activity.
Automobile Sales and Service Establishments, New or Used	An establishment that provides for the sale of motorized vehicles as its primary use, and allows for minor or major repairs, or paint and body work.
Automobile Service Station	A building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, and other operating commodities for motor vehicles or boats. The cross-section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements. Automobile Service Stations may include the following: customary space and facilities to the installation of such commodities on or in such vehicles: space for facilities for the storage, minor repair, or servicing of such vehicle, and space for care washing.
Automotive Repair Establishment	A retail sales and service establishment that includes; brake repair, engine tune-ups, oil changes, lubrications, front end alignments, major mechanical repairs and adjustments such as engine overhauls, transmission overhauls and the like. It can also include painting, repainting or retouching services.

Awning	Any movable roof-like structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable.
Bakery	An establishment where products such as breads, cakes, pies, pastries, etc. are baked or produced and sold on premises for wholesale and/or retail sale.
Bar and/or cocktail lounge	Any premises wherein alcoholic beverages are sold at retail for consumption on the premises. A Class H Retailer's License is required for serving liquor by the bottle or by the drink.
Base Flood	"Base flood" shall mean the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year" flood.
Basement	Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.
Bed and breakfast house	A "bed and breakfast house" is a hotel in what was built as a single-family dwelling and which offers up to six bedrooms for transient guests.
Best available science	Means scientific information or information meeting the criteria set forth in WAC 365-195-900 through 365-195-925.
Best management practice (BMP)	When associated with stormwater management means physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water; when associated with groundwater protection means a written plan outlining accepted practices, such as liquid containment, transfer practices, and emergency procedures whose purpose is to provide containment for underground storage tanks.
Billboard	A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or any use of the premises wherein it is displayed or posted.
Binding site plan	A drawing to scale which (1) Identifies and shows the locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by the City of Winlock, and (2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of land; and Contains provisions for making any development be in conformity with the site plan.
Blight	The concentration of forces which puts a building or neighborhood on its way to becoming a slum. A "blighted" area is one that has deteriorated or has been arrested in its development by physical, economic, or social forces.
Block	"Block" means a group of lots, tracts, or parcels within well defined and fixed boundaries.

Boarding house	A dwelling where meals or lodging and meals are provided for compensation to at least one (1) person and no more than sixteen (16) persons by prearrangement for definite periods of at least one (1) week's duration. A boarding house is to be distinguished from a hotel.
Bollard	A post permanently affixed into the ground or pavement, at least two (2) feet and no more than four (4) feet in height after installation, whose purpose is to segregate automotive traffic from certain areas.
Border lots	"Border lots" are residential lots abutting the urban growth area boundary which may be larger in size than most urban lots to allow for a smoother transition to larger rural lots lying outside the boundary.
Boundary line adjustment	The adjustment of boundary lines that does not create any additional lot, tract, parcel, site or division, nor creates any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.
Buffer area	A landscaped or natural area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another or intended to reduce the impact of noise levels generated on one property from the surrounding properties and intended to enhance the level of safety and promote the aesthetic qualities of the area.
Buildable area	The space remaining after the minimum open space and yard setback requirements of this Ordinance have been complied with.
Buildable Land	Lands not constrained by critical areas and public right-of-ways.
Building	"Building" shall mean a combination of materials to form a structure that is adapted to any use or occupancy. It is a structure having a roof supported by columns or walls for the housing or enclosure of person, animals, or chattel.
Building coverage	That percentage of the total lot area of a lot which is covered by the principal an accessory building.
Building height	"Building height" shall mean the vertical distance from a point as determined in this section to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hip roof. "Building height" does not include such accessory elements as utilities, rooftop mechanical equipment and enclosures for it, chimneys, church spires, water towers and accessory radio antennas. (1) The base point shall be the elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade adjoining the building. (2) The base point shall be 10 feet above the lowest grade adjoining the building when the sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building is more than 10 feet above lowest grade. (3) The height of a steeped or terraced building shall be the height of any segment of the building.

Building permit	The document or certificate issued by the City of Winlock that sanctions adherence to all applicable building and development regulations and gives permission to the applicant to proceed with the actions for which the permit was requested.
Building setback line	“Building setback line” shall mean a line parallel to the front lot line and passing through the most forward point or plane of the building closest to the front lot line.
Building site	A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.
Building, nonconforming	A legally existing building that fails to comply with this Ordinance (for height, number or stories, size, area, yards, location, or use) applicable to the district in which the building is located.
Bulk	The term used to describe the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.
Business services	An establishment primarily engaged in rendering services to other business establishments on a fee or contract basis, not involving the sale of any goods or commodities available on the premises, and not dispensing a personal service. Business service establishments may include but are not necessarily limited to, activities such as real estate, insurance, accounting or bookkeeping, financial institutions, management or consulting firms, or other similar uses.
Camper	“Camper” shall mean a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational, and/or vacation use.
Camping trailer	“Camping trailer” shall mean a structure mounted on wheels and designed for travel, recreational, and/or vacation uses.
Canopy	A roof-like structure made of any material that projects from the wall of a building and overhangs a sidewalk.
Car Wash	A building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices.
Carport	“Carport” shall mean a building designed to cover, but not enclose, automobile parking spaces.
Cemetery	A place for the burial or interment of dead persons or household pets.
Certificate of occupancy (occupancy permit)	The official certification that a premise conforms to the provisions of this Ordinance (and the Building Code) and may legally be used or occupied. Such a certificate is required for new construction or for alteration or additions to existing structures. Unless such a certificate is issued for new construction, a structure cannot be occupied.
Clearing	The act of removing existing vegetations, structures or other items from a site prior to undertaking land improvements.
Clinic	An establishment where patients who are not lodged overnight are admitted for examination and treatment by one (1) person or group of persons licensed as a physician, dentist, chiropractor, therapist, or other similar health related professional.

Club	Buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.
Cluster development	Grouping or, concentrating physical structures (buildings) on lots smaller than permitted by the existing zoning to preserve open space without increasing the allowable density of the development.
Commission or planning commission	“Commission” or “planning commission” shall mean the planning commission of the city.
Common area	The total area not designed for rental or sale to tenants and that is available for common use by all tenants or groups of tenants and their guests, including such areas as parking lots and their appurtenances, lobbies, malls, sidewalks, landscaped areas, public rest rooms, truck and service facilities, etc.
Compatible use	A use that is capable of existing in harmony with other uses situated in its immediate vicinity.
Comprehensive plan	The goals, objectives and policies, documents and maps adopted by motion by the Council to guide the physical development of the City; to coordinate City programs, services and controls, and to promote the general welfare.
Concession stand, agricultural or produce	An open-air structure, not to exceed twenty (20) feet by thirty (30) feet in its dimensions, and at which fresh eggs, fruits, vegetables; and/or other agricultural products may be sold from local farms to the public.
Concrete slab	A broad, flat, somewhat thick concrete surface extending under a manufactured home or built in-place to the extent of the structure which rests upon it. Must meet all IBC standards.
Conditional use	“Conditional use” shall mean a use allowed in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone.
Condominium	A development in which each dwelling unit is owned individually but all other common elements are jointly owned on a specified basis - most often in a multifamily structure.
Confectionery	An establishment engaged solely in the preparation and production of candy products for direct retail sale to the consumer on the premises. .
Construction	The building of, or substantial improvement to, any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.
Contiguous	Lands are contiguous if they adjoin each other and share a common boundary.

Convenience Store	A retail establishment that is usually open for extended daily hours of business, normally located as a single entity or in a strip building configuration along major roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising.
Conversion	The change of use or purpose to which a structure or building is put.
Council	“Council” or “city council” shall mean the city council of the city.
Cul-de-sac	A local street having only one (1) means of vehicular access to another street and terminating at its other in a circular-shaped turn around. This definition of cul-de-sac shall in no way be interpreted to include a dead-end street.
Curb Cut	The level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished top grade immediately adjacent to a building shall be considered the "curb level".
Day care	“Day care” means a person, group or agency which regularly provides care for a group of children for periods of less than 24 hours a day in accordance with Washington State laws and standards. (1) “Family day care home” means a home which regularly provides care during part of the 24-hour day for six or fewer children. (2) “Mini day care center” means a day care facility for the care of 12 or fewer children either in a home or a separate facility not associated with a home. (3) “Day care center” means a center providing for the care of 13 or more children in a facility other than a private residence or in a portion of a private residence which is used exclusively for the children during the hours the center is in operation, and which is usually separate from the living quarters.
Dedication	“Dedication” means the deliberate appropriation of land by the owner for any general and public uses, reserving to himself no other rights than such as one compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing.
Density	The number of permitted dwelling units allowed on each acre of land or fraction thereof.
Density, Net	The number of dwelling units or persons per net acre covering only the land devoted to building lots.
Design Storm	A prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs).

Detention Facility	An above- or below-ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.
Developer	“Developer” means any person, firm, or corporation undertaking the dividing of any parcel of land by short subdivision or subdivision; also known as the “applicant”.
Development	The placement, erection, or removal of any fill, solid material, or structure on land, in or under the water, discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials, including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes or any improvement made in the interior of any structure.
Development Right	A legal claim to convert a tract of land to a specific purpose by construction, installation, or alteration of a building or other structure.
Development, Substantial	With regard to projects that have been initiated, substantial development shall constitute at least ten (10) percent of the total expected cost (including architectural and engineering fees) to complete the project as it was approved. Development shall also be considered to be substantial if the developer of an approved project has secured financing for the project and can demonstrate, in writing, his or her financial commitments to the project in question.
District, Zoning	Any portion of the City within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this Ordinance and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied.
Domestic Animal	An animal normally kept incidental to a single-family dwelling. Included are dogs and cats; excluded are wild or exotic animals, horses and cows, chickens, goats, or other similar animals.
Drainage	The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.
Drainage Basin	A geographic and hydrologic subunit of a watershed.
Drive-in or Drive-Through Facility	An establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.
Driveway	That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

Dwelling	“Dwelling” shall mean building or portion thereof, designed or used as the residence or sleeping place of one or more persons.
Dwelling unit	“Dwelling unit” shall mean one or more rooms designed for occupancy by one family, and not having more than one cooking facility. For the purpose of this title, the term “dwelling unit” does not include the term “travel trailer” or “mobile manufactured home”.
Dwelling, Attached	A dwelling having any portion of a wall in common with adjoining dwellings.
Dwelling, Detached	A dwelling that is surrounded by open space on the same lot
Dwelling, Duplex	A detached building, designed for or occupied exclusively by two (2) families living independently of each other, and shall not include a manufactured home.
Dwelling, multiple-family	“Multiple-family dwelling” shall mean a building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units.
Dwelling, single-family	“Single-family dwelling” shall mean a building designed or used for residence purposes by not more than one family and containing one dwelling unit only. (1) “Attached” shall mean sharing common walls. (2) “Detached” shall mean physically separated.
Easement	“Easement” means a right which one person must use the land of another for a specific purpose.
Elevation	Shall mean (1) The vertical distance above or below a fixed reference level; 'or, (2) A flat scale drawing of the front, rear, or side of a building or structure.
Emergency Shelter	A facility whose primary purpose is to provide housing for individuals and families in the event of an emergency or an emergency hazardous situation.
Eminent Domain	The authority of the City of Winlock or other government agency to take, or to authorize the taking of, private property for public use with just compensation to the owner.
Employees	“Employees” shall mean all persons, including proprietors, working on the premises during the largest shift at peak season.
Energy-efficient structure	“Energy-efficient structure” shall mean a structure designed and built to comply with the annual thermal performance standards established by the Northwest Power Planning Council as the Model Conservation Standards.
Engineer	“Engineer” means the city public works director or his or her designee as determined by the city council.
Enlargement	An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.
Environment	The physical, social and economic conditions that exist within the area which will be affected by a proposed project
Environmentally sensitive lands, potential	“Potential environmentally sensitive lands” are lands shown on the city zoning map as an overlay to demonstrate areas which may contain wetlands, steep slopes, or other similar environmentally critical features which may limit or prevent construction.

Erected	Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill; drainage, paving, and the like shall be considered within the definition of "erected"
Erosion	The detachment and-movement of soil or rock fragments by water, wind, and/or gravity
Establishment	An economic unit, generally at a single physical location, where business is conducted, or services are offered
Façade	The front of a building, particularly that part of a building facing a street or courtyard
Family	"Family" shall mean two or more persons customarily living together as a single housekeeping unit and using common cooking facilities, as distinguished from a group occupying a hotel, club, boarding, or lodging house, or other group of unrelated individuals not exceeding six in number.
Fence	Any artificially constructed barrier or any material or combination of materials erected to enclose or screen areas of land, and is six feet or less
Fence, sight-obscuring	"Sight-obscuring fence" shall mean a fence or evergreen planting, or combination of fence and planting, arranged in such a way as to obstruct vision.
Fill	Earth or any other approved substance or material
Final plat	"Final plat" means the final drawing of the subdivision and dedication, prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title and in state law
Financial Institutions	Establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, and other similar uses
Flag lot	"Flag lot" means a lot the developable portion of which is separated from the public right-of-way to which the lot has direct access by a narrow strip of land often used as a driveway. Creation of a flag lot is subject to additional standards in this code.
Flea Market	An occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but not to include private garage sales
Floor	The top surface of an enclosed area in a building (including basement), i.e., the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used primarily for the parking of vehicles and where openings are installed to allow the free passage of water

Floor Area	The sum of the gross horizontal areas of all of the floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes, but need not include a basement or portion of a basement used for storage or housing of mechanical equipment, or the basement apartment of a custodian in an multi-family dwelling, except that portion of said custodian's dwelling unit which is in excess of fifty (50) percent of the total basement area
Foster Home	A home licensed and regulated by the State and classified by the State as a foster home, providing care and guidance for not more than five (5) unrelated juveniles, adults or both
Frontage	“Frontage” shall mean that portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the city.
Frontage, Corner Lot	All the property on two (2) sides of a street between two (2) intersecting streets, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on two (2) sides between an intersecting street and the dead-end of the street. This definition also includes ingress-egress easements when used as the only means of access
Fuel Storage Facility	An area that is used or planned to be used for the storage of petroleum. The facilities may be above-ground or underground storage tanks
Garage	A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building
Garage, detached	“Detached garage” shall mean an accessory building intended and primarily used for the storage of motor vehicles, which is separate from and secondary to the main structure of the occupants.
Geologically hazardous areas	Areas that, because of their susceptibility to erosion, sliding, earthquake or other geological events, are not suited to the siting of commercial, residential or industrial development consistent with public health or safety.
Grade	“Grade” (ground level) shall mean the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.
Greenhouse	An enclosed building, permanent or portable, that is used for the growth of plants
Ground Floor Area	The square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total building area used in determining the percentage of lot coverage

Groundwater	The portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body
Groundwater Management	The management and coordination of groundwater regulations, strategies, polities, and technical information for the protection and use of groundwater resources
Group Care Facility	A facility licensed by the State to provide, on a twenty-four (24) hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities
Gutter	A constructed waterway, usually along a street curb, installed to collect and conduct street surface water
Habitable floor	“Habitable floor” shall mean any floor usable for living purposes including working, sleeping, eating, cooking, or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a “habitable floor”.
Hazardous waste	“Hazardous waste” shall mean all dangerous and extremely hazardous waste as defined in RCW 70.105.010 except for moderate-risk waste. RCW 70.105.010 is adopted by reference for the purposes of this definition.
Hazardous waste treatment and storage facility, off-site	“Off-site hazardous waste treatment and storage facility” shall mean treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.
Hazardous waste treatment and storage facility, on-site	“On-site hazardous waste treatment and storage facility” shall mean treatment and storage facilities that treat and store waste from generators on properties on the same geographically contiguous or bordering property.
Hazardous waste storage	“Hazardous waste storage” shall mean the holding of dangerous waste for a temporary period as regulated by State Dangerous Waste Regulations, Chapter 173-303 WAC. For purposes of this title, Chapter 173-303 WAC as existing and hereafter amended is adopted by reference.
Hazardous waste treatment	“Hazardous waste treatment” shall mean the physical, chemical, or biological processing of dangerous waste to make wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.
Health Care Facility	An establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners; medical and dental laboratories; out-patient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services

Health club	Gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments
Hearings examiner	“Hearings examiner” shall mean the person(s) appointed hearings examiner by the city council of Winlock pursuant to Chapter 2.35 WDC.
Historic property	A building, structure, object, area or site that is significant in the history, architecture, archaeology or culture of Winlock, the region or the nation
Home occupation	“Home occupation” shall mean an occupation, profession, or craft secondary to the use of a dwelling unit for residential purposes, is carried on by a member of the family residing within the residence, and requires no structural alterations or changes in the dwelling unit.
Homeowners association	“Homeowners association” shall mean a nonprofit organization operating under recorded land agreements through which the following take place: (1) Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase. (2) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization’s activities, such as maintaining a common property. (3) Construction and maintenance responsibilities for any undivided property are identified and assigned.
Hospital	“Hospital” shall mean an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.
Hotel	“Hotel” shall mean a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests.
House of worship/church	A building or structure wherein persons regularly assemble for religious worship, is specifically designed and used primarily for such purpose, and is maintained and controlled by a religious body organized to sustain public worship
Illuminated sign	Any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position
Immediate vicinity	With regard to the built-or man-made environment, this refers to all development that is within five hundred (500) linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development
Impervious surfaces	Those surfaces that do not absorb water and consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt on a lot
Improvement	Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment
Improvement plans	“Improvement plans” means the technical drawings of the design and proposed construction of such items as streets, water and sewer systems, and drainage detention systems

Incompatible use	A use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity
Indoor amusement	Establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as theaters, bowling, pool, billiards, or arcades, that feature three (3) or more coin or token operated devices, such as pinball and video games
Indoor storage	The keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use
Industrial park	A planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to onsite circulation, parking, utility needs, building design and orientation, and open space
Industry, heavy	A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions
Industry, light	A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing
Infiltration	The downward movement of water from the surface to the subsoil
Irregular Lot	A lot which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line
Kennel	“Kennel” shall mean either: (1) Any premises used to conduct a commercial business involving the breeding, buying, selling or letting dogs for hire, boarding or training dogs; or (2) Any premises at which four or more dogs which are five months old or older are kept for any purpose, including animal shelters, but excluding veterinary clinics and animal hospitals where dogs are kept only for treatment by licensed veterinarians.
Land clearing	The exposure of earth by the removal of vegetative cover of any kind
Land-disturbing activity	Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to demolition, construction, clearing, grading, filling and excavation
Land division	“Land division” means a short subdivision or subdivision
Landscape plan	A detailed sketch to scale illustrating the type, size, location and number of plants and other landscape elements to be placed in a development
Landscaping	“Landscaping” shall mean not only trees, grass, bushes, shrubs, flowers, and garden areas, but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting, but excluding artificial plants, shrubs, bushes, flowers, and materials in movable containers.

Laundromat	An establishment providing washing and drying machines on the premises for rental use to the general public for family laundering purposes
Livestock	Farm animals, such as horses, cattle; pigs, goats, or poultry, kept for their services or raised for food-and other products
Loading space	An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials
Lodging house	A building other than a hotel where lodging is provided for five (5) or more persons for compensation pursuant to previous arrangements, but not open to the public or transients, and meals and. drinks are not served
Lot	“Lot” shall mean a parcel of land used or which is capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation. “Lot” shall also mean the individual leaseholds within an approved manufactured home park.
Lot area	“Lot area” shall mean the computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way.
Lot, Building	Land occupied or to be occupied by a building and its accessory buildings
Lot, corner	“Corner lot” shall mean a lot abutting upon two or more streets at their intersection, or upon two parts of the same street; such street or parts of the same street forming an interior angle of less than 130 degrees within the lot lines.
Lot coverage	“Lot coverage” shall mean that percentage of the total lot area covered by structures, including decks and all other projections except eaves.
Lot depth	“Lot depth” shall mean the horizontal distance between the midpoint of the front lot line and opposite lot line, usually the rear lot line. In the case of a corner lot, the depth shall be the length of the street side lot line.
Lot Dimensions, Minimum Standards	The smallest width or depth permitted on a lot within a zone
Lot, interior	“Interior lot” shall mean a lot or parcel of land other than a corner lot.
Lot line	“Lot line” shall mean the property line bounding a lot.
Lot line, front	“Front lot line” shall mean the property line abutting a street or approved private road or easements. For corner lots, the front lot line is the property line abutting a street with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line closest to and most parallel with the street, excluding the unbuildable portion of the pole.
Lot line, rear	“Rear lot line” shall mean a lot line which is opposite and most distant from the front lot line; and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Lot line, side	“Side lot line” shall mean any lot line which is not a front or rear lot line.
Lot line, street side	“Street side lot line” shall mean any side lot line that abuts a public street right-of-way or public or private access easement.
Lot of record	“Lot of record” shall mean a lot as shown on the records of the county assessor or county auditor at the time of the passage of this title; provided, however, this shall not include lots that may appear on the records of the county assessor which were created contrary to the provisions of laws and regulations in effect prior to the passage of this title. Any lots created after the adoption of this title shall comply with the standards contained within.
Lot, through	“Through lot” shall mean an interior lot having a frontage on two streets and/or highways.
Lot width	“Lot width” shall mean the horizontal distance measured at the building setback line between the two opposite side lot lines. Average lot width shall be the average of the front and rear lot lines.
Lounge	A building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on premises
Maintain	“Maintain” shall mean to cause or allow to continue in existence. When the context indicates, the word means to preserve and care for a structure; improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed, or required.
Manufactured home	“Manufactured home” shall mean a designated manufactured home as defined by RCW 35.63.160.
Mini-storage or Mini-warehouse	A building or group of buildings consisting of individual storage units that are leased or owned for the storage of business and household goods or contractor's supplies. These facilities shall not be used for any wholesale or retail operations
Mixed Use Zoning	Zoning that permits a combination of typically separated uses within a single development. A planned unit development is an example of mixed-use zoning. Mixed use in an urban context refers to usually a single building with more than one (1) type of activity taking place within its confines. An example of such a type of development could have commercial uses on the ground floor, office above them, and residential units above the office. Other combinations of uses may also occur in this type of setting

Mobile home	A single-family dwelling constructed in accordance with the requirements prescribed under RCW 43.22.340, as amended, and bearing the "mobile home" insignia of the Washington State Department of Labor and Industries, It is a dwelling transportable in one or more sections that are eight feet or more in width and thirty-two (32) feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. (Note: Manufactured Homes were formerly called "Mobile Homes" before the federal government assumed control of the construction standards for the industry by way of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S. Code, Section 5401)
Modular home/prefabricated home	“Modular home/prefabricated home” shall mean a residential structure consisting of many components which meets the requirements of the International Building Code and is constructed in a factory, transported to the building site, and then partially constructed at the site. The construction requirements are to be the same as for a site-built home.
Motel	“Motel” shall mean a building or group of buildings on the same lot containing guest units with separate entrances directly to the exterior, and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities for rental to transients.
Motor home	“Motor home” shall mean a portable, temporary dwelling to be used for travel, recreational, and/or vacation use constructed as an integral part of a self-propelled vehicle.
National register of historic places	A list of properties that have been formally judged to have historic significance and which have been accepted by the keeper of the National Register
Neighborhood	An identifiable geographic area of relatively small size; a collection of units and other land uses that provide a relationship between dwellings, school, religious facilities, minor retail and/or other local facilities
New construction	Structures for which the "start of construction" commenced on or after the effective date of this Ordinance
Night club	An establishment that has a capacity for at least thirty (30) persons seated at tables and the bar employs a bartender and maintains table service, dancing, and/or live entertainment for the guests
Nonconforming development	“Nonconforming development” shall mean one or more elements of a development, such as setbacks, screening, height or parking area requirements that was created in conformance with the development regulations but which subsequently, due to a change in the zone or zoning regulations, does not conform to the current regulations imposed by this title or amendments thereto.
Nonconforming lot	“Nonconforming lot” means a lot as defined in Section 18.030.040 WDC that does not comply with currently applicable city regulations

Nonconforming use	“Nonconforming use” shall mean a use of land which lawfully existed at the time the ordinance codified in this title, or any amendment thereto, becomes effective, but which does not conform to the current regulations imposed by this title or such amendment thereto.
Nuisance	“Nuisance” shall include those definitions contained in Chapters 7.48 and 9.66 RCW as well the Health, Welfare and Nuisance chapter of this code. Any violation of this title shall constitute a nuisance, per se.
Nursery School	A separately organized and administered school for groups of children during the year or years preceding kindergarten, which provides educational experiences under the direction of professionally qualified teachers.
Occupancy	The physical placement of a structure on land, or the utilization of land on a temporary or permanent basis. This includes existing structures built prior to the enactment of this Ordinance that do not have authorization by virtue of a valid permit issued
Office	A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations
Off-street parking	The minimum off-street, on-site parking of vehicles that shall be provided under the terms of this Ordinance
Open space	An area that is intended to provide light and air, and is designed for environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, golf courses, playgrounds, fountains, swimming pools, wooded areas, water courses, driveways, and other surfaces designed or intended for vehicular travel, but shall not include any required off -street parking areas
Open space, common	An area within or related to a development, not in individually owned lots or dedicated for public use, but that is designed and intended for the common use and enjoyment of the residents of a development
Ordinance	A law set forth by governmental authority; a Development regulation adopted by the legislative branch of the locality
Overlay zone	A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements beyond that required by the underlying zones
Owner	“Owner” shall mean the owner of record of real property as shown on the tax rolls of the county, or person purchasing a piece of property under contract. For the purposes of this title, in terms of violations and binding agreements between the county and the owner, “owner” shall also mean a leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement, violations of agreement, or the provisions of this title. For the purpose of processing an application for a land use approval or permit under this title, where such application or permit must be filed by an owner, the term “owner” also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval.

Parcel	A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons
Park, public	An area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities
Parking lot and/or garage	Off-street facility used for the storage or parking of four (4) or more motor vehicles to provide an accessory service to a commercial, industrial, public or residential use
Parking space	“Parking space” shall mean a rectangle not less than 20 feet long and nine feet wide, together with access and maneuvering space, sufficient to permit a standard automobile to be parked within the rectangle without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.
Parking space – compact	“Parking space – Compact” shall mean a rectangle not less than seven feet five inches wide and 15 feet long, together with access and maneuvering space, sufficient to permit a compact automobile to be parked within the rectangle without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.
Parking Structure	A stand-alone structure used for the storage or parking of motor vehicles. The footprint of a parking structure will be included in the calculation of lot coverage
Permit	Any license, certificate, approval, or other entitlement for use granted by any public agency
Permittee	“Permittee” shall be the person who is proposing to use or who is using the land pursuant to any permit required herein.
Personal Service	Beauty parlors, shops or salons; barbershops; reducing or slenderizing studios; electrolysis services; manicurists; and the like
Plant Nursery	An enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels
Plat	“Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys, or other divisions and dedications
Plat, Final	That map, plan, or layout of a subdivision of land which is filed after completing the improvements, accompanied by certifications that the improvements have been satisfactorily completed and are recorded with the auditor, and showing all elements required by the Subdivision Ordinance
Plot	A parcel of ground containing more than one (1) lot upon which a building and its accessory buildings have been or may be erected

Preliminary plat	“Preliminary plat” means a neat and approximate drawing of either a proposed subdivision showing the general layout of rights-of-way and easements, streets and alleys, lots, blocks, and tracts in the subdivision or short subdivision, and other elements of a subdivision which shall furnish a basis for the approval or disapproval of the general layout the preliminary plat.
Premises	Land and all buildings and structures thereon
Pre-school facility	An educational center or establishment, including a kindergarten, that provides primarily instruction, supplemented by daytime care, for four (4) or more children between the ages of two (2) and five (5) years, and which operates on a regular basis
Private clubs	Organizations that are, privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto
Private parking	Parking facilities for the noncommercial use of the occupant and guests of the occupant, which includes garages and carports as long as dimensional requirements of off-street parking are met
Private road	That easement or Parcel created to provide the access from a City road to short platted lots, the maintenance of this is to be the responsibility of the lot owners
Prohibited use	“Prohibited use” shall mean any use which is specifically enumerated or interpreted as not allowable in any specific district.
Professional office	The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon
Professional service	The conduct of business in any of the following related categories: advertising, architecture, landscape architecture, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments, and any similar type business
Public assembly, place of	Any area, building or structure where large numbers of individuals meet or collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, gymnasiums, stadiums, houses of worship, or comparable facilities
Public building	“Public building” shall mean buildings which are owned, operated, and maintained by a public agency such as City Hall, police and fire stations, educational institutions, zoos, museums, and the like.
Public improvement	Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services

Public use	The use of any land, water, or building by a public agency for the general public, or by the public itself
Public utility	Any person, firm, corporation, governmental department, or board, duly authorized to furnish under government regulations to the public, electricity, gas, communications, transportation, or water
Recreational space	“Recreational space” shall mean an area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.
Recreational vehicle	“Recreational vehicle” shall mean a vehicular type unit designed as temporary living quarters for travel, recreational, and/or camping use which either has its own mode of power or is mounted on or drawn by another vehicle. It will have a body width of no more than eight feet and a body length of not more than 35 feet when factory equipped for the road. This term shall include but not be limited to travel trailer, camper, motor home, and camping trailer.
Residential treatment facility	A facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence), recovery homes, and nursing homes, rest and convalescent homes, and orphanages
Residential use	Use of land or structure thereon, or portion thereof, as a dwelling place for one (1) or more families or households, but not including occupancy of a transient nature such as in hotels, motels, or time-sharing condominium uses
Retail food establishment	Any, fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria shall be deemed a restaurant for purposes of this Ordinance
Retail trade	Establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but is not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations
Retirement home	A place of residence for several families or individuals in apartment-like quarters, which may feature services such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities
Review official	The officer designated by the City of Winlock to enforce and administer this Ordinance, or his or her duly authorized representative
Right-of-way	A street, alley, or other thoroughfare or easement, whether physically accessible or not, that has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists

Road, Private	An easement or parcel created to provide access from a right-of-way to a lot, the maintenance of which shall be the responsibility of the lot owners having access thereto
Rooming house	“Rooming house” shall mean a building wherein furnished rooms without cooking facilities are rented for compensation to three or more non-transient persons, not included in the family unit of the owner or tenant of the premises.
Screening	A device or materials used to conceal adjacent land or development. Screening may include walls, berms, or vegetation that must be of sufficient density to block the view of adjacent land or development from either side of the screen. The screen, if vegetative, shall be planted and maintained to completely block the view of adjacent land or development after twelve (12) month. The screen shall be maintained or constructed at such a density as to block the view to adjacent properties.
Setback	“Setback” shall mean the minimum allowable horizontal distance from a property line to the nearest vertical wall or other element of a building or structure as defined herein. Setback is not measured from the curb unless the curb also is the property line.
Shared access facility	“Shared access facility” shall mean a frontage or service road generally parallel to an arterial or connecting parcels to an arterial; alternately, a common accessway serving businesses with one or more ownerships.
Shopping Center	A group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area which the unit serves
Short Plat	The map or representation of a short subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions
Short Subdivision	The division or re-division of land into four (4) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership
Sidewalk	That portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the Review Official
Sign	Anything whatsoever placed, erected, constructed, posted, or affixed in any manner on the ground or to any post, fence, building, or structure for out-of-doors advertising, but not including devices, structures or representations installed by any governmental authority
Site	“Site” shall mean the lot(s), parcel(s) and tract(s) included in a proposed subdivision or short subdivision and contiguous lots, parcels or tracts in which the owner of the site has a greater than possessory interest
Site plan	“Site plan” shall mean a plan prepared to scale, showing accurately and with complete dimensions all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land.
Short plat	“Short plat” means a map or representation of a short subdivision

Small Animal Husbandry (Commercial)	The raising of mink, fox, nutria, rabbits, pigs, sheep, goats, chickens, turkey, guinea hens and similar small animals and fowl not for the primary consumption of or used by the occupants of the premises
Soil	The surface layer of the earth, supporting plant life
Soil Removal	Removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening
Solar access	“Solar access” shall mean the availability of direct sunlight to solar energy systems.
Solar access easement	“Solar access easement” shall mean a right expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring solar access to solar energy systems.
Solar energy system	“Solar energy system” shall mean any structural element, device, or combination of devices or elements which rely upon direct sunlight as an energy source, including, but not limited to, any substance or device which collects, stores, or distributes sunlight for use in the following: (1) The heating or cooling of a structure or building; (2) The heating or pumping of water; (3) Industrial, commercial, or agricultural processes; or (4) The generation of electricity. Use of this term includes passive, active and hybrid systems. Attached solar energy systems shall be considered as a part of the structure or building to which they are attached. Detached solar energy systems shall be considered accessory uses.
Storage, open	The safekeeping of any goods or products in an unoccupied space, open to the sky, for eventual removal not expected within seventy-two (72) hours or for continuous replacement by same or similar goods or products
Stormwater	That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility
Story	“Story” shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.
Street	“Street” shall mean all roads, streets, highways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use including private roads but not including private driveways.
Street Line	The dividing line between any street, road or other thoroughfare and the adjacent lots

Street, Public	A street affording the principal means of access to abutting property, and dedicated to or maintained by the City of Winlock, Lewis County, or the State of Washington affording the principal-means of access to abutting property and with a right of-way or easement
Structural Alteration	Any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams, and roofs
Structure	“Structure” shall mean that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground, or which is attached to something having a location on the ground.
Structural alteration	“Structural alteration” shall mean a change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams or girders, or the roof.
Subdivision	“Subdivision” means the division or re-division of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership
Substantial Improvement	Any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty (50) percent of the assessed value of the structure. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure
Surface Water	Waters that flow over the land surface and frequently interact with groundwater
Swale	A shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot
Tavern	A building where beer and/or wine is served to the public, which holds a class "A" or "B" license from the Washington State Liquor Control Board
Telecommunications facilities	“Telecommunications facilities” shall mean a land use that sends and/or receives radio frequency signals, including antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they all are situated.
Temporary building or structure	A building or structure not having or requiring permanent attachment to the ground or to other structures which have no required permanent attachment to the ground
Toe of slope	A point or line on the upper surface of a slope where it changes to horizontal or meets the original surface. The outermost inclined surface at the base of a hill; part of a foot slope
Topography	The drawing accurately on a map lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface's relief characteristics

Townhouse or rowhouse	A dwelling unit designed exclusively for occupancy by one family, no portion of which lies vertically under or over any portion of any adjacent unit, and which is attached to one (1) or more other dwelling units by common walls which may be located on side lot lines
Tract	“Tract” means a fractional part of divided lands having fixed boundaries that is intended for and limited to use for purposes other than development as a lot. A tract may be for open space, drainage, access or other purposes authorized by the city
Travel Trailer	A vehicle with or without motor power primarily designed as temporary living quarters for recreational, camping, or travel use, and in which the plumbing, heating, and electrical systems, contained therein may be operated without connection to outside utilities, being of such size or weight as not to require a special highway movement permit. The term shall include truck campers
Trailer	A separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, jet skis, half tracks, snowmobile, and the like, not included in other definitions
Treatment Best Management Practice	A BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs are: detention ponds, oil/water separators, biofiltration swales and constructed wetlands
Units per acre	The number of dwelling units allowed on one acre. For example, a maximum of 4 units/acre would mean that no more than 4 dwelling units on one acre are allowed in a particular zone
Unstable slopes	Those sloping areas of land which have in the-past exhibited, are currently exhibiting, or will likely in the future exhibit, movement of earth.
Use	The purpose that land or structures now serve or for which it is occupied, maintained, arranged, designed or intended.
Use, principal	The main use of land or buildings as distinguished from a subordinate or accessory use.
Use, temporary	A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.
Utilities easements	Right-of-way that maybe used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable for the construction, operation, maintenance, alteration, and repair of their respective facilities.

Utility substation facilities	“Utility substation facilities” shall mean a subsidiary or branch facility utilizing aboveground structures, which is necessary to provide or facilitate distribution, transmission, or metering of water, gas, sewage, radio signals and/or electric energy and telecommunication signals. Such facilities have a local impact on surrounding properties and may consist of, but are not limited to, the following:(1) Water, gas, telecommunication and electrical distribution or metering sites; (2) Water or sewage pumping stations; (3) Water towers and reservoirs; (4) Public wells and any accessory treatment facilities; (5) Transmission towers and accessory equipment to provide radio and data communications service, radio paging, or cellular communications service; (6) Telecommunication facilities.
Variance	A modification of the terms of this ordinance to a particular piece of property which, because of special circumstances, is deprived of privileges enjoyed by other properties of the same zone and which modification remedies the disparity in privileges.
Veterinary hospital or clinic	A building used to provide health care services to animals.
Video sales and rental	Commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment.
Vision clearance area	“Vision clearance area” shall mean a triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.
Visual obstruction	“Visual obstruction” shall mean any fence, hedge, tree, shrub, device, wall, or structure exceeding three and one-half feet in height above the elevation of the top of the curb, and so located on a street or alley intersection as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed of branches to a minimum height of at least six feet.
Warehouse	A building used primarily for the storage of goods and materials.
Watershed	A geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by the State of Washington Water Resource Inventory Areas (WRIAs) as defined in Chapter 173-500 WAC

Wetlands	<p>“Wetlands” shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands also include streams as defined by Chapter 18.300 WDC.</p> <p>RCW 36.70A.030(23) Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.</p>
Wholesale (Trade)	The sale of goods or commodities usually in bulk or large quantities and usually at a lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
Yard	“Yard” shall mean an open space on a lot which is unobstructed from the ground upward except as specified elsewhere in this title.
Yard, front	“Front yard” shall mean a yard between side lot lines from the front lot line to the nearest point of the building.
Yard, rear	“Rear yard” shall mean a yard between side lot lines from the rear lot line to the nearest point of the building.
Yard, side	“Side yard” shall mean a yard between the front and rear yard from a side lot line or street side lot line to the nearest point of a building.
Zero lot line home	A residential development approach in which a building is sited on one (1) or more lot lines with no yard area along these lot lines. Conceivably, three (3) of the four (4) sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Zero lot line homes may only be built within the context of a zero-lot line development. It shall be required that a minimum of eight (8) units of zero lot line housing constitute such a development.
Zone	Area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established.
Zoning	The legislative division of a community into segments reserved for specific uses and also the minimum required size for such use.
Zone district	“Zone district” shall mean the same as “district” or “zone”.

Chapter 1.050 - CODE ENFORCEMENT OFFICER &

CIVIL INFRACTION CITATION AUTHORITY

Sections:

- 1.050.010 Purpose and applicability
- 1.050.020 Code Enforcement – Officer Duties
- 1.050.030 Issuance of process
- 1.050.040 Definitions
- 1.050.050 Notice of Infraction
- 1.050.060 Person receiving notice – Identification and Detention
- 1.050.070 Notice – Determination final unless contested - Form
- 1.050.080 Municipal Court Proceedings
- 1.050.090 Nuisance Abatement by the City, Cost recovery and Lien Authorized
- 1.050.100 Fines

1.050.010 Purpose and Applicability

This chapter provides a process for enforcing the requirements of the municipal code and any order, permit or decision issued by the city pursuant to the municipal code. The civil process set forth herein is designed to provide prompt notice to property owners and other interested parties that appear to be in violation of the municipal code and to guarantee those accused of a code violation the right to a hearing in municipal court. The process is designed to provide a measure of certainty to the citizens of Winlock that code violations will be addressed in a timely manner and to ensure that the due process rights of those accused of violations are protected. This chapter shall apply to all violations of any provision of the Winlock Municipal Code, except for criminal matters within the authority of the Winlock Police Department under WMC 568, Criminal Code.

1.050.020 Code Enforcement Officer Duties

- A. The Code Enforcement Officer investigates citizen and agency inquiries regarding potential violations of Winlock Municipal Code. The purpose of code enforcement investigations is to ensure compliance with minimum standards of various municipal codes such as Sign Codes, Zoning Regulations (except discretionary land use permits), Nuisance Regulations, and Critical Areas regulations. Functions of the Code Enforcement Officer include:
1. Final inspections of signs for size, placement, and other conformance standards;
 2. Current and historical records research from citizens, County and State agencies;
 3. Conduct investigations and inspections of possible violations of Winlock Municipal Codes, such as but not limited to:
 - a. Critical Areas violations
 - b. Setbacks
 - c. Occupied RVs (Title 8);
 - d. Home occupations (Title 18B);
 - e. Animals (number, setbacks of pens, structures, etc.) (Title 8);
 - f. Junk, salvage, and wrecking yards (Title 8 and 18B);

- g. Illegal businesses, e.g., contractors' yards, manufacturing uses in non-industrial zones, etc.
 - h. Illegal signs
 - i. Expansion of nonconforming uses
 - j. Other Winlock Municipal Code violations; and
 - k. Coordination with County, State, and/or Federal agencies to seek assistance in code enforcement matters (i.e., Lewis County Environmental Health Department, Department of Ecology, and/or Corps of Engineers).
- B. Corrective actions necessary to remedy Building Code violations are under the authority of the City of Winlock Building Official. Actions may include Notice and Orders to Correct, Stop Work, or any other written order to correct building code violation infractions. However, the Building Official is empowered to refer a building code violation to the Code Enforcement Officer, citing appropriate code violation(s), and may recommend that a Civil Infraction citation be issued by the Code Enforcement Officer.
- C. Appointment. The Code Enforcement Officer is appointed by the Mayor and a limited commission is conveyed by the Chief of Police, to allow issuance of civil infraction citations.

Jurisdiction of the Winlock Municipal Court. The Court has the authority to hear and determine civil infractions that are established by municipal ordinance and that are committed within the jurisdiction of Winlock pursuant to chapter 7.80 RCW.

1.050.030 Issuance of Process

Notwithstanding any other provision of law governing service of process in civil cases, the Winlock Municipal Court having jurisdiction over an alleged civil infraction, may issue process anywhere within the state.

1.050.040 Definitions:

“City” means the City of Winlock

“Civil infraction” means the violation of any provision of the Winlock Municipal Code, except WMC 568, Criminal Code, or the failure to comply with any lawful requirement, order or decision by an authorized city official, hearings examiner or other decision maker.

“Court” means Winlock Municipal Court (a Court of Limited Jurisdiction)

“Code” means the Winlock Municipal Code as it is currently existing or from time to time may be amended.

“Code Enforcement Officer” means the person authorized to enforce Municipal Codes and Ordinances in which civil infractions are established.

“Officer” means a sworn peace officer; the city’s building official, the code enforcement officer, or any other person designated by the mayor to enforce the Winlock Municipal Code.

“Permit” means any land use, building or other permit or approval granted by the city or any city official.

“Respondent” means any individual, corporation, partnership, unincorporated association or other entity alleged to have committed a civil infraction and any owner of a property or structure on which, a civil infraction is alleged to have occurred.

1.050.050 Notice of Infraction - Issuance, Service, Filing

- A. A civil infraction proceeding is initiated by the issuance, service, and filing of a notice of civil infraction.

- B. Upon a determination of the code enforcement officer, or any other person designated by the mayor to enforce the Winlock Municipal Code that one or more civil infractions have occurred, the officer shall issue a citation to the person who, in the officer's opinion, is responsible for the activity or failure to act that is deemed to be the civil infraction or the owner or person responsible for the property on which the infraction is alleged to have occurred.
- C. The Court may issue a notice of civil infraction if a Code Enforcement Officer files with the Court a written statement that the civil infraction was committed in the officer's presence or that the officer has reasonable cause to believe that a civil infraction was committed.
- D. Service of a notice of civil infraction issued under paragraph B or C of this section shall be as provided by Court rule. Until such a rule is adopted, service shall be as provided in Infraction Rules for Courts of Limited Jurisdiction (IRLJ) as applicable.
- E. A notice of infraction shall be filed with a Court having jurisdiction within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. A notice of infraction not filed within the time limits prescribed in this section may be dismissed without prejudice.

1.050.060 Person Receiving Notice - Identification and Detention

- A. A person who is to receive a notice of civil infraction under RCW 7.80.050 is required to identify him/herself to the Code Enforcement Officer by giving his/her name, address, and date of birth. Upon the request of the officer, the person shall produce reasonable identification, including a driver's license or identification card.
- B. A person who is unable or unwilling to reasonably identify him/herself to the Code Enforcement Officer may be detained for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a civil infraction.

1.050.070 Notice - Determination Final Unless Contested - Form

- A. A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless contested as provided in this Chapter.
- B. A citation for a civil infraction shall include at least the following information:
 - a. The name and address of the respondent;
 - b. The time, date and place the civil infraction was alleged to have occurred;
 - c. A statement describing the civil infraction(s) alleged to have occurred with a reference to the pertinent code section(s) or other commonly understood reference to the law, ordinance or permit alleged to have been violated;
 - d. The time, date and place for the initial hearing in municipal court, at which the respondent shall appear and respond to the charge alleged in the citation;
 - e. A certification that the officer issuing the citation has reasonable grounds to believe, that the respondent committed the civil infraction contrary to law. This certification shall be deemed equivalent to a sworn complaint;
 - f. That the person must respond to the notice as provided in this chapter within fifteen days;
 - g. That failure to respond to the notice or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and that this failure may be referred to the prosecuting attorney for criminal prosecution for failure to respond or appear;

- h. That the person promises to respond to the notice of civil infraction in one of the ways provided in this chapter, which the person shall sign;
- i. That failure to respond to a notice of civil infraction as promised or to appear at a requested hearing is a misdemeanor and may be punished by a fine or imprisonment in jail.

1.050.080 Municipal court proceeding

- A. The municipal court shall have jurisdiction over all civil infractions presented under this chapter. The municipal court shall adopt, and may amend from time to time, procedural rules governing proceedings before the court.
- B. The following procedures shall be incorporated into the proceedings before municipal court:
 - (a) If the respondent enters a response of having committed the infraction, no contest, or fails to appear or otherwise enter a response, the municipal court shall find that the respondent committed the infraction as alleged and shall enter an order directing the respondent to abate, correct or otherwise remedy the violation, and the court shall impose a civil penalty in accordance with this chapter.
 - (b) If the respondent timely enters a response of not having committed the infraction, the court shall schedule the matter for hearing.
 - (c) At the hearing, the city shall present its case and evidence in support of the citation. The city must also establish that the respondent was notified or otherwise informed that respondent's conduct or the condition of respondent's property was a code violation prior to issuance of a citation under this chapter. The respondent shall be afforded an opportunity to review and rebut the city's evidence, cross examine the city's witnesses, and present testimony, evidence and witnesses in support of respondent's case. Any party may be represented by an attorney, but the city is not responsible for providing respondent with an attorney.
 - (d) The court shall enter an order in favor of the city if the city proves by a preponderance of the evidence that the respondent knowingly committed the infraction, in which case the court shall enter an order directing the respondent to abate, correct or otherwise remedy the violation, and the court shall impose a civil penalty in accordance with this chapter.

1.050.090 Nuisance abatement by the city, cost recovery and lien authorized

- A. Nuisance and Abatement Order. Upon a finding that the respondent knowingly committed the civil infraction as alleged, the municipal court shall declare the civil infraction to be a nuisance, in which case the municipal court may order the respondent to abate, correct or otherwise remedy the nuisance. In the event the respondent fails to so abate, correct or remedy the nuisance within 10 days of the court's abatement order, the city, without further proceedings, may take whatever action is necessary to abate, correct or remedy the nuisance. The city may also seek from the municipal court an order of contempt against respondent for failing to comply with the court's abatement order. All of the city's expenses incurred in undertaking an abatement action and seeking a contempt order may be levied against the respondent or owner of the subject property. If the amount of the city's levy is not fully paid within 30 days of presentment to the respondent or property owner, the city may record the levy in the city's lien docket or the county real property records as a lien against respondent's real property.

- B. Summary Abatement by the City in Emergency Situations. With or without the respondent first having appeared, the city prosecutor may seek, and the municipal court may order, the summary abatement of the activity alleged in the civil infraction citation upon a finding that:
- (a) An imminent and substantial threat to the public health, safety or welfare exists by virtue of the alleged action or inaction; and
 - (b) Immediate abatement of the activity or nuisance is necessary to prevent the threatened harm to the public health, safety or welfare.

Upon issuance of a summary abatement order under this subsection, the city may, without further notice or proceedings, take whatever steps are necessary to abate, correct or remedy the nuisance that is the basis for the citation.

C. Recovery of the City's Costs. The city shall be entitled to the recovery of its expenses incurred in undertaking a code enforcement action, abatement and/or obtaining a contempt order against the respondent. Following an enforcement action, abatement or issuance of an order of contempt, the city shall submit to the court and serve on respondent a verified statement of its costs incurred in the enforcement or abatement action and/or contempt proceeding, including labor, disposal and administrative costs, attorney and expert witness fees. The court shall issue an order and money judgment awarding the city its reasonable costs incurred. If the amount of the judgment is not fully paid within 30 days of issuance, the city may, without further notice or proceedings, record the levy in the city's lien docket or the county real property records as a lien against respondent's real property in any county where the respondent owns property.

1.050.100 Fines

- A. Upon conviction of a civil infraction of any of the municipal code, the court may impose a maximum civil penalty of \$300.00 per infraction.
- B. Each day that a violation exists shall constitute a separate civil infraction.
- C. The remedies and penalties provided in this chapter are in addition to, and not in lieu of, any other remedy or penalty provided by law, including, but not limited to, revocation or non-renewal of a permit or license, action under the Uniform Code for the Abatement of Dangerous Buildings, chapter 35.80 RCW (relating to unfit dwellings, buildings and structures), chapter 7.48 RCW (relating to nuisances), injunction, abatement or civil damages as provided by this code or any other provision of the state law in any court of competent jurisdiction.

SECTION 2 - ZONING

Chapters:

- 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)
- 2.040 Medium-Density Residential District (MDR-16)
- 2.050 Commercial and Mixed-Use Districts (C1, C2 and MX)
- 2.060 Light Industrial District (LI)
- 2.070 Urban Public District (UP)
- 2.080 Manufactured Homes
- 2.090 Urban Holding District (UH-10)

Chapter 2.010 - ESTABLISHMENT OF ZONING DISTRICTS AND MAPS

Sections:

- 2.010.010 Classification of districts
- 2.010.020 Zoning map
- 2.010.030 District boundaries

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.

Chapter 2.030 - LOW DENSITY RESIDENTIAL DISTRICTS (LDR-6, LDR-10)

Sections:

- 2.030.010 Purpose
- 2.030.020 Locational criteria
- 2.030.030 Permitted uses
- 2.030.040 Height regulations
- 2.030.050 Density requirements
- 2.030.060 Lot coverage and dimensions

2.030.010 Purpose

The LDR districts are intended to implement the provisions of the Winlock Comprehensive Plan. In addition, these districts are intended to:

- A. Recognize and maintain established low-density residential areas, while encouraging appropriate infill and redevelopment;
- B. Establish higher densities close to employment centers and transit corridors and lower densities in areas without urban services;
- C. Create efficient residential areas which provide community services in a more economical manner, and facilitate utility-efficient design;
- D. Provide for additional related uses such as schools, parks and utility use necessary to serve immediate residential areas;
- E. Maintain and enhance sensitive lands (as defined in the City's Critical Areas Ordinance);
- F. Encourage traditional pedestrian-oriented neighborhoods.

2.030.020 Locational criteria

- A. The city shall zone land designated for low density residential use on the Winlock Comprehensive Plan map within the Winlock corporate limits as follows:
 - 1. LDR-6 (6,000 sq. ft. lots). New parcels in this area must average within 10% of 6,000 square feet as a total development and any phase within the development. Individual parcels may not be smaller than 5,000 square feet or larger than 7,500 square feet.
 - 2. LDR-10 (10,000 sq. ft. lots). New parcels in this area must average within 10% of 10,000 square feet as a total development and any phase within the development. Individual parcels may not be smaller than 8,500 square feet or larger than 15,000 square feet.
- B. Zoning of residential land upon annexation to the city:
 - 1. Newly annexed lands shall be incorporated into the city consistent with the Comprehensive Plan Land-Use Map.
- C. The city shall zone lands within the city limits, but which have identified capital facilities deficiencies, with an urban holding overlay. The UH-10 overlay shall limit residential densities to one unit per lot, or one unit per ten acres, whichever is greater, until capital facilities deficiencies are resolved.

2.030.030 Permitted uses

The following uses are permitted within the LDR district subject to the applicable provisions of this and other applicable Winlock Development Code titles:

Use	LDR-6	LDR-10
(1) Single-family detached dwelling units	P	P
(2) Duplexes on corner lots only	P	P
(3) Manufactured homes	P	P
(4) Accessory buildings and uses including, but not limited to, the following:		
(a) Private garages and carports designed to accommodate no more than four (4) vehicles.	P	P
(b) Greenhouses, gardens, and orchards for private, non-commercial propagation and culture of plants, fruits, and vegetables	P	P
(c) Swimming pools and other recreational facilities for the private use of the occupants. Swimming pools other than children's temporary wading pools shall not be located in front yards and shall be set back at least three feet from all property lines.	P	P
(d) Covered patio, freestanding or attached	P	P
(e) Solar energy systems and structures solely designed to support solar energy systems	P	P
(5) Home occupations	P	P
(6) Art galleries and museums not exceeding two (2) gross acres	C	C
(7) Nursery schools, when located on the same site with a public or private school or church	C	C
(8) Public utilities such as electrical substations	C	C
(9) Publicly owned parks, trails, open spaces or recreational areas	P	P
(10) Family day care homes and mini-day care centers	P	P
(11) Foster care homes	P	P
(12) Churches	C	C
(13) Public schools	C	C
(14) Community clubs	C	C
(15) Daycare centers and adult care facilities	C	C
(16) Public buildings and uses not otherwise listed as permitted in WDC	C	C
(17) Bed and breakfast house (limit of five guestrooms)	P	P
(18) Manufactured home parks and subdivisions and related uses/structures	C	C
(19) Telecommunication facilities	C	C
(20) All manufacturing and commercial uses or services,	X	X

except permitted home occupations

(21) Kennels	X	X
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2.030.040 Height regulations

A maximum building height in all LDR districts shall be thirty-five feet measured from the lowest finished grade level to the highest point on the roof. Detached garages shall not exceed twenty-five feet in height.

2.030.050 Density requirements

- A. New lots and structures and additions to structures subject to this chapter shall comply with the applicable standards for minimum and maximum density in Table 2.030.050 WDC.
- B. Lots created for drainage facilities, parks, open space, wetlands, critical areas and buffers or utilities shall not be subject to maximum lot size requirements.
- C. Newly created lots in a proposed land division must average within 10% the proscribed average lot size as a total development and any phase within the development.

Table 2.030.050 Density Requirements

Zoning District	Average lot size (sq. ft.)	Minimum lot Area (sq. ft.)	Maximum lot Area (sq. ft.)	Minimum Density per acre
LDR-6	6,000	5,000	7,500	6
LDR-10	10,000	7,500	15,000	4

2.030.060 Lot coverage and dimensions

The review authority may modify building setbacks by up to 10% where critical areas necessitate such adjustments.

- A. Maximum building lot coverage shall not exceed thirty-five percent (35%). Maximum impervious surface area shall not exceed fifty percent (50%).
- B. Front yard setbacks shall be measured as the distance between the primary street facade of the dwelling and the nearest edge of the street right-of-way.
 - 1. The measurement shall be made at either the front plane of the front porch or of the dwelling if there is no front porch.
- C. Side yard setbacks shall be consistent with Table 2.030.060 WDC, unless otherwise expressly allowed by this title.

Table 2.030.060 Lot Coverage and Dimensions

District	Average Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Street Side Yard (feet)	Minimum Rear Yard (feet)
LDR-6	6,000	50	80	15	5	15	10
LDR-10	10,000	70	90	15	10	15	15

Chapter 2.040 - MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR-16)

Sections:

- 2.040.010 Purpose
- 2.040.020 Location
- 2.040.030 Permitted and conditional uses
- 2.040.040 Density and dimensional requirements
- 2.040.050 Requirements of single family attached housing
- 2.040.060 Requirements of multi-family attached housing
- 2.040.070 Requirements of single-family detached housing

2.040.010 Purpose

The Medium Density Residential (MDR-16) district is intended to provide for residential development opportunities with a minimum density of eight (8) units per net acre, and a maximum density of sixteen (16) units per net acre consistent with the Winlock Comprehensive Plan. The district is further intended to facilitate use of public transit, reduce the burdens of automobile related problems, and encourage efficient use of commercial services and public open space.

2.040.020 Location

The City Council, with the recommendation of the Planning Commission, generally, shall assign MDR-16 zoning districts in close proximity to collector or arterial roadways, current or proposed transit routes, near employment centers, and with good access to local public schools and parks.

2.040.030 Permitted and conditional uses

- A. Permitted Uses. The city permits the following primary uses on buildable lands: (outside of sensitive lands), subject to compliance with the requirements of the city's adopted Critical Areas Ordinance (CAO) and compliance with concurrency and level-of-service standards of the Winlock Capital Facilities Plan:
1. Existing lawful residential uses;
 2. One new single-family residence per lot of record,
 3. Multiple-family dwellings, including but not limited to attached single-family dwellings, such as townhouse, duplexes, triplexes; and detached multi-family dwellings such as apartments;
 4. Single family detached dwelling units consistent with the general standards and single family detached standards in this Chapter;
 5. Accessory buildings and uses normal and incidental to the building and uses permitted in this chapter; and
 6. Public parks and recreational facilities;
 7. Family daycare providers who regularly provide daycare for not more than 12 children in the provider's home RCW 36.70A.450;
- B. Conditional uses allowed in an MDR-16 district are described in WDC 2.030.030, Single-family permitted, conditional and prohibited uses. Minimum density standards shall be met.

2.040.040 Density and dimensional requirements

A. All developments within the MDR-16 zoning district shall comply with the density and dimensional requirements of Table 2.040.030 WDC.

Table WDC 2.040.040, MDR-16 density & dimensional requirements

Standard	Multi-Family	Single-Family	
		Attached	Detached
Net Density	8-16	8-16	8-16
Minimum Project Area	1.5 ac	1.5 ac.	2.5 ac.
Minimum Lot Width	20 Feet	20 Feet	30 Feet
Minimum Lot Depth	60 Feet	60 Feet	60 Feet
Minimum Area	1,400 SF	1,400 SF	3,000 SF.
Maximum Lot Coverage	85%	60%	60%
Maximum Height	45 Feet	35 Feet	35 Feet
Setbacks ¹			
Min. Front Setback ²	10 Feet	10 Feet	10 Feet
Min. Garage Setback From Public Street	5 Feet	18 Feet	18 Feet
Min. Garage Setback From Alley	3 Feet	3 Feet	3 Feet
Min. Side Setback	0 Feet Attached or 10 Feet Abutting Single Family	0 Attached / 4 Feet Non-Attached	4 Feet
Min. Street Side Setback	0 Feet	10 Feet	10 Feet
Min. Rear Setback	20 Feet	10 Feet	10 Feet

B. Beveling. New lots used for medium density residential purposes created adjacent to low density residential (LDR) districts shall employ a “beveling” technique at the perimeter of the project. New perimeter MDR-16 lots abutting LDR districts, not including public rights-of-way or dedicated public open space, shall be no less than 80% of the lot area of the minimum lot size of the abutting LDR district. Setbacks from the property lines of abutting LDR land shall be no less than 80% of the setback requirement of the abutting LDR district. For example, if the abutting property is zoned LDR 8.5, a 7,000 sq. ft. minimum lot size, the MDR-16 lots abutting the LDR district may not be less than 5,600 sq. ft.

C. Product types. The city desires to foster an opportunity for the creation of a variety of MDR-16 housing products so as to promote housing affordability, architectural variety and unique

¹ Setbacks and building envelopes shall be identified for each lot on the face of the plat or binding site plan.

² Minimum front yard setback shall be twenty-five feet from arterial and collector streets.

neighborhood character. A MDR-16 project proposal which consists of 5 gross acres or more, including abutting lands under common ownership, may not include more than 75% of one housing type, i.e., multi-family, single-family attached or single-family detached.

2.040.050 Requirements of single-family attached housing.

A single-family attached proposal shall meet the requirements of this section. Where a conflict exists between general and specific standards the Director shall apply the more specific standard.

- A. Building permits for attached developments may only be approved where fully consistent with the approved land division.
- B. Notations on the plat and/or covenants running with the land, approved by the City Attorney, shall guarantee that required side setbacks shall be kept perpetually free of obstructions.
- C. Single-family attached housing shall not be permitted in housing clusters of greater than six (6) units
- D. Only one (1) dwelling unit may occupy an individual lot. Each attached dwelling may occupy no more than one (1) lot.
- E. No portion of a unit may occupy space above or below any other unit, except underground shared parking.
- F. Landscaping. Single-family attached development projects may satisfy the minimum landscaping requirement by:
 - 1. Providing two hundred (200) square feet of enclosed private outdoor living area per bedroom for each individual dwelling unit, to be located in the rear or side yard of each individual lot; or
 - 2. Providing two hundred (200) square feet of common indoor or outdoor recreation area per bedroom for each individual dwelling unit.

2.040.060 Requirements of multi-family attached housing.

A multi-family attached proposal shall meet the requirements of this section. Where a conflict exists between general and specific standards the director shall apply the more specific standard.

- A. Multi-family attached housing shall not be permitted in clusters of greater than ten dwelling (10) units.
- B. Building permits for attached developments may only be approved where fully consistent with the approved land division.
- C. Notations on the plat and/or covenants running with the land, approved by the City Attorney, shall guarantee that required side setbacks shall be kept perpetually free of obstructions.

Chapter 2.050 - COMMERCIAL DISTRICTS (C1, C2, and MX)

Sections:

- 2.050.010 Purpose
- 2.050.020 Uses
- 2.050.030 Development Standards
- 2.050.040 Mixed-Use (MX) District

2.050.010 Purpose

- A. Downtown Commercial (C-1) District. These less intensive commercial areas are intended to provide for the convenience shopping needs for a limited trade area. Typical allowed uses include convenience food markets, beauty and barber shops, bakeries and limited service industries. They should occur as small centers, ideally at the junction of two (2) public streets (collectors or arterials). These areas are held to a high standard of site plan review due to the close proximity of the residential zones. Development activity shall meet, to the maximum extent feasible and prudent, the design guidelines contained in this chapter.
- B. Community Commercial (C-2) District. These more intensive, auto oriented commercial areas are intended to provide for the regular shopping and service needs for the community as a whole and adjacent service areas.
- C. Mixed-Use (MX) District. This district provides for residential, office and commercial uses within a single district.

2.050.020 Uses

The uses set out in Table 2.050.020 WDC are examples of uses allowable in the various zone districts. The appropriate review authority is mandatory.

“P” – Uses allowed subject to approval of applicable permits.

“C” – Conditional uses which may be permitted subject to the approval of a conditional use permit in Chapter 3.250 WDC (Conditional Uses).

“X” – Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) or other applicable chapter is noted in the “Special Standards” column.

Table 2.050.020 Uses

Use	C-1	C-2
1. Residential		
a. Existing residences without any increase in density	P	P
b. Residential units above first floor	P	X
c. Home occupation (business)	P	P
d. Bed and breakfast establishments	P	P
e. Temporary dwellings	P	P
2. Retail Sales – Food.		
a. Markets in excess of 15,000 square feet gross floor	X	C

Use	C-1	C-2
area		
b Markets – under 15,000 square feet of gross floor area	P	P
c. Bakery – primarily retail outlet (> 10,000 square feet of gross floor area)	X	C
d. Bakery – primarily retail outlet (< 10,000 square feet of gross floor area)	C	C
3. Retail Sales – General.		
a. General retailer (up to 200,000 square feet gross floor area)	X	C
b. General retailer (under 25,000 square feet gross floor area)	P	P
c. Single purpose/specialty retailers (less than 10,000 square feet gross floor area)	P	P
d. Single purpose/specialty retailers (greater than 10,000 square feet gross floor area)	X	C
e. Yard and garden supplies, including nurseries	X	C
f. Adult Entertainment	X	C
4. Retail Sales – Restaurants, Drinking Places.		
a. Restaurants	P	P
b Restaurants, with associated drinking places, alcoholic beverages	C	C
c. Drive-through, drive-in, or drive-up facilities,	C	C
5. Retail Sales and Services – Automotive and Related.		
a. Motor vehicle dealers, new and used, including auto, truck trailer, boat, recreational vehicles and equipment	X	C
b. Quick vehicle servicing	X	C
c. Filling station	C	C
d. Manufactured home sales	X	C
e. Car washes	C	C
f. Vehicle rental or repair including auto, truck trailer, boat, and recreational vehicles	X	C
g. Commercial off-street parking facilities	C	C
h. Vehicle towing and storage services	X	C
i. Transportation terminals		
(1) Freight	X	C
(2) People	P	P
6. Retail Sales – Building Material and Farm Equipment.		

Use	C-1	C-2
a. Lumber and other building materials stores and yards, with only incidental cutting and planting of products sold	X	P
b. Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building)	X	P
c. Hardware, home repair and supply stores (over 100,000 square feet gross floor area)	X	C
d. Hardware, home repair and supply stores (10,000 to 100,000 square feet gross floor area)	X	P
e. Hardware, home repair and supply stores (under 10,000 square feet gross floor area)	P	P
f. Farm equipment and implement dealer	X	P
g. Hay, grain, and feed stores	X	P
7. Retail Sales – Products (Finished product retailers with primary fabrication or assembly on-site. Within an entirely enclosed building.)		
a. Uses of < 10,000 square feet gross floor area	C	P
b. Uses of 10,000 square feet gross floor area or greater	X	C
8. Services – Personal.		
a. Self-service laundries, dry cleaning, including pressing, alteration, garment and accessory repair, excluding industrial cleaning services	C	P
b. Barber and beauty shops	P	P
c. Clothing rental establishments	P	P
d. Mortuaries	C	P
9. Services – General.		
a. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (< 2,500 square feet)	P	P
b. Office equipment and home appliance rental, service and repair agencies	P	P
c. Printing, publishing and lithographic shops	P	P
d. Services to buildings (including dwellings), cleaning and exterminating	P	P
e. Moving and storage	X	P
f. Mini-warehouse	X	C
g. Branch banks	C	C
j. Event facilities (<10,000 square feet)	C	C

Use	C-1	C-2
l. Event facilities (>10,000 square feet)	X	C
m. RV storage	X	C
10. Services – Lodging Places.		
a. Hotels/motels	X	C
b. Recreational vehicle parks and campgrounds	X	C
11 Services – Medical and Health.		
a. Hospitals	X	C
b. Outpatient clinics	C	C
c. Medical laboratories	X	C
d. Sanitaria, convalescent and rest homes	C	C
e. Orthopedic equipment and supplies, rental, sales and services	P	P
f. Animal hospitals and veterinary clinics		
(1) Outside animal activities	X	C
(2) Inside animal activities only	C	P
g. Ambulance services	X	P
h. Residential care homes	C	C
i. Residential and congregate care facilities	C	C
12. Services – Professional Office.		
a. Professional offices (< 10,000 square feet gross floor area)	P	P
b. Professional offices (> 10,000 square feet gross floor area)	C	C
c. Artists/photographic studios	P	P
13. Services – Amusement.		
a. Amusement centers	C	C
b. Bowling alleys, billiard and pool parlors, and video arcades	C	C
c. Skating rinks, ice and/or roller	X	C
d. Theaters, indoor	C	C
e. Drive-in theaters, stadium and arena facilities	X	C
f. Athletic, health and racket clubs (< 10,000 square feet of gross floor area)	P	C
g. Athletic, health and racket clubs (> 10,000 square feet of gross floor area)	X	P
h. Zoos, Circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the city council	X	X

Use	C-1	C-2
14. Services – Educational.		
a. Nursery schools, preschools	C	C
b. Day care facilities consistent with RCW 36.70A.450	P	P
c. Libraries (<10,000 square feet gross floor area)	P	P
e. Vocational schools	C	C
f. Artistic studios and schools including but not limited to dance, music and martial arts (<10,000 square feet)	P	P
g. Artistic studios and schools including but not limited to dance, music and martial arts (>10,000 square feet)	C	C
h. Public parks, parkways, recreation facilities, trails and related facilities	P	P
i. Public/private educational institutions	C	C
15. Services – Membership Organizations.		
a. Business, professional and religious (not including churches)	C	C
b. Civic, social, fraternal, charitable, labor and political (<5,000 square feet)	P	P
c. Civic, social, fraternal, charitable, labor and political (>5,000 square feet)	C	C
d. Churches	C	C
16. Distribution Facilities. (In conjunction with a permitted use, all activities, except vehicle storage, located entirely within an enclosed building)		
a. Distribution facilities of less than 25,000 square feet gross floor area	X	C
b. Distribution facilities of between 50,000 and 25,000 square feet gross floor area	X	C
17. Public Services and Facilities.		
a. Buildings entirely dedicated to public services, such as city hall, police and fire substations	C	C
b. Sewer, water and utility transmission lines	P	P
c. Wireless communications facilities	P	P
d. Museums, historic and cultural exhibits and the like	P	P
e. U.S. Post Offices	C	C
f. Public transit facilities including park and ride facilities	P	P
18. Accessory Uses and Activities.		
a. On-site hazardous waste treatment and storage facilities, subject to state siting criteria (RCW	C	C

Use	C-1	C-2
70.105.210).		
b. Drive-through, drive-in or drive-up facilities	C	C ³
c. Open Air Activities		
(1) Open air display of plants and produce in conjunction with a permitted use	P	P
(2) Open air storage of materials	C	C
(3) Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title	C	C
(4) Open air storage of company vehicles, such as cars and light duty trucks, in conjunction with a permitted use	C	C
20. Other Uses.		
a. Temporary uses	P	P
b. Solid waste handling and disposal sites	C	C

2.050.030 Development Standards

- A. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Table 2.050.030 (A) WDC. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.
- B. Landscaping.
 - 1. In C2 and districts, not less than fifteen percent (15%) of the total lot area shall be landscaped. Pedestrian plazas, sidewalks over the minimum width and other pedestrian amenities may be used to meet the required landscaping at a one to one (1:1) ratio.
 - 2. In the C1 district, where zero lot line development is proposed, not less than 10% of the site shall be landscaped. Hardscape surfaces, such as tables, plazas, and planting boxes may be used to satisfy the landscaping requirement. Where zero lot line development is not proposed, not less than 15% of total lot area shall be landscaped.
- C. Site Plan Review Standards. In addition to the site plan approval criteria the following shall apply to all development within the commercial districts unless expressly exempted. The review authority may modify these standards for the expansion of existing uses for site-specific issues:
 - 1. Primary pedestrian circulation routes connecting the street(s) to the primary building entry or entries shall be a minimum of eleven (11) feet (eight (8) feet of sidewalk/walkway with a

³ Excepting drive-through restaurants defined under 4.c. above.

minimum of three (3) feet of landscaping on one (1) side of the pedestrian route). Except for the downtown commercial areas, the minimum three (3) foot landscaped area shall contain street trees planted at thirty (30) foot intervals to provide for a continuous tree canopy. The required landscape area should function as a buffer between auto drives and the pedestrian routes. Where the pedestrian circulation route crosses vehicular accessways the landscape area is not required. Pedestrian awnings, with a minimum of eight (8) feet of head clearance shall be provided along the front building façade when abutting public rights-of-way. Awnings may not project over the parking area or street.

2. Landscaping.

- a. Landscaping is required along the side of all buildings in C2 districts where the primary pedestrian access is provided. Minimum requirements shall be trees provided every thirty (30) feet on center planted along the length of the parcel. Street trees may not be planted closer than 25 feet away from street corners to preserve intersection sight-distance.
- b. Landscape buffers shall not apply between pad development sites and the remainder of the development site.
- c. Landscaping required between commercial developments may be altered where parking lots are adjoining as follows: a single, shared five (5) foot buffer instead of five (5) feet for each development; provided, that joint access is provided between parcels for auto and pedestrian access and trees are planted every twenty (20) feet on center along the length of the buffer.

Table 2.050.030A Lot Requirements

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
C-1	2,500	25	100
C-2	10,000	None	None

Table 2.050.030B Setbacks, Lot Coverage and Building Height

Minimum setbacks	Pursuant to buffering and screening standards contained in this Title.
Minimum setbacks adjacent to residential district	Pursuant to the screening and buffering standards contained in this Title, plus an additional 1/2 foot for each foot the building exceeds 20 feet in height to a maximum setback requirement of 40 feet.
Maximum lot coverage	Maximum determined by compliance with screening and buffering standards contained in this Title.
Maximum building height	60 Ft.

2.050.040 Mixed Use District (MX)

A. Purpose. The Mixed Use (MX) district requires mixed use developments to provide the community with a mix of mutually-supporting retail, service, recreation, office and medium or high-density residential uses. The zone is designed to promote cohesive site planning and design that integrates, and interconnects two or more land uses into a development that is mutually supportive. It can provide incentives to develop a higher-density, active, urban environment than generally would be found in a suburban community. This type of development is further expected to:

1. Achieve the goals and objectives of the community’s comprehensive plan and capital facilities plans;
2. Enhance livability, environmental quality and economic vitality;
3. Maximize efficient use of public facilities and services;
4. Create a safe, attractive and convenient environment for a variety of uses including living, working, recreating and traveling.

B. Applicability.

1. General. The provisions of this section shall be applied to parcels or groups of contiguous parcels designated mixed-use on the city’s official zoning map.
2. Interpretation. If the requirements of the mixed-use district conflict with other regulations, the more stringent shall apply.

C. Definitions. For the purposes of this section, the following definitions shall apply:

1. “Mixed-use development” shall mean a group of structures planned as a single entity and containing within and/or among them a variety of complementary, and/or mutually supporting uses (such as housing, offices, recreation, retail, public service or entertainment).
2. "Net Acre" means an acre of the developable portion of the site, which is derived from the total (gross) acreage of the site minus the area required to be, or voluntarily, set aside, as critical and environmentally sensitive lands and the corresponding buffers, public rights-of-way, road easements and any similar public facilities.

D. Uses. Uses that are permitted or conditionally allowed in the MX (mixed use) district are shown in Table 2.050.040A. Residential uses are permitted so long as the minimum required densities and all dimensional and other development standards of this chapter and the Development Code are met. "P" Uses are allowed subject to approval of applicable permits. "C" Conditional uses may be permitted subject to the approval of a Conditional Use Permit as set forth in the Winlock Development Code. "X" Uses are prohibited.

Table 2.050.040A MX Uses

Use	MX
1. Residential uses.	
a. Existing residences without any increase in density	P
b. Medium density (Integrated multi-family/commercial or mixed-use structures, townhouse, or condominiums, from 8 to no more than 18	P

residential units per net acre)	
c. High density (Integrated multi-family/commercial or mixed use structure not to exceed 18 residential units per net acre in designated areas if the structure also has ground floor commercial)	P
d. Home occupations (business)	P
e. Bed and breakfast establishments	P
f. Single-family detached and single-family attached	P
2. Retail Sales–Food.	
a. Markets not to exceed 35,000 square feet gross floor area	P
b. Markets- Greater than 35,000 square feet of gross floor area	C
3. Retail Sales–General.	
a. Single purpose/specialty retailers up to 25,000 square feet gross floor area.	P
b. Yard and garden supplies, including nurseries	C
4. Retail Sales–Restaurants, Drinking Places.	
a. Restaurants, with associated drinking places, alcoholic beverages	P
b. Drinking places, alcoholic beverages (with or without entertainment)	C
5. Retail Sales–Products (Finished product retailers with primary fabrication or assembly on site. Within an entirely enclosed building.)	
a. Uses of < 5,000 square feet gross floor area	P
b. Uses of greater than 5,000 square feet gross floor area	C
6. Services–Personal.	
a. Self-service laundries, dry cleaning, including pressing, alteration, garment and accessory repair, excluding industrial cleaning services	P
b. Barber and beauty shops	P
c. Clothing rental establishments	P
7. Services–General.	
a. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (up to 25,000 square feet gross floor area)	P
b. Printing, publishing and lithographic shops	P
c. Branch banks	P
d. Event facilities (Event facilities include uses such as meeting halls and convention rooms) (<10,000 square feet gross floor area)	P
e. Event facilities (Greater than 10,000 square feet gross floor area)	C
8. Services–Lodging Places.	
a. Hotels/motels	C
9. Services–Medical and Health.	
a. Outpatient clinics	P
b. Medical laboratories	C

c. Sanitaria, convalescent and rest homes	C
d. Orthopedic equipment and supplies, rental, sales and services	P
e. Animal hospitals and veterinary clinics.	
(1) Outside animal activities	X
(2) Inside animal activities only	P
f. Residential care homes	C
g. Residential and congregate care facilities	C
10. Services—Professional Office.	
a. Professional offices	P
b. Medical and Dental Offices	P
c. Artists/photographic studios	P
11. Services—Amusement/Recreational	
a. Bowling alleys, billiard and pool parlors, and video arcades	C
b. Equestrian facility and supporting uses	C
c. Skating rinks, ice and/or roller	C
d. Theaters, indoor	C
e. Athletic, health and racket clubs (< 10,000 square feet of gross floor area)	P
f. Adult Clubs/shops	X
12. Services—Educational.	
a. Nursery schools, preschools	P
b. Day care facilities consistent with RCW 36.70A.450	P
c. Libraries	P
d. Vocational schools	C
e. Artistic studios and schools including but not limited to dance, music and martial arts	P
f. Public parks, parkways, recreation facilities, trails and related facilities	P
13. Services—Membership Organizations.	
a. Business, professional and religious (not including churches)	P
b. Civic, social, fraternal, charitable, labor and political	P
c. Churches	C
14. Public Services and Facilities.	
a. Buildings entirely dedicated to public services, such as city hall, police and fire substations	C
b. Educational institutions	C
c. Sewer, water and utility transmission lines	P
d. Wireless communications facilities	P
e. Museums, historic and cultural exhibits	P

f. U.S. Post Offices	C
g. Public transit facilities including park and ride facilities	C
15. Accessory Uses and Activities.	
a. On-site hazardous waste treatment and storage facilities, subject to State Siting Criteria (RCW <u>70.105.210</u>).	C
b. Drive-through, drive-in or drive-up facilities	C
c. Open Air Activities	
(1) Open air display of plants and produce is permitted in conjunction with a permitted use.	P
(2) Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by the WDC	P

E. Development standards.

1. Residential/Commercial.

- a. All mixed-use applications, larger than five acres in total size of the parent parcel, shall have a mixture of uses. Twenty percent (20%) shall be the minimum of any one use and at a minimum two (2) of the following uses shall be represented:
 - i. Residential,
 - ii. Commercial,
 - iii. Office,
 - iv. Retail, or
 - v. Recreational.
- b. All mixed-use zoning applications which have a residential component shall provide a minimum of 8 residential units per net residential acre and a maximum of 24 residential units per net residential acre.
- c. All types of residential developments may transfer density of up to two dwelling units per unbuildable gross acre from environmentally constrained land, as defined in the Critical Area Ordinance of this code, to the buildable portion of the site.
- d. All applications for residential development, of more than five acres in size, shall include a mixture of (more than one) residential housing type, with no one housing type being more than 75% of the total number of residential units. Housing types generally include: single-family, multi-family, attached townhomes, detached townhomes and condominium dwellings.

2. Lot Standards

- a. All development applications in the MX Zone shall comply with the applicable standards for lot area dimensions, building height, and setbacks in Table 2.050.040(B) WDC.

- b. Single-family structures that are used for accessory commercial uses shall use the single-family attached/ detached development standards.
- c. The maximum "building height" of shall exclude unique architectural features such as steeples, chimneys, flagpoles, electronic aerial, and cupolas.
- d. Residential uses may utilize slope setback for yard area where sufficient area to establish a building is located outside the buffer. Land contained within the slope setback shall not count toward maximum lot area total or density calculations.

Table 2.050.040B Lot Standards

Standard	Commercial	Multi-Family	Single-Family	
			Attached	Detached
Minimum Lot Width	20 Feet	20 Feet	20 Feet	30 Feet
Minimum Lot Depth	60 Feet	60 Feet	60 Feet	60 Feet
Minimum Area	1,400 SF	1,400 SF	1,400 SF	3,000 SF.
Maximum Area	N/A	N/A	N/A	15,000 SF
Maximum Lot Coverage	85%	85%	75%	60%
Maximum Height	60 Feet	35 Feet	35 Feet	35 Feet
Min. Front Setback	5 Feet	10 Feet	10 Feet	10 Feet
Min. Garage Setback From Public Street	5 Feet	5 Feet	18 Feet	18 Feet
Min. Garage Setback From Alley	5 Feet	5 Feet	5 Feet	5 Feet
Min. Side Setback	0 Feet Attached or 10 Feet Abutting Single Family	0 Feet Attached or 10 Feet Abutting Single Family	0 Attached / 4 Feet Non-Attached	4 Feet
Min. Street Side Setback	0 Feet	0 Feet	10 Feet	10 Feet
Min. Rear Setback	10 Feet	10 Feet	10 Feet	10 Feet

3. Active Open Space

- a. Purpose. Because Mixed-Use areas typically require a higher density than many single-family residential areas, active open space shall be a requirement of new developments. This active open space shall take the form of family parks to be located within ¼ mile of the area that they serve. Access is typically by walking or bicycle. User groups are diverse and vary with the recreational amenities provided.
- b. These parks shall be constructed by developers and operated and maintained by homeowners' associations (HOA's) or another body approved by the Winlock City Council. Family parks are not intended to be operated, maintained or financed by the city, and as such are not eligible for Park Impact Fee (PIF) credits.

- c. Facilities. Family parks are meant to service local residents of all ages with a special emphasis on younger children (2-12 years of age). One family park of a minimum of 7,500 square feet of park space shall be developed per 25 dwelling units and shall be designed and constructed to primarily serve children in the 2-year to 12-year age group, including appropriate facilities for parental supervision. The park design and layout shall meet current Winlock Park Standard requirements and Americans with Disabilities Act (ADA) regulations. Family parks shall be designed by a Landscape Architect licensed in the State of Washington. While many of the facility choices should be left to the individual developers in order to better suit the needs and desires of that development, some required facilities shall be in all family parks, unless otherwise agreed upon by the review authority. These required facilities shall include at a minimum:
 - i. Pedestrian circulation paths on paved surfaces,
 - ii. Two 4-foot benches,
 - iii. One Trash Receptacle,
 - iv. Bike rack(s) to accommodate a minimum of 6 bicycles,
 - v. One play structure for parks intended primarily for children's use, and
 - vi. One picnic table.
 - vii. The remaining park space shall be covered with live vegetation, or other acceptable surface.
 - viii. All areas established with live vegetation shall be irrigated by a permanent, below-ground, automatic irrigation system.
- d. Policing of the parks. As policing of the parks is a critical concern for the City, several requirements shall be met for family parks.
 - i. A minimum of one side of the park shall abut a public road, unless approved by the Planning Director.
 - ii. Street lighting shall be used to illuminate the park for citizen and police patrols to see into the park at night from the street.
- e. Administration of family parks. A complete preliminary land use application in a Mixed-Use district shall include a preliminary park site plan and landscape plan. The preliminary site plan shall depict the location and number of play structures, bike parking structures, surface materials, how ADA requirements are being met, furnishings, and pedestrian circulation routes. The preliminary landscape plan shall depict the location of plant materials, species and size at time of planting. The City shall not approve the final plat or final master plan of any phase of a mixed-use application in which a family park is required unless the City Engineer and Planning Director have reviewed and approved the final plans and specifications for the family park. The final site plan and final landscape plan shall provide all information contained in the preliminary plans with additional construction information including but not limited to: Irrigation Plan, Construction Details, Grading, CC&R's, Utility Services and parking. The application for preliminary plat or master plan and final plat or master plan approval shall provide a mechanism for the continual care and maintenance of the family park by either a homeowner's association or other body approved by the Planning Director.

- f. Completion timetable. Family parks shall be completed prior to the issuance of the occupancy permit of the 25th dwelling unit within the approved development
 - g. Fence/Hedge. A fence or vegetative buffer shall be used for the screening of park borders where they abut a residential area. This screening should be a minimum of 3.5 feet in height and shall not exceed six feet in height. Neither the fence nor hedge shall be fully sight obscuring.
4. Landscaping and Open Storage
- a. Landscaping. Mixed-Use districts require the provision of a high degree of landscape amenities for visitors and residents. MX districts shall provide tree lined streets with planter strips and/or tree wells as a unifying element. On-site plantings, with individual character, are encouraged to provide multiple layers of plantings, including canopy trees, understory trees, shrubs and groundcover. Seasonal interest is encouraged through the use of blooming sequence, fragrance, fall color, and specimen plant materials. Introduction of other landscape architectural hardscape elements such as: use of natural stone, sculpture, water features, enhanced paving, accent lighting, site furnishings, recreational facilities, and the like are strongly encouraged. Preservation of environmentally constrained areas as natural areas and the restoration of buffer areas with native plant materials and recreational opportunities are priorities.
 - i. All landscape plantings shall be irrigated with an automatic, underground irrigation system designed with water conservation features. Use of techniques, such as separate water zones based on soil type, sun exposure, and plant water requirements is encouraged. All required plant materials shall meet or exceed specifications established by the American Association of Nurserymen for nursery stock.
 - ii. At least 15% of the gross square footage of the master planned site and each individual site must be landscaped.
 - iii. All setback areas shall be landscaped and maintained with live vegetation.
 - iv. Commercial uses in the Mixed-Use (MX) zone abutting a residential use shall be screened. Screening may be accomplished using sight-obscuring vegetation, a sight-obscuring fence or wall, a berm, or a combination of approaches not to exceed six feet. A chain link fence containing slats does not qualify as a sight-obscuring fence for the purposes of this section. If a sight-obscuring fence or wall alone is erected as screening within the setback area, features providing visual interest, such as varied building materials, textures, reliefs or architectural details shall be incorporated on the side facing the residential zone. The property owner shall be responsible for maintaining the vegetation and screening structure in a healthy state.
 - v. Only under the following conditions may freestanding walls, fences and hedges be permitted along public or private streets or sidewalks:
 - A. The maximum height of any wall, fence, or hedge shall be six feet so long as the fence height does not interfere with safe line of sight as determined by the City Engineer.
 - B. Barbed wire, razor wire, electric and other dangerous fences are prohibited.

- b. Open Storage. Open storage is prohibited. Long-term parking of operational company cars, light trucks and vans within parking lots shall not be construed to be open storage. Trash and recycling containers located outside of a building shall be screened by a six-foot solid (100% opaque) fence or a combination of fence and vegetation.
- 5. Conversion of Existing Structures. An existing residential structure may not be converted to a commercial or office use unless consistent with this chapter.
- 6. Parking and Loading.
 - a. Off-street parking in the MX district(s) shall be in compliance with Chapter 3.280 WDC.
 - i. Up to 30% of the parking requirements for dedicated commercial uses may be fulfilled by counting on-street parking directly abutting the commercial use through approval from the Winlock Planning Director.
 - I. Single-Family or Condominium Residential structures containing less than 1,000 square feet of accessory commercial space and abutting a public street with on-street parking shall be required to provide parking as required for the residential use plus one additional on-site parking space. In addition to the approved road sections, the Public Works Director may approve alternate on-street parking configurations such as head-in parking, or head-in angled parking.
 - b. Shared parking between and among uses is encouraged and shall be permitted in accordance with Chapter 3.280 WDC.
 - c. Signs. The requirements of Chapter 3.275 WDC are applicable to the Mixed-Use district and must be met. The commercial requirements shall be used when determining what sign and sign types are allowed or prohibited in this zone. Signage for accessory commercial uses located within single family or condominium structures shall be limited to a maximum size of 4 square feet and constructed of natural materials, such as metal, wood, glass, window painting or stone. Internally lighted signs are prohibited.
- 7. Building Orientation. The primary building entrance shall be oriented to the major street on which the building has access, a street corner, plaza or park. The building may have other entrances if direct pedestrian access is provided to all entrances. Building design should take advantage of natural light and develop prominent view corridors.
- 8. Pedestrian Access.
 - a. An on-site pedestrian circulation system that links public and private streets and the primary entrance(s) of all the structure(s) on the site shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjoining developments if adequate safety and security can be maintained. Convenient delineated pedestrian access to transit stops shall be provided. Pedestrian surfaces shall be a minimum of six (6) feet in width, unless otherwise approved by the Public Works Director, and conform to the ADA requirements adopted by Winlock and the State of Washington.
 - b. Public sidewalks shall be required and constructed according to the City's road standards.
 - c. Where the pedestrian system crosses driveways, parking areas and loading areas, it must be clearly identifiable, through the use of elevation changes, speed bumps, a different

paving material, or other similar method approved by the reviewing authority. Striping may be permitted only in conjunction with at least one (1) of the preceding methods.

- d. Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety and shall be shielded downward to prevent upward and off-site glare.
- e. Lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Lighting shall not produce glare or negatively impact off-site uses or traffic on adjacent streets. On-site lighting shall utilize cutoff fixtures designed to orient light downward and contribute toward a dark sky.

9. Site Planning and Architectural Design Guidelines

a. Commercial and Multifamily Development:

- i. Blank walls facing public streets are discouraged. Features providing visual interest such as windows (genuine, false, or display), artwork, varied building materials, relief panels, trim, balconies, ledges or other techniques shall be employed to enhance building facades facing public streets.
- ii. Roof lines shall be a minimum of 6/12 for pitched roofs. Lower pitched roofs or parapet roof lines shall provide additional architectural detailing including but not limited to: cornice, cap, relief panels, bay windows, shade projections, rain protection, eaves, dormers, ledges or overhangs as approved by the Planning Director.
- iii. Rain protection shall be located at the primary entrance that is effectively designed to provide a minimum of 50 square feet of rain protection. This protection may use a single or combination of techniques such as: awning, eave, alcove, airlock, recessed entry or porte-cochere.
- iv. Finished surfaces on building elevations shall emphasize use of architectural grade natural building products such as wood, masonry, metal, glass, stucco, fiber cement, cultured stone or other stone materials. Use of plywood, vinyl, plastic composites, fiberglass or similar are prohibited unless otherwise permitted by the Planning Director.
- v. A diverse use of color is encouraged to display individuality within the community. Finished surfaces suitable for painting shall incorporate a color palette of at least two colors consisting of a base color and an accent (trim color). Repetitive or predictable alternate color schemes are discouraged.
- vi. Hardscaping (i.e., curb-to-façade sidewalks with pedestrian amenities) may be substituted in lieu of landscaping requirements subject to review and approval of the review authority.

b. Single-Family Residential:

- i. Garages facing a public street shall be set back a minimum of 18 feet from the front property line. The front plane of the garage door cannot extend beyond the front plane of the primary façade. Garages facing an alley shall be set back a minimum of 5 feet from the rear property line. Garage doors shall have a minimum of 50 % of their area decorated with glazing, relief panels, or similar ornamentation.

- ii. Porches, balconies or similar entry appendages may project into the front yard setback up to five feet. Porches shall be designed as functional spaces with a minimum depth of 5 feet.
 - iii. Rooflines shall be a minimum of 6/12 for pitched roofs. Lower pitched roofs or parapet rooflines shall provide additional architectural detailing including but not limited to: cornice, cap, relief panels, bay windows, shade projections, rain protection, eaves, dormers, ledges or overhangs as approved by the Planning Director.
 - iv. Rain protection shall be located at the primary entrance that is effectively designed to provide a minimum of 25 square feet of rain protection. This protection may utilize a single or combination of techniques such as: awning, eave, alcove, airlock, recessed entry or porte-cochere.
 - v. Finished surfaces on building elevations shall emphasize use of architectural grade natural building products such as wood, masonry, metal, glass, stucco, fiber cement, cultured stone or other stone materials. Use of plywood, vinyl, plastic composites, fiberglass or similar are prohibited unless otherwise permitted by the Planning Director.
 - vi. A diverse use of color is encouraged to display individuality within the community. Finished surfaces suitable for painting shall incorporate a color palette of at least two colors, consisting of a base color and an accent (trim color). Repetitive or predictable alternate color schemes are discouraged.
- F. Special Limitations on Uses. All uses in the MX district(s) shall meet all of the following conditions:
- 1. Odor, noise, emissions, vibration, heat and glare (except for exterior lighting) shall be controlled within the confines of the building or structure.
 - 2. No movement of heavy equipment on and off the site shall occur, except for truck deliveries.
 - 3. No outdoor testing of products or processes shall take place on the site.
 - 4. No highly combustible, explosive, or hazardous materials or waste shall be permitted on site.
 - 5. Drive-through facilities require a conditional-use permit as part of the approval process.

Chapter 2.060 – Light Industrial District (LI)

Sections:

- 2.060.010 Purpose
- 2.060.020 Permitted uses
- 2.060.030 Dimensional requirements
- 2.060.040 Industrial development standards

2.060.010 Purpose

A. It is the city’s intent that industrial uses be encouraged in accordance with the comprehensive plan and that potential industrial areas be retained as an essential element for a vital economic base for the population of Winlock. The intent of this district is to provide suitable areas for a variety of industrial uses including manufacturing, wholesale trade and distribution activities. The industries located in this district can be characterized as “clean” or not involving heavy industrial or manufacturing activities and are generally compatible with surrounding uses. The light industrial district is intended to contain uses that will not generate excessive noise, pollution, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance characteristics. Conditional uses are those which may have some nuisance characteristics that may be mitigated and where such uses may be appropriately sited in Winlock. Light industrial districts are only intended to be located in areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets and highways.

2.060.020 Permitted uses

The following uses in the Light Industrial (LI) zone are permitted (P), conditional (C) or prohibited (X) as indicated in Table 2.060.020 WDC. Certain commercial activities having an open storage characteristic, or which are most appropriately located as neighbors of industrial uses, are also included as permitted uses in this district.

Use – Table 2.060.020	LI
1. Accessory uses and structures normally incidental to one or more permitted principal uses including those uses indicated as prohibited elsewhere in this table	P
2. Acid manufacture	X
3. Art galleries, libraries and museums	P
4. Asphalt plants	X
5. Auditoriums and civic centers	P
6. Automobile, boat, truck, tractor, motorcycle, recreational vehicle, manufactured home and other vehicle service, rental and leasing, new and/or used	P
7. Bulk gasoline storage and fuel oil distributors	C
8. Business services operated in conjunction with one or more permitted uses	P
9. Churches, including cemeteries and customary accessory buildings and uses subject to WDC 18.250.	C
10. Clubs, lodges, fraternal institutions and other places of assembly for membership groups	P
11. Cold storage plants, frozen food lockers and ice manufacture	P
12. Colleges and universities	C

13. Commercial recreation facilities, enclosed only	P
14. Commercial recreation facilities, unenclosed	P
15. Conical burners and incinerators, including biomedical waste	X
16. Contractor's establishments	P
17. Day care centers	P
18. Distribution facilities	P
19. Dry-cleaning plants	P
20. Explosives manufacture and storage	X
21. Exterminators and pest control businesses	P
22. Fertilizer manufacture	X
23. Finance, insurance and real estate offices	X
24. Hospitals, health and medical clinics	X
25. Institutionalized residential-living facilities, such as personal-care homes, nursing homes, convalescent homes, group homes, continuing care retirement facilities and similar uses	X
26. Junkyards, wrecked motor vehicle compounds and used auto or other vehicle parts yards	P
27. Kennels	P
28. Landfills	X
29. Lumber yards, planting and saw mills	P
30. Machine shops	P
31. Manufacturing, fabrication, assembling and packaging activities, including accessory storage, for the following products and/or materials: cloth, fiber, fur and hair; electrical and communication equipment; cosmetics, drugs and pharmaceuticals; food, beverage, dairy and tobacco products; and medical, dental, optical precision and surgical instruments and equipment	P
32. Manufacturing, fabrication, assembling, processing, canning, packaging, compounding, storage and treatment activities for the following activities and/or materials: brick, concrete, cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper	P
33. Offices	P
34. Paper and pulp mills	X
35. Parking garages and parking lots	P
36. Personal service establishments, in conjunction with one or more permitted uses	P
37. Printing, publishing, bookbinding and blueprinting establishments	P
38. Public and semipublic buildings and uses	P
39. Radio and television studios	P
40. Radio, television and cellular phone towers and antennas	P
41. Recreational facilities of a noncommercial nature, including parks, playfields and golf courses	P
42. Recycling plants, including any processing facilities	P

43. Research and scientific laboratories	P
44. Residences for a caretaker or night watchman	P
45. Residences of all types, when located on upper floors, in the rear of, or otherwise clearly secondary to commercial buildings	X
46. Restaurants, lounges, taverns and nightclubs, including drive-in and drive-through facilities	C
47. Lounges and taverns	C
48. Restaurants	C
49. Restaurants, drive-through	C
50. Retail trade establishments, not to exceed 15,000 GFA	X
51. Retail trade establishments, unenclosed	X
52. Retail trade gasoline sales, enclosed or unenclosed	P
53. Rubber manufacture	X
54. Schools, public, parochial, private, vocational, technical, business and others, nonprofit or operated for profit	P
55. Services, automotive, including gasoline sales	P
56. Services, business, health, miscellaneous and personal	X
57. Services, lodging	X
58. Services, lodging, but only when accessory to another principal use	X
59. Single-family detached dwellings and their customary accessory buildings and uses, existing on the effective date of the regulations codified in this title, but not including new single-family residences	P
60. Storage buildings and storage yards, for non-hazardous raw materials and finished products	P
61. Temporary uses which may be approved by the planning director	P
62. Tire retreading, recapping and manufacturing	P
63. Transportation, communication and utility facilities, not otherwise specifically permitted	P
64. Utilities and communication facilities, such as telephone exchanges, electric substations and public television stations	P
65. Warehouses, wholesale and storage establishments, mail order houses and distribution facilities occupying no more than fifty thousand square feet of enclosed gross floor area	P
66. Welding shops	P
67. Wholesale distribution and warehousing facilities, including mail order houses, occupying more than 50,000 square feet	P
68. Wineries, breweries and distilleries	P

2.060.030 Dimensional requirements

Table 2.060.030 establishes dimensional requirements for light industrial and employment center districts:

Standard	LI
Minimum lot size	1 acre
Minimum lot frontage	30 ft.
Minimum lot width	200 ft.
Front and street side yard building setback	30 ft.
Side and rear yard building setback	30 ft.
Minimum distance between principal buildings	30 ft.
Maximum building coverage	50%
Maximum height	35 feet

2.060.040 Industrial development standards

Developments in the LI zoning district shall be designed in accordance with the following standards:

- A. Shared access points with abutting or adjacent development shall be provided whenever practicable.
- B. New land divisions creating lots of less than one (1) acre are not permitted unless consistent with a site plan approved under the standards of this title.
- C. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.
- D. Service Roads, Spur Tracks, Hard Stands, Outside Storage Area, Etc. No service road, hard stand or outside storage area, etc., shall be permitted within required setbacks adjoining residential districts.
- E. Fences & Walls. Sight-obscuring fencing or walls, visible from the public right-of-way, shall be screened with green growing plant materials, planted and maintained to an L4 standard.
- F. Site Landscaping and Design Plan. Development within this zoning district shall be subject to site plan review prior to the issuance of a building permit; which review may be conducted concurrent with the processing of building permits. In addition to the site plan application requirements, the following requirements shall apply:
 - 1. Blank walls are discouraged next to residential zones. If a blank wall is adjacent to residential zones the applicant shall provide and maintain a vegetative buffer of at least eleven (11) feet high that creates a varied appearance to the blank wall. Other features such as false or display windows, artwork, and varied building materials are acceptable.
 - 2. Building facades facing public streets shall have at least thirty-five percent (35%) of the total surface area of the wall transparent.

3. Parking areas adjacent to rights-of-way shall be physically separated from the rights-of-way by landscaping or other features to a height of three (3) feet. A combination of walls, berms and landscape materials is highly recommended. Sidewalks may be placed within this landscaping if the street is defined as a collector or arterial with a speed limit of thirty-five (35) mph or above, in order to separate the pedestrian from heavy or high-speed traffic on adjacent roads.
 4. Primary building entrances shall be physically oriented to the street or to a pedestrian walkway.
 5. If a development is located within two hundred fifty (250) feet of an existing or proposed transit stop the applicant shall provide a transit stop and shelter directly adjacent or as close as possible to the main building entrance as the transit authority requires.
 6. All off-street parking areas shall be planted with a minimum of one (1) deciduous tree for every six (6) parking spaces. Trees shall be of such species and spacing that a canopy effect shall result. Trees must be dispersed throughout the parking lot.
 7. Required setback areas adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or live groundcover. Allowed uses in these areas are bikeways, pedestrian paths and water quality facilities.
 8. A minimum of twenty percent (20%) of the site shall be landscaped. Vegetated stormwater treatment facilities and pedestrian plazas may be used to satisfy the requirement. To qualify as a pedestrian plaza the following conditions must be met:
 - a. Minimum Size. A minimum of ten (10) feet depth and width with a minimum size of six hundred fifty (650) square feet.
 - b. Paving. A minimum of eighty percent (80%) of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paver in pedestrian plazas.
 9. Structures and open spaces should be clustered on-site to maximize the campus and open space qualities within the development.
 10. When security fencing is required it shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment. Long expanses of fences or walls shall be interspersed with trees or hedges to break up the appearance of the wall at least every fifty (50) feet for a distance of at least five (5) feet.
 11. Required setbacks adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or line.
- G. Pedestrian Access Plan. An on-site pedestrian circulation system must be provided, which connects the street to the public entrances of the structure(s) on-site.
1. The circulation system shall be hard surfaced and be at least five (5) feet wide.
 2. Where the system crosses driveways, parking, and/or loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, varied paving materials or other similar methods approved by the reviewing authority and in compliance with the Americans with Disabilities Act (ADA).

3. The on-site pedestrian circulation system and parking areas must be lighted to a level which provides adequate lighting so that parking areas can be used safely when natural light is not present.
4. The pedestrian system must connect the site to adjacent streets and transit stops. The pedestrian system must also connect on-site public open space or parks, commercial, office and institutional developments to adjacent like uses and developments for all buildings set back forty-five (45) feet or farther from the street lot line, when existing development does not preclude such connection. Development patterns must not preclude eventual site-to-site connections, even if an adjoining site is not planned for development at the time of the applicant's development.

H. Performance Standards.

1. No land or structure shall be used or occupied within this district unless there is compliance with the following minimum performance standards:
 - a. Maximum permissible noise levels shall be as determined by Chapter 173-60 WAC, as amended.
 - b. Vibration. Vibration other than that caused by highway vehicles, trains, and aircraft, which is discernible without instruments at the property line of the use concerned, is prohibited.
 - c. Smoke and Particulate Matter. Air emissions must be within legal limits as approved by the Southwest Clean Air Agency.
 - d. Odors. The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.
 - e. Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare.
2. Administration. As a condition for the granting of a building permit and/or site plan approval, at the request of the responsible official, information sufficient to determine the degree of compliance with the standards in this title shall be furnished by the applicant. Such request may include submission of continuous records of operation for periodic checks to assure maintenance of standards, and special surveys.

I. Light and Glare Standards.

1. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.
2. Exterior lighting shall be shielded and directed away from lots in adjacent uses.
3. Interior lighting in parking structures shall be shielded, to minimize nighttime glare affecting lots in adjacent uses.
4. When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of this section.
5. Glare diagrams which clearly identify potential adverse glare impacts on any residential zone and on arterials shall be required when:

- a. Any structure is proposed to have facades of reflective coated glass or other highly reflective material, and/or a new structure or expansion of an existing structure greater than thirty-five (35) feet in height is proposed to have more than thirty percent (30%) of the facades comprised of clear or tinted glass; and when glare diagrams are required, the director may require modification of the plans to mitigate adverse impacts.
 - b. The facade(s) surfaced or comprised of such materials either:
 - i. Are oriented towards and are less than two hundred (200) feet from any residential zone, and/or
 - ii. Are oriented towards and are less than four hundred (400) feet from a major arterial with more than fifteen thousand (15,000) vehicle trips per day.
6. When glare diagrams are required, the responsible official may require modification of the plans to mitigate adverse impacts, using methods including but not limited to the following:
- a. Minimizing the percentage of exterior facade that is composed of glass;
 - b. Using exterior glass of low reflectance;
 - c. Tilting glass areas to prevent glare which could affect arterials, pedestrians or surrounding structures;
 - d. Alternating glass and non-glass materials on the exterior facade; and
 - e. Changing the orientation of the structure.

J. Outdoor Storage Standards.

1. All storage areas (including but not limited to areas used to store raw materials, finished and partially finished products and wastes) shall be screened from adjoining properties or public rights-of-way to the L4 standard. Storage areas which adjoin residential districts or in areas where differences in elevation defeat the purpose of this requirement shall be screened with a fence to an F2 standard which shall be placed on top of a berm to an L5 standard.
2. Screening shall be placed on all sides of storage areas other than where a building wall would act as a screen.
3. Outdoor storage is prohibited as follows:
 - a. In floodways;
 - b. On slopes greater than fifteen percent (15%);
 - c. In parking stalls required by Chapter 3.280 WDC
 - d. In areas where outdoor storage or display causes traffic or pedestrian circulation problems as determined by the responsible official or where a minimum five (5) foot-wide walkway does not remain clear and free of obstructions;
 - e. Any materials that attract animals, birds or vermin; and
 - f. In fire lanes.
4. The applicant shall demonstrate that both outdoor storage and the screening for outdoor storage are in the appropriate locations on the site to minimize impacts, given the operational practices of the facility.

- K. Vibration. Site generated ground vibrations shall not be perceptible by a person of ordinary sensitivity, without instruments, at any point of any boundary line of the property on which a use or structure is located. Vibrations from temporary construction activities and vehicles that leave the property (such as trucks, trains, airplanes and helicopters) are excluded.
- L. Electromagnetic Interference. Electric fields and magnetic fields shall not be created that adversely affect the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted. This section does not apply to telecommunication facilities which are regulated by the Federal Communications Commission under the Federal Telecommunication Act of 1996 or its successor.

Chapter 2.070 - URBAN PUBLIC DISTRICT (UP)

Sections:

- 2.070.010 Establishment of district designation
- 2.070.020 Permitted uses
- 2.070.030 Conditional uses
- 2.070.040 Development standards

2.070.010 Establishment of district designation

The Urban Public (UP) district shall apply to areas so designated at the time of the adoption of the ordinance codified in this chapter. This designation may be applied to additional areas pursuant to a zone change.

2.070.020 Permitted uses

The permitted uses in the UP district include public facilities, public parks, playgrounds, open spaces, natural resource preservation or enhancement, subject to the applicable provisions of this and other applicable Winlock Development Code titles.

2.070.030 Conditional uses

The following are conditional uses in the UP district, subject to the applicable provisions of this and other applicable Winlock Development Code titles:

- A. Public Schools;
- B. Community centers;
- C. Public and private utility uses such as electrical substations and telecommunications facilities;
- D. Other governmental buildings or structures.

2.070.040 Development Standards

- A. All development proposal requests shall participate in the pre-application process.
- B. In general, the dimensional and development standards of the Commercial (C1) zoning district shall apply. At the time of pre-application conference, the Director shall determine which base zone standards shall be required or whether additional standards are necessary.

Chapter 2.080 - MANUFACTURED HOMES

Sections:

- 2.080.010 Purpose and Intent
- 2.080.020 Installation Standards

2.080.010 Purpose and intent

It is the purpose and intent of this chapter to set forth terms and conditions applicable to manufactured homes equivalent to those for all other dwellings, in order to not discriminate against the placement and use of manufactured homes in order to comply with RCW 35.63.160, 35.21.684, and 35A.21.312, as amended in 2004. This chapter shall not override any legally recorded covenant or deed restrictions of record.

2.080.020 Installation Standards

Manufactured homes shall meet all the following criteria:

- A. May not have been previously titled to a retail purchaser and may not be a "used mobile home" as defined by RCW 82.45.032(2), now or hereafter amended.
- B. Be built to meet or exceed the standards established by federal law 42 U.S.C. 5401 through 5403, now or hereafter amended.
- C. Must be comprised of at least two fully enclosed attached parallel sections, each of which are not less than twelve feet wide by thirty-six feet long.
 - 1. If a manufactured home consists of more than two sections, the other sections must be attached to the two required parallel sections, but do not have to be parallel to the two parallel sections.
 - 2. The additional sections may be placed above, behind or next to the parallel sections.
- D. Have a composition of wood, shake or shingle, coated metal, or similar roof of not less than a nominal 3:12 pitch. A roof consisting of 'rolled' asphalt material is prohibited.
- E. Be compliant with the Federal Manufactured Home Construction and Safety Standards in effect at the date of manufacture.
- F. Be set on and securely attached to a foundation support system as specified by the manufacturer. The design and construction of the foundation must be approved by the City.
 - 1. The gap from the bottom of the home to the ground, around the entire perimeter of the house, shall be skirted by concrete or other International Building Code (IBC) approved product as approved by the City, which can be either load bearing or decorative.
 - 2. A minimum of an 18-inch crawl space, measured from the lowest frame member, shall be left under all homes.
- G. Have permanent steps and landings installed at all exits.
- H. A perimeter masonry wall shall surround manufactured homes to fill space between ground level and base of home. Foundation shall extend a minimum of six inches above ground level and shall be fully secured to the ground via the appropriate tie-down devices.
- I. Manufactured homes shall comply with all other siting, density, and dimensional standards of the zoning district in which they are a permitted use.

Chapter 2.090 - URBAN HOLDING DISTRICT (UH-10)

Sections:

2.090.010 Purpose

2.090.015 Application of UH Zone

- 2.090.020 Permitted uses
- 2.090.025 Conditional uses
- 2.090.030 Siting criteria
- 2.090.040 Height and lot area
- 2.090.050 Removal of UH-10 overlay
- 2.090.060 Other provisions

2.090.010 Purpose

The city shall apply the Urban Holding-10 zone to protect lands identified within the city limits from premature development where capital facilities are inadequate to support development under the urban zoning designation.

2.090.015 Application of UH zone

The city council shall automatically apply the UH-10 zone at the time of rezoning to any property that fails to meet one or more level of service standards identified in the CFP.

- A. In conjunction with a legislative or site-specific rezone request the Director of Public shall file a report with the city council which evaluates whether there are adequate capital facilities, as defined in the CFP, available to serve the property or properties that are the subject of the rezone action.
- B. The city council shall rely upon the reports from the Director of Public Works as substantial evidence when determining whether to apply the UH overlay zone.

2.090.020 Permitted uses

The city shall permit the following uses, subject to compliance with concurrency and level-of-service standards of the CFP:

- A. One Single-family dwellings and accessory buildings on a legal lot of record;
- B. Home occupations;
- C. Agriculture and forestry, including any accessory buildings and activities, located outside any area mapped as sensitive lands on the Critical Area Maps;
- D. Roadside stands not exceeding two hundred (200) square feet in area, exclusively for the sale of agricultural products locally grown, and set back a minimum of twenty (20) feet from any abutting right-of-way or property line;
- E. Publicly owned recreational facilities, parks and playgrounds.

2.090.025 Conditional uses

Within an urban holding district the city may allow the following uses through the conditional use process (Chapter 3.250 WDC), subject to site plan review:

- A. Government-owned or operated facilities, including fire stations, ambulance dispatch facilities, storage yards, warehouses or similar uses;
- B. Family day center and mini daycare centers;
- C. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, water shed intake facilities, gas and water transmission lines and telecommunication facilities.

2.090.030 Siting criteria

All uses within the UH-10 district shall meet the following criteria:

- A. Permanent structures or facilities shall be designed and located to provide for the orderly extension of public roads, water and sewer to the site and surrounding properties.
- B. All necessary urban road, drainage and other urban development requirements shall apply to ensure that future urban development will be orderly.
- C. Signed agreements between the property owner and the service provider(s) to connect to public sewer and water when they become available within five hundred (500) feet of the site shall be secured prior to commencing the authorized use, provided such ex-tension or connection does not require pump stations or capital facilities, such as larger pipes, to increase the capacity of the sewer or water system.

2.090.040 Height and lot area

Buildings or structures shall not exceed thirty-five (35) feet. Minimum parcel size (acres) for newly created parcels shall be ten (10) acres.

2.090.050 Removal of UH-10 overlay

The Planning Director may remove UH-10 overlay district, based on certification from the Public Works Director or city engineer that identified capital facilities deficiencies have been satisfactorily resolved.

- A. Removal of the overlay such amendments shall occur under Type II review proceedings. The city shall not require a public hearing for such an amendment, because the public review process will have already occurred as a result of development review or an amendment to the Capital Facilities Plan.
- B. The UH-10 overlay may be removed if provision of adequate capital facilities is required as a condition of phased development approval.
- C. The Planning Director shall maintain a record of all administrative amendments to the UH-10 overlay district, including findings in support of the decision to modify the boundaries of the overlay district.

2.090.060 Other provisions

All developments within the UH-10 zoning district shall provide or reserve a twenty-foot (20 ft.) wide natural vegetated buffer along all property lines. Signs shall be permitted according to the provisions of Chapter 3.275 WDC. Off-street parking and loading shall be provided as required in Chapter 3.280 WDC.

SECTION 3 - LAND DIVISION AND DEVELOPMENT

Chapters:

- 3.200 General Provisions
- 3.205 Short Plat Provisions
- 3.210 Subdivisions Provisions
- 3.215 Site Plan Review
- 3.220 Boundary Line Adjustments
- 3.225 Legal Lot Determination
- 3.230 Monumentation, Survey and Drafting Standards
- 3.235 Alterations of Final Plats and Short Plats
- 3.240 Mitigation of Adverse Impact
- 3.245 Supplementary Development Standards
- 3.250 Conditional Uses
- 3.255 Nonconforming Uses
- 3.260 Variances
- 3.265 Temporary Use Permits
- 3.270 Home Occupations
- 3.275 Signs
- 3.280 Off-Street Parking and Loading
- 3.285 Telecommunication Facilities
- 3.290 Annexations

Chapter 3.200 - GENERAL PROVISIONS

Sections:

- 3.200.010 Short title
- 3.200.020 Purposes

- 3.200.030 Plat, short plat, or other review required
- 3.200.040 Exemptions
- 3.200.050 Agreements to transfer land after preliminary plat approval
- 3.200.060 Divisions of developed land

3.200.010 Short Title

This title shall be known as the land division ordinance and may be cited as such.

3.200.020 Purposes

In addition to those purposes set forth in RCW 58.17.010, the land division regulations are intended to fulfill the following purposes:

- A. To promote the effective use of land;
- B. To make adequate provision for the residential, commercial, and industrial needs of the city;
- C. To provide for the division of land in accordance with officially adopted plans, policies, and standards, including the zoning ordinance and related development regulations of the city; and
- D. To provide for the efficient processing of land division applications in an efficient and timely manner.

3200.030 Plat, short plat, or other review required

All divisions of land shall be subject to the applicable portions of Chapter 58.17 RCW, this title and other applicable city ordinances and regulations.

3.200.040 Exemptions

The provisions of Chapters 3.200 through 3.285 shall not apply to the following:

- A. Cemeteries and burial plots while used for that purpose.
- B. Divisions of land which are the result of the actions of governmental agencies, such as condemnation for road construction purposes.
- C. Divisions of land made by testamentary provisions, or the laws of descent.
- D. Divisions of land made by court order; provided, the divisions shall comply with all the provisions of this title to the extent possible.
- E. A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a lot in the zone in question under this title.

3.200.050 Agreements to transfer land after preliminary plat approval

Agreements to transfer land prior to final plat or short plat is authorized; provided, that the performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat or short plat approval is expressly conditioned on the recording of the final plat or short plat containing the lot, tract, or parcel.

3.200.060 Divisions of developed land

Divisions of developed land may be reviewed and approved the same as undeveloped land; provided, existing and approved development on the site shall be considered by the review authority and may be relevant to adjustments, modifications and variations of standards that otherwise apply if consistent with this title or other applicable city regulation. For the purpose of this section, “developed land” means a lot, tract, or parcel upon which substantial construction has taken place (e.g., framing inspection approval has been granted). Such construction shall be a permanent building or structure.

Chapter 3.205 - SHORT PLAT PROVISIONS

Sections:

- 3.205.005 Purpose
- 3.205.010 Pre-application review
- 3.205.020 Review processes for short plats
- 3.205.030 Preliminary short plat application contents
- 3.205.040 Approval criteria for a preliminary short plat
- 3.205.050 Expiration and extension of preliminary short plat approval
- 3.205.060 Final short plat application contents
- 3.205.070 Approval criteria for a final short plat

3.205.005 Purpose

The purpose of this Chapter is to implement the policies of the various applicable state statutes including, but not limited to, Chapter 58.17 RCW, Findings; Chapters 35.63 and 65.08 RCW, and the City of Winlock Comprehensive Plan. The regulations contained herein are intended to:

- A. Promote the effective utilization of land and infrastructure;
- B. Make adequate provision for the housing needs of the City;
- C. Prescribe procedures for the subdivision of land in accordance with officially adopted plans, policies, and standards, including the provisions of the Development Code; and
- D. Provide for the efficient processing of short plat applications without undue delay. A short plat application shall be processed when subdividing into nine (9) or fewer lots.

3.205.010 Pre-Application Review

- A. A preliminary short plat is subject to pre-application review as provided in Chapter 1.030.020 WDC.
- B. An applicant for pre-application review of a preliminary short plat shall submit the requisite fee, a completed pre-application review form provided for that purpose by the city, and the information listed in Chapter 1.030.020(C) WDC.

3.205.020 Review processes for short plats

- A. Technically complete review of a short plat application is subject to Chapter 1.030.050 WDC.
- B. A technically complete application for a preliminary short plat shall be subject to a Type II process. See Chapter 1.030.090 WDC.
- C. A technically complete application for a final short plat map shall be subject to a Type I process. See Chapter 1.030.080 WDC.
- D. Appeal and post-decision review of decisions regarding short plats are permitted as provided in Chapter 1.030.130 WDC and Chapter 1.030.150 WDC respectively.

3.205.030 Preliminary short plat application contents

An applicant for a preliminary short plat shall submit the requisite fee, a completed application review form provided for that purpose by the city, and ten (10) copies of the following information:

- A. Short plat name (if any);
- B. Contact information including 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 short subdivision;
- C. Environmental (SEPA) checklist or EIS, if applicable under Chapter 1.310 WDC;
- D. A preliminary short plat 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. The short plat shall show the dimensions and areas of all proposed lots, tracts and dedications. The short plat shall show the distance from proposed lot lines to the nearest existing structures on the site unless those structures will be removed;
- E. Proposed dedications of title, easements or other interests to the city or other agency, if applicable;
- F. 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;
- G. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance;
- H. A legal description of the property proposed to be divided;
- I. If a short subdivision contains large lots which at some future time could be re-subdivided, the application shall include a master plan of all land under common ownership in order to provide for extension and opening of streets at intervals which will permit a subsequent division of each divisible parcel into lots of smaller size;
- J. A copy of the pre-application conference summary, and a description of information submitted in response to the issues, comments and concerns in the summary;
- K. A written description of how the proposed preliminary short plat does or can comply with each applicable approval criterion for the preliminary short plat, and basic facts and other substantial evidence that supports the description;
- L. The names and addresses of owners of land within a radius of 300 feet of the site. Owner names and addresses shall be printed on mailing labels.
 - 1. An area map showing parcels within ¼ mile of the subject parcel shall be included;
 - 2. 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 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;

- M. Applications necessarily associated with the preliminary short plat, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to road standards are required to approve the short plat application as proposed;
- N. A wetlands delineation and assessment site shall be regulated by the applicable sections of the Critical Areas Ordinance (CAO) located in this Title, and an application for a critical area and associated preliminary plan if required;
- O. A report prepared by a geotechnical engineer or geologist licensed in the State of Washington if:
 - 1. The applicant proposes to place substantial fill on the site (500 cubic yards or more); or
 - 2. The site contains land identified by the U.S. Soil Conservation Service, 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;
- P. An archaeological predetermination if the area proposed for development contains lands classified as having moderate or higher probability of containing archaeological resources as determined.
- Q. Preliminary grading, erosion control and drainage plans, which may be a single plan, consistent with applicable provisions of this Title;
- R. Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.

3.205.040 Approval criteria for a preliminary short plat

- A. The review authority shall approve a preliminary short plat if he or she finds:
 - 1. The applicant has sustained the burden of proving that the application complies with the following regulations of the Winlock Development Code to the extent relevant;
 - a) Applicable sections of the Winlock Engineering Standards;
 - b) Chapter 4 WDC (Critical Areas Ordinance);
 - c) All other applicable sections of the WDC (Winlock Development Code).
 - 2. That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final short plat is approved;
 - 3. The application makes appropriate provision for potable water supplies and for disposal of sanitary wastes; and
 - 4. The application complies with RCW 58.17.010.

3.205.050 Expiration and extension of preliminary short plat approval

A decision approving a preliminary short plat expires five (5) years from the effective date of approval and can be extended as provided in Section 1.030.140 WDC.

3.205.060 Final short plat application contents

An applicant for a final short plat shall submit to the city clerk the requisite fee and the following information:

- A. A form provided by the city containing the following information:
 - 1. Short subdivision name (if any);
 - 2. Name, mailing address, and telephone number of owner and/or developer, and, if required, surveyor of the plat;
 - 3. Date;
 - 4. Acreage;
 - 5. Number of lots;
 - 6. Zoning designation;
- B. The final short plat map, including the following:
 - 1. Short subdivision name (if any);
 - 2. Legend;
 - 3. Location, including one-fourth section, section, township, range, and, as applicable, donation land claim and/or short subdivision or subdivision name;
 - 4. Boundary survey (if required);
 - 5. Lot, block, and street right-of-way and centerline dimensions;
 - 6. Street names;
 - 7. Scale, including graphic scale, north arrow, and basis of bearings;
 - 8. Identification of areas to be dedicated;
 - 9. Surveyor's certificate, stamp, date, and signature (if required);
 - 10. Signature blocks for the following:
 - a. Engineer;
 - b. County auditor;
 - c. County assessor;
 - d. City clerk or Director;
 - e. Mayor;
 - 11. Special setbacks (if any);
 - 12. Public and private easements (if any) and the purpose of each;
 - 13. Tracts (if any) and the purpose of each;
 - 14. Walkways (if any);

- C. Legal description of the boundary which has been certified by the land surveyor, with seal and signature as being an accurate description of the lands surveyed;
- D. Short plat certificate, including dedications, if any (RCW 58.17.165);
- E. A certificate of title shall be provided;
- F. Restrictions and covenants, if proposed to fulfill conditions of approval or applicable provisions of law.

3.205.070 Approval criteria for a final short plat

The review authority shall approve a final short plat if he or she finds:

- A. It complies with the decision approving the preliminary short plat;
- B. The applicant has fulfilled all conditions of approval that that decision or the Winlock Development Code requires to be fulfilled before approval of the final short plat; and
- C. The final short plan application must meet the submittal requirements of Section 3.210.060 WDC.

Sections:

- 3.210.005 Purpose
- 3.210.010 Pre-application review
- 3.210.020 Review processes for subdivisions
- 3.210.030 Preliminary plat application contents
- 3.210.040 Approval criteria for a preliminary plat
- 3.210.050 Expiration and extension of preliminary plat approval
- 3.210.060 Final plat application contents
- 3.210.070 Approval criteria for a final plat
- 3.210.080 Construction prior to final plat approval – Bonds
- 3.210.090 Improvement plans

3.210.005 Purpose

The purpose of this Chapter is to implement the policies of the various applicable state statutes including, but not limited to, Chapter 58.17 RCW, Findings; Chapters 35.63 and 65.08 RCW, and the City of Winlock Comprehensive Plan. The regulations contained herein are intended to:

- A. Promote the effective utilization of land and infrastructure;
- B. Make adequate provision for the housing needs of the City;
- C. Prescribe procedures for the subdivision of land in accordance with officially adopted plans, policies and standards, including the provisions of the Development Code; and
- D. Provide for the efficient processing of short plat applications without undue delay. A subdivision application shall be processed when subdividing into greater than nine lots.

3.210.010 Pre-application review

- A. A preliminary plat is subject to pre-application review.
- B. An applicant for pre-application review of a preliminary plat shall submit the requisite fee, a completed pre-application review form provided for that purpose by the city, and four copies of the following:
 - 1. Subdivision name;
 - 2. Name, mailing address, and telephone number of the owner, engineer, surveyor, planner, attorney and developer/applicant and the person with whom official contact should be made regarding the application;
 - 3. The date that the application was prepared;
 - 4. The approximate acreage of the site and of each proposed lot and tract;
 - 5. Comprehensive plan and zoning designations for the site;
 - 6. Existing and proposed land uses and structures on the site, and the proposed disposition of existing uses and structures;
 - 7. A description of land title to or easements over which the applicant proposes to dedicate to the city and the purpose for such, if applicable;

8. A legal description for the site, including township, range and section and applicable assessor's map number(s);
9. A topographic map of the site if the preliminary plat submitted for pre-application review does not show elevation contours;
10. A draft environmental (SEPA) checklist may be submitted but is not required for pre-application review;
11. A proposed preliminary subdivision plat 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 plat reduced to fit on an eight-and-one-half-inch by 11-inch page. The plat shall show the dimensions and areas of all proposed lots, tracts and dedications. The plat shall show the distance from proposed property lines to the nearest existing structures on the site unless those structures will be removed;
12. Any other items or details the applicant believes would assist the staff in its review, such as proposed storm water plans, proposed utilities and their availability, geotechnical, wetland or other critical areas on or abutting the site, and a traffic impact study.

3.210.020 Review processes for subdivisions

- A. Technically complete review of a plat application is subject to a Type I process per Section 1.030.080 WDC.
- B. After a preliminary subdivision application is deemed to be technically complete the review of the application for a preliminary plat approval is subject to a Type III process. See Section 1.030.100 WDC.
- C. Review of a technically complete application for a final plat map is subject to a Type I process per Section 1.030.080 WDC.
- D. Appeal and post-decision review of final decisions regarding plats are permitted as provided in Sections 1.030.130 and 1.030.150 WDC respectively.

3.210.030 Preliminary plat application contents

An applicant for a preliminary short plat shall submit the requisite fee, a completed application review form provided for that purpose by the city, and ten (10) copies of the following information:

- A. The information listed in Section 3.210.010(B) WDC, provided an environmental checklist or EIS is required for a technically complete application unless categorically exempt.
- B. 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.
- C. Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance.
- D. A legal description of the property proposed to be divided.

- E. If a subdivision contains large lots or tracts which at some future time are likely to be re-subdivided, the application shall include a master plan of all land under common ownership in order to provide for extension and opening of streets at intervals which will permit a subsequent division of each divisible parcel into lots of smaller size.
- F. A copy of the pre-application conference summary, if the application was subject to pre-application review, and all information required to address issues, comments and concerns in the summary;
- G. A written description of how the proposed preliminary plat does or can comply with each applicable approval criterion for the preliminary plat, and basic facts and other substantial evidence that supports the description.
- H. The names and addresses of owners of land within a radius of 300 feet of the site. Owner names and addresses shall be printed on mailing labels.
 - 1. An area map showing parcels within ¼ mile of the subject parcel shall be included;
 - 2. 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 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.
- I. Applications necessarily associated with the preliminary plat, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the adopted Winlock road standards that are required to approve the preliminary plat application as proposed.
- J. A wetlands delineation and assessment if required by Winlock's Critical Areas Ordinance (CAO) and an application for a wetland permit and associated preliminary plan if required by Chapter Winlock's (CAO) to approve the preliminary plat application as proposed.
- K. An appropriate geotechnical study if:
 - 1. The applicant proposes to place substantial fill on the site (500 cubic yards or greater); or
 - 2. The site contains land identified by the U.S. Soil Conservation Service, 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.
- L. Preliminary grading, erosion control and drainage plans, which may be a single plan, consistent with applicable provisions of Chapter Winlock's (CAO).
- M. Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.
- N. A plan showing proposed phasing if the applicant proposes to develop the subdivision in phases.

3.210.040 Approval criteria for a preliminary plat

- A. The review authority shall approve a preliminary plat if he or she finds:

- a.) The applicant has sustained the burden of proving that the application complies with the applicable regulations of the Winlock Development Code to the extent relevant;
 - 1. That the application can comply with those regulations by complying with certain conditions of approval, and those conditions are adopted; or that necessary adjustments, exceptions, modifications or variations have been approved or are required to be approved before the final plat is approved;
 - 3. The subdivision makes appropriate provision for potable water supplies and for disposal of sanitary wastes; and
 - 4. The subdivision complies with RCW 58.17.010.
- B. If phases are proposed, then the subdivision also complies with the following:
 - 1. The preliminary plat identifies the boundaries of each phase and sequence of phases;
 - 2. Each phase includes open space and other required public and/or private infrastructure at least in proportion to the number of lots in the phase;
 - 3. The sequence and timing of phases maintains compliance with applicable standards throughout the development of the subdivision; and
 - 4. The applicant completes or assures completion of public improvements consistent with Chapter 3.210.090 WDC.
- C. Flag lots are discouraged. When allowed, flag lots shall comply with the following standards:
 - 1. The flag “pole” shall be at least 20 feet wide instead of the frontage regulations of the zone.
 - 2. The flag pole shall be improved with an all-weather surface with an unobstructed vertical clearance of at least 13 feet six inches. The improved surface shall be at least twenty (20) feet wide and shall be marked and signed as a fire lane.
 - 3. The pole portion of the flag lot shall not be counted toward the minimum lot size.
 - 4. If the length of the flagpole is more than one hundred fifty (150) feet, an approved turn-around in conformance with the current adopted edition of the International Fire Code shall be provided at the end of the driveway, and structures on the lot shall incorporate a fire-hazard warning, including a hard-wired, back-up smoke detector, and a sprinkler system.
 - 5. Where flag lots are not provided but access easements across abutting properties to public or private rights-of-way are provided, the adopted applicable engineering standards shall apply.

3.210.050 Expiration and extension of preliminary plat approval

- A. Approval of a preliminary plat expires five (5) years from the effective date of the decision approving it unless, within that time, an applicant files with the city clerk an application for a final plat for a subdivision or given phases of a subdivision or for an extension.
- B. An application for extension of a preliminary plat approval for a subdivision or for remaining phases of a subdivision 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 review authority may approve a single one-year extension of a preliminary plat approval if he or she finds that the relevant facts and the law have not changed substantially since the

original approval, or that the preliminary plat 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.

3.210.060 Final plat application contents

An applicant for a final plat shall submit to the city clerk the requisite fee and the following information:

- A. A form provided by the city containing the following information:
 - 1. Subdivision name;
 - 2. Name, mailing address, and telephone number of owner and/or developer, and surveyor of the plat;
 - 3. Date;
 - 4. Acreage;
 - 5. Number of lots;
 - 6. Zoning designation.
- B. Four paper copies of the final plat map shall be provided, and shall include the following:
 - 1. Subdivision name;
 - 2. Legend;
 - 3. Location, including one-quarter section, section, township, range, and, as applicable, donation land claim and/or subdivision;
 - 4. Boundary survey;
 - 5. Lot, block, and street right-of-way and centerline dimensions;
 - 6. Street names;
 - 7. Scale, including graphic scale, north arrow, and basis of bearings;
 - 8. Identification of areas to be dedicated;
 - 9. Surveyor's certificate, stamp, date, and signature;
 - 10. Signature blocks for the following:
 - a. Public Works Director or engineer
 - b. Mayor;
 - c. City Clerk or Director;
 - d. County auditor;
 - e. County assessor
- C. Special setbacks (if any);
- D. Public and private easements (if any) and the purpose of each;
- E. Tracts (if any) and the purpose of each;
- F. Walkways (if any).

- G. Legal description of the boundary which has been certified by the land surveyor shall be provided, with seal and signature as being an accurate description of the lands surveyed.
- H. A plat certificate shall be provided, including dedications, if any.
- I. A certificate of title shall be provided.
- J. Restrictions and covenants shall be provided if proposed to fulfill conditions of approval or applicable provisions of law.

3.210.070 Approval criteria for a final plat

The review authority shall approve a final plat if he or she finds:

- A. It complies with the decision approving the preliminary plat;
- B. The applicant has fulfilled all conditions of approval or that the Winlock Development Code requires to be fulfilled before approval of the final plat, and
- C. The final short plan application meets the submittal requirements of Section 3.210.060 WDC.

3.210.080 Construction prior to final plat approval – Bonds

- A. In lieu of the completion of any required public improvements prior to approval of a final plat, the clerk/treasurer may accept a bond, in an amount of at least 125 percent (125%) of the estimated cost of construction of the public improvements in question, as certified by a professional engineer, and with surety and conditions satisfactory to the engineer, or other secure method as the engineer may require, providing for and securing to the city the actual construction and installation of such improvements within a period specified by the engineer, and specified in the bond or other agreement; and to be enforced by the engineer by appropriate legal and equitable remedies.
- B. Construction shall not start prior to both the construction plans having been signed by the engineer and the final plat survey computations having been approved by the engineer; except that rough grading operations may proceed before the plans are approved by the engineer under the following conditions:
 - 1. The grading plan is submitted separately, along with an application for the grading permit.
 - 2. The grading plan is in conformance with the approved preliminary plat.
 - 3. The grading plan will not be in substantial conflict with the street profiles and drainage structure plans.
 - 4. The grading permit is issued.

3.210.090 Improvement plans

Where improvements are required, plans for such improvements shall be submitted to the Public Works Director. Improvements shall be designed by or under the direct supervision of a licensed engineer where required by statute. The engineer shall certify same by seal and signature. All improvement plans shall comply with the provisions of city ordinances pertaining to streets, roads and utilities, and any other applicable city ordinances, and in addition to the above certification shall contain the following:

- A. Subdivision name;

- B. Name, mailing address, and telephone number of engineers preparing the plan;
- C. Date (month and year).

Chapter 3.215 - SITE PLAN REVIEW

Sections:

- 3.215.010 Purpose
- 3.215.020 Applicability
- 3.215.030 Exemptions
- 3.215.040 Site plan review types and procedures
- 3.215.050 Submittal requirements
- 3.215.060 Criteria for site plan approval
- 3.215.070 Appeal
- 3.215.080 Final site plan approval
- 3.215.090 Modifications to approved site plan
- 3.215.100 Compliance required and expiration
- 3.215.110 Completion prior to occupancy

3.215.010 Purpose

The purpose of site plan approval is to ensure compatibility between new developments, existing uses and future developments in a manner consistent with the goals and objectives of the comprehensive plan in order to create healthful and safe conditions. Site plan approval is required according to the provisions of this chapter in order to promote developments that are harmonious with their surroundings and maintain a high quality of life for area residents, to ensure that new developments are planned and designed to protect privacy, to determine appropriate lighting and noise mitigation measures, and to ensure adequate and safe access. Site plan approval is required for all developments as specified in this title.

3.215.020 Applicability

The provisions of this chapter shall apply to all changes of use, new construction, expansion or alteration of the use of land unless expressly exempted by this title. No use shall be established, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved plan which is in conformance with the requirements set out in this title. Applications for Site Plan Review are subject to Section 3.030.020 WDC (Pre-application Review)

3.215.030 Exemptions

The following are exempt from the site plan review provisions of this chapter:

- A. Single-family detached and duplex residential dwellings not occurring in an MDR-16 zoning district;
- B. Modifications to the interior of an existing structure that does not change the use or the degree of a use;
- C. Subdivisions or short plats;
- D. The installation or replacement of underground utilities;
- E. Other development determined by the planning director to be exempt because it does not result in an appreciable increase in land use activity or intensity or in an adverse impact.

3.215.040 Site plan review types and procedures

- A. Site plan reviews shall be classified and processed as follows:

1. Building Permit Reviews. These types of reviews shall be processed as a Type I land use action. These 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. The following are classified as Type I site plan reviews:
 - a. Changes in use of an existing structure or site;
 - b. New construction or expansions of existing construction which do not exceed:
 - i. Four thousand square feet of additional floor area,
 - ii. Twenty new parking spaces,
 - iii. Four new multifamily residential units,
 2. Development Reviews. These types of site plans shall be processed as a Type II land use action. These types of 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. 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 Section 3.215.030 WDC;
 - b. Any development subject to SEPA pursuant to Winlock's Critical Areas Ordinance (CAO) - (Environmental Policy).
 3. Binding Site Plan Reviews. Binding site plans shall be processed as a Type II land use action. A binding site plan functions as an alternative to dividing commercial or industrial property through the platting process by designating a specific use and configuration and binding that to the site through a restrictive covenant. 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 this title and Chapter 58.17 RCW. Binding site plans shall be completed consistent with the requirements and provisions of RCW 58.17.035 and this chapter:
 - a. Binding site plans shall be valid for the same period as a site plan. If the development has not been completed within the time frame, the binding site plan shall expire and a notice recorded to such effect.
 - b. Revisions to binding site plans are permitted so long as any revisions complete a site plan review process and are consistent with the regulations in effect at the time of application for revisions.
 - c. If a binding site plan expires or is vacated the parcel boundaries shall return to the original configuration.
 - d. Vacation of a binding site plan shall be subject to a Type II review process and shall require the signatures of all current owners of the parcels involved.
- B. If a site plan review is part of an overall application (i.e., CUP) that is subject to a higher review process, the site plan review shall be considered in conjunction with the overall application.

3.215.050 Submittal requirements

- A. All Site Plan applications must apply for a pre-application review unless they receive a waiver from the City's Planning Director.
- B. For a Type I site plan review application, the applicant shall submit the information required for a Type I application as set forth in Section 1.030.080 WDC, as well as the following:
 - 1. A site plan meeting the standards of Chapter 3.230 WDC and Section 3.215.050(B)(5) WDC;
 - 2. A landscaping plan meeting the standards of Section 3.245.060 WDC or such information included on the site plan;
 - 3. A lighting plan meeting the standards of Section 3.245.040 WDC or such information included on the site plan;
- C. For Type II site plan review applications, the applicant shall submit the information required for a Type II application as set forth in Section 1.030.090 WDC, as well as the following:
 - 1. Written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries and construction schedule including project phasing, if known;
 - 2. Current list of names and addresses of all property owners within a (300) three-hundred-foot radius as shown upon the Lewis County assessor's records. The list shall be no older than ninety days and shall be dated and certified as being a complete list of adjacent owners by the assessor's office, surveyor, or title company. This list shall also be provided on self-adhesive mailing labels;
 - a. An area map showing parcels within ¼ mile of the subject parcel shall be included;
 - 3. Specific parcel environmental constraint maps (can be obtained from the Lewis County mapping department);
 - 4. Ten (10) copies of an existing conditions plan drawn to a minimum scale of one-inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches and including one reduced eleven by seventeen inch copy. The existing conditions plan shall at a minimum indicate the following:
 - a. Vicinity map showing location of subject site within the city of Winlock and the surrounding existing street system,
 - b. Property boundaries, dimensions and size of the subject site,
 - c. Graphic scale of the drawing and the direction of true north,
 - d. Zoning and uses of subject site and of properties within one hundred feet of the subject site,
 - e. Current structural or landscaped setbacks,
 - f. Location of on-site driveways and access points and within one hundred feet of the subject site,
 - g. Location of existing on-site structures and the approximate location of existing structures within one hundred feet of the site,

- h. Location of existing aboveground electrical, telephone or utility poles and traffic control poles,
 - i. Location of existing fire hydrants,
 - j. Location of existing structures within one hundred feet of the site,
 - k. Location, centerline and dimensions of existing public rights-of-way and easements on-site and within one hundred feet of the site,
 - l. Location, centerline and dimensions of existing private streets on-site and within one hundred feet of the site,
 - m. Approximate on-site slopes and grades within one hundred feet of the site,
 - n. Approximate location of significant natural conditions such as rock outcroppings, floodplain, drainage patterns and courses, slopes in excess of twenty-five percent, unstable ground, high seasonal water table or impermeable soils, areas of severe erosion potential, areas of weak foundation soils, areas of significant wildlife habitat, areas of known or suspected historic, cultural or archaeological resources and the location of trees or clusters of trees having a diameter of six or more inches measured four feet above grade;
5. Five copies of a site plan drawn to a minimum scale of one-inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches and including one reduced eleven by seventeen copy. The site plan shall at a minimum indicate the following:
- a. Property boundaries, dimensions and size of the subject site,
 - b. Location, dimensions and height of proposed buildings,
 - c. Location of building accesses,
 - d. Proposed building and landscape setbacks,
 - e. Proposed project-phasing boundaries, if applicable,
 - f. Legend indicating total site area, the total square footage of proposed building or structures including percentage of total site area, the total square footage amount of impervious area square footage including percentage of total site area, the total square footage amount of on-site landscaping including percentage of total site area, the total amount of dedicated parking area including percentage of total site area, the proposed number of parking spaces including the number of standard parking spaces, the number of compact parking spaces and the number of handicapped-accessible parking spaces. The required number of parking spaces should also be indicated,
 - g. Location of proposed access points including vehicular driveways and designated pedestrian access points including the proposed depth of the vehicular driveway throats,
 - h. Location and dimensions of proposed on-site parking areas including required parking landscaping islands and indicating whether proposed parking is standard, compact or handicapped-accessible. Demonstrate compliance with applicable state and federal guidelines including, but not limited to, adequate sizing, the provision of handicapped access ramps and appropriate labeling and signing. On-site cross-aisles and circulation areas shall be indicated including their dimensions,

- i. Location and dimensions of proposed on-site pedestrian connections between the public street and buildings, between on-site buildings, between on-site buildings and on-site or off-site parking areas,
 - j. Location and size of off-site parking areas, if applicable, including details on the number and type of off-site parking spaces and existing or proposed cross-aisles and circulation areas including dimensions,
 - k. Location, centerline and dimensions of proposed on-site public or private streets and public and private easements,
 - l. Location, centerline and dimensions of proposed dedications, and identification of proposed frontage improvements including roadway improvements, curb and gutter installation, landscaped planter strip installation and public sidewalk installation,
 - m. The location and dimensions of loading and service areas, recreational or open space features, aboveground utilities, existing structures to be retained on the site and their distance from the property line, proposed structures (including signs, fences, etc.) and their distance from property lines and the size and location of solid waste and recyclable storage areas,
 - n. Specialized site treatments including but not limited to pedestrian plazas, heavy duty paving, concrete score patterns, bicycle parking and outdoor seating areas;
6. Preliminary utilities plan indicating the proposed location, size, connection points to existing public systems, and terminus points for sanitary sewer, water and stormwater drainage and control. Stormwater information shall be provided in conformance with Chapter 3.320 WDC. Public and private easements for sanitary sewer, water and stormwater shall also be indicated;
 7. Preliminary grading and erosion control plan indicating proposed on-site excavation and fill activities, and within public rights-of-way, if applicable, including demonstration of conformance with city of Winlock erosion control measures;
 8. Landscape plan indicating the location of proposed vegetation, the common and botanical name of the proposed vegetation, the initial planting size (height or gallon) and the mature planting size, and proposed methods of irrigation, if any. Landscaping proposed in and around buildings, on the perimeter of the site and within proposed parking areas shall be indicated. In addition, street trees or other forms of landscaping within the public rights-of-way shall be indicated;
 9. Architectural elevations, showing north, south, west and east elevations and specifying a measurable scale, structural dimensions and structural heights;
 10. Lighting plan indicating the location, height and type of proposed exterior lighting fixtures (pole-mounted or wall-mounted);
 11. Legal description for the parcel(s) in question;
 12. Most recent conveyance document (deed) showing current ownership;
 13. State Environmental Policy Act (SEPA) checklist, filled out in ink or type and signed, if applicable;
 14. Traffic study, if applicable;

15. Sign plan(s) (if applicable);
16. Copy of pre-application conference report and any other items requested in the pre-application conference report.

3.215.060 Criteria for site plan approval

- A. In approving site plans, it shall be the responsibility of the planning director or his designee 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.
- B. In reviewing a site plan for approval, the director shall find that all the following have been met.
- C. The proposed plan shall meet all applicable provisions of this title and other appropriate provisions of the Winlock Development Code, the following are enumerated to indicate the various requirements under which a plan must be found consistent. Failure to meet any one of these, and other requirements not necessarily specified here, shall be grounds for denial of site plan approval:
 1. The proposed use is permitted within the district in which it is located.
 2. The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located.
 3. The proposal meets the screening, buffering and landscape strip requirements, as set forth in Section 3.245.060 WDC.
 4. Minimum parking and loading space requirements are met, as required by Chapter 3.280 WDC.
 5. All applicable conditions and criteria contained in other titles of the Winlock Development Code are met.
 6. Improvement requirements are provided in accordance with the applicable sections of the Winlock development code.
 7. All conditions of any applicable previous approvals (i.e., CUP) have been met.
 8. Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication.
 9. Public water, sewer and stormwater lines have been installed in conformance with the standards of the city code. Public water, sewer and stormwater lines within or along the frontage of a development have been extended to the extreme property lines of that development unless it can be demonstrated to the city engineer that such extensions are impractical or infeasible or inappropriate.
 10. Proposed phasing plans do not exceed six years and all required public infrastructure is installed in the first phase of the development.

3.215.070 Appeals

Appeals of decisions on site plans shall be made and processed pursuant to Section 1.030.130 WDC.

3.215.080 Final site plan approval

Where a site plan is issued subject to conditions that require the submittal of additional materials or changes to existing plans, the director may require that the applicant submit for final site plan

approval to determine if the revised plans comply with the conditions of site plan approval. Final site plans shall be considered as Type I applications.

3.215.090 Modifications to approved site plan

No approved site plan shall be modified or amended except after reapplication for site plan review and approval. Minor modifications may be completed through a Type I process if they do not result in an increase in the density or intensity of uses or other change that would result in significant changes to the site plan which would modify the impacts on adjacent properties or public facilities. All other modifications shall be processed through a Type II approval process.

3.215.100 Compliance required and expiration

- A. 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. Site plan approvals shall be valid for two years from the date of issuance, during which time substantial completion of the project improvements shall have occurred. The planning director 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; and
 - 2. The applicant has pursued development in good faith. Good faith shall be evidenced by progress on final permitting, surveying, engineering, and construction of improvements.

3.215.110 Completion prior to occupancy

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 planning director 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 of a site plan to secure applicant's obligation to complete the provisions and conditions of the approved site plan.

Chapter 3.220 - BOUNDARY LINE ADJUSTMENTS

Sections

3.220.010 Boundary Line Adjustments

3.220.010 Boundary Line Adjustments

- A. A boundary line adjustment (BLA) is made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.
- B. Boundary line adjustments recorded through the County Assessor's office do not ensure such adjustments meet current zoning requirements. BLA applications approved through the Winlock Planning Department ensure compliance with current zoning requirements and are reviewed and approved through a Type I process, pursuant to Section 1.030.080 WDC.
- C. Application submittal requirements for BLAs include:
 - 1. A completed application form;
 - 2. The appropriate fee;
 - 3. Sales history since September 15, 1975 for each parcel to include:
 - a. Copies of all deeds or real estate contracts showing previous owners or division of the original parcel;
 - b. Prior segregation requests;
 - c. Prior recorded surveys; and
 - d. Other information demonstrating compliance with the approval criteria of subsection (D) herein.
 - 4. A site plan showing current conditions, including:
 - a. The applicant's and contact person's name, mailing address and phone number;
 - b. Owner's name and address;
 - c. Layout and dimensions of parcels drawn to scale (minimum eight and one-half (8.5) by eleven (11) inches);
 - d. North arrow (oriented to the top, left or right of page), scale and date;
 - e. Area of existing sites in acres or square feet;
 - f. Location of all existing buildings/structures, septic tanks and drainfields, wells and on-site utilities, and their distance in feet from all property lines;
 - g. Public and private roads and their dimensions and location; and
 - h. Private road and utility easements and their dimensions and location.
 - 5. A site plan, drawn to scale, showing proposed conditions, including:
 - a. Layout and dimensions of adjusted parcels drawn to scale (minimum eight and one-half (8.5) by eleven (11) inches);

- b. North arrow (oriented to the top, left or right of page), scale and date;
- c. Area of adjusted sites in acres or square feet;
- d. Location of all existing buildings/structures, septic tanks and drainfields, wells and on-site utilities, and their distance in feet from all property lines;
- e. Public and private roads and their dimensions and location; and
- f. Private road and utility easements and their dimensions and location.

D. Approval Criteria.

- 1. The resulting lots must meet current zoning of the property.
- 2. No additional lots are created.
- 3. Lots must meet current size requirements including minimum width and depth requirements.
- 4. The resultant lots must be buildable. Should one or more of the resultant lots not be buildable, the applicant must record on the final plat and the property deed that the lot is unbuildable. Further the property owner must release the city from any future legal suits resulting from the action of the city in approving the boundary line adjustment.

Chapter 3.225 - LEGAL LOT DETERMINATIONS

Sections

3.225.010 Legal Lot Determinations

3.225.010 Legal Lot Determinations

A. Purpose and Summary.

1. The purpose of this section is to provide a process and criteria for determining whether parcels are lots of record consistent with applicable state and local law, and to include a listing of potential remedial measures available to owners of property which do not meet the criteria.
2. In summary, parcels are lots of record if they were in compliance with applicable laws regarding zoning and platting at the time of their creation. Zoning laws pertain primarily to the minimum lot size and dimensions of the property. Platting laws pertain primarily to the review process used in the creation of the lots. Specific provisions are listed herein.

B. Applicability. The standards of this section apply to all requests for lot determinations, or for building permit, placement permit, site plan review, short plat, subdivision, conditional use permit, rezone, or comprehensive plan change application.

C. Determination Process. Lot of record status may be formally determined through the following ways:

1. Lot Determinations as Part of a Building Permit or Other Development Request. Building or other development applications for new principal structures on parcels which are not part of a platted land division shall be reviewed by the city for compliance with the criteria standards of this section, according to the timelines and procedure of the building permit or other applicable review involved. Lot determination fees pursuant to the Winlock Fee Schedule shall be assessed, unless the parcel was recognized through a previous lot determination or other review in which such recognition was made. Lot determination fees will be assessed for placement or replacement of primary structures. A separate written approval will not be issued unless requested by the applicant.
2. Lot Determinations Requests Submitted Without Other Development Review. Requests for determinations of lot of record status not involving any other city development reviews shall apply for lot determination. A Type I process per Section 1.030.080 WDC shall be used. The city will issue a letter of determination in response to all such requests.

D. Application and Submittal Requirements.

1. The following shall be submitted with all applications for lot determination, or applications for other development review in which a lot determination is involved.
2. Prior city/county short plat, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a lot of record;
3. Sales or transfer deed history dating back to September 15, 1975;
4. Prior segregation request, if any;
5. Prior recorded survey, if any;

6. At the discretion of the applicant, any other information demonstrating compliance with criteria of this section.

E. Approval Criteria.

- a. For a parcel to be deemed a legal lot of record the following must apply:

- A. After September 15, 1975, a lot less than five acres in size must have been created through the county process of sub-division (plat) or short sub-division (short-plat).

- B. Prior to July 26, 1999, to create a legal lot, one of the following must have been recorded:

- I. An approved sub-division or short sub-division, or

- II. A legally recorded deed or title describing the property (if not subject to subdivision, i.e. lots greater than 5 acres in size), or

- III. A survey or record recorded at the County Auditor's Office, or

- IV. A recorded Metes and Bounds Description (paper survey), or

- V. An approved "innocent purchaser" variance in which the purchaser paid money for an "illegally-created" lot.

- C. After July 26, 1999, the lot must have been created and approved through the county process of (a) sub-division, (b) short sub-division, or (c) large lot sub-division, and have been recorded at the County Auditor's Office,

OR

- D. If all lots are 20 acres in size or greater, they must have a Survey of Record or a Deed with a Metes and Bounds Description recorded at the Auditor's Office,

OR

- E. If the lot was purchased after July 26, 1999, an "innocent purchaser" may application to the County Hearings Examiner to have his lot declared legal for development.

NOTE: Tax partitions do not by themselves create legal lots for development. They only provide for the orderly collection of taxes.

- b. Public Interest Exception, Discretionary. The responsible official may, but is not obligated to determine that parcels meeting the following criteria are lots of record:

- A. Zoning. The parcel lacks enough area or dimension to meet current zoning requirements but meets minimum zoning dimensional requirements, including lot size, dimensions and frontage width, in effect at the time the parcel was created; and

- B. Platting.

- I. The responsible official determines that conditions of approval which would have been imposed if the parcel been established through platting under current standards are already present on the land; or
 - II. The property owner completes conditions of approval which the responsible official determines would otherwise be imposed if the parcel had been established through platting under current standards. Preliminary and final submittal plans shall be required where applicable.
- C. The responsible official shall apply the following factors in making a lot of record termination under the discretionary public interest exception:
- c. The parcel size is generally consistent with surrounding lots of record within one thousand (1,000) feet;
 - d. Recognition of the parcel does not adversely impact public health or safety;
 - e. Recognition of the parcel does not adversely affect or interfere with the implementation of the comprehensive plan; and
 - f. Recognition of lot of record status based on the public interest exception shall be valid for five (5) years from the date of lot determination or review in which the determination was made. If a building or other development permit is not sought within that time, the determination will expire. Applications for development or lot recognition submitted after five (5) years shall require compliance with applicable standards at that time.
- F. *De Minimis* Lot Size Standard. For the purposes of reviewing the status of pre-existing lots for compliance with platting and zoning standards, parcels within one percent (1%) of minimum lot size requirements shall be considered in compliance with those standards. Parcels within ten percent (10%) of lot size standards shall be similarly considered in compliance unless the responsible official determines that public health or safety impacts are present.

Chapter 3.230 - MONUMENTATION, SURVEY, AND DRAFTING STANDARDS

Sections:

- 3.230.010 Imprinted monumentation
- 3.230.020 Centerline monumentation
- 3.230.030 Property line monumentation
- 3.230.040 Postmonumentation
- 3.230.050 Postmonumentation bonds
- 3.230.060 Survey Standards
- 3.230.070 Elevations or vertical information
- 3.230.080 Preferred scale proportions
- 3.230.090 Final plat drawing requirements
- 3.230.100 Lettering
- 3.230.110 Location

3.230.010 Imprinted monumentation

All monuments set in subdivisions shall be at least one-half-inch-by-30-inch steel bar or rod, or equivalent, with durable cap imprinted with the license number of the land surveyor setting the monument.

3.230.020 Centerline monumentation

After paving, except as provided in this chapter, monuments consisting of brass disks set in concrete shall be driven or extended flush with the finished road surface at the following intersections:

- A. Street centerline intersections;
- B. Points of intersection of curves if placement falls within the paved area; otherwise, at the beginnings and endings of curves;
- C. Intersections of the plat boundaries and street centerlines.

3.230.030 Property line monumentation

All front corners, rear corners, and beginnings and endings of curves shall be set with monuments, except as provided in Section 3.230.050 WDC. In cases where street curbs are concentric and/or parallel with front right-of-way lines, front property line monumentation may be provided by brass screws or concrete nails at the intersections of curb lines and the projections of side property lines. If curb monumentation is used, it shall be noted on the plat, and that such monumentation is good for projection of line only and not for distance.

3.230.040 Postmonumentation

All monuments for the exterior boundaries of the subdivision shall be set and referenced on the plat prior to plat recording. Interior monuments need not be set prior to recording if the developer certifies that the interior monuments shall be set within 90 days of final subdivision construction inspection by the engineer, and if the developer guarantees such interior monumentation.

- A. The developer shall sign the following certification, the existence of which shall be noted on the plat, if postmonumentation of the interior monuments is chosen: DEVELOPER'S CERTIFICATION FOR POSTMONUMENTATION I, _____, certify that the postmonumentation of the interior monuments of this plat shall be accomplished within 90 days

of final acceptance of subdivision construction of the engineer of Winlock, Washington.
(Signature)

- B. The land surveyor who performs any postmonumentation shall certify that the interior monuments have been set in compliance with the final plat, and shall record the following certification with the County Auditor: I, _____, certify that I have set the interior monuments for “_____”, a subdivision plat recorded in Book _____, Page _____, Records of Lewis County, and that said monuments are set in compliance with said final plat. DATED this ___ day of _____, 20___. (License number, seal, and signature of surveyor)
- C. If the surveyor cannot certify that the monuments are in compliance with the final plat, the discrepancy shall be resolved by filing an amended final plat in accordance with the provisions of Chapter 3.235 WDC.

3.230.050 Postmonumentation bonds

In lieu of setting interior monuments prior to final plat recording as provided in Section 3.230.040 WDC, the engineer may accept a bond in an amount and with surety and conditions satisfactory to him, or other secure method as the engineer may require, providing for and securing to the city the actual setting of the interior monuments as provided in Section 3.230.040 WDC, and to be enforced by the engineer by appropriate legal and equitable remedies.

3.230.060 Survey Standards

All surveys shall comply with standards set forth by state statutes, drafting standards of this title, and Chapter 332-130 WAC, except that linear closures after azimuth adjustment shall be at least a ratio of one to 10,000 for WAC 332-130-050(1)(c), (d), (e). Where conflicts are identified, the most restrictive standards shall prevail.

3.230.070 Elevations or vertical information

Where required, any elevations or vertical information shall have an accuracy of third-order specifications as published by the U.S. Department of Commerce in a bulletin entitled, “Classification, Standards of Accuracy, and General Specifications of Geodetic Control Surveys,” and benchmarks with the datum used shall be shown on the plat.

3.230.080 Preferred scale proportions

The preferred scale proportions for preliminary and final plats are ratios as follows:

- A. 1:600 (one-inch equals 50 feet);
- B. 1:1,200 (one-inch equals 100 feet); and
- C. 1:2,400 (one-inch equals 200 feet); but in no case shall the proportion exceed 1:2,400.

3.230.090 Final plat drawing requirements

The final plat shall be drawn with ink upon three-mil Mylar film, or equivalent; said sheets to be 30 inches by 21 inches, with a one-inch border on each side or as otherwise directed by the Lewis County recording agency.

3.230.100 Lettering

Lettering shall be at least one-tenth inch high, and the perimeter of the final plat shall be depicted with heavier lines (dashed) than the remaining portion of the plat.

3.230.110 Location

All data necessary for the location in the field of all points within the plat shall be shown. Straight lines shall be designated with bearing and distance; curves shall be designated by arc length, central angle, and radius. All dimensions shall be in feet, and decimals thereof to the nearest one-hundredth of a foot, except that angles shall be in degrees to the nearest second.

Chapter 3.235 - ALTERATIONS OF FINAL PLATS AND SHORT PLATS

Sections:

3.235.010 Revisions to approved plats, recorded and non-recorded

3.235.010 Revisions to approved plats recorded and non-recorded

The developer shall file the final short plat or subdivision plat and attached documents for recording with the Lewis County Auditor and Winlock City Clerk within sixty (60) days. No final short plat or plat so filed shall be changed in any respect by anyone except through the appropriate post-decision approval process and as approved by the City's Planning Director.

Chapter 3.240 - MITIGATION OF ADVERSE IMPACT

Sections:

3.240.010	Purpose
3.240.020	Determination of direct impacts
3.240.030	Mitigation of direct impacts
3.240.040	Voluntary payment agreements as alternatives to dedication and improvements

3.240.010 Purpose

- A. It is the purpose of this chapter to provide alternatives for prospective developers of land within this city to mitigate the direct impacts that have been specifically identified by the city as a consequence of proposed development, and to make provisions for impacts including, but not limited to, impacts upon the public health, safety and general welfare, for open spaces, drainage ways, streets, other public ways, parks, playgrounds, and sites for schools and school grounds.
- B. For purposes of this Title the term “development” shall include, but not be limited to, subdivision approval, short subdivision approval, site plan approval and the issuance of any building permit related to the foregoing.

3.240.020 Determination of direct impacts

- A. Before any development is given the required approval or is permitted to proceed, the review authority shall determine all impacts, if any, that are a direct consequence of the proposed development and which require mitigation, considering but not limited to the following factors:
 - 1. Predevelopment versus post development demands upon city streets, drainage facilities, parks, playgrounds, recreation facilities, schools, police services, and other Development facilities or services;
 - 2. Likelihood that a direct impact of a proposed development would require mitigation due to the cumulative effect of such impact when aggregated with the similar impacts of future development in the general vicinity of the proposed development;
 - 3. Size, number, condition and proximity of existing facilities to be affected by the proposed development;
 - 4. Nature and quantity of capital improvements reasonably necessary to mitigate specific direct impacts identified as a consequence of the proposed development;
 - 5. Likelihood that the users of the proposed development will benefit from any mitigating capital improvements;
 - 6. Any significant adverse environmental impacts of the proposed development;
 - 7. Consistency with the city’s comprehensive plan;
 - 8. Likelihood of city growth by annexation into areas immediately adjacent to the proposed development;
 - 9. Appropriateness of financing necessary capital improvements by means of local improvement districts;

10. Whether the designated capital improvement furthers the public health, safety or general welfare;
 11. Any other facts deemed by the review authority to be relevant.
- B. The cost of any investigations, analysis or reports necessary for a determination of direct impact shall be borne by the applicant.

3.240.030 Mitigation of direct impacts

- A. The review authority shall review an applicant's proposal for mitigating any identified direct impacts and determine whether such proposal is an acceptable mitigation measure considering the cost and land requirements of the required improvement and the extent to which the necessity for the improvement is attributable to the direct impacts of the proposed development. Such developments will not be approved by the review authority until provisions have been made to mitigate identified direct impacts that are consequences of such development.
- B. The methods of mitigating identified direct impacts required as a condition to any development approval may include, but are not limited to, dedication of land to any public body and/or off-site improvements.

3.240.040 Voluntary payment agreements as alternatives to dedication and improvements

- A. In lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision or plat, the city may approve a voluntary payment agreement with the developer; provided, however, no such agreement shall be required as any condition of approval, and any such agreement shall be subject to the following provisions:
1. The review authority must find that the money offered will mitigate or is a satisfactory alternative to mitigate the identified direct impact.
 2. The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified direct impact.
 3. The payment shall be expended in all cases within five years of collection, unless otherwise agreed to by the developer and approved by his legal advisor due to the unique circumstances involved.
 4. Any payment not so expended shall be refunded to the property owners of record at the time of the refund with interest at the rate applied to judgments at the time of the refund. However, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest; provided, property owners entitled to a refund and/or interest under the provisions of this chapter may voluntarily and in writing waive their right to a refund for a specified period of time in the interests of providing the designated capital improvement or any other capital improvement identified by the property owner.
 5. Any voluntary payment is not to be in lieu of any impact fees that are paid to the city for development impacts.
- B. Further, at the time a developer enters into a voluntary agreement pursuant to this chapter, the developer may voluntarily and in writing waive on behalf of the developer and subsequent purchasers the right to interest and/or a refund in order to facilitate completion of an

improvement. Under no condition shall such a waiver be required as a condition of approval. Such waiver shall be recorded with the Lewis County Assessor's office and shall be binding on subsequent owners.

Chapter 3.245 - SUPPLEMENTARY DEVELOPMENT STANDARDS

Sections:

3.245.010	Generally
3.245.020	Height of fences and hedges
3.245.030	Solid waste
3.245.040	Lighting
3.245.050	Noise
3.245.060	Landscaping

3.245.010 Generally

The standards in this chapter apply to development generally within the city of Winlock. They can be used in any review process where applicable to evaluate or condition approval of an application.

3.245.020 Height of fences and hedges

- A. Front and Street Side Yards. Fences and hedges shall be no higher than six feet (measured from ground level) within five feet of a front property line or street side property line.
- B. Interior Side and Rear Yards. Fences and hedges shall be no higher than six feet (measured from ground level) along interior side and rear property lines.

3.245.030 Solid waste

If refuse containers are used by more than one unit for temporary storage of solid wastes, the container(s) shall be screened from view from off-site by a sight-obscuring fence and/or evergreen landscaping and the area kept clean of all litter.

3.245.040 Lighting

- A. Street lighting shall be a required component of all residential, commercial and industrial developments within the city of Winlock. Lighting plans shall be a required component of complete preliminary subdivision, short plat and site plan applications. All lighting plans shall be approved by the city's Planning Director.
 - 1. Lighting, including permitted illuminated signs, shall be designed and arranged so as not to do the following:
 - a. Reflect or cast glare;
 - b. Rotate, glitter, or flash; or
 - c. Conflict with the readability of traffic signs and control signals.
- B. Lighting on any site shall not cause more than one foot-candle measured at any property line.

3.245.050 Noise

All development shall comply with the noise standards in Chapter 173-60 WAC.

3.245.060 Landscaping

- A. The following standards apply to landscaping and screening on private property required pursuant to Table 3.245.060 WDC. Landscaping and screening within public rights-of-way shall be approved by the city's engineering and public works departments.

**Table 3.245.060 Landscaping
Zoning of the abutting the site**

Zoning of the site	LDR		MDR-16		C1, C2, MX		LI, UP	
	Separated by a street	Not separated by a street	Separated by a street	Not separated by a street	Separated by a street	Not separated by a street	Separated by a street	Not separated by a street
LDR	None	None	L2 5 feet	L3 5 feet	L3 10 feet	L4 10 feet	L4 10 feet	L5 20 feet
MDR-16	L1 5 feet	L1 5 feet	L1 5 feet	L1 5 feet	L2 5 feet	L3 5 feet	L3 10 feet	L4 10 feet
C1, C2, MX	L1 5 feet	L2 5 feet	L1 5 feet	L2 5 feet	None	None	None	None
LI, UP	L2 5 feet	L3 5 feet	L2 5 feet	L3 5 feet	L2 5 feet	L3 5 feet	L1 5 feet	L1 5 feet

B. Regardless of the zoning of the abutting property, if an industrial or commercial use is proposed abutting or across a street from an existing single-family or multifamily dwelling, the industrial or commercial use shall landscape and buffer the property line abutting that dwelling as though the abutting property was zoned LDR.

1. L1 – General Landscaping.

- a. The L1 standard is for open areas. It is intended to be used where distance is the principal means of separating uses or development, and landscaping enhances the area between them. The L1 standard consists principally of ground cover plants; trees and high and low shrubs also are required.
- b. There are two ways to provide trees and shrubs to comply with an L1 standard. Shrubs and trees may be grouped. Ground cover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs and trees.
 - i. Where the area to be landscaped is less than 10 feet deep, one tree shall be provided per 30 linear feet of landscaped area.
 - ii. Where the area is 10 feet deep or greater, one tree shall be provided per 800 square feet and either two high shrubs or three low shrubs shall be provided per 400 square feet of landscaped area.

2. L2 – Low Screen.

- a. The L2 standard uses a combination of distance and low-level screening to separate uses or development. The standard is applied where a low level of screening sufficiently reduces the impact of a use or development, or where visibility between areas is more important than a greater visual screen.
- b. The L2 standard requires enough low shrubs to form a continuous screen three feet high and 95 percent opaque year-round. In addition, one tree is required per 30 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three-foot-high masonry wall or fence may be substituted for shrubs, but the trees and ground

cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

3. L3 – High Screen.

- a. The L3 standard provides physical and visual separation between uses or development principally using screening. It is used where such separation is warranted by a proposed development, notwithstanding loss of direct views.
- b. The L3 standard requires enough high shrubs to form a screen six feet high and 95 percent opaque year-round. In addition, one tree is required per 30 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six-foot-high wall or fence with or without a berm may be substituted for shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

4. L4 – High Wall.

- a. The L4 standard is used where extensive screening of visual and noise impacts is needed to protect abutting sensitive uses and/or there is little space for separation between uses.
- b. The L4 standard requires a six-foot-high wall. When adjacent to another property, the wall shall abut the property line. When adjacent to a street or road right-of-way, the wall shall be on the interior side of the landscaped area. One tree is required per 30 lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area. In addition, four high shrubs are required per 30 lineal feet of wall. Ground cover plants must fully cover the remainder of the landscaped area.

5. L5 – High Berm.

- a. The L5 standard can be used instead of the L4 standard where extensive screening is warranted, and more space is available for separation between uses.
- b. The L5 standard requires a berm four to six feet high. If the berm is less than six feet high, low shrubs that comply with the L2 standard must be planted on top of the berm so that the overall screen height is six feet. In addition, one tree is required per 30 lineal feet of berm or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.

- C. Existing vegetation may fulfill landscaping and screening requirements of this chapter if that existing landscaping provides at least an equivalent level of screening as the standard required for the development in question.
- D. As a condition of approval of a conditional use, the city may require an applicant to provide landscaping and screening that differs from the standards in this section where necessary to comply with the other applicable approval standards for the use or development.
- E. Landscaped areas required for stormwater management purposes may be used to satisfy the landscaping area requirements of this chapter, even though those areas may be inundated by surface water.
- F. Required landscaping and screening shall be located on the perimeter of a lot or parcel. Required landscaping and screening shall not be located on a public right-of-way or private street easement, unless authorized by the city's public works department.

- G. Outdoor activity areas shall be screened from property used or zoned for residential purposes or a public road right-of-way to at least an L3 standard if within 100 feet of the property or right-of-way and to at least an L1 standard if equal to or more than 100 feet from the property or right-of-way. Outdoor activity areas include storage of solid waste and recyclables from the site and, where permitted, storage of goods, materials or equipment.
- H. Rooftop and ground-level exterior equipment shall be screened from adjoining property used or zoned for residential purposes or from an adjoining public road right-of-way to at least an L3 standard if visible at grade from the property or right-of-way.
- I. Parking and loading areas shall be landscaped as follows:
 - 1. A minimum five-foot-wide strip landscaped to at least an L2 standard or a minimum 10-foot-wide strip landscaped to at least an L1 standard shall be provided where vehicle parking or loading adjoins a public road right-of-way.
 - 2. Where a vehicle parking or loading area adjoins a property with zoning or land uses other than the proposed land use, the area shall be landscaped and screened as provided in Table 3.245.060 adjoining the other property.
 - 3. Parking areas that contain at least seven spaces shall contain landscape islands equally distributed at a ratio of one island for every seven parking spaces. A landscape island shall contain at least 25 square feet, shall be at least four feet wide, and shall prevent vehicles from damaging trees, such as by using a wheel stop or curb.
 - 4. At least one tree shall be planted in each landscape island. Trees in landscape islands shall reach a mature height of 30 feet or more, cast moderate to dense shade in the summer, live at least 60 years, require little maintenance (such as by being insect-, disease- and drought-resistant and not producing fruit), and be suited for use in the proposed location (such as by being tolerant of pollution and direct and reflected heat).
- J. The applicant shall install landscaping and screening required by this chapter consistent with the approved site plan or an approved modification thereto before the city issues an occupancy permit or final inspection for the development in question; provided, the city clerk/treasurer may defer installation of plant materials for up to six months after the city issues an occupancy permit or final inspection for the development in question if doing so increases the likely survival of plants.
- K. All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within three years of planting. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for living ground cover plants, lawn or approved flowers.
- L. Shrubs shall be supplied in a minimum of two-gallon containers or equivalent burlap balls, with a minimum spread of 3 inches to meet the L2 buffer requirement, and minimum of three-gallon containers or equivalent burlap balls with a minimum spread of 30 inches to meet the L3 buffer requirements. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.
- M. Ground cover plants shall be placed not more than 30 inches on center and 30 inches between rows. Rows of plants shall be staggered for a more effective covering. Ground-cover shall be supplied in a minimum four-inch size container or a two-and-one-quarter-inch container or

equivalent if planted 3 inches on center. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive. A lawn or flowerbed of flowers approved by the review authority may be substituted for ground cover plants.

- N. Trees may be deciduous or evergreen unless otherwise provided. The required tree height shall be measured from the ground level at final planting to the top of the tree.
1. Required trees for parking and loading areas shall be a minimum caliper of two inches and a minimum height of 10 feet at the time of planting.
 2. Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of one and one-half inches and a minimum height of eight feet at the time of planting.
 3. Required evergreen trees (other than street trees) shall be fully branched and a minimum of six feet high at the time of planting.
 4. The review authority may reduce the minimum size of trees (other than street trees) if the applicant submits a written statement by a landscape architect registered in Washington or expert in the growing of the tree(s) in question certifying that the reduction in size at planting will not decrease the likelihood the trees will survive.
- O. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in accordance with a list of plant materials adopted by reference as the Lewis County plant list.
- P. The applicant shall show and comply with the following:
1. Plant materials will be installed to current nursery industry standards.
 2. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.
 3. Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the dripline of trees to be retained.
- Q. Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the review authority. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections.
- R. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required landscaped areas must comply with one of the following:

1. A permanent built-in irrigation system with an automatic controller will serve the landscape area in question, and the system will be installed and operational before the city grants an occupancy permit or final inspection for the development in question; or
2. A temporary irrigation system will serve the landscape area in question; provided, to receive approval of this system, the applicant must submit a statement from a landscape architect registered in Washington or expert in the growing of the vegetation in question certifying that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall; or
3. A permanent or temporary irrigation system will not serve the landscape area in question; provided:
 - a. The review authority finds the landscape area otherwise fulfills the requirements of this chapter, and
 - b. The applicant submits the following:
 - i. A statement from a landscape architect registered in Washington or expert in the growing of the vegetation in question certifying that the materials to be planted will survive without watering other than natural rainfall, and
 - ii. A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the city clerk/treasurer, and
 - iii. A statement from the applicant agreeing to install an irrigation system if the city clerk/treasurer finds one is needed to ensure survival of required vegetation, based on the results of the monitoring plan.

Chapter 3.250 - CONDITIONAL USES

Sections:

3.250.010	Pre-application review
3.250.020	Review processes
3.250.030	Application contents
3.250.040	Criteria for approval, minor modifications and revocation
3.250.050	Transfer prohibited

3.250.010 Pre-application review

- A. Applications for conditional use permit or modification of a conditional use permit are subject to pre-application review consistent with Section 1.030.020 WDC. Pre-application review is not required for an exempt or minor modification to or extension of a conditional use permit.
- B. An applicant for pre-application review of a conditional use permit shall submit the requisite fee and four copies of the following information unless otherwise provided by the City Clerk/Treasurer:
 1. A completed form provided by the City Clerk/Treasurer 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, 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. The applicant is encouraged to submit drawings showing the elevation(s) of proposed structure(s);
 4. Proposed dedications to the city or other agency, if applicable;
 5. A written description of the proposed use or development. The description shall identify applications that are proposed to be filed concurrently with the conditional use application (e.g., land divisions, variances, adjustments or exceptions) or are needed for approval of the plan; and
 6. Other relevant information that would assist the city to review the proposed application and to advise the applicant.

3.250.020 Review processes

- A. Review of a technically complete application for conditional use permit is subject to a Type III process. See Section 1.030.100 WDC.
- B. Review of a technically complete application for a minor modification, alteration or expansion of a previously approved conditional use permit is subject to:

1. The review process set out in the decision approving the existing conditional use, if any; or
 2. A Type II process. See Section 1.030.090 WDC.
- C. Revocation of an approved conditional use permit is subject to a Type III process. Revocation shall be initiated by the City Clerk/Treasurer by scheduling a hearing and issuing the required notice. Revocation shall not be the exclusive remedy for violation.

3.250.030 Application contents

An applicant for a conditional use permit shall submit the requisite fee and the information required by Section 1.030.050 WDC, except as otherwise provided therein.

3.250.040 Criteria for approval, minor modifications and revocation

- A. The review authority shall approve or approve with conditions an application for conditional use permit if he or she finds the applicant has sustained the burden of proving that:
1. The characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features;
 2. All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use;
 3. The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with the Winlock Development Code;
 4. The establishment, maintenance or operation of the proposed use will not, under the
 5. circumstances of the particular case be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.
- B. The review authority may impose, in addition to regulations and standards expressly specified in this title, other conditions of approval necessary to ensure the use complies with applicable approval standards. These conditions may include, but are not limited to, the following:
1. Increased setbacks, lot size or yard dimensions;
 2. Additional design features necessary to minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;
 3. Restrictions on the location, number and design of vehicular access points to the property;
 4. Additional off-street parking or loading spaces;
 5. Limits on the number, size, location, height and lighting of signs;
 6. Limits on building height, coverage or location;
 7. Restrictions on the hours, days, place and manner of operations;
 8. Additional requirements for drainage and surfacing of maneuvering, parking and loading areas;
 9. Limits on the location and intensity of outdoor lighting;
 10. Requiring certain berming, screening, landscaping and/or fencing;

11. Requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed;
 12. Requirements for periodic review of the permit.
- C. The review authority may approve a minor modification, alteration or expansion of an approved conditional use pursuant to a Type II process if:
1. The modification, alteration or expansion will result in less than a 20 percent cumulative enlargement or relocation of the structure, floor area, parking area or exterior improvement area, up to a total maximum of 5,000 square feet;
 2. The existing use is in compliance with all conditions of approval of the original permit;
 3. Such modification, alteration or expansion is not expressly prohibited by the zone or the conditional use permit issued for the existing use.
- D. The hearings examiner may revoke or amend a conditional use permit pursuant to a Type III process if he or she finds:
1. The conditional use is not being conducted consistent with the decision or conditions of approval authorizing the conditional use permit or other applicable standards of the Winlock Development Code; and
 2. The applicant has failed to remedy the alleged violation within a reasonable time required by the City Clerk/Treasurer or within 60 calendar days after the city clerk-treasurer mails notice of such alleged violations to the operator of the conditional use or owner of the property, whichever is first.

3.250.050 Transfer prohibited

An approved conditional use permit is specific to the subject property and cannot be transferred to another property.

Chapter 3.255 - NONCONFORMING USES

Sections:

- 3.255.010 Nonconforming uses and development generally
- 3.255.020 Discontinuance, destruction, expansion and changes
- 3.255.030 Nonconforming development

3.255.010 Nonconforming uses and development generally

- A. Establishment of Nonconforming Status. Legally established nonconforming uses and development may be continued and maintained without city review and approval. A nonconforming use or development may be altered or expanded subject to the provisions of this chapter.
- B. The proponent of a nonconforming use or development shall bear the burden of establishing that the use or development was legally established and to what extent at the time the use or development became nonconforming.
- C. Ownership. Changes in ownership of a nonconforming use or development are exempt from city review or approval.
- D. Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been legally issued, and construction commenced prior to the adoption of the regulation that would make such use or structure nonconforming.
- E. This chapter does not apply to existing single-family dwellings in the commercial and industrial districts; provided any addition, improvement or reconstruction thereto shall comply with the standards of the residential districts.

3.255.020 Discontinuance, destruction, expansion and changes

- A. Discontinuance. A nonconforming use not actively used for a period of six months shall be deemed discontinued. A discontinued nonconforming use cannot be revived, and any further uses of the property must conform to the provisions of this title as provided for above.
 - 1. Periods of reduced operation caused by normal fluctuations in business demand are not discontinuances; provided that periods of reduced operation in excess of two years shall have the effect of discontinuance.
 - 2. Rights to continue a nonconforming use or development expire if a structure containing a nonconforming use or a nonconforming development is destroyed by any cause to an extent exceeding 50 percent of the cost of replacement of the structure, using new materials. After such destruction, development or use of the property shall comply with the regulations applicable of the zoning district.
- B. Expansion. Expansion of a nonconforming use or development shall be subject to the same standards and procedure as for a change in the nonconforming use or development as provided in subsection (C) of this section.
- C. Changes.
 - 1. A nonconforming use or development may be changed to a conforming use or development in whole or in part. Once a nonconforming use or development becomes conforming, in

whole or in part, the nonconforming rights are lost, and the nonconformity may not be re-established.

2. A nonconforming use may be changed to another nonconforming use through a type II procedure, provided the applicant demonstrates that the proposed use will have no greater adverse impacts on surrounding properties than the existing use; i.e., the proposed use will not generate more traffic, noise, dust or fumes, will not operate longer hours, etc.

3.255.030 Nonconforming development

Development which is nonconforming with respect to height, yard requirements, lot coverage, screening and buffering or density may be utilized by a use which is permitted in the district in which it occurs. The development may be repaired, modified, or altered, internally or externally; provided, such repairs and modifications do not increase the nonconformance of the development and comply with the International Building Code standards, or are required by building, health, fire or other applicable standards to make a structure safe for occupancy.

Chapter 3.260 - VARIANCES

Sections:

- 3.260.010 Pre-application review
- 3.260.020 Review process
- 3.260.030 Application contents
- 3.260.040 Approval criteria
- 3.260.050 Expiration and extension

3.260.010 Pre-application review

- A. An application for one or more variances subject to Type I review is not subject to pre-application review, unless filed concurrent with an application that is subject to pre-application review.
- B. An application for one or more variances subject to Type II review is subject to pre-application review under Section 1.030.090 WDC.
- C. An applicant for pre-application review for a variance shall submit the requisite fee and four copies of the following information unless otherwise provided by the City Clerk/Treasurer:
 - 1. A completed form provided by the City Clerk/Treasurer 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 variance, 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 variance(s) and of facts and evidence based on which the variance(s) can be approved.

3.260.020 Review process

- A. Review of a technically complete application for variance of up to 10 percent of the numerical standards for the following: setbacks, buffers, building heights, landscaping, lot coverage and lot dimensions, but not including lot area or density, is subject to a Type I process. See Section 1.030.080 WDC.
- B. Review of a technically complete application for all other variances greater than 10 percent are subject to a Type II process. See Section 1.030.090 WDC.
- C. An application for a variance(s) necessarily associated with other application(s) under the Winlock Development Code shall be combined with the associated application(s) for processing.

The variance application shall be subject to the highest number review procedure applicable to the combined applications.

- D. If an application for a variance(s) is approved and an application(s) subject to an equal or higher number review procedure type is subsequently filed, the decision approving the variance may be altered for good cause by the decision on the merits of the subsequent application(s).
- E. An application for a variance(s) proposed as a post-decision action shall be subject to the post-decision review procedures of Section 1.030.150 WDC.

3.260.030 Application contents

An applicant for a variance(s) shall submit the requisite fee and the information required by Section 1.030.050 WDC, except as otherwise provided therein.

3.260.040 Approval criteria

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

- A. Unusual circumstances or conditions, such as size, shape, topography and location of and existing legal development on the site, apply to the property and/or the intended use such that the strict application of this title would deprive the owner of the subject property of rights and privileges enjoyed by owners of other properties in the vicinity in the same zone; and
- B. The granting of the 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 property is situated.
- C. The variance must be consistent with the City's Comprehensive Plan and Capital Facilities Plan.
- D. Adequate Capital Facilities must exist to accommodate the variance.

3.260.050 Expiration and extension

A decision approving a variance expires and can be extended as provided in Section 1.030.140 WDC.

Chapter 3.265 - TEMPORARY USE PERMIT

Sections:

- 3.265.010 Pre-application review
- 3.265.020 Review process
- 3.265.030 Application contents
- 3.265.040 Approval criteria
- 3.265.050 Expiration and extension
- 3.265.060 Limitation on new application

3.265.010 Pre-application review

An application for a temporary use permit is not subject to pre-application review, unless included with an application that is subject to pre-application review.

3.265.020 Review process

- A. Review of a technically complete application for a temporary use permit for a use that will exist not more than 60 days is subject to a Type I process. See Section 1.030.080 WDC.
- B. Review of a technically complete application for a temporary use permit for a use that will exist for more than 60 calendar days is subject to a Type II process. See Section 1.030.090 WDC.

3.265.030 Application contents

An applicant for a temporary use permit shall submit the requisite fee and four copies of the information required by Section 1.030.050 WDC, except as otherwise provided therein.

3.265.040 Approval criteria

- A. The review authority shall approve or approve with conditions an application for a temporary use permit in any zone if he or she finds the applicant has sustained the burden of proving that:
 - 1. The use is of a temporary nature, limited to a structure which can be readily dismantled and removed from the site within 48 hours of cessation of the use or activity, or converted to a permitted use in the zoning district;
 - 2. The use will cease and/or the structure will be removed or converted to a permitted use within one year; and
 - 3. Establishment and operation of the temporary use will not be materially detrimental to the public health, safety, convenience, and general welfare.
 - 4. Adequate capital facilities exist, and the proposal is consistent with the City's Comprehensive Plan.
- B. The review authority may impose conditions of approval deemed necessary to ensure the proposed temporary use complies with the foregoing approval criteria.

3.265.050 Expiration and extension

- A. A temporary use permit shall automatically expire on the date specified in the approval – not to exceed one year.
- B. A temporary use permit approved through a Type I process may be extended for up to an additional 60 calendar days through a Type I process.

- C. A temporary use permit approved through a Type II process may be extended for up to an additional three calendar months through a Type I process, provided the duration of the temporary use permit may not exceed one calendar year.

3.265.060 Limitation on new application

- A. Where a temporary use permit was approved for a particular property through a Type I process, no new applications for a temporary use permit may be approved for the same property for six calendar months after the prior permit or extension expired.
- B. Where a temporary use permit was approved for a particular property through a Type II process, no new applications for a temporary use permit may be approved for the same property for one calendar year after the prior permit or extension expired.

Chapter 3.270 - HOME OCCUPATIONS

Sections

3.270.010 Home Occupations

3.270.010 Home Occupations

- A. In residential districts, a "home occupation" is an occupation carried on within a dwelling primarily by members of the family occupying the dwelling. A home occupation is an economic enterprise that includes the use of a dwelling unit as a business address in a phone directory or as a post office mailing address.
1. The planning director or designee shall review requests for home occupation uses listed in Section 2.210.170(A) (1) as a Type I review, consistent with Section 1.030.080 WDC, unless the site of the home occupation is within an area subject to the CC&Rs of a homeowner's association, in which case the city shall process the application as a Type II review consistent with Section 1.030.090 WDC. The planning director shall review requests for home occupation use not described in this subsection pursuant to Section 1.030.090 WDC.
 - a. Artists and sculptors;
 - b. Authors and composers;
 - c. Dressmakers, seamstresses and tailors;
 - d. Family day care home;
 - e. Home crafts such as model making, rug weaving, lapidary work and cabinet making;
 - f. Office facility of a minister, rabbi or priest;
 - g. Office facility of a salesman, sales representative or manufacturer's representative, provided that no retail or wholesale transactions are made on the premises;
 - h. Office facility of an architect, artist, broker, engineer, instructor in arts and crafts, insurance agent, land surveyor, lawyer, physician or real estate agent, contractor, builder, computer software developer;
 - i. School of special education whose class size does not exceed four people at any given time;
 - j. The letting for hire of not more than two rooms for rooming or boarding use for not more than two persons neither of whom is a transient.
 2. In addition to the use limitations applicable in the zoning district in which located, all home occupations shall be subject to the following use limitations and, other uses which fit the following limitations may obtain a home occupation permit from the planning director or designee, pursuant to a Type I review process. If a home occupation permit is granted but the occupant fails to consistently comply with the following limitations, the home occupation permit may be revoked subject to a hearing before the hearing examiner.
 - a. Except as qualified in this subsection a home occupation must be conducted wholly within a dwelling that is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use.

- b. Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises.
 - c. No alteration to the exterior of the principal residential building shall be made which changes the character thereof as a dwelling.
 - d. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy and a district in question under normal circumstances wherein no occupation exists.
 - e. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
 - f. One person, other than a member of the immediate family occupying the dwelling, may be employed on the premises.
 - g. One sign, two square feet in dimension, shall be permitted.
 - h. The use may increase vehicular traffic flow and parking by no more than two additional vehicles at a time.
- B. Homeowner's or neighborhood association coordination required.
- 1. If the proposed use will be located in a dwelling in an area in which a homeowner's association or neighborhood association exists and the city clerk's office has on file a copy of the current, recorded conditions, covenants and restrictions (CC&Rs) for the appropriate homeowner's association, the planning director shall not find the application complete unless the application contains a letter from the subject homeowner's association stating that the proposed use does not violate any provision of the recorded CC&R's of the association.
 - 2. If the subject property is subject to CC&R's the planning director shall process the request for home occupation permit as a Type II review and shall provide notice of the pending application to the homeowner's association and any neighborhood association, registered with the City Clerks' office with geographic interest in the dwelling.
 - 3. The planning director shall not approve the request for home occupation use unless the application contains a letter from the subject homeowner's association stating that the proposed use does not violate any provision of the recorded CC&R's of the association.
- C. If the applicant or any person living within three hundred feet of the residence in question feels aggrieved by the decision of the planning director, or designee, to grant or deny the home occupation permit, then the aggrieved person may appeal to the hearing examiner pursuant to Section 3.030.130 WDC.
- D. A business license granted by the city shall also be required for persons conducting home occupations.
- E. A permit granted under this chapter shall expire if the home occupation for which it is granted does not operate as a business for a period of twelve consecutive months.

Chapter 3.275 - SIGN REQUIREMENTS

Sections:

3.275.010	Purpose, Scope and Definitions
3.275.020	Permit Required
3.275.030	Variances
3.275.040	Prohibited Signs
3.275.050	Signs Not Requiring a Permit
3.275.060	Requirements Applicable to all Signs
3.275.070	Signs in Residential Zones
3.275.080	Signs in General Commercial District
3.275.090	Lighting of Exterior Signs
3.275.100	Implementation of this Sign Code
3.275.110	Conflict and Severability
3.275.120	Enforcement, Violation and Penalty

3.275.010 Purpose, Scope and Definitions

This Chapter regulates the erection, placement, maintenance and display of signs to protect and enhance public health, safety, welfare and property.

A. Purposes. The purposes of this sign code are:

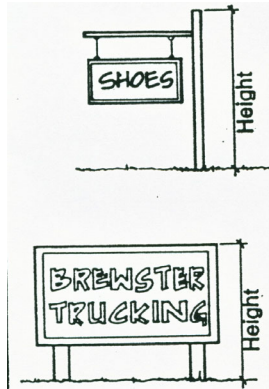
1. Allow those signs compatible with the character and uses allowed in the zoning district in which they are located.
2. Maintain the effectiveness of traffic signs and other signs erected for public safety, while limiting the number and scale of distractions to motorists.
3. Protect the public right-of-way for the safe, expeditious and uncluttered passage of motorists, bicycles and pedestrians. To prevent signs or portions thereof from interfering with the safe movement of people, vehicles and emergency service providers in the public right-of-way. To prevent signs or portions thereof from creating a public nuisance or hazard by obstructing clear vision or distracting motorists by their dominating size or appearance.
4. Maintain and enhance the scenic and other aesthetic qualities of the city by limiting the size and number of signs, reducing clutter and the dominance of signs.

B. Scope. All signs, including sign structures and display areas or building walls with lettering, numbers, symbols or other expressive content on them shall be erected, maintained and displayed only as provided by this Chapter, except for the following.

1. Signs not visible from either a public right-of-way or property under different ownership, provided such signs shall be erected and maintained in accordance with applicable law.
2. Signs owned and maintained by governmental agencies.
3. Signs inside a building, except for strobe lights or floating lights visible from a public right-of-way, private road or other private property.
4. Signs carved into or part of materials that are an integral part of a building.

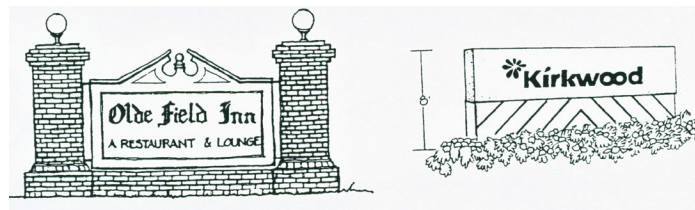
C. Definitions. The following definitions shall control the interpretation of this chapter, in addition to the definitions in Chapter 1.040 WDC:

1. Abandoned Sign means a sign that does not have copy on the display surface for a period of 6 months or more.
2. Alternation or altered sign means any physical or structural change to a sign structure, shape, area, equipment or other physical component, but does not include a change in the copy.
3. Banner is sign, such as those used to announce an open house, a grand opening, or to make a special announcement, that is made of cloth, canvas, or some similarly flexible material without a rigid frame or surface.
4. Billboard means a sign with a display surface of 200 square feet or more.
5. Copy means the text, letters, numbers, symbols and any other sort of graphical expressive content.
6. Display Surface Area means the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this Chapter.
7. Directory Sign means a sign that identifies the names and locations of tenants in a multi-tenant building or in a development made up of a group of buildings.
8. Erect or Erected means to construct, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.
9. Freestanding sign means a sign supported from the ground by its own structure.
10. Fence and fencing mean any barrier or section thereof, other than a wall, designed to define a boundary or provide a visual screen.
11. Frontage means the boundary between a single parcel and the public right-of-way. For purposes of this sign code, where a property abuts only one right-of-way, it has only one "frontage." Where a property is a corner lot or otherwise abuts more than one right-of-way, it has one frontage for each point where it abuts a different right-of-way.
12. Government sign means any sign erected by a federal, state or local government, including signs related to traffic control and direction, safety, identification of governmental buildings and activities, community announcements or other public information.
13. Grade means the level of the nearest sidewalk or road pavement.
14. Height of sign is the vertical distance of a sign measured from the average finished grade below the sign and the highest point on the sign or sign structure, which ever is higher, for example:



Height is measured from lowest finished grade to the top of the sign or its supporting structure.

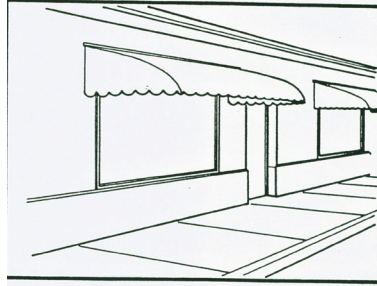
15. Incidental sign means a sign identifying or advertising associated goods, products, services or facilities available on the premises, including but not limited to, trading stamps, credit cards accepted, brand names or price signs.
16. Maintain, maintained or maintaining mean activities, such as upkeep and repair of signs or sign structures and the replacement of sign messages or advertisement displayed on a sign, and an activity by which a sign or sign structure are permitted to exist.
17. Monument sign is a sign and supporting structure which has similar top and bottom dimensions and is constructed as a solid structure or one which gives the appearance of a continuous, non-hollow, unbroken, unfenestrated mass. Further, similar top and bottom dimensions shall mean dimensions, which are within 10% of each other.



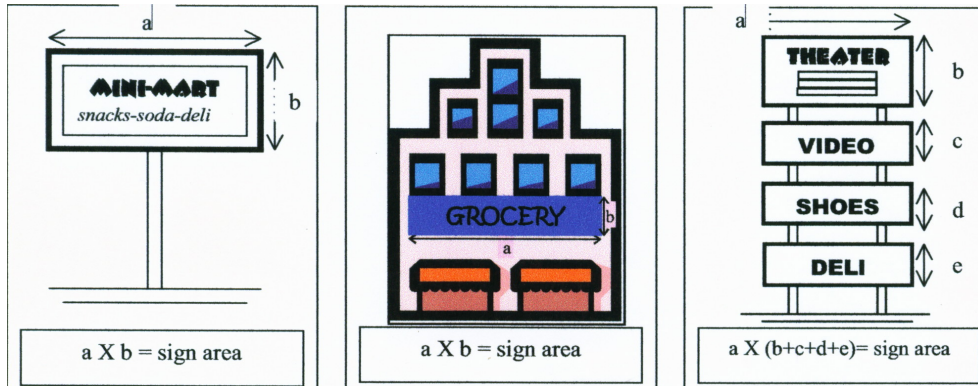
Monument Sign

18. Multi-Business Building means a building with two or more commercial businesses on a lot or contiguous lots with common access and parking.
19. Obsolete sign means a sign for which there is no current city sign permit.
20. Off-Premise sign is a sign that relates to activities, services, goods, products or other things that are not on the property where the sign is located.
21. Portable Sign is any sign designed to move or be moved by trailer or vehicle to advertise at different locations. Further, these signs include any sign, which is not permanently fastened to a building or ground.
22. Property means a single, separately deeded parcel of real property.

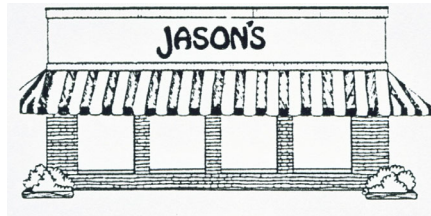
23. Projecting sign means a sign projecting more than one foot from the wall of a building, including awnings and similar structures that serve a function and to which a sign face can be affixed, for example:



24. Roof sign means a sign erected or maintained wholly upon or over the roof of any building with the principal support on the roof structure.
25. Setback means the shortest perpendicular distance between a structure, including a sign, and the nearest property line.
26. Sign means any sign, display message, emblem, banner, flag, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended to convey a message, advertise something, inform or attract the attention of the public. Signs include the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames, and the term includes both sides of a sign of specified dimensions or display surface area.
27. Sign face means the total of display surface area visible from one side of a sign.
28. Sign area is the area of message area of a sign, excluding any structural components that do not include text or other message, and is measured as follows:
- The area of a free-standing sign or structure not using an integral part of the building for its background means the largest cross-sectional area of the sign measured to a line encompassing all portions of the sign structure, including tubing used in lighting such sign or structure, but excluding posts without attached lighting. Further, the base on which a monument-type sign is set may be excluded provided there is no attached lighting.
 - The area of a double-faced sign, i.e. a sign marked on 2 sides, or signs which are erected in a "V" configuration with an angle between the 2 faces not exceeding 30°, shall be the largest area on one side of the sign. Further, this type of sign shall be considered one sign for the purpose of determining the number of signs allowed.
 - The area of any sign or structure using an integral part of the building or awning as a background means the area within the shortest line drawn to include all letters, design, and tubing which are part of the sign or structure. Provided, that for illuminated awnings the area shall be limited to the area within the shortest line drawn to include all copy and graphics, excluding illuminated areas outside of these lines.



29. Street frontage means the linear frontage of a parcel of property abutting a single public street.
30. Temporary sign means a sign that will become obsolete after the occurrence of an event or series of events. Temporary signs include, but are not limited to, for sale and lease signs, garage sale signs and political campaign signs.
31. Time and Temperature Sign is a sign that displays only the current time and temperature.
32. Wall Sign means a sign painted on the wall of a building, for example:



Wall Sign

3.275.020 Permit Required

- A. No sign shall be erected or displayed except as provided by this Chapter and for which a permit has been issued by the city planner. This permit requirement applies to all signs, except those specifically exempt by a provision of this chapter. The City may impose any reasonable condition, including a limitation on duration or a prohibition on renewal, on a sign permit issued under this chapter.
- B. Permit duration and automatic expiration: All sign permits issued under this chapter shall not have an expiration date.
- C. Process. Sign permits under this Chapter shall be processed as Type I decisions according to the procedures and requirements of Section 1.030.080 WDC.
- D. Modifications to Existing Signs: Any sign that is structurally altered, relocated or replaced shall be brought into compliance with all applicable substantive requirements of this Chapter, including the requirement to obtain a permit. Any modification to a sign for which a permit has been issued shall be processed as a Type I decision in the same manner as for a new sign. This requirement to obtain a new permit for sign modifications does not apply to copy or panel changes where the sign area, shape and height are maintained.

E. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the city clerk. A permit application fee shall accompany the application for it to be processed by the review authority. The amount of the fee shall be according to a permit fee schedule adopted by resolution of the city council. The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is erected and maintained in compliance with the permit, the requirements of this chapter, and if the applicant did not misrepresent or falsify any information supplied in the application. Any permit issued under this chapter shall be void if no substantial physical action is taken, in accordance with any conditions of the permit and the applicable requirements of this chapter, within 90 days following the date of its issuance. Any permit issued under this chapter shall remain in effect as long as the sign is maintained in compliance with any permit conditions and all applicable provisions of this chapter.

3.275.030 Variances

A. Grounds for Variance. Upon application by an applicant, the review authority may grant a specific variance from provisions of this Chapter provided all of the requirements of this section are met. The variance provisions in Chapter 3.260 WDC (Variances) that customarily apply to land use permits do not apply to sign code variances:

1. Exceptional or extraordinary circumstances apply to the property which does not generally apply to other properties in the same area or vicinity. Such conditions may be the result of an unusual location or orientation of the applicant's building, topography, vegetation or other circumstance over which the applicant has no control.
2. The variance is necessary for the preservation of a right of the applicant substantially the same as is possessed by the owners of other property in the area or vicinity.
3. The authorization of the requested variance will not be materially detrimental to, or conflict with, the purposes of this chapter or be injurious to the use and enjoyment of other property in the area or vicinity, or the public way, in which the property is located.
4. The variance requested is the minimum variance necessary, to alleviate the identified hardship.
5. By way of mitigation for the variance of any requirement of this chapter, the city may require mitigation in the form of sign design, area, height, location, duration or other reasonable measure, including compliance with the Downtown Design Guidelines.

B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city council and on file with the City Clerk/Treasurer.

C. Procedure. Any variance sought to the requirements of the sign code shall be processed as a Type II decision and in conjunction with the underlying sign permit application. Once granted, a sign variance shall be valid so long as the sign permit is maintained, including renewals and extensions.

3.275.040 Prohibited Signs

It is unlawful for the following signs to be erected, maintained or displayed except as otherwise provided in this chapter. Signs installed, altered, relocated, maintained or displayed in violation of

this chapter are deemed to be nuisances and subject to enforcement and removal by the city at the owner's expense after appropriate process.

- A. Billboards and off-premise signs.
- B. A sign that obstructs or interferes in any way with the public's ability to clearly view government signs or interferes in any way with traffic, visibility or passage within the public right-of-way, including vehicle travel lanes, sidewalks and bike lanes.
- C. Any sign with animated, rotating, flashing or moveable parts, lights, video display or changing type/message or emits an audible sound, except for government signs and Time and Temperature signs.
- D. A sign with lighting that shines light directly onto any portion of the main traveled right-of-way of a public street or is of such high intensity or brilliance as to cause glare or shine into the eyes of a pedestrian or motorist in the public right-of-way.
- E. A sign attached to a tree or painted or drawn on a natural feature.
- F. Obsolete signs and abandoned signs.
- G. A sign that obstructs free ingress to, or egress from, any door, window or fire escape, alley, driveway or fire lane, or is attached to a fire escape.
- H. Any sign, except for a governmental sign, which is erected or maintained on public property or within the public right-of-way, including the sidewalk, without a permit from the city or permission of the public body having jurisdiction over the right-of-way or public property in question.
- I. A sign not able to withstand a wind pressure of 20 pounds per square foot of exposed surface or is insecurely erected or is constructed so as to constitute a fire hazard.
- J. A sign not maintained in a safe, neat, clean and attractive condition and in good repair.
- K. A sign not otherwise in compliance with any provision of this code, Washington law or the terms and conditions of any valid sign permit.
- L. Signs on fences or fencing.
- M. Roof signs.
- N. Signs, which by reason of their size, location, movement, content, coloring, or manner of illumination may be confused with a government sign.
- O. A sign erected, maintained or displayed without a permit where this chapter requires a permit.

3.275.050 Signs Not Requiring a Permit

In any zoning district, the following signs may be erected and maintained without a permit, so long as they comply with all applicable provisions of this chapter and are not illuminated:

- A. One temporary sign per street frontage of property under a single ownership provided that the sign is not otherwise a prohibited sign, does not cause a public safety hazard or nuisance, has no more than two faces, and no sign face exceeds 4 square feet in area.
- B. Signs carved into a building or which are part of materials that are an integral part of the building not exceeding 10 square feet in area. This subsection does not include wall signs or signs painted on sides of buildings.

- C. A single sign where the display surface area does not exceed 2 square feet.
- D. Incidental signs situated on the inside side of a window or door.
- E. Flags limited to two per premises.
- F. Signs attached to, or carried by, a person.
- G. Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.
- H. Government or political election signs.

3.275.060 Requirements applicable to all signs

- A. Permit required. Except for signs specifically listed elsewhere in this chapter as not requiring a permit, all signs require a sign permit before being displayed. Sign permits are valid for one year and must be renewed annually so long as the sign is displayed.
- B. Structural specialty code compliance. All signs shall meet the construction and operation standards of the Uniform Sign Code and the National Electrical Code, latest editions and amendments. Where conflicting standards between this title and the codes exist, the more stringent shall apply.
- C. No off-premises signs. All signs shall relate exclusively to activities or business conducted, goods sold or manufactured, or services rendered on the property where the sign is located.
- D. Sign Maintenance. All signs, including signs heretofore installed, shall be constantly maintained in a state of security, safety, and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving notice from the designated public official. The premises surrounding a freestanding sign shall be free and clear of rubbish, and landscaping area free of weeds.
- E. Sign Obstructing View or Passage. No sign shall be located to physically obstruct any door, window, or exit from a building. No sign shall be located to be hazardous to a motorist's ingress and egress from parking areas of any way open to the public.
- F. Landscaping for Freestanding Signs. All permanent freestanding signs shall include as part of their design landscaping about their base to prevent automobiles from hitting the sign-supporting structure and to improve the overall appearance of the installation. The planting area about the base of the sign shall be a minimum of one square foot for each square foot of sign surface area, and shall include trees, shrubs and ground cover so that at the time of installation a minimum of 25 percent of the required planting area is covered by plant material.
- G. Removal. All signs shall be removed within 30 days of expiration of the sign permit that authorized their display. An expired sign permit may be extended (as opposed to renewed) for a total of 6 months (a period that includes the first 30 days following expiration).

3.275.070 Signs in Residential Zones

- A. Signs Allowed. The following signs are allowed in the city's residential zoning districts:

1. Signs allowed without a permit. All signs that are allowed without permit as provided by this chapter are allowed in residential zones so long as all applicable requirements of this chapter are met.
 2. Permitted Signs. All signs not otherwise prohibited are permitted in residential zones so long as a permit is first obtained as required by this chapter and the requirements of this section are met.
 3. Signs of Limited Duration Following Subdivision or Partition. In addition to the temporary signs allowed without a permit, a single sign is permitted on residentially zoned property following subdivision or partition of a parent parcel into multiple new lots for a limited duration. The limited duration sign allowed under this subsection may remain in place from the time of preliminary subdivision or partition plat approval until 14 days following the day on which the last new lot in the subdivision or partition has been sold, at which point the sign must be removed. The limited duration sign allowed by this subsection may be a maximum of 32 square feet, limited to one sign per parent parcel, and is subject to all sign permit and fee requirements, including non-content-based conditions of approval.
- B. Display Requirements. All signs in the residential zones listed in this section shall comply with the following requirements:
1. Measured from the nearest property line.
 2. Measured from ground level to the highest part of the sign.
 3. Single or double faced.
 4. If illuminated, the illumination shall be directed or shielded to not shine directly onto any neighboring structure and so as to not shine directly into the eyes of motorists in the public right-of-way.

Table 3.275.070 Residential Signs

Sign Type	Maximum gross area per face (sq. ft.)	Minimum setback	Maximum height	Maximum number of faces
Residential Nameplate	4	None	None	One
Freestanding Sign	6	1 foot	6 feet	Two
Wall Sign	15	10 feet	10 feet	One
Home occupation	4	10 feet	5 feet	One

3.275.080 Signs in Commercial, Urban Public, and Industrial Zones

- A. Signs Allowed. In the Commercial, Urban Public and Industrial zoning districts, the following signs are allowed, so long as a sign permit is obtained (excepting signs that specifically do not require a permit) and all other applicable provisions of this chapter are met:
1. Signs that don't require a permit. All signs allowed without permit as provided by this chapter so long as all other applicable requirements are met.
 2. Wall signs, so long as a permit is first obtained as required by this chapter, and the display surface area is no larger than 36 square feet.

3. Freestanding signs, if a permit is first obtained as required by this chapter, and the following standards are met:
 - a. Number. One freestanding sign shall be permitted for each street frontage of a premise, provided minimum lot frontage of 25 feet is met. Freestanding signs on the same premises but on different frontages shall be separated by a minimum of 50 feet. No more than two such signs are allowed to advertise a commercial group complex. Any freestanding sign in a multi-tenant group or complex shall be a complex sign. Freestanding signs shall not be located closer than 75 feet to another similar sign along the same street.
 - b. Area. Maximum area is 50 square feet.
 - c. Projection. Freestanding signs shall not project into or over a public right-of-way.
 - d. Height. The height of any freestanding sign shall not exceed 20 feet above grade.
4. Electronic Readerboard Signs. One wall-mounted or freestanding, monochrome LED or similar electronic readerboard (changing text) sign is allowed per property, so long as no part of such a sign is more than 20 feet above the ground, with no video display, and only text, letter, time and temperature display is allowed. Wall-mounted electronic readerboard signs allowed under this provision may be up to 15% of the wall surface area on which they are mounted, not to exceed a maximum of 40 square feet. Freestanding electronic readerboard signs allowed under this provision shall not exceed 40 square feet in area.
5. Projecting Signs. Projecting signs are allowed so long as a permit is first obtained as required by this chapter and the following standards are met:
 - a. Number. One projecting sign may be permitted for each business frontage. In a multi-tenant building, a maximum of one projecting sign per tenant for each street frontage is allowed. No projecting signs shall be permitted for the same business frontage where there is a freestanding sign.
 - b. Area. Sign area shall not exceed 32 square feet per sign face for a single-story building and 48 square feet per sign face in sign area for a two-story building
 - c. Projection. Maximum projection from a building wall shall be 4 feet. No sign shall project any closer than 2 feet from the curb line.
 - d. Vertical Dimension. The maximum vertical projection of the sign shall not exceed 3 inches. The visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support. Signs hanging parallel to the building face shall not exceed the length of the building.
 - e. Clearance. A minimum clearance of 10 feet from grade shall be maintained over pedestrian or vehicular areas, 14 feet over areas of truck access.
 - f. Separation. The minimum distance between adjacent projecting sign shall be 20 feet in the same horizontal plane.
 - g. Projecting Signs on Other Project Structures: awnings, marquees, canopies, false fronts and wall extensions, safety constructed and approved by the review authority, may not extend beyond the limits for projecting signs. Projecting signs on any such structure shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign. The only exception shall be for those

instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians; in these instances, the clearance under the marquee or other permanent structure may be reduced to 8 feet.

6. Incidental Signs. One additional sign is allowed per premises, so long as a permit is first obtained under this chapter. An incidental sign may be a freestanding or wall sign, but in either case, shall meet all provisions for such signs, excepting area. The surface display area of an incidental sign shall not exceed 6 square feet.
7. Portable Signs. Tent signs, streamers, strings of lights, balloons, or pennants, excepting traditional holiday decorations.
8. A-frame signs. A-frame signs shall not exceed 48 inches in height and 32 inches in width, per sign side. One A-frame sign is allowed per business or entity. The sign may not be placed to cause a sight distance problem, obstruction or a hazard, and shall not be displayed outside of business hours. A-frame signs placed on a sidewalk within the public right-of-way shall not reduce the sidewalk below 36 inches.
9. Outdoor Sale and Temporary Advertising Signs. Temporary signs are limited to a single sign advertising an event, product or service that is available for a short or limited period of time. Temporary signs need not meet the structural requirements that otherwise apply but shall be weather resistant. Temporary signs shall not display the same copy for more than 30 consecutive calendar days. Temporary signs shall not be illuminated or permanently erected, constructed or otherwise attached to a building. Temporary signs shall not exceed 15% of the building wall area facing the street where the sign is located.
10. Street Banners. Street banners advertising civic events sponsored by a nonprofit organization may be erected in or over the public right-of-way subject to first obtaining a city sign permit and compliance with conditions attached to that permit. All other banners shall be regulated as signs under this chapter.
11. Multiple businesses within a common building.
 - a. All signs shall be of common type and appearance.
 - b. Where a common entrance(s) is/are shared:
 - i. A single sign for each street frontage is allowed, but shall not exceed the maximum allowed sign area;
 - ii. One sign not to exceed 6 square feet listing the individual occupants or tenants is permitted within the common doorway or entrance;
 - iii. A-frame signs. A-frame signs shall not exceed 48 inches in height and 32 inches in width, per sign side. A-frame signs shall not be placed to cause a sight distance problem, obstruction or a hazard, and shall not be displayed outside of business hours. A-frame signs placed on a sidewalk within the public right-of-way shall not reduce the sidewalk below 36 inches.
 - iv. Where separate entrances are provided, each tenant or establishment may have its own sign; provided, that in no case shall the combined sign area of all such signs exceed 15% of the gross area of the building wall facing the nearest street upon which the signs are located.

3.275.090 Lighting of Exterior Signs

Signs may be lit, either from within the sign structure or by external lights shining on the sign face. In no case shall sign lights be allowed to shine directly onto adjacent property or the public right-of-way or to cast glare into the eyes of pedestrians or motorists in the public right-of-way. All sign lights shall comply with all applicable electrical code requirements. Sign lights shall not substitute for security or safety lighting that may otherwise be required.

3.275.100 Implementation of this Sign Code

All signs lawfully established, legal and in existence on the date this chapter is adopted shall be considered nonconforming and may continue in their current condition so long as they are continually maintained, do not change or expand. Any change to a nonconforming sign, including a change to the text or message, will require a sign permit under this chapter and require compliance with the requirements of this chapter.

3.275.110 Conflict and Severability

In the event any provision herein is found to conflict with any zoning, building, fire safety, health or other code provisions of the city, the provision that establishes the higher, stricter or more specific standard for the promotion and protection of the health, safety and welfare of the people shall prevail. A finding by a court of competent jurisdiction that any portion of this chapter is invalid shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply.

3.275.120 Enforcement, Violation and Penalty

In addition to any other provisions hereof, it is unlawful for any person or entity to erect, maintain or display a sign in violation of this Chapter. All violations of this chapter are deemed to be a nuisance and subject to civil enforcement. Signs found to be erected, maintained or displayed in violation may be removed by the City and the owner of the sign and/or premises upon which the sign is located subject to enforcement and possible fines and other penalties as provided by applicable laws.

Chapter 3.280 - OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

- 3.280.010 Off-street parking requirements
- 3.280.020 Joint use of facilities
- 3.280.030 Parking design standards
- 3.280.040 Loading
- 3.280.050 Vehicles in residential zones
- 3.280.060 Multi-family parking lots and circulation
- 3.280.070 Parking requirements of manufactured home parks

3.280.010 Off-street parking requirements

Off-street parking shall be provided in compliance with Table 3.280.010 WDC:

Table 3.280.010 Off-Street Parking Requirements

USE	MINIMUM NUMBER OF PARKING SPACES
Residential:	
One to three dwelling units	2 spaces per dwelling unit
Four or more dwelling units	3 spaces per dwelling unit
Retail Stores and Service or Repair Shops	1 space per 400 square feet of floor area ¹
Bank or Office Buildings ²	1 space per 400 square feet of floor area ¹
Hotel, Motel or Bed and Breakfast Houses	1 space per guestroom ¹
Eating and/or Drinking Establishments	1 space per 200 square feet of floor area ¹
Church	1 space for each 6 seats or 12 feet of bench in the principal place of worship ⁴
Schools:	
Elementary and Middle School	1 space for each 12 students ^{1,5}
High School	1 space for each 4 students ^{1,5}
Library	1 space per 400 square feet of reading room
Day Care	1 space per employee
Industrial or Manufacturing	1 space per 500 square feet of floor area ¹
Commercial Storage or Warehousing	1 space per 1,000 square feet of floor area
Government Buildings	1 space per 300 square feet of floor area and 1 space per full-time employee ⁵

¹ Plus one space for each two employees.

² Includes medical and dental offices.

³ As defined by the Washington State Gambling Commission.

⁴ Including balconies and choir lofts.

⁵ Based on maximum capacity, including temporary structures.

3.280.020 Joint use of facilities

Joint parking and/or loading facilities serving two or more uses, structures, or parcels of land may be approved to satisfy the requirements of both facilities provided the owners or operators of the uses, structures, or parcels show that their operations and parking needs do not overlap in point of time. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

3.280.030 Parking design standards

- A. Size of Parking Space. Each off-street parking space shall have an area of not less than 30 square feet, exclusive of drives and aisles, and a width of not less than nine feet. Each space shall be provided with adequate ingress and egress.
- B. Location. Off-street parking facilities shall be located on-site to the extent feasible. Off-site parking shall be no further than 150 feet from the site, measured from the nearest point of the parking facility to the nearest point of the nearest building that the facility is required to serve. Off-site parking shall be primarily employee parking.
- C. Materials, Design, and Lighting.
 - 1. Off-street parking facilities shall be surfaced with a durable and dustless surface, shall be graded and drained to dispose of surface water to the satisfaction of the public works department and shall be maintained in good condition, free of weeds, dust, trash, and debris.
 - 2. Except for a single-family or duplex dwelling, groups of more than two parking spaces per lot shall be:
 - a. Provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner; and
 - b. Served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one-way driveways be less than 20 feet and 12 feet, respectively, and be so arranged so as not to use any part of adjoining public sidewalks, street, or alley rights-of way, except for ingress and egress.
 - 3. Lighting used to illuminate off-street parking facilities shall be arranged to reflect light away from any adjoining residential area(s).
- D. Boats and Recreational Vehicles. On-street parking of boats, trailers, camper, and recreational vehicles is prohibited in any residential district and the GC district.

3.280.040 Loading

Every use for which a building is erected or structurally altered which will require the receipt or distribution of materials or merchandise by truck or similar vehicle shall provide off-street loading space based on minimum requirements as follows:

- A. Commercial, industrial, and public utility uses shall provide truck loading or unloading berths in accordance with Table 3.280.040(A):

Table 3.280.040(A)

Square feet of floor area	Number of berths required
Less than 5,000	0
5,000 – 30,000	1
30,000 – 100,000	2
100,000 and over	3

- B. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar uses shall provide off-street truck loading or unloading berths in accordance with Table 3.280.040(B):

Table 3.280.040(B)

Square feet of floor area	Number of berths required
Less than 30,000	0
30,000 – 100,000	1
100,000 and over	2

- C. A loading berth shall contain space 12 feet wide, 35 feet long, and have a height clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.
- D. Existing loading space shall not be eliminated, if elimination would result in less space than is required to adequately handle the needs of the particular use.
- E. Off-street parking areas used to fulfill the requirement of this title shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
- F. Loading docks shall be located on the side or rear of the building.

3.280.050 Vehicles in residential zones

- A. Purpose. Parking lots and outdoor storage of vehicles or recreational vehicles shall not be a primary use for any property located within a single-family residential zone.
- B. Where Applicable. These regulations apply to all residential users in LDR-6 and LDR-8.5 zoning districts unless otherwise expressly indicated.
- C. Restrictions. Any vehicle that is the subject of this section that is parked off-street shall be parked on code approved areas or within garages. Failure to comply with this section shall constitute a nuisance.
1. Passenger vehicles, light trucks and trucks under two-ton gross weight may park in any approved parking area, including the street, or garage so long as they do not pose an impediment to pedestrian or other vehicular traffic. Vehicles which pose an impediment to pedestrian or vehicular traffic shall be deemed a nuisance.
 2. Motor homes, recreational vehicles and utility trailers shall not be parked on street for a period of two weeks or more during any calendar year.
 3. Motor homes, recreational vehicles and utility trailers may be parked in on-site parking areas as follows:
 - a. LDR- 6 zone, in allowed on-site parking area;

- b. LDR- 8.5 zone, in allowed on-site areas, including driveways; so long as they are not parked between the front lot line and the primary facade of the dwelling.
- D. Off-street parking. Each single-family residence, constructed after the date of adoption of the ordinance codified in this title, shall provide for at least two off-street parking spaces. Off-street parking must provide a minimum of eighteen feet of lineal parking between the street and the dwelling setback.

3.280.060 Multi-Family Parking lots and circulation

Except for townhouse structures containing garages, parking lots and garages for developments in MDR-16 zoning districts shall be located in the rear portions of the property, with building construction occurring toward the front, closest to employment centers, shopping centers and transit corridors to minimize walking distance. Parking lots and garages located between buildings and streets are not permitted, except for townhouse structures that contain garages, in which case no more than forty percent of the front of each townhouse dwelling unit shall be devoted to garage door space.

- A. At least two parking spaces shall be provided on site for each multiple-family dwelling unit. When the development is located within a quarter mile of existing or planned transit (public transportation) service, 1.25 spaces per unit shall be required.
- B. A minimum of ten feet of landscaped buffer area shall separate parking lots from adjoining properties and streets. Driveways to townhouse garages, which provide off-street parking, shall not be considered parking lots.
- C. MDR-16 development projects shall provide access to collector or arterial streets; however, individual dwelling units within an MDR-16 development project shall not have direct access to an arterial or a collector street.
 - 1. Within an MDR-16 development project, parking lots or driveways to individual dwelling units shall connect directly to a local residential street that has direct access to an arterial or collector street.
 - 2. MDR-16 development projects shall not have direct primary access to existing local residential streets within an MDR-16 zoning district unless the review authority finds, by substantial evidence, that environmental, topographic or other issues relating directly to public safety or welfare require general access to a local, public residential street.
- D. Pedestrian access shall be provided to transit corridors without having to pass through a parking lot whenever possible.
- E. Parking lots associated with conditional or nonconforming uses in these districts are subject to site plan review and approval.
- F. In no event shall on-site parking facilities exceed fifty contiguous spaces per parking cluster. Where more than fifty spaces are required, there shall be a landscaped buffer, not less than twenty feet wide, between parking clusters. Where the applicant desires more than one parking cluster on a lot or contiguous lots, the planning director, through the site review process, shall require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.
- G. Through a Type-II variance request, an applicant may request a variance to this subsection if the topography or other environmental constraints associated with the property prevents reasonable

compliance with this standard. Where the applicant desires more than one parking cluster on a lot or contiguous lots, the planning director, through the site review process, shall require that each cluster be designed to accommodate bicycle parking facilities, and that pedestrian walk lanes are provided and clearly marked.

- H. Through a Type-II variance request, an applicant may request a variance to this subsection if the topography or other environmental constraints associated with the property prevents reasonable compliance with this standard.
- I. All new Townhouse developments shall include four (4) additional off-street parking spaces for every ten (10) units. These spaces are to be evenly dispersed throughout the development with no more than four (4) spaces being located in any one specific area. The final location of these parking spaces shall be required to receive final approval from the city's planning director.

3.280.070 Parking Requirements of Manufactured Home Parks

- A. Off-street parking shall be provided for at least two automobiles per dwelling unit, located on the lot or property, which they are intended to serve. Off-street parking shall be provided within a garage or carport
- B. Visitor Parking. At least one automobile parking space shall be provided for every two manufactured home lots or sites for use by visitors and delivery vehicles. These spaces shall be signed or designated as such. These spaces shall be within 100 feet of the lots to be served. Visitor parking may be provided on streets designed to accommodate parking and two standard lanes of traffic.
- C. All on-site parking shall be designed and constructed in compliance with the parking facility standards of this chapter
- D. Trucks with a maximum gross vehicle weight more than one and one-half tons, recreational vehicles, boats on boat trailers, and similar equipment shall be parked in one of the two allocated off-street parking spaces if stored on an individual lot or space; provided no more than one passenger vehicle may be parked on a given lot or space. Car-top boats and canoes are exempt from this requirement.

Chapter 3.285 - TELECOMMUNICATION FACILITIES

Sections:

- 3.285.010 Additional standards
- 3.285.020 Expiration and extension
- 3.285.030 Transfer prohibited

3.285.010 Additional standards

In addition to complying with other applicable standards, a telecommunications facility shall comply with the following siting and design standards:

- A. If possible, the telecommunications facility shall be collocated with other telecommunications facilities in the area,
- B. A telecommunications facility may exceed the height limit of the underlying zone, if any.
- C. The base of the tower for a telecommunications facility shall be set back from property lines a distance equal to or greater than one-half the height of the tower. All other structures and improvements associated with a telecommunications facility shall comply with applicable dimensional standards of the base zone or as otherwise provided by the approval authority.
- D. The setback of a telecommunications facility shall include landscaping to at least an L3 level as provided in Section 3.245.060 WDC.
- E. Generators and other equipment associated with a telecommunications facility shall not cause noise in excess of limits permitted by Chapter 173-60 WAC.
- F. Lights associated with a telecommunications facility shall be the minimum necessary to provide for security and safety. Advertising or signage of any kind is prohibited on a telecommunications facility tower except for a sign identifying safety and emergency information.

3.285.020 Expiration and extension

A conditional use permit expires and can be extended as provided in Section 1.030.140 WDC.

3.285.030 Transfer prohibited

An approved conditional use permit is specific to the subject property and cannot be transferred to another property.

Chapter 3.290 - ANNEXATIONS

Sections:

- 3.290.010 Eligibility
- 3.290.020 Initiation by ten percent application
- 3.290.030 Sixty percent application for annexation
- 3.290.040 Public Hearing
- 3.290.050 Ordinance providing for annexation
- 3.290.060 Effective date of annexation
- 3.290.070 Appeals

3.290.010 Eligibility

To be eligible for annexation, a property or properties must be contiguous to the existing city limits and within the current urban growth area boundary for the City of Winlock.

3.290.020 Initiation by ten percent application

- A. Applications for annexation shall be initiated with an application to the City Council by property owners representing not less than ten percent of the assessed value of the property to be annexed. Applications shall include the following:
 - 1. A completed Ten Percent Application form provided by the City Planner for that purpose.
 - 2. All appropriate fees are paid in full.
- B. The City Council shall meet with the initiating applicants within sixty days of receiving the application to:
 - 1. Determine whether the city will accept, reject, or geographically modify the proposed annexation,
 - 2. Determine whether it shall require the simultaneous adoption of a proposed zoning designation, if such a proposal has been prepared and filed for the area to be annexed, and
 - 3. Determine whether it shall require the assumption of all or of any portion of existing indebtedness by the area to be annexed.
- C. If the legislative body requires the assumption of all or of any portion of indebtedness and/or the adoption of a comprehensive plan amendment or concomitant rezone agreement, it shall record this action in its minutes and subsequent applications for annexation shall be so drawn as to clearly indicate this fact.
- D. There shall be no appeal from the decision of the City Council.

3.290.030 Sixty percent application for annexation

- A. Provided the City Council has approved, or approved with conditions, a previous ten percent application for annexation, the initiating party or parties shall submit ten (10) copies of the following:
 - 1. A completed Sixty Percent Application form containing signatures of property owners representing at least sixty percent (60%) of the assessed value of the area to be annexed, as provided by the City Planner for that purpose; provided,

- a. That a application for annexation of an area having at least eighty percent of the boundaries of such area contiguous with a portion of the boundaries of the code city, need be signed by only the owners of not less than fifty (50) percent in value according to the assessed valuation for general taxation of the property for which the annexation is applicational.
 2. A statement of acceptance of proportionate share of city indebtedness and acceptance of city land use regulations.
 3. A legal description of the annexation area.
 4. A scale map of the annexation area prepared by a licensed surveyor including all rights-of-way proposed for annexation.
 5. A completed SEPA environmental checklist for the zoning designation.
 6. The names and addresses of owners of land within a radius of 300 feet of the perimeter of the annexation area. Owner names and addresses shall be printed on mailing labels.
 - 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 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;
 7. Evidence demonstrating that all public facilities and services necessary to serve the annexation territory, at full build-out, are either constructed or planned for and funded at a level of service sufficient to meet the demands of the most intense development allowed on the property in question.
 - a. The critical public facilities and services subject to this policy include water, wastewater, stormwater, transportation, parks and schools. The applicable level of service standards are those stated in the City's current adopted capital facilities plans or dictated by the calculated demand of the most intense development allowable on the subject property, whichever is greater.
 - b. This evidence shall include a narrative and explanation as to how and when each necessary public facility and service will be provided for the site in question concurrent with development and how the levels of service currently constructed or planned to be constructed will be adequate to serve the most intense development allowable on the subject property.
 8. All appropriate fees identified are paid in full.
- B. Upon submittal of the application and supporting documentation, the City shall:
1. Conduct a lead agency review of the environmental checklist and issue a SEPA threshold determination for the zoning designation pursuant to Chapter 3.310 WDC.
 2. Review evidence regarding public facilities and services.
 3. Seek a certification of sufficiency from the Lewis County Assessor's Office.

3.290.040 Public Hearings

- A. Upon a determination by the City Planner that a application for annexation is complete, the City shall fix a date for a public hearing thereon and cause notice of the hearing to be published in one or more issues in the City's official newspaper of record; posted in at least three locations on or in the vicinity of the property subject to the application, and mailed to all property owners within 300 feet as provided in Section 3.290.020(A)(2) WDC.
- B. Notice shall be mailed, posted and published in accordance with Section 3.030.120 WDC. In addition, the City shall provide the Washington State Department of Commerce (DOC) a sixty-day notice period prior to taking final action(s).
- C. The city shall not conduct a public hearing on an annexation request until the SEPA comment period, if required, and the sixty-day DOC review period has ended.
- D. Public hearings shall be conducted in accordance with Section 1.030.110 WDC.

3.290.050 Ordinance providing for annexation

- A. The City Council shall make an annexation effective by ordinance.
- B. Subject to RCW 35.02.170, the ordinance may annex all or any portion of the proposed area but may not include in the annexation any property not described in the application.
- C. Upon passage of the annexation ordinance a certified copy shall be filed with the Lewis Board of County Commissioners.
- D. A copy of the ordinance adopting such proposed zoning regulation(s), duly certified as a true copy by the city clerk, shall be filed with the board of county commissioners and recorded by the county auditor. A like certified copy of any map or plat referred to or adopted by the ordinance or resolution shall likewise be filed with the board of county commissioners and the county auditor.

3.290.060 Effective date of annexation

- A. Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city.
- B. All property within the territory hereafter annexed shall, if the annexation application so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for the portion of any then-outstanding indebtedness of the city to which said area is annexed, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation and that the city has required to be assumed.
- C. If the annexation application so provided, all property in the annexed area shall be subject to and a part of the proposed zoning regulation as prepared and filed as provided for in RCW 35A.14.330 and 35A.14.340.

3.290.070 Appeals

Annexations are not subject to appeal or post-decision review.

SECTION 4 – CRITICAL LANDS

Chapters:

- 4.010 Critical Areas
- 4.020 Environmental Policy (SEPA)
- 4.030 Stormwater and Erosion Control
- 4.040 (Reserved – Shoreline Management)

Chapter 4.010 – CRITICAL AREAS ORDINANCE (CAO)

Sections:

- 4.010.010 Authority and title
- 4.010.020 Purpose
- 4.010.030 Definitions
- 4.010.040 Applicability and critical areas maps
- 4.010.050 Uses
- 4.010.060 Variances
- 4.010.070 Exemptions
- 4.010.080 Reasonable Use Exemption
- 4.010.090 Best Available Science
- 4.010.100 Development standards
- 4.010.110 Mitigation
- 4.010.120 Critical lands
- 4.010.130 Residential density transfer
- 4.010.140 Selective timber harvesting on critical lands
- 4.010.150 Modification to overlay zone
- 4.010.160 Application fees
- 4.010.170 Bonds to insure mitigation, maintenance and monitoring
- 4.010.180 Critical area inspections

APPENDICES

- A. Critical Area Maps
- B. Threatened and Endangered Species
- C. Priority Habitat Species
- D. “Appendix 8C of Freshwater Wetlands in Washington State, Vol. 2”
- E. Sources of Science

Chapter 4.010 - CRITICAL AREAS ORDINANCE

4.010.010	Authority and Title
4.010.020	Purpose
4.010.030	Definitions
4.010.040	Applicability and critical area maps
4.010.050	Uses
4.010.060	Variances
4.010.070	Exemptions
4.010.080	Reasonable use exemption
4.010.090	Best available science
4.010.100	Development standards
4.010.110	Mitigation
4.010.120	Critical lands
	A. Critical aquifer recharge areas
	B. Fish and wildlife habitat conservations areas
	C. Frequently flooded areas
	D. Geologically hazardous areas
	E. Slopes with a gradient of 25% or greater
	F. Wetlands
4.010.130	Residential density transfer
4.010.140	Selective timber harvesting on critical lands
4.010.150	Modification to overlay zone
4.010.160	Application fees
4.010.170	Bonds to insure mitigation, maintenance, and monitoring
4.010.180	Critical area inspections

4.010.010 Authority and title

This chapter is established pursuant to RCW 36.70A.060. Chapter 4.010 is known as the Winlock Critical Areas Ordinance.

4.010.020 Purpose

The purpose of this chapter is to implement the open space policies of the Winlock comprehensive plan and the elements of the Washington State Growth Management Act. This chapter creates an overlay district that requires the conservation and/or enhancement of identified critical areas and gives special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries while encouraging urban densities and affordable housing through density transfer to non-critical (buildable) lands.

Critical areas are valuable and potentially fragile natural resources that, in their natural state, provide many valuable social and ecological functions. The attendant buffers of critical areas are essential to the maintenance and protection of the functions and values of critical areas. The loss of social and

ecological functions provided by critical areas, especially wetlands, riparian zones and fish and wildlife habitat, results in a detriment to public safety and welfare.

Critical areas help to relieve the burdens on the people of Winlock which urban development can create including congestion, noise and odors, air pollution, and water quality degradation.

Critical areas serve several important urban design functions. They provide: (1) open space corridors separating and defining developed areas within the city; (2) views and edges which enhance property values and quality of life in developed neighborhoods; (3) educational opportunities for the citizens of Winlock; and (4) accessible areas for residents to stroll, hike and enjoy Winlock’s valuable natural features.

Conservation of critical areas has associated natural resource benefits, including improved air and water quality, maintenance of fish and wildlife habitat, decreased erosion and sedimentation to streams, absorption of pollutants and preservation of priority, threatened or endangered plant and animal species.

The intent of this overlay district is for the city of Winlock to achieve no net loss of wetlands, floodplains, fish and wildlife habitat areas, and riparian zones and to avoid significant adverse impacts to geologically hazardous areas and aquifer recharge/wellhead protection areas.

The city’s preferred strategy to achieve no net loss is to avoid adverse impacts to critical areas and buffers. However, the city recognizes that there are situations and circumstances where avoidance is not practicable whereupon the intent of this chapter is to minimize and mitigate the environmental impacts of development within and adjacent to critical areas and buffers.

This chapter is based upon two equally important principles, the protection of individual property rights and the protection of critical areas consistent with state law throughout the urban area. This chapter attempts promote a balance between private use of critical areas and the maintenance of the natural appearance and functional values inherent in critical areas.

Development limitations on critical areas reduce the need to require additional studies to ensure compliance with the State Environmental Policy Act (SEPA) process and other state or federal environmental regulations.

4.010.030 Definitions

For the purposes of this chapter the definitions set forth in Chapter 1.040 and Chapter 18.040 of the Winlock Development Code (WDC) shall apply. Unless specifically defined in this chapter or Chapter 18.040 WDC, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this title it’s most reasonable application.

Administrator	“Administrator” means the Mayor or his or her designee.
Aesthetics	“Aesthetics” means a characteristic of development or the environment relating to physical beauty.

Winlock Development Code

Agricultural uses	“Agricultural uses” shall mean the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals.
Alter	“Alter” means to adjust, modify or rework a structure or parcel of land.
Altered	“Altered”, when referring to wetlands, means a wetland of which at least 50 percent has been graded, drained, de-vegetated, or replanted with non-wetland plants.
Anadromous	“Anadromous” means fish that migrate up rivers and streams from the ocean to breed in fresh water.
Aquifer	“Aquifer” means a saturated permeable geologic unit that can transfer substantial quantities of water under ordinary hydraulic gradients.
Aquifer recharge area	“Aquifer recharge area” means the area in which rainwater and other surface waters percolate downward through surface soil and underlying geologic formations that are permeable enough to allow significant additions of water to an underlying aquifer.
Area of shallow flooding	“Area of shallow flooding” means areas designated AO or AH Zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
Area of special flood hazard	“Area of special flood hazard” shall mean the land in the flood plain subject to a one percent chance or greater of flooding in any given year as shown on flood insurance rate maps (FIRM) or except as otherwise determined by the Federal Emergency Management Agency (FEMA).
Base Flood	“Base flood” shall mean the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year” flood.
Basement	“Basement” means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.
Best available information	“Best available information” means data, other than official flood insurance rate map data, from federal, state, or other sources, provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.
Best available science (BAS)	“Best available science” means a valid scientific process or method of inquiry that is consistent with the criteria for establishing best available science as found in WAC 365-195-900, as amended.
Best management practices (BMPs) – Aquifer recharge areas	“Best management practices (BMPs),” for the aquifer recharge areas section, means physical, structural, and or managerial practices that when used singly, or in combination, prevent or reduce the adverse environmental impacts to or pollution of ground water. Such practices may include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, to prevent or reduce pollution of ground water. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, leaks, sludge, or water disposal, or drainage for raw material storage.

Winlock Development Code

BMPs - Stormwater	When associated with stormwater management means physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water; when associated with groundwater protection means a written plan outlining accepted practices, such as liquid containment, transfer practices, and emergency procedures whose purpose is to provide containment for underground storage tanks.
BMPs – Wetlands	“Best management practices” for the wetlands section, means conservation practices or systems of practices and management measures that: (1) Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment; and (2) Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands.
Buffer - Generally	“Buffer” means an area that abuts or surrounds a critical area that is necessary to protect the integrity of the functions and values of the critical area.
Buffer – Geologic hazard	For purposes of geologically hazardous areas, a “buffer” means an undisturbed area preserved to provide an assurance that activities that subject people or property to risk will be located out of the area of influence of landslides or similar geological hazards and for the protection of native vegetation to provide slope stability and reduce the risk of erosion.
Buffer – Wetland, stream and habitat area	For purposes of the wetland, stream and habitat critical area sections, a “buffer” means an undisturbed area of vegetation to protect the integrity, functions, and values of the affected ecological processes, including hydrologic, physical and habitat and shall reflect the sensitivity of the resource and the type and intensity of human activity proposed to be conducted nearby.
Channel migration zone	"Channel migration zone" means the area along a river or stream within which the channel can reasonably be expected to migrate over time as a result of normally occurring processes. It encompasses that area of current and historic lateral stream channel movement that is subject to erosion, bank destabilization, rapid stream incision, and/or channel shifting, as well as adjacent areas that are susceptible to channel erosion.
City	“City” means a Class 4 municipality governed by the mayor and Winlock city council, or the city designee.
Clearing	The act of removing existing vegetations, structures or other items from a site prior to undertaking land improvements.
Coastal high hazard area	“Coastal high hazard area” means the area subject to high velocity waters, including but not limited to storm surge or tsunamis. This area is designated on a flood insurance rate map (FIRM) as Zone V1-30, VE or V.
Conservation covenant	“Conservation covenant” means a recorded instrument entered into pursuant to a condition of approving a triggering application.

Winlock Development Code

Construction	<p>“Start of construction” means the date the building permit was issued, provided the actual start of construction, placement of a manufactured home on a foundation, or other permanent construction beyond the stage of excavation, was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.</p> <p>“Permanent construction” does not include:</p> <ul style="list-style-type: none"> • Land preparation, such as clearing, grading and filling; • Installation of streets and/or walkways; • Excavation for a basement, footings, piers, or foundation or the erection of temporary forms; and • Construction of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
Council	“Council” means the council of the city of Winlock.
Creation (establishment)	“Creation (Establishment)” means the manipulation of the physical, chemical, or biological characteristics present to develop a critical area where a critical area did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create wetland soils and support the growth of hydrophytic plant species. Creation results in a net gain of wetland acres.
Critical area(s)	“Critical Areas” means any of the following areas or ecosystems: wetlands, critical aquifer recharge areas, streams, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas as defined by the Growth Management Act (RCW 36.70A.170).
Critical area function	“Critical area functions” means the physical, chemical, and biological processes or attributes of a critical area.
Critical area values	“Critical area values” means the critical area processes or attributes that are valuable or beneficial to society
Critical facility	“Critical facility” means a facility for which even a slight chance of flooding would be too great. Critical facilities include but are not limited to schools, hospitals, police, fire and emergency response installations, nursing homes, and installations which produce, use, or store hazardous materials or hazardous waste.
Dangerous wastes	“Dangerous wastes” means those wastes designated in WAC 173-303-070 through 173-303-120 as dangerous or extremely hazardous or mixed waste. As used in Chapter 173-303 WAC, the words “dangerous waste” will refer to the full universe of wastes regulated by that chapter and will be used interchangeably with “hazardous waste.”
Design Storm	A prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs).

Winlock Development Code

Detention Facility	An above- or below-ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.
Development	“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
Development Right	A legal claim to convert a tract of land to a specific purpose by construction, installation, or alteration of a building or other structure.
Domestic Animal	An animal normally kept incidental to a single-family dwelling. Included are dogs and cats; excluded are wild or exotic animals, horses and cows, chickens, goats, or other similar animals.
Drainage	The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.
Drainage Basin	A geographic and hydrologic subunit of a watershed.
Elevation	“Elevation” shall mean: (1) The vertical distance above or below a fixed reference level or, (2) a flat scale drawing of the front, rear, or side of a building or structure.
Emergent wetland	“Emergent wetland” means a wetland with at least 30 percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.
Endangered species	“Endangered species” means fish and wildlife species native to Washington that are seriously threatened with extinction throughout all or a significant part of their ranges within the state.
Energy-efficient structure	“Energy-efficient structure” shall mean a structure designed and built to comply with the annual thermal performance standards established by the Northwest Power Planning Council as the Model Conservation Standards.
Enhancement	“Enhancement” means actions performed to improve the condition of an existing degraded wetland or buffer so that the functions provided are of a higher quality.
Environment	The physical, social and economic conditions that exist within the area which will be affected by a proposed project
Environmentally sensitive lands, potential	“Potential environmentally sensitive lands” are lands shown on the city zoning map as an overlay to demonstrate areas which may contain wetlands, steep slopes, or other similar environmentally critical features which may limit or prevent construction.
Erosion	The detachment and-movement of soil or rock fragments by water, wind, and/or gravity.
Erosion control	“Erosion control” means on-site and off-site control measures that are needed to control conveyance and/or deposition of earth, turbidity or pollutants after development, construction, or restoration.
Erosion hazard areas	“Erosion hazard areas” means those areas identified by the United States Department of Agriculture Soil Conservation Service as having severe or moderate rill and inter-rill erosion hazard and areas subject to severe or moderate stream bank erosion.
Exotic	“Exotic” means any species of plants or animals that are not native to the watershed.

Winlock Development Code

Fill	Earth or any other approved substance or material
Fish and wildlife conservation areas	<p>“Fish and wildlife habitat conservation areas” means land area which meets the definition thereof pursuant to WAC 365-190-080(5) and includes all lands within the following categories:</p> <ol style="list-style-type: none"> 1. Areas with which endangered, threatened, and sensitive species have a primary association including areas with which “priority species” as defined by the Washington Department of Wildlife have a primary association. 2. “Priority habitats” as identified by the Washington Department of Fish and Wildlife. Priority habitats are areas with one or more of the following attributes pertaining to state species listed as endangered or threatened: comparatively high wildlife density, high wildlife species richness, significant wildlife species richness, significant wildlife breeding habitat, significant wildlife seasonal ranges, significant movement corridors for wildlife, limited availability, and/or high vulnerability. 3. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat. These do not include ponds deliberately designed and created from dry sites such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds of less than three years' duration, and landscape amenities. However, naturally occurring ponds shall include those artificial ponds intentionally created with the approval of a regulatory authority from dry areas to mitigate adverse impact upon other ponds. 4. Lakes, ponds, streams, and rivers planted with game fish as defined by RCW 77.08.020, including fish planted under the auspices of federal, state, local, or tribal programs, or which support priority fish species as identified by the Washington Department of Fish and Wildlife. 5. Habitats and species of local importance; as designated in this Chapter. 6. Waters of the state as defined in Title 222 WAC 222. 7. State natural area preserves and natural resource conservation areas.
Flood or flooding	“Flood” or “flooding” means a general or temporary condition of partial or complete inundation of normal 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 insurance rate map	“Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
Flood insurance study	“Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.
Flood protection elevation	“Flood protection elevation” means one foot above the base flood elevation.
Flooded - frequently	Frequently flooded means a flooding class in which flooding is likely to occur often under normal weather conditions (more than 50 percent chance of flooding in any year or more than 50 times in 100 years).

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Floodway	“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. For areas of special flood hazard studied in detail, the floodway boundary is delineated upon the flood insurance study maps. In all other areas of special flood hazard, the floodway boundary shall be determined by the use of other base flood data.
Floodway - designated	“Designated floodway” means the regulatory floodway that has been delineated on the FIRM or the flood boundary-floodway map (FBFM) or a community’s flood insurance study and is included in the community’s flood damage prevention ordinance.
Floodway fringe	“Floodway fringe” shall mean the land between the boundary of the floodway and the limits of the 100-year floodplain. In those special flood hazard areas where the floodway boundary is not delineated upon flood insurance study maps, the floodway fringe area shall be determined by the use of other base flood data, as described in WDC 4.010.030 (3)(q)(iii).
Floor (lowest)	“Floor (lowest)” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title.
Function(s)	“Function(s)” means the beneficial roles served by wetlands including the control of flood waters, maintenance of summer stream flows, filtration of pollutants, recharge of ground water, and provision of significant habitat areas for fish and wildlife.
Groundwater	The portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body
Groundwater Management	The management and coordination of groundwater regulations, strategies, polities, and technical information for the protection and use of groundwater resources
Habitat	“Habitat” means the environment occupied by individuals of a particular species, populations or community.
Habitat area - local	“Local habitat area” means an area that contains sufficient food, water, or cover for native terrestrial or aquatic species that the city of Winlock has identified in this chapter as being of significant local concern.
Hazard area - landslide	“Landslide hazard areas” means areas potentially subject to landslides based on a combination of geologic, topographic, and hydrogeologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors.
Habitat management plan	“Habitat management plan” means a plan prepared for a regulated wildlife habitat critical area and intended to provide for the site-specific protection of endangered, threatened, and sensitive species and their habitats. The plans are to be based on the unique characteristics of the species, as well as surrounding land uses in relation to the proposed activity and landowner goals

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Habitat - priority	“Priority habitat” is a habitat type with unique or significant value to many species. An area identified and mapped as priority habitat has one or more of the following attributes: Comparatively high fish and wildlife density, comparatively high fish and wildlife species diversity, important fish and wildlife breeding habitat, important fish and wildlife seasonal ranges, limited availability, high vulnerability to habitat alteration, or unique or dependent species. The Washington State Department of Fish and Wildlife maintains a list of maps and priority species that occur within the state and Winlock.
Habitat – riparian area	“Riparian habitat area” is defined as areas adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs) that contain elements of both aquatic and terrestrial ecosystems which mutually influence each other.
Hazard – geological area	“Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.
Hazard tree	“Hazard tree” means any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.
Hazardous substance	“Hazardous substances” means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.
Hazardous waste	“Hazardous waste” shall mean all dangerous and extremely hazardous waste as defined in RCW 70.105.010 except for moderate-risk waste. RCW 70.105.010 is adopted by reference for the purposes of this definition.
Hazardous waste treatment	“Hazardous waste treatment” shall mean the physical, chemical, or biological processing of dangerous waste to make wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.
Hazardous waste storage	“Hazardous waste storage” shall mean the holding of dangerous waste for a temporary period as regulated by State Dangerous Waste Regulations, Chapter 173-303 WAC. For purposes of this title, Chapter 173-303 WAC as existing and hereafter amended is adopted by reference.
Headwaters	“Headwaters” means springs, lakes, ponds, or wetlands providing significant sources of water to a stream.
Hydric soil	“Hydric soil” means a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of a hydric soil shall be determined following the methods described in the approved federal delineation manual and applicable regional supplements. (RCW 36.70A.175).
Hydrophytic vegetation	“Hydrophytic vegetation” means macrophyte plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the wetland’s delineation manual.

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Impervious surfaces	“Impervious surface” means a hard surface area that either 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 compared to natural conditions prior to development. Common impervious surfaces may 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 storm water. Impervious surfaces do not include surface created through proven low impact development techniques.
Improvement	Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment
Infiltration	“Infiltration” means the downward entry of water into the immediate surface of soil.
Intermittent stream	“Intermittent stream” means surface streams with no measurable flow during 30 consecutive days in a normal water year.
JARPA	“JARPA means “Joint Aquatics Resource Permit Application.
Land clearing	The exposure of earth by the removal of vegetative cover of any kind
Land disturbing activity	Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to demolition, construction, clearing, grading, filling and excavation
Manufactured home	“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.
Minimizing	<p>“Minimizing impacts to wetlands or buffers” means:</p> <ol style="list-style-type: none"> 1. Using appropriate and best available technology or best available science; 2. Taking affirmative steps to avoid or reduce impacts; 3. Sensitive site design and siting of facilities and construction staging areas away from regulated wetlands and their buffers; 4. Providing protective measures such as siltation curtains, hay bales and other siltation prevention measures, scheduling the regulated activity to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities; 5. Not jeopardizing the continued existence of endangered, threatened, rare, sensitive, or monitor species as listed by the federal government or the state of Washington.

<p>Mitigation</p>	<p>“Mitigation” means actions taken to replace, compensate for, or enhance critical area functions impacted by a land use development permitted under this chapter. Mitigation actions include:</p> <ol style="list-style-type: none"> 1. Creation (Establishment) is the manipulation of the physical, chemical, or biological characteristics within a critical site where the resource did not previously exist. Establishment results in a gain in area. Activities related to wetlands typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. 2. Enhancement is the manipulation of the physical, chemical, or biological characteristics of a site to heighten, intensify, or improve specific ecologic function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some ecological functions and can lead to a decline in other ecological functions, but does not result in a gain in area. Activities related to wetlands typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities. 3. Re-establishment is the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Reestablishment results in a gain in wetland acres (and functions). Activities related to wetlands could include removing fill material, plugging ditches, or breaking drain tiles. 4. Rehabilitation is the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in ecological function but does not result in a gain in area. Activities related to wetland mitigation could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland. 5. Restoration is the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation. Re-establishment represents a net gain in acres while rehabilitation does not.
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Mitigation sequence	<p>“Mitigation Sequence” is the order of action that the approving agency shall require so as to avoid or compensate for impacts to critical areas resulting from the proposed project activity. The type(s) of mitigation required shall be considered and implemented, where feasible, as determined by the city, in the following sequential order of preference:</p> <ol style="list-style-type: none"> 1. Avoiding the impact by not taking a certain action or parts of an action; 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation; 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; 4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; 5. Compensating for the impact by replacing or providing substitute resources or environments; or 6. Monitoring the impact and taking appropriate corrective measures to achieve the identified goal.
Native	<p>“Native,” when referring to plants or plant communities, means those species or communities that are indigenous to the watershed, including extirpated species.</p>
New construction	<p>“New construction” means structures for which the “start of construction” commenced on or after the effective date of this title.</p>
Normal water year	<p>“Normal water year” means a 12-month period (October 1st through September 30th) with average precipitation based upon data from the past 50 years.</p>
Obligate, facultative and facultative wet	<p>“Obligate,” “facultative wet,” and “facultative” refer to groupings of plants according to their frequency of occurrence in wetlands. Obligate wetland plants almost always (99 percent probability) occur in wetlands under natural conditions. Facultative wet plants usually (67 to 99 percent probability) occur in wetlands. Facultative plants are equally likely (34 to 66 percent probability) to occur in wetlands or non-wetlands. Such groupings are more fully defined in the wetland’s delineation manual.</p>
Open space	<p>An area that is intended to provide light and air, and is designed for environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, golf courses, playgrounds, fountains, swimming pools, wooded areas, water courses, driveways, and other surfaces designed or intended for vehicular travel, but shall not include any required off -street parking areas</p>
Open space, common	<p>An area within or related to a development, not in individually owned lots or dedicated for public use, but that is designed and intended for the common use and enjoyment of the residents of a development</p>
Open water	<p>“Open water,” when not specifically defined by the rating criteria, means a proportion of open water to vegetative cover equal to 25 percent to 75 percent of the total wetland area during a majority of a normal water year.</p>

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<p>Ordinary high-water mark (OHWM)</p>	<p>“Ordinary High Water Mark” on all lakes, streams, and tidal water is that mark 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, a character distinct from that of the abutting upland in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or department: 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 tide and the ordinary high water mark adjoining fresh water shall be line of high water. (RCW 90.58.030(2)(b)).</p>
<p>Peer review</p>	<p>“Peer review” is the assessment of the work produced by a qualified professional by one or more additional professionals qualified in the same area of expertise, consistent with the requirements of this chapter. A qualified professional for the purposes of peer review shall be a neutral third party independent from the City and the applicant.</p> <p>In the event that the City requires “peer review” of a report submitted by an applicant, the peer review process shall be accomplished in one of two manners:</p> <ol style="list-style-type: none"> 1. The City shall select the qualified professional and the applicant shall reimburse the City for the services and expenses of the peer review person(s). The City shall not issue land use approval until it has been fully reimbursed for said fees and services. The peer review process shall take place within the timelines established for the land use application in question. The City may elect to accept the peer reviewed report or the applicant’s report. 2. The applicant may elect to use a Washington State agency, responsible for the oversight of the critical area in question, e.g. Department of Ecology, Department of Fish and Wildlife, etc. The applicant shall request in writing, that the City to suspend processing of the underlying land use application until the qualified state agency releases its final peer review report on the applicant’s report in question. The City shall accept the peer review report produced by the state agency.
<p>Permit</p>	<p>Any license, certificate, approval, or other entitlement for use granted by any public agency</p>
<p>Person</p>	<p>“Person” means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of the state or local governmental unit however designated.</p>
<p>Preservation</p>	<p>“Preservation (Protection/Maintenance)” means removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences, or structural protection such as repairing a barrier island. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.</p>

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Protection	“Protection” means action to avoid or mitigate impacts to in order to preserve the structure, values, and functions of the natural environment.
Qualified professional	<p>“Qualified professional” means a person with a minimum of two-years of work experience and professional degrees and/or training pertaining to the critical area in question, with experience in performing delineations, analyzing critical area functions and values, analyzing critical area impacts, and recommending critical area mitigation and restoration. The administrator may require professionals to demonstrate the basis for qualifications and shall make final determination as to qualifications.</p> <ol style="list-style-type: none"> 1. Aquifer recharge. A qualified professional for critical aquifer recharge areas means a Washington State licensed hydrogeologist, geologist, or a professional engineer, with specific education and demonstrated professional competence related to groundwater hazards. 2. Habitat conservation. A qualified professional for habitat conservation areas must have a degree in wildlife biology, ecology, fisheries, or closely related field and demonstrated professional experience related to the subject species/habitat type. 3. Geologic hazards. A qualified professional for geologically hazardous areas must be a professional geologist, a professional engineering geologist or a professional engineer, with specific education and demonstrated professional competence related to geologic hazards. 4. Wetlands. A qualified professional generally means a person with at least two years of full-time professional experience and comprehensive training in wetlands issues, including experience performing wetland delineations using state and federal manuals, assessing wetland functions and values, analyzing wetland impacts, preparing wetland reports, developing and implementing mitigation plans, and recommending and designing wetland mitigation projects.
Recreational vehicle	<p>“Recreational vehicle” means a vehicle that is:</p> <ol style="list-style-type: none"> 1. Built on a separate chassis; 2. Four hundred square feet or less when measured at the largest horizontal projection; 3. Is designed to be self-propelled or permanently towable by a light duty truck; and 4. Is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
Regulated activities	“Regulated activities” include land clearing, grading, placement of fill or waste material, removal of protected native vegetation, construction and other habitat-altering activities.
Slopes - unstable	Unstable slopes are those sloping areas of land which have in the-past exhibited, are currently exhibiting, or will likely in the future exhibit, movement of earth.
SEPA	SEPA means “State Environmental Policy Act, RCW 42.21C and WAC 197-11.
Soil Removal	Removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening
Solar access	“Solar access” shall mean the availability of direct sunlight to solar energy systems.

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Species - listed	“Listed Species” are State listed species including native fish and wildlife species legally designated as Endangered (WAC 232-12-014), Threatened (WAC 232-12-011) or Sensitive (WAC 232-12-011); and includes threatened and endangered species under the Federal Endangered Species Act, 50 C.F.R.17.11 and 50 C.F.R. 17.12.
Species - priority	“Priority species” means animal species listed by the Washington State Department of Fish and Wildlife, Priority Habitat and Species Program, that are of concern due to their low population and/or their sensitivity to habitat manipulation.
Species - threatened	“Threatened” species are native to the state of Washington and likely to become endangered in the foreseeable future throughout a significant portion of its range within the state without cooperative management or the removal of threats. Threatened species are legally designated in WAC 232-12-011.
Species - sensitive	“Sensitive species” are fish and wildlife species native to Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their ranges within the state, without cooperative management or the removal of the threats.
Stormwater	Stormwater means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility
Storm water management facilities	“Storm water management facilities” include biofiltration swales, filter strips, bubbler diffusers, detention ponds, retention ponds, wet ponds, and similar facilities designed and intended to control and treat storm waters, but not including ditches designed and intended primarily for conveyance.
Streams	“Streams” means those areas where surface waters produce a defined channel or bed excluding streams and lakes regulated under the State Shorelines Management Act.
Substantial damage	"Substantial damage" means damage of any origin sustained by a structure whereby the costs of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred".
Substantial improvement	“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: <ol style="list-style-type: none"> 1. Before the improvement or repair is started; or 2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
Surface Water	Waters that flow over the land surface and frequently interact with groundwater
Swale	A shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot
System functions and values	“System function and values” is a technical term used to identify the role of a critical area in a given area as opposed to its mere physical presence and size; used most often when comparing alternatives for mitigation purposes.

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Toe of slope	A point or line on the upper surface of a slope where it changes to horizontal or meets the original surface. The outermost inclined surface at the base of a hill; part of a foot slope
Topography	The drawing accurately on a map lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface's relief characteristics
Triggering application	“Triggering application” means an application for one of the permits or approvals listed in this chapter.
Use	“Use” means the purpose for which a property is occupied, and utilized, that may include a variety of activities related to the use. Uses may be categorized according to a variety of systems; in a number of manners that emphasize shared characteristics: land use is typically classified in terms of agricultural, residential, commercial, industrial, and open space. Uses may be characterized in terms of high, moderate and low intensity based on characteristics that impact other uses or activities.
Use(s) – high intensity	“High intensity use(s)” are generally urban uses which, by their nature, have the potential for substantial effect on critical areas. High intensity uses, where applicable, are defined separately in regulations for individual critical areas
Use(s) – low intensity	“Low intensity uses” means uses, which by their nature generally have a low level of adverse effect on critical areas. Low intensity uses, where applicable, are defined separately in regulations for individual critical areas.
Use(s) – moderate intensity	“Moderate intensity uses” means uses, which by their nature generally have a moderate level of adverse effect on critical areas. Moderate intensity uses, where applicable, are defined separately in regulations for individual critical areas.
Use – water dependent	“Water-dependent” means a use or a portion of a use that requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations.
Watershed	A geographic region within which water drains into a river, stream, or body of water as identified and numbered by the State of Washington Water Resource Inventory Areas (WRIAs) as defined in Chapter 173-500 WAC
Well head protection area	Well head protection area" means the area (surface and subsurface) managed to protect ground water based public water supplies.
Wetland(s)	“Wetland(s)” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.
Wetland classes and subclasses	“Wetland classes and subclasses” means descriptive classes of the wetlands taxonomic classification system of the United States Fish and Wildlife Service (Cowardian, et al. 1978).
Wetland delineation manual	“Wetlands delineation manual” means the approved federal delineation manual and applicable regional supplements. (RCW 90.58.380)

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Wetland - emergent	“Emergent wetland” means a wetland with at least 30 percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.
Wetland - forested	“Forested wetland” means a wetland with at least 30 percent of the surface area covered by a canopy of woody obligate, facultative wet, or facultative plants greater than 20 feet in height.
Wetland functions and values	“Functions” refer to the physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetlands perform many valuable functions, and these can be grouped into three categories: functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals. “Values” refer to wetland processes, characteristics, or attributes that are considered to benefit society.
Wetland(s) – scrub-shrub	“Scrub-shrub wetland” means a wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

4.010.040 Applicability and critical areas map

- A. Applicability. The provisions of this chapter apply to lands within the Winlock corporate limits and urban growth area that are either designated as critical areas and their buffers on the city’s official critical areas maps or are critical areas and buffers which are identified as part of a project specific application and land use review.
 - 1. Properties containing critical areas are subject to this title.
 - 2. Buffers are protected and impacts to buffers are regulated to help improve the functional values of critical areas.
 - 3. When the requirements of this chapter are more stringent than those of other Winlock codes and regulations, the requirements of this chapter shall apply.
 - 4. Where a site contains two or more critical areas, the site shall meet the minimum standards and requirements for each identified critical area as set forth in this title.
- B. Development permit required. The City of Winlock shall not grant any permit, license, or other development approval to alter the condition of any land, water, or vegetation, or to construct or to alter any structure or improvement, nor shall any person alter the condition of any land, water, or vegetation, or construct or alter any structure or improvement, for any development proposal within a critical area or its buffer regulated by this chapter, except in compliance with the provisions of this chapter. Failure to comply with the provisions of this chapter shall be considered a violation and subject to enforcement procedures.
- C. Critical Areas. Critical areas include:
 - 1. Wetlands;
 - 2. Category I and II aquifer recharge areas;
 - 3. Wellhead protection areas;
 - 4. Fish and wildlife habitat conservation areas;

5. Frequently flooded areas;
6. Geologically hazardous areas; and
7. Slopes with a gradient of 25 percent or greater.

D. Buffers. Critical areas include the attendant buffer areas to lands identified in this Chapter.

E. Map Location. The general location of critical areas is depicted on the adopted Winlock critical areas map. The critical areas map is an indicator of probable regulated areas. The precise limits of critical areas and their attendant buffers on a parcel of land shall be determined by the applicant prior to approval of a development action on the subject property. Development shall avoid critical areas, and where avoidance is not practical, as determined by the city, development shall minimize adverse impacts to critical areas and buffers, consistent with the provisions of this chapter.

To determine whether avoidance is practical, the city shall consider issues such as: the substantial evidence presented by the applicant demonstrating the avoidance measures the applicant considered; the quality of the critical resource and buffer functions and values to be impacted, avoidance of impacts to higher quality resources and buffers is preferred; the nature and extent of mitigation and enhancement measures proposed to compensate for the proposed impact; whether the impacts proposed are necessary to implement the city's capital facilities plan; and other factors determined relevant by the city. The city may also consider the financial implications of avoidance but shall not give private gain greater weight than resource management founded upon best available science. The city clerk shall keep on permanent file and maintain the critical areas map.

F. Use of Existing Procedures and Laws. The following laws and procedures shall be used to implement this chapter:

1. Winlock Development Code (WDC). Development activity regulated under this title that will occur within a protected critical area or critical area buffer shall comply with the provisions of this chapter.
2. The State Environmental Policy Act (SEPA), Chapter 43.21C RCW. Development activity that is likely to have a significant adverse impact upon identified critical areas regulated by this chapter shall not be categorically exempt from SEPA review and shall demonstrate compliance with this chapter. (See WDC 4.010.235.)
3. The Shorelines Management Act (SMA), Chapter 90.58 RCW.

State and Federal Agency Review. Regulated activities subject to this chapter shall be routed to appropriate state and federal agencies for review and comment as required through the SEPA and/or JARPA review process.

G. Administration. When the Administrator determines a proposed development or activity is within, abutting, or is likely to adversely affect a critical area or buffer pursuant to the provisions of this chapter, the Administrator shall:

1. Determine the likely presence of a Critical Area;
2. Determine the appropriate use as provided in this chapter and require project plans to incorporate appropriate setbacks or buffers to avoid critical areas, and meet specific performance standards;

3. Determine appropriate development or mitigation measures or require the applicant to prepare a critical area assessment report;
4. Review and evaluate the proposal, the critical area report, and relevant information and:
 - a. Determine whether the development proposal conforms to the purposes and performance standards of the WDC,
 - b. Assess the potential impacts to the critical area and determine if they can be avoided or minimized,
 - c. Determine whether mitigation proposed by the applicant is sufficient to protect the functions and values of the critical area and public health, safety, and welfare concerns consistent with the goals, purposes, objectives, and requirements of the WDC; and
 - d. Impose any required conditions to assure compliance with this chapter, including mitigation measures, implementation and monitoring.

Critical Area Assessment (CAR) - Authority and Use.

1. When the Administrator determines a proposed development is within, abutting, or is likely to adversely affect a critical area or buffer pursuant to the provisions of this chapter, the Administrator shall have the authority to require a Critical Area Report (CAR). A qualified professional shall prepare the report consistent with Best Available Science. The intent of these provisions is to require a reasonable level of technical study and analysis sufficient to protect critical areas. The analysis shall be commensurate with the value or sensitivity of a particular critical area and relative to the scale and potential impacts of the proposed activity.
2. The assessment report shall:
 - a. Demonstrate that the proposal is consistent with the purposes and specific standards of this chapter;
 - b. Describe all relevant aspects of the development proposal and critical areas adversely affected by the proposal and assess impacts on the critical area from activities and uses proposed; and
 - c. Identify proposed mitigation and protective measures as required by this chapter.
3. The Administrator shall review the critical areas assessment report for completeness and accuracy. The Administrator may retain, at applicant's expense, a qualified professional to perform peer review of the conclusions and may reject or request revision of the field and literature findings and conclusions reached in a critical areas assessment report when the assessment is inaccurate, incomplete, or does not fully address the critical areas impacts involved.
4. Critical areas assessment reports shall generally be valid for a period of five (5) years. Future land use applications may require preparation of new or supplemental critical area assessment reports unless it can be demonstrated to the satisfaction of the Administrator that the previously prepared report is adequate for current analysis. The Administrator may also require the preparation of a new critical area assessment report or a supplemental report when new information is found demonstrating that the initial assessment is in error. If the Administrator requires more information in the report, he/she shall make the request in writing to the applicant stating what additional information is needed and why.
5. Applicants shall provide reports and in an electronic format that allows site data to be incorporated into the County GIS database unless the Administrator waives this requirement, accepting paper documents in lieu of electronic documents. Applicants are encouraged to coordinate with the Administrator regarding electronic submittal guidelines. This requirement shall not be construed as a requirement to use specific computer software.

- H. Critical Area Assessment Report - General Content. At a minimum, a critical areas assessment report shall include the following information, as well as any specific information required in provisions for the specific Critical Area.
1. A site plan showing the proposed development footprint and clearing limits, all relevant critical areas and buffers within and abutting the site, a written description of the project, an examination of project on-site design alternatives, and an explanation of why the proposed activity requires a location on, or access across, a critical area and why alternatives are not feasible;
 2. A written description of the critical areas and buffers on or abutting the site, including their size, type, classification or rating, condition, disturbance history, and functions and values.
 3. An analysis of potential adverse critical area impacts associated with the proposed activity including, but not limited to, effects related to clearing, grading, noise, light/glare, drilling, damming, draining, creating impervious surface, managing storm water, releasing hazardous materials, other alterations;
 4. An analysis of how critical area impacts, or risks will be avoided and/or minimized, and/or an analysis of the proposed measures to prevent or minimize hazards. When impacts cannot be avoided, the report shall include a plan describing mitigation that will be provided to replace critical area functions and values altered as a result of the proposal.
 5. The dates, names, and qualifications of the persons preparing the report and documentation of analysis methods including any fieldwork performed on the site; and
 6. Additional information requested by the Administrator for the assessment of critical areas impacts or otherwise required by the subsequent articles of this chapter.
- I. Applicability by Activity. Table 4.010.040 establishes the level of review required for uses or activities under this chapter.
1. Exempt (E). Activities or uses that are exempt require no review and do not need to meet the standards of the ordinance.
 2. Review Required (RR). Activities and uses that are categorized as 'Review Required' must comply with the standards of the Chapter but no special report is needed. Determination of compliance with the Chapter shall be determined through the review process required for the underlying development permit application.
 3. Critical Area Report (CAR). When a Critical Area Report is required, the applicant must submit a report consistent with this chapter and with the underlying development application and will submit additional application fees consistent with the adopted fee schedule.
 4. The Administrator shall have the discretion to determine whether the proposed activity may adversely impact protected critical areas and or their buffers and shall assign the appropriate level of review, Exempt, Review Required, or Critical Areas Report. The decision of the Administrator may be appealed to the Hearing Examiner.

5. Critical Aquifer Recharge Area (CARA). See section WDC 4.010.090.A.1.e for a list of uses prohibited in a CARA I area. The Administrator shall exercise discretion to determine whether similar uses not listed therein require additional review and oversight.

Winlock Development Code

Table 4.010.040				
USE / ACTIVITY	Development located in any of the following critical areas may be Exempt (E) , Require Review (RR) , or are subject to a Critical Area Report (CAR) :			
	WETLAND	FISH AND WILDLIFE HABITAT	GEOLOGIC HAZARDOUS AREA	FREQUENTLY FLOODED AREA
RESIDENTIAL ACTIVITIES				
One Single Family Dwelling on a legal lot created prior to 2005 and located in a Critical Area or buffer. ⁴	RR	RR	RR	RR
Short plat subdivision that impact Critical Areas and buffers	RR	RR	RR	RR
Subdivisions that impact Critical Areas or buffers	CAR	CAR	CAR	CAR
Approved Multi-Family Site Plan Prior to 2004	RR	RR	RR	RR
Multi-Family site plan within critical area or buffer	CAR	CAR	CAR	CAR
Interior or exterior alteration or repair that does not change the footprint of the building or does not increase impervious surface area within a critical area or buffer	E	E	E	E
COMMERCIAL & INDUSTRIAL ACTIVITIES				
New construction within Critical Area or buffer	CAR	CAR	CAR	CAR
New construction approved prior to adoption of this ordinance.	E	E	E	E
Expansion, alteration or addition to existing construction within a critical area or buffer	RR	RR	RR	RR
Public facilities and services identified on the CFP including but not limited to roads, sewer and water infrastructures, power lines, and gas lines, unless exempted in this chapter.	RR	RR	RR	RR
Public facilities on a site already developed where there is no proposed impact to a resource or buffer	E	E	E	E
OTHER ACTIVITIES				
Clearing, filling, grading, and native vegetation removal activities within a Critical Area or buffer	CAR	CAR	CAR	CAR
Forest Practices except Conversions	RR	RR	RR	RR
Emergencies ⁵	RR	RR	RR	RR
Repair of existing: structures, infrastructure improvements, utilities, public or private roads or drainage systems in critical areas or buffers.	RR	RR	RR	RR
Public facilities on a site already developed where there is no proposed impact to a resource or buffer	E	E	E	E
Activities within an existing improved right-of-way or roadway easement.	RR	RR	RR	RR
Chemical applications subject to applicable local, state or federal handling and application requirements.	E	E	E	E
Minor site investigative work, up to 10 cubic yards of fill or removal or removal of trees of 6" dbh or less.	E	E	E	E
Hand removal of invasive weeds and black berries.	E	E	E	E
Public and Private pedestrian trails	RR	RR	RR	RR
Select removal of hazard trees and vegetation when necessary to comply with fire codes	RR	RR	RR	RR
Construction of fences in a Critical Area or Buffer	RR	RR	RR	RR
Vegetation removal and maintenance activities inside existing landscaped areas on lots that predate adoption of this chapter (other than removal of trees greater than 6" dbh).	E	E	E	E

⁴ See Allowed Uses, section 4.010.050.D.4.

⁵ Emergencies: See Section 4.010.070WDC. Within one week of substantially completing the emergency work, the party responsible for the emergency activity shall file a report with the Administrator demonstrating compliance with this Chapter.

4.010.050 Uses

- A. Approval required. Unless the requirements of this chapter are met, Winlock shall not grant any approval or permission to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement regulated through the following: building permit, commercial or residential; binding site plan; franchise right-of-way construction permit; site development permit; right-of-way permit; shoreline permits; short subdivision; use permits; subdivision; utility permits; or any subsequently adopted permit or required approval not expressly exempted by this chapter.
- B. Other law. Compliance with the provisions of this Chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Shoreline Substantial Development Permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with these requirements, apart from the process established in this Chapter. Where applicable, the Designated official will encourage use of information such as permit applications to other agencies or special studies prepared in response to other regulatory requirements to support required documentation submitted for critical areas review.
- C. Review. The city may approve uses listed in section WDC 4.010.050.D, Allowed Uses, subject to a Type II process, if the proposed development activity meets the standards in WDC 4.010.050, Development standards, and WDC 4.010.060, Mitigation.
- D. Allowed Uses. The city may allow the following uses on critical areas and within buffer areas subject to the development standards of WDC 4.010.050 and appropriate mitigation standards as described in WDC 4.010.060:
 - 1. Low Impact recreational uses. The following uses are necessary for the understanding and enjoyment of critical areas.
 - a. Outdoor recreational or educational activities which do not significantly affect the functions and values of the critical area and buffers (including wildlife management or viewing structures, outdoor scientific or interpretive facilities, and pervious trails for non-motorized use, and other similar uses) and meet the following criteria:
 - i. Trails shall not exceed 4 feet in width and shall be made of gravel or pervious material.
 - ii. The trail or facility is located in the outer twenty five percent (25%) of a wetland or riparian buffer unless a location closer to the critical area is required for interpretive purposes.
 - iii. The trail or facility is constructed and maintained in manner that minimizes disturbance of the wetland or buffer. Trails or facilities within wetlands shall be placed on an elevated structure as an alternative to fill.
 - b. Harvesting wild crops which do not significantly affect the function of the wetland or regulated buffer (does not include tilling of soil or alteration of wetland area).
 - 2. Utilities. Below or above ground utilities, facilities and improvements, where necessary to serve development consistent with the Winlock comprehensive plan and development code,

including: streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, open space, and parks and recreational facilities, where there is no other reasonable alternative, based on topographic and environmental conditions, as determined by the Administrator. The use of best management practices shall be required to maintain existing utility corridors and such maintenance activities shall not expand further into the critical area.

3. Removal of diseased or dangerous trees, as determined by the Administrator, or the removal of invasive or nuisance plants. Danger tree(s) removal can potentially diminish wetland or wetland buffer functions. The danger tree should be replaced with new tree plantings as mitigation. Also, as mitigation, the tree should be retained as large woody debris (LWD) in the buffer. Left to natural processes, the tree or trees would have eventually become LWD.
4. Construction, replacement, or alteration of a single-family dwelling unit in a residential zoning district is not exempt from CAO and requires review. The dwelling unit shall be used solely for single-family purposes. Approval is subject to Type II review, and where the Planning Director follows the reasonable use criteria in Section 4.010.080.E. The city may modify underlying zoning district dimensional standards applicable by up to a 50 percent adjustment, if necessary, to protect critical areas.

The replacement or alteration of a single-family dwelling unit is regulated as follows:

A. Structural modification of, addition to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to the critical area of buffer and there is no increased risk to life or property as a result of the proposed modification or replacement, provided that restoration of structures substantially damaged by fire, flood, or act of nature must be initiated within one (1) year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion.

B. For construction of new single-family dwellings, a Type III level of review is warranted. This level of review requires a formal public hearing to objectively determine whether the reasonable use criteria are being met as described in Section 4.010.080.

5. Existing agricultural practices on lands used continuously for agricultural purposes since December 31, 2005. Allowed agricultural practices include: pasture, vineyards, Christmas tree farms, gardens, etc., but do not include machine intensive row crop production. Best management practices shall be required.

New agricultural activities will be regulated under the City of Winlock's CAO. Ongoing and existing agricultural activities will be addressed through Lewis County's VSP. Compliance with the VSP does not constitute compliance with other federal, state, and local regulations and permit requirements.

6. Specific Uses Allowed in Wetlands.
 - a. Enhanced Replacement. Replacing or enhancing a wetland such that the enhanced wetland is of higher quality and meets the criteria for a higher category.
 - b. Wetland Banking. Construction, enhancement or restoration of wetlands to use as mitigation for future wetland development impacts in the same watershed is permitted if:
 - i. A critical area permit shall be obtained prior to any mitigation banking. Federal and state wetland regulations, if applicable, shall supersede city requirements.

- ii. All impacts to wetlands and wetland buffers shall be mitigated and monitored consistent with WDC 4.010.090(F)(12).
- E. Limited uses. Limited uses, as described in this section, shall avoid critical areas, to the greatest extent reasonable and practicable. Limited uses may be allowed within critical area buffers subject to the mitigation measures and implementation of a monitoring plan as described in WDC 4.010.090(F)(12). Applications for development within critical areas or buffers shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas and buffers. All limited uses shall be consistent with the provisions of this chapter and shall be subject to SEPA review.
 1. Subdivision or Short Plat. The subdivision or short plat process may be used when provisions are made (e.g., avoidance, mitigation, dedication of land or conservation easements) that substantially minimizes adverse effects upon critical areas. New lots shall not be platted within a wetland or wetland buffer.
 2. Development Subject to Site Plan Review. Any new building or structure affecting critical areas or buffers shall be subject to site plan review, unless otherwise exempted in this chapter.
 3. Stormwater Facilities. Stormwater facilities may be allowed in buffers of Class III and IV wetlands with low habitat function (less than twenty (20) points on the habitat section of the rating system form); provided, the facilities shall be built on the outer 25% of the buffer and not degrade the existing buffer function and are designed to blend with the natural landscape. Unless determined otherwise by the Administrator, the following activities shall be considered to degrade a wetland buffer when they are associated with the construction of a stormwater facility:
 - a. Removal of trees greater than four (4) inches diameter at four and one-half (4-1/2) feet above the ground or greater than twenty (20) feet in height;
 - b. Disturbance of plant species that are listed as rare, threatened or endangered by the county or any state or federal management agency;
 - c. The construction of concrete structures other than manholes, inlets, and outlets that are exposed above the normal water surface elevation of the facility;
 - d. The construction of maintenance and access roads;
 - e. Slope grading steeper than four to one (4:1) horizontal to vertical above the normal water surface elevation of the stormwater facility;
 - f. The construction of pre-treatment facilities such as fore bays, sediment traps, and pollution control manholes;
 - g. The construction of trench drain collection and conveyance facilities;
 - h. The placement of fencing; and

- i. The placement of rock and/or riprap, except for the construction of flow spreaders, or the protection of pipe outfalls and overflow spillways; provided, that buffer functions for areas covered in rock and/or riprap are replaced.
 - j. Stormwater facilities may not be placed in a buffer area that has been reduced through approved buffer averaging or buffer reduction measures.
- F. Use Intensity. The intensity of the land use proposed has a direct relationship to the potential severity of impacts to critical areas and buffers. Generally, most land uses allowed in an urban zoning district are high impact uses.
- 1. Low intensity uses. Land alteration associated with low intensity uses is slight and human activities are infrequent or at a low level of intensity. Wildlife habitat functions in particular are accommodated to a large extent on land subject to low intensity use. Low intensity uses, facilities, and activities include, but are not limited to:
 - a. Low-intensity open space uses and activities, including but not limited to hiking, bird-watching, hunting, and similar activities;
 - b. Unpaved trails, provided that the width does not exceed four (4) feet and is on slopes no greater than 25 percent;
 - c. Utility corridors without maintenance roads and with little to no periodic vegetation management; and
 - d. Harvesting wild products but not including tilling of soil.
 - 2. Moderate intensity uses. The proximity impacts of moderate intensity uses are either of moderate frequency or of a moderate level. Wildlife habitat uses in particular are accommodated to a limited extent on land subject to moderate intensity use and activities. Uses, facilities, and activities include, but are not limited to:
 - a. Residential use at 1 unit/acre or less;
 - b. Parks characterized by open space without extensive areas of turf and largely limited to interpretive facilities and trails;
 - c. Paved trails, provided that the width does not exceed ten (10) feet and on side slopes no greater than 25 percent; Rural roads that are unpaved and used primarily for access to forests or farmland on less than a daily basis, except during harvest periods; and
 - d. Utility corridors or right-of-way shared by several utilities and including access/maintenance road.
 - 3. High intensity uses. The proximity impacts of such uses are great and require buffering for attenuation. Few habitat functions are provided on lands devoted to high intensity uses. Uses, facilities, and activities include, but are not limited to:
 - a. Residential use at greater than 1 unit/acre;
 - b. Commercial, office and retail use;
 - c. Industrial use;
 - d. Institutional use; and
 - e. Park and recreation use and facilities involving a high level of alteration of the natural environment, parking and recreation areas, and areas often associated with use of fertilizers, pesticides, and herbicides and include, but are not limited to, golf courses, ball fields, recreation centers, and similar uses.

4.010.060 Variances

- A. Type III review. An applicant who seeks to vary from the requirements of this chapter may seek a variance pursuant to this section. The city shall review a request to vary from the requirements of this chapter through a Type III review process.
- B. Approval criteria. An application to vary from the requirements of this chapter shall demonstrate compliance with all of the following criteria:
 - 1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to other properties;
 - 2. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property, but which because of special circumstances is denied to the property in question;
 - 3. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvement;
 - 4. Granting the variance will not violate, abrogate, or ignore the goals, objectives, or policies of the Winlock comprehensive plan;
 - 5. In addition to the approval criteria above, an application to vary from the buffer requirements of a fish habitat conservation area or riparian area shall demonstrate that the requested buffer width modification preserves adequate vegetation to:
 - a. Maintain proper water temperature;
 - b. Minimize sedimentation; and
 - c. Provide food and cover for critical fish and wildlife species;
 - 6. When granting a variance, the city may attach specific conditions to the variance that will serve to meet the goals, objectives, and policies of this chapter, including the preparation and implementation of a mitigation and monitoring plan consistent with WDC 4.010.090(F)(12).

4.010.070 Exemptions

- A. Exempt activities in Critical Areas. The following developments, activities, and associated uses shall be exempt from the provisions of this Chapter, provided that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements, and a written request for exemption has been filed with and approved by the Administrator.
 - 1. The Administrator shall have the authority to negotiate memoranda of agreements with utility service providers or public agencies and said agreements shall specify best management practices to be used in situations of emergency and usual and customary repair, which if rigorously adhered to, may exempt said emergency or repair activity, including routine operation and maintenance from further review under this chapter. Memorandum of agreements shall be authorized by the Winlock City Council only after notice and completion of a public hearing on the full terms and merits of the agreement.
 - 2. Emergencies. Emergency activities are those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to

private property and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this Chapter. Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible adverse impact to the critical area or its buffer. The person or agency undertaking such action shall notify the City within one (1) working day following commencement of the emergency activity. Following the emergency appropriate mitigation shall be implemented and permanent activities, installations or impacts are subject to review and compliance with the applicable standards.

- a. Authorization. Notwithstanding the provisions of this Chapter, the Administrator may issue a temporary emergency permit prospectively or, in the case of imminent threats to public health, safety or welfare, retroactively, where the anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by the act and other applicable laws.
 - b. Prior to issuing an emergency permit, the Administrator shall issue a finding that extraordinary circumstances exist and that the potential threat to public health, safety or welfare from the emergency situation is clearly significant and substantial.
 - c. Conditions. Any emergency permit granted shall incorporate, to the greatest extent practicable and feasible but not inconsistent with the emergency situation, the standards and criteria required for non-emergency activities under this act and shall:
 - i. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed 90 days; and
 - ii. Require, within this 90-day period, the restoration of any wetland altered as a result of the emergency activity, except that if more than the 90 days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration.
 - d. Notice. Notice of issuance of an emergency permit shall be published in a newspaper having general circulation in the city of Winlock not later than 10 days after issuance of such permit.
 - e. Termination. The emergency permit may be terminated at any time without process upon a determination by the city that the action is no longer necessary to protect human health or the environment.
3. Repair. Repair or replacement of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees or drainage systems, including operation and maintenance of existing facilities, that do not require construction permits, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed maintenance or repair.
 4. Forest practices. Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practices regulations, Chapter 222 WAC, and those that are exempt from Winlock's jurisdiction, provided that forest practice conversions are not exempt.
 5. Right-of-way. Activities within the improved public right-of-way or recorded easement. Replacement, modification, installation, or construction of utility facilities, lines, pipes,

mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or recorded easement, or, a City authorized private roadway except those private activities that alter a wetland or watercourse, such as culverts or bridges, or results in the transport of sediment or increased stormwater.

6. Chemical applications. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, if necessary, provided that their use shall be restricted in accordance with Department of Fish and Wildlife Management Recommendations and the regulations of the Department of Agriculture and the U.S. Environmental Protection Agency.⁶ The Washington State Department of Ecology regulates the use of herbicides to control nuisance weeds and algae in lakes and streams.
7. Minor site investigative work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored.
8. Boundary markers. Construction or modification of boundary markers or fences.
9. Modifications. Construction and modifications to existing structures that does not increase the footprint of the structure.
10. The removal of the following vegetation with hand labor and light equipment, and vegetation removal that is a hazard to electrical power lines with hand held and walk beside equipment such as mowers and weed eaters in compliance with the provisions contained in the ANSI A300 (Part 1) guidelines, including, but not limited to:
 - a. Invasive non-native weeds;
 - b. English Ivy (*Hedera helix*),
 - c. Himalayan blackberry (*Rubus discolor*, *R. procerus*); and
 - d. Evergreen blackberry (*Rubus laciniatus*).
11. Emergency or hazard tree removal conducted so that habitat impacts are minimized.
12. Public improvement projects located within existing impervious surface areas.
13. Exception – Public Agency and Utility
 - a) If the application of this Title would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this Section.
 - b) Exception Request and Review Process. An application for a public agency and utility exception shall be made to the City and shall include a critical area identification form; critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW). The Administrator shall prepare a recommendation to the hearing examiner based on review of the submitted information, a site inspection, and

⁶ More information on commercial and residential use of chemicals can be found in Department of Ecology “Guidance Document for Establishment of Critical Aquifer Recharge Areas Ordinances” Version 3.0, Publication #97-30; and from the state Department of Agriculture, <http://www.wa.gov/agr/>.

the proposal's ability to comply with public agency and utility exception review criteria in Subsection (D).

- c) Hearing Examiner Review. The hearing examiner shall review the application and Administrator's recommendation and conduct a public hearing pursuant to the provisions of WDC 1.030.100. The hearing examiner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all the public agency and utility exception criteria in Subsection (D).
- d) Public Agency and Utility Review Criteria. The criteria for review and approval of public agency and utility exceptions follow:
 - 1. There is no other practical alternative to the proposed development with less impact on the critical areas;
 - 2. The application of this Chapter would unreasonably restrict the ability to provide utility services to the public;
 - 3. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
 - 4. The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science; and
 - 5. The proposal is consistent with other applicable regulations and standards.
- e) Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide enough information on which any decision has to be made on the application.

B. Exemption request and review process. The proponent of the activity shall submit a completed exemption request form to the Building Official that describes the activity and states the exemption listed in this Section that applies. The Administrator shall review the exemption request to verify that it complies with this Chapter and approve or deny the exemption. If the exemption is approved, it shall be placed on file with the department and the requesting party notified. If the exemption is denied, the proponent may continue in the review process and shall be subject to the requirements of this Chapter. Determinations shall be considered a Type I process pursuant to WDC 1.030.080 and subject to appeal pursuant to WDC 1.030.130.

C. Minimize impacts. Exempt activities shall minimize impacts to critical areas. All exempted activities shall use reasonable methods to avoid potential adverse impacts to critical areas. To be exempt from this Chapter does not give permission to degrade a critical area or buffer or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area or buffer that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

4.010.080 Reasonable use exception

A. Reasonable Use Exceptions. The following exceptions shall apply. The city shall apply the standards of this chapter to the maximum extent practicable to avoid and minimize adverse impacts on the functions and values of critical areas and buffers. Mitigation of impacts, consistent with this chapter, is required. Reasonable use exemptions include:

1. The expansion of a home or accessory structure on a lot that does not show building or development envelopes, wetlands or wetland buffers on the recorded plat, not to exceed twenty-five percent (25%) of the existing building footprint. Any expansion should be on the upland side, away from the critical area.
 2. The replacement of single-wide mobile home with another dwelling and normal accessory structures. Any expansion should be on the upland side, away from the critical area.
 3. Fire hazard clearing recommended by the fire marshal, or consistent with written fire marshal or fire chief guidelines.
- B. General Requirements.
1. Except when application of this chapter would deny all reasonable use of a lot, an applicant who seeks a modification from the regulations of this chapter may pursue a variance as provided in WDC 4.010.060, Variances, and consistent with the requirements of this subsection.
 2. The Administrator shall prepare and maintain application forms necessary to implement this subsection.
- C. Application Requirements.
1. Preliminary Review. The provisions for conducting a preliminary review of a proposed reasonable use exception are set forth in WDC 4.010.080A.
 2. Regulations – General Provisions – Application Filing.
 - a. Reasonable use exception applications shall be reviewed for completeness in accordance with city submittal standards checklists and pursuant to WDC 1.030.050.
 - b. An applicant for a development proposal may file a request for a reasonable use exception which shall include the following information:
 - i. A description of the areas of the site which are critical areas or within setbacks required under this title;
 - ii. A description of the amount of the site which is within setbacks required by other standards of this Title;
 - iii. A description of the proposed development, including a site plan;
 - iv. An analysis of the impact that the amount of development described in subsection (B)(2)(b)(iii) of this section would have on the critical area(s);
 - v. An analysis of whether any other reasonable use with less impact on the critical area(s) and associated buffer(s) is possible;
 - vi. A design of the proposal so that the amount of development proposed as reasonable use will have the least impact practicable on the critical area(s);
 - vii. An analysis of the modifications needed to the standards of this chapter to accommodate the proposed development;
 - viii. A description of any modifications needed to the required front, side, and rear setbacks; building height; and buffer widths to provide for a reasonable use of the site while providing greater protection to the critical area(s); and

- ix. Such other information as the city determines is reasonably necessary to evaluate the issue of reasonable use as it relates to the proposed development.
- D. Public Review.
1. The city shall process a request for a reasonable use exception as a Type III procedure pursuant to WDC 1.030.100.
 2. The city shall forward a copy of a request for reasonable use exception to the state and federal agencies with jurisdiction over the resource at issue and to all property owners within 300 feet of the subject property.
 3. The city shall provide public notice of the request for reasonable use exception pursuant to WDC 1.030.120.
 4. A party shall appeal a final decision of a request for reasonable use exception pursuant to WDC 1.030.130.
- E. Reasonable Use Approval Criteria. The hearing examiner shall approve a reasonable use exception if the examiner determines the following criteria are met:
1. There is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area(s);
 2. The proposed development does not pose a threat to the public health, safety, or welfare on or off the site;
 3. Any alteration of the critical area(s) shall be the minimum necessary to allow for reasonable use of the property;
 4. The proposed development will not result in a “take” of a threatened or endangered species;
 5. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after the effective date of this chapter; and
 6. The proposal mitigates the impacts on the critical area(s) to the maximum extent possible, while still allowing reasonable use of the site. The applicant shall prepare and implement a mitigation and monitoring plan consistent with WDC 4.010.110.C.

4.010.090 Best Available Science

Critical area reports and decisions to alter critical areas shall rely on the Best Available Science to protect the functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat. Best Available Science is that scientific information applicable to the critical area prepared by local, state or federal natural resource agencies, a qualified scientific professional or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.

4.010.100 Development standards

- A. Authorization required. Within Critical Areas, the city shall prohibit soil excavation, grading, removal of native vegetation species, draining, intentional burning, planting of invasive or nuisance vegetation, placement of structures and new construction on critical areas unless otherwise authorized in this chapter.
1. These development standards apply to uses on critical areas and within buffers unless otherwise exempted in this title.
 2. In order to approve application for development on lands subject to this chapter, the Administrator shall find that the following standards have been met:
 - (i) All reasonable alternatives for locating the development activity in such a way so as to avoid critical areas have been considered and the development activity will be located in the least environmentally sensitive area as practicable and the purpose of this chapter, as described in WDC 4.010.010, is fulfilled. If avoidance is not practicable, as determined by the city, development shall minimize adverse impacts to critical areas and buffers consistent with the mitigation sequencing measures and mitigation and enhancement measures prescribed in the chapter.
 - (ii) The city has approved the vegetation removal methods and the removal of native plants has been avoided.
 - (iii) All adverse impacts to all affected critical areas and buffers are either avoided or fully mitigated.
 - (iv) The plan minimizes cuts and fills.
 - (v) Soils are not exposed during the rainy season (November 1st through April 30th) and construction activity is limited to the dry season (May 1st through October 31st).
 - (vi) The Administrator has reviewed and approved an erosion control plan, grading plan, and vegetation removal and replanting plan prior to construction activity.
 - (vii) All activities have received applicable state and federal permits and comply with SEPA requirements if the lead agency makes a threshold determination of significance (DS), or a mitigated determination of non-significance (MDNS).
 - (viii) Hydraulic permits are required for any activity occurring within the ordinary high-water mark of any state regulated Class I or Class II stream.
 - (ix) Compliance with this chapter does not constitute compliance with state and federal environmental standards. The applicant shall be responsible for demonstrating such compliance.
- B. Review Process.
1. The review process shall be the type specified in the WDC for each particular land use action unless otherwise specified in this chapter.
 2. Applications to develop on critical areas or their buffers shall be subject to Type I review if all of the following criteria are met:
 - a. Disturbance of less than 10 cubic feet of soil;
 - b. An activity, the fair market cost of which is less than \$500.00; or

- c. The activity involves less than 1,000 square feet of critical areas.
- C. SEPA Review. On a case-by-case basis, the Responsible Official may issue a Determination of Nonsignificance (DNS) if:
 - 1. The application for development review contains all requested information, including reports, maps and other documents relevant to the proposed activity; and
 - 2. The proposed activity complies with all applicable development review and performance standards; and
 - 3. Compliance with all applicable development standards and performance standards is made a binding condition of land use approval.

4.010.110 Mitigation

- A. Approval. City approval of a mitigation plan is a prerequisite for approval of any development activities on critical areas.
 - (a) The applicant shall submit a written request describing the extent and nature of the proposed development activity on critical areas and buffers. The request shall include boundary locations and identification of all designated critical areas and buffers.
 - (b) The application for development shall include a mitigation plan prepared in compliance with this section. (See Appendix C, “Monitoring and Maintenance Plan” as an illustration of recommended plan.)
 - (c) The city may require the applicant to prepare special reports evaluating potential adverse impacts upon critical areas and potential mitigation measures as part of the land use application process. These reports may include, but are not limited to, the following: storm water management plan; hydrology, geology, and soils report; grading and erosion control plan; native vegetation report; fish and wildlife assessment and impact report; water quality report; wetlands delineation; and other reports determined necessary by the city.
 - (d) The city shall consult with state and federal resource management agencies and, in order to protect wildlife habitat or natural resource values, shall attach such conditions as may be necessary to effectively mitigate identified adverse impacts of the proposed development activity.
 - (e) The city may request third party “peer review” of an application by qualified professionals and may incorporate recommendations from such third-party reports in findings approving or denying the application.
 - (f) All reports recommending mitigation shall include provisions for monitoring of programs and replacement of improvements, on an annual basis, consistent with report recommendations and at years one, three, five, seven. The city reserves the right to requiring reporting at year ten (10).
 - (g) The city may require replacement mitigation to be established and functional prior to project construction.
- B. No Net Loss.
 - 1. Mitigation efforts, when allowed, shall ensure that development activity does not yield a net loss of the area or function of the critical areas. No net loss shall be measured by:

- a. Avoidance or mitigation of adverse impacts to fish life; or
 - b. Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or
 - c. Avoidance or mitigation of loss of area by habitat type.
2. Mitigation to achieve no net loss should benefit those organisms being impacted.
 3. Where development results in a loss of wetland area, the mitigation plan shall demonstrate that wetland area is replaced consistent with the ratios described in the tables in WDC 4.010.035. The created or enhanced wetland shall be, acre for acre, of equal or greater biological values, including habitat value, and with equivalent hydrological values including storage capacity.
 - a. Wherever possible, replacement or enhancement shall occur on-site.
 - b. However, where the applicant can demonstrate that an off-site location is in the same drainage basin, and that greater biological and hydrological values will be achieved, the city may approve such off-site mitigation.
 - c. Wet ponds established and maintained for control of surface water shall not constitute mitigation for wetland alterations.
 - d. Where there is a wetland within 25 feet of the toe of a slope equal to or greater than 25 percent, the buffer shall be a minimum of 25 feet beyond the toe of the slopes.
- C. Mitigation Plan. A mitigation plan shall provide for the design, implementation, maintenance, and monitoring of mitigation measures. A mitigation plan shall include but is not limited to the following:
1. Methods and techniques to be used to mitigate impacts to critical areas;
 2. Explanation of methods and techniques, such as construction practices to be used to implement the identified mitigation methods;
 3. Methods and techniques for monitoring said mitigation and a proposed time-frame for such monitoring.
- D. Storm Water Management. Any development on critical areas shall be consistent with the most recent version of the “Stormwater Management Manual for Western Washington,” Washington State Department of Ecology, whichever is more restrictive.
- E. Buffer Enhancement. Where a development avails itself of the buffer reduction opportunity described in this chapter, the following enhancement standards shall apply:
1. The applicant shall submit to the city a written request describing the extent and nature of the proposed development activity and shall submit a written enhancement plan.
 2. The enhancement plan shall include calculations and maps that illustrate:
 - a. Required boundary locations of all critical areas and attendant buffers;
 - b. Proposed buffer areas after reduction;
 - c. Proposed areas to receive enhancement measures;
 - d. A timeline for completion of the enhancement plan;
 - e. Methods and techniques to be used to mitigate impacts to critical areas;

- f. An explanation of methods and techniques, such as construction practices to be used to implement the identified mitigation methods; and
- g. Methods and techniques for monitoring said mitigation and a proposed time-frame for monitoring.
3. The enhanced area shall functionally be of greater biological values, including habitat value, and with greater hydrological values including storage capacity.
4. Enhancement shall occur on-site.
5. Wet ponds established and maintained for control of surface water shall not constitute mitigation for wetland alterations.
6. Surface water management or flood control shall not be considered enhancement.

4.010.120 Critical lands

A. Critical Aquifer Recharge Areas.

1. Applicability. Due to the exceptional susceptibility and/or vulnerability of ground waters underlying aquifer recharge areas to contamination and the importance of such ground waters as sources of public water supply, it is the intent of this chapter to safeguard ground water resources by mitigating or precluding future discharges of contaminants from new land use activities. The provisions of this chapter shall apply to regulated activities specified herein within those portions of the Winlock UGA classified as Category I Aquifer Recharge Areas.
2. Classification. Aquifer recharge areas are categorized according to the following standards and those contained in Table 4.010.090.A.1.
 - a) Category I – Severe Aquifer Sensitivity. “Category I – Severe aquifer sensitivity” are those areas which provide rapid recharge with little protection, having highly permeable soils.
 - b) Category II – Moderate Aquifer Sensitivity. “Category II – Moderate aquifer sensitivity” are those areas with aquifers present, but which have a surface soil material that encourages run-off and slows water entry into the ground.
 - c) Category III – Slight Aquifer Sensitivity. “Category III – Slight aquifer sensitivity” are those areas of low ground water availability and whose soil series are derived from basaltic, andesitic, or sedimentary rock or ancient glacial till, which are parent material for soils with more clays at the surface. These geological formations do not provide abundant ground water.
3. d) Soil classification is based upon the Aquifer Sensitivity Rating for Lewis County Soil Types in chapter 17.35A of the Lewis County Code. Designation. Lands within the Winlock UGA meeting the classification criteria for aquifer recharge areas are hereby officially designated, pursuant to the mandate of RCW 36.70A.060 and 36.70A.170 as critical aquifer recharge areas.
5. 4. Aquifer Recharge Areas – Rating System Determinations. In cases of disputed soil series, or series boundary, and resulting aquifer recharge category, the Administrator shall use all available information including reports by the United States Geological Survey, and technical assessments submitted in accordance with this chapter to make the final determination. This may include consultation with the USDA Natural Resource Conservation Service, the Washington Department of Natural Resources Division of Geology and Earth Resources, or a soil scientist certified by the American Registry of Certified Professionals in agronomy, crops, and soils. In areas that have been disturbed or the surface soil removed, as in gravel pits, the Administrator shall determine the most appropriate category with geological and hydrological information.

5. Category I Aquifer Recharge Areas (CARA I).
 - a. Areas with a critical recharging effect on aquifers used for potable water are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.
 - b. Winlock wellheads are owned and operated by the City of Winlock.
 - c. Development, other than the maintenance of vegetation, shall be prohibited within 50 feet of any public wellhead within the UGA.
 - d. For purposes of this chapter, critical aquifer recharge areas include lands within the 10-year zone of contribution, as shown on the Winlock critical areas map.
 - e. The following uses are prohibited in Category I aquifer recharge areas:
 - i. Chemical manufacturing mixing and remixing;
 - ii. Chemical waste reprocessing;
 - iii. Solid waste disposal facilities;
 - iv. Wood preservers;
 - v. Landfills;
 - vi. Class V injection wells: (I) agricultural drainage wells; (II) untreated sewage waste disposal wells; (III) cesspools; (IV) industrial process water and disposal wells; and (V) radioactive waste disposal;
 - vii. Radioactive disposal sites; and
 - viii. Surface mining operations.
6. Storage Tank Permits. The fire marshal regulates and authorizes permits for underground storage tanks, pursuant to the Uniform Fire Code (Article 79) and this chapter. The Washington Department of Ecology also regulates and authorizes permits for underground storage tanks (Chapter 173-360 WAC).
 - a) New Underground Tanks.
 - 1) All new underground storage facilities used or to be used for the underground storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - 2) Prevent releases due to corrosion or structural failure for the operational life of the tank;
 - 3) Be protected against corrosion, constructed of non-corrosive material, steel clad with a non-corrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substance; and
 - 4) Use material in the construction or lining of the tank that is compatible with the substance to be stored.
 - b. Aboveground Tanks.
 - i. No new aboveground storage facility or part thereof shall be fabricated, constructed, installed, used, or maintained in any manner which may allow the release of a hazardous substance to the ground, ground waters, or surface waters of Winlock within a CARA I.

- ii. For a tank that will contain a hazardous substance, no new aboveground tank or part thereof shall be fabricated, constructed, installed, used, or maintained without having constructed around and under it an impervious containment area enclosing or underlying the tank or part thereof.
 - iii. A new aboveground tank that will contain a hazardous substance will require a secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks located within an aquifer recharge area. The secondary containment system or dike system must be designed and constructed to contain the material stored in the tank(s).
- 2. Demonstration of no adverse impact. The applicant shall demonstrate, through the land use approval process, that the proposed activity will not have any adverse impacts on ground water in critical aquifer recharge areas, based on the Safe Drinking Water Act and the Wellhead Protection Area Program, pursuant to Public Water Supplies, Chapter 246-290 WAC; Water Quality Standards for Ground Waters of the State of Washington, Chapter 173-200 WAC; and Dangerous Waste Regulations, Chapter 173-303 WAC. By this reference, Chapters 173-200, 173-303 and 246-290 WAC, as written and hereafter updated, will be part of this chapter.
- 3. Mitigation Conditions. The Administrator may impose any reasonable condition necessary to ensure that the specific use or activity will not significantly degrade ground water quality. Such conditions may include, but are not limited to the following:
 - a. A written management plan for wastewater, hazardous products and hazardous waste, petroleum products and petroleum waste, and other materials judged by the Administrator to be detrimental to ground water quality, that when implemented using best management practices, will prevent ground water contamination;
 - b. Upgrading available on-site spill response equipment;
 - c. Employee spill response training;
 - d. Emergency service coordination measures; and
 - e. Ground water monitoring.

B. Fish and Wildlife Habitat Conservation Areas.

1. Fish & Wildlife Areas. Identified sensitive fish and wildlife habitat areas shall be preserved or adverse impacts mitigated. Fish and wildlife areas are divided into four basic categories:
 - a. Riparian.
 - i. Overwhelming evidence exists to support the use of riparian buffers of adequate size to maintain healthy, productive fish and wildlife habitat. Although riparian areas comprise only a small portion of the surface landscape, approximately 90 percent of Washington's land-based vertebrate species prefer, or are dependent upon, riparian habitat for essential life.
 - ii. Riparian habitat areas may include frequently flooded areas, critical recharge areas and wetlands. Riparian habitat areas are those areas immediately adjacent to waterways that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. WAC 222-16-020, relating to stream classification, shall be the city's classification system for streams.
 - b. Endangered or Threatened.
 - i. Areas that have a primary association with federal listed endangered or threatened species of fish or wildlife and which if altered may reduce the likelihood that the species will maintain and reproduce over the long term. Endangered or threatened species found in the Winlock corporate limits and urban growth area as of June 1, 2001, are listed in Appendix A.
 - ii. Point locations are the specific sites (nests, dens, etc.) where critical wildlife species are found. Many of these sites have been identified and mapped by the Washington Department of Fish and Wildlife (WDFW). Point locations are lands where species designated as endangered or threatened have a primary association with that land. Development of such lands shall be controlled in accordance with a site-specific fish and wildlife management plan consistent with the WDFW's priority habitats and species management recommendations and prepared by a qualified consultant. The Washington Department of Fish and Wildlife should be consulted to provide a technical review and an advisory role in the decision-making process.
 - c. Local Habitat Areas.
 - i. Species of local importance are those species that are of local concern due to their population status or their sensitivity to habitat manipulation or that are game species.
 - ii. Habitats of local importance include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration, such as cliffs, talus, and wetlands.
 - iii. Local habitat areas include those areas specifically identified as local habitat areas on the city's adopted critical areas map and background maps used to prepare the critical areas map.

- A. The city or private citizens may nominate areas for consideration as local habitat areas and for inclusion on the critical areas map.
- B. The applicant shall be responsible for preparing the nomination using city prescribed forms. The applicant shall pay a processing fee of one percent of the assessed value of the proposed area as zoned at the time of application.
- C. The hearing examiner, through a Type III process, and in reliance upon all best available science in the hearing record, shall make a determination of whether the nominated area qualifies as a local habitat area.
- d. Priority Habitat Species (PHS) Areas. Areas with which state-listed monitor or candidate species or federally listed candidate species have a primary association, as specified in Washington Department of Wildlife Policies 4802 and 4803, and which if altered may reduce the likelihood that the species will maintain and reproduce over the long term.
- e. Priority Habitat and Species Buffers are enumerated below in Table 4.010.090(B)(1).

Table 4.010.090(B)(1) Priority Habitat & Species Buffers

Habitat Type	Critical Zone	Protected Buffer
Local Habitat	Delineated	Use BAS for species.
Non-riparian Priority Habitat & species	Delineated	300 feet or threshold based upon consultation with WDFW or through the city's peer review process. ⁷
Subject to the ESA	Delineated	Use BAS for species up to 1,300 review threshold distance

- 2. Sources. The City consulted the following sources to identify critical fish and wildlife habitat areas:
 - a. Water Type Reference Maps, Washington Department of Natural Resources;
 - b. Natural Heritage Data Base, Washington Department of Natural Resources;
 - c. Priority Habitats and Species Program and Priority Habitat Species Maps;
 - d. Washington Department of Fish and Wildlife;
 - e. Non-game Data Base, Washington Department of Fish and Wildlife;
 - f. Washington Rivers Information System, Washington Department of Fish and Wildlife;
 - g. Water Resource Index Areas (WRIA), Washington Department of Fish and Wildlife; and
 - h. Field studies performed by qualified natural resource specialists.
- 3. Education and Information. A voluntary education program to explain the need for and methods of habitat management may provide for long-term protection and enhancement of critical fish and wildlife habitat areas. By informing citizens about the declining populations of several fish and wildlife species in Winlock, the diminishing animal habitat available, and the management techniques that individuals can use to preserve and restore fish and wildlife habitat areas, the City can foster good stewardship of the land by property owners.

⁷ For example, the city may allow a reduced buffer around a single Oregon white oak tree as a result of consultation with the regulatory agency or as a result of the city peer review process if the important functions and values of the resource will not be significantly diminished as a result of the buffer reduction.

- a. The City will provide educational materials and lists of additional sources of information to applicants proposing regulated activities in the vicinity of critical fish and wildlife habitat areas. Materials will be selected from a variety of state and local resources.
 - b. The City may accumulate information on the number of proposed activities associated with fish and wildlife habitat areas as identified by this Chapter and indicated by state and local governmental maps to be in the vicinity of identified critical fish and wildlife habitats. Information shall include the number of single-family residences and other development occurring in the vicinity of critical fish and wildlife areas. Based on this information, additional regulations could be developed.
 - c. The education and information program is an important adjunct to the implementation of the regulatory provisions of this Chapter.
4. Species and Habitat Assessment Report. A Critical Area Report (CAR) is required where specifically indicated and when an activity is proposed within a critical area or buffer that is not specifically exempt or permitted with review. A CAR shall be consistent with the following standards.
- a. The CAR must be completed by a qualified professional who shall use scientifically valid and professionally recognized and accepted methods and studies or best available science in the analysis of critical area data and field reconnaissance and reference the source of science used. The CAR shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this Chapter.
 - b. Minimum CAR contents. At a minimum, the report shall contain the following:
 - i. The name and contact information of the applicant, and the name and address of the qualified professional who prepared the report, a description of the proposal, and identification of the permit requested;
 - ii. A copy of the site plan for the development proposal showing;
 - iii. Identified critical areas, buffers, and the development proposal with dimensions;
 - iv. Limits of any areas to be cleared;
 - v. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations and;
 - vi. General location and types of vegetation.
 - vii. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
 - viii. Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;
 - ix. A statement specifying the accuracy of the report, and all assumptions made and relied upon;
 - x. A description of reasonable efforts made to apply mitigation sequencing pursuant to mitigation sequencing, WDC 4.010.120, to avoid, minimize, and mitigate impacts to critical areas;
 - xi. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with mitigation plan requirements, WDC 4.010.120, including, but not limited to:
 - A. The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area; and
 - B. The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;
 - C. A discussion of the performance standards applicable to the critical area and proposed activity;
 - D. Financial guarantees to ensure compliance; and

- E. Any additional information required for the critical area as specified in the corresponding chapter.
 - c. Unless otherwise provided, a CAR may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared, by a qualified professional, for and applicable to the development proposal site, as approved by the Administrator.
 - d. The Administrator may waive specific requirements of the critical area reports where less information is required to adequately address the impacts to the critical area or where existing information is on file with the city that addresses the impacts.
 - e. The Administrator may require additional information that is necessary to determine compliance with the standards of this Chapter.
 - f. A qualified professional shall be a person who has the education, training, experience, and/or certification that meets the specific requirements to evaluate fish and wildlife habitat.
5. Best Available Science. Habitat reports and decisions to alter habitat areas shall rely on the Best Available Science to protect the functions and values of critical habitat areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat.
6. Habitat Buffers. Habitat conservation areas and buffers are assigned to the lands regulated by this section according to Tables 4.010.090(B)(1). Development activities are restricted within riparian buffer areas as indicated in Tables 4.010.090(B)(5).
7. Stream types. Water types are defined and mapped based on WAC 222-16-030 or 222-16-031, whichever is in effect on the date of application. While the WAC definitions control, generally, Type S streams include shorelines of the state and have flows averaging 20 or more cubic feet per second; Type F streams are those that are non-Type S but still provide fish habitat; and Type N streams do not have fish habitat and are either perennial (Np) or seasonal (Ns). Erosion gullies or rills, and streams which are man-made, or streams less than six (6) inches wide or not having a defined bed and/or bank are not included.
8. Riparian Area Ecosystem Buffers.
- a. Functionally Isolated Buffer Areas. Areas which are functionally separated from a stream and do not protect the stream from adverse impacts due to pre-existing roads, structures, or vertical separation, shall be excluded from buffers otherwise required by this Chapter.
 - b. Buffers Generally. Regulated activities proposed along rivers and streams shall provide for habitat protection.
 - i. The riparian ecosystem buffer is generally an area of no building, consisting of undisturbed natural vegetation. The buffer shall be required along all streams as classified by the DNR water typing classification system (WAC 222-16-030). The buffer shall extend landward from the ordinary high-water mark of the water body.
 - ii. The buffer of a river or stream shall not extend landward beyond an existing substantial improvement such as an improved road, dike, levee, or a permanent structure which reduces the impact proposed activities would have on the river or stream.
 - iii. Portions of Olequa Creek are critical to anadromous fish and, therefore, require larger buffer protection.
 - c. Building Setback and Construction near Buffer. A minimum setback of fifteen (15) feet from the buffer shall be required for construction of any impervious surface(s) greater

- than 120 square feet of base coverage from the head or toe of a slope where the overall slope is greater than 35%. Clearing, grading, and filling within 15 feet of the buffer setback shall be allowed only when the applicant can demonstrate that native vegetation within the buffer will not be damaged. The additional impervious surface setback from the toe and head of a slope may be waived if the applicant demonstrates, by credible evidence, that the proposed impervious surface will not significantly affect the stability of the slope
- d. Marking of the Buffer Area. The edge of the buffer area shall be clearly staked, flagged, and fenced prior to and through completion of construction. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground.
 - e. Fencing from Farm Animals. Permanent fencing shall be required from the buffer when farm animals are introduced on a site.
 - f. Riparian Base Buffers are enumerated below in Table 4.010.090(B)(5):

Table 4.010.090(B)(5) Riparian Area Buffers

Fish & Wildlife Habitat Areas	Characteristic	Riparian Ecosystem Area Buffer (in feet)
RIPARIAN AREAS		
Type S (fish bearing)	Portions of Olequa Creek	250
Type F (perennial or fish bearing)	stream < 5 feet wide, if fish bearing	200
Type Np streams, low mast wasting potential	Less than 3 feet in width on average	150
Type Ns stream, high mast wasting potential	Seasonal streams with a defined channel	75

9. Mitigation.

- a. Approval. City approval of a mitigation plan is a prerequisite for approval of any development activities within a designated habitat area or habitat buffer.
- b. Application. The applicant shall submit a written request describing the extent and nature of the proposed development activity on Critical Areas and buffers. The request shall include boundary locations of all critical areas and associated buffers.
 - i. The application for development shall include a mitigation plan prepared in compliance with this section.
 - ii. The City may require the applicant to prepare special reports evaluating potential adverse impacts upon critical areas and potential mitigation measures as part of the land use application process. These reports may include, but are not limited to, the following: Storm Water Management Plan; Hydrology, Geology, and Soils Report; Grading and Erosion Control Plan; Native Vegetation Report; Fish and Wildlife Assessment and Impact Report; Water Quality Report; Wetlands Delineation; and other reports determined necessary by the City.
- c. The City may consult with state and federal resource management agencies and, in order to protect wildlife habitat or natural resource values, shall attach such conditions as may be necessary to effectively mitigate identified adverse impacts of the proposed development activity.
- d. The City may request third party “peer review” of an application by qualified professionals and may incorporate recommendations from such third-party reports in findings approving or denying the application.
- e. All reports recommending mitigation shall include provisions for monitoring of programs and replacement of improvements, on an annual basis, consistent with report recommendations and at years one (1), three (3), five (5), seven (7), and, if mitigation measures will result in reclassification of the resource to a higher category, year ten (10) shall be required.
- f. The City may require replacement mitigation to be established and functional concurrent with project construction.

10. No Net Loss.
 - a. Mitigation efforts, when allowed, shall ensure that development activity does not yield a net loss of the area or function, including fish and wildlife habitat values, of the Critical Area. The City's preferred approach to mitigating impacts is mitigation sequencing. (see Section 4.010.030) No net loss shall be measured by:
 - i. Avoidance or mitigation of adverse impacts to fish or wildlife; or
 - ii. Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or
 - iii. Avoidance or mitigation of loss of area by habitat type.
 - b. Mitigation to achieve no-net-loss should benefit those organisms being impacted.
 - c. Where development results in a loss of habitat area, the mitigation plan shall demonstrate that habitat area is replaced at an equal or greater functional value(s).
 - i. Wherever possible, replacement or enhancement shall occur on-site.
 - ii. However, where the applicant can demonstrate that off-site mitigation will provide greater functional values, the City may approve such off-site mitigation.
11. Mitigation Plan. A mitigation plan shall provide for the design, implementation, maintenance, and monitoring of mitigation measures. A mitigation plan shall include but is not limited to the following:
 - a. Methods and techniques to be used to mitigate impacts to the critical area;
 - b. Explanation of methods and techniques, such as, constructions practices to be used to implement to the identified mitigation methods;
 - c. Methods and techniques for monitoring the proposed mitigation and a time-frame for such monitoring.
12. Buffer Reduction. The city may allow the reduction of Np and Ns stream buffers by no more than 40% of the required buffer width if the area proposed for buffer reduction:
 - a. Is currently adversely impacted by development such as roads, parking areas, buildings, public facilities; or
 - b. Has primarily non-native vegetation, such as grass pasture; and
 - c. The proposed reduction will not significantly reduce the water quality and habitat functions of the buffer.
 - d. When buffer reduction is allowed, the applicant shall provide the city with a Vegetative Buffer Enhancement plan for review and approval.
 - e. Stormwater facilities are not permitted in the remainder buffers reduced by operation of this buffer reduction provision.
13. Vegetative Buffer Enhancement. Where the city permits the use of buffer reduction opportunity described in this section, the following enhancement standards shall apply:
 - a. The applicant shall submit to the City a written request describing the extent and nature of the proposed development activity and shall submit an enhancement plan prepared by a professional biologist, landscape architect or other equally qualified person.
 - b. Buffer shall not be reduced to less than 40% the base buffer width listed in Tables 4.010.090(B)(1) and 4.010.090(B)(6).
 - c. The enhancement plan shall include calculations and maps that illustrate:

- i. Required boundary locations of all critical areas and associated buffers;
 - ii. Proposed buffer areas after reduction;
 - iii. The nature and extent of the enhancement measures proposed;
 - iv. A timeline for completion of the enhancement plan;
 - v. A financial surety mechanism acceptable to the city.
- d. Methods and techniques used to mitigate impacts to critical areas, consistent with best management practices
 - e. An explanation of methods and techniques, such as, construction practices to be used to implement to the identified mitigation methods; and
 - f. Methods and techniques for monitoring said mitigation and a proposed time-frame for monitoring.
 - g. The enhanced area shall be of equal or greater habitat value(s) based on best available science.
 - h. Enhancement shall occur on-site, unless the applicant can demonstrate that off-site mitigation will provide greater functional value(s).
 - i. The city may elect to submit the Vegetative Buffer Enhancement Plan to one or more qualified expert for peer review.
14. Standard Requirements. All applications requiring review under this section shall have the following minimum conditions applied:
- a. Marking Buffer During Construction. The location of the outer extent of the habitat buffer or if no buffer is required the habitat area, shall be marked in the field and such markings shall be maintained throughout the duration of the permit.
 - b. Permanent Marking of Buffer Area. A permanent and perpetual physical demarcation along the upland boundary of the habitat buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedgerow, wood or wood like fencing, or other prominent physical marking approved by the Administrator. In addition, signs measuring (minimum size 1 foot x 1 foot and posted 3.5 feet above grade) shall be posted at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the habitat buffer approved by the Administrator worded substantially as follows: *“HABITAT BUFFER – PLEASE RETAIN IN A NATURAL STATE.”*
 - c. A conservation covenant shall be recorded in a form approved by the city attorney as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a permit prior to engaging in regulated activities within a habitat area or its buffer.

C. Frequently Flooded Areas.

1. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Winlock, Washington” dated March 28, 1986, with accompanying FIRM, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the office of the City Clerk/Treasurer. The best available science shall be the basis for regulation until a new FIRM is issued which incorporates the data used to inform this chapter.
2. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.
3. Abrogation and Greater Restrictions. Where this chapter and another code, ordinance, easement, covenant or deed restriction conflict or overlap, that which imposes the more stringent restriction shall prevail.
4. Interpretation. In the interpretation and application of this section, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
5. Interpretation of FIRM Boundaries. The local administrator, the governing body or its agent or employee may interpret and apply when necessary the exact location of the boundaries of the areas of special flood hazards where there appears to be a conflict between a mapped boundary and actual field conditions. Any aggrieved person may contest the location of the boundary and shall be given a reasonable opportunity to appeal the interpretation to the local administrator and then the governing body. Such appeal shall be granted consistent with the standards of Section 1910.6 of the Rules and Regulations of the National Flood Insurance Program located at 24 CFR 1909 et seq.
6. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based upon scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Winlock, any officer or employee thereof, or the Federal Emergency Management Agency or Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
7. Floodplain (FP) Combining District. A floodplain (FP) combining district is established and shall be applied to all 100-year floodplains identified on the flood insurance study maps, which have been adopted by reference. The land use and siting provisions of these areas shall be in addition to other zoning provisions applied. Two distinct areas are recognized within the FP district: the “floodway” area and the “floodway fringe” area.
8. Regulatory Area. The areas for state and local floodplain management regulations shall be those areas subject to a base (100-year) flood (except as noted for siting of critical facilities).

Base floodplains are designated as special flood hazard areas on the most recent maps provided by the Federal Emergency Management Agency for the National Flood Insurance Program. Best available information shall be used if these maps are not available or sufficient.

9. Relationship to Other Requirements. Land uses in the floodplain combining district shall be subject to all relevant local, state, or federal regulations including those of the underlying zoning district. Where applicable, permit requirements under the Shoreline Management Act (Chapter 90.58 RCW), or the State Flood Control Zone Act (Chapter 86.16 RCW) may be substituted for permits required under this chapter; provided, that the standards of this chapter are applied.
10. Criteria for Land Management and Use. The standards and definitions contained in 44 CFR Parts 59 and 60 for the National Flood Insurance Program are adopted by reference as the minimum state standards.
11. Uses Permitted in the Floodplain (FP) Combining District. Park, recreational, agricultural, and other similar open space uses allowed in the underlying zoning district, and not involving structures, fill, or storage of equipment, are permitted outright in the FP district.
12. Uses Prohibited in the Floodway. Structures for human habitation and other structures or works posing a high flood damage potential are prohibited in the floodway, except for the replacement of structures or works, single-family residences in accordance with WAC 508-60-040, and travel trailers subject to the provisions set forth in this chapter. Any use other than those permitted outright in a floodway shall be subject to the terms of a floodplain.
13. Uses Allowed Under a Floodplain Permit. All other uses permitted in the zoning district with which the FP district has been combined are allowed in the floodway and floodway fringe areas subject to the terms of a floodplain permit.
14. A floodplain permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be required for all structures, including manufactured homes, and other development. Permit application forms shall be furnished by the Administrator. The application shall include, but is not limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question, and existing or proposed structures, fill, storage of materials, and drainage facilities. Specifically, the following information is required:
 - a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any structure has been floodproofed;
 - c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing requirements; and
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
15. Designation of the Local Administrator. The administrator is authorized to administer and implement this title by granting or denying floodplain permit applications in accordance with its provisions.

16. Duties and Responsibilities of the Local Administrator. Duties of the local administrator, if applicable, shall include, but not be limited to:
- a. Development Review.
 - i. Review all proposed developments to determine whether a floodplain permit is required.
 - ii. Review all proposed developments with respect to the flood insurance study maps and zoning district boundaries. Make interpretations where needed as to the exact location of special flood hazard area boundaries.
 - b. Permit Review.
 - i. Review all proposed development permits to determine that the permit requirements of this title have been satisfied.
 - ii. Review all proposed development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - iii. Review all proposed development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions are met.
 - c. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with subsection (C)(1) of this section (Basis for Establishing the Areas of Special Flood Hazard), the Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from an agency of federal or state government, or other sources, in order to administer this section, including specific standards for residential construction, nonresidential construction and floodways and floodway requirements.
 - d. Information to be Obtained and Maintained.
 - i. Where base flood elevation data is provided through the flood insurance study or required as in subsection (C)(1) of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - ii. For all new or substantially improved floodproofed structures, the local administrator shall:
 - A. Verify and record the actual elevation (in relation to mean sea level) to which any structure has been floodproofed;
 - B. Maintain the floodproofing certifications;
 - C. Maintain for public inspection all records pertaining to the provisions of this chapter;
 - D. Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration and the Federal Emergency Management Agency;

- E. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished; and
 - F. Interpretation of FIRM Boundaries. Make interpretation, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation.
17. Variance Procedure – Additional State Requirements. The variance procedure contained in 44 CFR Part 60.6 and this title shall apply to the additional state requirements contained in WAC 173-158-060 and 173-158-070, unless an activity or use is expressly prohibited therein.
18. Appeal and Review of City Action.
- a. A person with standing may appeal the approval or denial of a floodplain permit as provided in WDC 1.010.130.
 - i. In acting on appeals or permit approval requests, the city shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this chapter, and:
 - A. The danger that materials may be swept onto other lands to the injury of others;
 - B. The danger of life and property due to flooding or erosion damage;
 - C. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
 - D. The importance of the services provided by the proposed facility to the community;
 - E. The necessity to the facility of a waterfront location where applicable;
 - F. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 - G. The compatibility of the proposed use with existing and anticipated development;
 - H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site; and
 - K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges.
 - ii. Upon consideration of the above factors, and the purposes of this chapter, the appeal hearing body may attach such conditions to actions on appeals and approvals as it deems necessary to further the purpose of this chapter.

- iii. The Administrator shall maintain the records of all appeal and approval actions of the city of Winlock.
19. Conditions for Variances.
- a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases, the technical justification required for issuing the variance increases.
 - b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.
 - c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 - d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - e. Variances shall only be issued upon:
 - i. Showing a good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - f. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations shall be quite rare.
 - g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (C)(20)(a) of this section, and otherwise complies with anchoring and construction materials and methods general standards below.
 - h. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
20. Penalties and Enforcement.
- a. The Attorney General or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

- b. Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed \$1,000 for each violation. Each violation or each day of noncompliance shall constitute a separate violation.
 - c. The penalty provided for in this section shall be imposed by a notice in writing either by certified mail with return receipt requested or by personal service to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.
 - d. Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by the city shall be subject to review by the city council. Any penalty jointly imposed by the department and city shall be appealed to the pollution control hearings board.
21. General Standards. In all areas of special flood hazards the following standards set forth in this article are required.
- a. Anchoring.
 - i. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - ii. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
 - b. Construction Materials and Methods.
 - i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - iii. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - c. Utilities.
 - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
 - iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- iv. Water well shall be located on high ground outside the floodway.
 - d. Subdivision Proposals.
 - i. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - iv. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).
 - e. Review of Building Permits. Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
22. Additional Standards.
- a. Critical Facilities.
 - i. Critical facilities should be afforded additional flood protection due to their nature. The city shall use the 500-year frequency flood as a minimum standard instead of the 100-year frequency flood as used for other types of development.
 - ii. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the 500-year floodplain as identified on the city's FIRM. Construction of new critical facilities shall be permissible within the 500-year frequency floodplain if no feasible alternative site is available. Critical facilities constructed within the 500-year frequency floodplain shall have the lowest floor elevated to or above the level of the 500-year frequency flood or the flood protection elevation, whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters.
 - iii. Access routes elevated to or above the level of the 500-year frequency flood shall be provided to all critical facilities to the extent possible.
 - b. Flood Protection Elevation. In order to account for the impacts of future development on flood depths, and in order to ensure the least expensive insurance rates for floodplain occupants, all development within special flood hazard areas which requires elevation or floodproofing shall be elevated or floodproofed to the flood protection elevation (base flood elevation plus one foot).
23. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in subsection (C)(1) of this section, Basis for Establishing the

Areas of Special Flood Hazard, or (C)(17)(c) of this section, Use of Other Base Flood Data, the following provisions are required:

- a. Residential Construction.
 - i. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above one foot above the base flood elevation.
 - ii. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - A. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - B. The bottom of all openings shall be no higher than one foot above grade.
 - C. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters.
- b. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
 - i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official;
 - iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in this subsection (C)(24)(b) of this section;
 - v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
24. Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

25. Recreational Vehicles. Recreational vehicles placed on sites are required to either:
- a. Be on site for fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 - c. Meet the requirements for a manufactured home and the elevation and anchoring requirements for manufactured homes; may be allowed in the floodway and floodway fringe areas on a temporary basis.
26. Floodways and Floodway Requirements.
- a. Special Flood Hazard Areas with Designated Floodways. In addition to those NFIP requirements for designated floodways, the city shall restrict land uses within such areas to include the prohibition of construction or reconstruction of residential structures except for:
 - i. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
 - ii. Repairs, reconstruction, or improvements to a structure the cost of which does not exceed 50 percent of the market value of the structure either:
 - A. Before the repair, reconstruction, or improvement is started, or
 - B. If the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the 50 percent determination.
 - b. Special Flood Hazard Areas Without Designated Floodways. When a regulatory floodway for a stream has not been designated, the city may require that applicants for new construction and substantial improvements reasonably utilize the best available information from federal, state, or other sources to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevations of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirement of 44 CFR 60.3(b)(3) and (4) and (C)(10) of the NFIP regulations, adopted by reference.
 - c. Located within areas of special flood hazard established in section (C)(1) of this section are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - i. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- ii. If subsection (C)(27)(c)(I) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.
 - iii. Prohibit the placement of any manufactured homes.
27. Encroachments. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

D. Geologically Hazardous Areas, Erosion Hazards and Steep Slopes.

1. Classification.

a. Steep Slopes.

- i. Steep slopes are lands with slopes of 25% or greater.
- ii. Slope gradient shall be measured in two-foot contours in ten-foot intervals.
- iii. Slopes greater than 15 percent and less than 25 percent are generally considered buildable; however, if the Administrator, in reliance upon evidence in the record or upon common knowledge within the community, that a similarly situated slope between 15% and 25% has previously exhibited movement or substantial instability, the Administrator may find that the subject slope is a steep slope, for purposes of land use review, and may require an applicant to provide substantial evidence, prepared by a qualified professional, that the slopes within the proposed development area are stable and capable of safely supporting the proposed development.

b. Erosion hazard areas include severe and moderate erosion hazard areas.

- i. Severe erosion hazard areas are those areas that have severe or very severe erosion potential as detailed in the soil descriptions contained in the Soil Survey of Lewis County Area, Washington, 1987, Soil Conservation Service, USDA.
- ii. Moderate erosion hazard areas are those areas that have moderate erosion potential as detailed in the soil descriptions contained in the Soil Survey of Lewis County Area, Washington, 1987, Soil Conservation Service, USDA.

c. Landslide hazard areas are those areas meeting any of the following criteria:

- i. Areas with evidence of failure, such as areas designated as quaternary slumps, earthflows, mudflows, or landslides, including those areas shown on maps published by the United States Geological Survey or Department of Natural Resources Division of Geology and Earth Resources, areas that show evidence of historical failure or instability, including, but not limited to, back-rotated benches on slopes; areas with structures that exhibit structural damage such as settling and racking of building foundations; areas that have toppling, leaning, or bowed trees caused by ground surface movement; and areas that show past sloughing or calving of bluff sediments, resulting in a vertical or steep bluff face with little or no vegetation;
- ii. Areas that are rated as unstable due to characteristics of the earth material and topography, including slopes exceeding 25 percent with a vertical relief of 10 or more feet, except areas composed of competent rock or constructed slopes designed and approved by a geotechnical engineer licensed in the state of Washington and experienced with the site, or engineered slopes that show stable physical characteristics based on analysis by a qualified professional;
- iii. Any area with all of the following:
 - A. A slope greater than 15 percent;
 - B. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - C. Springs or ground water seepage.
- iv. Slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
- v. Slopes having gradients greater than 80 percent subject to rockfall during seismic shaking;

- vi. Areas potentially unstable as a result of rapid stream incision and streambank erosion or undercutting. These include slopes exceeding 10 feet in height adjacent to streams and lakes and with more than a 35 percent gradient;
 - vii. Areas located in a canyon, on an alluvial fan, or presently or potentially subject to inundation by debris flows or catastrophic flooding;
 - viii. Areas included in the Slope Stability Study of the Centralia-Chehalis Area, Lewis County, Washington by Allen J. Fiksdal, Department of Natural Resources, Division of Geology and Earth Resources, 1978: Areas mapped as “unstable,” “landslides,” and “old landslides” (if slopes are in excess of 30 percent); and
 - ix. Areas located outside the study area on the Slope Stability Study of the Centralia-Chehalis Area, regardless of slope, that are mapped as “landslide debris” by the Washington State Department of Natural Resources, Division of Geology and Earth Resources.
2. Designation of Erosion and Landslide Hazard Areas. Lands of Lewis County meeting the classification criteria for erosion and landslide hazard areas are hereby, under Chapter 36.70A RCW, designated as erosion and landslide hazard areas, respectively.
 3. Applicability.
 - a. The provisions of this section shall apply to any development activity within areas classified as steep slopes, erosion hazard area or landslide hazard area; provided, however, that the alteration and minor expansion of pre-existing structures may be permitted as long as the risk associated with a steep slope, erosion or landslide hazard area does not increase as certified through analysis by a qualified professional, based on specific development plans.
 - b. Development on lands classified as steep slopes, erosion hazards, or landslide hazards is prohibited; provided that the City shall allow an applicant to provide a report, prepared and signed by a qualified professional, i.e., a licensed engineer, specializing in geotechnical engineering, which provides construction methodologies, based upon best available science, and quality assurances that the site can be developed without significant risk to public safety and in conformance with the standards enumerated in this section.
 4. Maps and Inventory. The approximate location and extent of hazardous areas are shown on the city’s critical area maps. The city shall update the maps as new hazard areas are identified and as new information becomes available. The maps and reports cited should be used only as a general guide for landslide hazard investigation. Detailed site investigations may be needed for site-specific hazard identification and regulation. Maintenance of maps does not imply that land outside mapped geologically hazardous areas will be without risk. Preparation and maintenance of such maps shall not create liability on the part of the City of Winlock, or any officer or employee thereof, for any damages that result from reliance on said maps or any decision lawfully made hereunder.
 5. Development standards for erosion hazard areas. Uses and activities shall conform to the following standards.

- a. Severe erosion hazards areas, including all slopes in excess of 25%, shall be protected to provide multiple benefits including reduction of erosion, reduction of sedimentation in water bodies, and preservation of related ecological values. Modification of topography and vegetation shall be strictly limited.
 - i. Subdivision within erosion hazard areas shall be clustered to avoid disturbance and removal of soil or vegetation within the severe erosion hazard area.
 - ii. Land that is located partially or wholly within a severe erosion hazard area or its buffer may be divided provided that each resulting lot has sufficient buildable area outside of the severe erosion hazard area with provision for drainage, erosion control, and related features that will not adversely affect the hazard area or vegetation, and an erosion control plan is developed by a qualified professional and implemented as provided below.
- b. Moderate erosion hazards areas, not including land classified as a steep slope, shall be protected through provisions adequate to limit erosion and sedimentation during construction and use.
- c. An erosion control plan for a severe and moderate erosion hazard area shall incorporate the following, and shall be coordinated with requirements under other city or county codes and state National Pollutant Discharge Elimination System permits and other agency requirements:
 - i. Alteration of topography and disturbance and removal of vegetation shall be minimized to the maximum extent feasible by location on the least sensitive portion of the site. In a land division or multi-unit development, structures shall be clustered.
 - ii. To conform to existing topography of the site and reduce topographic modification, foundations shall conform to the natural contours of the slope and be stepped/tiered where possible.
 - iii. Roads, driveways, other vehicular access, trails, walkways, and parking areas shall be located in the least sensitive area of the site and designed with low gradients and/or parallel to the natural contours of the site. Retaining walls shall be preferred over cut and fill slopes to minimize topographic modification.
- d. Clearing and Grading.
 - i. The area of clearing and grading shall be minimized to the maximum extent feasible;
 - ii. Impervious surfaces shall be minimized to the maximum extent feasible;
 - iii. Clearing and grading to create a flat area for lawn or recreation is prohibited in severe erosion hazard areas and steep slopes.
 - iv. Undergrowth shall be preserved to the maximum extent feasible;
- e. Erosion Control Management.
 - i. The area of vegetation disturbance shall be minimized through a staging plan to develop sites in sequence with full stabilization of early phases, such as infrastructure installation, before disturbance for structures and other facilities in order to minimize erosion potential.
 - ii. Erosion and sedimentation control facilities such as silt fences shall be installed prior to any clearing and grading.
 - iii. Disturbed areas shall be protected from erosion through implementation of best management practices, including groundcovers, such as filter fabrics, within 24 hours after disturbance. Vegetative cover shall be re-established on disturbed surfaces as soon as feasible, but in all cases prior to the rainy season.
 - iv. A drainage plan shall be developed by a qualified professional that includes:

- A. Surface drainage, including downspouts, shall not be used in erosion hazard areas or steep slopes. Drainage originating above an erosion hazard area shall be collected and directed by a tight line drain and provided with an energy dissipative device for discharge to a swale or other acceptable natural drainage areas.
 - B. Storm water retention and detention systems, including percolation systems utilizing buried pipe, are prohibited on steep slopes or severe erosion hazard areas and strongly discouraged on moderate erosion hazard areas unless an analysis by a qualified professional certifies that such a system will not result in an increase in erosion. Said systems shall be designed by a qualified professional. The qualified professional shall also certify that the systems are installed as designed and function as predicted.
 - C. On-site sewage disposal system drain fields are prohibited on severe erosion hazard areas and strongly discouraged on moderate erosion hazard areas unless analysis by a qualified professional certifies that such a system will not result in an increase in erosion. Said system shall be designed by a qualified professional. The qualified professional shall also certify that the systems are installed as designed and function as predicted. The septic system drain field must be in compliance with the regulations of the Lewis County health department or its successors.
- f. Utility lines and pipes shall be permitted in steep slopes or severe and moderate erosion hazard areas only where analysis by a qualified professional certifies that such a system will not result in an increase in erosion. Said system shall be designed by a qualified professional. The qualified professional shall also certify that the systems are installed as designed and function as predicted.
6. Development standards for landslide hazard areas. Uses and activities permit shall conform to the following standards.
- a. Protection of Landslide Area and Buffer. The landslide hazard area and associated buffer shall be protected from disturbance, except in compliance with the standards of this section. Modification of topography and vegetation in landslide hazard areas shall be stringently limited to provide multiple benefits of long-term stability of sensitive slopes and related benefits including reduction of erosion potential, reduction of storm water runoff, and preservation of related ecological values. Unless otherwise provided or as part of an approved alteration, removal of vegetation from a landslide hazard area or related buffer shall be prohibited. The landslide and buffer shall include woody vegetation adequate to stabilize the soil and prevent mass wasting. If the designated buffer area lacks adequate woody vegetation, the Administrator shall have the authority to require vegetation restoration or other measures to improve slope stability.
 - b. A buffer shall be established from all edges of landslide hazard areas. The size of the buffer shall be determined by the Administrator to minimize or eliminate the risk of death, personal injury, property damage and effects on other elements of the environment resulting from earth movement caused in whole or in part by the development.
 - i. The buffer from the top of the slope shall be designed to protect persons and property from damage due to catastrophic slope failure and slope retreat over the lifetime of its use and provide an area of vegetation to promote the shallow stability, control erosions, and multiple benefits to wildlife and other resources. The minimum dimensions of the buffer shall be equal to the greater of:

- A. The distance from the top of slope equal to the vertical distance from the toe of slope to the top of slope;
- B. The distance from the top of the slope equal to the distance from the toe of the slope upslope at a slope of 2:1 (horizontal to vertical) to a point that intersects with the site's ground elevation, or
- C. Fifty (50) feet from the top of the slope.
- ii. The minimum buffer from the bottom of a slope shall provide for safety of persons and property from the run-out resulting from slope failure and shall be the greater of:
 - A. The height of the slope, or
 - B. Fifty (50) feet from the toe of the slope.
- c. Landslide Hazard Area Design Standards
 - i. Subdivision within landslide hazard areas and associated buffers shall be clustered to reduce soil disturbance and removal of vegetation. Land that is located partially within a landslide hazard area or its buffer may be divided provided that each resulting lot has sufficient buildable area outside of the hazardous area and buffer with provision for drainage, erosion control, and related features that will not adversely affect the hazard area or its buffer. Land within a landslide hazard area and its buffer may not be subdivided to create buildable sites within the landslide hazard area. All plats and short plats will clearly show the boundary of the hazard area and buffer together with a restriction prohibiting development within the hazard area.
 - ii. Roads, driveways, other vehicular access, trails, walkways, and parking areas may be permitted only if the standards for alteration below are met and the applicant demonstrates that no other feasible alternative exists, including through the provisions of RCW 8.24. If access through hazardous areas is granted, exceptions or deviations from technical standards for width or other dimensions, and specific construction standards to minimize impacts may be specified. Access roads and trails shall be engineered and built to standards that avoid the need for major repair or reconstruction beyond that which would be required in non-hazard areas and shall be:
 - A. Located in the least sensitive area of the site.
 - B. Designed to minimize topographic modification with low gradients and/or parallel to the natural contours of the site.
 - C. Retaining walls shall be preferred over cut and fill slopes to minimize topographic modification.
 - iii. Structures may be permitted only if the standards for alteration below are met and shall be designed to meet the following standards:
 - A. Structures shall be located on the least sensitive portion of the site and clustered where possible to reduce disturbance and removal of vegetation.
 - B. Foundations should conform to the natural contours of the slope and foundations should be stepped/tiered where possible to conform to existing topography of the site.
 - C. Retaining walls shall be preferred over cut and fill and shall be incorporated into structures wherever feasible.
- d. Clearing and grading may be permitted only if the standards for alteration below are met and shall meet the following standards:

- i. Clearing and grading shall minimize ground disturbance to the maximum extent feasible to accommodate allowed development and generally shall not extend more than 10 feet beyond the approved development;
 - ii. Undergrowth shall be preserved to the extent feasible; and
 - iii. No dead vegetation, fill, or other foreign material shall be placed within a landslide hazard area, other than that approved for bulkheads or other methods of streambank stabilization as provided in regulations for streams in this chapter and under the Shoreline Master Program.
- e. Drainage.
- i. Surface drainage, including downspouts, shall not be directed across the face of a hazard area. If drainage must be discharged from the top of a hazard area to its toe, it shall be collected above the top and directed to the toe by a tight line drain and provided with an energy dissipative device at the toe for discharge to a swale or other acceptable natural drainage areas.
 - ii. Storm water retention and detention systems, including percolation systems utilizing buried pipe, shall be located outside the landslide hazard area and its buffer.
- d. On-site sewage disposal system drain fields shall be located outside the landslide hazard area and its buffer, unless standards for alteration below are met. The septic system drain field must be in compliance with the regulations of the Lewis County health department or its successors.
- e. Utility lines and pipes shall be permitted in landslide hazard areas only when standards for alteration below are met. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide.
- f. Lot Size. For the purpose of determining lot sizes within hazard areas, the Administrator shall review available information, including any required geotechnical assessments, and make a decision on a case-by-case basis based on the reports.

E. Wetlands.

1. Purpose. Wetlands constitute important natural resources which provide significant environmental functions including: the control of flood waters, maintenance of summer stream flows, filtration of pollutants, recharge of ground water, and provisions of significant habitat areas for fish and wildlife. Uncontrolled urban-density development in and adjacent to wetlands can eliminate or significantly reduce the ability of wetlands to provide these important functions, thereby detrimentally affecting public health, safety, and general welfare.
2. Applicability. The provisions of this chapter apply to any soil disturbance occurring or land use proposal affecting a Category 1, 2, 3, or 4 wetland or its buffer unless otherwise expressly exempted by this chapter.
 - a. Wetlands shall be identified in accordance with the requirements of RCW 36.70A.175. Unless otherwise provided for in this chapter, all areas meeting the criteria in the approved federal delineation manual and applicable regional supplements.
 - b. The Administrator may accept the delineation of a specific wetland performed by or for other agencies where a formal delineation was performed in conjunction with a referenced permit with equivalent methodology.
 - c. The Administrator may accept a written determination by the U.S. Army Corps of Engineers, or the Washington State Department of Ecology (Ecology) that a specific parcel is not a wetland, as long as the determination is still applicable under state or federal law.
3. Any development proposal that impacts a wetland or wetland buffer shall not be allowed without an approved mitigation or enhancement plan consistent with WDC 4.010.110.C and the mitigation sequencing preference. (See “Mitigation” in WDC 4.010.030, definitions)
4. Exempted Wetlands. This chapter shall not apply to the following wetlands: The following wetlands may be exempt from the requirement to avoid impacts and they may be filled if the impacts are fully mitigated, based on the remaining actions in “Mitigation Sequencing” WDC 4.010.302 through 6. If available, impacts should be mitigated through the purchase of credits from an in-lieu fee program or mitigation bank, consistent with the terms and conditions of the program or bank. In order to verify the following conditions, a critical area report for wetlands must be submitted.
 - 1) All isolated Category IV wetlands less than 4,000 square feet that:
 - a) Are not associated with riparian areas or their buffers
 - b) Are not associated with shorelines of the state or their associated buffers
 - c) Are not part of a wetland mosaic
 - d) Do not score 6 or more points for habitat function based on the 2014 update to the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-029, or as revised and approved by Ecology)
 - e) Do not contain a Priority Habitat or a Priority Area [1] for a Priority Species identified by the Washington Department of Fish and Wildlife,

do not contain federally listed species or their critical habitat, or species of local importance identified in Chapter 4.010.B.1.c

2. Wetlands less than 1,000 square feet that meet the above criteria and do not contain federally listed species or their critical habitat are exempt from the buffer provisions contained in this Chapter.
5. Interpretation. Except where a contrary intent clearly appears, the provisions of this chapter shall be construed to the maximum feasible extent consistent with the Federal Clean Water Act, 33 USC Section 1251 et seq., and the rules and guidelines promulgated pursuant thereto. Nothing in this chapter shall be construed to preclude application of the State Environmental Policy Act in approving applications not listed in WDC 4.010.090.
6. City policy towards disturbance of wetlands and wetland buffers.
 - a. The city has limited oversight, staffing and expertise in monitoring and management of impacted wetlands or wetland buffers. Therefore, as a matter of public policy, the city prefers avoidance of wetlands and wetland buffers and discourages disturbance of wetlands or wetland buffers for private purposes.
 - b. The city prohibits platting of privately held lots in wetlands or wetland buffers.
 - c. The city may allow disturbance of Category III and IV wetlands or wetland buffers for public purposes if the disturbance directly advances the provision of infrastructure facilities and services. Public purpose includes streets, potable water, sanitary sewer, stormwater facilities, schools, and utilities.
 - d. The city may allow impacts to Category III and IV wetlands and wetland buffers if the mitigated area is owned by a homeowners association or similar entity recognized by the city and if the city finds that the accepting entity has the means and ability to inspect, monitor, and maintain the mitigated area for a minimum of ten (10) years.
 - e. In limited circumstances, the city may allow impacts to Category I and II wetlands and wetland buffers if the impacted area is dedicated to the city, or similarly protected, with funds deemed by the city to be sufficient to restore and enhance the wetland and buffer and to inspect, monitor, and maintain the mitigated area for a minimum of ten (10) years.
7. Wetland Delineation and Marking.
 - a. An application for wetland impacts shall not be deemed technically complete until completion (if required) of a wetland delineation.
 - b. The Administrator shall determine whether a wetland delineation is required based upon several factors including but not limited to a site visit, review of existing critical areas maps, review of National Wetland Inventory maps, the presence of hydric soils, historical evidence, or consultation with a qualified expert.
 - c. Wetland Delineation.

- i. Methodology. The location of a wetland and its boundary shall be determined through the performance of a field investigation, to be performed by a qualified scientific expert (see WAC 395-195-905) using the methodology contained in the wetland's delineation manual. The applicant shall be responsible for the cost of the professional services. If a wetland is located off-site and is inaccessible, the best available science shall be used to determine the wetland boundary and category.
- ii. Information Requirements. Wetland boundaries shall be staked and flagged in the field and a delineation report shall be submitted to the city. The report shall include the following information:
 - A. U.S.G.S. Quadrangle map with site clearly defined;
 - B. Topographic map of area;
 - C. National wetland inventory map showing site;
 - D. Soil Conservation Service soils map of the site;
 - E. Site map, at a scale no smaller than one-inch equals 400 feet, if practical, showing the following information: (a) wetland boundaries; (b) sample sites and sample transects; (c) boundaries of forested areas; and (d) boundaries of wetland classes if multiple classes exist;
 - F. Discussion of methods and results with special emphasis on technique used from the wetlands delineation manual;
 - G. Acreage of each wetland on the site based on the survey if the acreage will impact the buffer size determination or the project design;
 - H. All completed field data sheets (U.S. Army Corps of Engineers' format for three parameter application) numbered to correspond to each sample site.
- iii. Responsibility. The wetland delineation is the responsibility of the applicant. The city shall verify the accuracy of the boundary delineation within 20 working days of receiving the delineation report. This review period may be extended when excessively dry conditions prohibit the confirmation of the wetland delineation. If the delineation is found to not accurately reflect the boundary of the wetland, the city will issue a report, within 30 working days of receiving the applicant's delineation report, citing evidence (for example, soil samples) that demonstrates where the delineation is in error. The applicant may then either revise the delineation and submit another report or administratively appeal.
- d. Buffers. All buffers shall be measured perpendicularly outward from the delineated wetland boundary.
- e. Marking Buffer during Construction. The location of the outer extent of the wetland buffer shall be marked in the field and such markings shall be maintained throughout the duration of the permit.

- f. Permanent Marking of Buffer Area. A permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the hearing examiner. In addition, small signs shall be posted at an interval of one per lot or every 100 feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer worded substantially as follows: *“Wetland and Buffer – Please Retain in a Natural State.”*
 - g. A conservation covenant shall be recorded in a form approved by the city attorney as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer.
 - h. In the cases of plats, short plats, and recorded site plans, include on the face of such instrument the boundary of the wetland and its buffer and a reference to the separately recorded conservation covenant provided for in subsection (F)(5)(g) of this section.
7. Wetland Rating. The Washington State Department of Ecology wetland rating system, *Washington State Wetland Rating System for Western Washington—2014 Update (Ecology Publication #14-06-029, October 2014)*, as updated, shall be used in part to determine base buffer widths and to determine mitigation and enhancement requirements.
- a. The determination of the specific category of wetland and buffer type for each wetland shall be the responsibility of the applicant and subject to city approval.
 - b. A single wetland may be classified into more than one category only if the Administrator finds, based upon substantial evidence in the record, the classification will result in a substantial diminution of property value.
 - c. Wetlands that are enhanced thereafter shall provide buffers that satisfy the function requirements of the buffer for the enhanced and higher category wetland.
 - d. Wetland rating system.**
 - i. Category I. Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; (6) interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre; and (7) wetlands that perform many functions well (scoring 23 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.
 - ii. Category II. Category II wetlands are: (1) estuarine wetlands smaller than 1 acre or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands; or (3)

- wetlands with a moderately high level of functions (scoring between 20 and 22 points).
- iii. Category III. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 16 and 19 points); (2) can often be adequately replaced with a well-planned mitigation project; and (3) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
 - iv. Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

Base Buffers.

- e.
- f. A. Buffer Requirements. The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-029, or as revised and approved by Ecology). The adjacent land use intensity is assumed to be high.

1. For wetlands that score 6 points or more for habitat function, the buffers in Table 1 can be used if both of the following criteria are met:

A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The latest definitions of priority habitats and their locations are available on the WDFW web site at: <http://wdfw.wa.gov/hab/phshabs.htm>)

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.

Presence or absence of a nearby habitat must be confirmed by a qualified biologist. If no option for providing a corridor is available, Table XX.1 may be used with the required measures in Table XX.2 alone.

All of the measures in Table XX.2 are implemented, where applicable, to minimize the impacts of the adjacent land uses.

2. For wetlands that score 3-5 habitat points, only the measures in Table XX.2 are required for the use of Table XX.1

3. If an applicant chooses not to apply the mitigation measures in Table XX.2 or is unable to provide a protected corridor where available, then Table XX.3 must be used. 4. The buffer widths in Table XX.1 and XX.3 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community, or the buffer should be widened to ensure that adequate functions of the buffer are provided.

Table XX.1 Wetland Buffer Requirements for Western Washington if Table XX.2 is Implemented and Corridor Provided Buffer width (in

feet) based on habitat score

Wetland Category	3-5	6-7	8-9
Category I: Based on total score	75	110	225
Category I: Bogs and Wetlands of High Conservation Value	190		225
Category I: Interdunal		225 (buffer width not based on habitat scores)	
Category I: Forested	75	110	225
Category I: Estuarine and Coastal Lagoons		150 (buffer width not based on habitat scores)	
Category II: Based on score	75	110	225
Category II: Interdunal Wetlands		110 (buffer width not based on habitat scores)	
Category II: Estuarine and Coastal Lagoons		110 (buffer width not based on habitat scores)	
Category III (all)	60	110	225
Category IV (all)		40	

Table XX.2 Required measures to minimize impacts to wetlands
 (Measures are required if applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques (for more information refer to the drainage ordinance and manual)
Change in water regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Use privacy fencing OR 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 or protect with a conservation easement
Dust	<ul style="list-style-type: none"> • Use best management practices to control dust

**Table XX.3 Wetland Buffer Requirements for Western Washington
if Table XX.2 is NOT Implemented or Corridor NOT provided**

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	6-7	8-9
Category I: Based on total score	100	140	220	300
Category I: Bogs and Wetlands of High Conservation Value	250			300
Category I: Coastal Lagoons	200		220	300
Category I: Interdunal				300
Category I: Forested	100	140	220	300
Category I: Estuarine	200 (buffer width not based on habitat scores)			
Category II: Based on score	100	140	220	300
Category II: Interdunal Wetlands	150		220	300
Category II: Estuarine	150 (buffer width not based on habitat scores)			
Category III (all)	80	140	220	300
Category IV (all)	50			

- g. New urban residential lots shall not be platted within wetland buffers
- h. Stormwater facilities and public utilities, if approved the city, may be located within the outer 25% of Category III or IV wetland provided no other location is feasible and that it will not degrade the functions of the wetland or its buffer. Stormwater facilities may not be allowed in wetland buffers that have been

reduced through the buffer reduction or buffer averaging provisions of this chapter.

8. Wetland Buffer Reduction. (See section 4.010.090(F)(5) for policy guidance.)
 - a. Functionally Isolated Buffer Areas. Areas which are functionally separated from a wetland and do not protect the wetland from adverse impacts due to pre-existing roads, structures, or vertical separation, shall be excluded from buffers otherwise required by this Chapter.
 - b. The city may allow the averaging of a buffer of a Category III or IV wetland: (*Refer to WDC 4.010.050.E.3.*)
 - i. The buffer proposed for reduction has a habitat rating of 5 points or less;
 - ii. No area averaged is less than 25% the width of the required base buffer;
 - iii. The proposed reduction will not create a net loss of buffer function; and
 - iv. The total area contained in the buffer after averaging shall be at least functionally equivalent and equal in size to the area contained within the buffer prior to averaging.

B. Activities Allowed in Wetlands. The activities listed below are allowed in wetlands. These activities do not require submission of a critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:

1. Existing and ongoing agricultural activities, provided that they implement applicable Best Management Practices (BMPs) contained in the latest editions of the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG); or develop a farm conservation plan in coordination with the local conservation district. BMPs and/or farm plans should address potential impacts to wetlands from livestock, nutrient and farm chemicals, soil erosion and sediment control and agricultural drainage infrastructure. BMPs and/or farm plans should ensure that ongoing agricultural activities minimize their effects on water quality, riparian ecology, salmonid populations, and wildlife habitat.
2. Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class 4 – General Forest Practice Permits (conversions) as defined in RCW 76.09 and WAC 222- 12.
3. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.
4. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

5. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.

6. Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately Wetlands Guidance for CAO Updates Western Washington Version Page 26 disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

7. Educational and scientific research activities.

8. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not expand the footprint of the facility or right-of-way.

9. Stormwater management facilities. A wetland or its buffer can be physically or hydrologically altered to meet the requirements of an LID, Runoff Treatment or Flow Control BMP if ALL of the following criteria are met:

a. The wetland is classified as a Category IV or a Category III wetland with a habitat score of 3-5 points, and

b. There will be “no net loss” of functions and values of the wetland, and
c. The wetland does not contain a breeding population of any native amphibian species, and

d. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the “Guide for Selecting Mitigation Sites Using a Watershed Approach,” (available here: <http://www.ecy.wa.gov/biblio/0906032.html>); or the wetland is part of a priority restoration plan that achieves restoration goals identified in a Shoreline Master Program or other local or regional watershed plan, and

e. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing, and

f. All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals, and permits, and

g. Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost would have to be compensated/replaced. Stormwater LID BMPs required as part of New and Redevelopment projects can be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization is required to determine if an LID BMP is feasible at the project site.

9. Wetland Activities. Activities that trigger a wetland permit shall meet the following standards:
 - a. Wetland impacts to Category I wetlands that are bogs or Natural Heritage sites shall be avoided.
 - b. All other wetland impacts shall meet the compensation ratios stated in Table WDC 4.010.120.11, Wetland Mitigation Ratios for projects in the Winlock Urban Growth Area.

Table 4.010.090(F)(11) WDC Wetland Mitigation Ratios

Impacted Wetland Category & Type	Reestablishment or Creation	Rehabilitation	1:1 Reestablishment or Creation (R/C) plus Enhancement (E)	Enhancement Only
Category I bog	Not possible	considered 6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I Natural Heritage Site	Not possible	considered 6:1 rehabilitation of a natural heritage site	Case-by-case	Case-by-case
Category I forested	6:1	12:1	1:1 R/C and 20:1 E	24:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 12:1 E	16:1
Category II	3:1	6:1	1:1 R/C and 4:1 E	12:1
Category III	2:1	4:1	1:1 R/C and 4:1 E	8:1
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1

- c. Direct impacts to buffers will be mitigated at a 1:1 mitigation ratio provided the applicant demonstrates that the mitigation provides buffer functions at an equal or greater level than the pre-project buffer.

10. Wetland Enhancement – Preliminary Plan. The preliminary enhancement/mitigation plan consists of two parts, baseline information for the site and a conceptual plan.

- a. Baseline information shall include:
 - i. Wetland delineation report;
 - ii. Description and maps of vegetative conditions at the site;
 - iii. Description and maps of hydrological conditions at the site;
 - iv. Description of soil conditions at the site based on a preliminary on-site analysis;
 - v. A topographic map of the site;
 - vi. Assessment of the functional uses of the existing wetland and buffer.
 - b. The contents of the conceptual plan shall include:
 - i. Goals and objectives of the proposed project;
 - ii. Description of wetland type to be created;
 - iii. Map showing proposed wetland and buffer. This map should include the base buffer and the proposed buffer;
 - iv. Site plan;
 - v. Discussion and map of plant material to be planted and planting densities;
 - vi. Preliminary drainage plan identifying location of proposed drainage facilities including detention structures and water quality features (e.g., swales);
 - vii. Discussion of water sources for the wetland;
 - viii. Project schedule;
 - ix. Discussion of how the completed project will be managed and monitored;
 - x. Discussion of contingency plans in case the project does not meet the goals initially set for the project.
11. Wetland Enhancement – Final Plan. The contents of the final enhancement/mitigation plan shall include:
- a. Preliminary enhancement/mitigation plan and all conditions imposed on that plan.
 - b. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the enhancement/mitigation project are being met. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.
 - c. Detailed Construction Plans. Written specifications for the enhancement/mitigation project shall be provided. The specifications shall include: the proposed construction sequence, grading and excavation details, water and nutrient requirements for planting, specification of substrate stockpiling techniques, and planting instructions, as appropriate. These written specifications shall be accompanied by detailed site diagrams, sealed cross-sectional drawings, topographic maps showing slope percentage and final grade

elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

- d. Monitoring Program. Description of a detailed program for monitoring the success of the enhancement/mitigation project. In addition to the standards described in WDC 4.010.120, a monitoring program shall include, but is not limited to:
 - i. Establishing vegetation plots to track changes in plant species composition and density over time;
 - ii. Using photo stations to evaluate vegetation community response;
 - iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, and heavy metals);
 - iv. Measuring base flow rates and storm water runoff to model and evaluate water quality predictions, if appropriate;
 - v. Measuring sedimentation rates, if applicable; and
 - vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity. A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the project. A monitoring report shall be submitted annually, at a minimum, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years. Monitoring will be conducted in years 1, 2, 3, 5, 7, and 10 and monitoring reports will be submitted to the City in each of these years.
- e. Associated Plans and Other Permits.
 - i. Final landscaping plan;
 - ii. Final drainage plan; and
 - iii. Final erosion and sediment control plan.
- f. Evidence of Financial and Scientific Proficiency. A description of how the enhancement/mitigation project will be managed during construction and the scientific capability of the designer to successfully implement the proposed project. In addition, a demonstration of the financial capability of the applicant to successfully complete the project and ensure it functions properly over a five-year period. Evidence that required bonding can be obtained.
- g. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

12. Wetland Permit – Application.

- a. Applications for wetland permits shall be made to the city on forms furnished by the city. The city shall process a wetland permit application as a request for land use approval pursuant to Chapter 1.030 WDC.
- b. Wetlands permit applications shall include:
 - i. Wetland delineations and required buffer width;
 - ii. A site plan for the proposed activity overlaid on an aerial photograph at a scale no smaller than one-inch equals 400 feet showing the location, width, depth and length of all existing and proposed structures, roads, storm water management facilities, sewage treatment, and installations within the wetland and its buffer;
 - iii. The exact sites and specifications for all regulated activities including the amounts and methods;
 - iv. A proposed preliminary enhancement/mitigation plan meeting the requirements of this chapter.

13. Wetland Permit – Approval.

- a. The city shall issue final approval of the wetland permit authorizing commencement of the activity permitted thereby upon:
 - i. Submittal and approval of a final enhancement/mitigation plan;
 - ii. Installation and approval of the required field markings;
 - iii. The recording of a conservation covenant.
 - iv. All other state and federal permit requirements have been met.
- b. Conditions. An approval of a wetland permit shall incorporate the following condition:
 - i. Posting of a cash performance bond or other security acceptable to the city in an amount and with surety and conditions sufficient to fulfill the requirements of the required final plan, mitigation plan and enhancement plan and to secure compliance with other conditions and limitations set forth in the permit.
 - ii. The city shall release the bond upon determining that:
 - A. All activities, including any required compensatory mitigation, have been completed in accordance with the terms and conditions of the permit and the requirements of this chapter; and
 - B. Upon forfeiture of a performance or maintenance bond, the proceeds thereof shall be utilized either to correct deficiencies which resulted in forfeiture or, if such correction is deemed by the county to be impractical or ineffective, to enhance other wetlands in the same watershed.
- c. Duration. Wetland permit final approval shall be valid for a period of two years from the date of issuance unless:
 - i. A longer period, not to exceed five years, is specified in the permit; or

- ii. The city grants an extension upon the written request of the original permit holder or successor in title demonstrating to the satisfaction of the city:
 - A. That the original intent of the permit would not be altered or enlarged by the extension; and
 - B. That relevant circumstances and standards have not changed substantially since the permit application; and
 - C. That the applicant has complied with the terms of the permit.
- d. Revocation. In addition to other remedies provided for elsewhere, the city may suspend or revoke a permit if the applicant or permittee has not complied with any of the conditions or limitations set forth in the permit, has exceeded the scope of work set forth in the permit, or has failed to undertake the project in the manner set forth in the permit.

4.010.130 Residential density transfer

The city may permit density transfer from critical areas (sending lands) to designated non-critical areas (receiving areas).

- (1) Residential Density Transfer. A property owner may transfer residential density to a receiving area.
 - (a) A receiving area shall be on the same parcel or same property, within the same zoning classification, owned by the property owner sending the density.
 - (b) Density may be transferred from a sending area only one time.
 - (c) The value of the transfer shall be calculated as follows:
 - i. LDR districts: The gross area of a critical area completely avoided times the minimum number of units allowed per gross acre in the affected zoning district times 60%. For example, in an R1-10 zone, if 2 acres of critical areas are completely avoided and the minimum density allowed is 4 units per acre, the allowable density transfer would be 4.8 units. (2 ac. X 4 du/ac x 60% = 4.8.)
 - ii. MDR District: The gross acreage of a critical area completely avoided times the minimum number of units allowed per gross acre in the affected zoning district times 60%. For example, if 2 acres of critical areas are completely avoided and the minimum density allowed is 8 units per acre, the allowable density transfer would be 4 units. (2 ac. x 8 du/ac x 60% = 9.6.)
- (2) Transfer Criteria. The Administrator shall approve requests to transfer density subject to the following criteria:
 - (a) Adverse impacts to natural resources on the receiving areas shall be mitigated consistent with the mitigation section of this chapter.
 - (b) The building height standards of the receiving area shall be met.
 - (c) No lot (gross area) shall be less than 20% of the minimum lot size within the receiving district.

- (d) No lot created as a result of density transfer that is smaller than the average minimum lot required in the receiving district may be located on the perimeter of the project site.
 - (e) The transfer of density to a receiving area shall not result in an increase in density throughout the project greater than the maximum net density allowed in the base zone or in the construction of a housing type not otherwise allowed in the receiving area.
 - (f) Critical areas and buffers within the sending area shall be enhanced at a ratio of four acres of enhanced function for every one acre (4:1) used in the density transfer calculations.
 - (g) Sending areas shall be:
 - (i) Dedicated to the city for public use; or
 - (ii) Protected as an unbuildable area by means of deed restriction, conservation easement, or other mechanism approved by the city council.
- (3) Recordation Required. Density may be transferred from a protected critical areas area only once. The Administrator (upon consultation with the city attorney) shall be responsible for approving the mechanism used for protecting each critical area. The Administrator shall maintain a list of sites from which density has been transferred, and a corresponding list of sites that have received density from protected critical areas. The applicant shall record the density transfer mechanism with Lewis County and shall furnish the Administrator with a copy of the recorded instrument.

4.010.140 Selective timber harvesting on critical lands

- A. Applicability. Consistent with RCW 76.09.240, the city extends its planning and zoning jurisdiction over forest practices in critical areas to the extent that:
- (a) Commercial forestry activity occurs on lands identified as critical areas on the city's adopted critical areas maps;
 - (b) An application submitted under RCW 76.09.060 indicates that the lands will be converted to a use other than commercial timber productions;
 - (c) The subject lands were platted after January 1, 1960; and
 - (d) Consistent with the adopted Winlock comprehensive plan, the city of Winlock presumes that any application for commercial timber harvest within the Winlock urban growth boundary that is subject to Chapter 76.09 RCW et seq. is for the purpose of converting forested lands into urban lands.
- B. Standards. Selective commercial timber harvesting may be permitted on critical areas subject to the following standards:
- 1. Written Plan Required. Trees to be removed shall be identified in a plan drawn to scale and shall be clearly marked prior to their removal. An applicant shall present a written plan, explaining in detail the location of trees to be removed, and the method of removal, Administrator for review and approval.

2. Prior to approval of a harvesting permit, the applicant shall prepare and sign and agreement with the city stating that no development application shall be filed on the subject property, other than a single-family residence, for six years following completion of timber harvesting operations. The agreement shall run with the land. The City Council shall review the agreement, and, upon approval, the applicant shall record the agreement with Lewis County and provide the City with a copy of the recorded instrument.
 3. Selective tree removal on critical lands shall not result in loss of more than 50 percent of existing tree canopy covering critical areas.
 4. The applicant shall demonstrate that the methods used for tree harvesting and removal are the least disruptive practicable.
 5. Operations shall be limited to the dry season, that is, from May 1st through October 30th.
 6. Applicants for selective timber harvesting shall prepare an erosion control plan for review and approval by Administrator and, if the plan is approved, shall comply with the plan during harvesting activity and shall maintain required erosion control mechanisms for a period of 180 days after completion of the timber removal project.
- C. Conditions. The Administrator may recommend conditions of approval necessary to minimize adverse impacts on natural resource values, including water quality and wildlife habitat to the extent that such conditions are consistent with the Winlock comprehensive plan.

4.010.150 Modification to overlay zone

The city may modify the boundaries of the critical areas overlay district based upon Best Available Science prepared by a qualified professional. Such amendments shall occur under Type III proceedings.

- (1) Land to be conserved as public or private open space, through dedication, conservation easements or other appropriate means, shall retain a critical area overlay designation.
- (2) Land approved for private building construction shall be removed from this overlay district.
- (3) The city shall maintain a record of all amendments to the critical areas overlay district, including findings in support of the decision to modify the boundaries of the overlay district.
- (4) The city shall correct mapping errors through a Type I process.

4.010.160 Application fees

At the time of application for land use review or critical areas review, the applicant shall pay a critical area review fee, adopted and amended by the city council, from time to time, by resolution.

4.010.170 Bonds to Insure Mitigation, Maintenance and Monitoring.

- A. When mitigation required pursuant to a development proposal is not completed prior to the City final permit approval, such as final plat approval or final building inspection, the City shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the City. If the development proposal is subject to mitigation, the applicant shall post a performance bond and a mitigation bond or other security in a form and amount deemed acceptable by the City to ensure mitigation is fully functional.
- B. The bond shall be in the amount of one hundred and twenty-five percent (125%) of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater and the cost of maintenance and monitoring for a ten (10) year period.
- C. The bond shall be in the form of an assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the city attorney or other method acceptable to the Planning Administrator.
- D. Bonds or other security authorized by this Section shall remain in effect until the City determines, in writing, that the standards bonded for have been met. Mitigation bonds or other security shall be held by the City for a minimum of ten (10) years to ensure that the required mitigation has been fully implemented and demonstrated to function and may be held for longer periods when necessary.
- E. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
- F. Public development proposals shall be relieved from having to comply with the bonding requirements of this Section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
- G. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty (30) days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the City may demand payment of any financial guarantees or require other action authorized by the City code or any other law.
- H. Any funds recovered pursuant to this Section shall be used to complete the required mitigation, maintenance or monitoring.

4.010.180 Critical Area Inspections

Reasonable access to the site shall be provided to the City, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

Chapter 4.020 – Environmental Policy (SEPA)

Sections:

4.020.010	Purpose
4.020.020	General Requirements
4.020.030	Additional definitions
4.020.040	Designation of responsible official
4.020.050	Lead agency determination and responsibilities.
4.020.060	Transfer of lead agency status to a state agency.
4.020.070	Use of exemptions
4.020.080	Environmental checklist
4.020.090	Mitigated determination of non-significance (DNS).
4.020.100	Purpose of this article and adoption by reference.
4.020.110	Preparation of EIS – Additional considerations
4.020.120	Additional elements which may be covered in an EIS
4.020.130	Adoption by reference
4.020.140	Public notice
4.020.150	Designation of official to perform consulted agency responsibilities for the city
4.020.160	Purpose of this article and adoption by reference.
4.020.170	Substantive authority
4.020.180	Appeals
4.020.190	Notice/statute of limitations

4.020.010 Purpose

The city of Winlock adopts this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with this chapter.

4.020.020 General Requirements

This article contains the basic requirements that apply to the SEPA process. The city adopts the following sections of Chapter 197-11 WAC by reference:

WAC

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-158	GMA project review, reliance on existing plans and regulations.
197-11-210	SEPA/GMA integration.
197-11-220	SEPA/GMA definitions.

- 197-11-228 Overall SEPA/GMA integration procedures.
- 197-11-230 Timing of an integrated GMA/SEPA process.
- 197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
- 197-11-235 Documents.
- 197-11-238 Monitoring.
- 197-11-250 SEPA/Model Toxics Control Act integration.
- 197-11-253S EPA lead agency for MTCA actions.
- 197-11-256 Preliminary evaluation.
- 197-11-259 Determination of non-significance for MTCA remedial actions.
- 197-11-262 Determination of significance and EIS for MTCA remedial actions.
- 197-11-265 Early scoping for MTCA remedial actions.
- 197-11-268 MTCA interim actions.

4.020.030 Additional definitions

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, and WAC 197-11-220, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

- (1)"Department" means any division, subdivision or organizational unit of the city established by ordinance, resolution, rule or order.
- (2)"Early notice" means the city's response to an applicant stating whether the city considers issuance of a determination of significance (DS) likely for the applicant's proposal (mitigated determination of non-significance (DNS) procedures).
- (3)"Ordinance" means this chapter, and may include any city ordinance, resolution, or other procedure used by Winlock to adopt regulatory requirements.
- (4)"SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology.

4.020.040 Designation of responsible official

- (1) For proposals for which the city is the lead agency, the responsible official shall be the mayor or mayor's designee.
- (2) 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 adopted by reference in this chapter.
- (3) The city shall retain all documents required by the SEPA rules and shall make them available to the public in accordance with Chapter 42.17 RCW.

4.020.050 Lead agency determination and responsibilities.

(1) The department within the city receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

(2) When the city is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements and if an EIS is necessary, shall supervise preparations of the EIS.

(3) When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless it finds it to be required under criteria of WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.

(4) If the city or any of its departments receives a lead agency determination made by another agency that appears to it to be inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and be resolved within 15 days of receipt of the determination, or the city can, within such 15-day period, petition the Department of Ecology for a lead agency determination under WAC 197-11-946. Any such petition on behalf of the city shall be initiated by the city mayor or the mayor's designee.

(5) Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944.

(6) Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify other agencies which have jurisdiction over the proposal (i.e., which agencies require nonexempt licenses?).

4.020.060 Transfer of lead agency status to a state agency

(1) For any proposal for a private project where the city would be the lead agency and for which one or more state agencies have jurisdiction, the city's responsible official may elect to transfer the lead agency duties to the state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the city shall be an agency with jurisdiction.

(2) To transfer lead agency duties, the city's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate

state agency with jurisdiction. The responsible official of the city shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

4.020.070 Use of exemptions

(1) Each department within the city which receives an application for a license or, in the case of governmental proposals, the department which initiates the proposal, shall determine whether the license and/or proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter applies to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

(2) In determining whether a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required by WAC 197-11-060. If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application which triggered the department's consideration is exempt.

(3) If a proposal includes both exempt and nonexempt actions, the city may authorize the exempt actions to proceed prior to compliance with the procedural requirements of this chapter, except that:

(a) The city shall not give authorization for:

(i) Any nonexempt action;

(ii) Any action that would have an adverse environmental impact; or

(iii) Any action that would limit the choice of reasonable alternatives (see WAC 197-11-070);

(b) A department may withhold approval of an exempt action which would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) subsequently were not approved; and

(c) A department may withhold approval of exempt actions which would lead to substantial financial expenditure by a private applicant when the expenditures would serve no purpose if nonexempt action(s) subsequently were not approved.

4.020.080 Environmental checklist

(1) A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; provided, a checklist is not needed if the city and applicant agree an EIS is required, or if SEPA compliance has been completed, or if SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official and for making the threshold determination.

(2) For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as is necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

(3) The city may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:

(a) The city has technical information on a question or questions that is unavailable to the private applicant; or

(b) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

4.020.090 Mitigated determination of non-significance (DNS)

(1) As provided in this section and in WAC 197-11-350, the responsible official may issue a determination of non-significance (DNS) based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

(2) An applicant may request in writing early notice of whether a determination of significance (DS) is likely under WAC 197-11-350. The request must:

(a) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

(b) Precede the city's actual threshold determination for the proposal.

(3) The responsible official should respond to the request for early notice within 15 working days. The response will:

(a) Be written;

(b) State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that are leading the city to consider a DS; and

(c) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(4) As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(5) When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 days of receiving the changed or clarified proposal:

- (a) If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a DNS under WAC 197-11-340(2).
- (b) If the city indicated areas of concern but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.
- (c) The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.
- (d) Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
- (6) A mitigated DNS is issued under WAC 197-11-340(2), requiring a 14-day comment period and public notice.
- (7) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit or enforced in any manner specifically prescribed by the city.
- (8) If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).
- (9) The city's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination. [Ord. 2006-17 § 1, 2006.]

4.020.100 Purpose of this article and adoption by reference.

This article contains the rules for preparing environmental impact statements. The city adopts the following sections of SEPA rules by reference, as supplemented by this part:

WAC

- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements of an EIS.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping (optional).
- 197-11-420 EIS preparation.

197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on non-project proposals.
197-11-443	EIS contents when prior non-project EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

4.020.110 Preparation of EIS – Additional considerations

(1) Preparation of draft and final EIS's (DEIS and FEIS) and draft and final supplemental EIS's (SEIS) is the responsibility of the mayor or the mayor's designee. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

(2) The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the draft and final EIS prior to distribution.

(3) The city may require an applicant to provide information the city does not possess and may require the applicant to make specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.)

4.020.120 Additional elements which may be covered in an EIS.

The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this chapter:

- (1) Economy;
- (2) Social policy analysis;
- (3) Cost-benefit analysis;
- (4) Consistency with the city's adopted comprehensive plan, capital facilities plan, and other adopted plans, regulations and standards;

- (5) The criteria for determining whether the proposal is consistent with adopted plans, policies, regulations, and standards are:
- (a) The type of land use allowed;
 - (b) The level of development allowed;
 - (c) The adequacy of public infrastructure; and
 - (d) The characteristics of the proposed development.

The lead agency may include, in an EIS or appendix, the analysis of any impact relevant to the agency's decision, whether or not environmental. The inclusion of such analysis may be based upon comments received during the scoping process. The provision for combining documents may be used (WAC 197-11-640). The EIS shall comply with the format requirements of this part. The decision whether to include such information and the adequacy of any such additional analysis shall not be used in determining whether an EIS meets the requirements of SEPA.

4.020.130 Adoption by reference

This article contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city adopts the following sections by reference, as supplemented in this article:

WAC

- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-510 Public notice.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.

4.020.140 Public notice

(1) Whenever possible, the city of Winlock shall integrate the public notice required under this section with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal.

(2) Whenever the city issues a DNS under WAC 197-11-340(2), and MDNS under WAC 197-11-350, or a DS under WAC 197-11-360(3), the city shall give public notice pursuant to the Type II procedures described in Chapter 18.30 WDC as follows:

- (a) If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in RCW 36.70B.110(4) will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).
 - (b) If no public notice is otherwise required for the permit or approval, the city shall give notice of the DNS or DS by:
 - (i) Posting the property, for site-specific proposals;
 - (ii) Posting notice in a conspicuous place at City Hall.
 - (c) Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.
- (3) If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in RCW 36.70B.110(4) as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements in WAC 197-11-510(b).
- (4) Whenever the city issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:
- (a) Indicating the availability of the DEIS in any public notice required for a nonexempt license;
 - (b) Posting the property, for site-specific proposals;
 - (c) Publishing notice in a newspaper of general circulation in Clark County;
 - (d) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered; and
 - (e) Posting public notice in a conspicuous place at City Hall and two other prominent locations within the city limits.
- (5) The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense. [Ord. 2006-17 § 1, 2006.]

4.020.150 Designation of official to perform consulted agency responsibilities for the city

- (1) The mayor or the mayor's designee shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and/or reviewing a draft EIS.
- (2) The mayor or the mayor's designee shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and the mayor or the mayor's designee is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city. [Ord. 2006-17 § 1, 2006.]

4.020.160 Purpose of this article and adoption by reference

This article contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This article also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections of SEPA rules by reference:

WAC

- 197-11-650 Purpose of this part
- 197-11-655 Implementation
- 197-11-660 Substantive authority and mitigation
- 197-11-680 Appeals

4.020.170 Substantive authority

(1) The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city of Winlock.

- (2) The city may attach conditions to permit or approval for a proposal so long as:
- (a) Such conditions are necessary to mitigate specific, probable, significant, and adverse environmental impacts; and
 - (b) Such conditions are in writing; and
 - (c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
 - (d) The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
 - (e) Such conditions are based on one or more policies in subsection (4) of this section and are cited in the license or other decision document.

(3) The city may deny a permit or approval for any proposal on the basis of SEPA so long as:

- (a) A finding has been made by the responsible official that the proposal, if approved, would result in probable, significant, adverse environmental impacts identified in a final EIS, or final supplemental EIS prepared pursuant to this chapter; and
- (b) A finding is made that there are no reasonable mitigation measures capable of being accomplished sufficient to mitigate the identified impact; and
- (c) The denial is based on one or more policies stated in subsection (4) of this section and which are identified in writing in the decision document.

(4) The city designates and adopts the following policies as the basis for the city's exercise of authority pursuant to this section:

- (a) The city shall use all practicable means, consistent with other essential considerations of city and state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and city and their citizens may:

- (i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - (ii) Assure for all people of the state of Washington and/or city safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
 - (iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - (iv) Preserve important historic, cultural, and natural aspects of our national and local heritage;
 - (v) Maintain, whenever possible, an environment which supports diversity and variety of individual choice;
 - (vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
 - (vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
- (b) The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
- (c) The city adopts by reference the policies in the following city plans, policies, regulations, standards and resolutions:
- (i) Winlock Urban Area Comprehensive Plan and Plan Map;
 - (ii) Winlock Urban Area Capital Facilities Plan
 - (iii) WDC, Winlock Development Code.

4.020.180 Appeals

- (1) The city of Winlock establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:
- (a) Any appeal of an action taken by the city of Winlock shall be made in accord with Chapter 18.30 WDC, Procedures. Where this section or Chapter 18.30 WDC is silent or ambiguous, the city shall consult WAC 197-11-680 to determine appropriate appeals procedure.
 - (b) Unless otherwise directed by WAC 197-11-680, the city shall attempt to consolidate appeals of SEPA substantive or procedural determinations and of local land use decisions.
 - (c) The time limit for commencing an appeal of a city decision shall be 14 days from the effective date of the decision. A person with standing may appeal a city decision at any time prior to the end of the effective date of a decision.
 - (d) An appeal of the intermediary steps under SEPA (e.g., lead agency determination, scoping or draft EIS adequacy) shall not be allowed. [WAC 197-11-680(3)(a)(ii).]
- (2) For any appeal under this subsection, the city shall provide for a record that shall consist of the following:
- (a) Findings and conclusions;
 - (b) Testimony under oath; and
 - (c) A taped or written transcript.
- (3) The city may require the appellant to provide an electronic transcript.

- (4) The procedural determination by the city's responsible official shall carry substantial weight in any appeal proceeding.
- (5) The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.
- (6) The fee for an appeal of a SEPA decision shall be one-half of the normal fee for appeals.

4.020.190 Notice/statute of limitations

- (1) The city of Winlock, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.
- (2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk or county auditor, applicant or proponent pursuant to RCW 43.21C.080.

Chapter 4.030 – Storm Drainage and Erosion Control Guidelines

The City of Winlock adopts chapter 3 of the current manual of the City of Winlock Design Guidelines entitled “Storm Drainage and Erosion Control Guidelines.”

4.040 RESERVED (Shorelines)