

WOODLAND

MUNICIPAL CODE

**A Codification of the General Ordinances of
the City of Woodland, Washington**

Codified 1973
Revised and Republished 1998

**Beginning with Supp. No. 16,
Supplemented by Municipal Code Corporation**

municode
Municipal Code Corporation | P.O. Box 2235 Tallahassee, FL 32316
info@municode.com | 800.262.2633
www.municode.com

PREFACE

The Woodland, Washington Municipal Code, originally published by Book Publishing Company in 1973, has been kept current by regular supplementation by Matthew Bender & Company, Inc., its successor in interest.

Beginning with Supplement No. 16, Municipal Code Corporation will be keeping this code current by regular supplementation.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Gerald Heller, city attorney.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 16, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the Code up to date through Ordinance No. 1453, passed February 3, 2020.

Municipal Code Corporation
1700 Capital Circle SW
Tallahassee, FL 32310
800-262-2633

HOW TO USE YOUR CODE

This code is organized to make the laws of the city as accessible as possible to city officials, city employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this code.

Numbering System.

The numbering system is the backbone of a Code of Ordinances; Municipal Code Corporation uses a unique and versatile numbering structure that allows for easy expansion and amendment of this Code. It is based on three tiers, beginning with title, then chapter, and ending with section. Each part is represented in the code section number. For example, Section 2.04.010 is Section .010, in Chapter 2.04 of Title 2.

Title.

A title is a broad category under which ordinances on a related subject are compiled. This code contains about 15 to 20 titles. For example, the first title is Title 1, General Provisions, which may contain ordinances about the general penalty, code adoption and definitions. The titles in this code are separated by tabbed divider pages for quick reference. Some titles are **Reserved** for later use.

Chapter.

Chapters deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material. For example, Chapter 2.06, City Manager, can be added between 2.04, City Council, and Chapter 2.08, City Attorney.

Section.

Each section of the code contains substantive ordinance material. The sections are numbered by "tens" to allow for expansion of the code without renumbering.

Tables of Contents.

There are many tables of contents in this code to assist in locating specific information. At the beginning of the code is the main table of contents listing each title. In addition, each title and chapter has its own table of contents listing the chapters and sections, respectively.

Ordinance History Note.

At the end of each code section, you will find an "ordinance history note," which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: (Ord. 272 § 1, 1992).)

Beginning with Supplement No. 16, a secondary ordinance history note will be appended to affected sections. Ordinance history notes will be amended with the most recent ordinance added to the end. These history notes can be cross referenced to the code comparative table and disposition list appearing at the back of the volume preceding the index.

Statutory References.

The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. As the statutes are revised, these references will be updated.

Ordinance List and Disposition Table.

To find a specific ordinance in the code, turn to the section called "Tables" for the Ordinance List and Disposition Table. This very useful table tells you the status of every ordinance reviewed for inclusion in the code. The table is organized by ordinance number and provides a brief description and the disposition of the ordinance. If the ordinance is codified, the chapter (or chapters) will be indicated. (Example: (2.04, 6.12, 9.04).) If the ordinance

is of a temporary nature or deals with subjects not normally codified, such as budgets, taxes, annexations or rezones, the disposition will be "(Special)." If the ordinance is for some reason omitted from the code, usually at the direction of the municipality, the disposition will be "(Not codified)." Other dispositions sometimes used are "(Tabled)," "(Pending)," "(Number Not Used)" or "(Missing)."

Beginning with Supplement No. 16, this table will be replaced with the "Code Comparative Table and Disposition List."

Code Comparative Table and Disposition List.

Beginning with Supplement No. 16, a Code Comparative Table and Disposition List has been added for use in tracking legislative history. Located in the back of this volume, this table is a chronological listing of each ordinance considered for codification. The Code Comparative Table and Disposition List specifies the ordinance number, adoption date, description of the ordinance and the disposition within the code of each ordinance. By use of the Code Comparative Table and Disposition List, the reader can locate any section of the code as supplemented, and any subsequent ordinance included herein.

Index.

If you are not certain where to look for a particular subject in this code, start with the index. This is an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings:

BUSINESS LICENSE

See also **BUSINESS TAX**

Fee 5.04.030

Required when 5.04.010

The index will be updated as necessary when the code text is amended.

Instruction Sheet.

Each supplement to the new code will be accompanied by an Instruction Sheet. The Instruction Sheet will tell the code user the date of the most recent supplement and the last ordinance contained in that supplement. It will then list the pages that must be pulled from the code and the new pages that must be inserted. Following these instructions carefully will assure that the code is kept accurate and current. Removed pages should be kept for future reference.

Page Numbers.

When originally published, the pages of this code were consecutively numbered. As of Supplement No. 16, when new pages are inserted with amendments, the pages will follow a "Point Numbering System". (Example: 32, 32.1, 32.2, 32.2.1, 32.2.2., 33). Backs of pages that are blank (in codes that are printed double-sided) will be left unnumbered but the number will be "reserved" for later use.

Electronic Submission.

In the interests of accuracy and speed, we encourage you to submit your ordinances electronically if at all possible. We can accept most any file format, including Word, WordPerfect or text files. If you have a choice, we prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Electronic files enable us not only to get you your code more quickly but also ensure that it is error-free. Our e-mail address is: **ords@municode.com**.

For hard copy, send two copies of all ordinances passed to:

Municipal Code Corporation

P.O. Box 2235

Tallahassee, FL 32316

Customer Service.

If you have any questions about this code or our services, please contact Municipal Code Corporation at 1-800-262-2633 or:

Municipal Code Corporation
1700 Capital Circle SW
Tallahassee, FL 32310

TABLE OF CONTENTS

	Preface
	How to Use Your Code
	Supplement History Table
Title 1	General Provisions
Title 2	Administration and Personnel
Title 3	Revenue and Finance
Title 4	(Reserved)
Title 5	Business Licenses and Regulations
Title 6	(Reserved)
Title 7	Animals
Title 8	Health and Sanitation
Title 9	Public Peace, Morals and Welfare
Title 10	Vehicles and Traffic
Title 11	Public Services
Title 12	Streets and Sidewalks
Title 13	Water and Sewage
Title 14	Buildings and Construction
Title 15	Environment
Title 16	Subdivisions
Title 17	Zoning
Title 18	Annexations
Title 19	Development Code Administration
	Statutory references
	Tables
	Index

Supplement History Table

The table below allows users of this Code to quickly and accurately determine what ordinances and resolutions have been considered for codification in each supplement. Ordinances and resolutions that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances and resolutions that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No./ Res. No.	Date Adopted	Include/ Omit	Supp. No.
Res. No. 572	2-17-2009	Omit	19
Res. No. 574	3-2-2009	Omit	19
Res. No. 576	3-16-2009	Omit	19
Res. No. 589	11-1-2010	Omit	19
Res. No. 590	11-1-2010	Omit	19
Res. No. 591	11-1-2010	Omit	19
Res. No. 592	11-15-2010	Omit	19
Res. No. 593	12-6-2010	Omit	19
Res. No. 594	12-6-2010	Omit	19
Ord. No. 1191	8-23-2010	Include	19
Ord. No. 1192	8-23-2010	Include	19
Ord. No. 1193	9-7-2010	Include	19
Ord. No. 1196	12-6-2010	Include	19
Ord. No. 1200	11-11-2010	Omit	19
Ord. No. 1201	11-15-2010	Omit	19
Ord. No. 1203	12-6-2010	Omit	19
Res. No. 595	2-22-2011	Omit	20
Res. No. 596	2-7-2011	Omit	20
Res. No. 597	2-22-2011	Omit	20
Res. No. 599	7-19-2010	Omit	20
Res. No. 601	4-20-2011	Omit	20
Res. No. 602	6-20-2011	Omit	20
Ord. No. 1187	10-18-2010	Omit	20
Ord. No. 1188	12-6-2010	Include	20
Ord. No. 1195	12-6-2010	Omit	20
Ord. No. 1197	11-15-2010	Omit	20
Ord. No. 1198	12-6-2010	Omit	20
Ord. No. 1199	1-3-2011	Omit	20
Ord. No. 1204	12-20-2010	Omit	20
Ord. No. 1205	12-20-2010	Omit	20
Ord. No. 1208	6-6-2011	Omit	20
Ord. No. 1209	3-21-2011	Omit	20
Ord. No. 1212	6-6-2011	Include	20

SUPPLEMENT HISTORY TABLE

Ord. No./ Res. No.	Date Adopted	Include/ Omit	Supp. No.
Ord. No. 1213	6-6-2011	Omit	20
Ord. No. 1214	6-20-2011	Include	20
Res. No. 603	7-18-2011	Omit	21
Res. No. 604	9-6-2011	Omit	21
Ord. No. 1215	7-5-2011	Include	21
Ord. No. 1216	8-1-2011	Omit	21
Ord. No. 1217	8-1-2011	Include	21
Ord. No. 1218	9-6-2011	Omit	21
Res. No. 605	11-7-2011	Omit	22
Res. No. 606	12-19-2011	Omit	22
Res. No. 607	12-19-2011	Omit	22
Ord. No. 1206	2-22-2011	Include	22
Ord. No. 1221	11-7-2011	Include	22
Ord. No. 1223	11-21-2011	Omit	22
Ord. No. 1224	11-7-2011	Omit	22
Ord. No. 1225	12-5-2011	Include	22
Ord. No. 1226	12-5-2011	Omit	22
Ord. No. 1227	12-19-2011	Omit	22
Ord. No. 1230	1-17-2012	Omit	22
Res. No. 608	2-6-2012	Omit	23
Res. No. 609	3-19-2012	Omit	23
Res. No. 611	5-7-2012	Omit	23
Ord. No. 1211	7-18-2011	Include	23
Ord. No. 1219	2-6-2012	Include	23
Ord. No. 1229	2-6-2012	Omit	23
Ord. No. 1231	3-5-2012	Omit	23
Ord. No. 1232	3-19-2012	Include	23
Ord. No. 1233	3-5-2012	Omit	23
Ord. No. 1234	3-5-2012	Omit	23
Ord. No. 1235	4-2-2012	Omit	23
Ord. No. 1236	3-19-2012	Include	23
Ord. No. 1238	5-7-2012	Include	23
Ord. No. 1241	5-21-2012	Omit	23
Res. No. 610	6-18-2012	Omit	24
Res. No. 612	6-4-2012	Omit	24
Res. No. 613	6-4-2012	Include	24
Res. No. 614	8-20-2012	Omit	24
Res. No. 615	9-17-2012	Omit	24
Res. No. 616	9-4-2012	Omit	24
Res. No. 617	9-17-2012	Omit	24
Res. No. 618	10-1-2012	Omit	24
Res. No. 619	12-3-2012	Omit	24
Res. No. 620	11-19-2012	Omit	24
Res. No. 622	1-7-2013	Omit	24
Res. No. 623	12-17-2012	Omit	24
Res. No. 624	1-22-2013	Omit	24

SUPPLEMENT HISTORY TABLE

Ord. No./ Res. No.	Date Adopted	Include/ Omit	Supp. No.
Res. No. 625	1-22-2013	Omit	24
Res. No. 626	2-4-2013	Omit	24
Ord. No. 1222	1-17-2012	Omit	24
Ord. No. 1228	9-4-2012	Include	24
Ord. No. 1237	5-7-2012	Omit	24
Ord. No. 1239	8-20-2012	Include	24
Ord. No. 1242	6-18-2012	Omit	24
Ord. No. 1243	7-2-2012	Omit	24
Ord. No. 1245	7-16-2012	Omit	24
Ord. No. 1246	10-1-2012	Include	24
Ord. No. 1247	9-4-2012	Include	24
Ord. No. 1248	9-4-2012	Omit	24
Ord. No. 1249	10-1-2012	Include	24
Ord. No. 1250	10-1-2012	Omit	24
Ord. No. 1251	11-5-2012	Omit	24
Ord. No. 1252	11-5-2012	Omit	24
Ord. No. 1253	11-19-2012	Include	24
Ord. No. 1254	11-19-2012	Omit	24
Ord. No. 1255	12-3-2012	Omit	24
Ord. No. 1256	1-7-2013	Include	24
Ord. No. 1257	1-7-2013	Include	24
Ord. No. 1259	1-7-2013	Omit	24
Ord. No. 1260	1-22-2013	Omit	24
Ord. No. 1261	2-4-2013	Omit	24
Ord. No. 1262	2-19-2013	Include	24
Res. No. 621	11-5-2012	Omit	25
Res. No. 627	3-4-2013	Omit	25
Res. No. 628	3-4-2013	Omit	25
Res. No. 629	4-1-2013	Omit	25
Res. No. 631	4-15-2013	Omit	25
Res. No. 632	4-15-2013	Omit	25
Ord. No. 1263	4-15-2013	Include	25
Ord. No. 1264	5-6-2013	Include	25
Ord. No. 1265	6-3-2013	Omit	25
Ord. No. 1266	6-3-2013	Omit	25
Ord. No. 1267	6-17-2013	Include	25
Ord. No. 1268	(Failed)		25
Ord. No. 1269	6-17-2013	Include	25
Ord. No. 1270	7-15-2013	Omit	25
Ord. No. 1271	7-15-2013	Omit	25
Res. No. 633	6-3-2013	Omit	26
Res. No. 635	6-3-2013	Omit	26
Res. No. 637	8-19-2013	Omit	26
Res. No. 638	11-18-2013	Omit	26
Res. No. 639	1-21-2014	Omit	26
Ord. No. 1272	8-19-2013	Omit	26

SUPPLEMENT HISTORY TABLE

Ord. No./ Res. No.	Date Adopted	Include/ Omit	Supp. No.
Ord. No. 1273	8-19-2013	Omit	26
Ord. No. 1274	8-19-2013	Omit	26
Ord. No. 1275	8-19-2013	Omit	26
Ord. No. 1276	9-3-2013	Include	26
Ord. No. 1279	8-19-2013	Omit	26
Ord. No. 1280	9-3-2013	Omit	26
Ord. No. 1281	11-18-2013	Omit	26
Ord. No. 1282	11-4-2013	Omit	26
Ord. No. 1283	11-4-2013	Omit	26
Ord. No. 1284	11-4-2013	Omit	26
Ord. No. 1286	11-18-2013	Omit	26
Ord. No. 1287	12-16-2013	Omit	26
Ord. No. 1289	1-6-2014	Include	26
Res. No. 636	1-21-2014	Omit	27
Res. No. 641	2-3-2014	Omit	27
Res. No. 642	3-3-2014	Omit	27
Res. No. 645	6-2-2014	Omit	27
Res. No. 646	6-16-2014	Omit	27
Ord. No. 1288	11-18-2013	Include	27
Ord. No. 1290	1-21-2014	Omit	27
Ord. No. 1291	1-21-2014	Omit	27
Ord. No. 1292	3-17-2014	Include	27
Ord. No. 1294	3-17-2014	Omit	27
Ord. No. 1295	3-17-2014	Include	27
Ord. No. 1296	3-17-2014	Omit	27
Ord. No. 1297	7-7-2014	Omit	27
Ord. No. 1298	5-19-2014	Omit	27
Ord. No. 1299	6-16-2014	Omit	27
Ord. No. 1301	7-21-2014	Omit	27
Ord. No. 1302	7-21-2014	Omit	27
Res. No. 647	8-18-2014	Omit	28
Res. No. 648	8-18-2014	Omit	28
Ord. No. 1277	10-6-2014	Include	28
Ord. No. 1300	10-6-2014	Include	28
Ord. No. 1303	10-6-2014	Include	28
Ord. No. 1304	10-6-2014	Include	28
Ord. No. 1305	10-6-2014	Include	28
Ord. No. 1307	10-6-2014	Include	28
Ord. No. 1308	10-6-2014	Include	28
Ord. No. 1309	10-6-2014	Include	28
Ord. No. 1311	11-3-2014	Omit	28
Res. No. 640	11-4-2013	Omit	29
Res. No. 643	3-17-2014	Omit	29
Res. No. 644	5-5-2014	Omit	29
Res. No. 649	11-24-2014	Omit	29
Res. No. 650	12-15-2014	Omit	29

SUPPLEMENT HISTORY TABLE

Ord. No./ Res. No.	Date Adopted	Include/ Omit	Supp. No.
Res. No. 651	1-20-2015	Omit	29
Res. No. 652	2-17-2015	Omit	29
Res. No. 653	3-16-2015	Omit	29
Res. No. 654	3-16-2015	Omit	29
Res. No. 655	6-1-2015	Omit	29
Res. No. 656	5-4-2015	Omit	29
Res. No. 658	6-15-2015	Omit	29
Res. No. 659	7-20-2015	Omit	29
Ord. No. 1306	5-18-2015	Include	29
Ord. No. 1310	11-24-2014	Omit	29
Ord. No. 1312	12-1-2014	Include	29
Ord. No. 1313	(Voided)		
Ord. No. 1314	12-15-2014	Omit	29
Ord. No. 1315	12-15-2014	Omit	29
Ord. No. 1316	12-15-2014	Omit	29
Ord. No. 1317	12-15-2014	Omit	29
Ord. No. 1318	12-15-2014	Omit	29
Ord. No. 1319	3-2-2015	Omit	29
Ord. No. 1320	1-20-2015	Omit	29
Ord. No. 1321	2-17-2015	Include	29
Ord. No. 1323	2-17-2015	Omit	29
Ord. No. 1324	3-2-2015	Omit	29
Ord. No. 1325	4-6-2015	Include	29
Ord. No. 1326	4-6-2015	Include	29
Ord. No. 1327	4-20-2015	Include	29
Ord. No. 1328	5-4-2015	Omit	29
Ord. No. 1329	6-15-2015	Omit	29
Ord. No. 1330	5-18-2015	Include	29
Ord. No. 1332	8-3-2015	Include	29
Ord. No. 1333	6-15-2015	Omit	29
Ord. No. 1335	7-20-2015	Include	29
Res. No. 657	9-8-2015	Omit	30
Res. No. 660	10-5-2015	Omit	30
Res. No. 661	10-19-2015	Omit	30
Res. No. 662	11-2-2015	Omit	30
Res. No. 664	11-16-2015	Omit	30
Res. No. 665	12-7-2015	Omit	30
Res. No. 666	1-4-2016	Omit	30
Res. No. 667	1-4-2016	Omit	30
Res. No. 668	1-4-2016	Omit	30
Ord. No. 1278	9-8-2015	Include	30
Ord. No. 1334	9-8-2015	Include	30
Ord. No. 1336	10-5-2015	Include	30
Ord. No. 1337	10-19-2015	Include	30
Ord. No. 1338	11-16-2015	Include	30
Ord. No. 1340	11-2-2015	Omit	30

SUPPLEMENT HISTORY TABLE

Ord. No./ Res. No.	Date Adopted	Include/ Omit	Supp. No.
Ord. No. 1341	12-7-2015	Omit	30
Ord. No. 1342	10-5-2015	Omit	30
Ord. No. 1343	12-7-2015	Include	30
Ord. No. 1344	11-16-2015	Omit	30
Ord. No. 1345	11-16-2015	Include	30
Ord. No. 1346	11-16-2015	Include	30
Ord. No. 1349	11-16-2015	Omit	30
Ord. No. 1350	12-7-2015	Omit	30
Ord. No. 1351	11-16-2015	Omit	30
Ord. No. 1352	12-21-2015	Include	30
Ord. No. 1353	12-21-2015	Omit	30
Ord. No. 1354	12-21-2015	Omit	30
Res. No. 670	6-6-2016	Omit	31
Res. No. 671	7-5-2016	Omit	31
Res. No. 672	6-6-2016	Omit	31
Res. No. 673	6-20-2016	Omit	31
Res. No. 675	8-1-2016	Omit	31
Ord. No. 1355	3-21-2016	Omit	31
Ord. No. 1356	4-18-2016	Include	31
Ord. No. 1359	4-18-2016	Omit	31
Ord. No. 1360	5-2-2016	Omit	31
Ord. No. 1361	6-6-2016	Include	31
Ord. No. 1362	(Failed)		
Ord. No. 1363	6-20-2016	Include	31
Ord. No. 1364	8-1-2016	Omit	31
Ord. No. 1365	(Failed)		
Ord. No. 1366	(Cancelled)		
Ord. No. 1367	6-20-2016	Include	31
Ord. No. 1368	8-1-2016	Include	31
Ord. No. 1369	8-1-2016	Include	31
Ord. No. 1371	8-15-2016	Include	31
Ord. No. 1372	7-5-2016	Include	31
Ord. No. 1373	7-18-2016	Omit	31
Ord. No. 1374	8-15-2016	Omit	31
Res. No. 676	11-21-2016	Omit	32
Res. No. 677	12-19-2016	Omit	32
Res. No. 678	1-3-2017	Omit	32
Res. No. 680	3-20-2017	Omit	32
Res. No. 681	3-6-2017	Omit	32
Ord. No. 1357	11-21-2016	Include	32
Ord. No. 1376	1-23-2017	Include	32
Ord. No. 1377	11-7-2016	Omit	32
Ord. No. 1378	11-21-2016	Include	32
Ord. No. 1379	11-21-2016	Omit	32
Ord. No. 1380	12-19-2016	Omit	32
Ord. No. 1381	11-21-2016	Omit	32

SUPPLEMENT HISTORY TABLE

Ord. No./ Res. No.	Date Adopted	Include/ Omit	Supp. No.
Ord. No. 1382	11-21-2016	Omit	32
Ord. No. 1383	1- 3-2017	Include	32
Ord. No. 1384	2-21-2017	Include	32
Ord. No. 1385	3-20-2017	Omit	32
Ord. No. 1386	3-20-2017	Omit	32
Res. No. 682	5- 1-2017	Omit	33
Res. No. 683	7-17-2017	Omit	33
Res. No. 684	6- 5-2017	Omit	33
Res. No. 686	7- 3-2017	Omit	33
Res. No. 687	7-17-2017	Omit	33
Res. No. 688	7-17-2017	Omit	33
Res. No. 689	7-17-2017	Omit	33
Res. No. 690	11-20-2017	Omit	33
Res. No. 696	3- 5-2018	Omit	33
Res. No. 697	2-20-2018	Omit	33
Res. No. 698	2-20-2018	Omit	33
Ord. No. 1387	5-15-2017	Omit	33
Ord. No. 1388	5-15-2017	Omit	33
Ord. No. 1389	6-19-2017	Include	33
Ord. No. 1390	7- 3-2017	Omit	33
Ord. No. 1393	7-17-2017	Omit	33
Ord. No. 1394	8-21-2017	Omit	33
Ord. No. 1395	8-21-2017	Omit	33
Ord. No. 1396	9-18-2017	Include	33
Ord. No. 1397	11-20-2017	Omit	33
Ord. No. 1399	11-20-2017	Omit	33
Ord. No. 1403	2-20-2018	Omit	33
Ord. No. 1404	1-16-2018	Omit	33
Res. No. 699	6-18-2018	Omit	34
Res. No. 700	4-16-2018	Omit	34
Res. No. 701	6- 4-2018	Omit	34
Res. No. 702	6-18-2018	Omit	34
Res. No. 703	6-18-2018	Omit	34
Res. No. 704	6- 4-2018	Omit	34
Ord. No. 1402	6- 4-2018	Include	34
Ord. No. 1405	3-19-2018	Include	34
Ord. No. 1406	3-19-2018	Omit	34
Ord. No. 1407	3-19-2018	Include	34
Ord. No. 1410	7-16-2018	Omit	34
Ord. No. 1411	7-16-2018	Include	34
Ord. No. 1413	7-16-2018	Omit	34
Res. No. 691	11-20-2017	Omit	35
Res. No. 706	7-16-2018	Omit	35
Res. No. 707	11-19-2018	Omit	35
Res. No. 708	11- 5-2018	Omit	35
Ord. No. 1322	3- 2-2015	Omit	35

SUPPLEMENT HISTORY TABLE

Ord. No./ Res. No.	Date Adopted	Include/ Omit	Supp. No.
Ord. No. 1339	10- 5-2015	Omit	35
Ord. No. 1347	11- 2-2015	Omit	35
Ord. No. 1408	7- 2-2018	Omit	35
Ord. No. 1409	8- 6-2018	Include	35
Ord. No. 1414	10-15-2018	Include	35
Ord. No. 1415	8-20-2018	Omit	35
Ord. No. 1416	9-17-2018	Omit	35
Ord. No. 1417	10-15-2018	Omit	35
Ord. No. 1418	10-15-2018	Include	35
Ord. No. 1419	10-15-2018	Include	35
Ord. No. 1420	11-19-2018	Omit	35
Ord. No. 1421	11- 5-2018	Omit	35
Ord. No. 1422	12-17-2018	Omit	35
Ord. No. 1423	12-17-2018	Include	35
Ord. No. 1424	12- 3-2018	Omit	35
Ord. No. 1425	12- 3-2018	Include	35
Ord. No. 1426	12-17-2018	Omit	35
Ord. No. 1412	6-17-2019	Include	36
Ord. No. 1427	2-19-2019	Include	36
Ord. No. 1428	2-19-2019	Include	36
Ord. No. 1429	2-19-2019	Include	36
Ord. No. 1430	5- 6-2019	Omit	36
Ord. No. 1431	8-19-2019	Include	36
Ord. No. 1432	6-17-2019	Include	36
Ord. No. 1433	7-15-2019	Omit	36
Ord. No. 1436	9-16-2019	Omit	36
Ord. No. 1437	7- 1-2019	Include	36
Ord. No. 1438	6-17-2019	Omit	36
Ord. No. 1439	6-17-2019	Omit	36
Ord. No. 1440	10-21-2019	Include	36
Ord. No. 1441	8-19-2019	Include	36
Ord. No. 1443	10-21-2019	Omit	36
Ord. No. 1445	12- 2-2019	Omit	36
Ord. No. 1446	12- 2-2019	Omit	36
Ord. No. 1447	2- 3-2020	Include	36
Ord. No. 1448	2- 3-2020	Include	36
Ord. No. 1450	12-16-2019	Omit	36
Ord. No. 1451	1- 6-2020	Omit	36
Ord. No. 1452	1- 6-2020	Omit	36
Ord. No. 1453	2-3-2020	Omit	36
Res. No. 709	4- 1-2019	Omit	36
Res. No. 710	7-22-2019	Omit	36
Res. No. 711	7-15-2019	Omit	36
Res. No. 712	7-15-2019	Omit	36
Res. No. 716	1-21-2020	Omit	36

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 Adoption of Non-Charter Code City Classification**
- 1.10 Official Newspaper**
- 1.12 General Penalty**
- 1.16 Right of Entry**
- 1.20 Jail Facilities Operating Standards**



Chapter 1.01

CODE ADOPTION*

Sections:

- 1.01.010** **Adoption.**
- 1.01.020** **Title—Citation—Reference.**
- 1.01.030** **Reference applies to all amendments.**
- 1.01.040** **Title, chapter and section headings.**
- 1.01.050** **Reference to specific ordinances.**
- 1.01.060** **Ordinances passed prior to adoption of the code.**
- 1.01.070** **Effect of code on past actions and obligations.**
- 1.01.080** **Constitutionality.**
- 1.01.090** **References to prior code.**
- 1.01.100** **Effective date.**
- 1.01.110** **Ordinance adoption by two readings.**
- 1.01.120** **Vote by less than the entire council—Quorum.**

* Prior ordinance history: Ord. 385.

1.01.010 **Adoption.**

There is adopted the "City of Woodland Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 889 § 1, 1998)

1.01.020 **Title—Citation—Reference.**

This code shall be known as the "City of Woodland Municipal Code" and it shall be sufficient to refer to this code as the "Woodland Municipal Code" in any prosecution for the violation of any provision of this code or in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion of this code as an addition to, amendment to, correction or repeal of the "Woodland Municipal Code." References may be made to the titles, chapters, sections and subsections of the "Woodland Municipal Code" and such references shall apply to those titles, chapters, sections or subsections as they appear in the code. (Ord. 889 § 2, 1998)

1.01.030 **Reference applies to all amendments.**

Whenever a reference is made to this code as the "Woodland Municipal Code" or to any portion thereof, or to any ordinance of the city of Woodland, Washington,

codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 889 § 3, 1998)

1.01.040 **Title, chapter and section headings.**

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section in this code. (Ord. 889 § 4, 1998)

1.01.050 **Reference to specific ordinances.**

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 889 § 5, 1998)

1.01.060 **Ordinances passed prior to adoption of the code.**

The last ordinance included in this code was Ordinance 880, passed December 15, 1997. The following ordinances, passed subsequent to Ordinance 880, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 881, 882, 883, 884, 885, 886, 887 and 888. (Ord. 889 § 6, 1998)

1.01.070 **Effect of code on past actions and obligations.**

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Ord. 889 § 7, 1998)

1.01.080 **Constitutionality.**

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. (Ord. 889 § 8, 1998)

1.01.090 **References to prior code.**

References in city forms, documents and regulations to the chapters and sections of the former city code shall be construed to apply to the corresponding provisions contained within this code. (Ord. 889 § 9, 1998)

1.01.100 Effective date.

The ordinance codified in this chapter shall become effective five days after passage, approval and publication as provided by law. (Ord. 889 § 10, 1998)

1.01.110 Ordinance adoption by two readings.

The procedure for ordinances are as follows:

- A. A councilmember may, in open session, request of the mayor or then presiding officer that the council study the wisdom of enacting a particular ordinance. The mayor or then presiding officer then may assign the proposed ordinance to a staff member, or a specific committee for consideration. The staff member and/or committee may report its findings to the council for their consideration prior to the drafting of an ordinance. In the alternative, the mayor, or council by majority vote, may direct a staff member or committee to draft a proposed ordinance for consideration of adoption.
- B. All ordinances shall have two separate readings. At each reading, the title of an ordinance shall, in all cases, be read prior to its passage; provided, that should a councilmember request that the entire ordinance or certain of its sections be read, such requests shall be granted. Printed copies shall be made available upon request to any person attending a council meeting.
- C. The provision requiring two separate readings of an ordinance may be temporarily suspended if the mayor or then presiding officer makes an express determination on the record that the circumstances for doing so are just, and upon the subsequent condition that the council expresses such a desire by a majority vote of all members present.
- D. If a motion to pass an ordinance to a second reading fails, the ordinance shall be considered lost.
- E. Any ordinance repealing any portion of the Woodland Municipal Code shall also repeal the respective portions of the underlying ordinance(s).
- F. Any ordinance amending any portion of the Woodland Municipal Code shall also amend the respective portions of the underlying ordinance(s).

(Ord. 1072 § 1, 2006)

**1.01.120 Vote by less than the entire council—
Quorum.**

At all meetings of the council a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by

ordinance. Less than the entire council may vote, but the passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the council, notwithstanding any council rule of order or other provision in the Woodland Municipal Code. (Ord. 1090 § 1, 2007)

Chapter 1.04

GENERAL PROVISIONS

Sections:

1.04.010	Definitions.
1.04.020	Grammatical interpretation.
1.04.030	Prohibited acts include causing, permitting, etc.
1.04.040	Interpretation.
1.04.050	Repeal not to revive any ordinance.
1.04.060	Locations for posting city notices.
1.04.070	Service of process—Acceptance of claims.

1.04.010 Definitions.

The following words and phrases whenever used in the Woodland Municipal Code shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

“City” means the city of Woodland, Washington, or the area within the territorial limits of the city, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

“Computation of time” means the time within which an act is to be done. It is computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.

“Council” means the city council of the city. “All its members” or “all councilmen” means the total number of councilmen provided by the general laws of the state.

“County” means the county of Cowlitz or county of Clark, as specified.

“Law” denotes applicable federal law, the constitution and statutes of the state, the ordinances of the city, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

“May” is permissive.

“Month” means a calendar month.

“Must” and “Shall.” Each is mandatory.

“Oath” shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” are equivalent to the words “affirm” and “affirmed.”

“Or” may be read “and” and “and” may be read “or” if the sense requires it.

“Ordinance” means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

“Owner” applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

“Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“Personal property” includes money, goods, chattels, things in action and evidences of debt.

“Preceding” and “following” mean next before and next after, respectively.

“Property” includes real and personal property.

“Real property” includes lands, tenements and hereditaments.

“Sidewalk” means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

“State” means the state of Washington.

“Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

“Tenant” and “occupant,” applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.

Title of Office. Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the city.

“Written” includes printed, typewritten, mimeographed or multigraphed.

“Year” means a calendar year.

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent. (Ord. 372 § 1, 1973)

1.04.020 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city:

- A. Gender. The masculine gender includes the feminine and neuter gender.
 - B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
 - C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
 - D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.
- (Ord. 372 § 2, 1973)

1.04.030 Prohibited acts include causing, permitting, etc.

Whenever in the Woodland Municipal Code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 372 § 3, 1973)

1.04.040 Interpretation.

The provisions of this code and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 372 § 4, 1973)

1.04.050 Repeal not to revive any ordinance.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 372 § 5, 1973)

1.04.060 Locations for posting city notices.

The following locations shall be the official posting places for city notices:

- Woodland City Hall (lobby)
- Woodland Post Office (lobby)
- Old National Bank (lobby)

(Ord. 554 § 1, 1983)

1.04.070 Service of process—Acceptance of claims.

- A. The city clerk-treasurer and any duly appointed deputy city clerk-treasurer of the city of Woodland are hereby designated as the agent of the city of Woodland to receive claims for damages under the provisions of RCW 4.96.020.
- B. The address where the city clerk-treasurer and any deputy city clerk-treasurer may be reached during normal business hours of the city of Woodland is 230 Davidson Avenue, Woodland, WA 98674.
- C. A copy of the ordinance codified in this section shall be recorded in the office of the Cowlitz County auditor.

- D. Upon receipt of the tort claim, the city clerk-treasurer's office shall cause a copy of said claim to be forwarded to the city's insurance carrier and city attorney within twenty-four business hours of its receipt.
- (Ord. 1073 § 1, 2006)

Chapter 1.08

**ADOPTION OF NON-CHARTER CODE CITY
CLASSIFICATION**

Sections:

**1.08.010 Adoption of non-charter code
city classification.**

**1.08.010 Adoption of non-charter code city
classification.**

The town adopts the classification of non-charter code city operating under the Mayor-Council Plan of Government as set forth in RCW 35A.12 endowed with all the applicable rights, powers, privileges, duties and obligations of a non-charter code city as set forth in RCW Title 35A as the same now exists, including, but not by way of limitation, those set forth in RCW 35A.11, and further including all supplements, amendments and other modifications of the title hereinafter at any time enacted. (Ord. 333 § 1, 1970)

1.10.010

Chapter 1.10

OFFICIAL NEWSPAPER

Sections:

1.10.010 Designation.

1.10.010 Designation.

The Reflector of Battleground, Washington, is hereby designated as the official newspaper of the city for the purposes of the publication of legal notices pursuant to RCW 35A.65.020. (Ord. 919 § 1, 1999)

Chapter 1.12

GENERAL PENALTY

Sections:

- | | |
|-----------------|---------------------------|
| 1.12.010 | General penalty. |
| 1.12.020 | Civil infractions. |

1.12.010 General penalty.

- A. Unless otherwise specifically provided, any person violating any provisions or failing to comply with any of the mandatory requirements of this code is guilty of a misdemeanor. Except as otherwise specifically provided in this chapter, any person convicted of a misdemeanor shall be punished by a fine of not more than one thousand dollars. Each such person is guilty of a separate misdemeanor for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by any such person and he shall be punished accordingly.
- B. In addition to or in lieu of the penalty provided in subsection (A) of this section, a person found guilty of the misdemeanors described in this subsection only may be imprisoned for a period not to exceed six months. The misdemeanors for which imprisonment may be imposed are as follows:
1. The following traffic offenses, enacted as statutes of the state and adopted by reference into this code by Section 11.16.101:
 - a. Reckless driving (RCW 46.61.500),
 - b. Leaving the scene of an accident in violation of RCW 46.52.020,
 - c. Driving or being in actual physical control of a vehicle while under the influence of or affected by the use of intoxicating liquor or any narcotic drug (RCW 46.61.506 and 46.61.515),
 - d. Driving while driver's license is suspended or revoked (RCW 46.20.342), and
 - e. Operating a motor vehicle on a public roadway without a valid driver's license (RCW 46.20.021);
 2. The following offenses:
 - a. Controlled substances as described in Chapter 9.25 of this code,
 - b. Stealing as described in Chapter 9.52 of this code,
 - c. Assault and battery as described in Section 9.12.020 of this code, and
 - d. Failure to respond or comply with written promise to appear in court (RCW 46.64.020);

3. A second or multiple conviction of any person for a violation of any section of this code within a period of one year.
(Ord. 753 § 1, 1993; Ord. 430 §§ 1, 2, 1976; Ord. 228 § 1, 1967; Ord. 285 § 11, 1966)

1.12.020 Civil infractions.

- A. A person found to have committed a civil infraction shall be assessed a monetary penalty.
1. The maximum penalty and the default amount for a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments;
 2. The maximum penalty and the default amount for a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;
 3. The maximum penalty and the default amount for a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and
 4. The maximum penalty and the default amount for a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.
- B. The supreme court shall prescribe by rule the conditions under which local courts may exercise discretion in assessing fines for civil infractions.
- C. Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of time in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.
- D. The court may also order a person found to have committed a civil infraction to make restitution.
(Ord. 815 § 1, 1996)



Chapter 1.16**RIGHT OF ENTRY****Sections:****1.16.010 Right of entry.****1.16.010 Right of entry.**

Whenever necessary to make an inspection to enforce any ordinance or resolution or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 369 § 1, 1973)

Chapter 1.20

JAIL FACILITIES OPERATING STANDARDS

Sections:

1.20.010 State statutes adopted.

1.20.010 State statutes adopted.

A. The document entitled "Custodial Care Standards For Hold, Detention and Correctional Facilities," incorporating all additions and admissions through June, 1987, by the state of Washington corrections standard board, as included in Washington Administrative Code Chapters 289-02 and 289-14 through 289-24, are hereby adopted by reference.

B. A copy of said standards are available for public inspection in the office of the city clerk-treasurer.

(Res. 289 §§ 1, 2, 1987)

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04** **City Council**
- 2.06** **Mayor**
- 2.07** **City Administrator**
- 2.08** **Departments Created**
- 2.10** **Officers**
- 2.16** **Volunteer Fire Department—
Pension Plan**
- 2.20** **Public Library**
- 2.24** **Parks and Recreation Board**
- 2.26** **Police Department**
- 2.28** **Police and Fire Departments**
- 2.30** **Police Reserve Pension**
- 2.32** **Planning Commission**
- 2.44** **City Hall**
- 2.46** **Defense of Officials, Employees
and Volunteers**
- 2.48** **City Employees**
- 2.56** **Municipal Court**
- 2.60** **Employees' Salaries and Wages**
- 2.62** **Personnel Regulations**
- 2.72** **Cash Rewards**
- 2.80** **Horseshoe Lake Management
Committee**
- 2.82** **Lodging Tax Advisory Committee**
- 2.84** **Salary Commission**
- 2.88** **Public Disclosure**

Chapter 2.04

CITY COUNCIL

Sections:

- 2.04.005** **Procedures for meetings.**
- 2.04.010** **Council's compensation.**
- 2.04.020** **Powers.**
- 2.04.030** **Forfeiture of office.**
- 2.04.040** **Mayor pro tem—Designation—
Alternative appointments.**
- 2.04.050** **Regular council meetings.**
- 2.04.060** **Special meetings.**
- 2.04.070** **Council standing committees.**

2.04.005 **Procedures for meetings.**

- A. Rules of Procedure. The city council adopts the attached Exhibit "A" Rules of Procedure under the mayor/council form of government. For decision points of order, the city shall be governed by the most recent edition of Roberts Rules of Order, a copy of which is maintained in the office of the Woodland City Clerk Treasurer.
- B. Best Efforts. These rules of procedure are designed to assist in the orderly conduct of city council business. Failure of the city council to adhere to these rules shall not result in any liability to the city, its officers, its agents and employees nor shall the same result in any invalidation of city council action.

(Ord. No. 1330, §§ 1, 2, 5-18-2015; Ord. No. 1335, §§ 1, 2, 7-20-2015; Ord. No. 1389, §§ 1, 2, 6-19-2017; Ord. No. 1407, §§ 1, 2, 3-19-2018; Ord. No. 1428, §§ 1, 2, 2-19-2019)

Editor's note—Exhibit A was not included in the codification of this section and can be found on file in the office of the city clerk.

2.04.010 **Council's compensation.**

Members of the city council shall be paid in accordance with Chapter 2.84. (Ord. 946 § 1, 2001; Ord. 843 § 3 (part), 1997; Ord. 764 § 2, 1993; Ord. 601 § 3, 1985; Ord. 527 § 3, 1981; Ord. 383 § 2 (part), 1973) (Ord. No. 1402, § 1, 6-4-2018)

2.04.020 **Powers.**

The council shall be the legislative body of the city and have all powers to conduct the affairs of the city as are allowed under the Constitution of the state of Washington and RCW Chapter 35A, which are not

specifically denied to the council or reserved to the mayor by law. (Ord. 843 § 3 (part), 1997; Ord. 764 § 2, 1993; Ord. 601 § 3, 1985; Ord. 527 § 3, 1981; Ord. 383 § 2 (part), 1973)

2.04.030 **Forfeiture of office.**

A councilmember shall forfeit his/her office if he/she is absent for three consecutive regular meetings of the council without being excused by the council, or if he/she ceases to have the qualifications prescribed for such office by law or ordinance, or if he/she is convicted of a crime involving moral turpitude or an offense involving a violation of his/her oath of office. (Ord. 843 § 3 (part), 1997)

2.04.040 **Mayor pro tem—Designation— Alternative appointments.**

Biennially at the first meeting of a new council, or periodically, the councilmembers may designate one of their number as mayor pro tem for the period specified by the council, to serve in the absence of the mayor. In lieu of such a designation, the council may appoint any qualified person as mayor pro tempore in the absence or temporary disability of the mayor. In the absence of both the mayor and the mayor pro tem, the council shall, by majority vote, elect a chairperson to preside over the meeting(s) of the council. (Ord. 843 § 3 (part), 1997)

2.04.050 **Regular council meetings.**

- A. The city council shall meet in regular session at the City Hall, 100 Davidson Avenue, Woodland, Cowlitz County, Washington, or such other location as the city council deems appropriate, at seven p.m., on the first and third Monday of each and every month, and if, at any time, the date of such meeting falls on a legal holiday, the council shall meet in regular session on the next day following such legal holiday.
- B. For the purpose of this section, the following are deemed to be legal holidays:
 1. The first day of January—New Year's Day;
 2. The third Monday of January—Martin Luther King, Jr. Day;
 3. The third Monday of February—President's Day;
 4. The last Monday in May—Memorial Day;

5. The fourth day of July—Independence Day;
 6. The first Monday in September—Labor Day;
 7. The eleventh day of November—Veterans' Day;
 8. The fourth Thursday in November—Thanksgiving Day;
 9. The day immediately following Thanksgiving Day;
 10. The twenty-fourth day of December—Christmas Eve Day;
 11. The twenty-fifth day of December—Christmas Day.
- C. The city council may conduct workshop sessions in conjunction with regular or special meetings, providing however no formal action shall be taken in conjunction with such workshop sessions.
- (Ord. 1121 § 1, 2008; Ord. 843 § 3 (part), 1997; Ord. 791 § 1, 1995; Ord. 768 § 1, 1994; Ord. 754 § 1, 1993; Ord. 301 § 1, 1968)

2.04.060 Special meetings.

Special meetings may be called by the mayor or by a majority of the members of the city council by delivering personally or by mail written notice to each member of the council and to the mayor if called by members of the council, at least twenty-four hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. (Ord. 843 § 3 (part), 1997)

2.04.070 Council standing committees.

- A. Created. The following committees of the city council are created as standing committees for the purpose of communication and for the purpose of focused study and policy formulation in their respective policy areas. A city staff member will be assigned to each committee to act both as a resource person and as the committee administrative liaison. The staff assignments are set forth in parenthesis.
1. Human resources (clerk-treasurer);
 2. Finance and general government (clerk-treasurer);
 3. Public works (public works department);
 4. Public safety (police chief, fire chief).
- B. Mayor as Ex Officio Member. The mayor shall be an ex officio member of each council standing committee.

- C. Assignment of Members—Chair. Each standing committee shall be composed of three councilmembers. The city council will designate committees as part of these rules. Except for the initial assignment pursuant to this section, at the first regular meeting of the calendar year the city council will assign by majority vote no more than three councilmembers to each committee and will designate a chairperson.
- D. Committee Meeting Times. Standing committees will [meet] according to a schedule set in the city council rules.
- E. Assignment After a City Council Election and Re-Assignments. (1) A vote to determine committee assignments shall take place after a city council election, but not until the election has been certified and the councilmember has been sworn or re-sworn. (2) A vote to change committee assignments which has not been triggered by a council election can be held at any time, provided, however, that such a vote does not occur more than once every twelve months. The twelve-month rule shall not apply to a vote to fill specific vacancies, e.g., a vote to fill a single vacancy is not limited by the twelve-month vote restriction.

(Ord. No. 1179, § 2, 1-19-2010; Ord. No. 1236, § 2, 3-19-2012; Ord. No. 1332, §§ 1, 2, 8-3-2015)

Editor's note—Ord. No. 1179, § 1, adopted January 19, 2010, repealed the former § 2.04.070, and enacted a new § 2.04.070 as set out herein. The former § 2.04.070 pertained to similar subject matter and derived from Ord. No. 843, 1997.

Chapter 2.06

MAYOR

Sections:

- 2.06.010 Powers and duties generally.**
- 2.06.020 Appointive power.**
- 2.06.030 Oath, affidavit and signature powers.**
- 2.06.040 Ordinance powers and duties.**
- 2.06.050 Compensation of mayor.**

2.06.010 Powers and duties generally.

The mayor shall be the chief executive and administrative officer of the city, in charge of all departments and employees, with authority to designate assistants and department heads. The mayor may appoint and remove a chief administrative officer or assistant administrative officer, if so provided by ordinance or charter. He shall see that all laws and ordinances are faithfully enforced and that law and order is maintained in the city, and shall have general supervision of the administration of city government and all city interests. All official bonds and bonds of contractors with the city shall be submitted to the mayor or such person as he may designate for approval or disapproval. He shall see that all contracts and agreements made with the city or for its use and benefit are faithfully kept and performed, and to this end he may cause any legal proceedings to be instituted and prosecuted in the name of the city, subject to approval by majority vote of all member of the council. The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the councilmen with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money. He shall report to the council concerning the affairs of the city and its financial and other needs, and shall make recommendations for council consideration and action. He shall prepare and submit to the council a proposed budget, as required by Chapter 35A.33 RCW. The mayor shall have the power to veto ordinances passed by the council and submitted to him as provided in RCW 35A.12.130 but such veto may be overridden by the vote of a majority of all councilmembers plus one more vote. The mayor shall be the official and ceremonial head of the city and shall represent the city on ceremonial occasions, except that when illness or

other duties prevent the mayor's attendance at an official function and no mayor pro tempore has been appointed by the council, a member of the council or some other suitable person may be designated by the mayor to represent the city on such occasion. (Ord. 1058 § 1, 2005; Ord. 843 § 4 (part), 1997)

2.06.020 Appointive power.

The mayor shall appoint, and at the mayor's pleasure may remove, all city appointive officers, subject to the provisions of any applicable law, rule or regulations pertaining to civil service, state law or city ordinances. (Ord. 843 § 4 (part), 1997)

2.06.030 Oath, affidavit and signature powers.

The mayor and the mayor pro tempore shall have power to administer oaths and affirmations, take affidavits and certify them. The mayor, or the mayor pro tempore when acting as mayor, shall sign all conveyances made by the city and all instruments which require the city seal. (Ord. 843 § 4 (part), 1997)

2.06.040 Ordinance powers and duties.

Every ordinance which passes the council, in order to become valid, must be presented to the mayor. If approved it shall be signed, but if not, it shall be returned with the mayor's written objections to be entered at large upon the journal and proceed to a reconsideration thereof. If, upon reconsideration, a majority plus one member of the council voting upon a call of yeas and nays favor its passage, the ordinance shall become valid notwithstanding the mayor's veto. If the mayor fails for ten days to either approve or veto an ordinance, it shall become valid without approval. (Ord. 843 § 4 (part), 1997)

2.06.050 Compensation of mayor.

Compensation payable to the mayor shall be at such a sum as set forth in each annual budget. (Ord. 843 § 4 (part), 1997; Ord. 764 § 1, 1993)

Chapter 2.07**CITY ADMINISTRATOR****Sections:**

- 2.07.010** **Position created.**
2.07.020 **Duties.**
2.07.030 **Compensation.**
2.07.040 **Conflict of provisions.**
2.07.050 **Severability.**

2.07.010 **Position created.**

There is created the position of city administrator, who shall be and act as the administrative and executive supervisor of the city government under the authority and direction of the mayor. The city administrator shall be appointed by the mayor. Such appointment shall be subject to confirmation by a majority vote of the city council. The position of city administrator shall be an at-will position; any person so appointed to the position of city administrator shall serve at the pleasure of the mayor, and may be removed, with or without cause, by the mayor. Appointment of any person to the position of city administrator shall not be deemed to have conferred upon such appointee any express or implied contractual right to nor any property interest or liberty interest in continued employment with the city as city administrator or in any other capacity. The city may, at its option, enter into a formal contract with any person appointed as city administrator; provided, however, that such contract may not vary the provisions of this section.

(Ord. No. 1346, § 1, 11-16-2015)

2.07.020 **Duties.**

- A. The city administrator shall assist the mayor in the performance of his or her duties and shall do all things required by the mayor to assist in the administration of the business of the city government. The city administrator shall oversee and supervise the various city departments as directed by the mayor, and shall assist in the coordination of city business between the city council and various city officers and departments.
- B. Without limiting the generality of the foregoing, the city administrator shall have the following specific duties, powers and responsibilities:
1. Under the direction and authority of the mayor, the city administrator shall supervise, admin-

ister and coordinate the activities and functions of the various city officers and departments in carrying out the requirements of city ordinances and policies of the city, and to administer and supervise the carrying out of the decisions, regulations and policies of the various city departments, under the direction of the mayor.

2. The city administrator shall regularly report to the mayor concerning the status of all assignments, duties, projects and functions of the various city officers and departments.
3. The city administrator shall serve as personnel officer for the city. As personnel officer, the city administrator shall, subject to approval of the mayor, supervise the hiring and discharge of all city employees except police personnel and employees and officers required by state law or city ordinance to be appointed by the mayor or elected by the voters of the city.
4. The city administrator shall assist the mayor in supervising preparation of the annual budget and its submission to the council, and be responsible for supervising its administration after adoption.
5. The city administrator shall supervise all purchasing by the various city officers, departments, commissions and boards.
6. The city administrator shall supervise all expenditures by various city officers, departments, commissions and boards, for the purpose of keeping the same within the limitations of the annual budget of the city.
7. The city administrator shall assist the mayor in conducting the city's business in all matters, and perform such other duties and assume such other responsibilities as the mayor may direct, or as may be required by ordinance or resolution of the city council.
8. The city administrator shall meet with the mayor and city council as often as is necessary to keep them informed of the status and result of departmental operations and projects.
9. The city administrator shall represent the city at meetings with other governmental units, agencies, commissions and associations as directed by the mayor.

10. The city administrator shall undertake special projects at the direction or request of the mayor.
11. The city administrator shall be informed about and remain cognizant of federal and state grant and loan opportunities that could be of pecuniary value to the city, and shall alert the proper city officials to any opportunities for taking advantage of federal and state grants which could benefit the city.

(Ord. No. 1346, § 2, 11-16-2015)

2.07.030 Compensation.

The salary of the city administrator shall be established annually in the city budget. In the event that the city elects to enter into a formal contract of employment with the city administrator, the contract may provide for salary, retirement benefits, vacation and other leave benefits, medical, life and other insurance benefits which shall at a minimum entitle the city administrator to receive the benefits available to other city department heads. In the event that the city does not enter into a formal contract of employment with the city administrator, then the city administrator shall receive retirement benefits as provided by RCW. Vacation and other leave benefit, and medical, life and other insurance benefits shall be as provided by the city personnel policy.

(Ord. No. 1346, § 3, 11-16-2015)

2.07.040 Conflict of provisions.

To the extent that the provisions of this chapter or any employment contract with a city administrator relating to employee tenure, compensation and benefits conflict with any other ordinances, resolutions or the city personnel policy, the provisions of this chapter and such employment contract shall prevail.

(Ord. No. 1346, § 4, 11-16-2015)

2.07.050 Severability.

If any section, sentence, clause or phrase of the ordinance codified in this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

(Ord. No. 1346, § 5, 11-16-2015)

Chapter 2.08

DEPARTMENTS CREATED

Sections:

2.08.010 Departments created.

2.08.010 Departments created.

There is hereby created and established the following departments within the city: Police department; fire department; clerk-treasurer department; public works department; and community development department. In addition, the following divisions are hereby created within the public works department: Parks, water; sewer; and streets. In addition, the following divisions are hereby created within the community development department: Building; code enforcement; and planning. Additional departments may be created from time to time by ordinance with proper budgetary approval. (Ord. 843 § 5 (part), 1997)
(Ord. No. 1378, § 1, 11-21-2016)

Chapter 2.10**OFFICERS****Sections:**

- 2.10.010 Designated.**
- 2.10.020 Clerk-treasurer appointment/ duties.**
- 2.10.030 City attorney appointment/duties.**
- 2.10.040 City prosecutor.**
- 2.10.050 Chief of police appointment.**
- 2.10.060 Fire chief appointment.**
- 2.10.070 Building official appointment/ duties.**
- 2.10.080 Public works director appointment/duties.**
- 2.10.090 Community development director appointment/duties.**
- 2.10.100 Officers/employment contracts.**

2.10.010 Designated.

The officers of the city, besides the mayor and councilmembers, shall be as follows: A clerk-treasurer, a city attorney, or city attorney and a city prosecutor as the mayor and council shall deem appropriate, a chief of police, a fire chief, a building official, a public works director and a community development director. Additional offices and employment shall be created in the budgetary process as necessary. (Ord. 843 § 6 (part), 1997)

(Ord. No. 1378, § 2, 11-21-2016)

2.10.020 Clerk-treasurer appointment/duties.

- A. Pursuant to RCW 35A.12.020 and 42.24.080, there is created the position of clerk-treasurer. The clerk-treasurer shall be appointed by the mayor. Such appointment shall be subject to confirmation by a majority vote of the city council. Compensation to the clerk-treasurer shall be established in each annual budget.
- B. Pursuant to RCW 35A.12.020, the position of treasurer shall be combined with that of clerk, and the position of clerk shall be combined with that of treasurer, and the clerk-treasurer shall have the powers pursuant to said statutes.

(Ord. 843 § 6 (part), 1997)

2.10.030 City attorney appointment/duties.

- A. There is created the position of city attorney. The city attorney shall be appointed by the mayor, which

appointment shall be subject to confirmation by a majority vote of the city council. Compensation payable to the city attorney shall be established by contract and/or in each annual budget.

- B. The city attorney shall advise the city authorities and officers on all legal matters pertaining to the business of the city with the exception of municipal prosecutions. The city attorney shall represent the city in all actions brought by or against the city or against city officials in their official capacity and perform such other duties as prescribed by law.

(Ord. 843 § 6 (part), 1997)

2.10.040 City prosecutor.

- A. There is created the position of city prosecutor. The city prosecutor shall be appointed by the mayor, which appointment shall be subject to confirmation by a majority vote of the city council. Compensation payable to the city prosecutor shall be established by contract and/or in each annual budget.
- B. The city prosecutor shall represent the city in matters related to municipal prosecution.

(Ord. 843 § 6 (part), 1997)

2.10.050 Chief of police appointment.

There is created the position of chief of police for the city. The chief of police shall be appointed by the mayor, which appointment shall be subject to confirmation by a majority vote of the city council. Compensation payable to the police chief shall be established in each annual budget. (Ord. 843 § 6 (part), 1997)

2.10.060 Fire chief appointment.

There is created the position of fire chief for the city. The fire chief shall be appointed by the mayor, which appointment shall be subject to confirmation by a majority vote of the city council. Compensation payable to the fire chief shall be established in each annual budget. (Ord. 843 § 6 (part), 1997)

2.10.070 Building official appointment/duties.

- A. There is created the position of building official for the city. The building official shall be appointed by the mayor, which appointment shall be subject to

confirmation by a majority vote of the city council. Compensation payable to the building official shall be established in each annual budget.

- B. The building official shall be responsible for administering the uniform building codes and other applicable codes and regulations as deemed appropriate by the mayor.

(Ord. 843 § 6 (part), 1997)

2.10.080 Public works director appointment/duties.

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

(Ord. 843 § 6 (part), 1997)

2.10.090 Community development director appointment/duties.

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

(Ord. No. 1378, § 3, 11-21-2016)

Editor's note—Ord. No. 1378, § 3, adopted November 21, 2016, repealed the former § 2.10.090, and enacted a new § 2.10.090 as set out herein. The former § 2.10.090 pertained to officers/employment contracts and derived from Ord. No. 843, 1997. See Section 2.10.100 for similar provisions.

2.10.100 Officers/employment contracts.

The various officers of the city may be retained by employment contracts as the mayor and city council deem appropriate.

(Ord. No. 1378, § 4, 11-21-2016)

Editor's note—See editor's note for Section 2.10.090.

Chapter 2.16

VOLUNTEER FIRE DEPARTMENT—PENSION PLAN

Sections:

- 2.16.010 **Recognition.**
- 2.16.020 **Membership and organization.**
- 2.16.030 **Duties and responsibilities of the chief.**
- 2.16.040 **Equipment and apparatus.**
- 2.16.050 **Finances.**
- 2.16.060 **Special organization and bylaws.**
- 2.16.070 **Information releases.**
- 2.16.080 **Mutual aid systems—Contracts with other government jurisdictions.**
- 2.16.090 **Volunteer firemen's relief and pension act.**
- 2.16.100 **On-duty police officer—Duty to accept direction from department.**

2.16.010 **Recognition.**

There is recognized, a department to be known as the Woodland fire department (the "department"), the object of which shall be to provide protection of life and property. The department and the members thereof shall function under the immediate direction of the fire chief or, in his absence, the senior officer. (Ord. 665 § 1, 1988)

2.16.020 **Membership and organization.**

- A. The department shall consist of a chief, assistant chiefs, other officers and other firemen; provided, that the total membership of the department shall not exceed fifty, including officers.
- B. New members may join the department upon compliance with other applicable provisions of this chapter, and upon appointment.
- C. The chief shall be appointed by the mayor upon approval of the city council and may be disciplined, suspended or removed at any time for just cause by the mayor.
- D. New membership in the department shall be initiated by filing an application with the chief and, upon recommendation of the department interview board, be confirmed by the membership and be recognized by the city council and appointed by the mayor. Each applicant shall, after approval of application, but prior to becoming a member, pass a physical examination by a physician approved by the chief. Such physical examination shall be at the expense of the department.

- E. Upon the unanimous approval of the city council, a member of the department may serve as a council member while he is a member of the department.
- F. No officer of the department shall be an elected official with another governmental jurisdiction with which the city contracts for protection of life and property.
- G. Any member of the department, except the chief, may be disciplined, suspended or removed by the chief at any time he may deem necessary for the good of the department; provided, that within ten working days after such discipline, suspension or removal, such member may ask, in writing, for review of such action.

Such review shall be conducted by a board of review (the "board") consisting of two members of the department, having over one year of active duty in the department, two members of the city council and the city clerk-treasurer. The city clerk-treasurer shall be an ex officio, nonvoting member, except in the case of a tie vote. The method of selection of the board members, other than the city clerk-treasurer, shall be by lot from among the two respective bodies. Each request for review shall be heard by a new board with new members.

The board shall, within thirty calendar days of receipt of such request for review, either affirm or disaffirm such discipline, suspension or removal, in writing, supported by findings of fact. (Ord. 752 § 1, 1993; Ord. 665 § 2, 1988)

2.16.030 **Duties and responsibilities of the chief.**

The duties and responsibilities of the chief shall include, at a minimum, the following:

- A. The formulation of a set of rules and regulations to operate the department and shall be responsible to the mayor and city council for the safe operation and general efficiency of the department;
- B. The formulation of an organizational chart for the department to ensure effective response;
- C. To oversee suitable drills or instructions in the operation and handling of equipment, first aid and rescue work, salvage, fire prevention, water supplies or any other matters considered essential to protection of life and property;
- D. An annual report to the council;
- E. The maintenance of up-to-date records and records relating to activities of the department;
- F. Preparation and administration of the annual budget;
- G. Appointment and supervision of officers, including discipline, suspension and removal as provided in Section 2.16.020(G) of this chapter.

(Ord. 752 § 2, 1993; Ord. 665 § 3, 1988)



2.16.040 Equipment and apparatus.

The department shall be equipped with such apparatus and equipment as may be required to maintain its efficiency and to protect life and property. Recommendations of apparatus and equipment needed shall be made by the chief, and if approved by the council, shall be purchased in such manner as designated by the council. All equipment of the department shall be owned by the city and housed in such places as may be designated by the council and be under the control of the chief. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority, take away or conceal any article used by the department. Any equipment loaned to the department by governmental entities with which the city contracts for protection of life and property shall be housed in such places as may be designated by the council and be under the control of the chief. All equipment of the department purchased by or donated to the city shall be owned by the city and housed in such places as may be designated by the council and be under control of the chief. (Ord. 752 § 3, 1993; Ord. 665 § 4, 1988)

2.16.050 Finances.

The council shall appropriate funds to provide for the operation of the department to maintain efficiency and provide for protection of life and property. Not later than September 1st of each year, the chief shall file with the city clerk-treasurer a detailed estimate of the appropriations needed for the ensuing fiscal year. Any funds received as a donation for services performed by the department for protection of life and property shall be deposited with the Fire Department Association and appropriated for the purchase of equipment and supplies as recommended by the department. (Ord. 752 § 4, 1993; Ord. 665 § 5, 1988)

2.16.060 Special organization and bylaws.

The department may desire to establish bylaws for an organization to arrange and manage social affairs of the organization. The bylaws and amendments shall be approved by the council. The functions and duties of the organization shall, in no way, interfere with the regular responsibilities of the department. (Ord. 665 § 6, 1988)

2.16.070 Information releases.

The chief and/or delegated designee will be responsible for the release of any information in accordance with the Public Disclosure Law. No information of or about the department shall be released without the authorization of the chief or delegated designee. (Ord. 752 § 5, 1993; Ord. 665 § 7, 1988)

2.16.080 Mutual aid systems—Contracts with other government jurisdictions.

The city is authorized to enter into agreements or contracts with other governmental jurisdictions to provide protection of life and property with the recommendation of the chief. (Ord. 752 § 6, 1993; Ord. 665 § 8, 1988)

2.16.090 Volunteer firemen's relief and pension act.

- A. Every member of the department shall be enrolled under the relief and pension provisions of Revised Code of Washington (RCW) Chapter 41.24 (Volunteer Firemen's Relief and Pension Act), as may be hereafter amended, for the purpose of providing protection for such members and their families from death or disability arising from the performance of their duties.
 - B. Every member of the department shall have the option to avail himself/herself of the pension provisions of RCW Chapter 41.24.
 - C. On or before the fifteenth day of February of each year, every member of the department who has elected to enroll under the pension provisions shall pay to the city clerk-treasurer such sums as are required to be paid under applicable state statutes relating to contributions from members of the department.
 - D. On or before the twenty-fifth day of February each year, the city clerk-treasurer shall remit and pay to the State Board for Volunteer Firemen, all contributions paid into the city treasury by firemen electing to enroll in the pension program together with all sums required to be paid by the city into the Volunteer Firemen's Relief and Pension Fund under applicable state statutes.
 - E. There shall be paid from the city treasury, on the date aforesaid, to the State Volunteer Firemen's Relief and Pension Fund, such sum as is due under applicable state statutes as the city contribution to the relief and pension act.
- (Ord. 665 § 9, 1988)

2.16.100 On-duty police officer—Duty to accept direction from department.

It is the special duty of any police officer who may be on duty to, under the direction of the department, assist the department in the protection of life and property, by regulating traffic, maintaining order and enforcing observance of all sections of this chapter. (Ord. 665 § 10, 1988)

Chapter 2.20

PUBLIC LIBRARY*

Sections:

- 2.20.010 Merger of library services.**
- 2.20.020 Liaison to the Fort Vancouver
Regional Library District.**

* Prior ordinance history: Ords. 215 and 593.

2.20.010 Merger of library services.

By approval of the Woodland electorate, effective January, 1997, the Woodland Library annexed to the Fort Vancouver Regional Library District. (Ord. 843 § 7 (part), 1997)

**2.20.020 Liaison to the Fort Vancouver
Regional Library District.**

The mayor, subject to confirmation of the city council, shall appoint a citizen of the city to serve as the Woodland liaison to the Fort Vancouver Regional Library District. Such appointment shall be for a term of two years and the individual shall be eligible for expense reimbursement for attendance at Fort Vancouver Regional Library District board meetings. (Ord. 843 § 7 (part), 1997)

Chapter 2.24

PARKS AND RECREATION BOARD*

Sections:

- 2.24.010** City parks and recreation board created.
- 2.24.020** Terms of office of members.
- 2.24.030** Organization.
- 2.24.040** Quorum and meetings.
- 2.24.050** Powers and duties.
- 2.24.060** Employees.

* Prior ordinance history: Ords. 442, 474, 496, 661 and 670.

2.24.010 City parks and recreation board created.

The City Council does create a City Parks and Recreation Board consisting of five members, herein referred to as the "Board." In addition to the five appointed Board members, there shall be four ex officio members consisting of the mayor and three council members thereof to be designated by the Mayor from time to time, such ex officio members to be advisors only and have no power of authority. The public works director shall also be an ex officio member of the board. If necessary, a staff secretary shall be assigned as an ex officio member of the board. The members of the board shall be appointed by the Mayor with the approval of the council. No member of the board shall receive compensation for his/her service. The board shall be advisory to the mayor and city council on all matters involving parks and recreation. (Ord. 843 § 8 (part), 1997)
(Ord. No. 1173, § 1, 12-21-2009)

2.24.020 Terms of office of members.

The terms for the appointed members of the board shall be four years. Vacancies occurring for any reason other than expiration of a term of office shall be by appointment for the unexpired term of the office being filled. (Ord. 843 § 8 (part), 1997)

2.24.030 Organization.

At the January meeting every odd-numbered year the board shall organize by electing a chairperson and vice-chairperson to serve for a period of two years. If the position of chairperson is vacated before expiration of the term, the vice-chairperson will assume chairman-

ship until January of the next odd-numbered year and a new vice-chairperson will be elected. (Ord. 843 § 8 (part), 1997)
(Ord. No. 1173, § 2, 12-21-2009)

2.24.040 Quorum and meetings.

A majority of the membership of the board shall constitute a quorum for the transaction of board business. Ex-officio members shall not count toward establishing a board quorum. Any action taken by a majority of those present, when present constitute a quorum, at any regular or special meeting of the board, shall be deemed and taken as the action of the board. The board shall schedule a regular meeting day and time each month; provided, that if no matters over which the board has jurisdiction are pending upon its calendar, a meeting may be canceled or rescheduled. (Ord. 843 § 8 (part), 1997)
(Ord. No. 1173, § 3, 12-21-2009)

2.24.050 Powers and duties.

- The board has the following duties and powers:
- A. Elect its officers, including a chairperson and vice-chairperson;
 - B. Adopt rules for transaction of business and maintain a written record of its meetings, transactions, findings and determinations for public record;
 - C. Subject to council approval, initiate and administer a park and recreation comprehensive plan;
 - D. Recommend improvements, operation and maintenance of parks, playgrounds and other recreational facilities, together with all structures and equipment useful therewith, and may recommend to the city council acquisition of real property;
 - E. Develop and recommend for enforcement reasonable rules and regulations necessary in operation of parks, playgrounds and other recreational facilities, and may recommend to the city council adoption of any rules and regulations requiring enforcement by legal process which relate to parks, playgrounds and other recreational facilities;
 - F. Review and recommend staffing levels for park and recreation programs to the public works director;

2.24.050

G. Submit an annual budget to the city council in the manner provided by law.

(Ord. 843 § 8 (part), 1997)

(Ord. No. 1173, § 4, 12-21-2009)

2.24.060 Employees.

Employees of the division of parks shall be under the supervision of the director of public works. (Ord. 843 § 8 (part), 1997)

Chapter 2.26

POLICE DEPARTMENT*

Sections:

- 2.26.010 Personnel.**
- 2.26.020 Appointments.**
- 2.26.030 Management.**
- 2.26.040 Removal of members.**
- 2.26.050 Compensation.**
- 2.26.060 Chief of police—Powers and duties generally.**
- 2.26.070 Duties of police officers.**
- 2.26.080 Response time requirements.**
- 2.26.090 Residency requirements for chief of police.**

2.26.010 Personnel.

- A. The sworn officers of the police department of the city shall consist of the following:
1. Chief;
 2. Sergeant;
 3. Police officer; and
 4. Any other positions or rank created by the city council.
- B. Personnel appointed to positions or ranks provided for in this chapter shall be considered "city police officers" within the meaning of RCW 41.26.030(3).
(Ord. 843 § 9 (part), 1997)

2.26.020 Appointments.

The mayor shall appoint the chief of police, subject to Section 2.10.050, and all city police officers, in accord with city ordinances and civil service rules. (Ord. 843 § 9 (part), 1997)

2.26.030 Management.

The police department shall be under the management of the chief of police, except as otherwise provided by law. (Ord. 843 § 9 (part), 1997)

2.26.040 Removal of members.

The mayor may remove any member of the police department in accord with city ordinance and all civil service regulations. (Ord. 843 § 9 (part), 1997)

*Prior ordinance history: Ords. 442, 474, 496, 661 and 697.

2.26.050 Compensation.

The compensation of all members of the police department shall be fixed in the annual budget process by the city council. (Ord. 843 § 9 (part), 1997)

2.26.060 Chief of police—Powers and duties generally.

The chief of police shall have general charge and control of the police force, subject to the direction and control of the mayor; he shall enforce the criminal ordinances of the city and he shall have such other and further powers and be charged with such other and further duties as are or may hereafter be prescribed by law or by the ordinances of the city or by resolution of the city council. (Ord. 843 § 9 (part), 1997)

2.26.070 Duties of police officers.

The duties of the other members of the police department, both regular and special police officers, shall be such as may be provided from time to time by ordinance and by rules established by the mayor and the chief of police in addition to the duties prescribed in this chapter. (Ord. 843 § 9 (part), 1997)

2.26.080 Response time requirements.

- A. **Response Time.** All sworn officers employed on a full-time basis shall reside within thirty minutes travel time to the city police department headquarters, traveling at the posted speed limit under normal, good weather road conditions, for the most direct travel route to the police department. New hire officers must meet this requirement prior to the completion of their first twelve months of employment with the city. The chief of police will be the deciding authority for determining adherence to this section.
- B. **Limited Exception for New Hires.** Any officer subject to the foregoing requirement hired after October 1, 2005, who resides within Clark or Cowlitz County, Washington, at the time of hire, shall be deemed in compliance with this section so long as his or her residence does not change. In the event of a future change of residence, for any reason, the officer shall meet the response time requirement set forth in this section, regardless of whether their new residence is also located within Clark or Cowlitz County.

- C. Extension of Exception. Upon written request of an officer, the chief of police may waive the response time requirement for a period not to exceed two months when strict application of the requirement: (1) causes extreme economic hardship, or (2) is beneficial to the citizens of Woodland due to unique circumstances such as national emergency or disaster, unforeseen acts of God, terrorism, war, etc., or (3) causes an injustice to either the officer or the citizens of Woodland.
- D. Failure to Comply. An officer's failure to comply with this section shall be subject to immediate discipline, up to and including, termination.
(Ord. 1062 § 1, 2005; Ord. 945 § 1, 2002; Ord. 843 § 9 (part), 1997)

2.26.090 Residency requirements for chief of police.

- A. Residency/Response Requirement. The chief of police shall reside within the city limits of the City of Woodland or within a fifteen minute drive to the police department. The chief of police shall have twelve months from the effective date of the ordinance codified in this section to satisfy the requirement. A chief of police appointed after the effective date of the ordinance codified in this section shall have twelve months from the date of hire to satisfy the requirement.

The mayor shall have the authority to determine compliance with this subsection. For purposes of this section, the "date of hire" shall be either the date of the mayoral appointment or the date of the city council's approval of the appointment, whichever is later. A "fifteen minute drive" is the driving time from the chief's residence to the police station under normal driving conditions within posted speed limits. The city's preference is that the chief of police reside in Woodland.

- B. Extension. Upon written application of the chief of police, the mayor may extend the time to comply with the residency/response time requirement. The mayor may grant two extensions. The combined extensions shall not exceed six calendar months. The chief's written application for an extension shall set forth the grounds for the extension and include supporting data whenever relevant to the

mayor's decision. The mayor may approve an extension when the mayor finds: (1) that the strict application of the requirement causes extreme economic hardship for the chief, (2) that an extension is beneficial to the citizens of Woodland due to unique circumstances such as national emergency or disaster, unforeseen acts of God, terrorism, war, etc., or (3) that the strict application of the requirement results in an injustice or additional cost to either the chief or the citizens of Woodland.

- C. Failure to Comply. The chief's failure to reside in the city limits of Woodland or within a fifteen-minute drive in accordance with this chapter shall subject the chief both to disciplinary action including termination and to "for cause" termination under an employment contract, if any.
(Ord. No. 1309, § 1, 10-6-2014; Ord. No. 1352, §§ 1, 2, 12-21-2015)

Chapter 2.28

POLICE AND FIRE DEPARTMENTS*

Sections:

- 2.28.010 **Created—Duties.**
 2.28.020 **Appointment—Term—
 Vacancies.**
 2.28.030 **Authority—Copies on file.**

* Prior ordinance history: Ord. 341.

2.28.010 Created—Duties.

There is created a civil service commission for the police and fire departments of the city, pursuant to and in accordance with the provisions of RCW 41.08 and RCW 41.12; and all full-paid employment therein, and all advancements, demotions, suspensions, discharges or control thereof, and of the members thereof, shall be under the control of and governed by civil service rules prescribed in or adopted pursuant to RCW 41.08 and RCW 41.12 as the same may have been heretofore or may be hereafter amended. Provided however, pursuant to RCW 41.08.050 and RCW 41.12.050, the chiefs of the respective departments shall be exempt from the city's civil service system. (Ord. 843 § 10 (part), 1997; Ord. 807 § 1, 1996)

**2.28.020 Appointment—Term—
 Vacancies.**

There is created for the administration of such civil service for the police and fire departments, a civil service commission composed of three members who shall be appointed by the mayor of the city, subject to the approval of a majority of the city council. The term of office of such civil service commission shall be six years, except that the first three members of the commission shall be appointed for different terms, as follows: one to serve for a period of two years, one to serve for a period of four years and one to serve for a period of six years. The respective terms of the first three members shall be determined by lot. In the event any civil service commissioner shall resign, become disqualified or be removed for cause, another commissioner shall be appointed to take his/her place for the unexpired portion of the term. (Ord. 843 § 10 (part), 1997)

2.28.030 Authority—Copies on file.

The ordinance codified in this chapter is adopted pursuant to RCW 41.08 and RCW 41.12 and all of the provisions of said chapters, one copy of which is on file in the office of the clerk-treasurer, and are by this reference incorporated herein and made a part of the chapter. (Ord. 843 § 10 (part), 1997)

Chapter 2.30

POLICE RESERVE PENSION

each year. Failure of the member to do so will immediately revoke the members' eligibility for participation under this chapter.
(Ord. 800 § 4, 1995)

Sections:

- 2.30.010** **Definitions.**
- 2.30.020** **General provisions.**
- 2.30.030** **Administration of the plan.**

2.30.010 **Definitions.**

As used in this chapter:

“City” means the city of Woodland.

“Member” means a member, in good standing, of the Woodland police reserve organization.

“Plan” means the pensions provisions, only, of the Volunteer Firefighters’ Pension and Relief Act as codified in RCW 41.24 and as amended in Substitute House Bill 1453. (Ord. 800 § 2, 1995)

2.30.020 **General provisions.**

Effective July 23, 1995, in accordance with the provisions of Substitute House Bill 1453 of the Washington State Legislature, members, in good standing, of the Woodland police reserve organization are authorized to participate in the pension provisions of the Volunteer Firefighters’ Relief and Pension Act, provided that they have been a member of the Woodland police reserve organization for a minimum of one year and have completed their probationary period as specified in reserve rules and regulations. (Ord. 800 § 3, 1995)

2.30.030 **Administration of the plan.**

The plan will be administered by the Washington State Board for Volunteer Firefighters according to their present rules and regulations or as may be hereafter changed or amended. The city will provide for local administration of the plan in the same manner as is done for volunteer firefighters of the Woodland fire department under related city ordinance(s).

- A. Fees or Contributions. Fees or contributions for membership in the plan will be set by the state of Washington and may change on a year to year basis. The city will arrange for collection of member contributions and will be responsible for sending both the member contribution and the city contribution to the plan administrator at the state level.
- B. City and Member Contributions. The city of Woodland will pay the city portion of the fees/contributions as set by the state of Washington on a yearly basis as provided for by law. Individual members will pay their share of the fees/contributions to the Woodland city clerk-treasurer no later than December 31st of

Chapter 2.32

PLANNING COMMISSION*

Sections:

- 2.32.010 **Established—Membership—
Term and vacancies.**
- 2.32.020 **Powers and duties.**
- 2.32.030 **Recommendations to city council.**
- 2.32.040 **Subdivision recommendations.**
- 2.32.050 **Conducting of business.**
- 2.32.060 **Quorum.**

* Prior ordinance history: Ords. 248 and 579.

2.32.010 **Established—Membership—Term and vacancies.**

Pursuant to the authority conferred by RCW 35A.63 there is created a city planning commission of five members who shall be appointed by the mayor and confirmed by the city council. The term of office of the members of the commission is six years. Commission members shall be residents of the city. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members may be removed, after public hearing by the mayor, with the approval of the city council, for inefficiency, neglect of duty or malfeasance in office. The members shall be selected without respect to political affiliations, and they shall serve without compensation. (Ord. 843 § 11 (part), 1997)

2.32.020 **Powers and duties.**

The planning commission shall have all of the powers and perform each and all of the duties specified in RCW 35A.63, together with any other duties or authority which may hereafter be conferred upon it by the city council and by the laws of the state. The performance of such duties and the exercise of such authority is subject to each and all of the limitations expressed in such legislative enactment or enactments. (Ord. 843 § 11 (part), 1997)

2.32.030 **Recommendations to city council.**

The city council may refer to the planning commission, for its recommendation and report, any ordinance, resolution or other proposal relating to any of the matters and subjects referred to in RCW Ch. 35A.63, and the commission shall promptly report to the council thereon, making such recommendations and giving such counsel as it may deem proper in the premises. (Ord. 843 § 11 (part), 1997)

2.32.040 **Subdivision recommendations.**

All plats or plans of subdivisions of land within the city or proposed additions offered to the city council for acceptance shall first be submitted to the planning commission for its recommendation and report, which report shall be made to the council within thirty days after submission, or at such earlier date as the council shall direct. (Ord. 843 § 11 (part), 1997)

2.32.050 **Conducting of business.**

The business of the commission shall be conducted pursuant to the rules of procedure adopted by the commission. At the discretion of the mayor, the commission shall be provided such staff assistance as is deemed appropriate. (Ord. 843 § 11 (part), 1997)

2.32.060 **Quorum.**

A majority of the membership of the planning commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present when those present constitute a quorum, at any regular or special meeting of the planning commission, shall be deemed and taken as the action of the commission. (Ord. 843 § 11 (part), 1997)

Chapter 2.44

CITY HALL*

Sections:

2.44.010 Hours—Holidays.

* Prior ordinance history: Ords. 375, 386 and 432.

2.44.010 Hours—Holidays.

- A. City Hall and the City Hall Annex shall be open to the public between the hours of nine a.m. and five p.m. exclusive of weekends and holidays. Other city facilities shall be open for business as directed by the mayor. The legal holidays of the city are as set forth in Section 2.04.050.
- B. Whenever any of the above-designated legal holidays fall on a Saturday, the preceding Friday shall be a legal holiday. Whenever any of the above-designated legal holidays fall on a Sunday, the following Monday shall be a legal holiday.

(Ord. 843 § 12, 1997)

Chapter 2.46

DEFENSE OF OFFICIALS, EMPLOYEES AND VOLUNTEERS

Sections:

2.46.010	Definitions.
2.46.020	Legal representation.
2.46.030	Exclusions.
2.46.040	Determination of exclusion.
2.46.050	Representation and payment of claims—Conditions.
2.46.060	Effect of compliance with conditions.
2.46.070	Failure to comply with conditions.
2.46.080	Reimbursement of incurred expenses.
2.46.090	Conflict with provisions of insurance policies.
2.46.100	Pending claims.
2.46.110	Modification of chapter.
2.46.120	Construction.

2.46.010 Definitions.

As used in this chapter, unless the context clearly requires otherwise, the following words shall have the meaning set forth below:

“Employee” means any person who is or has been employed by the city of Woodland.

“Official” means any person who is serving or has served as an elected or appointed city official or officer, and any person who is serving or has served as an appointed member of any city board, commission, committee, or other appointed position with the city. The term appointed, as used herein, shall mean a person formally appointed by the mayor or as authorized by state law or city ordinance.

“Volunteer” means any person who, without monetary compensation, serves or has served the city of Woodland under the explicit authorization and direction of a city department. (Ord. 836 § 2, 1996)

2.46.020 Legal representation.

A. The city shall provide to an official, employee, or volunteer, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official, employee, or volunteer may have concluded service or employment with the city, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such official, employee, or volunteer resulting from any conduct, act or

omission of such official, employee or volunteer performed or omitted on behalf of the city in his/her capacity as a city official, employee, or volunteer, which act or omission is within the scope of his/her service or employment with the city.

- B. The legal services shall be provided by the city attorney unless:
1. Any provision of an applicable policy of insurance provides otherwise; or
 2. A conflict of interest or ethical bar exists with respect to said representation; or
 3. The mayor appoints alternate legal counsel to the case.
- C. In the event that outside counsel is retained under subsection (B)(1) and (B)(3) of this section, the city shall indemnify the official, employee, or volunteer from the reasonable costs of defense, provided that in no event shall the official, employee, or volunteer be indemnified for attorney’s fees in excess of the rates established by the city’s contract with the attorney selected by the city. The official, employee, or volunteer shall be liable for all attorney’s fees in excess of said rate. In the event that outside counsel is retained under subsection (B)(2) of this section, the city shall indemnify the official, employee, or volunteer from the reasonable costs of defense, provided that in no event shall the official, employee, or volunteer be indemnified for attorney’s fees in excess of the then prevailing hourly rate in the greater Cowlitz/Clark County area. The official, employee, or volunteer shall be liable for all attorney’s fees in excess of said rate.

(Ord. 836 § 3, 1996)

2.46.030 Exclusions.

- A. In no event shall protection be offered under this chapter by the city for:
1. Any dishonest, fraudulent, criminal, wilful, intentional, or malicious act or course of conduct by an official, employee, or volunteer;
 2. Any act or course of conduct of an official, employee, or volunteer which is not performed on behalf of the city;
 3. Any act or course of conduct which is outside the scope of the official’s, employee’s, or volunteer’s service or employment with the city;
 4. Any lawsuit brought against an official, employee, or volunteer by or on behalf of the city;
 5. Any action or omission contrary to or not in furtherance of any adopted city policy.

- B. Nothing herein shall be construed to waive or impair the right of the city council to institute suit or counterclaim against any official, employee, or volunteer, nor limit its ability to discipline or terminate an employee.
- C. The provisions of this chapter shall have no force or effect with respect to any accident, occurrence, or circumstance for which the city or the official, employee, or volunteer is insured against loss or damages under the terms of any valid insurance policy, provided that this chapter shall provide protection, subject to its terms and limitations, above any loss limit of such policy. The provisions of this chapter are intended to be secondary to any contract or policy of insurance owned or applicable to any official, employee, or volunteer. The city shall have the right to require an employee to utilize any such policy protection prior to requesting the protection afforded by this chapter.

(Ord. 836 § 4, 1996)

2.46.040 Determination of exclusion.

The determination of whether an official, employee, or volunteer shall be afforded a defense by the city under the terms of this chapter shall be made by the city council on the recommendation of the mayor and city attorney. The decision of the city council shall be final as a legislative determination and shall be based upon a finding that the claim or suit against an official, employee, or volunteer meets or does not meet the criteria of this chapter. Nothing herein shall preclude the city from undertaking an official's, employee's, or volunteer's defense under a reservation of rights. The determination as to whether to furnish a defense as provided under this chapter to a member or members of the city council shall be made without the vote of such member or members of the city council unless the inclusion of such member or members is required for a quorum. Provided, that if a claim or lawsuit affects a quorum or greater number of the members of the city council, all such affected members shall retain their voting privileges under this section.

Denial of a request for representation or indemnification may be reviewed only by an action in the Cowlitz County Superior Court filed within thirty days of the denial by the city council. (Ord. 836 § 5, 1996)

2.46.050 Representation and payment of claims—Conditions.

The provisions of this chapter shall apply only when the following conditions are met:

- A. In the event of any incident or course of conduct potentially giving rise to a claim for damage, or the

commencement of a suit, the official, employee, or volunteer involved shall, as soon as practicable, give the city attorney written notice thereof, identifying the official, employee, or volunteer involved, all information known to the official, employee, or volunteer with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses.

- B. Upon receipt thereof, the official, employee, or volunteer shall promptly deliver any claim, demand, notice or summons or other process relating to any such incident or conduct to the city attorney, and shall cooperate with the city attorney or an attorney designated by the city, and, upon request, assist in making settlement of any suit and enforcing any claim for any right of subrogation against any persons or organizations that may be liable to the city because of any damage or claim of loss arising from the incident or course of conduct, including, but not limited to, rights of recovery for costs and attorneys' fees arising out of state or federal statute upon a determination that the lawsuit brought was frivolous in nature.
- C. Such official, employee, or volunteer shall attend interviews, depositions, hearings and trial and shall assist in securing and giving evidence and obtaining attendance of witnesses all without any additional compensation to the official, employee, or volunteer and, in the event that an employee has left the employ of the city, no fee or compensation shall be provided; and
- D. Such official, employee, or volunteer shall not accept nor voluntarily make any payment, assume any obligation, or incur any expense relating to the claim or suit; other than for medical first aid to others at the time of any incident or course of conduct giving rise to any such claim, loss, or damage. Nothing herein shall be deemed to preclude any official, employee, or volunteer from retaining an attorney to represent his/her interests relating to such claim or lawsuit; however, all costs and expenses incurred thereby shall be paid by the official, employee, or volunteer.
- E. An official, employee, or volunteer shall also give notice to the mayor of his/her request for defense and indemnification from a claim or action.

(Ord. 836 § 6, 1996)

2.46.060 Effect of compliance with conditions.

If legal representation of an official, employee, or volunteer is undertaken by the city, all of the conditions of representation are met, and a judgment is entered against the official, employee, or volunteer, or a settlement made, the city shall pay such judgment or settlement not otherwise covered by insurance in the same manner as a judgment or settlement against the city, except any portion of the judgment which is for punitive damages.

The city council may, by separate resolution, authorize payment of a judgment for punitive damages against a person who has been represented by the city attorney or a designated attorney under Section 2.46.020(B). The city reserves the right to appeal any judgment at its sole discretion. (Ord. 836 § 7, 1996)

2.46.070 Failure to comply with conditions.

In the event that any official, employee, or volunteer fails or refuses to comply with any of the conditions set forth in Section 2.46.050, or elects to provide his/her own representation with respect to any such claim or litigation, then all of the provisions for defense and indemnification in this chapter shall be inapplicable, and have no force or effect with respect to any such claim or litigation. (Ord. 836 § 8, 1996)

2.46.080 Reimbursement of incurred expenses.

- A. If the city determines that an official, employee, or volunteer does not come within the provisions of this chapter, and a court of competent jurisdiction later determines that such claim does come within the provisions of this chapter, then the city shall pay any judgment rendered against the official, employee, or volunteer and reasonable attorney's fees incurred in defending against the claim. The city shall pay any costs and reasonable attorney's fees incurred in obtaining the determination that such claim is covered by the provisions of this chapter. Provided, if a court of competent jurisdiction determines that such claim does not come within the provisions of this chapter, then the official, employee, or volunteer shall pay the city's costs and reasonable attorney's fees incurred in obtaining the determination that such claim is not covered under the provisions of this chapter.
- B. If the city determines that a claim against a city official, employee, or volunteer does come within the provisions of this chapter, and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, then the city

shall be reimbursed for costs and expenses incurred in obtaining the determination that such claim is not covered by the provisions of this chapter. (Ord. 836 § 9, 1996)

2.46.090 Conflict with provisions of insurance policies.

The indemnification provisions of this chapter do not constitute a policy of insurance, and nothing contained in this chapter shall be construed to modify or amend any provisions of any policy of insurance where any city official, employee, or volunteer thereof is the named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provisions shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any official's, employee's, or volunteer's right to full coverage pursuant to this chapter, it being the intent of this chapter and section to provide the coverage detailed in this chapter only outside and beyond insurance policies which may be in effect, while not compromising the terms and conditions of such policies by any conflicting provision contained in this chapter. (Ord. 836 § 10, 1996)

2.46.100 Pending claims.

The provisions of this chapter shall apply to any pending claim or lawsuit against an official, employee, or volunteer, or any such claim or lawsuit hereinafter filed, irrespective of the date of the events or circumstances which are the basis of such claim or lawsuit. (Ord. 836 § 11, 1996)

2.46.110 Modification of chapter.

The provisions of this chapter shall be subject to amendment, modification, and repeal, at the sole discretion of the city council, provided that any such amendment, modification, or repeal shall apply prospectively only, and shall have no effect on the obligation of the city to indemnify and/or defend against any claim which is based, in whole or in part, upon any action or omission of an official, employee, or volunteer occurring prior to the effective date of such amendment, modification, or repeal. (Ord. 836 § 12, 1996)

2.46.120 Construction.

In the event of any conflict between this chapter and any collective bargaining agreement, the terms of the collective bargaining agreement shall prevail. (Ord. 836 § 13, 1996)

Chapter 2.48

CITY EMPLOYEES

Sections:

- 2.48.010 **Mid-month pay draw.**
- 2.48.020 **Residence requirement for
public works department
employees—Designated.**
- 2.48.030 **Residence requirement for public
works department
employees—Applicability.**

2.48.010 Mid-month pay draw.

Employees of the city may request an advance not to exceed one third of their gross for the month in question on the fifteenth day of the month or on the last work day preceding if said date is a weekend or holiday. Employees may only modify the amount of the draw no more frequently than annually unless otherwise authorized by the clerk-treasurer. (Ord. 843 § 13, 1997; Ord. 492 § 2, 1980; Ord. 347 § 1, 1972)

2.48.020 Residence requirements for public works department employees— Designated.

All persons employed on a permanent, full-time basis by the public works department shall reside within fifteen minutes travel time to the city hall, as defined by the mayor. (Ord. 698 § 2, 1990; Ord. 493 § 2, 1980; Ord. 475 § 1, 1979)

2.48.030 Residence requirement for public works department employees— Applicability.

This provision shall apply to all permanent, full-time employees presently and in the future employed by the public works department; provided, that any person presently employed on a permanent, full-time basis, by the public works department who currently resides outside the fifteen minutes travel time to the city hall, as defined by the mayor, shall not be required to relocate in order to comply with the terms of Section 2.48.020. However, should said exempt employee change his residence, it shall be in accordance with Section 2.48.020. Any new employee of the public works department shall comply with the terms of Section 2.48.020 no later than the end of his probationary period. (Ord. 698 § 3, 1990; Ord. 493 § 3, 1980; Ord. 479 § 2, 1979)

Chapter 2.56

MUNICIPAL COURT

Sections:

- 2.56.010** Created.
2.56.020 Jurisdiction—Authority.
2.56.025 Operation.
2.56.030 Jurisdiction—Original violations.
2.56.040 Violations bureau.
2.56.050 Municipal judge—Qualifications.
2.56.060 Municipal judge—Appointment—Term.
2.56.070 Municipal judge—Personnel—Salary.
2.56.080 Judges pro tem—Appointment—Qualifications.
2.56.090 Sessions.
2.56.100 Statutes and rules governing procedure.
2.56.105 Court of record.
2.56.110 Penalty for violation.
- 2.56.010** Created.
 There is created within the city an inferior court to be known as a municipal court of the city. (Ord. 366 § 1, 1973; Ord. 285 § 1, 1966)
- 2.56.020** Jurisdiction—Authority.
 The municipal court shall have jurisdiction and shall exercise all powers declared to be vested in the municipal court by RCW 3.30.050, together with such other power and jurisdiction as may generally be conferred in the state of Washington by statute and/or the common law or any ordinances of the city. (Ord. 366 § 2, 1973; Ord. 285 § 2, 1966)
- 2.56.025** Operation.
 The municipal court shall be established and operated under the procedure authorized in RCW Ch. 3.50 et seq. as hereafter amended. (Ord. 544 § 1, 1982)
- 2.56.030** Jurisdiction—Original violations.
 The municipal court shall have exclusive original criminal jurisdiction of all violations of the city ordinances duly adopted by the city and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances, or by statutes of the state and shall be empowered to forfeit cash bail or bail bonds and issue execution thereon; and to hear and determine all causes, civil or criminal, arising under such ordinances and stat-

utes and to pronounce judgment in accordance therewith. (Ord. 366 § 3, 1973; Ord. 285 § 3, 1966)

2.56.040 Violations bureau.

The municipal court may, by order, establish a violations bureau for the purposes of assisting the court in processing traffic cases. The violations bureau shall operate pursuant to court rule and RCW 3.50.030. (Ord. 366 § 4, 1973; Ord. 285 § 4, 1966)

2.56.050 Municipal judge—Qualifications.

A person appointed as municipal judge shall be a citizen of the United States and of the state, licensed to practice law in the state, and shall be a judge of the Cowlitz County District Justice Court. (Ord. 366 § 5, 1973; Ord. 285 § 5, 1966)

2.56.060 Municipal judge—Appointment—Term.

Upon the passage of the ordinance codified in this chapter, the mayor shall, with the approval of the city council, appoint a municipal judge of the municipal court, who shall serve for a term of four years commencing on the fifteenth day of January, 1967. Succeeding appointments shall be made in like manner on or before the fifteenth day of December preceding the end of each four year term. (Ord. 366 § 6, 1973; Ord. 285 § 6, 1966)

2.56.070 Municipal judge—Personnel—Salary.

No annual or monthly salary shall be paid to the district court or any judge thereof. The city shall pay to Cowlitz County as its pro rata share of the expense of the district court judges the sum of one hundred dollars per month, plus travel expense, plus per diem, together with any other incidental expenses incurred by the city in connection with the furnishing of such services; provided, in the event that the city utilizes any of the supportive services of the county, including but not limited to, probation services for court personnel, the costs thereof shall be negotiated between the city and the county. (Ord. 374 § 1, 1973; Ord. 366 § 7, 1973; Ord. 285 § 7, 1966)

2.56.080 Judges pro tem—Appointment—Qualifications.

The mayor shall, with the approval and concurrence of the city council, appoint judges pro tem who shall act in the absence or disability of the regular judge of the municipal court. A judge pro tem shall be a judge of the Cowlitz County District Justice Court or any attorney licensed by the state residing in Cowlitz County or the

2.56.080

city, and a citizen of the United States and the state. (Ord. 366 § 8, 1973: Ord. 285 § 8, 1966)

2.56.090 Sessions.

The municipal court shall hold such sessions as the judge thereof shall from time to time establish. (Ord. 366 § 9, 1973: Ord. 285 § 9, 1966)

2.56.100 Statutes and rules governing procedure.

Pleadings, practice and procedure, in cases not governed by statutes or rules specifically applicable to municipal courts shall, insofar as applicable, be governed by the statutes and rules now existing including the applicable provisions of Chapter 299, State of Washington, Session Laws for 1961, or as may be hereafter adopted governing the pleadings, practice and procedure applicable to municipal courts. (Ord. 366 § 10, 1973: Ord. 285 § 10, 1966)

2.56.105 Court of record.

The municipal court of Woodland shall be a court of record. The method of making a record of the proceedings for purposes of review shall be those methods set forth and provided by RCW 3.02.010 et seq., as hereafter amended, and as further set forth in Title 5 of the Rules For Appeal of Decisions of Courts of Limited Jurisdiction as hereafter amended. (Ord. 575 § 2, 1984)

2.56.110 Penalty for violation.

Every person convicted by the municipal court for a violation of any ordinance of the city shall be punished as provided in Section 1.12.010. (Ord. 366 § 11, 1973: Ord. 285 § 11, 1966)

Chapter 2.60**EMPLOYEES' SALARIES AND WAGES****Sections:**

- 2.60.010** **Salary and wage schedule.**
- 2.60.020** **Revisions to salary and wage schedule.**
- 2.60.030** **Clerk-treasurer to maintain schedule.**

2.60.010 **Salary and wage schedule.**

The salary and wage schedule applicable to the officials and employees of the city shall be adopted annually in conjunction with the adoption of the city's annual budget. (Ord. 843 § 14, 1997; Ord. 745 § 1 (part), 1992)

2.60.020 **Revisions to salary and wage schedule.**

No revision to the city's salary and wage schedule shall become effective until approved by resolution of the city council. (Ord. 745 § 1 (part), 1992)

2.60.030 **Clerk-treasurer to maintain schedule.**

The city's official salary and wage schedule shall be maintained by the city's clerk-treasurer. Upon approval of any changes to the schedule by passage of resolution of the city council, the clerk-treasurer shall make appropriate revisions to the official salary and wage schedule. (Ord. 745 § 1 (part), 1992)

Chapter 2.62

PERSONNEL REGULATIONS

Sections:

- 2.62.010** **Employee benefits.**
- 2.62.020** **Hiring and recruiting.**

2.62.010 **Employee benefits.**

The city's policies and regulations regarding employee benefits and related matters as set forth in Ordinance 782, adopted August 15, 1994, shall control employee benefits. (Ord. 843 § 15 (part), 1997)

2.62.020 **Hiring and recruiting.**

Recruiting and hiring of personnel shall be conducted in accordance with the hiring and recruiting policy of the city of Woodland dated December 5, 1994. (Ord. 843 § 15 (part), 1997)

Chapter 2.72**CASH REWARDS****Sections:**

**2.72.010 Information leading to arrest of
vandal—Reward.**

**2.72.010 Information leading to arrest of
vandal—Reward.**

The city council adopts a policy whereby a cash reward in an amount to be determined by the city council may be offered to any person or persons providing information which leads to the arrest and conviction of anyone vandalizing, destroying, or otherwise damaging city property. (Ord. 843 § 16, 1997; Res. 274, 1986)

Chapter 2.80

HORSESHOE LAKE MANAGEMENT COMMITTEE*

Sections:

- 2.80.010** **Establishment.**
- 2.80.020** **Composition.**
- 2.80.030** **Terms of office of members.**
- 2.80.040** **Organization.**
- 2.80.050** **Quorum and meetings.**
- 2.80.060** **Powers and duties.**

2.80.010 **Establishment.**

There is created a Horseshoe Lake management committee to identify the problems, research possible solutions, identify possible funding sources, and make recommendations to the mayor and Woodland City Council on all matters involving Horseshoe Lake. (Ord. No. 1405, § 1, 3-19-2018)

2.80.020 **Composition.**

The committee shall be composed of five members of the community appointed by the mayor with the approval of city council. For purposes of this resolution, community shall be defined as the City of Woodland and areas adjacent thereto. No member of the board shall receive compensation for his/her service. In addition to the five appointed committee members, the mayor, public works director, and a city councilmember designated by the mayor shall be ex officio members to be advisors only and have no power of authority. Other individuals who may be required, from time to time for resources and information shall be assigned as ex officio members of the committee by the mayor with the approval of city council. (Ord. No. 1405, § 1, 3-19-2018; Ord. No. 1441, § 1, 8-19-2019)

2.80.030 **Terms of office of members.**

The terms for the appointed members of the board shall be staggered four years. Vacancies occur-

***Editor's note**—Ord. No. 1405, § 1, adopted March 19, 2018, in effect repealed the former Chapter 2.80, §§ 2.80.010—2.80.030, and enacted a new Chapter 2.80 as set out herein. The former Chapter 2.80 pertained to similar subject matter and derived from Res. No. 309, 1989.

ring for any reason other than expiration of a term of office shall be by appointment for the unexpired term of the office being filled.

(Ord. No. 1405, § 1, 3-19-2018; Ord. No. 1441, § 1, 8-19-2019)

2.80.040 **Organization.**

At the January meeting every odd-numbered year the board shall organize by electing a chairperson and vice-chairperson to serve for a period of two years. If the position of chairperson is vacated before expiration of the term, the vice-chairperson will assume chairmanship until January of the next odd-numbered year and a new vice-chairperson will be elected.

(Ord. No. 1405, § 1, 3-19-2018)

2.80.050 **Quorum and meetings.**

A majority of the membership of the board shall constitute a quorum for the transaction of board business. Ex-officio members shall not count toward establishing a board quorum. Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting of the board, shall be deemed and taken as the action of the board. The board shall schedule a regular meeting day and time each month; provided, that if no matters over which the board has jurisdiction are pending upon its calendar, a meeting may be cancelled or rescheduled. The board shall function as a "governing body" as provided by RCW 42.30.020(2), Powers and Duties.

(Ord. No. 1405, § 1, 3-19-2018)

2.80.060 **Powers and duties.**

The board has the following duties and powers:

- A. Elect its officers, including a chairperson and vice-chairperson;
- B. Adopt rules for transaction of business and maintain a written record of its meetings, transactions, findings and determinations for public record;
- C. Subject to city council approval, initiate and administer an integrated aquatic vegetation management plan;
- D. Recommend improvements regarding operation and maintenance of Horseshoe Lake, including together with all associated structures and equipment;

- E. Develop and recommend to the city council rules and regulations governing Horseshoe Lake and methods of enforcement thereof.
- F. Submit an annual proposed budget for the committee to the public works director as requested.

(Ord. No. 1405, § 1, 3-19-2018; Ord. No. 1441, § 1, 8-19-2019)

Chapter 2.82

LODGING TAX ADVISORY COMMITTEE

Sections:

- 2.82.010** **Advisory committee created.**
- 2.82.020** **Committee membership.**
- 2.82.030** **Term of membership.**
- 2.82.040** **Associated organizations.**
- 2.82.050** **Taxing proposal review.**
- 2.82.060** **Public meeting.**

2.82.010 **Advisory committee created.**

There is hereby created a City of Woodland Lodging Tax Advisory Committee (LTAC) to serve the functions prescribed in RCW 67.20.1817, as currently written or as may subsequently be amended to collect data for economic impact reports required by RCW 67.28.1816.

(Ord. No. 1162, § 1, 8-3-2009; Ord. No. 1343, § 1, 12-7-2015)

2.82.020 **Committee membership.**

A. The membership of the lodging tax advisory committee (LTAC) shall consist of five members. One member shall be an elected official of the city who shall be nominated by the mayor and appointed by the council, and shall serve as the committee chair. An alternate member shall be an elected official of the city who shall be nominated by the mayor and appointed by the council, and shall serve as the pro tempore committee chair in the absence of the regular chair. Two members shall be representatives of businesses located in the city and required to collect the tax, and two members shall be representatives of individuals or entities located in the city and involved in activities authorized to be funded by revenue received from the tax. Persons who are eligible for appointment as representatives of businesses collecting the tax shall not be eligible for appointment as representatives of individuals and entities involved in activities funded by the tax. Likewise, persons who are eligible for appointment as representatives of individuals and entities involved in activities funded by the tax are not eligible for appointment as representatives of individuals and entities involved in activities funded by the tax. These five members shall be nominated by the mayor and appointed by the city council.

B. Organizations representing businesses required to collect lodging/motel-hotel tax pursuant to RCW 67.28 and to RCW 82.08, organizations involved in activities authorized to be funded by revenue received pursuant to RCW 67.28, and local agencies involved in tourism promotion may submit recommendations for membership on the committee but such recommendations are not binding on the mayor for purposes of nomination and are not binding on the council for purposes of appointment. The number of members who are representatives of businesses required to collect tax shall equal the number of members who are involved in activities authorized to be funded by revenue received. One member shall be an elected official of the municipality who shall serve as chair of the committee.

C. The city council will review the membership on an annual basis and make changes as appropriate. Vacancies on the committee shall be filled by the city council.

(Ord. No. 1162, § 1, 8-3-2009; Ord. No. 1343, § 1, 12-7-2015)

2.82.030 **Term of membership.**

A term of membership on the committee shall be four-year terms, commencing on the effective date of the ordinance codified in this chapter and thereafter on January 1 and ending at the expiration of December 31 of the four-year term. No member appointed to a position representing the businesses required to collect the tax, or appointed to a position representing individuals or entities funded by revenue received from the tax shall be appointed to serve for more than three annual terms. Short terms and expired terms shall not count toward this limitation. The three-term limit shall not be construed to create an entitlement to a second or third term of membership on the committee.

(Ord. No. 1162, § 1, 8-3-2009; Ord. No. 1343, § 1, 12-7-2015)

2.82.040 **Associated organizations.**

The city council retains full authority pursuant to RCW 67.28.1817 to fill vacant positions and appoint members, provided that the mayor shall nominate individuals to be considered for appointment of vacancies for qualified individuals who have responded to public

notice requesting applications. Organizations with which members are associated shall have no authority to replace, substitute or otherwise appoint members.

(Ord. No. 1162, § 1, 8-3-2009; Ord. No. 1343, § 1, 12-7-2015)

2.82.050 Taxing proposal review.

The city council shall submit to the lodging tax advisory committee, for its review and comment, proposals on: (1) the imposition of a tax under RCW 67.28; (2) any increase in the rate of such tax; (3) repeal of an exemption from such a tax; or (4) a change in the use of the revenue received from such a tax. The city council shall submit such a proposal to the committee at least forty-five days before taking final action on or passage of any such proposal. The advisory committee shall submit comments on the proposal in a timely manner through generally applicable public comment procedures. Comments by the committee should include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-range stability of the special fund created pursuant to RCW 67.28.1815 for lodging tax revenues. Failure of the LTAC to submit final action on or passage of the proposal shall not prevent the city council from acting on the proposal. There is no requirement that an amended proposal be submitted back to the LTAC for additional review.

(Ord. No. 1162, § 1, 8-3-2009; Ord. No. 1343, § 1, 12-7-2015)

2.82.060 Public meeting.

The Open Public Meeting Act as currently adopted or as later amended shall apply to the acts of the LTAC.

(Ord. No. 1162, § 1, 8-3-2009; Ord. No. 1343, § 1, 12-7-2015)

Chapter 2.84

SALARY COMMISSION

Sections:

- 2.84.010** **Membership, appointment, compensation, term.**
- 2.84.020** **Definitions.**
- 2.84.030** **Vacancies.**
- 2.84.040** **Removal.**
- 2.84.050** **Duties.**
- 2.84.060** **Meetings, operations and expenses.**
- 2.84.070** **Referendum.**

2.84.010 **Membership, appointment, compensation, term.**

- A. There is created a salary commission for the City of Woodland. The commission shall consist of five members who are residents and registered voters of the city, to be appointed by the mayor with the approval of the city council.
- B. A member of the commission shall serve for a four-year term without compensation. The initial membership shall be appointed for staggered terms with one member serving a two-year term, two members serving three-year terms and two members serving four-year terms.
- C. No member of the commission shall be appointed for more than two terms.
- D. A member of the commission shall not be an officer, official, or employee of the city or an immediate family member of an officer, official, or employee of the city. For purposes of this section, "immediate family member" means the parents, spouse, siblings, children, or dependent relatives of an officer, official, or employee of the city, whether or not living in the household of the officer, official, or employee.

(Ord. No. 1372, § 1, 7-5-2016)

2.84.020 **Definitions.**

"Salary" or "salaries," as used in this chapter, means a total cost of compensation provided to any elected official, specifically including any fixed compensation paid periodically for work or services and the total cost of any benefits provided.

This definition expressly excludes any expenses paid or reimbursed on behalf of any elected official in compliance with city council policy and procedure for travel and business expense reimbursements.

(Ord. No. 1372, § 1, 7-5-2016)

2.84.030 **Vacancies.**

In the event of a vacancy in office of commissioner, the mayor shall appoint, subject to approval of the city council, a person to serve the unexpired portion of the term of the expired position.

(Ord. No. 1372, § 1, 7-5-2016)

2.84.040 **Removal.**

Commission members may only be removed during their terms of office for cause of incapacity, incompetency, neglect of duty, malfeasance in office, or for a disqualifying change in residence or voter status.

(Ord. No. 1372, § 1, 7-5-2016)

2.84.050 **Duties.**

- A. The commission shall have the duty to review the salaries paid by the city to each elected city official. If after such review the commission determines that the salary paid to any elected city official should be increased or decreased, the commission shall file a written salary schedule with the city clerk indicating the increase or decrease in salary.
- B. Any increase or decrease in salary established by the commission shall become effective and incorporated in the city budget without further action of the city council or the commission.
- C. New salaries shall be timed to be effective simultaneously and equally to all city council members. The commission shall file its salaries for elected city officials no later than September 1. The commission shall file subsequent schedules on a bi-yearly basis following the effective date of the ordinance codified in this subsection. Each schedule shall be prepared in a form approved by the city attorney. The signature of the commission chair shall be affixed to each schedule submitted to the city clerk. The commission chair shall certify in writing that the schedule has been adopted in compliance with: (a) the rules and procedures, if any, of

the commission; (b) the provisions of this chapter; and (c) other applicable laws including the State Constitution.

- D. The decision to raise or lower salaries shall be by the decision of the majority of the commission.
- E. Salary increases established by the commission shall be effective as to all city-elected officials regardless of their terms of office and shall be effective January 1st of the adopted budget.
- F. Salary decreases established by the commission shall become effective as to an incumbent city-elected official at the commencement of their next subsequent term of office.

(Ord. No. 1372, § 1, 7-5-2016)

2.84.060 Meetings, operations and expenses.

The meetings and operations of the commission shall be conducted as follows:

- A. All meetings, actions, and business of the salary commission shall be subject to the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act. Prior to filing of any salary schedule:
 1. The commission shall first develop a proposed schedule; then
 2. Publish notices in the same manner as the city council agendas; and
 3. Hold at least one public meeting to accept public comments thereon, within one month immediately proceeding the filing of the salary schedule.
- B. Operations. Except as provided hereinafter, the salary commission shall be solely responsible for its own organization, operation and action, and shall receive the fullest cooperation of all elected and appointed city officials and employees, departments and agencies of the City of Woodland. Staff support shall be provided as determined in the city budget and by the city manager. The members of the commission shall select a chair from among their number.

(Ord. No. 1372, § 1, 7-5-2016)

2.84.070 Referendum.

Any salary increase or decrease established by the commission pursuant to this chapter shall be subject to referendum petition by the voters of the city, in the same manner as a city ordinance, by filing of a referendum petition with the city clerk within thirty days after

filing of a salary schedule by the commission. In the event of filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by a vote of the people. Referendum measures under this section shall be submitted to the voters of the city at the next following general or municipal election occurring thirty days or more after a petition is filed, and shall otherwise be governed by the provision of the State Constitution and the laws generally applicable to referendum measures.

(Ord. No. 1372, § 1, 7-5-2016)

Chapter 2.88

PUBLIC DISCLOSURE

Sections:

- 2.88.010 Purpose of provisions.**
- 2.88.020 Definitions.**
- 2.88.030 Records as public property.**
- 2.88.040 Custody of records.**
- 2.88.050 Access to public records for inspection and copying.**
- 2.88.060 Criminal history records and other information—Public disclosure restrictions.**
- 2.88.070 Fee schedule.**
- 2.88.080 Retention and destruction—Schedule.**
- 2.88.090 Disclosure for commercial purposes prohibited.**

2.88.010 Purpose of provisions.

The intent of this chapter is to provide full public access to nonexempt public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the city. The provisions of this chapter shall be construed in conjunction with RCW Chapter 42.17, Public Records, RCW Chapter 40.14, Preservation and Destruction of Public Records, and RCW Chapter 10.97, Washington State Criminal Records Privacy Act. (Ord. 843 § 17 (part), 1997)

2.88.020 Definitions.

As used in this chapter:

"Criminal history records information" means all matters included in the definition of such term in RCW 10.97.030. It shall not include data contained in intelligence, investigation or other related files.

"Exempt public records" means and includes all public records, or portions thereof, which are defined as being exempt from public inspection and copying by RCW 42.17.310, and all portions of criminal history records information which are defined as being exempt by RCW Chapter 10.97. Further, exempt public records shall include privileged communications between attorney and client, the work-product of city employees and agents in connection with pending or threatened litigation,

and all materials and communications relating to pending real estate transactions and labor negotiations.

"Public record" means and includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by the city or any board, commission, official, employee or agent thereof, regardless of physical form or characteristics.

"Writing" means handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation, including letters, words, pictures, sound or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films or prints, magnetic or punched cards, disks, drums and other documents. (Ord. 843 § 17 (part), 1997)

2.88.030 Records as public property.

All public records shall be and remain the property of the city. They shall be delivered by outgoing officials and employees to their successors. Public records shall be preserved, stored, transferred, destroyed and otherwise managed only in accord with the provisions of this chapter and applicable state law. (Ord. 843 § 17 (part), 1997)

2.88.040 Custody of records.

The original copy of all public records shall be and remain in the custody of the clerk-treasurer. They shall not be placed in the custody of any other person or agency, public or private, or released to individuals except for disposition or destruction as provided by law. (Ord. 843 § 17 (part), 1997)

2.88.050 Access to public records for inspection and copying.

Nonexempt public records shall be available for inspection and copying and the city, upon request for identifiable public records, shall make them promptly available to any person. All requests for public records shall be in writing and, when reasonable use, the forms furnished by the clerk-treasurer. Public records shall be available for inspection and copying during all regular office hours of the city staff. The city shall honor requests received by mail for identifiable public records. To the extent required to prevent an unreasonable in-

vasion of personal privacy, the city shall delete identifying details when it makes available or publishes any public records; however, in each case, the justification for the deletion shall be explained fully in writing. Criminal history record information consisting of nonconviction data shall be deleted pursuant to RCW 10.97.060. (Ord. 843 § 17 (part), 1997)

2.88.060 Criminal history records and other information—Public disclosure restrictions.

No criminal history record information shall be disclosed to the public without the request for the same first being approved by the mayor or designee. (Ord. 843 § 17 (part), 1997)

2.88.070 Fee schedule.

- A. Fees charged for the retrieval of public records shall be as set by resolution.
- B. Fees will be charged for copying of public records as set by resolution.

(Ord. 843 § 17 (part), 1997)

2.88.080 Retention and destruction— Schedule.

The clerk-treasurer shall establish a records control program, including a retention/destruction schedule for all public records of the city. The schedule shall be kept on file by the clerk-treasurer. No public records of the city shall be destroyed except in compliance with the approved records control program, pursuant to RCW 40.14.070. (Ord. 843 § 17 (part), 1997)

2.88.090 Disclosure for commercial purposes prohibited.

The city shall not give, sell or provide access to lists of individuals requested for commercial purposes. (Ord. 843 § 17 (part), 1997)

Title 3

REVENUE AND FINANCE

Chapters:

- 3.02 Advanced Travel Fund**
- 3.04 Gambling Tax**
- 3.05 Petty Cash and Change Revolving
Funds**
- 3.10 Investment Requirements**
- 3.12 Sales Tax**
- 3.16 Transportation Benefit District**
- 3.20 Purchasing Procedure**
- 3.22 Small Works Roster**
- 3.24 Park Acquisition and
Improvement Fund**
- 3.26 Municipal Court Suspense Fund**
- 3.27 Cash Bond Trust Fund**
- 3.28 Payroll Clearing Fund**
- 3.30 Claims Clearing Fund**
- 3.36 Special Excise Tax**
- 3.38 Leasehold Excise Tax**
- 3.40 School Impact Fees**
- 3.41 Development Impact Fees—Fire
and Park, Recreation, Open
Space or Trail Facilities**
- 3.42 Development Impact Fees—
Transportation**
- 3.44 Excise Tax on Real Estate Sales**
- 3.48 Registration of Bonds and
Obligations of City**
- 3.52 Domestic Violence—Prevention—
Prosecution Fund**
- 3.56 Drug and Alcohol Fund**
- 3.60 Purchasing, Credit Card Policy
and Payment of Claims**
- 3.64 Public Works Bidding Procedures**
- 3.68 Financial Management Policies**

Chapter 3.02

ADVANCED TRAVEL FUND

Sections:

- 3.02.010** **Created.**
- 3.02.020** **Custodian—Check procedure.**
- 3.02.030** **Information required with request.**
- 3.02.040** **Itemized travel voucher submittal.**
- 3.02.050** **Funds withheld in case of lien.**
- 3.02.060** **Use of fund.**

3.02.010 **Created.**

Pursuant to Chapter 174, Laws of Washington 1969 and RCW Chapter 42.24, and in order to provide reasonable allowances in advance of expenditure expenses to be incurred by elected or appointed officials and employees of the city for necessary official travel, there is established a revolving fund, to be known as the "advance travel expense revolving fund," such fund to be used solely for the purpose of making advance payments of such travel expenses. Such advances shall be made under the provisions of Chapter 174, Laws of 1969, RCW 42.24, and this chapter and under the rules and regulations prescribed by the State Auditor. (Ord. 408 § 1, 1975)

3.02.020 **Custodian—Check procedure.**

The custodian of this fund shall be the city clerk-treasurer and the fund shall be established by a city treasurer's check in the sum of one thousand dollars, which shall be deposited in a special checking account in a local bank in the name of the city and entitled "Advance Travel Expense Account—Woodland City Clerk, Custodian." Advances for travel expenses shall be made by the issuance of checks drawn on such account payable to the applicant. A check register will be maintained in which all transactions of the fund will be recorded. (Ord. 408 § 2 (part), 1975)

3.02.030 **Information required with request.**

Requests for advances shall be reasonable estimates of the travel expense requirements of the applicant and include the following information:

- A. Date of request;
- B. Name of applicant;
- C. Destination;
- D. Purpose of travel;

- E. Anticipated departure and return dates;
- F. Amount requested;
- G. Signature of applicant;
- H. Official approval of trip;
- I. Check number, amount and date (to be provided by the custodian when advance is made).

Approved requests will be retained in the files of the custodian to support such advances until final settlement is made and claim for reimbursement has been submitted. (Ord. 408 § 2 (part), 1975)

3.02.040 **Itemized travel voucher submittal.**

On or before the tenth day following the close of the authorized travel period for which expenses have been advanced to any officer or employee, he shall submit to the appropriate official a fully itemized travel expense voucher for all reimbursable items legally expended, accompanied by the unexpended portion of such advance, if any. Any advance made for this purpose, or any portion thereof, not repaid or accounted for in the time and manner specified herein, shall bear interest at the rate of ten percent per year from the date of default until paid. (Ord. 408 § 3, 1975)

3.02.050 **Funds withheld in case of lien.**

To protect the city from any losses on account of advances made as provided herein, the city shall have a prior lien against and a right to withhold any and all funds payable or to become payable by the city to an officer or employee to whom such an advance has been given up to the amount of such advance and interest at the rate of ten percent per year, until such time as repayment or justification has been made. No advance of any kind shall be made to any officer or employee at any time when he is delinquent in accounting for or repaying a prior advance. (Ord. 408 § 4, 1975)

3.02.060 **Use of fund.**

Any advance made under the authority of this chapter shall be considered as having been made to the officer or employee to be expended by him as an agent for the city for the city's purposes only and specifically to defray necessary costs while performing his official duties. No such advance shall be considered as a personal loan to such officer or employee and any expen-

3.02.060

diture thereof, other than for official business purposes,
shall be considered a misappropriation of public funds.
(Ord. 408 § 5, 1975)

Chapter 3.04

GAMBLING TAX

Sections:

- 3.04.010** **Imposed—Computation.**
- 3.04.020** **Reserved.**
- 3.04.030** **Who is subject—Ascertaining tax due.**
- 3.04.040** **Administration and collection.**
- 3.04.050** **Clerk-treasurer duties.**
- 3.04.060** **Access to financial records.**
- 3.04.070** **Due date—Penalty for delinquency.**
- 3.04.080** **Violation—Penalty.**

3.04.010 **Imposed—Computation.**

In accordance with RCW Chapter 9.46 as now or hereafter amended, there is a tax on gambling levied upon all persons, associations and organizations who have been duly licensed by the Washington State Gambling Commission and the tax shall be computed at the rate stated in the following subsections:

- A. Raffles. There shall be levied upon all persons, associations and organizations licensed by the Washington State Gambling Commission to conduct and to operate raffles, a tax computed at the rate of five percent of the gross revenue received by the conduct of such activity, less the amount awarded as cash or merchandise prizes;
- B. Bingo. Except as limited by subsection G, there shall be levied upon all persons, associations and organizations licensed by the Washington State Gambling Commission to conduct and to operate bingo games, a tax computed at the rate of five percent of the gross revenue received by the conduct of such activity, less the amount awarded as cash or merchandise prizes;
- C. Amusement Games. There shall be levied upon all persons, associations and organizations licensed by the Washington State Gambling Commission to conduct and to operate amusement games, a tax computed at the rate of two percent of the gross revenue received in the conduct of such activity, less the amount paid as prizes.
- D. Punch Boards and Pull-Tabs. There shall be levied upon all persons, associations and orga-

nizations licensed by the Washington State Gambling Commission who offer or utilize punchboards or pull-tabs a tax computed at the rate of ten percent based upon the net gross receipts received in the conduct of such activity. For purposes of this subsection, "gross receipts" are computed by multiplying the number of chances played on a board or pull-tab by the price paid for each individual chance to play. For purposes of this subsection, "net gross receipts" shall be the gross receipts received from sale on punch boards and pull tabs less the amount awarded to players in cash prizes and merchandise. The amount deductible for merchandise shall be no more than the taxpayer's documented cost of the merchandise.

- E. Social Card Games. Except as provided in subsection F, there shall be levied upon all persons, associations and organizations licensed by the Washington State Gambling Commission to conduct and to operate social card games, a tax computed at the rate of ten percent of the gross revenue received by the conduct of such activity, less the amount awarded as cash or merchandise prizes;
- F. Social Card Games at House-Banked Public Card Rooms:
 - 1. Through December 31, 2012: There shall be levied upon all persons, associations or organizations licensed by the Washington State Gambling Commission to conduct and to operate house-banked card rooms a tax computed at the rate of four percent of the gross revenue from "social card games," as that term is defined in RCW 9.46.0282, as presently enacted or later amended. This rate shall take effect on the effective date of this ordinance through December 31, 2012.
 - 2. Beginning January 1, 2013: Effective January 1, 2013, there shall be levied upon all persons, associations and organizations licensed by the Washington State Gambling Commission to conduct and to operate house-banked public card rooms a tax computed at the rate of five percent of

the gross revenue from "social card games," as that term is defined in RCW 9.46.0282, as presently enacted or later amended.

3. Beginning January 1, 2015: Effective January 1, 2015 through December 31, 2016 there shall be levied upon all persons, associations and organizations licensed by the Washington State Gambling Commission to conduct and to operate house-banked public card rooms a tax computed at the rate of four percent of the net gross revenue from "social card games," as that term is defined in RCW 9.46.0282, as presently enacted or later amended.
4. Beginning January 3, 2017: Effective January 3, 2017, there shall be levied upon all persons, associations and organizations licensed by the Washington State Gambling Commission to conduct and to operate house-banked public card rooms a tax computed at the rate of three percent of the net gross revenue from "social card games," as that term is defined in RCW 9.46.0282, as presently enacted or later amended.

G. Exemptions/Limitations. The taxes imposed by this chapter are limited as follows:

1. Bingo and Amusement Games.
 - a. One Annual Event. The gross proceeds from bingo and amusement games from an annual event in which a church, elementary or secondary school, parent-teacher organization or bona fide charitable nonprofit organization is the licensee are exempt from the gambling tax.
 - b. More Than One Annual Event.
 - i. Annual Proceeds Less Than or Equal to Five Thousand Dollars. Gross proceeds from bingo and amusement games for multiple events during a calendar year in which a church, elementary or secondary school, parent-teacher organization or bona fide charitable nonprofit organization is the licensee and totaling less than five

thousand dollars (excluding combined prizes) are exempt from the gambling tax.

- ii. Annual Proceeds More than five thousand dollars. Combined gross proceeds from bingo and amusement games greater than five thousand dollars (excluding combined prizes) generated from multiple events in which a church, elementary or secondary school, parent-teacher organization or bona fide charitable nonprofit organization is the licensee shall be subject to the gambling tax and are not exempt. The first five thousand dollars, less combined prizes, are exempt.
2. Raffles. No tax shall be imposed on the gross receipts from raffles less prizes conducted by any bona fide charitable or nonprofit organization as defined in RCW 9.46.0209 or by a church, an elementary, intermediate, middle or secondary school, a parent-teacher organization or a bona fide charitable and non-profit organization holding or sponsoring a bazaar or carnival not more than once a calendar year, provided that the organizers pay an application fee or declaration fee of ten dollars. The gross receipts are exempt from tax.

(Ord. 879 § 1 (part), 1997)

(Ord. No. 1217, § 1, 8-1-2011; Ord. No. 1308, §§ 1, 2, 10-6-2014; Ord. No. 1383, § 2, 1-3-2017)

3.04.020 Reserved.

Editor's note—Ord. No. 1188, § 1, adopted December 6, 2010, repealed § 3.04.020, which pertained to commercial public card rooms—prohibited and derived from Ord. No. 879, 1997.

3.04.030 Who is subject—Ascertaining tax due.

- A. For the purpose of identifying who shall be subject to the tax imposed by this chapter, any person, association or organization intending to conduct or operate any gambling activity authorized by Chapter 155, Laws of 1974 1st Extraordinary Session, or as hereafter amended, shall, prior to com-

mencement of any such activity, file with the city clerk-treasurer a sworn declaration of intent to conduct or operate such activity, together with a copy of the license issued in accordance with RCW Chapter 9.46, or as hereafter amended.

- B. Thereafter, for any period covered by such state license or any renewal thereof, any person, association or organization shall, on or before the thirtieth day of the month following the end of the quarterly period in which the tax accrued, file with the city clerk-treasurer a sworn statement, on a form to be provided and prescribed by the city clerk-treasurer for the purpose of ascertaining the tax due for the preceding quarterly period.
(Ord. 879 § 1 (part), 1997)

3.04.040 Administration and collection.

The administration and collection of the tax imposed by this chapter shall be by the finance department of the city and pursuant to rules and regulations as may be adopted by the Washington State Gambling Commission. (Ord. 879 § 1 (part), 1997)

3.04.050 Clerk-treasurer duties.

The clerk-treasurer shall:

- A. Adopt, publish and enforce such rules and regulations not inconsistent with this chapter as are necessary to enable the collection of the tax imposed by this chapter;
- B. Prescribe and issue the appropriate forms for determination and declaration of the amount of tax to be paid.

(Ord. 879 § 1 (part), 1997)

3.04.060 Access to financial records.

It shall be the responsibility of all officers, directors and managers of any organization conducting gambling activities to provide access to such financial records as the clerk-treasurer, or authorized representative, or law enforcement officers, may require in order to determine compliance with this chapter. (Ord. 879 § 1 (part), 1997)

3.04.070 Due date—Penalty for delinquency.

- A. The tax imposed by this chapter shall be due and payable in quarterly installments, and remittance therefore shall accompany each return and be made

on or before the thirtieth day of the month next succeeding the quarterly period in which the tax accrued.

- B. For each payment due, if such payment is not made by the due date therefore, there shall be added a penalty as follows:
1. One to ten days delinquency: ten percent, with a minimum penalty of twenty-five dollars;
 2. Eleven to twenty days delinquency: fifteen percent, with a minimum penalty of fifty dollars;
 3. Twenty-one to thirty-one days delinquency: twenty-five percent, with a minimum penalty of one hundred dollars;
 4. Thirty-two to forty-two days delinquency: thirty-five percent, with a minimum penalty of two hundred dollars;
 5. Forty-three days or more delinquency shall be deemed to be a violation of Section 3.04.080.

(Ord. 879 § 1 (part), 1997)

3.04.080 Violation—Penalty.

Any person who fails or refuses to pay the tax hereinbefore required, or who wilfully violates any rule or regulation promulgated by the finance department, hereunder, is guilty of a misdemeanor and upon conviction thereof, shall be punished in accordance with Section 1.12.010. Any fine shall be in addition to the tax required. Officers, directors and managers of any organization conducting gambling activities shall be jointly and severally liable for the payment of such tax and for the payment of any fine imposed hereunder.
(Ord. 879 § 1 (part), 1997)

Chapter 3.05

PETTY CASH AND CHANGE REVOLVING FUNDS

Sections:

- 3.05.010 Petty cash revolving funds created.**
- 3.05.020 Change revolving funds created.**
- 3.05.030 Initial amounts in funds—
Replenishment.**
- 3.05.040 Custodian of funds.**
- 3.05.050 Receipts—Reimbursement vouchers.**
- 3.05.060 Funds not for personal advances.**

3.05.010 Petty cash revolving funds created.

A special fund known as the clerk-treasurer's petty cash revolving fund is hereby created for the purpose of paying for purchases of small items and supplies and other expenses of a minor nature incurred for the city departments indicated or in connection with the official business of the city. (Ord. 886 § 1 (part), 1998; Ord. 744 § 1 (part), 1992)

3.05.020 Change revolving funds created.

The following special funds are created for the purpose of making change for members of the public who have financial dealings with the indicated department:

- A. Clerk-treasurer's change fund;
- B. Police change fund.

(Ord. 1039 § 1 (part), 2005; Ord. 886 § 1 (part), 1998; Ord. 744 § 1 (part), 1992)
(Ord. No. 1327, §§ 1, 3, 4-20-2015; Ord. No. 1419, § 3, 10-15-2018)

**3.05.030 Initial amounts in funds—
Replenishment.**

A. The initial cash amount in revolving funds set by this chapter for petty cash and change is as follows:

Name of Fund	Amount
Police petty cash	\$ 25.00
Clerk-treasurer's petty cash revolving fund	75.00
Clerk-treasurer's change fund (\$750.00)	
— Drawer 1	250.00
— Drawer 2	250.00

Name of Fund	Amount
— Drawer 3	250.00

B. Any and all expenditures from and deposits to such funds prior to the effective date of the ordinance codified in this chapter are ratified and approved. All prior-resolutions referencing petty cash and change funds are hereby rescinded and repealed, specifically: Ordinance No. 909 passed on December 21, 1998; Ordinance No. 886 passed on March 16, 1998; and Ordinance No. 829 passed on November 18, 1996; and Ordinance No. 847 passed on April 7, 1997. As each petty cash revolving fund becomes depleted because of expenditures incurred for supplies or because of other expenses of a minor nature the clerk-treasurer, upon request from the appropriate department head, may issue warrants or checks to replenish the amount of the fund. The petty cash and change revolving funds created pursuant to this chapter shall constitute clearing funds and are not working funds of the city for budgetary purposes. Fund 002 will serve to identify the petty cash and change revolving funds on the city's balance sheet.

(Ord. 1039 § 1 (part), 2005; Ord. 972 § 1, 2002; Ord. 909 § 1, 1998; Ord. 744 § 1 (part), 1992)
(Ord. No. 1221, § 2, 11-7-2011; Ord. No. 1238, § 2, 5-7-2012; Ord. No. 1327, §§ 2, 4, 4-20-2015; Ord. No. 1419, § 4, 10-15-2018)

3.05.040 Custodian of funds.

The clerk-treasurer, or his or her designee, shall be the custodian of all petty cash and change revolving funds created pursuant to this chapter. A reconciliation of each fund shall be made periodically by someone other than the custodian. The balance remaining in each fund as of any given date, together with any outstanding advances and authorized expenditures should always equal the amount established and transferred to the fund. The custodian shall assure that the

petty cash or change revolving fund is kept in a safe place. (Ord. 744 § 1 (part), 1992)

3.05.050 Receipts—Reimbursement vouchers.

Each disbursement from each petty cash fund created by this chapter shall be supported by a receipt showing the amount and purpose of the expense. Reimbursements to the fund shall be made at least monthly and reimbursement vouchers shall have receipts attached thereto. The custodian shall maintain suitable records, showing the expenditures incurred. Petty cash should always be replenished at the end of the fiscal year so that expenses will be reflected in the proper accounting period. (Ord. 744 § 1 (part), 1992)

3.05.060 Funds not for personal advances.

The petty cash and change revolving funds created pursuant to this chapter shall not be used for personal use or personal cash advances secured by check or other IOU's and any use of such funds for other than expenditures incurred in connection with the official business of the city shall be considered a misappropriation of public funds. (Ord. 744 § 1 (part), 1992)

Chapter 3.10

INVESTMENT REQUIREMENTS

Sections:

- 3.10.010** **Determination of amount.**
- 3.10.020** **Records.**
- 3.10.030** **Limitations.**

3.10.010 **Determination of amount.**

The city clerk-treasurer, in consultation with the mayor, is authorized to determine the amount of money available in each fund for investment purposes and make investments as authorized under state law. (Ord. 678 § 1, 1989)

3.10.020 **Records.**

The city clerk-treasurer shall maintain a record and make available to the city council a monthly report of all investment transactions. (Ord. 678 § 2, 1989)

3.10.030 **Limitations.**

Investments made under Section 3.10.010 shall be limited to the Washington State Treasurer's local government investment pool and to financial institutions with offices in the city; provided, up to twenty percent of the total funds available for investment may be invested in financial institutions located outside the city provided the city has an established banking relationship with that financial institution. (Ord. 735 § 2, 1992; Ord. 678 § 3, 1989)

Chapter 3.12**SALES TAX****Sections:**

- 3.12.010** **Imposed.**
- 3.12.020** **Rate.**
- 3.12.030** **Administration and collection—
Statutory authority.**
- 3.12.040** **Records inspection.**
- 3.12.050** **Administration and collection—
Contract.**
- 3.12.060** **Allocation and distribution.**
- 3.12.080** **Referendum procedure.**
- 3.12.090** **Violation—Penalties.**
- 3.12.100** **Additional local sales and use tax.**

3.12.010 **Imposed.**

There is imposed a sales or use tax, as the case may be, as authorized by RCW 82.14.030(2), upon every taxable event, as defined in RCW 82.14.020, occurring within the city. The tax shall be imposed upon and collected from those persons from whom the state sales tax or use tax is collected pursuant to RCW Chapters 82.08 and 82.12. (Ord. 626 § 1, 1986)

3.12.020 **Rate.**

The rate of the tax imposed by Section 3.12.010 of this chapter shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales tax or use tax imposed by either Clark County or Cowlitz County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session at a rate equal to or greater than the rate imposed by this section, the appropriate county shall receive fifteen percent of the tax imposed by Section 3.12.010, provided further, that during such period as there is in effect a sales tax or use tax imposed by either Clark County or Cowlitz County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session at a rate which is less than the rate imposed by this section, the appropriate county shall receive from the tax imposed by Section 3.12.010 that amount of revenues equal to fifteen percent of the rate of the tax imposed by that county under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session. (Ord. 626 § 2, 1986)

3.12.030 **Administration and collection—
Statutory authority.**

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050. (Ord. 626 § 3, 1986)

3.12.040 **Records inspection.**

The city consents to the inspection of such records as are necessary to qualify the city for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330. (Ord. 626 § 4, 1986)

3.12.050 **Administration and collection—
Contract.**

The mayor and city clerk-treasurer are authorized to enter into a contract with the Department of Revenue for the administration of this tax. (Ord. 626 § 5, 1986)

3.12.060 **Allocation and distribution.**

The receipts of sales or use tax imposed by this chapter shall be allocated and distributed from the current expense fund as follows:

- A. Sixty-nine percent shall be allocated and distributed to the general fund 001;
 - B. Twenty percent shall be allocated and distributed to the street fund 104;
 - C. Ten percent shall be allocated and distributed to the capital project reserve: general fund 301;
 - D. One percent shall be allocated and distributed to the equipment acquisition reserve fund 304.
- (Ord. 1032 § 1, 2004; Ord. 626 § 6, 1986)
(Ord. No. 1148, § 2, 12-22-2008)

3.12.080 **Referendum procedure.**

- A. This chapter shall be subject to a referendum procedure. Any referendum petition to repeal this chapter or alter the rate of the tax authorized by this chapter shall be filed with the city clerk-treasurer within seven days of passage of the ordinance codified in this chapter. The city clerk-treasurer within ten days shall then confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on

the measure will result in the tax or tax rate increase being imposed and a negative answer to the question and a negative vote on the measure will result in the tax or tax rate increase not being imposed. The petitioner shall be notified of the identification number and ballot title within this ten-day period.

- B. After notification, the petitioner shall have thirty days in which to secure on petition forms the signatures of not less than fifteen percent of the registered voters of the city, and to file the signed petitions with the city clerk-treasurer. Each petition form shall contain the ballot title and the full text of the measure to be referred. The city clerk-treasurer shall verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the city clerk treasurer shall submit the referendum measure to the city voters at a general or special election held on one of the dates provided in RCW 29.13.010 as determined by the city council. This election shall not take place later than one hundred twenty days after the signed petition has been filed with the city clerk-treasurer.

(Ord. 626 § 8, 1986)

3.12.090 Violation—Penalties.

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined no more than five hundred dollars or imprisoned for not more than six months, or by both such fine and imprisonment. (Ord. 626 § 9, 1986)

3.12.100 Additional local sales and use tax.

- A. Findings. The city council (the "council") of the city of Woodland, Washington (the "city"), hereby makes the following findings and determinations:
1. The Washington Legislature has recently amended RCW 82.14.450 to authorize cities to submit a proposition to local voters approving a sales and use tax increase so long as at least one-third of the money received under the new taxing authority is used for criminal justice purposes as defined under RCW 82.14.340,

fire protection purposes, or both, and fifteen percent is distributed to Cowlitz and Clark Counties.

2. Pursuant to Ordinance No. 1216, enacted by the Council on August 1, 2011 (which ordinance by this reference is incorporated herein) (the "ballot ordinance"), a proposition was submitted to the qualified voters of the city for their approval or rejection at a general election held therein on November 8, 2011, to authorize the city to fix and impose pursuant to RCW 82.14.450 an additional sales and use tax of one-tenth of one percent (the "additional sales and use tax") and for the city to use its share of the resulting proceeds to construct and equip a new police facility with a multi-purpose community meeting room (the "project") and to pay other criminal justice and fire protection costs, and that proposition was approved by the requisite number of voters.
 3. The council finds that the city has satisfied all prerequisites to imposing the additional sales and use tax, including without limitation, the conditions set forth in RCW 82.14.450 and the ballot ordinance.
 4. Prior to January 1, 2012, the city intends to incur general indebtedness, and to issue bonds to finance the project. The city further intends to retire such indebtedness in whole or in part from the additional sales and use tax revenues that it receives.
- B. Additional Sales and Use Tax Imposed as of April 1, 2012.
1. Effective Date and Duration. The additional sales and use tax shall be imposed and become effective as of April 1, 2012 (or the earliest practicable date therefor provided under RCW 82.14.055). The additional sales and use tax shall: (a) be in addition to other sales and use taxes currently imposed by the city; (b) be imposed on all taxable events as authorized under Chapters 82.08 and 82.12; RCW and (c) not apply to any exempt transactions identified in RCW 82.14.450(4). The additional sales and use tax imposed under this ordinance shall expire only after all bonds, refunding bonds, and any other indebtedness issued by the city for the purpose of financing the costs of the

project (collectively, the "bonds") are repaid, redeemed or defeased. However, if revenue from the additional sales and use tax is insufficient to pay annual debt service relating to the project, the city may continue to levy the additional sales and use tax until its general fund has been repaid.

2. Use of the Additional Sales and Use Tax Receipts. At least one-third of all proceeds from the additional sales and use tax shall be used for criminal justice purposes as defined in RCW 82.14.340, fire protection purposes, or both. Fifteen percent of the additional sales and use tax collected by the State Department of Revenue shall be distributed to Cowlitz and Clark Counties on a per capita basis and used for criminal justice purposes, fire protection purposes or other purposes authorized by RCW 82.14.450. The remaining eighty-five percent shall be paid to the city and used to pay the costs of the project, including the costs of issuing the bonds. If in any year the city receives revenue from additional sales and use tax in excess of the principal and interest payments due on the bonds in that year, the city may use the excess revenue for other criminal justice or fire protection purposes.

(Ord. No. 1225, §§ 2, 3, 12-5-2011)

Chapter 3.16

TRANSPORTATION BENEFIT DISTRICT

Sections:

- 3.16.010** **Transportation benefit district established.**
- 3.16.020** **Governing board.**
- 3.16.030** **Authority of the district.**
- 3.16.040** **Use of funds.**
- 3.16.050** **Dissolution of district.**
- 3.16.060** **Liberal construction.**

3.16.010 **Transportation benefit district established.**

There is created a transportation benefit district to be known as the Woodland Transportation Benefit District or "district" with geographical boundaries comprised of the corporate limits of the city as they currently exist or as they may exist following future annexations.

(Ord. No. 1363, § 3, 6-20-2016)

3.16.020 **Governing board.**

- A. The governing board of the district shall be the Woodland City Council acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.
- B. The affairs of the district shall be conducted and carried out by the governing board. The board shall elect among its own members a president, a vice-president, and a secretary.
- C. Meetings of the board shall be governed by the procedural rules applicable to meetings of the city council, as these rules may be amended by the city council from time to time. Board actions shall be taken in the same manner and follow the same procedure as for the adoption of city council resolutions. Meetings of the board shall, whenever possible, take place on the same dates scheduled for city council meetings.
- D. The board may refer matters of business to a committee for a more informal and detailed review. The standing committees of the Woodland City Council shall serve the board as requested, although

(Woodland Supp. No. 31, 10-16)

such committee action shall be independent from activities in support of the Woodland City Council.

- E. The Woodland City Attorney will serve as legal advisor to the board, except where separate counsel is engaged by the district or the city attorney has a conflict of interest.
- F. The City of Woodland Clerk-Treasurer shall act as the ex officio treasurer of the district.
- G. The electors of the district shall be the registered voters residing in the district.
- H. The board shall develop a policy to address major plan changes which affect project delivery and the ability to finance the plan as set forth in RCW 36.73.160(1).
- I. The board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).
- J. The board may authorize an advisory committee, consisting of up to seven members, of which a majority must reside within the district and a minority which may reside outside the district but either: (1) own property within the district or (2) own and operate a licensed business within the district, to advise the board as requested on matters relating to project priorities and material changes. Advisory committee candidates shall be nominated by the mayor and confirmed by the board.

(Ord. No. 1363, § 3, 6-20-2016)

3.16.030 **Authority of the district.**

The board shall have and may exercise any powers provided by law to fulfill the purpose of the district.

(Ord. No. 1363, § 3, 6-20-2016)

3.16.040 **Use of funds.**

The funds generated by the district may be used for any purpose allowed by law including to operate the district and to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable transportation needs pursuant to Chapter 36.73 RCW. The transportation improvements funded by the district shall be made in an effort to protect the city's long term investments in its infrastructure, to reduce the risk of transportation facility failure, to continue optimal performance of the infrastructure over time and to avoid more expensive infra-

structure replacements in the future. Additional transportation improvement projects of the district may be funded upon compliance with the provisions of RCW 36.73.050(2).

(Ord. No. 1363, § 3, 6-20-2016)

3.16.050 Dissolution of district.

The district shall be automatically dissolved, pursuant to the procedures set forth in Chapter 36.73 RCW, when all indebtedness of the district has been retired and when all of the district's anticipated responsibilities have been satisfied.

(Ord. No. 1363, § 3, 6-20-2016)

3.16.060 Liberal construction.

As authorized pursuant to Chapter 36.73 RCW, this chapter shall be liberally constructed to permit the accomplishment of its purposes.

(Ord. No. 1363, § 3, 6-20-2016)

Chapter 3.20

PURCHASING PROCEDURE*

Sections:

3.20.010 Solicitation of telephone and/or written quotations from vendors.

3.20.010 Solicitation of telephone and/or written quotations from vendors.

The mayor, or his designee, may solicit telephone and/or written quotations for purchase of supplies, materials, equipment or services, in an amount listed in RCW 35.23.352(8) or as that statute may be amended, provided that the following procedures are followed:

- A. Whenever possible, not less than three prospective vendors shall be contacted by telephone or by letter and advised as to the specifications for the item(s) for which quotations are being sought. The number of vendors contacted may be reduced if the item(s) being sought are only available from a smaller number of vendors. An explanation shall be placed in the procurement file when fewer than three bids are requested, or if there are fewer than three replies. Bid specifications should, whenever possible, be drafted to permit at least three vendors to qualify as prospective bidders;
- B. Whenever possible, bids will be solicited on a lump sum of fixed unit price basis;
- C. Telephone or written requests for quotations shall specify, at a minimum, the following:
 1. Item(s) to be purchased,
 2. Number of units,
 3. Bid price,
 4. Delivery time requirements,
 5. Freight costs,
 6. Point of delivery,
 7. Tax,
 8. Terms of payment;
- D. Tabulation of telephone or written quotations shall be on forms provided by the city clerk-

treasurer and shall include, at a minimum, the information described in subsection C of this section;

- E. Upon approval by the city council, the materials, equipment or services will be ordered from the lowest responsible bidder whose quotation meets all specifications established for the item(s) being purchased;
- F. Written confirmation of telephone quotations from responsible vendors is not required but may be requested when warranted; and
- G. Immediately after the award is made, the bid quotations are to be recorded and open to public inspection and are to be available by telephone inquiry.

(Ord. No. 1178, § 1(A), 4-5-2010)

***Editor's note**—Ord. No. 1178, § 1(A), adopted April 5, 2010, repealed the former Chapter 3.20, § 3.20.010, and enacted a new Chapter 3.20 as set out herein. The former Chapter 3.20 pertained to similar subject matter and derived from Res. No. 221, 1980 and Res. No. 229, 1988.

Chapter 3.22

SMALL WORKS ROSTER*

Sections:

- 3.22.010** **Established.**
3.22.020 **Advertisement—Information to be
supplied to contractors.**
3.22.030 **When and how utilized.**

3.22.010 **Established.**

Pursuant to RCW 35.23.352(3), there is established for the city a small works roster comprised of all contractors who request to be on the roster and who are, where required by law, properly licensed or registered to perform contracting work in the state. (Ord. No. 1178, § 1(B), 4-5-2010)

3.22.020 **Advertisement—Information to be supplied to contractors.**

The small works roster shall be established as follows:

- A. At least twice every year, the city shall advertise in a newspaper of general circulation the existence of a small works roster for the city. The city shall add to the roster those contractors who respond to the advertisement and request to be included on the roster.
- B. In order to be included on the roster, the contractor shall supply information as follows in response to a standard form questionnaire:
 1. The contractor's state license or registration, where required by law;
 2. The contractor's experience, organization and technical qualifications;
 3. The contractor's ready availability to perform work in Cowlitz and Clark Counties.

(Ord. No. 1178, § 1(B), 4-5-2010)

3.22.030 **When and how utilized.**

The small works roster shall be utilized as follows:

- A. Whenever the city seeks to construct any public work or improvement, the estimated cost of

***Editor's note**—Ord. No. 1178, § 1(B), adopted April 5, 2010, repealed the former Chapter 3.22, §§ 3.22.010—3.22.030, and enacted a new Chapter 3.20 as set out herein. The former Chapter 3.22 pertained to similar subject matter and derived from Ord. No. 872, 1997.

which, including costs of material, supplies and equipment is one hundred thousand dollars or less, the small works roster may be utilized.

- B. When the small works roster is utilized, the city shall invite proposals from at least five appropriate contractors on the small works roster including, whenever possible, at least one proposal from a minority or woman contractor who otherwise qualifies. Provided, however, if less than five qualified contractors appear on the current roster, all those appearing shall be invited to submit proposals.
- C. The invitation to the contractor on the small works roster shall include an estimate of the scope and nature of the work to be performed and materials and equipment to be furnished.
- D. When awarding a contract for work under the small works roster, the city shall award the contract to the contractor submitting the lowest responsible bid; provided, however, that the city reserves its right under applicable law to reject any or all bids and to waive procedural irregularities.
- E. Once a contractor has been afforded an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a proposal on a contract.

(Ord. No. 1178, § 1(B), 4-5-2010)

Chapter 3.24

**PARK ACQUISITION AND IMPROVEMENT
FUND**

Sections:

3.24.010 **Established.**

3.24.020 **Receipts and expenditures.**

3.24.010 **Established.**

There is established for the city of Woodland a budgetary fund to be designated as the "park acquisition and improvement fund," into which shall be deposited such funds as the council deems appropriate. (Ord. 847 § 4 (part), 1997: Ord. 507 § 1, 1980)

3.24.020 **Receipts and expenditures.**

Receipts to and expenditures from the park acquisition and improvement fund shall be in accordance with state and local laws and procedures applicable to the receipt and expenditure of the city's other sources of revenue. (Ord. 847 § 4 (part), 1997: Ord. 507 § 2, 1980)

Chapter 3.26**MUNICIPAL COURT SUSPENSE FUND****Sections:**

- 3.26.010** **Municipal court suspense fund created.**
- 3.26.020** **Duties of municipal court clerk.**
- 3.26.030** **Disbursements from the municipal court suspense fund.**

3.26.010 **Municipal court suspense fund created.**

The clerk-treasurer is authorized to establish a new fund 631 to account for the transactions of moneys received from the Woodland Municipal Court checking account which are categorized as trust or suspense moneys. (Ord. 741 § 1 (part), 1992)

3.26.020 **Duties of municipal court clerk.**

The municipal court clerk shall certify to the clerk-treasurer at the time of each monthly deposit to the suspense fund the status of the suspense fund identifying for whom moneys are being held in suspense. The report will identify from whom suspense moneys have been received, to whom moneys have been distributed during the month and for what purpose. The balance shown on the monthly report should equal the amount remaining in the municipal court suspense fund at the end of each month. (Ord. 741 § 1 (part), 1992)

3.26.030 **Disbursements from the municipal court suspense fund.**

The municipal court clerk shall certify to the clerk-treasurer when a disbursement is necessary from the municipal court suspense fund, the amount and to whom the disbursement shall be paid. The clerk-treasurer shall issue a treasurer's check on behalf of the indicated payee from the municipal court suspense fund based on the information provided by the municipal court clerk. (Ord. 741 § 1 (part), 1992)

Chapter 3.27

CASH BOND TRUST FUND

Sections:

- 3.27.010** **Cash bond trust fund created.**
- 3.27.020** **Duties of public works director and city attorney.**
- 3.27.030** **Maintenance of records.**
- 3.27.040** **Release of cash bonds.**
- 3.27.050** **Action in the case of default.**

3.27.010 **Cash bond trust fund created.**

The clerk-treasurer is authorized to establish a new fund 641 to account for revenues and expenditures from moneys being held as cash bonds. (Ord. 847 § 6 (part), 1997; Ord. 742 § 1 (part), 1992)

3.27.020 **Duties of public works director and city attorney.**

In accordance with Chapter 16.12 of this code, the public works director and city attorney shall act in their respective capacities with regard to any such cash bonds being held by the city. Agreements shall be executed and provided to the clerk-treasurer at the time of the deposit of all cash bonds indicating the terms of any agreement in accordance with Sections 16.12.060 through 16.12.130. (Ord. 847 § 6 (part), 1997; Ord. 742 § 1 (part), 1992)

3.27.030 **Maintenance of records.**

The clerk-treasurer shall maintain adequate records to identify for whom moneys are being held, interest accrued on any investments of such moneys and the disposition of all such moneys. (Ord. 847 § 6 (part), 1997; Ord. 742 § 1 (part), 1992)

3.27.040 **Release of cash bonds.**

The clerk-treasurer shall release cash bonds only at the direction of the public works director and only upon council approval for such release. (Ord. 847 § 6 (part), 1997; Ord. 742 § 1 (part), 1992)

3.27.050 **Action in the case of default.**

The clerk-treasurer shall follow the requirements of Section 16.12.100 in the event of any declaration of default with regard to cash bonds, using such funds as are available on a given cash bond to apply toward any such default as directed by the public works director. (Ord. 847 § 6 (part), 1997; Ord. 742 § 1 (part), 1992)

Chapter 3.28

PAYROLL CLEARING FUND

Sections:

- | | |
|-----------------|------------------------------|
| 3.28.010 | Created. |
| 3.28.020 | Use of fund. |
| 3.28.030 | Issuance of warrants. |
| 3.28.040 | Transfer of funds. |

3.28.010 Created.

There is created a fund, known and designated as the "payroll clearing fund," into which shall be paid and transferred from the various departments an amount equal to the various salaries, wages and other compensation due city employees. (Ord. 516 § 1, 1981)

3.28.020 Use of fund.

The payroll clearing fund shall be used and payments therefrom shall be made only for the purpose of paying and compensating employees of the city for services rendered, and paying employee deductions to those persons, agencies and organizations entitled to such payments. (Ord. 516 § 2, 1981)

3.28.030 Issuance of warrants.

The city clerk-treasurer is authorized, empowered and directed to issue warrants on and against the fund for payroll and employee deduction purposes. Such warrants shall be issued only after proper payroll forms stating the nature of services rendered, the amount due and owing and the person entitled thereto. All warrants issued on or against the fund shall be solely and for the purposes set forth herein, as authorized by the annual budget, and shall be payable only out of and from the fund. Each warrant issued under the provisions of this section shall have printed on its face the words "Payroll Clearing Fund." (Ord. 516 § 3, 1981)

3.28.040 Transfer of funds.

Whenever it is deemed necessary, the city clerk-treasurer is authorized, empowered and directed to transfer from the funds of the appropriate departments to the payroll clearing fund sufficient moneys to pay the salaries, wages and other deductions of the employees of the various departments of the city. (Ord. 516 § 4, 1981)

Chapter 3.30

CLAIMS CLEARING FUND

Sections:

- 3.30.010** **Created.**
- 3.30.020** **Transfer of funds.**
- 3.30.030** **Purpose of expenditures.**
- 3.30.040** **Issuance of warrants.**

3.30.010 **Created.**

There is created a fund, known and designated as the claims clearing fund, into which shall be paid and transferred from the various departments an amount of money equal to the various claims against the city for any purpose. (Ord. 635 § 1, 1987)

3.30.020 **Transfer of funds.**

Whenever it is deemed necessary, the city clerk-treasurer is authorized, empowered and directed to transfer from the funds of the various departments to the claims clearing fund sufficient moneys to pay the claim against the various departments of the city. (Ord. 635 § 2, 1987)

3.30.030 **Purpose of expenditures.**

The claims clearing fund shall be used and payments therefrom shall be made only for the purpose of paying claims against the city. (Ord. 635 § 3, 1987)

3.30.040 **Issuance of warrants.**

The city clerk-treasurer is authorized, empowered and directed to issue warrants on and against the fund in payment of materials furnished, services rendered or expense or liability incurred by the various departments and offices of the city. The warrant shall be issued only after there has been filed with the city clerk-treasurer proper vouchers, approved by the city council, stating the nature of the claim, the amount due and owing and the person, firm or corporation entitled thereto. All warrants issued on or against the fund shall be solely and only for the purposes set forth in this chapter and shall be payable only out of and from the fund. Each warrant issued under the provisions of this section shall have on its face the words, "Claims Clearing Fund." (Ord. 635 § 4, 1987)

Chapter 3.36

SPECIAL EXCISE TAX

Sections:

3.36.010	Imposed—Rate.
3.36.020	Definitions.
3.36.030	General provisions.
3.36.040	Special fund created.
3.36.050	Violation—Penalties.
3.36.060	Effect of partial invalidity.

3.36.010 Imposed—Rate.

For the purposes set forth in Chapter 34, Laws of 1973, 2nd Ex. Sess., of the legislature of the state of Washington, the council of the city, being its legislative and governing body, does impose and levy a special excise tax of two percent on the sale of or charge made for the furnishing of lodging by a hotel, roominghouse, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from renting or leasing real property; provided, that it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same. (Ord. 537 § 1, 1982)

3.36.020 Definitions.

The definitions of the terms “selling price,” “seller,” “buyer,” “consumer,” and all other definitions as are now contained in RCW 82.08.010, and as hereafter amended, as those definitions may have application to the tax imposed by this chapter, are adopted by this reference as the definitions for the tax levied in this chapter. (Ord. 537 § 2, 1982)

3.36.030 General provisions.

For the purposes of the tax levied in this chapter:

- A. The Department of Revenue of the state is designated as the agent of the city for the purposes of collection and administration.
- B. The administrative provisions contained in RCW 82.08.050 through 82.08.070, and as hereafter amended, and those administrative provisions contained in RCW Chapter 82.32, and as hereafter amended, shall apply with respect to administration and collection of the tax by the Department of Revenue.
- C. All rules and regulations adopted by the Department of Revenue for the administration of RCW Chapter 82.08, and as hereafter amended, are adopted.
- D. The state of Washington Department of Revenue is empowered, on behalf of the city, to prescribe such

special forms and reporting procedures as the Department of Revenue may deem necessary. (Ord. 537 § 3, 1982)

3.36.040 Special fund created.

There is created a special fund in the city, to be known as the special fund. All taxes levied and collected under provisions of this chapter shall be credited to the special fund. Such taxes shall be levied for any and all lawful purposes authorized by the general laws of the state of Washington, and, until withdrawn for use, such moneys accumulated in such fund may be invested in interest-bearing securities by the city as provided by law, and such interest may be utilized for any lawful purpose. (Ord. 537 § 4, 1982)

3.36.050 Violation—Penalties.

It is unlawful for any person to violate or fail to comply with any of the provisions of this chapter. Every person, firm, partnership or corporation convicted of a violation of any provision of this chapter shall be punished by a fine of not more than three hundred dollars. (Ord. 653 § 1, 1987)

3.36.060 Effect of partial invalidity.

The invalidity of any article, section, subsection, provision, clause or portion thereof, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances, and all other articles, sections, subsections, provisions, clauses or portions thereof not expressly held to be invalid shall continue in full force and effect. (Ord. 653 § 2, 1987)

Chapter 3.38

LEASEHOLD EXCISE TAX

3.38.010; provided, the city attorney shall first approve the form and content of said contract. (Ord. 683 § 6, 1989)

Sections:

- 3.38.010 Levied.**
- 3.38.020 Rate.**
- 3.38.030 Administration and collection.**
- 3.38.040 Exemptions.**
- 3.38.050 Inspection of records.**
- 3.38.060 Contract with state Department of Revenue.**

3.38.010 Levied.

There is levied and shall be collected a leasehold excise tax on and after July 1, 1989 upon the act or privilege of occupying or using publicly owned real or personal property within the city through a "leasehold interest" as defined by Section 2, Chapter 61, Laws of 1975-76, Second Extraordinary Session (hereafter called "the state act"). The tax shall be paid, collected and remitted to the Department of Revenue of the state at the time and manner prescribed by Section 5 of the state act. (Ord. 683 § 1, 1989)

3.38.020 Rate.

The rate of the tax imposed by Section 3.38.010 shall be four percent of the taxable rent (as defined by Section 2 of the state act). (Ord. 683 § 2, 1989)

3.38.030 Administration and collection.

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of the state act. (Ord. 683 § 3, 1989)

3.38.040 Exemptions.

Leasehold interests exempted by Section 13 of the state act as it now exists or may hereafter be amended shall be exempt from the tax imposed pursuant to Section 3.38.010. (Ord. 683 § 4, 1989)

3.38.050 Inspection of records.

The city consents to the inspection of such records as are necessary to qualify the city for inspection of records of the Department of Revenue pursuant to RCW 82.32.330. (Ord. 683 § 5, 1989)

3.38.060 Contract with state Department of Revenue.

The mayor is authorized to execute a contract with the Department of Revenue of the state for the administration and collection of the tax imposed by Section

Chapter 3.40

SCHOOL IMPACT FEES

Sections:

3.40.005	Authority.
3.40.010	Purpose.
3.40.020	Definitions.
3.40.030	Mitigation of impacts on school facilities required.
3.40.040	Exemptions.
3.40.050	Eligibility for school impact fee—Capital facilities plan.
3.40.060	School impact fee.
3.40.070	Credits (FC).
3.40.080	Impact fee fund.
3.40.090	Validity of preexisting agreements.
3.40.100	Capital facilities plans adopted.
3.40.110	Refunds.
3.40.120	Use of funds.
3.40.130	Review and revision.
3.40.140	Modifications of fee.
3.40.150	Appeals.
3.40.160	Impact fee as additional and supplemental requirement.

3.40.005 Authority.

This chapter is adopted under the authority of Chapter 82.02 RCW. (Ord. 925 § 1 (part), 1999)

3.40.010 Purpose.

The regulations contained in this chapter are necessary for the protection and preservation of the public health, safety and general welfare of the citizens of the city. The school district which serves city residents is unable to provide the services required to meet the educational needs of a rapidly growing community. The purpose of this chapter is to require that development proposals that generate a need for school facilities contribute to the costs of providing the services at standards established by the Woodland School District in accordance with state guidelines. (Ord. 925 § 1 (part), 1999)

3.40.020 Definitions.

As used in this chapter:

"Council" means the city council of the City of Woodland.

"Development" means all multifamily residential development, including multifamily rezones which require binding site plans, planned residential developments, mobile home parks, condominiums, and all multifamily structures which require building permits, but excluding remodeling or renovation permits which do not result in additional dwelling units.

"School district" means Woodland School District No. 404.

"School impact fee" means a fee imposed under this chapter to mitigate any adverse impacts on school facilities.

"Subdivision" means any subdivision or short platting of land, if approval is required pursuant to Title 16 of this code. (Ord. 925 § 1 (part), 1999) (Ord. No. 1431, § 1, 8-19-2019)

3.40.030 Mitigation of impacts on school facilities required.

- A. No building permit shall be issued for a development or subdivision as defined in this chapter occurring within the school district unless the school impact fee is calculated and imposed pursuant to this chapter.
- B. For single-family/duplex residential dwellings hereinafter approved, the impact fee shall be calculated and imposed at the time of building permit issuance. For new multifamily development hereafter approved, the impact fee shall be calculated at the time of building permit issuance.
- C. For mobile home or manufactured houses, the impact fee shall be calculated and imposed at the time of the issuance of the placement permit.
- D. The impact fee imposed under this chapter shall be due and payable at the time of issuance of a building permit (or site plan approval when no building permit is required) for subdivision or development.
- E. Required payment of impact fees for a single-family detached residence or attached residential building may be deferred to such time as the certificate of occupancy is ready to be issued. No fee would be assessed for this service and the request may be submitted any number of times per applicant on forms furnished by the City of Woodland. Certificate of occupancy will not be issued until the deferred impact fees are paid in full. Those choosing to defer impact fees until certificate of

occupancy must grant and record a lien against the property in favor of the City of Woodland in the amount of the deferred impact fee.

(Ord. 925 § 1 (part), 1999)

(Ord. No. 1169, § 1, 11-16-2009; Ord. No. 1368, § 2, 8-1-2016)

3.40.040 Exemptions.

- A. Any development or subdivision that is located outside the jurisdictional boundaries of either the city or the school district shall be exempt from this chapter.
- B. The school impact fee shall not apply to housing which by design or restrictive covenant is exclusively for persons sixty-two years of age or older.
- C. The school impact fee shall not apply to any development or subdivision for which the city requires payment of a fee pursuant to RCW 43.21C.060 for the same system improvements.

(Ord. 925 § 1 (part), 1999)

3.40.050 Eligibility for school impact fee— Capital facilities plan.

The city will collect school impact fees on behalf of a school district whose capital facilities plan has been adopted as a portion of the city comprehensive land use plan in accordance with the provisions of this section.

- A. Plan Submittal. A school district requesting impact fees shall submit to the city, and annually update, a capital facilities plan adopted by the school board and consisting of the following elements:
 - 1. A standard of service which identifies the program year, class size by grade span, number of classrooms, types of facilities and other factors identified by the school district;
 - 2. The district's capacity over the next six years based upon an inventory of the district's facilities either existing or under construction and the district's standard of service;
 - 3. A forecast of future needs for school facilities based upon the district's enrollment projections;
 - 4. At least a six-year financing plan component, updated as necessary to maintain at

least a six-year forecast period, for financing needed school facilities within projected funding levels;

- 5. Application of the formula set out in Section 3.40.060 based upon information contained in the capital facilities plan. Separate fees shall be calculated for single-family and multifamily types of dwelling units, based upon the student generation rates determined by the district for each type of dwelling unit. If insufficient information is available for a district to calculate a multifamily student generation rate, a state-wide average shall be utilized. For purposes of this section, mobile homes and duplexes shall be treated as single-family dwellings.
- B. Planning Commission Review. The planning commission shall review a school district's capital facilities plan or plan update in accordance with the provisions of this subsection.
 - 1. Factors. The planning commission shall consider:
 - a. Whether the district's forecasting system for enrollment projections appears reasonable and reliable; and
 - b. Whether the anticipated level of state and voter-approved funding appears reasonable and historically reliable; and
 - c. Whether the standard of service set by the district is reasonably consistent with standards set by other school districts in communities of similar socioeconomic profile; and
 - d. Whether the district appropriately applied the formula set out in Section 3.40.060.
 - 2. Public Hearing. In the event the district or the planning commission on its own motion proposes to modify the school impact fee, the planning commission shall not make its recommendation until holding a duly advertised public hearing on the proposal.
 - 3. Recommendation. The planning commission may request a school district to review and to resubmit its capital facilities

plan or update consistent with the provisions of this section. The planning commission shall submit an annual report to the council for each school district for which school impact fees are collected.

- C. Council Action. No new or revised school impact fees shall be effective until adopted by the council following a duly advertised public hearing to consider the school district's capital facilities plan or plan update.
- D. Interlocal Agreement. School impact fees shall not be collected on behalf of any school district until such district enters into an interlocal agreement with city providing for submittal of capital facilities plans, fund administration, report of expenditures, allocation of risk and other appropriate matters. The interlocal agreement may include a fee to cover the city's cost of administering the school impact fee program.

(Ord. 925 § 1 (part), 1999)
 (Ord. No. 1431, § 2, 8-19-2019)

3.40.060 School impact fee.

The impact fee for schools shall be calculated using the following formula:

$$SIF = \left[CS(SF) - (SM) - \left(\frac{(1+i)^{10} - 1}{i(1+i)^{10}} \times AAV \times TLR \right) \right] \times A - FC$$

- A. "SIF" means the school impact fee.
- B. "CS" means the cost of each type of facility listed in a school district's capital facilities plan attributable to new growth divided by the capacity of the improvement needed for growth for each type of school facility. Each type of facility means elementary school, middle school and high school.
- C. "SF" means student factor. The student factor is the number of students typically generated from one residential unit for each type of school facility. This is determined by dividing the total number of residential units in a school district into the current enrollment numbers for each type of school facility. The student factor for each school district shall be calculated annually. As provided for in Section

3.40.050 separate student factors shall be calculated for single-family and multifamily dwelling units.

- D. "SM" means state match. State match is that amount received from the state toward school construction costs. The state match component of the formula is that amount representing the per student amount of state matching funds. This is calculated for each type of facility as: student factor times Boeckh index (average annual construction cost of a school facility per square foot) times square foot standard per student established by the superintendent of public instruction times state match percentage (that percentage of the total cost of a school facility funded by state funds). The state match for a school district shall be calculated annually.
- E. "TC" means tax credit. This is calculated as:

$$(1 + i)^{10} - 1 / i(1 + i)^{10}$$

X average assessed value for the dwelling unit capital property X current school district within a school district tax levy rate

where i = the average annual interest rate as stated in the Bond Buyer Twenty Bond General Obligation Bond Index. The tax credit for a school district shall be calculated annually.

- F. "FC" means facilities credit. This is the value of any improvements listed in a school district's capital facilities plan provided by the developer.
- G. "A" means an adjustment for the portion of the anticipated increase in the public share resulting from exempt residential development proratable to new residential development. This adjustment for school impact is determined to be eighty-five percent.

(Ord. 925 § 1 (part), 1999)
 (Ord. No. 1361, § 1, 6-6-2016)

3.40.070 Credits (FC).

A feepayer can request that a credit or credits be awarded to him or her for the value of dedicated land, improvements or construction provided by the feepayer if the land, improvements and/or the facility con-

structed are included within the adopted capital facilities plan and the school district makes the finding that such land, improvements and/or facilities would serve the goals and objectives of the capital facilities plan. In the event the land, improvements and/or facilities are accepted by the school district, the feepayer shall be responsible for supplying an independent appraisal based on objective standards which indicates the fair market value of the dedicated land, improvements and/or facilities. The credit amount shall be applied to the impact fee calculated for the particular development pursuant to Section 3.40.060. If the amount of the credit is less than the amount of the fee, the feepayer shall pay the difference. In the event the amount of the credit exceeds the amount of the impact fee due and owing by the feepayer, neither the school district nor the city shall be liable to the feepayer for the difference. (Ord. 925 § 1 (part), 1999)

3.40.080 Impact fee fund.

There is created and established a special purpose, nonlapse impact fee fund. The city shall establish separate accounts within such fund and maintain records for each such account whereby impact fees collected can be segregated.

- A. The city shall initiate an interfund transfer from the city's impact fee fund to the Cowlitz county treasurer on a monthly basis.
- B. Funds deposited into this fund shall be expended as provided in Section 3.40.120.
- C. All interest shall be retained in the account and expended for the purposes for which the impact fees were imposed.
- D. By April of each year, the city shall provide a report for the previous calendar year on each impact fee account showing the source and amount of moneys collected, earned or received and system improvements that were financed in whole or in part by impact fees.

(Ord. 925 § 1 (part), 1999)

3.40.090 Validity of preexisting agreements.

Written voluntary mitigation agreements between the school district and a project proponent which have been executed prior to the effective date of the ordinance codified in this chapter shall be accepted as satisfying the requirements of this chapter for those

phases of a subdivision or development addressed by the written agreement. (Ord. 925 § 1 (part), 1999)

3.40.100 Capital facilities plans adopted.

The 2019-2025 capital facilities plan for Woodland School District No. 404, attached to the adopting ordinance and incorporated in this section by this reference, is approved as meeting the requirements of this chapter and is hereby adopted as a sub-element of the City of Woodland's comprehensive land use plan. (Ord. 925 § 1 (part), 1999)

(Ord. No. 1361, § 2, 6-6-2016; Ord. No. 1431, § 3, 8-19-2019)

Editor's note—Exhibit "A" was not included in the codification of this section.

3.40.110 Refunds.

- A. If a school district fails to expend or encumber the impact fees within six years of when the fees were paid unless extraordinary or compelling reasons exist, the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.
- B. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the city and/or the district within one year of the date of the right to claim the refund arises or the date that notice is given, whichever is later.
- C. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by a district and expended on the appropriate public facilities.
- D. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city or the district.

(Ord. 925 § 1 (part), 1999)

3.40.120 Use of funds.

- A. Pursuant to this chapter, impact fees:
 1. Shall be used for system improvements that will reasonably benefit new school facilities and shall not be used for project improvements;

2. Shall not be imposed to make up for deficiencies in school facilities serving existing developments; and
 3. Shall not be used for maintenance or operation.
- B. Impact fees may be spent for public improvements, including but not limited to school planning, land acquisition, site improvements, portables, necessary off-site improvements, construction, engineering, architectural, permitting, financing and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to educational facilities, and any other expenses which can be capitalized.
- C. Impact fees may also be used to recoup public improvement costs previously incurred by the school district to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.
- D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay the principal on such bonds or similar debt instruments to the extent that the facilities or improvements provided are convenient with the requirements of this section and are used to serve the new development.

(Ord. 925 § 1 (part), 1999)

3.40.130 Review and revision.

Impact fees shall be reviewed by the council as it may deem necessary and appropriate or in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan. Impact fee rates shall be adjusted periodically to reflect changes in costs of land acquisition and construction, facility plan projects and anticipated growth. Such adjustments shall only become effective upon adoption by the council of a modification to the capital facilities plan; provided, however, that the capital facilities plan may contain a provision for automatic revision of an impact fee rate no more often than annually to reflect the change in a generally recognized and applicable inflation/deflation index. (Ord. 925 § 1 (part), 1999)

3.40.140 Modifications of fee.

- A. The city upon application by a developer supported by studies and data may reduce or eliminate

such fee if it is shown that: (a) the formulae contained in this chapter does not accurately reflect school impact; or (b) due to unusual circumstances where (i) facility improvements identified for the applicable service area are not reasonably related to the proposed development, or (ii) such facility improvements will not reasonably benefit the proposed development.

- B. Prior to making an application for a building permit or site plan approval, an applicant upon payment of the applicable fee may request an impact fee determination from the city, which determination shall be based upon information supplied by the applicant sufficient to permit calculation of the impact fee. The impact fee determination shall be binding upon the city for a period of one year unless there is a material change in the development proposal, the capital facilities plan or this chapter.

(Ord. 925 § 1 (part), 1999)

3.40.150 Appeals.

Appeals of impact fees imposed pursuant to this chapter shall be governed by the provisions of Title 19 of this code. In the case of impact fees set pursuant to residential subdivision, residential short subdivision or site plan approval, the appeal shall be filed in conjunction with, and within the limitation period applicable to, the available administrative appeal from such approval. In the case of impact fees first imposed or recalculated or credits determined in conjunction with a building permit not involving subdivision, short subdivision or site plan approval, the appeal shall be filed as an appeal of a building permit pursuant to Section 19.06.040(C). (Ord. 925 § 1 (part), 1999)

3.40.160 Impact fee as additional and supplemental requirement.

The impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits. (Ord. 925 § 1 (part), 1999)

Chapter 3.41

DEVELOPMENT IMPACT FEES—FIRE AND PARK, RECREATION, OPEN SPACE OR TRAIL FACILITIES

Sections:

3.41.005	Authority.
3.41.010	Purpose.
3.41.020	Definitions.
3.41.030	Collection of impact fees.
3.41.040	Exemptions.
3.41.050	Computing required impact fees using adopted impact fee schedules.
3.41.060	Computing required impact fees based on an independent fee calculation.
3.41.070	Credits.
3.41.080	Impact fee fund.
3.41.090	Refunds.
3.41.100	Use of funds.
3.41.110	Review and revision.
3.41.120	Modification of fee.
3.41.130	Appeals.
3.41.140	Transportation impact fees, coordination with Chapter 3.42.
3.41.150	Formula for determining fire impact fees.
3.41.160	Formula for determining park, recreation, open space or trail impact fees.
3.41.170	Impact fee as additional and supplemental requirement.
3.41.180	Penalty provision.
3.41.190	Severability.

3.41.005 Authority.

This chapter is adopted under RCW 82.02.050(2) which authorizes cities planning under the Growth Management Act, primarily codified at Chapter 36.70A RCW and Chapter 82.02 RCW, to assess, collect, and use impact fees to pay for capital projects related to fire and park, recreation, open space or trail facilities in order to complete capital projects needed to accommodate growth. The city of Woodland is required to plan under the Growth Management Act and has adopted a comprehensive plan which includes a capital facilities chapter which complies with RCW 36.70A.070(3), RCW

82.02.050(4), and all other applicable requirements. Consequently, the city of Woodland is authorized to impose, collect and use impact fees. This chapter is adopted under the authority of Chapter 82.02 RCW. (Ord. 1059 § 1 (part), 2005)

3.41.010 Purpose.

The purpose of this chapter is to implement the capital facilities element of the Woodland comprehensive plan and the Growth Management Act by:

- A. Ensuring that adequate fire and park, recreation, open space or trail facilities are available to serve new development;
- B. Maintaining the high quality of life in Woodland by ensuring that adequate facilities are available to serve growth thereby providing for the needs of new growth and maintaining existing service levels for present businesses and residents.
- C. Establishing standards and procedures whereby new development pays its proportionate share of the costs of fire and park, recreation, open space, or trail facilities, reducing transaction costs for both the city and developers and ensuring the developments are not required to pay arbitrary or duplicative fees.

(Ord. 1059 § 1 (part), 2005)

3.41.020 Definitions.

As used in this chapter:

"City council" and "council" means the city council of the city of Woodland.

"Development" means all single-family, multifamily residential development, condominiums, and all multifamily structures which require building permits (excluding remodeling or renovation permits which do not result in additional dwelling units) and nonresidential development including, but not limited to office, commercial, manufacturing, and industrial projects.

"Fire facility impact fee" means a fee imposed under this chapter to mitigate any adverse impacts on fire department capital facilities.

"Park, recreation, open space or trail facility impact fee" means a fee imposed under this chapter to mitigate any adverse impacts on Woodland parks, and open spaces owned by the city and held out as open for the recreational use of the public.

"Subdivision" means any subdivision or short platting of land, if approval is required pursuant to Title 16 of this code. (Ord. 1059 § 1 (part), 2005)

3.41.030 Collection of impact fees.

- A. Any person who applies for a building permit for any development activity or who undertakes any development shall pay the impact fees as set forth in this chapter to the city clerk-treasurer. Impact fees imposed under this chapter shall be due and payable at the time of building permit issuance.
- B. Required payment of impact fees for a single-family detached residence or attached residential building may be deferred to such time as the certificate of occupancy is ready to be issued. No fee would be assessed for this service and the request may be submitted any number of times per applicant on forms furnished by the City of Woodland. Certificate of occupancy will not be issued until the deferred impact fees are paid in full. Those choosing to defer impact fees until certificate of occupancy must grant and record a lien against the property in favor of the City of Woodland in the amount of the deferred impact fee.

(Ord. No. 1246, § 2, 10-1-2012; Ord. No. 1368, § 1, 8-1-2016)

Editor's note—Ord. No. 1246, § 1, adopted October 1, 2012, in effect repealed the former § 3.41.030, and § 2 of Ord. No. 1246 enacted a new § 3.41.030 as set out herein. The former § 3.41.010 pertained to payment of impact fees required and derived from Ord. No. 1059, 2005 and Ord. No. 1169, adopted November 16, 2009.

3.41.040 Exemptions.

The impact fees referenced in this chapter shall not apply to the following:

- A. Any development or subdivision that is located outside the jurisdictional boundaries of the city;
- B. Any development or subdivision for which the city requires payment of a fee pursuant to RCW 43.21C.060;
- C. Alteration, expansion, enlargement, remodeling, rehabilitation, or conversion of an existing unit where no additional units are created and the use is not changed;
- D. The construction of accessory structures that will not create significant impacts on planned facilities;

- E. Miscellaneous improvements, including, but not limited to, fences, walls, swimming pools, and signs;
 - F. A structure moved from one location within the city to another location within the city. The vacated lot will not be exempted from paying all appropriate impact fees upon development.
- (Ord. 1059 § 1 (part), 2005)

3.41.050 Computing required impact fees using adopted impact fee schedules.

At the option of the person applying for the building permit or undertaking the development activity, the amount of the impact fees may be determined by the fee schedules in this section.

- A. When using the impact fee schedules, the impact fees shall be calculated by using the following formula:

Number of units of each use	x	Impact Fee amount for a facility type	=	Amount of Impact Fee that shall be paid for that facility type for that use
-----------------------------------	---	---	---	--

1. The number of units of each use determined as follows: (i) for residential uses, it is the number of housing units for which a building permit application has been made, and (ii) for office, retail, or manufacturing uses, it is the gross floor area of building(s) to be used for each use expressed in square feet divided by one thousand square feet. If uses other than parking vehicles which do not constitute a stock in trade and uses accessory to residences will take place outside of buildings, the calculations shall include the land area on which these uses will take place.
2. Using the formula in subsection (A), impact fees shall be calculated separately for each use and each facility type. The impact fees that shall be paid are the sum of these calculations.
3. If a development activity will include more than one use in a building or site, then the fee shall be determined using the above schedule by apportioning the space committed to the various uses specified on the schedule.

4. If the type of use or development activity is not specified on the impact fee schedules in this section, the clerk-treasurer shall use the impact fee applicable to the most comparable type of land use on the fee schedules. The clerk-treasurer shall be guided in the selection of a comparable type by the most recent Standard Industrial Code Manual. If the clerk-treasurer determines there is no comparable type of land use on the above fee schedule then he/she shall determine the proper fee by considering demographic or other documentation which is available from state, local, and regional authorities.
 5. In the case of a change in use, development activity, redevelopment, or expansion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee for the new development activity as compared to the previous development activity. The clerk-treasurer shall be guided in this determination by the sources and agencies listed above.
2. The study shall use acceptable data sources and the data shall be comparable with the uses and intensities proposed for the proposed development activity.
 3. The study shall comply with the applicable state laws governing impact fees including RCW 82.02.060 or its successor.
 4. The study, including any data collection and analysis, shall be prepared and documented by professionals qualified in their respective fields.
 5. The study shall show the basis upon which the independent fee calculation was made.
- C. The clerk-treasurer shall consider the study and documentation submitted by the person required to pay the impact fees, but is not required to accept the study if the clerk-treasurer decides the study is not accurate or reliable. The clerk-treasurer may, in the alternative, require the person submitting the study to submit additional or different documentation for consideration. If the clerk-treasurer decides that outside experts are needed to review the study, the applicant shall be responsible for paying for the reasonable cost of a review by outside experts. If an acceptable independent fee calculation study is not presented, the person shall pay the impact fees based upon the process and schedules referenced in this chapter. If an acceptable independent fee calculation study is presented, the clerk-treasurer may adjust the fee to an appropriate amount.

(Ord. 1059 § 1 (part), 2005)

3.41.060 Computing required impact fees based on an independent fee calculation.

If a person required to pay impact fees decides not to have the impact fees determined according to the method as referenced in this chapter, then the person shall prepare and submit to the clerk-treasurer an independent fee calculation study for the proposed development activity. Any person can decide to have an independent fee calculation study for one or more impact fees and use the impact fee schedules referenced in this chapter for one or more impact fees.

- A. Any person submitting an independent impact fee calculation study shall include the fee set by the city council for reviewing independent impact fee calculation studies. This fee may be set by ordinance or resolution.
- B. The independent fee calculation study shall comply with the following standards:
 1. The study shall follow accepted impact fee assessment practices and methodologies.

(Ord. 1059 § 1 (part), 2005)

3.41.070 Credits.

A feepayer can request that a credit or credits be awarded to him or her for the value of dedicated land, improvements or construction provided by the feepayer if the land, improvements and/or the facility constructed are included within the adopted capital facilities plan and the city council by motion makes the finding that such land, improvements and/or facilities would serve the goals and objectives of the capital facilities plan. In the event the council passes such a motion, the feepayer shall be responsible for supplying an independent appraisal based on objective standards which indicates the fair market value of the dedicated

land, improvements and/or facilities. The credit amount shall be applied to the impact fee calculated for the particular development. If the amount of the credit is less than the amount of the fee, the feepayer shall pay the difference. In the event the amount of the credit exceeds the amount of the impact fee due and owing by

the feepayer, the city shall not be liable to the feepayer for the difference. (Ord. 1059 § 1 (part), 2005)

3.41.080 Impact fee fund.

There is created and established a special purpose, nonlapse impact fee fund. The city shall establish separate accounts within such fund and maintain records for each such account whereby impact fees collected can be segregated by name in accordance with this chapter and Chapter 3.40 of this code.

- A. All interest shall be retained in the account and expended for the purposes for which the impact fees were imposed.
- B. By April of each year, the city shall provide a report for the previous calendar year on each impact fee account showing the source and amount of moneys collected, earned or received and system improvements that were financed in whole or in part by impact fees.

(Ord. 1059 § 1 (part), 2005)

3.41.090 Refunds.

- A. If a city fails to expend or encumber the impact fees within six years of when the fees were paid unless extraordinary or compelling reasons exist, the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.
- B. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the city within one year of the date of the right to claim the refund arises or the date that notice is given, whichever is later.
- C. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the city and expended on the appropriate public facilities.
- D. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city.

(Ord. 1059 § 1 (part), 2005)

3.41.100 Use of funds.

- A. Use of Fire and Park, Recreation, Open Space or Trail Impact Fees. Fire impact fees shall only be

used for fire system improvements within the service area and as set forth herein. Park, recreation, open space or trail facilities impact fees shall only be used for park recreation, open space or trail facilities system improvements and as set forth herein.

- B. Impact fees referenced in this chapter may be spent for public improvements, including but not limited to, planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to planned facilities, and any other expenses which can be capitalized.
- C. Impact fees may also be used to recoup public improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.
- D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay the principal on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development.

(Ord. 1059 § 1 (part), 2005)

3.41.110 Review and revision.

Impact fees shall be reviewed by the city council as it may deem necessary and appropriate or in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan. Impact fee rates shall be adjusted periodically to reflect changes in costs of land acquisition and construction, facility plan projects and anticipated growth. Such adjustments shall only become effective upon adoption by the city council of a modification to the capital facilities plan; provided, however, that the capital facilities plan may contain a provision for automatic revision of an impact fee rate no more often than annually to reflect the change in a generally recognized and applicable inflation/deflation index. (Ord. 1059 § 1 (part), 2005)

3.41.120 Modification of fee.

- A. The city upon application by a developer supported by studies and data, may reduce or eliminate such fee if it is shown that: (1) the formulae contained in this chapter does not accurately reflect actual impact; or (2) due to unusual circumstances where: (a) facility improvements identified for the applicable service area are not reasonably related to the proposed development, or (b) such facility improvements will not reasonably benefit the proposed development.
- B. Prior to making an application for a building permit or site plan approval, an applicant, upon payment of the applicable fee, may request an impact fee determination from the city, which determination shall be based upon information supplied by the applicant sufficient to permit calculation of the impact fee. The impact fee determination shall be binding upon the city for a period of one year unless there is a material change in the development proposal, the capital facilities plan or this chapter.

(Ord. 1059 § 1 (part), 2005)

3.41.130 Appeals.

Appeals of impact fees imposed pursuant to this chapter shall be governed by the provisions of Title 19 of this code. In the case of impact fees set pursuant to residential subdivision, residential short subdivision or site plan approval, the appeal shall be filed in conjunction with, and within the limitation period applicable to, the available administrative appeal from such approval. In the case of impact fees first imposed or recalculated or credits determined in conjunction with a building permit not involving subdivision, short subdivision or site plan approval, the appeal shall be filed as an appeal of a building permit pursuant to Section 19.06.040(C). (Ord. 1059 § 1 (part), 2005)

3.41.140 Transportation impact fees, coordination with Chapter 3.42.

Transportation impact fees shall be governed and administered by Chapter 3.42. (Ord. 1059 § 1 (part), 2005)

3.41.150 Formula for determining fire impact fees.

- A. The fire impact fees shall be the developer fee obligation (F) calculated using the formula in this section.

(Woodland Supp. No. 18, 8-10)

- B. The impact fee service area for fire impact fees shall be the entire city of Woodland.
- C. Separate fees shall be calculated for single-family residences, multifamily residences, and nonresidential uses. For the purposes of this chapter, manufactured homes shall be treated as single-family residences. Duplex units shall be treated as single-family residences. Triplex and above shall be treated as multifamily residences. Single-family attached dwellings shall be treated as multifamily residences.
- D. The formula in this section provides an adjustment for the anticipated tax contributions that would be made by the development based on historical levels of taxation.
- E. Formula for determining fire impact fees:

IF:

A = Fire Department capital facility program, 20-year capital expenditure total.

B = City of Woodland contribution adjustment factor.

C = Percentage of annual calls by land use category.

D = Projected growth by number of units per land use category.

F = Developer fee obligation, per unit.

THEN:

$$F = [A \times B \times C]/D$$

- F. The council shall, from time, to time, adopt a resolution or resolutions calculating the monetary amount of each component of the impact fee by using the formulas established by this section.

(Ord. 1059 § 1 (part), 2005)

3.41.160 Formula for determining park, recreation, open space or trail impact fees.

- A. The park, recreation, open space or trail facility impact fees shall be the developer fee obligation (F) calculated using the formula in this section.
- B. The impact fee service area for park, recreation, open space or trail impact fees shall be the entire city of Woodland.
- C. Separate fees shall be calculated for single-family residences and multifamily residences. For the pur-

poses of this chapter, manufactured homes shall be treated as single-family residences. Duplex units shall be treated as single-family residences. Triplex and above shall be treated as multifamily residences. Single-family attached dwellings shall be treated as multifamily residences.

- D. The formula in this section provides a credit for the anticipated tax contributions that would be made by the development based on historical levels of taxation.
- E. Formula for determining park, recreation, open space or trail impact fees:

IF:

P = The park, recreation, open space, or trail facility component of the total development impact fee.

C = The average cost per acre for land appraisal and acquisition plus an average development cost. Such cost may be adjusted periodically, but not more often than once every year. Park development costs shall be based on actual, recent comparable construction and shall include associated project improvements such as streets.

S = The parks standards in acres per thousand residents for neighborhood parks and community parks established in the comprehensive park and recreation plan to total five acres.

N = One thousand people.

D = The average number of occupants per dwelling unit, or 2.85 occupants for a single-family/duplex dwelling unit, and 2.12 occupants for any other multifamily dwelling unit.

A = An adjustment for the portion of anticipated additional tax revenues resulting from a development that is proratable to system improvements contained in the capital facilities plan. The adjustment for park impacts is determined to be five percent, so that "A" equals ninety-five.

THEN:

$$P = [C \times S \times D \times A] / N$$

- F. The council shall, from time to time, adopt a resolution or resolutions calculating the monetary amount of each component of the impact fee by using the formulas established by this section. (Ord. 1059 § 1 (part), 2005)

3.41.170 Impact fee as additional and supplemental requirement.

The impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits. (Ord. 1059 § 1 (part), 2005)

3.41.180 Penalty provision.

Any person, corporation, other entity, and any person directing the activities of such entities, who fails to comply with the provisions of this chapter shall be guilty of a gross misdemeanor as described by state law. (Ord. 1059 § 1 (part), 2005)

3.41.190 Severability.

Should any provision of this chapter be deemed invalid, unconstitutional, illegal or otherwise unlawful, the remainder shall remain in full force and effect. (Ord. 1059 § 1 (part), 2005)

Chapter 3.42

DEVELOPMENT IMPACT FEES— TRANSPORTATION

Sections:

3.42.005	Authority.
3.42.010	Purpose.
3.42.020	Definitions.
3.42.030	Payment of impact fees required.
3.42.040	Exemptions.
3.42.050	Computing required impact fees using trip generation manual rates.
3.42.060	Computing required transportation impact fees based on an independent fee calculation.
3.42.070	Credits.
3.42.080	Transportation impact fee fund.
3.42.090	Refunds.
3.42.100	Use of funds.
3.42.110	Review and revision.
3.42.120	Modification of fee.
3.42.130	Appeals.
3.42.140	Fire and park, recreation, open space or trail impact fees, coordination with Chapter 3.41.
3.42.150	Establishment of transportation service areas and fee schedules.
3.42.160	Determining transportation impact fee schedules.
3.42.165	Project list.
3.42.170	Relationship to State Environmental Policy Act (SEPA).
3.42.180	Penalty provision.
3.42.190	Severability.

3.42.005 Authority.

This chapter is adopted under RCW 82.02.050(2) which authorizes cities planning under the Growth Management Act, primarily codified at Chapter 36.70A RCW and Chapter 82.02 RCW, to assess, collect, and use impact fees to pay for capital projects related to transportation facilities in order to complete capital projects needed to accommodate growth. The city of Woodland is required to plan under the Growth Management Act and has adopted a comprehensive plan which includes a Capital Facilities Chapter which complies with RCW 36.70A.070(3), RCW 82.02.050(4), and

all other applicable requirements. Consequently, the city of Woodland is authorized to impose, collect, and use impact fees. This chapter is adopted under the authority of Chapter 82.02 RCW. (Ord. No. 1264, § 1, 5-6-2013)

3.42.010 Purpose.

The purpose of this chapter is to implement the capital facilities element of the Woodland comprehensive plan and the Growth Management Act by:

- A. Developing a transportation impact fee program consistent with the Woodland comprehensive plan, the city of Woodland transportation plan, and the city of Woodland capital facilities plan for joint public and private financing of transportation improvements necessitated in whole or in part by development in the city;
- B. Ensuring adequate levels of service related to transportation within the city consistent with the comprehensive plan and transportation plan;
- C. Creating a mechanism to charge and collect fees to ensure that all new development bears its proportionate share of the capital costs of system transportation facilities directly necessitated by new development, in order to provide an adequate level of transportation service consistent with the comprehensive plan and transportation plan;
- D. Ensuring that the city pays its fair share of the capital costs of transportation facilities necessitated by public use of the transportation system; and
- E. Ensuring fair collection and administration of such impact fees.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.020 Definitions.

The following are definitions provided for administering the transportation impact fee. The public works director shall have the authority to resolve questions of interpretation or conflicts between definitions:

As used in this chapter:

"Capital facilities plan" means the adopted capital facilities element of the city's comprehensive plan.

"City Council" and "council" means the city council of the city of Woodland.

"Clerk-treasurer" means the clerk-treasurer of the city of Woodland or his/her designee.

"Comprehensive plan" means the city's adopted comprehensive plan required under the state Growth Management Act.

"Development" means all single family, multi-family residential development, condominiums, and all multi-family structures which require building permits (excluding remodeling or renovation permits which do not result in additional dwelling units) and non-residential development including, but not limited to office, commercial, manufacturing, and industrial projects.

"Development activity" means any construction or expansion of a building, or structure, or use, or any changes in the use of land, that creates additional demand and need for public facilities.

"Director" means the public works department director of the city of Woodland or his/her designee.

"Impact fee or transportation impact fee" means a payment of money imposed upon development approval to pay for public streets and roads needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public streets and roads, that is a proportionate share of the cost of the public streets and roads, and that is used for public streets and roads that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee otherwise established by city council resolution.

"Jurisdiction" means a municipality or county.

"Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the capital facilities plan approved by the city council shall be considered a project improvement.

"Service area" means a geographic area defined by ordinance or intergovernmental agreement in which a defined set of public streets and roads provide service to the development within the area.

"Subdivision" means any subdivision or short platting of land, if approval is required pursuant to Title 16 of this code.

"System improvements" means public facilities that are included in the capital facilities plan and are designed to provide service areas within the community at large, in contrast to project improvements.

"Transportation plan" means the city of Woodland's 2008 transportation infrastructure strategic plan, as adopted by the city council as an element of the city's comprehensive plan, and such plan as amended. (Ord. No. 1264, § 1, 5-6-2013)

3.42.030 Payment of impact fees required.

- A. Any person who applies for a building permit for any development activity or who undertakes any development activity within the city's corporate limits shall pay the transportation impact fees as set forth in this chapter to the clerk-treasurer. The impact fees shall be paid before the city issues the building permit. No new building permit shall be issued until the required transportation impact fees have been paid to the city clerk-treasurer.
- B. Required payment of impact fees for a single-family detached residence or attached residential building may be deferred to such time as the certificate of occupancy is ready to be issued. No fee would be assessed for this service and the request may be submitted any number of times per applicant on forms furnished by the City of Woodland. Certificate of occupancy will not be issued until the deferred impact fees are paid in full. Those choosing to defer impact fees until certificate of occupancy must grant and record a lien against the property in favor of the City of Woodland in the amount of the deferred impact fee.
- C. Mitigation of impacts on transportation facilities under the jurisdiction of any agency other than the city will be required when:
 1. The other affected jurisdiction has reviewed the development's impact under its adopted impact fee/mitigation regulations and has recommended to the city that the city impose a requirement to mitigate the impacts; and
 2. There is an interlocal agreement between the city and the affected jurisdiction specifically addressing transportation impact identification and mitigation.

(Ord. No. 1264, § 1, 5-6-2013; Ord. No. 1368, § 3, 8-1-2016)

3.42.040 Exemptions.

The transportation impact fees referenced in this chapter shall not apply to the following:

- A. Any development or subdivision that is located outside the jurisdictional boundaries of the city, except through interlocal agreement.
- B. Any development or subdivision for which the city requires payment of a fee pursuant to RCW 43.21C.060.
- C. Alteration, expansion, enlargement, remodeling, rehabilitation, or conversion of an existing unit where no additional units are created and the use is not changed.
- D. A change in use that results in no additional impact to the city's transportation system.
- E. The construction of accessory structures that will not create additional transportation impacts on system improvements.
- F. Miscellaneous improvements, including, but not limited to, fences, walls, swimming pools, and signs.
- G. A structure moved from one location within the city to another location within the city. The vacated lot will not be exempted from paying all appropriate impact fees upon development.
- H. New or expanded city facilities, public parks, or public park and ride facilities.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.050 Computing required impact fees using trip generation manual rates.

At the option of the person applying for the building permit or undertaking the development activity, the amount of the impact fees may be determined by the formula in this section. The impact fee component for streets and roads shall be calculated using the following formula:

$$\text{TIF} = \text{BF} \times \text{T} - \text{C}$$

- A. "TIF" means the traffic impact component of the total development impact fee.
- B. "BF" means the "base fee," that is, the per trip fee, in dollar amounts, for each unit of measure, for each service area, as described in the current Woodland impact fee schedule. Such rate shall be established in the capital facilities plan by estimating the cost of anticipated

growth-related roadway projects divided by the projected number of growth-related trips within a service area.

- C. "T" means "trips," that is, the average rate of trips generated per unit of measure on a week-day by a land use as identified in the latest editions of the Trip Generation Manual, Institute of Transportation Engineers. Trips generated by a type of land use are calculated and identified in the Woodland impact fee schedule attached to the ordinance codified in this chapter and incorporated herein by this reference. The city shall calculate the average number of trips generated by a proposed development either by a traffic study provided by the applicant and approved by the city, or by selecting the appropriate land use code from the Woodland impact fee schedule and applying the applicable trip equation for the selected land use code. In the absence of a land use code precisely fitting the development proposal, the director or his/her designee shall select the most similar code and may make appropriate adjustments to the trip equation applicable thereto. In selecting the appropriate land use code and in making adjustments thereto, the director or his/her designee shall be guided by the latest edition of the Trip Generation Manual, Institute of Transportation Engineers.
- D. "C" means a "credit" for the developer's contributions, in the form of easements, dedications or payments in lieu of fees, toward traffic system improvement projects identified in the Woodland CFP. Credits may be approved by the city if the review authority finds that the value of the land or improvements for which a credit is sought is accurately documented and that the contribution substantially furthers the completion of a street improvement identified in the Woodland CFP.
- E. Using the formula above, transportation impact fees shall be calculated separately for each use. The transportation impact fees that shall be paid are the sum of these calculations.
- F. If a development activity will include more than one use in a building or site, then the transportation impact fee shall be determined

by apportioning the space committed to the various uses specified and computing trips for each use from the Trip Generation Manual, Institute of Transportation Engineers.

- G. In the case of a change in use, development activity, redevelopment, or expansion or modification of an existing use, the transportation impact fee shall be based upon the net positive increase in the impact fee for the new development activity as compared to the previous development activity. The director shall be guided in this determination by the sources and agencies listed above.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.060 Computing required transportation impact fees based on an independent fee calculation.

If a person required to pay impact fees decides not to have the transportation impact fees determined according to the schedules as referenced in this chapter, then the person shall prepare and submit to the clerk-treasurer an independent fee calculation study for the proposed development activity. Any person can decide to have an independent fee calculation study for one or more impact fees and use the impact fee schedules referenced in this chapter for one or more impact fees.

- A. Any person submitting an independent transportation impact fee calculation study shall include the fee set by the city council for reviewing independent transportation impact fee calculation studies. This fee may be set by ordinance or resolution.
- B. The independent fee calculation study shall comply with the following standards:
 1. The study shall follow accepted impact fee assessment practices and methodologies and be consistent with the methods used in developing the city's transportation impact fee schedules.
 2. The study shall use acceptable data sources and the data shall be comparable with the uses and intensities proposed for the proposed development activity.
 3. The study shall comply with the applicable state laws governing impact fees including RCW 82.02.060 or its successor.
 4. The study, including any data collection and analysis, shall be prepared and documented by professionals qualified in their respective fields.
 5. The study shall show the basis upon which the independent fee calculation was made.
- C. The director shall consider the study and documentation submitted by the person required to pay the impact fees, but is not required to accept the study if the director decides the study is not accurate or reliable. The director may, in the alternative, require the person submitting the study to submit additional or different documentation for consideration. If the director decides that outside experts are needed to review the study, the applicant shall be responsible for paying for the reasonable cost of a review by outside experts. If an acceptable independent fee calculation study is not presented, the

person shall pay the transportation impact fees based upon the process and schedules referenced in this chapter. If an acceptable independent fee calculation study is presented, the director may adjust the fee to an appropriate amount.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.070 Credits.

A fee payer can request that a credit or credits be awarded to him or her for the value of dedicated land, improvements or construction provided by the fee payer if the land, improvements and/or the facility constructed are included within the adopted capital facilities plan and transportation impact fee project list (Attachment A), and are required by the city as a condition of approving the development activity. The determination of the value shall be developed consistent with the assumptions and methods used by the city in estimating the costs for the system improvements for which credits are being requested. The credit amount shall be applied to the impact fee calculated for the particular development. If the amount of the credit is less than the amount of the fee, the fee payer shall pay the difference. In the event the amount of the credit exceeds the amount of the impact fee due and owing by the fee payer, the city shall not be liable to the fee payer for the difference. (Ord. No. 1264, § 1, 5-6-2013)

3.42.080 Transportation impact fee fund.

There is created and established a special purpose, nonlapse transportation impact fee fund. As necessary, the city shall establish separate accounts within such fund and maintain records for each such account whereby transportation impact fees collected can be segregated by name in accordance with this chapter and WMC 3.40.

- A. All interest shall be retained in the account and expended for the purposes for which the impact fees were imposed.
- B. By April of each year, the city shall provide a report for the previous calendar year on each impact fee account showing the source and amount of moneys collected, earned or received and system improvements that were financed in whole or in part by impact fees.
- C. The transportation impact fees paid to the city shall be held and disbursed as follows:
 1. The transportation impact fees collected shall be placed in a deposit account within the impact fee fund;

2. When the council appropriates capital improvement project (CIP) funds for a project on the project list, the fees held in the transportation impact fee fund shall be transferred to the CIP fund. The non-impact fee moneys appropriated for the project may comprise both the public share of the project cost and an advancement of that portion of the private share that has not yet been collected in transportation impact fees;
3. The first money spent by the clerk-treasurer on a project after a council appropriation shall be deemed to be the fees from the impact fee fund;
4. Fees collected after a project has been fully funded by means of one or more council appropriations shall constitute reimbursement to the city of the public moneys advanced for the private share of the project.
5. All interest earned on transportation impact fees paid shall be retained in the account and expended for the purpose or purposes for which the transportation impact fees were imposed.
6. Projects shall be funded by a balance between transportation impact fees and public funds, and shall not be funded solely by transportation impact fees.
7. Transportation impact fees shall be expended or encumbered for a permissible use within ten years of receipt, unless an extraordinary or compelling reason for fees to be held longer than ten years exists. The director may recommend to the council that the city hold fees beyond ten years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the council.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.090 Refunds.

- A. If a city fails to expend or encumber the impact fees within ten years of when the fees were paid unless extraordinary or compelling reasons exist, the current owner of the property on which transportation impact fees have been paid may receive a

refund of such fees. In determining whether transportation impact fees have been expended or encumbered, transportation impact fees shall be considered expended or encumbered on a first in, first out basis.

- B. A developer may request and shall receive a refund when the developer does not proceed with the development activity for which transportation impact fees were paid, and the developer shows that no impact has resulted; however, any administrative fee for the transportation impact fee shall not be refunded.
- C. When the city seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of claimants. Claimants shall request refunds as in subsection D of this section. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended on any city projects. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.
- D. Owners seeking a refund of transportation impact fees must submit a written request for a refund of the fees to the city within one year of the date of the right to claim the refund arises or the date that notice is given, whichever is later.
- E. Any transportation impact fees for which no application for a refund has been made within this one-year period shall be retained by the city and expended on the appropriate public facilities.
- F. Refunds of transportation impact fees under this section shall include any interest earned on the impact fees by the city.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.100 Use of funds.

- A. Use of Transportation Impact Fees. Transportation impact fees shall only be used for transporta-

tion system improvements identified in the capital facilities plan and on the project list as set forth herein.

- B. Transportation impact fees referenced in this chapter may be spent for public improvements, including but not limited to planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to planned facilities, and any other expenses which can be capitalized.
- C. Transportation impact fees may also be used to recoup public improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.
- D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay the principal on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development.
- E. Shall only be imposed for system improvements that are reasonably related to the new development;
- F. Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development;
- G. Shall be used for system improvements that will reasonably benefit the new development; and
- H. May be collected and spent only for system improvements which are addressed by the Woodland transportation infrastructure strategic plan, as a subset of the Woodland capital facilities plan.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.110 Review and revision.

Impact fees shall be reviewed by the city council as it may deem necessary and appropriate or in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan. Transportation impact fee rates shall be adjusted periodically to reflect changes in costs of land acquisition and construction, facility plan projects and anticipated

growth. Such adjustments shall only become effective upon adoption by the city council of a modification to the capital facilities plan; provided, however, that the capital facilities plan may contain a provision for automatic revision of an impact fee rate no more often than annually to reflect the change in a generally recognized and applicable inflation/deflation index.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.120 Modification of fee.

- A. The city upon application by a developer supported by studies and data may reduce or eliminate such fee if it is shown that: (a) the formulae contained in this chapter does not accurately reflect actual impact; or (b) due to unusual circumstances where (i) facility improvements identified as impacted for the applicable service area are not reasonably related to the proposed development, or (ii) such facility improvements will not reasonably benefit the proposed development.
- B. Prior to making an application for a building permit or site plan approval, an applicant upon payment of the applicable fee may request an impact fee determination from the city, which determination shall be based upon information supplied by the applicant sufficient to permit calculation of the transportation impact fee. The impact fee determination shall be binding upon the city for a period of one year unless there is a material change in the development proposal, the capital facilities plan or this chapter.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.130 Appeals.

Appeals of transportation impact fees imposed pursuant to this chapter shall be governed by the provisions of Title 19 of this code. In the case of impact fees set pursuant to residential subdivision, residential short subdivision or site plan approval, the appeal shall be filed in conjunction with, and within the limitation period applicable to, the available administrative appeal from such approval. In the case of impact fees first imposed or recalculated or credits determined in conjunction with a building permit not involving subdivision, short subdivision or site plan approval, the appeal shall be filed as an appeal of a building permit pursuant to Section 19.06.040(C).

(Ord. No. 1264, § 1, 5-6-2013)

3.42.140 Fire and park, recreation, open space or trail impact fees, coordination with Chapter 3.41.

Fire and park, recreation, open space or trail impact fees shall be governed and administered by Chapter 3.41.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.150 Establishment of transportation service areas and fee schedules.

For the purpose of this chapter, the entire city is defined into one service area. The director may decide to split the city into two or more service areas in the future if it is determined future transportation system improvements identified in the capital facilities plan and on the project list benefit one part of the city and not another.

A transportation impact fee schedule setting forth the amount of the transportation impact fees per PM peak hour trip generated to be paid by a development in a service area is set out in Attachment A, attached to the ordinance codified in this section, and incorporated herein by this reference.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.160 Determining transportation impact fee schedules.

The director shall calculate the transportation impact fees as set forth in Attachment A, attached to the ordinance codified in this section, subject to the provisions of this chapter.

In determining the proportionate share, the method of calculating impact fees shall incorporate, among other things, the following:

- A. The cost of public streets and roads necessitated by new development;
- B. An adjustment to the cost of the public streets and roadways for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or pro-ratable to the particular system improvement;
- C. The availability of other means of funding public street and roadway improvements;
- D. The cost of existing public street and roadway improvements; and

- E. The methods by which public street and roadway improvements were financed.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.165 Project list.

- A. The director shall commonly review the city's comprehensive land use and transportation plan ("comprehensive plan"), capital facilities plan, and the projects in Attachment A, attached to the ordinance codified in this section, and shall:
 1. Identify each project in the comprehensive plan that is growth-related and the proportion of each such project that is growth-related;
 2. Forecast the total moneys available from taxes and other public sources for road improvements over the next six years;
 3. Calculate the amount of impact fees already paid; and
 4. Identify those comprehensive plan projects that have been or are being built but whose performance capacity has not been fully utilized.
- B. The director may use this information to prepare an annual draft amendment to Attachment A, which shall comprise:
 1. The projects on the comprehensive plan that are growth-related and that should be funded with forecast public moneys and the impact fees already paid;
 2. The projects already built or funded pursuant to this chapter whose performance capacity has not been fully utilized; and
 3. An update of the estimated costs of the projects listed.
- C. The council, at the same time that it adopts the annual budget and appropriates funds for capital improvement projects, shall by separate ordinance establish the annual Attachment A by adopting, with or without modification, the director's draft list.
- D. Once a project is placed on Attachment A, a fee shall be imposed on every development that impacts the project until the project is removed from the list by one of the following means:
 1. The council by ordinance removes the project from Attachment A, in which case the fees already collected will be refunded if necessary to ensure that transportation impact fees remain reasonably related to the traffic impacts

of development that have paid an impact fee; provided, that a refund shall not be necessary if the council transfers the fees to the budget of another project that the council determines will mitigate essentially the same traffic impacts; or

2. The transportation impact fee share of the project has been fully funded, in which case the director shall administratively remove the project from the project list.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.170 Relationship to State Environmental Policy Act (SEPA).

- A. The transportation impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits.
- B. The city shall not apply the transportation impact fee to mitigate the same transportation system impacts that are fully mitigated pursuant to the State Environmental Policy Act or other applicable law.
- C. Further mitigation in addition to the impact fee shall be required for identified adverse impacts appropriate for mitigation pursuant to SEPA that are not mitigated by an impact fee.
- D. Nothing in this chapter shall be construed to limit the city's authority to deny building permits when a proposal would result in significant adverse traffic impacts identified in an environmental impact statement and reasonable mitigation measures are insufficient to mitigate the identified impact.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.180 Penalty provision.

Any person, corporation, other entity, and any person directing the activities of such entities, who fails to comply with the provisions of this chapter shall be guilty of a gross misdemeanor as described by state law.

(Ord. No. 1264, § 1, 5-6-2013)

3.42.190 Severability.

Should any provision of this chapter be deemed invalid, unconstitutional, illegal or otherwise unlawful, the remainder shall remain in full force and effect.

(Ord. No. 1264, § 1, 5-6-2013)

Chapter 3.44

EXCISE TAX ON REAL ESTATE SALES

Sections:

- 3.44.010 **Imposed.**
- 3.44.020 **Applicability.**
- 3.44.030 **Compliance with state regulations.**
- 3.44.040 **Real property in Clark County.**
- 3.44.050 **Real property in Cowlitz County.**
- 3.44.060 **Distribution of proceeds.**
- 3.44.070 **Payable when—Interest penalty.**
- 3.44.080 **Refunds.**

3.44.010 **Imposed.**

There is imposed on each sale of real property within the corporate limits of the city of Woodland an excise tax at the rate of one-half of one percent of the selling price. (Ord. 908 § 1, 1998; Ord. 613 § 2, 1985)

3.44.020 **Applicability.**

Taxes imposed under this chapter shall be collected from persons who are taxable by the state of Washington under RCW Chapter 82.45 upon the occurrence of any taxable event within the corporate limits of the city. (Ord. 613 § 3, 1985)

3.44.030 **Compliance with state regulations.**

Taxes imposed under this chapter shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state of Washington under RCW Chapter 82.45 and WAC Chapter 458.61. The provisions of those chapters, to the extent they are not inconsistent with this chapter, shall apply as though fully set forth herein. (Ord. 613 § 4, 1985)

3.44.040 **Real property in Clark County.**

For any sale of real property in that portion of the city located in Clark County, the following shall apply:

A. The tax imposed under this chapter shall be paid to and collected by the Clark County treasurer. The Clark County treasurer shall act as agent for the city. The Clark County treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to the recording thereof or to the real estate excise tax affidavit in the case of used mobile homes. A receipt issued by the Clark County treasurer for the payment of the tax imposed under this chapter shall be evidence of the satisfaction of the lien imposed by this chapter and

may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax imposed under this chapter may be accepted by the Clark County auditor for filing or recording until the tax is paid and the stamp affixed thereto; and, in any case where the tax imposed under this chapter is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the Clark County treasurer.

B. The Clark County treasurer shall place one percent of the proceeds of the tax imposed under this chapter in the Clark County current expense fund to defray costs of collection.

(Ord. 613 § 5, 1985)

3.44.050 **Real property in Cowlitz County.**

For any sale of real property in that portion of the city located in Cowlitz County, the following shall apply:

A. The tax imposed under this chapter shall be paid to and collected by the Cowlitz County treasurer. The Cowlitz County treasurer shall act as agent for the city. The Cowlitz County treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to the recording thereof or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the Cowlitz County treasurer for the payment of the tax imposed under this chapter shall be evidence of the satisfaction of the lien imposed by this chapter and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax imposed under this chapter may be accepted by the Cowlitz County auditor for filing or recording until the tax is paid and the stamp affixed thereto; and, in any case where the tax imposed under this chapter is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the Cowlitz County treasurer.

B. The Cowlitz County treasurer shall place one percent of the proceeds of the tax imposed under this chapter in the Cowlitz County current expense fund to defray costs of collection.

(Ord. 613 § 6, 1985)

3.44.060 **Distribution of proceeds.**

A. The remaining proceeds from the tax imposed under this chapter shall be distributed to the city of Woodland monthly and shall be placed by the city clerk-treasurer in a capital improvements fund hereby

established. The capital improvements fund shall be used by the city for local improvements, including those listed in RCW 35.43.040. Said fund shall be a cumulative reserve fund and shall not lapse from year to year.

- B. This section shall not limit the existing authority of the city to impose special assessments on property benefited thereby in the manner prescribed by law.
(Ord. 613 § 7, 1985)

3.44.070 Payable when—Interest penalty.

The tax imposed under this chapter shall become due and payable immediately at the time of sale and, if not paid within thirty days thereafter, shall bear interest at the rate of one percent per month from the time of sale until the date of payment. (Ord. 613 § 8, 1985)

3.44.080 Refunds.

If, upon written application by the taxpayer to the county treasurer for a refund, it appears a tax has been paid in excess of the amount actually due or upon a sale or other transfer declared to be exempt, such excess amount or improper payment shall be refunded by the county treasurer to the taxpayer; provided, that no refund shall be made unless the state has first authorized the refund of an excessive amount or an improper amount paid, unless such improper amount was paid as a result of miscalculation. Any refund made shall be withheld from the next monthly distribution to the city of Woodland.
(Ord. 613 § 9, 1985)

Chapter 3.48

REGISTRATION OF BONDS AND OBLIGATIONS OF CITY

Sections:

3.48.010	Definitions.
3.48.020	Findings.
3.48.030	Adoption of registration system.
3.48.040	Statement of transfer restrictions.

3.48.010 Definitions.

The following words shall have the following meanings when used in this chapter.

“Bond” or “bonds” shall have the meaning defined in RCW 39.46.020(1), as the same may be amended from time to time.

“City” means the city of Woodland, Washington.

“Fiscal agencies” means the duly appointed fiscal agencies of the state of Washington serving as such at any given time.

“Obligation” or “obligations” shall have the meaning defined in RCW 39.46.020(3), as the same from time to time may be amended.

“Registrar” means the person, persons or entity designated by the city to register ownership of bonds or obligations under this ordinance or under an ordinance of the city authorizing the issuance of such bonds or obligations. (Ord. 844 § 1, 1997)

3.48.020 Findings.

The city council finds that it is in the city’s best interest to establish a system of registering the ownership of the city’s bonds and obligations in the manner permitted by law. (Ord. 844 § 2, 1997)

3.48.030 Adoption of registration system.

The city adopts the following system of registering the ownership of its bonds and obligations.

- A. Registration Requirement. All bonds and obligations offered to the public, having a maturity of more than one year, on which the interest is intended to be excluded from gross income for federal income tax purposes, shall be registered as to both principal and interest as provided in this chapter.
- B. Method of Registration. The registration of all city bonds and obligations required to be registered shall be carried out either by

1. A book entry system of recording the ownership of the bond or obligation on the books of the registrar, whether or not a physical instrument is issued; or
2. Recording the ownership of the bond or obligation and requiring as a condition of the transfer of ownership of any bond or obligation the surrender of the old bond or obligation and either the reissuance of the old bond or obligation or the issuance of a new bond or obligation to the new owner.

No transfer of any bond or obligation subject to registration requirements shall be effective until the name of the new owner and the new owner’s mailing address, together with such other information deemed appropriate by the registrar, shall be recorded on the books of the registrar.

- C. Denominations. Except as may be provided otherwise by the ordinance authorizing their issuance, registered bonds or obligations may be issued and reissued in any denomination up to the outstanding principal amount of the bonds or obligations of which they are a part. Such denominations may represent all or a part of a maturity or several maturities and on reissuance may be in smaller amounts than the individual denominations for which they are reissued.
- D. Appointment of Registrar. Unless otherwise provided in the ordinance authorizing the issuance of registered bonds or obligations, the city clerk-treasurer shall be the registrar for all registered interest-bearing warrants, installment contracts, interest-bearing leases and other registered bonds or obligations not usually subject to trading without a fixed maturity date or maturing one year or less after issuance and the fiscal agencies shall be the registrar for all other city bonds and obligations without a fixed maturity date or maturing more than one year after issuance.
- E. Duties of Registrar. The registrar shall serve as the city’s authenticating trustee, transfer agent, registrar and paying agent for all registered bonds and obligations for which he, she, or it serves as registrar and shall comply fully with all applicable federal and state laws and regulations respecting the carrying out of those duties.

The rights, duties, responsibilities and compensation of the registrar shall be prescribed in each ordinance authorizing the issuance of the bonds or obligations, which rights, duties, responsibilities and compensation shall be embodied in a contract executed by the city and the registrar, except that: (i) when the fiscal agencies serve as registrar, the city adopts by reference the contract between the State Finance

Committee of the state of Washington and the fiscal agencies in lieu of executing a separate contract and prescribing by ordinance the rights, duties, obligations and compensation of the registrar; and (ii) when the city clerk-treasurer serves as registrar, a separate contract shall not be required.

In all cases when the registrar is not the fiscal agencies and the bonds or obligations are assignable, the ordinance authorizing the issuance of the registered bonds or obligations shall specify the terms and conditions of

1. Making payments of principal and interest;
2. Printing any physical instruments, including the use of identifying numbers or other designation;
3. Specifying record and payment dates;
4. Determining denominations;
5. Establishing the manner of communicating with the owners of the bonds or obligations;
6. Establishing the methods of receipting for the physical instruments for payment of principal, the destruction of such instruments and the certification of such destruction;
7. Registering or releasing security interests, if any; and
8. Such other matters pertaining to the registration of the bonds or obligations authorized by such ordinance as the city may deem to be necessary or appropriate.

(Ord. 844 § 3, 1997)

3.48.040 Statement of transfer restrictions.

Any physical instrument issued or executed by the city subject to registration under this chapter shall state on its face that the principal of, and interest on, the bonds or obligations shall be paid only to the owner thereof registered as such on the books of the registrar as of the record date defined in the instrument and to no other person, and that such instrument, either principal or interest, may not be assigned except on the books of the registrar. (Ord. 844 § 4, 1997)

Chapter 3.52

**DOMESTIC VIOLENCE—PREVENTION—
PROSECUTION FUND**

Sections:

**3.52.010 Domestic violence advocacy—
Prevention—Prosecution fund.**

**3.52.010 Domestic violence advocacy—
Prevention—Prosecution fund.**

- A. There is hereby created a special fund to be known as the "Domestic Violence Advocacy-Prevention-Prosecution Fund" ("fund" means only a segregation or separate account, not a self-balancing set of accounts) into which shall be deposited:
1. All monies received pursuant to court order as a penalty assessment for domestic violence crimes designated as such by the Municipal Code.
- B. This fund has been established for the purpose of accumulating funds to establish a domestic violence advocacy program in the city of Woodland, or to establish a domestic violence prevention and prosecution program in the city of Woodland, or to establish both such programs should funding permit. The monies deposited in the Woodland Domestic Violence Advocacy—Prevention—Prosecution Fund shall be expended only for such purposes and for no other purpose.
- C. Any unexpended funds remaining in the Woodland Domestic Violence Advocacy—Prevention—Prosecution Fund at the end of any budget year shall not be transferred to the General Fund or otherwise lapse, but funds shall be carried forward from year to year until expended for a purpose set forth in Section B above.

(Ord. 1042 § 1, 2005)

Chapter 3.56

DRUG AND ALCOHOL FUND

Sections:

- 3.56.010** **Fund created.**
- 3.56.020** **Source of monies.**
- 3.56.030** **Expenditures.**
- 3.56.040** **Seizure and forfeiture of currency.**

3.56.010 **Fund created.**

There is hereby created and established an imprest fund within the general fund to be designated as the "Drug and Alcohol Fund." (Ord. 1091 § 1, 2007)

3.56.020 **Source of monies.**

The drug and alcohol fund shall include deposits from the following sources:

- A. Such general fund appropriations as the city council may from time to time appropriate.
- B. All fines, forfeitures, donations, or penalties agreed upon by the Woodland prosecuting attorney or ordered paid by the court order into the fund pursuant to the disposition of matters within the jurisdiction of the Woodland Municipal Court.
- C. Proceeds from sales of property seized and forfeited in connection with controlled substance transactions, as provided in RCW 69.50.505; provided, however, monies of the fund not actually in use as allowed herein, shall be deposited and accounted for in the same manner as other city funds.

(Ord. 1091 § 2, 2007)

3.56.030 **Expenditures.**

Subject to the approval of the mayor, the chief of police or his designee may authorize disbursements and expenditures from the drug and alcohol fund solely for the purpose of enforcing state statutes and local ordinances relating to drug and alcohol crimes, which shall include but not be limited to the payment law enforcement costs, drug and alcohol task force costs, court costs, prosecution, public defender, jail costs, probation monitoring and offender services.

The chief of police, or his designee, shall keep the following records with respect to all such disbursements and expenditures:

- A. The names and addresses of all persons to whom funds are dispersed;

- B. A description of use of such funds;
- C. An accounting for all funds which are dispersed but not used.

(Ord. 1091 § 4, 2007)

3.56.040 **Seizure and forfeiture of currency.**

Where currency is seized by law enforcement officers as evidence that an act was committed which constitutes a violation of Chapter 69.50 RCW, the Uniform Controlled Substances Act, or any other state statute or city ordinance relating to controlled substances illegal alcohol use which authorizes the seizure and forfeiture of the currency, the same shall be disposed into the drug and alcohol fund; provided, however, that the foregoing is subject to all applicable statutory and constitutional requirement and safeguards established under law for the forfeiture of such currency. (Ord. 1091 § 5, 2007)

Chapter 3.60

PURCHASING, CREDIT CARD POLICY AND PAYMENT OF CLAIMS

Sections:

- 3.60.010** **Review and approval of purchase orders.**
- 3.60.020** **Small purchase contracts.**
- 3.60.030** **Preparation of claims vouchers.**
- 3.60.040** **Validity of checks.**
- 3.60.050** **Approval of payment of claims.**
- 3.60.060** **Use of city credit cards.**
- 3.60.070** **Authority to enter into contracts, leases or rental agreements.**

3.60.010 **Review and approval of purchase orders.**

It shall be the responsibility of each department head or the department head's designee to review and approve or disapprove all purchases and purchase orders for his or her department up to five thousand dollars. All purchase orders exceeding five thousand dollars and up to twenty-five thousand dollars shall be approved by the mayor or designee. All purchase orders in excess of twenty-five thousand dollars shall be approved by the city council unless the particular expenditure of city funds has been approved in the city budget as approved by the City Council. (See Section 3.64.070 for emergencies.)

(Ord. No. 1178, § 2(A), 4-5-2010)

3.60.020 **Small purchase contracts.**

- A. Whenever the reasonably anticipated purchase price of supplies, material and equipment, except for public work or improvement, is more than seven thousand five hundred dollars but less than fifteen thousand dollars, advertisement and formal sealed bidding for their purchase may be dispensed with if the uniform procedure provided in RCW 39.04.190 and in this section is followed. The city of Woodland utilizes the small works roster program and use of vendor lists through Municipal Research and Service Center (MRSC).
- B. If MRSC vendor list program is not used, then at least twice per year, the city clerk shall publish in a

newspaper of general circulation within the city a notice stating the existence of vendor lists and soliciting the names of vendors for the lists.

- C. Each city department that desires to award contracts for the purchase of supplies, material or equipment pursuant to this process shall do the following:
 1. Obtain at least three written or telephone quotations from different vendors of the supplies, material or equipment to be purchased.
 2. Transmit the quotes to the mayor or designee, accompanied by a recommendation for award of the purchase contract to one of the vendors, who shall be the lowest responsible bidder as defined in RCW 43.19.1911 and in this chapter.
 3. If less than three quotes are obtained, due to factors beyond the control of the department, an explanation of the reasons for the lower number of quotes shall be placed in the file and available for review upon request.

(Ord. No. 1178, § 2(A), 4-5-2010)

3.60.030 **Preparation of claims vouchers.**

All claims for payment shall be submitted to the clerk-treasurer department with documentation certifying that (1) the materials have been furnished, the services rendered, or the labor performed as described; and (2) the claim is a just, due and an unpaid obligation against the city.

(Ord. No. 1178, § 2(A), 4-5-2010)

3.60.040 **Validity of checks.**

To be valid, all checks in payment of claims must be signed by both the mayor, the clerk treasurer or designee.

(Ord. No. 1178, § 2(A), 4-5-2010)

3.60.050 **Approval of payment of claims.**

It shall be the duty of the clerk treasurer to present not less frequently than once bi-monthly a list showing all claims paid and the date of such payment to enable the city council to make inquiry on any item appearing thereon. Upon the satisfaction of such inquiry, if any, the city council shall by motion approve the report of claims paid and order the same filed as a permanent record.

(Ord. No. 1178, § 2(A), 4-5-2010)

3.60.060 Use of city credit cards.

- A. Implementation. The clerk-treasurer (or his/her designee) shall implement this system for the distribution, credit limits, payment of bills, authorization and control of cards, relating to the use of credit and purchasing cards by city officials, officers and employees.
- B. Eligibility. All regular-status city employees and city officers/officials are eligible to receive a purchasing/credit card if authorized by their department head and the clerk-treasurer. Purchasing/credit cards may be checked out by the clerk-treasurer department to those city officials/officers and employees who are authorized to obtain a card because their job responsibilities would be facilitated by the use of a purchasing/credit card and such use would benefit the city. The act of obtaining a city purchasing/credit card does not indicate pre-approval of expenses.
- C. Establishment of Card Limits. The clerk-treasurer shall set a monthly credit limit on the purchasing/credit card not to exceed ten thousand dollars per cardholder and pursuant to purchasing policy. No single purchase on the purchasing/credit card shall exceed the purchasing policy limit without prior approval of the city council.

Purchases of an emergency nature exceeding the purchasing policy limit may be authorized by the mayor or the clerk-treasurer pursuant to the provisions of this chapter.

- D. Official/Officer and Employee Responsibility.
1. Cardholders are accountable and responsible for the expenses charged on the card in their name or the city's name.
 2. Purchasing/credit cards are to be used for city business only and not personal use. An agreement between the cardholder and the city must be executed before the card will be issued.
 3. Purchasing/credit cards will not be used for personal expenses, cash advances, or tuition, the latter of which may be reimbursed through the city's reimbursement program. It may not be used as a substitute for professional service agreements, public works contracts and/or human services contracts.
 4. The use of the purchasing/credit card does not relieve the cardholder from complying with

other city and departmental policies and procedures. The card is not intended to replace effective procurement planning which can result in quantity discounts, reduced number of trips and more efficient use of city resources.

5. The only person entitled to use the purchasing/credit card is the person who has been issued the card. Cards should be treated with extreme care in the same manner as a personal credit card. The cardholder will be responsible to report a lost or stolen card immediately to the clerk-treasurer.
 6. The cardholder must retain all receipts and reconcile their purchasing/credit card statement within the timelines set by the clerk-treasurer. The statement must be reconciled and submitted to the clerk-treasurer along with all receipts and a complete description of each product/service that was purchased if the information is not already on the receipt.
 7. Merchandise returns and billing errors are the cardholder's responsibility. The cardholder is responsible for resolving all disputes directly with the purchasing card vendor or the merchant. All charges must be paid on invoicing.
 8. If the cardholder will be absent from the city for an extended period of time (i.e., vacation), the cardholder is responsible for assigning and training an employee within his/her department to handle the account reconciliation responsibilities and meet established deadlines.
 9. If the card is used for the purpose of covering authorized travel expenses, the cardholder shall submit a fully itemized travel expense voucher within fifteen days of returning from such travel. Any charges against the purchasing/credit card not properly identified on the travel expense voucher or not allowed following an audit (as required by RCW 42.24.080) shall be paid by the cardholder by check, U.S. currency or payroll deduction.
- E. City Procedure.
1. If, for any reason, disallowed charges are not repaid by the cardholder before the statement is due, the city shall retain a prior lien against and a right to withhold any and all funds payable to the cardholder up to the amount of

- the disallowed charges and interest at the same rate as charged by the purchasing/credit card.
2. Finance charges will not be paid by the city. If the statement and receipts are not submitted to the purchasing card administrator by the due date, the purchasing/credit card limit will be set to zero until the information is received. Also, the city may revoke the purchasing/credit card under this section.
 3. Cardholders shall not use the card if any disallowed charges are outstanding and shall surrender the card upon demand of the clerk-treasurer.
- F. Card Revocation. the city shall have unlimited authority to revoke the use of any purchasing/credit card, and upon delivery of a revocation order to the purchasing/credit card company, shall not be liable for any costs. A purchasing/credit card may be revoked by the clerk-treasurer under any of the following circumstances:
1. If the card is used in a manner inconsistent with city policy or this chapter;
 2. If the cardholder transfers to another department;
 3. If the cardholder resigns or is otherwise terminated from the city;
 4. If the monthly purchasing/credit card is not properly reconciled or received by the clerk-treasurer according to the established schedule;
 5. If finance charges are incurred as a result of an officer/official or employee's failure to comply with Section 3.60.040; or
 6. If the card is lost or stolen.
- (Ord. No. 1178, § 2(A), 4-5-2010)

amount or value that does not exceed twenty-five thousand dollars. As deemed appropriate by the mayor, the city council's finance committee may be consulted prior to executing any such lease or rental agreement.

- D. The mayor or his designee shall notify the council in writing of contracts entered into pursuant to this section.

(Ord. No. 1178, § 2(A), 4-5-2010)

3.60.070 Authority to enter into contracts, leases or rental agreements.

The mayor or his designee is hereby authorized to enter into contracts and leases or rental agreements provided that the following conditions are met:

- A. The contract does not obligate the city to expend in excess of twenty-five thousand dollars.
- B. The particular expenditure of city funds has been approved in the city budget as approved by the city council.
- C. The lease or rental agreement is for a period that does not exceed one year and involves a total rental

Chapter 3.64

PUBLIC WORKS BIDDING PROCEDURES

Sections:

- 3.64.010** **Definitions.**
- 3.64.020** **Small works roster.**
- 3.64.030** **Limited public works process.**
- 3.64.040** **Bid inspection.**
- 3.64.050** **Lowest responsible bidder.**
- 3.64.060** **Change orders on construction contracts.**
- 3.64.070** **Emergencies.**
- 3.64.080** **Public inspection of purchase, small works roster, or limited public works awards.**
- 3.64.090** **Severability.**

3.64.010 **Definitions.**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Award" means the formal decision by the state or municipality notifying a responsible bidder with the lowest responsive bid of the state's or municipality's acceptance of the bid and intent to enter into a contract with the bidder.

"Contract" means a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid, or a contract awarded under the small works roster process in RCW 39.04.155.

"Municipality" means every city, county, town, port district, district, or other public agency authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts, or other districts authorized by law for the reclamation or development of waste or undeveloped lands.

"Public work" means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein. All public works, including maintenance

when performed by contract shall comply with chapter 39.12 RCW. "Public work" does not include work, construction, alteration, repair, or improvement performed under contracts entered into under RCW 36.102.060(4) or under development agreements entered into under RCW 36.102.060(7) or leases entered into under RCW 36.102.060(8).

"Responsible bidder" means a contractor who meets the criteria in RCW 39.04.350.

"State" means the state of Washington and all departments, supervisors, commissioners, and agencies of the state.

(Ord. No. 1178, § 2(B), 4-5-2010)

3.64.020 **Small works roster.**

The city of Woodland utilizes the small works roster program through Municipal Research and Service Center (MRSC).

- A. In lieu of the formal bidding procedures for public works projects as set forth in RCW 35.23.352(1) and code cities follow 35A.40.210, the city may use the small works roster process provided in RCW 39.04.155 and in this section to award public works contracts with an estimated value of three hundred thousand dollars or less or per current state law. The city elects to use the roster provided by Municipal Research and Service Center small works program in exercising this authority.
- B. In the event the MRSC roster is unavailable or does not satisfy legal requirements or the city finds that it is in the city's best interest to do so, the city may develop its own roster in accordance with Washington law, either creating a single general small works roster or creating small works rosters for different categories of anticipated work. If an internal process is chosen vs. the MRSC process then the small works roster or rosters shall be created as follows:
 - 1. At least once a year the city clerk treasurer shall publish in a newspaper of general circulation within the city a notice stating the existence of the small works roster or rosters and soliciting the names of contractors for such roster or rosters. In addition, responsible contractors shall be added

- to an appropriate roster or rosters at any time they submit a written request and necessary records.
2. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list and are properly licensed or registered to perform such work in this state.
- C. Each city department that desires to use the small works roster process without advertising for bids shall do the following:
1. Invite written, electronic, or telephone quotations from all contractors on the general small works roster, or a specific small works roster for the appropriate category of work, to assure that a competitive price is established and to award contracts to the lowest responsible bidder as defined in RCW 43.19.1911 and of this chapter.
 2. Alternatively, quotations may be sought from at least five contractors on the appropriate roster who have indicated the capability of performing the kind of work being sought.
 3. If the alternative process is used, the city should distribute the invitations for quotations in a manner that will equitably distribute the opportunity, that is, not favor one contractor over another. If the estimated cost of the work is from one hundred fifty thousand dollars to three hundred thousand dollars and the city chooses to solicit bids from less than all the appropriate contractors, it must notify the other contractors. At the city's sole option, such notice may be by (a) publishing notice in a legal newspaper in general circulation in the city; (b) mailing a notice to those contractors; or (c) sending notice to those contractors by facsimile or other electronic means.
 4. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished; detailed plans and specifications need not be included in the invitation.
 5. Whenever possible, the city must invite at least one proposal from a minority or woman contractor who must otherwise qualify under this section.*
 6. After the bids have been submitted, the city will award the contract to the contractor with the lowest responsible bid.
 7. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by written, telephonic, or electronic request.
 8. At least once every year, the city will make a list of the contracts awarded available. The lists must contain the name of the contractor, the amount of the contract, a brief description of the public work, and the date of the award.
 9. Small works roster procedures are "in lieu of the procedures" for competitive bids on public works projects. Therefore, specific requirements, such as those relating to advertising for bids or regarding bid deposits, required by RCW 35.23.352(1), are not mandatory for small works roster contracts. Performance bonds are prescribed in RCW 39.08.030, not RCW 35.23.352(1) or RCW 35.22.620; therefore, they are required on small works roster projects, even though bid bonds are not. Since the work will be performed by contract, the requirement to pay prevailing wages remains. Although not required, bid bonds are recommended to ensure that the contractor enters into the contract.

(Ord. No. 1178, § 2(B), 4-5-2010)

3.64.030 Limited public works process.

- A. In lieu of the small works roster process set forth in this chapter, the city may award a contract for

* RCW 39.04.160. In view of the passage of Initiative 200 in 1998, it is not clear that this requirement is enforceable, as it could be construed as "preferential treatment." An issue paper from the Attorney General's office dated October 16, 1998, however, suggests that a court may distinguish such an outreach program, one which merely expands the pool of qualifying participants, from the use of selection goals, one which merely expands the pool of qualifying participants, from the use of selection goals, which more likely is a form of preferential treatment.

work, construction, alteration, repair, or improvement project estimated to cost less than thirty-five thousand dollars using the limited public works process provided in RCW 39.04.155 and in this section.

- B. For limited public works projects, the city shall solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 43.19.1911 and of this chapter. After an award is made, the quotations shall be open to public inspection and available by written, telephonic, or electronic request.
- C. The city shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the city.
- D. For limited public works projects, the city may waive the payment and performance bond requirements of Chapter 39.08 RCW and the retainage requirements of Chapter 60.28 RCW, thereby assuming the liability for the contractor's non-payment of laborers, mechanics, subcontractors, material men, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the city shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(Ord. No. 1178, § 2(B), 4-5-2010)

3.64.040 Bid inspection.

Immediately after the award is made the bid quotation, obtained shall be recorded, open to public inspection and available by written, telephonic, or electronic request.

(Ord. No. 1178, § 2(B), 4-5-2010)

3.64.050 Lowest responsible bidder.

- A. Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:

- 1. At the time of bid submittal. Have a certificate of registration in compliance with Chapter 18.27 RCW;

- 2. Have a current Washington state unified business identifier number;
 - 3. If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; and employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW; and
 - 4. Not be disqualified from bidding on any public works contract under RCW 3.06.010 or 39.12.065(3).
- B. Supplemental Criteria. In addition to the bidder responsibility criteria in subsection A above, when the city receives bids or quotes and it is necessary to determine the lowest responsible bidder, the following shall apply:
- 1. For a contract for purchase of supplies, material or equipment, the city may take into consideration the quality of the articles proposed to be supplied, their conformity with the specifications, and the times of delivery.
 - 2. In determining "lowest responsible bidder," the city, in addition to price, may use any of the following supplemental criteria which are relevant to the project and that were set forth in the invitation to bid:
 - a. The ability, capacity, and skill of the bidder to perform the contract;
 - b. The reputation, ability, experience, and efficiency of the bidder;
 - c. Whether the bidder can perform the contract within the time specified;
 - d. The quality of performance of previous contracts;
 - e. The previous and existing compliance by the bidder with laws relating to the contract;
 - f. Tax revenue that the city would receive from purchasing the supplies, materials, or equipment from a supplier located within the city's boundaries, so that the purchase contract would be awarded to the lowest bidder after such tax revenue has been considered. The tax revenues that the city may consider include sales taxes that the city imposes upon the sale of such supplies, materials, or equipment, from

- the supplier to the city, provided that if the city considers such tax revenues that it would receive from the imposition of taxes upon a supplier located within its boundaries, the city shall also consider tax revenues it would receive from taxes it imposes upon a supplier located outside its boundaries;
- g. If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation.
 - h. If products are available that meet the contract specifications and requirements and that are made from recycled materials or may be recycled, whether the products specified in the bid are made from recycled materials or may be recycled or reused; and
 - i. Other criteria applicable to the particular contract and provided in the invitation to bid.
3. Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.
 4. In a timely manner before the bid submittal deadline, a potential bidder may request that the city modify the supplemental criteria. The city must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the city must issue an addendum to the bidding documents identifying the new criteria.
 5. If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the city may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.
 6. If the city determines a bidder to be not responsible, the city must provide, in writing, the reasons for the determination. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the city. The city must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the city may not execute a contract with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.
- C. A public works contractor must verify responsibility criteria for each first tier subcontractor, and a subcontractor of any tier that hires other subcontractors must verify responsibility criteria for each of its subcontractors. Verification shall include that each subcontractor, at the time of subcontract execution, meets the responsibility criteria listed in subsection a and possess an electrical contractor license, if required by Chapter 19.28 RCW or an elevator contractor license, if required by chapter 70.87 RCW. This verification requirement, as well as the responsibility criteria, must be included in every public works contract and subcontract of every tier.
 - D. The director of public works or designee shall apply the criteria established in this section and determine whether a bidder is responsible. An appeal as provided in subsection (B)(3) above shall be heard and determined by the mayor whose decision shall be final.

(Ord. No. 1178, § 2(B), 4-5-2010)

3.64.060 Change orders on construction contracts.

- A. In accordance with the terms and conditions of this section, the mayor, clerk-treasurer and the director of public works are hereby authorized to approve and sign construction contract change orders on construction contracts, if the change order does not substantially change the scope of the

project and if the total contract amount as adjusted by the change order is within the amount budgeted for the project.

- B. If the total amount of the change orders for a project is five thousand dollars or less, the clerk-treasurer and director of public works may approve the change orders. If the total amount of the change orders for a project is one thousand dollars or less, a public works senior leadman may approve the change orders.
- C. If the amount of the change order is between five thousand dollars and one hundred thousand dollars, it must also be approved and signed by the mayor provided that:
 - 1. The total of all change orders for a project costing less than one hundred thousand dollars shall not exceed fifteen thousand dollars.
 - 2. The total of all change orders for a project costing one hundred thousand dollars or more may be issued for fifteen percent of the original contract amount, not to exceed one hundred thousand dollars.
- D. If the amount of the change order is in excess of the mayor's authority, it must be approved by the city council.
- E. When the mayor or director of public works and utilities or clerk-treasurer approves change orders according to the conditions stated in subsections A and B above, he or she shall forward the change order to the city council for its information within thirty days of the signing of the change order.

(Ord. No. 1178, § 2(B), 4-5-2010)

3.64.070 Emergencies.

Except as otherwise provided by law, the mayor may declare an emergency. The purchasing requirements outlined in the purchasing policy and procedures may be waived under emergency conditions when a delay may threaten the health, safety, or welfare of the people. RCW 39.04.280 provides exemptions to competing bid requirements and procedures for the purchase of goods and services in the event of an emergency; RCW 38.52.070 authorizes political subdivisions in which major disasters occur to forego compliance with statutory competitive bidding requirements. In the event an emergency situation arises which necessitates a deviation from bidding and contracting require-

ments, the mayor shall request council designation of an emergency status at the next available council meeting and it shall be recorded in the council minutes.

(Ord. No. 1178, § 2(B), 4-5-2010)

3.64.080 Public inspection of purchase, small works roster, or limited public works awards.

- A. Each department that makes an award for a purchase contract under the informal bidding process in this chapter or a public works project award under the small works roster process in this chapter or the limited public works process in this chapter shall provide the city clerk treasurer with the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded.
- B. The city clerk treasurer shall post a list of the contracts awarded in this chapter at least once annually. The list shall include all contracts awarded during the previous twenty-four months under the limited public works process. The lists shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date the contract was awarded. The lists shall also state the location where the bid quotations for these contracts are available for public inspection. The quotations shall be available by written, telephonic, or electronic request.

(Ord. No. 1178, § 2(B), 4-5-2010)

3.64.090 Severability.

If a section, subsection, paragraph, sentence, clause, or phrase of the ordinance codified in this chapter is declared unconstitutional or invalid by a court of competent jurisdiction, then such declaration shall not affect the validity of the remaining portions of the ordinance codified in this chapter, unless such invalidity destroys the purpose and intent of the ordinance codified in this chapter. If the provisions of the ordinance codified in this chapter are found to be inconsistent with other provisions of the code, ordinances or resolutions of the city of Woodland, then the ordinance codified in this chapter is deemed to control.

(Ord. No. 1178, § 2(B), 4-5-2010)

Chapter 3.68

FINANCIAL MANAGEMENT POLICIES

Sections:

- 3.68.010** **General information.**
- 3.68.020** **Budget management.**
- 3.68.030** **Revenues.**
- 3.68.040** **Expenditures.**
- 3.68.050** **Fixed assets.**
- 3.68.060** **Fund balance.**
- 3.68.070** **Purchasing.**
- 3.68.080** **Capital improvements.**
- 3.68.090** **Local improvement districts (LID).**
- 3.68.100** **Latecomer agreements.**
- 3.68.110** **Short term debt.**
- 3.68.120** **Long term debt.**
- 3.68.130** **Investments.**
- 3.68.140** **Accounting, auditing and financial reporting.**

3.68.010 **General information.**

The city of Woodland uses the Washington State Auditor's Office prescribed budgetary, accounting and reporting system (BARS) for local governments.

- A. Funds. Funds are used to account and record designated information. A fund is a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.
- B. Fund Types.
 - 1. General Government. General government funds are accounted for on a modified accrual basis of accounting. Following are the general government funds used by the city.
 - 2. General Fund. The general fund is used to account for revenues that are not designated for specific activities or programs.
 - 3. Special Revenue. The city will establish and maintain special revenue funds used to account for the proceeds of specific

revenue sources to finance specific activities which are required by statute, ordinance, resolution, or executive order.

- 4. Debt Service. The debt service fund accounts for the payment of principal and interest on general long-term debt associated with the general government. It does not include the payment of principal and interest on debt created by an enterprise fund.
- 5. Capital Projects. This fund is used to account for financial resources and expenditures incurred for the purchase of land, purchasing or constructing buildings and structures used for general purposes, acquisition or construction of street improvements, park development, and cemetery improvements. It also includes the development and updating of capital improvement plans associated with these projects. This fund does not include capital projects associated with an enterprise fund.

- C. Proprietary/Enterprise Funds. Enterprise funds account for operations that are financed and operated in a manner similar to private businesses, where the cost for providing services to the general public are recovered primarily through user fees. Enterprise funds are used for water, sewer and storm water facilities. Debt service is accounted for in the appropriate operating fund and capital projects are accounted for in the utility capital projects fund. Enterprise funds are maintained on a full accrual basis of accounting.

(Ord. No. 1211, § 1, 7-18-2011)

3.68.020 **Budget management.**

- A. General. Department directors have primary responsibility for formulating budget proposals in accordance with city council and mayor priority direction, and for implementing the budget once they are adopted.

The clerk-treasurer department is responsible for conducting the overall preparation and administration of the city's budget. This includes providing information on revenues and expenditures, updat-

ing costs and revenues, organizing data in an understandable fashion, and creating and providing tools for budget development.

The clerk-treasurer department assists department management in identifying budget problems, formulating solutions and alternatives, and implementing any necessary corrective actions.

The budget is prepared and implemented on an annual basis in accordance with RCW 35A.33.

Budgets are developed and used for the general, special revenue and enterprise funds of the city. Budgets are also used in the debt service fund to account for principal and interest payments and in the capital project fund to account for capital expenditures and associated capital funding sources.

B. Adjustments and Amendment Process.

1. Budget adjustments are needed when:

- a. Total expenditures in a fund will exceed the total budget for that fund;
- b. Revenue sources increase or decrease for a fund, and if revenues are projected to be less than budget, the corresponding expenditures for the fund must also be adjusted accordingly; or
- c. Departments request authorization to allocate funds for an item or activity that was not included in the original budget.

2. Adjustments or amendments to the budget proceed as follows:

- a. The clerk-treasurer department receives a request for a budget adjustment from a department or through council action. Budget changes can also occur based on new information or documentation that the clerk-treasurer department receives.
- b. The clerk-treasurer department can process changes, with the approval of the mayor or clerk-treasurer, if the requested adjustment does not change the total budget for the fund.
- c. Council approval is required if the requested adjustment changes the total budget for a fund. The clerk-treasurer department will verify whether there are sufficient

resources for the adjustment, and prepare a budget adjustment and ordinance for council approval.

- C. **Monitoring.** Budgets are developed and monitored at the line item level, but are managed at the fund level. A manager can overspend on one line item as long as it is balanced out by an under expenditure on another line item. The total expenditures for a fund cannot exceed the total budget for the fund.

Department heads are responsible and accountable for their department budget.

Monthly reports that compare budget to actual will be created by the clerk-treasurer department and provided to the appropriate manager for review and response if large discrepancies are identified.

(Ord. No. 1211, § 2, 7-18-2011)

3.68.030 Revenues.

The city will strive to maintain a diversified and stable revenue system to shelter it from short-term fluctuations in any one revenue source.

The city will work to develop and maintain sustainable revenue sources to ensure its viability over the long term.

Revenue estimates adopted by city council should be made with consideration to the sensitivity of both local and regional economic activities.

The city will establish all user charges at a level associated with the cost of providing the service.

The city will set fees and user charges for each enterprise fund, such as water, sewer and garbage, at a level that fully supports the total direct and indirect cost of the activity.

Grant sources of revenue will be acquired and used whenever possible.

(Ord. No. 1211, § 3, 7-18-2011)

3.68.040 Expenditures.

The city will only propose operating expenditures that can be supported by ongoing operating revenues.

The city will maintain a level of expenditures consistent with the level of services that will meet the goals and mission of the city.

Expenditures funded by one-time only sources, such as grants, must be identified and noted as such. Expenditures funded by these sources will be eliminated once the funding source no longer exists.

The city will maintain expenditure categories according to state statute and administrative regulation.

Expenditures associated with a grant source of revenue will be identified and recorded against the corresponding grant.

(Ord. No. 1211, § 4, 7-18-2011)

3.68.050 Fixed assets.*

It is the policy of the city to maintain accountability over all tangible fixed assets having a life expectancy exceeding one year and costing five thousand dollars or more. This policy also includes those assets of a lesser value that may be attractive to theft. The clerk/treasurer shall maintain the asset records. The asset records shall be verified by a physical inventory at least once a year.

This policy applies to all land improvements, all buildings and building renovations, equipment purchased and additions to existing equipment that increases its useful value and all donated items.

The city of Woodland reports on a cash basis which is a departure from generally accepted accounting principles (GAAP). The city is not required to account for depreciation.

A fixed asset system will be maintained to identify all city assets and their condition per city policy.

Fixed assets are maintained for both the general government and enterprise funds.

(Ord. No. 1211, § 5, 7-18-2011)

3.68.060 Fund balance.

A. Fund balances are created and maintained to provide capacity to:

1. Offset significant downturns in the economy.
2. Provide sufficient cash flow to meet daily financial needs at all times.
3. Meet all statutorily required reserve funds to guarantee debt service.
4. Maintain ability to meet scheduled equipment repair and replacement that sustains city ser-

vices at an acceptable level and prevents physical deterioration of city assets, as budget allows.

5. Provide the capacity to pay large unanticipated expenses, such as the payment of vacation and sick leave balances for employees that retire or leave employment with the city.
- B. Fund balance is defined as the amount of total resources that exceed total expenditures that results from the activity associated with the operations and functions of a fund. A positive fund balance should be maintained to properly manage a fund.
- C. Reserves are a portion of the fund balance that is restricted or categorized to use for a designated purpose. The following definitions (through the city may not use all of these categories at one time) are published by the Government Accounting Standards Board—Pronouncement No. 54:
1. Non-spendable: Amounts that cannot be spent due to form; for example, inventories, prepaid amounts, long-term and notes receivables, and other restricted items. Also includes amounts that must be maintained intact legally or contractually.
 2. Restricted: Amounts constrained for a specific purpose by external parties, or constitutional provision, such as a requirement for revenue bonds to set aside funds in a debt service reserve account.
 3. Committed: Amounts constrained or restricted for a specific purpose by a government using its highest level of decision-making authority. Action by the legislative authority is required to remove or change this amount.
 4. Assigned: Used for funds to classify any remaining positive amounts not identified as non-spendable, restricted or committed. These amounts should not result in a deficit in unassigned fund balance.
 5. Unassigned (remaining fund balance that is not reserved): This is the excess or residual amount of resources that exceed the amount expended, less amounts identified as non-spendable, restricted, committed or assigned. If the residual amount is negative, the assigned amount should be reduced accordingly.

* (See Resolution No. 543 or any successor resolution.)

D. The city has determined the need to create the following reserves and fund balances with the priority identified:

1. Priority #1: General Unassigned Fund Balance: (001-General fund).

- a. Purpose: This is the fund balance that remains after allocating to a reserve account and is used by any fund that budgets operating expense activities in the fund. The purpose of this account is to create the financial ability to cover operating expenses during short term revenue shortfalls or temporary downturns in the economy. Revenue receipts are cyclical in nature, such as the first major receipt of property taxes comes in April, some utility taxes are paid quarterly, and water usage and consequent receipt of these revenues is higher during the summer, however, expenses are normally more evenly disbursed throughout the year.
- b. Amount: The goal is to maintain an amount equal to (three months) of the annual operating expenses incurred for a fund.

The allocation will come from the amount of annual operating revenue that exceeds the annual operating expenses for a fund.

- c. Category: Identified as "unassigned" fund balance.

2. Priority #2: General Assigned Reserve: (Fund 001-General).

- a. Purpose: This reserve sub-account will be used by any fund that budgets operating expense activities in the fund. The purpose of this account is to create the financial ability to pay for large "one-time" expenses, such as the payout of vacation and sick time for employees that leave city service, cover major unexpected police investigations, or to pay for large building repairs. This reserve can also be used to cover operating expenses during temporary, yet more long-term, economic downturns.
- b. Amount: The amount allocated will be based upon the annual financial forecast

model and/or during the annual budget process. Efforts will be made to build this fund up to the established amount through the annual budget development process. The amount will come from a portion of the annual operating revenue generated in the fund that pays for these types of expenses.

- c. Category: Identified as "assigned" reserved portion of fund balance.

3. Priority #3: Equipment Repair and Replacement Reserve: (Fund 304-Equipment Acquisition Reserve).

- a. Purpose: This reserve account will be used by any general fund department that budgets equipment repair and replacement as an expense item in its fund, or uses a capital projects fund to budget these expenses or uses a designated equipment, repair and replacement fund. The purpose of this account is to create the financial ability to pay for these types of expenses that include computer systems, vehicles, roads, parks, building maintenance, and general facilities, as they occur and deemed necessary to properly manage city equipment.

- b. Amount: The amount allocated will be one percent of annual sales tax or as determined by the need identified in an updated financial forecast model and/or during the annual budget process.

- c. Category: Identified as a "committed" reserve portion of fund balance.

4. Priority #4: Capital Project Reserve: General: (Fund 301).

- a. Purpose: This reserve account will be used by general fund departments that budget capital and/or large maintenance projects as an expense item in the fund or uses a capital projects fund to budget and pay for these expenses. The purpose of this account is to create the financial ability to pay for these types of projects, identified in the Capital Facilities Plan, as deemed appropriate to meet community needs and properly manage city infrastructure.

- b. Amount: The amount allocated is ten percent of annual sales tax and real estate excise tax 1st quarter percent and 2nd quarter percent pursuant to RCW 35.43.040, 82.46.010(2), 35.43.040 or will be determined by the need identified in an updated financial forecast model and/or by the department director.
 - c. Category: Identified as a "committed" reserve portion of fund balance.
5. Priority #5: Capital Project Reserve: Utilities: (Fund 302).
- a. Purpose: This reserve account will be used by proprietary/enterprise funds that budget capital and/or large maintenance projects as an expense item in the fund or uses a capital projects fund to budget and pay for these expenses. The purpose of this account is to create the financial ability to pay for these types of projects, identified in the capital facilities plan, as deemed appropriate to meet community needs and properly manage city infrastructure.
 - b. Amount: The amount allocated is through water and sewer assessments and transfers in from the water and/or sewer fund or will be determined by the need identified in an updated financial forecast model and/or by the department director.
 - c. Category: Identified as a "committed" reserve portion of fund balance.

The city will make every effort to create and maintain the fund balances and reserves identified above and based on the priorities established. The city is aware that needs may change over time and fund balance reserve amounts may be redistributed within a fund to meet the needs that occur at a given time. If it is determined that funds need to be redistributed within a fund, the fund balance with the lowest priority will be redistributed first to allow the ability to meet the need of a higher priority fund balance. In all cases, council approval or budget enactment is required before changing or redistributing the amounts allocated to a reserve account.

(Ord. No. 1211, § 6, 7-18-2011)

3.68.070 Purchasing.*

The city shall commit to the following guidelines:

- A. Comply with all federal, state, and local laws, adopted codes, ordinances, and stated policies in its procurement process.
- B. Buy competitively and wisely to obtain maximum value for the community's dollars spent.
- C. Afford all bidders an equal opportunity to quote and compete on equal terms.
- D. Initiate and promote good, continuous vendor relations, as well as, reliable alternate sources of supply.
- E. Buy from suppliers who maintain adequate financial strength, high ethical standards, a record of adhering to specifications and who will maintain integrity in payment terms, delivery and service.

(Ord. No. 1211, § 7, 7-18-2011)

3.68.080 Capital improvements.

The city will make capital improvements in accordance with an adopted capital improvement plan.

The capital investment program and the base operating budget will be reviewed at the same time. This will insure that the city's capital and operating needs are balanced with each other.

The city will develop a multi-year plan for capital improvements including operations and maintenance costs and update it every two years or sooner if needed. Future capital expenditures necessitated by changes in population, changes in real estate development, or changes in the economic base will be calculated and included in the capital budget projections.

The city will identify the estimated costs and potential funding sources for each capital project proposal before it is submitted to council for approval. The city will use intergovernmental grants, loans and other outside resources whenever possible.

(Ord. No. 1211, § 8, 7-18-2011)

3.68.090 Local improvement districts (LID).

- A. LID's are formed to provide an alternative means of financing for property owners, within a defined geographical area, to make improvements benefiting their property.

* (See Ordinance No. 1178 adopted July, 5, 2010 or any ordinance which supersedes the ordinance from which this chapter is derived.)

- B. Improvements financed by the local improvement district (LID) may include street and sidewalk construction, and construction of water distribution and sewer and stormwater collection facilities. Assessments are determined by the size and location of each property in relation to the improvement and the benefit to the property.
- C. An LID may be initiated by city council resolution or by petition of the majority of property owners along the frontage of the improvement, within the boundaries of the district. Refer to RCW 35.43 for authority.
- D. The formation of a local improvement district is limited to specific instances and can apply as follows:
 - 1. When a group of property owners wish to accelerate development of a certain improvement;
 - 2. When a group of property owners desire a higher standard of improvement than the city's project contemplates; or
 - 3. When a group of property owners request city assistance in LID formation to fund internal neighborhood transportation facilities improvements.
- D. LID projects may or may not have city funding involved. If city funding is proposed by the project sponsors (property owners), they shall request it from the city council (through the city clerk-treasurer) in writing before the LID promotion activity begins.

(Ord. No. 1211, § 9, 7-18-2011)

3.68.100 Latecomer agreements.

- A. As a source of financing capital improvements, the city shall work with private developers to construct projects identified in the capital facilities plan.
- B. The city shall collect a connection or impact fee from future developers that utilize the capital improvement and reimburse the developer that built the initial capital improvement.
- C. Construction projects considered under this agreement:
 - 1. The project must be a project identified in the adopted capital facilities plan
 - 2. The project extension must serve anticipated future development lots.

- 3. Project requires prior approval by the public works director.
 - D. Approval of the latecomer provisions for any extension shall be made by the public works director in advance of construction.
 - E. Payment of any latecomer fee shall occur within fifteen years of final acceptance of construction.
 - F. Documentation of the actual project costs and the agreement with current participants must be made prior to any reimbursements.
 - G. The reimbursements shall not exceed that amount which brings participant costs equal to zero.
- (Ord. No. 1211, § 10, 7-18-2011)

3.68.110 Short term debt.

Short-term debt covers a period of two years or less.

The city may use short-term debt to cover temporary cash flow shortages that may be caused by a delay in receipting revenues or issuing long-term debt.

The city may issue interfund loans rather than outside debt instruments to meet short-term cash flow needs. Interfund loans will be permitted only if an analysis of the affected fund indicates excess funds are available and the use of those funds will not impact the fund's current operations. All short-term borrowing will be subject to council approval by ordinance or resolution, and will bear interest based upon the current bank rates.

(Ord. No. 1211, § 11, 7-18-2011)

3.68.120 Long term debt.

Debt financing will not be undertaken without identification of a cash stream sufficient to repay the debt.

The city will confine long-term borrowing to capital improvements that cannot be financed from current revenue sources.

Acceptable uses of bond and loan proceeds can be viewed as items which can be capitalized and depreciated.

The city will not use long-term debt for current operations.

The city will maintain communications with bond rating agencies about its financial condition. The city will follow a policy of full disclosure on every financial report and bond prospectus.

Bonds cannot be issued for a longer maturity schedule than a conservative estimate of the useful life of the asset to be financed.

Loans may be obtained to fund capital projects identified in the capital improvement plan.
(Ord. No. 1211, § 12, 7-18-2011)

3.68.130 Investments.

The policy on investment applies to the investment of all city funds excluding pension funds or trust accounts. The primary objective of investment activities shall be: (1) Safety of principal that seeks to minimize potential losses; (2) liquidity of cash to sufficiently meet all operating requirements; and (3) return on investment that allows for the highest market rate of return throughout budgetary and economic cycles.

The city of Woodland authorized investment officers will perform their duties in a manner consistent with the standard of a "prudent person," as defined in RCW 43.250.040. A prudent person is defined as "exercising the judgment and care under the circumstances then prevailing which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of the funds considering the probable income as well as the probable safety of the capital." Investment officers include the clerk-treasurer and the deputy clerk-treasurer.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

The city may invest in any of the securities identified as eligible investments as defined by RCW's: 35.59.020, 39.59.030, 35.39.030 and 43.84.080. These include: Certificates of deposit, United States Securities, bankers' acceptances, repurchase agreements and certificates, and notes and bonds of the state of Washington. The city may also create investment accounts with the Clark County treasurer's office per RCW 36.29.020, and the local government investment pool per RCW 43.250.040. Speculative investments are not allowed.

Investment transactions shall be conducted with approved broker/dealers selected by credit worthiness

and other selection criteria. Broker/dealers must be registered to provide investment services in the state of Washington.

The policy shall be to assure no single institution or security is invested into, to such an extent that a delay of liquidation at maturity is likely to cause a current cash flow emergency.
(Ord. No. 1211, § 13, 7-18-2011)

3.68.140 Accounting, auditing and financial reporting.

The city will establish and maintain a high standard of accounting practices.

The accounting system will maintain records on a basis consistent with accepted standards for local government accounting and the state of Washington budgeting, accounting, and reporting systems.

Regular monthly and annual financial reports will present a summary of financial activity by major types of funds. Monthly reports will also include a summary of the investment activities by type of investment.

Where feasible, the reporting system will also provide monthly information on the total cost of specific services by type of expenditure and, if necessary, by fund.

The State Auditor's Office will audit city records annually or biannually, depending upon audit requirements, and will issue a financial opinion.
(Ord. No. 1211, § 14, 7-18-2011)

Title 4

(Reserved)



Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.04 Business Licenses**
- 5.08 Amusement Devices**
- 5.12 Dances**
- 5.16 Peddlers and Solicitors**
- 5.20 Public Utilities**
- 5.21 Natural or Manufactured Gas Use Tax**
- 5.22 CATV Franchise Fee**
- 5.50 Sexually Oriented Businesses**



Chapter 5.04

BUSINESS LICENSES

Sections:

5.04.010	Purpose and intent.
5.04.020	Engaging in business definitions.
5.04.022	Exemptions.
5.04.025	Secondhand merchandise sales exemptions—Compliance with certain regulations required.
5.04.030	Applicability to agents of nonresident proprietors.
5.04.040	License—Required.
5.04.050	License—Issuance.
5.04.060	License—Application.
5.04.070	License—Transferability.
5.04.080	License—Issuance upon fee payment—Display.
5.04.090	Compliance with other applicable laws.
5.04.100	License fee—Basic annual rate.
5.04.110	License fee—Businesses not operating from regular place of business.
5.04.120	License fee—Additional fees.
5.04.130	License fee—Contractors and subcontractors.
5.04.140	License fee—Transient merchants and workmen.
5.04.150	License fee—Due and payable when.
5.04.160	Branch establishment or separate location of business.
5.04.170	Persons engaged in more than one business.
5.04.180	Applicability to subcontractors.
5.04.190	Firms with two or more licensed members.
5.04.200	License year designated.
5.04.210	Examination of business premises.
5.04.220	Violations—Penalties.
5.04.230	Additional remedies.

5.04.010 **Purpose and intent.**

- A. The ordinance codified in this chapter is enacted, except as otherwise specified in this chapter, to provide revenue for municipal purposes and to

provide revenue to pay for the necessary expense required to issue the licenses for and to regulate the businesses licensed.

- B. The license fees levied by this chapter shall be independent and separate from any license or permit fees now or hereinafter required of any person to engage in any business required in this chapter to be licensed, and all such businesses shall remain subject to the regulatory provisions of any such ordinances or ordinance now or hereinafter in effect, and the persons engaged in all such businesses shall be liable for the payment of any license fees for which provision has been made in this chapter.
- C. The levy or collection of a license fee upon any business shall not be construed to be a license or permit of the city to the person engaged therein, to engage therein, in the event such business shall be unlawful, illegal, or prohibited by the ordinances of the city or the laws of the state or the United States.

(Ord. 532 § 2, 1981)

5.04.020 **Engaging in business definitions.**

The following terms when used in this chapter shall have the meanings designated below:

- A. Engaging in Business.
1. The term, "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.
 2. "Business" means professions, trades, occupations, shops, and all and every kind of calling carried on for profit, livelihood, or financial gain.
 3. "Person" means all individuals, partnerships, domestic and foreign corporations, associations, syndicates, joint ventures, and societies transacting and carrying on any business in the city.
 4. This section sets forth examples of activities that constitute engaging in business in the city, and establishes safe harbors for certain activities so that a person who meets the criteria may engage in de minimus (lacking in significance or importance)

business activities in the city without having to pay a business license fee but are required to register with the city and obtain a business license. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (A)(1) of this section. If an activity is not listed, whether it constitutes engaging in business in the city shall be determined by considering all the facts and circumstances and applicable law.

5. Without being all inclusive, any one of the following activities conducted within the city by a person, or its employee, agent, representative, independent contractor, broker, or another acting on its behalf, constitutes engaging in business and requires a person to register and obtain a business license:
 - a. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the incorporated city limits.
 - b. Owning, renting, leasing using, or maintaining an office, place of business, or other establishment in the incorporated city limits.
 - c. Soliciting sales.
 - d. Making repairs or providing maintenance, or service to real or tangible personal property, including warranty work and property maintenance.
 - e. Providing technical assistance or service, including quality control, product inspections, warranty work or similar services on or in connection with tangible personal property sold by the person or on its behalf.
 - f. Installing, constructing, or supervising installation or construction of, real or tangible personal property.
 - g. Soliciting, negotiating, or approving franchise, license, or other similar agreements.

- h. Collecting current or delinquent accounts.
- i. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.
- j. Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.
- k. Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, and/or veterinarians.
- l. Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.
- m. Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the incorporated city limits, acting on its behalf, or for customers or potential customers.
- n. Investigating, resolving, or otherwise assisting in resolving customer complaints.
- o. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.
- p. Delivering goods in vehicles owned, rented, leased, used or maintained by the person or another acting on its behalf. (Ord. 713 § 2, 1990; Ord. 532 § 1(A) and (B), 1981)

(Ord. No. 1423, § 1, 12-17-2018)

5.04.022 Exemptions.

The following need not register and obtain a business license:

- A. The city expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitution of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits for the activity that constituted the original nexus generating contact or subsequent contacts;
- B. Producers of farm products raised in Washington, produced by themselves or their immediate families, who sell such products in the city by themselves or their immediate families;
- C. Any person transacting and carrying on any business which is exempt from a license fee by virtue of the Constitution of the United States, the Constitution of the State of Washington, or the laws of the United States or the State of Washington;
- D. Any individual who rents or leases two or fewer living units in his place of residence, provided such place of residence is a single-family dwelling;
- E. Any governmental or legally chartered non-profit organization, however registration is required but no fee;
- F. Rummage sales, bake sales and sale of secondhand merchandise and/or services conducted by nonprofit, charitable, religious or civic organizations;
- G. Sales of secondhand merchandise, conducted from residences, and designated as "garage sales," "yard sales," "moving sales" or similar Titles; provided, however, that no such sales shall be conducted for more than twelve calendar days during any calendar year nor more than three successive days per sales event.
- H. Meeting with suppliers of goods and services as a customer.
- I. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.
- J. Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide

training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

- K. Attending, but not participating in a "trade show" or "multiple vendor events." Persons participating at a trade show shall review the city's trade show or multiple vendor event ordinances.
- L. Conducting advertising through the mail.
- M. Soliciting sales by phone from a location outside the city.
- N. For purposes of the license by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than two thousand dollars and who does not maintain a place of business within the city, shall submit a business license registration to the clerk-treasurer or designee. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

(Ord. No. 1423, § 2, 12-17-2018)

5.04.025 Secondhand merchandise sales exemptions—Compliance with certain regulations required.

In order to be exempt under Section 5.04.020(A)(7), the sales described in that section shall comply with the following:

- A. No such sale events shall commence prior to eight a.m., and none of such sale events shall continue beyond eight p.m.;
- B. Not more than four residences or individuals shall combine merchandise in the conduct of such sales;
- C. No goods or merchandise shall be offered for sale at such sales which do not consist of goods or merchandise owned and used by the persons conducting the sales, and of a type and quantity customarily and usually found within a residential setting. No merchandise may be brought to and/or sold from the site of such sales from any place other than a place which would qualify for exemption under this chap-

ter. No merchandise may be brought to and/or sold from the site of such sales which has been purchased from another source for the purpose of resale at the site of such sales event;

- D. The conduct of and advertising for such sales events shall comply with provisions of applicable city ordinances relating to signs and advertising.

(Ord. 713 § 3, 1990)

5.04.030 Applicability to agents of nonresident proprietors.

The agent or agents of a nonresident proprietor engaged in any business for which a license is required by this chapter shall be liable for the payment of the fee thereon as provided in this chapter and for the penalties for failure to pay the same or to comply with the provisions of this chapter to the extent and with like effect as if such agent or agents were themselves proprietors. (Ord. 532 § 1(C), 1981)

5.04.040 License—Required.

No person shall engage in business in the city without first having obtained the license therefor, for the current year, as provided in this chapter, and without having first complied with any and all applicable provisions of this chapter. (Ord. 532 § 3(A), 1981)

5.04.050 License—Issuance.

- A. All licenses shall be issued by the clerk-treasurer. Normally, such license shall be issued within seven days of the date application is made; provided, however, when, in the opinion of the city clerk-treasurer, there exists sufficient question regarding the appropriateness of approving an application, the application shall be referred to the city administrator for consideration. All licenses and permits are subject to revocation at any time by the city administrator for cause.
- B. If an application is refused, the reason for refusal shall be set forth in writing to the applicant. The applicant may appeal such refusal to the city administrator by filing a notice of appeal within fourteen days of written notification by the director of the notice of refusal. Upon receipt of a notice of appeal, the city shall provide for a hearing thereon as is provided in Chapter 17 WMC for hearing on

revocation or suspension of license. (Ord. 532 § 4(A), 1981)
(Ord. No. 1423, § 3, 12-17-2018)

5.04.060 License—Application.

Application for a business license shall be made to the city clerk-treasurer until such time as the Washington State Department of Revenue assumes the licensing function upon forms furnished by that office. The information provided by the applicant shall include, at a minimum:

- A. The name of the applicant, with a statement of all persons having an interest in the business, either as proprietors or owners of the business;
- B. The addresses of the business including mailing, physical location, email address, phone number;
- C. The location of the place where the business is conducted;
- D. A description of the type of business, trade, shop, profession, occupation, or calling to be carried on within the city and the number of employees;
- E. An emergency notification name and address;
- F. Indicate if in-city or outside city limits;
- G. Other information as requested by the clerk-treasurer;
- H. The date of the application;
- I. The signature of the applicant or electronic signature.

(Ord. 532 § 4(B), 1981)

(Ord. No. 1423, § 4, 12-17-2018)

5.04.070 License—Transferability.

No license issued to do business within the limits of the city shall be transferable. Only the individuals to whom the license is issued shall be eligible to operate on that license. (Ord. 532 § 4(C), 1981)

5.04.080 License—Issuance upon fee payment—Display.

The city clerk-treasurer shall issue a license only after payment of the full fee. All persons operating on or doing business under license of the city shall, at all times, keep such license either on their person or properly displayed while so operating within the city limits. (Ord. 532 § 4(D), 1981)

5.04.090 Compliance with other applicable laws.

A business license will not be issued for any activity that violates local and/or state and/or federal law, provided however, that this prohibition shall not apply to a business authorized under Washington law pursuant to Washington State Initiative 502, and further provided that the applicant holds a valid license issued by the Washington State Liquor Control Board pursuant to said Initiative. Issuance of a business license shall not relieve the applicant from the need to comply with all other applicable city ordinances.

(Ord. No. 1215, § 1, 7-5-2011; Ord. No. 1325, §§ 1, 2, 4-6-2015)

Editor's note—Ord. No. 1215, § 1, adopted July 5, 2011, repealed the former § 5.04.090, and enacted a new § 5.04.090 as set out herein. The former § 5.04.090 pertained to compliance with other applicable ordinances and derived from Ord. No. 532, 1981.

5.04.100 License fee—Basic annual rate.

Each person engaged in business in the city shall pay an annual basis license fee as prescribed by resolution of the city. (Ord. 796 § 1, 1996; Ord. 532 § 3(B), 1981)

5.04.110 License fee—Businesses not operating from regular place of business.

The council finds that trades, shops, businesses, or callings are carried on in the city by persons from regular places of business and by persons from vehicles who have no regular place of business in the city; that persons with regular places of business in the city pay ad valorem taxes upon real and personal property which is used in and belongs to their businesses; and that the persons who do not have regular places of business in the city escape such ad valorem taxes. Both receive the benefit of police and fire protection, public streets and sidewalks, street lights, and other public facilities and services of the city. Therefore, in order that each shall pay as nearly as may not be discriminatory share, but a share in proportion to benefits received of the burden of supporting such facilities and services of the city, the businesses not operating from regular places of business in the city shall pay the amount as prescribed by resolution. (Ord. 979 § 1 (part), 2003; Ord. 532 § 3(C), 1981)

5.04.120 License fee—Additional fees.

In addition to the basic license fee, the following fees are specified:

- A. For motels, auto courts, hotels, boardinghouses, and mobile home parks, a fee in an amount as prescribed by resolution;
- B. Any person engaged as a landlord in leasing or renting property, except as noted in subsection (A) of Section 5.04.020, shall be deemed to be doing business within the city if such person leases or rents one or more separate rental units, whether it is land or buildings, or both, or residential or commercial, or both: For each unit, a fee in an amount as prescribed by resolution.

(Ord. 979 § 1 (part), 2003; Ord. 532 § 3(D), 1981)

(Ord. No. 1423, § 5, 12-17-2018)

5.04.130 License fee—Contractors and subcontractors.

Contractors and subcontractors may obtain an annual license in the amount as prescribed by resolution. (Ord. 979 § 1 (part), 2003; Ord. 532 § 3(E), 1981)

5.04.140 License fee—Transient merchants and workmen.

In lieu of the basic fee transient merchants and workmen may pay a fee in the amount as prescribed by resolution. (Ord. 979 § 1 (part), 2003; Ord. 532 § 3(F), 1981)

5.04.150 License fee—Due and payable when.

The license fee required in this chapter shall be due and payable on January 1st of each year for the calendar year commencing with such date and shall be delinquent on and after the following February 1st. Licenses for persons engaging in any business after January 1st in any year shall be due and payable upon such person engaging in such business and shall be delinquent if not paid within ten days thereafter. (Ord. 1004 § 1, 2004; Ord. 532 § 3(G), 1981)

5.04.160 Branch establishment or separate location of business.

Each branch establishment or separate location of a business conducted by any person shall, for the purpose thereof, be a separate business and subject to

the license therefor provided for in this chapter. (Ord. 532 § 3(H), 1981)

5.04.170 Persons engaged in more than one business.

If any person is engaged in operating or carrying on in the city more than one business, then such person shall pay the license prescribed in this chapter for as many of the businesses as are carried on by such person. (Ord. 532 § 3(I), 1981)

5.04.180 Applicability to subcontractors.

All subcontractors shall be subject to this chapter and shall pay the license fee as provided in this chapter, and they are not privileged to operate under the prime contractor's license. (Ord. 532 § 3(J), 1981)

5.04.190 Firms with two or more licensed members.

Whenever a firm is established in any of the various professions in which two or more members of the firm are licensed under state law to practice such profession, the license herein for such partnership or firm shall be one hundred fifty percent of the amount indicated in this chapter. (Ord. 532 § 3(L), 1981)

5.04.200 License year designated.

The license year shall commence on January 1st in each year and shall terminate at midnight on December 31st of the same year. (Ord. 532 § 3(K), 1981)

5.04.210 Examination of business premises.

The police chief and police officers shall have the authority to investigate and examine all places of business licensed or subject to license under this chapter at any reasonable time for the purpose of determining whether such business is complying with the provisions of this chapter. (Ord. 532 § 5, 1981)

5.04.220 Violations—Penalties.

A. It is unlawful for any person to wilfully make any false or misleading statement to the city clerk-treasurer for the purpose of determining the amount of any license fee provided in this chapter to be paid by any such person, or to fail or refuse to comply with any of the provisions of this chapter to be complied with, or to fail or refuse to pay

before the same shall be delinquent any license fee or penalty required to be paid by this chapter by any such person.

- B. In the event any person required to obtain a license by this chapter fails or neglects to obtain the same before it becomes delinquent, the city clerk-treasurer shall collect, upon payment therefor, in addition thereto, a penalty of ten percent of the fee therefor for each calendar month or fraction thereof that the same shall be delinquent.
- C. Nothing contained in this chapter shall be taken or construed as vesting any right in any license as a contract obligation on the part of the city as to the amount of the fee under this chapter. Other or additional taxes or fees and the fees provided for in this chapter may be increased or decreased and additional or other fees provided for and levied in any and all instances at any time by the city.
- D. The conviction of any person for violation of any of the provisions of this chapter shall not operate to relieve such person from paying any fee or penalty thereupon for which such person shall be liable, nor shall the payment of any such fee be a bar to or prevent prosecution in the city court of any complaint for the violation of any of the provisions of this chapter.
- E. Any person as defined in this chapter and the officers, directors, managing agents or partners of any corporation, firm, partnership or other organization or business violating or failing to comply with any provisions of this chapter shall be subject to a Class 4 Civil Infraction pursuant to Chapter 1.12.020 WMC. Each day of violation shall constitute a separate offense.

(Ord. 532 § 6, 1981)

(Ord. No. 1423, § 6, 12-17-2018)

5.04.230 Additional remedies.

- A. In addition to the penalties provided in this chapter and as separate and distinct remedies, the city may sue in any court of competent jurisdiction to obtain a judgment and enforce collection thereof by execution for any license fee due under this chapter.
- B. The city may seek an injunction prohibiting a person from engaging in any unlicensed business.

- C. In any action or suit authorized by this section, the city, if it prevails, shall recover a reasonable attorney's fee to be set by the court, in addition to its costs and disbursements.

(Ord. 532 § 7, 1981)

Chapter 5.08**AMUSEMENT DEVICES****Sections:**

- 5.08.010** **Definitions.**
5.08.020 **Tax levied.**
5.08.030 **Permit—Application—Issuance.**

device permit for the location set forth in the application. (Ord. 309 § 3, 1968)

5.08.010 **Definitions.**

"Amusement device" as used in this chapter shall be construed and interpreted to mean and include any device or devices, machine or machines, used by any person or persons for the purpose of relaxation and enjoyment and for which a charge is made for the use thereof. No device or machine the use, operation, or possession of which is prohibited by the laws of the state shall be held or construed to be an amusement device within this chapter. (Ord. 309 § 1, 1968)

5.08.020 **Tax levied.**

There is levied and established an amusement device tax and permit fee as provided by resolution of the city council. The permit fee shall be paid in advance, in two equal semiannual installments, on the first day of January and on the first day of July in each and every calendar year. There shall be no refund or rebate of such permit fee nor any pro rata reduction in the amount thereof by any person, firm, or corporation using or seeking to use the same for a period of less than six months. (Ord. 796 § 2, 1996; Ord. 487 § 3, 1979; Ord. 309 § 2, 1968)

5.08.030 **Permit—Application—Issuance.**

Every applicant for an amusement device permit shall file with the clerk-treasurer an application, in writing, showing the name and address of the applicant, the location and place where the applicant proposes to keep or operate said amusement devices and the name and address thereof if different from the name and address of the applicant, the type of business to be done or conducted at the place such device or devices are to be kept and the make, model and serial number of each and every amusement device proposed to be kept or operated. The applications shall be filed semiannually. Upon the filing of the application and the payment of the permit fee herein established, the clerk-treasurer shall issue the applicant an amusement

Chapter 5.12**DANCES****Sections:**

5.12.010	Definitions.
5.12.020	Regulations.
5.12.030	License—Application—Fees.
5.12.040	Prohibited—Certain hours.
5.12.050	Statutory compliance.
5.12.060	License—Refusal.
5.12.070	License—Revocation.
5.12.080	License—Premises.
5.12.090	Alcoholic beverages prohibited.
5.12.100	Smoking.
5.12.110	Licensee only to hold dance.

5.12.010 Definitions.

As used in this chapter, the following terms are defined in this section:

"Chaperone" means a competent adult over the age of twenty-five years who shall be present from the commencement to the conclusion of any dance at which he or she shall be acting as chaperone. A performer at a dance shall not act as a chaperone.

"Juvenile dance" means a dance at which no charge is made and no gratuity is accepted for admission, and at which only recorded music is used, and which is attended only by persons under nineteen years of age.

"Private dance" means a dance at which no charge is made and no gratuity accepted for admission thereto.

"Public dance" means a dance at which a charge is made or a gratuity accepted for admission thereto, or a dance conducted at an establishment licensed by the state to sell intoxicating beverages.

"School dance" means a dance sponsored by a unit of the Woodland school system and conducted in accordance with the rules and regulations of such school system and held at premises owned by the Woodland School District. (Ord. 322 § 1, 1970)

5.12.020 Regulations.

A. Private Dance. No person under the age of eighteen years shall be allowed to attend a private dance unless the same is held in a private home. At all private dances, except in a private home, there

shall be at least one chaperone present for each twenty-five persons, or any part thereof, attending any such dance.

- B. Public Dance. At all such dances, there shall be a minimum of three chaperones in attendance at all times. Additional chaperones shall be required as directed by the police chief.
- C. Juvenile Dance. No person over the age of eighteen years shall be allowed upon, in, or about the premises where a juvenile dance is held. Juvenile dances on Monday, Tuesday, Wednesday, Thursday, and Sunday nights shall cease and terminate at ten p.m., and on Friday and Saturday nights at twelve midnight; provided, however, that such dances may be allowed such additional time as permitted in writing by the clerk-treasurer, upon authorization by the city council. No alcoholic beverages shall be consumed at any premises where a juvenile dance is held during the period of such dance, and no person who has consumed any intoxicating beverage shall be allowed at or be permitted to remain in or upon the premises where a juvenile dance is being held. There shall be one chaperone in attendance at all times and such additional chaperones as may be required by the chief of police.
- D. School Dance. Such dance shall be conducted in strict conformity with the rules and regulations of the Woodland school district.
- E. Chaperone. Each person acting as a chaperone shall remain at the premises where he or she is acting as chaperone from the commencement of the dance to the termination thereof and shall not, during such period, consume any intoxicating beverage.
- F. All Dances. No passouts shall be allowed or permitted at any dance.
(Ord. 322 § 2, 1970)

5.12.030 License—Application—Fees.

All dances, except school dances and private dances, shall be licensed by the city upon the following terms and conditions:

- A. Each applicant for a dance license shall make application to the clerk-treasurer for the issuance of a license at least three days prior to the date upon which such dance is proposed to be held. Each application shall contain the name and address of the applicant, state whether live

or recorded music is to be used, designate by street number the place where such dance is to be held, and state the name and address of the person or persons who will act as chaperone or chaperones at such dance.

B. License Fees.

1. No license fee shall be required for a private dance or school dance.
2. A license fee, as established by resolution, shall be paid by each person, organization, or group conducting a juvenile dance or dances. The license is not transferable, and the licensee is not limited as to the number of such dances to be held during a calendar quarter.
3. All persons or organizations conducting a public dance shall pay a license fee, as established by resolution for each dance for which a license is obtained, except for dances held on premises licensed to sell intoxicating beverages by the state.
4. Any establishment licensed by the state to sell alcoholic beverages and conduct dances shall pay a license fee as established by resolution.

(Ord. 487 § 4, 1979; Ord. 322 § 3, 1970)

(Ord. No. 1147, § 2, 12-15-2008)

5.12.040 Prohibited—Certain hours.

No public dancing shall be permitted between the hours of two a.m. and seven p.m. (Ord. 322 § 4, 1970)

5.12.050 Statutory compliance.

All dances shall be conducted in accordance with the laws and statutes of the state. (Ord. 322 § 5, 1970)

5.12.060 License—Refusal.

The city council may, by motion, refuse the granting of any license for public or juvenile dancing, if granting the same would, in the judgment of the city council, interfere with the peace, comfort, and happiness of the community, or if the applicant has previously conducted a dance in violation of any of the provisions of this chapter. (Ord. 322 § 6, 1970)

5.12.070 License—Revocation.

Any license granted under this chapter may be revoked by the city council after hearing held upon not

less than thirty days' notice to the licensee. Any revocation shall be final and conclusive. Every licensee obtaining a license under this chapter shall be deemed to have consented to the provisions of this section. (Ord. 322 § 7, 1970)

5.12.080 License—Premises.

No license for a dance shall be issued, and no dance shall be held at any premises which do not meet the structural and other standards of the Fire Marshal of the state. At all premises where a public or juvenile dance is held, every part of the premises used for such dancing and any hall, corridor or entry way shall be well lighted, and there shall be adequate and suitable toilet facilities which shall be kept in a clean and sanitary condition. (Ord. 322 § 8, 1970)

5.12.090 Alcoholic beverages prohibited.

No person shall be permitted to possess or consume alcoholic beverages on any premises where a public, juvenile or school dance is being conducted; provided, however, that this section shall not apply to premises or organizations duly licensed by the Washington State Liquor Control Board. (Ord. 322 § 9, 1970)

5.12.100 Smoking.

No person shall smoke tobacco or other products on the dance floor during the hours that a dance is held or is in progress. (Ord. 322 § 10, 1970)

5.12.110 Licensee only to hold dance.

Any license granted under this chapter shall be a grant of permission only to the licensee to hold and conduct dances and shall not be construed to permit any person or organization other than the licensee to conduct a dance or dances in premises rented or obtained from the licensee. (Ord. 322 § 11, 1970)

Chapter 5.16

PEDDLERS AND SOLICITORS

Sections:

- 5.16.010** **Definitions.**
- 5.16.020** **Permit and license required.**
- 5.16.030** **Exclusions.**
- 5.16.040** **Sworn statement required.**
- 5.16.050** **Statement of physical condition.**
- 5.16.060** **Investigation of application.**
- 5.16.070** **License—Issuance—Expiration date.**
- 5.16.080** **License—To be carried.**
- 5.16.090** **License—Revocation—Waiver of physical and investigation.**
- 5.16.100** **Surety bond—In lieu of waiting period.**
- 5.16.110** **Orders—Information.**
- 5.16.120** **Violation—Penalty.**
- 5.16.130** **License—Individual—Required.**
- 5.16.140** **Severability.**

5.16.010 **Definitions.**

Peddler. The word "peddler" as used in this chapter includes any person, whether a resident of the city or not, travelling by foot, automotive vehicle or other form of conveyance from house to house or from street to street, or from place to place, conveying goods, wares or merchandise, offering and exposing the same for sale, making sales, offering services and materials for use or for sale, soliciting business, trade or commerce of any type or kind, showing merchandise for sale and delivering articles, goods, wares and merchandise to purchasers, or one who offers merchandise or services for sale, from a vehicle of any kind or upon the streets and sidewalks of the city, or one who solicits the sale of goods, wares, merchandise, or services by telephone, or one who transports and conveys any person or persons to the city while acting as the supervisor of such person or persons for the purpose of having the person or persons so transported engage in the work of a peddler within the corporate limits of the city; provided, further, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The word "peddler" includes the words "hawker," "huckster" and "solicitor."

(Woodland Supp. No. 16, 7-09)

Person. The word "person" as used in this chapter includes the singular and the plural and means and includes any person, firm, or corporation, association, club, partnership, society, and any other organization or agent or employee thereof. (Ord. 315 § 1, 1969; Ord. 308 § 2, 1968)

5.16.020 **Permit and license required.**

It is unlawful for any person to engage in the business of peddler as defined in Section 5.16.010 within the corporate limits of the city without first obtaining a permit and paying a license fee as provided in this chapter. (Ord. 308 § 1, 1968)

5.16.030 **Exclusions.**

This chapter shall not apply to vendors of newspapers, cooperative organizations and benevolent and nonprofit societies, associations, or organizations, or to persons selling or calling at retail establishments. (Ord. 308 § 3, 1968)

5.16.040 **Sworn statement required.**

Applicants for a peddler's license as required by Section 5.16.020 shall file with the clerk-treasurer a sworn statement containing the following information:

- A. Name and physical description of applicant;
- B. Address of applicant, both legal and local;
- C. A brief description of the nature of the business and the goods to be sold;
- D. Name and address of employer together with length of time employed;
- E. The length of time for which the right to do business is desired;
- F. If a vehicle is to be used, the license number thereof and a description of the same;
- G. A two inch by two inch photo of the applicant taken within sixty days prior to the date of filing the application, showing the head and shoulders of applicant clearly and distinctly.

(Ord. 392 § 1, 1974; Ord. 308 § 4, 1968)

5.16.050 **Statement of physical condition.**

The applicant shall file with the clerk-treasurer at the time of making application for a peddler's license a statement, dated not more than ten days prior to the date of application, from a physician licensed to practice medicine that applicant is free of infectious, conta-

gious or communicable disease. (Ord. 392 § 2, 1974; Ord. 308 § 5, 1968)

5.16.060 Investigation of application.

After the application has been completed and given to the clerk-treasurer, the clerk-treasurer shall present it to the city police department for investigation and verification. The police department shall investigate into the

truth of the statements of the applicant and, if all statements are found to be correct, the police department shall certify on the back of the application that an investigation has been made and all statements made are true and correct.

The investigation fee shall be as established by resolution of the city council. This shall be paid in addition to the yearly licensing fee as provided herein. (Ord. 796 § 3, 1996; Ord. 392 § 4, 1974)

5.16.070 License—Issuance—Expiration date.

After the investigation by the police department, the application shall be presented to the police committee for approval. If the police committee determines that the facts set forth in the application are true, such solicitor is of good moral character and that he proposes to engage in a lawful and legitimate commercial or professional enterprise, the police committee shall then approve the application, and the clerk-treasurer may issue the license applied for. Such license shall expire on the thirty-first day of December of the year in which such license has been issued. The fee for a peddler's license shall be as established by resolution of the city council. (Ord. 796 § 4, 1996; Ord. 504 § 2, 1980; Ord. 392 § 5, 1974)

5.16.080 License—To be carried.

Such license shall be carried at all times by each solicitor for whom issued, when soliciting or canvassing in the city, and shall be exhibited by any such solicitor wherever he or she is requested to do so by any police officer or any person solicited. (Ord. 392 § 6, 1974)

5.16.090 License—Revocation—Waiver of physical and investigation.

Any such license may be revoked by the city council for the violation or any violation by the employer or solicitor of any of the ordinances of the city or of any state or federal law, or whenever such solicitor, in the judgment of the city council, ceases to possess the character and qualifications required by this chapter for the issuance of such permit.

As long as any peddler remains in good standing after issuance of the initial license, he shall not be required to have the yearly physical as provided in Section 5.16.050 nor shall an investigation be required as provided in Section 5.16.060. (Ord. 392 § 7, 1974)

5.16.100 Surety bond—In lieu of waiting period.

If any applicant for a license, including solicitor or his employer, is unwilling to receive a license only upon the conclusion of the investigation as provided in Sections 5.16.060 and 5.16.070, and if he desires the issuance of a license by the city clerk-treasurer immediately upon application, he may deposit with the clerk-treasurer of the city a cash or surety bond to be approved by the clerk-treasurer in the sum of one thousand dollars, conditioned upon the making of final delivery of the goods ordered or services to be performed, in accordance with the terms of such order, or failing therein that the advanced payment on such order be refunded, and thereupon such license or licenses may be immediately issued. Any person aggrieved by the action of any such solicitor shall have a right of action on the bond for the recovery of the money or damages or both. Such bond shall remain on deposit for a period of ninety days after the expiration of such license unless sooner released by the city council. (Ord. 392 § 8, 1974)

5.16.110 Orders—Information.

All orders taken by licensed solicitors shall be in writing, in duplicate, stating the name, as it appears on the license, and address of both the solicitor and his employer, the terms thereof and the amount paid in advance, and one copy shall be given the purchaser. (Ord. 392 § 9, 1974)

5.16.120 Violation—Penalty.

Violation of this chapter is a misdemeanor and any person convicted of a violation shall be punished as provided in Section 1.12.010 of this code. (Ord. 392 § 10, 1974)

5.16.130 License—Individual—Required.

For the purposes of this chapter, a license shall be required of all individual peddlers where more than one peddler is working for the same company. (Ord. 392 § 11, 1974)

5.16.140 Severability.

If any section, sentence, clause, phrase or other part of this chapter is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining parts thereof. (Ord. 392 § 12, 1974)

Chapter 5.20

PUBLIC UTILITIES

Sections:

- 5.20.010** Purpose.
- 5.20.020** Exercise of revenue license power.
- 5.20.025** Administrative provisions.
- 5.20.030** Imposition of the tax—Tax levied.
- 5.20.032** Administrative/tax payment.
- 5.20.035** Definitions.
- 5.20.038** Allocation of funds.
- 5.20.040** Tax—Due and payable when.
- 5.20.050** Tax—Computation.
- 5.20.060** Tax—Records of gross operating revenues.
- 5.20.070** Tax—Penalty for nonpayment.
- 5.20.080** Tax—Credit and refunds.
- 5.20.090** Procedure upon annexations to city.
- 5.20.100** Administration and enforcement.

5.20.010 Purpose.

The purpose of this chapter is to adopt a utility tax to be levied on and after December 16, 2018 that runs parallel to the billing cycle for utility charges. The provisions of this chapter shall be deemed an exercise of the power of the city, as provided in Chapter 35A.11 RCW, to license and/or tax for revenue, the privilege of engaging in utility business in the city. For the purpose of this chapter, the terms "license" and "tax" shall be synonymous.

(Ord. No. 1336, § 2, 10-5-2015; Ord. No. 1425, § 1, 12-3-2018)

Editor's note—Ord. No. 1336, § 2, adopted October 5, 2015, amended § 5.20.010 in its entirety to read as herein set out. Former § 5.20.010, pertained to license for revenue, and derived from Ord. No. 526, 1981.

5.20.020 Exercise of revenue license power.

The provisions of this chapter shall be deemed an exercise of the power of the city to license for revenue. The provisions of this chapter are subject to periodic statutory or administrative rule changes or judicial interpretations of the ordinances or rules. The responsibility rests with the licensee or taxpayer to reconfirm tax computation procedures and remain in compliance with the city code.

(Ord. No. 1336, § 2, 10-5-2015; Ord. No. 1425, § 1, 12-3-2018)

Editor's note—Ord. No. 1336, § 2, adopted October 5, 2015, amended § 5.20.020 in its entirety to read as herein set out. Former § 5.20.020, pertained to license requirements, and derived from Ord. No. 526, 1981.

5.20.025 Administrative provisions.

The administrative provisions contained in Chapter 5.04, including but not limited to the registration provisions of Sections 5.04.040 through 5.04.090 shall be fully applicable to the provisions of this chapter except as expressly stated to the contrary herein.

(Ord. No. 1336, § 2, 10-5-2015; Ord. No. 1425, § 1, 12-3-2018)

5.20.030 Imposition of the tax—Tax levied.

There is levied upon, and there shall be collected from, every person, firm or corporation engaged in carrying on the following business for hire or for sale of a commodity or a service within or partly within the corporate limits of the city, the tax for the privilege of so doing business, as defined in this section:

- A. 1. Upon any telephone business there shall be levied a tax equal to six percent of the total gross operating revenues, including revenues from intrastate toll, derived from the operation of such business within the city. Gross operating revenues for this purpose shall not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter.
2. "Telephone business" means the business of providing access to a local telephone network, local telephone network switching service, toll service, coin telephone services, telephonic, video, data, pagers, or similar communication or transmission for hire, via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. The term includes cooperative or farmer line telephone companies or associations operating exchanges. "Telephone business" does not include the providing of competitive telephone service, or providing of cable television services, or other providing of broadcast services by radio or television stations.
3. "Competitive telephone service means the providing by any person of telecommunications equipment or apparatus, directory

advertising and lease of telephone street directories, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which may be provided by persons not subject to regulation as telephone companies under Title 80 RCW, and for which a separate charge is made. Transmission of communication through cellular telephone is classified as "telephone business" rather than "competitive telephone service".

4. "Cellular telephone service" is a two-way voice and data telephone/telecommunications system based in whole or substantial part on wireless radio communications and which is not subject to regulation by the Washington Utilities and Transportation Commission (WUTC). This includes cellular mobile service. Cellular mobile service includes other wireless radio communications services such as specialized mobile radio (SMR), personal communications services (PCS), and any other evolving wireless radio communications technology, which accomplishes the same purpose as cellular mobile service. Cellular telephone service is included within the definition of "telephone business" for the purposes of this chapter.
 5. "Pager service" means service provided by means of an electronic device which has the ability to send or receive voice or digital messages transmitted through the local telephone network, via satellite or any other form of voice or data transmission.
- B. There is levied a tax on the sale, delivery or distribution of electricity and electrical energy and for the privilege of carrying on said business, such tax to be equal to six percent of the gross operating revenue derived from sales of such electricity to ultimate users within the city; provided, however, that there shall not be any tax levied for the installation charges of electrical units.
 - C. There is levied a tax on the sale of natural, manufactured or mixed gas for residential, commercial or industrial consumption and for the

privilege of carrying on said business, such tax to be equal to six percent of gross operating revenues from such sales of natural, manufactured or mixed gas within the limits of the city.

- D. Water Utility Tax Imposed. There is levied and there shall be collected from every business, person, firm or corporation, including public municipal corporations, that are engaged in carrying on a water supply and utility business in the City of Woodland, a tax in the amount of twelve and one-half percent of the total gross revenue that the entity receives from providing such service.
- E. Sewer/ Wastewater Utility Tax Imposed. There is levied and there shall be collected from every business, person, firm or corporation, including public municipal corporations, that are engaged in carrying on a sewer/wastewater treatment utility business in the City of Woodland, a tax in the amount of twelve and one-half percent of the total gross revenue that the entity receives from providing said service.
- F. Solid Waste and Recycling Utility Tax Imposed. There is levied and there shall be collected from every business, person, firm or corporation, including public municipal corporations, that are engaged in solid waste collection and recycling services in the City of Woodland, a tax in the amount of twelve and one-half percent on the total gross revenue that the entity receives from providing said service within the corporate limits of the City of Woodland.

(Amended during 11-06 supplement; Ord. 1031 § 1, 2004; Ord. 949 § 1, 2001; Ord. 685 § 2, 1989; Ord. 526 § 3, 1981)

(Ord. No. 1171, § 1, 12-7-2009; Ord. No. 1228, § 2, 9-4-2012; Ord. No. 1336, § 2, 10-5-2015; Ord. No. 1425, § 1, 12-3-2018)

5.20.032 Administrative/tax payment.

- A. Tax Year. The tax year for purposes of this water, sewer and waste water/recycling utility tax shall commence December 16, 2018 (to coincide with the billing cycle) and thereafter shall commence on December 16—December 15 the following year.
- B. Payment. The tax imposed shall be due and payable in bi-monthly installments and remittance

therefore shall be made with the utility bill on or before the fifteenth day of the month next succeeding the end of the month in which the tax accrued.

- C. Excess Payment. Any money paid through error and in excess of such tax shall be credited against any tax due or to become due from such taxpayer hereunder, or, upon the taxpayer ceasing to do business in the city, be refunded to the taxpayer.
- D. Exceptions and Deductions. In computing "gross earnings" under the provisions of this chapter, the following items shall be deducted from "gross earnings":
1. Uncollected accounts, if the books of the utility are on an accrual basis as distinguished from a cash basis.
 2. Amounts received through contemplated or actual condemnation proceedings or on account of any federal, state or local public works project.
 3. Amounts received as compensation or reimbursement for damages to or protection of any property of the utility.
 4. Amounts collected as sales tax.
- E. Rules. The clerk-treasurer is authorized to adopt and enforce rules and regulations not inconsistent with this chapter or with Washington law for the purpose of administering and collecting the taxes. (Ord. No. 1336, § 2, 10-5-2015; Ord. No. 1425, § 1, 12-3-2018)

5.20.035 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Collector" or "collector of solid waste and/or recyclables" means a person, company or contractor with whom or which the city has entered into a contract by which such person or firm collects and removes solid waste and/or recyclables.

"Gross earnings" means the consideration, whether money, credits, rights or property expressed in terms of money, proceeding or accruing by reason of the transaction of business and includes gross proceeds of sales, compensation for rendition of services, gains realized from interest, rents, royalties, fees, commissions, dividends and other emoluments, however designated, all

without any deduction on account of cost of property sold, materials used, labor, interest, losses, discount and any other expense whatsoever.

"Person" or "company", herein used interchangeably, means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, franchisee, business trust, municipal corporation, political subdivision of the State of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof.

"Solid waste" means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use and related services. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage, including yard waste and related services.

"Solid waste collection services" means receiving solid waste for transfer, processing, recycling, treatment, storage, or disposal, including, but not limited to all collection services under contract with the city.

"Sewer service" means any connection to the city sewer system.

"Water service" means any connection to the city water system.

(Ord. No. 1336, § 2, 10-5-2015; Ord. No. 1425, § 1, 12-3-2018)

5.20.038 Allocation of funds.

The intended use of the revenue collected by these funds is dedicated for general fund purposes.

(Ord. No. 1336, § 2, 10-5-2015; Ord. No. 1425, § 1, 12-3-2018)

5.20.040 Tax—Due and payable when.

The tax imposed by this chapter shall be due in bimonthly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the bimonthly period in which the tax accrued. The first payment made under this chapter shall be made by March 31, 1988 for the bimonthly period ending February 29, 1988. On or before the due date, the taxpayer shall file with the city clerk-treasurer a written return, upon such form and setting forth such information as the city clerk-treasurer shall reasonably require, together with the payment of the amount of the tax. Provided, however, if the gross revenue upon which such tax is computed during any bimonthly period is less than five hundred dollars, remittance shall be made semi-annually. (Ord. 773 § 1, 1994; Ord. 660 §§ 2, 3, 1988; Ord. 526 § 4, 1981)

5.20.050 Tax—Computation.

In computing the tax, there shall be deducted from the gross operating revenues the following items:

- A. The amount of credit losses and uncollectibles actually sustained by the taxpayer;
 - B. Amounts derived from transactions in interstate or foreign commerce or from any business which the city is prohibited from taxing under the Constitutions of the United States or the state; and
 - C. Amounts derived by the taxpayer from the city.
- (Ord. 526 § 5, 1981)

5.20.060 Tax—Records of gross operating revenues.

Each taxpayer shall keep records reflecting the amount of his gross operating revenues, and such records shall be open at all times to the inspection of the city clerk-treasurer, or his duly authorized subordinates, for verification of the tax returns or for the fixing of the tax of a taxpayer who fails to make such returns. (Ord. 526 § 6, 1981)

5.20.070 Tax—Penalty for nonpayment.

If any person, firm or corporation subject to this chapter fails to pay any tax required by this chapter within thirty days after the due date thereof, there shall be added to such tax a penalty of ten percent of the amount of such tax, and any tax due under this chapter and unpaid, and all penalties thereon, shall constitute a debt to the city and may be collected by court proceedings, which remedy shall be in addition to all other remedies. (Ord. 526 § 7, 1981)

5.20.080 Tax—Credit and refunds.

Any money paid to the city through error, or otherwise not in payment of the tax imposed by this chapter, or in excess of such tax, shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer under this chapter or, upon the taxpayer's ceasing to do business in the city, be refunded to the taxpayer. (Ord. 526 § 8, 1981)

5.20.090 Procedure upon annexations to city.

Whenever the boundaries of the city are extended by annexation, all persons, firms and corporations subject to this chapter will be provided copies of all annexation ordinances by the city. (Ord. 526 § 9, 1981)

5.20.100 Administration and enforcement.

The city clerk-treasurer is authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this chapter as shall be necessary, and it shall be a violation of this chapter to violate or to fail to comply with any such rule or regulation lawfully promulgated under this chapter. (Ord. 526 § 11, 1981)

Chapter 5.21

NATURAL OR MANUFACTURED GAS USE TAX

Sections:

- 5.21.010 Levied.**
- 5.21.020 Rate.**
- 5.21.030 Exemption.**
- 5.21.040 Credit.**
- 5.21.050 Payment.**
- 5.21.060 Administration and collection.**
- 5.21.070 Inspection of records.**
- 5.21.080 Contract with state.**
- 5.21.090 Violation—Penalty.**

5.21.010 Levied.

There is hereby levied and there shall be collected from every person, firm or corporation, as authorized by RCW 82.14.230, a use tax for the privilege of using natural gas or manufactured gas within the city as a consumer. (Ord. 887 § 1 (part), 1998)

5.21.020 Rate.

The rate of the tax levied by Section 5.21.010 shall be an amount equal to the value of the article used by the taxpayer multiplied by five percent. The "value of the article used" does not include any amounts that are paid for the hire or use of a natural gas business in transporting the gas subject to tax under this section if those amounts are subject to tax under RCW 35.21.870. (Ord. 887 § 1 (part), 1998)

5.21.030 Exemption.

The rate of the tax levied under this chapter shall not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer was paid a tax under RCW 35.21.870 (Section 5.20.030(C)) with respect to the gas for which exemption is sought under this section. (Ord. 887 § 1 (part), 1998)

5.21.040 Credit.

There shall be a credit against the tax levied under this chapter in an amount equal to any tax paid by:

- A. The person who sold the gas to the consumer when that tax is a gross receipts tax similar to that imposed pursuant to RCW 35.21.870 by another state with respect to the gas for which a credit is sought under this subsection; or
- B. The person consuming the gas upon which a use tax similar to the tax imposed by this chapter was paid

to another state with respect to the gas for which a credit is sought under this subsection. (Ord. 887 § 1 (part), 1998)

5.21.050 Payment.

The use tax levied by this chapter shall be paid by the consumer. (Ord. 887 § 1 (part), 1998)

5.21.060 Administration and collection.

The administration and collection of the tax levied by this chapter shall be pursuant to RCW 82.14.050. (Ord. 887 § 1 (part), 1998)

5.21.070 Inspection of records.

The city consents to the inspection of such records as are necessary to qualify the city for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330. (Ord. 887 § 1 (part), 1998)

5.21.080 Contract with state.

The mayor is authorized to enter into a contract with the Department of Revenue for the administration and collection of this tax. (Ord. 887 § 1 (part), 1998)

5.21.090 Violation—Penalty.

Any person, firm or corporation violating or failing to comply with the provisions of this chapter or any lawful rule or regulation adopted pursuant thereto, shall be guilty of a misdemeanor. (Ord. 887 § 1 (part), 1998)

Chapter 5.22**CATV FRANCHISE FEE****Sections:****5.22.010 Franchise payments.****5.22.010 Franchise payments.**

The company shall pay to the city, on or before March 31st, of each year, a five-percent franchise fee based on gross annual basic subscriber revenues received for cable television operations in the city for the preceding calendar year. No other fee, charge or consideration shall be imposed. Sales tax or other taxes levied directly on a per subscription basis and collected by the company shall be deducted from the gross annual basic subscriber revenues before computation of sums due the city is made. The company shall provide an annual summary report showing gross annual basic subscriber revenues received during the preceding year. (Ord. 525 § 3, 1981; Ord. 449 § 12, 1978)



Chapter 5.50

SEXUALLY ORIENTED BUSINESSES

Sections:

5.50.010	Purpose and intent.
5.50.020	Definitions.
5.50.030	Regulated uses.
5.50.040	Sexually oriented business permit required.
5.50.050	Investigation and application.
5.50.060	Issuance of permit.
5.50.070	Licenses required for sexually oriented businesses—Fees.
5.50.080	License for managers and entertainers of adult cabarets required—Fee.
5.50.090	Licenses for models and escorts.
5.50.100	Due date for license fees.
5.50.110	Manager on premises.
5.50.120	License nontransferable.
5.50.130	License—Posting and display.
5.50.140	Specifications—Adult cabarets.
5.50.150	Standards of conduct and operation applicable to adult cabarets.
5.50.160	Regulations applicable to adult arcades and adult bookstores.
5.50.170	Regulations applicable to video stores not qualifying as sexually oriented businesses.
5.50.180	Exemptions.
5.50.190	License—Name of business and place of business.
5.50.200	Inspections.
5.50.210	Hours of operation.
5.50.220	Recordkeeping requirements.
5.50.230	Procedure for appealing a license/permit denial.
5.50.240	Suspension or revocation of license or permit—Procedures—Appeal.
5.50.250	Suspension or revocation of license permit—Duration.
5.50.260	Severability.
5.50.270	Limitation of liability.
5.50.280	Penalties for violation.
5.50.290	Public nuisance/injunctions.

5.50.010 Purpose and intent.

It is the purpose of this chapter to regulate sexually oriented businesses and related activities to promote health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the state or federal Constitutions, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene materials. (Ord. 826 § 1 (part), 1996)

5.50.020 Definitions.

For the purposes of this chapter certain terms and words are defined as follows:

“City” means the city of Woodland, Washington.

“Employee” means any and all persons, including managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of any business offering adult entertainment, adult theater, or adult use establishments, whether or not such person is paid compensation by the operator of said business.

“Entertainer” means any person who provides sexually oriented entertainment in an adult cabaret whether or not an employee of the operator and whether or not a fee is charged or accepted for such entertainment.

“Escort” means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

“Establishment” means and includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business; or
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented businesses defined herein;
3. The addition of any of the sexually oriented businesses defined herein to any other existing sexually oriented business; or
4. The relocation of any such sexually oriented business.

“Manager” means any person who manages, directs, administers, or is in charge of, the affairs and/or the conduct of a sexually oriented business.

“Nude or state of nudity” means the appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast.

“Operator” means and includes the owner, permit holder, custodian, manager, operator, or person in charge of any permitted or licensed premises.

“Permitted and/or licensed premises” means any premises that requires a license and/or permit and that is classified as a sexually oriented business.

“Permittee and/or licensee” means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

“Person” means any individual, firm, joint venture, copartnership, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver or any other group or combination acting as a unit.

“Semi-nude” means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

“Sexually oriented business” means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, semi-nude model studio, escort agency, or adult motel.

“Sexually oriented businesses” means those businesses defined as follows:

1. “Adult arcade” means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by an individual person, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
2. “Adult bookstore,” “adult novelty store,” or “adult video store” means a commercial establishment which has as a significant or substantial portion of its stock-in-trade or a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - b. An establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.
 - c. Video stores that sell and/or rent only video tapes or other photographic reproductions and associated equipment shall come within this definition if twenty percent or more of its stock-in-trade or revenues comes from the rental or sale of video tapes or other photographic reproductions or associated equipment which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
3. “Adult cabaret” means a nightclub, bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which features:
 - a. Persons who appear nude or semi-nude;
 - b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
 4. “Adult motel” means a hotel, motel, or similar commercial establishment which:
 - a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides,

or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

- b. Offers a sleeping room for rent for a period of time that is less than twenty hours; or
 - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty hours.
5. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of specified anatomical areas or specified sexual activities are regularly shown for any form of consideration.
 6. "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear nude or semi-nude, or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities.
 7. "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
 8. "Nude or semi-nude model studio" means any place where a person, who appears nude or semi-nude or displays specified anatomical areas, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

"Sexually oriented entertainment" means a live performance at an adult cabaret which is characterized by the performer's exposure of specified anatomical areas.

"Specified anatomical areas" means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of areolae; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified criminal acts" means any conviction or acts which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually

oriented business, including but not limited to, distribution of obscenity or material harmful to minors, prostitution or pandering.

"Specified sexual activities" means and includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. Masturbation, actual or simulated; or
4. Human genitals in a state of sexual stimulation, arousal or tumescence; or
5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 4 of this definition.

"Transfer of ownership or control of a sexually oriented business" means and includes any of the following:

1. The sale, lease or sublease of the business; or
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift or other similar legal instrument which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

(Ord. 826 § 1 (part), 1996)

5.50.030 Regulated uses.

The following sexually oriented businesses are subject to the regulations contained in this chapter:

- A. Adult arcade;
- B. Adult bookstore, adult novelty store, or adult video store;
- C. Adult cabaret;
- D. Adult motion picture theater;
- E. Adult theater;
- F. Semi-nude model studio;
- G. Escort agency;
- H. Adult motel.

(Ord. 826 § 1 (part), 1996)

5.50.040 Sexually oriented business permit required.

- A. No sexually oriented business shall be permitted to operate without a valid sexually oriented business permit, ("SOB" permit), issued by the city for the particular type of business. It shall be unlawful and a person commits a misdemeanor if he/she operates

or causes to be operated a sexually oriented business without such permit.

- B. The city clerk-treasurer or his/her designee is responsible for granting, denying, revoking, renewing, suspending, and canceling sexually oriented business permits and licenses. The city building official or his/her designee is responsible for ascertaining whether a proposed sexually oriented business for which a permit and/or license is being applied for complies with all requirements enumerated herein and all other applicable zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date of this chapter.
- C. An application for an SOB permit shall be made on a form provided by the city. Any person desiring to operate a sexually oriented business shall file with the city clerk-treasurer an original and two copies of a sworn permit application on the application form supplied by the city.
- D. The completed application shall contain the following information and shall be accompanied by the following documents:
1. If the applicant is:
 - a. An individual, the individual shall state his/her legal name and any aliases or previous married names and submit satisfactory proof that he/she is eighteen years of age;
 - b. A partnership, the partnership shall state its complete name, and the names of all partners, including their date of birth, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of Washington, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, and the address of the registered office for service of process.

As a part of the application process, each officer, director, or principal stockholder, as defined above, shall provide the clerk-treasurer with an affidavit attesting to their identity and relationship to the corporation. Principal stockholder shall mean those persons who own ten percent or greater interest in the sexually oriented business.
 2. Whether the applicant or any other individuals listed pursuant to subsection (D)(1)(b) and (c) of this section within a two-year period immediately preceding the date of the application has been

convicted of a specified criminal act and, if so, the specified criminal act involved, the date of conviction and the place of conviction.

3. Whether the applicant or any of the other individuals listed pursuant to this section has had a previous permit or license under this chapter or other similar ordinances from another city or county denied, suspended, or revoked, including the name and location of the sexually oriented business for which the permit or license was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation.
4. Whether the applicant or any other individual listed pursuant to this section holds any other permits and/or licenses under this chapter, et. seq. or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other permitted businesses.
5. The single classification of permit for which the applicant is filing.
6. The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.
7. The applicant's mailing address and residential address.
8. Two two-inch by two-inch black and white photographs of the applicant, including any corporate applicant, taken within six months of the date of the application, showing only the full face of the applicant. The photographs shall be provided at the applicant's expense. The license, when issued, shall have affixed to it one such photograph of the applicant.
9. The applicant or corporate applicant's driver's license number, social security number, and or his/her state or federally issued tax identification number.
10. Each application shall be accompanied by a complete set of fingerprints of each person required to be a party to the application, including all corporate applicants as defined above, utilizing fingerprint forms as prescribed by the chief of police.
11. In the case of an adult cabaret, a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with

marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

12. Applicants for a permit and/or license under this chapter shall have a continuing duty to promptly supplement application information required in the event that such information changes in any way from what is stated on the application. The failure to comply with such continuing duty within thirty days from the date of such change by supplementing the application on file with the city clerk-treasurer or his/her designee, shall be grounds for suspension of a permit and/or license.
13. In the event the city clerk-treasurer or his/her designee determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business permit or license, he/she shall promptly notify the applicant of such fact and allow the applicant ten days to properly complete the application. (The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application).
14. The applicant must be qualified according to the provisions of this section, must have a current city business license, and the premises must be inspected and found to be in compliance with health, fire, and building codes of the city.
15. The applicant shall be required to pay a nonrefundable application fee of one hundred dollars at the time of filing an application under this section. Note: This is a processing fee. License fees shall also be required in the event the application is approved.
16. The fact that a person possesses other types of state or city permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually oriented business permit.
17. The application form for licenses and permits issued under this chapter shall contain a provision providing that under penalty of perjury the applicant verifies that the information contained therein is true to the best of their knowledge.

(Ord. 826 § 1 (part), 1996)

5.50.050 Investigation and application.

- A. Upon receipt of an application properly filed with the city clerk-treasurer and upon payment of the nonrefundable application fee, the clerk-treasurer or his/her designee shall immediately stamp the application as received and shall immediately thereafter send photo-

copies of the application to other city departments or other agencies responsible for enforcement of health, fire, and building codes and laws. Each department or agency shall promptly conduct an investigation of the applicant's application and the proposed sexually oriented business. The investigation shall be completed within twenty working days of receipt of the application by the city clerk-treasurer or his/her designee. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its recommendation as to approval or disapproval of the application, date it, sign it, and in the event it recommends disapproval, state the specific reasons therefor citing applicable laws or regulations.

- B. A department or agency shall recommend disapproval of an application if it finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the city. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the city clerk-treasurer or his/her designee. (Ord. 826 § 1 (part), 1996)

5.50.060 Issuance of permit.

- A. The city clerk-treasurer or his/her designee shall grant or deny an application for a permit within thirty days from the date of its proper filing. Upon the expiration of the thirtieth day, unless the applicant requests and is granted a reasonable extension of time, the applicant shall be permitted to begin operating the business for which the permit is sought, unless and until the city or its designee notifies the applicant of a denial of the application and states the reason(s) for that denial.
- B. Grant of Application for Permit.
 1. The city clerk-treasurer or his/her designee shall grant the application unless one or more of the criteria set forth in subsection (B)(3) of this section (Denial of Application for Permit) is present.
 2. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it can be easily read at any time.
 3. Denial of Application for Permit. The city clerk-treasurer or his/her designee shall deny the application for any of the following reasons:

- a. An applicant is under eighteen years of age;
- b. An applicant is overdue on his/her payment to the city of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually oriented business;
- c. An applicant has failed to provide information required by this section or permit application for the issuance of the permit or has falsely answered a question or request for information on the application form;
- d. The applicant has failed to comply with any provision or requirement of this chapter.

(Ord. 826 § 1 (part), 1996)

5.50.070 Licenses required for sexually oriented businesses—Fees.

- A. No sexually oriented business shall be operated or maintained in the city unless the owner or operator has obtained an SOB permit as set forth above, and the applicable licenses from the city clerk-treasurer. For adult cabarets the required license shall be the adult cabaret license set forth in subsection (B) of this section. It is unlawful for any entertainer, employee, or operator to knowingly work in or about or knowingly perform any service directly related to the operation of an unlicensed adult cabaret business.
 - B. The annual fee for an adult cabaret business license shall be five hundred dollars. This amount shall be used for the cost of administration of this chapter.
 - C. The annual license fee for all other sexually oriented businesses described in Section 5.50.040 above shall be one hundred twenty-five dollars. This amount shall be used for the cost of administration of this chapter.
 - D. The above-referenced licenses expire annually on December 31st and must be renewed by January 1st.
 - E. In cases where the license becomes effective on a date other than January 1st, the license fee shall be pro-rated on a quarterly basis. The cost thereof shall be computed by pro-rating the annual fee on a quarterly basis rounded back to the beginning of the quarter in which the license is to be issued.
 - F. The applicant must be eighteen years of age or older.
- (Ord. 826 § 1 (part), 1996)

5.50.080 License for managers and entertainers of adult cabarets required—Fee.

- A. No person shall work as a manager or entertainer at an adult cabaret without having first obtained an entertainer's or manager's license from the city clerk-treasurer. Each such applicant shall not be required

to obtain a sexually oriented business permit, but shall complete an application containing the information identified in Section 5.50.040(D) and the same procedures shall be followed as set forth in Sections 5.50.050 and 5.50.060. A nonrefundable processing fee of twenty-five dollars shall accompany the application.

- B. The annual fee for such a license shall be one hundred dollars. This amount shall be used for the cost of administration of this chapter.
 - C. This license expires annually on December 31st and must be renewed by January 1st.
 - D. In cases where the license becomes effective on a date other than January 1st, the license fee shall be pro-rated on a quarterly basis. The cost thereof shall be computed by pro-rating the annual fee on a quarterly basis rounded back to the beginning of the quarter in which the license is to be issued.
 - E. The applicant must be eighteen years of age or older.
- (Ord. 826 § 1 (part), 1996)

5.50.090 Licenses for models and escorts.

No person shall work as a model at a nude or semi-nude model studio or as an escort as defined herein without having first obtained a model or escort license from the city clerk-treasurer.

- A. Each such applicant shall not be required to obtain a sexually oriented business permit, but shall complete an application containing the information identified in Section 5.50.040(D) and the same procedures shall be followed as set forth in Sections 5.50.050 and 5.50.060. A nonrefundable processing fee of twenty-five dollars shall accompany the application.
 - B. The annual fee for such a license shall be one hundred dollars. This amount shall be used for the cost of administration of this chapter.
 - C. This license expires annually on December 31st and must be renewed by January 1st.
 - D. In cases where the license becomes effective on a date other than January 1st, the license fee shall be pro-rated on a quarterly basis. The cost thereof shall be computed by pro-rating the annual fee on a quarterly basis rounded back to the beginning of the quarter in which the license is to be issued.
 - E. The applicant must be eighteen years of age or older.
- (Ord. 826 § 1 (part), 1996)

5.50.100 Due date for license fees.

All licenses required by this chapter must be issued and the applicable fees paid to the city clerk-treasurer at least fourteen calendar days before commencing work at a sexually oriented business. The SOB permit required by

Section 5.50.040 above must only be renewed based on changed circumstances as set forth in Section 5.50.040(D) (11). (Ord. 826 § 1 (part), 1996)

5.50.110 Manager on premises.

- A. A licensed manager shall be on duty at an adult cabaret business premises at all times live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities are provided.
- B. The licensed manager on duty shall not be an entertainer.
- C. It shall be the responsibility of the manager to verify that any entertainer who works or appears within the premises possesses a current and valid entertainer's license posted in the manner required by this chapter. (Ord. 826 § 1 (part), 1996)

5.50.120 License nontransferable.

No license or permit issued pursuant to this chapter shall be transferable. (Ord. 826 § 1 (part), 1996)

5.50.130 License—Posting and display.

- A. Every entertainer shall post his or her license in his or her work area so that it is readily available for public inspection.
- B. Every person, corporation, partnership, or association licensed under this chapter shall display its license in a prominent place within the establishment. In the case of adult cabarets, the name of the manager on duty shall be prominently posted during business hours. (Ord. 826 § 1 (part), 1996)

5.50.140 Specifications—Adult cabarets.

- A. Separation of Sexually Oriented Adult Entertainment Performance Area. The portion of the adult cabaret premises in which sexually oriented adult entertainment is performed shall be a stage or platform at least twenty-four inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least six feet from all areas of the premises to which patrons have access. A continuous railing at least three feet in height and located at least six feet from all points of the sexually oriented adult entertainment performance area shall separate the performance area and the patron areas.
- B. Lighting. Sufficient lighting shall be provided and equally distributed in and about the parts of the premises which are open to and used by patrons so that all objects are plainly visible at all times, and so that on any part of the premises which are open to and

used by patrons a program, menu, or list printed in eight-point type will be readable.

- C. Submittal of Plans. Building plans showing conformance with the requirements of this section shall be included with any application for an adult cabaret business license. (Ord. 826 § 1 (part), 1996)

5.50.150 Standards of conduct and operation applicable to adult cabarets.

- A. Standards for Patrons, Employees and Entertainers. The following standards of conduct must be adhered to by patrons, entertainers and/or employees of adult cabarets at all times live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities are provided.
 1. No employee or entertainer shall appear nude or semi-nude on any part of the premises open to view of members of the public, except on or in the entertainment performance area described in Section 5.50.140(A).
 2. No patron or customer shall go into or upon the adult entertainment performance area described in Section 5.50.140(A) while sexually oriented entertainment is being performed.
 3. No member of the public or employee or entertainer shall allow, encourage, or knowingly permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus, pubic area, or genitals of any other person.
 4. No member of the public or employee or entertainer shall allow, encourage, or permit physical contact between an employee or entertainer and any member of the public, which contact is intended to arouse or excite sexual desires.
 5. No employee or entertainer shall perform acts of or acts which simulate:
 - a. Sexual intercourse, masturbation, bestiality, sodomy, oral copulation, flagellation, or any sexual acts which are prohibited by law; or
 - b. The touching, caressing, or fondling of the breasts, buttocks, pubic area, or genitals.
 6. No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection.
 7. No entertainer of an adult cabaret shall be visible from any public place outside the premises during the actual or apparent hours of his or her employment or performance on the premises.
 8. No entertainer employed or otherwise working at an adult cabaret shall solicit, demand, accept,

or receive any gratuity or other payment from a patron, customer, or member of the public.

9. It is unlawful for any entertainer, manager, or wait person to perform more than one such function at an adult cabaret on the same business day.
10. No customer or patron of an adult cabaret shall give or otherwise provide an entertainer with a gratuity or other payment.
11. When not performing, entertainers are prohibited from being present in areas of the establishment that are open to the general public, except bathrooms.
12. Signs in both English and Spanish of sufficient size to be readable at twenty feet shall be conspicuously displayed in the public area of the establishment stating the following:

THIS ADULT CABARET IS REGULATED BY THE CITY OF WOODLAND. ENTERTAINERS ARE:

- (A) Not permitted to engage in any type of sexual conduct;
- (B) Not permitted to appear nude or semi-nude, except on stage;
- (C) Not permitted to dance or model where patrons are congregated;
- (D) Not permitted to solicit, demand, accept, or receive any gratuity or other payment from a patron.

B. Standards for Owner or Operator of Adult Cabarets. At any adult cabaret where live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities" are provided the following are required:

1. Admission must be restricted to persons of the age of eighteen years or more; and
2. Sufficient lighting shall be provided in or about the parts of the premises which are open to and used by the public so that all objects are plainly visible at all times.

(Ord. 826 § 1 (part), 1996)

5.50.160 Regulations applicable to adult arcades and adult bookstores.

All adult bookstores, adult novelty stores, or adult video stores having facilities for customers' viewing of depictions of human nudity and/or sexual conduct of any nature, including depictions of specified sexual activities, shall comply with the following regulations:

A. Construction/Maintenance.

1. All viewing booths shall be constructed or reconstructed so that the interior of the viewing booth is observable by persons in the aisles or other open areas of the establishment such that the lower thirty-six inches of the door is open to public view.
2. All such areas shall be maintained in a clean and sanitary condition at all times.

B. Signs.

1. Signs shall be conspicuously posted on the premises advising customers using viewing booths that:
 - a. Masturbation in such booths is prohibited and unlawful;
 - b. It is unlawful for more than one customer to occupy a viewing booth at any time.

C. Unlawful Conduct. The following conduct or activity is unlawful:

1. Masturbation in viewing booths;
2. Two or more customers in a viewing booth at the same time;
3. For the owner or manager to knowingly allow the above conduct.

(Ord. 826 § 1 (part), 1996)

5.50.170 Regulations applicable to video stores not qualifying as sexually oriented businesses.

Video stores that sell or otherwise distribute films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and less than twenty percent of their stock-in-trade or revenues comes from the rental or sale of such items shall be subject to the following regulations:

- A. All such items as are described above shall be physically segregated and closed off from other portions of the store such that these items are not visible and/or accessible from other portions of the store.
- B. No advertising for such items shall be posted or otherwise visible, except where such items are authorized for display.
- C. Signs readable at a distance of twenty feet in both English and Spanish shall be posted at the entrance to the area where such items are displayed stating that persons under the age of eighteen are not allowed access to the area where such items are displayed.

- D. The manager or attendant shall take reasonable steps to monitor the area where such items are displayed to insure that persons under eighteen years of age do not access the age-restricted area.
- E. Rental or sale of obscene material (as defined by state law) or material harmful to minors (as defined by state law) to persons under eighteen years of age is prohibited.
- F. Employees of such video stores shall check identification of persons appearing to be eighteen or under to insure that such items are not rented or sold to persons under the age of eighteen.

(Ord. 826 § 1 (part), 1996)

5.50.180 Exemptions.

The following activity is exempt from the provisions of this chapter:

- A. Persons appearing in a state of nudity or semi-nudity in a modeling class operated by:
 1. A proprietary school, licensed by the state of Washington; a college, junior college, or university supported entirely or partly by taxation;
 2. A private college or university approved by a national accrediting association, which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation;
- B. The modeling of clothing or lingerie in a facility having a full-service restaurant where no consideration is charged for the entertainment either directly or indirectly and specified anatomical areas are not exposed by the model.

(Ord. 826 § 1 (part), 1996)

5.50.190 License—Name of business and place of business.

No person granted a permit and/or license pursuant to this chapter shall operate a sexually oriented business under a name not specified in his/her license, nor shall he/she conduct business under any designation or at a location not specified in his/her permit and/or license.

(Ord. 826 § 1 (part), 1996)

5.50.200 Inspections.

- A. All books and records required to be kept pursuant to this chapter shall be open to inspection by the city clerk-treasurer or his/her designee during the hours when the licensed premises is open for business upon two days' written notice to the licensee. The purpose of such inspection shall be to determine if the books and records meet the requirements of this chapter.

- B. The licensed premises shall be (as an implied condition of receiving an SOB permit and/or license) open to inspection by the police chief or his/her designee during the hours when the sexually oriented business premises is open for business. The purpose of such inspection shall be to determine if the licensed premises is operated in accordance with the requirements of this chapter. It is hereby expressly declared that unannounced inspections are necessary to insure compliance with this chapter.

(Ord. 826 § 1 (part), 1996)

5.50.210 Hours of operation.

It is unlawful for any sexually oriented business premises, except adult motels, to be conducted, operated, or otherwise open to the public between the hours of two a.m. and eleven-thirty a.m. (Ord. 826 § 1 (part), 1996)

5.50.220 Recordkeeping requirements.

- A. Within thirty days following each calendar quarter, each sexually oriented business licensee shall file with the clerk-treasurer a verified report showing the licensee's gross receipts and amounts paid to entertainers, models, or escorts, if applicable, for the preceding calendar year.
- B. Each sexually oriented business licensee shall maintain and retain for a period of two years the names, address and ages of all persons employed or otherwise retained as entertainers, models, and escorts by the licensee.

(Ord. 826 § 1 (part), 1996)

5.50.230 Procedure for appealing a license/permit denial.

- A. When the clerk-treasurer refuses to grant a license or permit, he/she shall notify the applicant in writing of the same, describing the reasons therefore, and shall inform the applicant of his right to appeal to the city council within ten days of the date of the written notice by filing a written notice of appeal with the city clerk-treasurer containing a statement of the specific reasons for the appeal and a statement of the relief requested.
- B. Within ten days of receiving a timely appeal, the clerk-treasurer shall forward the administrative record of the licensing decision to the city council.
- C. When an applicant has timely appealed the clerk-treasurer's decision, the city council shall review the administrative record at the next regularly scheduled meeting for which proper notice can be given. Written notice of the date and time of the scheduled meeting will be given to the applicant by the clerk-

treasurer by mailing the same, postage prepaid, to the applicant at the address shown on the license or permit application.

- D. The applicant and clerk-treasurer or their representatives shall be given an opportunity to argue the merits of the appeal before the city council. Oral argument by each party shall not exceed ten minutes and shall be limited to the administrative record before the council. New evidence shall not be presented by the parties or accepted by the council.
- E. The city council shall uphold the clerk-treasurer's decision unless it finds the decision is not supported by substantial evidence in the administrative record. The applicant shall bear the burden of proof.
- F. The city council shall issue a written decision within ten days of hearing the appeal. The council may uphold the clerk-treasurer's decision and deny the permit, overrule the clerk-treasurer's decision and grant the permit, or remand the matter to the clerk-treasurer for further review and action. The clerk-treasurer shall complete further action or review within thirty days of receiving the remand.
- G. Appeal to the city council shall constitute final administrative review.

(Ord. 826 § 1 (part), 1996)

5.50.240 Suspension or revocation of license or permit—Procedures—Appeal.

- A. Whenever the city attorney has found or determined that any violation of this chapter has occurred, he shall issue a notice of violation and suspension or revocation ("notice") to the licensee or permit holder.
- B. The notice shall include the following:
 - 1. Name(s) of person(s) involved;
 - 2. Description of the violation(s), including date and section of this chapter violated;
 - 3. Description of the administrative action taken;
 - 4. Rights of appeal as set forth above.
- C. Service of the notice shall be either personally or by mailing a copy of the notice by certified mail, postage prepaid, return receipt requested, to the licensee at his or her last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time, date and the manner by which service was made.
- D. If the licensee appeals the notice, the licensee shall be afforded a reasonable opportunity to be heard as to the violation and action taken, subject to the following:

- 1. The licensee shall have ten days from personal service of notice, or fifteen days from date of mailing of the notice, to file with the city clerk-treasurer a written request for hearing specifying the reason(s) for the appeal.
 - 2. The city attorney shall have the burden to prove, by a preponderance of the evidence, that the identified violation(s) occurred.
 - 3. In all other respects, the procedures set forth in Section 5.50.230 shall be followed.
 - E. The suspension or revocation of a license by the city attorney shall be immediately effective unless a stay thereof is specifically requested in the written request for a hearing.
 - F. Either party may seek judicial review of a final decision of the city council as provided by law.
- (Ord. 826 § 1 (part), 1996)

5.50.250 Suspension or revocation of license permit—Duration.

- A. The city attorney shall suspend any license required by this chapter for a period of thirty days upon the licensee's first violation of this chapter.
 - B. The city attorney shall suspend any license required by this chapter for a period of ninety days upon the licensee's second violation of this chapter.
 - C. The city attorney shall revoke any license required by this chapter for a period of one year upon the licensee's third or any subsequent violation of this chapter.
 - D. Notwithstanding the other provisions of this chapter, the city attorney shall revoke or deny the renewal of any license required by this chapter for one year if the licensee has made any false or misleading statements or misrepresentations to the city.
 - E. Application for a new license may be made following the expiration of the applicable revocation period.
- (Ord. 826 § 1 (part), 1996)

5.50.260 Severability.

If any portion of this chapter as now or hereafter amended, or its application to any person or circumstance is held invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole, or any section, provision, or part thereof not adjudged to be invalid or unconstitutional, and its application to other persons or circumstances shall not be affected. Any ordinance or regulation in conflict with this chapter is hereby repealed. (Ord. 826 § 1 (part), 1996)

5.50.270 Limitation of liability.

None of the provisions of this chapter are intended to create a cause of action or provide the basis for a claim against the city, its officials, or employees for the performance or the failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public. (Ord. 826 § 1 (part), 1996)

5.50.280 Penalties for violation.

Any person violating any provision(s) of this chapter shall be guilty of a gross misdemeanor. Any person convicted of such a violation shall be punished by a fine of not more than five thousand dollars or a jail term of not more than one year, or both. Each such person is guilty of a separate gross misdemeanor for each and every day which any violation of this chapter is committed, continued, or permitted by any such person and said person shall be punished accordingly. Any persons violating any of the provisions of this chapter shall also be subject to license suspension or revocation as set forth herein. (Ord. 826 § 1 (part), 1996)

5.50.290 Public nuisance/injunctions.

Any sexually oriented businesses in violation of this chapter shall be deemed a public nuisance, which, in addition to all other remedies, may be abated by injunctive relief. (Ord. 826 § 1 (part), 1996)



Title 6

(Reserved)



Title 7

ANIMALS

Chapters:

7.04 Dogs, Cats and Other Pets



Chapter 7.04**DOGS, CATS AND OTHER PETS****Sections:**

7.04.010	Purpose.
7.04.020	Enforcement.
7.04.030	Definitions.
7.04.040	Licensing and registration requirements.
7.04.050	Regulations and violations relating to pet animals.
7.04.052	Cruelty to animals.
7.04.054	Confinement or restraint of a pet animal.
7.04.056	Venomous and constrictor reptiles.
7.04.058	Unlawful release of pet animal.
7.04.060	Impoundment and redemption.
7.04.070	Potentially dangerous dog or dangerous dog.
7.04.080	Infractions.

7.04.010 Purpose.

This chapter is enacted for the purpose of regulating the keeping of dogs, cats and other pet animals within the city of Woodland. (Ord. 852 § 2 (part), 1997)

7.04.020 Enforcement.

The animal services director, his/her designees, and other officers as defined in Section 7.04.030, are hereby authorized and delegated the responsibility for enforcement of laws set forth in this code and in RCW Chapters 16.08 and 16.52, including the issuance of misdemeanor citations and notices of infraction. (Ord. 852 § 2 (part), 1997)

7.04.030 Definitions.

As used in this chapter, the following terms are defined in this section:

“Abandon” means the act of leaving a pet animal without humane care in such a way that the health and safety of the animal is imperiled.

“Animal” means any nonhuman mammal, bird, reptile, or amphibian.

“Animal services” means the humane society of Cowlitz County or such other agency designated to enforce this ordinance and operate a shelter facility by the city of Woodland for the purpose of impounding, caring for, placing through adoption, returning to owners and euthanizing pet animals.

“Animal services director” means the director of the humane society of Cowlitz County or the director of such agency as the city designates to provide animal control.

“At large” means any pet animal that is not in the physical presence or control of an owner or keeper or is under the following circumstances:

1. When a dog, licensed or not, is found off the premises or outside the vehicle of the owner and not under control of a person by means of a leash, carrier or demonstrated voice command; or
2. For the purpose of this section, the dog is presumed not to be under control and to be at large if the person purporting to exercise control is unable to immediately cause the dog to heel by giving the appropriate voice command; or
3. When an unleashed dog interferes with pedestrian or vehicular movement or causes affront or alarm to a person or if injury, damage or trespass has been caused by the dog; or
4. When a cat is on property where the property owner or tenant objects to the presence of the cat and has humanely trapped or otherwise contained the cat.

“Dangerous dog” means a dog that according to the records of animal services has committed serious offenses as more fully set forth in Section 7.04.070.

“Domestic animal” means an animal other than a pet animal which may or may not be used as a food source such as, but not limited to, a rabbit, chicken, goat, sheep, cow or horse.

“Euthanasia” means the humane killing of an animal.

“Exotic animal” means an animal, such as, but not limited to, venomous or constrictor type reptiles, primates.

“Harbors, keeps, possesses, or maintains a pet animal” means providing care, shelter, protection, refuge, food, or nourishment in such manner as to influence the behavior of the animal; or, treating the animal as living at one’s premises or property.

“Humane care” means care of an animal that includes, providing necessary food, water, shelter, rest, sanitation, ventilation, space and medical attention in a way that the health and safety of the animal is not imperiled.

“Impound” means to take control of any animal pursuant to the terms of this chapter.

“Leash” means a cord, thong or chain by which a dog is controlled by the person accompanying it.

“License” means the dog or other pet animal license issued for registration and identification.

“Nuisance pet animal” means a pet animal that:

1. Damages or destroys landscaping or property of another person, including destruction of wildlife that has been purposefully attracted to the person's property; or
2. Soils or defecates on public or private property other than the owner's, unless such waste is immediately removed and properly disposed of by the owner of the pet animal; or
3. Causes unsanitary, dangerous, or offensive conditions; or
4. Is a female dog or cat in heat not confined within a structure to prevent access of male dogs or cats except for planned breeding; or
5. Chases people or vehicles, or molests or interferes with persons or other animals on public or private property other than the owner's property; or
6. Habitually or continually disturbs the peace and quiet of any individual or neighborhood by barking, whining, howling or making any other noise; or
7. Trespasses on private property and the property owner or tenant supplies a written complaint to animal services, and, in the case of a cat, physically contains the cat.

"Officer" means any animal services officer, police officer, or other commissioned person designated by the city to issue citations, pick up, restrain, impound, place, or dispose of animals or give notice for any other acts, duties or functions prescribed by this chapter or other chapters relating to pet animals.

"Owner" means any person who harbors, keeps, possesses or maintains a pet animal, or who encourages a pet animal to remain about their premises for a period of fourteen consecutive days or more, or the person named on the license/registration record of any animal as the owner. The parent or guardian of an owner under eighteen years of age shall be deemed the owner for the purposes of this chapter.

"Pet animal" means any species of wild or domestic animal sold or retained for the purpose of being kept for pleasure, companionship or utilitarian purposes and not kept as a food source.

"Potentially dangerous dog" means a dog that according to the records of animal services has committed serious offenses as more fully set forth in Section 7.04.070.

"Restrained" means secured by a leash and under physical control of a person with the strength and judgment to handle the animal, or tethered to a stationary object which keeps the animal confined to the pet owner's property.

"Severe injury" means any physical injury that results in broken bones or lacerations requiring sutures or cosmetic surgery.

"Sterilized" means the animal is surgically rendered incapable of reproduction by means of castration or an ovariectomy. (Ord. 852 § 2 (part), 1997)

7.04.040 Licensing and registration requirements.

- A. Failure to License a Pet Animal. Except as otherwise provided in this chapter, it is unlawful for any person to own, keep or have control of any dog or other pet animal over that age of six months and for whom a license is required in the city of Woodland unless the person has procured a license. Failure to license a pet animal is a class 4 civil infraction.
- B. Issuance of License Tag. Animal services or agents thereof shall provide an appropriate identification tag for each dog, or other pet animal for whom a license is required, licensed to persons applying, upon payment of the appropriate license fee. It shall be the responsibility of the owner of a dog or other pet animal to keep a collar or harness on the animal with the license tag firmly attached if the animal is off the owner's property.
- C. Supplemental Identification. Tattooing or microchip implantation are acceptable auxiliary means of identification but do not replace the license.
- D. Lack of Authorized and Current Tag. A dog or other pet animal without an authorized and current license tag may be impounded, except as otherwise set forth in this chapter.
- E. Annual License Fees. License fees shall be established by resolution of the city council.
- F. Date Due. All licenses granted under this chapter shall be valid for one year, the licensing year commencing on January 1st and running through December 31st. As a condition to issuance or reissuance of a license, the license applicant shall provide proof that the pet animal for whom the license is intended has a current rabies vaccination certification.
- G. Licenses Nontransferable. Licenses shall not be transferable from one pet animal to another.
- H. Tag Removal Unlawful. It is unlawful for any person to remove a tag from any pet animal, or to obliterate any tattoo or microchip registered under this chapter without the permission of the owner or issuing authority other than in a medical emergency. A violation of this provision shall be a gross misdemeanor.
- I. Kennel or Cattery Permit. A permit for a kennel or cattery, as defined in the zoning ordinance, may be

granted for those zones where such use is not prohibited.

- J. **Exotic Animals.** Owners of constrictor type reptiles over eight feet in length, venomous reptiles, and primates are required to annually register such animals with animal services by completing a form provided by animal services. Failure to register such animals shall be a misdemeanor.
(Ord. 907 § 1, 1998; Ord. 852 § 2 (part), 1997)

7.04.050 Regulations and violations relating to pet animals.

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

- A. **Dog at Large.** Such person's dog is at large as defined in Section 7.04.030; provided, however, this section shall not prohibit the owner and pet animal from participating in an organized show or training, exercise or hunting session in locations designated and authorized for that purpose.
- B. **Nuisance Pet Animal.** Such person's pet animal constitutes a nuisance pet animal as defined in Section 7.040.030. Nuisance pet animal is a class 4 infraction with a monetary penalty of twenty-five dollars.
- C. **Pet Animal on Public Property.** Such person's pet animal is on public property such as a public park, beach or school ground and not on a leash held by a person who is able to maintain physical control, or proper safeguards have not been taken to protect the public and property from injury or damage from said animal, or is in violation of additional specific restrictions which have been posted. Such restrictions shall not apply to guide dogs for the visually impaired or service animals for the physically handicapped, or public property specifically designated by the city of Woodland as not requiring a leash. Pet animals on public property is a class 4 infraction with a monetary penalty of twenty-five dollars.
- D. **Injury to a Person or Animal.** Such person's pet animal causes injury to a person or domes-

tic or pet animal (see also potentially dangerous dog or dangerous dog, Section 7.04.070). Injury to a person or animal is a misdemeanor.

- E. **Failure to Remove Fecal Material.** Such person: (1) fails to possess and use the equipment or material necessary to remove animal fecal matter when accompanying an animal in public parks; or (2) fails to remove animal fecal matter when accompanying an animal off the owner's property. Failure to comply constitutes a class 4 infraction with a monetary penalty of twenty-five dollars.
- F. **Failure to Sterilize an Adopted Pet Animal.** Such person, when adopting a pet animal services shelter, fails to have the pet sterilized within the time period specified in the written agreement, unless specifically recommended by a veterinarian in writing, or in cases of verifiable placement within a governmental law enforcement agency. Failure to sterilize an adopted pet animal is a class 4 infraction with a monetary penalty of twenty-five dollars.
- G. **Failure to Provide Humane Care.** Such person fails to provide a pet animal with humane care as defined in Section 7.04.030. Failure to provide humane care is a misdemeanor.
- H. **Failure to Meet Terms of Quarantine.** Such person fails to accept or to meet the terms of the quarantine notice served pursuant to Cowlitz County health department regulation after an animal has bitten a human. Failure to meet terms of quarantine is a misdemeanor.
- I. **Keeping of Pets and Domestic Animals that are Not Allowed in Residential Zoning Districts.** Such person fails to comply with requirements for pet and animal keeping specified in Title 17. Failure to meet terms of Title 17 with regards to pet and animal keeping in residential zoning districts is a class 4 infraction with a monetary penalty of twenty-five dollars.

(Ord. 852 § 2 (part), 1997)

(Ord. No. 1249, §§ 4—8, 10-1-2012)

7.04.052 Cruelty to animals.

No person shall do the following to any animal: beat, cruelly ill-treat, torment, overwork, deliberately injure, deliberately deny humane care, abuse, inhumanely kill, cause or instigate any dogfight, cockfight,

or other combat, including baiting by setting a dog on another animal that is chained or confined, or perform or omit other actions as set forth in RCW Chapters 16.52 and 16.54. Killing of rodents, moles or shrews by traps specified for these species, slaughter of food source animals, or hunting of animals as set forth in RCW Chapter 77.32 are exempt from this provision. Humane euthanasia of animals by animal services or veterinarians shall not constitute a violation of this chapter. Cruelty to animals is a misdemeanor. (Ord. 852 § 2 (part), 1997)

7.04.054 Confinement or restraint of a pet animal.

A pet animal shall not be trapped in any manner that subjects the animal to injury inherent in the mechanism of the trap. A humane box trap may be set on a complainant's property for the purpose of trapping nuisance pet animals. Animals which are caught in such a trap must be returned to their owners or taken to animal services. Injurious confinement or restraint of a pet animal is a misdemeanor. (Ord. 852 § 2 (part), 1997)

7.04.056 Venomous and constrictor reptiles.

A humane and secure facility shall be provided for constrictor type reptiles over eight feet in length and all venomous reptiles. Escape of any venomous reptile or constrictor type reptile over eight feet in length must be reported immediately to animal services. Failure to comply constitutes a misdemeanor. (Ord. 852 § 2 (part), 1997)

7.04.058 Unlawful release of pet animal.

No person other than the owner or an officer acting in an official capacity to enforce this chapter shall release a pet animal from any enclosed area within which the animal is properly restrained or from any restraining device such as a leash or chain by which the animal is properly restrained. Unlawful release of a pet animal is a misdemeanor. (Ord. 852 § 2 (part), 1997)

7.04.060 Impoundment and redemption.

- A. Impoundment. An officer may impound any pet animal in violation of Section 7.04.050.
- B. Notification of Owner. Upon any pet animal being impounded, animal services shall, as soon as feasible, notify the owner, if the owner is known, of the

impoundment of the pet animal, and the terms required for the pet animal's return to the owner. Notification may be by telephone, or by other means appropriate for the circumstances, and shall include a description of the pet animal, the reason for impoundment, the general location where the animal was found, and the date when the impounding occurred, and shall advise the owner that the pet animal may be placed for adoption or euthanized by animal services unless reclaimed within the time limits provided in this section.

- C. Reclaim of Pet Animal. The owner may reclaim any pet animal impounded under this chapter within a seventy-two-hour hold period, excluding Sundays and holidays, from the time of impoundment by paying a service charge pursuant to a posted schedule of fees duly adopted by the humane society of Cowlitz County, and, if the pet animal is a pet animal which is not licensed, shall also pay the appropriate fee for a license. Payment of service or impoundment charges are in addition to any fine, penalty, or medical fee incurred.
 1. Failure by Owner to Reclaim. If the owner of the pet animal can be identified and fails to reclaim the pet or sign a release of ownership of the pet animal within the seventy-two-hour holding period, the pet animal will be considered released to animal services. However, the owner will remain responsible for payment of the impound, medical and service fees.
 2. Availability for Adoption. If the pet animal is not redeemed by the owner within seventy-two hours of notice of impoundment, it will be made available for adoption during the next seventy-two hours, excluding Sundays and holidays, unless in the opinion of the animal services director or director's designee, the animal is unsuitable for adoption, in which case it may be humanely destroyed.
 3. Late Reclaim. If a pet is adopted after the seventy-two-hour holding period, and an owner appears to reclaim the animal after that time, return of the animal to the original owner shall be at the discretion of the adopter.
- D. Owner Unknown. If the owner of a pet animal is not known, a notice providing appropriate information as described in Section 7.04.060(B) above shall be recorded onto a telephone message device

maintained by animal services. This notice shall continue to be recorded for a period of seventy-two hours from the date of impoundment, or less if said pet animal is reclaimed or adopted after the seventy-two-hour holding period required by Section 7.04.060(C).

- E. Sick and Injured. All seriously sick or injured pet animals, licensed or not, may be impounded when not in the owner's possession and may be given emergency medical treatment or euthanized. Costs for any medical treatment provided in this manner will be the responsibility of the owner of the pet animal, if known, or, if unknown, by animal services. The animal services director or designee shall immediately notify the owner, if the owner is known, and if the owner is unknown, make all reasonable efforts to locate and notify the owner.
- F. Abandoned Pet Animals. Officers are empowered to impound any pet animal found abandoned within any building, establishment, or premises, whether public or private. Upon such impoundment, animal services shall treat such pet animal in the same manner as other impoundments provided for in this chapter. Litters of puppies and kittens under three months of age brought to or left at the animal shelter may be made available for adoption, placed in foster care or euthanized immediately at the discretion of the director or the director's designee.
- G. Humane Destruction. If any pet animal is not redeemed or adopted at the end of the seventy-two-hour holding period from the time it entered the shelter, it may be euthanized.

(Ord. 852 § 2 (part), 1997)

7.04.070 Potentially dangerous dog or dangerous dog.

- A. Classification. The animal services director or designee shall have authority to classify potentially dangerous dogs and dangerous dogs. The animal services director may find and declare an animal potentially dangerous or dangerous if there is probable cause to believe that the animal's action falls

- within the descriptions which follow. The finding must be based upon the written complaint of a person who has pertinent information and who is willing to testify that the dog has acted in a manner which may cause it to be classified as a dangerous dog or a potentially dangerous dog; and one of the following:
1. Reports on file with animal services about previous aggressive behavior by the dog; or
 2. Actions of the dog witnessed by any animal services officer or law enforcement officer; or
 3. Other substantial evidence.
- B. Actions Resulting in Designation. The following actions may result in the designation as a potentially dangerous dog or dangerous dog.
1. A dog shall be declared potentially dangerous if, unprovoked, it:
 - a. Inflicts bites on a human or a pet or domestic animal either on public or private property; or
 - b. Chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack, or
 - c. Has a known propensity to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or pet or domestic animals.
 2. A dog shall be declared dangerous when, according to the records of animal services, the dog has:
 - a. Inflicted severe injury on a human being without provocation while on public or private property;
 - b. Killed a pet or domestic animal without provocation while off the owner's or keeper's property; or
 - c. Aggressively bitten, attacked or endangered the safety of humans or pet or domestic animals after previously having been found to be potentially dangerous, and the owner or keeper has received written warning.
 3. A dog shall not be declared potentially dangerous or dangerous if:
 - a. The threat, injury or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner or keeper of the dog; or
 - b. The person was tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog; or
 - c. The person was committing or attempting to commit a crime; or
 - d. Another pet animal or domestic animal has entered the property of the owner of the dog without invitation; or
 - e. The dog, when on a leash, is responding to attack by another pet or domestic animal whether on or off the owner's premises.
- C. Declaration as Potentially Dangerous or Dangerous Dog.
1. The declaration of potentially dangerous or dangerous shall be in writing and shall be served on the owner or keeper in one of the following methods:
 - a. Certified mail to the owner or keeper's last known address; or
 - b. Personally; or
 - c. If the owner or keeper cannot be located by one of the first two methods, by publication in a newspaper of general circulation.
 2. The declaration shall state at least:
 - a. The description of the dog;
 - b. The name and address of the owner or keeper of the dog;
 - c. The whereabouts of the dog if it is not in the custody of the owner or keeper;
 - d. The facts upon which the declaration of potentially dangerous or dangerous is based;
 - e. The availability of a hearing in case the person objects to the declaration, if a written request is made within ten days;
 - f. The restrictions placed on the dog as a result of the declaration of potentially dangerous or dangerous;
 - g. The penalties for violation of the restriction, including the possibility of destruction of the dog, and imprisonment or fining of the owner or keeper.
 3. If the owner or keeper of the dog wishes to object to the declaration of potentially dangerous or dangerous; the owner or keeper may, within ten days of receipt of the declaration, or within ten days of publication of the declaration pursuant to Section 7.04.070(C)(1)(c), request a hearing before the animal services director.
 - a. If the director finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.
 - b. If the director finds sufficient evidence to support the declaration the director may

- impose the same or different restrictions on the dog.
- c. While the appeal is pending before the director, the potentially dangerous or dangerous dog must be confined to the owner's property in such a way to prevent approach of the public or other pet or domestic animals. When in a vehicle, the dog must be securely restrained to prevent escape.
4. The owner or keeper of a dog declared to be potentially dangerous or the complaining citizen may appeal the findings of the director of animal services to the public safety committee.
 - a. The owner or keeper of a dog declared to be potentially dangerous or the complaining citizen must submit a written request for a review of the director's findings to the director within ten days of receipt of the written findings.
 - b. The owner or keeper and the complaining citizen shall be notified of the time and place for the review hearing.
 - c. The public safety committee may affirm, reverse or modify the findings of the animal services director.
 - d. The decision of the public safety committee shall be mailed by certified mail to the owner/keeper and complaining citizen.
- D. Control and confinement of potentially dangerous or dangerous dogs includes:
1. Potentially Dangerous Dogs.
 - a. Must be securely leashed and under the control of a person physically able to restrain and control the animal when away from the premises of the owner or keeper; or
 - b. While on the premises of the owner or keeper must be securely restrained by means of a physical device or structure such as a tether, trolley system, or other physical control device or any structure made of materials sufficiently strong enough to adequately and humanely confine the dog in a manner which prevents it from escaping the premises; or
 - c. Conformance with other restrictions which may be set forth in the notice classifying the dog as potentially dangerous.
 2. Dangerous Dogs.
 - a. Must be securely muzzled and leashed and under the control of a person physically able to restrain and control the dog if the dog is away from the premises of the owner or keeper; or
 - b. While on the premises of the owner or keeper, the dog must be securely confined inside a locked building, kennel, pen, or other structure having secure sides, bottom, and top, suitable to prevent the entry of young children and designed to prevent the animal from escaping; and
 - c. Conformance with other restrictions which may be set forth in the notice classifying the dog as dangerous.
- E. Certificate of Registration as Dangerous Dog. The animal services director shall issue a certificate of registration to the owner or keeper of a dangerous dog if the owner or keeper presents sufficient evidence of:
1. A proper enclosure to confine the dog, which meets the requirements of Section 7.04.070(D), and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property; and
 2. A surety bond issued by a surety insurer qualified under RCW Chapter 48.28, in a form acceptable to the animal services director in the sum of at least fifty thousand dollars, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurer qualified under RCW Title 48 in the amount of at least fifty thousand dollars, insuring the owner or keeper for any injuries inflicted by the dangerous dog; and
 3. Such other identifying information as may be required by the animal services director; and
 4. Certification that the owner or keeper is aware of and understands the nature of the dog and the provisions of the law which apply to it; and
 5. Payment of an annual registration fee for a dangerous dog in a sum to be set by resolution of the city council, which shall be in addition to the annual license fee.
- F. Any dog declared by animal services to be a dangerous or potentially dangerous dog shall be identified in the following manner:
1. Tattoo or Microchip.
 - a. Any dangerous or potentially dangerous dog shall be required to wear a tattoo on the inner upper thigh or be injected with a microchip for electronic identification as directed by animal services.
 - b. Such tattoo will be series of alphabetical and/or numerical symbols denoting the county, state, and such other information as may be required by animal services to provide

- positive identification of the dog. Such microchip will be a type for use by animal services.
- c. Such tattoo or microchip shall be applied to the dog at the expense of the owner or keeper of the dog.
2. Collar.
 - a. Any dangerous dog shall be required to wear a distinctive collar denoting classification of the dog as required by animal services.
 - b. Lost collar replacement fee shall be twenty dollars.
- G. 1. The owner of a potentially dangerous or dangerous dog shall notify animal services prior to moving the animal from its registered address.
2. If the potentially dangerous or dangerous dog is deceased, the owner must notify the animal services within seventy-two hours.
- H. Violations Relating to Potentially Dangerous or Dangerous Dog Regulations.
1. Any potentially dangerous or dangerous dog which is in violation of the restrictions contained within this section or of restrictions imposed as part of the declaration of potentially dangerous or dangerous dog, may be seized and impounded at the expense of the dog owner.
 2. Any person violating the provisions of this section relating to keeping, securing or confining of potentially dangerous dogs shall be deemed guilty of a misdemeanor and shall be subject to those penalties set forth in RCW 9A.20.021(3).
 3. Any person violating the provisions of this section relating to keeping, securing or confining of dangerous dogs shall be deemed guilty of a gross misdemeanor and shall be subject to those penalties set forth in RCW 9A.20.021(2).
 4. The animal services director may petition Cowlitz County district court to determine disposition of such potentially dangerous or dangerous dog. The owner or keeper of such dog shall be given notice of such hearing and attendance shall be mandatory. After hearing, the court may rule that:
 - a. There is insufficient evidence to support the allegations made, whereupon the dog will be released to its owner subject to any restrictions imposed upon it previously; or
 - b. The dog shall be euthanized by animal services; or
 - c. Under special circumstances and subject to the restrictions of RCW Chapter 16.08, the owner or keeper may be allowed to permanently remove the dog from the county; provided that adequate security or assurance against its return is given, and the court is convinced that the dog will be kept in such a manner that it is no longer a danger to persons, property or other animals.
- I. Other Dangerous Pet Animals. The animal services director or designee shall have authority to classify other pet animals as dangerous under the same criteria as used in Section 7.04.070(A) for dogs. Such designation will be based on specific actions by the animal such as those noted in Section 7.04.070(B) and the animal services director or designee shall have authority to require the owner of such pet animal to take certain actions to control or confine the pet animal. Once a pet animal has been declared potentially dangerous or dangerous, any violations of the provisions of this section will be handled in the same manner as violations under Section 7.04.070(F).
- (Ord. 852 § 2 (part), 1997)

7.04.080 **Infractions.**

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

- A. Section 7.04.040(A): Failure to license;
- B. Section 7.04.050(A): Dog at large;
- C. Section 7.04.050(B): Nuisance pet animal;
- D. Section 7.04.050(C): Pet animals on public property;
- E. Section 7.04.050(E): Failure to remove fecal material;
- F. Section 7.04.050(F): Failure to sterilize an adopted pet animal;
- G. Section 7.04.050(G): Keeping of pets and domestic animals that are not allowed in residential zoning districts.

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

7.04.080

applicable court rules. (Ord. 852 § 2 (part), 1997)
(Ord. No. 1249, § 9, 10-1-2012)

Title 8

HEALTH AND SANITATION*

Chapters:

- 8.04** **Vegetation**
- 8.08** **Garbage Collection and Disposal**
- 8.12** **Nuisances**
- 8.16** **Horseshoe Lake Park**
- 8.20** **Junk and Junk Vehicles**

***Editor's note**—Res. No. 613, adopting the 2011 Cowlitz County Solid Waste Management Plan and Moderate Risk Hazardous Waste Management Plan is on file in the office of the clerk-treasurer available for review.

Chapter 8.04**VEGETATION****Sections:**

- 8.04.010** **Removal of trees and shrubs obstructing sidewalks or streets.**
- 8.04.020** **Notice to remove.**
- 8.04.030** **Service of notice.**
- 8.04.040** **Hearing by city council.**
- 8.04.050** **Cost of removal.**
- 8.04.060** **Lien.**
- 8.04.070** **Failure to remove—Penalty.**

8.04.010 **Removal of trees and shrubs obstructing sidewalks or streets.**

The owner of any property within the city shall remove all trees, plants, shrubs or vegetation, or any parts thereof, which overhang any sidewalk or street or which are situated on the property or on the portion of the street or sidewalk abutting thereon, in such manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians or persons operating vehicles thereon, or interfering with sidewalks, streets, poles, wires, pipes, fixtures or any other part of any public utility situated in the street. In addition thereto, such vegetation which has grown or died upon any property and is a fire hazard to public health, safety and welfare shall also be removed. (Ord. 866 § 2 (part), 1997)

8.04.020 **Notice to remove.**

Whenever in the opinion of the public works director or his designee, any trees, plants, shrubs or vegetation or parts thereof, should be removed or destroyed for any of the reasons set forth in Section 8.04.010 he shall cause a notice to be served on the owner of the property in the manner hereinafter set forth. Such notice shall describe the property involved and the condition to be corrected and shall require that the owner cause the condition to be corrected within such period of time as shall be designated in the notice. The notice shall further provide that if the condition is not corrected within the time specified, that after the termination of such period of time and on a date specified in the notice, a resolution will be presented to the city council to provide for the removal or destruction of the trees, plants, shrubs, vegetation or parts thereof, and the cost of that removal or destruction become a charge against the owner and a lien against the property. (Ord. 866 § 2 (part), 1997)

8.04.030 **Service of notice.**

The notice provided for in Section 8.04.020 shall be served by delivering the notice or a copy thereof to the owner personally or by leaving the same at his place of residence with a person of suitable age or discretion or if the owner is not a resident of the city by leaving the same with the agent handling the property or the tenant in possession thereof, or if there be no such agent or tenant, by posting a copy of the notice in a conspicuous place on the premises involved and mailing a copy thereof to the owner at his last known place of residence, if any. (Ord. 866 § 2 (part), 1997)

8.04.040 **Hearing by city council.**

If the conditions described in the notice have not been corrected prior to the time specified therein, a resolution shall be presented to the city council on the date designated in the notice therefor, which resolution shall provide that the public works director shall after the date set therein forthwith cause the removal or destruction of the vegetation, or any part thereof, as specified or complained of in the notice. Upon introduction of the resolution, the owner shall be entitled to be heard and to show cause, if any, why the vegetation or such part thereof should not be removed or destroyed. The finding of the city council determining that the vegetation described in the notice is or is not a nuisance shall be conclusive. If the city council finds that the same is a nuisance and the owner has appeared at the hearing thereon, the owner may in the discretion of the council be given such additional time as may be specified by the council to abate the nuisance. (Ord. 866 § 2 (part), 1997)

8.04.050 **Cost of removal.**

Whenever, after authorization by resolution of the city council, any trees, plants, shrubs or vegetation, or parts thereof, are removed or destroyed, the department causing the removal or destruction thereof shall keep an accurate record of the necessary costs thereof and such costs shall become a charge against the owner and a lien against the property as authorized by RCW 35.21.310. (Ord. 866 § 2 (part), 1997)

8.04.060 **Lien.**

Notice of the lien herein authorized shall as nearly as practicable be in substantially the same form, filed with the same officer within the same time and manner and enforced and foreclosed as is provided by law for liens for labor and material. (Ord. 866 § 2 (part), 1997)

8.04.070 Failure to remove—Penalty.

The owning or maintaining of any trees, plants, shrubs, vegetation or parts thereof, in the manner described in Section 8.04.010 is hereby declared to be a public nuisance. Anyone violating the provisions of this chapter by failing to abate such nuisance within the time specified in the notice hereinbefore described or within the time set by resolution of the city council, whichever time may be later, shall upon conviction thereof be guilty of a misdemeanor and shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the city jail for a period not exceeding ninety days, or by both such fine and imprisonment. Each twenty-four hour period during which such nuisance continues after notice to abate has been given shall constitute a separate chargeable violation. In addition thereto, all nuisance violations described herein shall also be actionable, if appropriate under Chapter 8.12. (Ord. 866 § 2 (part), 1997)

Chapter 8.08

GARBAGE COLLECTION AND DISPOSAL

Sections:

8.08.010	Definitions.
8.08.020	System—Established.
8.08.030	City authority.
8.08.040	Contractor—Duty.
8.08.050	Contractor—Equipment—Route.
8.08.060	City—Fee collection.
8.08.080	Fund established.
8.08.090	System—Use required.
8.08.100	Frequency of collection.
8.08.105	Frequency of collection— Materials for recycling.
8.08.110	Condition of cans and containers.
8.08.120	City action upon accumulation of garbage.
8.08.130	Collector rights and duties.
8.08.140	Rates—Residential and commercial.
8.08.150	Rates—Noncompacted and compacted garbage.
8.08.160	Rates—Loose and bulky material.
8.08.170	Extra charge—Cans and refuse material more than eighty feet from curblines.
8.08.180	Extra charge—Return trip.
8.08.190	Rates—Residential—Low income senior citizens' and low income disabled persons' discount.
8.08.200	Collector—Record of collection.

8.08.010 Definitions.

The following terms when used in this chapter shall have only the meanings designated below:

“Bale” means material compressed by machine and securely strapped and banded.

“Bulky material” means stoves, refrigerators, water tanks, washing machines, furniture and other waste materials other than construction debris, dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for containers.

“Compacted material” means any material which has been compressed by any mechanical device either before or after it is placed in the receptacle/container.

“Construction debris” means waste building materials resulting from construction, remodeling, repair or demolition operations, except substances considered as hazardous waste.

“Container” means a roll-out receptacle with a capacity of sixty to ninety gallons constructed of plastic, having handles and wheels, and having a tight fitting lid capable of preventing entrance into by vectors. It shall also include stationary receptacles with a capacity of three hundred to four hundred fifty gallons, constructed of plastic, and having a tight-fitting lid.

“Curb-side” means that portion of property immediate of a curblines or that portion of the right-of-way adjacent to a paved or traveled roadway.

“Disposal site” means a refuse depository including but limited to sanitary landfills, transfer stations, incinerators, and waste processing/separation centers licensed, permitted or approved to receive for processing or final disposal of garbage/refuse and dead animals by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals.

“Drop box” means a receptacle constructed of steel, having a capacity of twenty to forty cubic yards which is placed on a truck by mechanical means, hauled to a disposal site and returned.

“Extra” means occasional extra waste material (units, boxes, cartons, bags, etc.) which can be readily and easily loaded by hand into the contractor's truck.

“Garbage” means every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, fruits, grains, or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers; and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); except (in all cases) any matter included in the definition of bulky materials, construction debris, dead animals, hazardous waste and rubbish.

“Hazardous waste” means any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the state to be “hazardous” as that term is defined by or pursuant to federal or state law.

“Loose material” means material requiring shoveling.

“Noncurb” means the placement of a container at a point other than the curbside.

“Recycle material” means all solid wastes that are separated for recycling or reuse, such as papers, metals, plastics and glass.

“Refuse” means all garbage, rubbish wastes and construction debris generated by a residence and all commercial/industrial places of business.

“Rubbish” means all waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves,

dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of bulky materials, construction debris, garbage and hazardous waste.

“Special pickup” means the picking up or hauling of materials such as bulky material, construction debris, or other materials that cannot be picked up on a regular collection route.

“Stationary packer” means a receptacle of variable capacity constructed of steel and designed to compact refuse and be picked up as by definition “drop box.”

“Unit” means one can made of durable, corrosion resistant, nonabsorbent material, watertight with a close-fitting cover and two handles, and shall not exceed thirty-two gallons or four cubic feet or fifty pounds (including contents). A unit can also mean a (box, carton, bags, etc.) that are no more than fifty pounds by weight and four cubic feet by dimension. (Ord. 913 § 2, 1999)

8.08.020 System—Established.

A garbage collection and disposal system for the city is established, to be maintained and operated as provided in this chapter. (Ord. 378 § 1, 1973)

8.08.030 City authority.

The collection and disposal of garbage, refuse and industrial waste within the city shall be regulated by and under the direction of the officials of the city. (Ord. 378 § 2, 1973)

8.08.040 Contractor—Duty.

The contractor shall collect and dispose of the garbage, refuse and industrial waste of the city and its inhabitants. The garbage, refuse and industrial waste is to be collected and disposed of as required by the city and ordinances now in effect. (Ord. 378 § 3, 1973)

8.08.050 Contractor—Equipment—Route.

The contractor shall provide all trucks, mechanical equipment, containers, drop boxes, together with repairs therefor, needed or required in the disposal of garbage and refuse, and pay all operating costs of the equipment. The contractor shall haul the garbage and refuse to an established sanitary and approved dump and pay the usual and established fees. The contractor shall establish a daily pickup route for an ordinary week, a copy of which shall

be filed with the clerk-treasurer. The contractor shall follow such daily pickup route except for changes occurring by reason of holidays, inclement weather or act of God. Any change in such daily pickup route shall be filed with the clerk-treasurer. (Ord. 378 § 4, 1973)

8.08.060 City—Fee collection.

The city shall collect garbage and recycling fees according to charges set forth in resolution of the city council; except commercial and industrial dump box and refuse collection, storage, hauling, dumping and rental, shall be paid by the user directly to the person having the current garbage contract with the city. For any container or dump box under a twenty yard capacity, the fee shall be collected by the city. (Ord. 913 § 3, 1999: Ord. 611 § 6, 1985: Ord. § 5, 1973)

8.08.080 Fund established.

There is established a garbage disposal fund to be a part of the current expense fund effective with budget year 1974 of the city; all moneys received by the city for the collection and disposal of garbage, refuse or industrial waste shall be placed in such fund and that the expenses of such garbage, refuse, industrial waste, scrap or rubbish collection and disposal shall be paid therefrom. (Ord. 378 § 7, 1973)

8.08.090 System—Use required.

Every owner or occupant of premises within the city is required to use the garbage and recycling collection and disposal system provided by the city, and shall deposit or cause to be deposited all garbage, recycling, refuse and industrial waste of such a nature that it is perishable or may decompose or may be scattered by wind or otherwise which may accumulate on any premises owned or occupied by him or her, in covered containers or other substantial containers. (Ord. 913 § 4, 1999: Ord. 378 § 8, 1973)

8.08.100 Frequency of collection.

Collection and disposal of garbage or refuse or industrial waste from all places of business within the city from which garbage amounting to one cubic yard or more each week may accumulate shall be made two or three times each week. Collection and disposal of garbage from all other premises within the city on which a residence or place of business is located shall be made once a week. (Ord. 469 § 2, 1979: Ord. 378 § 9, 1973)

8.08.105 Frequency of collection—Materials for recycling.

- A. Recyclable materials generated by commercial and industrial customers shall be picked up weekly.
- B. Recyclable materials generated by small commercial operators shall be picked up weekly.
- C. Recyclable materials generated by residential customers shall be picked up weekly.

(Ord. 913 § 5, 1999)

(Res. No. 816, § 8, 9-4-12)

8.08.110 Condition of cans and containers.

Unless otherwise permitted, customers shall use the containers supplied by the city's operator. Customers who lose, destroy or render unserviceable the supplied containers shall be obligated to pay for replacements. Provided, however, in the event such containers are rendered unserviceable as a result of normal wear and tear, they shall be replaced at no cost to the customer. (Ord. 913 § 6, 1999; Ord. 378 § 10, 1973)

8.08.120 City action upon accumulation of garbage.

In case any owner or occupant of premises within the city permits garbage or other refuse to accumulate thereon, and fails or refuses to deposit such garbage, refuse, or industrial waste in suitable containers in accordance with the provisions of this chapter or fails to place the same at or near the street or alley adjacent to such premises in a position convenient for loading, the city, at the discretion of the mayor, may collect and remove such garbage or refuse or industrial waste, and in such case the entire expense of collection and removal thereof, as determined by the city council, shall be charged against such premises, and against the owner or occupant thereof, in addition to the regular charge for collection and disposal of such garbage. (Ord. 378 § 11, 1973)

(Ord. No. 1409, 8-6-2018)

8.08.130 Collector rights and duties.

The collector may refuse to pick up materials from points where, because of the condition of the streets, alleys or roads, it is impractical to operate vehicles; and may refuse to drive into private property when in his judgment driveways or roads are improperly maintained or without adequate turn arounds or other

unsafe conditions. The collector will not be required to enter private property to pick up materials while an animal considered or feared to be vicious is loose. The customer will be required to confine the animal on pickup days. The collector does not warrant pickup at any particular hour or other than to meet reasonable requirements. The collector assumes no responsibility for articles left on or near cans or units other than reasonable care. (Ord. 378 § 12, 1973)

8.08.140 Rates—Residential and commercial.

Residential and commercial rates for the collection of residential and commercial refuse are hereby set by resolution of the city council. (Ord. 898 § 3, 1998)

8.08.150 Rates—Noncompacted and compacted garbage.

Rates for the collection and disposal of noncompacted and compacted garbage or refuse deposited in drop boxes shall be as set by resolution of the city council. (Ord. 898 § 4, 1998)

8.08.160 Rates—Loose and bulky material.

Rates for loose and bulky material shall be as set forth by resolution of the city council. (Ord. 898 § 5, 1998)

8.08.170 Extra charge—Cans and refuse material more than eighty feet from curblines.

Charges for cans and refuse material more than eighty feet from the curblines shall be as set by resolution of the city council. (Ord. 898 § 6, 1998)

8.08.180 Extra charge—Return trip.

Extra charges for return trips to pick up garbage or refuse shall be as set by resolution of the city council. (Ord. 898 § 7, 1998)

8.08.190 Rates—Residential—Low income senior citizens' and low income disabled persons' discount.

Residential rates for low income senior citizens and low income disabled persons qualifying for the senior citizen or disabled person discount shall be as set by resolution of the city council. (Ord. 917 § 2, 1999; Ord. 898 § 8, 1998)

8.08.200 Collector—Record of collection.

The garbage collector shall keep a record of the collections of garbage amounting to a quantity of four units or more each week from each place of business, showing the date of each collection of garbage and the place from which garbage is collected, and the charges made for collection and shall deliver one copy of such record to the clerk-treasurer on or before the twenty-first day of each month following the calendar month in which the collections were made. (Ord. 898 § 9, 1998)

Chapter 8.12**NUISANCES****Sections:**

8.12.010	Definitions.
8.12.020	Designated.
8.12.030	Maintenance unlawful.
8.12.040	Abatement—Failure—Action.
8.12.050	Abatement—Failure—Penalty.
8.12.060	Abatement—By police.
8.12.070	Abatement—By police—Due care.
8.12.080	Abatement—Liability for costs.
8.12.090	Chapter applicability.

8.12.010 Definitions.

A nuisance is a thing, act, occupation, use, causing, keeping, maintaining, permitting, suffering or allowing, or the using of property which:

- A. Annoys, injures or endangers the safety, health, comfort, or repose of the public;
- B. Unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage any square, street, alley, highway or public park;
- C. In any way renders the public insecure in life or in use of property.

(Ord. 286 § 15(a), 1967)

8.12.020 Designated.

The following are declared to be nuisances affecting public health, peace and safety: any accumulation of junk, debris, manure or rubbish; or any rank or unattended growth of underbrush, vegetation, waste shrubs or trees higher than two feet upon private property or over or across or overhanging any sidewalk, street, curb or parking; or throwing or depositing or causing to be deposited in any street, alley or public place any garbage, printed matter, wastepaper, refuse or other offensive matter. (Ord. 286 § 15(b), 1967)

8.12.030 Maintenance unlawful.

It is unlawful for any person, firm or corporation to do or allow or suffer or permit the offenses set forth in Sections 8.12.010 and 8.12.020, and any person, firm or corporation who knowingly creates such a nuisance or permits a nuisance to be created or placed upon or to remain on any premises owned or occupied by him shall, upon conviction, be deemed guilty of a misdemeanor. (Ord. 286 § 15(c), 1967)

8.12.040 Abatement—Failure—Action.

When judgment is rendered against any person, persons, firm or corporation, finding them guilty of creating, keeping or maintaining a nuisance, as provided in Section 8.12.030, it shall be the duty of the court before whom the conviction is had, in addition to imposing the penalty or penalties provided in Section 8.12.050, to order the defendant or defendants in such action to forthwith abate and remove such nuisance, and if the same is not done by such offender within twenty-four hours, the same shall be abated and removed by authority of the chief of police of the city, or by any other officer authorized by the order of said court, which order of abatement shall be entered upon the docket of the court and made a part of the judgment in the action. (Ord. 286 § 15(d), 1967)

8.12.050 Abatement—Failure—Penalty.

Any person found guilty of creating, keeping or maintaining any nuisance, who neglects or fails to abate and remove such nuisance within twenty-four hours next after his conviction therefor, shall, for each twenty-four hours thereafter in which said nuisance is continued, be subject to a like penalty as that originally incurred. (Ord. 286 § 15(e), 1967)

8.12.060 Abatement—By police.

Whenever any nuisance is of such character, and is so situated that the same can be abated without the invasion or destruction of private property, and the further continuance is likely to result in expense to the city or injury to any person, it is the duty of the chief of police to abate and remove the same summarily without waiting for the conviction of the author therefor. (Ord. 286 § 15(f), 1967)

8.12.070 Abatement—By police—Due care.

In any case where a nuisance is to be abated by the chief of police, or any other officer thereto lawfully authorized, it is the duty of such officer to proceed with due care, and without any necessary destruction of property, and he is, in all cases, authorized to employ such assistance and adopt such means as may be necessary to affect the entire abatement of the evil in question. (Ord. 286 § 15(g), 1967)

8.12.080 Abatement—Liability for costs.

Every person, firm or corporation, found guilty of maintaining a nuisance, as provided in this section, shall be liable for all costs and expenses for abating the same. When such nuisance has been abated by any officer of the city, costs and expenses shall be taxed as a part of the costs of any prosecution against the party liable, and to

be recovered as other costs are recovered, after the same shall have been ascertained. In such cases the city shall be liable in the first instance to pay the same; and in all cases where the chief of police, or other officer, abates such nuisance, he shall keep an account of all expenses attending such abatement, and in addition to other powers herein given to collect such other costs and expenses, may forthwith bring suit for the same in any court of competent jurisdiction in the name of the city, against the person maintaining, keeping or creating the nuisance so abated; and upon the collection of the same by such suit, he shall pay the same to the clerk-treasurer. (Ord. 286 § 15(h), 1967)

8.12.090 Chapter applicability.

The provisions of the chapter relating to the abatement of nuisances are not exclusive, and all other rights or remedies of the city and any citizen thereof relative to the abatement of nuisances are declared to remain in full force and effect. (Ord. 286 § 15(i), 1967)

Chapter 8.16**HORSESHOE LAKE PARK****Sections:****8.16.010 Limit on waterfowl population.****8.16.010 Limit on waterfowl population.**

Waterfowl of any type or nature in Horseshoe Lake and Horseshoe Lake Park shall be limited to ten or less between the period April 15th to October 15th each year. The city council authorizes the chief of police of the public works department to remove, relocate, or destroy the waterfowl as necessary. (Ord. 530 § 1, 1981)

Chapter 8.20

JUNK AND JUNK VEHICLES

Sections:

8.20.010	Junk defined.
8.20.020	Junk vehicle defined.
8.20.030	Certification authority.
8.20.040	Keeping or storing of junk declared a nuisance.
8.20.050	Applicability.
8.20.060	Notice of certification—Contents—Removal order.
8.20.070	Abatement procedure.

8.20.010 **Junk defined.**

For purposes of this chapter “junk” is defined to include: all appliances or parts thereof; all parts of motor vehicles; tires; all iron or other metal; plastics; glass; paper; cardboard; rubber; lumber; wood; brush; mattresses; disabled trailers or parts thereof; and all other waste or discarded material, all of which meet one of the following requirements:

- A. Are discarded;
- B. Are unusable;
- C. Are broken; or
- D. Have not been used for their primary and original purpose for a period of six months and have no value other than scrap value.

(Ord. 716 § 1, 1990)

8.20.020 **Junk vehicle defined.**

A “junk vehicle” means a motor vehicle or parts thereof meeting the following requirements:

- A. Is at least three years old; and
- B. Is extensively damaged, such damage including but not limited to, the following: a broken windshield or window; or, missing wheels, tires, motor or transmission; and
- C. Is apparently inoperable; and
- D. Is without a current valid registration plate; and
- E. Has a fair market value equal only to the value of the scrap in it.

(Ord. 716 § 2, 1990)

8.20.030 **Certification authority.**

Any law enforcement officer of the city may inspect and certify that a vehicle meets the requirements of a “junk vehicle” or that debris is in fact “junk.” The person making the certification shall record the necessary information, describing in detail the damage or missing equipment, identifying the make and vehicle identification

number or license number, if obtainable, and verifying the value of the junk vehicle or junk is equivalent only to the value of the scrap value in it. (Ord. 716 § 3, 1990)

8.20.040 **Keeping or storing of junk declared a nuisance.**

The keeping or storing of any junk or junk vehicle on privately owned property within the city, or the permitting of any other person to keep or store any junk or junk vehicle on privately owned property within the city in violation of this chapter is declared to be a public nuisance. (Ord. 716 § 4, 1990)

8.20.050 **Applicability.**

The provisions of this chapter shall not apply to a vehicle or part thereof or other junk that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public property nor to a vehicle or part thereof that is stored or parked in a lawful manner on private property such that it is behind the building line on a lot and not visible from a public street or is on private property in connection with the business of a licensed dismantler or licensed vehicle dealer. (Ord. 716 § 5, 1990)

8.20.060 **Notice of certification—Contents—Removal order.**

Upon certifying that a vehicle meets the requirements of a junk vehicle or that the debris is junk, the law enforcement officer shall send a notice of such certification to the last registered and legal owner of record of the junk vehicle or junk, if obtainable, and to the owner of record of the property upon which the junk vehicle is located. Such notice shall be dated and shall include the following:

- A. A description of the junk vehicle or junk including its make and vehicle identification number or license number, if obtainable, or such other description of the junk;
- B. A statement that if the junk vehicle is not removed within thirty days of the date of the notice, that the vehicle or automobile hulk or junk will be removed by the city, and that the cost of removal and disposal will be assessed against the last registered owner and/or the owner of record of the property upon which the junk vehicle is located.

The notice provided for herein shall be served either personally or by regular mail and certified mail, return receipt requested. (Ord. 716 § 6, 1990)

8.20.070 Abatement procedure.

The procedure for abatement of the junk vehicle or junk shall be as provided in Sections 8.12.040 through 8.12.090 of this code. (Ord. 716 § 7, 1990)



Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 9.04 General Provisions**
- 9.08 Offenses Against Government**
- 9.12 Offenses Against Person**
- 9.20 Water Safety Regulations**
- 9.24 Offenses Against Public Decency**
- 9.25 Drugs and Drug Paraphernalia**
- 9.26 Liquor Offenses**
- 9.36 Offenses Against Public Peace**
- 9.40 Misuse of the 911 Emergency
 Response System**
- 9.52 Offenses Against Property**
- 9.72 Parental Responsibility**
- 9.80 Firearms and Dangerous Weapons**



Chapter 9.04

GENERAL PROVISIONS

Sections:

9.04.010	Title—Application—Severability.
9.04.020	Purposes—Principles of construction.
9.04.030	City criminal jurisdiction.
9.04.040	Punishment of offenses.
9.04.050	All offenses defined by ordinance—Application of general provisions of the code.
9.04.060	Proof beyond a reasonable doubt—Affirmative defenses.
9.04.070	Criminal liability of corporations and persons acting or under a duty to act in their behalf.
9.04.080	Attempt/aiding and abetting.
9.04.090	Definitions.

9.04.010 Title—Application—Severability.

- A. The ordinances codified in this title, hereinafter referred to as “this title” or “this code,” shall be known and may be cited as “Woodland Criminal Code” and shall become effective as adopted pursuant to RCW 35A.12.130.
- B. The provisions of this title shall apply to any offense which is defined in this title or other ordinances committed on or after the effective date hereof unless the context otherwise requires, and shall also apply to any defense to prosecution for such an offense.
- C. The provisions of this title do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this title, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof as if this title had not been enacted.
- D. It is expressly the purpose of this title to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title.

It is the specific intent of this title that no provisions nor any term used in this title is intended to impose any duty whatsoever upon the city or any of its officers or employees, for whom the implementation and enforcement of this title shall be discretionary and not mandatory.

Nothing contained in this title is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this title by its officers, employees or agents.

- E. If any provision of this title, or its application to any person or circumstance, is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances, is not affected, and to this end the provisions of this title are declared to be severable.

(Ord. 825 § 2 (part), 1996)

9.04.020 Purposes—Principles of construction.

- A. The general purposes of the provisions governing the definition of offenses are to:
 1. Forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens harm to individual or public interests;
 2. Safeguard conduct that is without culpability from condemnation as criminal;
 3. Give fair warning of the nature of the conduct declared to constitute an offense.
- B. The provisions of this title shall be construed according to their common meaning, but, when the language is susceptible of differing constructions, it shall be interpreted to further the general purposes stated in this section and the special purposes of the particular provision involved. The discretionary powers conferred by this title shall be exercised in accordance with the criteria stated in this title and, insofar as such criteria are not decisive, to further the general purposes stated in this section.

(Ord. 825 § 2 (part), 1996)

9.04.030 City criminal jurisdiction.

Except as otherwise provided in this section, a person is subject to prosecution under the law of this city for an offense committed by his own conduct or the conduct of another for which he is legally accountable if either the conduct which is an element of the offense or the result which is such an element occurs within this city. (Ord. 825 § 2 (part), 1996)

9.04.040 Punishment of offenses.

All the sections and provisions of this title constitute criminal misdemeanors unless specifically denominated civil infractions or gross misdemeanors. Unless more specifically provided in this title, crimes denominated as

misdemeanors or gross misdemeanors shall be punishable as set forth in Chapter 1.12. Provided however, in the event the penalty set forth herein differs from the penalty prescribed for the comparable offense under state law, the statutory penalty shall prevail. (See RCW 35.21.163). (Ord. 825 § 2 (part), 1996)

9.04.050 All offenses defined by ordinance—Application of general provisions of the code.

- A. No conduct constitutes an offense unless it is a crime under an ordinance of this city or under a provision of state or federal law.
- B. This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.

(Ord. 825 § 2 (part), 1996)

9.04.060 Proof beyond a reasonable doubt—Affirmative defenses.

- A. Every person charged with the commission of an offense is presumed innocent until proven guilty. No person may be convicted of an offense until each element of such offense is proven by competent evidence beyond a reasonable doubt.
- B. Subsection (A) of this section does not:
 - 1. Require the disproof of an affirmative defense unless there is evidence to support such defense; or
 - 2. Require the disproof beyond a reasonable doubt of any defense which this code or other ordinance expressly requires the defendant to prove by a preponderance of the evidence.
- C. A defense is affirmative, within the meaning of subsection (B)(1) of this section when it arises under a section of this code which so provides.

(Ord. 825 § 2 (part), 1996)

9.04.070 Criminal liability of corporations and persons acting or under a duty to act in their behalf.

- A. Definitions.
 - 1. "Agent" means any director, officer, or employee of a corporation, or any other person who is authorized to act on behalf of the corporation;
 - 2. "Corporation" includes any domestic, foreign, for-profit, nonprofit, or other corporation, joint stock association, agricultural cooperative, trade association, union, partnership, or other public or private entity doing business within the city.

- 3. "High managerial agent" means an officer or director of a corporation or any other agent in a position of comparable authority with respect to the formation of corporate policy or the supervision in a managerial capacity of subordinate employees.
 - B. A corporation is guilty of an offense when:
 - 1. The conduct constituting the offense consists of an omission to discharge a specific duty of performance imposed on corporations by law; or
 - 2. The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or tolerated by the board of directors or by a high managerial agent acting within the scope of his/her employment and on behalf of the corporation; or
 - 3. The conduct constituting the offense is engaged in by an agent of the corporation, other than a high managerial agent, while acting within the scope of his/her employment and in behalf of the corporation, and
 - a. The offense is a gross misdemeanor or misdemeanor, or
 - b. The offense is one defined by a statute which clearly indicates a legislative intent to impose such criminal liability on a corporation.
 - C. A person is criminally liable for conduct constituting an offense which he/she performs or causes to be performed in the name of or on behalf of a corporation to the same extent as if such conduct were performed in his/her own name or behalf.
 - D. Whenever a duty to act is imposed by law upon a corporation, any agent of the corporation who knows he/she has or shares primary responsibility for the discharge of the duty is criminally liable for a reckless or, if a high managerial agent, criminally negligent omission to perform the required act to the same extent as if the duty were by law imposed directly upon such agent.
 - E. Any corporation which violates any provision of this title may, in addition to payment of any fine imposed, forfeit every right and license to do business in the city. Such rights and licenses may be removed by vote of the city council, upon application by the city attorney, at a regular hearing conducted for this purpose. A certified copy of the record of conviction may be forwarded to the attorney general for other proceedings or actions to forfeit the right and franchise to do business in the state of Washington according to state law.
- (Ord. 825 § 2 (part), 1996)

9.04.080 Attempt/aiding and abetting.

- A. A person is guilty of an attempt to commit crime if, with intent to commit a specific crime, he does any act which is a substantial step toward the commission of that crime. If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is a defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.
- B. Any person who counsels, aids or abets a violation of this chapter is guilty of aiding and abetting which is a misdemeanor.

(Ord. 825 § 2 (part), 1996)

9.04.090 Definitions.

In this title, unless a different meaning plainly is required:

“Act” or “action” means a bodily movement whether voluntary or involuntary.

“Acted” includes, where relevant, omitted to act.

“Actor” includes, where relevant, a person failing to act.

“Bodily injury” or “physical injury” means:

1. Physical pain; or
2. Illness; or
3. Damage to any part of the human body; or
4. Any impairment or deterioration of a person’s physical condition or health.

“Building,” in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building.

“City” means the city of Woodland, Washington.

“Conduct” means an action or omission and its accompanying state of mind, or, where relevant, series of acts or omissions.

“Deadly force” means force which creates a substantial risk of causing death or serious bodily injury.

“Deadly weapon” means an explosive, firearm, or other weapon, device, instrument, article or substance, including a “vehicle” as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious bodily injury.

“Dwelling” means any building or structure though movable or temporary, or a portion thereof, which is for the time being used as a home or place of lodging.

“Element of an offense” means: (i) such conduct, or (ii) such attendant circumstances, or (iii) such a result of conduct as:

1. Is included in the description of the forbidden conduct in the definition of the offense; or
2. Establishes the required kind of culpability; or
3. Negates an excuse or justification for such conduct; or
4. Negates a defense under the statute of limitations; or
5. Establishes jurisdiction.

“Forcible felony” means any felony which involves the use or threat of physical force or violence against any person.

“Judge” includes every judicial officer authorized, alone or with others, to hold or preside over a court.

“Material element of an offense” means an element that does not relate exclusively to the statute of limitations, jurisdiction or to any other matter similarly unconnected with: (i) the harm or evil, incident to conduct, sought to be prevented by the law defining the offense, or (ii) the existence of a justification or excuse for such conduct.

“Motor vehicle” means every vehicle which is self-propelled.

“Officer” and “public officer” has its ordinary meaning and includes all assistants, deputies, clerks and employees of any public officer and all persons exercising or assuming to exercise any of the powers or functions of a public officer under any city ordinance or applicable law.

“Omission” means a failure to act.

“Ordinance” means an ordinance of the city of Woodland.

“Peace officer” means a duly appointed public officer charged with the duty to enforce public order and to make arrests for offenses under this title or under the criminal laws of the state.

“Person,” “he,” and “actor” include any natural person, and, in addition, a corporation or an unincorporated association unless a contrary intention plainly appears.

“Prison” or “jail” means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest.

“Prisoner” includes any person held in custody under process of law, or under lawful arrest.

“Property” includes both real and personal property.

“Public place” includes streets and alleys, highways or roads, buildings and grounds used for school purposes, public buildings, public meeting halls, restaurants, theaters, stores, garages and filling stations which are open to and are generally used by the public and to which the

public is permitted to have unrestricted access, public conveyances of all kinds and character and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public, publicly owned bathing beaches, parks and/or playgrounds and all other places of like or similar nature to which the general public has unrestricted right of access and which are generally used by the public.

“Reasonably believes” or “reasonable belief” designates a belief which the actor is not reckless or criminally negligent in holding.

“Serious bodily injury” or “serious physical injury” means bodily injury which creates a substantial risk of death or which causes serious disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“Sexual intercourse” has its ordinary meaning and also means sexual contact between persons involving the sex organs of one person and the mouth or anus of another, and also has the meaning set forth in Section 9.24.010(E).

“Statute” means the Constitution or an Act of the legislature of this state.

“Threat” means to communicate, directly or indirectly, the intent to:

1. Cause bodily injury in the future to another; or
2. Cause damage to property of another; or
3. Subject another person to physical confinement or restraint; or
4. Accuse another person of a crime or cause criminal charges to be instituted against another person; or
5. Testify or provide information or withhold testimony or information with respect to another’s legal claim or defense; or
6. Take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding.

“Vehicle” means every device which may be used on a street, on rails, in the air, or on water, which is capable of transporting persons or property.

Words in the present tense shall include the future tense; and the masculine gender shall include the feminine and neuter genders; and the singular shall include the plural; and the plural shall include the singular. (Ord. 825 § 2 (part), 1996)

Chapter 9.08

OFFENSES AGAINST GOVERNMENT

Sections:

- 9.08.010 Obstructing a law enforcement officer.**
- 9.08.020 Refusing to summon aid for a peace officer.**
- 9.08.030 Resisting arrest.**
- 9.08.035 Escape in the third degree.**
- 9.08.040 Rendering criminal assistance.**
- 9.08.050 False reporting.**
- 9.08.060 Impersonating an officer.**
- 9.08.070 Obstructing fire extinguishment.**
- 9.08.080 Interfering with firemen.**
- 9.08.090 Malicious prosecution.**
- 9.08.010 Obstructing a law enforcement officer.**
- A. A person is guilty of obstructing a law enforcement officer if the person:
1. Wilfully makes a false or misleading statement to a law enforcement officer who has detained the person during the course of a lawful investigation or lawful arrest; or
 2. Wilfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.
- B. "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW 10.93.020, and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.
- C. Obstructing a law enforcement officer is a gross misdemeanor. (See RCW 9A.76.020). (Ord. 825 § 2 (part), 1996)
- 9.08.020 Refusing to summon aid for a peace officer.**
- A. A person is guilty to refusing to summon aid for a peace officer if, upon request by a person he knows to be a peace officer, he unreasonably refuses or fails to summon aid for such peace officer.
- B. Refusing to summon aid for a peace officer is a misdemeanor. (See RCW 9A.76.030). (Ord. 825 § 2 (part), 1996)

9.08.030 Resisting arrest.

- A. A person is guilty of resisting arrest if he intentionally prevents or attempts to prevent a peace officer from lawfully arresting him.
- B. Resisting arrest is a misdemeanor. (See RCW 9A.76.040). (Ord. 825 § 2 (part), 1996)

9.08.035 Escape in the third degree.

- Escape in the third degree as prescribed in RCW 9A.76.130, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 21, 2003)

9.08.040 Rendering criminal assistance.

- A. As used in this section, "rendering criminal assistance" means to intentionally prevent, hinder or delay the apprehension or prosecution of another person who the actor knows:
1. Has committed a crime; or
 2. Is being sought by law enforcement officials for the commission of such offense; or
 3. Has escaped from jail or prison.
- B. A person is guilty of rendering criminal assistance with respect to a person described in subsections (A)(1), (2) or (3) of this section if he knowingly:
1. Harbors or conceals such person; or
 2. Warns such person of impending discovery or of apprehension; or
 3. Provides such person with money, transportation, disguise or other means of avoiding discovery or apprehension; or
 4. Prevents or obstructs, by use of force or threat, a private person from performing an act that might aid in the discovery or apprehension of such person; or
 5. Conceals, alters or destroys any physical evidence that might aid in the discovery or apprehension of such person; or
 6. Aids or assists such person in an endeavor to escape from such custody whether such escape is effected or not.
- (Ord. 825 § 2 (part), 1996)

9.08.050 False reporting.

- Every person who knowingly initiates or circulates a false report or warning of an alleged or impending occurrence of a fire, explosion, crime, catastrophe or other emergency is guilty of false reporting. (Ord. 825 § 2 (part), 1996)

9.08.060 Impersonating an officer.

A person is guilty of impersonating a public officer if he/she assumes a false identity of or pretends to be a public officer and does an act in his/her pretended capacity with the intent to defraud another or for any other unlawful purpose. (Ord. 825 § 2 (part), 1996)

9.08.070 Obstructing fire extinguishment.

Every person who, with intent to prevent or obstruct the extinguishment of any fire, cuts or removes any bell rope, wire or other apparatus for communicating an alarm of fire, or cuts, injures or destroys any engine, hose or other fire apparatus, or otherwise prevents or obstructs the extinguishment of any fire, is guilty of a misdemeanor. (Ord. 825 § 2 (part), 1996)

9.08.080 Interfering with firemen.

Every person who, at the burning of any building, disobeys the lawful orders of a public officer or fireman or resists or interferes with the lawful efforts of any fireman, or company of firemen to extinguish the same, or is guilty of disorderly conduct likely to interfere with the extinguishment thereof, or who forbids, prevent or dissuades others from assisting to extinguish such fire, is guilty of a misdemeanor. (Ord. 825 § 2 (part), 1996)

9.08.090 Malicious prosecution.

Every person who maliciously and without probable cause therefor causes or attempts to cause another to be arrested or proceeded against for any crime of which he is innocent, is guilty of a misdemeanor. (Ord. 825 § 2 (part), 1996)

Chapter 9.12

OFFENSES AGAINST PERSON

Sections:

9.12.010	Assault.
9.12.020	Simple assault.
9.12.030	Provoking assault.
9.12.040	Stalking.
9.12.050	Domestic violence prevention.
9.12.060	Coercion.
9.12.080	Harassment.
9.12.090	Harassment—Reasonable fear.
9.12.095	Harassment—Place where committed.
9.12.100	Harassment—No-contact order.
9.12.110	Harassment—No-contact orders—Violation.
9.12.120	Intimidating phone calls—Acts designated.
9.12.130	Intimidating phone calls—Permitting prohibited acts is a violation.
9.12.140	Intimidating phone calls—Location of commission may be where call is made or received.
9.12.150	Reckless endangerment.
9.12.160	Hate crimes—Penalty.
9.12.170	Hate crimes—Gross misdemeanor.
9.12.175	Custodial interference.
9.12.180	Criminal mistreatment in the third degree.
9.12.190	Criminal mistreatment in the fourth degree.
9.12.200	Discharge of a laser.
9.12.210	Discharge of a laser in the second degree.

9.12.010 Assault.

Assault in the fourth degree as prescribed in RCW 9A.36.041, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 1, 2003; Ord. 825 § 2 (part), 1996)

9.12.020 Simple assault.

Simple assault is hereby repealed. (Ord. 995 § 2, 2003; Ord. 825 § 2 (part), 1996)

9.12.030 Provoking assault.

Every person who, by word, sign or gesture, wilfully provokes, or attempts to provoke another person to commit assault or breach of the peace shall be guilty of provoking an assault. (Ord. 825 § 2 (part), 1996)

9.12.040 Stalking.

Stalking as prescribed in RCW 9A.46.110, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 4, 2003; Ord. 825 § 2 (part), 1996)

9.12.050 Domestic violence prevention.

A. The following sections of RCW Chapters 9A.36, 10.99 and 26.50 as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish domestic violence offenses and procedures for domestic violence prevention:

1. 9A.36.150 Interfering with reporting of domestic violence.
2. 10.99.020 Definitions.
3. 10.99.040 Violation of No Contact Order.
4. 26.50.010 Definitions.
5. 26.50.020 Commencement of action — Jurisdiction — Venue
6. 26.50.030 Petition for order for protection — Availability of forms and instructional brochures — Filing fee, when required — Bond not required.
7. 26.50.040 Application for leave to proceed in forma pauperis.
8. 26.50.050 Hearing — Service — Time.
9. 26.50.060 Relief — Realignment of designation of parties.
10. 26.50.070 Ex parte temporary order for protection.
11. 26.50.080 Issuance of order — Assistance of peace officer — Designation of appropriate law enforcement agency.
12. 26.50.090 Order — Service — Fees.
13. 26.50.100 Order — Transmittal to law enforcement agency — Record in law enforcement information system — Enforceability.
14. 26.50.110 Violation of order — Penalties.

15. 26.50.120 Violation of order — Prosecuting attorney or attorney for municipality may be requested to assist — Cost and attorney's fees.
16. 26.50.130 Order — Modification — Transmittal.
17. 26.50.140 Peace Officers — Immunity.
18. 26.50.200 Title to real estate — Effect.
19. 26.50.210 Proceedings additional.
- B. Exceptions. Although RCW Chapter 26.50 authorizes a municipal court to accept application for protective an order, based on limited Woodland municipal court sessions, parties seeking to petition for an order for protection under RCW Chapter 26.50 shall proceed in the Cowlitz County district or superior courts.
(Ord. 825 § 2 (part), 1996)

9.12.060 Coercion.

Coercion as prescribed in RCW 9A.36.070, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 5, 2003; Ord. 825 § 2 (part), 1996)

9.12.080 Harassment.

Harassment as prescribed in RCW 9A.46.020, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 6, 2003; Ord. 825 § 2 (part), 1996)

9.12.090 Harassment—Reasonable fear.

For purposes of this chapter, a violation shall occur if the threat or act places a person or group of persons in reasonable fear of harm to person or property. Threatening words do not constitute harassment if it is reasonably apparent to the victim that the person does not have the ability to carry out the threat. It is not a defense that the object of the threat is a person other than the victim. (Ord. 825 § 2 (part), 1996)

9.12.095 Harassment—Place where committed.

Harassment—place where committed as prescribed in RCW 9A.46.030, as now in effect or hereinafter amended. (Ord. 995 § 7, 2003)

9.12.100 Harassment—No-contact order.

A. Because of the likelihood of repeated harassment directed at those who have been victims of harassment in the past, when a defendant is arrested for a crime involving harassment and is released from custody before trial on bail or personal recognizance, the court authorizing the release may enter a no-contact order as set

forth in this section. Upon arraignment of any person charged with a crime involving harassment, the court shall determine the necessity of imposing a no-contact order pending trial. Further, if a defendant is convicted of a crime involving harassment, the court shall consider entering a no-contact order.

B. A no-contact order under the terms of this section may require that the defendant:

1. Not have any contact with the victim or victims or other persons associated with the events charged;
2. Stay away from the home, school, business or place of employment of the victim or victims of the alleged offense or of any other person, business or entity associated with the events charged, and any specific address or location associated therewith;
3. Refrain from harassing, intimidating, threatening or otherwise interfering with the victim or victims of the alleged offense or any other persons including, but not limited to, family or household members of the victim, as shall be specifically named by the court in the order.

(Ord. 825 § 2 (part), 1996)

9.12.110 Harassment—No-contact orders—Violation.

Wilful violation of a court order issued under Section 9.12.080 is a gross misdemeanor, unless the criteria of RCW 9A.46.020(2) causes the offense to be a felony. (Ord. 840 § 2, 1997; Ord. 825 § 2 (part), 1996)

9.12.120 Intimidating phone calls—Acts designated.

Every person is guilty of intimidating phone calls who, with intent to harass, intimidate or torment any other persons makes a telephone call to such other person:

- A. Using any lewd words or language or suggesting the commission of any lewd act; or
- B. Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or
- C. Threatening to inflict injury on the person or property of the person called or any member of his family; or
- D. Without purpose of legitimate communication;
- E. Intimidating phone calls are a gross misdemeanor. (Ord. 825 § 2 (part), 1996)

9.12.130 Intimidating phone calls—Permitting prohibited acts is a violation.

Any person who knowingly permits any telephone under his control to be used for any purpose prohibited in

Section 9.12.100 is guilty of a violation of this chapter. (Ord. 825 § 2 (part), 1996)

9.12.140 Intimidating phone calls—Location of commission may be where call is made or received.

Any offense committed by use of a telephone as set forth in Sections 9.12.100 and 9.12.110 may be deemed to have been committed either at the place from which the telephone call or calls were made or at the place where the telephone call or calls were received. (Ord. 825 § 2 (part), 1996)

9.12.150 Reckless endangerment.

Reckless endangerment as prescribed in RCW 9A.36.050, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 8, 2003; Ord. 825 § 2 (part), 1996)

9.12.160 Hate crimes—Penalty.

If the court finds that the accused committed any crime under this chapter and if the court receives sufficient evidence that the acts committed leading to that finding were intentionally targeted against the victim or victims in substantial part because of the victim's or victims' race, color, religion, ancestry, national origin, gender, sexual orientation, his/her/their mental, physical or sensory disability, or the accused's perception thereof, the court shall impose a minimum fine of not less than five hundred dollars and a minimum jail sentence of not less than five days for each such offense. Neither the mandatory minimum jail sentence nor the mandatory minimum fine shall be suspended or deferred, nor shall the jail sentence be served by alternative means. (Ord. 825 § 2 (part), 1996)

9.12.170 Hate crimes—Gross misdemeanor.

Any person convicted of a crime under this chapter and if the acts leading up to such conviction were, pursuant to this title, intentionally targeted against the victim or victims in substantial part because of the victim's or victims' race, color, religion, ancestry, national origin, gender, sexual orientation, or his/her/their mental, physical or sensory disability shall be guilty of a gross misdemeanor. (Ord. 825 § 2 (part), 1996)

9.12.175 Custodial interference.

Custodial interference as prescribed in RCW 9A.40.070, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 3, 2003)

9.12.180 Criminal mistreatment in the third degree.

Criminal mistreatment in the third degree as prescribed in RCW 9A.42.035, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 9, 2003)

9.12.190 Criminal mistreatment in the fourth degree.

Criminal mistreatment in the fourth degree as prescribed in RCW 9A.42.037, as now in effect or hereinafter amended—Misdemeanor. (Ord. 995 § 10, 2003)

9.12.200 Discharge of a laser.

Discharge of a laser as prescribed in RCW 9A.49.040, as now in effect or hereinafter amended—Class 1 civil infraction (See WMC 1.12.020). (Ord. 995 § 11, 2003)

9.12.210 Discharge of a laser in the second degree.

Unlawful discharge of a laser in the second degree as prescribed in RCW 9A.49.030, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 12, 2003)



Chapter 9.20

WATER SAFETY REGULATIONS

Sections:

- 9.20.010 State statute provisions—Adopted by reference.**
- 9.20.020 Designation of Horseshoe Lake as no-wake body of water.**
- 9.20.030 Special event motorboat operation permits—Horseshoe Lake.**
- 9.20.040 Radio controlled model motorboats.**
- 9.20.050 Emergency lake closure.**
- 9.20.055 Motorboat operation limitations—Horseshoe Lake.**
- 9.20.060 Penalty provision.**

9.20.010 State statute provisions—Adopted by reference.

The following sections of RCW Chapter 79A.60 "Regulation of Recreational Vessels" and RCW Chapter 88.02 "Vessel Registration" are hereby adopted by reference by the city of Woodland:

79A.60.010	79A.60.020
79A.60.040	79A.60.080
79A.60.100	79A.60.110
79A.60.120	79A.60.130
79A.60.140	79A.60.150
79A.60.160	79A.60.170
79A.60.180	79A.60.190
79A.60.200	
88.02.010	88.02.020
88.02.023	88.02.025
88.02.030	88.02.100
88.02.110	88.02.112
88.02.115	88.02.118

(Ord. 929 § 1, 2000; Ord. 838 § 2, 1997)

9.20.020 Designation of Horseshoe Lake as no-wake body of water.

Horseshoe Lake, in its entirety, is a slow/no-wake lake. "Slow/no wake" means the speed at which watercraft being operated does not create a wake; and in no event is operated in excess of five miles per hour.

This includes all of Horseshoe Lake regardless of any city or county lines that might segregate the body of water for other purposes.

(Ord. No. 1193, § 1, 9-7-2010)

Editor's note—Ord. No. 1193, § 1, adopted September 7, 2010, in effect repealed the former § 9.20.020, and enacted a new § 9.20.020 as set out herein. The former § 9.20.020 pertained to motorboat operation limitations—Horseshoe Lake and derived from Ord. No. 838, 1997; Ord. No. 1130, 2008 and Ord. No. 1132, 2008.

9.20.030 Special event motorboat operation permits—Horseshoe Lake.

Section 9.20.020 shall not be applicable to any group which operates motorboats upon Horseshoe Lake for the purpose of providing spectator entertainment and which group has obtained a permit from the city to use Horseshoe Lake for such purpose.

Application for such permits shall be made to the clerk-treasurer, together with an application fee as set by resolution of the city council. Such application must be submitted no less than sixty days prior to the intended date of the event. The request shall be acted upon by the city council taking into account the recommendation of the park board. The permit applicant, as a condition precedent to undertaking the proposed event shall adequately demonstrate its ability to comply with the terms specified in the permit. (Ord. 838 § 4, 1997)

9.20.040 Radio controlled model motorboats.

The operation or other use of radio controlled model motorboats on Horseshoe Lake is allowed between the hours of ten a.m. and five p.m. from September 15th to April 15th. All other times such use is prohibited unless authorized by special permit of the city council following the procedures set forth in Section 9.20.030 above. Any such model motorboat which would be expected to emit noise at levels which would disturb residents and others shall install proper muffling devices as a condition to their operation. (Ord. 838 § 5, 1997)

9.20.050 Emergency lake closure.

Upon a finding by the public works director that the condition of Horseshoe Lake is such that motorboats may be detrimental to the stability of the banks of Horseshoe Lake, or that other conditions necessitate its closure, the public works director shall be autho-

rized to close the lake to the operation of boats with motors exceeding ten horsepower. In the event the public works director determines that the duration of the closure should be longer than the next regular council meeting, the public works director shall seek the concurrence of the city council, which upon majority vote shall continue for such period as the council deems appropriate. (Ord. 859 § 1, 1997; Ord. 858 § 1, 1997; Ord. 838 § 6, 1997)

**9.20.055 Motorboat operation limitations—
Horseshoe Lake.**

Horseshoe Lake is designated a slow/no wake water body. Motor driven boats and vessels, as defined in RCW 79A.60.010(13) and (29), shall be operated at a speed so that the boat or vessel does not produce a wake. For purposes of chapter, a "wake" is a moving wave, a visible trail of turbulence, produced at the bow or stern of a boat or vessel. In no event shall a boat or vessel be operated in a speed in excess of five miles per hour.

Operation of personal watercraft, as that term is defined in RCW 79A.60.010(22) is prohibited.

Slow/no wake restrictions and personal watercraft restrictions are not applicable to federal, state, county, city and other government officials, workers and volunteers who are exempt when operating on the water on official government business, including but not limited to patrol duties, emergencies, and training exercises.

(Ord. No. 1193, § 2, 9-7-2010)

Editor's note—Ord. No. 1193, § 2, adopted September 7, 2010, in effect repealed the former § 9.20.055, and enacted a new § 9.20.055 as set out herein. The former § 9.20.055 pertained to designation of no wake area on Horseshoe Lake and derived from Ord. No. 929, 2000; Ord. No. 1130, 2008 and Ord. No. 1132, 2008.

9.20.060 Penalty provision.

Violations of any of the provisions of the ordinance codified in this chapter constitutes a misdemeanor pursuant to Chapter 1.12 unless otherwise provided herein. (Ord. 838 § 7, 1997)

Chapter 9.24

OFFENSES AGAINST PUBLIC DECENCY

Sections:

9.24.010	Definitions.
9.24.020	Prostitution.
9.24.030	Prostitution loitering.
9.24.050	Patronizing a prostitute.
9.24.060	Prostitution and patronizing a prostitute—No defense.
9.24.070	Permitting prostitution.
9.24.080	Urinating in public.
9.24.090	Indecent exposure.
9.24.100	Communicating with a minor for immoral purposes.

9.24.010 Definitions.

For the purpose of this chapter, certain words and terms are defined as follows:

“Commit prostitution” means to engage in sexual conduct for a fee but does not include sexual conduct engaged in as part of any stage performance, play or other entertainment open to the public.

“Known prostitute or panderer” means a person who within one year previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted of an offense involving prostitution.

“Lewd act” means public:

1. Exposure of one’s anus, genitals or female breasts; or
2. Touching, caressing or fondling of the anus, genitals or female breasts; or
3. Sexual conduct, as defined in this section; provided, however, that this definition applies only to those works which, applying the average standards of the city, taken as a whole appeal to the prurient interest of the persons and which lack serious literary, artistic, political or scientific value.

“Public place” means an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the public, whether or not limited to persons over a specified age, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

“Sexual conduct” means:

1. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or

2. Any penetration of the vagina or anus, however slight, by an object, when committed by one person on another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; or
3. Any contact between persons involving the sex organs of one person and the mouth or anus of another, whether such persons are of the same or opposite sex; or
4. Masturbation, manual or instrumental, of one person by another; or
5. Flagellation or torture in the context of a sexual relationship.

(Ord. 825 § 2 (part), 1996)

9.24.020 Prostitution.

A. A person is guilty of prostitution if he engages in or agrees or offers to engage in sexual conduct with another person in return for a fee.

B. This section shall not apply to sexual conduct engaged in as part of a stage performance, play or other entertainment open to members of the public.

(Ord. 825 § 2 (part), 1996)

9.24.030 Prostitution loitering.

A. A person is guilty of prostitution loitering if he remains in a public place and intentionally solicits, induces, entices, or procures another to commit prostitution.

B. Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he:

1. Repeatedly beckons to, stops or attempts to stop, or engages a passerby in conversation; or
2. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or other bodily gestures; or
3. Is a known prostitute or panderer.

(Ord. 825 § 2 (part), 1996)

9.24.050 Patronizing a prostitute.

A person is guilty to patronizing a prostitute if:

- A. Pursuant to prior understanding, he pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him;
- B. He pays or agrees to pay a fee to another person pursuant to an understanding that, in return therefor, such person will engage in sexual conduct with him;

C. He solicits or requests another person to engage in sexual conduct with him in return for a fee.

(Ord. 825 § 2 (part), 1996)

9.24.060 Prostitution and patronizing a prostitute—No defense.

In any prosecution for prostitution or patronizing a prostitute, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

- A. Such persons were of the same sex;
- B. The person who received, agreed to receive or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was a female.

(Ord. 825 § 2 (part), 1996)

9.24.070 Permitting prostitution.

A person is guilty of permitting prostitution if, having possession or control of premises which he knows are being used for prostitution purposes, he fails to make reasonable effort to halt or abate such use. (Ord. 825 § 2 (part), 1996)

9.24.080 Urinating in public.

It is unlawful for any person to urinate or defecate in a public place other than a washroom or toilet room or other facility specifically designed and intended for that use.

(Ord. 825 § 2 (part), 1996)

9.24.090 Indecent exposure.

- A. A person is guilty of indecent exposure who intentionally makes any open and obscene exposure of his person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm.
- B. Indecent exposure is a misdemeanor unless such person exposes himself to a person under the age of fourteen years in which case indecent exposure is a gross misdemeanor. (See RCW 9A.88.010.)

(Ord. 825 § 2 (part), 1996)

9.24.100 Communicating with a minor for immoral purposes.

Communicating with a minor for immoral purposes as prescribed in RCW 9.68A.090, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 23, 2003)

Chapter 9.25

DRUGS AND DRUG PARAPHERNALIA

Sections:

- 9.25.010** State statutes adopted by reference.
- 9.25.020** Possession of or under the influence—Unlawful.
- 9.25.030** Possession of controlled substances.
- 9.25.050** Manufacture or delivery of drug paraphernalia.
- 9.25.060** Advertisement of drug paraphernalia.
- 9.25.070** Seizure and forfeiture.

9.25.010 State statutes adopted by reference.

The following sections of RCW Chapter 69.41, as most recently amended, and RCW Chapter 69.50, as most recently amended, relating to legend drugs, drug paraphernalia and controlled substances, defining crimes and prescribing penalties, are hereby adopted by reference as though fully set forth in this chapter:

RCW 69.41.010	RCW 69.50.211
RCW 69.41.020	RCW 69.50.212
RCW 69.41.030	RCW 69.50.302
RCW 69.41.040	RCW 69.50.306
RCW 69.41.050	RCW 69.50.307
RCW 69.41.060	RCW 69.50.308
RCW 69.50.101	RCW 69.50.309
RCW 69.50.102	RCW 69.50.401
RCW 69.50.203	RCW 69.50.402
RCW 69.50.204	RCW 69.50.403
RCW 69.50.205	RCW 69.50.412
RCW 69.50.206	RCW 69.50.505
RCW 69.50.207	RCW 69.50.506
RCW 69.50.208	RCW 69.50.509
RCW 69.50.209	RCW 69.50.601
RCW 69.50.210	

(Ord. 825 § 2 (part), 1996)

9.25.020 Possession of or under the influence—Unlawful.

It is unlawful for any person to be in possession of or under the influence of any drug or other controlled substance as defined or scheduled in RCW Chapter 69.50. (Ord. 825 § 2 (part), 1996)

9.25.030 Possession of controlled substances.

It is unlawful for any person to possess any part of the plant *Cannabis sativa* L., commonly known as "marijuana," or any other cannabis plant whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds, or resin, in any amount of forty grams or less by weight. (See RCW 69.50.401E). Minimum sentencing provisions shall be as provided in RCW 69.50.425. (Ord. 825 § 2 (part), 1996)

9.25.050 Manufacture or delivery of drug paraphernalia.

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of Chapter 69.50 of the Revised Code of Washington. (Ord. 825 § 2 (part), 1996)

9.25.060 Advertisement of drug paraphernalia.

It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. (Ord. 825 § 2 (part), 1996)

9.25.070 Seizure and forfeiture.

A. Property Subject to Seizure and Forfeiture. All drug paraphernalia as defined herein is subject to seizure and forfeiture to the city.

B. Procedure for Seizure and Forfeiture.

1. Drug paraphernalia may be seized and held as evidence in connection with an arrest for a viola-



tion of any provisions of this chapter, and forfeited to the city or otherwise disposed of as may be ordered by the court.

2. The Cowlitz County district court or other court of competent jurisdiction may issue a warrant for the seizure of drug paraphernalia. Drug paraphernalia seized pursuant to a warrant is subject to forfeiture by court order.
 3. Any peace officer having probable cause to believe that property constitutes drug paraphernalia, so as to be subject to seizure and forfeiture, may seize the property; provided, that court proceedings for the forfeiture thereof shall be commenced no later than five days after the initial seizure.
- C. Abandoned or Lost Drug Paraphernalia. Drug paraphernalia in the possession of the city which is abandoned or lost, or for whom the owner cannot be determined, shall be disposed of in the same manner as other contraband property.
- D. Ownership of Forfeited Property. Property forfeited pursuant to this chapter shall be the sole property of the city.

(Ord. 825 § 2 (part), 1996)

Chapter 9.26**LIQUOR OFFENSES****Sections:**

- 9.26.010 Definitions.**
9.26.020 Sale of liquor to persons under twenty-one years of age.
9.26.030 False identification to obtain liquor.
9.26.040 Supplying liquor.
9.26.050 On premises of tavern.
9.26.060 On premises of liquor establishment.
9.26.070 Possess or consume liquor.
9.26.080 Opening or consuming liquor in public.
9.26.090 Sales to persons apparently under the influence of liquor.
9.26.100 Possession of opened container.
9.26.110 Possession and consumption— Limited.
9.26.115 City-approved beer gardens and/or wine tasting areas.
9.26.120 Appearing after consuming.

9.26.010 Definitions.

The following definitions apply in this chapter:

"Liquor" means liquor as defined in the Washington State Liquor Act (RCW 66.04.010(16)).

"Minor" means any person less than eighteen years of age.

"Parent or guardian" means the parent or legal guardian, or the person or institution that has the care, custody or control of a minor child by consent of the parent or legal guardian or by court action.

"Public place" means an area open to members of the public. (Ord. 825 § 2 (part), 1996)

9.26.020 Sale of liquor to persons under twenty-one years of age.

It is unlawful for anyone knowingly to sell or attempt to sell any liquor to any person under the age of twenty-one years or for such person to purchase or attempt to purchase any liquor. (Ord. 825 § 2 (part), 1996)

9.26.030 False identification to obtain liquor.

It is unlawful for anyone knowingly to transfer any identification of age to a person under the age of

twenty-one years for the purpose of permitting such persons to obtain liquor, or for such person to use such identification or make false representations as to his age for the purposes of obtaining liquor. (Ord. 825 § 2 (part), 1996)

9.26.040 Supplying liquor.

Except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian or administered to him by his physician or dentist for medicinal purposes or used in connection with religious services, it is unlawful for anyone knowingly to give or otherwise supply liquor to such person, or permit such person to consume liquor on his premises or on any premises under his control, or for such person to acquire or have in his possession or consume any liquor. (Ord. 825 § 2 (part), 1996)

9.26.050 On premises of tavern.

It is unlawful to knowingly serve or allow any person under the age of twenty-one years to remain on the premises of any tavern as defined in the Washington State Liquor Act or for a person under the age of twenty-one years to enter or remain on the premises of any such tavern. (Ord. 825 § 2 (part), 1996)

9.26.060 On premises of liquor establishment.

It is unlawful for anyone to knowingly invite a person under the age of twenty-one years into a public place where liquor is sold and to give to or purchase liquor for such person, or to represent that such person is twenty-one years of age or over to the owner or agent of such liquor establishment. (Ord. 825 § 2 (part), 1996)

9.26.070 Possess or consume liquor.

It is unlawful for anyone under the age of twenty-one years to acquire or have in his or her possession or consume any liquor; provided, that the foregoing shall not apply in the case of liquor given or permitted to be given by his or her parents or guardian for beverage or medicinal purposes, or in conjunction with a religious service, or administered to such person by a physician or dentist for medicinal purposes. (Ord. 825 § 2 (part), 1996)

9.26.080 Opening or consuming liquor in public.

Except as permitted by state law (see RCW Title 66), and except in a beer garden or wine tasting area

approved by the city under a special event permit according to Section 9.26.115, no person shall open a package containing liquor or consume liquor in a public place. A person convicted of violating this section shall be subject to a fine not to exceed one hundred dollars. (Ord. 825 § 2 (part), 1996)
(Ord. No. 1269, § 1, 6-17-2013)

9.26.090 Sales to persons apparently under the influence of liquor.

- A. No person shall sell any liquor to any person apparently under the influence of liquor.
- B. A violation of this section is a gross misdemeanor. (Ord. 825 § 2 (part), 1996)

9.26.100 Possession of opened container.

The possession of an opened container of alcoholic beverage at any place other than at (a) private premises, (b) a place of business, (c) a beer garden or wine tasting area at Horseshoe Lake Park or on other public property as approved by the City according to Section 9.26.115, or (d) premises licensed by the Washington State Liquor Control board is prohibited. (Ord. 825 § 2 (part), 1996)
(Ord. No. 1269, § 2, 6-17-2013; Ord. No. 1396, § 1, 9-18-2017)

9.26.110 Possession and consumption—Limited.

The possession of an unopened container of alcoholic beverage or of an opened container of alcoholic beverage or the consumption of alcoholic beverage in or upon Horseshoe Lake or Horseshoe Lake Park, and any other city park, or upon the property of the Woodland School District is prohibited, except in a beer garden or wine tasting area at Horseshoe Lake Park or on other public property as approved by the city under a special event permit issued according to section 9.26.115. (Ord. 825 § 2 (part), 1996)
(Ord. No. 1269, § 1, 6-17-2013; Ord. No. 1396, § 2, 9-18-2017)

9.26.115 City-approved beer gardens and/or wine tasting areas.

Subject to approval by the city of a site plan designating areas within Horseshoe Lake Park or other public property as a beer garden and/or wine tasting areas submitted by festival organizers as part of a

special event permit, and subject to all applicable requirements and regulations of the Washington State Liquor Control Board, wine, champagne and beer may be possessed, sold and consumed within such designated areas, provided that such designated areas will not open before twelve p.m. (noon) and shall close at or before ten p.m. on each day of the event.

The City of Woodland can only approve a maximum of six special event permits a year allowing beer gardens and/or wine tasting areas. On October 13, 2017 and thereafter, no special event permits for beer gardens and/or wine tasting events shall be issued for events on public property except for events taking place within Horseshoe Lake Park.

To receive approval of a special event permit for a beer garden and/or wine tasting area at Horseshoe Lake Park the applicant must meet the following conditions:

- A. The applicant must be a 501-3(c) non-profit organization.
- B. The applicant will pay a non-waivable fee, in addition to the regular special event permit fee and a deposit, as established in the city fee resolution. This fee is to cover additional costs the city will incur for police and public works staff time dealing with issues from the beer gardens and/or wine tasting areas.
- C. The site plan shall be detailed and meet the requirements of police, fire and public works.
- D. The applicant shall submit a copy of the Washington State Liquor Control Board permit to the city prior to the event commencing.
- E. The applicant or liquor supplier/sponsor shall provide liquor liability insurance to the city with limits as required by the clerk-treasurer or city insurance carrier.
- F. The applicant or sponsor shall provide general liability insurance to the city with limits as required by the clerk-treasurer or city insurance carrier.

(Ord. No. 1269, § 1, 6-17-2013; Ord. No. 1289, § 1, 1-6-2014; Ord. No. 1396, § 3, 9-18-2017; Ord. No. 1432, § 1, 6-17-2019)

9.26.120 Appearing after consuming.

It is unlawful for any person under the age of twenty-one years to appear on the public streets of the city, or in any public place within the city, or in any

motor vehicle on a public street within the city after having consumed intoxicating liquor in violation of the provisions of this chapter, regardless of where consumption may have occurred; provided, that at the time of the appearance as aforesaid, evidence exists as to the consumption of intoxicating liquor. For the purposes of this section, the presence of the odor of intoxicating liquor, beer or wine on the breath of any person under the age of twenty-one years shall be prima facie evidence of consumption of intoxicating liquors, in violation of the provisions of this chapter. This provision shall not be construed as limiting the introduction of any other competent evidence of the consumption of intoxicating liquor in violation of this section. (See RCW 66.44.270(2)(b)). (Ord. 825 § 2 (part), 1996)

Chapter 9.36

OFFENSES AGAINST PUBLIC PEACE

Sections:

- 9.36.010** **Disorderly conduct.**
- 9.36.020** **Public disturbance noises.**
- 9.36.030** **Disrupting meetings and processions.**
- 9.36.040** **Failure to disperse.**
- 9.36.050** **Loitering on school grounds.**
- 9.36.060** **Obstructing highways and other
public passages.**
- 9.36.070** **Pedestrian interference.**
- 9.36.080** **Criminal impersonation.**

9.36.010 **Disorderly conduct.**

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

1. "Public place" shall be deemed and construed to include every public building, sidewalk, parking strip, public way, public park, public or private school, apartment house hallways, doorways and interiors of other commercial buildings to which the general public, having lawful business therein, is freely admitted.
2. "Noisy conduct or proceedings" shall not apply to any parent or parents seeking to gain the attention of their child or children by screams or yells, or to any act expressly permitted by city ordinance or state law, or to activities associated with a legally sanctioned parade, sporting event, or other activity for which a permit has been issued by the city, or to any act of a public official, including police officers, while engaged in performing their lawful duties.

B. It shall be unlawful for any person to disturb or endanger the public peace or decency by any disorderly conduct. The following acts, among others, are declared to be disorderly conduct:

1. Use of obscene, abusive or profane language in a public or private place in a manner which incites or tends to incite a breach of the peace, or which disturbs the public peace or decency;
2. Intentionally disrupts any lawful assembly or meeting of persons without lawful authority;
3. Intentionally obstructing vehicular or pedestrian traffic without lawful authority;

4. Lying, sitting, kneeling or standing in a public place in such a manner as to willfully impede, hinder, delay or obstruct other persons lawfully using such place for its intended use after being ordered by a peace officer to cease and desist. This subsection shall not apply to injured persons or public officials, including police officers, who are performing their lawful duties or to acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a permit;
5. The intentional operation of a motor vehicle within the city in a manner that unreasonably disturbs the public peace and tranquility, whether by excessive speed, excessive noise, or by other operation manifesting disregard for reasonable safety precautions;
6. Any noisy or riotous conduct either in a public or private place which causes a disturbance of the public peace and tranquility including, but not limited to, any person who screams, shouts, yells or broadcasts loud music that reasonably causes alarm for the safety of any person, persons, or property in the vicinity;
7. Engaging in, promoting, encouraging, aiding or abetting any fight, riot or noisy and disorderly proceeding on any street or public place, or in any private building or dwelling, when persons residing in the vicinity are disturbed;
8. Calling, or causing to be called, police, fire department, or other emergency personnel, on the pretext that an emergency exists when there is no such emergency.

(Ord. 930 § 2, 2000; Ord. 825 § 2 (part), 1996)

9.36.020 **Public disturbance noises.**

- A. It is unlawful for any person to cause, or for any person in possession of real or personal property to allow to originate from the property, sound that is a public disturbance noise.
- B. The following sounds are declared to be public disturbance noises for the purpose of this section:
 1. Frequent, repetitive, or continuous howling, barking, squawking or other noises made by any animal which unreasonably disturbs or interferes with the peace, comfort, and repose of any property owner or possessor; except that such sounds made by livestock, whether

from commercial or noncommercial activities on land which is properly zoned to allow keeping of livestock, and such sounds made in pet shops, small animal hospitals and kennels licensed under and in compliance with this code, shall be exempt under this subsection. It is unlawful for any person, firm or corporation being the owner or custodian of any dog to permit such dog to bark, bay, cry, howl or make any noise continuously for a period of ten minutes or bark intermittently for one-half hour or more to the disturbance of any person at any time of day or night regardless of whether the dog is physically situated on property under the control of the owner or custodian of the dog; provided, however, that it is an affirmative defense under this subsection that the dog was teased or provoked to bark or make any other noise by the injured person or any other person;

2. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
3. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine, within a residential area, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of neighboring real property; provided that this subsection shall not apply to the operation of lawn mowers, garden tools, agricultural machinery, chainsaws or other power equipment used for building repair or ground maintenance between the hours of seven a.m. and ten p.m.;
4. Frequent railroad switching between the hours of ten p.m. and seven a.m. within, adjacent or in close proximity to residential areas so as to unreasonably disturb or interfere with the peace, comfort and repose of persons residing in such residential areas;
5. The use of a sound amplifier or other device capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for at-

tracting the attention of the public to any vehicle, structure, or property or the contents therein between the hours of eight p.m. of one day and seven a.m. of the next day, except for emergency vehicle and licensed sound trucks;

6. The making of any loud and raucous sound within one thousand feet of any school, hospital, sanitarium, nursing or convalescent facility which unreasonably interferes with the use of such facility or with the peace, comfort, or repose of persons therein;
7. The use of a musical instrument, whistle, sound amplifier, radio, phonograph, television or other device producing or reproducing loud and raucous sounds which emanate frequently, repetitively or continuously from any building, structure, motor vehicle or property located within a residential area so as to unreasonably disturb or interfere with the peace, comfort or repose of owners or possessors of neighboring real property. Where applicable, proof of violation of the noise level limitations set out in WAC Chapter 173-60 shall be prima facie evidence of a violation of this section but proof of violations may be made by other evidence.

(Ord. 825 § 2 (part), 1996)

9.36.030 Disrupting meetings and processions.

A person commits a misdemeanor who, with a purpose to prevent or disrupt a lawful meeting, procession or gathering, does any act tending to obstruct or interfere with it physically, or makes any utterance, gesture or display designed to outrage the sensibilities of the group. (Ord. 825 § 2 (part), 1996)

9.36.040 Failure to disperse.

A person is guilty of failure to disperse who:

- A. Congregates with a group of three or more other persons and there are acts of conduct within that group which create a substantial risk of causing injury to any person, or substantial harm to property; and
- B. Refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaged in enforcing or executing the law. (See RCW 9A.84.020).

(Ord. 825 § 2 (part), 1996)

9.36.050 Loitering on school grounds.

No person, except a person enrolled as a student in, or parents or guardians of such students, or persons employed by such school or institution, shall without a lawful purpose therefor wilfully loiter within two hundred feet of the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto. (Ord. 825 § 2 (part), 1996)

9.36.060 Obstructing highways and other public passages.

- A. A person who, having no legal privilege to do so, purposely or recklessly obstructs any highway or other public passage, whether alone or with others, or in the case he/she persists after warning by a law officer, is guilty of a misdemeanor. No person shall be deemed guilty of recklessly obstructing in violation of this section solely because of a gathering of persons to hear him speak or otherwise communicate, or solely because of being a member of such gathering. "Obstructs" means renders impassable without imposing unreasonable inconvenience or hazard.
- B. A person in a gathering commits a violation if he/she refuses to obey a reasonable official request or order to move:
1. To prevent obstruction of a highway or other public passage; or
 2. To maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.

(Ord. 825 § 2 (part), 1996)

9.36.070 Pedestrian interference.

- A. A person is guilty of pedestrian interference if, in a public place, he or she intentionally:
1. Obstructs pedestrian or vehicular traffic; or
 2. Aggressively begs.
- B. The following definitions apply in the section:
1. "Aggressively beg" means to beg with the intent to intimidate another person into giving money or goods.
 2. "Beg" means to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.

3. "Intimidate" means to engage in conduct which would make a reasonable person fearful or feel compelled.
4. "Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie or place an object in such a manner as to block passage by another person or vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a duly authorized permit, shall not constitute obstruction of pedestrian or vehicular traffic.
5. "Public place" means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

C. Pedestrian interference is a misdemeanor.

(Ord. 965 § 1, 2002)

9.36.080 Criminal impersonation.

Criminal impersonation as prescribed in RCW 9A.60.040, as now in effect or hereinafter amended—(First degree—Gross misdemeanor, second degree—Misdemeanor). (Ord. 995 § 20, 2003)

Chapter 9.40

MISUSE OF THE 911 EMERGENCY RESPONSE SYSTEM

Sections:

- 9.40.010 Purpose.**
- 9.40.020 Definitions.**
- 9.40.030 Unlawful acts designated/affirmative defense.**
- 9.40.040 Imposition of fees.**
- 9.40.050 Discontinuation of services.**
- 9.40.060 Violation—Penalty.**
- 9.40.070 Resumption of service.**

9.40.010 Purpose.

The purpose of this chapter is intended to reduce the number of false requests for emergency services or similar misuse of the 911 emergency response system, which occurs within the city and results in the waste of city resources, by providing a criminal penalty for violators, imposing an administrative fee, and the potential discontinuation of service for such violators. (Ord. No. 1292, § 1, 3-17-2014)

9.40.020 Definitions.

The following words as used in this chapter shall be defined as follows:

"Misuse of the 911 system" is a request for emergency response services when no actual emergency exists and when the caller does not have a good faith basis to request emergency assistance. This includes, but is not limited to, repeated calls, continuous calls, and harassing calls to 911 when no emergency exists. This chapter shall not be applicable to mechanical activations of request for assistance, nor shall it be interpreted to impose liability on any person who makes a good faith request for emergency assistance based on a reasonable, factual basis that an emergency situation exists.

"Person" means and includes any natural person, partnership, joint stock company, or corporation of any character whatsoever. (Ord. No. 1292, § 1, 3-17-2014)

9.40.030 Unlawful acts designated/affirmative defense.

It shall be unlawful for any person to misuse the 911 emergency response system. Any person violating this section shall be guilty of a gross misdemeanor. It

shall be an affirmative defense that the person charged has a good faith, reasonable, factual basis for the request. (Ord. No. 1292, § 1, 3-17-2014)

9.40.040 Imposition of fees.

In addition to any criminal penalty, the city may impose administrative sanctions up to five hundred dollars per incident at the request of the 911 emergency response agency upon any misuse of the 911 emergency response system. (Ord. No. 1292, § 1, 3-17-2014)

9.40.050 Discontinuation of services.

Upon the city's determination that a person(s) has violated any provision of this chapter, the 911 emergency response agency may decline further responses to requests for emergency services originating from such person(s) as authorized by the chief of police. (Ord. No. 1292, § 1, 3-17-2014)

9.40.060 Violation—Penalty.

Unless otherwise provided for in this chapter or by state statute adopted by reference, any person violating any provision of this chapter shall be punishable by a fine not to exceed five thousand dollars and/or up to one year in jail. such penalty shall be in addition to any fee imposed and/or discontinuation of 911 emergency response services. (Ord. No. 1292, § 1, 3-17-2014)

9.40.070 Resumption of service.

In the event that any premises is sold or leased to new persons not responsible for such violations, the chief of police, upon receipt of written notification from the residents, shall lift the administrative order and resume regular emergency response services in accordance with standard procedures. (Ord. No. 1292, § 1, 3-17-2014)

Chapter 9.52

OFFENSES AGAINST PROPERTY

Sections:

- 9.52.010 Theft (including shoplifting).**
A. A person is guilty of theft who commits theft of property or services which does not exceed two hundred fifty dollars in value.
B. Theft is a gross misdemeanor. (See RCW 9A.56.050, See also RCW 4.24.230).
(Ord. 825 § 2 (part), 1996)
- 9.52.020 Criminal trespass (in a building).**
Criminal trespass in the first degree as prescribed in RCW 9A.52.070, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 14, 2003; Ord. 825 § 2 (part), 1996)
- 9.52.030 Criminal trespass (on property).**
Criminal trespass in the second degree as prescribed in RCW 9A.52.080, as now in effect or hereinafter amended—Misdemeanor. (Ord. 995 § 15, 2003; Ord. 825 § 2 (part), 1996)
- 9.52.035 Criminal trespass (defenses).**
Criminal trespass—defenses as prescribed in RCW 9A.52.090, as now in effect or hereafter amended. (Ord. 995 § 16, 2003)
- 9.52.040 Possessing stolen property.**
A. A person is guilty of possessing stolen property who possesses stolen property which does not exceed two hundred fifty dollars in value.
B. Possessing stolen property is a gross misdemeanor. (See RCW 9A.56.170).
(Ord. 825 § 2 (part), 1996)
- 9.52.050 Vehicle prowling.**
A. A person is guilty of vehicle prowling who, with intent to commit a crime against a person or property therein, enters or remains unlawfully in a vehicle other than a motor home, as defined in RCW 46.04.305, or a vessel equipped for propulsion by mechanical means or by sail which has a cabin equipped with permanently installed sleeping quarters or cooking facilities.
B. Vehicle prowling is a gross misdemeanor. (See RCW 9A.52.100).
(Ord. 825 § 2 (part), 1996)
- 9.52.055 Computer trespass.**
Computer trespass in the second degree as prescribed in RCW 9A.52.120, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 18, 2003)
- 9.52.060 Malicious mischief.**
Malicious mischief in third degree as prescribed in RCW 9A.48.090, as now in effect or hereinafter amended. (Ord. 995 § 17, 2003; Ord. 825 § 2 (part), 1996)
- 9.52.070 Unlawful issuance of checks or drafts.**
A. Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money or services, knowing at the time of such drawing, or delivery, there are not sufficient funds in, or credit with such bank or other depository, to meet such check or draft, in full upon its presentation, shall be guilty of unlawful issuance of a bank check. The word “credit” as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the
- 9.52.075 Obscuring identity of a machine.**
- 9.52.080 Bill posting and distribution—Commercial advertising.**
- 9.52.090 Disposal of litter—Penalty for violation.**
- 9.52.100 Reckless burning.**
- 9.52.110 Conversion of encumbered, leased or rented personal property.**
- 9.52.120 Hotel, motel or restaurant fraud.**
- 9.52.130 Abandoned wells and cisterns.**
- 9.52.140 Unattended iceboxes and refrigerators.**
- 9.52.150 Acts prohibited in parks.**
- 9.52.160 Making or having burglar tools.**

same shall be prima facie evidence of an intent to defraud.

- B. Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft on a bank or other depository for the payment of money and who issues a stop-payment order directing the bank or depository on which the check is drawn not to honor such check, and who fails to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within twenty days of issuing such check or draft shall be guilty of unlawful issuance of a bank check.
- C. Unlawful issuance of a bank check is a gross misdemeanor and shall be punished as follows:
1. The court shall order the defendant to make full restitution;
 2. The defendant need not be imprisoned, but the court shall impose a minimum fine of five hundred dollars. Of the fine imposed, at least fifty dollars shall not be suspended or deferred. Upon conviction for a second offense within any twelve-month period, the court may suspend or defer only that portion of the fine which is in excess of five hundred dollars. (See RCW 9A.56.060).

(Ord. 825 § 2 (part), 1996)

9.52.075 Obscuring identity of a machine.

Obscuring identity of a machine as prescribed in RCW 9A.56.180, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 19, 2003)

9.52.080 Bill posting and distribution—Commercial advertising.

It is unlawful for any person to post or attach any bills, handbills, posters, newspapers or other papers of a purely commercial advertising nature on any post, fence, tree, building or other structure, except upon billboards or other structures erected for that purpose. It is further unlawful to hand out, distribute, or scatter any such commercial advertising upon the streets, alleys or other public places of the city, or to throw them in the yards of the city, or to place them in or upon automobiles without the consent of the owner. (Ord. 825 § 2 (part), 1996)

9.52.090 Disposal of litter—Penalty for violation.

No person shall throw, drop, deposit, discard, or otherwise dispose of litter, as that term is defined in RCW 70.93.030(4), upon any public property within the city or

upon private property within the city not owned by him/her or in the waters of the city whether from a vehicle or otherwise, including but not limited to any sidewalk, street, alley, highway or park, except:

- A. When such property is designated by the city for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;
- B. Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of such private or public property or waters;
- C. Any person violating any provisions of this section shall be subject to the penalties set forth in RCW 70.93.060.

(Ord. 825 § 2 (part), 1996)

9.52.100 Reckless burning.

- A. A person is guilty of reckless burning who knowingly causes a fire or explosion, whether on his or her own property or that of another, and thereby recklessly places a building or other structure, or any vehicle, railway car, aircraft, or watercraft, or any hay, grain, crop or timber, whether cut or standing, in danger of destruction or damage.
- B. Reckless burning is a gross misdemeanor.
- C. In any prosecution for the crime of reckless burning, it shall be a defense if the defendant establishes by a preponderance of the evidence that:
 1. No person other than the defendant had a possessory, or pecuniary interest in the damaged or endangered property, or if other persons had such an interest, all of them consented to the defendant's conduct; and
 2. The defendant's sole intent was to destroy or damage the property for a lawful purpose. (See RCW 9A.48.050-060).

(Ord. 825 § 2 (part), 1996)

9.52.110 Conversion of encumbered, leased or rented personal property.

- A. Every person being in possession thereof, who shall sell, remove, conceal, convert to his or her own use, or destroy or connive at or consent to the sale, removal, conversion, concealment or destruction of any personal property or any part thereof, upon which a security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease exists, with intent to hinder, delay, or defraud the secured party of such security agreement, or the holder of such mortgage, lien, or conditional sales contract or the lessor under such lease or renter of [under] such rental agreement, or

any assignee of such security agreement, mortgage, lien, conditional sales contract, rental agreement or lease shall be guilty of a gross misdemeanor.

B. In any prosecution under this section any allegation containing a description of the security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease by reference to the date thereof and names of the parties thereto, shall be sufficiently definite and certain.

C. The provisions of this section shall be cumulative and nonexclusive and shall not affect any other criminal provision. (See RCW 9.45.060).

(Ord. 825 § 2 (part), 1996)

9.52.120 Hotel, motel or restaurant fraud.

Every person who shall obtain any food, lodging or accommodation of a value less than two hundred fifty dollars at any hotel, motel, restaurant, boardinghouse or lodginghouse without paying therefor, or who shall obtain credit in an amount less than two hundred fifty dollars at a hotel, motel, restaurant, boardinghouse or lodginghouse by color or aid of any false pretenses, representation, token or writing or who after obtaining board, lodging or accommodation at a hotel, motel, restaurant, boardinghouse or lodginghouse shall abscond or surreptitiously remove his baggage therefrom without paying for such food, lodging or accommodation, shall be guilty of a gross misdemeanor. (See RCW 19.48.110). (Ord. 825 § 2 (part), 1996)

9.52.130 Abandoned wells and cisterns.

It is a misdemeanor for any person to abandon or discontinue use or to permit or to maintain on his premises any abandoned or unused well, cistern or storage tank without first demolishing or removing from the city such storage tank or securely closing and barring any entrance or trap door thereto or without filling any well or cistern or capping the same with sufficient security to prevent access thereto by children. Any well, cistern or storage tank maintained in violation of this section is a nuisance. (Ord. 825 § 2 (part), 1996)

9.52.140 Unattended iceboxes and refrigerators.

It is a misdemeanor for any person to leave or permit to remain outside of any dwelling or abandoned building, or other structure under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, or other container which has an airtight door or lid, snap lock or other automatic locking device which may not be released from the inside, without first removing such door, or lid, snap lock or other locking device

from the refrigerator, icebox or container. Any icebox, refrigerator or other container maintained in violation of this section is a nuisance. (Ord. 825 § 2 (part), 1996)

9.52.150 Acts prohibited in parks.

A. The following acts within the parks of the city are prohibited:

1. Overnight camping and occupying or frequenting of the city parks between the hours of ten p.m. and six a.m.;
2. Allowing or permitting dogs or other small animals to run or be at large;
3. The possession, use or consumption of alcoholic beverages;
4. Riding horses;
5. The use and/or operation of motor vehicles, motor bikes and motorcycles other than upon designated roadways unless such use and/or operation is done pursuant to the direction of the city park board;
6. The scattering and/or leaving of paper, bottles, garbage, trash or debris;
7. The blocking of boat launching areas except when in the act of loading or unloading boats;
8. The killing, maiming or harming of waterfowl or other wildlife.

B. Any person violating this section is guilty of a misdemeanor.

(Ord. 825 § 2 (part), 1996)

9.52.160 Making or having burglar tools.

Making or having burglar tools as prescribed in RCW 9A.52.060, as now in effect or hereinafter amended—Gross misdemeanor. (Ord. 995 § 13, 2003)



Chapter 9.72**PARENTAL RESPONSIBILITY****Sections:**

9.72.010	Reserved.
9.72.020	Reserved.
9.72.030	Reserved.
9.72.040	Reserved.
9.72.050	Reserved.
9.72.060	Reserved.
9.72.070	Leaving children unattended in parked automobile.
9.72.080	Firearms.
9.72.090	Tobacco to minor.

9.72.010 **Reserved.**

9.72.020 **Reserved.**

9.72.030 **Reserved.**

9.72.040 **Reserved.**

9.72.050 **Reserved.**

9.72.060 **Reserved.**

9.72.070 **Leaving children unattended in parked automobile.**

Every person having the care and custody, whether temporary or permanent, of minor children under the age of twelve years, who leaves the children in a parked automobile unattended by an adult while such person enters a tavern or other premises where vinous, spirituous or malt liquors are dispensed for consumption on the premises is guilty of a gross misdemeanor. (Ord. 896 § 1, 1998)

9.72.080 **Firearms.**

- A. It is unlawful for anyone to sell, give, furnish or cause to be furnished, or permit to be sold, given, furnished or cause to be furnished to any minor a pistol, rifle, shotgun or similar firearm, or any ammunition for the same.
- B. It is unlawful for a minor to purchase, possess, or use any firearm or any ammunition for the same.
- C. In any prosecution under this section it is an affirmative defense that the firearm is being used or is about to be used immediately at a rifle range or that such minor is to immediately embark on a lawful animal hunt and such minor possesses a lawful hunting

license and is accompanied by a person over the age of eighteen years.

- D. Violation of this section is a misdemeanor. (Ord. 896 § 2, 1998)

9.72.090 **Tobacco to minor.**

- A. It is unlawful for any person to sell, give, furnish or cause to be furnished to any minor any cigarette, cigar, or tobacco products in any form. A violation under this subsection is a gross misdemeanor.
- B. A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under RCW Chapter 7.80 and is subject to a fine as set out in RCW Chapter 7.80 or participation in up to four hours of community service, or both. The court may also require participation in a smoking cessation program. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor control board, law enforcement, or local health department activity.

(Ord. 896 § 3, 1998)



Chapter 9.80**FIREARMS AND DANGEROUS WEAPONS****Sections:**

- 9.80.010** **Firearms and dangerous weapons—Prohibitions.**
- 9.80.020** **Dangerous weapons.**
- 9.80.030** **Loaded firearms in vehicles.**
- 9.80.040** **Discharge prohibited.**
- 9.80.050** **Drawing, carrying, displaying weapon.**

9.80.010 **Firearms and dangerous weapons—Prohibitions.**

The following statutes of the state of Washington are adopted by reference:

- A. RCW 9.41.010 Terms defined.
- B. RCW 9.41.050 Carrying firearms.
- C. RCW 9.41.060 Exceptions to restrictions on carrying firearms.
- D. RCW 9.41.070 Concealed pistol license—Application—Fee—Renewal.
- E. RCW 9.41.080 Delivery to ineligible persons.
- F. RCW 9.41.090 Dealer deliveries regulated—Hold on delivery.
- G. RCW 9.41.098 Forfeiture of firearms—Disposition—Confiscation.
- H. RCW 9.41.100 Dealer licensing and registration required.
- I. RCW 9.41.110 Dealer's licenses, by whom granted, conditions, fees—Employees, fingerprinting and background checks—Wholesale sales excepted—Permits prohibited.
- J. RCW 9.41.120 Firearms as loan security.
- K. RCW 9.41.140 Alteration of identifying marks—Exceptions.
- L. RCW 9.41.170 Alien's license to carry firearms—Exception.
- M. RCW 9.41.230 Aiming or discharging firearms, dangerous weapons.
- N. RCW 9.41.240 Possession of pistol by person from eighteen to twenty-one.
- O. RCW 9.41.250 Dangerous weapons—Penalty.
- P. RCW 9.41.260 Dangerous exhibitions.
- Q. RCW 9.41.270 Weapons apparently capable of producing bodily harm—Unlawful carrying or handling—Penalty.

- R. RCW 9.41.280 Possessing dangerous weapons on school facilities—Penalty—Exceptions.
- S. RCW 9.41.300 Weapons prohibited in certain places—Local laws and ordinances—Exceptions—Penalty.
- (Ord. 825 § 2 (part), 1996)

9.80.020 **Dangerous weapons.**

Every person who manufactures, sells, or disposes of or has in his possession any instrument or weapon of the kind usually known as a slingshot, sand club, or metal knuckles, or spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical devise, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement; who furtively carries with intent to conceal any dagger, dirk, pistol, or other dangerous weapon; or who uses any contrivance or device for suppressing the noise of any firearm is guilty of a misdemeanor. (Ord. 825 § 2 (part), 1996)

9.80.030 **Loaded firearms in vehicles.**

It is unlawful to carry, transport, convey, possess or control in or on a motor vehicle a shotgun or rifle containing shells or cartridges in the magazine or chamber, or a muzzle-loading firearm loaded and capped or primed. Law enforcement officers authorized to carry firearms are exempt from this section while on-duty within the city. (Ord. 825 § 2 (part), 1996)

9.80.040 **Discharge prohibited.**

No person, unless otherwise permitted by law, shall fire, shoot or discharge any firearm or other dangerous weapon within the city, except the provisions of this section shall not apply to bona fide target ranges, either public or private, operating lawfully within the city. (Ord. 918 § 1, 1999; Ord. 825 § 2 (part), 1996)

9.80.050 **Drawing, carrying, displaying weapon.**

- A. It is unlawful for anyone to carry, exhibit, display, or draw any firearm, dagger, sword, knife or other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.
- B. Subsection (A) of this section shall not apply to or affect the following:

1. Any act committed by a person reasonably necessary to defend his/her place of abode or place of business;
 2. Any person acting for the purpose of protecting him/herself against the use of presently threatened unlawful force by another or for the purpose of protecting another against the use of such unlawful force by a third person;
 3. Any person making or assisting in making a lawful arrest for the commission of a felony; or
 4. Any person engaged in military activities sponsored by the federal or state governments.
- C. If any provision of this section or its application to any persons or circumstances is held invalid, the remainder of this section or application of the provision to other persons or circumstances shall not be affected.

(Ord. 825 § 2 (part), 1996)

Title 10

VEHICLES AND TRAFFIC

Chapters:

- 10.04 Model Traffic Ordinance**
- 10.08 Speed Limits**
- 10.12 Identification and Marking of
City Police Vehicles**
- 10.26 Motorized Foot Scooters**
- 10.30 Golf Cart Zone**
- 10.36 Arterial Streets**
- 10.40 Miscellaneous Regulations**
- 10.56 Stopping, Standing, Parking**
- 10.60 Traffic Engineer
Designation/Load and Use
Restrictions**
- 10.64 Procedure on Arrest—Penalty**
- 10.68 Transporting Explosives and
Flammables**

Chapter 10.04**MODEL TRAFFIC ORDINANCE****Sections:****10.04.010 Washington Model Traffic Ordinance—Adopted.****10.04.010 Washington Model Traffic Ordinance—Adopted.**

- A. Adoption by Reference. The Washington Model Traffic Ordinance, Ch. 308-330 WAC, is hereby adopted by reference as the traffic ordinance of the city as if set forth in full, except as provided in subsections (B), (C) and (D) of this section.
- B. Section Not Adopted. The following section of the MTO is not adopted by reference and is expressly deleted:
1. 46.90.275.
- C. Adoption of Additional Provisions. The following additional provisions are hereby adopted:
1. Sections 4, 5, 6, 7, 10, 11 and 12 of Ch. 275, Laws of 1994;
 2. RCW 46.20.730 as amended by Section 23 of Ch. 275, Laws of 1994.
- D. RCW 46.55.113 Implemented. Pursuant to RCW 46.55.113, city law enforcement officers are authorized to impound vehicles whenever the driver of the vehicle is arrested for a violation of RCW 46.61.502, RCW 46.61.504, RCW 46.20.342, or RCW 46.20.420. The Woodland police chief or his designee is authorized to provide written direction to hold the vehicle for the time periods provided for and specified in RCW 46.55.113 Section 2.

(Ord. 893 § 1, 1998; Ord. 839 § 1 (part), 1997; Ord. 778 §§ 1—3, 1994)

Chapter 10.08

SPEED LIMITS

Sections:

10.08.010 **Speed limits—Generally.**

10.08.010 **Speed limits—Generally.**

Unless otherwise indicated, the speed limit on all streets within the city shall be twenty-five miles per hour. Pursuant to RCW 46.61.415, and when signs are erected giving notice thereof, different maximum speed limits may be established by resolution of the city council on streets or portions thereof, and during such times as may be specified herein. (Ord. 839 § 3, 1997)

Chapter 10.12

IDENTIFICATION AND MARKING OF CITY POLICE VEHICLES

Sections:

- 10.12.010** **Vehicle identification and marking.**
- 10.12.020** **Exempt vehicles.**
- 10.12.030** **Severability.**

10.12.010 **Vehicle identification and marking.**

Vehicles used or controlled by Woodland Police Department for law enforcement purposes shall be marked in accordance with RCW 46.08.065. These vehicles will be equipped with exterior lighting capable of flashing at a minimum, red and blue, and equipped with an emergency vehicle siren, and will be clearly marked with the Woodland Police Department official insignias when said vehicles are primarily used for traffic control and general emergency response purposes. (Ord. No. 1345, § 1, 11-16-2015)

10.12.020 **Exempt vehicles.**

Vehicles may be unmarked and without official insignia when the primary use of the vehicle is not for traffic control or general emergency response purposes. The chief of police shall designate which vehicles are to be unmarked and without official insignia and other similar identifying characteristics for undercover and other confidential purposes in accordance with the Revised Code of Washington. Any vehicle used for enforcement purposes in any capacity will be marked with exterior emergency lighting capable of flashing at a minimum, red and blue, and equipped with an emergency siren. (Ord. No. 1345, § 2, 11-16-2015)

10.12.030 **Severability.**

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter. (Ord. No. 1345, § 3, 11-16-2015)

Chapter 10.26

MOTORIZED FOOT SCOOTERS

Sections:

- 10.26.010** **Motorized foot scooters.**
- 10.26.020** **Definitions.**
- 10.26.030** **Operation of motorized foot scooters.**
- 10.26.040** **Helmets required.**
- 10.26.050** **Noise restrictions—Mufflers.**
- 10.26.060** **Required equipment.**
- 10.26.070** **Violation—Penalty.**
- 10.26.080** **Hearing to reclaim device.**
- 10.26.090** **Severability.**

10.26.010 **Motorized foot scooters.**

The provisions of this chapter shall apply to all motorized foot scooters. (Ord. 1048 § 1 (part), 2005)

10.26.020 **Definitions.**

"City property" means and includes all city rights-of-way, as defined in the city of Woodland Zoning Code.

"City street" means every public highway, alley or alleyway as defined in Chapter 46.04, or part thereof, located within the city limits of the city of Woodland.

"Helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chinstrap type retention system and shall be an approved helmet designed for safety that meets or exceeds the requirements of standard Z-90.4 set by the American National Standard Institute (ANSI) or the Snell Foundation, or a subsequent nationally recognized standard for helmet performance as the city may adopt.

"Motorized foot scooter" means a device with no more than two ten-inches or smaller diameter wheels that has handlebars, is designed to be stood on or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. For purposes of this chapter, "motorized foot scooter" does not include motorcycles (RCW 46.04.330), motor driven cycles (RCW 46.04.332), mopeds (RCW 46.04.304), electric assisted bicycles (RCW 46.04.169), electric personal mobility devices (RCW 46.04.1695), or power wheelchairs (RCW 46.04.515).

"Pocket bike" means a small two-wheeled conveyance with ten inch or less diameter wheels, designed to be sat upon and operated in the same approximate manner as a motorcycle, and that has the appearance of being a miniature motorcycle and is powered by gasoline or electric motors.

"Rules of the road" means all rules applicable to vehicle or pedestrian traffic as set forth in state statute, rule or regulation. (Ord. 1048 § 1 (part), 2005)

10.26.030 **Operation of motorized foot scooters.**

- A. It is unlawful for any person to operate a motorized foot scooter within the city limits of Woodland:
 1. On any city street unless such person is fourteen years of age or older;
 2. On any city street with a maximum speed limit above twenty-five miles per hour;
 3. Upon any sidewalk, except as may be necessary to enter or leave adjacent property;
 4. With a passenger in addition to the operator;
 5. To tow any person, object, trailer, bicycle, or vehicle;
 6. Upon any property owned by the Cowlitz County Diking District;
 7. In any city park.
- B. Any person operating a motorized foot scooter on a city street shall obey all the rules of the road, as well as the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- C. No motorized foot scooter shall be ridden or operated in such a manner as to endanger or be likely to endanger any person or property but shall be operated with reasonable regard for the safety of the operator and other persons and property.
- D. Pocket bikes are deemed to be off-road conveyances only and the operation of same is expressly prohibited at all times on any city street, highway, alley, right-of-way, park, sidewalk or other city-owned property.
(Ord. 1048 § 1 (part), 2005)

10.26.040 **Helmets required.**

Any person operating a motorized foot scooter device upon any city street or city property shall wear a helmet and shall have the neck or chinstrap of the

helmet fastened securely while the device is in motion. (Ord. 1048 § 1 (part), 2005)

10.26.050 Noise restrictions—Mufflers.

No motorized foot scooter shall be operated in a manner that creates continuous noise associated with a gasoline-powered engine so as to unreasonably disturb or interfere with the peace and comfort of owners or occupants of real property. Nothing in this section shall limit enforcement of the city's noise ordinance, Chapter 8.28 of this code. (Ord. 1048 § 1 (part), 2005)

10.26.060 Required equipment.

The following equipment shall be required whenever a motorized foot scooter is operated on any city streets, right-of-way or other public property within the city:

- A. Pursuant to RCW 46.04(9), a motorized foot scooter must be affixed with visible reflectors of a type approved by the Washington State Patrol;
- B. No motorized foot scooter powered by an internal combustion engine shall be operated without a muffler, as required by RCW 46.61.710;
- C. Handlebars must not exceed a height equal to or above the shoulders of the operator at the time of normal operation;
- D. Motorized foot scooters must have a working brake(s) that will enable the operator to make the braked wheel(s) skid on dry, level, clean pavement;
- E. Every motorized foot scooter when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp which shall emit a white light visible from all distances up to five hundred feet to the front and with a red reflector of a type approved by the Washington State Patrol which shall be visible from all distances up to six hundred feet to the rear. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. A light-emitting diode flashing taillight visible from a distance of five hundred feet to the rear may also be used in addition to the red reflector.

(Ord. 1048 § 1 (part), 2005)

10.26.070 Violation—Penalty.

- A. Any person violating the provisions of this chapter shall be deemed to have committed a traffic infraction, the monetary penalty for which shall be assessed in an amount not less than one hundred dollars.
- B. In lieu of the infraction and monetary penalty described above, any Woodland police officer may utilize the following penalty provision for a person under sixteen years of age found operating a motorized foot scooter in a manner contrary to this chapter:
 1. The officer may take custody of the device. If the officer does not impound the device, he may release it only to the parent or legal guardian of the violator or to the adult owning the scooter;
 2. Upon taking custody of the device, the officer shall provide the violator with written notice setting forth the procedure, including the right provided in this chapter, for reclaiming the device;
 3. If a hearing is not conducted as authorized by this chapter, any device which is not retrieved by the adult owner or parent/legal guardian of a violator within thirty days after receiving the written notice described in subsection (B)(2) of this section shall be declared unclaimed property and shall be disposed of in accordance with state and local law;
 4. Only the parent or legal guardian of a violator or an adult owner may reclaim a motorized foot scooter impounded pursuant to this section;
 5. For the second and subsequent impounds of the same motorized foot scooter, a one hundred dollar fee for costs of impounds and administrative processing shall be paid to the city clerk-treasurer prior to the release of any property impounded under this alternative penalty.
- C. Any parent of any child, and the guardian of any ward, who shall authorize or knowingly permit any such child or ward to violate any provision of this chapter shall be subject to a civil nontraffic monetary penalty in an amount not less than one hundred dollars.

(Ord. 1048 § 1 (part), 2005)

10.26.080 Hearing to reclaim device.

The procedure for reclaiming the device shall be as follows:

- A. Any adult owner or parent/legal guardian of a violator must request a hearing within ten days of the date of impoundment, excluding holidays and weekends. Said request shall be submitted to the chief of police for the city of Woodland. The failure of either the adult owner, parent, or legal guardian of a violator to request a hearing shall be deemed a waiver of rights which may be afforded by a hearings examiner;
- B. Any hearing which is requested shall be conducted within five days of the receipt of the request for such hearing, excluding weekends and holidays, by the hearings officer of the Woodland police department;
- C. A hearing shall be conducted to determine whether "good cause" for the impoundment of the device was present. A finding of the following shall constitute "good cause:"
 - 1. A violation of the provisions of this chapter in the presence of a law enforcement officer,
 - 2. A violation of the traffic laws as adopted in the Woodland Municipal Code in the presence of the officer, and
 - 3. Said violation occurred in the city of Woodland;
- D. The decision of the hearing officer shall be deemed the final administrative determination. If good cause for the impoundment is found, the adult owner, parent, or legal guardian shall pay the administrative fee and retrieve the device fifteen days from the date of the hearing. Failure to pay and retrieve the device within fifteen days after the date of the hearing shall be deemed a waiver of legal interest in the device and it shall thereafter be deemed unclaimed property and be disposed of according to law;
- E. If good cause for the impoundment are is not established, no fee shall be imposed and the device shall be returned to the adult owner, parent, or legal guardian of the violator in a timely fashion.

(Ord. 1048 § 1 (part), 2005)

10.26.090 Severability.

If any section, subsection, sentence, clause, phrase or word of the ordinance codified in this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this chapter. (Ord. 1048 § 1 (part), 2005)

Chapter 10.30

GOLF CART ZONE

Sections:

10.30.010	Authorization and applicability.
10.30.020	Golf carts—Defined.
10.30.030	Operation of golf carts on public roads.
10.30.040	Required equipment.
10.30.050	Registration.
10.30.060	Violation—Penalty.
10.30.070	Severability.

10.30.010 Authorization and applicability.

Subject to the provisions of this chapter, the operation of golf carts are authorized upon the city streets within the City of Woodland. The provisions of this chapter shall apply to all golf carts. All requirements of RCW 46.08.175 shall be followed in addition to the provisions of this chapter.

(Ord. No. 1334, § 1, 9-8-2015)

10.30.020 Golf carts—Defined.

A golf cart is defined as a gas powered or electric powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes, and has a speed attainable in one mile of not more than twenty miles per hour. A golf cart is not a non-highway vehicle or off-road vehicle as defined in RCW 46.09.020. A golf cart is not considered a motor vehicle, except for the purposes of Chapter 46.61 RCW. As per WMC 10.30.030(C), only electric golf carts may be operated within the City of Woodland golf cart zone.

(Ord. No. 1334, § 1, 9-8-2015)

10.30.030 Operation of golf carts on public roads.

- A. Every person operating a golf cart must be at least sixteen years of age and must have a valid driver's license.
- B. Every person operating a golf cart is granted all rights and is subject to all duties applicable to the driver of a vehicle under RCW 46.61.
- C. Both gas and electric golf carts are approved for use in the golf cart zone.

- D. The City designates those streets west of Interstate 5 and having a speed limit of twenty-five miles per hour and under as located within the golf cart zone.
- E. Golf carts may be operated in the golf cart zone twenty-four hours per day.
- F. Any person operating a golf cart shall not transport more passengers than the manufacturer's designed seating capacity.
- G. Accidents that involve golf carts operated within the golf cart zone must be recorded and tracked in compliance with RCW 46.52. The accident report must indicate that a golf cart operating within a golf cart zone is involved in the accident.
- H. Golf carts shall not be operated on a street in a negligent manner. For the purpose of this subsection, "to operate in a negligent manner" is defined as the operation of a golf cart in such a manner as to endanger any person or property, or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways, or parks.

(Ord. No. 1334, § 1, 9-8-2015; Ord. No. 1357, § 1, 11-21-2016)

10.30.040 Required equipment.

The golf cart shall be equipped with the following permanent equipment:

- A. Seatbelts anchored to the frame for driver and in use by all passengers;
- B. Two rearview mirrors capable of reflecting for a distance of at least two hundred feet to the rear of such vehicle and mounted to the golf cart:
 1. One on the left side of the cart; and
 2. One on the right side of the cart; and
 3. One in the middle of the cart.
- C. A total of eight three-inch reflectors shall be mounted on the golf cart, four amber and four red. Amber reflectors shall be placed on the front and the forward right and left sides of the cart. Red reflectors shall be placed on the rear and the rear right and left sides of the cart.
- D. The golf cart shall have all of the standard safety features provided by the manufacturer

and shall not be modified to exceed a speed of twenty-five miles per hour nor otherwise modified in any way that creates a hazard.

E. Turn signals, brake lights, and head lights.

(Ord. No. 1334, § 1, 9-8-2015; Ord. No. 1357, § 2, 11-21-2016)

10.30.050 Registration.

All golf carts shall be registered with the city prior to the operation upon the public roadways within the City of Woodland. The sole purpose of the registration is to identify the owners of the golf carts being operated as provided herein. Registration of a golf cart is not intended to and shall not operate to warrant our guarantee that the golf cart meets any particular standard or condition or that it may be safely operated upon the public roadways within the City of Woodland. Registration shall be made in the manner set forth as follows:

- A. Applications for a golf cart registration shall be made upon a form provided by and to the city public works director or his/her designee. A one-time license fee as prescribed by the city council shall be paid before each registration is granted.
- B. Upon receiving proper application, the public works director or his/her designee is authorized to issue a golf cart registration which shall be effective for so long as the golf cart remains under ownership of the applicant. A golf cart registration will be issued upon the approval of the completed application and payment of the fee.
- C. the public works director or his/her designee shall verify that the vehicle has not been modified to allow speeds in excess of twenty five miles per hour.
- D. The public works director or his/her designee shall verify that the vehicle has the required equipment specified in WMC 10.30.040.
- E. the public works director or his/her designee shall not issue a golf cart registration for any golf cart when he/she knows or has reasonable grounds to believe that the applicant is not the owner of, or entitled to the possession of, such a golf cart.
- F. The public works director or his/her designee shall keep a record of the registration, the date

issued, the name and address of the person to whom issued, and a record of registration fees collected.

- G. The public works director or his/her designee shall issue a registration card and affix a decal on the golf cart upon successful completion of the inspection and registration process.
- H. The golf cart owner shall carry the golf cart registration card at all times when operating the golf cart.
- I. If the golf cart is transferred to a new owner, then the new owner must complete the registration process and pay the registration fee.

(Ord. No. 1334, § 1, 9-8-2015; Ord. No. 1357, § 3, 11-21-2016)

10.30.060 Violation—Penalty.

- A. Any person violating the provisions of this chapter shall be deemed to have committed a traffic infraction, the monetary penalty of which shall be assessed in an amount not less than one hundred dollars.
- B. In lieu of the infraction and monetary penalty described above, any Woodland police officer may utilize the following penalty provision for a person under sixteen years of age found operating a golf cart in a manner contrary to this chapter:
 1. The officer may take custody of the golf cart. If the officer does not impound the golf cart, he may release it only to the parent or legal guardian of the violator or to the adult owning the golf cart;
 2. Upon taking custody of the golf cart, the officer shall provide the violator with written notice setting forth the procedure, including the right provided in this chapter, for reclaiming the golf cart;
 3. If a hearing is not conducted as authorized by this chapter, any golf cart which is not retrieved by the adult owner or parent/legal guardian of a violator within thirty days after receiving written notice described in subsection (B)(2) of this section shall be declared unclaimed property and shall be disposed of in accordance with state and local law;
 4. Only the parent or legal guardian of a violator or an adult owner may reclaim a golf cart impounded pursuant to this section;

5. For the second and subsequent impounds of the same golf cart, a one hundred dollar fee for costs of impounds and administrative processing shall be paid to the city clerk-treasurer prior to the release of any property impounded under this alternative penalty.
- C. Any parent of any child, and the guardian of any ward, who shall authorize or knowingly permit any child or ward to violate any provision of this chapter shall be subject to a civil non-traffic monetary penalty in an amount not less than one hundred dollars.

(Ord. No. 1334, § 1, 9-8-2015)

10.30.070 Severability.

If any section, subsection, sentence, clause, phrase, or word of the ordinance codified in this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity of constitutionality of any other section, subsection, sentence, clause, phrase, or word of this chapter.

(Ord. No. 1334, § 1, 9-8-2015)

Chapter 10.36

ARTERIAL STREETS

Sections:

10.36.010 Designated.

10.36.010 Designated.

The following described streets, and parts are arterial highways for purposes of this title:

North Goerig Street,
 South Goerig Street,
 Davidson Avenue,
 Bozarth Street from Georig Street to Fifth Street,
 Fifth Street from Bozarth Street to South City

Limits,

Buckeye Street from Georig Street to Park Street,
 Park Street between Buckeye Street and Davidson

Avenue,

East Scott Avenue,
 West Scott Avenue,
 Atlantic Street,
 Pacific Street,
 Washington Street,
 CC Street,
 Lakeshore Drive,
 Lewis River Drive.

(Ord. 368 § 1-32, 1973)

Chapter 10.40

MISCELLANEOUS REGULATIONS

Sections:

- 10.40.010** **Driving through funeral or other procession.**
- 10.40.020** **Operators in a procession.**
- 10.40.030** **Backing in an alley.**
- 10.40.040** **Driving over curbs or sidewalks—U turns.**
- 10.40.050** **Boarding or alighting from vehicle in motion.**
- 10.40.060** **Unlawful riding.**
- 10.40.070** **Merchandise for sale on streets and sidewalks.**
- 10.40.080** **Railroad blocking streets—Jacobs brake.**
- 10.40.090** **Avoidance of intersection—Penalty.**

10.40.010 **Driving through funeral or other procession.**

No operator of a vehicle shall drive between the vehicles comprising a funeral procession or any authorized procession or parade while they are in motion. This provision shall not apply at intersections where traffic is controlled by traffic control signals unless a police officer is present at such intersections to direct traffic so as to preserve the continuity of the procession. (Ord. 368 § 1-35, 1973)

10.40.020 **Operators in a procession.**

Each operator in a funeral procession, except a lawful parade, shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe. (Ord. 368 § 1-36, 1973)

10.40.030 **Backing in an alley.**

No vehicle shall back into an alley; no vehicle shall back out of an alley except when same is obstructed and an emergency is imminent. (Ord. 368 § 1-37, 1973)

10.40.040 **Driving over curbs or sidewalks—U-turns.**

The driver of a vehicle shall not drive upon or over any curb across or upon any sidewalk, or make any U turns except at a street intersection. (Ord. 368 § 1-38, 1973)

10.40.050 **Boarding or alighting from vehicle in motion.**

No person shall board or alight from any vehicle while such vehicle is in motion. (Ord. 368 § 1-39, 1973)

10.40.060 **Unlawful riding.**

No person shall ride upon any vehicle or portion thereof not designated or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, persons riding within truck bodies intended for merchandise, or to persons riding upon convertibles, floats or other contrivances that are participating in a lawful parade. (Ord. 368 § 1-40, 1973)

10.40.070 **Merchandise for sale on streets and sidewalks.**

It is unlawful for any person to store or display any goods, wares or merchandise, or any other article or thing for purposes of sale or otherwise on any street, right-of-way, alley or sidewalk, or in the space between the sidewalk and street curbs in the city; provided, however, this section shall not be construed to prevent the holding of a farmer's market or annual merchandise fair upon the streets and sidewalk of the city with the time, place, exhibitors and exhibits to be fixed by resolution of the city council. (Ord. 368 § 1-41, 1973) (Ord. No. 1160, § 1, 7-20-2009)

10.40.080 **Railroad blocking streets—Jacobs brake.**

- A. Railroad Trains Not to Block Streets. It is unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street or highway within the city limits for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching.
- B. Jacobs Brake. Use of Jacobs brake or any other exhaust brake within the city is prohibited. (Ord. 368 § 1-42, 1973)

10.40.090 **Avoidance of intersection—Penalty.**

- A. It is unlawful for any person operating a motor vehicle within the city of Woodland to leave any roadway's lanes of travel and proceed across any private property or publicly owned non right-of-way property for the purpose of avoiding an inter-

section or traffic-control device controlling an intersection, unless so directed by proper authorities.

- B. A violation of this section shall be a traffic infraction punishable by a monetary penalty of one hundred twelve dollars.
- C. This traffic infraction shall be treated as a moving violation.

(Ord. No. 1295, § 1, 3-17-2014)

Chapter 10.56

STOPPING, STANDING, PARKING

Sections:

- 10.56.010** **Truck tractor and/or commercial trailer parking.**
- 10.56.020** **Boats—Recreational vehicles—Trailers.**
- 10.56.030** **Parking truck tractors, truck tractor trailers and commercial vehicles in residential areas.**
- 10.56.040** **Off-street parking.**
- 10.56.010** **Truck tractor and/or commercial trailer parking.**
- A. The word "truck tractor" as used in this section is defined to include, but is not limited to, the following definition: "truck tractor" means a large motor driven vehicle with a driver's cab, but no body, used for pulling trailers.
- B. The word "commercial trailer" as used in this section is defined to include, but is not limited to, the following definitions:
1. Any apparatus which is designed to be pulled by a truck tractor for transport on public roads;
 2. Can travel under its own power and which utilized for the power of another motor vehicle.
- C. On-street parking of large truck tractors, commercial trailers or commercial vehicles over ten thousand pounds gross weight, or with a licensed capacity over ten thousand pounds gross weight, is prohibited in all districts of the city.
- D. The owner/operator of a truck tractor and/or commercial trailer may only park on a city street for the commercial purpose of loading and/or off-loading the trailer. The truck tractor must remain hooked to the commercial trailer at all times, except when loading or off-loading.
- E. Parking of a truck tractor and commercial trailer on a city street for the purpose of loading and/or off-loading is permitted for a time frame of up to, but no longer than, three consecutive hours for every twenty-four-hour period.

Violation of this Section shall constitute as a class 3 civil infraction.

This section does not apply to residential zones, which are governed in WMC 10.56.030. (Ord. 839 § 6 (part), 1997; Ord. 650 § 2, 1987; Ord. 621 §§ 1—3, 1986) (Ord. No. 1153, § 1, 4-20-2009)

10.56.020 **Boats—Recreational vehicles—Trailers.**

On-street parking of trailers, boats, campers and recreational vehicles in any residential, commercial or industrial district is not permitted unless allowed temporarily under this chapter.

For the purpose of this section, a trailer is defined as any wheeled conveyance, regardless of its purpose and regardless of whether all wheels are attached or inflated or whether the trailer is moveable, designed to be towed behind another vehicle. This section does not apply to large truck (semi tractor-trailer) trailers which are governed by WMC Section 10.56.030.

The owner of a trailer, boat, camper or any other recreational vehicle may temporarily park on the city street for no longer than twenty-four consecutive hours within any sixty-hour period provided the vehicle (A) does not create a traffic hazard, (B) is not otherwise illegally parked, and (C) the trailer, boat, camper, or recreational vehicle is capable of being immediately moved either under its own power or under the power of a towing vehicle which must remain attached (hooked up) to the trailer.

Trailers, boats, campers and recreational vehicles temporarily parked on-street under the provisions of this section may not be used as permanent or temporary dwelling places under any circumstances.

Violation of this section is a parking infraction. (Ord. 1135 § 1, 2008; Ord. 1002 § 2, 2003)

10.56.030 **Parking truck tractors, truck tractor trailers and commercial vehicles in residential areas.**

On-street and off-street parking of truck tractors, truck tractor trailers or commercial vehicles in excess of fourteen thousand five hundred pounds gross vehicle weight rating (GVWR) is prohibited in all residential zoning districts of the city.

The following vehicles are exempt from these parking restrictions:

- A. Authorized emergency vehicles as defined in RCW 46.04.040, as presently enacted or hereafter amended;

- B. public or privately owned ambulances licensed pursuant to RCW 18.73.130;
- C. Tow trucks, provided: (1) the tow truck is owned and operated by a registered owner/operator pursuant to WAC 204-91A; (2) the tow truck is no larger than a class B tow truck as defined in WAC 204-91A-170(2) and (3); and (3) the truck has no more than two axles.

Violation of this section is a parking infraction.

(Ord. No. 1191, § 1, 8-23-2010)

Editor's note—Ord. No. 1191, § 1, adopted August 23, 2010, repealed the former § 10.56.030, and enacted a new § 10.56.030 as set out herein. The former § 10.56.030 pertained to truck tractors and trailers in residential areas and derived from Ord. No. 1002, 2003 and Ord. 1135, 2008.

10.56.040 Off-street parking.

- A. The mayor or the mayor's designee is authorized to designate off-street parking spaces as "city employee parking only" and to assign spaces to specific city employees. For purposes of this section, the term "city employee" includes elected city officials, appointed city officials and persons employed by the city on either a full-time or part-time basis.
- B. Any unauthorized vehicle parked in an off-street parking space designated as "city employee parking only" is an unlawfully parked vehicle.
- C. RCW 46.55, as presently enacted or hereafter amended, as well as any applicable rules published as part of the Washington Administrative Code, are adopted by reference and authorize both the posting of restrictions on city off-street public parking and the towing and/or impounding of unlawfully parked vehicles. Posting shall comply with RCW 46.55.070.

(Ord. No. 1196, § 1, 12-6-2010; Ord. No. 1371, § 1, 8-15-2016)

Chapter 10.60**TRAFFIC ENGINEER DESIGNATION/LOAD
AND USE RESTRICTIONS****Sections:**

- 10.60.010 Traffic engineer designation.**
- 10.60.020 Load and use restrictions.**
- 10.60.030 Penalties.**

10.60.010 Traffic engineer designation.

For the purposes of WAC 308-330-265, the public works director is designated as the traffic engineer for the city. (Ord. 839 § 8 (part), 1997)

10.60.020 Load and use restrictions.

As authorized by WAC 308-330-265, the city's traffic engineer, under the direction of the mayor and without the need for adoption of a resolution or ordinance unless so required by the city council, is authorized to place and maintain traffic control devices at various locations within the city of the type described in WAC 308-330-265. (Ord. 839 § 8 (part), 1997)

10.60.030 Penalties.

Upon the placement of such devices, persons in violation thereof shall be deemed to have committed a traffic infraction as provided in RCW 46.63.110. (Ord. 839 § 8 (part), 1997)

Chapter 10.64

PROCEDURE ON ARREST—PENALTY

Sections:

- 10.64.010** **Penalty for violation.**
- 10.64.020** **Parking violation—Notice—
Issuance.**
- 10.64.030** **Parking violation—Notice—No
response.**
- 10.64.040** **Parking violation—Owner
presumed operator.**

10.64.010 **Penalty for violation.**

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this title shall be punished as provided in Section 1.12.010. (Ord. 368 § 1-73, 1973)

10.64.020 **Parking violation—Notice— Issuance.**

Whenever any motor vehicle without driver is found parked, angle parked or stopped in violation of any of the restrictions imposed by this title, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a notice in writing, on a form provided by the city, for the driver to answer the charge against him at the place and time specified by the notice. The officer shall deposit the complaint and the abstract of court record copy of such traffic complaint and citation with the municipal judge. (Ord. 368 § 1-74, 1973)

10.64.030 **Parking violation—Notice—No response.**

If a violator of the restrictions on stopping, standing, or parking does not appear in response to a notice affixed to such motor vehicle within the time specified in the notice, the clerk of the municipal court shall mail to the owner of the motor vehicle to which the notice was affixed, an additional notice informing him of the violations and warning him that in the event such notice is disregarded for a period of five days, a warrant of arrest will be issued. (Ord. 368 § 1-75, 1973)

10.64.040 **Parking violation—Owner presumed operator.**

- A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such

law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

- B. The foregoing stated presumption shall apply only when the procedure as prescribed in Sections 10.64.030 and 10.64.040A have been followed. (Ord. 368 § 1-76, 1973)

Chapter 10.68

**TRANSPORTING EXPLOSIVES AND
FLAMMABLES**

Sections:

**10.68.010 Transporting explosives or
flammables.**

**10.68.010 Transporting explosives or
flammables.**

All motor vehicles transporting any cargo consisting of substances or materials of a nature which are dangerous or hazardous including, but not by way of limitation, explosives, flammable solids or liquids, compressed gases, or any other substance, whether solid, liquid or gas, shall comply with the safety rules and regulations of the Washington State Utilities and Transportation Commission and the failure to comply with such rules and regulations shall be a misdemeanor. (Ord. 368 § 1-77, 1973)

Title 11

PUBLIC SERVICES

Chapter:

11.04

Emergency Medical Services

Chapter 11.04

EMERGENCY MEDICAL SERVICES

Sections:

11.04.010	Purpose.
11.04.020	Definitions.
11.04.025	Exclusive ambulance service provider.
11.04.030	Regulatory administration.
11.04.040	Contract administration.
11.04.050	EMS administrative board—Membership.
11.04.060	EMS administrative board—Terms and conduct.
11.04.070	EMS administrative board—Powers and duties.
11.04.080	Administrative rules.
11.04.090	System standard of care—Medical program director's duties.
11.04.095	System standard of care—Upgrades—Conditions.
11.04.100	System standard of care—Upgrades—Review required.
11.04.110	Ambulance service license—Required.
11.04.120	Ambulance service license—Issuance.
11.04.130	Ambulance service license—Term.
11.04.140	Ambulance service license—Denial, suspension and revocation—Conditions.
11.04.150	Ambulance service license—Denial, suspension and revocation—Notice.
11.04.160	Ambulance service license—Denial, suspension and revocation—Appeal.
11.04.170	Permits for certain vehicles.
11.04.180	Certification for certain personnel.
11.04.190	Certifications and permits—Denial, suspension and revocation—Conditions.
11.04.200	Certifications and permits—Denial, suspension and revocation—Appeals procedure.
11.04.210	Prohibited activities.
11.04.220	Exemptions to chapter provisions.
11.04.230	Enforcement—Liability limitations.
11.04.240	Violation—Misdemeanor when—Penalties.

11.04.250	Violation—Civil when—Continuing.
11.04.260	Civil violation—Notice, penalties and appeal.
11.04.270	Violation—Other penalties.

11.04.010 Purpose.

It is the purpose of this chapter:

- A. To establish oversight and regulatory standards for the provision of ambulance and emergency medical services which supplement and exceed the standards of RCW Chapters 18.73 and 70.168 and the regulations adopted there under;
- B. To promote state-of-the-art clinical quality of EMS care with reasonable, reliable response-time standards, and with the goal of furnishing the best possible chance of survival, without disability or preventable complication, to each EMS patient;
- C. To provide a method to develop specific performance standards, adequate review, and medical protocols for such services; and
- D. To establish a uniform EMS ordinance which may be adopted by other general purpose governmental units which wish to take advantage of a uniform standard of care in recognition of the role of the medical facilities and health care community as regional providers of primary, secondary, and tertiary medical care.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.020 Definitions.

Unless a different meaning is plainly required by the context, words and phrases used in this chapter shall have the meanings attributed to them in RCW 18.73.030 or in this section; Provided, that in case of any conflict, this chapter shall control.

"Ambulance patient" means any patient being transported in an ambulance as defined in RCW 18.73.030.

"Ambulance service" means an agency licensed by the state and county to operate one, or more ground ambulance as defined by RCW 18.73.030.

"Ambulance service contract" means the contract entered into between Clark County EMS District No. 2 (District) and Ambulance service contractor for exclusive market rights (9-1-1 and non-9-1-1 or non-emergency) and responsibilities, for the provision of all ground ambulance service originating within the con-

tract service area, regardless of whether the patient's destination is within or outside the county, subject to the exemptions defined in this chapter.

"Ambulance service contractor" means the entity which is under contract with Clark County EMS District No. 2 (District) to provide ambulance services.

"Board" means the Clark County Board of Commissioners.

"Cities" means the cities of Battle Ground, La Center, Ridgefield, and Woodland, Washington which have adopted the uniform EMS ordinance and entered into the EMS interlocal cooperation agreement.

"County" means Clark County, Washington.

"CRESA" means the Clark Regional Emergency Services Agency.

"District" means Clark County Emergency Medical Services District No. 2 established by ordinance pursuant to RCW 36.32.480.

"Emergency medical services" or "EMS" means medical treatment and care which may be rendered of any medical emergency, or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

"Emergency medical services administrative board," or "EMSAB" means the board established pursuant to this chapter and the EMS interlocal cooperation agreement to provide EMS administrative and financial oversight functions.

"EMS interlocal cooperation agreement" means the agreement entered into between the cities, the county, and the district pursuant to Chapter RCW 39.34 in part to effectuate the enforcement of this chapter.

"Loaded miles" means the ambulance transport of a patient from site of pick up to destination.

"Medical call-taker" or "emergency medical dispatcher" means a person in the employ of or acting under the control of a private or public agency who receives and responds to calls requesting emergency medical services and administers emergency medical dispatch protocols approved by the medical program director.

"Medical program director" or "MPD" means the medical program director for Clark County certified by the Secretary of the Department of Health pursuant to Chapter 18.71 RCW.

"Medical protocol" means any diagnosis-specific or problem-oriented written statement of standard procedures promulgated pursuant to state or local law or regulation for pre-hospital care for a given clinical condition.

"On-line medical control physician" means a physician who gives direction to ambulance or other EMS personnel through direct voice contact or other communication media as required by applicable medical protocols.

"Patient" means any person who is injured, sick, incapacitated, or otherwise found by the medical program director, to require emergency medical services.

"Person" means an individual, partnership, company, association, corporation (governmental or private) or any other legal entity including any receiver, trustee, assignee or similar representative.

"Regulated service area" means the combined area of the unincorporated area of Clark County within EMS District #2, plus the corporate limits of the cities and all other general purpose jurisdictions which have adopted the uniform EMS ordinance and entered into the EMS interlocal cooperation agreement.

"Response time zones" means those geographic areas designated as urban, suburban, rural and wilderness by the EMS administrative board and in the ambulance service contract and EMS administrative rules adopted pursuant to this chapter.

"System standard of care" or "standard of care" means the combined compilation of all standards for out-of-hospital medical care including but not limited to emergency medical dispatching protocols; EMS patient care guidelines (i.e., first responders and ambulance providers); protocols for selecting destination hospitals; standards for certification of out-of-hospital care personnel (i.e., medical call-takers, emergency medical responders, emergency medical technicians, paramedics and on-line medical control physicians); standards for permits (i.e., ambulances, first responder units, helicopter rescue units, and special-use mobile intensive care services); response-time standards; standards governing-on-board medical equipment and supplies; and standards for licensure of ambulance services. The standard of care shall serve as both a regulatory and contractual standard of care and performance.

"Uniform EMS ordinance" or "ordinance" means the ordinance codified in this chapter and all substantially identical ordinances adopted by general purpose governmental jurisdictions which are also parties to the EMS Interlocal Cooperation Agreement. (Ord. No. 1288, § 1, 11-18-2013)

11.04.025 Exclusive ambulance service provider.

Except as provided for in Section 11.04.110, this chapter provides for a single provider of ambulance

services (9-1-1 and other) for all ground ambulance for both emergency and non-emergency transport of ambulance patients.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.030 Regulatory administration.

Clark County shall be the agent to enforce and administer this chapter and shall establish a budget for the support of such activities through an agreement with CRESA's EMS Program, provided that any criminal prosecution as defined in Section 11.04.240 shall be instituted by the affected jurisdiction. The specific responsibilities of Clark County as the regulatory administrator shall be described as described by the EMS interlocal cooperation agreement.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.040 Contract administration.

The county shall appoint the five members of an EMS administrative board. The EMS administrative board shall advise on matters pertaining to EMS contracting and system wide financial stability and carry out administrative duties through an agreement with CRESA's EMS program. The specific responsibilities of the district as the contract administrator shall be described in the ambulance services contract and the EMS interlocal cooperation agreement.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.050 EMS administrative board—Membership.

The EMS administrative board shall consist of five persons, none of whom shall be elected officials, who shall consist of the following:

- A. One with expertise in the field of health care administration;
- B. One with expertise in business and finance;
- C. One with expertise in law;
- D. One with expertise in the fields of health care administration or business;
- E. One with expertise in insurance.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.060 EMS administrative board—Terms and conduct.

Initial appointees shall draw lots from a selection including two appointments for two years and three appointments for three years. Thereafter, terms shall be

for three-year terms. The EMS administrative board shall elect such officers and adopt such bylaws as appropriate for orderly conduct of business.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.070 EMS administrative board—Powers and duties.

The EMS administrative board shall:

- A. Develop and administer an ambulance procurement process for the Contract Service Area of EMS District #2, subject to confirmation by the District;
- B. Conduct ongoing ambulance contract administration and oversight;
- C. Review and comment on changes in EMS system structure and financing;
- D. Review upgrades in the system standard of care which will result in major cost increases, subject to confirmation by the District;
- E. Perform such other duties as are prescribed by the EMS interlocal cooperation agreement. (Sec. 13(c) of Ord. 1992-06-26; amended by Sec. 6 of Ord. 1995-04-04; amended by Exh. A of Res. 2003-04-23)

(Ord. No. 1288, § 1, 11-18-2013)

11.04.080 Administrative rules.

- A. Authority. Clark County may adopt, amend and repeal administrative rules deemed necessary to achieve the purposes of this chapter. Such rules shall include, but are not limited to:
 1. Procedures for licensing ambulance services;
 2. Procedures for obtaining ambulance vehicle permits;
 3. Minimum ambulance vehicle and equipment standards;
 4. Minimum ambulance staffing levels; and
 5. Minimum ambulance response time standards.
- B. Notification Requirements. In promulgating or amending these rules, Clark County shall provide for reasonable notice to and opportunity for comment by affected agencies and persons by:
 1. Publication in a newspaper of general circulation in the county at least ten days prior to the day of intended action; and
 2. At least thirty days' written notice to all EMS agencies within the county and to those persons on file as having requested such notice

from the county. The notice should state the subject matter and purpose of the intended action and the time, place and manner in which interested persons may present their views on the intended action. It should inform the reader that a copy of the proposal and the county recommendation are available for inspection.

- C. **Rule Adoption Procedure.** Clark County shall adopt rules according to the following procedures:
1. Public notification as outlined above in Section 11.04.080(B);
 2. Written recommendation by the county setting forth the legal authority for the action, the need for the rule and how the rule fulfills the need;
 3. A public hearing that provides reasonable opportunity for testimony from the public;
 4. No rule related to training, certification, medical equipment, or medical protocols shall be made without recommendation from the MPD.
- D. **Rule Adoption Effective Date—Appeal.** The action taken by Clark County shall become effective on the thirtieth day following public notification unless a written notice of appeal pursuant to Section 11.04.160 of this chapter is timely filed within fourteen days of public notification. Such appeals shall state the alleged errors, the evidence and legal authority to be relied upon on appeal and the requested action.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.090 System standard of care—Medical program director's duties.

The county, as the regulatory administrator, shall contract with the medical program director (MPD) to perform the following duties and responsibilities:

- A. To prescribe and periodically revise the standard of care for EMS services so as to supplement or exceed the standards set by state law and regulations;
- B. To appoint and receive recommendations from such standing and ad hoc advisory committees as may be appropriate to secure broad-based input for improving the standard of care, with membership on such committees which may include emergency medical service providers such as physicians, nurses and paramedics; public and private emergency response and plan-

ning agency personnel; and consumers of emergency medical services; provided, there shall be appointed at minimum one standing advisory committee composed of representatives from public and private EMS providers;

- C. To recommend to the state the issue, renew, suspend, revoke and restriction of certifications provided for by this chapter, subject to appeal or review as prescribed by this chapter and not inconsistent with state law;
- D. To establish and maintain a system of clinical monitoring, medical control and medical audit designed to detect and correct deviations from the standard of care which reduce the level of patient care, to identify and correct deficiencies in the system standard of care itself, and advance the practice of pre-hospital medicine through clinical research.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.095 System standard of care—Upgrades—Conditions.

Upgrades to the system standard of care may be periodically proposed by the MPD, after input from any appropriate ad hoc or standing advisory committees established pursuant to this chapter. The MPD shall notify the cities and all affected holders of licenses, permits and certifications of the proposed upgrade not less than thirty days prior to the date scheduled for its implementation. The affected persons or entities may submit a statement of financial impact to the MPD documenting their projected actual and reasonable costs of implementing and maintaining such upgrade and the impact of such costs on the fees, if any, they charge for their services or the amount of local government funding for such services. The financial impact statement shall be submitted in a format approved by the MPD. If no financial impact statements are submitted, or if the statements submitted show that the proposed upgrade can be implemented without an increase in fees to consumers or an increase in local government subsidy, the upgrade shall be implemented as scheduled. If financial impact statements are submitted by the ambulance service contractor show that the upgrade will result in increased fees to consumers or increased local government subsidies, the proposed upgrade shall be referred to the EMS administrative board for review. If financial impact statements are submitted by other affected holders of licenses, permits and certifications to show the upgrade will result in increased

fees to consumers, increased local government subsidies, or government funding of EMS, the impact statements shall be referred to the appropriate policy body for that affected holder of licenses, permits and certifications for consideration in adopting the upgrade. (Ord. No. 1288, § 1, 11-18-2013)

11.04.100 System standard of care—Upgrades—Review required.

Upon receipt of a proposal for an upgrade in the system standard of care which is alleged to result in a cost or subsidy increase to the contractor, the EMS administrative board shall schedule a hearing within thirty days of receipt to determine the probable financial impact of the proposed upgrade and review its importance to the provision of quality pre-hospital medicine. The MPD, the cities, the county and the ambulance service contractor shall be given not less than five days' prior notice of the hearing and shall have the opportunity to present evidence and argument at the hearing. The EMS administrative board shall approve, modify, or deny the proposed upgrade subject to confirmation by the district, and give notice of its decision to the city, county, and ambulance service contractor; provided, that no proposed upgrade shall be modified by the EMS administrative board without the approval of the MPD. The upgrade so approved or modified shall become effective thirty days after notice of the decision of the EMS administrative board, unless prior to the expiration of such time the district gives notice to the EMS administrative board of its election to review the upgrade. The district shall schedule a hearing before the board on the upgrade within thirty days of its notice of election and shall give the MPD, the cities, and ambulance contractor not less than five days' prior notice of the hearing and the opportunity to present evidence and argument at such hearing. The district may approve, modify or deny the upgrade; provided, that the upgrade shall not be modified without approval of the MPD. The written decision of the board on the upgrade shall be final and conclusive unless review is sought in a court of competent jurisdiction within ten days of the board's written decision.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.110 Ambulance service license—Required.

Except as provided in Section 11.04.220, no person shall provide ambulance services within the unincorporated area of the county of EMS district #2 plus the corporate limits of the cities and all other general

purpose jurisdictions which have adopted the uniform EMS ordinance and entered into the EMS interlocal cooperation agreement, unless licensed to do so pursuant to this chapter.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.120 Ambulance service license—Issuance.

No such license shall be issued unless:

- A. The applicant has fully and accurately completed an application on a form approved by CRESA's EMS Program;
- B. The applicant has fulfilled all the requirements of the laws of the state of Washington, including but not limited to RCW Chapter 18.73 and its implementing regulations as they now exist or as they may be hereafter amended;
- C. The applicant has also met all the requirements of this chapter which supplement or exceed those established by state law, including all elements of the standard of care established hereunder;
- D. The applicant has obtained an ambulance permit as provided in Section 11.04.170 of this chapter and has paid an ambulance and equipment inspection fee of one hundred dollars plus twenty-five dollars per ambulance utilized by the applicant. Such inspection fee shall likewise be paid upon acquisition of additional ambulances. If application for an ambulance permit or permit for an item of equipment is rejected, the applicant or licensee may submit the ambulance or item of equipment one additional time without additional fee, or may seek the board's review of the rejection as provided in Section 11.04.160.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.130 Ambulance service license—Term.

Except as provided in Section 11.04.220, ambulance service licenses shall be valid for a period of two years from the date of issuance unless suspended, revoked or restricted for cause. Licenses shall be nontransferable except with the approval of CRESA's EMS program.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.140 Ambulance service license—Denial, suspension and revocation—Conditions.

CRESA's EMS program may deny a license application or license renewal, or revoke, suspend or re-

strict a license if there is reasonable cause to believe that the applicant for or holder of the license has violated any provision or failed to meet any standard established through this chapter which supplements or exceeds that established by state law.
(Ord. No. 1288, § 1, 11-18-2013)

11.04.150 Ambulance service license—Denial, suspension and revocation—Notice.

If CRESA's EMS program denies a license application or license renewal, or revokes, suspends or restricts a license, the applicant for or holder thereof shall be given a written notice stating:

- A. The facts and conclusions upon which the decision is based; and
- B. That the decision shall be final and conclusive and that the applicant or holder shall be deemed to have waived all rights to an administrative hearing unless the applicant or holder files with the county a written notice of appeal pursuant to Section 11.04.160 of this chapter. Notice of a license revocation, suspension, or restriction shall be given prior to the effective date of such action; provided, CRESA's EMS program may revoke, suspend or restrict a license, without prior notice, but subject to a timely appeal, if CRESA's EMS program finds that immediate action is necessary in order to protect the health, welfare or safety of the public.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.160 Ambulance service license—Denial, suspension and revocation—Appeal.

The notice of appeal shall be filed with the county within ten working days following notice of the CRESA EMS program's decision and shall state the grounds for the appeal.

Upon the filing of an appeal, the county board shall cause to have scheduled a hearing thereon before the board or before a hearing examiner appointed by the board within thirty days, and provide at least five days' notice of the hearing to the applicant or holder. The decision of the CRESA EMS program shall be upheld unless the board or hearing examiner finds that the decision was arbitrary, capricious or contrary to law. The decision of the board or hearing examiner shall be final and conclusive unless review is sought in a court of competent jurisdiction within ten days of the written decision.

(Ord. No. 1288, § 1, 11-18-2013)

(Woodland Supp. No. 27, 9-14)

11.04.170 Permits for certain vehicles.

No person or entity shall operate or utilize any vehicle used as an ambulance, used for transport from emergency scenes, healthcare facilities, or private residences without first having in effect a permit issued by CRESA's EMS program pursuant to this chapter. Such permits shall be valid for a period of one year unless revoked, suspended or restricted for cause. Permit applications shall be made upon forms approved by CRESA's EMS program. Such permits shall be non-transferable.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.180 Certification for certain personnel.

No person or entity shall perform services as a medical call-taker/emergency medical dispatcher, first responder, emergency medical technician, paramedic or on-line medical control physician without having a valid certification recommended by the MPD and issued by the state pursuant to the standard of care established pursuant to this chapter. Such certifications shall be valid for a period established by the certifying authority, unless suspended, revoked or restricted by the state as recommended by MPD for cause. Applications for certification shall be made upon Washington State forms. Such certifications shall be nontransferable.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.190 Certifications and permits—Denial, suspension and revocation—Conditions.

The MPD for certifications and CRESA's EMS program for permits may not recommend application to the state for an initial, or renewed certification or permit; or may recommend revocation, suspension, or restriction an existing certification, or permit for failure to comply with, or for the violation of any provision of this chapter or any standard or rule established through this chapter which supplements or exceeds that set by state law.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.200 Certifications and permits—Denial, suspension and revocation—Appeals procedure.

The MPD for certifications and CRESA's EMS program for permits shall notify the applicant for or holder of the certification or permit, in writing, of the facts and conclusions upon which the recommendation is based and the recommendation shall be final and conclusive; and the applicant, or holder shall be deemed

to have waived all rights to review of the recommendation unless the applicant, or holder files with the county a written notice of appeal stating the grounds therefore within ten working days following notice of such recommendation. Such appeal shall be processed pursuant to the terms of Section 11.04.160.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.210 Prohibited activities.

Except as provided in Section 11.04.110, it shall be unlawful for any person including any ambulance service, its agents or employees, to intentionally, knowingly, or recklessly:

- A. Make a false statement of a material fact, or omit disclosure of a material fact, in any application for a license, certification, or permit required by this chapter;
- B. Perform the services of or allow the performance of first responder, EMT or trainee activities by any first responder, EMT or trainee who suffers a suspension, revocation or termination of certification by the department of health;
- C. Solicit the performance of ambulance services or the transport of an ambulance patient by any person not licensed or certified under this chapter or by use of any vehicle or equipment for which a permit is not in effect under this chapter;
- D. Perform the services of a first responder or EMT unless in full conformity with state law, this chapter and the standard of care established hereunder;
- E. Provide private ambulance service unless under contract to do so with the District or authorized by CRESA in time of emergency;
- F. If licensed hereunder, fail or refuse to immediately advise CRESA of receipt of a request for emergency medical assistance;
- G. Falsify, deface or obliterate any license, certificate or permit required under this chapter;
- H. Transport an ambulance patient in any vehicle other than an ambulance, except as provided in RCW 18.73.170;
- I. Advertise on a vehicle a level of services not being provided by that particular vehicle. The level of service must be available anytime that

vehicle is available for service; provided, that this chapter shall not be construed to require level of service advertising on vehicles;

- J. Wear any badge or device similar to the badge traditionally worn by police or fire personnel while serving on or with an ambulance providing emergency medical transportation within the county unless such ambulance is owned or controlled by a public safety agency and the personnel are employees of the agency;
- K. Deny or delay emergency ambulance or other EMS service to any person on account of possible inability to pay, race, creed, religion, age, sex, national origin, physical or mental disability, place of residence, financial condition, presence or absence of medical insurance coverage; Provided, that it shall not be a violation of this chapter for ambulance personnel to obtain at the time of service information required for effective billing, to comply with state or federal regulations pertaining to patient care and transport, or to comply with special benefit eligibility procedures established by medical insurers or medical service providers;
- L. Charge for any service, equipment or supplies not provided to the patient.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.220 Exemptions to chapter provisions.

This chapter shall not apply to:

- A. Vehicles or aircraft when being used to render temporary assistance in the case of a public catastrophe or emergency when licensed ambulances are not available or cannot meet overwhelming demand;
- B. Vehicles or aircraft owned or controlled by the United States government, unless required to comply with state and local regulations by the United States government;
- C. Vehicles operated only on private property or within the confines of institutional grounds;
- D. Persons providing wholly volunteer emergency transportation or emergency medical services without compensation or the expectation of compensation on an unplanned and non-regular basis;

- E. Vehicles or aircraft responding at the request of an ambulance service provider licensed under this chapter pursuant to a mutual aid agreement approved by the MPD;
- F. Persons or vehicles providing ambulance service for patient transports originating outside the regulated service area or nonstop patient transports through the regulated service area.
- G. Persons or vehicles providing non-911 ambulance service for inter-county patient transports originating inside the regulated service area and are in excess of 30 loaded miles.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.230 Enforcement—Liability limitations.

Nothing in this chapter is intended to create a cause of action or claim against the [county] or its officials, employees or agents running to specific individuals. Any duty created by this chapter is a general duty running in favor of the public. Nothing in this chapter shall be construed to make the [county] liable for the costs of ambulance or EMS services.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.240 Violation—Misdemeanor when—Penalties.

Any of the following violations of this chapter constitutes a misdemeanor punishable upon conviction by not more than one year in jail and/or a fine not to exceed five thousand dollars:

- A. Section 11.04.160, unlicensed service;
- B. Section 11.04.130, uncertified personnel;
- C. Section 11.04.120, operation without permit;
- D. Section 11.04.220(A), false statements;
- E. Section 11.04.220(B), performing or allowing performance while under suspension, revocation, or termination of department of health certification.
- F. Section 11.04.220(C), solicitation to perform unlicensed, uncertified service or to use vehicles/equipment without permits.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.250 Violation—Civil when—Continuing.

- A. Civil Violations. Any other violation of this chapter shall be a civil violation. Each day a violation is permitted or suffered to continue shall be deemed a separate violation.

(Woodland Supp. No. 27, 9-14)

- B. Notice of Civil Violation/Notice to Correct. Whenever the CRESA EMS program has reasonable grounds to believe that a violation of this chapter not listed in Section 11.04.240 has been committed or exists, the CRESA EMS program is authorized to issue to the violator a notice of civil violation and/or order to Correct notifying the violator of the facts and conclusions upon which the determination of violation is based; order the violation to be corrected within a reasonable period of time; notify the violator of the right to appeal of the notice and/or order pursuant to Section 11.04.160 of this chapter; and/or assess civil penalties against any violator within any twelve-month period as follows:

First violation	\$100.00
Second violation	200.00
Third violation.	400.00
Fourth violation.	800.00
Subsequent violations, each . . .	1,000.00

All penalties shall be paid to the county within thirty days after service of the notice of civil violation. If penalties are unpaid between thirty-one and sixty days of service, an additional late penalty of one hundred percent of the original penalty shall be assessed; and if unpaid between sixty-one and ninety days after service, an additional late penalty of two hundred percent of the original penalty shall be assessed.

- C. Service of Notices. The notice of civil violation/order to correct shall be served upon the violator by personnel service or by certified mail, postage prepaid, return receipt requested, to the violator at his or her last known address.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.260 Civil violation—Notice, penalties and appeal.

Persons to whom a notice of civil violation and/or order to correct have been issued may appeal the notice and/or order pursuant to the provisions of Section 11.04.160 of this chapter.

(Ord. No. 1288, § 1, 11-18-2013)

11.04.270 Violation—Other penalties.

In addition to or as an alternative to the other penalties provided for in this chapter, violation of or

failure to comply with any of the provisions of this chapter shall be grounds for the denial, non-renewal, revocation, suspension, and restriction of any license, certification, and permit required by this chapter.
(Ord. No. 1288, § 1, 11-18-2013)

Title 12

STREETS AND SIDEWALKS

Chapters:

- 12.02 Road, Bridge and Municipal Construction Specifications and Plans**
- 12.04 Street Excavations**
- 12.06 Installation of Sidewalks**
- 12.08 Curb and Sidewalk Maintenance**
- 12.10 Reserved**
- 12.14 Street Construction**
- 12.16 Reserved**
- 12.20 Prohibited Discharges onto Streets and into Drains**
- 12.24 Policies and Procedures Relating to Contracts for Construction of Public Facilities**
- 12.28 Woodland Street Trees**
- 12.30 Street Numbering**

Chapter 12.02

ROAD, BRIDGE AND MUNICIPAL CONSTRUCTION SPECIFICATIONS AND PLANS

Sections:

- 12.02.010** **Adoption.**
12.02.020 **City of Woodland Public Works
Engineering Standards for
Construction.**

12.02.010 **Adoption.**

The 2014 Standard Specifications and Standard Plans for Road, Bridge, and Municipal Construction, as published by the Washington State Department of Transportation and the American Public Works Association, as currently printed or hereafter amended, is adopted by reference. (Ord. 732 § 2, 1992)
 (Ord. No. 1306, § 13, 5-18-2015)

12.02.020 **City of Woodland Public Works Engineering Standards for Construction.**

All construction within city right-of-way will meet the requirements of the current version of the City of Woodland Public Works Engineering Standards for Construction. The public works director or their designee will provide an annual report to city council documenting all changes made to the City of Woodland Public Works Engineering Standards for Construction in the previous twelve months.
 (Ord. No. 1306, § 14, 5-18-2015)

Chapter 12.04**STREET EXCAVATIONS*****Sections:**

12.04.010	Definitions.
12.04.020	Permit required.
12.04.030	Permit exemptions.
12.04.040	Permit application.
12.04.050	Permit fee.
12.04.060	Disruption fee.
12.04.070	Security required.
12.04.080	Insurance required.
12.04.090	Routing of traffic.
12.04.100	Clearance for fire equipment.
12.04.110	Traffic-control devices.
12.04.120	Utility removal and protection.
12.04.130	Attractive nuisance—Unlawful to leave unguarded.
12.04.140	Property lines and easements.
12.04.150	Reserved.
12.04.160	Reserved.
12.04.170	Reserved.
12.04.180	City completion and restoration.
12.04.190	Reserved.
12.04.200	Diligence in completion of work.
12.04.210	Power of public works director to order emergency work.
12.04.220	Emergency action.
12.04.230	Minimization of noise, dust and debris.
12.04.240	Preservation of monuments.
12.04.250	Inspections.
12.04.260	Maintenance of drawings, plans and profiles.
12.04.270	Liability of city.
12.04.280	Violation—Penalty.

12.04.010 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include

*Prior ordinance history: Ord. 362.

the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory:

"Applicant" means any person making written application to the public works department for an excavation permit hereunder.

"City" means the city of Woodland.

"City council" or "council" means the City Council of the City of Woodland.

"Permittee" means any person who has been granted and has in full force and effect an excavation permit issued under this chapter.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Public works director" means the public works director or his designee.

"Right-of-way" means the area of land dedicated for current or future public use.

"Street" means any street, highway, sidewalk, alley, avenue, easement, or other public way or public grounds in the city. (Ord. 856 § 1 (part), 1997)

12.04.020 Permit required.

Whenever any person, firm or corporation, intends to construct, excavate or install any facility in the city right-of-way, including the extension of city utilities, they shall first obtain a right-of-way access/utility permit. Failure to obtain such a permit as a condition precedent to undertaking such work shall constitute a misdemeanor under Chapter 1.12. Typical facilities covered by this chapter are signposts, utility poles, culverts, underground utilities, curbs, sidewalks, driveways, bus shelters, fences, street lights or any manner of obstruction and/or construction which occupies the right-of-way. (Ord. 856 § 1 (part), 1997) (Ord. No. 1306, § 15, 5-18-2015)

12.04.030 Permit exemptions.

A right-of-way access/utility permit shall not be required under the following conditions:

- A. When city employees, or contractors engaged by the city, perform work on behalf of the city within the right-of-way;
- B. When a public utility, under franchise agreement with the city, performs normal maintenance as defined in the franchise agreement in order to protect the existing utility system;

- C. When natural disasters or other emergencies make it impossible to obtain a permit prior to commencing work. In such event, the director of public works shall be notified as soon as possible.

(Ord. 856 § 1 (part), 1997)

12.04.040 Permit application.

The permit application shall be accompanied by detailed plans and specifications covering the construction in accordance with the requirements of the public works department. The permit shall require the approval of the public works director and if the traveled way will be obstructed, the police department and fire department shall be notified. (Ord. 856 § 1 (part), 1997)

12.04.050 Permit fee.

A permit fee in an amount established by resolution of the city council shall accompany the right-of-way access/utility permit application. In addition, plan check and inspection fees will be levied as required by resolution of the city council. (Ord. 856 § 1 (part), 1997)

12.04.060 Disruption fee.

When an underground utility installation is made within five years after improvement of a street to city standards, a disruption fee in addition to the fees prescribed in Section 12.04.050 shall apply. The fee shall be paid at the time the permit fee is due. This additional disruption fee shall be five times the estimated cost of restoration as determined by the public works director if the installation is made during the first year after the street improvement is completed, four times during the second year, three times during the third year, two times during the fourth year, and equal to the estimated construction cost during the fifth year; provided, however, the public works department shall notify all persons utilizing any portion of the city right-of-way under a franchise and such other special districts and municipal corporations as may be subjected to the disruption fee as soon as practicable following the final decision of the city to so improve a street. Where no permit fee is required, the disruption fee shall be paid at the time the work is undertaken. (Ord. 856 § 1 (part), 1997)

12.04.070 Security required.

Prior to commencement of the work under a permit granted pursuant to this chapter, the city may

require the permittee or the contractor for the permittee to post with the city a bond with a surety qualified to do bonding business in this state, a cash deposit or an assigned savings account or other security acceptable to the city in an amount equal to one hundred fifty percent of the cost of the work as estimated by the public works director. Such bond, deposit or other security shall be conditioned upon the permittee or its contractor performing the work pursuant to the terms of this chapter, including the restoration and/or replacement of the street, sidewalk, or other right-of-way within the time specified by the public works director, and a maintenance bond guaranteeing such work and replacement at ten percent of the estimated cost of surface restoration for a period of two years after the completed job is accepted by the city. For those public utilities which hold a franchise agreement, a maintenance bond is not required. (Ord. 856 § 1 (part), 1997) (Ord. No. 1306, § 16, 5-18-2015)

12.04.080 Insurance required.

Prior to commencing work pursuant to the permit granted under this chapter, the permittee or his/her contractor shall obtain and maintain during the period of construction, public liability insurance for bodily injury and property damage, to public or private persons or property, which insurance shall name the city as an additional insured, and provide coverage for all claims or damages for bodily injury, including wrongful death, and property damage, in an amount not less than a single limit of one million dollars per occurrence. Proof of such coverage shall be provided to the city as a condition to the issuance of the permit. (Ord. 856 § 1 (part), 1997)

12.04.090 Routing of traffic.

The permittee shall take appropriate measures to assure that during the performance of the work traffic conditions as nearly normal as practicable shall be maintained at all times, so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public; provided, that the public works director may permit the closing of streets to all traffic for a period of time prescribed by him/her, if in his/her opinion it is necessary. The permittee shall route and control traffic including its own vehicles in a

manner approved by the public works director. The following steps shall be taken before any highway may be closed or restricted to traffic:

- A. The permittee must receive the approval of the public works director and the police department therefor.
- B. The permittee must notify the chief of the fire department of any street so closed.
- C. Upon completion of construction work, the permittee shall notify the public works director and city police department before traffic is moved back to its normal flow so that any necessary adjustments may be made.
- D. Where flagmen are deemed necessary by the city, a traffic control plan shall be prepared and approved by the public works director and such plan and flagmen shall be furnished by the permittee at its own expense. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible, the public works director will designate detours. The city shall maintain roadway surfaces of existing highways designated as detours without expense to the permittee, but in case there are no existing highways, the permittee shall construct all detours at its expense and in conformity with the specifications of the public works director. The permittee will be responsible for any damage caused to any highways by the operation of its equipment.
- E. If traffic control is necessary on state controlled portions of State Route 503, Pacific Avenue, or Atlantic Avenue, the permittee shall get a traffic control permit from the Washington State Department of Transportation prior to construction.

(Ord. 856 § 1 (part), 1997)

(Ord. No. 1306, § 17, 5-18-2015)

12.04.100 Clearance for fire equipment.

The work shall be performed and conducted so as not to interfere with access to fire facilities and fire hydrants. Materials or obstructions shall not be placed within fifteen feet of fire hydrants. Passageways leading to fire escapes or firefighting equipment shall be kept free of piles of material or other obstructions. (Ord. 856 § 1 (part), 1997)

(Woodland Supp. No. 29, 9-15)

12.04.110 Traffic-control devices.

The permittee shall erect and maintain suitable traffic-control devices in conformance with the current standards contained in the "Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)." (Ord. 856 § 1 (part), 1997) (Ord. No. 1306, § 18, 5-18-2015)

12.04.120 Utility removal and protection.

The permittee shall not interfere with any existing utility without the written consent of the public works director and the utility company or person owning the utility. If it becomes necessary to remove an existing utility, this shall be done by its owner. No utility owned by the city shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the utility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires, or other apparatus which may be in any way affected by the work, and do everything necessary to support, sustain and protect them under, over, along or across the work. In case any of the pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the agency or person owning them; and the expense of such repairs shall be charged to the permittee, and his/her or its bond shall be liable therefor. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility, and its bond shall be liable therefor. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage. (Ord. 856 § 1 (part), 1997)

12.04.130 Attractive nuisance—Unlawful to leave unguarded.

It is unlawful for the permittee to permit to remain unguarded at the place of work or opening any machinery, equipment, or other device having the characteristics of an attractive nuisance likely to attract children and be hazardous to their safety or health. (Ord. 856 § 1 (part), 1997)

12.04.140 Property lines and easements.

Property lines and limits of easements shall be indicated on the plan accompanying the application for

the right-of-way access/utility permit, and it shall be the permittee's responsibility to confine the work within these limits. (Ord. 856 § 1 (part), 1997)

12.04.150 Reserved.

Editor's note—Ord. No. 1306, § 19, adopted May 18, 2015, repealed § 12.04.150, which pertained to cleanup and derived from Ord. No. 856, 1997.

12.04.160 Reserved.

Editor's note—Ord. No. 1306, § 19, adopted May 18, 2015, repealed § 12.04.160, which pertained to backfilling and derived from Ord. No. 856, 1997.

12.04.170 Reserved.

Editor's note—Ord. No. 1306, § 19, adopted May 18, 2015, repealed § 12.04.170, which pertained to restoration of surface by permittee and derived from Ord. No. 856, 1997.

12.04.180 City completion and restoration.

If the permittee shall have failed to restore the surface of the street to its original and proper condition upon the expiration of the fixed time by such permit, or shall otherwise have failed to complete the work covered by such permit, the public works director, if he/she deems it advisable, shall have the right to do all work and things necessary to restore the street and to complete the work. The permittee shall be liable for the actual cost thereof and twenty-five percent of such cost in addition for general overhead and administrative expenses. The city shall have a cause of action for all fees, expenses and amounts paid out and due it for such work and shall apply, in payment of the amount due it, any funds of the permittee deposited as provided in this chapter; and the city shall also enforce its rights under the permittee's security deposit provided pursuant to this chapter. It shall be the duty of the permittee to guarantee and maintain the site of the work in the same condition it was prior to the work for two years after restoring it to its original condition. (Ord. 856 § 1 (part), 1997)

12.04.190 Reserved.

Editor's note—Ord. No. 1306, § 19, adopted May 18, 2015, repealed § 12.04.190, which pertained to open trench length and derived from Ord. No. 856, 1997.

12.04.200 Diligence in completion of work.

The permittee shall prosecute with diligence and expedition all work covered by the right-of-way access/utility permit, and shall promptly complete such work and restore the street to its original condition, or as near as may be, as soon as practicable and in any event not later than the date specified in the permit therefor. Failure to comply with these requirements shall authorize the city to take action against permittee's surety bond or the security and/or prosecute permittee for violation of this chapter as set forth in Section 12.04.280. (Ord. 856 § 1 (part), 1997)

12.04.210 Power of public works director to order emergency work.

If, in his/her judgment, traffic conditions, the safety or convenience of the traveling public or the public interest require that the work be performed as emergency work, the public works director shall have full power to order, at the time the permit is granted, that a crew and adequate facilities be employed by the permittee twenty-four hours a day to the end that such work may be completed as soon as possible. (Ord. 856 § 1 (part), 1997)

12.04.220 Emergency action.

In the event of any emergency in which a sewer, main, conduit or utility in or under any right-of-way breaks, bursts, or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining any right-of-way access permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for a right-of-way access permit not later than the end of the next succeeding day during which the public works director's office is open for business, and shall not proceed with permanent repairs without first obtaining a permit hereunder. (Ord. 856 § 1 (part), 1997)

12.04.230 Minimization of noise, dust and debris.

Each permittee shall conduct and carry out the work in such manner as to avoid unnecessary inconve-

nience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the work, noise, dust and unsightly debris; and during the hours of eight p.m. through seven a.m. Monday through Friday and eight p.m. through nine a.m. on Saturday shall not use, except with the express written permission of the public works director or in case of an emergency as otherwise provided in this chapter, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property. No work shall be permitted on Sundays except in the case of an emergency. (Ord. 856 § 1 (part), 1997)

12.04.240 Preservation of monuments.

The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until ordered to do so by the public works director. (Ord. 856 § 1 (part), 1997)

12.04.250 Inspections.

The primary responsibility for on-site inspections to guarantee that all necessary requirements have or will be met is that of the permittee. The public works department shall make such inspections as are necessary to enforce this chapter. (Ord. 856 § 1 (part), 1997)

12.04.260 Maintenance of drawings, plans and profiles.

Users of subsurface street space shall maintain accurate drawings, plans and profiles showing the location and character of all underground structures including abandoned installations. (Ord. 856 § 1 (part), 1997)

12.04.270 Liability of city.

This chapter shall not be construed as imposing upon the city or any official or employee thereof any liability or responsibility for damages to any person injured by the performance of any work for which a right-of-way access permit is issued hereunder; nor shall the city or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any work. (Ord. 856 § 1 (part), 1997)

12.04.280 Violation—Penalty.

Anyone who violates or fails to comply with any provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with the provisions of Chapter 1.12. (Ord. 856 § 1 (part), 1997)

Chapter 12.06

INSTALLATION OF SIDEWALKS

Sections:

- 12.06.010 Required.**
- 12.06.020 Placement.**
- 12.06.030 Replacement of existing sidewalks.**
- 12.06.040 Construction standards.**
- 12.06.050 Reserved.**
- 12.06.060 Appeals.**

12.06.010 Required.

The public works director is authorized and directed to require the installation of sidewalks with new construction. (Ord. 856 § 2 (part), 1997: Res. 318 § 1, 1991)

12.06.020 Placement.

- A. The sidewalks shall be constructed across the frontage of the property being developed between property lines of abutting properties.
- B. If the property being developed is a corner lot, sidewalks shall be constructed on the sides abutting city streets or other public access.

(Ord. 856 § 2 (part), 1997: Res. 318 §§ 2, 3, 1991)

12.06.030 Replacement of existing sidewalks.

If the property being developed currently has sidewalks and, in the opinion of the public works director, the sidewalks are in such disrepair so as to render them a public safety hazard, the public works director is authorized and directed to require the construction of new sidewalks. (Ord. 856 § 2 (part), 1997: Res. 318 § 4, 1991)

12.06.040 Construction standards.

Sidewalks constructed pursuant to this chapter shall be constructed to the latest version of the City of Woodland Public Works Engineering Standards for Construction. (Ord. 856 § 2 (part), 1997: Res. 318 § 5, 1991).

(Ord. No. 1306, § 20, 5-18-2015)

12.06.050 Reserved.

Editor's note—Ord. No. 1306, § 21, adopted May 18, 2015, repealed § 12.06.050, which pertained to exceptions and derived from Res. No. 318, 1991 and Ord. No. 856, 1997.

12.06.060 Appeals.

Any party may appeal the requirements of the public works director by submitting a letter stating the basis for the appeal to the city council. Provided however, the jurisdictional authority of the city council shall be to determine whether such requirements are consistent with city regulations and policy. (Ord. 856 § 2 (part), 1997: Res. 318, § 7, 1991)

Chapter 12.08

CURB AND SIDEWALK MAINTENANCE*

Sections:

- 12.08.010** **Inspection.**
- 12.08.020** **Notice to repair.**
- 12.08.030** **Notice contents.**
- 12.08.040** **Notice service or posting.**
- 12.08.050** **Action by city.**
- 12.08.060** **Assessment becomes lien.**
- 12.08.070** **Abutting owner's liability.**

12.08.010 **Inspection.**

The public works director shall from time to time inspect the sidewalks and curbs within the city limits to determine whether programs for repair and/or replacement should be initiated. (Ord. 856 § 3 (part), 1997)

12.08.020 **Notice to repair.**

Upon having made an inspection as provided in Section 12.08.010 and upon being satisfied by such inspection that any sidewalk or curb is in fact defective, dangerous or obstructed, the public works director shall notify the owner of the abutting property to repair, reconstruct, replace, clean or remove such condition or obstruction. In the event the owner fails to respond and/or initiate the work, the city shall invoke the procedures set forth in RCW 35.69 to cause the work to be completed. Provided however, pursuant to RCW 35.69, as amended in 2009, in the event the cost of the improvements exceed fifty percent of the assessed value of the abutting property, the cost imposed may only be the fifty percent amount. Provided further, such cost may not be assessed if the damage was caused by the city or through the city's failure to enforce ordinances. (Ord. 856 § 3 (part), 1997)
(Ord. No. 1306, § 22, 5-18-2015)

12.08.030 **Notice contents.**

The notice provided in Section 12.08.020 shall be in writing and shall specify the precise location, and state the legal description of the abutting property so concerned and the owner's name, and shall state the nature of the deficiency to be repaired or removed and the time granted for such removal or repair, and that if such deficiency is not repaired or removed by the time

specified in such notice, the city will by contract or with its employees proceed to make such improvement, repair or removal and assess the cost of so doing and all legal and professional charges incidental thereto against the property. Such notice shall further state that if the work is not done by the property owner, the public works director shall present to the city council, after the completion of the work, an assessment roll showing by legal description the lot or parcel abutting said work, the cost and expense of said work, and the name of the owner. The council will proceed to hear any and all protests against the assessment and confirm, alter, revise or set aside such roll as may in their judgment be just, and any assessment so made shall be and become a lien upon said property and shall be collected by due process of law. (Ord. 856 § 3 (part), 1997)

12.08.040 **Notice service or posting.**

The notice provided for in Section 12.08.030 shall be served by the chief of police upon the owner of the property personally, if he or she can be found or if not then upon the agent for the owner if any is found in the city. If the owner is absent and has not attached to the property a legible notice stating his name and address or that of his agent, then the person or persons found to be physically and actually in charge of and upon the property shall be deemed to be the agent of the owner, and if no personal service is possible within the city or the premises is closed, then good and sufficient notice shall be had by firmly posting and attaching to the property a copy of the notice in a prominent place and sending a copy by mail to the last mailing address of owner known to the county treasurer. (Ord. 856 § 3 (part), 1997)

12.08.050 **Action by city.**

In the event the improvement specified in the notice is not carried out, it shall be the duty of the public works director to carry out the improvement with city employees and equipment or by hiring extra help and rented equipment by contract in the manner that may in his opinion be most expedient and economical, and he shall keep careful accounting of all costs, including the wages and salaries of all city employees, and a just rental for all city equipment and all legal and

*Prior ordinance history: Ords. 358 and 687.

advertising costs, and shall prepare and present to the council an assessment roll all in accordance with the notice as hereinabove prescribed. (Ord. 856 § 3 (part), 1997)

12.08.060 Assessment becomes lien.

When the council has heard all protests, considered and revised, altered or found true and confirmed such assessment by ordinance, it shall become a lien on the property described and shall be collected by due process of law. (Ord. 856 § 3 (part), 1997)

12.08.070 Abutting owner's liability.

Any abutting property owner who fails, refuses, neglects or omits to maintain, clean and keep up abutting sidewalks and curbs in good repair, and in the condition safe for the use thereof by the public shall be liable to the public or any member thereof for any and all damages to persons or property resulting therefrom. (Ord. 856 § 3 (part), 1997)

Chapter 12.10

RESERVED*

***Editor's note**—Ord. No. 1306, § 23, adopted May 18, 2015, repealed Chapter 12.10, §§ 12.10.010, 12.10.020, which pertained to improvement standards and derived from Ord. No. 676, 1989; Ord. No. 687, 1989 and Ord. No. 854, 1997.

Chapter 12.14**STREET CONSTRUCTION****Sections:**

- 12.14.010** **New streets and additions to meet all standards—Conveyance of facilities.**
- 12.14.020** **Construction cost reimbursement—Late-comer fee.**
- 12.14.030** **Late-comer fee program—Contract.**

12.14.010 **New streets and additions to meet all standards—Conveyance of facilities.**

All new streets and additions to existing streets shall be constructed to meet all standards of the City of Woodland Public Works Engineering Standards for Construction. When such facilities are constructed by the developer and are certified as acceptable by the public works director to the city, the developer shall convey such facilities and easements to the city for consideration of the benefits of city service and regulations. The city will thereafter operate and maintain said facilities. Said conveyance of facilities shall occur no later than sixty days after inspection and acceptance of said facilities by the city. (Ord. 712 § 1, 1990) (Ord. No. 1306, § 24, 5-18-2015)

12.14.020 **Construction cost reimbursement—Late-comer fee.**

When a new street or an addition to an existing street is constructed and the cost is absorbed entirely by the developer, the developer may be reimbursed by the owners of other property benefiting from such construction for portions of the cost to the developer at such time as other property benefiting from the construction is developed.

A late-comer fee shall be a charge equal to a pro-rata cost of a street or street addition, constructed by a developer, as computed on a front-footage basis, or other equitable basis using actual costs of construction. The late-comer fee shall be paid to the original developer until the verified cost of the line has been re-paid or a period of ten years has lapsed, whichever shall first occur. Provided, the pro-rata charge to the original developer who constructed the street or street addition, shall be subtracted from the cost of the original construction when computing the late-comer fee

due. The developer may be the city. (Ord. 856 § 4, 1997: Ord. 712 § 2, 1990)

12.14.030 **Late-comer fee program—Contract.**

If a developer desires to participate in the late-comer fee program as described in Section 12.14.020, provision shall be recognized through a contract between the city and the developer. Such contract is obtained from the city. (Ord. 712 § 3, 1990)

Chapter 12.16

RESERVED*

***Editor's note**—Ord. No. 1306, § 25, adopted May 18, 2015, repealed Chapter 12.16, §§ 12.16.010—12.16.110, which pertained to driveway construction and derived from Ord. No. 401, 1974; Ord. No. 446, 1977; Ord. No. 522, 1981; Ord. No. 676, 1989; Ord. No. 687, 1989; Ord. No. 796, 1996 and Ord. No. 854, 1997.

Chapter 12.20**PROHIBITED DISCHARGES ONTO STREETS
AND INTO DRAINS****Sections:****12.20.010 Prohibited substances.****12.20.020 Violation—Penalty.****12.20.010 Prohibited substances.**

No person, firm or corporation shall discharge, allow to be discharged or cause to be discharged upon the city streets or into the city storm drainage system any of the following described waters or wastes:

- A. Any liquid having a temperature higher than one hundred fifty degrees Fahrenheit;
- B. Any water or waste which may contain more than one hundred parts per million, by weight, of fat, oil or grease;
- C. Any gasoline, benzene, naphtha, oil or other flammable or explosive liquid, solid or gas;
- D. Any noxious or malodorous gas or substance capable of creating a public nuisance; and,
- E. Any hazardous material or waste as defined in RCW 70.105.

(Ord. 693 § 1, 1989)

12.20.020 Violation—Penalty.

Any person, firm or organization found to be in violation of Section 12.20.010 shall be penalized as provided in Section 1.12.010 of this code. (Ord. 693 § 2, 1989)

Chapter 12.24

POLICIES AND PROCEDURES RELATING TO CONTRACTS FOR CONSTRUCTION OF PUBLIC FACILITIES

Sections:

- 12.24.010** **Limitations—Disclaimer.**
- 12.24.020** **Establishment of procedures/policies.**
- 12.24.030** **Execution of disclaimer.**
- 12.24.040** **Application/processing fees.**
- 12.24.050** **Processing.**

12.24.010 **Limitations—Disclaimer.**

Agreement on the city's part to invoke the process set out in either RCW 35.72 or RCW 35.91 is declared to be strictly discretionary with the city and the city's denial of such a request shall establish no rights of action on the part of any potentially benefitting developer whatsoever. Further, the process for latecomer reimbursement for any type of improvement shall not be deemed commenced until the city council, by majority vote, has accepted the application of a developer. (Ord. 775 § 1, 1994)

12.24.020 **Establishment of procedures/policies.**

Within thirty days of the adoption of this chapter, the public works director shall establish policies and procedures in accordance with RCW 35.72 and RCW 35.91 to be followed by prospective beneficiaries and city staff in processing latecomer reimbursement contracts for both water/sewer and street projects, taking into account the fact that the processes are different. Such policies and procedures shall be reviewed by the city attorney and approved by the city council before taking effect. (Ord. 775 § 2, 1994)
(Ord. No. 1306, § 26, 5-18-2015)

12.24.030 **Execution of disclaimer.**

As a condition to applying for a latecomer reimbursement contract, the applicant shall be required to execute a disclaimer acknowledging that the city shall not be liable for contribution or damages in the event the developer does not recoup contribution from latecomers. Such disclaimer shall not be construed, however, to imply that the city is not obligated to distribute amounts collected from latecomers to the developer. (Ord. 775 § 3, 1994)

12.24.040 **Application/processing fees.**

- A. A nonrefundable one hundred dollar application fee shall accompany any such application. Water and sewer facilities to be installed simultaneously may be combined in one application. Application for street projects must be separate and shall require a separate application fee.
- B. In the event the city council accepts the application, a processing fee shall be established for each application which shall be no less than two hundred fifty dollars nor greater than five percent of the estimated value of the portion of the project which shall be subject to third party reimbursement. The fee shall be established by the city council upon recommendation of the public works director.

(Ord. 775 § 4, 1994)

(Ord. No. 1306, § 27, 5-18-2015)

12.24.050 **Processing.**

The processing or latecomer contract requests shall be in compliance with this chapter and the policies and procedures prepared by the public works director and approved by the city council. (Ord. 775 § 5, 1994)
(Ord. No. 1306, § 28, 5-18-2015)

Chapter 12.28

WOODLAND STREET TREES

Sections:

12.28.010	Title and purpose.
12.28.015	Applicability.
12.28.020	Definitions.
12.28.025	Permitted street trees.
12.28.030	Planting restrictions.
12.28.040	Street tree work permit.
12.28.050	Permission and procedure to remove street trees.
12.28.060	Property owner responsibilities.
12.28.070	Utility maintenance responsibilities.
12.28.080	Street tree protection.
12.28.090	Safety provisions.
12.28.100	Prohibited trees.
12.28.110	Penalties.
12.28.120	Remedies not exclusive.

12.28.010 Title and purpose.

This chapter shall hereafter be referred to and cited as the "Woodland Street Tree Ordinance."

The purpose of this chapter is to enhance the environment, improve our quality of life, and enhance the general aesthetics and welfare of the community. The preservation, protection, historic, and planting of trees is deemed to be a desirable goal of the community. (Ord. 1116 § 1 (part), 2007)

12.28.015 Applicability.

This chapter shall apply to all trees and woody shrubs within city right-of-way. (Ord. 1116 § 1 (part), 2007)

12.28.020 Definitions.

"City" means the incorporated City of Woodland.

"Chapter" defined as, the "Woodland Street Tree Ordinance."

"Director" means the city's public works director, of their designee.

"Dead" means a street tree or woody shrub that is no longer alive. This can include some or all parts of an existing tree or shrub.

"Drip line" means that area on the ground below the tree in which the boundary is designated by the edge of the tree's branches.

"Emergency" means an imminent threat to persons or property.

"Enforcing authority" means the director of public works or their duly authorized representative, who shall be charged with the enforcement of this chapter, according to procedures adopted pursuant to adoption of this chapter.

"Hazard tree" means any street tree, or part thereof, that the enforcing authority determines is subject to a high probability of failure, due to structural defect or disease, and which poses a potential threat to persons or property in the event of failure.

"Maintenance" or "maintain" means to plant, prune, trim, water, feed, protect or any other activity intended to help a street tree achieve its mature size and full, environmental function.

"Minor pruning" means pruning or cutting out of water sprouts, suckers, twigs, or branches less than three inches in diameter; or cutting out of branches and limbs constituting less than fifteen percent of the tree's foliage bearing area and retaining the tree's natural form. Removal of dead wood, broken branches and stubs are also considered minor pruning.

"National arborist organization standards" means nationally recognized arborist association standards including those of the International Society of Arboriculture, Tree Care Industry Association and the American National Standards Institute.

"Permit holder" means that person who is issued a permit to install or maintain street trees under this chapter.

"Person" means and includes any individual, business, firm, association, corporation, agency, or organization of any kind.

"Planting" means necessary steps taken during the installation of trees and shrubs within the right-of-way to ensure survival.

"Planting strip" means that area between the back of a street curb to the front of a sidewalk or the area in a raised median, used for street trees, grass and other landscaping material.

"Private tree" means a tree in which the trunk wholly resides on a property owner's parcel outside of the right-of-way.

"Property owner" means a person, or agent thereof, who owns, leases or manages real property adjacent to or within the right-of-way.

"Removal" means the act of taking out or reducing a part of an entire tree or shrub so that the tree or shrub will not regain its mature size or function.

"Right-of-way" means property subject to public use for existing or future streets, curbs, planting strips, or sidewalks. Property subject to a right-of-way may be through an express, implied, or prescriptive easement granted to or controlled by the city or other public entity or may be owned by the city or other public entity in fee simple or other freehold interest. Right-of-way is separate and distinct from the lots or parcels adjoining such right-of-way, and is not included in the dimensions or areas of lots or parcels.

"Sidewalk" means a facility made of concrete or other approved material for the conveyance of pedestrians adjacent to a street.

"Serious bodily injury" means any bodily injury that creates a substantial risk of death or that causes the loss or impairment of the function of any body part or organ for a protracted period of time.

"Severely damaged" means a street tree that has been harmed by people or nature, including, but not limited to, storms, disease or insect infestation so that the street tree will not achieve its mature size or full, environmental function.

"Street" means any street, highway, sidewalk, ally, avenue, easement, or other public way.

"Street tree" means any tree in which the trunk is wholly or partially located within the right-of-way. A "street tree" may also be considered to be those portions of a private tree, including any overhanging limbs or exposed root systems, that may reside in the right-of-way.

"Topping" means cutting back a tree to buds, stubs or laterals not large enough to assume the role of leader.

"Tree" means any self-supporting perennial woody plant, generally single-stemmed, and is recognized by the city as a tree.

"Utility" means any business, organization or entity that legally uses the public right-of-way to deliver electrical, telephone, water, sewer, natural gas, cable television services, and other communication system. "Utility" also means the actual commodity delivered or

sold by the business, organization or entity. (Ord. 1116 § 1 (part), 2007)
(Ord. No. 1306, § 29, 5-18-2015)

12.28.025 Permitted street trees.

The city shall develop and maintain a list of permitted street trees and proper planting guidelines pursuant to adoption of the ordinance codified in this chapter. (Ord. 1116 § 1 (part), 2007)

12.28.030 Planting restrictions.

All trees or shrubs shall hereafter be planted in any public parking strip or other public place in the city only with the permission of the director according to the provisions of this chapter. No trees or shrubs shall overhang any sidewalk or street in such manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians or persons operating vehicles thereon, and including interference with poles, wires, pipes, fixtures or any other part of any public utility situated in said street. No trees or shrubs shall be planted which constitute a fire hazard or a menace to public health, safety or welfare. (Ord. 1116 § 1 (part), 2007)

12.28.040 Street tree work permit.

The street tree work permit application requirements, and policies and procedures for its issuance, shall be developed pursuant to the adoption of this chapter.

- A. Street Tree Work Permit Required. No person may plant, or remove any street tree, or disturb the area within the drip line of a street tree, or cause or authorize another person to do so, unless the person obtains a street tree work permit from the enforcing authority. Unless otherwise provided in this section, a separate permit is required for each work location. No permit is required for minor pruning of street trees.
- B. Emergency Pruning and Removal. No street tree work permit is required to prune or remove a street tree that is in imminent danger of falling. Any individual, acting under this sub-

section, must notify the enforcing authority of the emergency pruning or removal within one working day of the action.

- C. Permit Application Data. The applicant must provide the location, number and kind of trees to be pruned or removed and planted; the kind of work to be done; the reasons for the requested activity; and any other information required by the enforcing authority to ensure compliance with the provisions of this chapter.
- D. Standards for Permit Issuance. The enforcing authority shall issue a permit if, in the enforcing authority judgment, the proposed work and methods are consistent with the requirements of this chapter.
- E. Time. Any permit issued shall contain a date of expiration and the work must be completed within ninety days of permit issuance.
- F. Notice of Completion. The permit holder shall notify the enforcing authority of the completed work within five days upon completion of said work.

(Ord. 1116 § 1 (part), 2007)

12.28.050 Permission and procedure to remove street trees.

- A. Authority to Remove Street Trees. No tree over four inches in diameter at its base shall hereafter be removed in any public planting or other public right-of-way in the city of Woodland without written permission from the enforcing authority.
- B. Requirement for Removal. The stumps and roots of trees or shrubs shall be removed to a point at least one foot below the top of the adjacent curb or proposed curb grade, as well as treating the remaining roots with a suitable compound to prevent future sprouting or growth. Any roots which have disrupted or broken the adjacent street, existing utilities, curb or sidewalk shall be removed and said street, sidewalk, or curb shall be repaired.
- C. Street Closures for Street Tree Removal. The director may, with concurrence of the chief of police and fire chief, permit a street to be blocked for a short period of time where suitable detours can be arranged and the public will not be unnecessarily inconvenienced.

(Ord. 1116 § 1 (part), 2007)

12.28.060 Property owner responsibilities.

Property owners shall have the following responsibilities regarding street trees fronting their property:

- A. Dead and Severely-Damaged Street Trees. Dead or severely-damaged street trees shall be removed, and if replaced it shall be replaced with an approved street tree species.
- B. Hazardous Street Trees. Street trees deemed to be hazardous shall be removed or reduced, such that the hazard is eliminated. In the event of removal, the street tree shall be replaced with an approved street tree species.
- C. Right-of-Way Obstructions. Street trees shall be maintained so that they do not obstruct the free use of the right-of-way, including, but not limited to, clearance for sight visibility, traffic signage and signals, as well as pedestrian and vehicular use of streets and sidewalks. Maintenance procedures and requirements shall be as set by policies and procedures adopted pursuant to adoption of the ordinance codified in this chapter.
- D. Protection of Utilities, Streets and Sidewalks. Street trees must be planted and maintained so that they do not damage utilities, streets or sidewalks.
- E. Standard for Right-of-Way Maintenance. The right-of-way between the curb or edge of pavement and the private property line must be kept reasonably clean from street tree debris, including, but not limited to, branches, leaves, flowers, and fruit.
- F. Trimming Authorized within the Right-of-Way. The city is authorized to trim existing trees and shrubs within the right-of-way as needed to provide safe passage or visibility, according to procedures developed pursuant to adoption of the ordinance codified in this chapter.
- G. Disease or Insect Infestations. Street trees must be maintained free of disease or insect infestation. Street trees that are infected with disease or insects may be replaced, if deemed necessary by the enforcing authority, with an approved street tree species.

(Ord. 1116 § 1 (part), 2007)

12.28.070 Utility maintenance responsibilities.

In addition to the requirements contained in WMC Section 12.28.060, utilities shall maintain their utility system in the right-of-way to prevent any light, pole, wire, cable, appliance or apparatus, used in connection with or as a part of the utility system, from unduly interfering with any street tree. (Ord. 1116 § 1 (part), 2007)

12.28.080 Street tree protection.

- A. All street trees that may be adversely impacted by any excavation, demolition, construction or utility work must be sufficiently guarded and protected by those responsible for such work to minimize potential injury to street trees. Any work which requires a city permit and which may adversely

impact street trees requires approval by the enforcing authority. In order to protect street trees, the enforcing authority may require protective measures consistent with National Arborist Organizations Standards.

- B. No person may destroy, injure, or deface any street tree by any means, including, but not limited to, the following methods:
1. By impeding the free passage of water, air, or fertilizer to the roots of any street tree by depositing concrete, asphalt, plastic sheeting, or other material on the ground immediately surrounding any street tree;
 2. By pouring any toxic material on any street tree or on the ground near any street tree;
 3. By causing or encouraging any fire near or around any street tree;
 4. By severely reducing a street tree's crown by removing more than twenty-five percent of the tree's foliage, except when pruning under utility wires or when eliminating obstructions of the right-of-way, as required by this chapter. Removal and replacement is preferred to severe crown reduction; or
 5. By carving, attaching any sign, poster, notice, or other object, on any street tree, or by fastening any rope, wire, cable, nail, screw, staple or other device to any street tree, except as used to support a young or broken tree. Nothing in this section shall be construed in such a manner that forbids lighting of a decorative or seasonal nature, provided that such lighting is draped or wrapped around a street tree and maintained without causing permanent damage to the street tree; or by using equipment that is not generally accepted by the tree care industry.

(Ord. 1116 § 1 (part), 2007)

12.28.090 Safety provisions.

No person may work on street trees in such a manner that may result in serious bodily injury to any individual. (Ord. 1116 § 1 (part), 2007)

12.28.100 Prohibited trees.

It shall be unlawful to plant in any public planting strip the following trees: Alder, Big leaf maple, Black locust Cottonwoods, Lombardy poplar, Oregon maple,

Silver maple, Willow, and any other nonrecommended street trees, including fruit trees (except ornamental types) such as Apples, Cherries and Black Walnut; Ash (Mountain ash), Birch (White birch, etc.), Elm (American elm, etc.), Hawthorn, London Plane, Oak (Pin oak), Pagoda tree, Poplars, Sycamore. Street trees not mentioned may be determined to be subject to discretion of the director. (Ord. 1116 § 1 (part), 2007)

12.28.110 Penalties.

Violation of or failure to comply with any of the provisions of this chapter shall constitute a civil infraction, the penalty for which shall be a fine in the amount of five hundred dollars. Washington State Court Rules governing infractions and the appeals thereof shall control. (Ord. 1116 § 1 (part), 2007)

12.28.120 Remedies not exclusive.

The remedies prescribed in this chapter are in addition to all other remedies provided or authorized by law. (Ord. 1116 § 1 (part), 2007)

Chapter 12.30

STREET NUMBERING

Sections:

- 12.30.010** **Address system.**
- 12.30.020** **House numbers.**
- 12.30.025** **The system of numbering for multi-tenant and multiple structure complexes.**
- 12.30.030** **Assignment of addresses.**

12.30.010 **Address system.**

The following system of addressing and street identification is accepted for those areas of the city of Woodland for which said city is responsible for the issuance of addresses:

- A. The city has an established set of addresses for properties. Future annexations and infill properties will match with the abutting properties that already have existing addresses.
- B. Properties developed shall be further divided on the basis of twenty blocks to the mile, except in those instances where a different base is already in effect, and the blocks so developed shall be further divided to provide an address every twenty-five feet, or such other division necessary to provide continuity in addressing.
- C. The dividing lines between blocks above developed shall be numbered progressively from the addresses previously developed and shall be numbered progressively from the block lines. For new subdivisions and streets, addresses located on the north and west of block lines shall end in odd numbers and those located on the south and east of block lines shall end in even numbers. Addresses of properties in existing areas will match with the existing numbering system on that street.
- D. Roads running east and west shall be designated as "avenues" and identified with the number of the nearest east-west block lines.
- E. Roads running north and south shall be designated as "streets" and identified with the number of the nearest north-south block line.

- F. Roads running east and west between the streets shall be designated as "ways" and identified with the number of the preceding block line or street.
- G. Roads running north and south between avenues shall be designated as "places" and identified with the number of the preceding block line or avenue.
- H. Roads running east and west ending in a cul-de-sac or which cannot be extended shall be designated as "circles" and identified with the number of the nearest preceding east-west block line or street.
- I. Roads running north and south ending in a cul-de-sac which cannot be extended shall be designated as "courts" and identified with the number of the nearest preceding north-south block line or avenue.
- J. Roads running diagonally or irregularly in relation to the baseline shall be designated as "drives" or "roads."
- K. Major arterials may be named to retain local or historical meaning and may be designated as "boulevards," "highways," "expressways," etc., as appropriate.

(Ord. No. 1307, § 1, 10-6-2014)

12.30.020 **House numbers.**

Numbers shall be assigned to each house based on the point of entry to the property.

(Ord. No. 1307, § 1, 10-6-2014)

12.30.025 **The system of numbering for multi-tenant and multiple structure complexes.**

This section shall govern the numbering of units and buildings within all multiple tenant commercial and residential developments in the city. An address number shall be assigned to each primary building except for situations where public safety or consistent numbering is better achieved by single addresses for complexes of multiple buildings. All numbering systems shall be subject to review and approval by public works staff prior to construction.

- A. Multiple Dwellings in a Single Building. Where there are multiple dwelling units in a single building, as with a duplex, triplex and so forth, unit numbering shall depend upon whether

the individual units have separate entrances that face the street, or whether the primary entrance(s) to the building or units face an off-street parking lot. The following subsections are intended to provide guidance and the public works director, in consultation with emergency service providers, shall have the ultimate authority to review and possibly modify the final addressing system.

1. **Single Entrance or Units Face Off-Street Parking Lot.** Where the individual units share a single entrance, or if the entrance(s) to the building or units face an off-street parking lot, then the building shall have a single street address, and each unit shall be numbered as described in subsection B of this section.
 2. **Units with Separate Entrances that Face the Street.** Where the individual units have separate entrances and the entrances face the street, each unit shall have a separate street address number, and the numbering shall be consistent with the regular numbering along the street. If the building is multi-storied and individual unit numbers do not present a clear and easy-to-find addressing system for emergency service providers, then the public works director may require a single street address with separate unit numbers as provided in subsection (A)(1) of this section.
- B. Multiple Dwellings in a Multiple Building Complex.** Where there are multiple dwellings in a complex consisting of multiple buildings, the complex shall be assigned a single street address. Individual buildings within the complex shall be assigned a different letter starting with the first building to the right as you enter the complex, which shall be designated with the letter "A." The letters shall continue sequentially in a counter-clockwise direction. The letters shall be at least twenty-four inches high, be a contrasting color, and be affixed on the side of the building near the building's main entrance. Each unit within the complex shall be numbered individually and sequentially with no repeated numbers. In multiple level buildings, ground level numbers shall be preceded by a one, second level number shall be preceded by a two, etc. For example, the first unit on the ground floor of building "A" should be A-101. A unit approximately above this first unit should be A-201. Each unit shall have the unit number posted near the point of entry to the unit. These numbers shall be prominently displayed pursuant to the Woodland Municipal Code.
1. If the number of units in a complex varies from one level or building to the next, the numbering of subsequent buildings shall continue from the highest preceding number as if all intervening numbers had been assigned to every floor.
 2. A recreational building shall be lettered but shall not be assigned a unit number unless there are two or more recreational buildings in the complex.
 3. Directory signs listing building addresses shall be located at all public street entries to multiple building and multiple tenant complexes. Directory signs are subject to the requirements of Woodland sign code.
- C. Mobile Home Parks.** A primary street address shall be assigned to a mobile home or manufactured dwelling park consisting of leased lots. Space numbers beginning with No. 1 shall be assigned to individual spaces or units within the park beginning with the first space or unit to the right as you enter the park. Numbers shall continue sequentially in a counter-clockwise direction. The number of each unit shall be prominently displayed on each unit or space pursuant to the city of Woodland Municipal Code.
- D. One Organization in Multiple Buildings.** Multiple buildings that house a single business, school, or other organization shall be assigned a single street address based on the main driveway location. Each building shall be assigned a letter with the same requirements described in subsection B of this section. Directory signs shall be located at all public street entries and are subject to the requirements of the Woodland sign code.
- E. Multiple Tenant Buildings with Flexible Floor Plans.** For multiple tenant commercial build-

ings with flexible floor plans and where units or tenants do not have individual exterior entrances, i.e., suite assignments and access is from interior hallways, public works staff may permit a single address for the building. Where tenants or units have their own individual outside entrances, a range of unit numbers will be assigned that accommodates potential future expansions. A master plan for addressing a complex may be created, but individual address assignments will be at the discretion of public works staff.

1. Suite numbers shall be in ascending order but need not be consecutive. Gaps should be left in the numbering sequence to allow for the addition of units and suites in the future.
2. In multiple level buildings, ground level numbers shall be preceded by a one; second level numbers shall be preceded by a two, etc. Suite numbers shall not repeat themselves. For example, the first suite number on the ground floor should be 101.
3. Directory signs which list building addresses, unit numbers and tenant names shall be located at all public street entries to multiple tenant complexes and are subject to the requirements of the Woodland Sign Code.

F. Multiple Building Commercial and Business Complexes. Multiple building business parks that share a common parking lot shall follow the numbering system described in subsection B of this section, but shall accommodate future expansion as described in subsection E of this section.

(Ord. No. 1307, § 1, 10-6-2014)

12.30.030 Assignment of addresses.

All houses, residences and places of business within the city shall be numbered in accordance with WMC 12.30.010. All homes, buildings, residences and places of business hereafter constructed shall be assigned such number as the public works director or his/her designee shall determine in the permit granted for such construction.

(Ord. No. 1307, § 1, 10-6-2014)

Title 13

WATER AND SEWAGE

Chapters:

- 13.04 Water Service Rates and Regulations**
- 13.08 Sewer Service Rates and Regulations**
- 13.10 Sewer Works Design Criteria**
- 13.12 Sewer Construction and Use**
- 13.16 Utility Service Outside the City Limits**
- 13.20 Extension of Water and Sewer Lines**
- 13.24 Sewer and Water System Development Charges**
- 13.28 Backflow and Cross-Connection Prevention**



Chapter 13.04

WATER SERVICE RATES AND
REGULATIONS*

Sections:

13.04.010	Definitions.
13.04.020	Permit—Established.
13.04.030	Permit—Issuance.
13.04.040	Assessment charge.
13.04.045	Temporary water service.
13.04.050	Connection—Installation fee.
13.04.060	Charges for extension to development.
13.04.070	Contract required for work.
13.04.080	Connection—Limitations.
13.04.090	Responsibility for repair of service pipe.
13.04.100	Restrictions on water use.
13.04.110	Meter—Keeping access unobstructed.
13.04.120	Meter—Alteration to divide water supply.
13.04.130	Connection—Unlawful.
13.04.140	Unlawful interference or tampering.
13.04.150	Connection—Permission required.
13.04.160	Rates chargeable against property.
13.04.170	Rates—Schedule.
13.04.180	Deposit—Required.
13.04.190	Deposit—Refund.
13.04.200	Deposit—Not required.
13.04.210	Rates—Service outside city limits.
13.04.220	Provision for payment of water and sewer rates.
13.04.230	Consumer complaint—Meter test.
13.04.240	Notice of nonuse.
13.04.250	State health rules adopted.
13.04.260	Extensions—Standards—Operation and maintenance.
13.04.280	Extensions—City reimbursement—Late-comer fee.
13.04.290	Cross-referencing fees and charges.
13.04.300	Notice of rate change.
13.04.310	Utility account in landlord's name—Transfer to tenant's name.

13.04.320	Termination of service before transfer of account.
13.04.330	Notices prior to shutoff—Metered dwellings.
13.04.340	Notices prior to shutoff—Multiple dwelling meter (nonmetered individual dwellings and spaces).
13.04.350	Transfer of account to tenant—Costs.
13.04.360	Hearing examiner authority, filing period.

* Editor's Note: Resolution 198, which declares the city's intention to initiate the formation of ULID No. 1, is on file in the office of the city clerk-treasurer.

13.04.010 Definitions.

For the purposes of this chapter the terms used herein are defined and mean as follows:

"Connection" to the city water system shall be considered any attachment or hookup to a main line or lateral by a consumer or user of city water.

"In front of." A pipeline shall be considered to be in front of a parcel of property irrespective of which side of the street the pipeline is located on.

"Person" means any individual, individuals, partnership, firm, or corporation. (Ord. 377 § 25, 1973)

13.04.020 Permit—Established.

There is established a permit to be known as "application for water connection permit." (Ord. 377 § 1, 1973)

13.04.030 Permit—Issuance.

Water connection permits shall be issued by the city building inspector five days after an application therefor is filed with the city building inspector by the owner of the property where any connection to the water system of the city is proposed to be made. The application for water connection permit shall be in writing and shall contain the name and address of the property owner, the street address of the property and the legal description of the property where the proposed connection is to be made. Such application shall be made at the time of request for a building permit. (Ord. 456 § 1, 1978; Ord. 377 § 2, 1973)

13.04.040 Assessment charge.

Upon connection of water service, as required under the Woodland Municipal Code, there shall be an assessment charge as follows:

- A. Charges shall be based on the water meter size according to the schedule adopted by the city council by resolution. For any meter size not included in said fee

schedule, the charge shall be established by the city council based on a study by the director of public works. Such study shall assess the contribution of the proposed user to the water system.

- B. A separate service shall be required for each individual business unit of a building or individual user of a building if use is for other than construction, and the appropriate assessment shall be charged pursuant to the schedule listed in subsection A of this section.
- C. The assessment charge shall be paid to the city at the time the application is made to the city for furnishing or connection of water service to the property; provided, upon request by any nonprofit corporation and/or organization, which operates and maintains a historical site, the assessment charge as provided in this section shall be one hundred dollars. Historical sites shall be defined as any place listed in the National Register of Historic Places and/or Washington State Register of Historic Places. All amounts received under this section shall be placed in a reserve fund designated for water/sewer capital improvements, only.
- D. When a larger meter service is requested for a water service previously assessed, the assessment charge shall be the amount for the larger meter service less the amount previously assessed.

(Ord. 1113 § 1 (part), 2007; Ord. 797 § 1, 1997; Ord. 669 §§ 2, 4, 1988; Ord. 652 § 2, 1987; Ord. 539 § 2, 1982; Ord. 427 § 1, 1976; Ord. 377 § 3, 1973)

13.04.045 Temporary water service.

- A. In the case of new construction, after the water permit has been issued and the fees paid in accordance with the provisions in this chapter, the water department shall install a temporary water hookup. Said water service shall consist of tapping the water main, installing of the service line to the property line, and installing the required water meter, meter box and customer valve.
- B. During the construction period the applicant shall pay for the water used until such time as the occupancy permit is issued and the occupants have paid the required deposit fee according to the rate schedule found in Section 13.04.050 and shall be based on that meter size for which the application was made. There shall be no charge for the first four hundred cubic feet used.
- C. Temporary Fire Hydrant Connection. In certain limited construction applications, a person, firm or contractor may obtain water from a fire hydrant. After the applicant has made written application at the city clerk-treasurer's office and paid such fees in accordance with the provisions herein, the water department shall install a temporary fire hydrant connection. Said

temporary connection shall consist of the installation of a two-inch water meter, valve and fire hose coupler to provide the applicant with water for construction.

The applicant shall at the time of making application pay such fees and deposits as prescribed by resolution of the city council.

(Ord. 796 § 7, 1996; Ord. 539 § 7, 1982; Ord. 498 § 4, 1980; Ord. 459 § 2, 1978; Ord. 458 § 1, 1978; Ord. 410 § 1, 1975)

13.04.050 Connection—Installation fee.

- A. The following charges shall be made for the connections to the city water system: for all connections, a sum equal to all expenses incurred by the city in connection with such installations, including but not limited to, meter, materials, supplies, sales tax, equipment rental plus a sum equal to ten percent of the expenses incurred by the city, excluding the ten percent on labor.
- B. A deposit as prescribed by the city's fee resolution shall be paid to the city at the time application is made to the city for such service.
- C. Charges under this section shall be paid in full to the city at the time the installation is completed and the applicant is billed.

(Ord. 797 § 2, 1995; Ord. 562 § 3, 1983; Ord. 539 § 8, 1982; Ord. 498 § 2, 1980; Ord. 456 § 2, 1978; Ord. 455 §§ 1—3, 1978; Ord. 377 § 4, 1983)

13.04.060 Charges for extension to development.

- A. The following charges shall be paid by any person developing any lot or lots, a subdivision, or housing area not lying near or being adjacent to an existing water main:
 1. The cost of installing and extending a water main of a size and an improved type as determined by the supervisor of public works, with the rated capacity of one hundred fifty pounds per square inch pressure from the nearest existing main water line across or through the property to be served thereby;
 2. An assessment charge as provided in Section 13.04.030 for each connection to the city water system;
 3. For each connection, an installation fee as provided in Section 13.04.040;
 4. The cost of installing and extending a water service of a type approved by the supervisor of public works from the meter to the structure to be served.

B. No water shall be provided to any person developing a lot or lots, a subdivision or a housing area, or to any person purchasing a house or lot from such person, until there has first been paid to the clerk-treasurer a sum equal to seventy-five percent of the development charges. Payment of the balance of the development charges shall be made within ten days of the final billing therefor by the city, and if payment is not made within the ten-day period, then water service to such development, lot, or lots, subdivision, or housing area shall be discontinued. (Ord. 609 § 1, 1985; Ord. 539 § 3, 1982; Ord. 377 § 5, 1973)

13.04.070 Contract required for work.

Should the preliminary estimate of the supervisor of public works exceed three hundred dollars for work to be done pursuant to Section 13.04.030, the work shall not be done until a written contract therefor is executed by the person developing the property and the city. (Ord. 377 § 6, 1973)

13.04.080 Connection—Limitations.

All requests for connections to any existing two-inch water line shall be made to the supervisor of public works, and may be approved by him only if the line is installed in compliance with and, after the additional connection is made, will continue to comply with the rules and regulations of the State Board of Health of the state of Washington Regarding Public Water Supplies, reprinted June, 1971, and as such rules and regulations are hereafter amended. (Ord. 439 § 1, 1977; Ord. 377 § 7, 1973)

13.04.090 Responsibility for repair of service pipe.

The service pipe inside of the meter must be kept in repair by the owner or occupant of the premises who will be responsible for all damages resulting from breaks therein. (Ord. 377 § 8, 1973)

13.04.100 Restrictions on water use.

No person supplied with water from the city mains will be entitled to use it for any other purpose than those stated in his application, or to supply in any way any other persons or families. (Ord. 377 § 9, 1973)

13.04.110 Meter—Keeping access unobstructed.

Consumers who are supplied by meters shall keep their premises adjacent to the meter free from all rub-

bish or material of any kind which will prevent the employee of the water department from having access to the meter. (Ord. 377 § 10, 1973)

13.04.120 Meter—Alteration to divide water supply.

When the water department has determined to attach a meter to a pipe within a building occupied by several users of water, and less than all of the users are to be supplied by a meter, and it is found that the pipes are so connected that the supply cannot be divided without alterations being made in the plumbing, written notice stating the required alterations shall be given by the water department to the owner or occupant to at once comply with the notice; in event of failure to do so within ten days after the date of notice, the supply may be withdrawn until the alterations have been made. (Ord. 377 § 11, 1973)

13.04.130 Connection—Unlawful.

Any person making unauthorized connections between the supply main and the meter will be guilty of a misdemeanor and upon conviction thereof shall be punished as for other misdemeanors as provided by law. (Ord. 377 § 12, 1973)

13.04.140 Unlawful interference or tampering.

It is unlawful for any person to interfere and/or tamper with, break, deface, or damage any water meter, gate, pipe or other waterworks appliance or fixture or in any other manner interfere with the proper operation of any part of the water system of the city and anyone found violating any of these provisions, unless otherwise provided for, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as for other misdemeanors as provided by law. (Ord. 377 § 13, 1973)

13.04.150 Connection—Permission required.

No plumber or other person will be allowed to make connections with the city mains or to make alterations in any conduit pipe or other fixture connecting therewith or to connect pipes where they have been disconnected, or to turn off or turn on water at the meter, on any premises without permission from the water department. (Ord. 377 § 14, 1973)

13.04.160 Rates chargeable against property.

All water rates are chargeable against the property owner of residences, duplexes, multiple units, trailers, apartments, motels and commercial buildings where there is more than one business connected to one meter and billing will be made to same. Payments made by property owners or agents will be credited to the property, which will be held for the rate while water is left turned on. Notice must be given in writing by owners or agents when buildings are vacated as no allowance under claims of vacancy will be made unless the water department is properly notified and the water shut off. The water department may discontinue the supply of water to the property until all charges against the property are paid. (Ord. 377 § 15, 1973)

13.04.170 Rates—Schedule.

The monthly rates and charges for water service shall be as provided in the city's fee resolution. (Ord. 797 § 3, 1995; Ord. 666 §§ 2—8, 1988; Ord. 612 §§ 1—5, 1985; Ord. 562 §§ 4, 5, 6, 1983; Ord. 539 § 4, 1982; Ord. 498 § 2, 1980; Ord. 459 § 1, 1978; Ord. 424 § 3, 1976; Ord. 377 § 16, 1973)

13.04.180 Deposit—Required.

The deposit for commercial, residential, and property owner with one rental, accounts shall be a two-month average billing for water, sewer and garbage. If more than one rental unit is owned, the deposit shall be a minimum water, sewer and garbage bill for two months, per unit. (Ord. 562 § 2, 1983; Ord. 479 § 2, 1979; Ord. 377 § 17, 1973)

13.04.190 Deposit—Refund.

Refunds of water deposits shall be made after one year, providing the payment of bills has been kept on a current basis. (Ord. 479 § 3, 1979; Ord. 377 § 18, 1973)

13.04.200 Deposit—Not required.

All owners of rental property now assuming responsibility for utility bills with a good credit already established with the city would not be required to make a deposit on these rentals. All owners of rental property who do not assume the water bill at the present time, but who have established a good credit rating and kept bills paid currently with the city will not be required to make a deposit. (Ord. 377 § 19, 1973)

13.04.210 Rates—Service outside city limits.

All customers outside the corporate limits of the city furnished water by the city shall pay one hundred fifty percent of the rates as set forth in Section 13.04.170. (Ord. 666 § 9, 1988; Ord. 377 § 20, 1973)

13.04.220 Provision for payment of water and sewer rates.

All water and sewer rates due the city for water and/or sewer service are delinquent as of the fifteenth day of the calendar month succeeding the period during which such service was rendered. An amount as prescribed by resolution of the city council shall be added for any water and/or sewer service which is delinquent. At the discretion of the clerk-treasurer, water service may be immediately discontinued and disconnected to any premises pursuant to this chapter for nonpayment of the water and/or sewer service plus the delinquent charge not sooner than the fifth day of the calendar month immediately after the month succeeding the time in which the bill becomes delinquent. Water service shall not be reconnected and restored until all sums due the city for water and/or sewer services have been paid in full in cash together with an additional fee for reconnection of water service as prescribed by resolution of the city council. (Ord. 1061 § 1, 2005; Ord. 796 § 8, 1996; Ord. 602 § 2, 1985; Ord. 528 § 2, 1981; Ord. 479 § 4, 1979; Ord. 377 § 21, 1973)

13.04.230 Consumer complaint—Meter test.

When any consumer whose water service is metered makes a complaint that the bill for any past time has been excessive, the water department will, upon written request, have such meter reread and the service inspected for leaks. Should such consumer then desire that the meter be tested, the consumer shall make a deposit with the water department in an amount as prescribed by resolution of the city council before such test shall be made. The consumer shall have the privilege, if he or she so desires, to be present when such tests are made. In case a test should show an error of over three percent of water consumed in favor of the water department, the deposit will be refunded to the consumer, a correct registering meter will be installed, and the bill will be adjusted accordingly. If the test of such meter should show an accurate measurement of water or should show an error in favor of the consumer, the amount deposited shall be retained by the water depart-

ment to cover part of the expense of making such test. (Ord. 796 § 9, 1996; Ord. 377 § 22, 1973)

13.04.240 Notice of nonuse.

A temporary discontinuance of water, sewer and/or garbage and recycling service may be requested by the owner of a premises or an agent of the owner with the express written authority to make such a request. The premises must be vacant for the period requested. The request shall be in writing, be submitted at least ten working days before the requested discontinuance, state the estimated duration of the discontinuance, and be on forms provided for that purpose from the office of the clerk-treasurer.

The minimum period of time for a temporary discontinuance of services is thirty days, but in no case shall be longer than six months and only one period of non-use shall be allowed per twelve-month period if it is due to vacation or extended illness. For these properties described prior, the monthly base charges and billing will resume after the period of non-use or up to the six month maximum. Provided such temporary discontinuance is approved, water, sewer and garbage and recycling services billing shall stop for the duration of the temporary discontinuance.

Billing for vacant properties or properties in foreclosure do not apply to this section. These types of properties/accounts will continue to be billed for the base rates and consumption, if any.

Resumption of services shall be in writing on the forms provided for that purpose from the office of the clerk-treasurer. Customer shall provide the clerk-treasurer a minimum of seventy-two hours advance notice to reconnect the water and resume garbage collection. Turn-off and turn-on fees shall apply. If immediate connection is required (less than seventy-two hours' notice) then call out rates shall apply and will be billed to the customer. City will communicate garbage service resumption requests to solid waste contractor who will resume service within five to seven business days. (Ord. 377 § 23, 1973)
(Ord. No. 1411, 7-16-2018; Ord. No. 1418, 10-15-2018)

13.04.250 State health rules adopted.

The city adopts by reference the rules and regulations of the State Board of Health Regarding Public Water Supplies, reprinted August, 1983, said rules and regulations being adopted in full as if set forth in this chapter. (Ord. 570 § 1, 1984; Ord. 377 § 24 1973)

13.04.260 Extensions—Standards—Operation and maintenance.

- A. All extensions to city water and sewer lines shall be constructed to meet all standards of the supervisor of public works and all other provisions of this chapter.
- B. When such facilities are constructed by the property owner and are certified as acceptable by the supervisor of public works to the city, the developer shall convey such facilities and easements to the city for consideration of the benefits of city service and regulations. The city will thereafter operate and maintain the facilities. The conveyance of facilities shall occur no later than sixty days after the inspection and acceptance of the facilities by the city.

(Ord. 609 § 3 (part), 1985)

13.04.280 Extensions—City reimbursement—Late-comer fee.

- A. When a water or sewer main or lateral is extended in accordance with the city's water and sewer plans and such cost is absorbed entirely by the city, the city shall be reimbursed by the owners of other property for portions of the cost to the city of said water or sewer facilities installed by the city when such facilities are in the future connected to such other properties.
- B. A late-comer fee shall be a charge equal to a pro rata cost of a water or sewer line constructed by the city, as computed on a front-footage basis, and using actual costs of construction. The late-comer fee shall be paid to the city until the verified cost of the line has been repaid. Such late-comer fee shall be in addition to any and all assessments and installation charges required to be paid by the city ordinances.

(Ord. 609 § 5 (part), 1985)

13.04.290 Cross-referencing fees and charges.

Sections of this chapter referencing other code sections of this chapter as providing a charge or fee shall mean the applicable fee or charge set forth in the fee resolution of the city in the event such fee or charge has been re-established or modified by fee resolution of the city council. (Ord. 797 § 4, 1995)

13.04.300 Notice of rate change.

As a condition precedent to council's adoption of a resolution modifying any of the rates and charges identified in this chapter, a public hearing shall be held and the clerk-treasurer shall give notice of such to the city's affected utility customers by newspaper publication and by notice in the utility billing statements. (Ord. 799 § 1, 1995)

13.04.310 Utility account in landlord's name—Transfer to tenant's name.

When a rented dwelling for which a delinquent water bill is known by the city to be owed by and occupied by a tenant, but the account is in the name of the landlord or an agent of the landlord, no termination of service will occur unless the tenant is first provided an opportunity to place the account in his or her own name without incurring any liability for the landlord's or the landlord's agent's delinquent bill. When a rented dwelling for which a delinquent bill is owed is occupied by a tenant and the delinquent bill was in the name of and incurred by a prior tenant who no longer occupies the rented dwelling, no termination will occur until the current tenant is first provided the opportunity to have the account placed in his or her own name without liability for the delinquent bill. The current tenant must make application in person at the Woodland City Hall Annex during business hours (unless this is unreasonable because of a physical handicap or disability, in which event other arrangements must be made between the applicant and the clerk-treasurer's department of the city), and complete any forms required by the clerk-treasurer department in order to place service in his or her name. Arrangements for continued service cannot be made by telephone except that on Fridays or the day preceding a holiday, such applicants may arrange by telephone to have service until the next regular business day, pending application to be made on such next regular business day. Such applicant will be required to present personal identification, a copy of his or her rental agreement or lease, if any, and to provide the name and mailing address of the landlord, owner of the premises or the agent of such owner. (Ord. 1113 § 1 (part), 2007)

13.04.320 Termination of service before transfer of account.

If water service is terminated before a tenant has exercised the privilege provided for in WMC Section 13.04.310 to have the account placed in his or her own name, the tenant may have the water restored without liability for the delinquent bill by applying to place the account in his or her own name for future service and by paying the usual and required reconnect charges as set forth in the city of Woodland fee schedule/resolution. (Ord. 1113 § 1 (part), 2007)

13.04.330 Notices prior to shutoff—Metered dwellings.

The city will not take any action which encourages or permits, whether by regulation, informal policy or oral statement, the termination of water or other utility service

to residential tenants occupying single-family dwellings or individually metered multifamily dwellings because a prior occupant who no longer is an occupant of the premises owes an unpaid utility bill or where the tenant's landlord or the agent of such landlord has contracted for water or other utilities to the dwelling and the account is delinquent, unless the following procedures are carried out:

- A. If payment of the amount owing on a water or other utility account has not been received pursuant to the terms contained in this chapter, the clerk-treasurer department will send, by mail, a past due notice to the service address or P.O. Box provided to the city for the tenant or to the mailing address of the property or P.O. Box if no service address is given by the owner if known to the city clerk-treasurer department, and to the mailing address of the property owner's rental agent or property manager if known to the city clerk-treasurer department. This notice will advise that payment is past due and will alert the recipient of water and/or other utility services, the property owner, and the property owner's agent (if any) that water and/or other utility service will be terminated on the 5th day of the succeeding month unless payment is received or arrangements acceptable to the city clerk-treasurer department have been made. A statement describing "tenant's rights" as provided in this section will be printed on the back of the past due notice, or included therewith, and will be referred to on the face of said past due notice;
- B. The statement of tenant's rights included with the past due notice and the disconnection notice shall be substantially in the following form:

NOTICE OF TENANT'S RIGHTS

IF YOU ARE A TENANT RESIDING AT THE SERVICE ADDRESS AND WATER IS PRESENTLY BEING DELIVERED TO YOUR HOME: You are not responsible for water bills incurred by a previous tenant who moved out before you moved in and you are not responsible for water bills incurred by your landlord.

If this bill is the obligation of a prior tenant who no longer occupies the premises, or the obligation of your landlord, you have the right to obtain continued water services by contacting the Clerk-Treasurer Department and having the account placed in your name. However, the past due amount will remain on the account billing until the former tenant or landlord pays the un-

paid bill. Their portion may be referred for collection if it remains unpaid.

If you do place the account in your name, services will not be disconnected because of an unpaid bill for which you are not responsible. You will be responsible for future bills coming due during your tenancy, and you will be required to pay a deposit.

To place service in your own name you must go to City of Woodland, City Hall Annex 230 Davidson Avenue, Woodland, Washington during normal business hours and make application in person for continued service. You will be required to present personal identification and your current Rental Agreement, if you have one. You also will be required to identify your landlord and his or her current address.

If service is disconnected before you have contacted the Clerk-Treasurer Department, a reconnection fee will be charged and payable by the party requesting the service to be turned on before the service is restored.

You may pursue a dispute concerning the responsibility for past due water or other utility bills or the right to have the service placed in your name with the City Clerk-Treasurer Department. Water and other utility service will not be disconnected or discontinued until such dispute is resolved by the Clerk-Treasurer or his or her designee. The Clerk-Treasurer shall consider any documents, testimony, exhibits or other relevant evidence the disputing party desire to present. You may appeal the decision of the Clerk-Treasurer Department by requesting a hearing in front of the City of Woodland hearing examiner. To pursue the appeal you must pay a filing fee of \$100.00 with the Clerk-Treasurer and make a written request of the Clerk-Treasurer for a hearing before the hearing examiner, which shall be signed by the appellant.

(Ord. 1113 § 1 (part), 2007)

13.04.340 Notices prior to shutoff—Multiple dwelling meter (nonmetered individual dwellings and spaces).

The city clerk-treasurer department will not take any action which encourages or permits, whether by regulation, informal policy or oral statement, the termination of water or other utility service to residential tenants occupying multiple-family dwelling units, mobile home spaces, trailer spaces or other occupancies that are not individually

metered and which are billed to the owner, manager or agent thereof, because of delinquency in the payment of water or other utility bills unless the following procedures are carried out:

- A. If payment on a water or other utility account has not been received as required by this chapter, the clerk-treasurer department will send, by mail, to all tenant addresses on file with the city, a past due notice to all tenants of said multiple-family dwelling units, mobile home spaces, trailer spaces or other occupancies that are not individually metered. Such notice will advise that payment is past due and will alert such tenants that service will be terminated in ten days unless payment is received or arrangements acceptable to the city have been made. A statement describing "tenant's rights—nonmetered units" as provided herein will be printed on the back of the past due notice, or included therewith, and will be referred to on the face of the past due notice;
- B. The statement of "tenant's rights—nonmetered units" included with the past due notice and the disconnection notice shall be substantially in the following form:

NOTICE OF TENANT'S RIGHTS —
NONMETERED UNITS

IF YOU ARE A TENANT RESIDING AT THE SERVICE ADDRESS AND WATER IS PRESENTLY BEING DELIVERED TO YOUR HOME and you have not placed the water billing in your name, you may not be responsible for water bills incurred by the owner or manager of the premises or their agent. However, you may be affected, by the failure of the owner, manager, or their agent, to pay in a timely fashion, all water and other utility bills relating to the premises occupied by you as your home.

A majority of the tenants occupying the premises constituting the multiple-family dwelling structure or complex, mobile home park, trailer park or other occupancy the individual dwelling or space units of which are not separately metered, may have the utility account placed in their collective names, with a limit as to what the billing system

will allow, and assume responsibility for future payment of water and other utility service provided to the service address. The past due amount will remain on the account billing until the former tenant(s) or landlord pays the unpaid bill. Their portion may be referred for collection if it remains unpaid. However, if you do so, you will be responsible for future bills coming due during your occupancy of the premises, and a majority of the occupants or tenants must continue to be responsible for such payment at all times. You will be required to pay a deposit equal to two months' estimated water and other utility service charges to the premises pursuant to Woodland Municipal Code.

To place service in your own names you must all go to City of Woodland, City Hall Annex, 230 Davidson Avenue, Woodland, Washington during normal business hours and make application in person for continued service. You will each be required to present personal identification and your current Rental Agreement or lease, if you have one. You will each also be required to identify the owner, manager, or their agent, and his or her current address.

If service is disconnected before you have contacted the Clerk-Treasurer Department, a reconnection fee will be charged and payable by the party requesting the service to be turned on before the service is restored.

You may dispute the responsibility or amount for past due water, other utility bill issues, or the right to have the service placed in your name with the City Clerk Treasurer Department. Water and other utility service will not be disconnected or discontinued until such dispute is resolved by the Clerk Treasurer or his or her designee. The Clerk Treasurer shall consider any documents, testimony, exhibits or other relevant evidence the disputing party desire to present. You may appeal the decision of the clerk treasurer department by requesting a hearing in front of the hearing examiner. To pursue the appeal you must pay a filing fee of \$100.00 with the

clerk treasurer and make a written request of the clerk treasurer for a hearing before the hearing examiner, which shall be signed by the appellant. (Ord. 1113 § 1 (part), 2007)

13.04.350 Transfer of account to tenant—Costs.

If a majority of the tenants elect to place the account for future water service into their names, as the billing system will allow, they must agree to pay appropriate transfer-of-account charges, if any, reconnection charges if service has been terminated before the tenants have exercised the right to have the account placed in their names, all future water bills coming due during their occupancy of the premises, and they must each post the required deposit. Application must be made in person at the City of Woodland, City Hall Annex, 230 Davidson Avenue, Woodland, WA during normal working hours (nine a.m. to five p.m.). (Ord. 1113 § 1 (part), 2007)

13.04.360 Hearing examiner authority, filing period.

Not later than five days after the decision of the clerk-treasurer department, an appellant may appeal said determination upon the payment of one hundred dollars filing fee, together with a written and signed request for a hearing before the hearing examiner. The hearing shall take place within forty-five days of the request for appeal.

The hearing examiner's decision shall be final and may not be appealed to the city council. To the extent this provision is inconsistent with WMC Section 17.81.090 of this code shall control. (Ord. 1113 § 1 (part), 2007)

Chapter 13.08

SEWER SERVICE RATES AND REGULATIONS

Sections:

- 13.08.010 Permit—Established.
- 13.08.020 Permit—Issuance.
- 13.08.030 Establishment of fees.
- 13.08.040 Damage to streets and sidewalks.
- 13.08.050 Permit—Fees—Payment.
- 13.08.060 Sewer connection—Required.
- 13.08.065 Standby sewer charges.
- 13.08.070 Sewer connection—Inspection required.
- 13.08.075 Sewer lateral/service line—Responsibility.
- 13.08.080 Specifications for construction.
- 13.08.090 Withholding of water service.
- 13.08.110 Charges a lien.
- 13.08.115 Enforcement of liens.
- 13.08.120 Rates—Designated.
- 13.08.130 Rates—Outside corporate limits.
- 13.08.140 Rates—Residential—Low-income, senior citizens' and disabled persons' discount.
- 13.08.150 Rates—Unspecified property.
- 13.08.160 Extensions—Standards—Operation and maintenance.
- 13.08.170 Extensions—Owner reimbursement—Late-comer fee—Contract.
- 13.08.180 Extensions—City reimbursement—Late-comer fee.
- 13.08.190 Cross-referencing fees and charges.
- 13.08.200 Notice of rate change.

13.08.010 Permit—Established.

There is established a permit to be known as "sewer connection permit." (Ord. 376 § 1, 1973)

13.08.020 Permit—Issuance.

Sewer connection permits shall be issued by the city building inspector five days after an application therefor is filed with the city building inspector by the owner of the property where any connection to the sanitary sewer system of the city is proposed to be made. The application for a sewer connection permit shall be in writing and shall contain the name and

address of the property, the legal description of the property where the proposed connection is to be made, and a detailed drawing of the proposed sewer installation as specified by the supervisor of public works. Such application shall be made at the time of request for a building permit and must be approved prior to start of connection. In the event the connection pertains to work on city right-of-way, an application to perform work on city right-of-way must be completed and the work performed by a bonded, licensed, contractor. (Ord. 523 § 2, 1981; Ord. 357 § 1, 1978; Ord. 376 § 2, 1973)

13.08.030 Establishment of fees.

A. Assessment Charge. Upon connection of sewer service as required under the Woodland Municipal Code, there shall be an assessment charge as follows:

Charges shall be based on the water meter size according to the schedule adopted by the city council by resolution. For any meter size not included above, the charge shall be established by the city council based on a study by the director of public works. Such study shall assess the contributions of the proposed user to the sewer system. For any meter size not included above, the charge shall be established by the city council based on a study by the director of public works. Such study shall assess the contributions of the proposed user to the sewer system.

B. A separate service shall be required for each individual business unit of a building or individual user of a building if use is for other than construction, and the appropriate assessment shall be charged pursuant to the schedule listed in subsection (A) of this section.

C. The assessment charge shall be paid to the city at the time application is made to the city for furnishing or connection of sewer service to the property; provided, upon request by any nonprofit corporation and/or organization, which operates and maintains a historical site, the assessment charge as provided in this section shall be as currently adopted by resolution. Historical sites shall be defined as any place listed in the National Register of Historic Places and/or the Washington State Reg-

ister of Historic Places. All amounts received under this section shall be placed in a reserve fund designated for water/sewer capital improvements, only.

- D. If the application for service is for property serviced by lines constructed through city ULID No. 1, the assessment amount shall not be less than it would have been had the property to be served been included in ULID No. 1.
- E. When a larger meter service is requested for a sewer service previously assessed, the assessment charge shall be the amount for the larger meter service less the amount previously assessed.

(Ord. 1113 § 1 (part), 2007; Ord. 798 § 1, 1995; Ord. 677 § 2, 1989; Ord. 669 §§ 3, 5, 1988; Ord. 652 § 3, 1987; Ord. 609 § 2, 1985; Ord. 539 § 5, 1982; Ord. 523 § 3, 1981; Ord. 478 § 2, 1979; Ord. 457 § 2, 1978; Ord. 444 § 1, 1977; Ord. 376 § 3, 1973)

Ord. 457 § 2, 1978: Ord. 444 § 1, 1977: Ord. 376 § 3, 1973)

13.08.040 Damage to streets and sidewalks.

The applicant shall pay the cost of labor and materials used and expended by the city in repairing damage to city streets and to sidewalks resulting from or arising out of the installation of any sewer connection made pursuant to a permit issued under this chapter. (Ord. 376 § 4, 1973)

13.08.050 Permit—Fees—Payment.

All fees and charges required in Section 13.08.030 shall be paid to the city at the time application is made to the city for such service. (Ord. 457 § 3, 1978: Ord. 376 § 5, 1973)

13.08.060 Sewer connection—Required.

The owner of each lot or parcel of real property within the area to be served by the sewage disposal system of the city as it now exists and as it may be improved and extended in the future, upon which such lot or parcel of real property there is situated any building or structure for human occupation or use for any purpose, shall cause a connection to be made between the sewerage system and each such building or structure. Where more than one building is located on a lot or parcel of land, and all such buildings may be served by one sewer connection, only one connection for such buildings need to be made. (Ord. 376 § 6, 1973)

13.08.065 Standby sewer charges.

- A. The owner or occupant of all dwellings or structures within the city's utility service area which are capable of being served by the city's sewage disposal system shall either hook up to the system or pay monthly standby sewer charges. The monthly standby sewer charge shall be equal to the monthly rates that would be applicable to the type of service required for the dwelling or structure in question if it were to connect to the city's sewage disposal system.
- B. For the purposes of determining whether such rates and charges are due, the dwelling or structure in question must be capable of being served by the city's sewage disposal system. "Capable of being served" means that an existing city sewer main with

sufficient residual capacity to serve the dwelling or structure in question is situated within two hundred feet of the lot line or parcel boundary of the lot upon which the dwelling or structure is situated.

- C. Penalties. Failure to comply with the provisions of subsections (A) and (B) of this section shall subject the violator to the penalties set forth in Section 1.12.010 of this code.

(Ord. 772 §§ 1, 2, 1994)

13.08.070 Sewer connection—Inspection required.

All new sewer connections or alterations to existing connections from the point where the sewer is connected to the main line of the city sanitary sewer service to the place where the sewer enters the structure it is designed to serve shall be inspected by the city sewer department after completion of the work and prior to the covering thereof with fill material of any kind. No connection shall be covered previous to inspection. The applicant shall notify the city sewer department when the connection is completed and ready for inspection. The sewer connection shall be made on or before the completion of such building or structure and before any use or occupancy thereof. The following inspection charges are assessed for connections to the city sewer system:

- A. For each new building connection, a fee as set forth in the schedule adopted by resolution of the city council;
- B. For each alteration or repair to an existing building connection, a fee as set forth in the schedule adopted by resolution of the city council. For purposes of interpretation, replacement of a side sewer service shall be considered a new connection.

(Ord. 798 § 2, 1995: Ord. 523 § 4, 1981: Ord. 376 § 7, 1973)

13.08.075 Sewer lateral/service line—Responsibility.

The abutting property owner shall be responsible for installation, connection and maintenance of the sewer lateral and service line from the city main sewer line to the property and structure to be served. (Ord. 523 § 5, 1981)

13.08.080 Specifications for construction.

Any sewer connection done pursuant to a permit issued by virtue of this chapter and any branch line

from the point of connection to the main line of the sanitary sewer system of the city to the structure designed to be served thereby shall be built, constructed, and connected in accordance with standard specifications for municipal public works construction as provided in Chapter 14.12. (Ord. 376 § 8, 1973)

13.08.090 Withholding of water service.

Water service shall be withheld from any property if any connections are made in violation of this chapter. (Ord. 376 § 9, 1973)

13.08.110 Charges a lien.

All charges for connections and installations, together with the penalties and interest thereof as provided in this chapter, shall be lien on the property upon which such connection is made or sewerage service rendered, superior to all other liens or encumbrances except those for general taxes and special assessments. Enforcement of such lien or liens shall be in the manner provided by law for the enforcement of the same. (Ord. 376 § 11, 1973)

13.08.115 Enforcement of liens.

Enforcements of all liens described in Section 13.08.110 and foreclosure proceedings subsequent thereto may be commenced at any time after two installments of any local improvement assessment are delinquent or after the final installments thereof have been delinquent for more than one year at any time throughout the calendar year. Upon failure to pay any two installments, the entire assessment shall become due and payable and the collection thereof enforced by suit or foreclosure. (Ord. 533 § 1, 1981; Ord. 518 § 1, 1981)

13.08.120 Rates—Designated.

Sewer rates shall be as follows:

- A. Residential: As established by resolution of the city council;
- B. Motels: As established by resolution of the city council;
- C. Commercial, Industrial, Schools and Churches: As established by resolution of the city council.

D. Commercial/Industrial Waste Discharges.

1. Commercial/industrial waste discharges, as set forth in WMC 13.12.250, shall be charged based on an agreement for industrial discharge between the city and the discharger that is approved by city council and the discharger.
 2. The charge will be based on periodic monitoring of the wastewater entering the public sewer through the side sewer or by reported average values of typical wastewater strengths for that category of discharger. Dischargers will administer these tests through a qualified person and use state certified testing labs at user's expense.
 3. It shall be the responsibility of each discharger whose wastewater strength exceeds that stipulated in the agreement for industrial discharge to notify the administrative authority that the discharge may be subject to high-strength surcharge. Those users who discharge higher strength wastes without approval from the administrative authority are subject to the penalties outlined in WMC 13.12.350.
 4. If the city's evaluation establishes that a particular discharger falls within the high-strength industrial/commercial user class, that user may file a written appeal with the administrative authority within thirty days after notification of the classification. Such appeal shall set forth in reasonable detail the source of error being appealed and the appellant's grounds for modification thereof. If the city's analysis determines there is no basis for modification, the decision of the administrative authority shall be final.
 5. All commercial/industrial waste dischargers shall be subject to the terms of the industrial pretreatment program set out in WMC 13.12.240, 13.12.250, and 13.12.260.
- E. When a residential, commercial, industrial, school or church water user chooses to install a separate water meter for the purpose of measuring water use when such use does not contribute to the sewer system, or the city sewer**

lines are not available to property served by the meter, the rates specified in subsections (A), (B), (C) or (D) of this section shall not apply. (Ord. 798 § 3, 1995; Ord. 666 §§ 10—16, 18, 1988; Ord. 612 §§ 6—10, 1985; Ord. 539 § 6, 1982; Ord. 498 § 5, 1980; Ord. 467 § 2, 1979) (Ord. No. 1321, § 1, 2-17-2015)

13.08.130 Rates—Outside corporate limits.

All customers outside the corporate limits of the city shall pay one hundred fifty percent of the rates as set forth in subsections (A), (B) and (C) of Section 13.08.120. (Ord. 666 § 17, 1988; Ord. 467 § 3, 1979)

13.08.140 Rates—Residential—Low-income, senior citizens' and disabled persons' discount.

An eligible low-income, senior citizen or disabled person may receive a discount based on the following:

- A. Eligibility. A low-income, senior citizens' or disabled persons' sewer rate is available within the city to individuals who occupy residential dwellings, not federally subsidized, and meet the following conditions:
 1. The individual shall be or exceed sixty-two years of age at the time of application or meet the social security disability program definition of disabled and qualify as low income as set forth below;
 2. The income for a household of a single individual shall not exceed twenty thousand dollars from all sources. Income shall include, but not be limited to:
 - a. Railroad retirement and social security benefits;
 - b. Investment income such as dividends from stock, interest on savings accounts and bonds, capital gains, gifts and inheritances, net rental income from real estate and also disability payments, retirement pay and annuities. Reimbursement for losses are not to be considered as income. Easily convertible assets shall not exceed twenty thousand dollars.
 3. The combined income for a household of two or more individuals shall not exceed

twenty-five thousand dollars from all sources. Income shall include, but not be limited to:

- a. Railroad retirement and social security benefits;
 - b. Investment income such as dividends from stock, interest on savings accounts and bonds, capital gains, gifts and inheritances, net rental income from real estate and also disability payments, retirement pay and annuities. Reimbursement for losses are not to be considered as income. Easily convertible assets shall not exceed twenty-five thousand dollars.
- B. Character of Service. Service shall be through a single five-eighths/three-quarter inch meter at a single point of delivery.
 - C. Amount of Discount. Residential rates for low income senior citizens and low income disabled persons qualifying for the senior citizen or disabled person discount shall be set by resolution of the city council.
 - D. Application. Individuals must apply at the City Hall on application forms provided by the city clerk-treasurer's office. Such application shall be renewed annually, in the month of July; provided, that any individual receiving the discount at the time of passage of the ordinance codified in this section shall not be required to renew his application until the next annual renewal date, at which time he will be required to meet the eligibility requirements imposed by this section.

(Ord. 917 § 1, 1999; Ord. 912 § 1, 1999; Ord. 798 § 4, 1995; Ord. 666 § 19, 1988; Ord. 505 § 2, 1980; Ord. 499 § 2, 1980; Ord. 467 § 4, 1979) (Ord. No. 1247, 9-4-2012)

13.08.150 Rates—Unspecified property.

Monthly rates and charges for any class or classes of property not enumerated above shall be as later defined by ordinance. (Ord. 467 § 5, 1979)

13.08.160 Extensions—Standards—Operation and maintenance.

- A. All extensions to city water and sewer lines shall be constructed to meet all standards of the supervisor of public works and all other provisions of this chapter.

- B. When such facilities are constructed by the property owner and are certified as acceptable by the supervisor of public works to the city, the developer shall convey such facilities and easements to the city for consideration of the benefits of city service and regulations. The city will thereafter operate and maintain the facilities. The conveyance of facilities shall occur no later than sixty days after inspection and acceptance of the facilities by the city.

(Ord. 609 § 3 (part), 1985)

**13.08.170 Extensions—Owner reimbursement—
Late-comer fee— Contract.**

- A. When a water or sewer main or lateral is extended in accordance with the city's water and sewer plans and such cost is absorbed entirely by the property owner who has requested the hook-up to city utilities, the property owner may be reimbursed by the owners of other property for portions of the cost to the property owner of the water or sewer facilities installed by him when such facilities are in the future connected to such other properties.
- B. A late-comer fee shall be a charge equal to a pro rata cost of a water or sewer line constructed by the property owner, as computed on a front-footage basis, and using actual costs of construction. The late-comer fee shall be paid to the original property owner until the verified cost of the line has been repaid, or a period of ten years has lapsed, whichever shall first occur; provided, the pro rata charge to the original owner who installed the line, shall be subtracted from the cost of the original line when computing the late-comer fees due. Such later-comer fee shall be in addition to any and all assessments and installation charges required to be paid by city ordinances.
- C. If a property owner or private developer desires to participate in the late-comer fee program as described in subsection B of this section, provisions shall be recognized through a contract between the city and the property owner or private developer. Such contract may be obtained upon request to the supervisor of public works.

(Ord. 609 §§ 4 (part), 6 (part), 1985)

**13.08.180 Extensions—City reimbursement—
Late-comer fee.**

- A. When a water or sewer main or lateral is extended in accordance with the city's water and sewer plans

and such cost is absorbed entirely by the city, the city shall be reimbursed by the owners of other property for portions of the cost to the city of said water or sewer facilities installed by the city when such facilities are in the future connected to such other properties.

- B. A late-comer fee shall be a charge equal to a pro rata cost of a water or sewer line constructed by the city, as computed on a front-footage basis, and using actual costs of construction. The late-comer fee shall be paid to the city until the verified cost of the line has been repaid. Such late-comer fee shall be in addition to any and all assessments and installation charges required to be paid by city ordinances.

(Ord. 609 § 5 (part), 1985)

13.08.190 Cross-referencing fees and charges.

Sections of this chapter referencing other code sections of this chapter as providing a charge or fee shall mean the applicable fee or charge set forth in the fee resolution of the city in the event such fee or charge has been reestablished or modified by fee resolution of the city council. (Ord. 798 § 5, 1995)

13.08.200 Notice of rate change.

As a condition precedent to council's adoption of a resolution modifying any of the rates and charges identified in this chapter, a public hearing shall be held and the clerk-treasurer shall give notice of such to the city's affected utility customers by newspaper publication and by notice in the utility billing statements. (Ord. 798 § 6, 1995)

Chapter 13.10**SEWER WORKS DESIGN CRITERIA****Sections:****13.10.010 Adoption.****13.10.010 Adoption.**

The 1985 Criteria for Sewage Works Design, as published by the Washington State Department of Ecology, as currently printed or hereafter amended, is adopted by reference. (Ord. 732 § 1, 1992)

Chapter 13.12

SEWER CONSTRUCTION AND USE

Sections:

13.12.010	Title.
13.12.020	Purpose.
13.12.030	Definitions.
13.12.040	Sewage deposited on property prohibited.
13.12.050	Discharging into natural outlet prohibited.
13.12.060	Toilet facilities required.
13.12.070	Premises unfit for human habitation.
13.12.080	Privies, cesspools prohibited when.
13.12.090	Private system—Allowed when.
13.12.100	Private system—Plans and application for permit.
13.12.110	Private system—Work inspection.
13.12.120	Private system—Compliance with specifications.
13.12.130	Private system—Abandoned when.
13.12.140	Private system—Owner expenses.
13.12.150	Additional state requirements.
13.12.160	Construction permit required.
13.12.170	Building sewer—Permit classes.
13.12.180	Building sewer—Separate for each building.
13.12.190	Building sewer—Materials.
13.12.200	Building sewer—Size and slope.
13.12.210	Building sewer—Building drain connection.
13.12.220	Building sewer—Gas and water-tight connections.
13.12.230	Septage dumping.
13.12.240	Prohibited discharge standards.
13.12.250	Commercial/industrial waste discharges.
13.12.260	Pretreatment facilities.
13.12.265	Reserved.
13.12.270	Reserved.
13.12.280	Reserved.
13.12.290	Right of revision.
13.12.300	Entry of private property.
13.12.310	Violations.
13.12.320	Reserved.
13.12.330	Damage—Repair by entity causing.
13.12.340	Damage—Repair by entity causing.

13.12.350	Penalty for violation.
13.12.360	Correction or abatement by city.

13.12.010 Title.

This chapter shall be known and may be officially designated as the "sewage disposal ordinance" of the city. (Ord. 409 Ch. I § 1, 1975)

13.12.020 Purpose.

Purpose of this chapter is to protect the public health by providing standards for the collection, treatment and disposal of sewage within the city. (Ord. 409 Ch. II § 1, 1975)

13.12.030 Definitions.

For the purpose of this chapter, certain words and terms are defined as follows:

"Approved," as applied to a material, device, fixture or mode of installation, means approved by the supervisor of public works of the city, under the standards specified in this chapter or those recommended by nationally recognized technical organizations or laboratories such as the United States Bureau of Standards, The American Standards Association, Inc., Federation of Sewage Works Associations, or American Society for Testing Materials, and Standard Specifications for Municipal Public Works Construction as prepared by the Washington Chapter of the American Public Works Association.

"B.O.D." (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade expressed in parts per million by weight.

"Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning two and one-half feet outside the outer face of the building wall.

"Building inspector" or "inspector" means the building inspector of the city or his authorized deputy, agent or representative.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

"Entity" means an individual, firm, company, association, society, corporation or group.

"Garbage" means solid waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

"Industrial wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage.

"Natural outlet" means any outlet into a watercourse, pond, lake, ditch or other body of surface or ground water.

"pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly shredded garbage" means the waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"Public sewer" means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

"Public works director" means the public works director of the city or his or her authorized deputy, agent, or representative.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

"Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewage works" means all facilities for collection, pumping, treating and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Shall," when used in this chapter, is mandatory; "may" is permissive.

"Storm sewer" means a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

"Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 409 Ch. III §§ 1—23, 1975)
(Ord. No. 1306, § 3, 5-18-2015)

13.12.040 Sewage deposited on property prohibited.

It is unlawful for any person to place, deposit or permit to be deposited upon public or private property within the city, any human excrement, garbage, domestic wastewater or other objectionable waste, except as permitted by other ordinances of the city. (Ord. 409 Ch. IV § 1, 1975)

13.12.050 Discharging into natural outlet prohibited.

It is unlawful to discharge to any natural outlet within the city, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Ord. 409 Ch. IV § 2, 1975)

13.12.060 Toilet facilities required.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, business or where people congregate, situated within the city and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the city, is required at his expense to install suitable toilet facilities therein, and to connect such facilities directly to the public sanitary sewer in accordance with the provisions of this chapter, within sixty days after date of official notice to do so, provided that the public sewer is within three hundred feet of the property line. (Ord. 409 Ch. IV § 3, 1975)

13.12.070 Premises unfit for human habitation.

Whenever upon inspection any building or premises, or part thereof, is found unfit for human habitation by reason of defective plumbing, lack of sanitary plumbing or toilet facilities, drainage system, building sewer or private sewage disposal system, the building inspector shall require the vacation of such building, premises or part thereof, within ten days after date of official notice to do so, and the building inspector shall take action as outlined in the Uniform Code for the

Abatement of Dangerous Buildings. (Ord. 409 Ch. IV § 4, 1975)

13.12.080 Privies, cesspools prohibited when.

Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. (Ord. 409 Ch. IV § 5, 1975)

13.12.090 Private system—Allowed when.

Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter. Such private sewage disposal systems shall be only approved septic tanks or cesspools. Cesspools shall be permitted only for temporary use in areas approved by the Cowlitz-Wahkiakum health district. (Ord. 409 Ch. V § 1, 1975)

13.12.100 Private system—Plans and application for permit.

Before commencement of construction of a private sewage disposal system, the owner or his contractor shall first obtain a written permit from the office of the Cowlitz-Wahkiakum health district. The application for such permit shall be made on a form furnished by the Cowlitz-Wahkiakum health district, which the applicant shall supplement by such plans, specifications and other information as are deemed necessary by the Cowlitz-Wahkiakum health district. (Ord. 409 Ch. V § 2, 1975)

13.12.110 Private system—Work inspection.

A permit for a private sewage disposal system shall not become final until the installation is completed to the satisfaction of the building inspector. The building inspector shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the inspector when the work is ready for final inspection, and before any work is covered. The inspection shall be made within twenty-four hours of the receipt of notice by the building inspector. (Ord. 409 Ch. V § 3, 1975)

13.12.120 Private system—Compliance with specifications.

The type, location and layout of a private sewage disposal system shall comply with specifications on file

in the office of the Cowlitz-Wahkiakum health district and all recommendations of the Department of Social and Health Services, state of Washington. No septic tank or cesspool shall be permitted to discharge to any public sewer, natural outlet or to the ground surface. (Ord. 409 Ch. V § 4, 1975)

13.12.130 Private system—Abandoned when.

At such times as a public sanitary sewer becomes available to a private sewage disposal system, a direct connection shall be made to the public sanitary sewer in compliance with the terms of this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with sand, gravel or soil or any combination thereof. (Ord. 409 Ch. V § 5, 1975)

13.12.140 Private system—Owner expenses.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at his own expense. (Ord. 409 Ch. V § 6, 1975)

13.12.150 Additional state requirements.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Washington State Department of Social and Health Services. (Ord. 409 Ch. V § 7, 1975)

13.12.160 Construction permit required.

No person shall install, uncover, make connections with or openings into, use, alter or disturb any public sewer, building sewer or appurtenance thereof without first obtaining a written permit from the public works department. (Ord. 409 Ch. VI § 1, 1975) (Ord. No. 1306, § 4, 5-18-2015; Ord. No. 1321, § 2, 2-17-2015)

13.12.170 Building sewer—Permit classes.

There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. For either class, the owner or his contractor shall make application on a special form furnished at the office of the clerk-treasurer. The permit application shall be supplemented by such plans, specifications or other information considered necessary in the judgment of

the supervisor of public works to insure compliance with the provisions of this chapter. (Ord. 409 Ch. VI § 2, 1975)

13.12.180 Building sewer—Separate for each building.

The owner of each lot or parcel of real property within the area to be served by the sewage disposal system of the city as it now exists and as it may be improved and extended in the future, upon which such lot or parcel of real property there is situated any building or structure for human occupation or use for any purpose, shall cause a connection to be made between the sewerage system and each such building or structure. A separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another building on the same lot, the building sewer may be extended from one building to the other and the whole considered as one building sewer; and except that several buildings on one property, where by nature of usage, later subdivision into separate ownerships is not likely, may be connected to a single building sewer. (Ord. 409 Ch. VI § 3, 1975)

13.12.190 Building sewer—Materials.

The building sewer shall be of cast iron pipe, ABS (plastic), vitrified clay pipe or PVC pipe as specified in the municipal public works code. (Ord. 688 § 2, 1989; Ord. 409 Ch. VI § 4, 1975)

13.12.200 Building sewer—Size and slope.

The size and slope of the building sewer shall be subject to the approval of the supervisor of public works, but in no event shall the diameter of the sewer be less than four inches, The slope of the sewer pipe shall be not less than one-quarter inch per foot unless otherwise approved by the inspector in cases where it is impractical or impossible to lay the sewer to the most desirable slope of one-quarter inch per foot. (Ord. 409 Ch. VI § 5, 1975)

13.12.210 Building sewer—Building drain connection.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved

artificial means and discharged to the building sewer. (Ord. 409 Ch. VI § 6, 1975)

13.12.220 Building sewer—Gas and water-tight connections.

All joints and connections in building sewers shall be made gas-tight and watertight. All sewer pipe construction, jointing and testing shall be done in accordance with the City of Woodland Public Works Engineering Standards for Construction as required in Woodland Municipal Code Chapter 14.12. (Ord. 409 Ch. VI § 7, 1975)

(Ord. No. 1306, § 5, 5-18-2015)

13.12.230 Septage dumping.

It is unlawful for any person, firm or corporation to deposit, dump, place, or leave septage, sewage, or effluent from any septic tank, cesspool, or other private or City of Woodland sewage disposal system within the corporate limits of the City of Woodland. (Ord. 409 Ch. VII § 1, 1975)

(Ord. No. 1306, § 6, 5-18-2015; Ord. No. 1321, § 3, 2-17-2015)

13.12.240 Prohibited discharge standards.

- A. General Prohibitions. No user shall introduce or cause to be introduced into the wastewater treatment plant (WWTP) any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the WWTP whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements. The applicable federal regulations for this section are 40 CFR part 403 and the state regulations are in WAC 173-216.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the WWTP the following pollutants in any form (solid, liquid, or gaseous):
 1. Any pollutant which either alone or by interaction may create a fire or explosive hazard in the WWTP, including, but not limited to, waste streams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius) using the test methods specified in 40 CFR 261.21 or are capable of

creating a public nuisance. This includes waste streams sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair. At no time shall a waste stream cause two successive readings on an explosion meter to be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter at any point in the collection system or treatment works;

2. Any pollutant which will cause corrosive structural damage to the WWTP, but in no case discharges with a pH less than 5.5 or more than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the WWTP, unless the system is specifically designed to accommodate such discharge and the discharge is authorized by an applicable wastewater discharge permit;
3. Any solid or viscous substances including fats, oils, and greases in amounts which may cause obstruction to the flow in a WWTP or other interference with the operation of the WWTP;
4. Any discharge of pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, sufficient to cause interference with the WWTP;
5. Any waste stream having a temperature which will inhibit biological activity in the treatment plant resulting in interference, or cause worker health or safety problems in the collection system. In no case shall wastewater be discharged at a temperature which causes the temperature of the influent to the treatment plant to exceed one hundred four degrees Fahrenheit (forty degrees Celsius) unless the system is specifically designed to accommodate such a discharge, and the discharge is authorized by an applicable wastewater discharge permit;
6. Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
7. Any pollutants which result in the presence of toxic gases, vapors, or fumes within any portion of the WWTP in a quantity that may cause acute worker health and safety problems;
8. Any trucked or hauled wastes, except at discharge points designated by the city and in compliance with all applicable city requirements and during specified hours;
9. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Any of the following discharges unless approved by the administrative authority under extraordinary circumstances such as the lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions:
 - a. Noncontact cooling water in significant volumes;
 - b. Stormwater, and other direct inflow sources; or
 - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the WWTP;
11. Any dangerous or hazardous wastes as defined in WAC 173-303, as amended, except as allowed in compliance with that regulation;
12. Any substance which will cause the WWTP to violate its NPDES, state waste discharge or other disposal system permits or causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
13. Any substance which may cause the WWTP's effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or would interfere with the reclamation process or cause the WWTP to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the federal, state, or local statutes or regulations applicable to the sludge management method being used;
14. Any discharge which imparts color which cannot be removed by the WWTP's treatment process such as dye wastes and vegetable tan-

- ning solutions, which consequently impart color to the treatment plant's effluent, thereby violating the city's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthesis activity in the receiving waters by more than ten percent from the seasonably established norm for aquatic life;
15. Any discharge containing radioactive wastes or isotopes except as specifically approved by the administrative authority in compliance with applicable state or federal regulations including WAC 246-221-190, disposal by release into sanitary sewerage systems; and meeting the concentration limits of WAC 246-221-290, Appendix A, Table I, Column 2; and WAC 246-221-300, Appendix B;
 16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;
 17. Any medical wastes, except as specifically authorized by the administrative authority;
 18. Any detergents, surface-active agents, or other substances in amounts which may cause excessive foaming in the WWTP;
 19. Any incompatible substance such as: grease, animal guts or tissues, paunch contents, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, or any other organic or inorganic matter greater than one-half inch in any dimension;
 20. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA);
 21. Any wastewater, which in the opinion of the administrative authority can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under a legal and binding agreement by the administrative authority (except that no waiver may be given to any categorical pretreatment standard);
 22. The pollutant limits in this section are established to protect against pass through and interference and reflect the application of reasonable treatment technology. No person discharging more than eight hundred gallons per day shall discharge wastewater in excess of the following daily maximum concentration limits unless authorized by a permit issued by the department of ecology and the City of Woodland. The pollutant limits apply at the point where the wastewater is discharged to the WWTP. All concentrations for metallic substances are for total metal unless indicated otherwise. The public works director may impose mass loading limits in addition to concentration-based limits.

**Local Pollutant Discharge Limits Table for
WMC 13.12.240(B)(22)**

Analyte	Local Limit Concentration Limit
Arsenic	0.25 mg/l
Cadmium	0.16 mg/l
Chromium +6	4.4 mg/l
Chrome (T)	8. mg/l
Copper	1.85 mg/l
Cyanide (total)	1.3 mg/l
Lead	1.4 mg/l
Mercury	0.02 mg/l
Molybdenum	0.4 mg/l
Nickel	2.8 mg/l
Selenium	0.3 mg/l
Silver	0.35 mg/l
Thallium	2.5 mg/l
Zinc	2.5 mg/l

C. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the WWTP.

(Ord. No. 1321, § 4, 2-17-2015)

Editor's note—Ord. No. 1321, § 4, adopted February 17, 2015, repealed the former § 13.12.240, and enacted a new § 13.12.240 as set

out herein. The former § 13.12.240 pertained to public sewer—storm water and unpolluted drainage and derived from Ord. No. 409, 1975.

13.12.250 Commercial/industrial waste discharges.

- A. The administrative authority may allow discharge of commercial/industrial waste not prohibited by WMC 13.12.240 into the public sewer. The decision on whether or not to allow any such discharge will be made on a case-by-case basis once the characteristics of the proposed waste discharge have been fully disclosed and will result in an individual agreement.
- B. In instances where the discharge of commercial/industrial waste into the public sewer is proposed, the administrative authority may:
 - 1. Prohibit discharge into the public sewer;
 - 2. Require preliminary treatment ("pretreatment") to acceptable condition for discharge into the public sewer;
 - 3. Require payment of an additional charge and fee as provided in WMC 13.08.120 for the added cost and expense of treating such waters or wastes so admitted into the sewage system; and/or
 - 4. Require user to obtain a state discharge permit.
- C. In cases where pretreatment is required the user must comply with the requirements of WMC 13.12.260.
- D. Any person constructing a pretreatment facility, as required by the administrative authority or ecology, shall also install and maintain at the facility owner's sole expense a sampling and metering manhole for monitoring the discharge to the public sewer. Such sampling and metering manhole shall be placed in a location approved by the administrative authority and in accordance with approved specifications.
- E. The city can require written permits and/or operating plans for any commercial or industrial discharger that does not fall under state and federal permit requirements. The city can enter into contracts specifying loading limits of BOD, TSS, ammonia, fecal coliform, and metals listed in WMC

13.12.240(B)(22). Noncompliance with the permit requirements is enforceable under the provisions of this title.

(Ord. No. 1321, § 5, 2-17-2015)

Editor's note—Ord. No. 1321, § 5, adopted February 17, 2015, repealed the former § 13.12.250, and enacted a new § 13.12.250 as set out herein. The former § 13.12.250 pertained to public sewer—unlawful substances and derived from Ord. No. 409, 1975 and Ord. No. 1306, adopted May 18, 2015.

13.12.260 Pretreatment facilities.

- A. **Review and Acceptance of Pretreatment Facilities.** Users shall provide wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable pretreatment standards and requirements set out in this chapter within the time limitations specified by the EPA, the state or the director. All pretreatment facilities shall be provided, operated, and maintained at the user's expense. Detailed plans showing proposed pretreatment facilities and operating procedures shall be submitted to the city for review and approval before construction of the facility. All pretreatment facilities shall be located in an accessible location for the ease of inspection and maintenance. The review of such plans and operating procedures shall not relieve the user from the responsibility of modifying pretreatment facilities as necessary to produce an acceptable discharge under the provisions of this chapter. The user shall obtain all necessary construction and operating permits from the city.
- B. **Standard of Pretreatment.** Users shall provide all known, available and reasonable methods of treatment, prevention and control, including best management practices, as required to comply with this chapter and state and federal regulations.
- C. **Requirement for Proper Operation.** Prior to operation of the pretreatment facility, the user shall submit a copy of the proposed operations and maintenance procedures to the city for review and approval. Such pretreatment facilities shall be at all times under the control and direction of a person qualified to operate such facilities. The use of hot water, enzymes, bacteria, chemicals or other agents or devices for the purpose of causing the contents of a pretreatment device to be discharged into the sanitary sewer system is prohibited.

- D. **New Construction.** Any subsequent proposal for significant changes in the user's operation or maintenance of existing pretreatment facilities shall be submitted to the city for review and approval prior to the user's initiation of such changes. Prior to any new construction or other modification of existing pretreatment facilities, the user shall submit detailed plans showing such proposed new construction or modifications. The user shall obtain any necessary construction permits before new construction or modification of an existing facility. If applicable, the user shall obtain a wastewater discharge permit or other control document. The review of such plans by the city shall not relieve the user from the responsibility of modifying its facility as necessary to comply with the provisions of this chapter.
- E. **Submission of Plans and Reports.** Engineering reports for pretreatment facilities shall comply with the requirements of Chapter 173-240 and Section 173-216-050(3) of the WAC, RCW 90.48.010 as amended, and shall be submitted in accordance with the director's pretreatment program procedures.
- F. **Grease and Oil Separators.**
1. **Food Service Users.** Users, who operate restaurants, cafes, lunch counters, cafeterias, bars or clubs, or hotel, hospital, sanitariums, factory or school kitchens, butcher shops, or other establishments where food (polar) grease may be introduced to the sewer system, shall have pretreatment facilities to prevent the discharge of fat waste, oil and grease. Such pretreatment facilities shall be either a grease interceptor or grease trap as determined by the jurisdiction located outside the building, and installed in the wastewater line leading from sinks, drains or other fixtures where grease may be discharged. Grease interceptors shall be required on all new construction projects that have a Type 1 hood exhaust system. New grease interceptors or grease traps shall be in accordance with the Uniform Plumbing Code, and any other requirements by the city as set forth herein. Grease interceptors that include dishwasher effluent shall be sized to allow sufficient detention time to allow for cooling of the effluent. No more than four fixtures shall connect to an individual grease interceptor, and no sanitary facilities will be allowed to connect upstream of any grease interceptor. Subject to the director's approval, dishwasher effluent may be excluded from pretreatment. Grease traps inside the kitchen area will only be allowed under special circumstances and shall only be approved by the director on a case-by-case basis.
 2. **Industrial/Commercial User.** Users who operate automobile or truck repair facilities, car washes, steam cleaning facilities for motorized equipment, air compressor(s), automatic or coin-operated laundries, or any other establishments or equipment where petroleum based (non-polar) grease and oil, grit, or sand may be introduced to the sewer system, shall have pretreatment facilities to prevent the discharge of oil and grease. These pretreatment facilities shall be oil/water separators or interceptors located to collect such mixture of grease, oil, grit, sand, and water. Such facilities shall be in accordance with city and state standards. All new car washes shall be closed loop, no discharge systems. Proof of required operation and maintenance records must be made available for city inspectors.
 3. **Retrofit of User Facilities.** Users may be required to retrofit facilities which were constructed prior to the adoption of the ordinance codified in this chapter. The requirement to retrofit shall be on a case-by-case basis, as determined by the director for compliance with city, state and federal regulations. The director may require installation of grease interceptors, grease traps or other pretreatment facilities for those facilities that violate discharge prohibitions and supplemental limitations as set forth in this chapter. In all cases, existing food service users that have a Type 1 hood exhaust system shall be required to retrofit with an approved grease trap or interceptor that is sized in accordance with the current Uniform Plumbing Code and its appendices. In deciding whether to require a user to retrofit their facilities, the director shall take into account all relevant circumstances, including but not limited to, the extent of potential harm caused by

the discharge, the magnitude and duration of the discharge, economic detriment to the user, corrective actions by the user, the compliance history of the user, and any other relevant factors. Grease interceptor or grease trap size shall be determined in accordance with the Uniform Plumbing Code and any other requirements by the city as set forth herein at the time the user is notified that facility modifications are required. Sizing of grease traps or interceptors will be reviewed and may be modified at the request of the local sewer jurisdiction. All costs incurred in retrofitting a user's facility shall be the sole responsibility of the user.

4. Construction of Grease Traps and/or Grease Interceptors. Traps/interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight, and vented.
5. Maintenance of Grease Traps and/or Grease Interceptors. Users shall maintain, at their sole expense, grease interceptors and/or grease traps and/or other pretreatment equipment in a manner that shall prevent fat waste, oil or grease from being carried into the sewer system at all times. Authorized city employees shall be allowed access to grease traps and interceptors for the purpose of inspection and/or to verify compliance with this chapter. Fat waste, oil or grease removed from such a facility shall not be disposed of in the sanitary or storm sewer. A record of disposal shall be maintained for review by the Southwest Washington Health District and the local sewer jurisdiction.

G. Provisions for the Implementation of Pretreatment Facilities.

1. If upon inspection the pretreatment facility in place is deemed inadequate by the public works director or if no pretreatment facility is in place and is deemed necessary by the public works director, a new pretreatment facility complying with the terms of the current plumbing code is required and shall be installed within thirty days of notice by the city of such deficiency. Failure to comply with these provisions

shall result in the discontinuance of sewer service to the premises by the city shutting off the city water service.

2. Owners/users of such trap/interceptors shall perform regular maintenance upon such interceptors with such frequency as to insure their continued proper working condition. The owner is required to keep on-site at a minimum the last three years of all records of maintenance and pumping of facilities and provide such records to the city if requested. If upon inspection, the city determines that the ongoing maintenance by the owner/user is inadequate to insure proper operation of the interceptor, an order shall be issued declaring such deficiency and providing the owner/user fourteen calendar days to properly service the interceptor. If upon further inspection such maintenance has not been performed, a surcharge of one hundred dollars per day shall be imposed and added to the premises' sewer bill until such maintenance shall have been performed. Such surcharge shall continue until the owner/user calls for an inspection to determine compliance and compliance has been certified and an inspection fee of one hundred dollars shall also be assessed.
3. Any owner/user whose interceptor is declared to be improperly maintained a second time within twenty-four months of a prior determination shall be assessed the sewer surcharge of one hundred dollars per day from the date of the inspection.

(Ord. 409 Ch. VII § 4, 1975)

(Ord. No. 1161, § 1, 10-5-2009; Ord. No. 1306, § 8, 5-18-2015; Ord. No. 1321, § 6, 2-17-2015)

13.12.265 Reserved.

Editor's note—Ord. No. 1161, § 2, adopted October 5, 2009, repealed § 13.12.265, which pertained to provisions for the implementation of Section 13.12.260. See also the Code Comparative Table and Disposition List.

13.12.270 Reserved.

Editor's note—Ord. No. 1161, § 2, adopted October 5, 2009, repealed § 13.12.270, which pertained to public sewer—interceptor maintenance. See also the Code Comparative Table and Disposition List.

13.12.280 Reserved.

Editor's note—Ord. No. 1321, § 7, adopted February 17, 2015, repealed § 13.12.280, which pertained to public sewer—approval for certain discharges and derived from Ord. No. 409, 1975 and Ord. No. 1183, adopted March 15, 2010.

13.12.290 Right of revision.

The city reserves the right to amend this title, and any permits issued under it, to provide for more stringent limitations or requirements on discharges to the wastewater utility system if such amendments are deemed necessary to comply with the prohibitions set forth in WMC 13.12.240, or are otherwise in the public interest. No vested right shall be created by the issuance of any permit under this title.

(Ord. No. 1321, § 8, 2-17-2015)

Editor's note—Ord. No. 1321, § 8, adopted February 17, 2015, repealed the former § 13.12.290, and enacted a new § 13.12.290 as set out herein. The former § 13.12.290 pertained to preliminary treatment facility maintenance and derived from Ord. No. 409, 1975.

13.12.300 Entry of private property.

The administrative authority, bearing proper credentials and identification, shall be permitted to enter upon all and any premises at all reasonable times for the purpose of inspection, observation, measurement, sampling, testing of sewers and sewage, and performance of all other acts or duties required within the provisions of this title.

(Ord. No. 1321, § 9, 2-17-2015)

Editor's note—Ord. No. 1321, § 9, adopted February 17, 2015, repealed the former § 13.12.300, and enacted a new § 13.12.300 as set out herein. The former § 13.12.300 pertained to control manholes required when and derived from Ord. No. 409, 1975 and Ord. No. 1306, adopted May 18, 2015.

13.12.310 Violations.

- A. **Definition.** For the purposes of enforcement, the provisions of the rules establishing what constitutes a violation for general dischargers are set forth in this title. Those dischargers subject to national pretreatment standards will be subject to enforcement action in accordance with this title for any violations of the criteria and limitations specified in the categorical standard or the general pretreatment standards set forth in 40 CFR 403, same being incorporated herein by this reference.
- B. **Maximum Daily Concentration Allowed.** The maximum daily allowable concentrations for discharg-

ers not regulated under national pretreatment standards are violated under the following circumstances:

1. The arithmetic mean of concentrations for eight consecutive samples collected within a twenty-four-hour time period over intervals of fifteen minutes or greater is in excess of the limitation.
 2. The concentration value obtained from composite sample that is representative of the twenty-four-hour discharge is in excess of the limitation.
 3. The concentration of any single sample (whether as single grab sample or a sample within a series) exclusive of any fats, oils, and grease exceeds the limitation by a factor of two and one-half times.
 4. The arithmetic means of the concentration of fats, oils, or greases for three grab samples, taken no more frequently than at five-minute intervals exceeds the limitation.
- C. **pH Sample.** The pH of any given sample is less than pH 5.5 or greater than pH 9.0.
- D. **Temperature Limitation.** The temperature limitation is exceeded for any single sample.
- E. **Maximum Allowable Poundage Limitations.** A violation shall occur if the maximum allowable effluent poundage limitation as established in the private wastewater discharge permit is exceeded. The daily poundage discharged shall be calculated using the volume of effluent discharged that day times the concentration for that day either reported by the discharger or obtained through sampling by the city. The poundage shall be determined utilizing the formula:
- $$\text{Lbs/day} = \text{conc. in mg/l} \times \text{gal/day disch.} \times 8.34 / 1,000,000$$
- F. **Reporting Requirements.** A violation shall occur if any reporting requirements established by permit, accidental discharges, upset conditions, written request of the administrative authority, or as specified by general pretreatment standards (40 CFR 403.12) are not complied with. A violation shall occur when any person knowingly makes any false statement, representation, or certification in any application, record, report, plan or other documents filed or required to be maintained pursuant

to this title, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this title.

- G. FOG Pretreatment Facility—Maintenance. A violation shall occur if there is any failure to maintain grease or grit interceptors or oil/water separators which causes maintenance on any sewer line to be greater than once every two years caused by excessive oil, grease, or fat buildup in the sewer lines; or excess buildup of sand, gravel or other materials clogging the sewer lines. The lack of any device to prevent discharge of grease, oil, fats, sand, gravel or any other materials which will cause excessive maintenance of the sewer lines shall not relieve the discharger of the responsibility of liability for any costs to the city for excessive maintenance and/or other costs, including overhead incurred by the city.
- H. Discharge of Dangerous Waste. A violation shall occur if any material listed on the discharge chemical products list of the State of Washington (WAC 173-303-9903) is discharged into any public sewer or building sewer tributary thereto.
- I. Explosion Meter Readings. A violation shall occur if the readings on an explosion meter at any point in the collection system or wastewater treatment plant is greater than ten percent for a single reading or greater than five percent for two successive readings.
- J. Pass Through or Interference. Any discharge which causes pass through or interference with the wastewater treatment plant is a violation.
- K. Emergency Suspension of Service and Industrial Wastewater Discharge Permit or Limited Permit.
1. The city may, without advance notice, order the suspension of all or some portion of the wastewater treatment service and any applicable industrial wastewater discharge permit or limited permit to a discharger when it appears to the city that an actual or potential discharge:
 - a. Presents or threatens a substantial danger to the health or welfare of persons or to the environment;
 - b. Threatens to or interferes with the operation of the wastewater treatment plant or collection system; or
 - c. Causes pass through to the environment or treatment process upset.
2. Any discharger notified of the city's suspension order shall cease immediately all discharges. In the event of failure of the discharger to comply with the suspension order, the city may commence judicial proceedings immediately thereafter to compel the discharger's specific compliance with such order and/or to recover civil penalties. The city shall reinstate the wastewater treatment service upon proof by the discharger of the elimination of the noncomplying discharge or of the conditions creating the threat as set forth in this section and payment of all penalties and fees.
3. In addition to all other rights and remedies, the city shall have the authority to immediately discontinue water service to a discharger if the city determines that such action is reasonably necessary to suspend service as authorized by subsection (L)(1) of this section. The city shall have the right of access onto the discharger's private property to accomplish such termination of the water service.
- L. Termination of Treatment Services—Permit Revocation. Dischargers holding NPDES or state discharge permits will be referred to DOE for violations and enforcement/revocation of their permit. The city shall have the authority to terminate wastewater treatment services and to revoke any locally issued industrial wastewater discharge permit or limited permit of the discharger if it determines that the discharger has:
1. Failed to accurately report wastewater constituents and characteristics;
 2. Failed to report significant changes in wastewater constituents, characteristics, flow volumes or types of discharge to the wastewater treatment plant;
 3. Refused reasonable access to the discharger's premises for purposes of inspection or monitoring;
 4. Violated conditions of the wastewater discharge permit;
 5. Violated any of the provisions of this title or regulations promulgated hereunder;

6. Violated any lawful order of the city issued with respect to the discharger's permit or this title; or
7. Tampered with, disrupts, damages or renders inaccurate any wastewater monitoring device required by this title.

M. Other Violations.

1. If reports required by permit, this title or state or federal pretreatment regulations are submitted later than thirty days after they are due, the discharger shall be subject to civil penalties of five hundred dollars per day for a maximum of twenty working days. The penalty shall then be increased to one thousand dollars per day with a maximum fine of twenty thousand dollars. In the event the reports have not been submitted at the time the maximum penalty is imposed, the city shall seek remedies under WMC 13.12.350.
2. If any of the actions prescribed in any compliance schedule established by permit or by order of the administrative authority are not complete within thirty days of the time they are required to be complete, the discharger shall be subject to civil penalties of five hundred dollars per day for a maximum of sixty days for each day the action(s) have not been completed. In the event the actions have not been completed ninety days after the date scheduled in the permit or order the city shall seek remedies under WMC 13.12.350.
3. If a discharger fails to maintain grease, oil and/or sediment removal systems which result in excessive maintenance by the city of the collection system or treatment plant, the discharger shall be subject to a civil penalty of five hundred dollars which shall be added to the costs incurred by the city to perform the maintenance. If excessive maintenance is required a second time within a two-year period, the penalty shall be one thousand dollars which shall be added to the costs of maintenance by the city. In the event excessive maintenance continues the city shall seek remedies under WMC 13.12.350.
4. Failure to provide accurate or complete information on any wastewater discharge reports or the requirements of a discharge permit shall

result in a civil penalty of one hundred dollars for the first offense. Thereafter the discharger shall be subject to remedies under subsection (M)(1) of this section.

5. All commercial and industrial users are required to complete the annual user survey and submit the completed form to the utilities department within forty-five days of receipt. Failure to complete the survey within the required time will subject the user to penalties as outlined in this title.
6. In addition to the assessments described in this section any costs incurred by the city, including attorneys' fees, due to violations subject to civil penalty shall be added to the total amount of the civil penalty assessment.

(Ord. No. 1321, § 10, 2-17-2015)

Editor's note—Ord. No. 1321, § 10, adopted February 17, 2015, repealed the former § 13.12.310, and enacted a new § 13.12.310 as set out herein. The former § 13.12.310 pertained to testing and analysis from control manhole and derived from Ord. No. 409, 1975.

13.12.320 Reserved.

Editor's note—Ord. No. 1321, § 11, adopted February 17, 2015, repealed § 13.12.320, which pertained to special exceptions not accepted and derived from Ord. No. 409, 1975.

13.12.330 Damage—Repair by entity causing.

In the event any entity shall, through accident or neglect, break, destroy or in any way damage any structure, appurtenance or equipment which is a part of the municipal sewage works, such entity shall pay the cost of repairing or replacing such damaged or destroyed property. It shall be the duty of the supervisor of public works to determine the extent of the damage and to have the property so damaged either replaced or repaired, according to the city's specifications by the entity causing said damage, or by such entity paying to the city the cost of the same, in which event the city will either do the work or have such work done. (Ord. 409 Ch. VIII § 1, 1975)

(Ord. No. 1306, § 10, 5-18-2015)

13.12.340 Damage—Repair by entity causing.

No entity shall maliciously or wilfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the municipal sewage works. Any entity violating this pro-

vision shall be subject to immediate arrest under charge of disorderly conduct as well as being liable for the damage done. (Ord. 409 Ch. VIII § 2, 1975)
(Ord. No. 1306, § 11, 5-18-2015)

13.12.350 Penalty for violation.

- A. **Criminal Sanctions.** Any person, firm, or corporation violating any of the provisions of this title shall, in addition to other penalties as are provided herein, be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed one thousand dollars plus costs and penalty assessments. Each separate day or any portion thereof during which any violation of this title occurs shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.
- B. **Civil Liability for Expenses and Fines.** Any discharger violating provisions of this title shall be liable for any expense, loss or damage caused to the collection system and/or treatment plant by reason of such violation, including increased costs for sewage treatment, sludge treatment and disposal and operation and maintenance expenses when such increased costs are the result of the discharger's discharge. If the discharger discharges pollutants that cause the city to violate any condition of its NPDES permit and to be fined by the United States Environmental Protection Agency or the state or federal government for such violation, the discharger shall be liable to the city for the total amount of the fine assessed against the city, including, without limitation, all legal, sampling, analytical and other associated costs and expenses.
- C. **Termination of Service—Lien.** In addition to the foregoing criminal sanctions and penalties detailed in other sections and not in any way a limitation thereof, persons alleged to be violating any provision of this title may be subject to termination of water and/or sewer service by the city upon being given ten days' written notice by certified mail, return receipt requested, directed to such person's address as last shown on the city records, informing them of the alleged violation and informing them that failure to correct such violation will result in termination of such service at the end of the ten-day period; provided, however, this section does not apply to termination of service due to

nonpayment of the utility billing. Any work accomplished by customer request or necessary for maintenance, operation, and/or sampling of the private sewer, which may be billed for time, materials, equipment and overhead, or to repair damage caused by a customer and so billed, shall be subject to all applicable penalties including, but not limited to, lien and discontinuance of water service, as provided for in WMC 13.08.090.

- D. **Penalty for Sewer Connection Without Permission.** RCW 35.67.350, as now in force or hereafter amended, making it a misdemeanor to connect to the sewer without city permission, is adopted by reference as part of this title.

(Ord. 409 Ch. X § 1, 1975)

(Ord. No. 1306, § 12, 5-18-2015; Ord. No. 1321, § 12, 2-17-2015)

13.12.360 Correction or abatement by city.

The imposition of the penalties herein prescribed shall not preclude the city attorney from instituting an appropriate action to restrain, correct or abate any violation of the terms of this chapter. (Ord. 409 Ch. XI § 1, 1975)

Chapter 13.16

UTILITY SERVICE OUTSIDE THE CITY LIMITS

Sections:

- 13.16.010** Utility service application—
Covenant.
- 13.16.020** Proposed LIDs—Covenant.
- 13.16.030** Proposed reimbursement contracts—
Covenant.
- 13.16.040** Subdivisions—Covenant.
- 13.16.050** Expanded services defined.
- 13.16.060** Proposed annexation—Council
approval.
- 13.16.070** Continuance of current service.
- 13.16.080** Denial of service.

13.16.010 Utility service application— Covenant.

As is detailed in this chapter, any applicant for new utility service to any property outside the city limits, or for an expanded level of utility service to such property, if it requires a sanitary sewer plan application or water meter service order, and who is not exempted under Section 13.16.070, shall be required at time of such application, or of application for approval of construction plan, as a prerequisite to being furnished such new or expanded service, to sign a statement to be furnished him or her by the city and designated a covenant, substantially in the form as set out following this chapter. Such covenant shall contain a legal description of the property proposed to be served and a statement that the signatures on the covenant shall be taken as signatures to a petition to annex said property to the city, that the signer will in fact sign a formal petition to annex upon request by the city, and that he understands such annexation is intended to occur when the property and other properties in any designated area constitute an area which is contiguous to the city. Such covenant shall be filed with the city clerk and be filed by the city with the county auditor and shall be a covenant running with the land therein described and be binding upon the signer and his or her successors and/or assigns. Such covenant shall be signed by all parties having any right, title and interest in the property, and shall provide that the city may enforce it by an action for specific performance and/or withdrawal and termination of all city's utility services after thirty days' written

notice and an opportunity to be heard. Further, said service shall not be made available to the applicant until after the covenant has been filed for record and a subsequent title examination report, prepared at the expense of the applicant, has been furnished to the city clerk, showing that all parties in interest (other than holders of easements or similar such nonpossessory interests) have signed the covenants. (Ord. 514 § 1, 1981)

13.16.020 Proposed LIDs—Covenant.

In the case of proposed LIDs, the petition for water or sewer construction, when filed with the city clerk, shall be accompanied by annexation covenants signed by signers of the petition requesting formation of the LID. If council decides in any case to proceed with an LID for which some property owners have not petitioned or have not signed the covenant, then the ordinance creating the district shall provide that such owners shall not be permitted to connect to the facility constructed until they have signed and filed such a covenant; provided, city council may make exceptions to such requirement based upon a showing of hardship or upon any declaration of health hazard by the health department that service is necessary for public health reasons. Ordinarily, council will not approve any LID unless property owners representing seventy-five percent of the assessed value of the area proposed for the LID have signed such a covenant. (Ord. 514 § 2, 1981)

13.16.030 Proposed reimbursement contracts— Covenant.

In the case of proposed reimbursement contracts, the proposed contract between the city and developer shall be accompanied by a covenant to annex the developer's property, which covenant shall meet all requirements of Section 13.16.010, and shall be filed with the county auditor and shall run with the land. In addition, it will be the developer's responsibility to secure signed covenants to annex from owners of property which the city supervisor of public works finds will need to or probably want to connect to the facility constructed or proposed to be constructed under such agreement.

If council approves any such contract without all potential users of the facility having signed an annexation covenant, then persons who have not so covenanted shall not be permitted to connect and the late-comer agreement shall so provide; provided, city council

13.16.030

may make exceptions to such requirements based upon a showing of hardship or upon any recommendation of the health department that service is necessary for public health reasons. (Ord. 514 § 3, 1981)

13.16.040 Subdivisions—Covenant.

In the case of any new subdivisions, the preliminary plat of which has not been preliminarily approved, the person or persons owning the property to be subdivided

shall file such a covenant with the city clerk at the time he or they file the plat with county authorities and such covenant shall be consistent with Section 13.16.010, and shall run with the land. Service shall not be given to new subdivisions where the developer has not so covenanted. (Ord. 514 § 4, 1981)

13.16.050 Expanded services defined.

As used in this chapter, "expanded services" means and includes the following:

Classification	Condition Change
Single-family lot	Additional sewer lateral or additional water meter
Multifamily	Any additional units
Commercial or industrial	Larger of additional water meter, or additional or larger sewer lateral, or any sewage flow increase which requires a Department of Ecology permit.

(Ord. 514 § 5, 1981)

13.16.060 Proposed annexation—Council approval.

Each proposed annexation will require council approval under RCW 35.13.125 and boundary review board approval under RCW Chapter 36.93. Nothing in this chapter shall be construed as committing the city to providing extraterritorial water or sewer service, the intent of this chapter merely being to state the terms and conditions under which such service would be provided if and when a decision is made to provide such service. (Ord. 514 § 6, 1981)

13.16.070 Continuance of current service.

All out-of-city properties connected to city water or sewer utility service as of the effective date of the ordinance codified in this chapter will continue to be provided such utility service at existing service levels without reference to this chapter. Likewise, properties located in previously approved local improvement districts outside the city (those in which a resolution or intention had been approved by council prior to October 20, 1980) who have not yet connected thereto, but who have been assessed for such facilities and are paying a sewer charge, will be allowed to connect without a commitment to annexation, although each such applicant for service will be requested to commit to annexation. In addition, the city will con-

form to latecomer agreements it has previously entered into and will allow service connection to facilities constructed under such agreements without commitments to annexation, although each such applicant for such service will be asked to commit to annexation. (Ord. 514 § 7, 1981)

13.16.080 Denial of service.

The city, in its discretion, may choose not to allow either sewer or water service unless the applicant first annexes to the city. (Ord. 514 § 8, 1981)

UTILITY SERVICE COVENANT

WHEREAS, the undersigned persons own real property which is outside the present City limits of Woodland and have requested for such property to be served with City of Woodland water and/or sewer and,

WHEREAS, it is understood by the undersigned that the provision of City water and/or sewer to the land and improvements of the owners must be consistent with policies of the City of Woodland relative to such utility service and annexation; and,

WHEREAS, it is recognized that such land as will be served by City water or sewer is presently intended to ultimately become part of the City of Woodland through annexation,

NOW, THEREFORE, the undersigned warrant that the signatures subscribed hereon are those of all legal and equitable owners of and of all persons having a real property interest in the property commonly known as:

legally described as:

County of _____, State of Washington.

In the event the City of Woodland, in its discretion, furnishes water and/or sewer service to the above-described land, then in consideration of this agreement and as a condition of, and in consideration of such furnishing of water and/or sewer services, the undersigned and each of them, for himself or herself and for his or her successors in interest, hereby covenant to the City of Woodland, and also to the present and future owners of any property affected by the furnishing of City water or sewer to which this covenant relates, that all or any of them shall, whenever

so requested, sign any letter, notice, petition or other instrument addressed to the City under Ch. 35.13, RCW, initiating, furthering or accomplishing the annexation to the City of Woodland of the area contiguous to the City in which the above-described land is located. It is understood that the covenant will apply whether or not such an annexation involves the assumption by the area to be annexed of the existing City of Woodland indebtedness, and such other lawful conditions as the City shall lawfully impose.

Further, if the undersigned or any successor in interest to this covenant shall refuse to sign any such letter, notice or petition, the right of the City to withdraw sewer and/or water service on thirty (30) days' written notice, and/or to bring an action to specifically enforce this covenant, is hereby agreed to and recognized.

And further, upon the sale by the undersigned, or any successor in interest, of an interest in the above-described property, the signature of the grantee or donee to this covenant shall be first obtained prior to any such conveyance; provided, however, that any failure of performance by the undersigned or any successor in interest shall not affect the rights of the City of Woodland to enforce this covenant or any part hereof.

Nothing in this covenant shall be deemed to enlarge, diminish or qualify the exercise of rights and powers of the City of Woodland in the premises.

The undersigned further agree that this covenant shall run with their above-described land and may be, at City expense, filed by the City in the real estate records of the Auditor of _____ County.

This covenant is signed voluntarily and to secure the benefits of such City utility service.

DATED this ____ day of _____, 19 __.

(acknowledgments)

Chapter 13.20**EXTENSION OF WATER AND SEWER LINES****Sections:**

- 13.20.010** **Main extension required.**
- 13.20.020** **Extension to road frontage.**
- 13.20.030** **Extension to adjoining lot.**
- 13.20.040** **Waiver—Appeals.**

13.20.010 **Main extension required.**

All lots connecting to city water and/or sewer shall have frontage on a distribution main. At the time of connection, the property owner shall be required to extend the main(s) for the full public or private road frontage of the lot on which the structure to be connected is located, including both frontages of a corner lot. The size of main(s) to be extended shall be as determined by the public works supervisor. (Ord. 702 § 1, 1990)

13.20.020 **Extension to road frontage.**

If the main(s) to serve a lot are not currently extended to the road frontage, the property owner shall be required to extend them from the existing point of connection to the road frontage prior to extension along the frontage as described in Section 13.20.010. (Ord. 702 § 2, 1990)

13.20.030 **Extension to adjoining lot.**

If the lot does not front on a public or private road for its full length, the main(s) shall be extended to the boundary line of the nearest adjoining lot which may be anticipated to require connection to the main(s) in the future. (Ord. 702 § 3, 1990)

13.20.040 **Waiver—Appeals.**

If it can be shown that no future expansions beyond the applicant's lot will occur, a waiver may be obtained from the public works supervisor, and the applicant need only extend the main(s) to the nearest point of connection on his lot. If the applicant is aggrieved by the decision of the public works supervisor, the applicant may appeal the supervisor's decision to the city council within thirty calendar days of the date of the supervisor's decision. (Ord. 702 § 4, 1990)

Chapter 13.24**SEWER AND WATER SYSTEM
DEVELOPMENT CHARGES****Sections:**

13.24.010	Purpose.
13.24.020	Assessment—Principal—Interest.
13.24.030	Payable when.
13.24.040	Disposition of funds.

13.24.010 Purpose.

The city council has determined that it is reasonable, equitable and in the public interest to enact a sewer and water system development charge for the purpose of recovering the funds necessary to repay two C.E.R.B. loans obtained to construct certain sewer and water improvements in a portion of the city more fully described in Ordinance No. 770 establishing LID No. 94.02. The improvements being installed pursuant to the LID are for the benefit of the properties within the LID assessment area according to the benefit percentages established in the LID assessment roll for that LID. Further, the city finds that it is reasonable, equitable and in the public interest to include, in addition to the system development charge established in the ordinance codified in this chapter, interest accruing from the date the utilities are available to the property for connection until the date the system development charge is paid at a rate of four percent per year, simple interest. (Ord. 835 § 1, 1997; Ord. 783 § 1, 1994)

13.24.020 Assessment—Principal—Interest.

- A. Owners of the properties contained within the LID No. 94-02 assessment area as listed on the assessment roll for those LID's shall pay a sewer and water system development charge as a condition of and prior to connecting to those sewer and water improvements. The sewer and water system development charge to be paid by each property owner shall be based on the LID assessment percentages and payment amounts for each individual property within the LID as set forth in Exhibit "A" attached to the ordinance codified in this chapter and by this reference incorporated herein. Such assessment percentages and payment amounts being those established in conjunction with the ratification and approval of the assessment roll for LID 94-02.
- B. In addition to the principle amount of the system development charge identified in the table, the property owner shall also pay interest on that principle amount at the rate of four percent simple interest per

year, accruing from the date the utilities are available to the property for connection until the date the system development charge is paid.
(Ord. 835 § 2, 1997; Ord. 783 § 2, 1994)

13.24.030 Payable when.

These system development charges, together with any interest shall be paid at the time of connection to the sewer or water improvements. No connection to the improvements shall be allowed without prior payment of these system development charges. (Ord. 783 § 3, 1994)

13.24.040 Disposition of funds.

All funds derived from these system development charges are to be segregated by appropriate approved accounting practices from all other funds of the city. All funds collected on account of these sewer and water improvement system development charges shall be used to repay the two CERB loans, pursuant to the requirements of those loan agreements. (Ord. 783 § 4, 1994)

Chapter 13.28

BACKFLOW AND CROSS-CONNECTION PREVENTION

Sections:

13.28.010	Definitions.
13.28.020	Purpose.
13.28.030	Enforcement.
13.28.040	Testing.
13.28.050	Inspection—Right of entry.
13.28.060	Compliance.
13.28.070	No duty of care.

13.28.010 Definitions.

For the purpose of this chapter, certain words and terms shall be used, interpreted and defined as set forth in this section.

“Backflow” means the flow other than the intended direction of flow of any foreign liquids, gases or substances into the distribution system of the public drinking water system of Woodland.

“Backflow prevention device” means a device manufactured and intended to counteract back pressure or prevent backsiphonage into the public drinking water supply system as approved by the Washington State Department of Health for that purpose.

1. “RPBA” means reduced pressure principle backflow prevention assembly.
2. “RPDA” means reduced pressure principle detector backflow prevention assembly.
3. “DCVA” means double check valve backflow prevention assembly.
4. “DCDA” means double check detector backflow prevention assembly.
5. “PVBA” means pressure vacuum breaker assembly.

“Contamination” means the entry into, or the presence in, the public drinking water system of any substance or matter when present in drinking water above an acceptable level which may adversely affect the health of the consumer and/or the aesthetic qualities of the water consumed.

“Cross-connection” means any physical arrangement whereby public drinking water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device or vessel which contains or may contain contaminated water, sewage or other waste or liquids of unknown or unsafe quality which may be capable of imparting contamination to the public water supply system of Woodland as a result of backflow.

“Director” means the city of Woodland director of public works or his designated agent.

All definitions contained in the state of Washington Administrative Code (WAC) 246-290, as amended as of or after the effective date of the ordinance codified in this section, shall by this reference be considered definitions within this chapter. (Ord. 802 § 1, 1995)

13.28.020 Purpose.

The purpose of this chapter, in conjunction with the Uniform Plumbing Code Chapter 10, state of Washington cross-connection regulations and the current edition of the Cross Connection Control Manual— Accepted Procedure and Practice, published by the Pacific Northwest Section, American Water Works Association, is to protect the health of the water consumer and the potability of the water in the distribution system. Inspection and regulation of all actual or potential cross-connections between potable and nonpotable systems is required in order to minimize the danger of contamination or pollution of the public potable water supply. No water service connection to any premises shall be installed or continued in use and no water service shall be provided by Woodland unless Woodland’s water supply is protected by backflow prevention devices as may be required by this chapter or the Washington Administrative Code Chapter 246-290 or any superseding code section. The installation or maintenance of a cross-connection which will endanger the water quality of the potable water supply of the city shall be unlawful and is prohibited. Any such cross-connection now existing or hereafter installed is declared to be a public nuisance and the same shall be abated. Controlling and preventing cross-connections is accomplished by either removing the cross-connection or installing an approved backflow prevention assembly to protect the public potable water supply.

The city is required to eliminate or control all cross-connections throughout its service area. Therefore, anyone wanting or using water from the city is required to comply with these regulations. The owner of the property in which a cross-connection occurs is fully responsible for all damages incurred. (Ord. 802 § 2, 1995)

13.28.030 Enforcement.

The director of public works will enforce the provisions of this chapter. The public works director may delegate responsibilities to a certified cross-connection control specialist/inspector. The provisions of this chapter may supersede state regulations but in no case shall they be less stringent. All approved standards, policies and methods of operation shall be approved by the director of public works, and may be revised or modified as the

need arises. All backflow prevention assemblies required by this chapter shall be a model approved by the state of Washington.

Approved backflow prevention assemblies required by this chapter shall be installed under the direction of the director of public works and/or under the supervision of the cross-connection specialist/inspector per the city standards. The device shall be located so as to be readily accessible for maintenance and testing. (Ord. 802 § 3, 1995)

13.28.040 Testing.

All RPBA's, RPDAs, DCVAs, DCDAs and PVBA's are required to be tested at least annually and all air gaps installed in lieu of an approved backflow prevention assembly shall be inspected at least annually. Completed test reports shall be returned to the city within thirty days after receipt of the yearly test notification. Tests and inspections may be required on a more frequent basis at the discretion of the director of public works. All costs for testing and inspection of backflow prevention devices shall be borne by the customer. (Ord. 802 § 4, 1995)

13.28.050 Inspection—Right of entry.

Authorized employees of the city with proper identification shall have free access at reasonable hours of the day to all parts of a premises or within buildings to which water is supplied. Water service shall be refused or terminated to any premises for failure to allow necessary inspections. (Ord. 802 § 5, 1995)

13.28.060 Compliance.

Failure of the customer to cooperate in the installation, maintenance, repair, inspection or testing of backflow prevention assemblies required by this chapter shall be grounds for termination of water service to the premises or the requirement for an air gap separation. (Ord. 802 § 6, 1995)

13.28.070 No duty of care.

The provisions of this chapter are adopted in the furtherance of the general health, safety and welfare of the city and are not meant to create a duty of care with respect to any individual, utility service user or customer. (Ord. 802 § 7, 1995)

Title 14

BUILDINGS AND CONSTRUCTION

Chapters:

- 14.04 International Building, Property Maintenance, and Related Codes Adopted**
- 14.12 Municipal Public Works Code**
- 14.20 Moving of Buildings**
- 14.22 Mobile Home Placement Code**
- 14.28 Fireworks Regulations**
- 14.32 Fire Code**
- 14.33 Fire Lanes**
- 14.34 False Alarms**
- 14.40 Flood Damage Prevention**
- 14.46 Building Demolition**
- 14.48 Appeals**
- 14.50 Penalties**

Chapter 14.04

INTERNATIONAL BUILDING, PROPERTY MAINTENANCE, AND RELATED CODES ADOPTED*

Sections:

- 14.04.010 International Building Code adopted.
- 14.04.020 International Residential Code adopted.
- 14.04.030 International Mechanical Code adopted.
- 14.04.040 National Fuel Gas Code (NFPA 54) adopted.
- 14.04.050 Liquefied Petroleum Gas Code (NFPA 58) adopted.
- 14.04.060 International Fuel Gas Code adopted.
- 14.04.070 Uniform Plumbing Code adopted.
- 14.04.080 Washington State Energy Code adopted.
- 14.04.090 Ventilation and Indoor Air Quality Code (VIAQC) deleted.
- 14.04.100 International Property Maintenance Code adopted.
- 14.04.110 Documents to be filed and available for public inspection.
- 14.04.120 Violation—Penalty.
- 14.04.130 Fees—Assignment.
- 14.04.140 Fees—Assessment.
- 14.04.150 Building permit fees.
- 14.04.160 Plan review fees.
- 14.04.170 Fee schedule for administrative procedures and miscellaneous inspections.
- 14.04.180 Mechanical permit fees.
- 14.04.190 Plumbing code permit fees.

14.04.010 International Building Code adopted.

The 2015 edition of the International Building Code (IBC), as adopted and hereafter amended by the

***Editor's note**—Ord. No. 1267, § 1, adopted June 17, 2013, repealed the former Chapter 14.04, §§ 14.04.010—14.04.190, and enacted a new Chapter 14.04 as set out herein. The former Chapter 14.04 pertained to similar subject matter and derived from Ord. No. 1192, adopted August 23, 2010.

State Building Code Council in Chapter 51-50 WAC, as published by the International Code Council, is adopted, together with the following:

- A. Appendix G "Flood-Resistant Construction";
- B. Appendix H "Signs";
- C. Appendix J "Grading" as amended; and
- D. Appendix E "Supplementary Accessibility Requirements".

Chapter 1, Administrative

- A. Section 101.1 Substitute "City of Woodland" for name of jurisdiction.
- B. Section 101.4.3 Replace "International" with "Uniform"; delete the last sentence.
- C. Section 101.4.6 Replace "International Energy and Conservation Code" with "Washington State Energy Code (WSEC)."
- D. Section 105.2 #2 Strike "7" insert "3."
- E. Section 105.2 #6 Add the words "Uncovered patios and decks" before the word "sidewalks."

Section J 102.1 Additions to Definitions.

Professional Inspection — is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologist and shall be sufficient to form an opinion relating to the conduct of the work.

Soil Engineer (Geotechnical Engineer) — is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.

Soil Engineering (Geotechnical Engineering) — is the application of the principals of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction therefore.

Section J 103.2 Additions To Exempted Work.

- 8. An excavation that is less than 2 feet (610 mm) in depth or does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope).

9. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3m³) on any one lot and does not obstruct a drainage course.

Section J 104.5 Grading Designation.

Grading in excess of 5,000 cubic yards (3825 m³) shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 5,000 cubic yards (3825 m³) shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

Section J 104.6 Engineering Grading Requirements.

Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when required by the building official.

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site.

2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains.
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet (4572 mm) of the property or that may be affected by the proposed grading operations.
6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.
7. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

Section J 104.7 Soils Engineering Report.

The soils engineering report required by Section J 104.6 shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

Section J 104.8 Engineering Geology Report.

The engineering geology report required by Section J 104.6 shall include an adequate description

of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

Section J 104.9 Regular Grading requirements.

Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall have the following information:

1. General vicinity of the proposed site.
2. Limiting dimensions and depth of cut and fill.
3. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet (4572 mm) of the proposed grading.

Section J 104.10 Issuance.

The provisions of Section 105 are applicable to grading permits. The building official may require that grading operations and project designs be modified if delays occurs which incur weather-generated problems not considered at the time the permit was issued.

The building official may require professional inspection and testing by the soils engineer. When the building official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

Section J 112.1 General.

Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the jurisdiction.

Section J 112.2 Plan Review Fees.

When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in

Table J-1. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

Section J 112.3 Grading Permit Fees.

A fee for each grading permit shall be paid to the City as set forth in Table J-2. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities.

(Ord. No. 1267, § 1, 6-17-2013; Ord. No. 1367, § 1, 6-20-2016)

14.04.020 International Residential Code adopted.

The 2015 edition of the International Residential Code (IRC), as adopted and hereafter amended by the State Building Code Council in Chapter 51-51 WAC, as published by the International Code Council, excluding Chapter 11 "Energy Efficiency" and Chapters 25 through 43 "Plumbing and Electrical" are not adopted. "Mechanical and Fuel Gas" are adopted, together with the following:

- Section R101.1 Insert "the City of Woodland."
- Section R105.2 #1 Strike "200" insert "120."
- Section R105.2 #6 Strike "7" insert "3."
- Delete "Appendix G "Swimming Pools, Spas and Hot Tubs" is adopted."
- Table 301.2(1) Climatic, and Geographic Design Criteria established:

Table R301.2(1) Climatic and Geographic Design Criteria shall read as follows:

Roof Snow Load:	25 psf
Ground Snow:	30 psf
Wind Speed:	105 mph, 3 second gust
Seismic Design Category:	D1
Subject to Damage From Weathering:	Moderate
Frost Line Depth:	12/18/24 inches

Subject to Damage From Termite:	Slight to Moderate
Subject to Damage From Decay:	Slight to Moderate
Winter Design Temperature:	See WSEC
Ice Shield Underlayment Required:	NA
Air Freezing Index:	N/A
Mean Annual Temperature:	50 Degrees F

(Ord. No. 1267, § 1, 6-17-2013; Ord. No. 1367, § 2, 6-20-2016)

14.04.030 International Mechanical Code adopted.

The 2015 edition of the International Mechanical Code (IMC), as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, as published by the International Code Council, is adopted with Appendix A "Chimney Connector Pass-Throughs."

Section 101.1 Insert "the City of Woodland."

Section 106.5.2 Insert "City of Woodland Fee Schedule."

Section 109 Strike entire section. Insert "see WMC Chapter 14.48—Appeals."

(Ord. No. 1267, § 1, 6-17-2013; Ord. No. 1367, § 3, 6-20-2016)

14.04.040 National Fuel Gas Code (NFPA 54) adopted.

The National Fuel Gas Code (NFGC), as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, as published by the NFPA is adopted.

(Ord. No. 1267, § 1, 6-17-2013)

14.04.050 Liquefied Petroleum Gas Code (NFPA 58) adopted.

Standards for liquefied petroleum gas installations shall be the Liquefied Petroleum Gas Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, as published by the NFPA is adopted.

(Ord. No. 1267, § 1, 6-17-2013)

14.04.060 International Fuel Gas Code adopted.

The 2015 edition of the International Fuel Gas Code (IFGC), as adopted and hereafter amended by

the State Building Code Council in Chapter 51-52 WAC, as published by the International Code Council, is adopted.

Section 101.1 Insert "the City of Woodland."

Section 106.6.2 Insert "City of Woodland Fee Schedule."

Section 109 Strike entire section. Insert "see WMC Chapter 14.48—Appeals."

(Ord. No. 1267, § 1, 6-17-2013; Ord. No. 1367, § 4, 6-20-2016)

14.04.070 Uniform Plumbing Code adopted.

The 2015 edition of the Uniform Plumbing Code (UPC), as adopted and hereafter amended by the State Building Code Council in Chapters 51—56 WAC, as published by the International Association of Plumbing and Mechanical Officials (IAPMO) is adopted with Appendices A "Recommended Rules for Sizing the Water Supply System," B "Explanatory Notes on Combination Waste and Vent System" and I "Installation Standards." Chapter 12 "Fuel Piping," Chapter 14—"Firestop Protection" and those requirements of Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in Chapter 5 and those portions of the code addressing building sewers are not adopted.

(Ord. No. 1267, § 1, 6-17-2013; Ord. No. 1367, § 5, 6-20-2016)

14.04.080 Washington State Energy Code adopted.

The 2015 Washington State Energy Code (WSEC), as adopted and hereafter amended by the State Building Code Council in Chapter 51-11 WAC, is adopted.

(Ord. No. 1267, § 1, 6-17-2013; Ord. No. 1367, § 1, 6-20-2016)

14.04.090 Ventilation and Indoor Air Quality Code (VIAQC) deleted.

(Ord. No. 1267, § 1, 6-17-2013)

14.04.100 International Property Maintenance Code adopted.

The 2015 edition of the International Property Maintenance Code (IPMC) as published by the International Code Council is adopted with the following modifications:

- A. 101.1 Title. These regulations shall be known as the property maintenance code of the city of Woodland, hereinafter referred to as "this code."

- B. 101.2.1 Conflicts. When conflicts occur between this code and the Woodland Municipal Code, the Woodland Municipal Code requirements shall govern.
- C. 103.1 General. The code enforcement division is hereby created and the executive official in charge thereof shall be known as the code official.
- D. 103.5 Fees. Is not adopted. Fees shall be as set by resolution of the city council.
- E. 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a civil infraction, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- F. 107.4 Penalties. See IPMC 106.4.
- G. 201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Residential Code, International Mechanical Code, International Fire Code, Uniform Plumbing Code, or the National Electrical Code, such terms shall have the meanings ascribed to them as in those codes.
- H. 302.4 Weeds. Is not adopted.
- I. 302.8 Motor vehicles. Is not adopted.
- J. 304.14 Insect screens. Is not adopted.
- K. 304.18.1 Doors. Is not adopted.
- L. 505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Uniform Plumbing Code.
- M. 505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C) nor shall the temperature be set higher than the maximum allowed by federal, state or local law. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.
- N. 704 Fire Protection Systems. Is not adopted.
- O. Chapter 8 Referenced Standards. References to the electric code shall mean the National Electric Code as adopted by the state of Washington.
- (Ord. No. 1267, § 1, 6-17-2013; Ord. No. 1367, § 7, 6-20-2016)
- 14.04.110 Documents to be filed and available for public inspection.**
- The codes, appendices, and standards set forth in this chapter shall be filed with the clerk-treasurer and a copy made available for use and examination by the public, pursuant to RCW 35A.12.140.
(Ord. No. 1267, § 1, 6-17-2013)
- 14.04.120 Violation—Penalty.**
- Any person, firm, corporation or organization violating any of the provisions of this chapter shall be guilty of a civil infraction, punishable as provided in WMC 1.12.020. Every day or portion thereof during which any violation of this chapter occurs or continues shall constitute a separate offense.
(Ord. No. 1267, § 1, 6-17-2013)
- 14.04.130 Fees—Assignment.**
- Permit fees will be assigned by resolution of the city council.
(Ord. No. 1267, § 1, 6-17-2013)

14.04.140. Fees—Assessment.

Permit fees shall be assessed in accordance with this section.

(Ord. No. 1267, § 1, 6-17-2013)

14.04.150 Building permit fees.

The fee for each building permit or special building code permit shall be as established by resolution of the city council.

(Ord. No. 1267, § 1, 6-17-2013)

14.04.160 Plan review fees.

When submitted documents are required by administrative chapter of each code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee for International Residential Code permits shall be sixty-five percent of the building permit fee and for International Building Code permits shall be sixty-five percent of the building permit fee as established by resolution of the city council. The plan review fees specified in this section are separate fees from the permit fees and in addition to permit fees.

(Ord. No. 1267, § 1, 6-17-2013)

14.04.170 Fee schedule for administrative procedures and miscellaneous inspections.

In addition to any other fees specified in this chapter, there shall be a fee schedule for the following administrative procedures as set by resolution of the city council:

Demolition permit for fences and signs.

(Ord. No. 1267, § 1, 6-17-2013)

14.04.180 Mechanical permit fees.

The fee for each permit issued under provisions of the International Mechanical Code, International Fuel Gas Code, NFPA 54 (National Fuel Gas Code), NFPA 58 (Liquefied Petroleum Gas Code), or the mechanical device provisions of the International Residential Code shall be as set by resolution of the city council.

(Ord. No. 1267, § 1, 6-17-2013)

14.04.190 Plumbing code permit fees.

The fee for each permit issued under the provisions of the Uniform Plumbing Code (UPC) shall be as set by resolution of the city council.

(Ord. No. 1267, § 1, 6-17-2013)

Chapter 14.12

MUNICIPAL PUBLIC WORKS CODE

Sections:

14.12.010 Municipal Public Works Code adopted.

14.12.020 Compliance required.

14.12.010 Municipal Public Works Code adopted.

The 2014 City of Woodland Public Works Engineering Standards for Construction is hereby adopted as the Municipal Public Works Code for the city or the most recent code when published. Later versions shall replace the 2014 Standards. (Ord. 857 § 7 (part), 1997; Ord. 422 § 1, 1976; Ord. 348 § 1, 1972) (Ord. No. 1306, § 1, 5-18-2015)

14.12.020 Compliance required.

All streets and related work, sanitary sewers and storm drains, and water distribution construction or repair, done within the corporate limits of the city by any individual, firm, or corporation, shall be done and constructed both in design, material or otherwise as set forth and provided for in the City of Woodland Public Works Engineering Standards for Construction in Section 14.12.010. (Ord. 857 § 7 (part), 1997; Ord. 429 § 1, 1976; Ord. 348 § 2, 1972) (Ord. No. 1306, § 2, 5-18-2015)

Chapter 14.20**MOVING OF BUILDINGS****Sections:**

- 14.20.010 Permit required.**
- 14.20.020 Application for permit.**
- 14.20.030 Deposit for expense of city.**
- 14.20.040 Security deposit and liability insurance.**
- 14.20.050 Depositing fees, bond and deposits with the clerk-treasurer.**
- 14.20.060 Return of fees and deposits upon failure to issue permit.**
- 14.20.070 Written statement of expenses—Return of excess deposits.**
- 14.20.080 Conditions of securing permit.**
- 14.20.090 Permit—Standards for issuance.**
- 14.20.100 Inspection.**
- 14.20.110 Objections by property owners.**
- 14.20.120 Designated streets for removal.**
- 14.20.130 Duties of permittee.**
- 14.20.140 Enforcing officers.**
- 14.20.150 Permittee liable for expense in excess of deposits.**
- 14.20.160 Original premises left unsafe.**
- 14.20.170 Violation—Penalty.**

14.20.010 Permit required.

No person, firm or organization shall move any building over, along or across any highway, street or alley in the city without first obtaining a permit from the public works department. (Ord. 857 § 10 (part), 1997)

14.20.020 Application for permit.

Application for such a permit shall be made as required by the Uniform Building Code, as amended, and shall be accompanied with a permit fee as established by resolution of the city council. (Ord. 857 § 10 (part), 1997)

14.20.030 Deposit for expense of city.

Upon receipt of an application, it shall be the duty of the public works department to estimate the expense that will be incurred in removing and replacing any property of the city, the removal and replacement of which will be required by reason of the moving of

the building through the city, together with the cost of materials necessary to be used in making such removals and replacements. Prior to issuance of the permit, the public works department shall require of the applicant a deposit of a sum of money equal to twice the amount of the estimated expense. (Ord. 857 § 10 (part), 1997)

14.20.040 Security deposit and liability insurance.

An application under this chapter shall be accompanied:

- A. By a cash deposit or corporate surety bond in the sum of two thousand five hundred dollars as indemnity for any damage which the city may sustain by reason of damage or injury to any highway, street or alley, sidewalk, or other property of the city, which may be caused by or be incidental to the removal of any building over, along or across any street in the city and to indemnify the city against any claim of damages to persons or private property;
- B. By a public liability insurance policy providing one million dollars to satisfy any claim by private individuals, firms or corporations arising out of, caused by or incidental to the moving of any building over, along or across any street in the city;
- C. By cash deposit or corporate surety performance bond in the sum of two thousand five hundred dollars, conditioned upon the permittee, within six months from the date of the issuance of such permit:
 1. Completing the construction, painting and finishing of the exterior of the building, and
 2. Faithfully complying with all requirements of this chapter, the building code, and the other ordinances then in effect within the city, including but not limited to permittee completing such work within six months from the date of the issuance of such permit.
- D. In the event the provisions of subsection (C) of this section are not complied with within the time specified, the sum of five hundred dollars shall be forfeited to the city as a penalty for the default, and this shall be in addition to any other penalties provided for failure to comply with the terms of this chapter.

(Ord. 857 § 10 (part), 1997)

**14.20.050 Depositing fees, bond and deposits with
the clerk-treasurer.**

The public works department shall deposit all fees, deposits and bond with the clerk-treasurer. (Ord. 857 § 10 (part), 1997)

**14.20.060 Return of fees and deposits upon failure
to issue permit.**

Upon the public works department's refusal to issue a permit, the department shall return to the applicant all

fees, deposits and bonds. Permit fees filed with the application shall not be returned. (Ord. 857 § 10 (part), 1997)

**14.20.070 Written statement of expenses—
Return of excess deposits.**

After the building has been removed, the public works department shall prepare a written statement of all expenses incurred in removing and replacing all property belonging to the city, and all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the city; provided, however, that if any wires, poles, lamps or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same. After the public works department has verified all the costs, expenses, and damages done to the property of the city for the removal of the building, the clerk-treasurer shall return the remainder of the applicant's deposit. (Ord. 857 § 10 (part), 1997)

14.20.080 Conditions of securing permit.

As a condition of securing the permit:

- A. The permittee shall furnish the city with a set of plans and specifications for the completed building; and
- B. The permittee shall, prior to making application for such permit, or within ten days after making such application, cause the appropriate portions of the interior or exterior walls, ceiling or flooring to be removed to such extent as may be necessary to permit the building official to examine the materials and type of construction of such building to ascertain whether it will comply with the existing building code and ordinances of the city.

(Ord. 857 § 10 (part), 1997)

14.20.090 Permit—Standards for issuance.

The city shall refuse to issue a permit, subject to review by the city council if it finds:

- A. That any application requirement or any fee or deposit requirement has not been complied with;
- B. That the building is too large to move without endangering persons or property in the city;
- C. That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;
- D. That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;

- E. That the applicant's equipment is unsafe and that persons and property would be endangered by its use;
- F. That zoning or other ordinances would be violated by the building in its new location;

G. After consultation with the city planning commission, that the building when relocated and completed will not be compatible with the district in which located. "Compatible" means similar to, equal, or commensurate with existing development in the immediate affected vicinity in such matters as:

1. Site development, i.e., in an area of sites all developed in open and contiguous lawns the relocated building site should be in open lawn; if the affected vicinity is developed in intense shrub and tree plantings, or in yard fences and paving, the relocated building site should be so developed;
2. Age, i.e., a building of such age or character that the brand of its era cannot be erased by remodeling should not be permitted to move into an area that will suffer property devaluation as a result of the relocated building;
3. Value, i.e., a relocated building should be reasonably commensurate in dollar value with the buildings in the affected vicinity;
4. In an area or vicinity that has only some established standards of characteristics and is mixed to a degree itself, only those characteristics which are clearly established as standards in the existing buildings of the vicinity shall be used to judge the merit or demerit of a proposed relocated building;
5. The area or immediate affected vicinity to be considered in judging the impact of a proposed relocated building shall be that area which is visually connected and related to the relocated building site;

H. That for any other reason persons or property in the city would be endangered by the moving of buildings.

(Ord. 857 § 10 (part), 1997)

14.20.100 Inspection.

- A. The public works department shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.
- B. The building official shall inspect the proposed new building site and shall, not less than fifteen days before the proposed date of moving, post a notice thereon. The notice shall give the location of the

building to be moved, together with such other information as shall fairly advise interested persons. (Ord. 857 § 10 (part), 1997)

14.20.110 Objections by property owners.

- A. Any person, firm or corporation owning property within a radius of three hundred feet from the site to which the building is to be moved, may protest the issuance of a permit which would authorize moving a building to the new proposed site.
- B. Written protest must be filed with the clerk-treasurer not more than eight days after the posting of the notice by the building official required in Section 14.20.100(B).
- C. Upon receipt of protests from five or more property owners, the city council shall hold a public hearing and decide upon the validity and reasonableness of the protest.
- D. After the public hearing, the city council shall deny the permit if it finds that the issuance of a permit will result in a violation of any city, county or state law, or greatly inconvenience any considerable number of persons, or will violate or disturb the public welfare, safety or peace as more specifically defined in Section 14.20.090.

(Ord. 857 § 10 (part), 1997)

14.20.120 Designated streets for removal.

The public works department shall designate the streets over which the building may be moved. The public works department shall have the list approved by the police department. In making their determinations, the public works department and the police department shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets. (Ord. 857 § 10 (part), 1997)

14.20.130 Duties of permittee.

Every permittee under this chapter shall:

- A. Move a building only over streets designated for such use in the written permit;
- B. Notify the public works department in writing of a desired change in moving date and hours as proposed in the application;
- C. Notify the public works department in writing of any and all damage done to property belonging to the city within twenty-four hours after the damage or injury has occurred;
- D. Cause red lights to be displayed during the nighttime on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain

barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building;

- E. Remove the building from the city streets after four days of such occupancy, unless an extension is granted by the public works department;
- F. Within six months from the date of issuance of the permit, comply with the Uniform Building Code, zoning ordinances, and all other applicable ordinances and laws upon relocating the building in the city;
- G. Reimburse the city for the expense of a traffic officer ordered by the public works department to accompany the movement of the building to protect the public from injury;
- H. Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition.

(Ord. 857 § 10 (part), 1997)

14.20.140 Enforcing officers.

The public works department and the police department shall enforce and carry out the requirements of this chapter. (Ord. 857 § 10 (part), 1997)

14.20.150 Permittee liable for expense in excess of deposits.

The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts. (Ord. 857 § 10 (part), 1997)

14.20.160 Original premises left unsafe.

The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this chapter, and the cost thereof shall be charged against the general deposit. (Ord. 857 § 10 (part), 1997)

14.20.170 Violation—Penalty.

Any person, firm or organization moving any building over, along, or across any highway, street, or alley in the city, without first obtaining a permit shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two hundred fifty dollars, or by imprisonment not to exceed ninety days, or both such fine and imprisonment. (Ord. 857 § 10 (part), 1997)

Chapter 14.22

MANUFACTURED HOME PLACEMENT CODE*

Sections:

14.22.010	Applicability.
14.22.020	Definitions.
14.22.030	Application for permit.
14.22.040	Review of application—Approval.
14.22.050	Commencement of manufactured home placement by the applicant.
14.22.060	Standards.
14.22.070	Administration.
14.22.080	Appeals and variances.
14.22.090	Exemptions.

* Prior ordinance history: Ords. 596 and 979.

14.22.010 Applicability.

Any person who places or allows a manufactured home to be placed, or allows utility services to be connected to a manufactured home in the city shall first obtain a manufactured home placement permit pursuant to this chapter. Conformance with this chapter does not relieve the person from compliance with zoning or other applicable state and local regulations. (Ord. 1053 § 1 (part), 2005)

14.22.020 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

“Applicant(s)” means the manufactured home owner, manufactured home occupant, property owner, and/or his/her authorized representative.

“Building official” means the building official of the city or his authorized representative.

“Hearing examiner” means the hearing examiner of the city.

“Lot” means any fractional part of divided or subdivided lands having fixed and recorded boundaries, and any tract, parcel, site, or space in a manufactured home park or subdivision.

“Manufactured home” means a structure, built to conform to national standards embodied in the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., administered by the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is twelve body feet or more in width or thirty-six body feet or more in length, or when erected on the site is eight hundred and sixty-four or more square feet, and which is built on a permanent chassis and designed to

be used as a dwelling with or without a permanent foundation as defined within the International Residential Code (IRC), connected to the required utilities, and includes mandatory plumbing, heating, air conditioning and electrical systems contained therein. A manufactured home displays a certificate from the United States Department for Housing and Urban Development.

“Manufactured home placement permit” means a permit required by the city for the placement of a manufactured home in the city.

“Mobile home” means a structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet and which is built on a permanent foundation when connected to required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein and manufactured prior to June 15, 1976

“Occupancy” means, begins with the connection of utility services; with sleeping in and/or human habitation of the manufactured home; and/or any use of the manufactured home for other than repair of the unit, sale or storage. The term shall include the words “occupy” and “occupied.” (Ord. 1053 § 1 (part), 2005)

14.22.030 Application for permit.

A person seeking to place a manufactured home in the city shall submit a complete application to the city building official on such forms as may be provided by the building official. The application shall include, but not be limited to, the following information:

- A. Name, address, and telephone number of the applicants;
- B. Project (manufactured home site) address;
- C. Subdivision, manufactured home park, section, township and range;
- D. Method of sewage disposal and water supply;
- E. Current market value of manufactured home;
- F. Description of manufactured home (e.g., dimensions, number of bedrooms, year and make);
- G. Vicinity sketch;
- H. Site plan drawn to scale, showing property boundaries, proposed location of manufactured home and identity and location of other buildings existing and/or proposed for the property;
- I. Signature of applicant; and,
- J. Other information as may be necessary.

(Ord. 1053 § 1 (part), 2005)

14.22.040 Review of application—Approval.

Upon receipt of a complete application, the building official shall review it and, if he determines that placement of the manufactured home will comply with this chapter, and will not conflict with any land use, health, safety, or other applicable state and local regulation, the permit shall be issued following payment by the applicant of the manufactured home placement fee. The fee shall be as prescribed by resolution for placement of manufactured homes. The city may charge a double fee as a penalty if an application for a placement permit is submitted after the manufactured home is moved onto the premises unless prior approval has been obtained from the building official. Placement permits may contain conditions to assure conformance with this chapter and other applicable laws, ordinances and regulations. The building official shall deny a placement permit if he finds that the placement of a manufactured home will not comply with this chapter or with land use, health, safety, or other applicable state and local regulations. (Ord. 1053 § 1 (part), 2005)

14.22.050 Commencement of manufactured home placement by the applicant.

Following the issuance of the manufactured home placement permit, the applicant may place the manufactured home on the lot, in accordance with the standards under this chapter and any additional conditions contained in the placement permit. The manufactured home shall not be occupied until the building official has issued a certificate of final inspection. The applicant shall be responsible for requesting and obtaining such certificate and for obtaining any additional permits and inspections as may be required in this chapter or by any other ordinance or resolution of the city. A manufactured home placement permit shall become void if the applicant has not applied for a certificate of final inspection within one hundred twenty days following the issuance of the placement permit. (Ord. 1053 § 1 (part), 2005)

14.22.060 Standards.

- A. No manufactured home shall be placed on the same lot as another dwelling, including another manufactured home.
- B. A manufactured home shall be installed as outlined in Washington Administrative Code 296-150B-200 and as amended in RCW 43.22.440 and WAC 296-150M.
- C. Each lot shall have provision for connection with city water and sewer service prior to issuance of a manufactured home placement permit; provided, if said lot is located where city water and/or sewer is not available, and existed prior to the effective date of the ordinance codified in this chapter, the water and/or

sewer service system shall comply with other applicable local and state regulations.

- D. Utilities shall be inspected and operational prior to the issuance of a certificate of final inspection.
- E. No manufactured home shall be occupied until final inspections for all standards referenced in this section have been made and a certificate of final inspection has been issued to the applicant.
- F. Manufactured homes outside a manufactured home park/subdivision shall be comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long; roof constructed of composition, wood shake or shingle, coated metal, or similar roofing material and of not less than a three is to twelve pitch; has exterior siding similar in appearance to siding materials commonly used on a site-built single-family homes building in accordance with the International Residential Code (IRC).
 1. All dwellings shall be oriented on the lot so that the front door faces the street.
 2. All dwellings shall be placed on a permanent foundation as defined within the IRC.
 3. All manufactured homes shall be of new construction.
 4. The front door shall be protected by a covered porch.

(Ord. 1053 § 1 (part), 2005)

14.22.070 Administration.

- A. It shall be the duty of the building official to administer the provisions of this chapter.
- B. The building official shall make every reasonable effort to review and process all applications for placement permits and approve or deny said placement permits within twenty-eight days following the receipt of said application.
- C. An incomplete application shall be returned to the applicant for completion.

(Ord. 1053 § 1 (part), 2005)

14.22.080 Appeals and variances.

The applicant may appeal to the building official for a variance from the anchoring methods and building codes. The applicant may appeal the building official's decision to the hearing examiner. The applicant shall pay a fee as prescribed by resolution for appeals taken to the hearing examiner to offset the administrative costs of the appeal. (Ord. 1053 § 1 (part), 2005)

Chapter 14.28

FIREWORKS REGULATIONS*

Sections:

- 14.28.010 Adoption of state law by reference.**
- 14.28.020 Sale by permit only.**
- 14.28.030 Permit limitations.**
- 14.28.040 Permit fees.**
- 14.28.050 Inspection of proposed fireworks stands, locations and award process.**
- 14.28.060 Fireworks stands.**
- 14.28.070 Fireworks discharge, sale and purchase.**
- 14.28.080 Penalty.**
- 14.28.090 Third party liability.**
- 14.28.100 Public display of fireworks.**

14.28.010 Adoption of state law by reference.

Chapter 70.77 of the Revised Code of Washington (RCW), as most recently amended by Chapter 117, § 397, Laws of 2012, relating to the manufacture, importation, possession, sale, discharge, display or transportation of fireworks are adopted by reference as though fully set forth in this chapter. One copy of such enactment is on file with the clerk-treasurer as required by RCW 35A.12.140.

(Ord. No. 1414, 10-15-2018)

14.28.020 Sale by permit only.

Sale of common fireworks shall be limited to approved fireworks stands and shall not be allowed in a retail establishment selling non-firework items. Authority to sell fireworks as set forth in this chapter shall be by permit issued by the fire marshal as more particularly described below.

(Ord. No. 1414, 10-15-2018)

14.28.030 Permit limitations.

- A. The number of permits which the city shall issue for the sale of safe and reasonable fireworks in any one calendar year shall not exceed three permits for

***Editor's note**—Ord. No. 1414, adopted October 15, 2018, repealed the former Chapter 14.28, §§ 14.28.010—14.28.090, and enacted a new Chapter 14.28 as set out herein. The former Chapter 14.28 pertained to similar subject matter and derived from Ord. No. 819, 1996; Ord. No. 891, 1998; Ord. No. 973, 2002 and Ord. No. 1105, 2007.

each six thousand persons residing within the city and one additional permit for each six thousand persons or portion thereof in excess of the first six thousand. The number of persons residing within the corporate limits of the city shall be determined by the Washington State Census Board.

- B. Only one permit shall be issued to each organization, corporation, individual or other entity, and no permit shall entitle the holder thereof to more than one location. All permits are nontransferable. (Ord. No. 1414, 10-15-2018)

14.28.040 Permit fees.

The annual permit fee for each permit issued under this chapter shall be as set by resolution of the city council, which shall be paid to the city clerk-treasurer at the time the permit is issued. All permits shall expire at the end of the calendar year in which they are issued and shall not be refundable.

(Ord. No. 1414, 10-15-2018)

14.28.050 Inspection of proposed fireworks stands, locations and award process.

- A. Prior to sale of fireworks, the fire marshal or his/her authorized representative shall investigate the proposed site for the location of a fireworks stand and determine if such location is suitable under the provisions of this chapter and the International Fire Code. The Fire Marshal shall issue a permit with or without conditions, if it meets the requirements of this chapter, the ordinances of the city, and the International Fire Code. Previous year Woodland nonprofit permit holders will receive preference during the first application period and preference will first be given to those applicants that have Woodland physical addresses and are also a Woodland nonprofit organization recognized under IRS rules with the applications shall be assigned priority according to the time of receipt by the city clerk-treasurer department, with the application first received having the highest priority.
- B. The first application period for the upcoming fireworks sales period will begin on January 2nd of each year for that year's fireworks sales. A second application period will be opened if any permits are available and it will be open from February 1st to February 28th. The clerk-treasurer will hold a

drawing by lottery on or after March 1st for any new permit holder(s) in the second application period.

- C. To be deemed a complete application all applications must contain the following:
 1. A completed and signed City of Woodland fireworks permit application;
 2. A completed and signed State of Washington permit;
 3. Certificate of insurance as required by the clerk-treasurer;
 4. Fees as designated by resolution of the city council; and
 5. Description of the fireworks sales stand or tent along with a dimensioned diagram showing the distance from the stand or tent to any structures, vehicles, vegetation, and sources of ignition.
- D. Any permittee that violates the provisions in this chapter or the International Fire Code may have their permit revoked by the fire marshal or designee.

(Ord. No. 1414, 10-15-2018)

14.28.060 Fireworks stands.

Fireworks stands used for the retail sales of common fireworks shall be temporary and shall comply with the provisions of the International Fire Code as adopted by the State of Washington and the City of Woodland.

(Ord. No. 1414, 10-15-2018)

14.28.070 Fireworks discharge, sale and purchase.

- A. Sale and discharge of legal fireworks is permitted in the City of Woodland at the times outlined in Table 14.28.070.

Table 14.28.070

Date	Sales Period	Discharge Period
June 28	12:00 noon to 11:00 p.m.	No Discharge
June 29—June 30	9:00 a.m. to 11:00 p.m.	No Discharge
July 1—July 3	9:00 a.m. to 11:00 p.m.	9 a.m. to 11:00 p.m.

(Woodland Supp. No. 35, 5-19)

Date	Sales Period	Discharge Period
July 4	9:00 a.m. to 11:00 p.m.	9:00 a.m. to 12:00 midnight
July 5	NO SALES	No Discharge
December 31—January 1	NO SALES	6:00 p.m. on 12/31 to 1:00 a.m. New Year's Day 1/1

- B. No fireworks may be discharged on public property with the exception of residential public streets or as allowed by issued permits for public display by a licensed pyro-technician.
- C. No fireworks may be sold or offered for sale to the public as consumer fireworks which are classified as sky rockets, or missile-type rockets, firecrackers, salutes, or chasers as defined by the United States Department of Transportation and the federal Consumer Products Safety Commission except as provided in RCW 70.77.311.

"Consumer fireworks" means any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States consumer product safety commission, as set forth in 16 C.F.R. Parts 1500 and 1507 and including some small devices designated to produce audible effects, such as whistling devices, ground devices containing fifty mg or less of explosive materials, and aerial devices containing one hundred thirty mg or less of explosive materials and classified as fireworks UN0336 by the United States department of transportation at 49 C.F.R. Sec. 172.101 as of the effective date of this section, and not including fused set pieces containing components which together exceed fifty mg of salute powder.

(Ord. No. 1414, 10-15-2018)

14.28.080 Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor.

(Ord. No. 1414, 10-15-2018)

14.28.090 Third party liability.

- A. It is expressly the purpose of the ordinance codified in this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate

any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

- B. It is the specific intent of the ordinance codified in this chapter that no provisions nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees, for whom the implementation and enforcement of this chapter shall be discretionary and not mandatory.
- C. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents.

(Ord. No. 1414, 10-15-2018)

14.28.100 Public display of fireworks.

- A. Public displays of fireworks require that a permit be obtained pursuant to RCW 70.77.260(2) with approval of the fire marshal. All pertinent safeguards and precautions prescribed by the fire code and the National Fire Protection Association (NFPA) 1123 Standard must be implemented by the licensed pyro-technician performing the display. The distance from combustible materials and spectators at any public display of fireworks must be maintained in accordance with the fire code, and as prescribed by the fire marshal.
- B. Before a permit for fireworks display is issued, the applicant for such permit shall file a surety bond or insurance certificate with the City of Woodland showing that the applicant has a policy of public liability insurance in full force and effect in the amount of at least three thousand dollars for each occurrence, and aggregate coverage of five thousand dollars and said insurance shall have a rider attached designating the city and the fire service provider for the city as additional insured parties, and that such insurance is available in payment of any damage arising from the action of the applicant, his agent, servants, employees and subcontractors for which they are liable and which have resulted as a result of the permitted display. Such insurance certificate shall provide that said liability insurance cannot be terminated by the insured or

by the company issuing such insurance without ten days prior written notice to the City of Woodland.

- C. Applicants for public displays of fireworks must provide a copy of the contract between the vendor and contractor (licensed pyro technician) that includes hold harmless and indemnification language in favor of the city and the city's fire protection contractor.

(Ord. No. 1414, 10-15-2018)

Chapter 14.32**FIRE CODE****Sections:**

- 14.32.010 International Fire Code adopted.**
- 14.32.020 Administration.**
- 14.32.030 Reserved.**
- 14.32.040 Inspections.**
- 14.32.050 Retroactive application to existing conditions.**
- 14.32.060 Storage of hazardous goods and materials.**
- 14.32.070 Permit fees.**
- 14.32.080 Inspection fees.**
- 14.32.090 Plan review fees.**
- 14.32.100 Fire apparatus access road.**
- 14.32.110 Reserved.**
- 14.32.120 Fire hydrants.**
- 14.32.130 Fire extinguishing systems required.**
- 14.32.140 Key box required.**
- 14.32.150 Violation—Penalty.**
- 14.32.160 Documents to be filed and available for public inspection.**

14.32.010 International Fire Code adopted.

The 2015 edition of the International Fire Code, as adopted and hereinafter amended by the State Building Code Council in Chapter 51-54 WAC, as published by the International Code Council, is adopted, together with the following:

- A. Appendix A Board of appeals;
- B. Appendix B Fire flow requirements for buildings;
- C. Appendix C Fire hydrant locations and distribution;
- D. Appendix D Fire apparatus access roads;
- E. Appendix E Hazard categories;
- F. Appendix F Hazard ranking;
- G. Appendix G Cryogenic fluids-weight and volume equivalents.

(Ord. 1037 § 1 (part), 2005)

(Ord. No. 1367, § 8, 6-20-2016)

14.32.020 Administration.

The following sections are hereby revised.

101.1 Title. These regulations shall be known as the *fire code* of the City of Woodland, hereinafter referred to as "this code."

109.3 Violation penalties. Violation penalties shall be set forth by resolution of the Woodland City Council.

(Ord. 1037 § 1 (part), 2005)

14.32.030 Reserved.**14.32.040 Inspections.**

The following shall be hereby added to Section 106 inspections:

106.4 Inspection exemptions. Unless requested by the occupant, fire inspections shall not be made of the following:

- 1) One and two family dwellings
- 2) Residential accessory buildings
- 3) Those features of hazardous material, tanks, piping and equipment inspected by other state or federal agencies on a regular schedule, provided that a copy of said inspection is provided.

106.5 Inspection schedule. All occupancies not identified in section 106.4 shall be inspected on a yearly basis. This shall not preclude the Fire Chief, or his designee, from further inspections as may be deemed necessary or as required by the code.

(Ord. 1037 § 1 (part), 2005)

14.32.050 Retroactive application to existing conditions.

The provisions of this chapter shall apply to conditions arising after adoption of the ordinance codified in this chapter, as well as conditions not legally in existence at the adoption of the ordinance codified in this chapter, and to conditions which, in the opinion of the fire chief, or his designee, constitute a distinct hazard to life or property. (Ord. 1037 § 1 (part), 2005)

14.32.060 Storage of hazardous goods and materials.

The geographic limits in which hazardous materials storage is prohibited, referred to in certain sections of the 2015 International Fire Code, are hereby established as follows:

Section 3204.3.1.1 The geographic limits in which the storage of flammable cryogenic fluids in sta-

tionary containers is prohibited are hereby established as follows: All use classifications listed in the WMC 17, except light industrial use district I-1, and heavy industrial use district I-2.

Section 3404.2.9.5.1 The geographic limits in which the storage of Class I and Class II liquids in above ground tanks outside of buildings is prohibited are hereby established as follows: All use classifications listed in WMC 17, except light industrial use district I-1 and heavy industrial use district I-2.

Section 3406.2.4.4 The geographic limits in which the storage of Class I and Class II liquids in above ground tanks is prohibited are hereby established as follows: All use classifications listed in WMC 17, except light industrial use district I-1 and heavy industrial use district I-2. Exception — The geographic limits when used for farms and construction sites are hereby established as follows: All use classifications listed in WMC, except central business use district C-1, highway commercial use district C-2, neighborhood commercial use district C-3, light industrial use district I-1, and heavy industrial use district I-2.

Section 3804.2 The geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas are hereby established as follows: All use classifications listed in WMC 17, except light industrial use district I-1 and heavy industrial use district I-2. Furthermore, the geographic limits for retail sales of liquefied petroleum gas are hereby established as follows: All use classifications listed in WMC 17, except central business district C-1, highway commercial use district C-2, neighborhood commercial use district C-3, light industrial use district I-1 and heavy industrial use district I-2. The maximum storage capacity for containers in central business district C-1, highway commercial district C-2, and neighborhood commercial use district C-3 shall be limited to two thousand gallons water capacity.

The geographic limits in which the storage of explosives is restricted are established as follows: All use classifications listed in WMC 17, except light industrial use district I-1 and heavy industrial use district I-2, in which storage is kept more than one thousand five hundred feet from residential use districts or, in the opinion of the fire chief, areas that constitute a distinct hazard to life and property.

The limits in which the storage of compressed natural gas is prohibited are established as follows: All use classifications listed in WCM 17, except central business use district C-1, highway commercial use district C-2, neighborhood commercial use district C-3, light industrial use district I-1, & heavy industrial use district I-2.

The limits in which the storage of hazardous materials is prohibited or limited is hereby established as follows: All use classifications listed in WMC 17, except light industrial use district I-1 and heavy industrial use district I-2 in which storage is kept more than one thousand five hundred feet from residential use districts or, in the opinion of the fire chief, areas that constitute a distinct hazard to life or property.

(Ord. 1037 § 1 (part), 2005)

(Ord. No. 1367, § 8, 6-20-2016)

14.32.070 Permit fees.

Permit fees will be assigned by resolution of the city council.

(Ord. 1037 § 1 (part), 2005)

14.32.080 Inspection fees.

Inspection fees will be assigned by resolution of the city council.

(Ord. 1037 § 1 (part), 2005)

14.32.090 Plan review fees.

Plan review fees will be assigned by resolution of the city council.

(Ord. 1037 § 1 (part), 2005)

14.32.100 Fire apparatus access road.

The following sections are hereby revised.

D103.2 Grade. Fire apparatus access roads shall not exceed 15 percent in grade.

Exception: Grades steeper than 15 percent as approved by the fire chief or his designee.

D103.3 Turning radius. The turning radius of a fire apparatus access road shall be 28 feet inside, 50 feet outside radius.

D105.4 Surface. The surface of an aerial fire apparatus road may not be constructed of materials not able to sustain the weight of the aerial outriggers while in use.

(Ord. 1037 § 1 (part), 2005)

14.32.110 Reserved.

Editor's note—Ord. No. 1414, adopted October 15, 2018, repealed § 14.32.110, which pertained to fireworks display insurance and derived from Ord. No. 1037, 2005.

14.32.120 Fire hydrants.

The following section is added to the code Appendix C as amended:

C106.1 Additional requirements.

1. Fire hydrants shall be located at roadway intersections whenever possible and the distance between them shall be no further than 500 feet in residential zones; all other zoned and non-zoned areas shall comply with table C105.1, Appendix C.

2. All fire hydrants shall conform to American Water Works Association specifications for dry barrel fire hydrants. Each hydrant shall have at least two hose connections of 2-1/2" diameter each and one pumper connection with five inch storz adapter. All 2-1/2" connections must have national standard threads.

3. Fire hydrants shall be installed plumb and be set to the finished grade. The bottom of the lowest outlet of the hydrant shall be no less than eighteen inches above the grade. There shall be thirty-six inches of clear area about the hydrant for operation of a hydrant wrench on the outlets and on the

control valve. The pumper port shall face the most likely route of approach of the fire truck as determined by the Fire Chief or his designee.

4. Fire hydrants shall be located so as to be accessible by fire engines and not be obstructed by a structure or vegetation or have the visibility impaired for a distance of fifty feet in the direction of vehicular approach to the hydrant. Fire hydrants subject to vehicle damage (e.g., those located in parking lots) shall be adequately protected.

5. Provisions shall be made to drain fire hydrant barrels to below the depth of maximum frost penetration.

All hydrants and water mains shall otherwise be installed in accordance with recognized standards and sound engineering practices.

EXEMPTIONS: (A) The following are exempt from the fire flow and hydrant requirements of this chapter, except that the Fire Chief may impose conditions to mitigate identified fire hazards. Such conditions may include, but are not limited to, increased setbacks, use of fire retardant materials, and/or drafting ponds. Nothing herein shall authorize any exemption from the requirements of WAC 248-54 or WAC 248-57.

1. Subdivisions and short subdivisions which contain no lot less than one acre in size and the Fire Chief determines that no substantial fire hazard will be created.

2. Single family detached dwellings and mobile homes not in a mobile home park, provided that the lot is at least one acre in size and the Fire Chief determines that no substantial fire hazard will be created.

3. Structures which conform to the standards for agricultural buildings except that stables and riding arenas not restricted to the private use of the owner and owner's family are not exempt.

4. Detached single family dwellings (including mobile homes) and accessory structure in subdivisions and short subdivisions which were approved

prior to the effective date of this ordinance, and which contain less than two thousand five hundred square feet in floor area excluding garage. Structures containing two thousand five hundred square feet or more shall be exempt from the requirements of this section if the Fire Chief determines that they will not create a substantial fire hazard.

(Ord. 1037 § 1 (part), 2005)

14.32.130 Fire extinguishing systems required.

- A. Fire Extinguishing Systems—Required Where. The following is in addition to the requirements as set forth in this code. Where the two conflict, the more stringent of the two shall govern.

In the MDR, HDR, C-1, C-2, C-3, I-1 and I-2 districts, automatic fire extinguishing systems shall be installed and maintained in operable condition in all newly constructed structures containing a total floor area of over five thousand square feet or which are more than twenty-seven feet in height above grade. In the LDR-6, LDR-7.2, and LDR-8.5 districts, automatic fire extinguishing systems shall be installed and maintained in operable condition in all newly constructed structures, including residential, containing a total floor area of over five thousand square feet or which are more than twenty-seven feet in height above grade. In addition hereto, remodels, additions and/or improvements of existing structures that cause the total floor area to exceed five thousand square feet, or the construction cost value of one hundred thousand dollars of the current assessed valuation of the structure (as shown on the records of the county assessor), shall be subject to the same requirements. Construction value shall be the value assigned to the building permit by the city's building official.

- B. Fire Extinguishing Systems—Exceptions.

1. Each portion of a building separated from other portions by one or more four-hour area separation walls may be considered a separate building if such area separation walls meet the requirements of the International Building Code Fire Separation Standards.

2. In safe deposit or other vaults of fire resistive construction when used for storage of records, files, or other documents when stored in metal cabinets.

(Ord. 1081 § 1, 2006; Ord. 1037 § 1 (part), 2005)

14.32.140 Key box required.

The following sections are hereby revised.

506.1 Where required. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, or when the premises is required by City ordinance to be protected by a supervised fire alarm system, the premises shall have a key box installed in a manner and location approved by the Fire Chief or the Chief's authorized representative. The key box shall be of an approved type and shall contain all keys to gain necessary access as required by the fire code official.

(Ord. 1037 § 1 (part), 2005)

14.32.150 Violation—Penalty.

The following sections are hereby revised.

111.4 Failure to comply.

- A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the hearing examiner or by a court of competent jurisdiction, within the time fixed herein, is severally for each and every such violation and noncompliance respectively guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 1.12.010 of this municipal code.

- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 1447, § 1, 2-3-2020)

14.32.160 Documents to be filed and available for public inspection.

The codes, appendices, and standards set forth in this chapter shall be filed with the clerk-treasurer and a copy made available for use and examination by the public, pursuant to RCW 35A.12.140. (Ord. 1037 § 1 (part), 2005)

Chapter 14.33

FIRE LANES

Sections:

14.33.010	Establishment of fire lanes.
14.33.020	Definitions of fire lanes.
14.33.030	Marking of fire lanes.
14.33.040	Obstruction of fire lanes prohibited.
14.33.050	Alternate materials and methods.
14.33.060	Existing fire lanes signs and markings.
14.33.070	Maintenance.
14.33.080	Towing notification.
14.33.090	Property owner responsibility.
14.33.100	Violation—Penalty.
14.33.110	Impoundment.
14.33.120	Appeals.
14.33.130	Effective date.

14.33.010 Establishment of fire lanes.

Fire lanes in conformance with this code shall be established by the city of Woodland fire chief or authorized designee. (Ord. 1136 § 1, 2008)

14.33.020 Definitions of fire lanes.

The area within any public right-of-way, easement, or on private property designated for the purpose of permitting fire trucks and other firefighting or emergency equipment to use, travel upon, and park. (Ord. 1136 § 2, 2008)

14.33.030 Marking of fire lanes.

All designated fire lanes shall be clearly marked in the following manner:

- A. Vertical curbs shall be painted red on the top and side, extending the length of the designated fire lane. If no curb exists, the outer edge of the fire lane shall be marked with a six-inch wide red stripe.
- B. The side of the red curb, or the flat surface of the red striping, shall be marked at fifty-foot intervals with the words "NO PARKING - FIRE LANE." These words shall be printed in white letters, three inches in height.
- C. Fire lane signs shall be installed along the designated fire lane, shall be spaced fifty feet or portion thereof apart, and shall be posted on or immediately adjacent to the curb. The top of fire lane signs shall be not less than four feet nor more than six feet from the ground. Signs may be placed on a building when approved by the fire chief, or designee. When posts are required, they shall be a minimum of two-inch galvanized steel

or four-inch by four-inch pressure-treated wood. Signs shall be placed so the sign is visible to driver in their lane of travel.

D. Fire lane signs shall be constructed pursuant to the following specifications:

1. Letter Specifications.
 - a. The words "No Parking" shall be three inches in height.
 - b. The words "Fire Lane" shall be two inches in height.
2. Sign Specifications.
 - a. Fire lane signs shall be reflective.
 - b. The backgrounds shall be white and the letters shall be red.
 - c. Fire lane signs shall measure eighteen inches in height and twelve inches in width.

(Ord. 1136 § 3, 2008)

14.33.040 Obstruction of fire lanes prohibited.

The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a traffic hazard and an immediate hazard to life and property, as defined under state law and the International Fire Code. (Ord. 1136 § 4, 2008)

14.33.050 Alternate materials and methods.

The fire chief, or designee, may modify any of the provisions herein where practical difficulties exist. The particulars of a modification shall be granted by the fire marshal and shall be entered into the records of the fire department, local police agency and the building department. (Ord. 1136 § 5, 2008)

14.33.060 Existing fire lanes signs and markings.

- A. Existing signs (minimum nine-inch by sixteen-inch may be allowed to remain until there is a need for replacement and at that time a twelve-inch by eighteen-inch sign shall be installed.
- B. Markings may be allowed to remain until there is a need for painting and at that time the provisions of this section shall be complied with.

(Ord. 1136 § 6, 2008)

14.33.070 Maintenance.

Fire lane markings shall be maintained at the expense of the property owner(s) as often as needed to clearly identify the designated area as being a fire lane. (Ord. 1136 § 7, 2008)

14.33.080 Towing notification.

At each entrance to property where fire lanes have been designated, signs shall be posted in a clearly conspicuous location and shall clearly state that vehicles parked in fire lanes may be impounded and/or cited, and the name, telephone number, and address of the towing firm where the vehicle may be redeemed. (Ord. 1136 § 8, 2008)

14.33.090 Property owner responsibility.

The owner, manager, or person in charge of any property upon which designated fire lanes have been established shall prevent the parking of vehicles or placement of other obstructions in such fire lanes. (Ord. 1136 § 9, 2008)

14.33.100 Violation—Penalty.

Any person who fails to mark or maintain the marking of a designated fire lane as prescribed herein, or who obstructs or allows the obstruction of a designated fire lane, other than the parking of a vehicle, shall be deemed to have committed a Class 2 civil infraction. The penalty for violation of this section shall be a maximum monetary penalty of one hundred twenty-five dollars, not including statutory assessments. Subsequent violations within twelve months of a prior offense shall be a Class 1 civil infraction. Each day or part of a day during which the unlawful act or violation occurs shall constitute a separate offense. There shall be a penalty of twenty-five dollars for failure to respond to the notice of this infraction. The local court shall impose this monetary penalty for failure to respond, pursuant to RCW 46.63.110(3). (Ord. 1136 § 10, 2008)

14.33.110 Impoundment.

Any vehicle or object obstructing a designated fire lane is declared a traffic hazard and may be abated without prior notification to its owner by impoundment pursuant to applicable state law. The owner or operator shall be responsible for all towing and impound charges. (Ord. 1136 § 11, 2008)

14.33.120 Appeals.

- A. Appeals Established. The city hearing examiner is authorized to hear and decide appeals of orders, decisions or determinations made by the fire chief relative to the application and interpretation of this code. The hearing examiner shall be the examiner appointed by the city pursuant to and in accordance with Chapter 17.81.
- B. Limitations on Authority. An appeal shall be based only on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, on a claim the provisions of the code do not

fully apply, or on a claim an equivalent method of protection or safety is proposed. The hearing examiner shall have no authority to waive requirements of the code.

(Ord. 1136 § 12, 2008)

14.33.130 Effective date.

The ordinance codified in this chapter becomes effective five days after publication. (Ord. 1136 § 13, 2008)

Chapter 14.34

FALSE ALARMS

Sections:

- 14.34.010 **Definitions.**
 14.34.030 **Use of automatic telephone alarm unlawful.**
 14.34.050 **Directly connected electronic alarm—Means for deactivating.**
 14.34.070 **Audible and visual alarms—Deactivation.**
 14.34.090 **False alarms—Corrective measures required—Penalties, disconnection of alarm device—Discontinuation of response.**

14.34.010 **Definitions.**

As used in this chapter:

“Audible or visible alarm” means any device situated in the residence or business building which senses or detects potential or threatened burglaries, robberies, uninvited entry, fire or other emergency event, and which causes an audible or visual alarm (such as sirens, bells, whistles, gongs, or lights) to be activated upon the premises containing such device.

“Automatic dialing-announcing device” means any automatic telephone equipment which incorporates the following features:

1. a. Storage capability of numbers to be dialed, or
- b. A random or sequential number generator that produces numbers to be called, and
- c. An ability to dial a call; and
2. Has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

“Directly connected electronic alarm” means any device situated in a residence or business building which senses or detects potential or threatened burglaries, robberies, uninvited entry, fire or other events of an emergency nature, and which signals, or directs a signal, directly to the Woodland police department, Woodland fire department, or the Cowlitz Communications Center, in notification thereof.

“False alarm” means the activation of a device which senses or detects potential or threatening burglaries, robberies, uninvited entry, fire or other emergency event, and there is no reasonable evidence that an attempted burglary, robbery or uninvited entry has occurred, nor is

there reasonable evidence that the premises containing the device was in danger of fire or other emergency event.

“Indirectly connected electronic alarm” means any device situated in a residence or business building which senses or detects potential or threatened burglaries, robberies, uninvited entry, fire or other emergency event, and which signals or directs a signal to any person, firm or corporation which thereafter notifies the Woodland police department, the Woodland fire department or the Cowlitz Communications Center. (Ord. 811 § 1 (part), 1996)

14.34.030 **Use of automatic telephone alarm unlawful.**

It is unlawful for any person to notify the Woodland fire department, Woodland police department, or Cowlitz Communications Center of the existence of a potential burglary, robbery, uninvited entry, fire or other emergency event, or to dial “911” by use of an automatic dialing-announcing device, as defined in this chapter. (Ord. 811 § 1 (part), 1996)

14.34.050 **Directly connected electronic alarm—Means for deactivating.**

- A. All persons, firms or corporations maintaining directly connected electronic alarms shall, at all times, provide the Cowlitz Communications Center a list containing the names, addresses and telephone numbers of not less than two individuals who have keys to the premises containing the alarm and knowledge as to the means and methods for deactivation or resetting thereof, to be called or notified to deactivate or reset said alarm following response by the Woodland police department, Woodland fire department or other emergency service. Such directly connected electronic alarm shall be deactivated or reset within one hour following a request by the Woodland police department, Woodland fire department, or Cowlitz Communications Center to do so.
- B. In the event that no individual responds to such a request to deactivate or reset such alarm, the Cowlitz Communications Center may obtain the services of an electrician, security system technician or other knowledgeable person, as well as a locksmith, to obtain access to the premises and to deactivate, reset or disconnect the directly connected electronic alarm, and the cost thereof shall be borne by, billed to, and paid by the owner or occupier of the premises maintaining such alarm within fifteen days after the mailing of a statement setting forth such charges.
(Ord. 811 § 1 (part), 1996)

**14.34.070 Audible and visual alarms—
Deactivation.**

- A. All persons, firms or corporations maintaining audible or visual alarms shall provide the Woodland police department with a list containing the names, addresses and telephone numbers of not less than two individuals possessing keys to the premises containing such audible or visual alarms, and having knowledge of the means to deactivate or reset the audible or visual alarm. Such audible or visual alarms shall be deactivated or reset within one hour following a request therefor by the Woodland police department or the Woodland fire department.
- B. In the event that no individual responds to such a request to deactivate or reset such audible or visual alarm, the Woodland police department may obtain the services of an electrician, security system technician or other knowledgeable person, as well as a locksmith, to enter the premises containing such audible or visual alarm, and cause the same to be deactivated, reset or disconnected, and the cost shall be borne by, charged to and paid by the owner or occupant of the premises maintaining such audible or visual alarm.

(Ord. 811 § 1 (part), 1996)

14.34.090 False alarms—Corrective measures required—Penalties, disconnection of alarm device—Discontinuation of response.

- A. In the event of the occurrence of a false alarm, the Woodland fire department or Woodland police department, whichever has responded thereto, shall, in writing, notify the owner or occupier of the premises to which such response was made within five days thereafter, advising such owner or occupier that response was made to a false alarm.
- B. In the event of a second occurrence of a false alarm within any period of six calendar months following a previous false alarm, the Woodland police department or Woodland fire department, whichever has responded thereto, shall notify the owner or occupant of the premises from which such false alarm originated, of the fact of such alarm, and shall further notify the owner or occupant that the device which signals such alarm may be defective and must be inspected. A report of such inspection and any corrective action taken to avoid further false alarms shall be made by the owner or occupier to the Woodland police department or Woodland fire department, whichever has required the report of inspection, within ten days thereafter. The report of inspection shall be delivered

personally or mailed by certified mail to the Woodland police chief or Woodland fire chief, whichever is appropriate.

- C. In the event of a third occurrence of a false alarm within any period of six months following two previous false alarms in the same six month period, the owner or occupier of the premises shall be charged a false alarm response fee of fifty dollars, and the written report as to the condition of the device signaling the false alarm shall be required as in subsection (B) of this section. In addition, the Woodland police or fire department shall be authorized to order an inspection of the device and to authorize repair or other corrective action as may be required by a person/persons or firm/company possessing expertise in the installation, function, and repair of the alarms, to avoid further false alarms, the cost of the inspection and/or repairs to be borne solely by the alarm owner or occupant of the premises. Except that in lieu of the above, the occupant or owner of the alarm may order the alarm to be disconnected until such inspection and/or repairs are made, proof of same to be furnished to the police or fire chief, as appropriate. The alarm may not be reactivated until the police or fire chief has authorized same in written form.
- D. For the fourth and all subsequent false alarms within the same six-month period, an inspection may be required and appropriate remedial action taken. A fee of one hundred dollars each shall be charged and collected from the owner or occupier of the premises.
- E. In the event that payment of any statements rendered to owners or occupiers for false alarm response fees shall not be paid within thirty days, the chief may petition the city council with a request that the business license of the affected business be revoked.

(Ord. 811 § 1 (part), 1996)

Chapter 14.40

FLOOD DAMAGE PREVENTION

Sections:

- 14.40.010** Statutory authorization, findings of fact, purpose, and objectives.
- 14.40.020** Definitions.
- 14.40.030** General provisions.
- 14.40.040** Administration.
- 14.40.050** Provisions for flood hazard reduction.
- 14.40.060** Severability.

14.40.010 Statutory authorization, findings of fact, purpose, and objectives.

- A. Statutory Authorization. The legislature of the state of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city adopts the following provisions as the city's flood prevention regulations.
- B. Findings of Fact.
 - 1. The flood hazard areas of Woodland are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - 2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
- C. Statement of Purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
 - 1. To protect human life and health;

- 2. To minimize expenditure of public money and costly flood control projects;
- 3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4. To minimize prolonged business interruptions;
- 5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- 6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- 7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- 8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, the ordinance codified in this chapter includes methods and provisions for:

- 1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- 2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- 3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- 4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- 5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

(Ord. 813 § 2 (Exh. A (part)), 1996)

14.40.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Appeal" means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" means a 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" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one-hundred-year flood." Designation on maps always includes the letters A or V.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

"Development" means any man-made 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 or storage of equipment or materials located within the area of special flood hazard.

"Elevated building" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings or columns.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

"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" 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.

"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.

"Lowest floor" 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 nonelevation design requirements of this chapter found at Section 14.40.050(B) of this chapter.

"Manufactured home" means a structure, built to conform to national standards embodied in the National Manufactured Housing Construction and Safety

Standards Act of 1974, 42 USC 5401, et. seq., administered by the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is twelve body feet or more in width or thirty-six body feet or more in length, or when erected on the site is eight hundred and sixty-four or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation as defined within the International Residential Code (IRC), connected to the required utilities, and includes mandatory plumbing, heating, air conditioning and electrical systems contained therein. A manufactured home displays a certificate from the U.S. Department of Housing and Urban Development.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty 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. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of the property or accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building including a gas or liquid storage tank that is principally aboveground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

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 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.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 1054 § 1, 2005; Ord. 813 § 2 (Exh. A (part)), 1996) (Ord. No. 1338, § 1, 11-16-2015)

14.40.030 General provisions.

- A. **Lands to Which this Chapter Applies.** These regulations shall apply to all areas of special flood hazards within the corporate limits of the city.
- B. **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 Cowlitz County and Incorporated Areas" dated December 16, 2015, and any revisions thereto, with accompanying flood insurance maps is 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 building and planning department. In the event there is a conflict between the flood insurance maps adopted herein and the Flood Insurance Study for Cowlitz County and Incorporated Areas, both dated December 16, 2015, then the study shall control the identification and the location of special flood hazard areas.
- C. **Penalties for Noncompliance.** 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. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a civil infraction as set forth in Chapter 14.50. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.
- D. **Abrogation and Greater Restrictions.** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

- E. **Interpretation.** In the interpretation and application of this chapter, all provisions shall be:
 1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit or repeal any other powers granted under state statutes.
- F. **Warning and Disclaimer of Liability.** The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made 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 and any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 813 § 2 (Exh. A (part)), 1996)

(Ord. No. 1338, § 2, 11-16-2015)

14.40.040 Administration.

- A. **Establishment of Development Permit.**
 1. **Development Permit Required.** A development permit shall be obtained from the city's building official before construction or development begins within any area of special flood hazard established in Section 14.40.030(B). The permit shall be for all structures including manufactured homes, as defined in Section 14.40.020, and for all development including fill and other activities, also as defined in Section 14.40.020.
 2. **Application for Development Permit.** Application for a development permit shall be made on forms furnished by the city's building official and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question: existing or proposed struc-

- tures, fill, storage of materials, drainage facilities, and the location of the foregoing. 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 criteria in Section 14.40.050(B)(2); and
 - d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
- B. Designation of the Building Official. The city's building official is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.
- C. Duties and Responsibilities of the Building Official. Duties of the building official shall include, but not be limited to:
1. Permit Review.
 - a. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - b. Review all 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.
 - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 14.40.050(C)(1) are met.
 2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 14.40.030(B), the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 14.40.050(B) and 14.40.050(C).
3. Information to be Obtained and Maintained.
 - a. Where base flood elevation data is provided through the flood insurance study or required as in Section 14.40.040(C)(2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - b. For all new or substantially improved floodproofed structures:
 - i. Verify and record the actual elevation (in relation to mean sea level), and
 - ii. Maintain the floodproofing certifications required in Section 14.40.040(A)(2)(c)
 - c. Maintain for public inspection all records pertaining to the provisions of this ordinance.
 4. Alteration of Watercourses.
 - a. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - b. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
 5. Interpretation of FIRM Boundaries. Make interpretations 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 as provided in Section 14.40.040(D)
- D. Variance Procedure.
1. Appeal Board.
 - a. The ad hoc appeals board (hereinafter "board") as established in Chapter 14.48 hereof shall hear and decide appeals and requests for variances from the requirements of this chapter.

- b. The board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the city's building official in the enforcement or administration of this chapter.
 - c. Those aggrieved by the decision of the city's building official, or any taxpayer, may appeal such decision to the board, as provided by the procedural rules for appeal.
 - d. In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and
 - i. The danger that materials may be swept onto other lands to the injury of others;
 - ii. The danger to life and property due to flooding or erosion damage;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The necessity to the facility of a waterfront location, where applicable;
 - vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. The compatibility of the proposed use with existing and anticipated development;
 - viii. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. 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
 - xi. 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, and water systems, and streets and bridges.
 - e. Upon consideration of the factors of Section 14.40.040(1)(d) and the purposes of this chapter, the board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 - f. The board shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
2. 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, providing items (i-xi) in Section 14.40.040(D) (1)(d) have been fully considered. 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, without regard to the procedures set forth in this section.
 - 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. A showing of 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 or 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 should 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 Section 14.40.040(D) (2)(a), and otherwise complies with Sections 14.40.050(A)(1) and 14.40.050(A)(1)(b) of the general standards.
- 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.

(Ord. 813 § 2 (Exh. A (part)), 1996)

(Ord. No. 1447, § 2, 2-3-2020)

14.40.050 Provisions for flood hazard reduction.

- A. General Standards. In all areas of special flood hazards, the following standards are required:
 - 1. Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. 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).
 - 2. Construction Materials and Methods.
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. 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.
 - 3. Utilities.
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - b. Water wells shall be located on high ground that is not in the floodway;
 - c. 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

- d. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- 4. Subdivision Proposals.
 - a. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - d. 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 fifty lots or five acres (whichever is less).
- 5. Review of Building Permits. Where elevation data is not available either through the flood insurance study or from another authoritative source (Section 14.40.040(C)(2)), 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.
- B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 14.40.030(B) or Section 14.40.040(C)(2), the following provisions are required:
 - 1. Residential Construction.
 - a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.
 - b. 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 floodwaters. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. 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;
 - ii. The bottom of all openings shall be no higher than one foot above grade;
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 - c. Additional requirements for below-grade crawlspaces:
 - i. The interior grade of a crawlspace below the base flood elevation (BFE) must not be more than two-feet below the lowest adjacent exterior grade (LAG), shown as D in Figure 3;
 - ii. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four-feet (shown as L in Figure 3) at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas. This limitation will also prevent these crawlspaces from being converted into habitable spaces;
 - iii. There must be adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options

- include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means;
- iv. The velocity of floodwaters at the site should not exceed five-feet per second for any crawlspace. For velocities in excess of five-feet per second, other foundations should be used;
 - v. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters;
 - vi. Below grade crawlspace construction in accordance with the requirements listed above will not be considered basements.

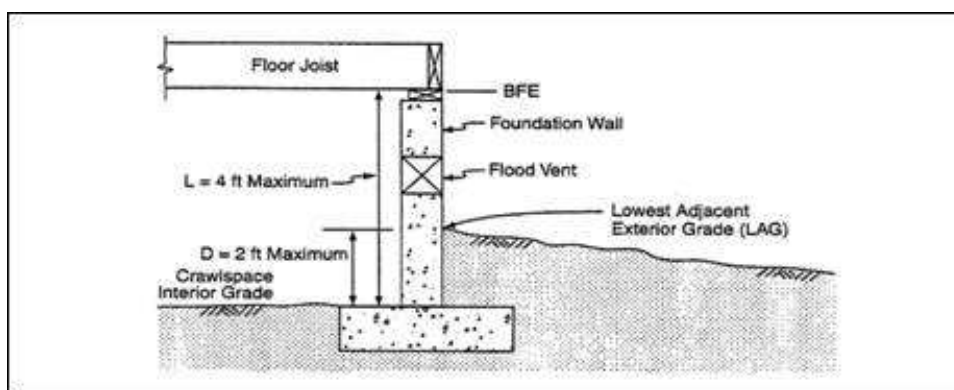


Figure 3 Requirements regarding below-grade crawlspace construction.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. 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 as set forth in Section 14.40.030(C)(3)(b);
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 14.40.050(B)(1)(b);
 - e. 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 floodproofed to the base flood level will be rated as one foot below).

3. Manufactured Homes.

- a. All manufactured homes to be placed or substantially improved within Zones A1-A30, AH, and AE on the community's FIRM on sites:
 - i. Outside of a manufactured home park or subdivision;
 - ii. In a new manufactured home park or subdivision;
 - iii. In an expansion to an existing manufactured home park or subdivision; or
 - iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.
- b. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:
 - i. The lowest floor of the manufactured home is elevated one foot above the base flood elevation; or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. At a minimum a "reinforced pier" would have a footing adequate to support the weight of the manufactured home under saturated soil conditions such as occur during a flood. In addition, if stacked concrete blocks are used, vertical steel reinforcing

ing rods shall be placed in the hollows of the blocks and those hollows filled with concrete or high strength mortar. In areas subject to high velocity floodwaters and debris impact, cast-in-lace reinforced concrete piers may be appropriate.

4. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
 - a. Be on the site for fewer than one hundred eighty consecutive days;
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the requirements of Section 14.40.050(B)(3) above and the elevation and anchoring requirements for manufactured homes.
- C. Floodways. Located within areas of special flood hazard established in Section 14.40.030(B) 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:
 1. 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.
 2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for: (a) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either, (i) before the repair, or reconstruction is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to

- comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the fifty percent.
3. If Section 14.40.050(C)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.40.050.
- D. Encroachments. The cumulative effect of any proposed development, where 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 where a regulatory floodway has not been designated.
- E. Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:
1. New construction and substantial improvements of residential structures and manufactured homes within AO Zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).
 2. New construction and substantial improvements of nonresidential structures within AO Zones shall either:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 14.40.050(B)(2)(c).
 3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
 4. Recreational vehicles placed on sites within AO Zones on the community's FIRM either:
 - a. Be on the site for fewer than one hundred eighty consecutive days;
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the requirements of Section 14.40.050(E) above and the elevation and anchoring requirements for manufactured homes.
- F. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area ("SFHA") (one hundred-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation (one hundred-year) at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.
- (Ord. 1027 § 1, 2004; Ord. 813 § 2 (Exh. A (part)), 1996)
(Ord. No. 1338, §§ 3—5, 11-16-2015)
- 14.40.060 Severability.**
- If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.
- (Ord. No. 1338, § 6, 11-16-2015)

Chapter 14.46

BUILDING DEMOLITION

Sections:

14.46.010	Building demolition.
14.46.020	Definitions.
14.46.030	Permit requirements.
14.46.035	Application requirements.
14.46.040	Bond requirement.
14.46.045	Pre-demolition site inspection and public notice posting of property.
14.46.050	Completion date.
14.46.060	Final inspection.
14.46.070	Failure to complete.
14.46.080	Order to complete.
14.46.090	Penalty.
14.46.100	Appeals.
14.46.110	Severability.

14.46.010 Building demolition.

The provisions of this chapter shall apply to all buildings and structures being demolished, razed, or otherwise destroyed and removed from the property on which they are constructed, with the exception of those structures exempt from permits in the current edition of the Uniform Building Code adopted by the city. Any item for which use or type of structure is unclear, shall be reviewed by the building official and assigned a type or use for the purpose of this chapter. When determined by the building official, the requirements contained within the Uniform Building Code for protection of pedestrians shall also apply. (Ord. 857 § 11 (part), 1997)

14.46.020 Definitions.

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

"Bond" means a cash deposit or equivalent fiscal guarantee approved by the building official equal to one hundred percent of the valuation of the demolition work to be performed, as defined in Section 14.46.020, but in no case less than two hundred fifty dollars. The building official may reduce or waive the cash amount of the required bond. Those in the business of demolition may post a "blanket bond" for an amount valuation. Permitted work shall not exceed blanket bond allowances.

"Building" is any structure used or intended for supporting or sheltering any use or occupancy.

"Demolition" means the tearing down, razing, or removal of a building or structure or portion thereof, for the purpose of complete or partial removal of buildings or structures, or to prepare for reconstruction or remodeling of a building or structure.

"Demolition permit" means any building permit issued by the city for the express purpose of allowing a demolition to take place.

"Structure" is 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.

"Valuation" for the purpose of providing a bond and calculating a permit fee for building demolition shall be the estimated cost to complete all scheduled demolition work; including, but not limited to: (1) removal of buildings, structures, and foundation; (2) removal and termination of public and private site utilities; (3) abatement and/or removal of asbestos or other hazardous materials; (4) restoration of street frontage improvements; (5) protection of the property from erosion; and (6) restoration of the site to eliminate trash, debris, attractive nuisances, or hazards to life or property. (Ord. 857 § 11 (part), 1997)

14.46.030 Permit requirements.

Before any demolition can take place, a permit must be obtained from the building official. A separate permit is required for each building or structure demolished. (Ord. 857 § 11 (part), 1997)

14.46.035 Application requirements.

Applications shall be made for demolition permits on forms provided by the city. An application shall also include:

- A. Site plan of property where work is going to take place. This plan shall include structure(s) being demolished, location of utilities, septic tanks, an itemized statement of valuation of demolition and restoration work to be performed, or other such items as may be required by the building official.
- B. Copy of asbestos survey, if required.
- C. Plans for restoring frontage improvements (curb closure, sidewalk replacement, street patch, or other items as required by the public works

director). These items will not be required if building permits for redevelopment have been applied for or if redevelopment is planned within six months. In such case, the cash bond will be held until building permits for redevelopment are issued or improvements are complete. Completion shall not be deferred more than six months. Temporary erosion control and public protection shall be maintained during this period.

- D. A written work schedule for the demolition project. Included in this may be, but is not limited to, street

closures, house moving dates, right-of-way work, or other items as required by the building official.

- E. **Permit Fee.** Permit fees are to be determined according to applicable fee schedules of the Uniform Building Code or as set by resolution of the city council. The building official shall verify valuations submitted for permit purposes. The building official may require additional documentation from the applicant to verify validations.

(Ord. 857 § 11 (part), 1997)

14.46.040 Bond requirement.

A bond shall be placed on deposit with the city at time of permit application for the purpose of insuring completion of the demolition, or in the case of noncompletion, to insure that funds are available to pay for project completion by the city. Completion of project by applicant with final inspection approval by the building official will cause said deposit to be returned to the applicant in its entirety. Bond money shall be placed on deposit by the city for the express purpose of holding cash bond/deposit funds. Return of bond funds to the applicant shall be upon successful completion of demolition, or otherwise used by the city for the completion of unfinished projects. (Ord. 857 § 11 (part), 1997)

14.46.045 Pre-demolition site inspection and public notice posting of property.

When a completed permit application for demolition of buildings or structures is received, a pre-demolition site inspection shall be performed by the building official to determine specific conditions for compliance with this ordinance. At completion of the site inspection, the building official will post a notice on the site that the building or structure will be demolished after the time indicated on the notice. The notice shall be placed on site a minimum of five working days prior to issuance of demolition permits. (Ord. 857 § 11 (part), 1997)

14.46.050 Completion date.

All demolition work shall be completed within thirty days of permit issuance. When circumstances beyond the permittee's control prevent completion of the work the permittee may request an extension, in writing to the building official prior to expiration of the permit. Requests for extension must indicate why extension is required. (Ord. 857 § 11 (part), 1997)

14.46.060 Final inspection.

To be made when all demolition related debris, contaminated soil, paving, concrete, foundations, and utilities

have been removed from the property and disposed of properly. (Ord. 857 § 11 (part), 1997)

14.46.070 Failure to complete.

In the event the permit holder fails to complete the demolition within the time established by the date set by Section 14.46.050, or abandons the project site, the building official shall inspect the demolition site to determine the extent of work yet to be completed. The building official may issue an order to complete, as provided for in Section 14.46.080. (Ord. 857 § 11 (part), 1997)

14.46.080 Order to complete.

An order to complete shall be issued by the building official in the event a demolition project is either abandoned or not completed in the allotted time. This order shall be posted on site and copies sent to owner of record, contractor, and lienholder. For the purpose of this section, lienholder shall include bonding company and insurer, if any. Order to complete shall be issued in accordance with provisions for unsafe buildings or structures in the Uniform Building Code. (Ord. 857 § 11 (part), 1997)

14.46.090 Penalty.

Permit holders failing to complete requirements of a demolition permit issued by the city shall forfeit any and all right to return of cash deposit/bond funds by the city. Funds shall be used to complete the demolition project started by the permittee, with any remaining funds being returned to the demolition bond fund for the purpose of future cleanup or repair. The city's right to recover shall not be limited to the amount of the bond provided.

Violation of the provisions of this chapter shall also constitute a misdemeanor and be subject to the penalties prescribed in Section 1.12.010. (Ord. 857 § 11 (part), 1997)

14.46.100 Appeals.

Unless otherwise provided, appeals to decisions made by the building official in implementing this ordinance shall be to the city's hearing examiner. (Ord. 857 § 11 (part), 1997)

14.46.110 Severability.

If any section, paragraph, subsection, clause, or phrase of this chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 857 § 11 (part), 1997)

Chapter 14.48

APPEALS

Sections:

- 14.48.010 Appeals—Scope.**
- 14.48.020 Processing appeals.**
- 14.48.030 Composition.**

14.48.010 Appeals—Scope.

There is created an ad hoc buildings and construction appeals board to hear and decide appeals of the decision of the fire chief, building official, or other appointed official, relative to the application and interpretation of codes codified in this title. (Ord. 814 § 2 (part), 1996)

14.48.020 Processing appeals.

- A. The board shall render all decisions and findings in writing to the mayor with a duplicate copy to the appellant, and may recommend to the city council such new legislation as is consistent therewith.
 - B. The appeal shall be in writing and be submitted to the clerk-treasurer, together with an appeal fee of one hundred fifty dollars.
- (Ord. 814 § 2 (part), 1996)

14.48.030 Composition.

Upon submission of the written appeal, the mayor shall convene a hearing board which shall consist of the following:

- A. If relating to Chapter 14.32:
 - 1. A full-time active official above the rank of captain of a fire department within Clark or Cowlitz County;
 - 2. A practicing architect within Cowlitz or Clark County;
 - 3. A practicing engineer within Cowlitz or Clark County.
 - B. For all other appeals:
 - 1. An active contractor or builder within Cowlitz or Clark County;
 - 2. A practicing engineer within Cowlitz or Clark County;
 - 3. A practicing architect within Cowlitz or Clark County.
- (Ord. 814 § 2 (part), 1996)

Chapter 14.50

PENALTIES

Sections:

14.50.010 Penalties.

14.50.010 Penalties.

- A. Any person, firm, corporation or other entity failing to comply with any of the mandatory requirements of this title shall be deemed to have committed a class 1 civil infraction as defined in Section 1.12.020.
- B. For the purposes of imposing a civil penalty, each day of noncompliance shall constitute a separate and distinct violation and may be so charged in the civil complaint filed against the alleged violator.

(Ord. 814 § 3, 1996)



Title 15

ENVIRONMENT

Chapters:

- | | |
|--------------|----------------------------------|
| 15.04 | Environmental Policy |
| 15.06 | Shorelines Management |
| 15.08 | Critical Areas Regulation |
| 15.10 | Erosion Control Ordinance |
| 15.12 | Stormwater Management |

Chapter 15.04**ENVIRONMENTAL POLICY****Sections:****Article I. Purpose and Authority**

- 15.04.010 Authority.
15.04.020 Purpose.

Article II. General Requirements

- 15.04.030 Purpose and adoption by reference.
15.04.040 Additional definitions.
15.04.050 Designation of responsible official.
15.04.060 SEPA information.
15.04.070 Lead agency determination and responsibilities.
15.04.080 Time limits applicable to the SEPA process.
15.04.090 Coordination of environmental review with city action.

Article III. Categorical Exemptions and Threshold Determinations

- 15.04.100 Purpose and adoption by reference.
15.04.110 Flexible thresholds for categorical exemptions.
15.04.120 Use of exemptions.
15.04.130 Environmental checklist.
15.04.140 Mitigated determination of nonsignificance.

Article IV. Environmental Impact Statements (EIS)

- 15.04.150 Purpose and adoption by reference.
15.04.160 Preparation of EIS.

Article V. Commenting

- 15.04.170 Purpose and adoption by reference.
15.04.180 Public notice.
15.04.190 Designation of official to perform consulted agency responsibilities for the city.

Article VI. Using Existing Environmental Documents

- 15.04.200 Purpose and adoption by reference.

Article VII. Agency SEPA Decisions

- 15.04.210 Purpose and adoption by reference.

- 15.04.220 Substantive authority.
15.04.225 Reserved.
15.04.230 Notice—Statute of limitations.

Article VIII. Agency Compliance

- 15.04.240 Purpose and adoption by reference.
15.04.250 Environmentally sensitive areas.
15.04.260 Fees.

Article I. Purpose and Authority**15.04.010 Authority.**

The city adopts this chapter under the State Environmental Policy Act (SEPA), RCW 43.210.120 and the SEPA Rules, WAC 197-11-904. (Ord. 581 Art. 1 § 1, 1984)

15.04.020 Purpose.

This chapter contains the city's SEPA procedures and policies. The SEPA Rules, Chapter 197-11, Washington Administrative Code (WAC) will be used in conjunction with this code. (Ord. 581 Art. 1 § 2, 1984)

Article II. General Requirements**15.04.030 Purpose and adoption by reference.**

This article contains the basic requirements that apply to the SEPA process, as well as uniform usage and definitions of terms under SEPA. The city adopts the following sections of the WAC by reference:

- 197-11-040 Definitions.
050 Lead agency.
055 Timing of the SEPA process.
060 Content of environmental review.
070 Limitations on action during SEPA process.
080 Incomplete or unavailable information.
090 Supporting documents.
100 Information required of applicants.
922 Lead agency rules.
924 Determining the lead agency.
926 Lead agency for governmental proposals.

928	Lead agency for public and private proposals.	730	Decisionmaker.
930	Lead agency for private projects with one agency with jurisdiction.	732	Department.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.	734	Determination of nonsignificance (DNS)
934	Lead agency for private projects requiring licenses from a local agency, not a county/city and one or more state agencies.	736	Determination of significance (DS)
936	Lead agency for private projects requiring licenses from more than one state agency.	738	EIS.
938	Lead agencies for specific proposals.	740	Environment.
940	Transfer of lead agency status to a state agency.	742	Environmental checklist.
942	Agreements on lead agency status.	744	Environmental document.
944	Agreements on division of lead agency duties.	746	Environmental review.
946	DOE resolution of lead agency disputes.	748	Environmentally sensitive area.
948	Assumption of lead agency status.	750	Expanded scoping.
700	Definitions.	752	Impacts.
702	Act.	754	Incorporation by reference.
704	Action.	756	Lands covered by water.
706	Addendum.	758	Lead agency.
708	Adoption.	760	License.
710	Affected tribe.	197-11-762	Local agency.
712	Affecting.	764	Major action.
714	Agency.	766	Mitigated DNS.
716	Applicant.	768	Mitigation.
718	Built environment.	770	Natural environment.
720	Categorical exemption.	772	NEPA.
722	Consolidated appeal.	774	Nonproject.
724	Consulted agency.	776	Phased review.
726	Cost-benefit analysis.	778	Preparation.
728	County/city.	780	Private project.
		782	Probable.
		784	Proposal.
		786	Reasonable alternative.
		788	Responsible official.
		790	SEPA.
		792	Scope.
		793	Scoping.
		794	Significant.
		796	State agency.

797	Threshold determination.
799	Underlying governmental action.

(Ord. 581 Art. 2 § 1, 1984)

15.04.040 Additional definitions.

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

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

"City" means the City of Woodland, Washington.

"Department" means the community development department.

"Director" means the community development director or his/her designee.

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

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

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

"SEPA rules" means WAC Chapter 197-11 adopted by the Department of Ecology. (Ord. 817 § 5 (part), 1996; Ord. 581 Art. 2 § 3, 1984) (Ord. No. 1378, § 5, 11-21-2016)

15.04.050 Designation of responsible official.

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

(Ord. 817 § 5 (part), 1996; Ord. 755 § 1, 1993; Ord. 581 Art. 2 § 4, 1984)

(Ord. No. 1378, § 6, 11-21-2016)

15.04.060 SEPA information.

The city shall retain all documents required by the SEPA Rules (WAC Chapter 197-11) and make them available in accordance with RCW Chapter 42.17, at the office of the city clerk. (Ord. 581 Art. 2 § 5, 1984)

15.04.070 Lead agency determination and responsibilities.

- A. When the city receives an application for or initiates a proposal that involves a nonexempt action, the responsible official shall determine the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-940; unless the lead agency has been previously determined.
- B. When the city is the lead agency for a proposal, the responsible official shall supervise compliance with the threshold determination requirements, and if an environmental impact statement (EIS) is necessary, shall supervise preparation of the EIS.
- C. When the city is not the lead agency of a proposal, all departments of the city shall use and consider, as appropriate, either the determination of nonsignificance (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 required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.
- D. If the city or any of its departments receives a lead agency determination made by another agency that appears 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 resolved within fifteen days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the city shall be initiated by the responsible official.
- E. The responsible official is 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.
- F. When the responsible official makes a lead agency determination for a private project, he/she shall

require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is: which agencies require nonexempt licenses).

(Ord. 581 Art. 2 § 6, 1984)

15.04.080 Time limits applicable to the SEPA process.

The following time limits expressed in calendar days shall apply when the city processes license and project permit applications for all private projects and those governmental proposals submitted to the city by other agencies:

- A. Categorical Exemptions. The city shall identify whether an action is categorically exempt within seven calendar days of receiving a completed application.
- B. Threshold Determination.
 1. When the responsible official requires additional information from the applicant or consultation with other agencies with jurisdiction:
 - a. The city should request such further information within twenty-eight calendar days of receiving an adequate application and environmental checklist;
 - b. The city shall wait no longer than thirty calendar days for a consulted agency to respond;
 2. When a notice of application is required or provided regarding the subject action, a final determination of nonsignificance shall not be issued prior to expiration of the public comment period.
 3. When the city must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the city should complete the studies within thirty calendar days of receiving an adequate application and a completed checklist.
 4. The city shall complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impact(s) de-

scribed in the application, within fifteen calendar days of receiving an adequate application and completed checklist.

- C. Draft EIS. After applicant submits or resubmits a preliminary draft EIS to the responsible official, the responsible official shall either distribute the approved draft EIS for review or request the applicant to resubmit the preliminary draft with additional information or substance.
- D. Final EIS. Distribution of a final EIS shall be done within sixty days of the last day set by the responsible official for review of the draft EIS, unless the proposal is unusually large in scope, the environmental impact associated with the proposal is unusually complex, or extensive modifications are required to respond to public comments.

(Ord. 817 § 5 (part), 1996; Ord. 581 Art. 2 § 7, 1984)

15.04.090 Coordination of environmental review with city action.

- A. For nonexempt proposals, the DNS or FEIS for the proposal shall accompany staff recommendations to any appropriate advisory body and decisionmaking body.
- B. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications.

(Ord. 581 Art. 2 § 8, 1984)

Article III. Categorical Exemptions and Threshold Determinations

15.04.100 Purpose and adoption by reference.

This article contains the rules for deciding whether a proposal has a "probably significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. It also contains rules for categorical exemptions and rules for evaluating the impacts of proposals not requiring an EIS as well as the application of exemptions and flexible thresholds. The city adopts the following sections of the WAC by reference, as supplemented in this article:

RCW	Battery charging and exchange station installation.
43.21C.410	
197-11-300	Purpose of this part.
305	Categorical exemptions.
310	Threshold determination required.
315	Environmental checklist.
330	Threshold determination process.
335	Additional information.
340	Determination of nonsignificance (DNS)
350	Mitigated DNS.
197-11-360	Determination of significance (DS)/ initiation of scoping.
390	Effect of threshold determination.
800	Categorical exemptions.
880	Emergencies.
890	Petitioning DOE to change exemptions.

(Ord. 581 Art. 3 § 1, 1984)

(Ord. No. 1257, § 12, 1-7-2013)

15.04.110 Flexible thresholds for categorical exemptions.

- A. The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:
1. For residential dwelling units in WAC 197-11-800 (1)(b)(i) up to five dwelling units.
 2. For agricultural structures in WAC 197-11-800 (1)(b)(ii) up to ten thousand square feet.
 3. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii) up to four thousand square feet and up to twenty parking spaces.
 4. For parking lots in WAC 197-11-800(1)(b)(iv) up to twenty spaces.
 5. For landfills and excavations in WAC 197-11-800 (1)(b)(v) up to five hundred cubic yards.
- B. Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, headquarters office, Olympia, Washington, under WAC 197-11-800(1)(c).

(Ord. 581 Art. 3 § 2, 1984)

15.04.120 Use of exemptions.

- A. When the city receives an application for a license or initiates a proposal, the responsible official shall determine whether the license and/or the proposal is exempt. The 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 article apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.
- B. In determining whether or not a proposal is exempt, the responsible official shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.
- C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this article except that:
1. The city shall not give authorization for:
 - a. Any nonexempt action;
 - b. Any action that would have an adverse environmental impact; or
 - c. Any action that would limit the choice of alternatives.
 2. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved.
 3. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

(Ord. 581, Art. 3 § 3, 1984)

15.04.130 Environmental checklist.

- A. 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 article; except, a checklist

is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or 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 making the threshold determination.

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

(Ord. 581 Art. 3 § 4, 1984)

15.04.140 Mitigated determination of nonsignificance.

- A. As provided in this section and in WAC 197-11-350, the responsible official may issue a determination of nonsignificance (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.
- B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:
1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the city is lead agency; and
 2. Precede the city's actual threshold determination for the proposal.
- C. The responsible official should respond to the request for early notice within ten working days. The response shall:
1. Be written;
 2. 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
 3. 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.
- D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
- E. When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen calendar days of receiving the changed or clarified proposal:
1. 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 determination of nonsignificance under WAC 197-11-340(2).
 2. 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.
 3. 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 two hundred foot stormwater retention pond at Y location" are adequate.
 4. 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.
- F. A mitigated DNS is issued under WAC 197-11-340(2), requiring a fifteen calendar-day comment period and public notice.
- G. 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.
- H. 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).
- I. The city's written response under subsection (B) of this section shall not be construed as a determination of significance. In addition, preliminary dis-

cussion 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. 581 Art. 3 § 5, 1984)

Article IV. Environmental Impact Statements (EIS)

15.04.150 Purpose and adoption by reference.

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

197-11-400	Purpose of EIS.
402	General requirements.
405	EIS types.
406	EIS timing.
408	Scoping.
410	Expanded scoping.
420	EIS preparation.
425	Style and size.
430	Format.
435	Cover letter or memo.
440	EIS contents.
442	Contents of EIS on nonproject proposals.
443	EIS contents when prior nonproject EIS.
444	Elements of the environment.
448	Relationship of EIS to other consideration.
450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
460	Issuance of FEIS.

(Ord. 581 Art. 4 § 1, 1984)

15.04.160 Preparation of EIS.

- A. Preparation of draft and final EIS's and SEIS's is the responsibility of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this article and WAC Chapter 197-11.
- B. The draft and final EIS or 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.

- C. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this article or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.)
- D. The following additional elements as determined by the responsible official on a case by case basis, may be considered a 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 article:
1. Employment;
 2. Economy;
 3. Tax base;
 4. Cultural factors;
 5. Quality of life;
 6. Neighborhood cohesion;
 7. Sociological factors.

(Ord. 581 Art. 4 § 2, 1984)

Article V. Commenting

15.04.170 Purpose and 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 of the WAC by reference, as supplemented in this article:

197-11-500	Purpose of this part.
502	Inviting comment.
504	Availability and cost of environmental documents.
508	SEPA register.
535	Public hearings and meetings.

- 545 Effect of no comment.
 550 Specificity of comments.
 560 FEIS response to comments.
 570 Consulted agency costs to assist
 lead agency.

(Ord. 581 Art. 5 § 1, 1984)

15.04.180 Public notice.

- A. Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the city shall give public notice as follows:
1. If a public hearing has been scheduled on the subject action, notice of the threshold determination shall be combined with notice of such hearing.
 2. If no public hearing is required for the proposed action, or if the public hearing notice will not be issued prior to expiration of the comment period for a DS or DNS, the city shall give notice of the DNS or DS by:
 - a. Posting the specific site, if any, and providing notice to all record owners of property within three hundred feet of such site;
 - b. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
 - c. Notifying the news media.
 3. 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.
- B. Whenever the city issues a draft EIS under WAC 197-11-455(5) or a supplemental EIS under WAC 197-11-620, notice of the availability of those documents shall be given by: (1) indicating the availability of the DEIS in any public notice required for a nonexempt license; and (2) the methods noted in subsection (A) of this section.
- C. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for city's nonexempt permit(s) or approval(s) required for the proposal.
- D. The city may require an applicant to complete the public notice requirements for the applicant's proposal at the applicant's expense.

(Ord. 817 § 5 (part), 1996; Ord. 581 Art 5 § 2, 1984)

(Woodland Supp. No. 24, 4-13)

15.04.190 Designation of official to perform consulted agency responsibilities for the city.

- A. The responsible official 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, or reviewing a draft EIS.
- B. This person shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and 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. 581 Art. 5 § 3, 1984)

Article VI. Using Existing Environmental Documents

15.04.200 Purpose and adoption by reference.

This article contains rules for using and supplementing existing environmental documents prepared under SEPA or NEPA for the city's own environmental compliance. The city adopts the following section of the WAC by reference:

197-11-600	When to use existing environmental documents.
610	Use of NEPA documents.
620	Supplemental environmental impact statement—Procedures.
625	Addenda—Procedures.
630	Adoption—Procedures
635	Incorporation by reference—Procedures.
640	Combining documents.

(Ord. 581 Art. 6 § 1, 1984)

Article VII. Agency SEPA Decisions

15.04.210 Purpose 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 part also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections of the WAC by reference:

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

(Ord. 581 Art. 7 § 1, 1984)

15.04.220 Substantive authority.

- A. The policies and goals set forth in this article are supplementary to those in existing ordinances, resolutions and plans of the city.
- B. The city may attach conditions to a permit or approval for a proposal so long as:
 - 1. Such conditions are necessary to mitigate specific probably adverse environmental impacts identified in environmental documents prepared pursuant to this article; and
 - 2. Such conditions are in writing; and
 - 3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
 - 4. The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
 - 5. Such conditions are based on one or more policies in subsection (D) of this section and cited in the license or other decision document.
- C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:
 - 1. A finding is made that approving the proposal would result in probably significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this article;
 - 2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
 - 3. The denial is based on one or more policies identified in subsection (D) of this section and identified in writing in the decision document.
- D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:
 - 1. The city shall use all practicable means, consistent with other essential considerations of

state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:

- a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - b. Assure for all people of Washington safe, healthful, productive and aesthetically and culturally pleasing surroundings;
 - c. Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety or other undesirable and unintended consequences;
 - d. Preserve important historic, cultural and natural aspects of our national heritage;
 - e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
 - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
 - g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
2. The city adopts by reference the policies in the following city ordinances and plans, as now exist or as amended in the future:
- a. Woodland subdivision regulations;
 - b. Woodland comprehensive plan and development regulations;
 - c. Woodland floodplain regulations;
 - d. Woodland critical areas regulations;
 - e. Woodland shoreline management master program regulations.

(Ord. 817 § 5 (part), 1996; Ord. 581 Art. 7 § 2, 1984)

15.04.225 Reserved.

Editor's note—Ord. No. 1253, § 1, adopted November 19, 2012, repealed § 15.04.225, which pertained to appeals and derived from Ord. No. 817, 1996.

15.04.230 Notice—Statute of limitations.

- A. The city, applicant for or proponent of an action may publish a notice pursuant to RCW 43.21C.080 for any action.
- B. 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, applicant or proponent pursuant to RCW 43.21C.080. (Ord. 581 Art. 7 § 3, 1984)

Article VIII. Agency Compliance

15.04.240 Purpose and adoption by reference.

This article contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency and applying these rules to current agency activities as well as the application of exemptions and flexible thresholds. The city adopts the following sections of the WAC by reference as supplemented by this article:

197-11-900	Purpose of this part.
902	Agency SEPA policies.
916	Application to ongoing actions.
920	Agencies with environmental expertise.

The city also adopts the following forms and sections of the WAC by reference:

197-11-960	Environmental checklist.
965	Adoption notice.
970	Determination of nonsignificance (DNS).
980	Determination of significance and scoping notice (DS).
985	Notice of assumption of lead agency status.
990	Notice of action.

(Ord. 581 Art. 8 § 1, 1984)

15.04.250 Environmentally sensitive areas.

A. The city council shall designate environmentally sensitive areas under the standards of WAC 197-11-908 and shall file maps designating such areas, together with the exemptions from the list in WAC 197-11-908 that are inapplicable in such areas, with the city clerk-treasurer and the Department of Ecology, headquarters office, Olympia, Washington. The environmentally sensitive area designations shall have full force and effect of law as of the date of filing.

- B. The city shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this article, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.
- C. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.
(Ord. 581 Art. 8 § 2, 1984)

15.04.260 Fees.

The city shall require the following fees for its activities in accordance with the provisions of this article:

- A. **Threshold Determination.** For every environmental checklist the city will review when it is lead agency, the city shall collect a fee as prescribed by resolution of the city council from the proponent of the proposal prior to undertaking the threshold determination. The time period provided by this article for making a threshold determination shall not begin to run until payment of the fee.
- B. **Environmental Impact Statement.**
1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs from the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
 2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement of the city and applicant after a call for pro-

posals. The city may require the applicant to post bond or otherwise ensure payment of such costs.

3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsections (B)(1) or (2) of this section which remain after incurred costs are paid.
- C. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this article relating to the applicant's proposal.
 - D. The city shall not collect a fee for performing its duties as a consulted agency.
 - E. The city may charge any person for copies of any document prepared under this article, and for mailing the document, in a manner provided by RCW Chapter 42.17.
- (Ord. 796 § 11, 1996; Ord. 581 Art. 8 § 2, 1984)

Chapter 15.06

SHORELINES MANAGEMENT

Sections:

- 15.06.010** **Shorelines Management Master Program—Adopted by reference.**
- 15.06.020** **Urban designation.**
- 15.06.030** **Area of application.**

15.06.010 **Shorelines Management Master Program—Adopted by reference.**

The city adopts by reference the Shorelines Management Master Program for Cowlitz County, Washington, (with the exception of those statements as found on pages 58 and 59 of the Cowlitz County Shorelines Management Master Program which reads as follows: "All residential development shall be consistent with the County Comprehensive Plan and all applicable county land use regulations.") and incorporates the same in this chapter as though set forth in detail in this chapter. No less than three copies thereof have been and are now on file in the office of the clerk-treasurer of the city. (Ord. 481 § 1, 1979)

15.06.020 **Urban designation.**

The city adopts the environmental designation of "urban" under the Shorelines Management Master Program. (Ord. 481 § 2, 1979)

15.06.030 **Area of application.**

The Shorelines Management Master Program is in effect and shall extend two hundred feet landward from the landward boundary of the floodway as determined by the most recent flood hazard map or the ordinary high water mark of Horseshoe Lake. (Ord. 663 § 2, 1988; Ord. 481 § 3, 1979)

Chapter 15.08

CRITICAL AREAS REGULATION

Sections:

15.08.010	Purpose.
15.08.020	Authority.
15.08.030	Definitions.
15.08.040	Relation to other regulations.
15.08.050	Fees.
15.08.060	Jurisdiction.
15.08.070	Protection.
15.08.080	Best available science.
15.08.090	Applicability.
15.08.100	Exemptions.
15.08.110	Exception—Reasonable use.
15.08.120	Preapplication conference.
15.08.130	City review process.
15.08.140	Critical area identification checklist.
15.08.150	Public notice of initial determination.
15.08.160	Critical area reports—Requirements.
15.08.170	Critical area report—Modifications.
15.08.180	Mitigation requirements.
15.08.190	Mitigation sequencing.
15.08.200	Mitigation plan requirements.
15.08.210	Determination and review.
15.08.220	Determination, favorable.
15.08.230	Determination, unfavorable.
15.08.240	Critical area review, complete.
15.08.250	Appeal.
15.08.260	Variances.
15.08.270	Unauthorized critical area alterations and enforcement.
15.08.280	Markers and signs.
15.08.290	Notice on title.
15.08.300	Setbacks.
15.08.310	Bonds.
15.08.350	Wetlands.
15.08.360	Initial project review.
15.08.370	Activities allowed in wetlands.
15.08.380	Critical area report—Requirements for wetlands.
15.08.390	Wetland performance standards—General requirements.
15.08.400	Wetland buffers.

15.08.410	Signing and fencing wetlands.
15.08.420	Stormwater management.
15.08.430	Wetland mitigation.
15.08.440	Aquifer recharge areas.
15.08.450	Critical area report—Additional requirements for aquifer recharge areas.
15.08.460	Performance standards—General.
15.08.470	Performance standards for specific uses.
15.08.480	Prohibited uses.
15.08.500	Frequently flooded areas.
15.08.600	Geologically hazardous areas.
15.08.610	Erosion and landslide hazard areas.
15.08.620	Mapping of hazards.
15.08.630	Allowed activities.
15.08.640	Regulation.
15.08.700	Designation of fish and wildlife habitat conservation areas.
15.08.710	Critical area report—Additional requirements for habitat conservation areas.
15.08.720	Performance standards—General requirements.
15.08.730	Performance standards—Specific habitats.

15.08.010 Purpose.

Pursuant to the requirements of the Growth Management Act of 1990 and as amended, RCW 36.70A, the city of Woodland hereby adopts the critical area ordinance to protect wetlands, areas with critical recharging effect on potable water, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

The city finds that critical areas provide a variety of valuable biological and physical functions that benefit the city and its residents. Critical areas may also pose a threat to human safety and public and/or private property. The purpose of this chapter includes, but is not limited to, the following:

- A. Protect the public health, safety, and welfare by preventing adverse impacts of development;
- B. Preserve and protect critical areas by regulating development within and adjacent to critical areas;
- C. Mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to environmentally sensitive areas;

- D. Prevent adverse cumulative impacts to wetlands, streams, shoreline environments, and fish and wildlife habitat;
 - E. Protect the public and public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, soils subsidence or steep slope failure;
 - F. Protect groundwater recharge capacity to the greatest extent practicable;
 - G. To strive for no net loss of the functions and values of regulated wetlands by requiring restoration and/or enhancement of degraded wetlands;
 - H. To designate and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values using the best available science, while also allowing for reasonable use of private property.
- (Ord. 1069 § 1 (part), 2006)

15.08.020 Authority.

As provided herein, the director is given the authority to interpret and apply, and responsibility to enforce this chapter to accomplish the stated purpose. The city may withhold, condition, or deny permits or approvals to ensure that the proposed action is consistent with this chapter. (Ord. 1069 § 1 (part), 2006)

15.08.030 Definitions.

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

"Accessory" means a use, building, or structure that is subordinate to and the use of which is incidental to that of the main activity, structure, building or use on the same lot or parcel. If an accessory structure is attached to the main building by a common wall or roof, such accessory building shall be considered a part of the main building.

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

"Adjacent" means any activity located:

1. On a site immediately adjoining a critical area;

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

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

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

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

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

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

smoltification (the time period needed for juveniles to adjust their body functions to live in the marine environment), downstream migration, and ocean rearing to adults.

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

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

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

"Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

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

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

"Best management practices" means the schedules of activities, prohibitions of practices, maintenance procedures, and structural or managerial practices approved by ecology that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of the state.

"Buffer" means an area adjacent to a critical area that functions to avoid loss or diminution of the ecologic functions and values of the critical area. Specifically, a buffer may:

1. Preserve the ecologic functions and values of a system including, but not limited to, providing

microclimate conditions, shading, input of organic material, and sediments; room for variation and changes in natural wetland, river, or stream characteristics; providing for habitat for lifecycle stages of species normally associated with the resource;

2. Physically isolate a critical area such as a wetland, river, or stream from potential disturbance and harmful intrusion from surrounding uses using distance, height, visual, and/or sound barriers, and generally including dense native vegetation, but also may include human-made features such as fences and other barriers; and
3. Act to minimize risk to the public from loss of life, well-being, or property damage resulting from natural disasters such as from landslide or flooding.

"City" means the City of Woodland, Washington.

"Clearing" means the cutting or removal of vegetation or other organic plant material by physical, mechanical, chemical, or any means other than vegetation management. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, which does not impair the health or survival of the trees or native vegetation.

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

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

"Critical habitat" means a specific geographical area that possess physical or biological features that are essential to the conservation of federally listed species. These designated areas may require special management considerations or protection.

"Cumulative impact or effect" means under National Environmental Policy Act (NEPA) regulations, the incremental environmental impact or effect of the action together with the impacts of past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions (40

CFR 1508.7). Under Endangered Species Act Section 7 regulations, the effects of future state or private activities not involving federal activities, that are reasonably certain to occur within the action area of the federal action subject to consultation (50 CFR 402.02).

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

"Department" means the Woodland Community Development Department.

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

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

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

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

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

"Erosion hazard areas" means areas that contain soil types which, according to soil conservation service's classification system, may experience severe to very severe erosion process.

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

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

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

"Fish and wildlife habitat conservation areas" means areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5).

Fish and wildlife habitat conservation areas, as specified in WMC 15.08.700, includes the following areas:

1. Areas with which endangered, threatened and sensitive species have a primary association;
2. Habitats and species of local importance. This includes Washington Department of Fish and Wildlife priority habitats and species, candidate species, and any species identified by the City of Woodland or Clark or Cowlitz Counties;
3. State-designated endangered, threatened, and sensitive species are those species native to the State of Washington that are in danger of extinction, threatened to become endangered, vulnerable, or are declining and are likely threatened to become endangered or threatened, without cooperative management. The Washington State Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status.
4. Commercial and recreational shellfish areas;
5. Smelt spawning areas;
6. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
7. Water of the state (refer to WAC 222-16-030);
8. Lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity; and
9. State natural area preserves and natural resource conservation areas.

Fish and wildlife habitat conservation areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company. Such watercourses must be entirely artificial and have not been constructed in a natural watercourse altered by humans.

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

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

"Floodplain" is synonymous with one hundred-year floodplain and that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

"Floodway" means the area that either:

1. Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or
2. Consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

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

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

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

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

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

"Grading" means the movement or redistribution, including excavation or fill, of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

"Groundwater" means that part of the subsurface water that is in the saturated zone. All waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, including underground streams, from which wells, springs, and groundwater runoff are supplied, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

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

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

"Hazard tree" means a tree with a high probability of falling due to a debilitating disease, a structural defect, a root ball more than fifty percent exposed, or having been exposed to wind throw within the past ten years, and where there is a residence or residential accessory structure within a tree length of the base of the trunk, or where the top of a bluff or steep slope is endangered. Where not immediately apparent to the review authority, the danger tree determination shall be made after review of a report prepared by a certified arborist or forester.

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

"Impervious surface" means a hard surface area that prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt

paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

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

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

"Invasive" means a nonnative plant or animal species that either:

1. Causes or may cause significant displacement in range, a reduction in abundance, or otherwise threatens, native species in their natural communities;
2. Threatens or may threaten natural resources or their use in the state;
3. Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or
4. Threatens or harms human health (RCW 77.08.010(28)).

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

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

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

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

"Low-intensity land use" means and includes land uses which are associated with low levels of human

disturbance or low wetland habitat impacts and are compatible with the natural environment, including, but not limited to, forestry (cutting of trees only), unpaved trails, low-intensity open space and similar low-impact uses.

"Merchantable trees" means live trees, six inches in diameter at breast height (DBH) and larger, unless documentation of current, local market conditions are submitted and accepted by the local jurisdiction indicating non-marketability.

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

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

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

"Mitigation, in-kind" means replacement of shoreline resources, such as wetlands or surface water systems with substitute wetlands or surface water systems whose characteristics and functions and values closely approximate those destroyed or degraded by a regulated activity.

"Mitigation, out-of-kind" means replacement of shoreline resources, such as surface water systems or wetlands with substitute surface water systems or wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.

"Mitigation plan" means a plan that outlines the activities that will be undertaken to alleviate project impacts. The plan generally contains: A site and project description; an environmental assessment of the func-

tions and values of the site that will be impacted; a description of the proposed mitigation; the goals and objectives of the proposed mitigation; the performance standards against which success will be measured; monitoring of and reporting on the success of the mitigation; and a contingency plan in case of failure.

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

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

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

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

"No net loss of function" means the maintenance of existing ecological processes and functions.

1. No net loss of ecological functions on the level of the city that the ecological processes and functions are maintained within a watershed or other functional catchment area. Regulations may result in localized cumulative impacts or loss of some localized ecological processes and functions, as long as the ecological processes and functions of the system are maintained. Maintenance of system ecological processes and functions may require compensating measures that offset localized degradation.
2. On a project basis that permitted use or alteration of a site will not result in on-site or off-site deterioration of the existing condition of ecological functions that existed prior to initiation of use or alterations as a direct or indirect result of the project.

3. No net loss is achieved both through avoidance and minimization of adverse impacts as well as compensation for impacts that cannot be avoided. Compensation may include on-site or off-site mitigation of ecological functions to compensate for localized degradation.

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

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

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

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

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

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

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

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

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

"Qualified professional" means a person with experience, education, and/or professional degrees and training pertaining to the critical area in question as described for each critical area below. Qualified professionals will also possess experience with performing site evaluations, analyzing critical area functions and values, analyzing critical area impacts, and recommending critical area mitigation and restoration. The city shall require professionals to demonstrate the basis for qualifications and shall make final determination as to qualifications. Demonstration of qualifications may include, but not be limited to, professional certification(s) and/or recognition through publication of technical papers or journals. Qualified professionals for each critical area are as follows:

1. Wetlands. Biologist or wetland ecologist who has a bachelor's degree in biological science from an accredited college or university, at least two years of experience under the supervision of a practicing wetland professional, and experience delineating wetlands, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans.
2. Fish and Wildlife Habitat Areas. Biologist/wildlife biologist/stream ecologist/habitat ecologist who has a bachelor's degree in biological, wildlife and/or stream ecology science from an accredited college or university and has at least two years of experience under the supervision of a practicing professional biologist or ecologist.
3. Geologically Hazardous Areas.
 - a. Geologist. A person who has a bachelor's degree in geologic sciences from an accredited college or university and at least five years of professional experience as described in WAC 308-15-040 and is licensed as a professional geologist in the State of Washington. The licensed geologist shall have demonstrated experience analyzing geologic hazards and preparing reports for the relevant type of hazard.
 - b. Hydrogeologist. A licensed geologist in the State of Washington with a specialty license in hydrogeology meeting the requirements of WAC 308-15-057. The licensed hydrogeologist shall have demonstrated experience analyzing hydrogeologic hazards and preparing reports for the relevant type of hazard.
 - c. Engineering Geologist. A licensed geologist in the State of Washington with a specialty license in engineering geology meeting the requirements of WAC 308-15-055. The licensed engineering geologist shall have demonstrated experience analyzing geologic hazards and preparing reports for the relevant type of hazard.
 - d. Geotechnical Engineer. A person who has a bachelor's degree in civil engineering from an accredited college or university and at least five years of experience as a practicing geotechnical engineer, and is a registered professional engineer in the State of Washington (meeting the requirements of RCW 18.43.040). The licensed engineer shall have demonstrated experience conducting geotechnical investigations, analyzing geologic hazards, and preparing reports for the relevant type of hazard.
4. Critical Aquifer Recharge Areas. Hydrogeologist — a licensed geologist in the State of Washington with a specialty license in hydrogeology meeting the requirements of WAC 308-15-057. The licensed hydrogeologist shall have demonstrated experience analyzing critical aquifer recharge areas.
5. Frequently Flooded Areas.
 - a. Hydrogeologist. A licensed geologist in the State of Washington with a specialty license in hydrogeology meeting the requirements of WAC 308-15-057. The licensed hydrogeologist shall have demonstrated experience analyzing hydrogeologic hazards and preparing reports for the relevant type of hazard.

- b. Fluvial Geomorphologist. A person who has a bachelor's degree in earth sciences from an accredited college or university with applicable course work in fluvial geomorphology and at least five years of professional experience in fluvial geomorphology.
- c. Hydraulics Engineer. A person who has a bachelor's degree in civil engineering from an accredited college or university and at least five years of experience as a practicing hydraulics engineer, and is a registered professional engineer in the State of Washington (meeting the requirements of RCW 18.43.040). The licensed engineer shall have demonstrated experience conducting, analyzing and preparing reports for hydraulic investigations.

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

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

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

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

"Significant" means, for the purposes of this chapter, to be significant something must be an important

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

1. Identifying the aspects or qualities of the larger whole;
2. Identifying the inherent important aspects or qualities;
3. Identifying a factual and scientific standard to be used for measuring the impact;
4. Establishing in a measurable fashion that an important aspect or quality will be impacted by such change.

"Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

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

"Snag" means any dead, partially dead, or defective (cull) tree at least six and one-half feet tall and twenty inches in diameter at breast height.

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

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

"Species, priority" means any fish or wildlife species requiring protective measures and/or management

guidelines to ensure their persistence as genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

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

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

"Structure" means a permanent or temporary edifice or building or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels (ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of water) (WAC 173-27-030(18)).

"Surface water" means water that flows across the land surface, in channels, or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.

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

"Upland" is generally described as the dry land area above and landward of the OHWM.

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

"Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of

vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, bogs, marshes, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation facilities, wastewater treatment facilities, farm ponds, landscape amenities, or wetlands created after July 1, 1990, that were unintentionally created as a result of road, street, or highway construction. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversions of wetlands.

"Wetlands rating system" means wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington, Department of Ecology, Publication #14-06-029, or as revised. (Ord. 1069 § 1 (part), 2006) (Ord. No. 1378, § 7, 11-21-2016; Ord. No. 1384, §§ 1—10, 2-21-2017)

15.08.040 Relation to other regulations.

This critical areas ordinance shall apply in tandem and in addition to zoning, SEPA and other regulations adopted by the city.

Any individual critical area adjoined by another type of critical area shall have the buffer and meet the requirements that provide the most protection to the critical areas involved. When any provision of this chapter, regulation, easement, covenant, or deed restriction conflicts with this chapter, that which provides the greatest protection to the critical area shall apply.

Compliance with this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may also be required. The applicant is responsible for complying with all other requirements. (Ord. 1069 § 1 (part), 2006)

15.08.050 Fees.

Unless otherwise indicated in this chapter, the applicant shall be responsible for the initiation, preparation, submission, and expense of all reports, assessments, studies, plans, review, and/or any other work necessary for the review of an application. Fees for administering the provisions of this chapter shall be set from time to time by the Woodland city council by resolution. (Ord. 1069 § 1 (part), 2006)

15.08.060 Jurisdiction.

- A. The city shall regulate all uses, activities and developments that are within, adjacent to, or are likely to effect a critical area(s) consistent with best available science.
- B. All areas within the city that meet the definition of a critical area regardless of official identification are regulated by this chapter.

(Ord. 1069 § 1 (part), 2006)

15.08.070 Protection.

Any action taken pursuant to this chapter shall result in an equivalent or greater function of the critical area. No activity or use shall be allowed that results in a net loss of the functions or values of critical areas. (Ord. 1069 § 1 (part), 2006)

15.08.080 Best available science.

- A. Critical area reports or decisions to alter critical areas shall rely on the best available science criteria as defined in WAC 365-195-900 through WAC 365-195-925. Best available science is scientific information prepared by qualified scientific professionals through a process. Best available science shall be used to protect the functions and values of critical areas.
- B. Evaluation of Scientific Process. To evaluate if the information received meets the requirements of best available science, the director shall determine whether the information has been derived from a valid scientific process. The following are characteristics of a valued scientific process:
 - 1. Peer Review. The information has been critically reviewed by other persons who are qualified scientific experts in that scientific discipline. The proponents of the information have addressed criticism by the peer reviewers.
 - 2. Methods. The methods to obtain the information are clearly stated and are reproducible. The methods are standardized in the scientific discipline or the methods have been appropriately peer reviewed to assure reliability and validity.
 - 3. Logical Conclusions and Reasonable Inferences. The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions

are logically and reasonably derived from the assumptions and supported by the data presented. Gaps or inconsistencies with other information have been adequately explained.

- 4. Context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of scientific knowledge.
- 5. References. The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.
- C. Nonscientific Information. Nonscientific information may supplement scientific information, but is not an adequate substitute for valid and available scientific information.

(Ord. 1069 § 1 (part), 2006)

15.08.090 Applicability.

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

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

(Ord. 1069 § 1 (part), 2006)

(Ord. No. 1378, § 8, 11-21-2016)

15.08.100 Exemptions.

- A. Exempt Activities and Impacts to Critical Areas. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To

be exempt from this chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not necessarily the outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

B. The following developments, activities, and associated uses shall be exempt from the provisions of this chapter:

1. Development occurring within frequently flooded areas and aquifer recharge areas, and containing no other critical area as defined by this chapter, provided the development meets the requirements of Chapter 14.40 of this code;
2. Existing and ongoing agricultural activities not involving chemical applications as defined in this chapter;
3. Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems, 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. The removal or control of noxious weeds not involving chemical application, excavation, mechanical weed control with the use of hand-held tools;
5. Maintenance of intentionally created artificial wetlands or surface water systems including irrigation and drainage ditches, grass-lined swales and canals, detention facilities, farm ponds, and landscape or ornamental amenities. Wetlands, natural streams, natural streams that are channelized, lakes or ponds created as mitigation for approved land use activities or that provide critical habitat are not exempt and shall be regulated according to the mitigation plan;
6. Minimal site investigative work required by the city, state or a federal agency, or any other applicant such as surveys, soil logs, percolation tests, and other related activities, provided that impacts on environmentally critical areas are minimized and disturbed areas are restored to the pre-existing level of function and value within one year after tests are concluded;
7. 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 or buffer and there is no increased risk to life or property as a result of the proposed activity;
8. Passive recreational uses, sport fishing or hunting, scientific or educational study, or similar minimum impact activities;
9. The policies, regulations, and procedures of this chapter do not apply to those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, RCW 76.09 and WAC 222, where state law specifically limits local authority, except with regard to developments and conversions requiring local approval, and when the city is the lead agency for environmental review.
10. Installation, construction, or replacement of utility lines in an improved city right-of-way, not including electric substations.
11. Maintenance of legally authorized existing and ongoing landscaping, including normal and nondestructive pruning and trimming of vegetation and thinning of limbs or individual trees, provide that no further disturbance is created.
12. The removal of hazard or diseased trees from critical areas and buffers, provided that:
 - a. Where the hazard is not immediately apparent to the director or their designee, the applicant shall submit a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees;
 - b. Tree cutting shall be limited to the minimum amount necessary to abate the hazard.
 - c. All non-noxious weed vegetation and cut wood (tree stems, branches, etc.) shall be left within the critical area or buffer unless

removal is warranted due to the potential for disease or pest transmittal to other healthy vegetation;

- d. The landowner shall replace any trees that are removed with new trees at a ratio of two replacement trees for each tree removed (2:1) within one year. Replacement trees may be planted at a different, nearby location if it can be determined that planting in the same location would create a new hazard or potentially damage the critical area. Replacement trees shall be of a native species, appropriate to the surrounding habitat type, and of a minimum fifteen-gallon pot size or equivalent balled or burlapped stock and four feet in height; and
- e. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts.

13. The harvesting of wild crops in a manner that is not injurious to the natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area by changing existing topography, water conditions, or water sources.

C. Emergency Actions.

1. Emergency actions which must be undertaken immediately or for which there is insufficient time for full compliance with this chapter when it is necessary to:
 - a. Prevent an imminent threat to public health or safety;
 - b. Prevent imminent danger to public or private property; or
 - c. Prevent an imminent threat of serious environmental degradation.
2. In the event a person or emergency agency determines that the need to take emergency action is so urgent that there is insufficient time for review by the department, such emergency action may be taken immediately.
3. The person or agency undertaking such action shall notify the department within one working day following the commencement of the

emergency activity. Following such notification, the department shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the department determines that the action taken or part of the action taken is beyond the scope of allowed emergency actions, enforcement action is authorized, as outlined in Section 15.08.270 of this chapter.

4. Emergency actions shall be limited to the minimum necessary to alleviate the emergency. The critical area damaged by the emergency work shall be restored, if feasible and appropriate mitigation shall be required.

(Ord. 1069 § 1 (part), 2006)

(Ord. No. 1384, § 11, 2-21-2017)

15.08.110 Exception—Reasonable use.

Exceptions to this chapter may be made when the imposition of the standards would deny an applicant all reasonable use of their property.

- A. Reasonable Use Review Criteria. The criteria for review and approval of reasonable use exceptions are:

1. The application of this chapter will deny all reasonable economic use of the subject property as otherwise allowed by applicable law;
2. No other reasonable use of the property has less impact on critical areas;
3. Any alteration allowed is the minimum necessary to allow for reasonable use of the property;
4. The inability of the applicant to derive reasonable use of the subject property, is not the result of actions by the applicant after the effective date of the ordinance codified in this chapter, or its predecessor; and
5. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site.

- B. 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.
 5. The proposal is consistent with other applicable regulations and standards.
- C. **Burden of Proof.** The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.
- D. Nothing in this chapter shall be used to prevent the construction of a structure, subject to the standards outlined in subsections (A) and (B) of this section, on a lot legally created prior to the establishment of this chapter.

(Ord. 1069 § 1 (part), 2006)

(Ord. No. 1384, § 12, 2-21-2017)

15.08.120 Preapplication conference.

A preapplication conference with the city's development review committee is required prior to the applicant having a critical area report completed for any project. (Ord. 1069 § 1 (part), 2006)

15.08.130 City review process.

- A. The city shall:
1. Evaluate the project area and vicinity for critical areas and determine whether the proposed project will likely impact a critical area;
 2. Determine if impacts to the critical area have been addressed or if the project avoids impacts to the critical area;
 3. Consult with resource agencies and individuals with special expertise, as necessary, to assist in determination of project-related impacts and potential solutions for avoiding and/or mitigating those impacts.
- B. If the proposed project is likely to impact a critical area, the city shall:
1. Require the applicant to have a critical area report prepared by a qualified professional;
2. Review and evaluate the critical area report to determine if the proposal conforms to purposes and performances of this chapter;
3. Assess potential impacts to the critical area and determine if they are necessary and unavoidable and if any mitigation proposed by the applicant is sufficient to protect the functions, values, or public health and welfare and requirements of this chapter.

(Ord. 1069 § 1 (part), 2006)

15.08.140 Critical area identification checklist.

- A. **Submittal.** Prior to the city's consideration of a proposed activity not found to be exempt pursuant to this chapter, the applicant shall submit a complete critical area identification checklist to the city.
- B. **Critical Area Identification Review Process.** The director shall review the critical area identification checklist, review information available about the site, and perform a site visit.
- C. **Site Inspection.** Upon receipt of a completed critical area identification checklist, the director or designee shall conduct a site visit of the proposed project site to determine if any critical area conditions exist on site. The director shall notify the applicant prior to the inspection. Reasonable access shall be provided for the purposes of site inspections.
- D. **Review of Available Information.** The director may determine if a critical area report is needed by using the following indicators:
1. Information obtained from the critical area identification checklist;
 2. Maps depicting critical areas, soil types and other appropriate features;
 3. Information and scientific opinions from appropriate agencies;
 4. Washington Department of Fish and Wildlife Priority Habitats and Species (PHS) and Salmonscape maps;
 5. Documentation from other scientific sources;
 6. Findings by qualified professionals or a reasonable belief by the director that a critical area may exist on or adjacent to the proposed activity.
- E. **Determination If Critical Area Report Is Needed.**

1. **No Critical Areas Present.** If the director determines the proposed project is not within or adjacent to a critical area or buffer or that the project is not likely to degrade the functions or values of a critical area, then the director shall rule that no further critical area review is required. The director shall consult with resource agencies or individuals with special expertise, as necessary, to assist in the determination of critical areas and potential impacts associated with project proposals. A summary of the director's decision and review shall be included in the file and/or staff report.
2. **Critical Area Present But No Impact.** If the director determines there are critical areas within the proposed project but that the project is not likely to degrade the functions or values of a critical area, then the director may waive the requirements of a critical area report. The director shall consult with resource agencies or individuals with special expertise, as necessary, to assist in the determination of critical areas and potential impacts associated with project proposals. A waiver may be granted if all of the following are met:
 - a. No alteration of the critical area or buffer will occur;
 - b. No impact to the critical area will occur that is contrary to the intent of this chapter;
 - c. The proposal is consistent with other applicable regulations and standards.
3. **Critical Areas May Be Affected.** If the director determines that a critical area may be affected by a proposal, then the applicant shall be required to submit a critical area report prior to any further project activity. The director shall inform the applicant within ten business days following the site visit of his findings and indicate what critical area types should be addressed in the report.

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

proposal, the director may reconsider their determination. (Ord. 1069 § 1 (part), 2006)

15.08.150 Public notice of initial determination.

The city shall include in its notice of application the initial critical area determination by the director and any reasons for the determination. If a critical area report is required, a description of the critical area and location shall be included in the notice. (Ord. 1069 § 1 (part), 2006)

15.08.160 Critical area reports—Requirements.

- A. **Prepared by Qualified Professional.** The applicant shall submit a critical area report prepared by a qualified professional.
- B. **Best Available Science.** The critical area report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance. All scientific sources shall be referenced. The critical area report shall evaluate the proposal and all probable impacts to critical area in accordance with this chapter.
- C. **Minimum Report Contents.** A critical area report shall contain at a minimum:
 1. A completed master application;
 2. A copy of the site plan including identified critical areas, buffers, development proposal(s), limits of any proposed clearing, a stormwater management plan;
 3. The date, name(s) and qualifications of the person(s) preparing the report and documentation of any fieldwork performed on the site;
 4. Identification and characterization of all critical areas and buffers;
 5. A statement specifying the accuracy of the report and all assumptions;
 6. An analysis of development alternatives;
 7. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development;
 8. A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas;
 9. Plans for mitigation to offset any impacts including, but not limited to:
 - a. Impacts of any proposed development within or adjacent to a critical area or buffer,

- b. Impacts of any proposed alteration of a critical area or buffer by the proposed project;
 - 10. A discussion of the performance standards applicable to the critical area and proposed activity;
 - 11. Financial guarantees to ensure compliance;
 - 12. Any additional information required for the specific critical area as required by the corresponding chapter.
- (Ord. 1069 § 1 (part), 2006)

15.08.170 Critical area report—Modifications.

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

(Ord. 1069 § 1 (part), 2006)

15.08.180 Mitigation requirements.

- A. The applicant shall avoid all impacts, to the extent possible, that degrade the functions and values of a critical area(s) or its buffer. The applicant shall compensate for unavoidable alteration to a critical area or buffer as required by an approved mitigation plan in accordance with this chapter.
- B. Mitigation shall be in-kind and on-site, when possible, and shall be sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard.
- C. No mitigation shall be implemented until after the city has approved a critical area permit that includes a mitigation plan. All mitigation shall be in accordance with the provisions of this chapter and approved critical area report.

(Ord. 1069 § 1 (part), 2006)

(Ord. No. 1384, § 13, 2-21-2017)

15.08.190 Mitigation sequencing.

Applicants shall demonstrate that all reasonable efforts have been examined to avoid or minimize impacts to critical areas. When alteration to a critical area is proposed, such alteration shall be avoided, minimized or compensated for in the following order of preference:

- A. Avoid the impact altogether by not taking an action or parts of an action.
- B. Minimize impacts by limiting the degree or magnitude of the action or its implementation, by using appropriate technology, or by taking steps such as project redesign, relocation, or timing to avoid or reduce impacts.
- C. Repair, rehabilitate, or restore the affected environment (wetlands, critical aquifer recharge areas, frequently flooded areas, habitat conservation areas) to historical conditions or conditions existing at the time of project initiation.
- D. Minimize or eliminate the hazard by restoring or stabilizing the hazard area through engineered or other approved methods.
- E. Reduce or eliminate the impact or hazard over time by preservation and maintenance operation during the life of the action.
- F. Compensate for the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, habitat conservation areas by replacing, enhancing, or providing resources or environments.
- G. Monitor the mitigation and provide remedial action when necessary.

(Ord. 1069 § 1 (part), 2006)

15.08.200 Mitigation plan requirements.

When mitigation is required, the applicant shall submit the following as part of a critical area report. The plan shall include:

- A. Environmental Goals and Objectives. The mitigation plan shall include a written report that identifies the environmental goals and objectives of the proposed compensation. The goals and objectives shall be related to the functions and values of the impacted critical area. The mitigation plan shall include:
 - 1. A description of the anticipated impacts to the critical area(s) and the proposed mitigation actions.

2. Compensation measures, including the site selection criteria; compensation goals, identification of resource functions; and dates for beginning and completion of site construction and compensation activities.
 3. A review of the best available science supporting the proposed mitigation.
 4. A narrative of the author's experience to date in restoring or creating the type of critical area proposed.
 5. An analysis of the likelihood of success of the compensation project.
- B. Performance Standards.** The mitigation plan shall include specific criteria that are measurable for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and that the requirements of this chapter have been met.
- C. Detailed Construction Plans.** The mitigation plan shall include written specification and descriptions of the proposed mitigation including, but not limited to:
1. Grading and excavation details;
 2. Erosion and sediment control measures;
 3. Planting plans showing plant species, location, quantities, size, spacing and density;
 4. Proposed construction timing, sequence and duration;
 5. Measures to protect and maintain plants until established;
 6. Detailed site diagrams, topographic maps showing slopes in two-foot intervals, final grade elevations, and any other appropriate drawings, shall accompany written specifications.
- D. Monitoring Program.** A mitigation-monitoring program shall be included with any mitigation plan. The monitoring program shall be as specified by the qualified professional who prepared the mitigation plan. The director shall determine the frequency of site monitoring. The report shall document milestones, successes, problems and failures and contingency actions to compensate for mitigation shortfalls. The site shall be monitored for a period

to establish that performance standards have been met, and not for a period of less than five years.

- E. Contingency Plan. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring indicates project performance standards are not being met.
- F. Financial Guarantees. The mitigation plan shall include financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented.

(Ord. 1069 § 1 (part), 2006)

(Ord. No. 1384, § 14, 2-21-2017)

15.08.210 Determination and review.

- A.** The director shall make a determination as to whether the proposed activity and mitigation is consistent with the provisions of this chapter. Any alteration to a critical area, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria:
1. Impacts to critical areas are avoided or minimized in accordance with Section 15.08.190, Mitigation sequencing;
 2. There is no unreasonable threat to public health, safety, or welfare;
 3. The proposal is consistent with this chapter and the public interest;
 4. Permitted alterations are mitigated in accordance with Section 15.08.180, Mitigation requirements;
 5. The critical area functions and values are protected in accordance with the best available science; and
 6. The proposal is consistent with other applicable regulations and standards.
- B.** The city may condition a proposed activity as necessary to mitigate for impacts to critical areas and to conform to standards of this chapter.
- C.** Any project that cannot adequately mitigate for impacts to critical areas shall be denied except as provided in this chapter.

(Ord. 1069 § 1 (part), 2006)

15.08.220 Determination, favorable.

Upon determination that a proposed activity meets the requirements of Section 15.08.210 of this chapter, and complies with the requirements of this chapter. The director shall prepare a written notice of determination and identify any conditions of approval. Any changes to the conditions of approval shall void the previous determination pending a review of the alternative proposal and conditions by the director. (Ord. 1069 § 1 (part), 2006)

15.08.230 Determination, unfavorable.

Upon determination that a proposed activity does not meet the above criteria and/or does not adequately mitigate for impacts to critical areas, the director shall prepare a written notice of determination and identify the findings. A revised critical area report may be submitted by the applicant for consideration, following notice of the determination. The director may make a new determination based on the revised critical area report. (Ord. 1069 § 1 (part), 2006)

15.08.240 Critical area review, complete.

The city's determination shall be complete upon determination to approve, approve with conditions, or deny the proposal or activity. No activity or permit shall be approved or issued for an activity that does not adequately mitigate for impacts to critical areas and/or does not fully comply with the provisions of this chapter. (Ord. 1069 § 1 (part), 2006)

15.08.250 Appeal.

Any appeal of the decision to approve, condition, or deny a proposal may be appealed in accordance with Chapter 19.08 of this code. (Ord. 1069 § 1 (part), 2006)

15.08.260 Variances.

- A. The city may authorize a variance from the requirements of this chapter with the procedures set forth in Chapter 17.81 WMC. The hearing examiner shall review the request and make a determination based on his findings, a staff report, the critical area report, and information presented by the applicant.
- B. A variance may be granted only if the following criteria have been met:
 1. Circumstances or conditions, particular to the land on which the activity is proposed, exist that are special and are not applicable to other lands in the same area;

2. The special circumstances or conditions are not the result of actions of the applicant;
3. Literal application of the provisions of this chapter would deny this applicant use and privileges enjoyed by other properties in the immediate vicinity, and the variance requested is the minimum necessary to provide that use and privilege;
4. No special privilege will be granted to the applicant that is denied other lands or structures under similar circumstances;
5. The variance is consistent with the intent of this chapter;
6. The variance will not further degrade the functions or values of the critical area or be materially detrimental to the public health, safety and welfare;
7. The decision to grant is supported by best available science; and
8. The variance is consistent with the city comprehensive plan and zoning codes and other adopted development regulations.

- C. Conditions. In granting a variance, the city may prescribe such conditions or safeguards as are necessary to secure adequate protection of critical areas from adverse impacts, and to ensure conformity with this chapter.
- D. Time Limit. The city shall establish a time limit within which the action for which the variance is required shall be begun, completed or both. Failure to begin or complete the action within the prescribed time limit shall void the variance.
- E. Burden of Proof. The burden of proof shall be on the applicant to show evidence of the need for a variance.

(Ord. 1069 § 1 (part), 2006)

15.08.270 Unauthorized critical area alterations and enforcement.

- A. When a critical area or buffer has been altered in violation of this chapter, the city shall have the authority to issue a stop-work order to cease all ongoing development work and order restoration, rehabilitation or replacement at the owner's or responsible parties' expense.
- B. Restoration Plan Required. No work on the site shall be allowed until a restoration plan has been prepared and approved by the city in accordance with this chapter.

C. Minimum Performance Standards.

1. For unauthorized alterations to critical aquifer recharge areas, frequently flooded areas, wetlands habitat conservation areas, or associated buffers, the following shall be required at a minimum in accordance with an approved restoration plan:
 - a. Historic functional and structural values, water quality, habitat, and soils shall be restored;
 - b. Critical areas and buffers shall be replanted with native vegetation, types, sizes and densities, historically found on the site;
 - c. Historic functions and values shall be replicated.
2. For flood and geological hazards, the following standards shall be met:
 - a. Risk of public or personal hazard resulting from the alteration shall be eliminated or significantly reduced to a level equal to the pre-altered state;
 - b. Hazard areas and buffers shall be replanted with native vegetation to minimize the hazard.

D. Site Visits/Inspections. Reasonable access shall be provided. The director is authorized to make site visits/inspections as necessary to enforce this chapter.

E. Penalties. Any person or entity determined to be in violation of this chapter is guilty of a misdemeanor. Each day or portion of a day the violation occurs shall constitute a separate offense. Any development conducted in violation of this chapter shall constitute a public nuisance and shall be subject to penalty in accordance with the Woodland Municipal Code.

(Ord. 1069 § 1 (part), 2006)

15.08.280 Markers and signs.

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

(Ord. 1069 § 1 (part), 2006)

15.08.290 Notice on title.

- A. Notice of the existence of a critical area and/or buffer on a site, shall be noted as a deed restriction for the property. The restriction shall state the presence of a critical area and/or buffer and note that limitations to development may exist.
- B. The applicant shall submit proof of the deed restriction prior to final project approval. (Ord. 1069 § 1 (part), 2006)

15.08.300 Setbacks.

Unless otherwise provided in this chapter, buildings and other structures shall be set back a distance of fifteen feet from the edges of all critical area buffers or critical area if no buffer is required. The following may be allowed in the setback areas:

- A. Landscaping;
- B. Uncovered decks;
- C. Building overhangs not greater than eighteen inches;
- D. Driveways and patios provided runoff does not affect the critical area;
- E. Storage sheds not greater than ten feet by ten feet.

(Ord. 1069 § 1 (part), 2006)

15.08.310 Bonds.

Bonds shall be required when mitigation, restoration or rehabilitation is not completed prior to final project approval by the city. Bonds shall be in accordance with the Woodland Municipal Code. (Ord. 1069 § 1 (part), 2006)

15.08.350 Wetlands.

- A. Designating Wetlands. Wetlands are those areas designated in accordance with the Washington State Wetland Identification and Delineation Manual, 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 adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to: Swamps, marshes, bogs, ponds, and similar areas. All areas within the city meeting the wetland designation criteria in the Identification and Delineation Manual, regardless

of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter.

B. **Wetland Ratings.** Wetlands shall be rated according to the Washington State Department of Ecology (Ecology) wetland rating system found in Hrubby, 2014, Washington State Wetland Rating System for Western Washington, Ecology publication #14-06-029, or as revised by Ecology. The rating system document contains the definitions and methods for determining if the criteria below are met.

1. **Category I.** Category I wetlands are those that meet one or more of the following criteria:

- a. Wetlands of High Conservation Value as defined by the Washington State Department of Fish and Wildlife and the Natural Heritage Program at the Department of Natural Resources;
- b. Bogs;
- c. Mature and old growth forested wetlands larger than one acre;
- d. Wetlands that perform many functions well, as indicated by scoring twenty-three or more points (out of twenty-seven possible points) in the rating system.

2. **Category II.** Category II wetlands are those with a moderately high level of functions, as indicated by scoring twenty to twenty-two points in the ecology rating system.

3. **Category III.** Category III wetlands are those with a moderate level of functions, as indicated by scoring sixteen to nineteen points in the ecology rating system.

4. **Category IV.** Category IV wetlands are those with a low level of functions, as indicated by scoring less than sixteen points in the ecology rating system.

C. **Date of Rating.** Wetland rating categories shall be applied as the wetland exists on the date of the adoption of the ordinance codified in this chapter as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Illegal modifications to wetlands shall not result in changes to wetland rating categories.

(Ord. 1069 § 1 (part), 2006)

(Ord. No. 1384, § 15, 2-21-2017)

15.08.360 Initial project review.

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

A site visit shall be conducted by the director to confirm the presence of wetland indicators listed in the critical areas checklist or identified in the State Environmental Policy Act (SEPA) checklist. The site visit shall be used to determine if a wetland or wetland buffer area are within two hundred feet of a proposed project or activity. A positive confirmation that wetland indicators are present or that the proposed project may impact the wetland area will then require a professional site assessment. The director shall use the following map references to assist in making a determination: (1) National Wetland Inventory Map; and (2) any records of previously mapped wetlands. (Ord. 1069 § 1 (part), 2006)

15.08.370 Activities allowed in wetlands.

The following activities are allowed in wetlands in addition to those activities listed in, and consistent with, the provisions established in exemption (Section 15.08.100 of this chapter), and do not require a critical area report, except where such activities result in a loss to the functions and values of a wetland or wetland buffer area. These activities include:

- A. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing wetland; and
- B. The harvesting of wild crops in a manner that is not injurious to natural reproduction such as crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the wetland by changing existing topography, water conditions or water resources.

(Ord. 1069 § 1 (part), 2006)

15.08.380 Critical area report—Requirements for wetlands.

In addition to the general critical area report requirements of Section 15.08.160 of this chapter, wetland critical area reports must meet the requirements of

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

- A. Wetland Reconnaissance by Qualified Professional. A wetland reconnaissance shall be performed by a qualified wetlands professional. The reconnaissance shall identify the presence of wetlands within two hundred feet of the proposed project or activity area. If this reconnaissance demonstrates no wetlands within two hundred feet of the activity area, then no further study is required. If the reconnaissance identifies wetlands present within two hundred feet of the proposed project or activity, then a wetland critical areas report shall be prepared by a qualified professional.
- B. Preparation of Report by Qualified Professional. A wetland critical areas report shall be prepared by a qualified professional ecologist or biologist according to the current approved federal manual and supplements including the 1987 Corps of Engineers Wetlands Delineation Manual and Regional Supplements, or as revised, and the Hruby, 2014, Washington State Wetland Rating System for Western Washington, Ecology publication #14-06-029, or as revised by Ecology.
- C. Area Addressed in Wetland Critical Area Report. The following areas shall be addressed in a wetland critical area report:
 1. The project area of the proposed activity;
 2. All wetlands and recommended buffers within two hundred feet of the project area; and
 3. All shoreline areas, water features, floodplains, and other critical areas, and related buffers within two hundred feet of the project area.
- D. Wetland Analysis. A wetland critical area report shall contain an analysis of the wetlands including the following site and proposal related information:
 1. A written assessment of the wetlands and buffers within two hundred feet of the project area including:
 - a. Maps of the wetland and buffer areas;

- b. Wetland delineation and required buffers;
 - c. Acreage of the existing wetland;
 - d. The wetland category including vegetation, faunal, and hydrologic characteristics;
 - e. Soil and substrate conditions;
 - f. Topographic contours at five-foot contours.
 2. Proposed measures to avoid damaging the existing wetland and current levels of function or ways to minimize damage to the wetland and current levels of function.
 3. A habitat and native vegetation plan that addresses methods to protect and/or enhance wetland functions and habitat.
 4. Proposed mitigation, if needed.
 - a. Existing and proposed wetland acreage;
 - b. Existing and proposed vegetative, faunal, and hydrologic conditions;
 - c. Relationship to wetland with existing water bodies and to the watershed;
 - d. Existing and proposed adjacent site conditions;
 - e. Required buffers;
 - f. List of all property owners.
 5. A list of management practices that will be used to protect and maintain the quality of the wetland and/or covenants and restrictions that will be used in managing the wetland.
- E. Additional Information. Additional information may be required when deemed necessary by the director.

(Ord. 1069 § 1 (part), 2006)

(Ord. No. 1384, § 16, 2-21-2017)

**15.08.390 Wetland performance standards—
General requirements.**

- A. Activities within wetland or wetland buffer areas may only be permitted if the applicant can show that the proposed activity will not degrade the functions and values of the wetland and/or other critical areas.
- B. Activities and uses shall be prohibited within wetlands and wetland buffer areas except as permitted in this chapter.

- C. Category 1 Wetlands. Activities and uses shall be prohibited from Category 1 wetlands, with the exception of public agencies and utilities as provided in this chapter and within the variance section of this chapter.
- D. Category 2 and 3 Wetlands. The following standards shall apply to activities within Category 2 and 3 wetlands and wetland buffers:
1. Water-dependent activities are allowed when no practical alternatives having less adverse impact on the wetland or other critical areas are available and appropriate mitigation measures are proposed; and
 2. Nonwater-dependent activities are prohibited unless:
 - a. All alternative designs of the proposed project to avoid adverse impacts to the

wetland functions or wetland buffer are not feasible and appropriate mitigation measures are proposed.

- E. Category 4 Wetlands. Activities and uses may be permitted in Category 4 wetlands that result in unavoidable impacts in accordance with an approved critical area report and mitigation plan, and only if the proposed activity is the only reasonable alternative available.

(Ord. 1069 § 1 (part), 2006)

15.08.400 Wetland buffers.

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

B. Land Use Intensity

Land Use Intensity	Land Uses
High	Commercial
	Urban
	Industrial
	Institutional
	Retail sales
	Residential (more than 1 unit/acre)
	Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)
	High-intensity recreation (golf courses, ball fields, etc.)
	Hobby farms
Moderate	Residential (1 unit/acre or less)
	Moderate-intensity open space (parks with biking, jogging, etc.)
	Conversion to moderate-intensity agriculture (orchards, hay fields, etc.)
	Paved trails
	Building of logging roads
	Utility corridor or right-of-way shared by several utilities and including access/maintenance road
Low	Forestry (cutting of trees only)
	Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)
	Unpaved trails
	Utility corridor without a maintenance road and little or no vegetation management

C. The level of function for habitat, based on the Washington State Wetland Rating System is as follows:

Level of Function	Habitat Score in Rating System
High	8—9
Moderate	5—7
Low	3—4

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

**Table 15.08.400-1
Wetland Buffers**

Wetland Category	Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use
Category 1	Natural Heritage Wetlands	Low — 125 feet
		Moderate — 190 feet
		High — 250 feet
	Bogs	Low — 125 feet
		Moderate — 190 feet
		High — 250 feet
	High level of function for habitat	Low — 150 feet
		Moderate — 225 feet
		High — 300 feet
	Moderate level of function for habitat	Low — 75 feet
		Moderate — 110 feet
		High — 150 feet
	Low level of function for habitat and high level of function for water quality improvement (8-9 points)	Low — 50 feet
		Moderate — 75 feet
		High — 100 feet
Not meeting any of the above characteristics	Low — 50 feet	
	Moderate — 75 feet	
	High — 100 feet	

Wetland Category	Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use
Category 2	High level of function for habitat	Low — 150 feet
		Moderate — 225 feet
		High — 300 feet
	Moderate level of function for habitat	Low — 75 feet
		Moderate — 110 feet
		High — 150 feet
	Low level of function for habitat and high level of function for water quality improvement (8-9 points)	Low — 50 feet
		Moderate — 75 feet
		High — 100 feet
	Not meeting above characteristics	Low — 50 feet
		Moderate — 75 feet
		High — 100 feet
Category 3	Moderate level of function for habitat	Low — 75 feet
		Moderate — 110 feet
		High — 150 feet
	Not meeting above characteristic	Low — 40 feet
		Moderate — 60 feet
		High — 80 feet
Category 4	Score for all 3 basic functions is fewer than 16 points	Low — 25 feet
		Moderate — 40 feet
		High — 50 feet

E. Increased Wetland Buffer Widths. The director shall require increased buffer widths when recommendations by a qualified professional biologist and the best available sciences deem increased buffer widths necessary. The determination shall be based on the following:

1. An increased buffer area is necessary to protect other critical areas within the same project area;
2. The buffer area or adjacent uplands have a slope greater than fifteen percent or the buffer is susceptible to erosion where standard erosion controls will not prevent adverse impacts to the wetland;
3. Where an increased buffer is recommended due to minimal vegetation cover, a vegetation planting plan may be implemented as a substitute to the increased buffer width. A vegetation planting plan shall not result in a decrease

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

F. Special Conditions for a Possible Reduction in Buffer Widths. Distinct from the provisions of Section 15.08.100(D) of this chapter, the buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts under the following conditions, and only after submittal of a critical areas report prepared by a qualified professional that provides clear justification for the reduced buffer:

1. For wetlands that score moderate or high for habitat, the width of the buffer can be reduced if both of the following criteria are met:
 - a. A relatively undisturbed, vegetated corridor at least one hundred feet wide is pro-

tected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife ("relatively undisturbed" and "vegetated corridor" are defined in questions H 2.1 and H 2.2.1 of the Washington State Wetland Rating System for Western Washington—Revised). The corridor must be

protected for the entire distance between the wetland and the priority habitat by some type of legal protection such as a conservation easement.

- b. All applicable measures to minimize the impacts of different land uses on wetlands, such as the examples summarized in Table 15.08.400-2, are applied.

Table 15.08.400-2

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

Examples of Disturbance	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
Lights	Parking lots	Direct lights away from wetland
	Warehouses	
	Manufacturing	
	Residential	
Noise	Manufacturing	Locate activity that generates noise away from wetland
	Residential	
Toxic runoff*	Parking lots	Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered
	Roads	
	Manufacturing	
	Residential areas	Establish covenants limiting use of pesticides within 150 feet of wetland
	Application of agricultural pesticides	Apply integrated pest management
	Landscaping	
Stormwater runoff	Parking lots	Retrofit stormwater detention and treatment for roads and existing adjacent development
	Roads	Prevent channelized flow from lawns that directly enters the buffer
	Manufacturing	
	Residential areas	
	Commercial	
	Landscaping	
Change in water regime	Impermeable surfaces	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
	Lawns	
	Tilling	

Examples of Disturbance	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
Pets and human disturbance	Residential areas	Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract
Dust	Tilled fields	Use best management practices to control dust

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

2. For wetlands that score fewer than five points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying measures to minimize the impacts of the proposed land uses (see examples in Table 15.08.400-2).
- G. **Averaging of Buffer Widths.** The director may allow for the standard buffer width to be averaged in accordance with an approved critical area report on a case-by-case basis. Averaging of buffer widths shall be allowed only when a qualified wetlands professional demonstrates that:
1. Averaging will not reduce wetland functions or values;
 2. The wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places due to varying wetland quality;
 3. The total area of the averaged buffer is not less than would be contained if there were no buffer averaging; and
 4. The buffer width is not reduced to less than twenty-five percent of the standard buffer width or fifty feet, whichever is greater in any one location.
- H. **Buffer Conditions Shall Be Maintained.** Wetland buffers in their natural state shall not be altered and shall be maintained in an undisturbed condition except as allowed in this chapter.
- I. **Mitigation Buffers.** Any wetland that is created, restored, or enhanced as compensation for approved regulated wetland alterations shall have the standard buffer required for the category of the created, restored, or enhanced wetland.
- J. **Altered Wetland and/or Buffer Areas.** Applicants are encouraged to restore wetlands or buffer areas that exist in a degraded state adjacent to a project not impacting the buffer in order to replace lost or diminished ecological functions and values. Applicants are required to restore a wetland or buffer that was impacted by their project. Prior to the issuance of a permit for development that is proposed adjacent to degraded wetlands or buffers, the property owner shall agree to undertake restoration activities or authorize such activities to occur, through an approved legal device such as a conservation program or restoration effort, or by legal agreement with restoration agencies or groups. Access shall be granted by the property owner for such restoration activities.
- K. **Functionally Isolated Buffer Areas.** Areas which are functionally separated from a wetland and do not protect the wetland from adverse impacts due to preexisting roads, structures, or vertical separation shall be excluded from buffers otherwise required by this chapter on a case-by-case basis subject to a critical area report and review as determined by the director.
- L. **Exempted Wetlands.**
1. All isolated Category IV wetlands less than four thousand 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 five or more points for habitat functions based on the 2014 update to

the Washington State Wetland Rating System for Western Washington: 2014 Update (ecology Publication #14-06-029, or has revised and approved by ecology).

- e. Do not contain a priority habitat or a priority area for a priority species identified by the Washington Department of Fish and Wildlife, do not contain federally listed species or their critical habitat.
2. Wetlands less than one thousand 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.
- M. Use of Buffer Areas. The following uses may be permitted within a required wetland buffer unless otherwise prohibited:
1. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
 2. Passive Recreation. Passive recreation in accordance with an approved critical area report. Such activities include but are not limited to:
 - a. Walking paths or trails (no motorized use) located in the outer twenty-five percent of the buffer area. Trails shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed area and may need to be enhanced with screening. Trails or paths within a wetland or buffer area shall be planned to minimize removal of vegetation (trees, shrubs, etc.) and important wildlife habitat. Trail widths shall not be wider than three feet for private trail and ten feet for public use or publicly owned trails. Trail surfaces shall be made or constructed of pervious surfaces (natural materials like wood chips) and permanent surfacing materials (asphalt or concrete) shall require a variance. No construction or surfacing materials shall significantly alter the existing drainage or negatively affect the wetland or buffer area;
 - b. Wildlife viewing structures, platforms, interpretive areas, picnic areas, benches and associated activities shall be designed and located to minimize disturbance to wildlife habitat and/or critical wetland and/or buffer values or functions;
- c. Access to fishing areas via walking paths or trails.
3. Hazard Tree Removal. When a threat to human life or property is determined, the director may allow the falling of a danger or hazard tree subject to the following criteria:
 - a. The applicant shall submit a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees.
 - b. Tree cutting shall be limited to the minimum amount necessary to abate the hazard.
 - c. All non-noxious weed vegetation and cut wood (tree stems, branches, etc.) shall be left within the critical area or buffer unless removal is warranted due to the potential for disease or pest transmittal to other healthy vegetation;
 - d. The landowner shall replace any trees that are removed with new trees at a ratio of two replacement trees for each tree removed (2:1) within one year. Replacement trees may be planted at a different, nearby location if it can be determined that planting in the same location would create a new hazard or potentially damage the critical area. Replacement trees shall be of a native species, appropriate to the surrounding habitat type, and of a minimum 15-gallon pot size or equivalent balled or burlapped stock and 4 feet in height.
 - e. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts.
 4. 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—4 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.
- h. Stormwater LID BMPs required as part of new and redevelopment projects can be considered within wetlands and their buffers. However, these areas many 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.

(Ord. 1069 § 1 (part), 2006)

(Ord. No. 1384, § 17, 2-21-2017)

15.08.410 Signing and fencing wetlands.

- A. Temporary Markers. The outer perimeter of a wetland or buffer area and the limit of the wetland or buffer area to be disturbed pursuant to an approved permit, shall be marked in the field in such a way as to prevent unauthorized disturbance of the wetland or buffer area. Temporary marking shall be maintained throughout the permitted activity and shall not be removed until final inspec-

tions are completed and approved permanent signs, if required, are in place. The location of temporary markers shall be shown on all site plans and final plats associated with the proposal. Temporary markers shall be composed of one-half inch galvanized pipe or equivalent monument, at least eighteen inches long, and shall show above the surface at least two inches. Temporary markers shall be spaced no more than fifty feet apart or as determined by the director.

- B. Permanent Signs. The director may require the applicant to install permanent signs along the boundary of the wetland buffer as a condition of any permit. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another non-treated material of equal durability. Signs must be posted at an interval of one every fifty feet, or one per lot if the lot is less than fifty feet wide, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the director:

Protected Wetland Area

Do Not Disturb

Contact the City of Woodland
Regarding Uses, Restrictions, and
Opportunities for Stewardship

- C. Temporary Fencing. All wetlands shall be temporarily fenced between the permitted activity and the buffer with a highly visible and durable protective barrier during the proposed activity to prevent access and to protect the critical area and buffer. The director may waive this requirement if an alternative to fencing which achieves the same objective is proposed and approved.
- D. Permanent Fencing. The applicant shall be required to install a permanent fence around the wetland or buffer when domestic grazing animals are present or may be introduced on site. Fencing installed as part of a proposed activity or as required in this Subsection shall be designed so as not to interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

(Ord. 1069 § 1 (part), 2006)

(Ord. No. 1384, § 18, 2-21-2017)

15.08.420 Stormwater management.

The following stormwater management standards are required as they apply to each activity:

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

(Ord. 1069 § 1 (part), 2006)

15.08.430 Wetland mitigation.

- A. **Mitigation Sequencing.** Before impacting any wetland or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in order of preference. A lower-preference form of mitigation shall be used only if the applicant's qualified wetland professional demonstrates to the city's satisfaction that all higher-ranked types of mitigation are not viable:
 1. Avoid the impact completely by not taking certain action or parts of the action;
 2. Minimize impacts by limiting the degree or magnitude of the action and its implementa-

tion, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

3. Resolve the impact by repairing, rehabilitating, or restoring the affected environment;
 4. Reduce or eliminate the impact over time by preservation, restoration and maintenance;
 5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments;
 6. Monitoring the required compensation and taking remedial or corrective measures when necessary.
- B. **Requirements for Wetland Mitigation.**
 1. Mitigation for alterations of wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Mitigation plans shall be consistent with Wetland Mitigation in Washington State — Part 2: Developing Mitigation Plans — Version 1. (Ecology Publication #06-06-011b), Olympia, WA, March 2006, or as revised), and Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Publication #09-06-32, Olympia, WA, December 2009).
 2. Mitigation ratios shall be consistent with subsection (G) of this section.
 3. Mitigation requirements may also be determined using the credit/debit tool described in Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report (Ecology Publication #10-06-011, Olympia, WA, March 2012, or as revised) consistent with subsection (H) of this section.
 - C. **Compensating for Lost or Affected Functions.** Mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement functions. The goal shall be for the compensatory mitigation to provide similar wetland functions as those lost, except when either:
 1. The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting

- within a watershed through a formal Washington state watershed assessment plan or protocol; or
2. Out-of-kind replacement of wetland type or functions will best meet watershed goals formally identified by the city, such as replacement of historically diminished wetland types.
- D. Approaches to Mitigation. Mitigation for lost or diminished wetland and buffer functions shall rely on the approaches listed below.
1. Wetland Mitigation Banks. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the mitigation bank instrument. Use of credits from a wetland mitigation bank certified under Chapter 173-700 WAC is allowed if:
 - a. The approval authority determines that it would provide appropriate compensation for the proposed impacts.
 - b. The impact site is located in the service area of the bank.
 - c. The proposed use of credits is consistent with the terms and conditions of the certified mitigation bank instrument.
 - d. Replacement ratios for projects using bank credits is consistent with replacement ratios specified in the certified mitigation bank instrument.
 2. In-Lieu Fee Mitigation. Credits from an approved in-lieu fee program may be used when all of the following apply:
 - a. The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts.
 - b. The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.
 - c. Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland professional using the credit assessment method specified in the approved instrument for the in-lieu-fee program.
 - d. The impacts are located within the service area specified in the approved in-lieu-fee instrument.
 3. Permittee-Responsible Mitigation. In this situation, the permittee performs the mitigation after the permit is issued and is ultimately responsible for implementation and success of the mitigation. Permittee-responsible mitigation may occur at the site of the permitted impacts or at an off-site location within the same watershed. Permittee-responsible mitigation shall be used only if the applicant's qualified wetland professional demonstrates to the approval authority's satisfaction that the proposed approach is ecologically preferable to use of a bank or in-lieu fee program, consistent with the criteria in this section.
- E. Location of Mitigation. Mitigation actions shall generally be conducted within the same sub-drainage basin and on the site of the alteration except when the applicant can demonstrate that off-site mitigation is ecologically preferable. The following criteria will be evaluated when determining whether the proposal is ecologically preferable. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank, an in-lieu-fee program, or advance mitigation.
1. There are no reasonable opportunities on site or within the sub-drainage basin (e.g. on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Consideration should include: anticipated replacement ratios for wetland mitigation, buffer conditions and required widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity).
 2. On-site mitigation would require elimination of high-quality upland habitat;
 3. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.

4. Off-site locations shall be in the same sub-drainage basin unless:
 - a. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the city and strongly justify location of mitigation at another site; or
 - b. Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the certified bank instrument;
 - c. Fees are paid to an approved in-lieu-fee program to compensate for the impacts.
 5. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland.
- F. Timing of Mitigation. It is preferred that mitigation projects be completed prior to activities that will impact wetlands. At the least, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.
1. The director may authorize a one-time temporary delay in completing construction or instal-

lation of the mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g. project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the mitigation plan. The justification must be verified and approved by the City.

- G. Mitigation Ratios. Any wetland that is degraded as a result of a permitted or nonpermitted activity shall be restored, created or enhanced at an area equal to or greater than the wetland area that was altered in order to compensate for losses to wetland acreage or functions according to the following ratios:

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I: Bog, Natural Heritage Site	Not considered possible	Case by Case	Case by Case
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

- H. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance Wetland

Mitigation in Washington State Parts I and II (Ecology Publication #06-06-011 a-b, Olympia, WA, March 2006), the director may allow mitigation

based on the "credit/debit" method developed by the Department of Ecology in Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report, (Ecology Publication #10-06-011, Olympia, WA, March 2012, or as revised).

- I. Mitigation Plan. When a project involves wetland and/or buffer impacts, a compensatory mitigation plan prepared by a qualified professional shall be required, meeting the following minimum standards:
 1. Wetland Critical Area Report. A critical area report for wetlands must accompany or be included in the compensatory mitigation plan and include the minimum parameters described in minimum standards for wetland reports of this chapter.
 2. Compensatory Mitigation Report. The report must include a written report and plan sheets that contain, at a minimum, the following elements. Full guidance can be found in Wetland Mitigation in Washington State — Part 2: Developing Mitigation Plans (Version 1) (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised).
 - a. The written report must contain, at a minimum:
 - i. The name and contact information of the applicant, the name, qualifications, and contact information for the primary author(s) of the mitigation report; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity for the project.
 - ii. Description of how the project design has been modified to avoid, minimize, or reduce adverse impacts to wetlands.
 - iii. Description of the existing wetland and buffer areas proposed to be altered. Include acreage (or square footage), water regime, vegetation, soils, landscape position, surrounding land uses, and functions. Also describe impacts in terms of acreage by Coward in classification, hydrogeomorphic classification, and wetland rating, based on wetland ratings of this chapter.
- iv. Description of the mitigation site, including location and rationale for selection, Include an assessment of existing conditions: Acreage (or square footage) of wetlands and uplands, water regime, sources of water, vegetation, soils, landscape position, surrounding land uses, and functions. Estimate future conditions in this location if the compensation actions are NOT undertaken (i.e. how would this site progress through natural succession).
- v. Surface and subsurface hydrologic conditions, including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored mitigation areas. Include illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions.
- vi. A description of the proposed actions for compensation of wetland and upland areas affected by the project. Include overall goals of the proposed mitigation, including a description of the targeted functions, hydrogeomorphic classification, and categories of wetlands.
- vii. A description of the proposed mitigation construction activities and timing of activities.
- viii. Performance standards (measurable standards for years post-installation) for upland and wetland communities, a monitoring schedule and actions proposed by year.
- ix. A discussion of ongoing management practices that will protect wetlands after the development project has been implemented, including proposed

- monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands).
- x. A bond estimate for the entire mitigation project, including the following elements: Site preparation, plant materials, construction materials, installation oversight, maintenance twice per year for up to five years, annual monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring.
 - xi. Proof of establishment of notice on title for the wetlands and buffers on the project site, including the mitigation areas.
- b. The scaled plan sheets for the mitigation must contain, at a minimum:
- i. Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions.
 - ii. Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed in the compensation area(s). Also include existing cross-sections (estimated one-foot intervals) of wetland areas on the development site that are proposed to be altered and for the proposed areas of wetland or buffer compensation.
 - iii. Conditions expected from the proposed actions on site, including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future water regimes.
 - iv. Required wetland buffers for existing wetlands and proposed compensation areas. Also identify any zones where buffers are proposed to be reduced or enlarged of the standards identified in this chapter.
- v. A planting plan for the compensation area, including all species by proposed community type and water regime, size and type of plant material to be installed, spacing of plants, typical clustering patterns, total number of each species by community type, and timing of installation.
- J. Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a minimum 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.
 - K. Protection of the Mitigation Site. The mitigation area and any associated buffer shall be located in a critical areas tract or a conservation easement consistent with this chapter.
 - L. Monitoring. Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for a period less than five years. If a scrub-shrub or forested vegetation community is proposed, monitoring may be required for ten years or more. The project mitigation plan shall include monitoring elements that ensure certainty of success for the project's natural resource values and functions. If the mitigation goals are not obtained within the initial five-year period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plans are achieved.
 - M. Advance Mitigation. Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation, and state water quality regulations consistent with Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (Ecology Publication #12-06-015, Olympia, WA, December 2012).
 - N. Alternative Mitigation Plans. The director may approve alternative wetland mitigation plans that are based on best available science, such as priority restoration plans that achieve restoration goals identified in the SMP. Alternative mitigation proposals must provide an equivalent or better level of protection of wetland functions and values than would be provided by the strict application of this chapter.

The director shall consider the following for approval of an alternative mitigation proposal:

1. The proposal uses a watershed approach consistent with Selecting Wetland Mitigation Sites using a Watershed Approach (Western Washington) (Ecology Publication #09-06-32, Olympia, WA, December 2009).
2. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.
3. Mitigation according to subsection (E) is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards.
4. There is clear potential for success of the proposed mitigation at the proposed mitigation site.
5. The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan. A monitoring plan shall, at a minimum, meet the provisions in subsection (I).
6. The plan shall be reviewed and approved as part of overall approval of the proposed use.
7. A wetland of a different type may be justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative.
8. Mitigation guarantees shall meet the minimum requirements as outlined in subsection (I).
9. Qualified professionals in each of the critical areas addressed shall prepare the plan.
10. The city may consult with agencies with expertise and jurisdiction over the critical areas during the review to assist with analysis and identification of appropriate performance measures that adequately safeguard critical areas.

(Ord. 1069 § 1 (part), 2006)

(Ord. No. 1384, § 19, 2-21-2017)

15.08.440 Aquifer recharge areas.

Aquifer recharge areas are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). Aquifer recharge areas have geologic conditions associated with

infiltration rates that create a high potential for contamination of groundwater resources or contribute significantly to the replenishment of groundwater.

This section establishes areas determined to be critical in maintaining both groundwater quantity and quality. The purpose of this chapter is to protect aquifer recharge areas from degradation or depletion resulting from new land use activities. Due to the exceptional susceptibility and/or vulnerability of groundwater underlying aquifer recharge areas to contamination and the importance of such groundwater as a source for public water supply, it is the intent of this chapter to safeguard groundwater resources by mitigating or precluding future discharges of contaminants from new land use activities.

A. Permitted Activities. The following activities are permitted within an aquifer recharge areas where no critical area report is required:

1. Construction of, or improvements to, single-family residences or other structures not greater than two thousand five hundred square feet or five percent impervious surface of the site, whichever is greater, that do not use or increase the use of hazardous materials;
2. Parks, recreation facilities, where no more than five percent of the site is impervious surface and, that do not use or increase the use of hazardous materials;
3. On-site septic systems and drain fields for residential uses;
4. Additional report requirements.

(Ord. 1069 § 1 (part), 2006)

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

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

- A. Report—Prepared by Qualified Professional. A critical area report for an aquifer recharge area shall be prepared by a qualified professional who is licensed by the state as a hydrologist, geologist, or engineer and who has experience in preparing hydrologic assessments.
- B. Assessment Required—Hydrologic. All proposed activities, except those permitted activi-

ties above, shall have a level one hydrologic assessment prepared. A level two hydrologic assessment shall be required for the following activities:

1. Activities that result in five percent or more impervious surface area;
 2. Any activity that diverts, alters, or reduces the flow of surface or groundwater or reduces aquifer recharge;
 3. The use of hazardous substances other than household chemicals used in accordance with the package directions for domestic applications;
 4. Injection wells, except domestic septic systems;
 5. Any activity determined by the director that may likely have an adverse effect on aquifer recharge or groundwater quality.
- C. Level One Hydrologic Assessment. A level one hydrologic assessment shall include all of the following:
1. Geologic and hydrologic characteristics for the site and immediately surrounding areas, if applicable, and any surface aquifer recharge areas;
 2. Groundwater depth and flow direction and quantity;
 3. Data on springs or wells within one thousand feet of the site;
 4. Location of other critical areas within one thousand feet of the site;
 5. Water quality data;
 6. Proposed best management practices for the project.
- D. Level Two Hydrologic Assessment. In addition to the requirements of a level one hydrologic assessment, a level two hydrologic assessment shall also include all of the following:
1. Historic water quality data for the affected area for the past five years;
 2. Provisions for a groundwater monitoring plan;
 3. Effects the proposed project may have on groundwater quantity and quality, including:
 - a. Evaluation of groundwater withdrawal effects on nearby wells or surface water;

b. Evaluation of groundwater contamination from potential releases;

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

(Ord. 1069 § 1 (part), 2006)

15.08.460 Performance standards—General.

- A. Activities shall only be allowed in an aquifer recharge area if the applicant can demonstrate that the proposed activity will not cause contaminants to enter the groundwater or adversely affect aquifer recharge.
- B. Proposed activities must comply with the EPA, State Department of Health, Department of Ecology, and Cowlitz County Health and Human Services. (Ord. 1069 § 1 (part), 2006)

15.08.470 Performance standards for specific uses.

- A. Storage Tanks. All storage tanks proposed to be located in an aquifer recharge area shall comply with the adopted building code requirements, applicable zoning, fire life safety requirements, and the following:
 1. Underground Tanks. All new underground storage tanks that will contain hazardous substances shall be designed and constructed to:
 - a. Prevent releases due to corrosion or structural fail for the life of the tank;
 - b. Protect against corrosion or constructed of corrosion-resistant materials, or designed to prevent the release of any stored substance.
 2. Aboveground Tanks. All new aboveground storage tanks that will contain hazardous substances shall be designed and constructed to:
 - a. Not allow the release of hazardous substances to the ground or ground or surface waters;
 - b. Contain spills using a primary containment area enclosing or underlying the tank;
 - c. Contain spills using a secondary containment system either built into the tank structure or by a dike system constructed outside the tank.

B. Vehicle Repair and Servicing.

1. Vehicle service and repair shall be conducted over an impervious surface and within a covered structure capable of withstanding normal weather conditions. Chemicals used in vehicle repair and servicing shall be stored in a manner that is protected from the weather and provides containment from leaks or spills.
2. No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on a site proposed for vehicle repair shall be abandoned using methods approved by the Department of Ecology.

C. Reclaimed Water—Spreading or Injection. Reclaimed water projects must be in accordance with Department of Ecology requirements and approval.

(Ord. 1069 § 1 (part), 2006)

15.08.480 Prohibited uses.

The following activities are prohibited in an aquifer recharge area:

- A. Landfills;
- B. Underground injection wells;
- C. Mining;
- D. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces;
- E. Storage or processing of radioactive materials;
- F. Any activity that significantly reduces aquifer recharge, aquifer flow, or aquifer quantity or quality.

(Ord. 1069 § 1 (part), 2006)

15.08.500 Frequently flooded areas.

A. Frequently Flooded Area Classifications and Designations. All lands identified in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), as amended, and approved by the city or county, as within the one-hundred-year floodplain are designated as frequently flooded areas. These maps are based on the following:

1. Flood Insurance Study—Cowlitz County Unincorporated Areas;
2. Flood Insurance Study—City of Woodland.

B. Development Limitations. All development within designated frequently flooded areas shall be in com-

pliance with the city of Woodland floodplain management ordinance, Chapter 14.40 of this code, as now or hereafter amended.

(Ord. 1069 § 1 (part), 2006)

15.08.600 Geologically hazardous areas.

A. Designation of Geologically Hazardous Areas. Geologically hazardous areas pose a threat to the health and safety of the general public when incompatible development is sited in areas of significant hazard. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake or other geological events. Development within a geologically hazardous area may not only pose a threat to that particular development, but to areas surrounding the development.

(Ord. 1069 § 1 (part), 2006)

15.08.610 Erosion and landslide hazard areas.

A. General.

1. Erosion hazard areas are those areas that, because of their natural characteristics, including vegetative cover, soil texture, slope, gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.
2. Landslide hazard areas are areas potentially subject to the risk of mass movement due to geologic, topographic, and/or hydrologic factors.

B. Classification.

1. Criteria.
 - a. Erosion hazard areas are identified by the presence of vegetative cover, soil texture, slope, and rainfall patterns, or human-induced changes to such characteristics, which create site conditions, which are vulnerable to erosion. Erosion hazard areas are those areas that are classified as having moderate to severe, or very severe erosion potential by the Natural Resources Conservation Service, United States Department of Agriculture (USDA).
 - b. Landslide hazard areas are those areas meeting any of the following characteristics:
 - i. Areas of historic failures, such as:
 - (A) Those areas delineated by the U.S. Department of Agriculture's

Natural Resources Conservation Service as having "severe" limitation for building site development;

- (B) Those areas mapped by the Department of Ecology or the Washington Department of Natural Resources as unstable, unstable old slides, or unstable recent slides;
 - (C) Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources.
- ii. Areas with all three of the following characteristics:
 - a. Slopes steeper than fifteen percent;
 - b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - c. Springs or groundwater seepage.
 - iii. Slopes that are parallel or sub-parallel to planes of weakness, such as bedding planes, joint systems, and fault planes, in subsurface materials;
 - iv. Slopes having gradients steeper than eighty percent subject to rock fall during seismic shaking;
 - v. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action;
 - vi. Any area with a slope of thirty percent or steeper and with a vertical relief of ten or more feet. A slope is delineated by estimating the toe and top and measured by averaging the inclination over at least ten feet of vertical relief.

(Ord. 1069 § 1 (part), 2006)

(Woodland Supp. No. 32, 6-17)

15.08.620 Mapping of hazards.

The following sources may be used to identify landslide and erosion hazard areas:

- A. Soil Survey of Cowlitz Area, Washington, United States Department of Agriculture, February 1974;
- B. Areas designated as slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Washington Department of Natural Resources;
- C. Washington Department of Natural Resources seismic hazard maps for Western Washington;
- D. Federal Emergency Management Administration flood insurance maps;
- E. Other maps or records of local geological hazard events.

(Ord. 1069 § 1 (part), 2006)

15.08.630 Allowed activities.

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

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

(Ord. 1069 § 1 (part), 2006)

15.08.640 Regulation.

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

accredited college or university or equivalent educational training, and having five years' experience assessing erosion and landslide hazards.

A. Geotechnical Assessments.

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

B. Geotechnical Reports. A geotechnical report shall be prepared by a professional engineer licensed by the state of Washington with experience in geotechnical engineering and shall address the existing geology, topographic and hydrologic conditions of the site, including an evaluation of the ability of the site to accommodate the proposed activity. The geotechnical report shall include at a minimum the following:

1. Site geology information required:
 - a. Topographic Data. The submittal must include a contour map of the pro-

posed site, at a scale of one inch equals twenty feet or as deemed appropriate by the department. Slopes shall be clearly delineated for the ranges between fifteen percent and twenty-nine percent, and thirty percent or greater, including figures for area coverage of each slope category on the site. When site-specific conditions indicate the necessity, the department may require the topographic data to be field surveyed. When possible, the footprint of the proposed project shall be shown;

- b. Subsurface Data. The submittal must include boring logs and exploration methods; soil and rock stratigraphy, groundwater levels, and seasonal changes of groundwater levels;
 - c. Site History. The submittal must include a description of any prior grading, soil instability, or slope failure; and
 - d. Seismic Hazard. The submittal shall include data concerning the vulnerability of the site to seismic events.
2. Geotechnical engineering information required:
 - a. Slope stability studies and opinion(s) of slope stability;
 - b. Proposed angles of cut and fill slopes and site grading requirements;
 - c. Structural foundation requirements and estimated foundation settlements;
 - d. Soil compaction criteria;
 - e. Proposed surface and subsurface drainage;
 - f. Lateral earth pressures;
 - g. Vulnerability of the site to erosion;
 - h. Suitability of on-site soil for use as fill;
 - i. Laboratory data and soil index properties for soil samples; and
 - j. Building limitations.
 3. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be

utilized and a new report may not be required. If any changed environmental conditions are associated with the site or surrounding the site, or the proposed activity has changed, the applicant shall submit an amendment to the geotechnical report.

4. The development proposal may be approved, approved with conditions, or denied based on the department's evaluation of the ability of the proposed mitigation measures to reduce risks associated with the erosion and landslide hazard area.
 5. Other critical areas or buffers on or adjacent to the site that may impact the proposal.
- C. Performance Standards. The department shall evaluate all geotechnical reports for landslide and erosion hazard areas to insure that the following standards are met:
1. Location and extent of development:
 - a. The development shall be located to minimize disturbance and removal of vegetation;
 - b. Structures shall be clustered where possible to reduce disturbance and maintain natural topographic character; and
 - c. Structures shall conform to the natural contours of the slope, and foundations should be tiered where possible to conform to the existing topography of the site.
 2. Design of development:
 - a. All development proposals shall be designed to minimize the building footprint and other disturbed areas;
 - b. All development shall be designed to minimize impervious surfaces;
 - c. Roads, walkways, and parking areas shall be designed to parallel the natural contours; and
 - d. Access shall be in the least sensitive area of the site.
 3. The department may approve, approve with conditions, or deny development proposals based on these performance standards.

D. Buffer Requirements.

1. A buffer consisting of undisturbed natural vegetation and measured in a perpendicular direction from all landslide and erosion hazard areas shall be required. The buffer shall be from the top of the slope and toe of the slope of all landslide or erosion hazard areas that measure ten feet or more in vertical elevation change from top to toe of slope, as identified in the geotechnical report, maps, and field checking. The minimum buffer distance requirements from the top of slope and toe of slope of the landslide or erosion hazard areas shall be the same as for setbacks from slopes as identified in the Uniform Building Code.
 2. To increase the functional attributes of the buffer, the director may require that the buffer be enhanced through the planting of indigenous species.
 3. The edge of the buffer area shall be clearly staked, flagged, and fenced prior to any clearing, grading or construction. The buffer markers shall be clearly visible, durable, and permanently affixed to the ground. Site clearing shall not commence until the engineer has submitted written notice to the director that the buffer requirements of this chapter have been met. The buffer shall be permanently protected through a protective easement or other appropriate permanent protective measure.
- E. Modification to Buffer Width. When a geotechnical report demonstrates that a lesser buffer distance may be achieved through design and engineering solutions, such reduced buffer and design and engineering solutions may be permitted. If a geotechnical report demonstrates that a greater buffer distance is needed, the greater buffer shall be required.
- F. Building Setback and Construction Near Buffer. The setback for any proposed building or impervious surface from a buffer area shall be the same setback as required for that zoning district or ten feet, whichever is greater. No building or impervious surface shall be constructed closer than ten feet to any buffer area.

Clearing, grading, and filling within the required setback shall only be allowed if the applicant can demonstrate that vegetation within the buffer will not be damaged.

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

(Ord. 1069 § 1 (part), 2006)

15.08.700 Designation of fish and wildlife habitat conservation areas.

- A. Fish and wildlife habitat conservation areas include:

1. Areas with species designated by the state or federal government as endangered, threatened or sensitive:

a. Federally designated endangered and threatened species are identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are threatened to become endangered or are in danger of extinction. U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current listings.

b. State-designated endangered, threatened, and sensitive species are those species native to the State of Washington that are in danger of extinction, threatened to become endangered, vulnerable, or are declining and are likely to become endangered or threatened without cooperative management. The State Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status.

2. State priority habitats and species of local importance. Fish and wildlife species requiring protective measures and/or management guidelines to ensure their perpetuation. Species may require protection due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats and species of local importance are as classified by the Washington Department of Fish and Wildlife. A priority habitat may consist of unique vegetation type of

dominant plant species, a described successional stage, or a specific structural element (WAC 173-26-020(34)).

3. Habitats and Species of Local Importance. Habitats and species of local importance shall include Washington Department of Fish and Wildlife priority habitats and species, candidate species, and any species identified by the City of Woodland or Clark or Cowlitz County.
 4. Naturally Occurring Ponds Under Twenty Acres. Naturally occurring ponds do not include ponds intentionally created from dry sites such as retention ponds, dikes, or wastewater treatment facilities, or landscape amenities, unless such ponds were intentionally created as mitigation or as restoration.
 5. Waters of the State. All watercourses under the jurisdiction of the State of Washington.
 6. Lakes, ponds, streams and rivers stocked or planted with game fish by a governmental or tribal entity.
 7. State natural areas and natural resource conservation areas as defined, established, and managed by the State Department of Natural Resources.
 8. Essential land for preserving open spaces and connections between habitat blocks.
- B. All areas within the City of Woodland meeting one or more of these criteria, are hereby considered critical areas and are subject to this chapter.
- C. Mapping. The following critical area maps are hereby adopted:
1. Department of Fish and Wildlife, priority habitat and species maps;
 2. Department of Natural Resources, official water type reference maps; and
 3. Department of Natural Resources, state natural area preserves and natural resource conservation area maps.

These maps are to be considered as references only and do not provide final critical area designation. (Ord. 1069 § 1 (part), 2006)

(Ord. No. 1384, § 20, 2-21-2017)

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

In addition to the general critical area report requirements of Section 15.08.160 of this chapter, crit-

ical area reports for habitat conservation areas shall meet the requirements of this section. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

- A. Prepared by Qualified Professional. A critical report for a habitat conservation area shall be prepared by a qualified professional biologist with experience preparing reports for the appropriate type of habitat.
- B. Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for habitat conservation areas:
 - 1. The total area of the proposed activity;
 - 2. All habitat conservation areas and recommended buffers within two hundred feet of the project area; and
 - 3. All shoreline areas, floodplains and other critical areas with related buffers within two hundred feet of the project area.
- C. Habitat Assessment. A habitat assessment or investigation of the proposed project area that evaluates the presence of a potential fish or wildlife species or habitat shall be prepared. A habitat conservation area report shall contain an assessment of following site and proposal related information:
 - 1. Detailed description of vegetation and other habitat features on and adjacent to the proposed project area;
 - 2. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association habitat on or adjacent to the proposed project area;
 - 3. An assessment of potential impacts to the species by the proposed project;
 - 4. A discussion of any federal, state, or local special management recommendation that have been developed for species or habitats on or adjacent to the proposed project;
 - 5. A detailed discussion of the potential impacts to the habitat by the proposed project, including impacts to water quality or quantity;
 - 6. A discussion of measures, including avoidance, minimization and mitigation, pro-

posed to preserve existing habitats and restore any habitat that was degraded in accordance with Section 15.08.190 (Mitigation sequencing) of this chapter;

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

(Ord. 1069 § 1 (part), 2006)

15.08.720 Performance standards—General requirements.

- A. Alterations Shall Not Degrade the Functions and Values of Habitat. A habitat conservation area may only be altered if the proposed alteration of the habitat does not degrade the quality or quantity of functions or values of the habitat. All new structures are prohibited from habitat conservation areas except in accordance with this chapter.
- B. Nonindigenous Species Shall Not Be Introduced. Unless authorized by a state or federal permit of approval, no species not indigenous to the region shall be introduced into a habitat conservation area.
- C. Mitigation, Contiguous Corridors. Mitigation sites shall be located so as to achieve continuous habitat corridors in accordance with an approved mitigation plan.
- D. Approvals May Be Conditioned. The director may condition approvals of allowed activities within or

- adjacent to habitat conservation areas or buffers. Conditions may include, but are not limited to, the following:
1. Establishment of buffer zones;
 2. Preservation of critically important vegetation;
 3. Limiting access, including fencing;
 4. Seasonal restriction of construction activities.
- E. Mitigation Shall Achieve Equivalent or Greater Functions. Mitigation activities shall achieve equivalent or greater biologic functions and shall include mitigation for adverse impacts upstream or downstream of the development site. Mitigation shall address each function.
- F. Approval shall be supported by the best available science.
- G. Buffers.
1. The director shall require buffer areas to be established for all activities in or adjacent to habitat conservation areas when needed for habitat protection. Buffers shall be undisturbed areas of native vegetation, or shall be areas identified for restoration, to protect the integrity, functions, and values of the affected habitat. Buffers shall reflect the sensitivity of the habitat and intensity of the proposed project, and shall be consistent with recommendations by the State Department of Fish and Wildlife. Buffers shall be preserved in perpetuity.
 2. Seasonal Restrictions. If a species is more prone to disturbance during specific times of the year, seasonal restrictions may apply. Larger buffers may be required, and activities may be restricted during that specific season.
 3. Habitat Buffer Averaging. The director may allow the recommended buffer width to be reduced in accordance with an approved critical area report, best available science, and management recommendations by the State Department of Fish and Wildlife. Averaging may only occur if:
 - a. Averaging will not reduce habitat or stream functions;
 - b. It will not adversely affect salmonid habitat;
 - c. Additional natural resource protection such as buffer enhancement will be provided;
 - d. The total of the averaged buffer area is not less than what would be contained in the standard buffer;
 - e. The buffer area width is not reduced by more than twenty-five percent.
- H. Signs and Fencing.
1. Temporary Markers. The outer perimeter of the habitat conservation area or buffer and the limits of the area to be disturbed shall be marked in such a way as to prevent unauthorized intrusion. The marking shall be verified by the director prior to any activities taking place. Temporary marking shall be maintained throughout the project timeline until permanent signs, if required, are in place.
 2. Permanent Signs. The director may require permanent signs along the boundary of a habitat conservation area or buffer. The signs, if required, must be made of a durable material, mounted on a metal post. Signs shall be posted approximately fifty feet apart. The property owner shall maintain the signs.
 3. Fencing.
 - a. The director may require permanent fencing of a habitat conservation area or buffer when fencing will prevent future impacts to the area.
 - b. Permanent fencing shall be required if domestic grazing animals are present or may be introduced in the future.
 - c. If permanent fencing is required, it shall be the sole responsibility of the applicant to install and maintain.
 - d. Fencing shall not interfere with species migration and shall be installed in a manner that minimizes habitat impacts.
- I. Subdivisions/Short Subdivisions.
1. Land that is located entirely within a habitat conservation area or its buffer shall not be subdivided. Buffer areas shall be identified on the face of subdivision maps and shall be protected in perpetuity with conservation covenants, deed restrictions, or other legally binding mechanisms.

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

(Ord. 1069 § 1 (part), 2006)

15.08.730 Performance standards—Specific habitats.

- A. Endangered, Threatened and Sensitive Species.
 1. No development shall be allowed within a habitat conservation area or buffer where state or federally endangered, threatened, or sensitive species have a primary association.
 2. Proposed activities adjacent to a conservation area where state or federally endangered, threatened, or sensitive species have a primary association shall be protected in accordance with an approved critical area report. No activity shall be permitted prior to consultation with the State Department of Fish and Wildlife and/or appropriate federal agency.
- B. Anadromous Fish.
 1. All activities, uses, and alterations proposed to be located within water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to the following:
 - a. Activities shall be timed in accordance with the allowable work window as specified by the Department of Fish and Wildlife for the applicable species;

- b. The activity is designed so it will not degrade the functions or values of the fish habitat or other critical areas;
- c. Any impacts to the functions or values are mitigated in accordance with an approved critical area report;
- d. Hydraulic project approval may be required from the Department of Fish and Wildlife.

- C. Wetland Habitats. All proposed activities within or adjacent to habitat conservation areas containing wetlands shall conform to the wetland portion of this chapter. If wetland and nonwetland critical areas are present at the same location, the provisions that afford the greatest protection shall apply.
- D. Riparian Habitat Areas. Unless otherwise allowed in this chapter, all structures and activities shall be located outside of the riparian habitat area.

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

**Table 15.08.730-1
Riparian Habitat Areas (RHA)**

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

Type 4(Np) and 5(Ns); or intermittent streams and washes with low mass wasting potential	100 feet
--	----------

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

3. Riparian Habitat Required. A riparian habitat area shall apply only to projects permitted after the adoption date of the ordinance codified in this chapter.
4. Streams, Not Classified. Projects where streams have not been classified on a map are exempt from this portion of the critical areas ordinance, but must comply with all other portions of the critical areas ordinance.
5. Increased Riparian Widths. Riparian habitat widths shall be increased when:
 - a. The director determines that the recommended width is insufficient to prevent habitat degradation and to protect the functions of the habitat area;
 - b. A channel migration zone exceeds the recommended riparian width. The width shall be extended to the outer edge of the channel migration zone;
 - c. The riparian area is in an area of high blowdown potential. The riparian habitat area shall be expanded an additional fifty feet on the windward side;
 - d. The riparian area is within an erosion or landslide area. The buffer width will be that of the critical area affording the greatest protection.
6. Reduction of Habitat Buffer Widths. The director may allow the standard habitat buffer width to be reduced in accordance with an approved critical area report and the best available science on a case-by-case basis when it is determined that a smaller area is adequate to protect the habitat functions and values based on site-specific characteristics and when all of the following criteria are met:
 - a. The critical area report provides a sound rationale for a reduced buffer based on the best available science;
 - b. The existing buffer area is well-vegetated or will be significantly enhanced with native species and has less than a ten percent slope;
 - c. No direct or indirect, short-term or long-term, adverse impacts to habitats will result from the proposed activity;
 - d. As required by the director, a five-year monitoring program of the buffer and habitat shall be included. Subsequent corrective actions may be required if adverse impacts to the habitats are discovered during the monitoring period;
 - e. In no case shall the standard buffer width be reduced by more than fifty percent using this provision.
7. Riparian Habitat Area Width Averaging. The director may allow the riparian habitat area width to be averaged in accordance with a critical area report only if:
 - a. The reduction will not degrade the habitat;
 - b. The reduction will not reduce the stream or habitat functions;
 - c. The reduction will not reduce non-fish habitat functions;
 - d. Additional habitat protection will be provided;
 - e. The total area of the riparian area is not reduced by more than twenty-five percent in any one location;
 - f. The total area of the riparian area is not decreased;
 - g. The reduction in width will not be within another critical area or buffer; and
 - h. The reduction in habitat area is supported by best available science.
8. Riparian Habitat Mitigation. Mitigation of adverse impacts shall result in equivalent functions and values on a per function basis. The mitigation shall be located as near the alteration as possible, and be located in the same sub-drainage basin as the impacted habitat.
9. Alternative Mitigation for Riparian Areas. If the applicant demonstrates that greater habitat functions can be obtained as a result of alternate mitigation measures, the director may

- modify the requirements of the performance standards of this section, including the riparian habitat area buffers.
10. Use of Buffer Area. Buffers for fish and wildlife habitat conservation areas not subject to the shoreline master program, shall follow the same rules as those outlined in Section 15.08.400(L) of this chapter.
 11. Functionally Isolated Riparian Habitat Area. Areas which are functionally separated from a riparian habitat area due to preexisting roads, structures, or similar circumstances, shall be excluded from buffers otherwise required by this chapter on a case-by-case basis subject to a critical area report and review as determined by the director.
- E. Aquatic Habitat/Shoreline Jurisdiction. The following activities may be permitted within a riparian habitat area when the activity is done in accordance with the shoreline management program and this chapter, including Section 15.08.040:
1. Clearing and grading as part of a permitted activity.
 - a. Grading is allowed only in the dry season as determined by the director.
 2. Shoreline Erosion Control. Shoreline erosion control measures may be permitted in accordance with an approved shoreline permit and critical areas report that demonstrates the following:
 - a. Natural shoreline process will be maintained;
 - b. There will be no increased beach or other erosion;
 - c. Fish and wildlife habitat will not be degraded;
 - d. There is no net loss of functions or values.
 3. Streambank Stabilization. Only in accordance with an approved critical area report and shoreline permit.
 4. Boat Ramps. Boat ramps may be permitted in accordance with a shoreline permit and approved critical area report that demonstrates the following:
 - a. Natural shoreline process will be maintained;
 - b. There will be no increased shoreline, bank or other erosion;
 5. Roads, Bridges, Rights-of-Way. Roads, bridges, and rights-of-way may be permitted up to thirty feet wide in accordance with a shoreline permit and approved critical area report that demonstrates the following:
 - a. There is no feasible alternative route with less environmental impact;
 - b. Roads do not run parallel to the water body;
 - c. Crossings shall be as near perpendicular to the water body as possible;
 - d. Mitigation for impacts is provided.
 6. Walking paths or trails (no motorized use) located in the outer twenty-five percent of the buffer area. Trails shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed area and may need to be enhanced with screening. Trails or paths within a wetland or buffer area shall be planned to minimize removal of vegetation (trees, shrubs, etc.) and important wildlife habitat. Trail widths shall not be wider than three feet for private trail and ten feet for public use or publicly owned trails. Trail surfaces shall be made or constructed of pervious surfaces (natural materials like wood chips) and permanent surfacing materials (asphalt or concrete) shall require a variance. No construction or surfacing materials shall significantly alter the existing drainage or negatively affect the wetland or buffer area;
 7. Utility Facilities. New utility lines and facilities may be permitted in accordance with an approved critical area report that demonstrates compliance with the following:
 - a. Fish and wildlife area shall be avoided to the maximum extent possible;
 - b. Utilities shall cross at an angle greater than sixty degrees;
 - c. Crossings shall be contained within an existing road or utility crossing where feasible;
 - d. The utility shall avoid paralleling a stream;

- e. The utility shall not increase or decrease the natural rate of shore or channel migration.
- 8. Public Flood Protection Measures. Public flood protection measures may be permitted subject to the city's review and approval of a critical area report and shoreline permit.
- 9. Instream Structures. May be permitted in accordance with an approved critical area report and shoreline permit. The structure shall be designed to avoid modifying flows and adversely affecting water quality. A Hydraulic Project Approval from the Washington Department of Fish and Wildlife is likely required.
- 10. Stormwater Conveyance Facilities. Conveyance facilities may be permitted in accordance with an approved critical area report subject to the following:
 - a. No other feasible alternatives with less impact exist;
 - b. Mitigation for impacts is provided;
 - c. Conveyance facilities shall incorporate habitat features; and
 - d. Vegetation shall be maintained.
- 11. On-Site Sewage Systems and Wells.
 - a. New on-site sewage systems and individual wells may be permitted in accordance with an approved critical area report only for residences where it is not feasible to connect to the public sanitary sewer system.
 - b. Repairs to failing on-site sewage systems associated with an existing structure shall be by utilizing one of the following methods that results in the least impact:
 - c. Connection to the public sanitary sewer system;
 - d. Replacement with a new on-site system located in a portion of the site that has already been disturbed;
 - e. Repair to the existing system.

(Ord. 1069 § 1 (part), 2006)

(Ord. No. 1384, §§ 21, 22, 2-21-2017)

Chapter 15.10

EROSION CONTROL ORDINANCE

Sections:

- 15.10.010 Purpose.**
- 15.10.020 Applicability.**
- 15.10.030 Authority and general requirements.**
- 15.10.040 Definitions.**
- 15.10.050 Exemption.**
- 15.10.060 Required submittals.**
- 15.10.090 General approval procedure.**
- 15.10.100 Applicable minimum requirements for small parcel developments.**
- 15.10.110 Applicable minimum requirements for large parcel developments.**
- 15.10.120 Authority to inspect and enforce provisions.**
- 15.10.130 Penalty.**
- 15.10.140 Appeal.**

15.10.010 Purpose.

- A. The purpose of this chapter is to establish erosion control measures for land disturbing activity within the city to help minimize or control water quality degradation and to help minimize or prevent damage to city infrastructure.
- B. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons or individual who will or should be especially protected or benefited by the terms of this chapter.
- C. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents.
(Ord. 1126 § 1 (part), 2008)

15.10.020 Applicability.

- A. This chapter applies to land disturbing activity within the city, unless exempt under WAC 15.10.050.

- B. The requirements of this chapter are minimum requirements. Compliance with provisions of this chapter does not in any way imply, either directly or indirectly, compliance with any other law.
- C. In the event of any conflict between the requirements of this chapter and any other portion of the Woodland Municipal Code, the most restrictive provision shall govern.
(Ord. 1126 § 1 (part), 2008)

15.10.030 Authority and general requirements.

- A. The city hereby adopts the BMP manual by reference.
- B. The public works director is hereby given the authority to interpret and apply, and the responsibility to enforce this chapter. The public works director may withhold, approve, approve with conditions, or deny erosion control plans in accordance with the provisions outlined in this chapter and the BMP manual.
- C. Meeting the requirements of this chapter and the BMP manual is the responsibility of the property owner on whose parcel the land disturbing activity occurs and the person undertaking such activities. In addition, if the land disturbing activity involves a city issued permit, the permit holder is also responsible for meeting the requirements of this chapter.
- D. If the BMPs applied to a site are insufficient to prevent sediment from reaching water bodies, adjacent properties, or public right-of-way, then the public works director shall require additional BMPs.
(Ord. 1126 § 1 (part), 2008)
(Ord. No. 1378, § 9, 11-21-2016)

15.10.040 Definitions.

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

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

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

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

"City" means the city of Woodland, Washington.

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

"Director" means the community development director, or his/her designee.

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

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

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

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

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

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

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

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

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

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

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

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

"Pollution" means contamination or other alteration of the physical, chemical, or biological properties, of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

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

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

"Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface waterbody, or a constructed infiltration facility. (Ord. 1126 § 1 (part), 2008) (Ord. No. 1378, § 10, 11-21-2016)

15.10.050 Exemption.

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

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

which states that removal of the trees is essential for the protection of life, limb, or property and is filed with the director.

(Ord. 1126 § 1 (part), 2008)

15.10.060 Required submittals.

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

- A. Clearing and grubbing for perimeter controls;
- B. Installation of perimeter controls;
- C. Construction phasing;
- D. Clearing and grubbing, grading and trenching for activities other than perimeter control;
- E. Final grading, landscaping, and stabilization;
- F. Work on or at bridges and other watercourse structures;
- G. Utility installation and removal;
- H. Work required in any wetlands;
- I. Monitoring of rainfall;
- J. Inspection of controls;
- K. Installation and maintenance of permanent controls;
- L. Installation, maintenance and removal of temporary controls; and
- M. Disposal of waste materials generated on-site;
- N. If required by the director or applicable law, all plans, studies, and reports shall be stamped, signed and dated by the professional civil engineer(s) registered in the state of Washington and, if required by the director, the registered soil scientist(s). The plan shall include a soils survey or a written description of the soil types of the exposed land area contemplated for the earth change. An erosion control plan shall contain methods and measures to be used during and after construction to prevent or control erosion prepared in compliance with the provisions in the BMP manual;
- O. The erosion control plan shall indicate that erosion control measures will be managed and maintained during the land disturbing activity. The erosion control plan shall also indicate that erosion control measures will remain in place until disturbed soil areas are perma-

nently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures;

- P. Alternative BMPs;
- Q. Vicinity maps;
- R. Other maps showing the contours and the following:
 1. Steep slopes,
 2. Floodplains,
 3. Wetlands, and
 4. Shoreline management areas;
- S. Any other information required by the director to demonstrate compliance with this chapter.

(Ord. 1126 § 1 (part), 2008)

15.10.090 General approval procedure.

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

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

(Ord. 1126 § 1 (part), 2008)

15.10.100 Applicable minimum requirements for small parcel developments.

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

- A. **Construction Access.** Construction vehicle access shall be limited, wherever possible, to only one route. Access points shall be stabilized with two- to four-inch diameter gravel to minimize tracking of sediment or debris onto public roads. Vehicles not performing a construction activity shall not be permitted off-street. Worker personal vehicles shall be parked on adjacent streets or other approved areas.
- B. **Stabilization of Denuded Areas.** All exposed and unworked soils shall be stabilized by suitable application of BMPs, including but not limited to sod or other vegetation, plastic covering, mulching, or application of ground base on areas to be paved. All BMPs shall be selected, designed, and maintained in accordance with the BMP manual. From October 1st through April 30th of any calendar year, no soils shall remain exposed for more than two days. From May 1st through September 30th of any calendar year, no soils shall remain exposed for more for seven days. Construction materials such as lumber shall be delivered and stored on designated locations that are stabilized and protected from erosion. All sidewalk areas shall be pre-graded and stabilized for use as sediment traps.
- C. **Protection of Water Bodies and Adjacent Properties.** Water bodies and adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes, mulching, or by a combination of these measures and other appropriate BMPs. Each owner, builder, or permit holder shall install and maintain inlet protection on storm drain inlets impacted from construction activity on their site.

- D. Maintenance. All erosion control BMPs shall be inspected and maintained and repaired as needed to ensure continued performance of their intended function. Maintenance and repair shall be conducted in accordance with the BMP manual or approved site plans. A maintenance log for private facilities shall be provided and kept as a permanent record. The maintenance log shall be in a designated on-site location. Uncompleted construction sites shall be inspected at least once a week and after each rainfall and shall be repaired if needed. An inspection log shall be maintained from the beginning of construction until the completion of the warranty period and final project inspection.
- E. Sediment Removal from Roadways. If sediment, mud or debris is transported onto a road surface, the roads shall be cleaned thoroughly at the end of the workday, or more often if necessary. Significant soil deposits shall be removed from roads by shoveling or sweeping. Street washing, which must be approved by the public works director, shall be allowed only after sediment is removed in this manner. Prior to washing, all inlets and downstream facilities must be protected.
- F. The methods of cutting and removal of the existing vegetation and significant trees shall comply with the provisions of the BMP manual.

(Ord. 1126 § 1 (part), 2008)

(Ord. No. 1378, § 11, 11-21-2016)

15.10.110 Applicable minimum requirements for large parcel developments.

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

- A. Construction Access Route. Construction vehicle access shall be limited to specific access points. Access points shall include a temporary sedimentation pond or other approved BMP to contain or treat wash water from construction vehicles. Additional accesses shall be approved by the public works director. Access points shall be stabilized with four- to eight-inch diameter gravel, and a minimum of twelve-inch thick, fifteen-foot wide, and one hundred-

foot deep, to minimize the tracking of sediment or debris onto public roads. Evidence of tracking of material from a construction site may require construction activities to cease until corrections are made.

- B. Sediment Removal from Roadways. If sediment or debris is transported onto a road surface, the roads shall be cleaned thoroughly at the end of the workday, or more often if necessary. Significant soil deposits shall be removed from roads by shoveling or sweeping. Street washing, which must be approved by the public works director, shall be allowed only after sediment is removed in this manner. Prior to washing, all inlets and downstream facilities must be protected.
- C. Delineate Clearing and Easement Limits. At the site, mark clearing limits and/or any easements, setbacks, sensitive/critical areas and their buffers, trees and drainage courses.
- D. Stabilization and Sediment Trapping. All exposed and unworked soils shall be stabilized by suitable application of BMPs. From October 1st to April 30th of any calendar year, no soils shall remain unstabilized for more than two days. From May 1st to September 30th of any calendar year, no soils shall remain unstabilized for more than seven days. Prior to leaving the site, stormwater runoff shall pass through a sediment pond or sediment trap, or other appropriate BMPs.
- E. Protection of Water Bodies and Adjacent Properties. Water bodies and properties adjacent to the site shall be protected from sediment deposition by appropriate use of BMPs. Prior to leaving sites larger than one acre, stormwater runoff shall pass through a sediment pond, sediment trap, or other appropriate BMP designed in accordance with the BMP manual. Sediment traps alone are not adequate on sites greater than three acres. BMPs shall be selected, designed and maintained in accordance with the BMP manual.
- F. Timing of Sediment Trapping Measures. Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment on-site shall be constructed as a first step in grading. These BMPs shall be

- stabilized and functional before land disturbing activities take place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched according to the timing indicated in subsection (D) of this section concerning stabilization and sediment trapping.
- G. **Infiltration System Protection.** Permanent infiltration systems shall be isolated and protected from sedimentation by sediment traps, sacrificial systems, duplicate systems, or redundant systems.
- H. **Controlling Off-Site Erosion.** Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. Acceptable BMPs include temporary or permanent detention ponds and temporary infiltration BMPs limiting the discharge from a two-year storm to one-half the pre-development two-year storm peak runoff rate.
- I. **Stabilization of Temporary Conveyance Channels and Outlets.** All temporary on-site conveyance channels shall be designed, constructed and stabilized to prevent erosion from the expected velocity of flow from a two-year, twenty-four-hour frequency storm for the developed condition. Stabilization adequate to prevent erosion of outlets, adjacent streambanks, slopes and downstream reaches shall be provided at the outlets of all conveyance systems. BMPs shall be selected, designed and maintained in accordance with the BMP manual. Outlet protection shall also include energy dissipation structures or devices that retard peak flows to non-erosive conditions.
- J. **Storm Drain Inlet Protection.** All storm drain inlets shall be protected so that stormwater runoff shall not enter the conveyance system without first being filtered or otherwise treated to remove sediment. BMPs shall be selected, designed and maintained in accordance with the BMP manual. Other BMPs may be utilized, provided they have prior approval by the responsible official. The details on the methods of storm drain inlet protection will be developed after the ordinance is adopted.
- K. **Maintenance.** All erosion control BMPs shall be inspected, maintained and repaired as needed to ensure continued performance of their intended function. Maintenance and repair shall be conducted in accordance with the BMP manual or approved site plan. A maintenance log for private facilities shall be provided and kept as a permanent record. The maintenance log shall be in a designated on-site location. Uncompleted construction sites shall be inspected at least once a week and after each rainfall and shall be repaired if needed. An inspection log shall be maintained from the beginning of construction until the completion of the warranty period and final project inspection.
- L. **Underground Utility Construction.** The construction of underground utility lines shall be subject to the following criteria:
 1. Where feasible, no more than five hundred feet of trench shall be opened at one time;
 2. Excavated material shall be placed to minimize runoff into the trench and adjacent roadways consistent with safety and space considerations;
 3. Trench dewatering devices shall discharge into a sediment trap or sediment pond;
 4. BMPs shall be used to control erosion during and after construction;
 5. BMPs damaged during construction shall be replaced or repaired; and
 6. An erosion control plan specifically related to underground work shall be submitted and approved prior to beginning work.
- M. **Construction Site Dewatering.** Dewatering devices shall discharge into a sediment trap or sediment pond. Off-site dewatering discharges shall not be authorized unless the applicant has received prior approval from the appropriate permitting authority.
- N. **Control of Pollutants Other Than Sediment on Construction Sites.** All pollutants other than sediment that occur on-site during development shall be handled and disposed of in a manner that does not cause contamination of stormwater or waters of the state.

- O. **Removal of Temporary BMPs.** All temporary erosion and sediment control BMPs shall be removed within thirty days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on-site. Disturbed soil areas resulting from removal shall be permanently stabilized.
- P. **Cut and Fill Slopes.** Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. In addition, slopes shall be stabilized in accordance with subsection (D) above concerning stabilization and sediment trapping.
- Q. If the BMPs approved and applied to a site are insufficient to prevent sediment from reaching water bodies, adjacent properties, or public rights-of-way, additional BMPs shall be implemented immediately by the property owner, person undertaking the activity, or permit holder.
- R. The methods of cutting and removal of the existing vegetation and significant trees shall comply with the provisions of the BMP manual.

(Ord. 1126 § 1 (part), 2008)

(Ord. No. 1378, § 12, 11-21-2016)

15.10.120 Authority to inspect and enforce provisions.

- A. Any authorized official of the city is given the authority to inspect any site of land disturbing activities, pursuant to WMC 1.16.010, for the purpose of determining compliance with the provisions in this chapter.
- B. If the director finds that the facilities and techniques approved in an erosion control plan are not sufficient to prevent erosion during any land disturbing activity regulated by this chapter, the director shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion control measures as specified in the BMP manual, required by the director, or otherwise directed by WDOE (Washington Department of Ecology).

(Ord. 1126 § 1 (part), 2008)

(Woodland Supp. No. 32, 6-17)

15.10.130 Penalty.

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

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

(Ord. 1126 § 1 (part), 2008)

15.10.140 Appeal.

Any appeal of the director's decision to require, approve, approve with conditions, or deny an erosion control plan may be appealed in accordance with WMC 19.08. (Ord. 1126 § 1 (part), 2008)

Chapter 15.12

STORMWATER MANAGEMENT

Sections:

Article I. Introduction

- 15.12.010 Findings.
- 15.12.020 Purpose.
- 15.12.030 Applicability.
- 15.12.040 Definitions.
- 15.12.050 Enforcement.

Article II. Standard Requirements

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

Article III. Exceptions and Special Cases

- 15.12.110 Basin plans.
- 15.12.120 Regional and subregional facilities.
- 15.12.130 Variances.
- 15.12.140 Other governmental agency projects.
- 15.12.150 Single-family home construction.
- 15.12.160 Small residential projects.
- 15.12.170 Other exemptions.

Article IV. Other Provisions

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

Article V. Adopted Basin Plans

- 15.12.200 Reserved.

Article I. Introduction

- 15.12.010 Findings.

The council finds that:

- A. Inadequately controlled stormwater runoff results in increased stormwater runoff volumes, peak flow rates and duration of peak flows in

the city's streams, thereby causing flooding and safety hazards, and erosion, scouring, and deposition of sediment;

- B. Untreated stormwater runoff discharges nutrients, metals, oil and grease, toxic materials, and other forms of pollution to the city's surface and ground water resources, thereby endangering their use for recreation, drinking water, and fisheries;
- C. Stormwater problems from new development should be prevented and corrected at the time that such development occurs and that the governmental approval to proceed with new development should be so conditioned;
- D. The most financially sound and most equitable method for financing the improvements necessary to correct existing problems from stormwater runoff and to provide and maintain surface and ground water quantity and quality within drainage basins is for the owners and occupiers of existing properties and future developments within such basins to share the financial burden for such facilities and corrections with other funding sources when available; and
- E. The most technically and financially efficient method of addressing problems caused by stormwater runoff is through basin plans.

(Ord. No. 1256, § 5, 11-19-2012)

15.12.020 Purpose.

The purpose of this chapter is to:

- A. Prevent surface and ground water quality degradation and prevent erosion and sedimentation of creeks, streams, ponds, lakes, wetlands, and other water bodies;
- B. Prevent damage to property from increased runoff rates and volumes;
- C. Protect the quality of waters for drinking water supply, contact recreation, fishing and other beneficial uses;
- D. Establish sound developmental policies that protect and preserve the city's water resources;
- E. Protect roads and rights-of-way from damage due to inadequately controlled runoff and erosion;
- F. Preserve and enhance the aesthetic quality of the city's water resources;

- G. Protect the health, safety and welfare of the inhabitants of the city;
- H. Maintain existing ground water levels, in-stream flows, and available water supply volumes; and
- I. Further the goals of no net change in the quantity of runoff entering streams and no net negative change in the quality of runoff entering streams through the implementation of best management practices.

(Ord. No. 1256, § 5, 11-19-2012)

15.12.030 Applicability.

- A. Unless exempt by WMC 15.10.050, all ground-disturbing activities shall comply with city of Woodland erosion control standards and WMC Chapter 15.10, Erosion Control Ordinance.
- B. The provisions of this chapter apply to each of the following "development activities":
 - 1. The creation of more than two thousand square feet of impervious surface or the division of urban single-family residential land creating the reasonable potential for more than two thousand square feet of additional impervious surface.
 - 2. The addition of more than one thousand square feet of new impervious surface on existing industrial or commercial parcels.
 - 3. Replacement of existing structures exceeding five thousand square feet on commercial or industrial parcels.
- C. The provisions of this chapter also apply to "drainage projects," as defined in WMC 15.12.040.

(Ord. No. 1256, § 5, 11-19-2012)

15.12.040 Definitions.

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

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

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

"City" means the city government of the city of Woodland. Authority for stormwater compliances rests with the public works director.

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

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

"Council" means the city of Woodland city council.

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

"Development activity" means:

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

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

"Drainage project" means the excavation or construction of pipes, culverts, channels, embankments or other flow-altering structures in any stream, stormwater facility, or wetland in the city of Woodland.

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

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

"Natural location" means the location and elevation of those channels, swales, and other nonmanmade

conveyance systems as defined by the first documented topographic contours existing for the development site, either from maps or photographs.

"NPDES" means the National Pollutant Discharge Elimination System.

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

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

Puget Sound Manual. "The Puget Sound Manual" means the State of Washington Department of Ecology's "Stormwater Management Manual for the Puget Sound Basin," February 1992 Edition, and updated errata sheets issued by the city of Woodland may be necessary to correct clear and obvious mathematical and technical errors in manual criteria.

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

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

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

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

"Stream" shall mean those areas of year-round base flow or where surface waters produce a defined channel or bed at least two feet in width between ordinary high water marks. For the purposes of this chap-

ter, streams shall include both natural channels and manmade channels that were constructed to replace a natural stream.

"Subregional facility" means a facility designed to treat and control stormwater runoff from more than one development in a contributing drainage area of less than forty acres.

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

(Ord. No. 1256, § 5, 11-19-2012)

15.12.050 Enforcement.

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

(Ord. No. 1256, § 5, 11-19-2012)

Article II. Standard Requirements

15.12.060 Submittal requirements.

A. Preliminary Stormwater Plan.

1. Purpose. The purpose of this plan is to determine whether a proposal can meet the requirements set forth in this chapter. The preliminary stormwater plan shall identify how stormwater runoff originating on the site or flowing through the site is presently controlled and how this will change due to the proposed development activity or drainage project. If the site is within the region covered by a basin plan that is included in Article V of this chapter, then the information needed in the preliminary plan is reduced.
2. Types of Projects. A preliminary stormwater plan is required for the following activities:
 - a. Short plats;
 - b. site plan reviews subject to SEPA review;
 - c. Subdivisions;
 - d. Conditional use permits; and
 - e. Planned unit developments.
3. Timing.
 - a. A preliminary stormwater plan shall be submitted with the land use application.
 - b. A land use application shall be considered "technically complete" from the standpoint of stormwater information when a

preliminary stormwater plan meeting the submittal requirements of this chapter is provided.

- c. To ensure adequate public review and avoid multiple reviews of preliminary plans by city staff, the preliminary stormwater plan shall not be significantly modified after public notice of the final SEPA determination without issuance of a new SEPA determination.
 4. Contents. The preliminary stormwater plan shall be prepared in the standardized format described in WMC 15.12.180. The purpose of this standardized format is to promote a quick and efficient review of required information and to evaluate the feasibility of the proposed stormwater control and water quality measures.
 5. Modification of Content Requirements. The city may waive in writing some or all of the content requirements in the preliminary stormwater plan if:
 - a. The development activity or drainage project is included in an approved final stormwater plan which meets the requirements of this chapter; or
 - b. A basin plan exists that makes some of the information irrelevant.
 6. Review and Approval. For proposals connected with a land use application requiring a public hearing, the preliminary stormwater plan shall be heard and decided in accordance with the procedures applicable to the land use application. All other preliminary stormwater plans shall be acted on by the city within twenty-eight days following submittal of a preliminary stormwater plan meeting the submittal requirements of this chapter.
 7. Appeals. Preliminary stormwater plan decisions may be administratively appealed in conjunction with the associated land use application.
- B. Final Stormwater Plan.**
1. Purpose. The final stormwater plan provides final engineering design and construction drawings for the stormwater aspects of a proposed development activity or drainage project.
 2. Types of Projects. A final stormwater plan is required for all development activities and drainage projects described in WMC 15.12.030 even when a preliminary stormwater plan is not required under subsection (A)(2) or (5) of this section.
 3. Timing. The final stormwater plan is required and must be approved by the city prior to beginning construction related to a development activity or drainage project.
 4. Contents. The final stormwater plan shall consist of three parts:
 - a. The approved preliminary stormwater plan, when required, with an explanation of any differences between the design concepts included in the preliminary stormwater plan and the final engineering plans. A final stormwater plan that differs from the approved preliminary stormwater plan in a manner that, in the opinion of the city, raises material water quality or quantity control issues, shall, if subject to SEPA, require another SEPA determination and, if subject to a public hearing, a second public hearing before the land use hearings examiner.
 - b. Final engineering plans that provide sufficient detail to allow construction of the stormwater facilities. These plans shall be stamped, signed, and dated by the engineer(s) registered in the state of Washington, responsible for hydrologic, hydraulic, geotechnical, structural and general civil engineering design and by the project engineer responsible for the preparation of the final stormwater plan. Additionally, the final engineering plan shall show all utilities to ensure that conflicts between proposed utility lines do not exist.
 - c. A technical information report (TIR).
 - i. The TIR shall be a comprehensive report, supplemental to the final engineering plans, containing all technical information and analysis necessary to complete final water quantity and quality engineering plans based on sound engineering practices and careful geotechnical, hydrologic, hydraulic and water quality design.

- ii. The TIR shall be stamped, signed and dated by the professional engineer(s), registered in the state of Washington, responsible for hydrologic, hydraulic, geotechnical, structural and general civil engineering design.
 - iii. The contents and format of the TIR are specified in WMC 15.12.180. This format is intended to serve as a guide to the type of information appropriate in the TIR. The level of detail in the TIR is dependent on the complexity and size of the project.
5. Modification of Content Requirements. The city may waive, in writing, some of the content requirements in the final stormwater plan if:
- a. The development activity or drainage project is included in an approved final stormwater plan which meets the requirements of this chapter and the applicant demonstrates to the satisfaction of the city that the applicable provisions of the previously approved final stormwater plan will be met;
 - b. The city determines, upon receipt of a letter of request from the applicant, that less information is required to accomplish the purposes of this chapter; or
 - c. A basin plan exists that makes some of the information irrelevant.
6. Review and Approval.
- a. Final stormwater plans shall be reviewed within fourteen days of submittal or resubmittal.
 - b. All final stormwater plans require approval by the city. Approval is only for conformance with city of Woodland standards and does not relieve the engineer of record of responsibility for the design.
 - c. Approval of final stormwater plans does not relieve the applicant from the obligation to comply with this chapter and does not prevent the city from recovering for defective work or violation of this chapter.
- C. As-Built Plans.
- 1. As-built plans which accurately represent the project as constructed shall be provided to the

city prior to the issuance of building permits for single-family residential subdivisions, the issuance of occupancy permits for projects subject to site plan review, and within sixty days following completion of construction for other projects.

- 2. The as-built plans shall include corrected engineering plans for the stormwater system, showing constructed dimensions and elevations. In addition, revisions to the final stormwater plan shall be submitted with the as-built plans where changes which take place during construction significantly alter the calculations and assumptions contained in the plan.
 - 3. All plans submitted shall be reproducible and submitted in paper and digital CAD files.
 - 4. The as-built plan submittal shall be stamped, signed and dated by a licensed professional engineer, registered in the state of Washington, certifying that the constructed project is in conformance with the final stormwater plan.
- (Ord. No. 1256, § 5, 11-19-2012)

15.12.070 Water quality treatment.

A. General Standards.

- 1. All projects shall provide treatment of stormwater runoff through the use of BMPs specified in this section.
- 2. Treatment BMPs shall be sized to capture, hold, and treat the water quality design storm, defined as the six-month, twenty-four-hour storm runoff volume.
- 3. If site conditions are appropriate and ground water quality will not be impaired, infiltration is the preferred BMP. All discharges to ground water shall comply with the following state laws: "The Water Pollution Control Act" (Chapter 90.48 RCW), "The Water Resources Act" (Chapter 90.54 RCW), and "Water Quality Standards for Ground Waters of the State of Washington" (Chapter 173-200 WAC). Infiltration may be limited near public water supply wells.
- 4. The BMPs cited in this section shall be sited, designed, and constructed in accordance with

the requirements detailed in the Puget Sound Manual for each BMP, with the following exceptions:

- a. For biofiltration swales (RB.05) and vegetative filter strips (RB.10), alternative design criteria from the publication "Biofiltration Swale Performance, Recommendations, and Design Considerations — Appendix G" by the Municipality of Metropolitan Seattle, Water Pollution Control Department, dated October 5, 1992, shall be used.
 - b. Where provisions of this chapter conflict with the Puget Sound Manual or other cited design guidance, this chapter shall take precedence.
5. All discharges to surface waters shall comply with the following state laws: "The Water Pollution Control Act" (Chapter 90.48 RCW) and "Water Quality Standards for Surface Waters of the State of Washington" (Chapter 173-201A WAC).
- B. Standard BMPs.**
1. Standard stormwater treatment BMPs shall be used to treat stormwater throughout the city of Woodland.
 2. Acceptable standard treatment BMPs include the following from the Puget Sound Manual (Chapters III-3, III-4, and III-6):
 - a. RI.05 — WQ infiltration basin.
 - b. RI.10 — WQ infiltration trench.
 - c. RI.15 — Roof downspout system.
 - d. RD.09 — Constructed wetland.
 - e. RD.06 — Wet pond with marsh.
 - f. RD.05 — Wet pond without marsh.
 - g. RB.05 — Biofiltration swale.
 - h. RB.10 — Vegetative filter strip.
 - i. RF.05 — Sand filtration basin.
 - j. RF.10 — Sand filtration trench.
 3. Sand filtration BMPs (RF.05 and RF.10) are not allowed on commercial or industrial sites where the effluent from the treatment systems will drain to ground water.
 4. For biofiltration swales and vegetative filter strips, the hydraulic residence used for design shall be no less than nine minutes. Swale slopes, however, may be less than two percent.
5. Infiltration BMPs shall not be used as temporary erosion control devices.
 6. Alternative roof downspout systems that provide an equivalent level of performance to the system in the Puget Sound Manual (RI.15) may be approved by the city. Roof downspout systems can be constructed without observation wells.
- C. Source Control BMPs.** In addition to the other water quality treatment requirements in this section, commercial, industrial, and public works development activities shall meet the source control BMPs specified in Chapters IV-2, IV-3, and IV-A of the Puget Sound Manual.
- D. Oil/Water Separators.**
1. The following development activities require API or CPS-type oil/water separators:
 - a. Industrial machinery and equipment, trucks and trailer aircraft, parts and aerospace, railroad equipment;
 - b. Log storage and sorting yards;
 - c. Airfields and aircraft maintenance;
 - d. Fleet vehicle yards;
 - e. Railroads;
 - f. Gas stations;
 - g. Retail/wholesale vehicle and equipment dealers;
 - h. Vehicle maintenance and repair;
 - i. Construction businesses such as paving, heavy maintenance, equipment storage and storage of petroleum products (this does not include construction sites);
 - j. Other activities that exhibit a significant risk of high oil loading in runoff.
 2. The following development activities shall require spill control (SC) type oil/water separators:
 - a. Restaurants;
 - b. Multifamily residential projects creating parking spaces for twenty-five or more vehicles;
 - c. Other activities where the risk of oil spills or illegal dumping of oil or grease is significant.
 3. For development activities cited in subsections (D)(1) and (2) of this section, oil/water separa-

rators shall not be required on portions of a site where the risk of oil or grease spills or dumping is minimal.

4. Oil/water separators shall be designed in accordance with Chapter III, Section III-7 of the Puget Sound Manual.
- E. Infiltration BMPs on Industrial and Commercial Sites.
1. Infiltration of stormwater runoff may not be allowed on commercial and industrial sites, which, due to location or the proposed use, pose a significant threat of contamination to ground water.
 2. Approval for use of infiltration BMPs (RI.05-30 in the Puget Sound Manual) on industrial and commercial sites, including gas stations, shall be conditioned on all the following criteria, unless found inappropriate by the city:
 - a. Analysis of the potential for ground water contamination from the site. This analysis shall include a soils and ground water evaluation if deemed appropriate by the city.
 - b. Demonstration that no other feasible alternative exists for disposing of stormwater from the site.
 - c. A "State Waste Discharge Permit," as described in Chapter 173-216 WAC, obtained from the state of Washington Department of Ecology, where required by the state, and other state permits and approvals as appropriate.
 3. The requirements of subsection (E)(1) of this section shall not apply to runoff from portions of a site where the risk of ground water contamination is no greater than single-family residential sites. Examples of these areas include rooftop drainage, runoff from undeveloped portions of a site, and drainage from portions of parking lots where the risk of illegal dumping is minimal.
 4. In cases where infiltration is allowed on commercial and industrial sites and a significant risk of ground water contamination exists, the city may require ground water monitoring to ensure against ground water contamination. The city may also require an agreement from the applicant for full mitigation in the event of ground water contamination.
5. The provisions of this subsection E do not apply to nonindustrial and noncommercial sites that are defined under the NPDES permit system as industrial due to temporary construction activity.
- F. Experimental BMPs.
1. Experimental best management practices are those which have not been fully tested and evaluated by the Department of Ecology and are not included as accepted practices in this code or the Puget Sound Manual. Experimental BMPs that are adequately tested and proven effective shall be incorporated into this chapter as standard or accepted BMPs in the future.
 2. Experimental BMPs may be allowed if all the following conditions are met:
 - a. The experimental BMP usage is part of a Department of Ecology research project;
 - b. Monitoring of the effluent quality produced by the BMP, as well as influent quality, will be conducted for at least two years;
 - c. Results of the research will be published;
 - d. Financing is available to construct the BMP, conduct the testing, and publish the results.
- G. Drainage Structure Labeling and Signage.
1. All catch basins and manholes capable of accepting stormwater shall be stenciled. The stenciling shall be redone once a year or as necessary to maintain readability. For infiltration systems stenciling shall read: "Dump No Waste — Protect Your Ground Water." For facilities draining to surface waters the stenciling shall read: "Dump No Waste — Drains to Stream."
 2. Signs shall be installed along water quality biofiltration systems that read: "Water Quality Filter — Please Leave Vegetated."
- (Ord. No. 1256, § 5, 11-19-2012)
- 15.12.080 Quantity control.**
- A. General Standards.
1. All projects shall provide quantity control of stormwater runoff in accordance with the requirements of this section.

2. Natural drainage flow routes through streams shall be maintained, and discharges from the site shall occur at the natural location and elevation, to the maximum extent practical.
 3. Transfer of runoff from one basin to another shall not be allowed.
 4. Surface water exiting a parcel shall be discharged with adequate energy dissipaters within the development site to prevent downstream damage.
 5. No reduction of existing conveyance capacity and no net loss of existing storage capacity for the one hundred-year storm is permitted in special flood hazard areas as defined by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Woodland, Washington" revised September 4, 1985. This requirement shall also apply to all areas within the limits of the existing one hundred-year floodplain, as determined by hydrologic/hydraulic computations in accordance with this chapter, for all streams and manmade channels within the city of Woodland.
 6. Where provisions of this chapter conflict with the Puget Sound Manual or other cited design guidance, this chapter shall take precedence.
- B. Hydrologic and Hydraulic Analysis.**
1. Hydrologic and hydraulic analysis shall be in accordance with Chapters III-1 and III-2 of the Puget Sound Manual, with the following exceptions:
 - a. Table III-1.6, "Hydrologic Soil Groups for Soils in the Puget Sound Basin" is replaced by "Hydrologic Soil Groups for Soils in Clark County" and "Hydrologic Soil Groups for Soils in Cowlitz County." (Source: SCS TR-55, Second Edition, June 1986, Exhibit A-i. Revisions made from SCS, Soils Interpretation Record, Form No. 5, September 1988). Alternatively, hydrological soil groups can be developed by a registered soil scientist using criteria set in the USDA, SCS National Soils Handbook.
 - b. Appendix AIII-1.1, "Isopluvial Maps for Design Storms" is replaced by "Isopluvial Maps for Design Storms in Cowlitz County." (Source: NOAA Atlas 2, "Precipitation Frequency Atlas for the Western United States, Volume IX — Washington).
 - c. The "HEC-1 Flood Hydrograph Package" computer program, developed by the Hydrologic Engineering Center, U.S. Army Corps of Engineers, is an acceptable hydrologic computation program for use in the city of Woodland.
 - d. Design of stormwater collection systems shall be in accordance with Hydraulic Engineering Circular No. 12, "Drainage of Highway Pavements," 1984 Edition, published by the United States Department of Transportation, Federal Highway Administration (FHWA).
 2. Table III-1.3, "SCS Western Washington Runoff Curve Numbers" of the Puget Sound Manual shall be used to calculate predevelopment and post-development runoff with the following constraints:
 - a. Predevelopment land use shall be the typical land use over the past fifty years, as demonstrated by evidence acceptable to the city of Woodland. Alternatively, the land use shown on 1968 aerial photos can be used.
 - b. In areas where the predevelopment land use is determined to be forest, the curve numbers for "undisturbed" forest land shall be used.
 - c. Development activities involving replacement of existing commercial and industrial facilities can assume predevelopment land use equivalent to the facility being replaced.
 3. If surface runoff leaves a development site and the predevelopment runoff calculations do not assume undisturbed forest in determining the runoff curve number, then a hydraulic and hydrologic analysis of the capacity of the downstream conveyance system shall be required.
 - a. The analysis shall analyze both the natural and manmade conveyance system to the Lewis River, Horseshoe Lake, and Burris Creek, or a point at least one mile downstream from the development site,

whichever is less. This distance may be extended by the city if impacts further downstream are likely due to the development activity.

- b. Based on the analysis, the system will be assumed to be at capacity if one of the following conditions exists currently or will exist as a result of the proposed development activity:
 - i. The conveyance system fails to meet the requirements of this section.
 - ii. Streams that are part of the conveyance system overflow their banks during a two-year storm.
 - iii. Significant stream bank erosion is evident.
 - iv. Existing downstream residences are flooded during the one hundred-year storm.
- C. Design Methodology for Quantity Control Facilities.
1. Except as limited by WMC 15.12.070(E) for commercial and industrial sites, infiltration of the one hundred-year storm is required for all stormwater discharges from development sites where local soil types and ground water conditions are suitable; provided, that water quality treatment as detailed in WMC 15.12.070 is provided prior to infiltration.
 2. The design infiltration rate for infiltration systems shall be limited to half the percolation rate. Percolation rates shall be tested on-site for all soils.
 3. The city may allow the base of infiltration facilities to be less than three feet above seasonal high water or an impermeable layer if the quality and quantity control requirements of this chapter can be met.
 4. For surface runoff leaving a development site, the following criteria shall be met:
 - a. The peak release rate for the two-, ten-, twenty-five- and one hundred-year design storms after development shall not exceed the respective predevelopment rates.
 5. For development activities where a downstream analysis is performed and the conveyance system is at capacity as defined in subsection (B)(3) of this section, the runoff volumes from the twenty-five- and one hundred-year design storm after development shall not exceed the predevelopment runoff volumes from the twenty-five- and one hundred-year storm.
6. To ensure the standards in this section are met, the volume available for storing runoff in a stormwater facility shall be reduced by:
- a. High seasonal ground water; and
 - b. Assumed starting condition equivalent to an immediately prior two-year storm event.
7. Design of stormwater control facilities shall be in accordance with the following methods from the Puget Sound Manual (Chapters III-1 and III-3):
- a. Section III-1.4.4 — Hydrograph Routing;
 - b. Section III-1.4.5 — Hydrograph Summation and Phasing;
 - c. Section III-1.4.6 — Computer Applications;
 - d. Section III-3.3 — Feasibility Analysis and General Limitations for Infiltration BMPs;
 - e. Section III-3.4 — General Design Criteria for Infiltration and Filtration BMPs;
 - f. Section III-3.5 — Construction and Maintenance;
 - g. Section III-4.3 — General Design Criteria;
 - h. Section III-4.4 — Standards and Specifications for Detention Ponds.
- D. Conveyance Systems.
1. Open channel conveyance systems incorporating water quality treatment, habitat improvement and emergency overland flood relief routes shall be utilized to the maximum extent practicable.
 2. Stormwater conveyance elements to transport water within and from a project site shall be sized to carry flows from the "design storm" from the contributing drainage area based upon the projected full buildout of that contributing drainage area, and be fully compatible with existing downstream conveyance elements and flow conditions.
 3. For stormwater conveyance design, the "design storm" shall be the one hundred-year storm.

4. Development sites shall be planned to be able to pass a one hundred-year storm through the site.
5. Closed conveyance system elements shall be designed to operate in an open flow, not pressure flow, regime.
6. Design of conveyance systems shall be in accordance with Chapter III-2 of the Puget Sound Manual.
7. Design of bridges shall be in accordance with the state of Washington Department of Transportation Bridge Design Standards, 1991 Edition or most current edition.
8. Stormwater easements shall be provided to the city for access and maintenance of all conveyance systems within the development site which are to be maintained by the city. The minimum widths of easements shall be as follows, although the city may require increased widths when necessary to ensure adequate area for equipment access and maintenance:
 - a. Pipes with I.D. less than or equal to thirty-six inches: Twenty feet;
 - b. Pipes with I.D. greater than thirty-six inches: Twenty feet plus pipe I.D.;
 - c. Pipes shall be located with their centerline no closer than one-quarter of the easement width from an adjacent property line;
 - d. Channels: Top width of channel plus fifteen feet on one side.
9. Stormwater easements shall be provided to the city for access and maintenance of all streams within a development site.
 - a. Easements shall include the land between the top of bank on both sides of the stream.
 - b. Easements shall also include an additional twenty-five feet adjacent to the top of bank on one side of the stream for equipment and maintenance access, if adequate access is not available in the area between the top of banks.
 - c. Excluded from the easements shall be any existing private structures, such as buildings, which prevent access to the stream.
10. No buildings or other structures that prevent access are permitted within easements. Fences

crossing easements shall provide gates of sufficient width over the easement for access by maintenance vehicles.

- E. Discharge to Large Water Bodies. Projects meeting all the following criteria are exempt from the quantity control requirements of subsections (C)(4) and (5) of this section:
 1. The runoff from the project directly enters the Lewis River, Horseshoe Lake, and Burris Creek.
 2. Runoff is treated in accordance with the requirements of WMC 15.12.070;
 3. The discharge and its related structures are approved by the Washington Department of Fish and Wildlife and other appropriate state and federal agencies;
 4. The discharge structure is designed to avoid erosion during all storms up to the one hundred-year storm;
 5. If an existing discharge structure is used:
 - a. The structure must meet requirements in subsections (C)(4) and (5) of this section; and
 - b. The discharge structure and conveyance system leading to the discharge must have adequate capacity to meet the requirements of this chapter.

(Ord. No. 1256, § 5, 11-19-2012)

15.12.090 Maintenance and ownership.

- A. City Ownership of Stormwater Facilities.
 1. Stormwater facilities located within public road rights-of-way shall be owned by the city.
 2. City ownership of stormwater facilities outside public road rights-of-way is not required and will be considered on a case-by-case basis.
 3. City ownership of stormwater facilities is required where the city will assume long-term maintenance of the facilities.
- B. Initial Maintenance.
 1. To ensure satisfactory operation of new stormwater facilities, the applicant constructing the facility shall maintain it for two years after completion of the project.
 2. In cases where the stormwater facility is within a public road right-of-way or on land owned by the city of Woodland, the applicant constructing the facility, after satisfactory completion of the stormwater facilities and as a con-

dition of acceptance of such facilities by the city of Woodland, shall commence a two-year period of maintenance of the facility. The applicant shall satisfactorily maintain the facility and repair any failure within this two-year period. Additionally, the applicant shall post and maintain a maintenance bond or other security acceptable to the city during this two-year initial maintenance period. The purpose of the maintenance bond is to cover the cost of design defects or failures in workmanship of the facilities. The amount of the maintenance bond shall be ten percent of the construction cost of the stormwater facilities.

C. Long-Term Maintenance.

1. The city of Woodland shall provide long-term maintenance of new stormwater facilities under any of the following situations:
 - a. Facilities located in public road rights-of-way; or
 - b. Facilities dedicated to the city of Woodland (dedication to the city of Woodland requires prior approval and acceptance by the city).
2. If the city of Woodland provides long-term maintenance of a stormwater facility, all the following requirements shall be met:
 - a. The requirements in subsection B of this section shall be completed;
 - b. The facilities shall be inspected and approved by the city prior to acceptance. Required remedial work to correct design and construction deficiencies shall be completed by the project developer prior to acceptance; and
 - c. All necessary ownerships and easements entitling the city to properly access and maintain the facility shall be conveyed to the city of Woodland and recorded with the county auditor.
3. For stormwater facilities for which the city of Woodland will not provide long-term maintenance, the applicant shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance in a manner subject to the approval of the city. Such arrangements shall be approved prior to city

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

4. The city shall inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the city shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the city shall perform this maintenance and bill the parties responsible for the maintenance. The city may record a property lien for all costs associated with the maintenance performed.
5. Easements or a covenant acceptable to the city shall be provided to the city for purposes of inspection of privately maintained facilities. The minimum dimensions of easements for stormwater facilities are as follows:
 - a. Sufficient width around a treatment or storage pond to encompass the pond plus the additional area necessary for equipment accesses;
 - b. Pond design and easements shall allow access to all areas within the pond by standard maintenance equipment vehicles;
 - c. Widths of easements for conveyance facilities shall be as detailed in WMC 15.12.080(D)(8) and (9).
6. Final plats shall include a note specifying the party(s) responsible for long-term maintenance of stormwater facilities.

(Ord. No. 1256, § 5, 11-19-2012)

15.12.100 Other requirements.

- A. Location of Stormwater Facilities.**
1. Treatment runoff control and recharge facilities shall be located prior to the point of discharge into a stream, lake, or fish-bearing water or prior to discharge to ground water.
 2. Location of stormwater facilities in relation to wetlands are specified in Chapter 15.08 WMC, Critical Areas Regulation.

3. Stormwater facilities, other than closed conveyance systems, shall be located at least one hundred feet from existing and proposed on-site sewage system drainfields.
 4. Infiltration systems used for stormwater disposal shall be located at least one hundred feet from domestic water supply wells.
 5. Swales and other stormwater treatment facilities using biofiltration shall be located outside easements and corridors used by phone, electric, water, natural gas, and other utilities unless the utilities are installed prior to construction of the biofiltration system.
 6. Sites used for stormwater treatment and runoff control facilities shall be owned by the applicant, city, county, or state and:
 - a. If the city, county or state owns the site, a letter from the responsible agency allowing use of the site for stormwater control shall be submitted with the preliminary stormwater plan.
 - b. If the city, county or state does not own the site and the proposal involves a development activity, the stormwater control site shall be included for consideration with the land use application for the development activity.
 7. Stormwater treatment and control facilities shall be located on separate tracts which are recommended, but not required, to meet minimum zoning lot size requirements. The plat or other dedication instrument shall indicate tract disposition in the event of city abandonment or vacation.
- B. Protection of Infiltration Systems from Erosion.**
Stormwater infiltration systems shall be isolated and protected from sedimentation due to erosion during the construction phase of a development activity or drainage project. Furthermore, use of infiltration systems shall be minimized until the erodible parts of a site are stabilized with adequate vegetation.
- C. Fencing of Stormwater Facilities.**
1. Stormwater treatment and runoff control facilities located in or adjacent to residential areas shall be fenced unless these facilities are constructed as part of a project amenity such as a park or the city waives the fencing requirement due to special circumstances.
 2. Stormwater treatment and runoff control facilities, other than those described in subsection (C)(1) of this section, shall be fenced if they pose safety risks to the public.
 3. The size and type of fence shall be determined by the city.
- D. Side Slopes of Stormwater Facilities.**
1. For maintenance and safety reasons, side slopes of stormwater facilities normally shall be no steeper than 4:1.
 2. For facilities to be maintained by the city, vertical slopes are allowed if all the following conditions are met:
 - a. No more than fifty percent of the perimeter of the stormwater facility shall have vertical sides except in areas of steep topography where seventy-five percent of the perimeter may have vertical sides.
 - b. Vertical sides more than three feet high shall be fenced.
 - c. Slopes steeper than 2:1 shall be analyzed for structural stability and shown to be structurally sound.
 - d. Access for maintenance of facilities satisfactory to the city shall be provided.
 - e. Side slopes in a biofiltration treatment area shall be no steeper than 4:1.
 3. For facilities that will not be maintained by the city, slopes steeper than 4:1 are allowed if all the following conditions are met:
 - a. Side slopes in a biofiltration treatment area shall be no steeper than 4:1.
 - b. Adequate long-term erosion control is provided.
 - c. Slopes steeper than 2:1 shall be analyzed for structural stability and shown to be structurally sound.
 - d. The maintenance and operations manual for the facility shall demonstrate that the facility can be maintained.
 4. Side slope steeper than 4:1 may also be allowed by the city for specialized projects, such as stream bank reconstruction, where all the following conditions are met:
 - a. Side slopes do not need to be mowed.

- b. Adequate long-term erosion control is provided.
- E. Recovering Costs of Stormwater Facilities.
 - 1. The following costs associated with stormwater facilities may be recoverable through latecomers' agreements (RCW 35.91.010):
 - a. Oversizing on-site facilities above their existing capacity or the capacity required for the proposed development;
 - b. A proportionate share of the total cost of off-site facilities.
 - 2. If a stormwater utility exists, the costs for building or oversizing a stormwater facility may be eligible as a credit against applicable system development charges.

(Ord. No. 1256, § 5, 11-19-2012)

Article III. Exceptions and Special Cases

15.12.110 Basin plans.

- A. Basin plans are strategies for a watershed designed to protect and enhance surface and ground water within a watershed.
- B. Where conflicts occur, the policies and standards in a basin plan shall supersede the other requirements of this chapter.
- C. To be valid, basin plans must be stamped by a registered professional engineer, adopted by the council and incorporated into this chapter.
- D. Adopted basin plans are identified beginning in WMC 15.12.200.

(Ord. No. 1256, § 5, 11-19-2012)

15.12.120 Regional and subregional facilities.

- A. If regional or subregional facilities are used to meet some or all of the standard requirements of Article II of this chapter, the following conditions shall be met:
 - 1. Stormwater runoff shall be transported from a development site to a regional/subregional facility through a pipe or manmade open channel conveyance system.
 - 2. If the regional/subregional facility does not yet exist, interim quantity control and treatment methods shall be used to meet the standard requirements of Article II of this chapter. All interim methods shall be reviewed and shall require written approval by the city.

- 3. The facility must have sufficient capacity to provide the treatment and quantity control specified in Article II of this chapter.
- 4. A written commitment from the owner of the facility, or the city, in the case of city facilities, shall be provided that allows use of the facility by the applicant.

- B. Where appropriate, a system development charge shall be assessed for use of a regional/subregional facility.

(Ord. No. 1256, § 5, 11-19-2012)

15.12.130 Variances.

A. General.

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

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

- 1. The proposed activities will not cause significant degradation of ground water or surface water quality;
- 2. The proposed activities comply with all state, local and federal laws, including those related to sediment control, pollution control, floodplain and floodway restrictions, wetland and fish habitat protection;
- 3. No material damage to nearby public or private property nor significant threat to the health or safety of people on or off the property will occur; and
- 4. The inability to derive any reasonable use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of the ordinance codified in this chapter.

(Ord. No. 1256, § 5, 11-19-2012)

15.12.140 Other governmental agency projects.

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

(Ord. No. 1256, § 5, 11-19-2012)

15.12.150 Single-family home construction.

The construction of single-family homes, duplexes, and their accessory structures that fall into one of the categories below and meet the conditions stated for that category are exempt from the provisions of Article II (Standard Requirements) and Article IV (Other Provisions) of this chapter. Single-family home construction covered under WMC 15.12.150 will install city approved prescriptive stormwater systems. The city will inspect and approve the installation of these systems before issuing a certificate of occupancy for the structure.

- A. Previously Reviewed and Approved Site. The development site or parcel is included in an approved final stormwater plan that meets the requirements of this chapter or a stormwater plan was approved that provided for detention or retention of runoff from residential lots.
- B. Lots Fifteen Thousand Square Feet and Less. Residential structures on lots fifteen thousand square feet or smaller constructed with roof downspout systems.
- C. Lots Fifteen Thousand Square Feet to One and One-Half Acres with Roof Downspout Systems. Lots larger than fifteen thousand square feet and smaller than or equal to one and one-half acres where the residential structure is constructed with a roof downspout system and the following minimum amounts of storage are provided for stormwater runoff:
 1. Two thousand cubic feet per acre, if the site is unforested at time of occupancy.
 2. Eight hundred cubic feet per acre, if the majority of the site is young second or third growth forest at the time of occupancy.
 3. No storage, if the majority of the site is undisturbed forest at the time of occupancy.
- D. Lots Fifteen Thousand Square Feet to One and One-Half Acres without Roof Down-

spout Systems. Lots larger than fifteen thousand square feet and smaller than or equal to one and one-half acres where the residential structure is constructed without a roof downspout system and the following minimum amounts of storage are provided for stormwater runoff:

1. Three thousand cubic feet per acre, if the site is unforested at time of occupancy.
 2. One thousand six hundred cubic feet per acre, if the majority of the site is young second or third growth forest at the time of occupancy.
 3. Five hundred cubic feet per acre, if the majority of the site is undisturbed forest at the time of occupancy.
- E. Lots Larger than One and One-Half Acres. Lots larger than one and one-half acres where the following minimum amounts of storage are provided for stormwater runoff:
1. Three thousand cubic feet per acre, if the site is unforested at time of occupancy.
 2. One thousand five hundred cubic feet per acre, if the majority of the site is young second or third growth forest at the time of occupancy.
 3. No storage, if the majority of the site is undisturbed forest at the time of occupancy.

(Ord. No. 1256, § 5, 11-19-2012)

15.12.160 Small residential projects.

- A. Qualifying Projects. Small residential projects include single-family residential short plats and subdivisions of four lots or less.
- B. Treatment and Runoff Control Requirements.
 1. As an alternative to meeting all the water quality treatment and quantity control requirements specified in WMC 15.12.070 and 15.12.080, small residential projects can utilize the following methods for treating and controlling stormwater runoff:
 - a. Use of roof downspout systems for residential structures.
 - b. Control of runoff flows through creation of detention volume of at least eight thousand cubic feet per acre of the development site.

- c. Use of one of the standard BMPs listed in WMC 15.12.070(B) for treating runoff other than the runoff from roofs.
 - 2. Small residential projects that utilize the methods identified in subsection (B)(1) of this section shall be exempt from the following sections of this chapter:
 - a. Hydrologic and hydraulic analysis (WMC 15.12.080(B)).
 - b. Design methodology for quantity control facilities (WMC 15.12.080(C)(2), (3), and (4)).
 - C. Information Requirements. The submittal requirements (WMC 15.12.060) for small residential projects are modified as follows:
 - 1. An abbreviated preliminary stormwater plan as outlined in WMC 15.12.190 can be substituted for the preliminary stormwater plan.
 - 2. A technical information report (WMC 15.12.060(B)(4)(c)) shall not be required; however, sufficient information and data shall be provided with the final stormwater plan to allow the city to determine conformance with the applicable provisions of this chapter.
- (Ord. No. 1256, § 5, 11-19-2012)

15.12.170 Other exemptions.

- A. Drainage Projects.
 - 1. Drainage projects that are not a part of a development activity are exempt from the water quality treatment provisions of this chapter (WMC 15.12.070).
 - 2. For drainage projects that are not part of a development activity, the city may waive all or parts of the submittal requirements (WMC 15.12.060), maintenance and ownership requirements (WMC 15.12.090), and bonding and insurance requirements (WMC 15.12.100(F)) if the project meets the other appropriate parts of this chapter.
- (Ord. No. 1256, § 5, 11-19-2012)

Article IV. Other Provisions

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

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

- A. Table of Contents.
 - 1. List of section headings and their respective page numbers;
 - 2. List of tables with page numbers;
 - 3. List of figures with page numbers;
 - 4. List of attachments, numbered;
 - 5. List of references.
- B. Site Location Map. The site location map (minimum USGS 1:24,000 quadrangle topographic map), shall be as required for the preliminary stormwater plan, updated to reflect additional data or revisions to concepts established in preliminary stormwater plan.
- C. Development Plan. The development plan, which can be combined with the final engineering plans, shall be as required for the preliminary stormwater plan with the following additional information:
 - 1. Delineate subbasins and show subbasin acreage used in hydraulic/hydrologic calculations;
 - 2. Existing and proposed contours (two-foot maximum contour interval);
 - 3. Show directions and lengths of overland, pipe, and channel flow;
 - 4. Indicate outfall points and overflow routes for the one hundred-year storm;
 - 5. Show storage volumes, pipe and weir invert elevations, and lengths of weir for stormwater control facilities;
 - 6. Show all existing and proposed easements and rights-of-way.
- D. Soils Map. A soils map as required for the preliminary stormwater plan.
- E. Section A—Project Overview.
 - 1. Identify and discuss existing stormwater system functions.
 - 2. Identify and discuss site parameters influencing stormwater system design.

3. Describe drainage to and from adjacent properties.
 4. Generally describe proposed site construction, size of improvements, and proposed methods of mitigating stormwater runoff quantity and quality impacts.
- F. Section B—Approval Conditions Summary. List each preliminary approval condition related to stormwater control, wetlands, floodplains, and other water-related issues and explain how design addresses or conforms to each condition.
- G. Section C—Downstream Analysis. If this information is required in accordance with WMC 15.12.080(B)(3), then the analysis shall include:
1. Reference downstream analysis provided in the preliminary stormwater plan and identify any revisions to this analysis.
 2. Identify criteria and assumptions used in completing downstream analysis and their sources.
 3. Complete detailed hydrologic analysis of manmade and natural downstream system in accordance with WMC 15.12.080. Compute existing and proposed peak flows and volumes for the design storms at all discharge points both to and from the site and at downstream stormwater control structures. Calibrate and verify hydrologic models using existing rainfall and stream flow records, where available. Verify reasonableness of results by comparison with results from alternative engineering methods and comparison with available reports and studies. Discharge points should refer to labeled points shown on the site location map.
 4. Tabulate existing and proposed peak flows and volumes. Include and reference all hydrologic and hydraulic computations in the technical appendix.
 5. Verify hydrologic and hydraulic computations in the field by observation and measurement of significant rainfall events, where possible, evaluation of stream erosion, high water marks (e.g., lines of permanent vegetation and debris lines) and other hydrologic and hydraulic verification techniques. State whether the downstream system is at capacity and describe how runoff from the proposed project will impact the capacity of the system. Describe how the design of the stormwater facilities on the development site addresses the impacts.
- H. Section D—Quantity Control Analysis and Design.
1. Hydrologic analysis, existing and developed conditions:
 - a. Identify criteria used in completing analyses and their sources.
 - b. Identify and discuss any assumptions made in completing analysis.
 - c. Tabulate acreage; imperviousness; curve number; length and grade of overland, pipe, and channel flow; and other hydrologic parameters used in completing analyses.
 - d. Complete detailed hydrologic analysis for existing and developed site conditions in accordance with the requirements of WMC 15.12.080. Compute existing and developed peak flows and volumes for the design storms for all subbasins. Refer to labeled points shown on the site location map and development plan.
 - e. Include and reference all hydrologic and hydraulic computations in the technical appendix.
 - f. Include all maps, exhibits, graphics, and references, used to determine existing and developed site hydrology.
 2. Quantity Control System Design.
 - a. Reference conceptual design proposed in the preliminary stormwater plan.
 - b. Identify revisions to conceptual design contained within the final engineering plans.
 - c. Identify and discuss geotechnical or pedological study or information used in completing analysis and design.
 - d. Identify criteria used in completing analyses and their sources.

- e. Identify initial conditions including stream base flows, beginning water surface elevations, hydraulic or energy grade lines, initial ground water elevation, beginning storage volumes, and other data or assumptions used to determine initial conditions in order to complete analyses. Reference sources of information.
 - f. Identify and discuss any assumptions used in completing analysis.
 - g. Complete detailed hydrologic/hydraulic analysis of all on-site stormwater control facilities impacted by the proposal, in accordance with the requirements of WMC 15.12.080. Compute inflow and outflow hydrographs and peak flows and storage volumes. Reference conveyance and stormwater control facilities to labeled points shown on the development plan.
 - h. Tabulate existing and proposed peak flows and storage volumes.
 - i. Include and reference all hydrologic and hydraulic computations, equations, rating curves, stage/storage/discharge tables, graphs and any other aides necessary to clearly show methodology and results in the technical appendix.
 - j. Summarize results of quantity control system analyses and describe how the proposed design meets the requirements of this chapter.
 - k. Include all maps, exhibits, graphics and references used to complete quantity control system analysis and design.
3. Quantity Control System Plan.
- a. Provide illustrative sketch of quantity control facility and its appurtenances.
 - b. Show basic measurements necessary to confirm storage volumes.
 - c. Show all orifice, weir, and flow restrictor dimensions and elevations.
 - d. Tabulate peak flow rates, storage volumes, and ponding elevations for all design storms.
- e. Sketch shall correspond with final engineering plans. Alternatively, final site grading plan incorporating the above information may be included as an attachment to the final stormwater plan.
- I. Section E—Conveyance Systems Analysis and Design.
- 1. Reference conceptual drainage design proposed in the preliminary stormwater plan.
 - 2. Identify revisions to conceptual drainage design contained within the final stormwater plan.
 - 3. Identify criteria used in completing analyses and their sources.
 - 4. Identify and discuss initial conditions including stream base flows, beginning water surface elevations, hydraulic or energy grade lines, beginning storage elevations, and other data or assumptions used to determine initial conditions in order to complete analyses. Reference sources of information.
 - 5. Identify and discuss assumptions used in completing analyses.
 - 6. Complete detailed hydraulic analysis of all proposed collection and conveyance system elements and existing collection and conveyance elements influencing the design or impacted by the proposal, including outfall structures and outlet protection, in accordance with WMC 15.12.080. Compute and tabulate design flows and velocities and conveyance element capacities for all conveyance elements within the development. Compute existing one hundred-year floodplain elevations and lateral limits for all channels, and verify no net loss of conveyance or storage capacity from development. Reference conveyance system elements to labeled points shown on the site location map or development plan.
 - 7. Verify capacity of each conveyance system element to convey design flow and discharge at nonerosive velocities. Verify capacity of on-site conveyance system to convey design flows resulting from ultimate buildout of upstream areas.

8. Include and reference all hydraulic computations, equations, pipe flow tables, flow profile computations, charts, nomographs, detail drawings and other tabular or graphic aids used to design and confirm performance of conveyance systems in the technical appendix.
 9. Summarize results of system analyses and describe how the proposed design meets the requirements of this chapter.
 10. Provide a conceptual drainage design in the preliminary stormwater plan.
- J. Section F—Water Quality Design.
1. Reference conceptual water quality design proposed in the preliminary stormwater plan.
 2. Identify revisions to conceptual water quality design contained within the final stormwater plan.
 3. Identify geotechnical or soils study or other information used in completing analysis and design.
 4. Identify best management practices used in design and their sources.
 5. Identify and discuss initial conditions including ground water elevations, beginning storage elevations, and other data or assumptions used to determine initial conditions in order to complete analyses. Reference sources of information.
 6. Identify and discuss assumptions used in completing analysis.
 7. Complete detailed analysis and design of all proposed water quality system elements in accordance with WMC 15.12.070. Reference water quality system elements to labeled points shown on the site location map or development plan.
 8. Include and reference all computations, equations, charts, nomographs, detail drawings and other tabular or graphic aids used to design water quality system elements in the technical appendix.
 9. Summarize results of water quality design and describe how the proposed design meets the requirements of this chapter.
 10. Provide a conceptual water quality design in the preliminary stormwater plan.
- K. Section G—Soils Evaluation.
1. Identify on-site soil types and their erosive potential and discuss their suitability for implementation of proposed best management practices (BMPs) and quantity control facilities.
 2. Identify seasonal high water table elevations in cases where this will impact the stormwater facilities.
 3. Identify and discuss soil parameters and design methods for use in hydrologic and hydraulic design of proposed facilities.
 4. Where infiltration BMPs are proposed, complete soil tests to determine the infiltration rates. In some cases the city may require additional geotechnical investigation, in accordance with the requirements of Section III-3.3.3 of the Puget Sound Manual.
- L. H—Special Reports and Studies. Where specific site characteristics, such as steep slopes, wetlands, and sites located in wellhead protection areas, pose difficult drainage and water quality design problems, the city may require additional information or the preparation of special reports and studies which further address the specific site characteristics, the potential for impacts associated with the development, and the measures which would be implemented to mitigate impacts. Special reports shall be prepared by professional persons with expertise in the particular area of analysis, who shall date, sign, stamp and otherwise certify the report. Subjects of special reports may include, but not be limited to, the following:
1. Geotechnical/pedological;
 2. Wetlands;
 3. Floodplains and floodways;
 4. Ground water;
 5. Structural design;
 6. Fluvial geomorphology (erosion and deposition). All special reports and studies shall be included in the technical appendix, or as an attachment to the TIR.
- M. Section I—Other Permits. Construction of roads and stormwater facilities may require additional water-related permits from other

agencies. These additional permits may contain requirements that impact design of the stormwater system. This section shall list the titles of all other required permits, the agencies requiring the permits, and identify the permit requirements, if known, that affect the final stormwater plan. Approved permits that are critical to the feasibility of the stormwater facility design shall be included in this section. Examples of other permits are as follows:

1. Wetland permit;
 2. On-site sewage disposal: Southwest Washington Health Department or Washington Department of Health;
 3. Developer/local agency agreement: Washington State Department of Transportation;
 4. Short-term water quality modification approval: Washington State Department of Ecology;
 5. Hydraulic project approval: Washington State Departments of Fisheries and Wildlife;
 6. Dam safety permit: Washington State Department of Ecology;
 7. Section 10, 404, and 103 permits: U.S. Army Corps of Engineers;
 8. Surface mining reclamation permits: Washington State Department of Natural Resources;
 9. Floodplain permit;
 10. Shoreline management permit.
- N. Section J—Ground Water Monitoring Program. Where required under WMC 15.12.070, a ground water monitoring program shall be included in the final stormwater plan. The ground water monitoring program shall be prepared by a person with expertise in ground water contamination investigation, prevention, and monitoring, and shall clearly describe a comprehensive ground water testing and evaluation program designed to ensure compliance with federal and state of Washington laws and the requirements of this chapter. Proposed ground water monitoring programs will be reviewed by the City on a site-specific basis.

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

- P. Section L—Technical Appendix. All technical information reports shall contain a technical appendix, including all computations completed in the preparation of the TIR together with copies of referenced data, charts, graphs, nomographs, hydrographs, maps, exhibits, and all other information required to clearly describe the stormwater runoff quantity and quality design for the proposed project. The format of the technical appendix shall follow as closely as possible the section format of the TIR, and shall be adequately cross-referenced to ensure that the design may be easily followed, checked, and verified. The technical appendix shall also contain all special reports and studies, other than those included as attachments to the TIR.
- (Ord. No. 1256, § 5, 11-19-2012)

15.12.190 Contents of an abbreviated preliminary stormwater plan.

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

- A. Vicinity Maps. All vicinity maps shall clearly show the site of the development activity or drainage project.
1. Site Location Map. Minimum USGS 1:24,000 quadrangle topographic map

- showing natural and manmade drainage features adjacent to site including existing and proposed (if known) stormwater facilities.
2. Other Maps. The following additional vicinity maps shall be required in the situations noted below:
 - a. Floodplains. If a floodplain mapped by FEMA exists on or adjacent to the site.
 - b. Shoreline Management Area. If the site contains or is adjacent to a stream or lake regulated under the State Shorelines Management Act.
- B. Preliminary Development Plan. The preliminary development plan shall show the character of the existing site and proposed features, including but not limited to:
1. Existing and proposed property boundaries, easements and rights-of-way;
 2. Existing contours with a five-foot maximum contour interval, unless the city determines a lesser interval is sufficient to show drainage patterns;
 3. Existing on-site water wells, known agricultural drain tiles, areas of potential slope instability, structures, utilities, and septic tanks and drainfields;
 4. Location of the one hundred-year floodplain and floodways and shoreline management area limits on the site;
 5. Existing water resource features on and adjacent to the site including streams, wetlands, springs, sinks, and stormwater facilities;
 6. Drainage flow routes and existing discharge points to and from the site; and
 7. Approximate location and size of proposed stormwater facilities, including typical cross-sections of proposed facilities.
- C. Additional Site and Vicinity Information.
1. If wetlands exist on the site and will be impacted by the proposal, a wetland delineation report may be required.
 2. If unstable or complex soil conditions exist which may significantly impact the design of the stormwater facilities, the city may require a preliminary soils report to be completed that addresses stormwater design considerations arising from soil conditions.
3. The city may require additional site or vicinity information if needed to determine the feasibility of the stormwater proposal.
- D. Preliminary Stormwater Design Report. A written narrative shall be required to accompany the preliminary stormwater plan. The narrative shall describe the methods for meeting the requirements of this chapter and include the following information:
1. Listing of approximate volumes of runoff storage required;
 2. Listing of tested percolation rates at sites to be used for infiltration, if required;
 3. Listing of proposed BMPs which will meet the treatment requirements of this chapter and are appropriate for the site;
 4. Description of the approximate size and location of stormwater facilities on the site;
 5. Discussion of who will maintain the facility(s) after completion and proposed method of funding for maintenance if the facility(s) will be privately maintained; and
 6. Listing of additional permits (e.g., wetland, floodplain, and shoreline management permits) that may be required in connection with the stormwater facilities.
- (Ord. No. 1256, § 5, 11-19-2012)

Article V. Adopted Basin Plans

15.12.200 Reserved.

Title 16

SUBDIVISIONS

Chapters:

Article I. Subdivisions

- 16.02 General Provisions**
- 16.04 Definitions—Construction**
- 16.06 Preapplication Conference**
- 16.08 Preliminary Plats**
- 16.10 Final Plats**
- 16.12 Improvements—Assurance for
Completion and Maintenance**
- 16.14 Design Standards**
- 16.16 Improvements—Required**
- 16.18 Specifications for Plans and Plats**
- 16.19 Reserved**
- 16.20 Reserved**
- 16.22 Planned Unit Residential
Developments**
- 16.24 Administration and Enforcement**

Article II. Short Subdivisions

- 16.32 Short Subdivisions**

Article III. Boundary Line Adjustments and Lot Consolidations

- 16.34 Boundary Line Adjustments and
Lot Consolidations**

Article I. Subdivisions

Chapter 16.02

GENERAL PROVISIONS

Sections:

- 16.02.010 Title.**
16.02.020 Purpose.
16.02.030 Applicability.
16.02.040 Regulations mandatory.

16.02.010 Title.

This article shall be known as and may be cited as the "Woodland Subdivision Ordinance." (Ord. 509 Art. I § 1, 1980)

16.02.020 Purpose.

The purposes of this article are as follows:

- A. To protect the public health, safety and general welfare;
- B. To prevent the overcrowding of land and the over-congestion of streets while allowing for appropriate density of development and use of the land;
- C. To provide for adequate light and air;
- D. To ensure adequate provision of water, sewerage, park and recreation areas, streets, sidewalks and other public requirements;
- E. To provide for proper ingress and egress;
- F. To require uniform monumenting of subdivisions and conveyance of land by accurate legal description;
- G. To provide for conservation of valuable resources and to direct development to areas suitable for development;
- H. To adopt uniform and comprehensive standards and procedures applicable throughout the city to the subdivision of land;
- I. To provide for the orderly growth of the city in conformance with the Woodland comprehensive plan and applicable ordinances.

(Ord. 509 Art. I § 2, 1980)

16.02.030 Applicability.

- A. The regulations contained in this article shall apply to:
 1. The division of land within the city into five or more lots, parcels, tracts or sites, each of which

is less than five acres in size, for the purpose of sale, lease or transfer of ownership, whether immediate or future, including the resubdivision of land or lots;

2. Every situation involving five or more lots where there is a new public or private way for vehicular traffic, easement or land for public use involved;
 3. Mobile home subdivisions, in which lots are to be made available for sale;
 4. Land within short subdivisions that is further divided within five years of the effective date of the short subdivision.
- B. The regulations in this article shall not apply to:
1. Cemeteries and other burial plots, while used for that purpose;
 2. Division of land made by testamentary provisions and/or the laws of descent;
 3. Division of land for sale or lease to an agency or division of government vested with the power of eminent domain;
 4. Division of land into lots, tracts or parcels where each lot is five acres or larger, except as specified in subsection A2 of this section. For the purpose of computing the area of any lot that borders on a street or road, the lot size may be expanded to include that area that would be bounded by the centerline of the street or road and the side lot lines of the lot running perpendicular to the centerline.
- C. Requests for boundary line adjustments and lot consolidations shall be processed in accordance with WMC Chapter 16.34, unless the adjustment or consolidation is part of a plat request.
- (Ord. 509 Art. I § 3, 1980)
 (Ord. No. 1239, 8-20-2012)

16.02.040 Regulations mandatory.

No person shall sell, lease or transfer the ownership of or offer for sale, lease or transfer of ownership any real property that is subject to this article without full compliance with this article. Provided, however, subdividers may offer or agree to sell, lease, or transfer a lot following preliminary plat approval if the offer and/or agreement is expressly conditioned on approval and recording of the final plat. All payments on account of an offer or agreement shall be deposited in an escrow or other regulated trust account and no disburse-

ment is permitted until the final plat is recorded. Any plat, replat, plan or map made of any subdivision or part thereof lying within the city limits shall be presented for approval, reviewed, and, if approved, recorded as prescribed by this article. No subdivision plat, replat, plan or map hereafter made shall have any validity until it has the approval of the city council and otherwise is found by the city to comply with this article. (Ord. 561 § 2, 1983; Ord. 509 Art. I § 4, 1980)

Chapter 16.04

DEFINITIONS—CONSTRUCTION

Sections:

16.04.010	Provisions not affected by headings.	16.04.440	Master plan.
16.04.020	Word usage.	16.04.450	Minor (secondary) arterial.
16.04.030	Definitions generally.	16.04.460	Off-site.
16.04.040	Access.	16.04.470	Open space.
16.04.050	Actual cost of inspection.	16.04.480	Other security.
16.04.060	Alley.	16.04.490	Owner.
16.04.070	APWA specifications.	16.04.500	Person.
16.04.080	Arterial.	16.04.510	Planned unit residential development.
16.04.090	Atterberg limits.	16.04.520	Planning commission.
16.04.100	Block.	16.04.530	Plat performance bond.
16.04.110	Buffer strip.	16.04.540	Preliminary plat.
16.04.120	City.	16.04.550	Public hearing.
16.04.130	City council.	16.04.560	Public meeting.
16.04.140	Clearing.	16.04.570	PURD.
16.04.150	Collector street.	16.04.580	Radius of curvature.
16.04.160	Commission.	16.04.590	RCW.
16.04.170	Common land.	16.04.600	Resubdivision.
16.04.180	Common open space.	16.04.610	Right-of-way.
16.04.190	Complete application.	16.04.620	Secretary.
16.04.200	Condominium subdivision.	16.04.630	SEPA.
16.04.210	Council.	16.04.640	SEPA guidelines.
16.04.220	Covenant.	16.04.650	Shear strength.
16.04.230	Cul-de-sac.	16.04.660	Sketch plan.
16.04.240	Day.	16.04.670	Slope.
16.04.250	Dedication.	16.04.680	Soil survey.
16.04.260	Deed restriction.	16.04.690	State Environmental Policy Act.
16.04.270	Dwelling unit.	16.04.700	Street.
16.04.280	Easement.	16.04.710	Street classification system.
16.04.290	EIS.	16.04.720	Subdivider.
16.04.300	Environmental checklist.	16.04.730	Subdivision.
16.04.310	Environmental impact statement.	16.04.740	Subdivision agent.
16.04.320	Final plat.	16.04.750	Reserved.
16.04.330	Flood damage ordinance.	16.04.760	WAC.
16.04.340	Grade.	16.04.770	Woodland urban area.
16.04.350	Gross acreage.	16.04.780	Zero lot line development.
16.04.360	Grubbing.		
16.04.370	Improvements.	16.04.010	Provisions not affected by headings.
16.04.380	Integral curb and sidewalk.		Article, section and subsection headings shall not be deemed to govern, limit, modify or affect the scope, meaning or intent of any provision of this article. (Ord. 509 Art. II § 1, 1980)
16.04.390	Loading.	16.04.020	Word usage.
16.04.400	Local street.		When consistent with the context, words used in the present tense include the future; words used in the future include the present; words in the singular number include the plural; and words in the plural number include the singular. The word "shall" is always manda-
16.04.410	Lot.		
16.04.420	Lot area.		
16.04.430	Major (primary) arterial.		

tory and the words "may" and "should" denote use of discretion in making a decision or applying standards to a particular case. (Ord. 509 Art. II § 2, 1980)

16.04.030 Definitions generally.

For the purpose of this article, certain words and terms shall be used, interpreted and defined as set forth in this chapter. (Ord. 509 Art. II § 3 (part), 1980)

16.04.040 Access.

"Access" means a means of approaching, entering and leaving a property, providing for the vested rights of an owner or lessee of land to ingress and egress to and from the property to and from a public street or road. (Ord. 509 Art. II § 3 (part), 1980)

16.04.050 Actual cost of inspection.

"Actual cost of inspection" means the cost, including overhead, to the public works director, or his designee, of inspecting subdivision improvements. (Ord. 509 Art. II § 3 (part), 1980)
(Ord. No. 1378, § 13, 11-21-2016)

16.04.060 Alley.

"Alley" means a passage or way, open to public travel and dedicated to public use, affording a secondary access to lots at their side or rear lot lines and not intended for general traffic circulation. (Ord. 509 Art. II § 3 (part), 1980)

16.04.070 APWA specifications.

"APWA specifications" means the current edition of the "Standard Specifications for Municipal Public Works Construction" of the Washington Chapter of the American Public Works Association, as may be amended and except as superseded by standards adopted by the city. (Ord. 509 Art. II § 3 (part), 1980)

16.04.080 Arterial.

"Arterial" includes both major (primary) arterials and minor (secondary) arterials. (Ord. 509 Art. II § 3 (part), 1980)

16.04.090 Atterberg limits.

"Atterberg limits" means the moisture content of a soil when it changes from one physical condition to another, as determined by the Atterberg method of soil

sample testing. The test has to do with the plasticity of soil, or the percentage of water content at which a soil flows. (Ord. 509 Art. II § 3 (part), 1980)

16.04.100 Block.

"Block" means a well-defined parcel of land bounded on all sides by streets, railroad rights-of-way, physical barriers such as watercourses, public or common parks or open space, unsubdivided acreage, or a combination thereof, and not traversed by a through street. (Ord. 509 Art. II § 3 (part), 1980)

16.04.110 Buffer strip.

"Buffer strip" means a landscaped strip of land at least ten feet in width providing visual separation. (Ord. 509 Art. II § 3 (part), 1980)

16.04.120 City.

"City" means Woodland, Washington. (Ord. 509 Art. II § 3 (part), 1980)

16.04.130 City council.

"City council" means the city council of the city of Woodland. (Ord. 509 Art. II § 3 (part), 1980)

16.04.140 Clearing.

"Clearing" means removal of trees, snags, brush, rubbish and any structures not intended for use in a subdivision. (Ord. 509 Art. II § 3 (part), 1980)

16.04.150 Collector street.

"Collector street" means a street that collects and distributes traffic within an area or neighborhood to the arterial system. It supplies abutting property with the same degree of access as a local street but is given priority over local streets in any traffic-control installations. Streets providing egress from a subdivision to connecting streets outside are generally collectors. (Ord. 509 Art. II § 3 (part), 1980)

16.04.160 Commission.

"Commission" means the planning commission of the city of Woodland. (Ord. 509 Art. II § 3 (part), 1980)

16.04.170 Common land.

"Common land" means a parcel or parcels of land reserved primarily for the leisure and recreational use of subdivision residents and owned and maintained in common by them, generally through a property owners' association. (Ord. 509 Art. II § 3 (part), 1980)

16.04.180 Common open space.

See "Common land." (Ord. 509 Art. II § 3 (part), 1980)

16.04.190 Complete application.

"Complete application" means the elements required in Section 16.08.010 to be submitted before the planning commission will consider a preliminary plat. (Ord. 509 Art. II § 3 (part), 1980)

16.04.200 Condominium subdivision.

"Condominium subdivision" means a subdivision with coownership or cooperative ownership of common property as defined in RCW Chapter 64.32. (Ord. 509 Art. II § 3 (part), 1980)

16.04.210 Council.

"Council" means the city council of the city of Woodland. (Ord. 509 Art. II § 3 (part), 1980)

16.04.220 Covenant.

"Covenant" means a private legal restriction on the use of land, contained in the deed to a property or otherwise formally recorded. (Ord. 509 Art. II § 3 (part), 1980)

16.04.230 Cul-de-sac.

"Cul-de-sac" means a local street closed at one end. Cul-de-sacs are required by this article to terminate in a turning circle for the safe and convenient reversal of traffic movement. (Ord. 509 Art. II § 3 (part), 1980)

16.04.240 Day.

"Day" means a calendar day, as opposed to a business or working day. (Ord. 509 Art. II § 3 (part), 1980)

16.04.250 Dedication.

"Dedication" means the deliberate appropriation of land or improvements by the owner thereof for any

general or public use. In making a dedication, the owner reserves to himself no other rights than are 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 on the final plat, and the acceptance by the public shall be evidenced by the approval of such plat for filing by the city council. (Ord. 509 Art. II § 3 (part), 1980)

16.04.260 Deed restriction.

See "Covenant." (Ord. 509 Art. II § 3 (part), 1980)

16.04.270 Dwelling unit.

"Dwelling unit" means a building or portion thereof providing complete housekeeping facilities for one family. (Ord. 509 Art. II § 3 (part), 1980)

16.04.280 Easement.

"Easement" means a written grant by a landowner to another person, the public, or the public's agencies authorizing use of a portion of land for a specified purpose or purposes. (Ord. 509 Art. II § 3 (part), 1980)

16.04.290 EIS.

"EIS" means an environmental impact statement prepared pursuant to RCW Chapter 43.21C (the State Environmental Policy Act) and WAC Chapter 197-10 (Guidelines implementing the act). (Ord. 509 Art. II § 3 (part), 1980)

16.04.300 Environmental checklist.

"Environmental checklist" means the form required by WAC Chapter 197-10 to be filled out by the proponent of a major action, as defined in WAC 197-10, before a threshold determination is made on the action's environmental significance. (Ord. 509 Art. II § 3 (part), 1980)

16.04.310 Environmental impact statement.

See "EIS." (Ord. 509 Art. II § 3 (part), 1980)

16.04.320 Final plat.

"Final plat" means the final drawing and accurate representation of a subdivision showing lots, blocks, street and crosswalk rights-of-way, alleys, common ar-

eas, easements, dedications, distances, monuments, certificates of approval, and other matters specified in Chapter 16.18, prepared for filing for record with the county auditor. (Ord. 509 Art. II § 3 (part), 1980)

16.04.330 Flood damage ordinance.

"Flood damage ordinance" means Woodland Ordinance No. 450, as may be amended. (Ord. 509 Art. II § 3 (part), 1980)

16.04.340 Grade.

"Grade" means the slope of a street or other public way, specified in percentage terms. (Ord. 509 Art. II § 3 (part), 1980)

16.04.350 Gross acreage.

"Gross acreage" means the total acreage lying within the boundaries of the plat. (Ord. 509 Art. II § 3 (part), 1980)

16.04.360 Grubbing.

"Grubbing" means removal of stumps, roots, rocks and other material in the ground. (Ord. 509 Art. II § 3 (part), 1980)

16.04.370 Improvements.

"Improvements" means any structures, works or components thereof, including but not limited to streets, curbs, sidewalks, crosswalks, water and sanitary sewer lines and connections, drainage ditches, storm sewer systems, streetlight systems, landscaping, and electric, gas, telephone and television lines, cables and appurtenant equipment. (Ord. 509 Art. II § 3 (part), 1980)

16.04.380 Integral curb and sidewalk.

"Integral curb and sidewalk" means an approach to construction and installation of curbs, sidewalks and utilities by which the sidewalk abuts the curb and the underground utilities are located outside the sidewalk abutting the lots. The approach is depicted in Figures 1 and 5 included in Chapters 16.14 and 16.16 of this article. (Ord. 509 Art. II § 3 (part), 1980)

16.04.390 Loading.

"Loading" means the weight, as from structures, that a soil can hold before it shears or fails. (Ord. 509 Art. II § 3 (part), 1980)

16.04.400 Local street.

"Local street" means a street that serves primarily to provide access to abutting property, that offers the lowest level of traffic mobility of city street classes, and on which through traffic is deliberately discouraged. (Ord. 509 Art. II § 3 (part), 1980)

16.04.410 Lot.

"Lot" means a fractional part of subdivided land having fixed boundaries, being of sufficient area and dimensions to meet minimum requirements of the zoning ordinance, and intended as a unit for transfer of ownership and occupancy by one principal use or structure. (Ord. 509 Art. II § 3 (part), 1980)

16.04.420 Lot area.

"Lot area" means the total horizontal area within the boundary lines of a lot. (Ord. 509 Art. II § 3 (part), 1980)

16.04.430 Major (primary) arterial.

"Major (primary) arterial" means a street for moving large volumes of intra-area traffic, including traffic to and from the freeway-expressway system. Major arterials connect areas of high traffic generation within and around the city and provide links with important rural routes. (Ord. 509 Art. II § 3 (part), 1980)

16.04.440 Master plan.

"Master plan" means the map showing the ultimate, intended development pattern of a parcel to be developed in successive phases of subdivision, prepared in conformance with Sections 16.14.030, 16.14.040, 16.14.050 and 16.18.030. (Ord. 509 Art. II § 3 (part), 1980)

16.04.450 Minor (secondary) arterial.

"Minor (secondary) arterial" means a street that carries primarily through traffic but has a secondary function of providing access to abutting property. Minor arterials offer less mobility and carry a lesser volume of traffic than major arterials, and distribute traffic from collector streets to major arterials as well as between major arterials. (Ord. 509 Art. II § 3 (part), 1980)

16.04.460 Off-site.

"Off-site" refers to premises not located within the boundary of the property to be subdivided, regardless of whether it is owned by the applicant for subdivision approval. (Ord. 509 Art. II § 3 (part), 1980)

16.04.470 Open space.

"Open space" means improved or unimproved area that is (A) designated and maintained for active or passive recreation, other activities normally carried on outdoors, visual buffering, or for preservation in a natural state because of natural assets or unsuitability for development, and (B) not covered by buildings, accessory structures, parking structures or parking lots, except that structures appropriate for the authorized recreational use of the open space and used to conserve or enhance the amenities of the open space may be sited on the open space. "Open space" does not include street right-of-way, parking lots, or yards in platted lots. Depending upon authorization by the city, open space may be owned either in common by and for the use of the subdivision residents or by a public agency through dedication to the public. (Ord. 509 Art. II § 3 (part), 1980)

16.04.480 Other security.

"Other security" means one of the methods or instruments other than a plat performance bond assuring completion of improvements and including a personal bond, letter of credit from a bank, certified or cashier's check, and assignment of funds. Provision of such methods or instruments shall conform to Chapter 16.12. (Ord. 509 Art. II § 3 (part), 1980)

16.04.490 Owner.

"Owner" means the person or group of persons having legal title to the land sought to be subdivided or the contract purchaser, mortgagee or person or group of persons who controls a deed of trust as beneficiary or grantor if such interest controls disposition of the property to be subdivided. (Ord. 509 Art. II § 3 (part), 1980)

16.04.500 Person.

"Person" means an individual, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including

a joint venture, municipality, county or state agency. (Ord. 509 Art. II § 3 (part), 1980)

16.04.510 Planned unit residential development.

"Planned unit residential development" means a type of subdivision characterized by a unified site design, clustering of buildings, provision of common open space, density increases, and a mix of building types and land uses and subject to Chapter 16.22. (Ord. 509 Art. II § 3 (part), 1980)

16.04.520 Planning commission.

"Planning commission" means the planning commission of the city of Woodland. (Ord. 509 Art. II § 3 (part), 1980)

16.04.530 Plat performance bond.

"Plat performance bond" means a form of security executed by a surety company authorized to transact business in the state, securing to the city the satisfactory completion of required improvements and fulfilling the requirements of Chapter 16.12. (Ord. 509 Art. II § 3 (part), 1980)

16.04.540 Preliminary plat.

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision furnishing a basis for the approval, conditional approval, or disapproval of the proposed subdivision, showing lots, blocks, street and crosswalk rights-of-way, alleys, common open space, easements, dedications and distances, and conforming in detail to Section 16.18.020. (Ord. 509 Art. II § 3 (part), 1980)

16.04.550 Public hearing.

"Public hearing" means a duly advertised proceeding of the planning commission or city council, acting fairly and impartially and in accordance with law and adopted rules of procedure, at which persons affected by a proposed action have opportunity to appear, to be heard, to present evidence or testimony, and to challenge opponents' evidence or testimony. (Ord. 509 Art. II § 3 (part), 1980)

16.04.560 Public meeting.

"Public meeting" means a proceeding of the planning commission or city council, open to the public and

held in conformance with state law, at which action is taken. "Action" means the transaction of official business, including but not limited to a collective decision made by a majority of the members of the body, a collective commitment or promise by a majority of the members of the body to make a positive or negative decision, or an actual vote by a majority of the members of the body when sitting as a body or entity. (Ord. 509 Art. II § 3 (part), 1980)

16.04.570 PURD.

"PURD" means a planned unit residential development. (Ord. 509 Art. II § 3 (part), 1980)

16.04.580 Radius of curvature.

"Radius of curvature" is a term referring to the sharpness of a horizontal curve. For a street, the centerline radius of a simple curve is measured from the point of intersection of two lines drawn to the two points of the centerline where the curve begins and ends. The centerline radius of curvature is the length of either line so drawn. (Ord. 509 Art. II § 3 (part), 1980)

16.04.590 RCW.

"RCW" means the Revised Code of Washington. (Ord. 509 Art. II § 3 (part), 1980)

16.04.600 Resubdivision.

"Resubdivision" within an existing subdivision established under RCW Chapter 58.16 or 58.17, means the division of an individual lot or parcel into any number of smaller lots or parcels for the purpose of sale or lease, the combining of lots, or the creation or extension of a street. Resubdivisions as defined in this section do not require compliance with RCW Chapters 58.11 or 58.12. (Ord. 509 Art. II § 3 (part), 1980)

16.04.610 Right-of-way.

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, pipeline, power line, water main, sanitary or storm sewer main, shade trees, or for another special use. Rights-of-way are separate and distinct from the lots or parcels adjoining such rights-of-way and are not included in the dimensions or areas of lots or parcels. (Ord. 509 Art. II § 3 (part), 1980)

16.04.620 Secretary.

"Secretary" means the secretary of the planning commission. (Ord. 509 Art. II § 3 (part), 1980)

16.04.630 SEPA.

"SEPA" means the State Environmental Policy Act, as amended (RCW Chapter 43.21C). (Ord. 509 Art. II § 3 (part), 1980)

16.04.640 SEPA guidelines.

"SEPA guidelines" means the state regulations interpreting and implementing the State Environmental Policy Act (WAC Chapter 197-10). (Ord. 509 Art. II § 3 (part), 1980)

16.04.650 Shear strength.

"Shear strength" means the maximum resistance of soil to shearing stresses. A shear test indicates the ability of a soil to hold after cutting. (Ord. 509 Art. II § 3 (part), 1980)

16.04.660 Sketch plan.

"Sketch plan" means a generalized map preparatory to a preliminary plat, prepared for review at a preapplication conference and showing the general layout of a prospective subdivision in conformance with Section 16.18.010. (Ord. 509 Art. II § 3 (part), 1980)

16.04.670 Slope.

"Slope" is a term referring to the steepness of terrain, expressed in percentage terms, and determined by dividing the vertical rise in elevation by the distance over which the rise occurs. (Ord. 509 Art. II § 3 (part), 1980)

16.04.680 Soil survey.

"Soil survey" means the "Soil Survey for the Cowlitz Area, Washington," 1974, with 1979 update, prepared by the Soil Conservation Service of the U.S. Department of Agriculture. (Ord. 509 Art. II § 3 (part), 1980)

16.04.690 State Environmental Policy Act.

"State Environmental Policy Act" means RCW Chapter 43.21C as amended. (Ord. 509 Art. II § 3 (part), 1980)

16.04.700 Street.

"Street," for the purposes of this article, means a public way that provides vehicular circulation or primary access to abutting properties, inclusive of arterials, collector streets and local streets, and exclusive of alleys. Physically, a "street" is the improved and maintained portion of a right-of-way that is designated for vehicular use. (Ord. 509 Art. II § 3 (part), 1980)

16.04.710 Street classification system.

"Street classification system" means the categorization of streets and alleys, by the following classes: Freeway or expressway, major (primary) arterial, minor (secondary) arterial, collector street, local street in multifamily housing areas, local street in single-family housing areas, and alleys. Classification of any given street is based upon its location, present and prospective traffic volume, and relative importance and function. Streets providing egress from a subdivision to connecting streets outside are generally collectors. Authority for determination of the class of a street shall rest with the public works director. (Ord. 509 Art. II § 3 (part), 1980) (Ord. No. 1378, § 14, 11-21-2016)

16.04.720 Subdivider.

"Subdivider" means any person who files for approval of or who has undertaken a subdivision or resubdivision of land, or who has an interest in title to such land. (Ord. 509 Art. II § 3 (part), 1980)

16.04.730 Subdivision.

"Subdivision" means a division of or the act of dividing land into five or more lots, parcels, tracts or sites for the purpose of sale, lease or transfer of ownership, and including resubdivision. (Ord. 509 Art. II § 3 (part), 1980)

16.04.740 Subdivision agent.

"Subdivision agent" means any person who represents or acts on behalf of a subdivider in selling, leasing or developing, or offering to sell, lease or develop any interest, lot or parcel in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services. (Ord. 509 Art. II § 3 (part), 1980)

16.04.750 Reserved.

Editor's note—Ord. No. 1378, § 15, adopted November 21, 2016, repealed § 16.04.750, which pertained to the definition of supervisor and derived from Ord. No. 509, 1980.

16.04.760 WAC.

"WAC" means the Washington Administrative Code. (Ord. 509 Art. II § 3 (part), 1980)

16.04.770 Woodland urban area.

"Woodland urban area" means the area within the urban sphere of influence as approved by the city under its urban growth management program. (Ord. 509 Art. II § 3 (part), 1980)

16.04.780 Zero lot line development.

"Zero lot line development," (see Figure 9 included in Chapter 16.22), for the purposes of this article, means a development approach permitted for single-family detached dwellings in planned unit residential developments, in which a single-family detached dwelling is sited on one side lot line with no side yard provided. The intent is to allow for a housing design befitting small lots and to increase the amount of usable space on a lot. The approach is subject to standards specified in Chapter 16.22. (Ord. 509 Art. II § 3 (part), 1980)

Chapter 16.06

PREAPPLICATION CONFERENCE

Sections:

- 16.06.010** **Purpose.**
- 16.06.020** **Applicability.**
- 16.06.030** **Participants—No notice or fee.**
- 16.06.040** **City clerk-treasurer.**
- 16.06.050** **Prospective applicants.**
- 16.06.060** **Building inspector.**
- 16.06.070** **Public works supervisor.**
- 16.06.080** **Fire chief or assistant.**
- 16.06.090** **Reserved.**
- 16.06.100** **Public utility district, special purpose district and private utility representatives.**
- 16.06.110** **County planner.**
- 16.06.120** **Soil conservation service representative.**
- 16.06.130** **Effect of conference.**

16.06.010 **Purpose.**

The preapplication conference is an informal forum at which the tentative concepts and design of a prospective subdivision are discussed. The conference is intended to be a means of screening subdivision proposals in their earliest stages of design, taking place before proponents are committed to a particular design and before they have drawn a preliminary plat. It is also a means for staff and other public officials to convey information needed by the prospective subdivider, to make suggestions, to identify problems and information needs, to determine a proposal's feasibility, to acquaint the prospective applicant with the procedural steps for plat reviews, and to initiate the process for compliance with the State Environmental Policy Act. By providing for such a conference, the city intends to improve the quality of information presented in the subdivision review process; to minimize unproductive debate at public hearings; to discourage premature, unsafe or inadequately prepared proposals; and to add certainty to and expedite the subdivision review process. (Ord. 509 Art. III § 1.1, 1980)

16.06.020 **Applicability.**

The preapplication conference is optional but strongly encouraged. Prospective subdividers who do

not arrange for a conference are likely to encounter delay or denial. If the proponent of a prospective subdivision does not participate in a preapplication conference, and if at a public hearing on a preliminary plat the planning commission finds that necessary information is lacking or that the plat raises significant problems or questions, the commission shall have authority to close the hearing immediately and forward a recommendation for disapproval with findings to the city council. If the plat is denied under the circumstances set out in this section, and the prospective subdivider desires to have the plat considered again, he shall reapply to the city and pay new application fees. (Ord. 509 Art. III § 1.2, 1980)

16.06.030 **Participants—No notice or fee.**

The preapplication conference is intended to be an informal meeting between the prospective subdivider or his agents, city staff, planning staff, and representatives of other public agencies and utilities at their option. Therefore, no public notice of the conference shall be given or fee charged. The service need not include field inspections or extensive correspondence, and the conference may be repeated as necessary. Responsibilities of participants shall be as set out in Sections 16.06.040 through 16.06.120. (Ord. 509 Art. III § 1.3 (part), 1980)

16.06.040 **City clerk-treasurer.**

The clerk-treasurer shall refer prospective subdivision applicants to the community development director and shall not accept applications, proposed preliminary plats or application fees until the prospective subdivider has met with the building official and community development director. The clerk-treasurer is not required to participate in preapplication conferences. (Ord. 509 Art. III § 1.3(1), 1980) (Ord. No. 1378, § 16, 11-21-2016)

16.06.050 **Prospective applicants.**

A. In the early concept stages of subdivision design and prior to designing a preliminary plat, a prospective subdivider should meet with the building official or community development to arrange for a preapplication conference. Prospective subdividers participating in a conference shall provide the following at the conference:

1. At least six copies of a sketch plan, conforming to the specifications listed in Section 16.18.010;

2. A tentative schedule of development;
 3. A statement on how improvements will be financed and maintained;
 4. A profile of the steepest proposed road grade;
 5. An indication of contemplated drainage facilities;
 6. A description of existing uses of the subject property and of uses of adjacent properties.
- B. If a prospective subdivider prepares a plan more typifying a preliminary plat than a sketch plan, said plan nonetheless shall be the basis for the preapplication conference discussion and shall have the status of a sketch plan.

(Ord. 509 Art. III § 1.3(2), 1980)

(Ord. No. 1378, § 17, 11-21-2016)

16.06.060 Building inspector.

The community development director shall perform the following duties in connection with the preapplication conference:

- A. Inform prospective subdividers of the purpose and desirability of a preapplication conference;
- B. Arrange, coordinate and notify participants of pre-application conferences. In establishing a date and location for preapplication conferences, he shall strive to determine the date of earliest convenience for the participants. The date ordinarily shall be within two weeks of a prospective subdivider's request for a preapplication conference;
- C. Provide an application form for preliminary plat approval;
- D. Provide an environmental checklist and instructions for completing it;
- E. Inform prospective subdividers about procedures, fees, specifications for plats and plans, design and improvement standards and options, and assurances for completion and maintenance of improvements;
- F. Review the sketch plan's relationship to the city's shoreline master program; flood damage ordinance maps and standards; zoning classifications and standards; and comprehensive plan classifications, goals and policies;
- G. Determine need for any special permits or approvals;

- H. If the subject property lies within the one hundred-year floodplain, provide the required elevation of first floors of buildings;
- I. Encourage prospective subdividers to become familiar with the subdivision ordinance and comprehensive plan;
- J. Insure that the prospective subdivider is furnished a preapplication conference summary checklist as a follow-up to the conference. Such checklist shall contain the conclusions and recommendations of each of the city employee participants and the community development director. The director, shall encourage participants who are not city employees to complete a checklist or submit other written summaries.

(Ord. 509 Art. III § 1.3(3), 1980)

(Ord. No. 1378, § 18, 11-21-2016)

16.06.070 Public works supervisor.

In addition to the responsibilities of the building inspector undertaken by the public works supervisor in the absence of a building inspector, the public works supervisor shall have the following responsibilities in connection with the preapplication conference:

- A. In addition to the responsibilities of the community development director undertaken by the public works director in the absence of the community development director, the public works director shall have the following responsibilities in connection with the preapplication conference:
- B. Determine the availability of water and sewer service and identify connection points while considering the proposal's relationship to the capital improvements program and growth management policies;
- C. Determine the possibility of conformance to fire flow requirements and provide fire hydrant location standards;
- D. Provide standards for drainage control and review potential impacts on existing off-site drainage systems;
- E. Review the adequacy and desirability of the proposed circulation system and the proposal's potential impacts on existing streets;
- F. Determine potential need for construction, repair, expansion, improvement or other provision of off-site improvements;

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

(Ord. 509 Art. III § 1.3(4), 1980)

(Ord. No. 1378, § 19, 11-21-2016)

16.06.080 Fire chief or assistant.

The fire chief or an assistant is an optional participant but shall be encouraged to attend by the community development director. The fire chief or assistant may review sketch plans on the basis of fire flow requirements, need for on-site water storage, emergency vehicle access, road grades and hydrant location, and may make recommendations. (Ord. 509 Art. III § 1.3(5), 1980)

(Ord. No. 1378, § 20, 11-21-2016)

16.06.090 Reserved.

Editor's note—Ord. No. 1378, § 21, adopted November 21, 2016, repealed § 16.06.090, which pertained to the city planner or planning agency and derived from Ord. No. 509, 1980.

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

Participation by the PUD, special districts and private utilities is optional but shall be encouraged by the community development director. (Ord. 509 Art. III § 1.3(7), 1980)

(Ord. No. 1378, § 22, 11-21-2016)

16.06.110 County planner.

The community development director shall seek attendance by staff from the Cowlitz County department of community development when the subject property is adjacent to unincorporated area. (Ord. 509 Art. 3 § 1.3(8), 1980)

(Ord. No. 1378, § 23, 11-21-2016)

16.06.120 Soil conservation service representative.

Participation by the soil conservation service is optional but normally shall be encouraged. (Ord. 509 Art. III § 1.3(9), 1980)

16.06.130 Effect of conference.

If after the preapplication conference the prospective subdivider desires to proceed with an application for preliminary plat approval, he should utilize information gained from the conference in preparing the preliminary plat and accompanying materials. Participation in a preapplication conference and agreement by a prospective subdivider to conclusions reached at such conference shall in no way guarantee preliminary plat approval, prohibit changes of opinion by public agency participants, or prohibit identification and discussion of such additional problems or issues as may arise in the plat review process. (Ord. 509 Art. III § 1.4, 1980)

Chapter 16.08

16.08.310 Submission of construction plans.

PRELIMINARY PLATS

Sections:

16.08.010	Application.
16.08.020	Fee schedule.
16.08.030	Initial hearing date.
16.08.040	Notice of initial hearing.
16.08.050	Contents of notice.
16.08.060	Notice of additional applications.
16.08.070	Copies of plats—Distribution.
16.08.080	Initial hearing—Permit coordination and research recommendations.
16.08.090	Coordination of plat review and SEPA processes.
16.08.100	Hearing on draft EIS.
16.08.110	Hearing on the merits.
16.08.120	Duties of city officials.
16.08.130	Recommendation to city council.
16.08.140	City council review.
16.08.150	Factors to be considered by the planning commission and city council—Generally.
16.08.160	Conformance of plat to plans and ordinances.
16.08.170	Open space, streets and utility provisions.
16.08.175	Curb, sidewalk, drainage and roadway improvements.
16.08.180	Public dedications.
16.08.190	Physical site characteristics.
16.08.200	Flood-control zones—Irrigation districts.
16.08.210	Release from adjacent property owners—When required.
16.08.220	Effect on surrounding properties and off-site facilities.
16.08.230	Consideration of consolidated staff report.
16.08.240	Use of EIS or special studies.
16.08.250	Attachment of conditions.
16.08.260	Relationship of preliminary plat and master plan.
16.08.270	Special provisions for variances.
16.08.280	Variance standards.
16.08.290	Time limits and extensions.
16.08.300	Effect of preliminary plat approval.

16.08.010 Application.

- A. A prospective subdivider who wishes to have a preliminary plat considered by the planning commission shall obtain a preliminary plat application form and environmental checklist from the building inspector or, in his absence, the public works supervisor. The applicant shall submit to the clerk-treasurer the following materials, which together shall comprise a complete application for preliminary plat approval:
1. Completed preliminary plat application form;
 2. Completed environmental checklist;
 3. Copy of any application for a shoreline substantial development permit, if such permit is being applied for;
 4. Completed application for a zoning map amendment, comprehensive plan map amendment, or variances, if it has been determined from the preapplication conference that such application is necessary. If the need for such applications is determined by the planning commission during the hearing process, the subdivider immediately thereafter shall file the application with the city clerk-treasurer;
 5. Grade profiles of the existing ground and proposed streets;
 6. Twenty-five copies of a preliminary plat, conforming to the specifications in Section 16.18.020, for distribution to the parties listed in Section 16.08.070;
 7. If the property is to be developed by subdivision phases, a master plan conforming to specifications in Section 16.18.030 and accompanying each plat copy;
 8. If applicable, a geologic report pursuant to Sections 16.14.110 through 16.14.160, or evidence that such report is in preparation;
 9. Payment for preliminary plat review fee;
 10. Payment for zoning map amendment, comprehensive plan map amendment, or variance application fee, if applicable.
- B. No plat shall be considered by the planning commission, or hearing set, unless a complete application is submitted. The city clerk-treasurer shall

assign the preliminary plat and other application materials a permanent file number. Fees shall not be refundable.

(Ord. 509 Art. III § 2.1, 1980)

16.08.020 Fee schedule.

Application and review fees relating to the preliminary plat process shall be as follows:

- A. Preliminary plat review: as prescribed by resolution;
- B. Variance to the subdivision ordinance: as prescribed by resolution;
- C. Zoning map amendment or comprehensive plan map amendment: amounts as prescribed by resolution.

(Ord. 979 § 4, 2003; Ord. 509 Art. III § 2.2, 1980)

16.08.030 Initial hearing date.

Upon receipt of a complete application, the city clerk-treasurer, on the same or next working day, shall notify the planning commission secretary, building inspector, public works supervisor and planner or planning agency that a complete application has been filed. The planning commission secretary shall immediately set the date for the initial public hearing by the planning commission on the application. Such hearing shall be held no sooner than twenty-two days after date of complete application and no later than forty days after. In setting the date for the initial hearing, the planning commission secretary shall insure that sufficient time is allowed to meet the notice requirements of Section 16.08.040. No preliminary plat may be approved without benefit of hearing(s) by the planning commission. (Ord. 509 Art. III § 2.3, 1980)

16.08.040 Notice of initial hearing.

The secretary shall cause to be published in a newspaper of general circulation in the city at least one public notice appearing not less than ten days prior to the initial hearing. Notice of such hearing also shall be mailed to the applicant and to all owners of property within three hundred feet of the exterior boundaries of the property proposed for subdivision not less than twelve days prior to the initial hearing. If the owner of the property proposed for subdivision owns other property adjacent to the proposed subdivision tract, notice shall be given to all property owners within three hun-

dred feet of the property owned by the owner of the subdivision tract. The records of the county assessor shall be used in notifying owners of abutting property. Persons whose names and addresses are not on file at the time of application need not be notified. In case of dispute as to the proper party to receive notification, the records of the assessor shall prevail. Notice shall be considered received and perfected by the deposit in the United States mail of such notice addressed to the recorded owner with postage prepaid. (Ord. 561 § 3, 1983; Ord. 509 Art. III § 2.4, 1980)

16.08.050 Contents of notice.

Public notices shall contain the following elements:

- A. Either a vicinity location map or a location description in nonlegal language;
- B. An announcement of the date, time and place of the initial hearing;
- C. A statement that the planning commission may continue the hearing without further published notice if the date, time and place of the continuation are announced at the preceding hearing;
- D. A listing of all elements of the total proposal for which approval is sought, including not only application for preliminary plat approval but also any applications for variances, zoning map amendments or comprehensive plan map amendments;
- E. A statement of the purposes of the hearing in summarized form. For the initial hearing by the planning commission, the purposes shall be as set forth in Section 16.08.080;
- F. A statement that interested persons may appear and be heard, but are encouraged to submit comments in writing at least three days prior to the hearing date to the planning commission secretary.

(Ord. 561 § A, 1983; Ord. 509 Art. III § 2.5, 1980)

16.08.060 Notice of additional applications.

If during the hearing process the planning commission determines that land use applications in addition to those originally filed by the proponent are necessary, the secretary shall cause new notice to be published listing all elements of the total proposal. Such notice shall appear in a newspaper of general

circulation in the city not less than ten days prior to the date of hearing at which the additional applications will be considered, shall be mailed to the applicant and shall be mailed to all owners of property within three hundred feet of the exterior boundaries of the property proposed for subdivision. Public notice of hearings on draft environmental impact statements shall conform to the additional requirements of Section 16.08.090. (Ord. 509 Art. III § 2.6, 1980)

16.08.070 Copies of plats—Distribution.

- A. The director shall distribute a copy of the preliminary plat, the public notice prepared pursuant to Sections 16.08.040 and 16.08.050 and, if applicable, the master plan to the following:
1. City building official;
 2. City public works director;
 3. City fire chief;
 4. City police chief;
 5. Woodland parks board chairman;
 6. Community development director;
 7. Woodland school district;
 8. Cowlitz County communication center;
 9. Cowlitz-Wahkiakum health district;
 10. Cowlitz County department of community development, when a plat adjoins unincorporated area;
 11. State Department of Transportation, when a proposed subdivision is located adjacent to a state highway right-of-way;
 12. State Department of Ecology, when a proposed subdivision adjoins a river or stream or is located in a flood-control zone;
 13. Public utility district;
 14. Soil conservation service, Kelso office;
 15. Each planning commission member;
 16. Planning commission secretary;
 17. Natural gas company;
 18. Telephone company.
- B. Any plat copies remaining after distribution shall be retained by the city clerk-treasurer for such additional distribution as may be called for. At the direction of city staff or the planning commission, applicants may be required to furnish copies in addition to the original twenty-five.

(Ord. 509 Art. III § 2.7, 1980)

(Ord. No. 1378, § 24, 11-21-2016; Ord. No. 1447, § 3, 2-3-2020)

16.08.080 Initial hearing—Permit coordination and research recommendations.

The purpose of the initial hearing on a preliminary plat shall be to insure that review of the preliminary plat is coordinated with review of such other land use applications as may be required and that the review conforms to the State Environmental Policy Act and such other acts and ordinances as may be applicable to preliminary plat approval. Specifically, the planning commission, with staff assistance, shall seek to accomplish the following tasks at the initial hearing:

- A. Determine whether any land use applications are required in addition to the preliminary plat application and in addition to applications already filed with the preliminary plat. Additional land use applications may include but are not limited to variances, floodplain development permits, shoreline substantial development permits, zoning map amendments and comprehensive plan map amendments. If the planning commission finds an additional land use application to be necessary, future hearings shall be open to review of such application. Review of any shoreline substantial development permit, floodplain development permit, variance to the flood damage ordinance, or other local permit that is not in the power of the planning commission to grant nevertheless shall be coordinated with the preliminary plat review if such permit is required to enable subdivision development. Hearings on preliminary plats shall be open to consideration of permit applications not in the power of the planning commission to grant. The planning commission may make recommendations to the city official or body responsible for administering such permit programs.
- B. If the geologic report requirements of Sections 16.14.110 through 16.14.160 apply to the property, determine that the report is in fact completed or in preparation.
- C. Determine whether any other special studies are needed to provide the commission with facts necessary to make its recommendation to the city council. Special studies may include but shall not be limited to such subjects as flood damage protection; runoff and erosion control; capabilities for sewer, water, police,

fire, solid waste disposal and other services; adequacy of transportation systems to subdivision sites; and location, size and design of parks, recreation facilities, trails, bikeways and school sites. If the planning commission determines a need exists for special studies, it may require same. Planning commission members shall have use of the environmental checklist and the other application materials and shall consider the factors set forth in Section 16.08.150 in determining need for special studies.

- D. If applicable, make recommendations to the city responsible official for SEPA pursuant to Section 16.08.090 concerning preparation of an environmental impact statement.

(Ord. 509 Art. III § 2.8, 1980)

16.08.090 Coordination of plat review and SEPA processes.

- A. The purpose of this section is to further the city's implementation of the State Environmental Policy Act and to provide for coordination between the duties of the planning commission for review of subdivision proposals and the duties of the city's responsible official for compliance with SEPA.
- B. In order to promote understanding of the potential impacts of a subdivision proposal, planning commission members shall be furnished a copy of the environmental checklist submitted by the applicant, together with the other required application materials, for use at the initial hearing.
- C. Requirements for geologic reports under Sections 16.14.110 through 16.14.160 of this ordinance and requirements of the commission for special studies under Section 16.08.080 shall be independent of any requirement for an EIS. However, if an EIS has been required, geologic reports and special studies shall be prepared and reviewed concurrently with the EIS and their results included in the EIS.
- D. If the city's responsible official for SEPA has determined that an environmental impact statement is required, the commission may develop and forward to the official a list of research subjects that the commission recommends be emphasized in the preparation of the EIS. Research subjects recommended for special emphasis in the EIS may include:
1. Any of the elements of the physical and human environments listed in WAC 197-10-444

(see Appendix "A" attached to the ordinance codified in this chapter and on file in the office of the city clerk);

2. Any of the additional elements listed in Section 10 of Woodland Environmental Policy Ordinance 428 (see Section 15.04.100 of this code), which include economy, cultural factors, and sociological factors;
3. Any of the elements required by WAC 197-10-440 as contents of the EIS (see Appendix "B" attached to the ordinance codified in this chapter and on file in the office of the city clerk), including but not limited to timing of construction phases; alternatives to the proposal; direct, indirect, cumulative and growth-inducing impacts of the proposal; and measures to mitigate impacts.

- E. If the responsible official for SEPA has determined that an EIS is not required or has not yet made a determination and the planning commission determines that an EIS would aid in its deliberations on the proposal, the commission may recommend to the official that he withdraw the negative threshold determination issued pursuant to WAC 197-10, that he make a positive threshold determination, or that he request such additional information from the applicant as the commission may identify as needed. Any such recommendation shall be advisory.
- F. Applications for preliminary plat approval shall be held in abeyance until completion of the draft EIS when the responsible official has required an EIS, and, at the discretion of the planning commission, applications may, but normally shall, be held in abeyance until the final EIS is available. No preliminary plat for which an EIS has been required shall be approved or disapproved by the city council until the final EIS has been completed.
- G. The commission or council may utilize the findings of any EIS in taking action to approve, conditionally approve or disapprove a plat.

(Ord. 509 Art. III § 2.9, 1980)

16.08.100 Hearing on draft EIS.

If the responsible official for SEPA has determined that an EIS is necessary for the preliminary plat together with any accompanying land use applications, the planning commission shall hold a public hearing on

the adequacy of the scope and content of the draft EIS. Notice of the hearing shall be provided to the parties and in the manner set forth in Sections 16.08.040, 16.08.050 and 16.08.070. The purpose of the hearing shall be to generate comments from the public and the planning commission on the adequacy of the EIS in terms of its scope and content. The planning commission may summarize its comments in written form and forward them to the responsible official. (Ord. 509 Art. III § 2.10, 1980)

16.08.110 Hearing on the merits.

The planning commission shall hold a public hearing on the merits of proposed subdivisions and accompanying land use applications for the purpose of making a recommendation to the city council. If an EIS has been required for a proposal, such hearing normally shall be held after completion of the final EIS, in order that the commission may have full information necessary to make a recommendation in conformance with SEPA. If an EIS has not been required, the hearing on the merits will be concurrent with or a continuation of the initial hearing. Notice shall be given in the manner and to the parties set forth in Sections 16.08.040, 16.08.050 and 16.08.070; however, no notice shall be required if the hearing is held at a date, time and place announced at a previous hearing. (Ord. 509 Art. III § 2.11, 1980)

16.08.120 Duties of city officials.

- A. The following persons shall prepare comments and recommendations to be considered by the planning commission and city council in review of proposed preliminary plats:
1. Public works director;
 2. City fire chief;
 3. Woodland parks board in the case of residential subdivisions, when requested, pursuant to Section 16.14.210;
 4. Community development director B. The public works director, fire chief and parks board shall forward their comments and recommendations to the community development director in a timely manner, and the planning commission secretary shall forward any comments received from the public, public agencies or utilities to the community development director. The community development director shall

consolidate the comments and recommendations into a staff report to be considered by the planning commission.

(Ord. 509 Art. III § 2.12, 1980)

(Ord. No. 1378, § 25, 11-21-2016)

16.08.130 Recommendation to city council.

The planning commission shall review all proposed preliminary plats together with accompanying materials and documents, land use applications, staff reports and public comments, and either make a recommendation on the plat and other land use applications to the city council or return the plat to the applicant with a request for modification or more information. If the planning commission makes a recommendation, such recommendation shall be for approval, disapproval or approval with conditions. Recommendations shall include and be supported by findings of fact and, together with all written reports, documents, comments, application materials and other record of the commission's proceedings, shall be forwarded to the city council within fourteen days of commission action. Recommendations and findings of the commission shall be advisory only. Sole authority to approve or disapprove preliminary plats shall reside in the city council. (Ord. 509 Art. III § 2.13, 1980)

16.08.140 City council review.

The clerk-treasurer shall set a date, time and place for city council review of the preliminary plat materials and commission recommendation, such review to occur at a public meeting. The applicant shall be advised of the date, time and place of the council meeting. After considering the commission's recommendation, the preliminary plat, accompanying applications, documents, staff reports and comments at the public meeting, the council may adopt, reject or consider changes to the commission's recommendation. If the council adopts the commission's recommendation, no further action is required of the council or commission relative to the preliminary plat. However, if the council, after deliberations, votes to diverge significantly from or to reject the commission's recommendation, the council shall hold a duly advertised public hearing to consider the plat. Thereafter, the council shall make its own decision supported by an enumeration of findings of fact and approve, approve with conditions, or disapprove the preliminary plat. Prior to making a final

decision on a preliminary plat, the council at any time may refer the plat back to the commission for development of additional findings, may require the applicant to modify the plat, or may require additional information to be submitted. A taped record shall be kept of all public hearings held by the council in regard to preliminary plats. (Ord. 509 Art. III § 2.14, 1980)

**16.08.150 Factors to be considered by the planning commission and city council—
Generally.**

Planning commission recommendations and city council actions on preliminary plats shall be based on review of RCW Chapter 58.17 and other factors, as set out in Sections 16.08.160 through 16.08.260. (Ord. 509 Art. III § 2.15 (part), 1980)

16.08.160 Conformance of plat to plans and ordinances.

The preliminary plat shall conform to, and it shall be the applicant's burden to demonstrate conformance to, the following factors:

- A. The goals, policies, objectives and land use map of the Woodland comprehensive plan in location, use, timing of improvements, and design;
- B. Capital improvements program;
- C. Other plans and programs as the city may adopt;
- D. Woodland zoning ordinance;
- E. Woodland flood damage ordinance;
- F. Woodland shoreline master program;
- G. The standards of this article.

(Ord. 509 Art. III § 2.15(1), 1980)

16.08.170 Open space, streets and utility provisions.

The planning commission and city council shall determine whether appropriate provisions are made for, but not limited to, public health, safety and general welfare; open spaces, parks and playgrounds; schoolgrounds; drainageways and facilities; streets, alleys, sidewalks and other public ways; water supplies; and sanitary and solid waste disposal. The burden of proof shall lie with the applicant. If the commission finds that a proposed plat does not make such appropriate provisions, it shall recommend disapproval. If

(Woodland Supp. No. 32, 6-17)

the council finds that such appropriate provisions are not made, it shall disapprove the plat. As provided in RCW 58.17.110, the commission may recommend and the council may require dedication of land to any public body as a condition of approval. (Ord. 509 Art. III § 2.15(2), 1980)

16.08.175 Curb, sidewalk, drainage and roadway improvements.

All lots of a subdivision abutting a street shall be improved with curbs, sidewalks, drainage, and roadway constructed to standards outlined in this chapter and approved by the public works director to the centerline of such streets. (Ord. 686 § 7, 1988)
(Ord. No. 1378, § 26, 11-21-2016)

16.08.180 Public dedications.

The commission and council shall inquire into the public use and interest proposed to be served by the subdivision and dedications to the public, and shall determine whether the public interest will be served by the subdivision and proposed dedications to the public. The burden of proof shall lie with the applicant. If the commission finds that the public use and interest will not be served by the proposed plat, it shall recommend disapproval. If the council finds that the public use and interest will not be served, it shall disapprove the plat. (Ord. 509 Art. III § 2.15(3), 1980)

16.08.190 Physical site characteristics.

The commission and council shall consider the physical characteristics of the proposed subdivision site and may recommend disapproval, and in the case of the council, disapprove the plat because of any identified or suspected natural limitations, including but not limited to slope, soil slip potential, flood hazard, inundation, swamp conditions, drainage conditions, and location in or proximity to environmentally sensitive areas. Construction of protective improvements may be required as a condition of approval. The burden of proving that disruption of areas identified or suspected of being environmentally sensitive will not endanger the public health, safety or welfare shall lie with the applicant. (Ord. 509 Art. III § 2.15(4), 1980)

16.08.200 Flood-control zones—Irrigation districts.

No plat of any area situated in a flood-control zone as provided in RCW Chapter 86.16 shall receive

favorable recommendation without prior written approval of the State Department of Ecology. No plat of any area that lies wholly or in part in an irrigation district organized under RCW Chapter 87.03 shall receive favorable recommendation or be approved unless there is provided an irrigation right-of-way for each parcel of land in such district. Such rights-of-way shall be evidenced on the face of the final plat. (Ord. 509 Art. III § 2.15(5), 1980)

16.08.210 Release from adjacent property owners—When required.

As a condition of approval, the commission shall not recommend and the council shall not require a subdivider to procure from adjacent property owners a release from damages against the city. In accordance with RCW 58.17.165, an exception to this rule shall apply to the construction, drainage and maintenance of dedicated streets. (Ord. 509 Art. III § 2.15(6), 1980)

16.08.220 Effect on surrounding properties and off-site facilities.

The commission and council shall consider the effects of a proposed subdivision on surrounding properties and on off-site and city-wide public facilities and services, such as existing parks, recreation facilities, schools, streets, transit facilities, drainageways and sewer and water systems. In order that the subdivider bear a fair share of the cost of repair or improvement of these affected properties, facilities and services, the commission may recommend and the council may require construction, repair, expansion, improvement or other provision of off-site improvements by the subdivider. Such provision may include, but shall not be limited to, dedication of land for right-of-way, resurfacing a street that provides access to a subdivision, or replacement of inadequately sized off-site utilities whose capacity will be affected by the development. (Ord. 509 Art. III § 2.15(7), 1980)

16.08.230 Consideration of consolidated staff report.

The commission shall make no recommendation on and the council shall not approve a preliminary plat without having received and considered the consolidated staff report and any other reports and recommendations of city officials and public agencies prepared

pursuant to Section 16.08.120. (Ord. 509 Art. III § 2.15(8), 1980)

16.08.240 Use of EIS or special studies.

The commission and council may utilize any EIS or special study prepared in conjunction with a proposed plat in making findings. (Ord. 509 Art. III § 2.15(9), 1980)

16.08.250 Attachment of conditions.

The commission and council may attach any conditions to an approval or recommendation for approval as deemed necessary to promote the public interest, safety, health and welfare, except as prohibited in this article or other law. The commission may recommend and the council may require that conditions of approval be listed on the face of the final plat. (Ord. 509 Art. III § 2.15(10), 1980)

16.08.260 Relationship of preliminary plat and master plan.

The commission and council shall consider the relationship between the preliminary plat and the master plan. In order to provide for future needs and a coordinated relationship between the preliminary plat site and tentative development in adjoining areas, the commission and council may use the master plan to establish appropriate modifications to the preliminary plat, conditions of approval, dedications and off-site improvements. (Ord. 509 Art. III § 2.15(11), 1980)

16.08.270 Special provisions for variances.

It is recognized that in some cases pertaining to particular plats circumstances may justify the granting of variances from the standards of this article. In accordance with Section 16.08.080, applications for variances shall be coordinated with preliminary plat review. Petitioners for variances shall describe fully the variance sought and the grounds for the application, and shall bear the burden of proof that approval of such application conforms to the standards of Section 16.08.280. The planning commission shall develop separate recommendations on variance applications and forward them to the city council along with the recommendation on the preliminary plat. The commission's recommendation and the council's action may be for a lesser degree of variation from a standard than sought

by the applicant, and may include conditions. The provisions of Section 16.12.030 regarding future improvements may be considered in reference to variance requests. The council shall have sole authority to approve variances from the standards of this article. (Ord. 509 Art. III § 2.16, 1980)

16.08.280 Variance standards.

In order for a variance to be recommended by the commission and approved by the council, it must be determined that:

- A. There are special topographic or other physical conditions affecting the property that are not common to all property in the area;
- B. Hardship, as distinguished from mere inconvenience, would result from strict compliance with the standards of this article;
- C. A variance complies with the spirit and intent of this article and will not be detrimental to the public health, safety or welfare, or injurious to other property in the vicinity;
- D. A variance will not have the effect of nullifying the spirit and intent of the comprehensive plan and the zoning ordinance;
- E. In the case of a variance to sidewalk standards, adequate provision nevertheless will be made for pedestrian and bicyclist movement and safety.

(Ord. 509 Art. III § 2.17, 1980)

16.08.290 Time limits and extensions.

The following time limits shall apply to review of preliminary plats:

- A. The city council shall approve, approve with conditions, disapprove or return to the applicant for modification all preliminary plats of proposed subdivisions within ninety days from date of application, unless the applicant consents to an extension of such period; provided, that if an EIS is required, the ninety-day period shall not include time spent preparing and circulating the EIS.
- B. City council approval of preliminary plats shall expire three years from the date of such approval unless the final plat of the subdivision has been submitted to the city and approved within three years. However, if the applicant wishes to proceed with the subdivision after

expiration of the three-year period, he may apply to the planning commission for an extension of the time limit on filing the final plat. Such application shall be made no later than thirty days before the expiration of the three-year approval period. In such application, the subdivider shall state the reasons for the request, describe progress made in installing improvements and provide a schedule for completing the final plat. The planning commission shall hold a public hearing on requests for extension in the manner set forth in Sections 16.08.040 and 16.08.050 and shall make a recommendation to the council for approval or disapproval of the request. The council shall consider the request and commission recommendation at a public meeting, and may approve, approve with conditions, or disapprove the request. In the event an extension is approved, the extension time shall not exceed one year after the expiration of the original three-year approval period. Disapproval of the request shall mean revocation of preliminary plat approval.

(Ord. 552 § 2, 1983; Ord. 509 Art. III § 2.18, 1980)

16.08.300 Effect of preliminary plat approval.

Approval of a preliminary plat by the city council is approval of the proposed subdivision's design, relationship with adjoining property and improvements to be provided. Engineering, construction and installation of improvements and final platting detail shall be subject to approval of the public works director's. Approval of a preliminary plat shall not guarantee approval or constitute acceptance of the final plat. Rather, it shall be deemed to authorize the subdivider to proceed with preparation of the final plat in conformance with the approved preliminary plat and conditions set thereon, and, upon the public works director's approval of detailed construction plans, to proceed with construction and installation of the required improvements. (Ord. 509 Art. III § 2.19, 1980)

(Ord. No. 1378, § 27, 11-21-2016)

16.08.310 Submission of construction plans.

After approval of the preliminary plat and prior to the beginning of construction and installation of improvements or performance bonding or other assur-

ance in lieu thereof, the subdivider's engineer shall submit to the public works director detailed construction plans for all required improvements and applications for necessary permits. Such plans shall conform to the specifications set forth in Section 16.18.050. Upon the public works director's approval of the construction plans, and prior to submission of the final plat, the subdivider shall proceed to construct and install required improvements to completion, unless the performance bonding or other option set forth in Chapter 16.12 is accepted. (Ord. 509 Art. III § 3, 1980) (Ord. No. 1378, § 28, 11-21-2016)

Chapter 16.10**FINAL PLATS****Sections:**

- 16.10.010** Preparation.
- 16.10.020** Supplementary materials.
- 16.10.030** Sequence for obtaining signatures.
- 16.10.040** Public works director.
- 16.10.050** Review by planning commission.
- 16.10.060** Review by city council.
- 16.10.070** Filing.
- 16.10.080** Expiration.

16.10.010 Preparation.

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

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

(Ord. 509 Art. III § 4.1, 1980)

(Ord. No. 1378, § 29, 11-21-2016)

16.10.020 Supplementary materials.

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

- A. At least two copies of the final plat on mylar material;
- B. A minimum of ten paper copies of the final plat;

(Woodland Supp. No. 32, 6-17)

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

(Ord. 979 § 5, 2003; Ord. 509 Art. III § 4.2, 1980)

16.10.030 Sequence for obtaining signatures.

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

- A. The owners in fee simple;
- B. Notary public in and for the State of Washington;
- C. Licensed land surveyor;
- D. Cowlitz County treasurer;
- E. Public works director;
- F. Planning commission chairman;
- G. Mayor;
- H. City clerk-treasurer;
- I. Cowlitz County auditor.

(Ord. 509 Art. III § 4.3, 1980)

(Ord. No. 1378, § 30, 11-21-2016)

16.10.040 Public works director.

- A. The subdivider shall submit the original drawing of the proposed final plat and supplementary materials to the public works director. The public works director shall:
1. Inspect the detail and computations of the final plat for conformance with the specifications and standards of this article; the public works director's determinations shall be conclusive;
 2. Inspect the final plat for conformance with the preliminary plat approved by the city council and the conditions made a part of such approval;
 3. Determine either that all required improvements have been installed in accordance with these regulations or that certain improvements may properly be deferred under Chapter 16.12.
- B. When the public works director is satisfied with the detail and computations of the plat, determines that the plat conforms with the approved preliminary plat and conditions set thereon, and determines that improvements either are complete or may properly be deferred, he shall signify his approval of the subdivision by signing the original and mylar copies of the final plat. Thereafter, he shall forward the plats and the supplementary material to the city clerk-treasurer, who shall arrange for planning commission review.
- C. If the public works director is not satisfied with the detail and computations of the final plat, finds that the plat does not conform with the approved preliminary plat and conditions, determines that improvements were installed incorrectly, or is not satisfied with the extent or manner in which completion of improvements would be deferred, he shall withhold his signature until the matter is corrected or resolved by the subdivider to the satisfaction of the public works director.

(Ord. 509 Art. III § 4.4, 1980)

(Ord. No. 1378, § 31, 11-21-2016)

16.10.050 Review by planning commission.

- A. After the inspection by the public works director the planning commission shall review the proposed final plat for conformance with the preliminary plat and conditions approved by the council. Such review shall take place at a regular public meeting.

- B. If the planning commission finds a final plat to be conforming, the commission chairman shall signify the commission's approval by signing the original drawing and mylar copies, then shall forward them to the city clerk-treasurer for consideration by the council.
- C. If the commission finds that a final plat contains significant divergences from the approved preliminary plat, it shall withhold its approval, return the plat sheets to the applicant and provide him with a statement indicating the reasons for the withholding of approval and the changes necessary. If the applicant does not modify the proposed final plat to the commission's satisfaction, the city's approval of the preliminary plat shall become null and void. To be reactivated, the plat must be resubmitted as a new preliminary plat subject to the provisions of this article, including payment of preliminary plat review fees.

(Ord. 509 Art. III § 4.5, 1980)

(Ord. No. 1378, § 32, 11-21-2016)

16.10.060 Review by city council.

- A. The city council shall review final plats at a public meeting considering the factors set forth in this subsection. The council review shall occur after the reviews by the community development director, public works director and planning commission. The council shall determine whether:
1. The final plat conforms to the approved preliminary plat and conditions set thereon;
 2. The public use and interest will be served by the subdivision and the final plat meets the requirements of RCW Chapter 58.17 and of this article;
 3. Improvements have been completed or properly guaranteed to be completed in accordance with Chapter 16.12;
 4. The dedications, certifications and acknowledgments and signatures required by Section 16.18.070 have been duly stated and obtained;
 5. Inspection and street sign fees have been paid;
 6. Proposed covenants are in satisfactory form and ready for recording with the final plat;
 7. Any such supplementary materials required by this article or by the council have been satisfactorily completed.

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

(Ord. 509 Art. III § 4.6, 1980)

(Ord. No. 1378, § 33, 11-21-2016)

16.10.070 Filing.

The subdivider shall file the original drawing of the final plat for recording with the Cowlitz County auditor. One reproduced full copy on mylar material shall be furnished to the community development director. (Ord. 509 Art. III § 4.7, 1980)

(Ord. No. 1378, § 34, 11-21-2016)

16.10.080 Expiration.

Any final plat not filed for recording within twenty-one days after city council approval shall be null and void. To be reactivated, the plat must be resubmitted as a new preliminary plat. (Ord. 509 Art. III § 4.8, 1980)

Chapter 16.12

IMPROVEMENTS—ASSURANCE FOR COMPLETION AND MAINTENANCE

Sections:

- 16.12.010** **Improvements within plat boundaries.**
- 16.12.020** **Off-site improvements.**
- 16.12.030** **Future improvements.**
- 16.12.040** **Permanent improvements— Option for completion.**
- 16.12.050** **Interim improvements—Option for completion.**
- 16.12.060** **Conditions of bond or agreement— Generally.**
- 16.12.070** **Bond or agreement— Improvements to be specified.**
- 16.12.080** **Amount of bond.**
- 16.12.090** **Bond or agreement—Time for completion.**
- 16.12.100** **Action on bond or other security.**
- 16.12.110** **Bond or agreement to be binding upon applicant.**
- 16.12.120** **City attorney's approval of bond or agreement.**
- 16.12.130** **Bond or agreement—Inspection, maintenance and removal.**
- 16.12.140** **Inspections.**
- 16.12.150** **Inspection fee.**
- 16.12.160** **Maintenance of permanent improvements.**
- 16.12.170** **Maintenance and removal of interim improvements.**
- 16.12.180** **Issuance of building permits.**
- 16.12.190** **"As-built" plans.**

16.12.010 **Improvements within plat boundaries.**

It shall be the responsibility of the subdivider to construct and install permanent and interim improvements required by this article or otherwise required by the city council within the boundaries of the approved preliminary plat, with the expense of making such improvements to be borne solely by the applicant. However, the city council may form a local improvement district when an improvement will serve a wider area than the subdivision alone. (Ord. 509 Art. IV § 1.1, 1980)

16.12.020 **Off-site improvements.**

Construction, repair, expansion, improvement or other provision of off-site improvements required by the city council as part of preliminary plat approval shall be the responsibility of the applicant, unless the city council resolves to share the responsibility and cost with the applicant or to create a local improvement district to bear the entire cost or a portion thereof. (Ord. 509 Art. IV § 1.2, 1980)

16.12.030 **Future improvements.**

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

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

(Ord. 509 Art. IV § 1.3, 1980)

(Ord. No. 1378, § 35, 11-21-2016)

16.12.040 **Permanent improvements—Option for completion.**

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

- A. All improvements required of the subdivider have been completed by the subdivider to the satisfaction of the public works director; or
- B. The subdivider posts a plat performance bond, as defined in Chapter 16.04; or
- C. The subdivider posts a personal bond cosigned by at least one additional person, together

with evidence of financial responsibility and resources of those signing the bond sufficient to secure to the city satisfactory completion of the incomplete portions of improvements required of the subdivider; said bond shall be accompanied by an agreement executed by the subdivider and the city as set forth in Sections 16.12.060 through 16.12.130; or

- D. The subdivider submits a letter of credit from a bank authorizing a draft from the bank for an amount sufficient to assure satisfactory completion of improvements; said letter shall be accompanied by an agreement between the subdivider and the city as set forth in Section 16.12.060 through 16.12.130; or
- E. The subdivider submits a certified or cashier's check or assignment of funds securing to the city the satisfactory completion of the incomplete portion(s) of improvements required of the subdivider. Such check or assignment shall be made payable to the city clerk-treasurer, and shall be accompanied by an agreement between the city and subdivider as set forth in Sections 16.12.060 through 16.12.130.

(Ord. 509 Art. IV § 2.1, 1980)

(Ord. No. 1378, § 36, 11-21-2016)

16.12.050 Interim improvements—Option for completion.

In any case when a subdivider is required to construct an interim improvement, one or a combination of the forms of security set forth in subsections (B), (C), (D) and (E) of Section 16.12.040 shall be required to assure maintenance and, at the appropriate time as determined by the public works director, removal of the interim improvement. (Ord. 509 Art. IV § 2.2, 1980)

(Ord. No. 1378, § 37, 11-21-2016)

16.12.060 Conditions of bond or agreement—Generally.

Any plat performance bond or other security posted in conformance with this chapter shall be subject to the conditions of this section and Sections 16.12.020 through 16.12.130. In the event of personal bonds, letters of credit, checks or assignments of funds, there shall be executed a formal agreement between the city and the subdivider prior to final plat approval

(Woodland Supp. No. 32, 6-17)

fulfilling the conditions of said sections. (Ord. 509 Art. IV § 3 (part), 1980)

16.12.070 Bond or agreement—Improvements to be specified.

The improvements to be completed and maintained, and in the case of interim improvements, the improvements to be maintained and removed by the subdivider shall be specified in the bond or agreement. (Ord. 509 Art. IV § 3.1, 1980)

16.12.080 Amount of bond.

The amount of any bond or other security posted or submitted shall be at least one hundred twenty-five percent of the cost of completion of improvements as estimated by the public works director. In the event of interim improvements, the amount shall include the cost of their completion, maintenance and removal as estimated by the public works director. Amounts determined by the public works director shall be conclusive. The subdivider may provide cost estimates to the public works director. (Ord. 509 Art. IV § 3.2, 1980)
(Ord. No. 1378, § 38, 11-21-2016)

16.12.090 Bond or agreement—Time for completion.

The period in which improvements must be completed shall be specified in the plat performance bond or agreement, which period shall not exceed eighteen months from date of final plat approval. However, extensions may be granted. Requests for extension shall be made to the planning commission for consideration at a public meeting and shall require a recommendation from the public works director. The commission shall determine whether sufficient progress has been made and good faith indicated to warrant an extension. The commission shall forward a recommendation to the city council, which shall have sole authority to grant extensions. (Ord. 509 Art. IV § 3.3, 1980)

(Ord. No. 1378, § 39, 11-21-2016)

16.12.100 Action on bond or other security.

Any plat performance bond or agreement shall provide that in the event the specified improvements are not completed within the time limit, the city may declare the bond or agreement to be in default, may complete the work to city specifications, and may re-

cover the full cost thereof from the subdivider, surety company, bank or cosigner of the security. If the amount of the plat performance bond or other security is less than the cost incurred by the city, the subdivider shall be liable to the city for the difference. If the amount is greater than the cost incurred by the city, the city shall release the remainder. In the case of any suit or action to enforce provisions of this chapter, the subdivider shall pay to the city all costs incidental to litigation, including reasonable attorney's fees. (Ord. 509 Art. IV § 3.4, 1980)

16.12.110 Bond or agreement to be binding upon applicant.

Any plat performance bond or agreement posted or secured under this chapter shall be binding upon the subdivider, his heirs, successors and assigns. (Ord. 509 Art. IV § 3.5, 1980)

16.12.120 City attorney's approval of bond or agreement.

Before any plat performance bond or any agreement is approved by the council, it shall be found valid and enforceable by the city attorney. All such securities shall be kept by the city clerk-treasurer. Plat bonds and agreements for other security shall be released only upon council approval. (Ord. 509 Art. IV § 3.6, 1980)

16.12.130 Bond or agreement—Inspection, maintenance and removal.

Any plat performance bond and any agreement accompanying other secure method shall include the inspection cost reimbursement provisions of Section 16.12.150, the provisions of Section 16.12.160, and, in the event of temporary improvements, the provisions of Section 16.12.170. (Ord. 509 Art. IV § 3.7, 1980)

16.12.140 Inspections.

Improvements shall be inspected by the public works director or designee at the start, during, and at completion of construction and installation. The person, firm or contractor actually performing the work shall notify the public works director at least twenty-four hours in advance of commencing operations or commencing any construction phase. (Ord. 509 Art. IV § 4.1, 1980)
(Ord. No. 1378, § 40, 11-21-2016)

16.12.150 Inspection fee.

After completion of improvements, the subdivider shall reimburse the city for the actual cost of the inspections. Such inspection fee shall be paid to the city prior to final plat approval for those improvements found by the public works director to be complete. Payment of inspection fees for improvements whose completion is deferred by plat bonding or other security shall be made to the city upon completion of the improvements. The city shall have authority to invoke any bond or other security posted by the subdivider to recover actual inspection costs from the subdivider, surety company, bank or cosigner or to seek other remedy. (Ord. 509 Art. IV § 4.2, 1980)
(Ord. No. 1378, § 41, 11-21-2016)

16.12.160 Maintenance of permanent improvements.

As assurance against defective workmanship or materials employed in the construction or installation of permanent improvements dedicated to the public, the subdivider, at his expense, shall be responsible for maintenance of and correction of any defects in said improvements for a period of twelve months following certification of completion by the public works director. If improvements are not maintained, or if defects are not corrected as requested by the public works director, the city may invoke any bond or other security posted by the subdivider, may cause the work to be done, and may recover the full cost thereof from the subdivider, surety company, bank or cosigner, or may seek other remedy. (Ord. 509 Art. IV § 4.3, 1980)
(Ord. No. 1378, § 42, 11-21-2016)

16.12.170 Maintenance and removal of interim improvements.

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

subdivider, surety company, bank or cosigner, or may seek other remedy. (Ord. 509 Art. IV § 4.4, 1980)
(Ord. No. 1378, § 43, 11-21-2016)

16.12.180 Issuance of building permits.

No building permit shall be issued prior to final plat approval. No occupancy permit shall be issued prior to satisfactory completion of improvements. No person other than the subdivider or owner may be issued a building permit prior to completion of improvements. (Ord. 509 Art. IV § 5, 1980)

16.12.190 "As-built" plans.

After completion of all required improvements, but prior to acceptance of completed work by the public works director, the subdivider shall furnish the public works director with an acceptable set of reproducible plans indicating the "as-built" condition of the work. Such plans shall show all changes, additions and deletions in alignments, grades, and other engineering detail from the original detailed construction plans, all of which shall be certified by an engineer registered in the State of Washington responsible for the work. (Ord. 509 Art. IV § 6, 1980)
(Ord. No. 1378, § 44, 11-21-2016)

Chapter 16.14

DESIGN STANDARDS

Sections:

16.14.010	Applicability.
16.14.020	Conformance to applicable plans, laws, ordinances and regulations.
16.14.030	Master plan—Preparation.
16.14.040	Master plan—Purpose.
16.14.050	Master plan—Phased developments.
16.14.060	Subdivision names.
16.14.070	Street names.
16.14.080	Council authority to select names.
16.14.090	Preservation of natural features.
16.14.100	Impact on environs.
16.14.110	Soil, geologic and hazard considerations—Effect on plat design.
16.14.120	Geologic report requirements.
16.14.130	When geologic reports required.
16.14.140	Maps controlling.
16.14.150	Contents of geologic feasibility reports.
16.14.160	Evaluation of geologic reports.
16.14.170	Lot design—Generally.
16.14.190	Block design—All areas.
16.14.200	Lot and block design— Commercial and industrial uses.
16.14.210	Parks.
16.14.220	Watercourse easement.
16.14.230	Utility easements.
16.14.240	Street and right-of-way design— Generally.
16.14.250	Minimum widths.
16.14.260	Cul-de-sacs.
16.14.270	Grade of streets.
16.14.280	Intersections.
16.14.290	Curves.
16.14.300	Slope of cut and fill embankments.

16.14.010 Applicability.

The requirements of this chapter shall be followed in the development of all subdivisions, except as indicated in Chapter 16.22, and shall be considered minimum standards. (Ord. 509 Art. V § 1.1, 1980)

16.14.020 Conformance to applicable plans, laws, ordinances and regulations.

In addition to standards contained in this chapter, all subdivision plats shall comply with the following:

- A. The plans, programs and ordinances listed in Section 16.08.160;
 - B. APWA Specifications;
 - C. The current edition of the Uniform Fire Code, as may be amended by the city;
 - D. Policies for place names of the Cowlitz County communication center;
 - E. Applicable state laws and regulations.
- (Ord. 509 Art. V § 1.2, 1980)

16.14.030 Master plan—Preparation.

- A. Phasing from Inception. If a subdivision development is to be carried out in successive phases, a master plan shall be prepared by the subdivision applicant and submitted with the application. The master plan shall be prepared on a separate sheet from the proposed., preliminary plat and shall satisfy specifications for master plans set forth in Section 16.18.030.
- B. Modifying an Existing Subdivision Plan/Plat to Allow Phasing. If either a master plan or application for a subdivision has been submitted and received preliminary plat approval, the developer may submit an application to amend the master plan for the purpose of completing the subdivision in phases, provided:
 1. The phasing plan includes all land identified in the legal notice for the public hearing in which the initial preliminary approval was granted, including any land areas where off-site improvements are constructed;
 2. The map attached to the proposed phasing plan includes a specific time schedule showing the sequence of build-out of the phased development;
 3. The master plan satisfies the specifications for master plans set forth in Section 16.18.030.
- C. Review of an Application to Amend a Master Plan to Allow Phasing. The development review committee shall review the application for a phasing

plan if the committee finds the following conditions have been met and expresses its authority as described herein:

1. The application submitted meets the requirements of WMC 16.14.030(2);
2. The amendment permits construction in phases, but the amendment does not alter any other conditions of the preliminary approval, including the five-year term of the original approval;
3. The amendment treats each phase as an independent project and each phase, therefore, must independently satisfy all requirements set forth in the preliminary plat approval, and any applicable development standards in WMC, including but not limited to density, open space, public and private infrastructure, landscaping, pedestrian and vehicle circulation, and stormwater detention. For purposes of this section, a "phase" includes a contiguous group of lots that satisfy all applicable development standards without reference to a different contiguous group of lots. An applicant cannot rely on improvements anticipated to be constructed in future phases to satisfy requirements for a preceding phase;
4. The director of public works has made a determination that the applicant has provided satisfactory assurance, including any required documents from the applicant and any financial assurances, that for each phase all essential streets, roads, sanitary sewer, storm sewers, stormwater utilities, water and other public improvements, including but not limited to drainage improvements and erosion control will be completed consistent with the original approved preliminary plat;
5. The committee has the authority to determine the scope, size and sequence of each phase and to require the applicant to complete essential features of the subdivision which serve all phases of the subdivision. The committee may require specific improvements necessary for any part of the development to be completed as part of the first phase, regardless of phasing design or the completion schedule of future phases. By way of example, construction of a stormwater detention pond needed for the first phase must be completed even if the location

of the pond is on land to be developed in a later phase or the capacity of a detention pond for the first phase is less than the capacity needed to serve the entire subdivision;

6. The security for completion of any improvements meets the requirements of WMC 16.12.
- D. Extensions. A developer can request an extension to apply for the final plat for the entire subdivision. A request for an extension may be submitted at the same time an application to allow phasing is submitted. The purpose of permitting concurrent applications is to allow the development review committee to review the extension request at the same time it reviews the phasing application.
1. Eighteen-Month Extension. Provided the request has been filed with the city more than thirty days prior to the expiration of the original five-year period and the applicant makes a factual showing of good faith attempts (i) to comply with material conditions of the preliminary plat approval and (ii) to meet the conditions for the final plat within the five-year period, the development review committee may grant an eighteen-month extension;
 2. Additional Extensions. Provided the request has been filed with the city no more than sixty days but no less than thirty days prior to the expiration of the eighteen-month extension, the Development review committee shall review an application for an additional two-year extension. The committee may grant such extension if:
 - a. The applicant provides evidence of good faith attempts to comply with all material conditions of preliminary plat approval, from the time the first extension was granted through the time of application for the subsequent extension. A "good faith" effort includes but is not limited to the submittal of engineering plans or survey calculations or similar filings necessary for the final document approval;
 - b. At the time of the request for extension, the approved preliminary plat is not inconsistent with either the Woodland comprehensive plan, Woodland zoning and other development ordinance or development standards or any other applicable code,

state law, regulation or executive order or federal law, regulations or executive order, without regard to whether the substantive requirements of those acts have been changed, modified, amended or superseded by subsequent action;

- c. One phase of the development has been completed and final plat approval obtained for that phase or thirty percent of the public infrastructure for the entire subdivision has been completed; and
- d. At the time of the request, levels of service for public infrastructure/utilities, including but not limited to transportation, water, sewer, are lower than the minimum standards.

(Ord. 509 Art. V § 1.3(1), 1980)

(Ord. No. 1172, § 1, 4-5-2010)

16.14.040 Master plan—Purpose.

The purpose of a master plan prepared for a preliminary subdivision plat with phasing in the original application or for a preliminary plat amendment with phasing applied for subsequent to the approval of the preliminary plat is to provide sufficient guidance to the DRC regarding the intended scope and sequence of the construction of the subdivision so that the DRC can adequately plan for developments on adjacent properties. (Ord. 509 Art. V § 1.3(2), 1980)

(Ord. No. 1172, § 1, 4-5-2010)

16.14.050 Master plan—Phased developments.

The city may approve a phasing plan for a subdivision if the proposed phasing plan satisfies the requirements set forth in WMC 16.14.030. The applicant shall prepare as part of its application to use phasing in a development: a master plan, a preliminary plat of the first phase and a separate preliminary plat for each successive phase.

- A. Convert to Phasing. The DRC shall take one of the following actions on an application to permit phasing for an approved preliminary plat:
 - 1. Approve the phasing plan if (i) the plan does not alter conditions of the preliminary approval and (ii) no significant issues are presented;

- 2. Conditionally approve the phasing plan if any identified significant issues are substantially mitigated by minor revisions to the original approval;
- 3. Deny the phasing plan if either: (i) the plan will alter conditions of the preliminary approval; or (ii) the significant issues cannot be substantially mitigated by minor revisions.

B. Extensions. The DRC shall take one of the following actions upon receipt of a timely extension request:

- 1. Approve the extension request if no significant issues are presented as set forth in the Woodland Municipal Code;
- 2. Conditionally approve the application if any significant issues presented are substantially mitigated by minor revisions to the original approval;
- 3. Deny the extension request if any significant issues presented cannot be substantially mitigated by minor revisions to the approved plan.

C. No phasing or extension shall be approved for any land situated in a flood control zone as set forth in RCW 86.16 without the proper written approval of the State Department of Ecology. (Ord. 509 Art. V § 1.3(3), 1980)

(Ord. No. 1172, § 1, 4-5-2010)

16.14.060 Subdivision names.

Subdivision names shall not duplicate or too closely approximate phonetically the name of any other subdivision within the Woodland urban area, except that in the case of successive subdivisions of a phased development, plats may be differentiated in name by sequential numbering or by direction (north, south, etc.). (Ord. 509 Art. V § 1.4(1), 1980)

16.14.070 Street names.

Street names shall not duplicate or too closely approximate phonetically the name of any other street within the Woodland urban area, except in the case of new streets serving as a continuation of existing streets. Streets having the same name except for "Court," "Lane," or other suffix shall be deemed duplicative and not permitted. Names of new streets running on a line with an existing street but separated by a park or barrier may

duplicate the name of the existing street, provided that a prefix indicating direction from the park or barrier is attached to the new street's name. (Ord. 509 Art. V § 1.4(2), 1980)

16.14.080 Council authority to select names.

The city council shall have the right to name subdivisions and streets. (Ord. 509 Art. V § 1.4(3), 1980)

16.14.090 Preservation of natural features.

- A. Plats shall be designed to preserve and enhance natural features and resources, including natural contours, watercourses, marshes, scenic points, large trees, natural groves, rock formations and sensitive areas; to be compatible with aesthetic values of the area; and to reflect natural limitations inherent in the property.
- B. Plats shall be designed to preserve to the extent possible trees with trunk diameters of eight inches or greater measured four feet above ground level.
- C. Relocation of natural watercourses such as drainage-ways, channels or streams shall be discouraged and piping or tunneling normally allowed only for channelization under streets.
- D. The soil conservation service (Kelso office) should be consulted for measures to minimize soil erosion. (Ord. 509 Art. V § 1.5, 1980)

16.14.100 Impact on environs.

Plats shall be designed to minimize impacts on adjacent properties and on off-site or city-wide public facilities and services, such as streets, drainageways and storm sewers. (Ord. 509 Art. V § 1.6, 1980)

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

- A. So that plat design reflects natural limitations and hazards inherent in the property, the following document shall be used in the design and review of plats for determining areas most appropriate for roads, building foundations, utilities and nondevelopment (open space): "Soil Survey for the Cowlitz Area, Washington" (Soil Conservation Service, 1974) and 1979 update.
- B. Areas with slopes greater than eight percent shall be deemed sensitive to development and shall be

given careful consideration in plat design. Areas with slopes greater than thirty percent generally shall be deemed unsuitable for development, and instead suitable for open space, including unimproved park land.

- C. As slopes increase and as soils exhibit moderate to severe limitations for urban development, as documented by qualified geologists, soils scientists or engineers, the density of development should decrease. Thus plats should provide for larger lot sizes, fewer roads and clustering of development on more appropriate building areas.
- D. Areas documented to be hazardous or probably hazardous for development in geologic feasibility reports prepared pursuant to Section 16.14.130 shall be designed as open space, including unimproved park land.
- E. Areas that the city council, as recommended by the public works director and/or the community development director, determines to be unsuitable for development due to flood hazards, poor drainage, rock formations or other features likely to be harmful to the safety and welfare of future residents and adjacent landowners shall be designed as open space, unless protective improvements assuring maintenance of the public safety and welfare and acceptable to the public works director can be developed.

(Ord. 509 Art. V § 2.1, 1980)

(Ord. No. 1378, § 45, 11-21-2016)

16.14.120 Geologic report requirements.

The purpose of the requirements of Sections 16.14.110 through 16.14.160 is:

- A. To protect the public health, safety and welfare in the development of hillside subdivisions;
- B. To provide understanding of the degree of geologic hazard of hillside locations proposed for subdivision;
- C. To assure that hillside subdivision design will reflect geologic conditions;
- D. To implement the findings contained in the soil survey and the goals and policies of the Woodland comprehensive plan.

(Ord. 509 Art. V § 2.2, 1980)

16.14.130 When geologic reports required.

The soil survey and update referred to in Section 16.14.110 classify soils as having slight, moderate or severe limitations for development. A geologic feasibility report shall be required of the subdivider for every site having "moderate" or "severe" limitation in one or more of the following categories:

- A. Natural hazard (soil slip potential);
- B. Foundations for low buildings;
- C. Secondary roads and trails.

(Ord. 509 Art. V § 2.3, 1980)

16.14.140 Maps controlling.

Soil maps contained in the soil survey shall be controlling in determining limitations for development by location by soil type. Determinations of location by soil type shall be made by the community development director and shall be conclusive. (Ord. 509 Art. V § 2.4, 1980)

(Ord. No. 1378, § 46, 11-21-2016)

16.14.150 Contents of geologic feasibility reports.

Contents of geologic reports shall be as specified in Section 16.18.040. (Ord. 509 Art. V § 2.5, 1980)

16.14.160 Evaluation of geologic reports.

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

(Ord. 509 Art. V § 2.6, 1980)

(Ord. No. 1378, § 47, 11-21-2016)

16.14.170 Lot design—Generally.

- A. Except as provided in Section 16.14.180, all lots shall be of sufficient size to meet the minimum requirements of the zoning ordinance for the zone in which the property is located with respect to size, depth, width at street right-of-way, width at building line, yards, percentage of coverage and, if applicable, parking and loading.

- B. All lots shall be provided direct access by means of minimum frontage on a public street right-of-way connecting to a developed public street.

- C. Lots and streets shall be designed so that no residential property has direct driveway access to major arterials. Direct driveway access to minor arterials and collectors shall be minimized.

- D. Where alleys are shown, the commission and council may limit lot depth to prevent future alley lots or buildings.

- E. Where lots are more than double the minimum size required for the zone, the subdivider may be required to arrange lots so to allow further subdivision and the opening of future streets to serve potential lots.

- F. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless variation from this rule will provide a better street or lot plan.

- G. Lots shall be laid out so to provide drainage away from all buildings, and individual lot drainage shall be coordinated with the storm drainage pattern for the area. Drainage shall be designed to avoid concentration of storm water from one lot to an adjacent lot.

(Ord. 509 Art. V § 3.1, 1980)

16.14.190 Block design—All areas.

Intersecting streets shall be so laid out that blocks shall not be more than one thousand three hundred feet in length between street rights-of-way. In the case of blocks long or oddly shaped, and to facilitate pedestrian access to parks, playgrounds, open space or schools, the subdivider may be required to construct pedestrian crosswalks of not less than five feet in width on a dedicated right-of-way or perpetual unobstructed easement of not less than ten feet in width, to extend through the block(s) at location(s) deemed necessary. Widths of blocks shall be such as to allow two rows of lots, except that blocks along the perimeters of a plat may have one row of lots. (Ord. 509 Art. V § 3.3, 1980)

16.14.200 Lot and block design—Commercial and industrial uses.

Lots and blocks intended for commercial and industrial use shall be designed specifically for such purposes, with adequate space provided for off-street

parking, loading and delivery. (Ord. 509 Art. V § 3.4, 1980)

16.14.210 Parks.

The city council may review the need for park development when reviewing preliminary subdivision plats and may require the developer to dedicate land for park development as a condition of approval. (Ord. 509 Art. V § 4, 1980)

16.14.220 Watercourse easement.

If a subdivision is transversed by a watercourse, such as a drainageway, channel or stream, there shall be provided a perpetual stormwater easement or drainage right-of-way conforming substantially with the seasonal high water line of the watercourse and of such further width as will insure protection of water-carrying capacity and access to the watercourse for maintenance of capacity. Such recorded easement or right-of-way shall be measured from the centerline of the watercourse and shall give to the appropriate authority access for the purpose of maintenance of water-carrying capacity. (Ord. 509 Art. V § 5.1, 1980)

16.14.230 Utility easements.

Perpetual easements to utility providers for installation and maintenance of utilities shall be provided to serve each and every lot at locations deemed necessary by the utility providers. Such utilities may include sewer, water, gas, electric, telephone and television lines and cables. Utility easements shall be at least ten feet in width or five feet on each side of joint property lines. When the utility easements are needed at lot corners, the size of the easement shall be at least five feet by five feet. Additional easements for major distribution and transmission lines or unusual electric or communication facilities may be required. (Ord. 509 Art. V § 5.2, 1980)

16.14.240 Street and right-of-way design— Generally.

A. Use of curvilinear streets, cul-de-sacs and U-shaped streets shall be encouraged in residential subdivisions to avoid conformity of lot appearance and to discourage through traffic.

- B. Streets shall be related appropriately to the topography and shall follow the more gradual natural contours of the land.
- C. Streets shall be designed so as to provide for continuation of principal streets in adjoining subdivisions and, where appropriate, allow for future opening of streets to possible adjoining subdivisions. In no case shall proposed streets extend existing streets at less than the width of the existing street.
- D. All streets shall be platted and constructed at the full width required in Section 16.14.250 and Table 1.
- E. The number of intersections of local and collector streets with minor and major arterials shall be minimized.
- F. In that direct driveway access to major arterials is prohibited and direct driveway access to minor arterials and collectors is to be minimized pursuant to subsection C of Section 16.14.170, the following design option shall be encouraged:
 1. Provision of local streets parallel to arterials and collectors, with series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such parallel street and with the rear lines of their terminal lots backing on the arterial or collector;
 2. Provision of marginal access or service roads separated from the arterial or collector by a buffer strip.
- G. In all subdivisions bordering upon publicly owned or controlled bodies of water, there shall be provided one or more rights-of-way to the low water mark dedicated to the public, such rights-of-way having a minimum width of sixty feet and being capable of improvement for public access.
- H. Where existing streets adjacent to or within a subdivision are of inadequate width or where the city's capital improvements plan or comprehensive plan indicates need for a new street or additional right-of-way or realignment for an existing street, the subdivider shall dedicate necessary right-of-way to the city in the filing of the final plat.
- I. Where residential subdivisions abut a major arterial, the subdivider shall provide a buffer strip at least ten feet in width along the property line abutting the arterial. The buffer strip may or may not be dedicated and shall be improved in accordance

with subsection B of Section 16.16.060. If not dedicated, the strip shall be designated on the plat as follows: "This strip is reserved for screening. The placement of any structure hereon is prohibited." (Ord. 509 Art. V § 6.1, 1980)

16.14.250 Minimum widths.

Minimum standards for width (in feet) of street right-of-way, pavement (measured from curb face to curb face), utility/planting strips, and sidewalks shall be as specified in Chapter 12.10. (Ord. 676 § 4, 1989; Ord. 509 Art. V § 6.2, 1980)

16.14.260 Cul-de-sacs.

A. Permanent dead-end streets shall terminate with a turning circle and shall meet the following minimum standards:

1. Length from center of turning circle to center of intersection: shall be no more than four hundred feet in residential areas and six hundred feet in commercial and industrial areas. (See Figure 2 included in this chapter.)
2. Right-of-way width: See Chapter 12.10 WMC.
3. Radius of right-of-way in the turning circle: fifty feet in residential areas and sixty feet in commercial and industrial areas.
4. Radius of pavement surface in the turning circle: forty feet in residential areas and fifty feet in commercial and industrial areas.
5. Utility/planting strips and sidewalks. See Chapter 12.10.
6. Distance from center of permanent turning circle to residential subdivision boundary: one hundred fifty feet.

B. Where property adjacent to a subdivision is undeveloped and where the council determines it is desirable to allow for future continuation of a street into the adjacent property, the right-of-way shall extend to the subdivision boundary and an interim turning circle shall be provided. The radius of such turning circle shall conform to subsections (A)(3) and (A)(4) of this section. The final plat shall contain a notation that land outside the normal street right-of-way within the turning circle shall revert to abutting property owners whenever the street is continued.

(Ord. 854 § 6, 1997; Ord. 686 § 2, 1989; Ord. 509 Art. V § 6.3, 1980)

16.14.270 Grade of streets.

Street grades shall not exceed seven percent for arterials. Collector and local street grades should not exceed ten percent. Streets with grades between six percent and ten percent shall be constructed of six-inch portland cement six-sack mix. All streets shall have a grade of at least 0.20 percent at the gutter. Intersections shall be designed with a flat grade whenever possible. In hilly areas, a leveling area of a distance acceptable to the public works director shall be provided at the approach to intersections. (Ord. 686 § 3, 1989; Ord. 509 Art. V § 6.4, 1980)

(Ord. No. 1378, § 48, 11-21-2016)

16.14.280 Intersections.

Street intersections shall be as nearly at right angles as possible and should not have an acute angle of less than eighty degrees. Intersections of local and collector streets shall be offset from one another a distance of at least one hundred twenty-five feet from centerline to centerline but preferably two hundred feet. Intersections of local or collector streets with arterials shall be no closer than one thousand feet apart from centerline to centerline. Proposed new intersections along one side of an existing street shall coincide, whenever possible, with any existing intersection on the opposite side of such street. Curbs at intersections shall be rounded by an arc having a minimum radius of twenty feet for local streets; twenty feet for collectors and arterials. Curb returns on truck routes or in commercial/industrial areas shall have a radius of thirty-two feet. (Ord. 686 § 4, 1989; Ord. 509 Art. V § 6.5, 1980)

16.14.290 Curves.

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

B. Vertical curves may be required by the public works director per standard construction practice.

C. Tangent distances between reverse curves shall be acceptable to the public works director.

(Ord. 509 Art. V § 6.6, 1980)

(Ord. No. 1378, § 49, 11-21-2016)

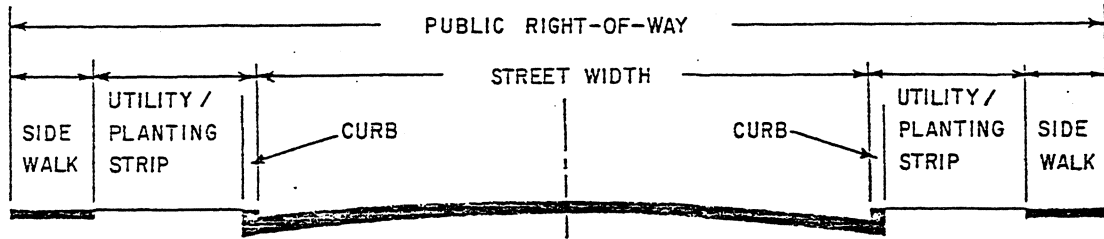
16.14.300

16.14.300 Slope of cut and fill embankments.

The slope of cuts and fills for street construction shall not exceed two feet horizontal to one foot vertical, unless the public works director determines conditions allow steeper slopes. (Ord. 509 Art. V § 6.7, 1980)
(Ord. No. 1378, § 50, 11-21-2016)

FIGURE 1
RIGHT-OF-WAY CROSS-SECTION

A. WITH SEPARATED SIDEWALK



B. WITH INTEGRAL CURB AND SIDEWALK

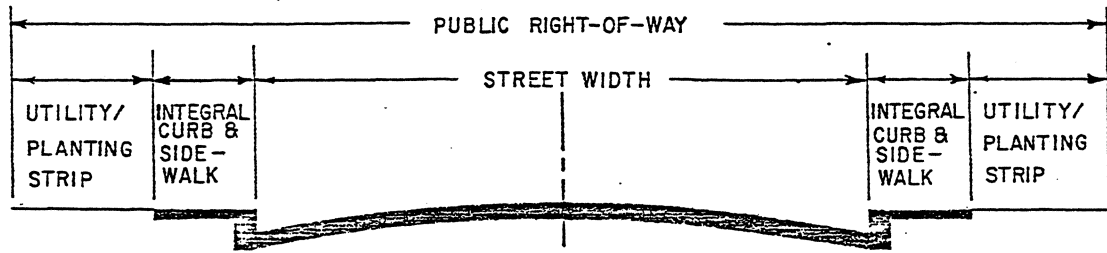


FIGURE 2
TYPICAL CUL-DE-SAC

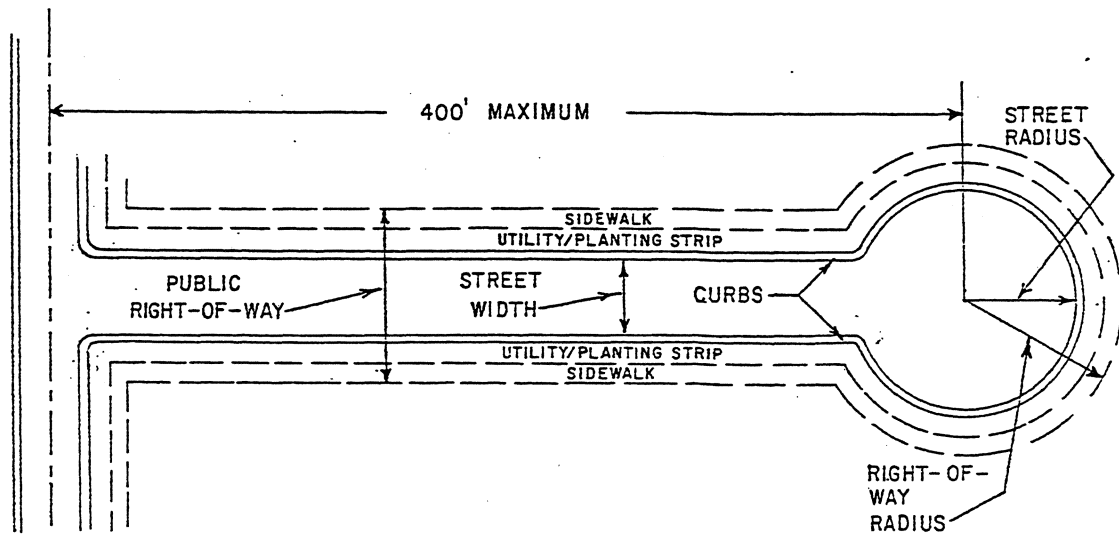
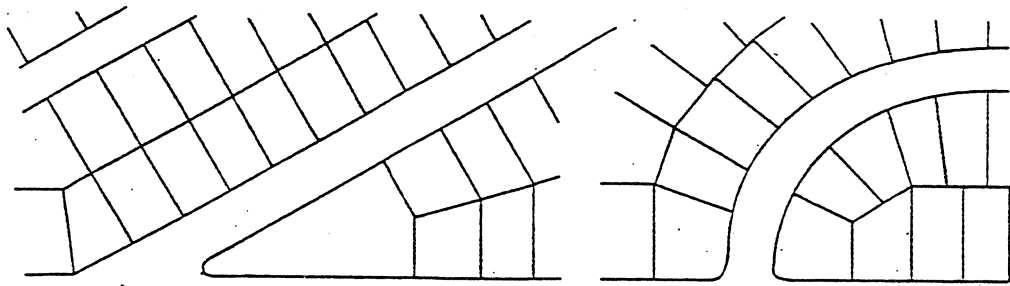


FIGURE 3

BASIC INTERSECTION DESIGN

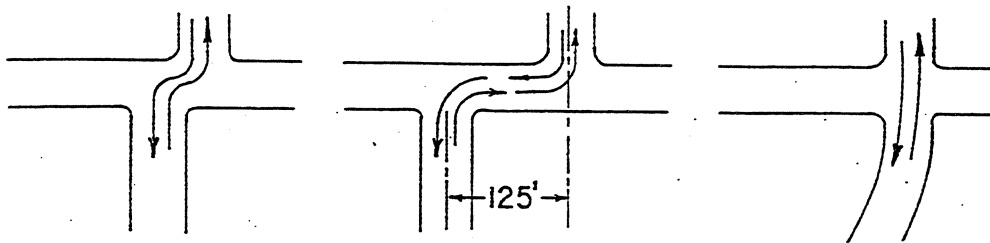


Poor

Better

Hazardous angle intersection, creating awkward turning movements.

Better approach illustrates the use of right angle intersections.



Poor

Minimum

Better

Dangerous jog intersection, forcing precarious turning movements.

Intersections that cannot be aligned shall be separated by a minimum of 125 feet between centerlines but preferably not less than 200 feet.

By slightly curving one of the unaligned intersecting streets, a dangerous jog can be avoided.

Chapter 16.16

IMPROVEMENTS—REQUIRED

Sections:

- 16.16.010** **Drainage system.**
- 16.16.020** **Clearing, grubbing and grading.**
- 16.16.030** **Cut and fill embankments.**
- 16.16.040** **Grass in utility/planting strip.**
- 16.16.050** **Tree planting.**
- 16.16.060** **Screening.**
- 16.16.070** **Streets, curbs and sidewalks.**
- 16.16.080** **Installation of utilities.**
- 16.16.090** **Streetlight system.**
- 16.16.100** **Monuments and property markers.**

16.16.010 **Drainage system.**

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

(Ord. 509 Art. VI § 1, 1980)

(Ord. No. 1378, § 51, 11-21-2016)

16.16.020 **Clearing, grubbing and grading.**

- A. Prior to initiation of construction in street or cross-walk rights-of-way, the entire right-of-way shall be cleared and grubbed in accordance with the APWA specifications.

- B. Prior to the city's acceptance of improvements, all land to be developed in the subdivision shall be cleared and grubbed of downed trees, snags, brush, rocks, roots, rubbish and other debris, and holes created by grubbing suitably filled with other than the debris.
- C. Prior to the city's acceptance of improvements, land to be developed shall be graded as necessary to effectuate the twenty-five-year storm drainage system.
- D. All street rights-of-way shall be graded to their full width so that streets and sidewalks are constructed on the same plane.
- E. Where a street intersection involves cut embankments or vegetation inside a lot corner that may create a traffic hazard by limiting visibility, the subdivider may be required to cut such ground or vegetation in connection with the grading of the right-of-way to provide an adequate sight distance.
(Ord. 509 Art. VI § 2, 1980)

16.16.030 **Cut and fill embankments.**

Cut and fill embankments for streets shall be seeded to provide a soil-holding vegetative cover, or otherwise protected against erosion. The soil conservation service should be consulted on appropriate erosion control methods. (Ord. 509 Art. VI § 3.1, 1980)

16.16.040 **Grass in utility/planting strip.**

The subdivider shall be responsible for insuring that, prior to issuance of an occupancy permit for a lot, the utility/planting strip abutting the curb adjacent to the lot is seeded in grass or sodded. Seeding or sodding shall be conducted in accordance with the APWA specifications. The subdivider shall be liable to the city for incomplete grass seeding or sodding at the cost of sodding as estimated by the public works director. These provisions do not apply to utility strips located outside the sidewalk under the integral curb and sidewalk option for local streets serving single-family residential areas. (Ord. 509 Art. VI § 3.2, 1980)
(Ord. No. 1378, § 52, 11-21-2016)

16.16.050 **Tree planting.**

At his option the subdivider may cause trees of a low-growing, ornamental type acceptable to the city council to be planted in the utility/planting strips that

abut the curb. (This does not apply to utility strips located outside the sidewalk under the integral curb and sidewalk design option for local streets in single-family residential areas.) If tree planting is undertaken, the following standards shall apply. Trees shall:

- A. Be at least six feet in height at time of planting;
- B. Be of a type that normally reaches no more than thirty feet in height at maturity;
- C. Be centered between the curb and sidewalk;
- D. Be at least thirty feet from any corner where curb lines intersect;
- E. Be installed and maintained in accordance with the APWA specifications.

(Ord. 509 Art. VI § 3.3, 1980)

16.16.060 Screening.

- A. Fences, hedges or landscaped buffer strips shall be installed to separate residential zoning districts from commercial or industrial zoning districts or uses in conformance with the zoning ordinance standards.
- B. In the case of residential subdivisions abutting major arterials, the subdivider shall provide a buffer strip a minimum of ten feet wide along the property line abutting the arterial. Hedges or trees shall be planted in the buffer strip of a height that will become a solid, effective sight screen within three years. Planting and maintenance shall conform to the APWA specifications.
- C. Fencing may be required to limit access to areas that may be hazardous to the public.

(Ord. 509 Art. VI § 3.4, 1980)

16.16.070 Streets, curbs and sidewalks.

- A. Streets, curbs and sidewalks shall be constructed by the subdivider, all in accordance with the design standards of this article, the standard utility location plans, the APWA specifications, and the requirements of the public works director.
- B. Timing and procedure for construction of sidewalks and driveway entrances shall be as follows:
 1. The subdivider shall determine the location of all driveway entrances and indicate curb indentations in the detailed construction plans. Curb indentations for driveways shall be at least twenty feet in width.
 2. Where integral curbs and sidewalks are to be developed, the curb/sidewalk shall be con-

structed with driveway indentations at the points indicated on the plans at the same time as the street is constructed.

3. Where sidewalks are to be separated from the street by the utility/planting strip, the curb shall be constructed with indentations. Construction of the sidewalk and of the portion of the driveway within the right-of-way shall be done on a lot-by-lot basis, prior to issuance of a certificate of occupancy for the lot. However, no later than three years after final plat approval or expiration of the plat performance bond or other security if one has been posted, the subdivider shall cause continuous sidewalks to be completed, including sidewalks in front of undeveloped lots. The subdivider shall be liable to the city for the cost of incomplete sidewalk construction as estimated by the public works director.

(Ord. 509 Art. VI § 4.1, 1980)

(Ord. No. 1378, § 53, 11-21-2016)

16.16.080 Installation of utilities.

- A. All distribution laterals and primary and secondary lines and wires serving the subdivision, including those providing electric, street lighting, telephone and cable television service, shall be placed underground. All utilities shall be installed to the property line of each and every lot prior to acceptance of improvements. The subdivider shall make necessary arrangements with utility providers or other appropriate persons for underground installations. This requirement does not apply to surface-mounted transformers, switching facilities, connection boxes, meter cabinets, temporary utility facilities used during construction, high capacity transmission lines, electric utility substations, cable television amplifiers, telephone pedestals, cross-connect terminals, repeaters, warning signs or traffic-control equipment.
- B. Sanitary sewers and water lines shall be installed to serve all subdivisions, by extension of existing city sewer and water lines when available. They shall be designed and sized in accordance with the city water and sewer plans and shall be of sufficient capacity to accommodate the ultimate development density of all intended phases and adjacent area.

- C. Timing for installation of lines, pipes, cables, hydrants and service connections for sanitary sewer, storm sewer, water, electric, gas, telephone, television and fire protection service shall be after grading in the rights-of-way is complete and before any street base material is applied.
- D. Utility installations shall be in accordance with the standard utility location plans, the APWA specifications, the Uniform Fire Code as may be amended by the city, the requirements of the public works Director, and, for streetlights, the additional documents cited in Section 16.16.090.

(Ord. 509 Art. VI § 4.2, 1980)

(Ord. No. 1378, § 54, 11-21-2016)

16.16.090 Streetlight system.

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

er's contractor shall submit plans and manufacturer's technical information to the public works director and public utility district for approval of all specifications and materials used in the system. (Ord. 509 Art. VI § 4.3, 1980)

(Ord. No. 1378, § 55, 11-21-2016)

16.16.100 Monuments and property markers.

- A. Monuments shall be placed at all subdivision boundary angle points, points of curvature in streets, and such intermediate points required by the public works director. The monuments shall be of concrete-filled pipe or tile, weighing at least fifty pounds, capped with a brass marker or a radioactive marker along with the brass marker, and bearing the surveyor's registration number. Street monuments shall be set between six inches and one foot below the finished street grades with casing as set forth in the APWA specifications.
- B. The boundary points of all blocks within the subdivision shall be marked by a galvanized iron pipe not less than one and one-half inches in diameter and thirty-six inches in length and firmly driven into the ground.
- C. All corners of all lots shall be marked by a reinforcement bar or iron pin not less than three-fourths inch in diameter and thirty-six inches in length, firmly driven into the ground.

(Ord. 509 Art. VI § 5, 1980)

(Ord. No. 1378, § 56, 11-21-2016)

FIGURE 4

STANDARD UTILITY LOCATION PLAN-LOCAL RESIDENTIAL
WITH UTILITY/PLANTING STRIP

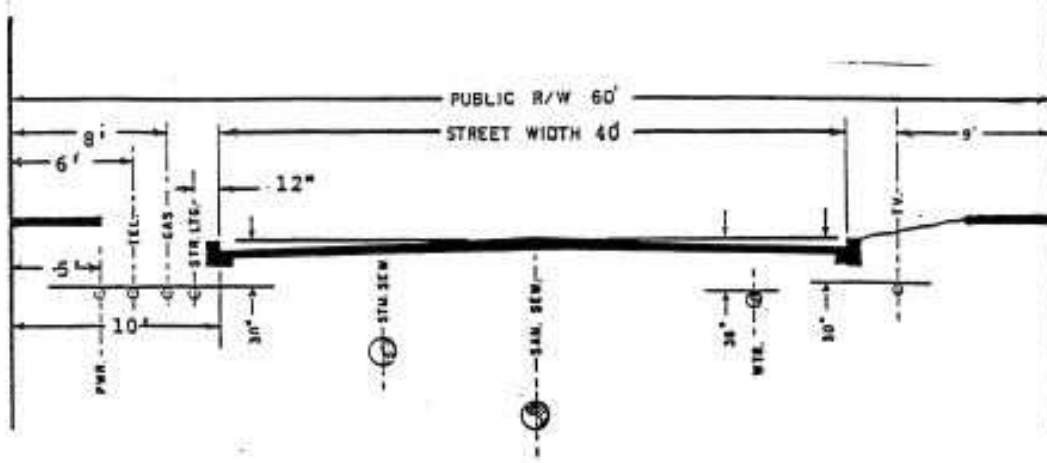


FIGURE 5

STANDARD UTILITY LOCATION PLAN - LOCAL RESIDENTIAL WITH INTEGRAL CURB & WALK

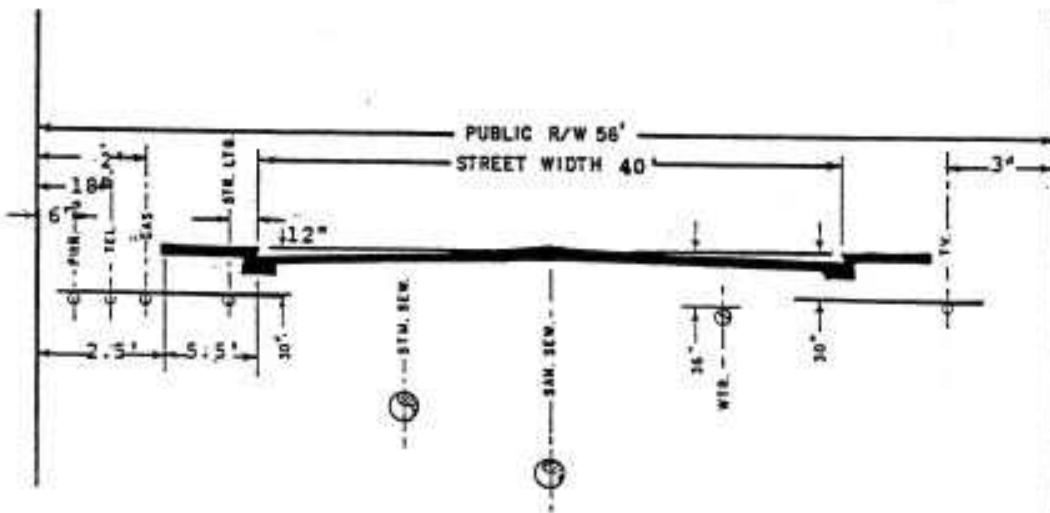


FIGURE 6

STANDARD UTILITY LOCATION PLAN -

LOCATION OF SERVICE LINES
STANDARD RESIDENTIAL WITH INTEGRAL CURB & WALK

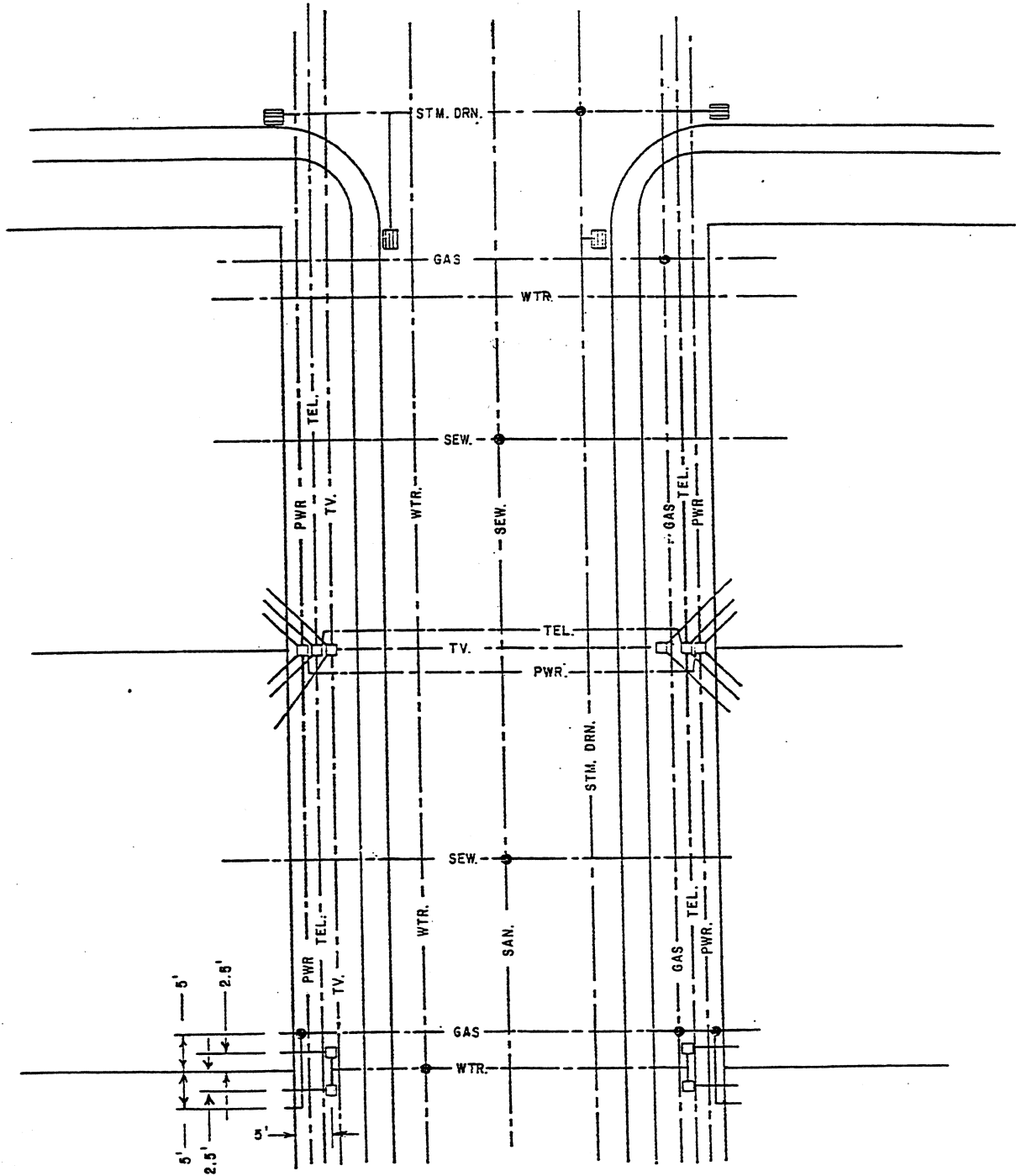


FIGURE 7

EXAMPLE OF STREET PROFILES

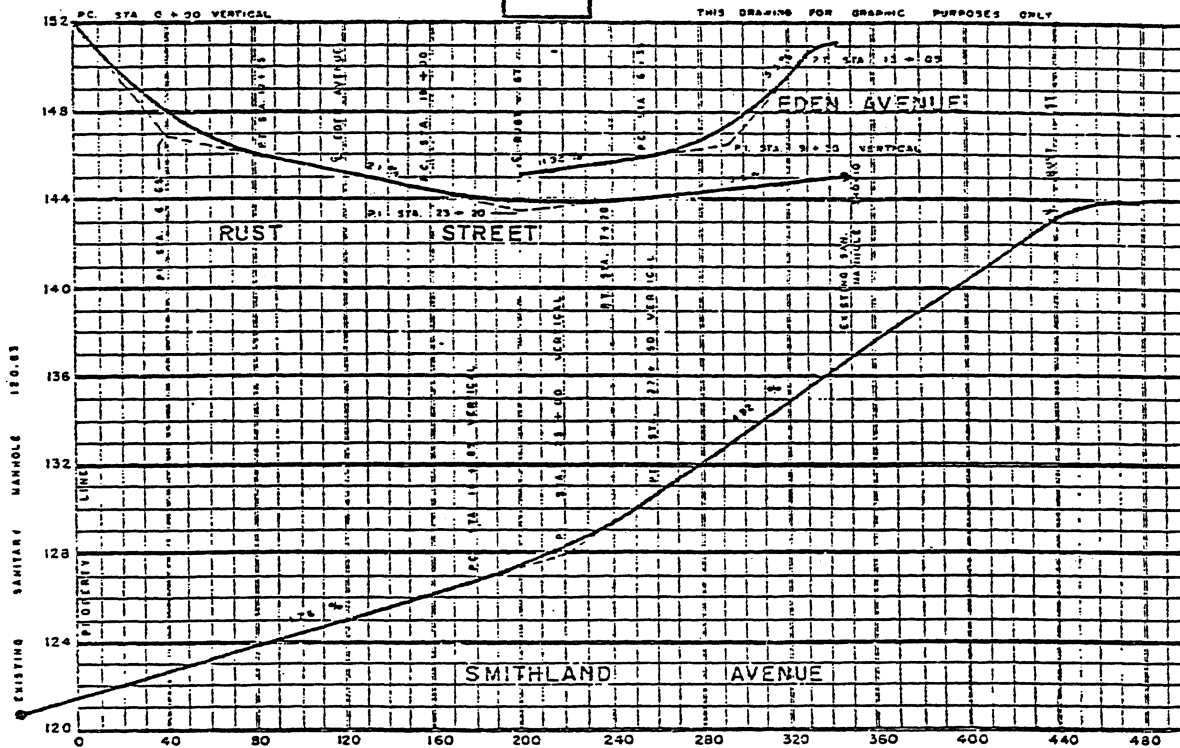
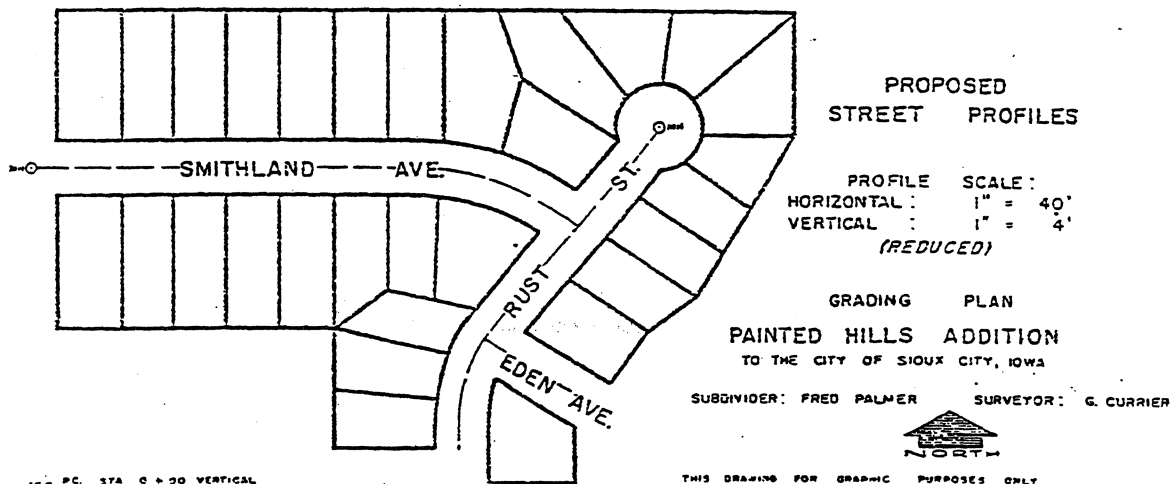
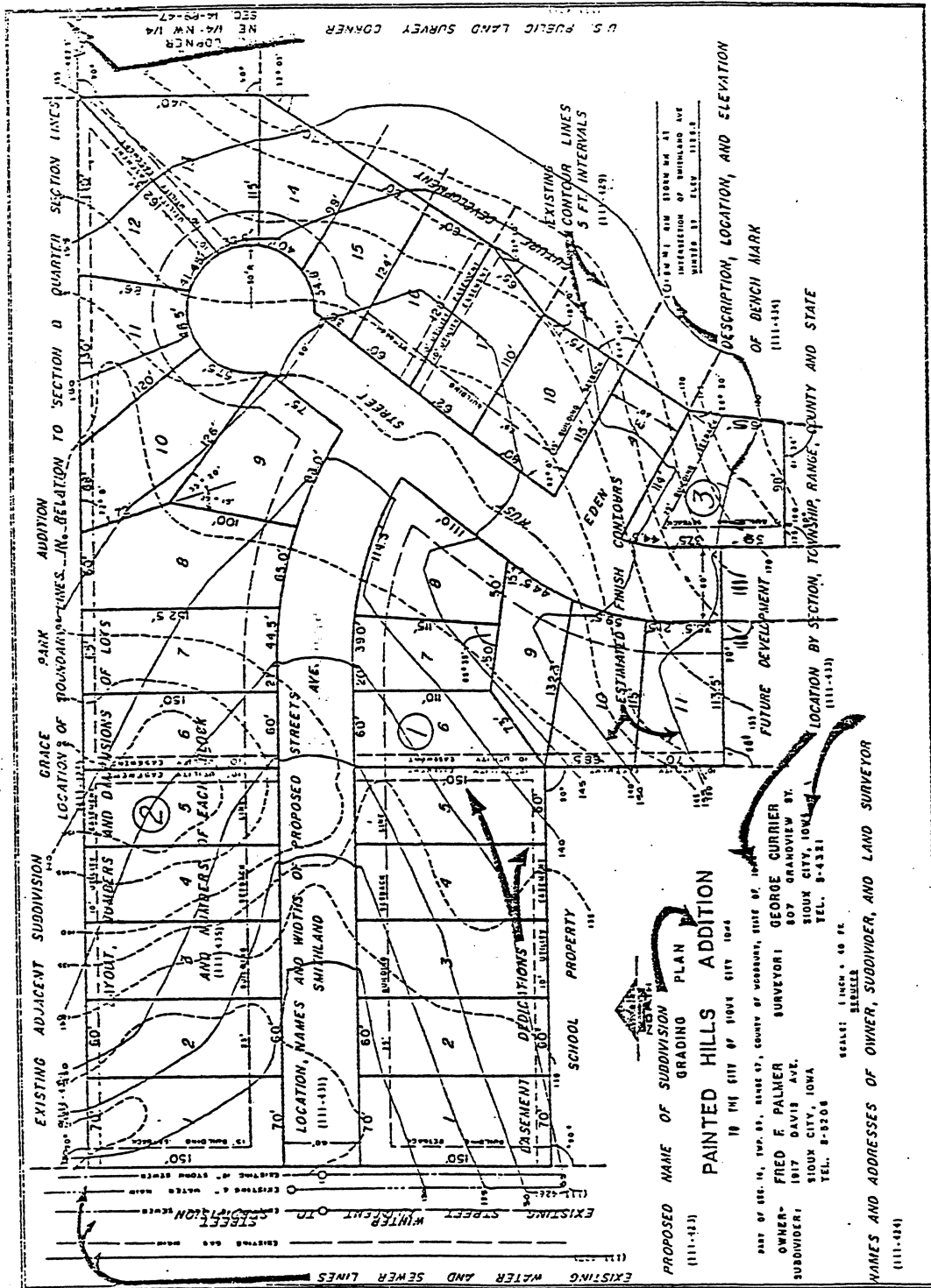


FIGURE 8

EXAMPLE OF A GRADING PLAN



Chapter 16.18

SPECIFICATIONS FOR PLANS AND PLATS

Sections:

- 16.18.010** **Sketch plan.**
- 16.18.020** **Preliminary plat.**
- 16.18.030** **Master plan.**
- 16.18.040** **Geologic feasibility report.**
- 16.18.050** **Detailed construction plans.**
- 16.18.060** **Preliminary site plan for PURDs.**
- 16.18.070** **Final plat.**

16.18.010 **Sketch plan.**

Sketch plans submitted for review at a preapplication conference shall be drawn in a neat and legible manner at a convenient scale and shall show the following information:

- A. Name.
 - 1. If the proposed subdivision lies within an existing subdivision, the name of the existing subdivision;
 - 2. Proposed name of the subdivision or name by which the property is commonly known if no name has been chosen, together with the words "Sketch Plan."
- B. Owners and Other Persons. Name, address and telephone number of:
 - 1. Legal owner(s) of the property;
 - 2. Subdivider or subdivision agent if other than the owner;
 - 3. Persons to be responsible for subdivision design, engineering and surveys;
 - 4. Citation of last legal instrument conveying title to each parcel of property involved in the proposed subdivision, such citation giving grantor, grantee, date, and volume and page number;
 - 5. Citation of any existing legal rights-of-way or easements affecting the property.
- C. Description. Location of property by lot numbers, section, township, range, donation land claim; graphic scale; north pointing arrow; and date of sketch.
- D. Existing Features.
 - 1. Location of existing property lines, easements, railroad and utility rights-of-way, watercourses, and wooded areas;
 - 2. Location and names of all existing or platted streets and other public ways within or immediately adjacent to the tract;
 - 3. Approximate lot sizes and uses of property adjoining the proposed subdivision;

- 4. Location and sizes of existing sewers, water mains and culverts within the tract and immediately adjacent thereto;
 - 5. Location of existing buildings and utility poles within the tract and immediately adjacent thereto;
 - 6. Approximate topography, with arrows showing direction of incline or rough contour lines.
- E. Proposed Features.
- 1. Approximate location of streets, trails and crosswalks through blocks;
 - 2. Approximate lot lines and approximate dimensions and area (square footage) of the smallest, largest and typical lots;
 - 3. Approximate location, dimensions, area and proposed use of parcels to be set aside for public or common parks and other open space;
 - 4. The location of temporary stakes to enable the finding and appraisal of features on field inspection;
 - 5. Whenever development of only a portion of contiguous property under the same ownership is immediately intended, the probable future street layout of the remaining portion of the ownership;
 - 6. In the case of PURDs the following information in addition to the above: approximate locations and types of buildings and an indication of the number of dwelling units.

(Ord. 509 Art. VII § 1, 1980)

16.18.020 **Preliminary plat.**

Preliminary plats for distribution to the parties listed in Section 16.08.070 shall be presented on a sheet or sheets having dimensions no larger than eighteen inches by twenty-four inches and shall be drawn at a convenient scale. The following information shall be shown on the preliminary plat:

- A. General.
 - 1. The proposed name of the subdivision, together with the words "Preliminary Plat";
 - 2. The tract designation(s) of the proposed subdivision as shown in the records of the Cowlitz County assessor, including lot numbers, section, township and range;
 - 3. Date, north pointing arrow, and scale of drawing;
 - 4. Name and address of the owner(s) of the property to be subdivided, of the subdivider or subdivision agent, if other than the owner, and of the surveyor and engineer;
 - 5. A vicinity map sufficient to define the location and boundaries of the proposed subdivision with respect to surrounding property and streets.

B. Existing Features.

1. Structures to remain on the property after subdividing;
2. Location, pavement and right-of-way widths, and names of existing public or private streets, roads or alleys within or abutting the tract;
3. Location and size of existing sewers, water mains and culverts;
4. Location of existing property lines, easements, railroads, monuments, property markers, section lines and city boundary lines within or abutting the tract;
5. Watercourses, ditches, areas of flooding or ponding, rock outcroppings, wooded areas and isolated preservable trees eight inches or more in diameter measured four feet above the ground;
6. The names of adjoining property owners from the latest assessment rolls within five hundred feet of all boundaries of the proposed subdivision, shown on the plat in relationship to the property to be subdivided;
7. Contour lines illustrating topography as follows:

Slope Vertical	Contour Interval
0—10%	2 feet
Over 10%	5 feet

Contour lines shall extend at least one hundred feet beyond the boundaries of the proposed subdivision. Contours shall be relative to sea level and based on USGS or USC&GS datum;

8. For subdivisions proposed in the one-hundred-year floodplain, base flood elevation benchmarks.

C. Proposed Features.

1. The boundary of the proposed subdivision drawn in a bold line;
2. Locations and dimensions of proposed streets, alleys, other public and private ways, easements, lot lines and utilities, with the purpose of easements stated;

3. Locations, dimensions and area of public and common park and other open space areas;
4. Proposed number assigned to each lot and block, with lots numbered consecutively in a block; proposed names of all streets;
5. Identification of all areas proposed to be dedicated for public use, with designation of the purpose thereof and any conditions;
6. When more than one type of use is proposed, the location, dimensions and area for each type of use (such as single-family, two-family, or multifamily residential uses);
7. If the subdivision borders a river or stream, the approximate high and low water elevation and the distances and bearings of a meander line established not less than twenty feet back from the ordinary high-water mark of the waterway.

(Ord. 509 Art. VII § 2, 1980)

16.18.030 Master plan.

A master plan shall be submitted with each preliminary plat copy when a tract is to be developed in successive subdivision phases. The master plan shall be on an individual sheet or sheets not larger than thirty inches by forty-two inches separate from the preliminary plat and drawn to a convenient scale. Reduced copies (eleven inches by seventeen inches) of the master plan shall also be submitted. The following information shall be shown on the master plan:

- A. Name. The name of the entire development, together with the words "master plan."
- B. Description. Location of property by lot numbers, section, township, range, donation land claim; graphic scale; north pointing arrow; preparation date.
- C. Phase Identification. Each phase, including the phase for which immediate subdivision approval is sought, shall be clearly identified by numbering or other means that indicates the probable order in which the phases will be developed. The phase for which immediate approval is sought shall be shaded or otherwise distinguished and each phase shall be demarked by a bold line distinguishing the

phase boundary. The legend shall indicate approximate dates when the phases could be expected to be developed.

- D. Owners and Other Persons. Name, phone and fax number, email address, and address of the legal owner(s) of the property, of the subdivider or subdivision agent if other than the owner, and of the persons responsible for design, surveying and engineering of the immediate phase.
- E. Location of the city limit and urban growth boundary (UBG), if applicable.
- F. Location and description of the environmental features including critical areas.
- G. The existing and proposed contours with intervals of five feet or less if the site has steep slope(s) greater than ten percent.
- H. The base flood elevation (BFE) benchmarks surveyed by a professional surveyor or engineer licensed in the state of Washington if the proposed subdivision is located in the one hundred-year floodplain in accordance with the most recent FEMA floodplain insurance rate maps (FIRMs).
- I. The ordinary high water mark and floodway boundaries surveyed by a professional surveyor or engineer licensed in the state of Washington if the proposed subdivision is located within two hundred feet of a river, stream, lake, etc.
- J. The square footage of all existing and proposed parcels.
- K. Location and length of existing and proposed property lines.
- L. Parcel numbers of all existing parcels.
- M. Proposed number assigned to each new lot and block, with lots numbered consecutively in a block.
- N. Existing structure(s) on the site. Indicate whether such structures are to remain or be removed.
- O. Setbacks to all existing and proposed structures from the proposed property lines.
- P. The existing structures and their uses of the parcels adjacent to the subject property.
- Q. Location and width of existing and proposed rights-of-way, streets, curbs, gutters, sidewalks,

driveways, drive isles, off-street parking, railroads, alleys, bicycle parking, and pedestrian and bicycle pathways, if applicable.

- R. Location and sizes of existing and proposed private and public above ground and below ground utilities.
- S. A conceptual grading plan showing proposed clearing and vegetation retention as well as proposed topography detailed to five-foot contours, if applicable.
- T. Approximate location, dimensions, area and proposed use of parcels to be set aside for public or common parks and other open space.
- U. Location and dimension of all existing and proposed fences, if applicable.
- V. Location and dimension of all existing and proposed signs, if applicable.
- W. Proposed lighting plan, if applicable.
- X. Proposed landscaping plan, if applicable.
- Y. Location, dimensions, and screening of proposed outdoor ground level mechanical equipment, garbage receptacles, and recycling containers.
- Z. In the case of PURDs, the following information in addition to the above: approximate locations and types of buildings and an indication of the number of dwelling units.

(Ord. 509 Art. VII § 3, 1980)

(Ord. No. 1172, § 1, 4-5-2010)

16.18.040 Geologic feasibility report.

This section applies to those areas determined in the soil survey and update to have "moderate" or "severe" limitation for development. Contents of geologic feasibility reports shall be as follows:

- A. Signature of professional geologist, soils scientist or civil engineer responsible for the report;
- B. An index map showing the sites studied and regional setting of the area;
- C. A statement regarding methods of study and approximate time in the field. Methods of study may include but are not limited to field traverses and inspection, test pits or trenches, drill holes, geophysical information, aerial photo analyses, laboratory tests and research of previously published or unpublished work;
- D. Soils test information, including loading, shear and Atterberg limits;

- E. A statement of conclusions regarding the interrelated effects of the proposed subdivision design and construction upon identified or potential geologic hazards;
- F. Recommendations for changes in subdivision design or other mitigating measures, if warranted, including nondevelopment of hazard areas;
- G. Recommendations for further study, if warranted;
- H. If the structural relationships are complex and difficult to describe, a geologic sketch map of the site and/or geologic structure section.

(Ord. 509 Art. VII § 4, 1980)

16.18.050 Detailed construction plans.

Construction plans shall be drawn at a scale of no more than fifty feet to the inch with the following information shown:

- A. Streets.
 1. Profiles showing original ground elevation and proposed elevations along centerlines of all streets. Profiles of curb grades with percent of grade shown above the designed grade;
 2. Radii of curves, lengths of tangents, angles, bearings on street centerlines, right-of-way and pavement widths;
 3. Structural section of streets, curbs and sidewalks.
- B. Grading and Drainage. Lot grading plans, drainage easements, drainage retention proposals, catchbasin size and location, and storm sewer pipe size, type, location, depth and connections.
- C. Water Mains. Location, size, type, depth and connections for lines, valves and fire hydrants.
- D. Sanitary Sewers. Locations, grades, connection elevations, pipe sizes and types, depths, lateral locations and manhole locations.

(Ord. 686 § 5, 1989; Ord. 509 Art. VII § 5, 1980)

16.18.060 Preliminary site plan for PURDs.

Preliminary site plans shall be drawn at a scale of not less than fifty feet to the inch on a sheet or sheets not larger than thirty inches by forty-two inches and shall show the following information:

- A. Vicinity map showing the location of the site and its relationship to surrounding areas;

- B. Proposed name of the development, north point, scale, and names and addresses of owner of the property, developer if other than the owner, and persons responsible for design, engineering, surveys and construction;
- C. Existing topographic contours at the intervals required for preliminary plats;
- D. Boundaries and dimensions of the development or of the phase;
- E. Proposed placement, location and principal dimensions of:
 1. Buildings and other structures, including fences and signs. Buildings shall be labeled as to their proposed use and, in the case of multifamily dwellings, building type, height and numbers of units shall be indicated,
 2. Streets and circulation system,
 3. Off-street parking areas,
 4. Pedestrian ways,

5. Recreation areas and facilities, in common and dedicated,
 6. Other open space, in common and dedicated,
 7. Trees and groundcover to be retained and planted,
 8. Other special features;
- F. A table indicating:
1. Gross acreage within the development boundaries,
 2. Acreage in common open space,
 3. Acreage in dedicated recreational and other open space,
 4. Number of dwelling units.
- (Ord. 509 Art. VII § 6, 1980)

16.18.070 Final plat.

The final plat shall be drawn in india ink on a sheet of mylar having dimensions of eighteen inches by twenty-four inches, or approved substitute, and on a standard recorder's plat sheet eighteen inches by twenty-five inches, with a three-inch-wide hinged binding on the left border. If more than one sheet is required, the sheets shall be numbered and indexed. The scale may range from fifty feet to the inch to two hundred feet to the inch. All signatures on the mylar and recorder's plat sheet shall be originals. The final plat shall show the following information:

- A. Name of the subdivision, date, north pointing arrow and scale;
- B. Boundary lines of the subdivision tract, with courses and distances marked thereon, as determined by field survey made by an engineer or land surveyor registered in the state, and determined by him to close with an error of not more than one foot in five thousand feet;
- C. Lines, including centerlines, and names for all street rights-of-way, other ways, easements and areas intended for public use or granted for use of inhabitants of the subdivision;
- D. The length and bearing of all straight lines, curves, radii, arcs and tangents of curves;
- E. Exact width and purposes of rights-of-way, street pavement width and easements;
- F. Dimensions along each line of every lot in feet and decimals of a foot to the nearest hundredth, with the true bearings, and any other data necessary for location of any lot line in the field;
- G. Primary control points and all permanent monuments found or established in accordance with this article, with descriptions and ties to such control points and to which all dimensions, angles, bearings and similar data given on the plat shall be referred;
- H. Section and donation land claim lines within and adjacent to the subdivision;
- I. The front yard setback line for every lot in accordance with the zoning ordinance;
- J. The names of all subdivisions immediately adjacent to the subdivision;
- K. A metes and bounds legal description of the subdivided tract;
- L. All dedications of land shown clearly and precisely on the face of the plat;
- M. All open space, facilities and improvements reserved for use of the subdivision residents and restrictions on their use shown clearly and precisely on the face of the final plat;
- N. Statement of the covenants restricting use of subdivision property or reference to the volume and page where recorded separately;
- O. Reference points to base flood elevations with the base flood elevations listed;
- P. Dedication, Acknowledgment and Endorsement. The following information shall appear on the final plat, mylar and recorder's plat sheet, lettered and signed in India ink:
 1. Know all men by these presents that _____, the undersigned, as the owner(s) in fee simple of the land hereby subdivided, hereby declare(s) this subdivision and dedicate(s) to the use of the public forever, all streets and easements or whatever public property there is shown on the plat and the use thereof for any and all public purposes; also the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable original grading of all streets, shown hereon.

Chapter 16.19

RESERVED*

***Editor's note**—Ord. No. 1276, adopted September 3, 2013, repealed Chapter 16.19 §§ 16.19.010—16.19.100, which pertained to binding site plans and derived from Ord. No. 684, 1989; Ord. No. 796, 1996 and Ord. No. 1253, adopted November 19, 2012.

Chapter 16.20

RESERVED*

***Editor's note**—Ord. No. 1305, § 1, adopted October 6, 2014, repealed Chapter 16.20, §§ 16.20.010—16.20.120, which pertained to condominiums and derived from Ord. No. 509, 1980.

Chapter 16.22

PLANNED UNIT RESIDENTIAL
DEVELOPMENTS*

Sections:

- 16.22.010 Purpose and nature.
- 16.22.020 Applicability.
- 16.22.025 PURD classifications, incentives and required qualifying criteria points.
- 16.22.030 Allowed uses.
- 16.22.040 Base zone standards.
- 16.22.050 Size limitation.
- 16.22.060 Calculation of density.
- 16.22.070 Lot sizes.
- 16.22.075 Criteria necessary to qualify as a PURD.
- 16.22.160 Open space ownership and maintenance.
- 16.22.170 Parking.
- 16.22.180 General requirements.
- 16.22.190 General standards for public service facilities.
- 16.22.200 General standards for private service facilities.
- 16.22.210 Streets.
- 16.22.220 Walkways.
- 16.22.230 Sanitary sewage disposal.
- 16.22.240 Control and disposal of stormwater and groundwater.
- 16.22.250 Preapplication conference required.
- 16.22.255 Neighborhood meeting required.
- 16.22.257 Relationship between PURD and preliminary plat, explained
- 16.22.260 Preliminary site plan and other application materials.
- 16.22.270 Public review of preliminary site plan and plat.
- 16.22.280 Action and conditions on preliminary site plan and plat.
- 16.22.290 Effect of approval of preliminary site plan and plat.
- 16.22.300 Final approval—Items to be submitted.

- 16.22.310 Final plan and plat—Approval and filing.
- 16.22.320 Building permit issuance.
- 16.22.330 Certificate of occupancy issuance.
- 16.22.340 Building permit applications.
- 16.22.350 Site plan continues to control after completion.
- 16.22.360 Change of ownership.
- 16.22.370 Expiration of approval.
- 16.22.380 Abandonment of work.
- 16.22.400 Zero lot line sample lot design.

16.22.010 Purpose and nature.

The intent of this chapter is to promote greater flexibility and, consequently, more imaginative design for the development of residential areas than generally is possible under conventional zoning and subdivision regulations. It is further intended to promote more economical and efficient use of land while providing for a harmonious variety and grouping of housing types, a higher level of urban amenities, and preservation of open spaces and areas identified or believed to be hazardous for development. The planned unit residential development (PURD) option offers the subdivider increased density, lower costs, permissive variation in zoning and subdivision standards, and opportunities to carry out architectural themes, in return for which the city realizes higher quality living environments than normally obtained by traditional subdivision development.

To assist in the implementation of the city of Woodland's policy to reduce sprawl, provide affordable housing to all economic segments of the population, retain open space, enhance recreational opportunities, and protect the natural environment, the city of Woodland finds that employing a performance-based system that allots points for carrying out development-related goals, policies and objectives of the comprehensive plan will foster opportunities for employing more imaginative design. This performance-based system assigns a point value for desired site design and development features. Certain minimum site design criteria need to be satisfied in order for a project to qualify for PURD consideration. More creative design will result in a greater accumulation of points, which then provides greater incentives, flexibility and permissive variation from zoning and subdivision standards.

(Ord. No. 1206, § 1, 2-22-2011)

*Editor's note—Ord. No. 1206, § 1, adopted February 22, 2011, amended Chapter 16.22 in its entirety to read as herein set out. Former Chapter 16.22, §§ 16.22.010—16.22.380, pertained to similar material, and derived from Ord. No. 509, 1980; Ord. No. 821, 1996 and Ord. No. 938, 2000.

16.22.020 Applicability.

These regulations may be invoked at the option of the subdivider and with the approval of the city in the LDR, MDR and HDR districts provided that minimum qualifying criteria have been satisfied. In furtherance of the comprehensive plan, the city may require subdivisions in areas of geologic hazard or steep slope to comply with this chapter.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.025 PURD classifications, incentives and required qualifying criteria points.**A. Basic PURD.**

1. A project that provides basic PURD features is eligible for the following development incentives:
 - a. Up to fifty percent reduction in minimum lot size and building setback requirements;
 - b. Flexible street standards;
 - c. Critical areas density transfer in accordance with requirements of WMC 16.22.060.B;
 - d. Increased density in the LDR from six dwelling units per acre (du/ac) to twelve du/ac.
2. To qualify for a basic PURD in the city of Woodland, a development must accumulate a minimum of thirty-nine points from the following development related categories:
 - a. Adhere to one of the affordable housing techniques—Minimum three points;
 - b. Provide open space & recreation (must include pedestrian connectivity)—Minimum twenty points;
 - c. Provide street connectivity—Minimum four points;
 - d. Provide acceptable structural characteristics—Minimum twelve points.

B. Advanced PURD

1. A project that provides advanced PURD features qualifies for the following development incentives:
 - a. No minimum lot size and building setback requirements;
 - b. Negotiate flexible street standards;
 - c. Critical areas density transfer in accordance with requirements of WMC 16.22.060.B;

- d. Increased density in the LDR from six du/ac to twenty-five du/ac provided:
 - i. Multifamily development (more than fifty percent of the dwelling units) shall not be located adjacent or in close proximity (less than one-quarter mile) to another primarily multifamily development also in the LDR zoning district.
 - ii. Multifamily development shall include transitional techniques such as perimeter buffering, the stepping back of building heights or other methods of providing sufficient transition between single family and multifamily residential developments.
 - iii. The property shall front either an arterial or collector road or be within one-quarter mile of a commercial zoning district where pedestrian connectivity exists or is proposed as part of the PURD as an off-site improvement.
2. To qualify for an advanced PURD in the city of Woodland, a development must accumulate a minimum of sixty-nine points from the following development related categories:
 - a. Provide inclusionary housing as a means of adhering to the affordable housing technique requirement—Minimum eight points;
 - b. Provide open space and recreation (must include pedestrian connectivity) - minimum thirty points;
 - c. Provide street connectivity—Minimum four points;
 - d. Provide low impact development (LID) stormwater facilities—Minimum seven points;
 - e. Provide acceptable structural characteristics—Minimum twenty points.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.030 Allowed uses.

- A. Standard Uses. PURDs may include all of the uses which are allowed in the base zone by right, with limitations, or as a conditional use.

- B. The combination of permitted and accessory uses listed in the zoning ordinance for the LDR, MDR, and HDR districts together and including condominiums, which shall also be subject to Chapter 16.20, provided that sufficient qualifying criteria have been satisfied.
- C. Recreational facilities, including but not limited to tennis courts, swimming pools, playgrounds, golf courses, trails, and structures accessory to such facilities.
- D. Community halls or social clubs, churches, schools and libraries.
- E. Zero lot line development, as defined and restricted by this chapter.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.040 Base zone standards.

The development standards of the zoning district in which the type of residential development would normally be allowed applies unless they are superseded by the standards of this chapter.

A project that qualifies as an advanced PURD under WMC 16.22.025.B must meet the standards of the medium density multifamily residential, MDR district in order to develop multifamily residential buildings. Any request to deviate from the MDR standards as an incentive to develop, as provided by WMC 16.22.025.B.1.a, must be approved by the review body. (Ord. No. 1206, § 1, 2-22-2011)

16.22.050 Size limitation.

The minimum size for a PURD is two acres. There are no maximum size limitations for PURDs. (Ord. No. 1206, § 1, 2-22-2011)

16.22.060 Calculation of density.

- A. The number of dwelling units allowed in PURDs is calculated in the following manner:

The developable site area shall be the area exclusive of streets on the perimeter of and within the site, any right-of-way, land set aside for schools and religious institutions, critical areas defined in WMC 15.08.030, and any non-private easement(s) including, but not limited to, easements for gas pipe lines, water and sanitary sewer mains, stormwater systems, other utilities, or accesses.

- B. Density may be increased in the LDR zoning district in accordance with WMC 16.22.025.A.1.d or WMC 16.22.025.B.1.d upon successful satisfaction of the PURD qualifying criteria.

1. **Critical Areas Density Transfer.** The city recognizes that some environmentally sensitive lands regulated by WMC Chapter 15.08, Critical Areas Regulations, have development potential if the project is properly designed. For instance, limited development activity may be permitted in an erosion and landslide area where the applicant demonstrates the ability of the site to accommodate development in accordance with performance standards detailed in an accepted geotechnical assessment or report.

As an incentive to avoid or minimize the potential adverse effects of developing within environmentally sensitive areas, the city may allow density to be transferred from a constrained portion of a site that has demonstrated development potential to an unconstrained area on the same site when developing a PURD. Such density transfers achieve protection of critical areas while permitting the property owner to retain some or all development rights and potentially save great expense of mitigating for encroachments.

The city shall allow transfer of density for residential uses from lands containing developable portions of critical areas, as defined by WMC Chapter 15.08, when satisfying all the following conditions:

- a. The applicant shall submit all reports and follow determination and mitigation procedures required in WMC Chapter 15.08, Critical Areas Regulations.
- b. In addition to the required information of a critical areas report detailed in WMC 15.08.160 and other sections of the chapter specific to the type of critical area(s), the report shall also specifically indicate and discuss the portion of the critical area(s) believed to be constrained, but that have development potential.

- c. The report shall specifically indicate and discuss the unconstrained portion of the site proposed to accommodate the density transfer along with a recommendation from the professional preparing the report as to the ability of the unconstrained portion of the site to accommodate additional density.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.070 Lot sizes.

A basic PURD shall qualify for a reduction of up to fifty percent of the minimum lot size. There is no minimum lot size for an advanced PURD. Lot sizes shall be established as part of the preliminary plat process.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.075 Criteria necessary to qualify as a PURD.

This performance-based system assigns a point value for desired site design and development features that implement the goals, policies and objectives of the comprehensive plan and other plans adopted by the city, categorized as follows:

Affordable housing techniques;

Open space and recreational features;

Infrastructure and public improvements;

Structure characteristics.

The following points are assigned to desired design and development features and shall be used when determining if a project qualifies for a PURD as provided in WMC 16.22.025:

- A. Affordable Housing Techniques. Housing types in zones which allow residential uses are not restricted. However, a variety of housing types and architectural styles allowing a range of prices and rents is encouraged. This variety includes, but is not limited to, multifamily, single family, duplex, and zero lot line developments.

- 1. Zero Lot Line Development—Three Points. Zero lot line development is one siting approach consistent with the intent of this chapter. For the purposes of this article, "zero lot line development" is the

siting approach whereby a single-family detached dwelling is sited on one side lot line with no side yard provided, and the dwelling on the lot abutting the zero lot line is sited on this side lot line either adjacent to or farthest from the zero lot line. The approach is shown in Figure 9, following this chapter. The intent of this section is to provide for a housing design befitting small lots and higher density, to encourage increased usable yard on a lot, and to allow flexibility in housing development. (For Figure 9, see end of this chapter).

- a. Zero Lot Line Development—Standards. To insure adequate light, air, privacy, and maintenance, zero lot line development shall be subject to the standards herein. For single-family dwellings to be located on a side lot line with no setback, the following conditions shall apply:

- i. The lot adjacent to the zero setback side yard shall be under the same ownership at the time of initial construction.
- ii. The side yard setback on the lot adjacent to the zero setback side yard shall be zero or at least ten feet.
- iii. The side yard setback on the lot adjacent to the zero setback side yard shall be kept perpetually free of permanent obstructions such as a tool shed or a fence without a gate.
- iv. An easement of five feet in width shall be provided on the adjacent lot for maintenance of the exterior portion of the zero lot line wall unless common wall construction.
- v. A lot developed with a zero setback side yard may be as small as four thousand square feet in area and may be as little as forty feet in width at the building line.

- vi. A lot developed with a zero set-back side yard must have no less than one thousand seven hundred square feet of total yard area unobstructed by buildings.
 - vii. Each lot shall have one side yard a minimum of ten feet in width.
2. Traditional Neighborhood Design—Three Points. One-family and two-family homes on small lots, narrow front yards with front porches and gardens, detached garages in the backyard, utilizing standards of WMC 17.16.090, traditional neighborhood design optional development standards.
3. Cluster Subdivision—Four Points. This technique provides for the clustering of housing units within a residential development on lots smaller than those normally allowed under existing zoning, with the provision that the land that is saved be set aside permanently as open space.
- a. Cluster Subdivision—Standards.
 - i. Unit size—Maximum: One thousand five hundred square feet excluding garage. Cottages may not exceed one thousand square feet on the main floor. Any additions or increases in unit sizes after initial construction shall be subject to compliance with all cottage housing development standards.
 - ii. Maximum density: Twelve units per acre.
 - iii. Minimum lot size—None. Lot sizes shall be determined through administrative design review process.
 - iv. Development size—Minimum: Six units. Maximum: Twenty-four units. Minimum cluster: Six units. Maximum cluster: Twelve units. Cottage clusters may be integrated into small lot developments where the combined number of cottage and small lot units may exceed twenty-four. Cluster size is intended to encourage a sense of community among residents.
- Homes within a cluster generally orient toward each other, community open space, or pathways and are not separated by roads or critical areas. A development site may contain more than one cluster provided there is a clear separation between clusters. Clusters shall be connected via pedestrian pathway(s).
- v. Open Space. In accordance with "open space qualifying points" in section 16.22.075.B.5.
 - vi. Attached Covered Porches. Each unit must have a covered porch with a minimum area of sixty-four square feet and a minimum dimension of eight feet.
 - vii. Parking requirements—Units less than eight hundred square feet: One space per unit minimum. Units more than eight hundred square feet: One and one-half spaces per unit minimum. Must be provided on the subject property. Additional shared guest parking may not exceed one-half spaces per unit.
 - viii. Garage requirements—Private garages: Two hundred fifty square foot maximum floor area. Shared garages: One thousand two hundred square foot maximum floor area. Front loaded garages shall be recessed more than ten feet from the front facade of the cottage and their visual impact shall be minimized through the use of architectural design elements.
 - ix. Accessory Dwelling Units (ADUs). Not permitted as part of a cluster development.
4. Infill or Redeveloped Site—Four Points. Infill is the use of land within a built-up area for further construction, especially as part of a community redevelopment or growth management program. It focuses on the reuse and repositioning of obsolete

or underutilized buildings and sites. Examples include attached townhomes or detached carriage houses.

5. Inclusionary Housing—Eight Points. The city of Woodland aspires to provide affordable housing to citizens within all income ranges. Projects that participate in Washington State Housing Finance Commission's Low Income Housing Tax Credit program, the Washington State Housing Trust Fund, or any other designated affordable housing program acceptable to the city will qualify as satisfying this criterion.

B. Open Space and Recreational Features. Open space and recreational features are an essential component of the PURD. Minimum open space requirements and recreational features are required to qualify as a PURD per WMC 16.22.025. For the purposes of this article, "open space" is categorized and defined as follows:

1. "Passive open space" is an improved or unimproved area that serves as a visual relief in the built environment and may be characterized by undisturbed natural vegetation or areas intended for people to enjoy being outdoors. Passive open space provides one or more of the following functions:
 - a. Physical separation or transition between structures or environmentally sensitive lands regulated by WMC Chapter 15.08, Critical Areas Regulations. Lands regulated by WMC Chapter 15.08 do not count as open space area except the outer fifty percent of a required buffer protecting land designated as a critical area may count as passive open space area if improved with pedestrian trails, benches, picnic tables, view platforms or other amenities that provide opportunities to enjoy the outdoors.
 - b. Providing aesthetically pleasing areas such as commonly owned undisturbed natural areas, landscaped areas, entry features, areas dedicated for public art and lawns.
2. "Active open space" is an improved and maintained area under common ownership that provides opportunities for physical exercise including, but is not limited to, all purpose pedestrian trails, pools, child play areas, recreational or social buildings, play fields and sports courts.
3. Open space does not include street right-of-way, parking lots or yards in a platted lot, underground utility easements, storm water facilities (unless improved in accordance with WMC 16.22.075.C.3), and critical areas (unless improved in accordance with WMC 16.22.075.B.1.a).
4. Open Space Guidelines.
 - a. Most of the total area designed as open space should be contiguous rather than scattered around the development in small parcels and should be accessible to all residents.
 - b. The area of any parcel designed for active recreational use shall not be less than six thousand square feet nor less than thirty feet in width or length.
 - c. The amount, use and character of the open space shall be appropriate for the expected population and number and type of dwelling units.
 - d. If a PURD is to be developed in phases, the development schedule shall
5. Providing superior design in stormwater facilities by integrating a combination of low impact development (LID) techniques and passive recreational amenities provided the areas are not fenced or gated. The intent is to reward integrating design of required improvements and discourage simple fenced retention and/or detention ponds. Additionally, landscaped roof areas that are devoted to recreational or leisure-time activities, freely accessible to residents, structurally safe, and adequately surfaced shall be considered open space.

coordinate the provision and improvement of the open space with development of the area for residential buildings so that no phase shall be without significant amount of open space. At the time of preliminary plat approval, the review body may require a certain amount or certain sites of open space to be provided with any development phase.

5. Open Space Qualifying Points.
 - a. Undeveloped passive open space for low density residential development (up to six dwelling units per acre) shall provide a minimum one thousand five hundred square feet per lot or dwelling unit of undeveloped natural area—three points;
 - b. Developed passive open space for low density residential development (up to six dwelling units per acre) shall provide a minimum one thousand square feet per lot or dwelling unit, developed and maintained area—five points;
 - c. Undeveloped passive open space for medium density residential development (up to twenty-five dwelling units per acre) shall provide a minimum seven hundred fifty square feet per lot or dwelling unit of undeveloped natural area—three points;
 - d. Developed passive open space for medium density residential development (up to twenty-five dwelling units per acre) shall provide a minimum five hundred square feet per lot or dwelling unit, undeveloped natural area—five points;
 - e. Active open space minimum of seven hundred fifty square feet per lot or dwelling unit, developed and maintained—seven points;
 - f. Active open space minimum one thousand square feet per lot or dwelling unit, developed and maintained—ten points.
6. Pedestrian Circulation Qualifying Points.
 - a. Internal Circulation. A developed and maintained ADA pedestrian path or sidewalk that provides internal circulation within the development, including to the open space area—four points;
 - b. Internal Circulation and Linking Path. A developed and maintained ADA pedestrian path or sidewalk that provides internal circulation within the development, including to the open space area, and also provides exterior connectivity to services such as a school, park, commercial area, public transportation system, etc.—six points.
7. Recreational Qualifying Points.
 - a. The project includes fields, courts, swimming pools, trail amenities or other facilities that promote active recreation—four points;
 - b. The project includes a clubhouse that may include both active and passive recreational opportunities and include amenities such as kitchen and dining facilities—seven points.
8. Superior design development that demonstrates superior design by incorporating open space and recreational features when addressing development challenges including but not limited to preservation of environmentally sensitive lands, preservation of existing trees, incorporation of stormwater facilities or integration with the transportation system will receive an additional four points.
- C. Infrastructure and Public Improvement Qualifying Criteria.
 1. Street Connectivity. The PURD's streets shall be laid out and designed so as to plan for future connection to adjoining properties—four points;
 2. Bicycle Lanes. The PURD shall provide bicycle circulation and connectivity to neighboring properties either as bicycle lanes in the right-of-way or as a part of a trail system—four points; and

3. Low Impact Development (LID) Stormwater. Instead of large investments in complex and costly engineering strategies for stormwater management, LID strategies integrate green space, native landscaping, natural hydrologic functions, and various other techniques to generate less runoff from developed land—seven points.
- D. Structure Characteristics.
1. Energy Efficiency.
 - a. The homes within the PURD will be built at Energy Star New Home Standards—six points;
 - b. The homes within the PURD will be equipped with Energy Star qualified efficient appliances—four points.
 2. Garage Orientation.
 - a. One hundred percent of homes have garage doors even with or set back behind the dwelling's living area—two points;
 - b. At least seventy-five percent of the homes have garage doors that do not face a public street—two points;
 - c. At least seventy-five percent of the homes have garages accessed only by alleys—two points;
 - d. One hundred percent of homes have garages accessed only by alleys—two additional points;
 3. Garage Width. At least seventy-five percent of the homes have garage doors that occupy less than fifty percent of the front facade—two points;
 4. Front Porches. At least seventy-five percent of the homes have covered front porches—two points;
 5. Exterior Materials.
 - a. At least seventy-five percent of the homes have a front facade that is at least fifty percent brick, stone or decorative material—two points;
 - b. At least seventy-five percent of the homes have complete exteriors that are at least twenty-five percent brick, stone or decorative material—two points.

- E. An applicant may propose and request points for providing desired site design and development features that implement the goals, policies and objectives of the comprehensive plan and other plans adopted by the city provided the proposed design or improvement is not already required by city ordinance. The intent is to provide staff, the planning commission and city council as much latitude as necessary to negotiate with applicants while implementing the city's vision for future growth.
 - F. PURD Qualifying Criteria Score Sheet. The city of Woodland shall provide the desired site design and development features and associated points on a concise score sheet that shall be submitted with the PURD application and used by decision makers when determining the appropriateness of the PURD application.
- (Ord. No. 1206, § 1, 2-22-2011)

16.22.160 Open space ownership and maintenance.

All area shown as open space on the plats and site plans required in this chapter shall be conveyed and maintained under the following options:

- A. If open space is suitable for general public use and a public agency agrees to maintain it, the open space, including any buildings, structures or improvements thereon, may be dedicated to the public.
- B. If open space is appropriately intended for use solely of the residents of the development, it shall be conveyed to an association of property owners created as a nonprofit corporation under the laws of the state, through which the property owners shall own undivided interest in the open space. In such case, the developer shall file with the city copies of the articles of incorporation and bylaws of the association. In addition, the developer shall present for recording with the final plat a declaration of covenants acceptable to the city council and city attorney, which covenants shall provide for the following:
 1. The property owners' association will be established by the developer before any properties in the PURD are sold.

2. Membership in the association will be automatic and mandatory for each property buyer and any successive buyer.
3. Use of the common open space will be restricted as shown on the approved final plat and final site plan, and the restrictions will be permanent per WMC 16.22.350, not just for a period of years. In lieu of a covenant permanently restricting use of the common open space, the developer may convey and the city may require conveyance of the development rights to the city.
4. The association will be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
5. Property owners will pay their pro rata share of the cost of the insurance, taxes and maintenance. The assessment levied by the association can become a lien on the property, and foreclosures can be instituted to collect defaulted payments.
6. The association will be able to adjust the assessment to meet changed needs.
7. The city will be authorized to enforce the covenants to insure maintenance.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.170 Parking.

The following parking regulations apply:

- A. The parking requirements of Chapter 17.56 apply. In addition, where on-street parking is not allowed, at least one additional parking space per dwelling must be provided in off-street parking bays or common parking areas.
- B. Bicycle Parking.
 1. For multifamily residences there shall be one bicycle parking space or locker for each two dwelling units or portion thereof. One two-sided bike rack can accommodate two bicycles if the space is designed properly.
 2. Each four bicycle parking spaces above the minimum number required may be substituted for one required automobile

parking space up to a maximum of fifteen percent automobile parking space reduction.

3. Each bicycle parking space shall be sufficient to accommodate a cycle at least six feet in length and two feet wide, and shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using a chain and padlock, locker or other storage facilities which are convenient for storage and are reasonably secure from theft and vandalism. The separation of the bicycle parking spaces and the amount of corridor space shall be adequate for convenient access to every space when the parking facility is full.
4. When automobile parking spaces are provided in a structure, all required bicycle spaces shall be located inside that structure or shall be located in other areas protected from the weather. Bicycle parking spaces in parking structures shall be clearly marked as such and shall be separated from auto parking by some form of barrier to minimize the possibility of a parked bicycle being hit by a car.
5. Bicycle parking spaces shall be located near the entrance of the use being served and within view of pedestrian traffic if possible.
- C. Common parking and maneuvering areas must be set back at least twenty feet from the boundary of the PURD. The setback area must be landscaped.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.180 General requirements.

- A. Applicants Responsibilities. It is the responsibility of the applicant to provide all service facilities necessary for the functioning of the PURD, including those listed in this chapter. The services must be provided at no cost to the public, unless allowed by the city. If public off-site improvements are provided, financial adjustments to the applicant for

off-site users shall be made by the city subject to its own policies and regulations. Such adjustments include latecomer fee agreements.

- B. **Dedication of Service Facilities.** Service facilities such as streets, water supply, facilities, sanitary sewers, and regional storm water detention facilities must be dedicated to the public if they are to provide service to any property not included in the PURD. However, the review body may approve private service facilities with the consent of the city.
- C. **Underground Facilities.** All service facilities should be placed underground except those that by their nature must be on or above ground, such as streets, fire hydrants, and open water courses or where the provider of the utility, e.g., city, PUD will not consent to such underground service. The applicant is responsible for making the necessary arrangements with utility companies and other appropriate entities when installing all service facilities. (Ord. No. 1206, § 1, 2-22-2011)

16.22.190 General standards for public service facilities.

- A. **City Standards.** All service facilities dedicated to the public (public service facilities) must be constructed to city standards.
- B. **Extensions to Boundary Lines.** All public service facilities needed to service properties outside the PURD must be extended to the lot lines of the PURD. This extension may be waived by the review body with the consent of the city. Where extensions are waived, rights-of-way and/or easements may be required for the future extension of the facilities.
- C. **Location of Public Service Facilities.** All public service facilities should be located in public streets where possible. Where not possible, they must be easily accessible for maintenance purposes. Private streets will be given preference over nonstreet locations. The location of all public service facilities must be approved by the city.
- D. **Easements.** Easements are required for all public service facilities located on private property, and must comply with the requirements stated below:
 - 1. Easements must be provided at no cost to the city.
 - 2. Easements must be at least fifteen feet wide; a greater width may be required.

(Woodland Supp. No. 22, 2-12)

- 3. Easements must allow for the construction, operation, maintenance, and repair of the facilities.
- 4. Structures, exterior improvements, and additional service facilities are not allowed in an easement unless approved in writing by the city.
- 5. If the city removes private street surfaces to conduct repairs, maintenance, or replacement work on public service facilities, the city will provide an asphalt or concrete patch for the paving surface upon completion of its work. All other private street resurfacing expenses necessitated in the maintenance and repair of public service facilities must be borne by the PURD property owners. Work by the city in unpaved areas will be restored as nearly as reasonable to the condition existing prior to the work.
- 6. All easements must be shown on the PURD plan map recorded in the county records. The restrictions and conditions stated in subsections D.4 and D.5 of this section must appear on all conveyances of PURD real property and they must bind all owners, their heirs, successors, and assigns, as restrictive covenants.
- 7. The document granting the easement must be approved by the city.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.200 General standards for private service facilities.

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

(Ord. No. 1206, § 1, 2-22-2011)

16.22.210 Streets.**A. Public Streets.**

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

B. Private Streets.

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

(Ord. No. 1206, § 1, 2-22-2011)

16.22.220 Walkways.

Pedestrian circulation systems must be provided to facilitate movement within the PURD and to ensure pedestrian access to public uses, including schools, parks, open spaces and transit facilities. The review body may require the walkways to be within public right-of-ways. (Ord. No. 1206, § 1, 2-22-2011)

16.22.230 Sanitary sewage disposal.

A sanitary sewage disposal system must be provided to serve all proposed building sites. (Ord. No. 1206, § 1, 2-22-2011)

16.22.240 Control and disposal of stormwater and groundwater.

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

(Ord. No. 1206, § 1, 2-22-2011)

16.22.250 Preapplication conference required.

Applicants seeking approval of a PURD shall be required to participate in a preapplication conference conducted in conformance with Chapter 16.06. In addition to their responsibilities listed herein, the city officials in attendance shall provide to the developer written comments indicating the feasibility and appropriateness of the project's development under the terms and purposes of this chapter.
(Ord. No. 1206, § 1, 2-22-2011)

16.22.255 Neighborhood meeting required.

- A. Following the preapplication conference and prior to formal submittal, applicants for PURD consideration shall schedule and host a neighborhood meeting. The purpose of the neighborhood meeting shall be to inform the nearby property owners of the proposed development and provide the neighbors an opportunity to comment prior to the applicant committing significant resources and effort designing the project.
- B. The applicant shall mail written notice of the neighborhood meeting to all property owners within three hundred feet of the proposed project and shall publish notice in at least one local newspaper at least ten days prior to the meeting. A copy of the mailing list and newspaper notice shall be submitted with the official application for PURD consideration.
- C. At the neighborhood meeting, the applicant shall present the proposed development to interested neighbors and solicit their comments. A summary of the comments shall be submitted with the official application for PURD consideration.
- D. The city shall be represented at the meeting by one or more staff members for the purpose of discussing the city's adopted plans and development regulation requirements and procedures in general.
(Ord. No. 1206, § 1, 2-22-2011)

16.22.257 Relationship between PURD and preliminary plat, explained

The city of Woodland encourages innovative techniques of land development, including PURDs. A PURD is master planned, but the PURD process cannot, by itself, create legal lots of record. Legal lots

within the PURD must be created through the subdivision process. Therefore, a preliminary plat application must be submitted with the PURD application.
(Ord. No. 1206, § 1, 2-22-2011)

16.22.260 Preliminary site plan and other application materials.

Persons desiring approval of a PURD shall submit the preliminary plat copies and supplementary materials required by Sections 16.08.010 through 16.08.300 and, in addition, the following materials to the city planning department:

- A. Eight copies of the comments provided by the city as a result of the preapplication meeting required by WMC 16.22.250.
- B. Eight copies of the summary of comments provided by the neighbors, the neighborhood meeting mailing list and published notice of the neighborhood meeting required by WMC 16.22.255.
- C. Eight copies of the PURD qualifying criteria score sheet required by WMC 16.22.075.F.
- D. Copies of a Preliminary Site Plan. Eight full-size and reduced (eleven inches by seventeen inches) copies of site plan. Contents of the preliminary site plan shall be in accordance with Section 16.18.060.
- E. If proposed landscaping cannot be accommodated on the preliminary site plan, eight full-size and reduced (eleven inches by seventeen inches) copies of landscaping plan showing trees and groundcover to be retained and planted and coverage of each proposed lot in terms of square footage and percentage.
- F. Eight copies of the elevation (side view) and perspective drawings of proposed structures, and such other schematic sections, sketches and study models needed to convey the architectural character.
- G. Eight copies of the floor plans of buildings for recreational use.
- H. Eight copies of the written statement of purposes and intent, explaining:
 1. The character of the development, including which level PURD the project will be considered under per WMC 16.22.025;
 2. The manner in which it has been planned to take advantage of this chapter;

3. How the public will benefit as a result of deviation from the city's underlying zoning regulations;
4. The basic content of covenants that will govern the use, maintenance and continued protection of the development and any common open space;
5. Timing for the construction and installation of improvements, buildings, other structures and landscaping;
6. Recreational equipment and facilities to be installed; and
7. The ability of the applicant to carry out the project to completion.

The development review committee (DRC) may request additional information and documents from the applicant to ensure the proposed PURD complies with all applicable provisions of the Woodland Municipal Code and Comprehensive Plan. The DRC may reduce or increase the number of required plans and documents depending on the scope of the proposal. (Ord. No. 1206, § 1, 2-22-2011)

16.22.270 Public review of preliminary site plan and plat.

The preliminary site plan, preliminary plat and supplementary application materials required by this article shall be reviewed together by, first, the planning commission at a regular open public hearing and, after recommendation by the commission, the city council. The planning commission's recommendations shall be based on the PURD standards outlined in WMC 16.22, the approval criteria for conditional use permits outlined in WMC 17.72.050, conditions of approval for conditional use permits outlined in WMC 17.72.060, and other applicable provisions in the Woodland Municipal Code and Comprehensive Plan. The planning commission shall consider the recommendations from the development review committee (DRC) outlined in the staff reports prior to forwarding its recommendations to the city council. Such review shall proceed in the manner and with the limitations provided in Chapters 16.06 (pre-applications), 16.08 (preliminary plats) and 16.10 (final plats). Notices of public hearings shall include, in addition to the request for preliminary plat approval, the request for approval of a PURD preliminary site plan and requests for approval of landscaping plans and floor plans. Time limitations specified in

Chapters 16.06, 16.08 and 16.10 shall apply, except, that due to the greater complexity and amount of materials necessary for review of PURD proposals, it is declared that by the act of application for approval, PURD applicants shall be deemed to have consented to a reasonable extension outlined in Section 16.08.290. (Ord. No. 1206, § 1, 2-22-2011)

16.22.280 Action and conditions on preliminary site plan and plat.

The commission shall prepare one set of recommendations and findings on the preliminary plat and one set on the preliminary site plan and any landscaping plan and floor plan, for forwarding to and action by the council. For approval of a preliminary plat and the preliminary plans, it must be concluded that, and it shall be the applicant's burden to demonstrate that, the plat and plans are consistent with the purpose and requirements of this chapter and such other zoning and subdivision regulations not inconsistent with this chapter. In consideration of the latitude given to PURDs, the commission and council shall have wide discretionary authority in judging and approving or disapproving PURD plans. The commission may recommend and the council may impose conditions found necessary to prevent detrimental impacts, to otherwise protect the best interest of the surrounding area or the city as a whole, or to further the purpose of this chapter. In addition to conditions otherwise permitted by Sections 16.08.150 through 16.08.310, such conditions may include, but are not limited to the following:

- A. Limiting the manner in which uses are conducted, including restricting the time an activity may take place;
- B. Establishing an open space area, lot area, yard, setback or dimension;
- C. Limiting the height, size or location of a building or other structure;
- D. Increasing the amount of street dedication, street pavement width, or improvements in the street right-of-way;
- E. Designating the size, location, screening, drainage system, surfacing or other improvements in the street right-of-way; and
- F. Requiring greenbelts, buffer strips, landscaping, berms, fences or other means to protect adjacent or nearby property and designating standards for their installation.

- G. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other resources.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.290 Effect of approval of preliminary site plan and plat.

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

(Ord. No. 1206, § 1, 2-22-2011; Ord. No. 1378, § 58, 11-21-2016)

16.22.300 Final approval—Items to be submitted.

Within the time limits for final plats set forth in Section 16.08.290, the applicant shall submit:

- A. Eight full-size and reduced (eleven inches by seventeen inches) copies of the final site plan containing in final form the information required in the preliminary site plan;
- B. Covenants conforming to Section 16.22.160;
- C. Articles of incorporation and bylaws for the property owners' association established pursuant to Section 16.22.160;
- D. Final floor plans of buildings for recreational use;
- E. If not included in the final site plan, eight full-size and reduced (eleven inches by seventeen inches) copies of the final landscaping plan showing trees and groundcover to be retained and planted; and
- F. Eight full-size and reduced (eleven inches by seventeen inches) copies of the final plat.

The development review committee (DRC) may request additional information and documents from the applicant to ensure the proposed PURD complies with all applicable provisions of the Woodland Munic-

(Woodland Supp. No. 32, 6-17)

ipal Code and Comprehensive Plan. The DRC may reduce or increase the number of required plans and documents depending on the scope of the proposal.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.310 Final plan and plat—Approval and filing.

The final plans and final plat shall conform to the approved preliminary plans and preliminary plat. They shall be submitted, reviewed and, in the case of the final plat and the covenants, recorded, in the manner and subject to the limitations and specifications set forth in Chapters 16.06, 16.08, 16.10 and 16.18. Council approval of the final plans shall be by resolution containing reference to the plans approved and fully reciting all conditions imposed. Copies of the approved final site plan, covenants, articles of incorporation, association bylaws, resolution of approval, final plat, applicant's written statement of purposes and intent, floor plans, landscaping plans and any other supplementary materials shall be filed together in the office of the city clerk-treasurer for the city's permanent record.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.320 Building permit issuance.

No building permit may be issued until recording of the final plat with the county auditor's office and approval of the final site plan by the city.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.330 Certificate of occupancy issuance.

The construction and improvement, including landscaping, of open spaces and recreational facilities and the installation of improvements of a public nature must be complete or nearly complete before any certificate of occupancy for a dwelling will be issued, except that certificates may be issued for model buildings.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.340 Building permit applications.

Applications for building permits shall be in accordance with the approved final site plan and floor plans of recreational buildings in location, dimension, height and bulk of buildings. Submission of a new final site plan or floor plan for review by the commission and council shall be required if any major change from the approved final site plan or floor plan is proposed,

including any increase in floor space or number of dwelling units, decrease in amount of parking facilities, location closer to boundary lines, or change in points of ingress or egress.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.350 Site plan continues to control after completion.

- A. The final site plan shall continue to control the PURD after its completion. The use of the land and the construction, modification or alteration of a building or structure within the PURD shall be governed by the approved final site plan.
- B. After completion of the PURD, no change shall be made in development contrary to the approved final site plan without approval of an amendment to the plan, except as follows:
 1. Minor modifications of existing buildings or structures may be authorized by the building official if the modifications are not inconsistent with the purposes and intent of the final plan.
 2. A building or structure that is destroyed or substantially destroyed may be reconstructed without an amendment of the site plan if the reconstruction complies with the purposes and intent of the PURD.
- C. An amendment to a final site plan may be approved if it is required for the continued success of the PURD, if it is appropriate because of changes in conditions that have occurred since the final site plan was approved, or if there have been changes in the development policy of the city as reflected by the comprehensive plan or related land use regulations.
- D. No modification or amendment to a final site plan is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the PURD; and all rights to enforce the covenants against any change permitted by this section are expressly reserved.
- E. Applications for amendment of final site plans shall be considered by the planning commission consistent with the procedural requirements of this article. The commission shall forward recommen-

dations to the council, which shall have sole authority to approve, approve with conditions, or disapprove amendments.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.360 Change of ownership.

If a developer sells the PURD parcel after preliminary plan and preliminary plat approval, such sale shall not prevent final plan and plat approval, providing that any succeeding owner agrees to comply with the conditions of preliminary approval and the requirements of this article.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.370 Expiration of approval.

In the event that approval of a preliminary plat and preliminary plans expires because of failure to meet the time limitations set forth in Section 16.08.290, the approval shall be void.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.380 Abandonment of work.

If work on a PURD is abandoned, meaning that the developer has failed to diligently pursue the project and construction and installation of improvements, buildings and other structures will not be completed, approval of the final site plan shall expire and the city shall so notify the owners and subdivision agents. Any uses or structures that have been completed and that are inconsistent with the zoning ordinance shall be deemed nonconforming uses. Any further construction shall be consistent with the underlying zoning designation and zoning regulations.

(Ord. No. 1206, § 1, 2-22-2011)

16.22.400 Zero lot line sample lot design.

ZERO LOT LINE

LOT DESIGN

- Same number of lots as detached
- Common open spaces

STANDARDS

- All basic development regulations apply except:
 - No private open space requirement
 - "Zero line" setbacks
 - Common wall construction permitted

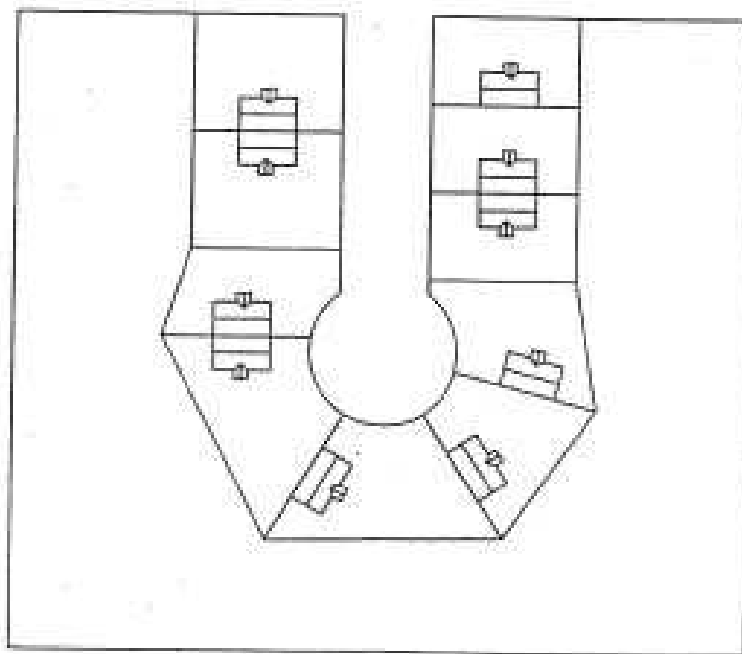


Figure 9

(Ord. No. 1206, § 1, 2-22-2011)

(Woodland Supp. No. 32, 6-17)

Chapter 16.24

ADMINISTRATION AND ENFORCEMENT

Sections:

- 16.24.010 Interpretation.**
- 16.24.020 Violation—Penalty.**
- 16.24.030 Proceedings to prevent violation.**
- 16.24.040 Enforcement authority.**

16.24.010 Interpretation.

In the interpretation and application of the provisions of this article, the provisions shall be held to be the minimum requirements for the protection of the public health, safety and general welfare. Therefore, when this article imposes a greater restriction or requirement upon the development and use of land than is imposed by other laws, ordinances, resolutions, rules or regulations, the provisions of this article shall control. (Ord. 509 Art. X § 1, 1980)

16.24.020 Violation—Penalty.

Any person or any agent of any person who violates any provision of this article relating to the sale, offer for sale, lease, or transfer of any lot prior to final plat approval, except as outlined in Section 16.02.040, shall be guilty of a gross misdemeanor. Each sale, offer for sale, lease, or transfer of each separate lot in violation of any provision of this article shall be a separate and distinct offense. A conviction under the provisions of this chapter and subsequent application of penalty shall not relieve the violator from compliance with this article. (Ord. 561 § 5, 1983; Ord. 509 Art. X § 2(1), 1980)

16.24.030 Proceedings to prevent violation.

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations; to prevent unlawful construction; to recover damages; to restrain, correct or abate a violation; and to prevent illegal occupancy of a building or premises. (Ord. 509 Art. X § 2(2), 1980)

16.24.040 Enforcement authority.

It shall be the responsibility of the public works director to enforce these regulations and to bring to the attention of the city attorney any violations or lack of compliance herewith. (Ord. 509 Art. X § 2(3), 1980)
(Ord. No. 1378, § 59, 11-21-2016)

Article II. Short Subdivisions

Chapter 16.32

SHORT SUBDIVISIONS

Sections:

- 16.32.010 **Applicability.**
- 16.32.015 **Definitions.**
- 16.32.020 **Exemptions.**
- 16.32.030 **Administrator duties.**
- 16.32.040 **Application—Contents.**
- 16.32.050 **Application—Notice of filing.**
- 16.32.060 **Review.**
- 16.32.065 **Application and review fees.**
- 16.32.070 **Resubdivision when.**
- 16.32.078 **Approval and denial procedures.**
- 16.32.079 **Sequence for obtaining signatures.**
- 16.32.080 **Appeal.**
- 16.32.090 **Recording with county.**
- 16.32.100 **Monumenting and marking.**
- 16.32.110 **Minimum standards.**
- 16.32.120 **Utility hookup.**
- 16.32.123 **Variances.**
- 16.32.125 **Innocent purchaser for value—
Exception.**
- 16.32.128 **Innocent purchaser for value—Relief.**
- 16.32.130 **Penalty for violation.**
- 16.32.140 **Enforcement.**
- 16.32.150 **Administrator's review.**

16.32.010 **Applicability.**

Every subdivision of land for the purposes of lease, rent, sale or transfer into four or less parcels less than five acres in area within the city shall comply with this chapter and such subdivision shall be referred to as a short subdivision; provided, that the lots or parcels in short subdivisions approved pursuant to this chapter may not be further divided in any manner within a period of five years without the filing of a final subdivision pursuant to this title. A short subdivision approved pursuant to this chapter shall not require approval pursuant to this title. All permits for the development of segregated lots less than five acres in size shall be withheld until the provisions of this chapter are met. (Ord. 407 § 1, 1975)

16.32.015 **Definitions.**

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

"Administrator" means the community development director or his/her designee.

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

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

"Commission" means the city planning commission.

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

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

"Council" means the Woodland city council.

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

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

"Department" means the community development department.

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

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

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

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

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

"Engineer" means the public works director or his/her designee.

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

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

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

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

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

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

"Person" means any natural person, firm, partnership, association, social and fraternal organization,

corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

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

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

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

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

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

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

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

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

"Title" refers to Title 16 of this code. (Ord. 676 §§ 5, 6, 1989; Ord. 594 § 2, 1985) (Ord. No. 1378, § 60, 11-21-2016)

16.32.020 Exemptions.

Provisions of this chapter shall not apply to:

- A. Cemeteries and other burial plots all used for that purpose;
- B. Divisions made by testamentary provisions or the laws of descent;
- C. Any division of land pursuant to RCW Chapter 58.17, governing the divisions containing dedications and divisions of land into five or more lots, parcels, or tracts;

- D. Boundary line adjustments or lot consolidations, unless the adjustment or consolidation is part of a short plat request;
- E. Divisions of land due to the condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation;
- F. Any division where no permanent streets can be constructed and where restricted covenants or leased provisions prohibit construction of buildings of the type that permit human occupancy, overnight camping or other human habitation.
- G. Any property divided into two or more parts by any public roadway, rock bluffs, dikes and/or any stream where mean annual flow is twenty cubic feet per second or greater.
- H. Any division of land into lots, tracts or parcels where the smallest lot is five acres or larger. For purposes of computing the size of any lot through this article which borders on a street, the lot size shall be expanded to include that area which would be bounded by the centerline and the said lot lines running perpendicular to such centerline.
- I. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land and the city has approved a binding site plan for the use of the land in accordance with local regulations. The term "site plan" means a drawing to a scale specified by local ordinance and which:
 1. Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; and
 2. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land.

(Ord. 594 § 3, 1985; Ord. 407 § 2, 1975)

(Ord. No. 1239, 8-20-2012)

16.32.030 Administrator duties.

The city council appoints the supervisor of the department of public works to be the administrator of this chapter. The administrator is vested with the duty of administering the provisions of this regulation and

is authorized to summarily approve or disapprove short subdivision. The administrator may prepare and require the use of such application forms as he deems essential to assure compliance to this chapter. If the administrator deems it to be in the public interest, he may require that the short subdivision be placed before the planning commission to be approved or denied by them pursuant to this title. (Ord. 594 § 4, 1985; Ord. 407 § 2, 1975)

16.32.040 Application—Contents.

Any person desiring to subdivide land within the city into four or less parcels for the purpose of sale, rent transfer, or lease shall submit an application for short subdivision approval to the administrator. Applications for approval of short subdivision shall include a map to the scale of not less than two hundred feet but not more than fifty feet to the inch. The map shall include but not be limited to the following items:

- A. Scale and north arrow;
- B. Name of subdivision;
- C. The signatures of the owner or owners and surveyor of the land to be subdivided;
- D. Location and names of all public or private roads, utilities and community facilities;
- E. A survey of the proposed short subdivision specifying all lot and road dimensions, the location of primary control points, the location of all permanent monuments, the length and bearing of all straight lines, curves, radii, arcs and semitangents of all curves. The survey shall be completed by a professional land surveyor registered in the state;
- F. If the short subdivision constitutes a resubdivision, all lots, blocks, streets and other divisions of the original subdivision shall be shown by dotted lines in their proper positions in relation to the new arrangement of the short subdivision;
- G. The short subdivision shall be drawn in indelible ink on a sheet of mylar not to exceed a size of twenty-two inches by thirty inches;
- H. Short subdivisions including dedications shall include dedications pursuant to Sections 16.08.170 and 16.08.180;
- I. Short subdivisions including dedications shall be accompanied by a title report completed by

a title insurance company attesting that the land to be dedicated is in fact owned by the signators of the short subdivision.

(Ord. 643 § 2, 1987; Ord. 594 § 5, 1985; Ord. 407 § 4, 1975)

16.32.050 Application—Notice of filing.

Within seven days of receiving a complete short subdivision application, the administrator shall give notice of the submission of the application as follows:

- A. At least one notice shall be published in a newspaper of general circulation in the area where the proposed subdivision is located. The notice shall include the following information: The nature of the proposed action; a brief description of the short subdivision; the name of the applicant; the name, title, and office of the administrator and the last date upon which the administrator shall accept written or verbal comments and recommendations from the public; the address of the office where a copy of the proposed subdivision is available for public review and a brief statement of the type of action the city will take regarding the proposed short subdivision;
- B. At least one notice shall be posted in a conspicuous place, on or adjacent to the land proposed to be subdivided. Any notice given pursuant to this section shall include the information specified in subsection A of this section.

(Ord. 407 § 5, 1975)

16.32.060 Review.

Short subdivisions shall be reviewed by the city engineer to assure dedicated streets meet city street specifications; by the district health officer to assure that adequate water and sewage disposal is provided for; the appropriate public utility district to assure adequate provisions for power; the volunteer fire department to assure fire protection and emergency vehicle ingress and egress, and by any agency and official that the administrator deems appropriate. (Ord. 594 § 6, 1985; Ord. 407 § 6, 1975)

16.32.065 Application and review fees.

Application and review fees relating to the short subdivision process shall be as prescribed by resolu-

tion. This amount shall be payable at the time application is made. (Ord. 979 § 6, 2003; Ord. 577 § 1, 1984; Ord. 524 § 1, 1981)

16.32.070 Resubdivision when.

- A. Short subdivisions which constitute a resubdivision may be considered and approved or denied under the provisions contained in this chapter.
- B. If, however, the administrator deems it to serve the public interest he may require a public hearing prior to his decision. Further if the administrator deems it in the public interest he may require that such short subdivision be placed in the hands of the planning commission to be approved or denied by them pursuant to the procedures as set forth in this title.

(Ord. 594 § 8, 1985; Ord. 407 § 7, 1975)

16.32.078 Approval and denial procedures.

The administrator shall approve or deny the short subdivision. The party requesting the short subdivision shall be notified of the administrator's decision by regular mail in not less than ten nor more than thirty days from the posting of notice as provided in Section 16.32.050. Such action shall be based on a determination that the proposed short subdivision does or does not satisfy the requirements of this article, and that the short subdivision will or will not serve the public interest, and that the short subdivision does or does not conform to the city's comprehensive plan, and that the lots created by the short subdivision do or do not conform to the standards of the applicable zoning district. The administrator may require such conditions, restrictions or dedications to be placed on the face of the final short subdivision as are deemed appropriate. The administrator's findings shall be recorded in the public record.

Upon notice of approval, the applicant shall cause the final short subdivision to be drawn in India ink on a sheet of mylar having dimensions of eighteen inches by twenty-four inches, or approved substitute, and on a standard recorder's plat sheet eighteen inches by twenty-five inches, with a three-inch-wide hinged binding on the left border. The scale may range from fifty feet to the inch to two hundred feet to the inch. All signatures on the mylar and recorder's plat sheet shall be originals. The final short subdivision plat shall show the following information:

- A. Name of the short subdivision, date, north pointing arrow and scale;

on actual survey and short subdivision of Section _____, Township _____ North, Range _____, W.M., that the distances and courses and angles are shown thereon correctly; that proper monuments have been set and lot and block corners staked on the ground.

_____(Seal)
Professional Land Surveyor

4. I HEREBY CERTIFY THAT the taxes on the land described hereon have been paid to date, including the year _____.

DATED: _____

(Signed) _____

Cowlitz or Clark County Treasurer

(Signed) _____

Deputy Treasurer

5. EXAMINED AND APPROVED this _____ day of _____, 20____.

(Signed) _____

Public Works Director

6. Filed for record at the request of this _____ day of _____, 20____, at _____ minutes past _____, and recorded in Volume _____, of Plats, on page _____, Records of Cowlitz or Clark County, Washington.

(Signed) _____

Cowlitz or Clark County Auditor

(Signed) _____

Deputy Auditor

(Ord. 643 § 3, 1987; Ord. 594 § 7, 1985)

(Ord. No. 1378, § 61, 11-21-2016)

16.32.079 Sequence for obtaining signatures.

Signatures required for Section 16.32.078 of this article for dedications, acknowledgements and endorsements shall be in the following sequence:

- A. The owners in fee simple;
- B. Notary public in and for the state;
- C. Professional land surveyor registered in the state;
- D. Cowlitz or Clark County treasurer;

E. Public works director.

F. Cowlitz or Clark County auditor.

(Ord. 643 § 4, 1987)

(Ord. No. 1378, § 62, 11-21-2016)

16.32.080 Appeal.

Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08. (Ord. 407 § 8, 1975)

(Ord. No. 1253, § 3, 11-19-2012)

16.32.090 Recording with county.

Each short subdivision shall be filed with the county auditor and shall not be deemed approved until so filed. A copy of an approved short subdivision shall be submitted to the county assessor, the city engineer and the city planning department director. (Ord. 407 § 9, 1975)

16.32.100 Monumenting and marking.

Monuments shall be located at all controlling corners on the boundaries of the short subdivision, and at each corner of each lot within the short subdivision, and shall be marked by three-quarter inch galvanized iron, or approved equivalent, monument driven into the ground. If the short subdivision included a road dedication, monuments shall be placed as required by the public works director. (Ord. 643 § 5, 1987; Ord. 407 § 10, 1975)

(Ord. No. 1378, § 63, 11-21-2016)

16.32.110 Minimum standards.

- A. The method of sewage disposal shall be approved by the health district officer and D.O.E. prior to short subdivision approval.
- B. The means of supplying potable water to each lot and short subdivision shall be approved by the city engineer and the department of social and health services prior to short subdivision approval.
- C. Cul-de-sacs and dead-end streets shall be developed in accordance with Section 16.14.260.
- D. Road right-of-way, and roadbed widths of dedicated and undedicated roads shall be as required by Section 16.14.250.
- E. Size. The minimum size of any lot or parcel of property within a short subdivision shall be in compliance with Title 17 of this code, as heretofore amended.

- F. Road Surfacing. Surfacing of dedicated roads shall be required pursuant to Section 16.16.070.
- G. After consultation with the city planner and other city staff to insure that adequate road right-of-way and roadbed widths are provided, a variance from Section 16.14.250 may be initiated on behalf of the applicant by the administrator for undedicated roads as provided in Section 16.32.123.
(Ord. 676 § 7, 1989; Ord. 594 § 10, 1985; Ord. 407 § 11, 1975)

16.32.120 Utility hookup.

All short subdivisions proposing to locate within two hundred feet of city sewer and water lines shall be required to utilize said public systems. No permanent electrical hookup or permanent city water service shall be furnished to any dwelling and/or structure in any short subdivision which has not been approved pursuant to the terms of this chapter. (Ord. 594 § 12, 1985; Ord. 407 § 14, 1975)

16.32.123 Variances.

Where the administrator finds that extraordinary hardship may result from the strict compliance with these regulations due to size, shape, topography, location or surroundings as it relates to the property, he may vary these regulations so that substantial justice may be done and the public interest secured; provided, that such variance will not have the effect of nullifying the intent and purpose of the city comprehensive plan, and this chapter. The variance shall be subject to the approval of the council at a public meeting. A record shall be kept of all such grants of variances and shall be available for public inspection. (Ord. 594 § 9, 1985)

16.32.125 Innocent purchaser for value—Exception.

An application for building permit, septic tank permit, or other development permit for any land divided in violation of state law or this chapter, shall not be granted without prior approval of the council, which approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the council that:

- A. The applicant purchased the lot, tract, or parcel for value;

- B. The applicant did not know, and could not have known by the exercise of care, which a reasonable purchaser would have used in purchasing land, that the lot, tract or parcel had been part of a larger lot, tract or parcel divided in violation of the state law or this chapter; and,
- C. The public interest will not be adversely affected by the issuance of such permit.

(Ord. 594 § 13, 1985)

16.32.128 Innocent purchaser for value—Relief.

- A. Except as provided in Section 16.32.125, all purchasers or transferees of property divided in violation of this chapter shall comply with provisions of this chapter. Each purchaser and transferee may recover his damages from any individual, firm, corporation, or agent selling or transferring land in violation of this chapter. This may include any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter, as well as the cost of investigations, suit, and reasonable attorney's fees occasioned thereby.
- B. Such purchaser or transferee may, as an alternative to conforming to these requirements, rescind the sale or transfer and recover the costs of investigation, suit, and reasonable attorney's fees occasioned thereby.

(Ord. 594 § 14, 1985)

16.32.130 Penalty for violation.

- A. It is unlawful to sell, offer to sell, auction or otherwise dispose of any interest in lots in any short subdivision unless such subdivision has been approved pursuant to the terms of this chapter.
- B. Every person convicted of a violation of any provision of this title shall be punished as provided in Section 1.12.010 of this code.
- C. Every firm or corporation convicted of a violation of any provision of this title shall be punished as provided in Section 1.12.010 of this code.

(Ord. 407 § 12, 1975)

16.32.140 Enforcement.

- A. In addition to the penalties as provided in Section 16.32.130 above the city shall have such injunctive powers as provided by law for the enforcement of this chapter.

- B. All development permits for improvement of any lot which is less than five acres in area shall be withheld until the provisions of this title are met, pursuant to state law. Also, the administrator, or his designee, may revoke all building permits on parcels divided, transferred or leased which do not comply with this title. The county treasurer shall refuse to accept any property tax payment for any parcel of real property that has not been approved by the administrator pursuant to this title.

(Ord. 594 § 11, 1985; Ord. 407 § 13, 1975)

16.32.150 Administrator's review.

The administrator or his designee shall review the provisions of this chapter in twelve months and shall make recommendations for changes as may be necessary at that time. The council shall have the option of appointing a task force to be coordinated by the administrator for the purpose of reviewing and recommending amendments to the council. (Ord. 594 § 15, 1985)

Article III. Boundary Line Adjustments and Lot Consolidations

Chapter 16.34

BOUNDARY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS

Sections:

16.34.010	Applicability.
16.34.020	Definitions.
16.34.030	Purpose.
16.34.040	Application requirements.
16.34.050	Approval criteria.
16.34.060	Recording.
16.34.070	Appeals.

16.34.010 Applicability.

Every adjustment made for the purpose of adjusting boundary lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division shall proceed in compliance with this chapter. The consolidation of lots that are part of a planned unit residential development (PURD) or binding site plan shall be processed and approved as directed by WMC 16.22 and 16.19 respectively. Lot consolidations that would combine lots of different zoning districts are prohibited. Lot consolidations that would combine two or more lots each having a residential dwelling unit or town home are prohibited when located in a residential zoning district, except when the consolidation would result in the creation of a principal single-family detached dwelling and a permitted accessory use. Lot consolidations not otherwise mentioned are exempt from review. If, at some point in the future, maximum lot sizes are adopted, all lot consolidations shall go through the process outlined herein. BLAs and lot consolidations may also be accomplished as part of a plat or short plat.

(Ord. No. 1239, 8-20-2012)

16.34.020 Definitions.

For the purpose of this article, terms shall be defined as set forth in Title 16 and as set forth in this chapter.

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

"Lot consolidation" means the combining of two or more parcels, where a greater number of parcels than originally existed is not thereby created.

(Ord. No. 1239, 8-20-2012)

16.34.030 Purpose.

The purpose of this chapter is to establish procedures for the administrative approval of boundary line adjustments in order to ensure that such divisions of land are accomplished in an orderly manner, with proper records established, and in compliance with applicable laws.

(Ord. No. 1239, 8-20-2012)

16.34.040 Application requirements.

Application submittal requirements for BLAs include:

- A. A completed application form;
- B. The appropriate fee;
- C. Prior recorded surveys;
- D. Other information demonstrating compliance with the approval criteria; and
- E. A map prepared and stamped by a licensed surveyor with the following information:
 1. The applicant's and contact person's name, mailing address and phone number;
 2. Names of all affected property owners, and addresses of affected parcels;
 3. A north point, graphic scale and small vicinity map;
 4. Old property lines and dimensions as dashed or broken lines, new property lines and dimensions as solid lines;
 5. All property lines shall be fully dimensioned, with the area calculations for each lot noted on the face of the plat;
 6. Correct street names and current zoning designation;
 7. Building locations, building setbacks (distance from existing structures to nearest property lines), driveways, location of easements, utility connection points, septic tanks, septic drain fields, stormwater facilities, and wells;
 8. Public and private roads and their dimensions and location;
 9. Identification of all lots involved as Lot 1, Lot 2, etc.; and

10. Any previous short plat or boundary line adjustments shall be noted on the site plan.
(Ord. No. 1239, 8-20-2012)

16.34.050 Approval criteria.

The community development director or his/her designee shall approve, disapprove or condition boundary line adjustment applications based on the following conditions:

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

(Ord. No. 1239, 8-20-2012; Ord. No. 1378, § 64, 11-21-2016)

16.34.060 Recording.

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

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

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

(Ord. No. 1239, 8-20-2012)

16.34.070 Appeals.

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

(Ord. No. 1239, 8-20-2012)

Title 17

ZONING

Chapters:

- 17.04 General Provisions**
- 17.08 Definitions**
- 17.12 Classifications—Boundaries**
- 17.16 Low Density Residential (LDR)
Zoning Districts**
- 17.20 Multifamily Residential Districts
(MDR, HDR)**
- 17.24 Public/Quasi-Public/Institutional
(PQPI)**
- 17.28 Standards for Manufactured
Home Parks and Subdivisions**
- 17.30 Floodway Use District**
- 17.32 Central Business District (C-1)**
- 17.36 Highway Commercial District
(C-2)**
- 17.40 Neighborhood Commercial
District (C-3)**
- 17.44 Light Industrial District (I-1)**
- 17.46 Heavy Industrial District (I-2)**
- 17.48 Performance Standards**
- 17.50 Recreational Marijuana**
- 17.52 Sign Requirements**
- 17.56 Off-Street Parking and Loading
Requirements**
- 17.60 Pre-Existing Non-Conforming
Uses, Structures and Lots**
- 17.64 Water Supply and Sewage
Disposal**
- 17.70 Temporary Uses**
- 17.71 Special Uses**
- 17.72 Conditional Uses**
- 17.76 Exceptions and Similar Use
Authorization**
- 17.81 Hearing Examiner**
- 17.84 Amendments and Review
Procedures**
- 17.88 Enforcement Provisions**

17.92	Reserved
17.96	Reserved

Chapter 17.04

GENERAL PROVISIONS

Sections:

17.04.010	Title.
17.04.020	Adoption.
17.04.030	Scope—Content.
17.04.040	Purpose.
17.04.050	Provisions not affected by headings.
17.04.060	Tenses of words—Singular and plural.
17.04.070	Interpretation.

17.04.010 Title.

This title shall be known and may be cited as the "Woodland Zoning Ordinance." (Ord. 490 § 1.01, 1979)

17.04.020 Adoption.

The ordinance codified in this title is adopted as an official land use control for the city and is established to serve the public health, safety and general welfare and to provide the economic, social and aesthetic advantages resulting from an orderly planned use of land resources and represents one means of carrying out the general purposes set forth and defined in the comprehensive plan of the city, as provided for by Chapter 35 of the Laws of the State of Washington, 1935. (Ord. 490 § 1.02, 1979)

17.04.030 Scope—Content.

This title shall consist of the text of the ordinance codified in this title and in addition thereto zoning maps identified by the appropriate signature of the mayor and city clerk-treasurer, and marked and designated as the maps of the zoning ordinance of Woodland, Washington, which are filed in the office of the city clerk-treasurer and the office of the auditors of Cowlitz County and Clark County, Washington. Said title and each and all of its terms are to be read and interpreted in the light of the commitments of said maps. For the purposes of administration and enforcement, the zoning maps in the office of the city clerk-treasurer shall be considered as official zoning maps. Any and all amendments of the official zoning map shall also be made on the zoning maps in the office of the city clerk-treasurer at the time an amendment is filed with the county auditors. If any conflict of maps and text should arise, the maps of the title shall prevail. (Ord. 490 § 1.03, 1979)

17.04.040 Purpose.

The basic purposes of this title are:

- A. To classify uses and to regulate the location, design, and operation of such uses in such a manner as to group as nearly as possible those uses which are mutually compatible;
 - B. To protect each group of uses from the intrusion of incompatible uses which would damage not only the public's general health, welfare, and safety, but also the security, value, and stability of the land and improvements thereon;
 - C. To foster the greatest practical convenience and service to the citizens of the city;
 - D. To regulate certain uses in the business, commercial, and industrial classifications when such uses are adjacent to more restrictive zones, i.e., residential;
 - E. To enable the city to efficiently and economically plan, design, install, and operate public services and facilities;
 - F. To require an orderly arrangement of essential services and facilities, especially to facilitate the circulation and movement of people and goods, including street layouts and off-street parking and loading areas;
 - G. To establish the geographical location and boundaries of each zoning classification through the medium of a zoning map;
 - H. To establish required minimum lot areas, yards, building heights, and open spaces as a means of providing a suitable environment for living, business, industry, and recreation; and
 - I. To maintain reasonable population densities and intensities of land use for the general purpose of conserving and protecting the public health, safety, and general welfare.
- (Ord. 490 § 3.01, 1979)

17.04.050 Provisions not affected by headings.

Articles and section headings contained in this title shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section of this title. (Ord. 490 § 2.01, 1979)

17.04.060 Tenses of words—Singular and plural.

When consistent with the text, words used in the present tense include the future; words used in the future tense include the present; words in the singular number include the plural and words in the plural number include the singular. (Ord. 490 § 2.02, 1979)

17.04.070 Interpretation.

In interpreting and applying the provisions of this title, the provisions shall be held to be the minimum requirements for the promotion of the public health,

17.04.070

safety, morals, and general welfare; therefore, when this title imposes a greater restriction upon the use of buildings or premises, or requires larger open spaces than are imposed or required by other laws, resolutions, rules or regulations, the provisions of this title shall control. (Ord. 490 § 20.01, 1979)

Chapter 17.08

DEFINITIONS

Sections:

17.08.001	Undefined words and phrases.	17.08.145	Carport.
17.08.005	Generally.	17.08.150	Cemetery.
17.08.007	Abutting.	17.08.155	Charging levels.
17.08.008	Access.	17.08.160	Church.
17.08.010	Accessory dwelling unit.	17.08.165	Classification.
17.08.015	Accessory building.	17.08.170	Clinic.
17.08.016	Accessory use.	17.08.175	Club.
17.08.020	Adjacent.	17.08.180	College.
17.08.022	Adult day care.	17.08.185	Community club.
17.08.023	Adult family home.	17.08.187	Commercial vehicles.
17.08.025	Agriculture.	17.08.188	Commercial vehicle repair.
17.08.030	Alley.	17.08.190	Conditional use.
17.08.035	Amendment.	17.08.195	Conditional use permit.
17.08.037	Animal shelter.	17.08.197	Conditional use permit— (Administrative).
17.08.040	Animal, small.	17.08.200	Condominium.
17.08.042	Antenna.	17.08.205	Contiguous.
17.08.043	Antenna, satellite dish.	17.08.207	Continuing care or life care communities.
17.08.045	Apartments.	17.08.209	Cooperative, medical marijuana.
17.08.047	Artisan/craft shop.	17.08.210	Court.
17.08.050	Assisted living facilities.	17.08.215	Day care facility.
17.08.055	Automobile, boat and trailer sales area.	17.08.220	Density.
17.08.060	Automobile and truck repair, major.	17.08.225	Density, gross.
17.08.065	Automobile and truck repair, minor.	17.08.227	Density, net.
17.08.070	Automobile wrecking yard.	17.08.230	Detonable materials.
17.08.075	Basement.	17.08.232	Development.
17.08.076	Battery charging station.	17.08.233	Director.
17.08.076.3	Battery exchange station.	17.08.234	Dispatch.
17.08.077	Bed and breakfast.	17.08.234.1	Display garden.
17.08.080	Billboard.	17.08.235	District.
17.08.085	Block.	17.08.240	Drive-in business.
17.08.088	Board and care homes.	17.08.242	Drive-through facility.
17.08.090	Boardinghouse.	17.08.243	Drug treatment facility.
17.08.095	Boat.	17.08.245	Dwelling.
17.08.100	Building.	17.08.255	Dwelling, multiple.
17.08.105	Building department.	17.08.260	Dwelling, single-family.
17.08.110	Building height.	17.08.265	Dwelling, two-family.
17.08.115	Building line.	17.08.270	Dwelling unit.
17.08.120	Building, main.	17.08.275	Educational institution.
17.08.125	Building site.	17.08.276	Electric vehicle.
17.08.130	Business.	17.08.277	Electric vehicle charging station.
17.08.135	Camper park.	17.08.278	Electric vehicle charging station— Public.
17.08.140	Camper vehicle.	17.08.278.3	Electric vehicle charging station— Restricted.
		17.08.278.5	Electric vehicle infrastructure.
		17.08.280	Equipment, heavy duty.

17.08.285	Erected.	17.08.460	Lot line, side street.
17.08.288	Event center.	17.08.465	Lot line, street.
17.08.290	Family.	17.08.470	Lot of record.
17.08.292	Farmer's market.	17.08.472	Lot, pipestem.
17.08.295	Fence.	17.08.475	Lot, reverse frontage.
17.08.300	Flammable.	17.08.480	Lot, reversed corner.
17.08.305	Flammable liquids and gases.	17.08.490	Lot width.
17.08.310	Flammable solid materials.	17.08.491	Manufactured home.
17.08.315	Floor area.	17.08.491.1	Manufactured home, new.
17.08.320	Foster home.	17.08.492	Manufactured home park.
17.08.330	Fraternity, sorority, or group student house.	17.08.493	Manufactured home site.
17.08.335	Fronting street.	17.08.494	Manufactured home subdivision.
17.08.340	Garage, private.	17.08.494.1	Manufacturing.
17.08.345	Garage, public.	17.08.495	May.
17.08.347	Garage sale.	17.08.497	Microbrewery, microdistillery, or microwinery.
17.08.350	Grade.	17.08.500	Miniature hooved animal.
17.08.350.1	Gross vehicle weight rating (GVWR).	17.08.505	Mobile home.
17.08.351	Group residence.	17.08.515	Modular home.
17.08.352	Guest house.	17.08.520	Motel.
17.08.354	Hazardous waste.	17.08.525	Motor home.
17.08.355	Hazardous waste treatment and storage facility.	17.08.526	Museum.
17.08.357	Home occupation.	17.08.530	Neighborhood commercial.
17.08.359	Hospice.	17.08.535	Nonconforming use or structure.
17.08.360	Hospital.	17.08.536	Off-site hazardous waste treatment or storage facility.
17.08.370	Hotel.	17.08.537	On-site hazardous waste treatment or storage facility.
17.08.375	Intersection visibility clearance.	17.08.540	Outdoor advertising.
17.08.380	Junkyard.	17.08.545	Outdoor advertising structure.
17.08.385	Kennel.	17.08.547	Owner.
17.08.388	Kiosk.	17.08.548	Parking area.
17.08.390	Kitchen.	17.08.550	Parking space.
17.08.392	Laundry/dry cleaning (industrial).	17.08.555	Person.
17.08.393	Live-work unit.	17.08.560	Planned unit residential development.
17.08.395	Livestock.	17.08.565	Planning commission.
17.08.400	Loading space.	17.08.570	Preexisting use or structure.
17.08.405	Lot.	17.08.572	Preschool.
17.08.410	Lot area.	17.08.573	Principal use.
17.08.412	Lot area, net.	17.08.575	Professional offices.
17.08.415	Lot, corner.	17.08.577	Public facilities.
17.08.420	Lot coverage.	17.08.580	Public utility.
17.08.425	Lot depth.	17.08.590	Rapid charging station.
17.08.430	Lot, double frontage.	17.08.595	Recorded.
17.08.435	Lot, interior.	17.08.597	Recreation vehicle.
17.08.440	Lot line, front.	17.08.600	Recreational vehicle park.
17.08.450	Lot line, rear.	17.08.605	Residence.
17.08.455	Lot line, side.	17.08.610	Rest home, convalescent home, guest home, home for the aged.

17.08.613 Retailer, marijuana.
 17.08.615 Retaining wall.
 17.08.617 Retirement homes.
 17.08.619 Retreat center.
 17.08.625 Right-of-way.
 17.08.630 Roadside produce stand.
 17.08.635 Roadway.
 17.08.640 Roof.
 17.08.642 Rooming and boardinghouse.
 17.08.645 Sanitarium.
 17.08.650 School.
 17.08.652 Seasonal uses.
 17.08.655 Service station, automobile.
 17.08.700 Setback.
 17.08.702 Sexually-oriented business.
 17.08.705 Shall.
 17.08.710 Shopping center.
 17.08.715 Should.
 17.08.720 Sign.
 17.08.725 Sign, changing image.
 17.08.730 Sign, freestanding.
 17.08.735 Sign, gross area of.
 17.08.737 Sign, incidental.
 17.08.740 Sign, nameplate.
 17.08.745 Sign, off-site.
 17.08.750 Sign, on-site.
 17.08.755 Sign, projecting.
 17.08.760 Sign, public or semipublic identification.
 17.08.765 Sign, real estate.
 17.08.770 Sign, roof.
 17.08.775 Sign, wall.
 17.08.780 Sign, window.
 17.08.785 Single-family dwelling.
 17.08.786 State siting criteria.
 17.08.787 Storage.
 17.08.790 Story.
 17.08.795 Street.
 17.08.800 Street, access.
 17.08.805 Street, arterial.
 17.08.810 Street, cul-de-sac.
 17.08.815 Street, side.
 17.08.820 Structural alteration.
 17.08.825 Structure.
 17.08.828 Temporary use.
 17.08.830 Trailer, automobile.
 17.08.832 Treatment.
 17.08.835 Townhouse.

17.08.840 University.
 17.08.845 Use.
 17.08.850 Use, preexisting.
 17.08.855 Use, principal.
 17.08.857 Utility yard.
 17.08.860 Variance.
 17.08.862 Variance, use.
 17.08.863 Vending stand.
 17.08.864 Warehousing.
 17.08.864.3 Wholesale sales.
 17.08.864.5 Wrecking yard.
 17.08.865 Yards, types and measurements.
 17.08.870 Zone.

17.08.001 Undefined words and phrases.

The definition of any word or phrase not listed in this chapter which is in question when administering this title shall be defined by the development review committee from one of the following sources. The sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used and so on. The sources are as follows:

- A. Any city resolution, ordinance, code or regulation;
 - B. Any statute or regulation of the state of Washington;
 - C. Legal definitions from Washington common law or a law dictionary;
 - D. The common dictionary.
- (Ord. 939 § 2 (part), 2000)

17.08.005 Generally.

For the purposes of this title, unless the context requires otherwise, the words and terms defined in this chapter shall have the meanings ascribed to them in this chapter. (Ord. 939 § 2 (part), 2000)

17.08.007 Abutting.

"Abutting" means bordering upon, to touch upon, in physical contact with. Properties are considered abutting even though the area of contact may be only a point. (Ord. 939 § 2 (part), 2000)

17.08.008 Access.

"Access" means a way or means of approach to provide vehicular or pedestrian physical entrance to a property. (Ord. 939 § 2 (part), 2000)

17.08.010 Accessory dwelling unit.

"Accessory dwelling unit" means a second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling. Accessory units are also commonly known as "mother-in-law" units or "carriage houses." (Ord. 939 § 2 (part), 2000)

17.08.015 Accessory building.

"Accessory building" means a building or structure housing an accessory use, such as a detached garage, detached carport, tool or garden sheds, cabanas, and covered swimming pools unless otherwise noted in this title.

(Ord. No. 1304, § 2, 10-6-2014)

Editor's note—Ord. No. 1304, § 2, adopted October 6, 2014, repealed the former § 17.08.015, and enacted a new § 17.08.015 as set out herein. The former § 17.08.015 pertained to accessory use building or structure and derived from Ord. No. 939, 2000.

17.08.016 Accessory use.

"Accessory use" means a use which is subordinate in area, extent, or purpose to the principle use on the same lot.

(Ord. No. 1304, § 3, 10-6-2014)

17.08.020 Adjacent.

"Adjacent" means nearby and not necessarily abutting. (Ord. 939 § 2 (part), 2000)

17.08.022 Adult day care.

"Adult day care" means a facility which provides, on a recurrent basis for periods of less than twenty-four hours, supervision and social activities in a group setting, and which serves socially isolated persons, or persons who cannot be left unsupervised. Persons may have physical, cognitive, or emotional impairments, but any required treatment is provided outside the social day care program. (Ord. 939 § 2 (part), 2000)

17.08.023 Adult family home.

"Adult family home" means a regular family abode of a person or persons who are providing personal care, room, and board to more than one, but not more than four, adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the Department of Social and Health Services determines that the home is of adequate size and that the home and provider are capable of meeting the standards and qualifications established in Chapter 70.128 RCW. (Ord. 939 § 2 (part), 2000)

17.08.025 Agriculture.

"Agriculture" means the tilling of the soil, the raising of crops, forestry, horticulture, gardening, keeping or raising of livestock and poultry, and any agricultural industry or business such as dairies, nurseries, greenhouses, or similar uses. (Ord. 939 § 2 (part), 2000)

17.08.030 Alley.

"Alley" means a public thoroughfare or way which affords only a secondary means of access to abutting property. Access is usually limited to on-site vehicular parking and utility service. (Ord. 939 § 2 (part), 2000)

17.08.035 Amendment.

"Amendment" means a change in the wording, context or substance of this title, or the Woodland comprehensive plan, a change in the zone boundaries upon zoning maps adopted under this title, or a change in the land use designations upon the comprehensive plan map. (Ord. 939 § 2 (part), 2000)

17.08.037 Animal shelter.

"Animal shelter" means a place where dogs, cats or other stray or homeless animals are sheltered. Activities and services may include kenneling, animal clinic, pet counseling and sales, as well as animal disposal. (Ord. No. 1263, § 6, 4-15-2013)

17.08.040 Animal, small.

"Small animal" means any animal other than livestock or animals considered to be predatory or wild. (Ord. 939 § 2 (part), 2000)

17.08.042 Antenna.

"Antenna" means any system of wires, poles, rods, reflecting disks, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to any building. (Ord. 939 § 2 (part), 2000)

17.08.043 Antenna, satellite dish.

"Satellite dish antenna" means a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennae), and satellite microwave antennae. (Ord. 939 § 2 (part), 2000)

17.08.045 Apartments.

"Apartments" means a building design for the purpose of human habitation which contains two or more dwelling units. (Ord. 939 § 2 (part), 2000)

17.08.047 Artisan/craft shop.

"Artisan/craft shop" means a retail store selling art glass, ceramics, clothing, jewelry, paintings, sculpture, and other handcrafted items, where the facility includes an area for the crafting of the items being sold. (Ord. No. 1263, § 6, 4-15-2013)

17.08.050 Assisted living facilities.

"Assisted living facilities" means apartments in an apartment complex but with additional services beyond retirement units. The services include all of those provided in retirement homes, as well as more personal care services such as giving medications, assisting with bathing, dressing, transporting to a doctor, etc. Some assisted living facilities specialize in dementia care where a secured environment is needed for confused residents who might wander off. (Ord. 939 § 2 (part), 2000)

17.08.055 Automobile, boat and trailer sales area.

"Automobile, boat and trailer sales area" means an open area, other than a street, used for the display,

sale or rental on the premises of new or used automobiles, boats or trailers, and where no repair work is done except minor incidental repair to items sold. (Ord. 939 § 2 (part), 2000)

17.08.060 Automobile and truck repair, major.

"Major automobile and truck repair" means the rebuilding and reconditioning of automobiles and of trucks over one and one-half tons in capacity, which include: auto and truck body and frame repair and straightening, vehicle painting, motor vehicle dismantling and wrecking, and engine, transmission, and suspension rebuilding. These uses normally require outdoor storage of vehicles under repair or used for parts. (Ord. 939 § 2 (part), 2000)

17.08.065 Automobile and truck repair, minor.

"Minor automobile and truck repair" means general maintenance, tune-up, and replacement with new or reconditioned parts to automobiles and trucks not exceeding one and one-half tons in capacity, but not including operations specified under Section 17.08.060. Activities include: ignition system tune-ups, oil and lubricating, clutch, starter, alternator, water pump, and fuel pump replacement, front end realignment, tire balancing, muffler and suspension repair, and electric system repairs. (Ord. 939 § 2 (part), 2000)

17.08.070 Automobile wrecking yard.

"Automobile wrecking yard" means an area outside of an enclosed building where motor vehicles are disassembled, dismantled or junked, or where vehicles not in operable condition or used parts of motor vehicles are stored. (Ord. 939 § 2 (part), 2000)

17.08.075 Basement.

"Basement" means that portion of a building partly underground and having at least one-half of its height, or more than five feet, below the exterior ground's grade level. If the finished floor level directly above the basement is more than five feet above grade, such basement shall be considered a story. (Ord. 939 § 2 (part), 2000)

17.08.076 Battery charging station.

"Battery charging station" means a public or private electrical component assembly or cluster of com-

ponent assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.27 RCW, as amended, and consistent with rules adopted under RCW 19.27.540, as amended. (Ord. No. 1257, § 1, 1-7-2013)

17.08.076.3 Battery exchange station.

"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540. (Ord. No. 1257, § 1, 1-7-2013)

17.08.077 Bed and breakfast.

"Bed and breakfast" means a lodging where five or fewer guest rooms are provided to guests by a resident operator for a fee by pre-arrangement on a daily or short-term, temporary basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast. No cooking facilities are provided in the individual rooms. (Ord. 939 § 2 (part), 2000)

17.08.080 Billboard.

For a definition of "billboard," see provisions for outdoor advertising display and outdoor advertising structure, contained in Sections 17.08.540 and 17.08.545. (Ord. 939 § 2 (part), 2000)

17.08.085 Block.

"Block" means all property abutting upon one side of a street between intersecting and intercepting streets, or between a street and railroad right-of-way, waterway, terminus or dead-end street. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts. (Ord. 939 § 2 (part), 2000)

17.08.088 Board and care homes.

"Board and care homes" means homes generally licensed to care for ten to fifteen functionally disabled or frail older adults. Services provided include meals, social activities, laundry, housekeeping, medication su-

pervision, and personal care services. Typically, residents have a sleeping room (private or semi-private) and share living rooms and family rooms. They are often large homes adapted for board and care. Usually there is twenty-four-hour a day staff coverage. Some specialize in caring for developmentally disabled or chronically mentally ill adults. They may also be referred to as "residential care facilities" and "congregate care facilities." (Ord. 939 § 2 (part), 2000)

17.08.090 Boardinghouse.

"Boardinghouse" means a building with not more than five guest rooms where meals (with or without lodging) are provided for compensation for not more than ten persons, but shall not include rest homes or convalescent homes. Guest rooms numbering six or more in any building shall constitute a hotel. The term "lodginghouse" is synonymous with "boardinghouse." (Ord. 939 § 2 (part), 2000)

17.08.095 Boat.

"Boat" means a vessel designed to travel on water. (Ord. 939 § 2 (part), 2000)

17.08.100 Building.

"Building" means any structure having a roof. When a use is required to be within a building, or where special authority granted pursuant to this title requires that a use shall be within an entirely enclosed building, the term "building" means one so designated and constructed that all exterior walls of the structure shall be solid from the ground to the roof line, and shall contain no openings except for windows and doors which are designed so that they may be closed. (Ord. 939 § 2 (part), 2000)

17.08.105 Building department.

"Building department" means the designated building department of the city. (Ord. 939 § 2 (part), 2000)

17.08.110 Building height.

"Building height" means the vertical distance from the grade to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof. (Refer to Figure 17.08 A). (Ord. 939 § 2 (part), 2000)

17.08.115 Building line.

"Building line" means a line established at the minimum distance a building may be located from any property line or right-of-way as determined by the standards of this title. (Ord. 939 § 2 (part), 2000)

17.08.120 Building, main.

"Main building" means the principal building or other structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one building or structure designed or used for the primary purpose, as in the case of group houses, each such permissible building or other structure on a lot or building site as defined by this title shall be construed as comprising a main building or structure. (Ord. 939 § 2 (part), 2000)

17.08.125 Building site.

"Building site" means a parcel of land assigned to a use, to a main building, or to a main building and its accessory buildings, together with all yards and open spaces required by this title, whether the area so devoted is comprised of one lot, a combination of lots, or a combination of lots and fractions of lots, or a piece of un subdivided land. (Ord. 939 § 2 (part), 2000)

17.08.130 Business.

"Business" means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management or occupancy of office buildings, offices, recreational or amusement enterprises by professions and trades or persons rendering services. (Ord. 939 § 2 (part), 2000)

17.08.135 Camper park.

This definition includes the terms "trailer park," "trailer court," and "public trailer court" and means a plot of ground divided into lots or sites under ownership or management of one person, firm or corporation, or unit of government for the purpose of temporarily locating or allowing camper vehicles for dwelling or sleeping purposes. (Ord. 939 § 2 (part), 2000)

17.08.140 Camper vehicle.

"Camper vehicle" means a travel trailer, pickup camper, converted bus, tent trailer, motor home, camp-

ing trailer, or similar vehicular dwelling used for travel, vacation, or recreational purposes. (Ord. 939 § 2 (part), 2000)

17.08.145 Carport.

"Carport" means a private garage which is open to the weather on at least forty percent of the total area of its sides. (Ord. 939 § 2 (part), 2000)

17.08.150 Cemetery.

"Cemetery" means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery. (Ord. 939 § 2 (part), 2000)

17.08.155 Charging levels.

"Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications: Level 1 is considered slow charging, Level 2 is considered medium charging, and Level 3 is considered fast or rapid charging. (Ord. No. 1257, § 1, 1-7-2013)

17.08.160 Church.

"Church" means an establishment or group of people with the principal purpose of religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship. (Ord. 939 § 2 (part), 2000)

17.08.165 Classification.

"Classification" means a category in the broad list of land uses, in which category, certain uses, either individually or as to type, are identified as possessing similar characteristics or performance standards and are permitted as compatible uses in the same zone or classification. A classification, as the term is employed in this title, includes provisions, conditions and requirements related to the location of permitted uses. (Ord. 939 § 2 (part), 2000)

17.08.170 Clinic.

"Clinic" means a building or portion of a building containing offices for providing medical, dental, psy-

chiatric or chiropractic services for outpatients only. (Ord. 939 § 2 (part), 2000)

17.08.175 Club.

"Club" means an association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. (Ord. 939 § 2 (part), 2000)

17.08.180 College.

"College" means a public or private post-secondary educational institution, granting associate, bachelor and/or graduate degrees. (Ord. 939 § 2 (part), 2000)

17.08.185 Community club.

"Community club" means a building and related grounds used for social, civic, or recreational purposes and owned and operated by a private nonprofit institution or organization serving the neighborhood in which it is located and open to the general public on equal basis and where no business activities are carried on. (Ord. 939 § 2 (part), 2000)

17.08.187 Commercial vehicles.

"Commercial vehicles" means any vehicle with or without identifying commercial signage, which is used primarily for a commercial purpose. (Ord. 978 § 1, 2003)

17.08.188 Commercial vehicle repair.

"Commercial vehicle repair" means general maintenance, tune-up, and replacement with new or reconditioned parts to any vehicle identified as commercial, which includes but not limited to: ignition system tune-ups, oil and lubricating, clutch, starter, alternator, water pump, and fuel pump replacement, front end realignment, tire balancing, muffler and suspension repair, and electric system repairs. (Ord. 978 § 1, 2003)

17.08.190 Conditional use.

"Conditional use" means a use permitted in one or more zones as defined by this title, but which, because of characteristics peculiar to each 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 degree

of control to make such uses consistent and compatible with other existing or permissible uses in the same zone or zones. (Ord. 939 § 2 (part), 2000)

17.08.195 Conditional use permit.

"Conditional use permit" means the documented evidence of authority granted by the hearing examiner to locate a conditional use at a particular location. (Ord. 939 § 2 (part), 2000)

17.08.197 Conditional use permit — (Administrative).

"Conditional use permit — Administrative" means any use listed as an Administrative Conditional Use that shall be considered by the director or his designee. (Ord. 978 § 1, 2003)

17.08.200 Condominium.

"Condominium" means joint ownership of real property in which each owner enjoys exclusive ownership of an individual apartment or, unit with or without a parcel of land by holding a fee simple title thereto and retaining an undivided interest, as tenants in common, in the common facilities and areas of buildings. (Ord. 939 § 2 (part), 2000)

17.08.205 Contiguous.

"Contiguous" means the same as "abutting." (Ord. 939 § 2 (part), 2000)

17.08.207 Continuing care or life care communities.

"Continuing care or life care communities" means communities which offer a variety of living arrangements from small houses, to retirement apartments, to nursing home levels. Residents may move from one level to another as their needs change. A variety of services such as beauty and barber shops, organized social activities, exercise, and crafts may be offered. (Ord. 939 § 2 (part), 2000)

17.08.209 Cooperative, medical marijuana.

"Cooperative, medical marijuana" means a cooperative formed by qualified patients or providers as defined by RCW 69.51A and licensed by the Washington State Liquor Control Board for the purpose of

acquiring and supplying the resources needed to produce and process marijuana only for medical use by members of the cooperative.

(Ord. No. 1440, §§ 1, 2, 10-21-2019)

17.08.210 Court.

"Court" means any portion of the interior of a lot or building site which is fully or partially surrounded by buildings or other structures and which is not a required yard or open space. (Ord. 939 § 2 (part), 2000)

17.08.215 Day care facility.

"Child day care center" means a state licensed entity regularly providing care for thirteen or more children for periods of less than twenty-four hours. A day-care center is not located in a private family residence unless the portion of the residence to which the children have access is used exclusively for the children during the hours the center is open or is separate from the usual quarters of the family. (Ord. 988 § 2, 2003; Ord. 939 § 2 (part), 2000)

17.08.220 Density.

"Density" means a measure of the intensity of permitted residential development in terms of dwelling units per acre. (Ord. 939 § 2 (part), 2000)

17.08.225 Density, gross.

"Gross density" means the total number of dwelling units divided by the total land area of the site, excluding nothing. (Ord. 939 § 2 (part), 2000)

17.08.227 Density, net.

"Net density" means the total number of dwelling units divided by the net area of the lot or site. The net area excludes streets, alleys, public open spaces, utility rights-of-way, easements, and other public facilities or utility facilities. (Ord. 939 § 2 (part), 2000)

17.08.230 Detonable materials.

"Detonable material" means those materials which are generally unstable and will explode violently from a rather moderate initiating force. Some will detonate upon impact, from vigorous burning, or react violently in the presence of impurities or heat. Detonable materials include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and

tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine, unstable organic compounds such as acetylides, tetrazoles and ozonides; strong unstable oxidizing agents such as perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent; and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239. (Ord. 939 § 2 (part), 2000)

17.08.232 Development.

"Development" means:

- A. Any activity, other than a normal agricultural or forestry activity, which materially affects the existing condition of land or improvements, such as:
 1. Substantial excavation or deposit of earth or other fill, grading, driving of pilings, or alteration in the banks of any river or other body of water. For the purposes of this title, "substantial excavation or deposit" means the movement of more than fifty cubic yards of earth or other fill, occurring within any twelve-month time period;
 2. Relocation, diversion, grading, driving of pilings, or placement of fill in any natural drainage;
 3. Construction, reconstruction or alteration of any improvement;
 4. Dumping, storing or parking (which is a substantial or primary use) of any objects or materials whether mobile or immobile, liquid or solid; or
 5. Commencement of any principal or substantial use of land or improvements and every change in its type, intensity or features.
- B. Any subdivision of land or change in the legal relationship of persons to land, such as the

17.08.232

division of land into two or more parcels or units to facilitate separate transfers of title to each parcel or unit.

(Ord. 939 § 2 (part), 2000)

17.08.233 Director.

"Director" means the community development director or his/her designee. (Ord. 978 § 1, 2003) (Ord. No. 1378, § 65, 11-21-2016)

17.08.234 Dispatch.

"Dispatch" means to send off or away; — particularly applied to scheduling, coordination of routes and commercial vehicles. (Ord. 978 § 1, 2003)

17.08.234.1 Display garden.

"Display garden" means a plot of ground set up to openly view herbs, fruits, flowers, shrubs and/or trees. (Ord. 978 § 1, 2003)

17.08.235 District.

"District" means a portion of the city within which certain uses of land and buildings are permitted, and certain other uses of land and buildings are prohibited, all as set forth and specified within this title. (Ord. 939 § 2 (part), 2000)

17.08.240 Drive-in business.

"Drive-in business" means a business or a portion of a business where a customer is permitted or encouraged either by the design of physical facilities or by service and/or packaging procedures, to carry on business in the off-street parking or paved area accessory to the business while seated in a motor vehicle. In some instances, customers may need to get out of the vehicle to obtain the product or service. This definition shall include but not be limited to gas stations, car washes, and drive-in restaurants, dry cleaners or banks. (Ord. 939 § 2 (part), 2000)

17.08.242 Drive-through facility.

"Drive-through facility" means a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; and quick-lube or quick-oil change facilities. (Ord. No. 1263, § 6, 4-15-2013)

17.08.243 Drug treatment facility.

"Drug treatment facility" means a facility that offers inpatient detoxification services and drug reha-

bilitation counseling. Drug treatment facility does not mean residential structures occupied by persons with handicaps, also known as group homes, where "handicap" is defined by the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Section 3602). Drug treatment facility also does not mean facilities used as meeting space for Alcoholics Anonymous or Narcotics Anonymous meetings.

(Ord. No. 1263, § 6, 4-15-2013)

17.08.245 Dwelling.

"Dwelling" means a building or portion thereof designed exclusively for residential purposes, including one-family, two-family and multiple-family dwellings, but not including hotels, boardinghouses, or motel units having no kitchens. (Ord. 939 § 2 (part), 2000)

17.08.255 Dwelling, multiple.

"Multiple dwelling" means a building or portion thereof, designed for occupancy by three or more families living and cooking independently of each other. Such building or portion thereof has a common roof or the dwelling units are joined by a common roof to form a triplex, four-plex or apartment house structure. (Ord. 939 § 2 (part), 2000)

17.08.260 Dwelling, single-family.

"Single-family dwelling" means a detached structure designed for and occupied exclusively by one family and the household employees of that family. The building generally contains only one kitchen unit and utilities and services for one dwelling unit and is constructed or assembled on-site. This definition does not include mobile homes. (Ord. 939 § 2 (part), 2000)

17.08.265 Dwelling, two-family.

"Two-family dwelling" (or duplex) means a detached structure designed for and occupied by two families living and cooking independently of each other. Such a two-family dwelling unit has a common roof or two separate dwelling units are joined by a common roof. (Ord. 939 § 2 (part), 2000)

17.08.270 Dwelling unit.

"Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen facilities for

use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. A "bachelor," "studio," or "efficiency" apartment constitutes a dwelling unit within the meaning of this title. (Ord. 939 § 2 (part), 2000)

17.08.275 Educational institution.

"Educational institution" means elementary, junior high, high schools, junior colleges, colleges or universities, or other schools giving general academic instruction in the several branches of learning and study required by the Education Code of the state. (Ord. 939 § 2 (part), 2000)

17.08.276 Electric vehicle.

"Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes the following:

- A. "Battery electric vehicle (BEV)" means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries; and produces zero tailpipe emissions or pollution when stationary or operating.
- B. "Plug-in hybrid electric vehicle (PHEV)" means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.
- C. "Neighborhood electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.
- D. "Medium-speed electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle equipped with a roll cage or crush proof body design, whose speed attain-

able in one mile is more than twenty-five miles per hour but not more than thirty-five miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.

(Ord. No. 1257, § 1, 1-7-2013)

17.08.277 Electric vehicle charging station.

"Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

(Ord. No. 1257, § 1, 1-7-2013)

17.08.278 Electric vehicle charging station—Public.

"Electric vehicle charging station—public" means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking).

(Ord. No. 1257, § 1, 1-7-2013)

17.08.278.3 Electric vehicle charging station—Restricted.

"Electric vehicle charging station—restricted" means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

(Ord. No. 1257, § 1, 1-7-2013)

17.08.278.5 Electric vehicle infrastructure.

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(Ord. No. 1257, § 1, 1-7-2013)

17.08.280 Equipment, heavy duty.

"Heavy duty equipment" means high-capacity mechanical devices for moving earth or other materials, mobile power units, including, but not limited to, carryalls, graders, loading and unloading devices, cranes, draglines, trench diggers, tractors, augers, caterpillars, concrete mixers and conveyors, harvesters, combines or other major agricultural equipment and similar devices. (Ord. 939 § 2 (part), 2000)

17.08.285 Erected.

"Erected" means the construction, reconstruction or alteration of a building or structure, changing the walls, roof, foundation, or square foot floor area. (Ord. 939 § 2 (part), 2000)

17.08.288 Event center.

"Event center" means a building used primarily by groups for celebratory events, meetings, and other events. Typically food service and alcohol are associated with this use. (Ord. No. 1263, § 6, 4-15-2013)

17.08.290 Family.

"Family" means an individual, or two or more persons related by blood, marriage, or adoption. For the purposes of this title, "family" includes a group of not more than five persons who are not related, but who are living and sharing kitchen facilities together as a single housekeeping unit. (Six or more unrelated persons living together constitutes a "group residence." See Section 17.08.351. (Ord. 939 § 2 (part), 2000)

17.08.292 Farmer's market.

"Farmer's market" means an open-air temporary grouping of vendors in a common location, usually selling produce, freshly prepared foods, handmade crafts, or other unique goods. (Ord. 978 § 1, 2003)

17.08.295 Fence.

"Fence" means a masonry wall, or a barrier composed of posts connected by boards, rails, panels, wire or a hedge for the purpose of enclosing space or separating parcels of land. The term "fence" does not include a retaining wall. (Ord. 939 § 2 (part), 2000)

17.08.300 Flammable.

"Flammable" means any mixture, substance or compound which will emit a flammable vapor at a temperature at or below three hundred degrees Fahrenheit when tested in a Taglibue open cup tester; if a liquid, then one having a flash point below two hundred degrees Fahrenheit and having a vapor pressure not exceeding forty pounds per square inch (absolute) at one hundred degrees Fahrenheit. (Ord. 939 § 2 (part), 2000)

17.08.305 Flammable liquids and gases.

"Flammable liquids and gases" means any of those liquids and gases which can be detonated by its particular flash point. These include gasoline, ethyl alcohol, fuel oil, ethylene glycol, propane, liquid natural gas, natural gas, and similar materials. (Ord. 939 § 2 (part), 2000)

17.08.310 Flammable solid materials.

"Flammable solid materials" means those materials which will burn or explode when exposed to a source of fire or heat. Rates of burning or explosion vary greatly depending upon the material form and characteristics, and range from incombustible (exposed to a flame for at least five minutes) to intense burning. Materials in this range include: all forms of wood and wood products and cardboard to pyroxylin, powdered magnesium, pyrotechnics, and similar products. (Ord. 939 § 2 (part), 2000)

17.08.315 Floor area.

- A. "Floor area" means a total floor area within the walls of all buildings on a lot or building site, except for the spaces there devoted to vents, shafts and light courts, except for the area devoted exclusively to loading and unloading facilities and to parking of motor vehicles.
- B. For determining off-street parking and loading requirements, "floor area" means the sum of the gross horizontal area of the several floors of the building or portion thereof devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing

of goods, or to business or professional offices. "Floor area," for purposes of determining off-street parking spaces shall not include:

1. Floor areas devoted to storage purposes unless noted as otherwise in this title;
2. Floor areas devoted to off-street parking or loading facilities including aisle, ramps, and maneuvering space; and
3. Basement floor areas other than areas devoted to retailing production, business, or professional office activities.

(Ord. 939 § 2 (part), 2000)

17.08.320 Foster home.

"Foster home" means any state, federally or locally approved dwelling used as a home for children or adults not including nursing homes. (Ord. 939 § 2 (part), 2000)

17.08.330 Fraternity, sorority, or group student house.

A "fraternity, sorority, or group student house" means a building occupied by and maintained exclusively for, students affiliated with an academic or professional college or university or other recognized institutions of higher learning, and when regulated by such institution. (Ord. 939 § 2 (part), 2000)

17.08.335 Fronting street.

"Fronting street" means the street which provides main ingress and egress to subject property. (Ord. 939 § 2 (part), 2000)

17.08.340 Garage, private.

"Private garage" means an accessory building either separate from or a portion of the main activity building, enclosed on not less than three sides and designed or used only for the storage of vehicles and household items of the occupants of the main building or buildings. (Ord. 939 § 2 (part), 2000)

17.08.345 Garage, public.

"Public garage" means a building other than a private garage, used for the care, repair or storage of vehicles or where such vehicles are kept for remuneration, hire or sale. (Ord. 939 § 2 (part), 2000)

17.08.347 Garage sale.

"Garage sale" means the sale of used household or personal articles such as furniture, tools, or clothing held on the seller's own premises. (Ord. 939 § 2 (part), 2000)

17.08.350 Grade.

"Grade" means the average of the finished ground level at the center of all exterior walls of a building. In case walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the finished ground level. (Ord. 939 § 2 (part), 2000)

17.08.350.1 Gross vehicle weight rating (GVWR).

"Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the maximum load weight of a single vehicle. (Ord. No. 1212, § 1, 6-6-2011)

17.08.351 Group residence.

"Group residence" means any residence where six or more unrelated persons live together in a dwelling unit, or an institution where any number of unrelated persons are provided medical or psychological treatment or care as a primary function. For the purpose of this definition, any number of related family members shall be counted as one person. (A group of not more than five unrelated persons living together constitutes a "family"; (see Section 17.08.290.) Separate requirements are adopted for the following subcategories of group living situations:

- A. "Group home" means any dwelling unit used as a home for six to fourteen unrelated persons. Incidental medical or psychological treatment, supervision, training or other support services may be provided to members of the household. Supervision may be provided by a resident or nonresident.
- B. "Institution" means any federally, state or locally approved dwelling used as a home for any number of unrelated persons where medical or psychological treatment or care is provided to residents and/or nonresidents as a primary function.
- C. "Large group home" means any dwelling unit used as a home for fifteen or more unrelated persons. Incidental medical or psychological

treatment, supervision, training or other support services may be provided to members of the household. Supervision may be provided by residents or nonresidents.

(Ord. 939 § 2 (part), 2000)

17.08.352 Guest house.

"Guest house" means living quarters within an accessory building for the sole use of the occupants of the premises, persons employed on the premises or for temporary use by the guests of the occupants of the premises. Guest houses shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling. (Ord. 939 § 2 (part), 2000)

17.08.354 Hazardous waste.

"Hazardous waste" means and includes all dangerous and extremely hazardous waste as defined in RCW Chapter 70.105, as now or hereafter amended. (Ord. 939 § 2 (part), 2000)

17.08.355 Hazardous waste treatment and storage facility.

"Hazardous waste treatment and storage facility" means a location at which hazardous waste is treated and/or stored. (Ord. 939 § 2 (part), 2000)

17.08.357 Home occupation.

"Home occupation" means any accessory activity customarily conducted in a dwelling, or in a building or structure accessory to a dwelling, for gainful employment involving the manufacture, provision or sale of goods and/or services, and where the residential character of the dwelling and neighborhood is maintained. (Ord. 939 § 2 (part), 2000)

17.08.359 Hospice.

"Hospice" means a facility or program designed to provide a caring environment for supplying the physical and emotional needs of the terminally ill. (Ord. 939 § 2 (part), 2000)

17.08.360 Hospital.

"Hospital" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services in

surgery, obstetrics and general medical practice. (Ord. 939 § 2 (part), 2000)

17.08.370 Hotel.

"Hotel" means any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests. Access to individual units is predominately by means of common interior hallways. (Ord. 939 § 2 (part), 2000)

17.08.375 Intersection visibility clearance.

"Intersection visibility clearance" means a space, approximately triangular in shape, on a corner lot, in which nothing is permitted to be built, placed or grown in a manner that would impede visibility. The triangular area is defined by two sides which are lines drawn from the corner of the right-of-way of intersecting streets and the third side, or hypotenuse, which is a line connecting the two sides. (Ord. 939 § 2 (part), 2000)

17.08.380 Junkyard.

"Junkyard" means an area of more than one thousand square feet of any parcel of land where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, building wrecking yards or places or yards devoted to the storage of inoperable vehicles, salvaged building, wrecking or structural steel materials and equipment. A junkyard does not include such uses when conducted entirely within an enclosed building, nor pawnshops or establishments for the sale, purchase or storage of used furniture or household equipment, used cars in operable condition or the processing of used, discarded or salvaged materials as part of a manufacturing operation. (Ord. 939 § 2 (part), 2000)

17.08.385 Kennel.

"Kennel" means a house, enclosure, or other structure in which five or more dogs over six months of age are kept for breeding, sale, training, boarding, or sporting purposes or kept or cared for as pets or for any other purpose. (Ord. 939 § 2 (part), 2000)

17.08.388 Kiosk.

"Kiosk" means a small structure with one or more open sides that is used to vend merchandise (as news-

papers) or services (as film developing). (Ord. 978 § 1, 2003)

17.08.390 Kitchen.

"Kitchen" means any room or rooms or portion thereof used for or designed for the cooking and preparation of food. (Ord. 939 § 2 (part), 2000)

17.08.392 Laundry/dry cleaning (industrial).

"Laundry/dry cleaning (industrial)" means a business supplying bulk laundry services, such as linen and uniform services on a rental or contract basis. May also include cleaning carpets and upholstery. (Ord. No. 1263, § 6, 4-15-2013)

17.08.393 Live-work unit.

"Live-work unit" means a structure or portion of a structure: (1) that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; (2) where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and (3) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises. (Ord. No. 1263, § 6, 4-15-2013)

17.08.395 Livestock.

"Livestock" means horses, bovine, sheep, goats, swine, donkeys, mules, llama, reindeer, and other domesticated animals normally associated with the commercial rearing and sale thereof or products thereof. (Ord. 939 § 2 (part), 2000)

17.08.400 Loading space.

"Loading space" means an on-site space, berth, or dock with temporary parking for the transfer of merchandise, materials, or passengers. (Ord. 939 § 2 (part), 2000)

17.08.405 Lot.

A "lot" is a platted or unplatted parcel of land of record either unoccupied, occupied, or to be occupied by a principal use or structure together with such yards

and open spaces as required by this title. (Ord. 939 § 2 (part), 2000)

17.08.410 Lot area.

"Lot area" means the total horizontal area within the boundary lines of a lot. (Ord. 939 § 2 (part), 2000)

17.08.412 Lot area, net.

"Net lot area" means the land space contained within the various lines forming the perimeter boundary of any described lot, tract or parcel of land, excluding land lying below the line of vegetation or natural shoreline (except for a body of water entirely confined within said property), public or private streets, alleys, public open spaces, utility rights-of-way, and other public facilities/uses. (Ord. 939 § 2 (part), 2000)

17.08.415 Lot, corner.

"Corner lot" means a lot situated at the intersection of two streets or roads, by which the interior angle does not exceed one hundred thirty-five degrees. Refer to Figure 17.08 D). (Ord. 939 § 2 (part), 2000)

17.08.420 Lot coverage.

"Lot coverage" means the maximum allowable coverage of a lot by buildings and structures as established by this title; except in the LDR districts where lot coverage includes driveways and other paved areas. (Ord. 939 § 2 (part), 2000)

17.08.425 Lot depth.

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line, when possible, to its intersection with a line parallel to the front lot line and passing through the midpoint of the rear lot line. In the case of a lot having a curved front line, the front lot line shall be a line drawn tangent to the curve connecting the points of intersection of side lot lines with the front lot line. (Ord. 939 § 2 (part), 2000)

17.08.430 Lot, double frontage.

"Double frontage lot" means a lot with street frontage along two opposite boundaries. On a "double frontage lot" both street lines shall be deemed front lot line. Such a lot is also known as a "through lot." (Refer to Figure 17.08 D.) (Ord. 939 § 2 (part), 2000)

17.08.435 Lot, interior.

"Interior lot" means a lot other than a corner lot or a reverse corner lot or a double frontage (through) lot. (Refer to Figure 17.08 D.) (Ord. 939 § 2 (part), 2000)

17.08.440 Lot line, front.

"Front lot line" means that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a private road, easement or access way. On an interior lot, it is the lot line abutting a street; or, on a pipestem (flag) lot, it is the interior lot line most parallel to and nearest the street from which access is obtained. On a corner lot, the front yard shall be determined by the director, to be the yard which best conforms to the pattern of the adjacent block faces. On a "through lot," both street lines shall be deemed front lot lines. (Refer to Figures 17.08 B and C.) (Ord. 939 § 2 (part), 2000)

17.08.450 Lot line, rear.

"Rear lot line" means a lot line which is most nearly opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply.

- A. For a triangular or gore-shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line
- B. In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded rear lot line. (Refer to Figure 17.08 C.)

(Ord. 939 § 2 (part), 2000)

17.08.455 Lot line, side.

The "side lot line" shall be any boundary of a lot which is not a front line or a rear lot line. (Refer to Figure 17.08 B.) (Ord. 939 § 2 (part), 2000)

17.08.460 Lot line, side street.

"Side street lot line" means a lot line which is not a front line or a rear lot line. (Ord. 939 § 2 (part), 2000)

17.08.465 Lot line, street.

"Street lot line" means a lot line abutting upon a street. (Ord. 939 § 2 (part), 2000)

17.08.470 Lot of record.

"Lot of record" means a lot as shown on an officially recorded plat or short plat or a parcel of land officially recorded or registered as a unit of property and is described by metes and bounds, and lawfully established on the date of recording of the instrument first referencing the lot. (Ord. 939 § 2 (part), 2000)

17.08.472 Lot, pipestem.

"Pipestem lot" (flag lot) means an interior lot in which the buildable area is not bounded laterally by a public or private road, and which gains road access by means of a lot extension, a driveway easement, or the terminus of a private or public road. (Refer to Figure 17.08D.) (Ord. 939 § 2 (part), 2000)

17.08.475 Lot, reverse frontage.

A "reverse frontage lot" is a double frontage lot for which the boundary along one of the streets is established as the rear lot line, and over the rear of which is a utility easement. The rear lot line of the lot shall be that boundary abutting a primary arterial, railroad right-of-way or other disadvantageous use. (Ord. 939 § 2 (part), 2000)

17.08.480 Lot, reversed corner.

A "reversed corner lot" is a corner lot where the side lot lines are substantially a continuation of the front lot line of the first lot to its rear. This type of lot reverses the depth from the normal pattern of interior lots on the street. (Refer to Figure 17.08D.) (Ord. 939 § 2 (part), 2000)

17.08.490 Lot width.

"Lot width" means the horizontal distance between side lot lines, measured at the required front setback line. (Ord. 939 § 2 (part), 2000)

17.08.491 Manufactured home.

"Manufactured home" means a structure, built to conform to national standards embodied in the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., adminis-

tered by the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is twelve body feet or more in width or thirty-six body feet or more in length, or when erected on the site is eight hundred and sixty-four or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation as defined within the International Residential Code (IRC), connected to the required utilities, and includes mandatory plumbing, heating, air conditioning and electrical systems contained therein. A manufactured home displays a certificate from the United States Department of Housing and Urban Development. (Ord. 1055 § 1 (part), 2005; Ord. 939 § 2 (part), 2000)

17.08.491.1 Manufactured home, new.

"Manufactured home, new" means a manufactured home that has not been previously occupied. The most commonly accepted definition of a "new manufactured home" also recognizes manufactured homes used as model homes as new. (Ord. 1055 § 1 (part), 2005)

17.08.492 Manufactured home park.

"Manufactured home park" means a tract of land designed and maintained under a single ownership or unified control where two or more spaces or pads are provided solely for rent or lease for the placement of manufactured homes or mobile homes for residential purposes. (Ord. 939 § 2 (part), 2000)

17.08.493 Manufactured home site.

"Manufactured home site" means a parcel of land within a manufactured home subdivision park or lot of record, for the accommodation of one manufactured home, its accessory buildings or structures and accessory equipment for the exclusive use of the occupants. In the case of a manufactured home park, the boundaries of a manufactured home site are established on the approved plot plan. In the case of a manufactured home subdivision, the boundaries of the manufactured home site are the platted lot lines as established by the recorded subdivision. In the case of a lot of record, means a lot shown on an officially recorded plat or short plat or parcel of land officially recorded or registered as a unit of property and is described by metes

and bounds, and lawfully established on the date of recording of the instrument first referencing the lot. (Ord. 1055 § 1 (part), 2005; Ord. 939 § 2 (part), 2000)

17.08.494 Manufactured home subdivision.

"Manufactured home subdivision" means a subdivision approved in accordance with subdivision standards in Title 16 of this code, meeting or exceeding the requirements of this code, and where the lots are principally intended to accommodate manufactured homes as residences. The lots within the subdivision shall be held in private ownership. (Ord. 939 § 2 (part), 2000)

17.08.494.1 Manufacturing.

"Manufacturing" means those industrial or manufacturing activities which are engaged in the production of articles or a product from raw or prepared materials by giving them new forms and qualities. (Ord. 978 § 1, 2003)

17.08.495 May.

"May," as applied in this title, means that which is not strictly mandatory but permissible and involves a choice in some cases. (Ord. 939 § 2 (part), 2000)

17.08.497 Microbrewery, microdistillery, or microwinery.

"Microbrewery, microdistillery, or microwinery" means a small-scale business located in a building where the primary use is for restaurant, retail, or tasting room, and which specializes in producing limited quantities of wine, beer, or other alcoholic beverage. (Ord. No. 1263, § 6, 4-15-2013)

17.08.500 Miniature hoofed animal.

"Miniature hoofed animal" means a horse, donkey, or goat breed that reaches no more than thirty-eight inches in height when fully grown. (Ord. No. 1249, § 1, 10-1-2012)

17.08.505 Mobile home.

"Mobile home" means a structure transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or when erected on site, is three hundred twenty or more square feet and which is built on a permanent chassis and designed to be used as a dwell-

ing with our without a permanent foundation as defined within the International Residential Code (IRC), connected to required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein and manufactured property to June 15, 1976. (Ord. 1055 § 1 (part), 2005; Ord. 939 § 2 (part), 2000)

17.08.515 Modular home.

"Modular home" means a factory-assembled structure, meeting Washington State Uniform Building Code Standards, and Title 14 of this code, designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home. (Ord. 939 § 2 (part), 2000)

17.08.520 Motel.

"Motel" means a lodging use, located in a structure in which access to individual units is predominately by means of common exterior corridors, and in which a majority of rooms are provided to guests on a daily or short-term basis, and in which off-street parking is provided on the lot. (Ord. 939 § 2 (part), 2000)

17.08.525 Motor home.

"Motor home" means a motorized vehicle designated and equipped for living, usually as a temporary dwelling while touring and vacationing. (Ord. 939 § 2 (part), 2000)

17.08.526 Museum.

"Museum" means a building devoted to the care, study and display of objects of lasting interest. (Ord. 978 § 1, 2003)

17.08.530 Neighborhood commercial.

"Neighborhood commercial," in this title is a zoning classification providing for commercial services which, for convenience purposes, is located in or near residential districts. The allowable uses provide for the sale of convenience goods (food, over-the-counter drugs, and sundries). (Ord. 939 § 2 (part), 2000)

17.08.535 Nonconforming use or structure.

"Nonconforming use or structure" means an activity or structure in lawful use before the effective date of the ordinance codified in this title and which is either prohibited by or does not conform to the regulations and standards of this title once enacted. (Ord. 939 § 2 (part), 2000)

17.08.536 Off-site hazardous waste treatment or storage facility.

"Off-site hazardous waste treatment or storage facility" means facilities that treat and store hazardous waste from generators on properties other than that on which the facility is located. (Ord. 939 § 2 (part), 2000)

17.08.537 On-site hazardous waste treatment or storage facility.

"On-site hazardous waste treatment or storage facility" means a facility that stores or treats hazardous waste generated on the same, geographically contiguous or bordering properties. (Ord. 939 § 2 (part), 2000)

17.08.540 Outdoor advertising.

"Outdoor advertising" means all publicly displayed messages such as signs, billboards, placards, pennants, or posters whose purpose is to provide official or commercial information, direction, and advertising. (Ord. 939 § 2 (part), 2000)

17.08.545 Outdoor advertising structure.

"Outdoor advertising structure" means a structure used for outdoor advertising purposes upon which an advertising display or message is or can be placed. (Ord. 939 § 2 (part), 2000)

17.08.547 Owner.

"Owner" means owner of record of property or contract purchaser of property. (Ord. 939 § 2 (part), 2000)

17.08.548 Parking area.

"Parking area" means an area accessible to vehicles, which area is provided, improved, maintained and used for the sole purpose of accommodating a motor vehicle. (Ord. 939 § 2 (part), 2000)

17.08.550 Parking space.

"Parking space" is an off-street parking area for motor vehicles not less than nine by twenty feet in area, having access to a public street or alley, or private driveway. (Ord. 939 § 2 (part), 2000)

17.08.555 Person.

"Person" means an individual, firm, partnership, association, corporation, cooperative, public or municipal corporation, or unit of federal, state, or local government. (Ord. 939 § 2 (part), 2000)

17.08.560 Planned unit residential development.

"Planned unit residential development" means a type of subdivision characterized by a unified site design, clustering of buildings, provision of common open space, density increases, and a mix of building types and land uses and subject to Chapter 16.22 of this code. (Ord. 939 § 2 (part), 2000)

17.08.565 Planning commission.

"Planning commission" means the Woodland planning commission. (Ord. 939 § 2 (part), 2000)

17.08.570 Preexisting use or structure.

"Preexisting use or structure" means a use or structure, or portion thereof, which was lawfully constructed prior to the effective date of the ordinance codified in this title, but which, because of the application of this title, no longer conforms to the standards in this title. (Ord. 939 § 2 (part), 2000)

17.08.572 Preschool.

"Preschool" means a public or private facility which provides instruction for children who are not old enough to attend a public elementary school. Preschools differ from day care facilities by the number of hours children are kept. Preschools do not keep children for more than four hours. All the children arrive at approximately the same time and leave at approximately the same time. (Ord. 939 § 2 (part), 2000)

17.08.573 Principal use.

"Principal use" means the main use of land or buildings as distinguished from an accessory use. (Ord. 939 § 2 (part), 2000)

17.08.575 Professional offices.

"Professional offices" means offices maintained and used as a place of business conducted by persons engaged in recognized professions, and others whose business activity consists primarily of services to the person as distinguished from the handling of commodities. (Ord. 939 § 2 (part), 2000)

17.08.577 Public facilities.

"Public facilities" means buildings or uses of land owned and operated by a public agency for such purposes as providing places for public assembly and recreation, operating services of benefit to the public, or for the administration of public affairs. Examples include, but are not limited to, city offices, police and fire stations, senior center, museum, and maintenance facilities. Public housing, utility facilities, streets, and parks do not constitute a public facility. (Ord. 939 § 2 (part), 2000)

17.08.580 Public utility.

"Public utility" means a private corporation performing a public service and subject to special governmental regulations; or, a governmental agency or district performing a similar public service, the services by either of which are paid for directly by individual recipients. Such services shall include, but are not limited to, water supply, electric power, gas, and transportation of persons and freight. (Ord. 939 § 2 (part), 2000)

17.08.590 Rapid charging station.

"Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. (Ord. No. 1257, § 1, 1-7-2013)

17.08.595 Recorded.

"Recorded" means, unless otherwise stated, filed for record with the auditors of the counties of Cowlitz and Clark, state of Washington. (Ord. 939 § 2 (part), 2000)

17.08.597 Recreation vehicle.

"Recreational vehicle" means a vehicle which is permanently designed and intended for use for tempo-

rary housing or recreational purposes. Recreational vehicles include campers, travel trailers, motor homes, boats, or trailers. (Ord. 939 § 2 (part), 2000)

17.08.600 Recreational vehicle park.

For a definition of "recreational vehicle park," see Section 17.08.135. (Ord. 939 § 2 (part), 2000)

17.08.605 Residence.

"Residence" means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings, but not including hotel or motel units having no kitchens. The term "residence" includes the term "residential" as referring to the type of or intended use of a building or structure. (Ord. 939 § 2 (part), 2000)

17.08.610 Rest home, convalescent home, guest home, home for the aged.

"Rest home," "convalescent home," "guest home" and "home for the aged" means a home operated similarly to a boardinghouse, but not restricted to any number of guests or guest rooms, and the operator of which is licensed by the state or counties to give special care and supervision to his or her charges, and in which nursing, dietary and other personal services are furnished to convalescents, invalids, and aged persons, but in which homes are kept no persons suffering from a mental sickness, mental disease, disorder or ailment, or from a contagious or communicable disease, and in which homes are performed no surgery, maternity or other primary treatments such as are customarily provided in sanitariums or hospitals, and in which no persons are kept or served who normally would be admissible to a mental hospital. (Ord. 939 § 2 (part), 2000)

17.08.613 Retailer, marijuana.

"Marijuana retailer" means a facility licensed by the Washington State Liquor Control Board for the sale to consumers of usable marijuana and marijuana-infused products. (Ord. No. 1440, §§ 1, 3, 10-21-2019)

17.08.615 Retaining wall.

"Retaining wall" means any wall used to resist the lateral displacement of any material. (Ord. 939 § 2 (part), 2000)

17.08.617 Retirement homes.

"Retirement homes" mean apartments in an apartment complex with extra services included in the rent, such as meals, light housekeeping, laundry and recreational programs. (Ord. 939 § 2 (part), 2000)

17.08.619 Retreat center.

"Retreat center" means a business used for workshops, seminars, and conferences with accommodations for sleeping, food preparation and eating, recreation, entertainment, and meeting rooms to be used only by participants in the center's activities. It shall not mean centers devoted to substance abuse, medical rehabilitation, or centers devoted to the reintegration of persons released from prison or jail. (Ord. No. 1232, 3-19-2012)

17.08.625 Right-of-way.

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, pipeline, power line, water main, sanitary or storm sewer main, shade trees, or for another special use. Rights-of-way are separate and distinct from the lots or parcels adjoining such right-of-way and are not included in the dimensions or areas of lots or parcels. (Ord. 939 § 2 (part), 2000)

17.08.630 Roadside produce stand.

"Roadside produce stand" means an establishment engaged in the retail sale of local fresh fruits and vegetables and having permanent or semi-permanent structures associated with such use. (Ord. 978 § 1, 2003)

17.08.635 Roadway.

A "roadway" is that portion of a street and alley right-of-way that is improved for vehicular traffic. (Ord. 939 § 2 (part), 2000)

17.08.640 Roof.

"Roof" means a structural covering over any portion of a building or structure, including the projections beyond the walls or supports of the building or structure. (Ord. 939 § 2 (part), 2000)

17.08.642 Rooming and boardinghouse.

"Rooming and boardinghouse" means any premises which is principally a dwelling unit, which provides

lodging with meals, for five or fewer rooms, and where the principal function is providing lodging for compensation. Resident rooms numbering six or more shall constitute a motel or hotel. This definition does not include nursing or convalescent homes, group residences or any other situation where persons are not living and working together as a single housekeeping unit. (Ord. 939 § 2 (part), 2000)

17.08.645 Sanitarium.

"Sanitarium" means a health station or retreat or other place where resident patients are kept, and which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to patients and injured persons and licensed by state agencies under provisions of law to provide facilities and services in surgery, obstetrics and general medical practice, as distinguished from treatment of mental and nervous disorders and alcoholics, but not excluding surgical and postsurgical treatment of mental cases. (Ord. 939 § 2 (part), 2000)

17.08.650 School.

"School" means a public or private facility that provides a curriculum of primary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high school. (Ord. 939 § 2 (part), 2000)

17.08.652 Seasonal uses.

"Seasonal uses" means sale of seasonal goods, in any nonresidential zone, for a period not to exceed six months in any twelve-month period. (Ord. 978 § 1, 2003)

17.08.655 Service station, automobile.

"Automobile service station" means a facility for the retail sale of petroleum products and automotive accessories and for the repair and maintenance of cars and light trucks, exclusive of body repair and painting and major auto/truck rebuilding. (Ord. 939 § 2 (part), 2000)

17.08.700 Setback.

"Setback" means the distance that buildings or uses must be removed from their lot lines. (Ord. 939 § 2 (part), 2000)

17.08.702 Sexually-oriented business.

"Sexually-oriented business" means those businesses defined as follows:

- A. "Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image-producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas".
- B. "Adult bookstore, adult novelty store, or adult video store" means a commercial establishment which has a significant or substantial portion of its stock-in-trade or

a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, CDs or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 2. An establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.
 3. Video stores that sell and/or rent only video tapes, CDs, or other photographic reproductions and associated equipment shall come within this definition if twenty percent or more of its stock-in-trade or revenues come from the rental or sale of video tapes, CDs, or photographic reproductions or associated equipment which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- C. "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which features: 1) persons who appear nude or semi-nude; 2) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; 3) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- D. "Adult motel" means a hotel, motel or similar commercial establishment which:
1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas," and which has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 2. Offers a sleeping room for rent for a period of time that is less than twenty hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time which is less than twenty hours.
- E. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
- F. "Adult theater" means a concert hall, theater, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear nude or semi-nude, or live performances which are characterized by exposure of specified anatomical areas or specified sexual activities.
- G. "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- H. "Nude or semi-nude model studio" means any place where a person who appears nude or semi-nude or displays specified anatomical areas, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. (Ord. 976 § 1, 2003)

17.08.705 Shall.

"Shall," as applied in this title, means that which is mandatory. (Ord. 939 § 2 (part), 2000)

17.08.710 Shopping center.

"Shopping center" means a group of architecturally unified commercial establishments built on a site which is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and floor area of the stores. (Ord. 939 § 2 (part), 2000)

17.08.715 Should.

"Should," as applied in this title, means that which is recommended but not absolutely required. (Ord. 939 § 2 (part) 2000)

17.08.720 Sign.

“Sign” means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations in this title:

- A. Flags and insignia of any government except when displayed in connection with commercial promotion;
 - B. Legal notices, identification, informational or directional signs erected or required by governmental bodies;
 - C. Integral decorative or architectural features of buildings;
 - D. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (Ord. 939 § 2 (part), 2000)

17.08.725 Sign, changing image.

A “changing image sign” means any sign that, through the use of moving elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement, or change of sign image or text. Changing image signs do not include otherwise static signs where illumination is turned off and back on not more than once every twenty-four hours. (Amended during 4-01 supplement; Ord. 939 § 2 (part), 2000)

17.08.730 Sign, freestanding.

“Freestanding sign” is a sign or advertising display which is not supported by a building, but which is supported by one or more upright, poles, or braces which are in or on the ground. (Ord. 939 § 2 (part), 2000)

17.08.735 Sign, gross area of.

The “gross area of a sign” means the area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements which are not a part of the display. The “gross area” of a two-faced sign equals the area of one side. The “gross area of a spherical, cubical or polyhedral sign” equals one-half the total surface area. (Ord. 939 § 2 (part), 2000)

17.08.737 Sign, incidental.

“Incidental sign” means a small sign, emblem or decal informing the public of goods, facilities or services available on the premises, (e.g. credit card sign or a sign indicating hours of business which does not exceed two square feet in size). (Ord. 978 § 1, 2003)

17.08.740 Sign, nameplate.

“Nameplate sign” means a sign which indicates no more than the name, address and home occupation of the resident of the premises. (Ord. 939 § 2 (part), 2000)

17.08.745 Sign, off-site.

“Sign, off-site” is a sign other than an on-site sign. (Ord. 939 § 2 (part), 2000)

17.08.750 Sign, on-site.

“Sign, on-site” means a sign relating in its subject matter to the premises on which it is located, or to products, accommodation, services, or activities on the premises. On-site signs shall also include temporary signs such as those placed on a sidewalk during business hours, in front of a business establishment. (Ord. 939 § 2 (part), 2000)

17.08.755 Sign, projecting.

“Projecting sign” means a sign attached to and supported by a wall of a building or structure and projecting six inches or more therefrom. (Ord. 939 § 2 (part), 2000)

17.08.760 Sign, public or semipublic identification.

“Public or semipublic identification sign” means a sign which directs attention to public or semipublic buildings, including but not limited to schools, libraries and hospitals. (Ord. 939 § 2 (part), 2000)

17.08.765 Sign, real estate.

“Real estate sign” means a temporary sign which directs attention to the sale, lease or rental of a particular building, property or premises upon which it is displayed. (Ord. 939 § 2 (part), 2000)

17.08.770 Sign, roof.

“Roof sign” means a sign or advertising display supported by and erected on or above a roof or parapet of a building or similar structure. (Ord. 939 § 2 (part), 2000)

17.08.775 Sign, wall.

“Wall sign” means a sign or advertising display attached to, painted on, or supported by a wall of a building or similar structure with the exposed face of the sign in a plane with and no more than six inches away from the wall. (Ord. 939 § 2 (part), 2000)

17.08.780 Sign, window.

“Window sign” means a sign attached to or otherwise obscuring vision, in whole or in part, through a window. It

is intended to be viewed by persons outside of the building. (Ord. 939 § 2 (part), 2000)

17.08.785 Single-family dwelling.

"Single-family dwelling" means a detached building designed exclusively for residential purposes for one family, including site-built homes, specified manufactured homes or modular homes. (Ord. 1055 § 1 (part), 2005; Ord. 939 § 2 (part), 2000)

17.08.786 State siting criteria.

"State siting criteria" means the criteria currently or hereafter developed by the Washington State Department of Ecology under the authority of RCW 70.105.210 for the siting of hazardous waste management facilities. (Ord. 939 § 2 (part), 2000)

17.08.787 Storage.

"Storage" means the holding of hazardous waste for a temporary period. Accumulation of hazardous waste, by an on-site generator is not storage as long as the generator complies with the applicable requirements of WAC 173-200 and 173-210, as now or hereafter amended. (Ord. 939 § 2 (part), 2000)

17.08.790 Story.

"Story" means 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 furnished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story. (Ord. 939 § 2 (part), 2000)

17.08.795 Street.

"Street" means a public or recorded private thoroughfare which affords primary means of access to abutting property. A recorded private thoroughfare may be a recorded easement for ingress or egress of a platted street designated as a private thoroughfare for access of abutting property but for which the city assumes no responsibility of ownership and is available for use to

the abutting property owners only. A private thoroughfare not recorded with a county auditor shall not be considered a street. (Ord. 939 § 2 (part), 2000)

17.08.800 Street, access.

"Access street" means a street, usually limited continuity, which serves primarily to provide access to abutting property. (Ord. 939 § 2 (part), 2000)

17.08.805 Street, arterial.

"Arterial street" means a street that connects major traffic generators and is designed for the purpose of moving high volumes of traffic. (Ord. 939 § 2 (part), 2000)

17.08.810 Street, cul-de-sac.

A "cul-de-sac street" is a short street having one end open to traffic and the other end permanently terminated and provided with a vehicular turnaround. (Ord. 939 § 2 (part), 2000)

17.08.815 Street, side.

"Side street" means a street which is adjacent to a corner lot or a reverse corner lot and which extends in the general direction of the line determining the depth of the lot. (Ord. 939 § 2 (part), 2000)

17.08.820 Structural alteration.

"Structural alteration" means any change in the supporting members of a building or structure, such as foundations, bearing walls, columns, beams, floor or floor joists, girders or rafters, or changes in the exterior dimensions of the building or structure, or increase in floor space. (Ord. 939 § 2 (part), 2000)

17.08.825 Structure.

"Structure" means anything constructed in the ground, or anything erected which required location on the ground or water, or is attached to something having location on or in the ground, but not including driveways or other paved areas. (Ord. 939 § 2 (part), 2000)

17.08.828 Temporary use.

"Temporary use" means a use of property, which is not otherwise regulated, beyond business registration, by other city ordinances or regulations. (Ord. 978 § 1, 2003)

17.08.830 Trailer, automobile.

"Automobile trailer" means a vehicle without motor power, designed to be drawn by motor vehicle and to be used for human habitation or for carrying persons and property. (Ord. 939 § 2 (part), 2000)

17.08.832 Treatment.

"Treatment" means the physical, chemical or biological processing of hazardous waste to make such waste nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume. A hazardous waste treatment facility requires a state dangerous waste permit under the provisions of WAC Chapter 173-303. (Ord. 939 § 2 (part), 2000)

17.08.835 Townhouse.

"Townhouse" means one of a series of attached dwelling units, each having its principal access from the ground floor and each separated from adjacent units by a common continuous wall from basement to roof. (Ord. 939 § 2 (part), 2000)

17.08.840 University.

See "college," Section 17.08.180. (Ord. 939 § 2 (part), 2000)

17.08.845 Use.

"Use" of property means the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of performance or operation of such activity with respect to the provision of this title. The definition of "use" also includes the definition of "development." (Ord. 939 § 2 (part), 2000)

17.08.850 Use, preexisting.

"Preexisting use" means a lawful use of land or structure in existence on the effective date of the ordinance codified in this title or at the time of any amendments thereto and which does not conform to the use regulations of the zone in which such use is located. (Ord. 939 § 2 (part), 2000)

17.08.855 Use, principal.

See "principal use," Section 17.08.573. (Ord. 939 § 2 (part), 2000)

17.08.857 Utility yard.

"Utility yard" means a location used for the storage and maintenance of materials, equipment and vehicles to facilitate the provision of utility services. A utility yard is frequently colocated with a utility office. (Ord. 939 § 2 (part), 2000)

17.08.860 Variance.

A "variance" is the means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property because of special circumstances applicable to it, and to which said property is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges. (Ord. 939 § 2 (part), 2000)

17.08.862 Variance, use.

A "use variance" is a variance granted for a use or structure that is not permitted in the zoning district. (Ord. 939 § 2 (part), 2000)

17.08.863 Vending stand.

"Vending stand" means a business contained in a structure, which can serve customers who remain in their vehicles, by means of a drive-up window (e.g. espresso stand). (Ord. 978 § 1, 2003)

17.08.864 Warehousing.

"Warehousing" means a building specially designed for receipt, storage and handling of goods. (Ord. 978 § 1, 2003)

17.08.864.3 Wholesale sales.

"Wholesale sales" means firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

(Ord. No. 1263, § 6, 4-15-2013)

17.08.864.5 Wrecking yard.

"Wrecking yard" means the dismantling or disassembling of motor vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

(Ord. No. 1263, § 6, 4-15-2013)

17.08.865 Yards, types and measurements.

"Yard" means an open, unoccupied space, other than a court (as defined in the Uniform Building Code), unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated. (Refer to Figure 17.08 E.)

- A. "Front yard" means an area extending across the full width of the lot and lying between the lot front line and a line drawn parallel thereto, and at a distance therefrom equal to the required front yard depth as prescribed in each classification.
- B. "Side yard" means an area extending from the front yard line to the rear yard line at a depth measured from the side lot line to a line drawn parallel thereto at a distance equal to the required side yard depth as prescribed in each classification.
- C. "Rear yard" means an area extending across the full width of the lot and lying between the lot rear line and a line drawn parallel thereto, at a distance equal to the required rear yard depth as prescribed in each classification.

(Ord. 939 § 2 (part), 2000)

17.08.870 Zone.

“Zone” means an area accurately defined as to boundaries and location, and classified by the zoning code as available for certain types of uses and within which other types of uses are excluded. (Ord. 939 § 2 (part), 2000)

Figure 17.08 A

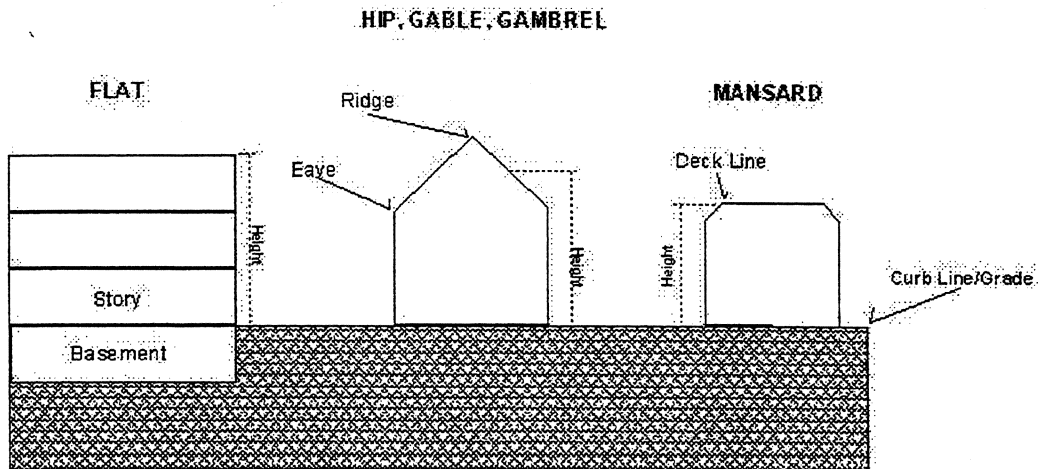


Figure 17.08 B

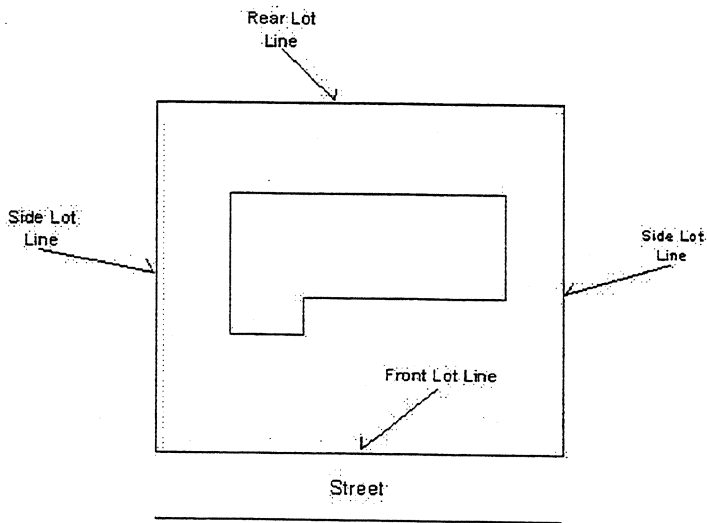


Figure 17.08 C

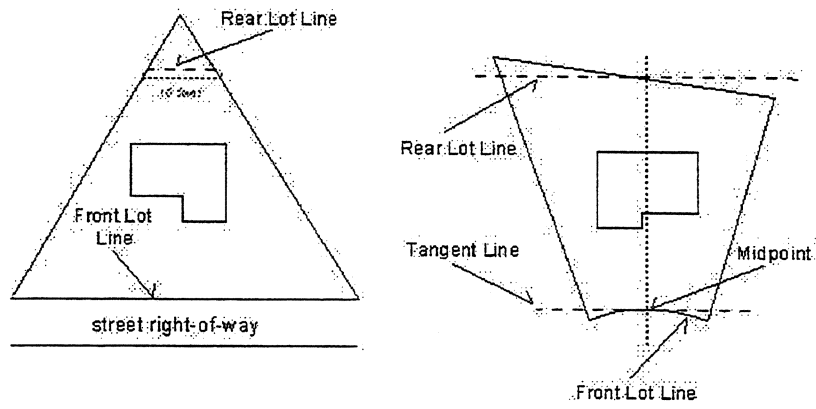


Figure 17.08 D

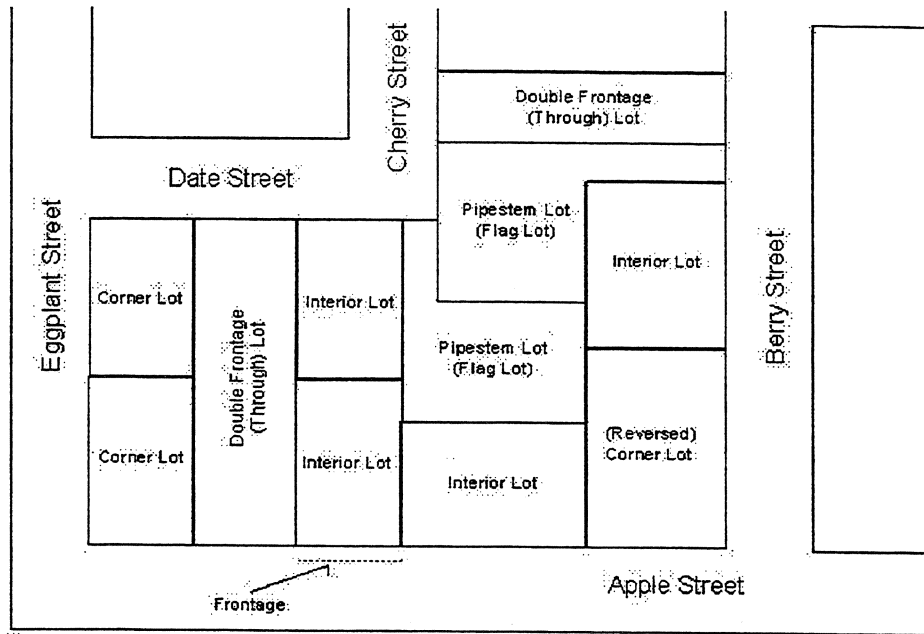
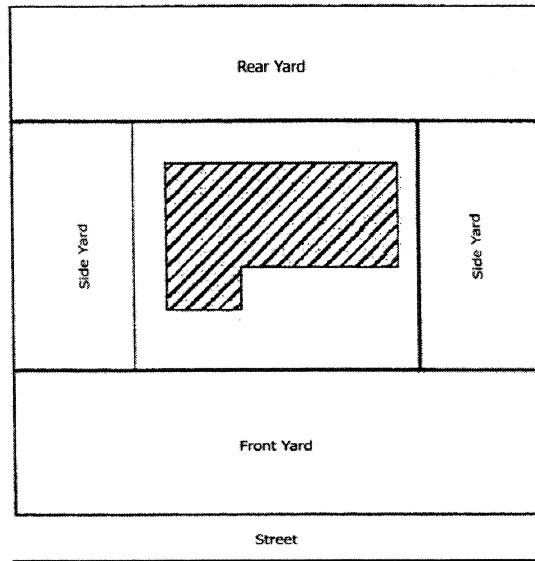


Figure 17.08 E



Chapter 17.12

CLASSIFICATIONS—BOUNDARIES

Sections:

- 17.12.010** **Districts—Designated.**
- 17.12.020** **Map—Designates zone boundaries and locations.**
- 17.12.030** **Map—Boundaries—Changes.**
- 17.12.040** **Map—Boundaries—Determination.**
- 17.12.050** **Map—Interpretation.**
- 17.12.060** **Unclassified property.**
- 17.12.070** **Annexations.**
- 17.12.080** **Classification of rights-of-way.**
- 17.12.090** **Limitation of land use.**
- 17.12.100** **Construction standards.**

17.12.010 Districts—Designated.

In order to accomplish the purpose of this title, the following use classifications are established and regulations are set forth therein defining the permissible uses, the height and bulk of buildings, and the area of yard and other open spaces about buildings, and the density of population, such classifications to be known as follows:

LDR	Low density residential districts (LDR-6, LDR-7.2, LDR-8.5, LDR-10)
MDR	Medium density multifamily residential district
HDR	High density multifamily residential district
FW	Floodway use district
C-1	Central business district
C-2	Highway commercial use district
C-3	Neighborhood commercial use district
I-1	Light industrial use district

(Ord. 1079 § 1 (part), 2006: Ord. 939 § 3, 2000: Ord. 490 § 3.02, 1979)

17.12.020 Map—Designates zone boundaries and locations.

The location and boundaries of the various zones as defined in this chapter are such as are shown and delineated on the zoning map or parts thereof adopted under this title. (Ord. 490 § 3.03, 1979)

17.12.030 Map—Boundaries—Changes.

Changes in the boundaries of the zone shall be made by ordinance or resolution adopting the amended zoning map, or part of said map, or unit of a part of said map, and when so adopted, said maps, parts or units of maps, shall

become a part of this title. Amendment procedures shall be those set forth in Chapter 17.84. (Ord. 490 § 3.04, 1979)

17.12.040 Map—Boundaries—Determination.

Where uncertainty exists as to the boundaries of any district shown upon the zoning map or any part of unit thereof, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following street or alley centerlines or lot lines, such lines shall be construed to be such boundaries.
- B. In the case of unsubdivided property, and where a district boundary divides such property, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on said zoning map.
- C. Where a public street or alley is officially vacated or abandoned, the area comprising such vacated street or alley shall acquire the classification of the property to which it reverts.
- D. Where a lot subdivided and recorded subsequent to the zoning of the area in which it is located becomes so placed that it is unequally bisected longitudinally by the boundary lines of different districts, the district boundary shall be considered as following the lot lines of the lot in such manner as to place the lot wholly in that district which applies to the major portion of the lot.
- E. Where a lot is equally bisected longitudinally by two or more districts or district boundary lines, the total lot shall acquire the most restrictive use classification and the highest area required of the two zone classifications or area districts involved.
- F. Where a lot is bisected by the boundary line between two or more districts and such boundary line parallels or approximately parallels the street on which such lot fronts, the total area of such bisected lot shall acquire the same zone classification or area district requirement as the front portion of the lot. This provision shall not apply to through lots.
- G. Where property abuts a lake, river or body of water, the district shall extend to the inner harbor line, and where no harbor line exists, to a line which the Army Engineers would define as the line of navigability. (Ord. 490 § 3.05, 1979)

17.12.050 Map—Interpretation.

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the planning commission, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of this title. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the zoning map may be made to the planning commission and a

determination shall be made by said commission. (Ord. 490 § 3.06, 1979)

17.12.060 Unclassified property.

Any property which, for any reason other than the fact that it is a right-of-way of a street, alley, or railroad, is located within an adopted part of the zoning map but is not designated as being classified in any of the classifications established by this title, shall be deemed to be classified LDR-8.5. For newly annexed property, see Section 17.12.070. (Ord. 939 § 4, 2000: Ord. 490 § 3.07, 1979)

17.12.070 Annexations.

- A. Any land to be annexed must be contiguous to the city and within the city's urban growth area.
- B. Prior to considering the annexation of property to the city, the city council shall refer the question of zoning designations for the subject property to the planning commission.
- C. The planning commission recommendation shall be based on the same criteria used for a zone change application as set forth in Section 17.84.040.
- D. The planning commission shall hold at least one public hearing on the question of zoning before forwarding its recommendation to the city council. (Ord. 763 § 2, 1993)

17.12.080 Classification of rights-of-way.

Areas of streets or alleys and railroad rights-of-way, other than such as are designated on the zoning map as being in one of the districts provided in this title, shall be deemed to be unclassified and, in the case of streets, permitted to be used only for street purposes as defined by law, and in the case of railroad rights-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, other operating devices, the movement of rolling stock, public utility lines and facilities accessory to and used directly for the delivery, distribution, or rendering of services to bordering land use. (Ord. 490 § 3.09, 1979)

17.12.090 Limitation of land use.

Except as provided in this title, no building or structure shall be erected, reconstructed or structurally altered, nor shall any building, structure or land be used for any purpose except as specifically provided in

this title and allowed in the district in which such building, land, or use is located. Each lot, as defined in Chapter 17.08, shall be limited to one principal use, as defined in Chapter 17.08, except as otherwise may be allowed in the zoning district regulations. (Ord. 536 § 3, 1982: Ord. 490 § 3.10, 1979)

17.12.100 Construction standards.

The construction standards for all structures and buildings in Woodland shall be the Uniform Building Code Standards (UBC) as set forth in RCW 19.27 except for the following:

- A. Manufactured homes or mobile homes legally sited within the MHPS district or within a legally created manufactured home park or subdivision;
- B. A manufactured home sales office used exclusively as such where manufactured homes are lawfully displayed and sold;
- C. A recreational vehicle (camper vehicle, motor home, or automobile trailer) shall be occupied for not more than fifteen consecutive days when placed on a lot where a single-family or two-family dwelling is located;
- D. When a building permit has been issued for new construction or remodeling of a building, the owner, builder or watchman may place and occupy a single recreational vehicle (camper vehicle, motor home, or automobile trailer) for the duration of the building permit, but not to exceed a period of one year. The recreational vehicle may only be placed on the property for which the building permit has been issued;
- E. Any temporary structure permitted under Section 17.81.020(C);
- F. Vending stands or kiosk (e.g. espresso stands), constructed per Chapter 296-150C WAC or Chapter 296-150V WAC.

(Ord. 982 § 8, 2003: Ord. 941 § 1, 2001: Ord. 939 § 5, 2000: Ord. 857 § 12, 1997: Ord. 725 § 7, 1991: Ord. 536 § 4, 1982: Ord. 490 § 3.11, 1979)

Chapter 17.16

LOW DENSITY RESIDENTIAL (LDR) ZONING DISTRICTS

Sections:

- 17.16.010 Purpose.**
- 17.16.020 Principal uses.**
- 17.16.030 Accessory uses.**
- 17.16.040 Conditional uses—Hearing examiner.**
- 17.16.050 Prohibited uses.**
- 17.16.060 Special conditions—Location of parking, single-family dwellings.**
- 17.16.070 Property development standards.**
- 17.16.080 Performance standards.**
- 17.16.090 Traditional neighborhood design optional development standards.**
- 17.16.100 Criteria and standards for accessory uses.**

17.16.010 Purpose.

The purpose of this district is to stabilize and preserve low density residential neighborhoods, to create a stable and satisfying environment for family life and to prevent intrusions by incompatible land uses. (Ord. 939 § 7 (part), 2000)

17.16.020 Principal uses.

The following uses are permitted outright in the LDR district:

- A. Adult family homes;
- B. Manufactured home subdivisions pursuant to Chapter 17.28 and Title 16, Subdivisions of this code;
- C. Minor utility facilities;
- D. Planned unit residential developments according to the subdivision ordinance codified in Title 16 of this code;
- E. Single-family detached dwellings, but not to exceed one dwelling on any one lot, except as provided in Section 17.16.030 of this code;
- F. Streets;
- G. Manufactured homes pursuant to Chapter 14.22 of this code;
- H. Rapid charging station meeting the definition of "electric vehicle charging station—restricted";

- I. Wireless Communication Facilities. Colocations on existing support towers or support structures consistent with Section 17.71.195. (Ord. 1055 § 1 (part), 2005; Ord. 939 § 7 (part), 2000) (Ord. No. 1257, § 2, 1-7-2013; Ord. No. 1412, § 1, 6-17-2019)

17.16.030 Accessory uses.

The following accessory uses permitted in the LDR district are uses and structures customarily appurtenant to the principally permitted uses, such as:

- A. Accessory dwelling units per Section 17.16.100;
- B. Adult day care home facilities per Section 17.16.100;
- C. Family child care home or family day care home facilities per Section 17.16.100;
- D. Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses per Section 17.16.100;
- E. One guest house not for rent or permanent occupancy;
- F. Home occupations per Section 17.16.100;
- G. Keeping of not more than four family pets per Section 17.16.100;
- H. Preschool when located on the same site with a public or private school or church;
- I. Private garages, carports, patios and other accessory buildings as are ordinarily appurtenant to a one-family dwelling;
- J. Private, noncommercial docks, piers, and boat-houses provided they meet the requirements of the shoreline master program;
- K. Recreational facilities intended for the use of residents including swimming pools, saunas, tennis courts and exercise rooms;
- L. Renting of rooms for lodging purposes to accommodate not more than two persons in addition to the immediate family;
- M. Signs pursuant to Chapter 17.52;
- N. Electric vehicle charging stations for Level 1 and Level 2 charging are allowed as accessory to a principal outright permitted use or permitted conditional use.

(Ord. 939 § 7 (part), 2000)
(Ord. No. 1257, § 3, 1-7-2013)

17.16.040 Conditional uses—Hearing examiner.

The following uses in the low density residential districts require conditional use permit approval from the hearing examiner per Chapter 17.72:

- A. Adult day care home facilities serving more than six adults;
- B. Bed and breakfast inns;
- C. Wireless Communication Facilities. New support towers and new attached facilities on existing support structures consistent with Section 17.71.195;
- D. Child day care centers;
- E. Churches, convents, monasteries and other religious institutions and associated accessory structures;
- F. Display garden;
- G. Duplex on an individual lot;
- H. Little theater.
- I. Major utility facilities;
- J. Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park-and-ride lots;
- K. Museums;
- L. Public facilities;
- M. Public and private educational institutions, including preschools, schools, religious schools, colleges and universities;
- N. Public parks and public recreation facilities;
- O. Retreat centers and associated accessory structures and owner/proprietor living quarters.
- P. Retirement homes assisted living facilities, continuing care communities, board and care homes, hospices, or nursing home;
- Q. Utility yard;
- R. Water towers and water supply plants.

(Ord. 1098 § 1, 2007; Ord. 982 § 1, 2003; Ord. 939 § 7 (part), 2000)

(Ord. No. 1232, 3-19-2012; Ord. No. 1412, § 1, 6-17-2019)

17.16.050 Prohibited uses.

Any use or structure not listed under permitted principal, accessory or conditional uses, is prohibited in the LDR district unless authorized in Section 17.81.020(C) or Chapter 17.60 of this code, or an applied overlay district of this title. (Ord. 939 § 7 (part), 2000)

17.16.060 Special conditions—Location of parking, single-family dwellings.

All required parking spaces for single-family dwellings are to be covered and such spaces shall be located within a garage or under a carport. Each required space is to be located so as to be independent of any other required space and access drives. Further, all required spaces shall be located within the building site area and not within the required setback areas. Required spaces and access drives shall be improved with dustless, hard surfaces. (Ord. 939 § 7 (part), 2000)

17.16.070 Property development standards.

A. Minimum lot area per building site in square feet:

LDR-6	6,000
LDR-7.2	7,200
LDR-8.5	8,500
LDR-10	10,000

To encourage a mix of lot sizes, a percentage of the lots in a LDR-7.2, LDR-8.5 or LDR-10 zoned subdivision may have reduced lot sizes as outlined below (percentage refers to the total number of lots eligible for reduced lot sizes) provided, that the average size of lots within the subdivision shall not fall below the minimum lot area standards specified in this subsection:

LDR-7.2	5%
LDR-8.5	10%
LDR-10	20%

Fractional units shall be rounded upward to determine the total number of lots eligible for a reduction (example: a five-lot subdivision in the LDR-7.2 zone may have one substandard lot).

Exception: Any properties included in an existing signed pre-annexation agreement with the city that predates passage of these rules, may have reduced lot sizes for up to twenty percent of the lots within future subdivisions unless otherwise limited by the agreement. Substandard lots shall be subject to the minimum lot standards outlined in this section.

Substandard lots shall be subject to the following minimum lot size standards, in square feet:

LDR-7.2	6,000
LDR-8.5	7,200

LDR-10	8,500
--------	-------

B. Lot width in feet:

LDR-6	60
LDR-7.2	70
LDR-8.5	80
LDR-10	80

For the subdivisions that include a percentage of smaller lots as allowed in this subsection, the minimum lot widths for the smaller lots shall be as follows, in feet:

LDR-7.2	60
LDR-8.5	70
LDR-10	70

- C. Front yard setback in feet: 25.
- D. Rear yard setback in feet: 15.
- E. Interior side yard setback in feet: 5.
- F. Street side yard setback in feet: 15.
- G. Maximum building height in feet: 30.
- H. Maximum lot coverage:

LDR-6	50 percent
LDR-7.2	50 percent
LDR-8.5	50 percent
LDR-10	50 percent

- I. Required off-street parking spaces: 2.
- J. Minimum street frontage in feet: 15.
- K. Accessory Buildings. Accessory buildings shall observe the following:
 - 1. Area.
 - a. For properties less than twelve thousand square feet, detached garages and carports shall be a maximum of one thousand square feet in floor area. For properties greater than twelve thousand square feet, one two thousand five hundred square foot accessory building is allowed. These size limits do not apply to attached garages.
 - b. Accessory buildings other than garages and carports shall be a maximum of one hundred fifty square feet in floor area.
 - 2. Setbacks.
 - a. Attached. If an accessory building is anywhere attached to the main building by a common wall, roof, floor, or foundation,

such accessory building shall be considered part of the main building and shall observe the required yard setbacks thereof. (See subsection (K)(2)(c) of this section for further provisions.)

- b. Detached. Detached accessory buildings, except for garages and carports, shall be located in rear yards only and shall be set back five feet from side and rear property lines; or fifteen feet from side property lines of corner lots. Except one accessory building, sixty-four square feet or under, may be located up to the nonstreet side and/or rear property line (zero setback). All detached accessory buildings shall be located more than six feet from the dwelling unit.
- c. Garages and carports shall be located in side and rear yards only and shall be set back five feet from side and rear property lines, provided that, on a corner lot, the side setback shall be a minimum of fifteen feet on flanking street side.
- 3. Height. Accessory structures shall be single story and no more than fifteen feet high. However, accessory structures can be up to a height of twenty feet, provided the building has an additional setback of two feet for each additional foot in height.
- 4. Number. Any number of accessory buildings are allowed, provided that the maximum lot coverage standard is not exceeded.
- 5. Exterior Materials. Attached accessory buildings shall be of the same material as the main building or of exterior materials typical for single-family homes in the neighborhood. Detached accessory buildings shall have a nonglare finish.

(Ord. 1079 § 1 (part), 2006: Ord. 939 § 7 (part), 2000)
(Ord. No. 1304, § 1, 10-6-2014)

17.16.080 Performance standards.

The following special performance standards shall apply to properties located in the LDR district:

- A. Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, swimming pool pumps and heaters and all other mechanical devices shall be visually

screened from surrounding properties and streets and shall be so operated that they do not disturb the peace, quiet and comfort of the neighboring residents. Apparatus needed for the operation of solar energy systems need not be screened pursuant to this section.

B. Parking and Storage of Recreational, Utility and Commercial Vehicles in Residential Neighborhoods.

1. Exemptions. Pickup or light trucks, fourteen thousand five hundred pounds gross vehicle weight rating (GVWR) or less, with or without a mounted camper unit, which are primarily used by the property owner/renter for transportation purposes are exempt from this section.
2. Recreational and Utility Vehicles. Recreational and utility vehicles are defined as travel trailers, folding tent trailers, motor homes, truck campers removed from a truck or pickup, horse trailers, boat trailers with or without boats, other recreation trailers and utility trailers, boats, motorcycles, snowmobiles and other motorized recreation vehicles. Recreational and util-

ity vehicles may be parked in residential areas provided the following conditions are met:

- a. Vehicles shall not intrude into public right-of-way or obstruct sight visibility from adjacent driveways;
 - b. Vehicles shall not be parked in the front building setback unless there is no reasonable access to the building side yards or rear yards because of topography or other physical conditions on the site. However, not more than one recreation and/or utility vehicle shall be parked in the front setback, with no more than three stored outside per single-family lot;
 - c. The recreational vehicles shall be maintained in a clean, well-kept state which does not detract from the appearance of the surrounding area;
 - d. Recreational vehicles equipped with liquefied petroleum gas containers shall meet the standards of the Interstate Commerce Commission. Valves or gas containers shall be closed when the vehicle is stored, and, in the event of leakage, immediate corrective action must be taken;
 - e. At no time shall parked or stored recreational vehicles be occupied or used as a permanent or temporary dwelling unit except that guests who travel with a recreational vehicle may reside in the vehicle on the host's premises on a temporary basis not to exceed thirty days per year.
3. On-street and off-street parking of truck tractors, truck tractor trailers or commercial vehicles in excess of fourteen thousand five hundred pounds gross vehicle weight rating (GVWR) is prohibited in residential areas. The following vehicles are exempt from these parking restrictions:
 - a. Authorized emergency vehicles as defined in RCW 46.04.040, as presently enacted or hereafter amended;
 - b. Public or privately owned ambulances licensed pursuant to RCW 18.73.130;
 - c. Tow trucks, provided: (1) the tow truck is owned and operated by a registered owner/operator pursuant to WAC 204-91 A; (2) the tow truck is no larger than a Class B tow truck as defined in WAC 204-91A-170(2) and (3); and (3) the truck has no more than two (2) axles.
Violation of this section is a parking infraction.
 - C. Storage in Yards. Nonfunctional machinery, appliances, steel drums, pallets, and related equipment and materials shall not be openly stored in front, side, and rear yards.
 - D. Setbacks from Alleys. Garage structures which are directly attached to a principal structure or attached with no greater than an enclosed breezeway, and have vehicular access from an adjacent alley, may encroach into the rear yard such that the total of the alley width and setback from the alley is equal to no less than twenty-four feet. In such case, only a garage attached to the principal structure by no greater than a breezeway may exceed a height of one story.
 - E. Yard Projections. Every required front, rear and side yard shall be open and unobstructed from the ground to the sky unless otherwise provided:
 1. Fences and walls as specified and limited under this section may project into front, rear and side yards.
 2. Cornices, sills, eave projections, and awnings without enclosing walls or screening may project into a required yard by not more than thirty inches; provided, that the width of any required interior side yard is not reduced to less than two feet, six inches and any yard abutting a street is not reduced to less than five feet.
 3. Open, unenclosed, unroofed decks, providing, however, that said decks are constructed at grade elevations, or in no event, exceed thirty inches above grade and not over any basement or story below.

4. Bay windows and garden windows which do not require a foundation may project into a required front, rear, or street side yard by not more than thirty inches; provided, that the width of any required interior side yard is not reduced to less than two feet, six inches and any yard abutting a street is not reduced to less than five feet.
 5. Additions of accessory structures in a required front or rear yard, such as stairs, balconies, covered or uncovered porches which have no more than one hundred twenty square feet, provided lot coverage is not exceeded.
- F. Residential Antennae. Residential antennae, including satellite dish antennae less than or equal to three feet in diameter shall be limited to a height of ten feet in excess of the maximum height required for each zone. Antennae shall be set up so that in case an antenna falls it will fall within the confines of the owner's property. Satellite dish antennae greater than three feet in diameter, and amateur radio towers and associated antennae are regulated below.
1. Satellite Dish Antennae, Ground-Mounted. Ground-mounted, satellite dish antennae are allowed as permitted accessory uses subject to the following requirements:
 - a. The antenna shall not be located between the front property line or street-side property line and a building; such antennae may be located in a rear or interior side yard;
 - b. The maximum diameter shall be twelve feet;
 - c. The maximum height shall be fifteen feet in height above the existing grade to the highest point of the dish;
 - d. The minimum setback shall be no less than five feet to rear or side property lines as measured when the dish is in a horizontal position;
 - e. Satellite dish antennae shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties;
 - f. Satellite dish antennae shall be constructed of transparent material such as wire mesh; and shall be finished in a dark color and a nonlight-reflective surface;
 - g. All installations shall include screening treatments located along the antenna's nonreception window axes and low level ornamental landscape treatments along the reception window axes of the antenna's base. Such treatments should completely enclose the antenna and consist of no less than three landscape elements which provide year-round screening. Landscape plans shall be reviewed by the development review committee;
 - h. Dish antennae shall be installed and maintained in compliance with the applicable requirements of the Uniform Building Code, as amended;
 - i. Only one dish antenna shall be permitted on any residential lot;
 - j. Dish antennae shall not be installed on a portable or movable device, such as a trailer;
 - k. The antenna shall be set up so that in case an antenna falls it will fall within the confines of the owner's property.
 2. Satellite Dish Antennae, Roof-Mounted. Roof-mounted satellite dish antennae which have a maximum of twelve feet in diameter may only be allowed upon approval of a variance application in accordance with Section 17.81.020 of this code. In addition to the review criteria of Section 17.81.020(B), the following criteria shall be met:
 - a. Demonstration by the applicant that compliance with subsection (F)(1) of this section would result in the obstruction of the antenna's reception window, prohibiting a usable signal; furthermore, such obstruction involves factors beyond the control of the applicant.

3. Amateur radio towers and antennae for use by a noncommercial, licensed amateur operator shall be allowed if such facilities:
 - a. Are not located between the front or street-side property line and a building;
 - b. Are limited to a height of ten feet in excess of the maximum height required for each zone;
 - c. Are installed with a reasonable effort to minimize visibility from adjacent properties while still permitting effective operation;
 - d. Are located and constructed in a manner that will prevent the installation from falling onto adjoining properties;
 - e. Do not interfere with nearby utility lines, etc;
 - f. Such installations which propose to exceed the maximum height restrictions given in subsection (F)(3)(b) of this section, but which meet all of the other criteria (subsections (F)(3)(a) and (c) through (e) of this section, may only be allowed upon approval of a variance application in accordance with Section 17.81.020(B).
- G. **Swimming Pools.** For all swimming pools having a depth of twenty-four or more inches there shall be maintained a protective fence, wall or enclosure not less than five feet in height, with no opening greater than four inches wide and equipped with a self-closing gate surrounding said pool. This requirement shall also apply to other outdoor bodies of water having a depth greater than twenty-four inches, excluding natural lakes, streams, rivers, or drainage ditches.
- H. **Building Height Exceptions.** Chimneys and vents may be erected to a height greater than the permitted building height.
- I. **Fences, Walls and Hedges.** Except as regulated under subsection (K) of this section, fences and walls constructed shall not exceed a maximum height above the adjacent grade as set forth herein:
 1. Fences, walls and hedges located within the required front yard or within a fifteen-foot setback from the street side property line shall not exceed a height of three feet where fences, walls and hedges would provide less than fifty percent visibility. Fences, walls, and hedges providing at least fifty percent visibility shall not exceed a height of four feet within the required front yard or within a fifteen-foot setback from the street side property line. Examples of fences that could meet the fifty percent visibility include spaced rail fences, spaced picket fences, and chain link fences.
 2. Fences and walls located within the rear yard or interior side yard shall not exceed a total height of six feet.
 3. On every lot where the adjoining lot is used for nonresidential purposes, then a fence of not to exceed six feet may be constructed along the side of the lot separating a residential lot from the lot being used for nonresidential purposes; provided, that when and if the adjoining lot is converted to a residential use, then the fence shall be altered to conform.
 4. Fences utilized to enclose drainage detention ponds or other drainage facilities shall meet the above regulations, as well as any other applicable regulations of this code.
- J. **Sight Distance Requirements.** At all intersections there shall be a triangular yard area within which no tree, fence, shrub or other physical obstruction shall be permitted higher than three feet above the adjacent grade where fences, walls and hedges would provide less than fifty percent visibility. Fences, walls, and hedges providing at least fifty percent visibility shall not exceed a height of four feet. Examples of fences that could meet the fifty percent visibility include spaced rail fences, spaced picket fences, and chain link fences. This triangular area shall measure as follows:
 1. **Street Intersections.** At any intersection of two street rights-of-way, two sides of the triangular area shall extend twenty feet along both shoulder or curb lines of the improved portion of the rights-of-way,

measured from their point of intersection. For the purpose of this subsection an alley shall be considered as a street.

2. Street and Driveway Intersections. At any intersection of street right-of-way and a driveway, two sides of the triangular area shall extend twenty feet along the edge of the driveway and ten feet along the shoulder or curbline of the improved portion of the right-of-way. Such triangular area shall be applied to both sides of the driveway.
 3. Fences utilized to enclose drainage detention ponds or other drainage facilities shall meet the above regulations, as well as any other applicable regulations of this code.
- K. School and Church Height Exceptions. When applicable, a height exception shall be applied for as part of a conditional use permit application to establish such uses or expansion of such uses. Conditionally permitted school and church uses may exceed building height requirements to a maximum of fifty feet in the LDR zone upon approval of such height exception by the hearing examiner. A height exception does not require separate application for a special exception or variance.
- L. Manufactured homes shall be comprised of at least two fully enclosed parallel sections, each of not less than twelve feet wide by thirty-six feet long; roof constructed of composition, wood shake or shingle, coated metal, or similar roofing material and of not less than a three is to twelve pitch; has exterior siding similar in appearance to siding materials commonly used on site-built single-family homes built according to the International Building Code.
1. All dwellings shall be oriented on the lot so that the front door faces the street.
 2. All dwellings shall be placed on permanent foundations as defined within the IRC.
 3. All manufactured homes shall be of new construction.
 4. The front door shall be protected by a covered porch.

(Ord. 1055 § 1 (part), 2005; Ord. 939 § 7 (part), 2000)
(Ord. No. 1212, § 1, 6-6-2011)

17.16.090 Traditional neighborhood design optional development standards.

In place of the development standards of Section 17.16.070, new subdivisions in the LDR districts may utilize the following standards, if all provisions are met.

- A. Lot sizes: Lots taking vehicle access from an alley may equal eighty percent of the minimum lot size. A minimum of twenty-five percent of lots must meet or exceed the required lot size of the zone;
- B. Lot width in feet: fifty; forty for lots with alley access;
- C. Front yard setback in feet: fifteen minimum; twenty-five maximum;
- D. Rear yard setback in feet: twenty-five;
- E. Interior side yard setback in feet: six;
- F. Street side yard setback in feet: ten;
- G. Maximum building height in feet: thirty;
- H. Maximum lot coverage: forty percent;
- I. Minimum street frontage in feet: fifteen;
- J. Required off-street parking spaces: two, provided as follows; attached garages shall have a minimum setback of fifty percent of the depth of the primary residential building, and detached garages shall be located a minimum of six feet behind the rear building;
- K. Structures shall have pitched roofs;
- L. At least sixty percent of the units shall have one of the following features: front porches, decks, bay windows, dormers;
- M. At least fifty percent of the homes shall have alleys for vehicular access.

(Ord. 939 § 7 (part), 2000)

17.16.100 Criteria and standards for accessory uses.

- A. Accessory dwelling units subject to the following criteria:
 1. One accessory dwelling unit shall be allowed per legal building lot as a subordinate use in conjunction with any single-family structure;
 2. Either the primary residence or the accessory dwelling unit must be occupied by an owner of the property. In addition, accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the main building. Owners shall sign an affidavit affirming that the owner will occupy the main building or the

- accessory unit as their principal residence for at least six months of every year, and agreeing to the conditions of this section. Upon approval, the property owner shall record a notice on the property title that shall be in the form specified by the city;
3. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in this title;
 4. The accessory dwelling unit shall not contain less than three hundred square feet and not more than eight hundred square feet, excluding any related garage area; provided that if the accessory unit is completely located on a single floor of an existing structure, the building official may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met;
 5. The square footage of the accessory dwelling unit, excluding any garage area, shall not exceed forty percent of the total square footage of the primary residence and accessory dwelling unit combined after rehabilitation, excluding any garage area. This percentage shall apply to both attached and detached accessory dwelling units. Where the building official allows increased size per subsection (A)(4) of this section as part of an existing structure, the square footage shall not exceed fifty percent of the total square footage of the primary residence and accessory dwelling unit combined, excluding any garage area;
 6. There shall be one off-street parking space in a carport, garage, or designated space provided for the accessory dwelling unit in addition to that which exists on the site for the primary residence;
 7. Accessory dwelling units shall be located only in the same building as the principal residence unless the lot is at least eight thousand five hundred square feet in area or unless the accessory dwelling unit will replace a detached, preexisting structure of at least four hundred square feet. Where lots contain at least eight thousand five hundred square feet in area or there is a detached, preexisting structure of at least four hundred square feet, the accessory dwelling unit may be part of the principal residence or located in a detached structure;
 8. An accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence and to be generally compatible with the surrounding single family uses. If the accessory unit extends beyond the current footprint of the principal residence, such an addition shall be consistent with the existing roof pitch, siding and windows. If an accessory unit is detached from the main building it must also be consistent with the existing roof pitch, siding and windows of the principal residence. In addition, only one entrance for the main building will be permitted in the front of the principal residence. A separate entrance for the accessory dwelling unit shall be located either off the rear or the side of the building. Where garages in the vicinity predominantly face the primary street, the accessory unit shall not result in a new garage face to the street unless no other design is possible. The accessory dwelling unit shall be to the rear of the principal residence unless it is not possible;
 9. The accessory dwelling unit shall meet all technical code standards including building, electrical, fire, plumbing and other applicable code requirements;
- B. Adult day care home facilities which:
1. Meet Washington Association of Adult Day Centers Adult Day Care Guidelines;
 2. Comply with all building, fire, safety, health code and business licensing requirements;
 3. Conform to lot size, building size, setbacks, and lot requirements of this chapter except if the structure is a legal nonconforming structure;
 4. Comply with the applicable provisions of the sign code of this title;
 5. Make no structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure which would make it incompatible with surrounding residences;
 6. Have no more than six adults served by the facility;

- C. Family child care home or family day care home facilities which:
1. Meet Washington State child day care licensing requirements;
 2. Comply with all building, fire, safety, health code and business licensing requirements;
 3. Conform to lot size, building size, setbacks, and lot requirements of this chapter except if the structure is a legal nonconforming structure;
 4. Comply with the applicable provisions of the sign code of this title;
 5. Make no structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure which would make it incompatible with surrounding residences;
- D. Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses shall not be in existence for more than six days in any calendar year, and shall not be in violation of any other chapter in this code, or city ordinance, and provided further, that any such garage sales and yard sales involve only the sale of household goods, none of which were purchased for the purpose of resale;
- E. Home occupations which meet the following criteria:
1. The resident operator shall obtain a business license, which shall be renewed annually;
 2. The home occupation shall employ no more than one person in addition to those who are residents of the dwelling;
 3. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, exhausts, or vibrations that carry beyond the premises;
 4. Signs indicating the presence of a home occupation must meet standards set forth in WMC Chapter 17.52;
 5. No storage or display of goods shall be visible from the outside of the structure;
 6. No highly explosive or combustible material shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line;
 7. Traffic generated which exceeds the following standards shall be prima facie evidence that the activity is a primary business and not a home occupation:
 - a. The parking of more than two customer vehicles at any one time, so long as customer parking does not displace or impede the use of off-street parking spaces for neighboring dwelling units.
 - b. More than eight clients or customers coming to the site each day, except that home day cares may have as many trips as required for the number of allowed children per the State Department of Social and Health Services (DSHS) requirements.
 - c. No customer visits or workers arriving or departing before 7:00 a.m. or after 8:00 p.m., with the exception of home day cares.
 - d. The use of loading docks or other mechanical loading devices.
 - e. Home occupations shall have no more than one delivery per week by commercial motor vehicle, excluding courier and mail services;
 8. Materials, goods or commodities shall be delivered to or from the home occupation only from 8:00 a.m. to 6:00 p.m. Monday through Friday.
 9. Merchandise shall not be offered for direct sale within the residence, accessory structure, or on-site;
 10. No commercially licensed vehicles over fourteen thousand five hundred (14,500) pounds gross vehicle weight rating (GVWR) capacity shall be utilized in the business. No more than one type of commercially licensed vehicle under fourteen thousand five hundred (14,500)

pounds gross vehicle weight rating (GVWR) capacity shall be utilized in the business on the premises;

- F. The keeping of pets and domestic animals is subject to the following restrictions. Failure to comply with the requirements of this section is a class 4 infraction with a monetary penalty of twenty-five dollars or as otherwise specified by WMC Chapter 7.04.

For single-family dwellings, the keeping of pets and domestic animals are subject to the following restrictions:

1. Animals including cattle, horses, goats, ponies, mule, sheep, donkeys, llamas, and miniature hoofed animals and pigs shall be regulated as follows:
 - a. Horses, ponies, donkeys and cattle, one acre of open fenced land each. Each additional horse, pony or donkey requires an additional one-half acre of open fenced land;
 - b. Pigs, one-half acre of open fenced land each;
 - c. Sheep and llamas, one-quarter acre of open fenced land each;
 - d. Goats and miniature hoofed animals, three thousand square feet of open fenced land each;
 - e. Density limits do not apply to weaning young;
 - f. Animals shall be completely enclosed by a secure fence not less than five feet tall, sufficient to confine the animals therein;
 - g. The minimum land area required to maintain any large animal shall be the sum of the required land areas listed above;
 - h. All stables and other buildings and all enclosures and premises upon which any such animals are kept and confined shall be kept in a clean, healthful, and sanitary condition; and
 - i. Animals shall be sheltered in weather protecting structures located at least fifteen feet from property lines.
2. The keeping of roosters in any residential zone is prohibited.

3. On lots less than ten thousand square feet, the keeping of not more than six poultry and four rabbits is permitted where poultry are defined as domesticated birds kept for the purpose of collecting eggs or the raising of meat and/or feathers.
4. No more than four dogs, cats, miniature pigs or combination thereof four months of age or older per dwelling unit.
5. The number of small pets such as fish, birds, small rodents and reptiles that are typically kept indoors is not regulated by this chapter.
6. Reserved.
7. The keeping of animals shall not violate nuisance pet animal regulations or other provisions of Chapter 7.04.
8. Animals that contribute unusually excessive noise, such as crowing, braying or barking, must be housed in such a manner as to minimize their effects on neighbors.
9. Animals shall not create a malodor that is detectable on adjoining lots.

(Ord. 939 § 7 (part), 2000)

(Ord. No. 1212, § 14, 6-20-2011; Ord. No. 1249, § 2, 10-1-2012)

Chapter 17.20

MULTIFAMILY RESIDENTIAL DISTRICTS (MDR, HDR)

Sections:

- 17.20.010 Purpose.**
17.20.020 Principal permitted uses.
17.20.030 Accessory buildings and uses.
17.20.037 Administrative temporary uses.
17.20.040 Conditional uses—Hearing examiner.
17.20.050 Prohibited uses.
17.20.060 Special conditions—Parking.
17.20.070 Property development standards.
17.20.080 Standards for townhouses on individually-owned lots.
17.20.090 Performance standards.
17.20.100 Criteria and standards for accessory uses.

17.20.010 Purpose.

- A. The following multifamily residential districts are established; properties so designated shall be subject to the provisions contained in this chapter:
1. MDR, medium density multifamily residential district;
 2. HDR, high density multifamily residential district.
- B. The multifamily residential districts are intended to reserve appropriately located areas for multifamily living at a broad range of dwelling unit densities consistent with the comprehensive plan. They are further intended to protect the public health, safety and general welfare by ensuring that opportunities to obtain reasonable cost housing exist for households representing a variety of income categories and lifestyles, facilitating the provision of utility services and other public facilities commensurate with anticipated population and dwelling unit densities, providing designs compatible with community goals, and providing that multifamily developments offer the amenities and conveniences necessary to assure the comfort and enhance the lifestyles of their occupants.

(Ord. 939 § 9 (part), 2000)

(Woodland Supp. No. 36, 4-20)

17.20.020 Principal permitted uses.

The following uses are permitted for all multifamily residential districts unless otherwise specified:

- A. Adult family homes;
- B. Minor utility facilities;
- C. Multifamily dwellings including duplexes, apartments, condominiums, townhouses, or other group of dwellings in accordance with the density standards set forth;
- D. Retirement homes/apartments with the following:
 1. Individual kitchen facilities in each unit, and no common dining room,
 2. Limited medical services which are provided on an individual basis;
- E. One single-family dwelling on each building site;
- F. Streets;
- G. Planned unit residential developments according to Title 16, Subdivisions of this code;
- H. Townhouses on individually-owned lots;
- I. Manufactured homes pursuant to Chapter 14.22 of this code;
- J. Rapid charging stations meeting the definition of "electric vehicle charging station—restricted";
- K. Wireless Communication Facilities. New attached facilities and colocations consistent with Section 17.71.195.

(Ord. 1055 § 1 (part), 2005; Ord. 939 § 9 (part), 2000)

(Ord. No. 1257, § 4, 1-7-2013; Ord. No. 1412, § 1, 6-17-2019)

17.20.030 Accessory buildings and uses.

The following accessory buildings and uses permitted in the multifamily residential districts are those uses customarily incidental to a single-family or multifamily use, appurtenant to the principal permitted uses.

- A. Family child day care home or family child care home per Section 17.20.100;
- B. Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses per Section 17.20.100;
- C. Home occupations per Section 17.20.100;
- D. Keeping of family pets per Section 17.20.100;

- E. Recreational facilities intended for the use of residents including swimming pools, saunas, tennis courts and exercise rooms.
- F. Electric vehicle charging stations for Level 1 and Level 2 charging are allowed as accessory to a principal outright permitted use or permitted conditional use.

(Ord. 939 § 9 (part), 2000)

(Ord. No. 1257, § 5, 1-7-2013)

17.20.037 Administrative temporary uses.

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

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

(Ord. 982 § 2, 2003)

17.20.040 Conditional uses—Hearing examiner.

The following uses in the multifamily residential districts require conditional use permit approval from the hearing examiner per Chapter 17.72:

- A. Adult day care home facilities;
- B. Apartments or other multifamily dwellings constructed for and occupied by households with at least one member being physically handicapped may exceed allowable dwelling unit densities by fifty percent of that permitted by the respective zone. A title notice indicating occupancy by the physically handicapped is required;
- C. Bed and breakfast inns;
- D. Wireless Communication Facilities. New support towers consistent with Section 17.71.195;
- E. Cemeteries;
- F. Churches, convents, monasteries and other religious institutions;
- G. Homes for the aged; assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes;
- H. Hospitals;
- I. Lodging houses, clubs and fraternity houses;
- J. Major utility facilities;
- K. Manufactured home parks that meet the standards and criteria in Chapter 17.28 in addition to the criteria of Chapter 17.72 of this code;

- L. Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park-and-ride lots;
- M. Public facilities;
- N. Public and private educational institutions, including preschools, schools, religious schools, colleges and universities;
- O. Public parks and public recreational facilities;
- P. Retirement home/apartments occupied only by persons fifty-five years and older. Such apartments may exceed allowable dwelling unit densities by fifty percent of that permitted by the respective zone;
- Q. Utility yards;
- R. Water towers and water supply plants.

(Ord. 982 § 2, 2003; Ord. 939 § 9 (part), 2000)

(Ord. No. 1412, § 1, 6-17-2019)

17.20.050 Prohibited uses.

Prohibited uses in the multifamily residential districts are any use or structure not listed under permitted principal, accessory or conditional uses, unless authorized in Section 17.81.020(C) or Chapter 17.60, or an applied overlay district of this title. (Ord. 939 § 9 (part), 2000)

17.20.060 Special conditions—Parking.

- A. Required Parking for Single-Family Uses. All single-family dwellings in the multifamily districts shall have two on-site automobile parking spaces. Each required space is to be located so as to be independent of any other required space and access drives. Further, all such required spaces for single-family dwellings shall be located within the building site area and not within the required setback areas. Required spaces and access drives shall be improved with a dustless, hard surface.
- B. Required Parking for Multifamily and Conditionally Permitted Uses. All permitted multifamily and conditionally permitted uses in the multifamily districts shall provide on-site automobile parking at ratios specified in Chapter 17.56 of this code.

(Ord. 939 § 9 (part), 2000)

17.20.070 Property development standards.

The following sets forth the required development standards applicable to properties located in the

MDR and HDR zones. (Development standards for townhouses on individually-owned lots are contained in Section 17.20.080).

	MDR	HDR
A. Minimum lot area per building site in square feet	7,500	7,500
B. Maximum development density Dwelling units per net acre	25	35
Net square feet of lot area per dwelling unit	1,740	1,240
C. Minimum lot width in feet	75	75
D. Front, rear and interior side setbacks		
1. Front yard setback in feet	20	20
2. Rear yard setback in feet	25	25
3. Interior side yard setback in feet	5	5
E. Street side yard setback in feet	10	10
F. Maximum building height in feet	35	35
G. Maximum lot coverage by percentage of net area	35	45
H. Minimum street frontage in feet	30	30
I. Minimum setback from principal or minor arterial	25	25

(Ord. 939 § 9 (part), 2000)

17.20.080 Standards for townhouses on individually-owned lots.

The following specific standards supersede the related standards given in Section 17.20.070. If a standard is not listed below, the standard in Section 17.20.070 applies.

A. Minimum lot size in square feet	1,900
B. Minimum lot width and depth in feet	
1. Width	24
2. Depth	80

C. Minimum Setbacks.

1. Front. The minimum front yard setback for all buildings and structures shall be fifteen feet

(Woodland Supp. No. 36, 4-20)

from the property line on local access streets and twenty feet from collector streets or greater.

2. Rear. The minimum rear setback shall be fifteen feet; provided, that parking is not permitted in the minimum rear yard area.
 3. Side. There is no side yard setback between individual townhouse units. However, no townhouse building shall be located closer than fifteen feet from a local access street right-of-way or twenty feet from collector or arterial right-of-way. The distance between townhouse buildings shall be a minimum of twenty feet.
- D. No townhouse building shall contain more than ten townhouses nor shall any one building exceed two hundred fifty feet in width.

(Ord. 939 § 9 (part), 2000)

17.20.090 Performance standards.

The following special requirements and performance standards shall apply to properties in the multifamily districts.

- A. **Exterior Mechanical Devices.** Air conditioners, heating, cooling, ventilating equipment, swimming pool pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace.
- B. **Landscaping Required.** In all MDR and HDR zones landscaping and open space shall be provided. All required landscaping shall be permanently maintained in a neat and orderly condition. For new developments, a landscape plan shall be submitted for review by the city's development review committee.
- C. **Outdoor Storage of Materials.** Required front and street side yards shall not be used for the storage of any motor vehicle or vehicle accessory such as camper shells, trailers, boats, motorbikes or other wheeled accessory or conveyance. Personal, noncommercial storage of such vehicles and vehicle accessories is permitted within the legal building site area and rear and interior side yards provided that such vehicles and accessories are screened from neighboring properties and public rights-of-way by a six-foot high solid fence or landscaped screen. For purposes of this section, "storage" means the keeping of such vehicles and accessories on any portion of any parcel of property for a period of one hundred twenty continuous hours.
- D. **Setbacks from Alleys.** Where an alley ten feet or greater in width abuts a side or rear yard, one-half of the width of such alley, up to a maximum of ten feet may be applied on the required amount of the side or rear yard setback for principal structures. This shall not apply to detached accessory structures.
- E. **Yard Projections.** Every required front, rear and side yard shall be open and unobstructed from the ground to the sky unless otherwise provided:
 - 1. Fences and walls as specified and limited may project into the front, rear and side yards.
 - 2. Cornices, sills, eave projections and awnings without enclosing walls or screening may project into a required yard by not more than thirty inches, provided the width of any required interior side yard is not reduced to less than two feet, six inches, and any yard abutting a street is not reduced to less than five feet.
 - 3. Open, unenclosed, unroofed decks may project into any required rear or interior side yard, providing, however, that the decks are constructed at grade elevations, or in no event, exceed thirty inches above adjoining grade.
- 4. Bay windows, and garden windows which do not require a foundation may project into a required front, rear, or street side yard by not more than thirty inches; provided, that the width of any yard abutting a street is not reduced to less than five feet.
- 5. Additions of accessory structures in a required front or rear yard, such as stairs, balconies, covered or uncovered porches which have no more than one hundred twenty square feet, provided lot coverage is not exceeded.
- F. **Residential antennae, including satellite dish antennae less than or equal to three feet in diameter, shall not be located between the front or street side property lines and a building, and shall be opted to a height of ten feet in excess of the maximum height required for each zone. Antennae shall be set up so that in case an antenna falls it will fall within the confines of the owner's property. Satellite dish antennae greater than three feet in diameter, and amateur radio towers and associated antennae are regulated below.**
 - 1. **Satellite Dish Antennae, Ground-Mounted.** Ground-mounted, satellite dish antennae are allowed as permitted accessory uses subject to the following requirements:
 - a. The antenna shall not be located between the front property line or street-side property line and a building; such antennae may be located in a rear or interior side yard;
 - b. The maximum diameter shall be twelve feet;
 - c. The maximum height shall be fifteen feet in height above the existing grade to the highest point of the dish;
 - d. The minimum setback shall be no less than three feet to rear or side property lines as measured when the dish is in a horizontal position;
 - e. Satellite dish antennae shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties;
 - f. Satellite dish antennae shall be constructed of transparent material such as wire mesh; and shall be finished in a dark color and a nonlight-reflective surface;
 - g. All installations shall include screening treatments located along the antenna's nonreception window axes and low level ornamental landscape treatments along the reception window axes of the antenna's base.

- Such treatments should completely enclose the antenna and consist of no less than three landscape elements which provide year-round screening. Landscape plans shall be reviewed by the Development Review Committee;
- h. Dish antennae shall be installed and maintained in compliance with the applicable requirements of the Uniform Building Code, as amended;
 - i. Only one dish antenna shall be permitted on any residential lot;
 - j. Dish antennae shall not be installed on a portable or movable device, such as a trailer;
 - k. The antenna shall be set up so that in case an antenna falls it will fall within the confines of the owner's property.
2. Satellite Dish Antennae, Roof-Mounted. Roof-mounted satellite dish antennae which have a maximum of twelve feet in diameter may only be allowed upon approval of a variance application in accordance with Section 17.81.020 of this code. In addition to the review criteria of Section 17.81.020(B), the following criteria shall be met:
 - a. Demonstration by the applicant that compliance with subsection (F)(1) of this section would result in the obstruction of the antenna's reception window, prohibiting a usable signal; furthermore, such obstruction involves factors beyond the control of the applicant.
 3. Amateur radio towers and antennae for use by a noncommercial, licensed amateur operator shall be allowed if such facilities:
 - a. Are not located between the front or street-side property line and a building;
 - b. Are limited to a height of ten feet in excess of the maximum height required for each zone;
 - c. Are installed with a reasonable effort to minimize visibility from adjacent properties while still permitting effective operation;
 - d. Are located and constructed in a manner that will prevent the installation from falling onto adjoining properties;
 - e. Do not interfere with nearby utility lines, etc;
 - f. Such installations which propose to exceed the maximum height restrictions, but which all of the above criteria (subsections (F)(3)(a) through (e) of this section, may only be allowed upon approval of a variance application in accordance with Section 17.81.020(B).
 - G. Swimming Pools. For all swimming pools having a depth of twenty-four or more inches there shall be maintained a protective fence, wall or enclosure not less than five feet in height, with no opening greater than four inches wide and equipped with a self-closing gate surrounding said pool. This requirement shall also apply to other outdoor bodies of water having a depth greater than twenty-four inches, excluding natural lakes, streams, rivers, or drainage ditches.
 - H. Building Height Exceptions. Chimneys and vents may be erected to a height greater than the permitted building height set forth.
 - I. Trash Receptacles. Except on trash pickup days, all trash receptacles shall be screened from neighboring properties and public rights-of-way by an opaque visual barrier no lower than the maximum height of the receptacles. Provision of recycling bins shall be made. These shall be located near the trash receptacles and screened as required above.
 - J. School and Church Height Exceptions. When applicable, a height exception shall be applied for as part of a conditional use permit application to establish such uses or expansion of such uses. Conditionally permitted school and church uses may exceed building height requirements to a maximum of fifty feet in the MDR and the HDR zones upon approval of such height exception by the hearing examiner. A height exception does not require separate application for a special exception or variance.
 - K. Fences, Walls and Hedges. Fences and walls constructed shall not exceed a maximum height above the adjacent grade as set forth herein:
 1. Fences, walls and hedges located within the required front yard or within a ten-foot setback from the street side property line shall not exceed a height of three feet where fences, walls and hedges would provide less than fifty percent visibility. Fences, walls, and hedges providing at least fifty percent visibility shall not exceed a height of four feet within the required front yard or within a ten-foot setback of the street side property line. Examples of fences that could meet the fifty percent visibility include spaced rail fences, spaced picket fences, and chain link fences.
 2. Fences and walls located within the rear yard or interior side yard shall not exceed a total height of six feet.
 3. On every lot where the adjoining lot is used for nonresidential purposes, then a fence, not to exceed seven feet, may be constructed along the side of the lot separating a residential lot from

- the lot being used for nonresidential purposes, provided, that when and if the adjoining lot is converted to a residential use, then the fence shall be altered to conform to the regulations.
4. Fences utilized to enclose drainage detention ponds or other drainage facilities shall meet the above regulations, as well as any other applicable regulations of this code.
- L. **Sight Distance Requirements.** At all intersections there shall be a triangular yard area within which no tree, fence, shrub, wall or other physical obstruction shall be permitted higher than three feet above the adjacent grade where fences, walls and hedges would provide less than fifty percent visibility. Fences, walls, and hedges providing at least fifty percent visibility shall not exceed a height of four feet. Examples of fences that could meet the fifty percent visibility include spaced rail fences, spaced picket fences, and chain link fences. This triangular area shall measure as follows:
1. **Street Intersections.** At any intersection of two street rights-of-way, two sides of the triangular area shall extend twenty feet along both shoulder or curb lines of the improved portion of the rights-of-way, measured from their point of intersection. For the purpose of this subsection, an alley shall be considered as a street.
 2. **Street and Driveway Intersections.** At any intersection of a street right-of-way and a driveway, two sides of the triangular area shall extend twenty feet along the edge of the driveway and ten feet along the shoulder or curbline of the improved portion of the right-of-way, measured from their point of intersection. Such triangular area shall be applied to both sides of the driveway.
 3. Fences utilized to enclose drainage detention ponds or other drainage facilities shall meet the above regulations, as well as any other applicable regulations of this code.
- M. All structures must meet the construction standards set forth in RCW Chapter 19.27. Mobile homes shall only be sited in lawfully created manufactured home parks.
- N. Manufactured homes shall be comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long; roof constructed of composition, wood shake or shingle, coated metal, or similar roofing material and of not less than three is to twelve pitch; has exterior siding similar in appearance to siding materials commonly used on site-built single-family homes built according to the International Residential Code (IRC).
1. All dwellings shall be oriented on the lot so that the front door faces the street.
 2. All dwellings shall be placed on permanent foundations as defined within the IRC.
 3. All manufactured homes shall be of new construction.
 4. The front door shall be protected by a covered porch.
- (Ord. 1055 § 1 (part), 2005; Ord. 939 § 9 (part), 2000)
- 17.20.100 Criteria and standards for accessory uses.**
- A. **Family Child Day Care Home or Family Child Care Home.**
1. Meet Washington State child day care licensing requirements;
 2. Comply with all building, fire, safety, health code and business licensing requirements;
 3. Conform to lot size, building size, setbacks, and lot requirements of this chapter except if the structure is a legal nonconforming structure;
 4. Comply with the applicable provisions of the sign code of this title;
 5. Make no structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure which would make it incompatible with surrounding residences;
- B. Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses shall not be in existence for more than six days of any calendar year, and shall not be in violation of any other chapter in this code, or city ordinance, and provided further, that any such

garage sales and yard sales involve only the sale of household goods, none of which were purchased for the purpose of resale.

C. Home Occupations.

1. The resident operator shall obtain a business license, which shall be renewed annually;
2. The home occupation shall employ no more than one person in addition to those who are residents of the dwelling;
3. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, exhausts, or vibrations that carry beyond the premises;
4. The home occupation shall have no advertising, display, or other indications of a home occupation on the premises;
5. No storage or display of goods shall be visible from the outside of the structure;
6. No highly explosive or combustible material shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line;
7. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located;
8. Merchandise shall not be offered for direct sale within the residence, accessory structure, or on-site;
9. No commercially licensed vehicles over fourteen thousand five hundred pounds gross vehicle weight rating (GVWR) capacity shall be utilized in the business. No more than one type of commercially licensed vehicle under fourteen thousand five hundred pounds gross vehicle weight rating (GVWR) capacity shall be utilized in the business on the premises.

D. Keeping of Family Pets.

1. For single-family dwellings, the keeping of pets and domestic animals are subject to the follow-

ing restrictions. Failure to comply with the requirements of this section is a class 4 infraction with a monetary penalty of twenty-five dollars (\$25.00) or as otherwise specified by WMC Chapter 7.04.

- a. Animals including cattle, horses, goats, ponies, mule, sheep, donkeys, llamas, and miniature hooved animals and pigs shall be regulated as follows:
 - i. Horses, ponies, donkeys and cattle, one acre of open fenced land each. Each additional horse, pony or donkey requires an additional one-half acre of open fenced land;
 - ii. Pigs, one-half acre of open fenced land each;
 - iii. Sheep and llamas, one-quarter acre of open fenced land each;
 - iv. Goats and miniature hooved animals, three thousand square feet of open fenced land each;
 - v. Density limits do not apply to weaning young;
 - vi. Animals shall be completely enclosed by a fence not less than five feet tall, sufficient to confine the animals therein;
 - vii. The minimum land area required to maintain any large animal shall be the sum of the required land areas listed above;
 - viii. All stables and other buildings and all enclosures and premises upon which any such animals are kept and confined shall be kept in a clean, healthful, and sanitary condition; and
 - ix. Animals shall be sheltered in weather protecting structures located at least fifteen feet from property lines.
- b. The keeping of roosters in any residential zone is prohibited.
- c. On lots less than ten thousand square feet, the keeping of not more than six poultry and four rabbits is permitted where poultry are defined as domesticated birds kept for the purpose of collecting eggs or the raising of meat and/or feathers.

- d. No more than four dogs, cats, miniature pigs or combination thereof four months or age or older per dwelling unit.
 - e. Reserved.
 - f. The number of small pets such as fish, birds, small rodents and reptiles that are typically kept indoors is not regulated by this chapter.
 - g. The keeping of animals shall not violate nuisance pet animal regulations or other provisions of Chapter 7.04.
 - h. Animals that contribute unusually excessive noise, such as crowing, braying or barking, must be housed in such a manner as to minimize their effects on neighbors.
 - i. Animals shall not create a malodor that is detectable on adjoining lots.
2. For multifamily dwellings, keeping of not more than two family pets that can be kept in the home, such as dogs, cats or other domestic or tamed animals which do not violate nuisance pet animal regulations or other provisions of Chapter 7.04 and are not vicious by nature is permitted. This list of two pets shall not include birds, fish, suckling young of a pet or other animals which at all times are kept inside a fully enclosed building or accessory building and which do not create an odor which is detectable on an adjoining lot or detectable within another multi-family dwelling unit. Animals that contribute unusually excessive noise must be housed in such a manner as to minimize their effects on neighbors. Failure to comply with the requirements of this section is a class 4 infraction with a monetary penalty of twenty-five dollars or as otherwise specified by WMC Chapter 7.04.

(Ord. 939 § 9 (part), 2000)

(Ord. No. 1212, § 1, 6-6-2011; Ord. No. 1249, § 3, 10-1-2012)

Chapter 17.24

PUBLIC/QUASI-PUBLIC/INSTITUTIONAL (PQPI)

Sections:

- 17.24.010 Purpose.
- 17.24.020 Principal uses.
- 17.24.030 Accessory uses.
- 17.24.040 Conditional uses.
- 17.24.050 Prohibited uses.
- 17.24.060 Lots-width-depth-size.
- 17.24.070 Building setbacks.
- 17.24.080 Building height.
- 17.24.090 Lot coverage.
- 17.24.100 Screening—Landscaping.
- 17.24.110 Parking.
- 17.24.120 Signs.
- 17.24.130 Lighting.

17.24.010 Purpose.

It is the intent of this section to allow for common public uses where the need arises and uses will not create a nuisance or interfere with existing uses. (Ord. 1023 § 1 (part), 2004)

17.24.020 Principal uses.

Permitted primary uses in the PQPI district shall include:

- A. Uses commonly known as public use, such as schools, colleges, hospitals, sanitariums, and not-for-profit charitable uses;
- B. Churches with a lot area greater than three-quarter-acre, memorial buildings, community clubhouses and museums;
- C. Governmental buildings, including police and fire stations;
- D. Public parks and/or publicly owned recreational facilities (i.e., community swimming pool, tennis courts, skate parks)
- E. Cemeteries;
- F. Open space, wetland preserves, stormwater facilities and critical areas;
- G. Public utility buildings: Sewage pumping stations, sewage treatment plants, water treatment plants, electrical distribution substations, water tanks, water pumping stations and similar developments necessary for the operation of a public utility;

tions, water tanks, water pumping stations and similar developments necessary for the operation of a public utility;

- H. Electric vehicle infrastructure;
- I. Wireless Communication Facilities. New attached facilities and colocations consistent with Section 17.71.195.

(Ord. 1023 § 1 (part), 2004)

(Ord. No. 1257, § 6, 1-7-2013; Ord. No. 1412, § 1, 6-17-2019)

17.24.030 Accessory uses.

Permitted accessory uses in the PQPI district shall include those uses and activities customarily associated with and necessary to the operation of the permitted primary use. Each primary building or structure may be permitted to have one accessory building, which is exempt from building permit requirements, by definition of the current building code. (Ord. 1023 § 1 (part), 2004)

17.24.040 Conditional uses.

Uses permitted by a conditional use permit approved by the city of Woodland hearing examiner shall include:

- A. Parking lots located separately from a permitted primary use;
- B. Any of the principal uses when a residence is also proposed;
- C. Increased height limit requirements;
- D. Increased lot coverage percentage;
- E. Wireless Communication Facilities. New support towers consistent with Section 17.71.195.

(Ord. 1023 § 1 (part), 2004)

(Ord. No. 1412, § 1, 6-17-2019)

17.24.050 Prohibited uses.

The following are prohibited uses in the PQPI district:

- A. Reserved;
- B. Power generation plants (except emergency generators);
- C. Shooting (firearms) ranges;
- D. Residences not appurtenant to the primary use;
- E. Alcohol, substance abuse or sex offender inpatient or outpatient facilities;

- F. Half-way house facilities;
- G. Marijuana retailer;
- H. Medical marijuana cooperative.

(Ord. 1035 § 1, 2005; Ord. 1023 § 1 (part), 2004)

(Ord. No. 1412, § 1, 6-17-2019; Ord. No. 1440, § 4, 10-21-2019)

17.24.060 Lots-width-depth-size.

There are no limitations for minimum lot width and depth. Minimum lot size is ten thousand square feet. (Ord. 1023 § 1 (part), 2004)

17.24.070 Building setbacks.

All setbacks shall be measured from the nearest wall or corner of the appropriate property line.

- A. Front Setback. The minimum front yard setback for all buildings shall be thirty feet.
- B. Side Setback. The minimum side yard setback for all buildings shall be ten feet.
- C. Rear Setback. The minimum rear yard setback for all buildings shall be twenty-five feet.

(Ord. 1023 § 1 (part), 2004)

17.24.080 Building height.

Maximum building height in the PQPI district shall be three stories, but not more than forty-five feet. Building height in excess of three stories or forty-five feet may be approved through the conditional use process. Uninhabitable portions of structures such as a church spire, fleche, campanile or a dome and lantern or a clock tower may be permitted to exceed the height limit; provided, such appurtenances are not intended as advertising devices. (Ord. 1023 § 1 (part), 2004)

17.24.090 Lot coverage.

Maximum lot coverage by all buildings shall be fifty percent. Maximum lot coverage by all impervious areas shall be seventy-five percent. Lot coverage percentages may be increased, providing a conditional use permit is approved as per Section 17.24.040. (Ord. 1023 § 1 (part), 2004)

17.24.100 Screening—Landscaping.

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

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

(Ord. 1023 § 1 (part), 2004)

(Ord. No. 1378, § 66, 11-21-2016)

17.24.110 Parking.

Off-street parking in the PQPI district shall meet the parking requirements of Chapter 17.56 of this code, Sections 17.56.030 through 17.56.060. (Ord. 1023 § 1 (part), 2004)

17.24.120 Signs.

Signs in the PQPI district shall meet the requirements as provided in Chapters 17.08 and 17.52 of this code. (Ord. 1023 § 1 (part), 2004)

17.24.130 Lighting.

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

- A. Reflect or cast glare into any residential zone;
- B. Rotate, glitter or flash;
- C. Conflict with the readability of traffic signs and control signals.

(Ord. 1023 § 1 (part), 2004)

Chapter 17.28

STANDARDS FOR MANUFACTURED HOME PARKS AND SUBDIVISIONS

Sections:

17.28.005	Designations.
17.28.010	Location in relation to C-1 district.
17.28.020	Accessory uses.
17.28.030	Maximum density.
17.28.040	Minimum park size.
17.28.050	Lot—Width, depth.
17.28.060	Lot frontage.
17.28.070	Minimum building setbacks— Manufactured home parks.
17.28.080	Manufactured home size and design.
17.28.090	Building height.
17.28.100	Lot coverage.
17.28.110	Fences, hedges.
17.28.120	Parking provisions.
17.28.130	Screening and landscaping.
17.28.140	Recreation areas and facilities.
17.28.150	Manufactured home sales.
17.28.160	Home installation.
17.28.170	Accessory buildings—Materials.
17.28.180	Streets, lighting, and sidewalks.
17.28.190	Reserved.
17.28.200	Utilities.
17.28.210	Solid waste.
17.28.220	Building and grounds maintenance.
17.28.230	Development plans.
17.28.300	Manufactured home subdivision standards.

17.28.005 **Designations.**

Sections 17.28.010 through 17.28.230 set forth in this chapter deal with manufactured home parks, whereas Section 17.28.300 deals with manufactured home subdivisions. (Ord. 939 § 11 (part), 2000)

17.28.010 **Location in relation to C-1 district.**

Manufactured home parks shall not abut or lie across a street or public right-of-way from a C-1 district. (Ord. 939 § 11 (part), 2000)

17.28.020 **Accessory uses.**

Accessory uses shall observe the following standards:

- A. Each home unit is limited to one garage or carport no greater in size than that necessary to park two standard size automobiles or a maximum of six hundred square feet in area.

- B. Each home unit is limited to one storage building a maximum of one hundred square feet in floor area.
- C. Each home unit is limited to one cabana or covered patio, porch or deck. There shall be no area limit for porches, decks, patios or cabanas provided all setbacks are met.
- D. Detached carports or garages and other accessory buildings shall be no less than six feet from the home.

(Ord. 939 § 11 (part), 2000)

17.28.030 **Maximum density.**

Density in a manufactured home park shall not exceed eight and one-half units per gross acre. (Ord. 939 § 11 (part), 2000)

17.28.040 **Minimum park size.**

Manufactured home parks shall be a minimum of one acre in size. (Ord. 939 § 11 (part), 2000)

17.28.050 **Lot—Width, depth.**

For manufactured home parks, lot width and depth shall be measured as defined in Chapter 17.08.

- A. Interior lot, forty feet wide at the front property line and building lines;
- B. Cul-de-sac lot, thirty feet wide as measured along the front property or site line arc;
- C. Corner lot, fifty feet wide at the building line, provided the intersection visibility clearance standard can be met (See Section 17.28.070(D));
- D. Lot depth, sixty feet.

(Ord. 939 § 11 (part), 2000)

17.28.060 **Lot frontage.**

All sites shall front on interior streets within the park. (Ord. 939 § 11 (part), 2000)

17.28.070 **Minimum building setbacks— Manufactured home parks.**

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

- A. Front Setback. The minimum front yard setback for all buildings and structures shall be five feet from the front property line which

abuts a private or public street within the park; provided, on corner lots, the intersection visibility clearance standard is met.

- B. Side Setback. The minimum side yard setback for manufactured homes and buildings including carports, garages and accessory buildings shall be five feet; provided, on corner lots, the intersection visibility clearance standard is met.
- C. Rear Setback. The minimum rear setback shall be ten feet.
- D. Intersection Visibility Clearance. On a corner lot, nothing shall be erected, placed or allowed to grow in such a manner as to impede vision between a height of three and ten feet above the centerline grades of the intersecting streets in the triangular area bounded by the street lines of the corner lot and a line joining points on said street lines twenty feet from the corner.

(Ord. 939 § 11 (part), 2000)

17.28.080 Manufactured home size and design.

Manufactured homes in parks shall be no less than four hundred twenty square feet in area. (Ord. 939 § 11 (part), 2000)

17.28.090 Building height.

All buildings within a manufactured home park shall be no more than one and one-half stories high or a maximum of twenty feet in height. (Ord. 939 § 11 (part), 2000)

17.28.100 Lot coverage.

Maximum lot coverage by homes, their carports or garages, and accessory buildings and uses shall be fifty percent. (Ord. 939 § 11 (part), 2000)

17.28.110 Fences, hedges.

Fences and hedges on individual sites shall be no higher than three feet along front property lines and no higher than six feet along side and rear property lines on interior lots and interior lot lines of corner lots. On corner lots, fences and hedges shall be no higher than three feet along front and side street property lines. (Ord. 939 § 11 (part), 2000)

17.28.120 Parking provisions.

- A. Off-street parking shall meet the requirements of Chapter 17.56.

- B. In addition to the off-street parking requirements, there shall be provided at least one automobile parking space for every two home sites for use by guests, visitors, service, or delivery vehicles and shall be signed or designated as such. These spaces may be placed along the park's interior drives, but shall be set back off of the roadway proper and shall be within one hundred feet of the lots to be served. This parking may be waived if on-street parking is provided on streets designed to accommodate side parking and two standard lanes of traffic.

- C. Parking provisions for trucks and recreational vehicles are as follows:

1. Trucks over one and one-half tons and recreational vehicles such as trailers, motor homes, camping trucks, boats on boat trailers, and similar equipment shall not be stored on individual sites in home parks. The park shall provide a paved, fenced and adequately sized and lighted area within the development for the parking and storage of such vehicles.
2. Exception. One of the two allocated off-street parking spaces on each lot or site may be used for the parking of a recreational vehicle if no more than one automobile or truck (less than one and one-half tons) is parked on the lot or site. Car-top boats and canoes are also exempt from separate storage requirements.

(Ord. 939 § 11 (part), 2000)

17.28.130 Screening and landscaping.

- A. A sight-obscuring fence at least six feet high shall be constructed around the entire manufactured home development. The fence shall be appealing from inside and outside of the development. This may be accomplished by several alternatives: wood board fencing, chain link fencing with evergreen hedges of such species, height and placement so as to become an effective sight screen within two years of planting, or some similar form of ornamental fencing and landscaping combinations.
- B. Home sites and common areas shall be landscaped and maintained so as to enhance the livability, residential character, and aesthetics of the park. Such landscaping shall consist of substantial evergreen and deciduous trees mixed with shrubbery

and ground covers, all installed concurrent with property development and prior to tenant or owner occupancy.

- C. The applicant shall follow land preparation practices which will leave, as much as is feasible, existing trees, vegetation, and other natural features.

(Ord. 939 § 11 (part), 2000)

17.28.140 Recreation areas and facilities.

- A. The following recreation areas and/or facilities shall be provided by home parks:

1. An outdoor play area with a variety of playground equipment. A minimum of one hundred square feet of play area will be provided per home lot or site. The play area shall be protected from all streets, driveways, and parking areas by a fence at least thirty inches in height. Access to the area will be safe and minimize conflicts between pedestrians and vehicle traffic.
2. A heated indoor recreation facility combined with a portion of the outdoor play area described in subsection (A)(1) of this section, both with a variety of play equipment and areas for use by park residents. A minimum of twenty-five square feet of floor area per mobile home lot or site will be provided for the indoor facility, and a minimum of fifty square feet of ground area per unit will be provided for the outdoor play area.

- B. If the park does not accommodate children under fourteen years of age, an indoor facility with recreation and community equipment shall be provided for use by residents. A minimum of twenty square feet of floor area per lot or site will be provided for the building. Equipment installed or made available will be appropriate to the user population: pool, ping-pong, or card tables, a community kitchen with eating and entertaining facilities, swimming pool, sauna, and so forth.

(Ord. 939 § 11 (part), 2000)

17.28.150 Manufactured home sales.

Manufactured home parks shall be for residential purposes only. Sales of manufactured homes shall be limited to those which become available on the market on an individual basis. Commercial sales and promotion are limited to the showing and sale of model

homes which are to be used in the park. Commercial promotion and sales of units to be transported off-site are prohibited. (Ord. 939 § 11 (part), 2000)

17.28.160 Home installation.

- A. Homes in parks may retain their running gear and use footings and piers, but shall be fully secured to the ground with appropriate tie-down devices.
- B. A minimum of an eighteen-inch crawl space shall be left under all homes.
- C. A crushed rock, concrete, or asphalt surface with good drainage shall cover the area where a home is to be sited.
- D. Permanent steps shall be installed at all exits.
- E. Skirting shall be securely attached between the home and the ground on all sides within thirty days of home installation. Skirting materials shall consist of materials which are compatible with design of the home and enhance its appearance.
- F. Construction, siting and installation of homes shall be in conformance with applicable federal, state and local codes and standards. Homes must have a placement, building or similar permit from or through the city prior to placement.

(Ord. 939 § 11 (part), 2000)

17.28.170 Accessory buildings—Materials.

Any accessory building, carport, garage, or other structure shall be constructed of materials compatible with and which will enhance the design of the home and of the surrounding manufactured home community. (Ord. 939 § 11 (part), 2000)

17.28.180 Streets, lighting, and sidewalks.

Manufactured home parks shall meet Title 16 standards of this code, except that streets and street lighting may be private. Public street pavement widths and sidewalks, if provided, need meet only local single-family area standards of Chapter 12.10. Private streets with parking on one side shall have a minimum pavement width of thirty-two feet with a right-of-way width of forty feet. Private street with no on-street parking shall have a minimum pavement width of twenty-four feet and a right-of-way width of thirty-two feet. Curbs and sidewalks are recommended and their need and type will be determined during site plan review. At a minimum, a four-foot-wide walkway will be striped or

similarly designated along at least one side of each street. All dedicated improvements, in any case, shall meet Title 16 standards. (Ord. 939 § 11 (part), 2000)

17.28.190 Reserved.

Editor's note—Ord. No. 1256, § 4, adopted January 7, 2013, repealed § 17.36.110, which pertained to storm drainage and derived from Ord. No. 939, 2000.

17.28.200 Utilities.

All utilities shall be shown on the site plan, installed underground within the park, meet all applicable building, plumbing, electrical, health, and engineering codes and standards and be subject to approval by the public works director. Utilities at the home site shall have the ability to be capped when a home is not on-site. (Ord. 939 § 11 (part), 2000)
(Ord. No. 1378, § 67, 11-21-2016)

17.28.210 Solid waste.

If refuse containers are used by more than one unit for temporary storage of solid wastes, the container(s) shall be screened and the area kept clean of all litter. (Ord. 939 § 11 (part), 2000)

17.28.220 Building and grounds maintenance.

- A. All buildings, yards, screening, fencing, landscaping and recreation areas shall be maintained in a neat and orderly manner by owners/managers of manufactured home parks. Landscaping shall be maintained in a healthy, presentable state.
- B. All structures, buildings, and fences shall be kept free of rust, corrosion, peeling paint and other surface deteriorations.
(Ord. 939 § 11 (part), 2000)

17.28.230 Development plans.

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

drainage and utilities shall be submitted to and reviewed by the city's development review committee for recommendations to the hearing examiner.

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

building and construction plans indicate significant differences in dimensions, lots, setbacks, points of ingress/egress, parking, recreation areas, screening, or other pertinent features from the approved plan, a revised plan shall be required and reviewed and acted on by the hearing examiner.

(Ord. 939 § 11 (part), 2000)

(Ord. No. 1378, § 68, 11-21-2016)

17.28.300 Manufactured home subdivision standards.

Manufactured home subdivisions shall fully meet the standards of Title 16 of this code and the standards and criteria of the applicable zoning district except for the following:

- A. Manufactured home subdivisions shall not abut or lie across a street or public right-of-way from a C-1 district.
- B. Manufactured home subdivisions shall be a minimum of three acres in size.
- C. All lots shall front on interior streets within the subdivision.
- D. Manufactured homes in subdivisions shall be no less than nine hundred sixty square feet in area excluding porches, patios, carports, garages and storage facilities. Manufactured homes in subdivisions shall have design features which provide visual compatibility with site-built housing. A pitched roof shall be required with a ratio of 2:12 or greater. Roofing shall be of composition, shake or shingle materials. Siding materials and structures such as walls, fences, garages, carports and storage sheds shall be constructed of nonreflective materials and be visually compatible with the manufactured home to which they are appurtenant.
- E. All buildings within a manufactured home subdivision shall be no more than two stories high or a maximum of twenty-five feet in height.
- F. Manufactured home subdivisions shall be for residential purposes only. Sales of manufactured homes shall be limited to those which become available on the market on an individual basis. Commercial sales and promotion are limited to the showing and sale of model homes which are to be used in the subdivision or are

permanently affixed to the subdivision site. Commercial promotion and sales of units to be transported off-site are prohibited.

- G. Any accessory building, carport, garage, or other structure shall be constructed of materials compatible with and which will enhance the design of the home and of the surrounding manufactured home community.

(Ord. 939 § 11 (part), 2000)

Chapter 17.30

FLOODWAY USE DISTRICT

Sections:

17.30.010	Purpose.
17.30.020	Permitted uses.
17.30.030	Prohibited uses.
17.30.040	Lots—Minimum size.
17.30.050	Lots—Width, depth.
17.30.060	Building setbacks.
17.30.070	Building height.
17.30.080	Lot coverage.
17.30.090	Off-street parking.
17.30.100	Fences and hedges.
17.30.110	Building and yard maintenance.
17.30.120	Lighting.
17.30.130	Floodway district boundaries.

17.30.010 Purpose.

The floodway use district (FW) is a zoning classification providing for uses in floodway hazard areas. Floodways are extremely hazardous areas due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential. The city's flood damage prevention code (Chapter 14.40) prohibits in the floodway new residential structures and limits other development to those which will not result in any increase in flood levels during the occurrence of the base flood discharge. Due to the physical restrictions to building in the floodway, the intent of this district is to provide for land uses with a low impact on the floodway, but still allow for an economic use of the land. (Ord. 892 § 1 (part), 1998)

17.30.020 Permitted uses.

The following are permitted uses in the FW district:

1. Park and recreational activities: Golf courses, driving ranges, archery ranges, picnic grounds, boat ramps, fishing areas, pedestrian and bicycle trails, and open space and other similar private and public recreational uses;
2. Passive agriculture: Horticulture, outdoor plant nurseries, hay or field crops but no livestock;
3. Lawns, gardens, play areas, and other similar uses;

4. Utility systems, such as permanent electric lines, pipelines, sewer trunk line, water main lines and similar facilities.
5. Wireless communication facilities consistent with Section 17.71.195.

(Ord. 892 § 1 (part), 1998)

(Ord. No. 1412, § 1, 6-17-2019)

17.30.030 Prohibited uses.

The following are prohibited uses in the FW district:

- A. Courses, tracks or trails for motorized vehicles;
- B. Livestock or intensive agriculture use;
- C. Shooting (firearms) ranges;
- D. Streets dedicated to the city, except for the continuation of an existing street that was legally constructed, or any new streets that will serve public uses in the floodway. Land uses in the FW district must be served by driveways which intersect with streets not in the floodway;
- E. Marijuana retailer;
- F. Medical marijuana cooperative.

(Ord. 1071 § 1, 2006; Ord. 892 § 1 (part), 1998)

(Ord. No. 1440, § 5, 10-21-2019)

17.30.040 Lots—Minimum size.

Minimum lot size shall be twenty thousand square feet. (Ord. 892 § 1 (part), 1998)

17.30.050 Lots—Width, depth.

There are no limitations for minimum lot width and depth. (Ord. 892 § 1 (part), 1998)

17.30.060 Building setbacks.

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

- A. Front Setback. The minimum front yard setback from all buildings shall be twenty-five feet from the front property line.
- B. Side Setback. The minimum side setback from all buildings shall be ten feet from each side property line unless otherwise stated in this title, provided that on a corner lot the side setback shall be a minimum of fifteen feet on the flanking street side, ten feet on the interior side, for all buildings.

- C. **Rear Setback.** The minimum rear yard setback from all buildings shall be twenty feet from the rear property line.
- D. **Setback from Lewis River.** No building shall be located closer than fifty feet landward from the ordinary high water mark of the Lewis River. Only structures directly related to river use, shoreline protection, or utility systems may be placed in this setback area.

(Ord. 892 § 1 (part), 1998)

17.30.070 Building height.

Buildings shall be no more than two and one-half stories high and shall be a maximum of twenty-five feet in height. (Ord. 892 § 1 (part), 1998)

17.30.080 Lot coverage.

Maximum lot coverage by all buildings shall be twenty-five percent. Maximum lot coverage by all impervious surfaces shall be forty percent. (Ord. 892 § 1 (part), 1998)

17.30.090 Off-street parking.

Off-street parking in the FW district shall meet the requirements of Chapter 17.56. In addition, no parking facilities shall be located closer than fifty feet landward from the ordinary high water mark of the Lewis River. (Ord. 892 § 1 (part), 1998)

17.30.100 Fences and hedges.

In times of flood, the floodway contains flowing waters carrying debris. Fences and hedges can act as obstructions or dams diverting waters or otherwise exacerbating the flood hazard. Thus, care must be taken in the design and arrangement of any fences or hedges in the FW district. Therefore, the community development director shall approve the design and arrangements of all fences and hedges in the FW district. Fences and hedges in the FW district shall be no higher than six feet. Fencing shall be reviewed with respect to its impact on the flood carrying capacity of the floodway in accordance with the "no rise" considerations of 44 CFR 60.3(d)3, Regulations for the National Flood Insurance Program. (Ord. 892 § 1 (part), 1998)
(Ord. No. 1378, § 69, 11-21-2016)

17.30.110 Building and yard maintenance.

All buildings and yards in the FW district shall be maintained in a neat and orderly manner. Landscaping

shall be maintained in a healthy, presentable state. Non-functional vehicles, machinery, appliances, steel drums, boxes, crates, pallets and related equipment and materials shall not be openly stored in the FW district. (Ord. 892 § 1 (part), 1998)

17.30.120 Lighting.

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

- A. Reflect or cast glare into any residential zone or on the waters of the Lewis River;
- B. Rotate, glitter, or flash; and
- C. Conflict with the readability of traffic signs and control signals.

(Ord. 892 § 1 (part), 1998)

17.30.130 Floodway district boundaries.

The prevailing maps for determining the floodway district area are the Federal Emergency Management Agency, National Flood Insurance Program, "City of Woodland Flood Boundary and Floodway Map" (Community-panel number 5330035 0001, revised September 4, 1985) and "Cowlitz County Flood Boundary and Floodway Map" (Community-panel number 530032 0305, revised September 29, 1989), or as amended. (Ord. 892 § 1 (part), 1998)

Chapter 17.32

CENTRAL BUSINESS DISTRICT (C-1)

Sections:

- 17.32.010 Purpose—Location.**
- 17.32.020 Permitted uses.**
- 17.32.028 Conditional uses—Administrative.**
- 17.32.030 Conditional uses—Hearing examiner.**
- 17.32.032 Administrative temporary uses.**
- 17.32.040 Prohibited uses.**
- 17.32.050 Lots—Minimum size.**
- 17.32.060 Lots—Width, depth.**
- 17.32.070 Building setbacks.**
- 17.32.080 Building height.**
- 17.32.090 Lot coverage.**
- 17.32.100 Off-street parking.**
- 17.32.110 Screening—Landscaping.**
- 17.32.120 Building and yard maintenance.**
- 17.32.130 Lighting.**

17.32.010 Purpose—Location.

The central business district (C-1) is a zoning classification providing for a wide range of retail and professional business uses and services compatible to the central business district of Woodland and providing a focal point of commerce in a setting conducive to safe, convenient, and attractive pedestrian use. The intent of the district is to insure that the downtown business district is preserved and has the capability for growth, expansion, and enhancement. Furthermore, the district provides for uses which will complement and not compete with other commercial use districts. The central business district is intended to be that area generally north of Dunham, south of Bozarth, east of the railroad, and west of Interstate 5. (Ord. 490 § 8.01 (part), 1979)

17.32.020 Permitted uses.

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

1. Artisanal/craft shop and shops for custom work or repair;
2. Arts and cultural facilities, institutions, and businesses such as museums, theaters, art galleries, and art studios;

3. Automatic teller machines (ATM);
4. Automobile sales (indoor);
5. Bakeries with retail service;
6. Banks and financial services;
7. Bed and breakfast inns;
8. Community clubs, fraternal societies, and other places of assembly for membership groups;
9. Daycare center;
10. Dwelling units; provided residential uses are located above a permissible C-1 commercial use and adequate off-street parking is provided pursuant to Chapter 17.56. Lobbies for residential uses on upper floors may be located on the ground floor.;
11. Electric vehicle charging stations;
12. Entertainment facilities such as indoor theaters and playhouses;
13. Event center (three hundred person occupancy);
14. Existing, legally established, automotive repair and towing businesses established before December 27, 1979;
15. Existing, legally established, manufacturing and production businesses established before passage of the ordinance codified in this section, April 15, 2013;
16. Farm and garden stores;
17. Farmers' markets, bazaars, and open air markets;
18. Funeral homes and mortuaries;
19. Grocery stores, delicatessens, butcher shops, and indoor markets selling food and farm products;
20. Hardware and building supply stores (retail);
21. Home occupations provided they are accessory to single-family dwellings and meet the requirements of WMC 17.16.100;
22. Hotels, motels, and hostels;
23. Laundry and dry cleaning operations (retail and self);
24. Live-work units;
25. Medical clinics and offices;
26. Microbreweries, microdistilleries, and microwineries;
27. Motorcycle, scooter, bicycle, and other small motorized or non-motorized means of transportation (indoor and outdoor sales);

28. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully permitted in this zone, provided that such facilities must meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210 as now or hereafter amended;
29. Outdoor eating and/or drinking areas associated with an indoor facility;
30. Outdoor storage of product when: a. Accessory to a permitted use on site, b. Storage area does not exceed fifty percent of the area of the permitted use on a square foot basis, and c. Storage areas is located behind buildings and screened by landscaping or an architectural wall at least six feet in height. If appropriate, some viewing of activity may be allowed through gaps in screening.;
31. Personal and business services;
32. Pet stores and animal grooming businesses;
33. Plant nurseries;
34. Printing shops;
35. Professional and business offices;
36. Public and commercial recreation facilities, gyms, and sports complexes;
37. Public and private off-street parking facilities;
38. Public and quasi-public buildings and uses such as post offices, libraries, and government offices;
39. Public parks, open spaces, and courtyards;
40. Public transportation facilities such as bus stations, train stations, and transit shelters;
41. Recycling collection point;
42. Religious institutions;
43. Repair shops for small equipment and items;
44. Restaurants and cafes and other eating and drinking establishments;
45. Retail establishments, less than fifty thousand one square feet;
46. Signs and outdoor advertising displays pursuant to Chapter 17.52;
47. Single-family dwellings existing at the time of passage of the ordinance codified in this title shall be allowed to remain, and any additions or improvements thereto shall meet the standards of the LDR-6 district;
48. Taverns and liquor establishments;
49. Upholstery and furniture repair;

50. Veterinary offices and clinics without outdoor animal runs;
51. Uses similar to the above that are not otherwise listed in this chapter;
52. Residential use is allowed on the bottom floor of any building in the C-1 zone that does not share a property line with Davidson Avenue or Goerig Street;
53. Wireless Communication Facilities. New attached facilities and colocations consistent with Section 17.71.195.

(Ord. 939 § 12, 2000; Ord. 884 § 1, 1998; Ord. 671 § 3, 1988; Ord. 654 § 6, 1987; Ord. 622 § 1, 1986; Ord. 573 § 3, 1984; Ord. 490 § 8.01(A), 1979)

(Ord. No. 1257, § 7, 1-7-2013; Ord. No. 1263, § 1, 4-15-2013; Ord. No. 1376, § 3, 1-23-2017; Ord. No. 1412, § 1, 6-17-2019)

17.32.028 Conditional uses—Administrative.

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

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

(Ord. 982 § 3, 2003)

(Ord. No. 1263, § 2, 4-15-2013; Ord. No. 1378, § 70, 11-21-2016)

17.32.030 Conditional uses—Hearing examiner.

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

1. Automobile diagnostic and repair facilities, major and minor repairs;
2. Automobile sales (outdoor);
3. Automobile service stations, gas stations, and car washes;
4. Drive-through facilities;
5. Event center, greater than three hundred one person occupancy;
6. Farm machinery sales and services;
7. Hospital, psychiatric facility, rest home, home for the aged, nursing home, or convalescent home;

8. Schools (public, parochial, private, vocational, technical, business or other schools, nonprofit or operated for profit);
9. Shelters, temporary housing, emergency housing;
10. Wireless Communication Facilities. New support towers consistent with Section 17.71.195;
11. Building height increase to four stories or fifty-five feet.

(Ord. 982 § 3, 2003; Ord. 915 § 1, 1999; Ord. 573 §§ 1, 2, 1984; Ord. 490 § 8.01(C), 1979)

(Ord. No. 1263, § 3, 4-15-2013; Ord. No. 1376, § 1, 1-23-2017; Ord. No. 1412, § 1, 6-17-2019)

17.32.032 Administrative temporary uses.

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

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

(Ord. No. 1263, § 4, 4-15-2013; Ord. No. 1378, § 71, 11-21-2016)

17.32.040 Prohibited uses.

The following uses are specifically not permitted in the central business district (C-1):

1. Animal kennel, commercial/boarding;
2. Animal shelter;
3. Any use whose operation constitutes a nuisance by reason of smoke, fumes, odors, steam, gases, vibration, noise hazards or other causes readily detectable beyond property lines;
4. Collective garden, medical marijuana;
5. Commercial dispatch and maintenance facilities;
6. Drug treatment facilities;
7. Junkyards and wrecking yards;
8. Laundry/dry cleaning (industrial);
9. Lumber yards and other building material sales that sell primarily to contractors (wholesale);
10. Manufacturing and production, except those specifically listed as permitted uses in this chapter;

11. Outdoor sales of boats, campers, motor homes, and mobile homes;
12. Recreational vehicle park;
13. Recycling center or plant;
14. Sand, soil, gravel sales and storage;
15. Sexually oriented businesses;
16. Storage facilities, such as self-storage or recreational vehicle storage businesses;
17. Storage, distribution and warehousing when such use is not a part of and not essential to a permitted use; also, when it is proposed to be independently sited within the C-1 district or independently owned and operated within a permitted structure, i.e. using a second floor of a building;
18. Towing;
19. Wholesale businesses;
20. Marijuana retailer;
21. Medical marijuana cooperative.

(Ord. 490 § 8.01(B), 1979)

(Ord. No. 1263, § 5, 4-15-2013; Ord. No. 1440, § 6, 10-21-2019)

17.32.050 Lots—Minimum size.

There are no limitations for minimum lot size. (Ord. 490 § 8.01(D)(1), 1979)

17.32.060 Lots—Width, depth.

There are no limitations for minimum lot width and depth. (Ord. 490 § 8.01(D)(2), 1979)

17.32.070 Building setbacks.

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

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

(Ord. 645 § 1, 1987; Ord. 490 § 8.01(D)(3), 1979)

17.32.080 Building height.

No building shall be more than three stories or forty-five feet in height. A fourth story, up to fifty-five feet in height, be allowable by conditional use. (Ord. 490 § 8.01(D)(4), 1979)
(Ord. No. 1376, § 2, 1-23-2017)

17.32.090 Lot coverage.

There are no limitations; provided the applicable setbacks are observed. (Ord. 490 § 8.01(D)(5), 1979)

17.32.100 Off-street parking.

Off-street parking in the C-1 district shall meet the requirements of Chapter 17.56. (Ord. 490 § 8.01(E), 1979)

17.32.110 Screening—Landscaping.

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

If the applicant proposes that the C-1 use and building will be visually and functionally compatible with the neighboring residential character of the area without providing a fence, the applicant shall present the proposal to the planning commission for a determination of zone and neighborhood compatibility. The planning commission may require the use and its site to be designed and landscaped so as to further blend into the area.

B. Corner Lots. Fences and hedges on corner lots shall be no higher than three feet along the front property line and three feet along the side street property line to a point equal to the front setback of the main building.

(Ord. 490 § 8.01(F)(1), 1979)

17.32.120 Building and yard maintenance.

All buildings and yards in the C-1 district shall be maintained in a neat and orderly manner. Landscaping shall be maintained in a healthy, presentable state. Non-functional vehicles, machinery, appliances, steel drums,

boxes, crates, pallets and related equipment and materials shall not be openly stored in front, side and rear yards. (Ord. 490 § 8.01(F)(2), 1979)

17.32.130 Lighting.

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

- A. Reflect or cast glare into any residential zone;
- B. Rotate, glitter, or flash; and
- C. Conflict with the readability of traffic signs and control signals.

(Ord. 490 § 8.01(F)(3), 1979)

Chapter 17.36

HIGHWAY COMMERCIAL DISTRICT (C-2)

Sections:

17.36.010	Purpose.
17.36.020	Permitted uses.
17.36.025	Conditional uses—Administrative.
17.36.026	Administrative temporary uses.
17.36.030	Conditional uses—Hearing examiner.
17.36.040	Prohibited uses.
17.36.050	Lots—Minimum size.
17.36.060	Lots—Width and depth.
17.36.070	Building setbacks.
17.36.080	Building height.
17.36.090	Lot coverage.
17.36.100	Off-street parking.
17.36.110	Reserved.
17.36.120	Building and yard maintenance.
17.36.130	Architectural and site design standards.

17.36.010 Purpose.

The highway commercial district (C-2) is a zoning classification providing for commercial services which are accessible by automobiles and trucks, require extensive outdoor storage or display areas as well as off-street parking and loading areas. This classification is intended to minimize any undesirable impacts of these uses on other nearby uses and zoning districts. Furthermore, the district provides for uses which will complement and not adversely compete with other commercial use districts. (Ord. 490 § 9.01 (part), 1979)

17.36.020 Permitted uses.

The following uses only are permitted in the C-2 districts; all other uses are not permitted or are permitted as a conditional use pursuant to this chapter.

1. Automobile and truck tire sales and repair;
2. Automobile diagnostic and repair facilities, major and minor repairs;
3. Automobile service stations and car washes;
4. Automobile, truck, motorcycle, bicycle, recreational boat, recreational vehicle, and mobile home sales dealerships with related equipment, services, repair and parts facilities;
5. Commercial parking lots and garages;

6. Commercial recreation and entertainment facilities;
7. Drive-in and fast food restaurants;
8. Dry cleaning and pressing, except those using volatile or combustible materials and chemicals or using high pressure steam tanks or boilers;
9. Farm machinery sales and service;
10. Feed and seed stores;
11. Food lockers, primarily retail;
12. Funeral homes, mortuaries and living quarters for owners or a resident manager only (living quarters are to be within the funeral home or mortuary);
13. Furniture and home furnishing establishments;
14. Grocery stores;
15. Lumber and building supply yards;
16. Motels, hotels and living quarters for owners or a resident manager only (living quarters are to be within the hotel or motel);
17. Nurseries, greenhouses, yard and garden supplies;
18. Pet stores;
19. Police and fire stations;
20. Public parks and recreation facilities;
21. Public transportation system terminals;
22. Real estate offices;
23. Restaurant and hotel supply;
24. Restaurants, cafes, drinking establishments pursuant to state law;
25. Retail stores;
26. Shopping centers;
27. Signs pursuant to Chapter 17.52;
28. Storage buildings for household goods and property only, i.e., mini-storage and living quarters for resident watchmen or custodian (living quarters are to be within the storage buildings);
29. Uses permitted in the C-1 central business district;
30. Veterinary offices and clinics with no outside animal runs; dog grooming facilities;
31. Professional and business offices;
32. Churches;
33. Bed and breakfast inns;
34. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully per-

mitted in this zone, provided that such facilities must meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210 as now or hereafter amended;

35. Banks and financial services;
36. Electric vehicle infrastructure; and
37. Wireless Communication Facilities. New attached facilities and colocations consistent with Section 17.71.195.

(Ord. 816 § 1, 1996; Ord. 671 § 4, 1988; Ord. 656 § 2, 1987; Ord. 654 § 7, 1987; Ord. 573 § 6, 1984; Ord. 536 §§ 11, 21, 1982; Ord. 501 § 2, 1980; Ord. 490 § 9.01(A), 1979)

(Ord. No. 1257, § 8, 1-7-2013; Ord. No. 1412, § 1, 6-17-2019; Ord. No. 1447, § 4, 2-3-2020)

17.36.025 Conditional uses—Administrative.

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

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

(Ord. 982 § 4, 2003)

(Ord. No. 1378, § 72, 11-21-2016)

17.36.026 Administrative temporary uses.

The following uses in the highway commercial district (C-2) require temporary use permit approval from the community development director per Chapter 17.70:

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

(Ord. 982 § 4, 2003)

(Ord. No. 1378, § 73, 11-21-2016)

17.36.030 Conditional uses—Hearing examiner.

The following uses in the highway commercial district (C-2) require conditional use permit approval from the hearing examiner per Chapter 17.72:

1. Schools;
2. Public utility uses including electrical substations and transfer facilities but not power generating units;
3. Recreational vehicle camper parks located East of Interstate 5;
4. Veterinary offices and clinics with outside animal runs;

5. Commercial dispatch and maintenance facility;
6. Bakeries producing for the wholesale market with retail sales limited to items produced on the premises;
7. Laboratories and research organizations;
8. Light manufacturing and fabrication of raw or previously processed metals and materials, the process or end product of which conforms with applicable restrictions regarding noise, smoke, dust, odors, toxic gases, vibration, glare, and heat, and which does not create physical hazards, such as fire or explosion, to adjacent buildings and uses;
9. Processing, packaging, and distribution of goods and services;
10. Warehousing, storage, and distribution centers, including freight handling terminals; provided that docking and loading activities do not use any public street, alley or sidewalk;
11. Child day care center;
12. Wireless Communication Facilities. New support towers consistent with Section 17.71.195.

(Ord. 988 § 1, 2003; Ord. 982 § 4, 2003; Ord. 941 § 2, 2001; Ord. 781 § 1, 1994; Ord. 573 §§ 4, 5, 1984; Ord. 520 § 3, 1981; Ord. 490 § 9.01(C), 1979)

(Ord. No. 1412, § 1, 6-17-2019; Ord. No. 1429, 2-19-2019)

17.36.040 Prohibited uses.

The following uses are specifically not permitted in the C-2 district:

- A. Any use whose operation constitutes a nuisance by reason of smoke, fumes, odors, steam, gases, vibration, noise, hazards or other causes readily detectable beyond property lines;
- B. Dismantling, storage, and sales on inoperable vehicles, used parts, junk and related items;
- C. Recreational vehicle camper parks located West of Interstate 5;
- D. Marijuana retailer;
- E. Medical marijuana cooperative.

(Ord. 490 § 9.01(B), 1979)

(Ord. No. 1429, 2-19-2019; Ord. No. 1440, § 7, 10-21-2019)

17.36.050 Lots—Minimum size.

Minimum lot size is ten thousand square feet. (Ord. 490 § 9.01(D)(1), 1979)

17.36.060 Lots—Width and depth.

There are no limitations for minimum lot width and depth. (Ord. 490 § 9.01(D)(2), 1979)

17.36.070 Building setbacks. (See Figures 1 through 3.)

Intent: To establish active, vibrant, and lively C-2 uses within close proximity to the public streets and sidewalks.

All setbacks shall be measured from the most protruding portion of the building or use to the appropriate property line.

1. **Front Yard and Street Side Yard Setbacks:** Buildings shall be set as close as possible to all of the fronting and side public streets.
2. **Zero Setback Requirements on State Highways, Major Arterials, and Minor Arterials:** When the subject parcel fronts on a State Highway, Major Arterial, or Minor Arterial, a minimum of forty percent of the facade length of building shall abut the fronting sidewalks. In multi-building developments, a minimum of thirty percent of the total facade length of buildings shall abut the fronting sidewalks. When the subject property is a corner lot or double-frontage lot, the above standards shall also apply to each facade facing the side or secondary street.
3. When the applicant demonstrates that requirements outlined in WMC 17.36.070.1 or

17.36.070.2 cannot be reasonably met or proposes to locate pedestrian-friendly space between the building and fronting or side public street, the setback area shall feature generous landscaping, benches, or outside cafe. This may be permitted at the discretion of the approving authority without a variance being obtained.

4. **Buildings on Street Corners:** Buildings located on the corners of public streets may be set back from the corner property lines only when generous sidewalks and street landscaping are provided in the setback area. To ensure safety of motorists, bicyclists, and pedestrians, a vision clearance area shall be provided on the corner property or within the right-of-way. The vision clearance area shall be the triangle area within twenty feet from the corner of curb lines, or from the corner of property lines where there is no sidewalk. Trees, shrubs, landscaping materials, and other objects/structures shall not exceed three feet in height within the vision clearance areas.
5. **Side Yard and Rear Yard Setbacks:** No limitations except where the subject property abuts a residential zoning district, the side/rear yard setbacks shall be a minimum of twenty feet and shall be increased one foot for each foot the C-2 use building height is increased over twenty-five feet.



Figure 1
Storefronts and entrances enhance the liveliness and safety of streets



Figure 2
Desirable site design for street corners

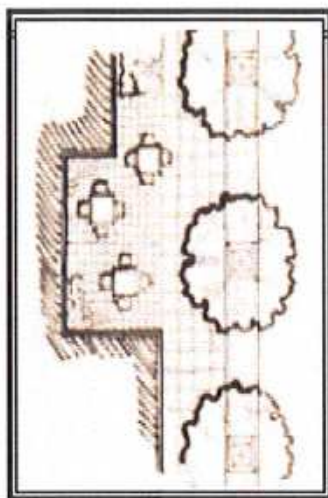


Figure 3
Outside street-side café in front of building

(Ord. No. 1176, § 1, 1-4-2010)

Editor's note—Ord. No. 1176, § 1, adopted January 4, 2010, amended former §§ 17.36.070—17.36.160 to read as herein set out in §§ 17.36.070—17.36.130. See also the Code Comparative Table and Disposition List.

17.36.080 Building height. (See Figures 31 and 32.)

C-2 use buildings shall be a maximum of forty-five feet and a minimum of fifteen feet in height, provided where the C-2 use abuts a residential zone, the height shall not exceed that permitted by the residential zone. "False-fronts" or "tilt-ups" provided only on the facade of building shall be prohibited and shall not be used to meet the minimum building height requirements.

(Ord. No. 1176, § 1, 1-4-2010)

Note—See the editor's note at § 17.36.070.

17.36.090 Lot coverage.

There are no limitations for lot coverage.

(Ord. No. 1176, § 1, 1-4-2010)

Note—See the editor's note at § 17.36.070.

17.36.100 Off-street parking.

Off-street parking in the C-2 district shall meet the requirements of WMC 17.56 and 17.36.130.

(Ord. No. 1176, § 1, 1-4-2010)

Note—See the editor's note at § 17.36.070.

17.36.110 Reserved.

Editor's note—Ord. No. 1256, § 1, adopted January 7, 2013, repealed § 17.36.110, which pertained to storm drainage and derived from Ord. No. 1176, adopted January 4, 2010.

17.36.120 Building and yard maintenance.

All buildings and yards in the C-2 district shall be maintained in a neat and orderly manner. Landscaping shall be maintained in a healthy and presentable state. Nonfunctional vehicles, machinery, appliances, steel drums, boxes, crates, pallets, and C-2 use related equipment and materials shall not be openly stored in side and rear yards.

(Ord. No. 1176, § 1, 1-4-2010)

Note—See the editor's note at § 17.36.070.

17.36.130 Architectural and site design standards.

A. Title and Purpose. The purpose of this chapter is to produce development that meets various objectives. These include:

1. Create a physical environment that emphasizes buildings and landscaping, rather than parking lots, driveways, or large signs.
2. Maintain the scale, texture, and architectural context of development.
3. Encourage creative and innovative designs for sites and building designs.
4. Allow for infill development that is sensitive to the existing urban design context.
5. Protect and enhance the business environment and property values within the city in manners

that support and stimulate business and industry and also promote desirability of investment and occupancy in business and other properties.

- B. **Submittal Requirements.** Site and elevation plans that are to scale and stamped by a registered architect in the State of Washington shall be submitted and approved prior to issuance of the site plan approval.
- C. **Variance from Architectural and Site Design Standards.** The city recognizes that strict adherence to the standards outlined in WMC 17.36.130 may prevent innovative and desirable designs that would achieve or exceed the intents of standards. Whenever there are difficulties that result from physical peculiarities of the property which make it difficult to implement these standards, the hearing examiner shall have the authority to grant a variance from strict compliance with specific standards or requirements. The hearing examiner shall review such variance applications at an open record public hearing in accordance with the procedure outlined in WMC 19.06.070 and render decisions based on the criteria outlined in WMC 17.81.020.B, the intents of applicable standards, and applicable provisions in the Woodland Comprehensive Plan. Any such deviations so granted shall be specifically identified in the site and elevation plans.
- D. **Master Plan Required.** Every commercial park/development or binding site plan that is larger than five acres in size located within the highway commercial (C-2) zoning district shall contain covenants establishing a master site and building design plan so the entire commercial project, upon completion, exhibits conformity in design style per WMC 17.36.130, the Woodland Architectural and Site Design Standards. Any part or phase of the commercial park/development or binding site plan shall exhibit conformance with the approved master plan. A copy of the draft covenants shall be submitted with the application. A copy of the recorded covenants shall be submitted prior to commencement of any on-site work for the project.
- E. **Orientation to the Street.** (See Figures 4 through 6.) Intent: To ensure that buildings contribute to the liveliness and safety of streets and provide activity and interest along the street.
1. Buildings, along with trees and landscaping, shall be predominant rather than parking lots, driveways, or freestanding signs. Buildings should not turn their backs to the streets.
 2. People traveling along the state highways, major arterials, and minor arterials should be able to see storefronts, windows, merchandise, and other aspects of business activity.
 3. Features such as inset or angled corners and entrances, display windows, or corner roof features should be provided at intersections of public streets and alley entrances.
 4. Unless reasonably impractical, parking lots, drive aisles, drive-through lanes, auto repair bay openings, car-wash openings, display areas, and outside storage area shall not be allowed between the building and public street or in an area that is visible from a public street or space even if enclosed or partially enclosed by structural elements. When such an area is proposed between the building and public street or in the area that is visible from a public street or space, comply with WMC 17.36.130.N.4 and 17.36.130.N.5.
 5. Solar orientation and local climate should be considered in siting buildings to promote energy conservation.



Figure 4
Storefronts and entrances should open up towards the street

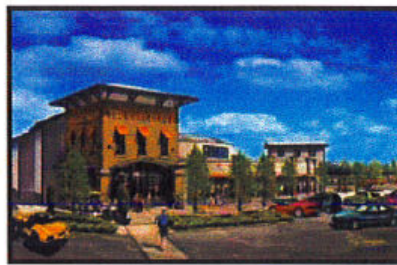


Figure 5
Buildings should enhance the activity on the street

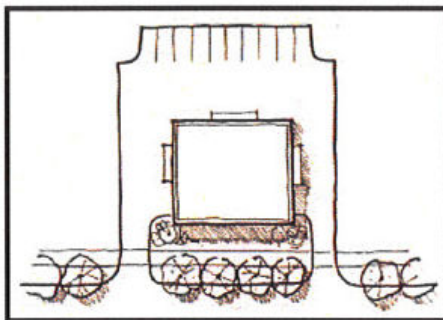


Figure 6
Drive-through windows and car lanes located on the sides and rear of building

- F. Plazas, Courtyards, and Seating Areas. (See Figures 7 through 9.) Intent: To provide a pedestrian-friendly environment by creating a variety of usable and interesting open spaces within developments.
1. Buildings larger than four thousand square feet shall have plazas, courtyards, or other pedestrian amenities or spaces at or near their main entrances. Pedestrian spaces should be a minimum of one square foot of plaza per one hundred square feet of both existing and proposed building areas.
 2. Plazas, courtyards and other pedestrian amenities or spaces should include at least three of the following:
 - a) Special interest landscape.
 - b) Pedestrian scale bollard or other accent lighting.
 - c) Special paving, such as colored/stained concrete, brick, or other unit paver.
 - d) Public art.
 - e) Seating, such as benches, tables, or low seating walls.
 - f) Drinking fountain.
 - g) Water feature.
 - h) An element not listed here that meets the intent.

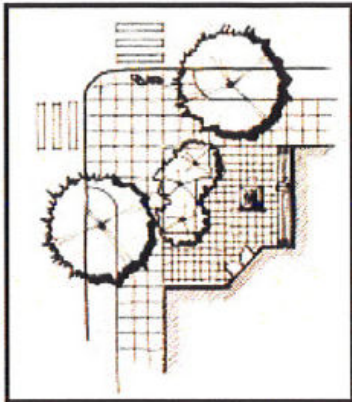


Figure 7
A good example of plaza on street corner

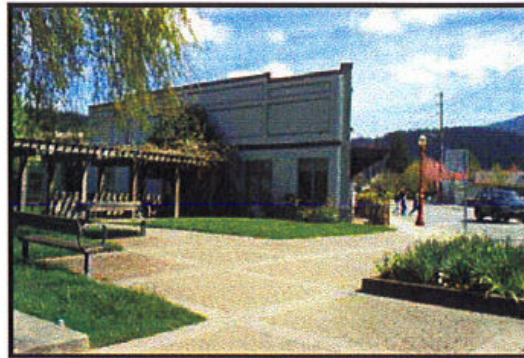


Figure 8
A desirable pedestrian-friendly amenity



Figure 9
An example of street-side shared seating area within a private development

G. Entrances. (See Figures 10 through 15.) Intent: To ensure that entrances are easily identifiable and accessible from public streets and sidewalks.

1. Principal building entry shall be visible from the fronting public street and marked by at least one element from Group A and one element from Group B:

Group A:

- Large entry doors
- Recessed entrance
- Protruding entrance
- Plaza entrance

Group B:

- Canopy

Portico

Overhang

2. Weather Protection. Canopies and/or awnings shall be provided along a minimum of sixty percent of the facades that give access to the building. The minimum depth of any sidewalk canopy/awning shall be five feet. The vertical clearance between the underside of a canopy/awning and the sidewalk shall be at least eight feet and no more than twelve feet, except for vehicle entrances. Canopy/awning should be provided to emphasize the bays and enhance overall architectural patterns of the storefronts.

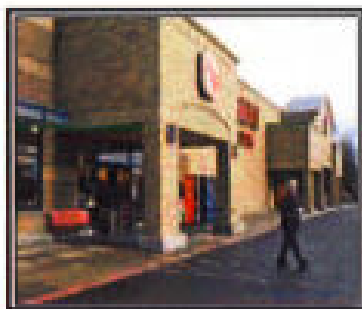


Figure 10
Large entrance and portico

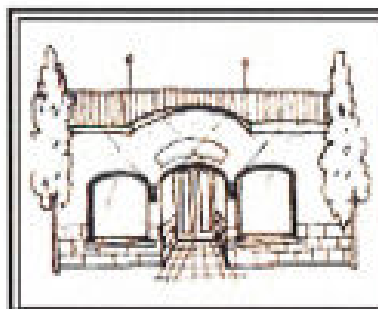


Figure 11
Recessed entrance



Figure 12
Canopies



Figure 13
A good example of awnings and street-side seating area



Figure 14
A good example of building entrance



Figure 15
Building entrance that is welcoming and easily identifiable

H. Articulation/Massing. (See Figures 16 through 34.)

Intent: To reduce the apparent bulk of buildings over twenty feet in height or width and maintain pedestrian scale. To create a unifying concept through composition of the building's larger masses and elements.

1. Facade Standards. A building facade that is twenty feet or taller or twenty feet or longer

and visible from a public street, public space, or residential zone shall comply with the following Facade Standards a) through j) below.

- a) Building facades shall have a distinct base at the ground level, middle, and top using articulation and materials such as stone,

- masonry, or decorative concrete to provide pedestrian-scale and architectural interest.
- b) The top of the building shall emphasize a distinct profile or outline with elements such as a projecting parapet, cornice, upper level setback, or pitched roofline.
 - c) The middle of the building may be distinguished by a change in materials or color, windows, balconies, setbacks, and signage.
 - d) Facade Modulation Standards. The facade of buildings shall have horizontal offsets, i.e., recesses and projections from the main body of the buildings, to avoid monotonous large walls. Columns, bands, or textural treatment should be effectively used to augment the overall design of buildings.
 - e) Building facades shall have vertical offsets in the cornice lines or rooflines in a manner that reduces massive scale of the building and enhance the overall design of buildings.
 - f) Repetition of identical vertical or horizontal offsets should be avoided.
 - g) Buildings shall avoid the appearance of "false-front" or "tilt-up" construction. When used, the parapets shall be present on all visible sides. "False-fronts" or "tilt-ups" provided only on the facade of building shall be prohibited and shall not be used to meet the minimum building height requirements outlined in WMC 17.36.080. In addition, see WMC 17.36.130.H.6, Roofline Standards.
 - h) When there is a change in the building plane, a change in the building materials, colors, or patterns should also occur.
 - i) Ample articulated window treatments should be provided in facades using mullions, recesses, complementary articulation around doorways and balconies, etc.
 - j) Lighting fixtures shall be provided in a way that enhances the overall design of buildings and landscaping. Lighting of expansive wall planes or the use of architectural lighting that results in hot spots on walls or roof planes should be avoided.

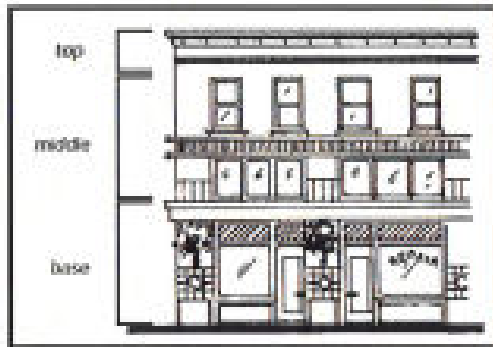


Figure 16
Distinct building base, middle, and top



Figure 17
Good example of composition of building's masses and elements



Figure 18
Good example of horizontal and vertical offsets



Figure 19
Good example of articulation and massing

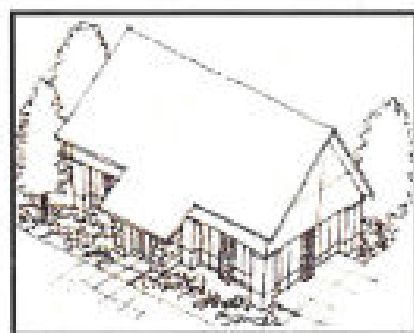


Figure 20
Horizontal offset of wall plane without offset in roof plane

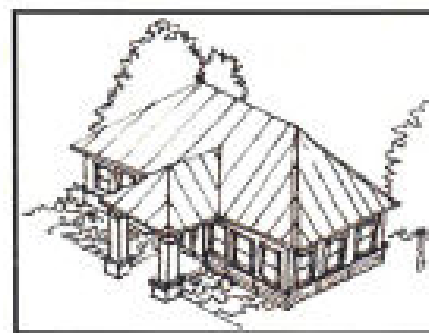


Figure 21
Offset of roof plane with horizontal offset at eave line

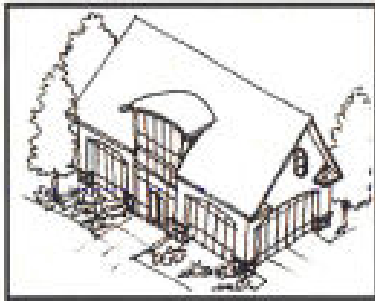


Figure 22
Offset of roof plane with vertical offset at eave line

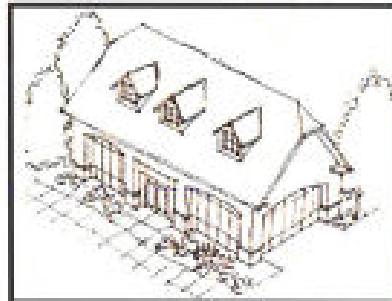


Figure 23
Dormers

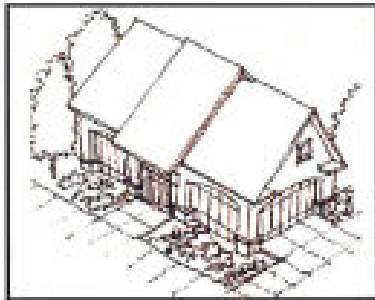


Figure 24
Vertical offset in roof plane and ridge line with horizontal offset at eave line

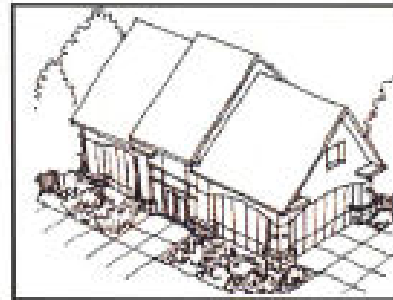


Figure 25
Vertical offset in roof plane, ridge line, and eave line

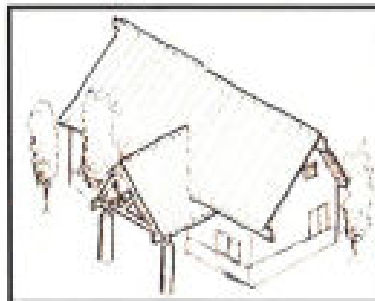


Figure 26
Horizontal and vertical offset at eave line (All pitched roof)



Figure 27
Horizontal and vertical offset (Pitched roof and flat roof)

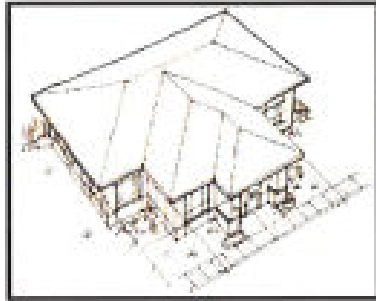


Figure 28
Stepped offsets

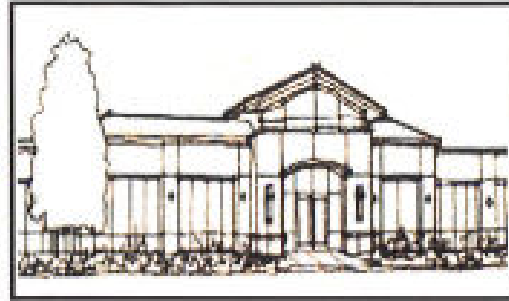


Figure 29
Grouping of multiple horizontal and vertical
offsets and rooflines



Figure 30
Repetition of horizontal and vertical offsets that should be avoided



Figure 31
Desirable façade design with combination of
horizontal and vertical offsets



Figure 32
"False-front" or "tilt-up" construction that shall
be prohibited

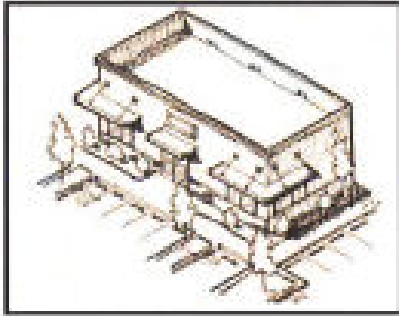


Figure 33
Parapets present all visible sides

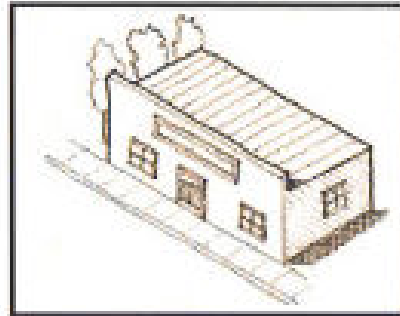


Figure 34
"False-front" or "tilt-up" provided only on the
façade of building, which is prohibited

2. Materials and Colors.

- a) Building materials and building techniques of high durability and high quality should be used. Recycled and ecologically friendly materials should be encouraged.
- b) Accent colors should be used in a way to enhance or highlight building design, and not in a manner that creates clutter or otherwise detracts from building design.

3. Ground Level Details. (See Figures 35 and 36.) Intent: To reinforce the character of the streetscape by encouraging the greatest amount of visual interest along the ground level of buildings. Facades of buildings that are visible from a public street, public space, or residential zone shall be designed to be pedestrian-friendly through the inclusion of at least three of the following elements:

- (i) Kickplates for storefront windows
- (ii) Projecting window sills
- (iii) Pedestrian scale signs
- (iv) Canopies
- (v) Plinths
- (vi) Containers for seasonal plantings
- (vii) Ornamental tilework
- (viii) Medallions
- (ix) Lighting or hanging baskets supported by ornamental brackets
- (x) An element not listed here that meets the intent

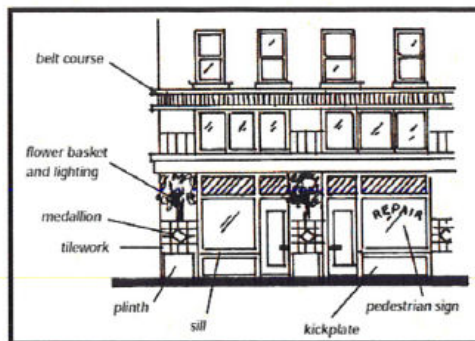


Figure 35
Types of detail treatment at the ground level



Figure 36
Detail elements at the ground level

4. Transparency. (See Figures 37 and 38.) Intent: To provide a visual connection between activities inside and outside of buildings, and encourage pedestrian activities on the fronting public streets.
- A minimum of thirty percent of any ground floor facade*¹ that is visible from any public street, public space, or residential zone shall be comprised of windows with clear "vision" glass*².
 - A minimum of forty percent of any ground floor facade*¹ located closer than sixty feet to a state highway, major arterial, or minor arterial shall be comprised of windows with clear "vision" glass*².
 - A minimum of sixty percent of any ground floor facade*¹ located closer than twenty feet to a state highway, major arterial, or minor arterial shall be comprised of windows with clear, "vision" glass*². Display windows may be used to meet this requirement.
 - A minimum of twenty percent of any upper floor facade that is visible from any public street, public space, or residential zone shall be comprised of windows with clear "vision" glass.
 - For facades that do not have windows, see WMC 17.36.130.H.5, Blank Wall Treatments.
 - Energy efficient windows should be used.

*¹The portion of the facade between three feet and seven feet above grade.

*²Clear "vision" glass shall be transparent, and shall not include translucent or reflective glass.



Figure 37
Large clear windows on the facade

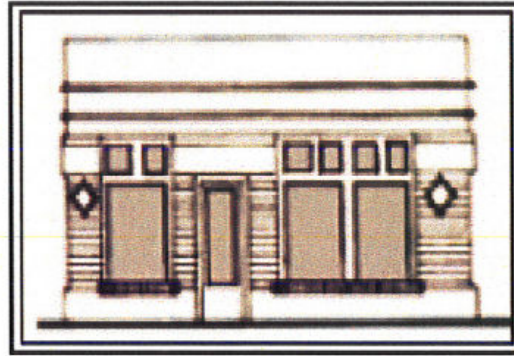


Figure 38
60 percent transparency

5. Blank Wall Treatments. (See Figure 39.) Intent: To reduce the appearance and mass of blank walls (walls without windows, showcases, displays, and pedestrian entries) through the use of various architectural and landscaping treatments.

A blank wall longer than thirty feet that is visible from a public street, public space, or residential zone shall incorporate two or more of the following:

- a) Vegetation, such as trees, shrubs, ground cover and/or vines adjacent to the wall.
- b) Artwork, such as bas-relief sculpture, mosaic, mural, etc.
- c) Seating area with special paving and seasonal plantings.
- d) Architectural detailing, reveals, contrasting materials or other special visual interest.

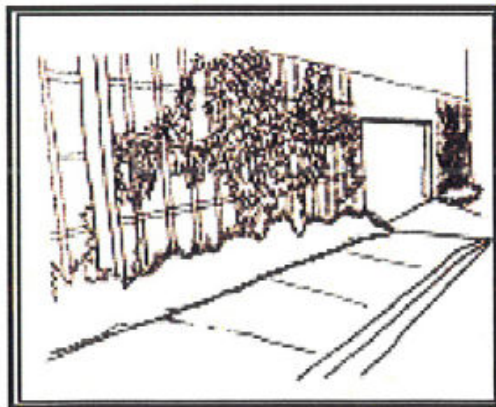


Figure 39
Trellis with vines next to a garage entrance

6. Roofline. (See Figures 40 and 41.) Intent: To ensure that rooflines present a distinct profile and appearance for the building, reduce the massive scale of buildings, and express the neighborhood character.

Commercial buildings with flat roofs shall have extended parapets and projecting cornices on all visible sides to create a prominent edge when viewed against the sky. Cornices shall be made of a different material and color than the predominant siding of the building.



Figure 40
Distinct building presence on the street

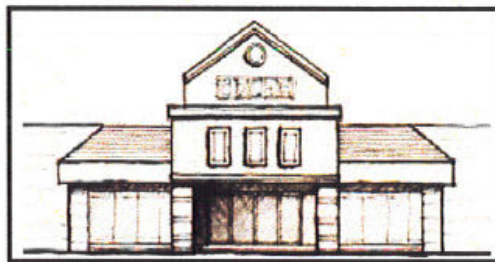


Figure 41
Pitched roof profile may provide a more gentle transition to nearby residential uses

- I. Screening Rooftop Equipment. (See Figures 42 and 43.) Intent: To screen rooftop mechanical and communications equipment from the ground level of nearby public streets, public space, and residential zone of the similar elevation.
1. Mechanical equipment shall be fully screened by an extended parapet wall, other roof forms, or permanent evergreen trees in a roof garden that is integrated with the overall architecture of the building.
 2. Communication equipment should be blended in with the design of the roofs rather than being merely attached to the roof deck.

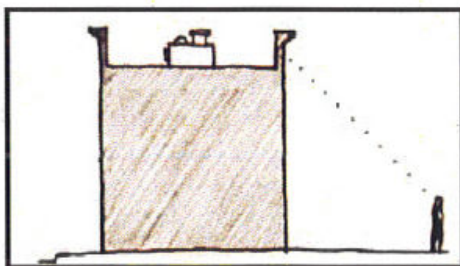


Figure 42
Mechanical equipment screened from public views (Flat roof)

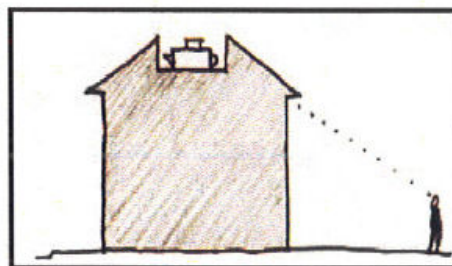


Figure 43
Mechanical equipment screened from public views (Pitched roof)

- J. Sidewalks and Street Trees. Intent: to maintain a continuous, safe and consistent street frontage an character throughout the site and the abutting public right-of-way.
1. Private and public sidewalk areas shall maintain a clear zone of a minimum of five feet for pedestrian travel.
 2. Where required or proposed, street trees within the public right-of-way shall be spaced equivalent to one every thirty feet in tree pits or four feet wide continuous planted area. Tree pits may be planted or have pavers. All proposed planting activity shall comply with Section 12.28, Woodland Street Trees Standards.
 3. Street trees shall be a minimum of one and one-half inches in caliper and approved by the City. See WMC 12.28.100 for Prohibited Street Trees.

K. Curb Cuts and Driveways. (See Figures 44 and 45.) Intent: To enhance pedestrian safety and activity by consolidating driveways, while providing for adequate vehicular and service access.

1. Each C-2 use parcel shall be limited to a maximum of two points of vehicular access on a state highway, major arterial, or minor arterial. When the subject property is a corner lot or double-frontage lot abutting a state highway, major arterial, and/or minor arterial, the total number of access for each C-2 use parcel shall be limited to a maximum of two points of vehicular access on such streets.
2. Obstructions to pedestrian and bicyclist movement and the number of vehicular turning movements should be minimized.
3. Closely spaced adjacent driveways in the same development shall be combined for joint access unless such consolidation is impractical or will cause a hazard. Adjacent developments should share driveways to the greatest extent possible. Shared-access agreements between properties should be strongly encouraged.

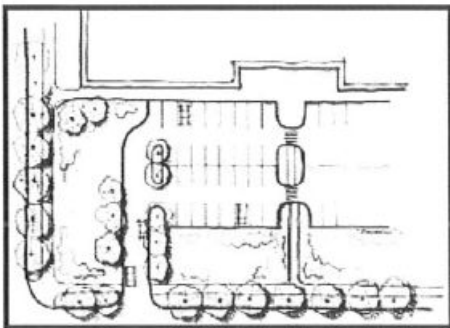


Figure 44
Good separation between vehicular and pedestrian accesses

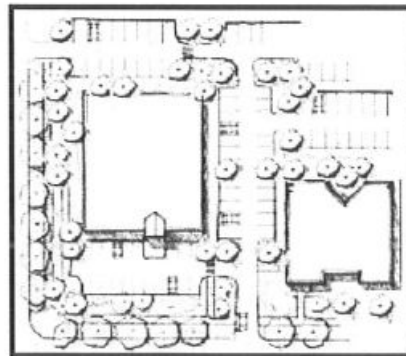


Figure 45
Combined joint access driveway for multiple uses/developments

L. Location of Parking Lot. (See Figures 46 through 48.) Intent: To maintain a contiguous and active pedestrian realm along street fronts by locating parking lots behind or beside the buildings. This ensures that parking lots would be as visually unobtrusive as possible while at the same time maintaining visibility for public safety.

1. Parking lots shall be located behind or beside the buildings, when physically feasible. In addition, see WMC 17.56 for the Off-Street Parking and Loading Requirements. Where parking lots, drive aisles, drive-through lanes, auto repair bay openings, car-wash openings, display areas, and outside storage area are allowed to be located between the building and public street, such areas shall be screened per WMC 17.36.130.L.4 and 17.36.130.N.5.
2. Parking lots shall not be located on corners of public streets.
3. The secondary street and alleys should be effectively used by means of access to parking lots, when feasible.

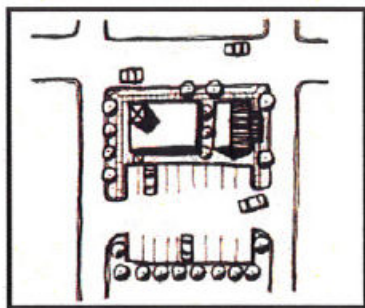


Figure 46
Parking lot located behind buildings

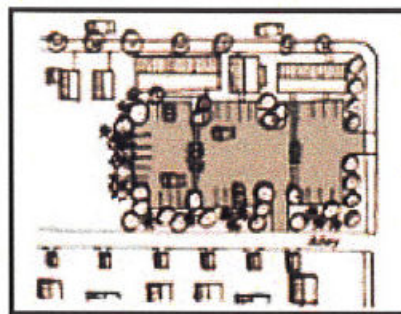


Figure 47
Parking lot accessible from both street
and alley



Figure 48
Sidelot parking with access from alley

- M. Pedestrian and Bicyclist Connections. (See Figures 49 through 52.) Intent: To create a network of safe and attractive linkages for pedestrians through parking lots.
1. Clearly defined pedestrian connections not less than five feet wide shall be provided throughout the site:
 - a) Between the abutting public street(s)/sidewalk(s) and building entrances,
 - b) Between parking lots and building entrances, and
 - c) Around the buildings in a way that connects all tenants on the site.
 2. Pedestrian connections shall be clearly defined in a combination of two or more of the following ways:
 - a) A six-inch vertical curb in combination with a raised walkway.
 - b) A trellis.
 - c) Special railing.
 - d) Bollards.
 - e) Special paving.
 - f) Low seat wall and/or other architectural features.
 - g) A continuous landscape area a minimum of three feet wide on at least one side of the walkway, except when walkway crosses vehicular travel lanes.
 - h) Pedestrian scale lighting, bollard lighting, accent lighting, or combination thereof to aid in pedestrian way finding.
 - i) An element not listed here that meets the intent.
 3. On large sites where no public street exists within the site, a grid street system should be created within the project to enhance the flow of vehicles, pedestrians, and bicyclists throughout the site.
 4. Bicycle parking areas should be provided near the public entrances of buildings.

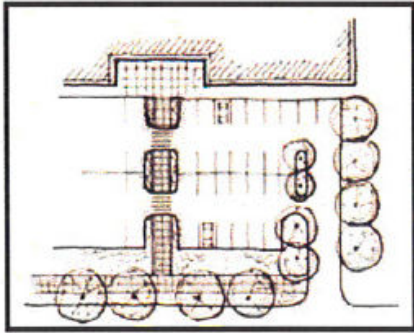


Figure 49
Pedestrian connection between the public sidewalk and building entrance



Figure 50
Clearly defined pedestrian walkway



Figure 51
Shaded walkway through parking lot

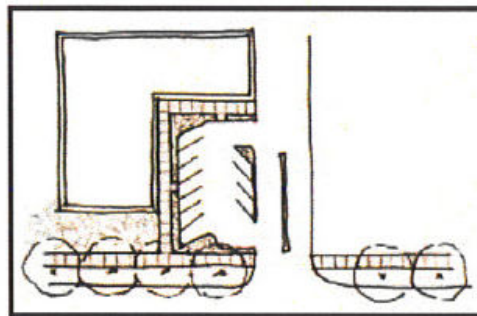


Figure 52
Walkway connecting multi-tenant center to public sidewalk and adjacent to side parking lot

N. Site Screening and Buffers. (See Figures 53 through 55.) Intent: To mitigate impacts of C-2 uses on the surrounding non-commercial uses and increase the compatibility of C-2 uses with that of other adjacent and nearby uses.

1. Street Frontage Landscaping. A minimum of five feet wide landscaped strip consisting of trees, shrubs, and plant groundcover shall be planted along the entire public street frontage area, excluding the ingress and egress points and the areas where structures and pedestrian-oriented space are located.
2. Abutting Residential and Public/Quasi-Public/Institutional (PQPI) Zones. C-2 uses which

abut a residential or PQPI zone along the side and/or rear property lines shall provide a sight-obscuring fence or wall a minimum of six feet in height, but no more than eight feet in height along the full frontage of the property lines, between the building and property line. A barbed wire fence or chain link fence containing slats does not qualify as a sight-obscuring fence for the purposes of this section. In addition, a mixture of evergreen and deciduous trees and shrubs not less than six feet in height shall be densely provided along the full frontage of the outer side of such fence or wall.

3. Vision Clearance Areas. To ensure safety of motorists, bicyclists, and pedestrians, a vision clearance area shall be provided on the corner property or within the right-of-way. The vision clearance area shall be the triangle area within twenty feet from the corner of sidewalks, or where there is no sidewalk the corner of property lines or the corner of driveway boundary and property line. Trees, shrubs, landscaping materials, and other objects/structures shall not exceed three feet in height within the vision clearance areas.
4. Where parking lots are allowed to be located between the building and public street or in an area that is visible from a public street or space, such parking lots shall be screened from the adjacent public street or space with a minimum of ten feet wide planting area including one or a combination of the following treatments:
 - a. Low walls made of concrete, masonry, or other similar material and not exceeding a maximum height of three feet, with evergreen shrubs and groundcover materials along the outer side of the wall.
 - b. Raised planter walls planted with a minimum of eighty percent evergreen shrubs not to exceed a total height of three feet, including planter wall and landscape planting, and evergreen groundcover materials along the outer side of the planter wall.
 - c. Shrubs of which at least eighty percent are evergreen, not to exceed a total height of three feet, and evergreen groundcover materials.
 - d. Landscape plantings consisting of trees of which at least eighty percent are deciduous, shrubs of which at least eighty percent are evergreen, and evergreen groundcover materials. A clear view between three and eight feet above the ground shall be maintained.
 - e. An element not listed here that meets the intent.
5. Where drive aisles, drive-through lanes, auto repair bay openings, car-wash openings, display areas, and outside storage area are allowed to be located between the building and public street or in an area that is visible from a public street or space, such an area shall be substantially screened with walls and/or evergreen trees and shrubs from the adjacent public street or space with a minimum of ten feet wide planting between such an area and the public street or space.
6. Walls and raised planters shall not exceed a maximum height of three feet, unless all of the following are provided:
 - a. Screen treatment does not create a safety hazard.
 - b. Portion of treatment that is above three feet in height is a minimum seventy-five percent transparent (i.e. see-through metal railing, trellis, or other similar treatment). A barbed wire fence or chain link fence containing slats does not qualify as a transparent fence for the purposes of this section.
 - c. Portion of wall/landscape treatment that is above three feet in height provides added visual interest, detail, and character suitable to the character of the development.
7. Where walls are provided, landscape planting areas shall be a minimum width of five feet and shall be located adjacent to the public right-of-way.
8. Use of fences located in the Front Yard or Street Side Yard should be minimized. Where fencing is necessary or required, a human scale should be maintained along the public street by providing pedestrian connections through use of gates or openings at frequent intervals. Considerations should be given to visual interest in terms of fence materials, texture, and colors. Barbed wire fence or chain link fencing shall not be used on any public street frontage.
9. Fencing around parking lots may be allowed only if all of the following conditions are met:
 - a. All screen fencing shall not exceed a maximum height of six feet, and any portion higher than three feet must be seventy-five percent transparent,
 - b. Fencing and architectural details should complement the materials used in the development, and

- c. Barbed wire fence or chain link fencing shall not be used on any public street frontage.



Figure 53
Screening along the parking lot



Figure 54
Screening along the public street frontage



Figure 55
A combination of screening low masonry wall, trees, and shrubs

- O. Parking Lot Landscaping (See Figures 56 and 57.) Intent: To mitigate the visual impact of parking lots through landscaped areas and/or architectural features that complement the overall design and character of development.
 - 1. Parking lot landscaping shall reinforce pedestrian and vehicular circulation, especially parking lot entrances, ends of driving aisles, and pedestrian walkways leading through parking lots.
 - 2. The minimum number of trees required in the interior landscape area in parking lots shall be dependent upon the location of the parking lot in relation to the building and public right-of-way:
 - a. Where the parking lot is located between the building and public street, a minimum of one tree for every five spaces shall be provided (1:5).
 - b. Where the parking lot is located to the side of the building and partially abuts the public street, a minimum of one tree for every six spaces shall be provided (1:6).
 - c. Where the parking lot is located behind the building and is not visible from the public street or space, a minimum of one tree for every seven spaces shall be provided (1:7).
 - d. Landscape islands should be provided at the both ends and in between to break up the parking area.
 - 3. Trees and other landscaping should be evenly distributed throughout the site.

4. To protect vegetation, a minimum four-foot area from the base shall be provided for all trees and shrubs where vehicle overhang extends into landscape areas.
5. Parking lots are encouraged to meet stormwater drainage requirements by using Low Impact Development (LID) techniques where possible and practical.

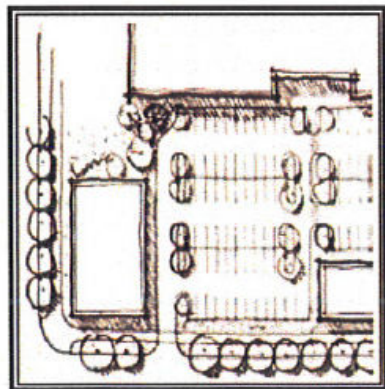


Figure 56
Landscaping along and within the
parking lot

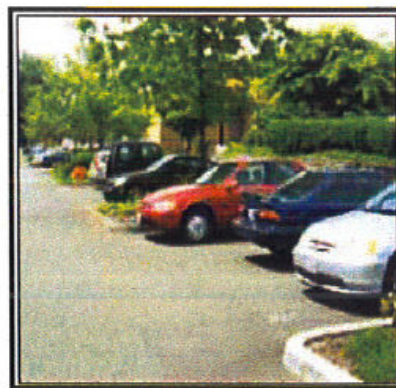


Figure 57
Landscape islands break up the
expanse of asphalt

- P. Screening of Trash and Service Areas. (See Figures 58 through 61.) Intent: To screen trash and service areas from public view.
1. All mechanical and communication equipment, loading docks, garbage receptacles, and recycling containers shall be fully screened from public view. A decorative wall (i.e., masonry, wood, or similar quality material), evergreen hedge, and/or opaque fence shall be used for screening. A barbed wire fence or chain link fence containing slats does not qualify as a sight-obscuring fence for the purposes of this section.
 2. No loading docks shall be located between the building and public street unless no other location is reasonable.

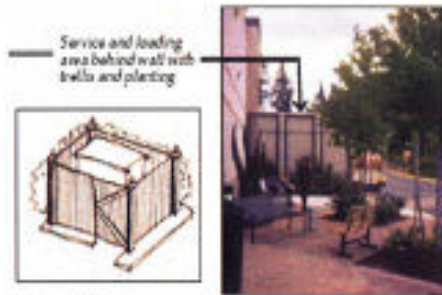


Figure 58
Screening of utility equipment and service area



Figure 59
Loading area integrated in the overall architectural design



Figure 60
Dumpsters screened by walls and planting strip along sidewalk



Figure 61
Loading area screened by fence and landscaping

Q. Lighting. (See Figures 62 through 64.) Intent: To mitigate visual impact of lighting and ensure that lighting contributes to the character of the streetscape and does not disturb adjacent developments and residences.

1. City-approved fixtures and specifications shall be used for lighting within the public right-of-way.
2. Lighting used in parking lots shall not exceed a maximum of thirty feet in height. Pedestrian scale lighting shall be a maximum of sixteen feet in height.
3. Lighting elements throughout and surrounding the site should be complementary, including pedestrian pathway, accent and parking lot lighting, lighting of adjacent developments, and the public right-of-way.
4. All lighting should be shielded from the sky and adjacent properties and structures, either through exterior shields or through optics within the fixture.
5. Parking lot lighting should be appropriate to create adequate visibility at night and evenly distributed to increase security.
6. Lighting design should comply with the Illuminating Engineering Society of North America's Recommended Practices and Design Guidelines, latest editions, or other publication approved by the City, for each applicable lighting type (i.e., parking lots, walkways, etc.).
7. Lighting, including permitted illuminated signs, shall be designed and arranged so as not to:
 - a) Reflect or cast glare into any residential zone,
 - b) Glitter or flash, or
 - c) Conflict with the readability of traffic signs and control signals.

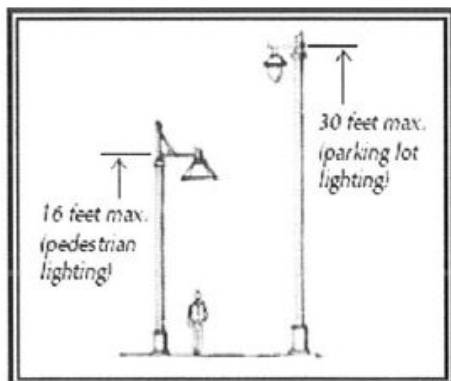


Figure 62
Lighting fixtures shall be shielded from the sky



Figure 63
Shielded pedestrian-scale lighting in parking lot (on left)



Figure 64
Site and parking lot lighting

R. Sign Design.

1. Creativity. Intent: to encourage interesting, creative and unique approaches to the design of signage.
 - (i) All signs shall be designed and installed in a manner that enhances the overall site and building designs.
 - (ii) Projecting signs, supported by ornamental brackets and oriented to pedestrians, are strongly encouraged.
 - (ii) All signs shall comply with WMC 17.52, Sign Requirements.
2. Historic Signage. Intent: to preserve the unique character of Woodland.
 - (i) Existing historic signs that feature the character of the area should be retained, wherever possible.
3. Pedestrian-Oriented Signs. Intent: to provide signs that complement and strengthen the pedestrian use of the C-2 zoning district.
 - (i) Pedestrian signs include projecting signs (blade signs), window signs (painted on glass or hung behind glass), logo signs (symbols, shapes), wall signs over entrance, A-board and freestanding sidewalk signs.

17.36.130

- (ii) All signs shall comply with WMC 17.52,
Sign Requirements.

(Ord. No. 1176, § 1, 1-4-2010)

Note—See the editor's note at § 17.36.070.

Chapter 17.40

NEIGHBORHOOD COMMERCIAL DISTRICT (C-3)

Sections:

17.40.010	Purpose.
17.40.020	Permitted uses.
17.40.025	Conditional uses—Administrative.
17.40.030	Conditional uses—Hearing examiner.
17.40.040	Accessory uses.
17.40.050	Prohibited uses.
17.40.060	Lots—Size.
17.40.070	Lots—Width and depth.
17.40.080	Building setbacks.
17.40.090	Building size.
17.40.100	Building height.
17.40.110	Lot coverage.
17.40.120	Off-street parking.
17.40.130	Screening and landscaping.
17.40.140	Building and yard maintenance.
17.40.150	Lighting.

17.40.010 Purpose.

The neighborhood commercial district is a zoning classification providing for commercial services which, by necessity or convenience, must locate in or near residential areas while minimizing any undesirable impacts of such uses on surrounding neighborhoods. (Ord. 490 § 10.01 (part), 1979)

17.40.020 Permitted uses.

The following uses only are permitted in the C-3 district; all other uses are not permitted or are permitted as a conditional use pursuant to this chapter:

1. Grocery and convenience item stores;
2. Signs, pursuant to Chapter 17.52;
3. Single-family dwelling units detached or attached at ground level to the C-3 use shall observe LDR-6 district standards; dwelling units which are above the C-3 use shall observe C-3 standards for setbacks, yard area, and lot coverage;
4. Electric vehicle infrastructure;

5. Wireless Communication Facilities. New attached facilities and colocations consistent with Section 17.71.195.

(Ord. 939 § 13, 2000; Ord. 490 § 10.01(A), 1979)

(Ord. No. 1257, § 9, 1-7-2013; Ord. No. 1412, § 1, 6-17-2019)

17.40.025 Conditional uses—Administrative.

Vending stands or kiosks (e.g. espresso stands) to be situated in the neighborhood commercial district (C-3) requires administrative conditional use permit approval from the community development director per Chapter 17.72. (Ord. 982 § 5, 2003)
(Ord. No. 1378, § 74, 11-21-2016)

17.40.030 Conditional uses—Hearing examiner.

The following uses in the neighborhood commercial district (C-3) require conditional use permit approval from the hearing examiner per Chapter 17.72:

- A. Churches;
- B. Fire stations, pursuant to Chapter 17.68;
- C. Libraries;
- D. Wireless Communication Facilities. New support towers consistent with Section 17.71.195.

(Ord. 982 § 5, 2003; Ord. 490 § 10.01(C), 1979)

(Ord. No. 1412, § 1, 6-17-2019)

17.40.040 Accessory uses.

Accessory uses shall observe the accessory use standards of the residential zone in which the C-3 use is located or nearest to. (Ord. 490 § 10.01(D)(7), 1979)

17.40.050 Prohibited uses.

The following uses are specifically not permitted in the C-3 district:

- A. Drive-in and fast food restaurants;
- B. Motor vehicle service stations and repair facilities;
- C. Marijuana retailer;
- D. Medical marijuana cooperative.

(Ord. 490 § 10.01(B), 1979)

(Ord. No. 1440, § 8, 10-21-2019)

17.40.060 Lots—Size.

Lots for C-3 uses shall be a minimum of seven thousand five hundred and a maximum of twenty thousand square feet. (Ord. 490 § 10.01(D)(1), 1979)

17.40.070 Lots—Width and depth.

- A. Standard Interior Lot. Seventy-five feet at the building and front property lines;
 - B. Cul-de-sac Lot. Fifty feet as measured along the front property line arc;
 - C. Corner Lot. Eighty feet at the building and front property lines;
 - D. Lot Depth. One hundred feet in all cases.
- (Ord. 490 § 10.01(D)(2), 1979)

17.40.080 Building setbacks.

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

- A. Front Setback. The minimum front yard setback for all buildings shall be thirty feet.
- B. Side Setback. The minimum side yard setback for all buildings shall be ten feet; provided that if the C-3 use is adjacent to any other commercial use, there shall be no limitations on that side; provided, further, that this exception shall not apply to residences detached or attached at ground level to a C-3 use.
- C. Rear Setback. The minimum rear setback for primary use buildings shall be twenty feet; provided, that if the rear of the C-3 use abuts a residential zone, the rear setback shall be that of the residential use.

(Ord. 490 § 10.01(D)(3), 1979)

17.40.090 Building size.

No C-3 use may occupy more than three thousand square feet of floor area. (Ord. 490 § 10.01(D)(4), 1979)

17.40.100 Building height.

C-3 uses, including upper story dwelling units, shall be no higher than the maximum height allowed in the surrounding zoning district or a maximum of twenty-five feet, whichever is greater. (Ord. 490 § 10.01(D)(5), 1979)

17.40.110 Lot coverage.

Maximum lot coverage by all buildings shall be fifty percent. Maximum lot coverage by parking spaces and ingress-egress areas shall be twenty-five percent. (Ord. 490 § 10.01(D)(6), 1979)

17.40.120 Off-street parking.

Off-street parking in the C-3 district shall meet the requirements of Chapter 17.56. In addition, the building and parking shall be arranged so that vehicles do not back out into any street or alley. (Ord. 490 § 10.01(E), 1979)

17.40.130 Screening and landscaping.

- A. Abutting Residential Zones. C-3 uses which abut residential zones along the side and rear property lines shall provide either a sight-obscuring fence a minimum of six feet, but no more than eight feet high, or a combination of fencing and substantial hedges or shrubbery at the same minimum height standard. Such screening may be placed along the C-3 property line and the hedges or shrubbery shall be of such size and height so as to become an effective sight screen within two years of planting. Alternatively, if the C-3 use and building is visually and functionally compatible with the neighboring residential character of the area as determined by the planning commission, the applicant shall landscape the site, especially the front and side yards, so as to further blend the use into the area.
- B. Corner Lots. Fences and hedges on corner lots shall be set back five feet from the front and side street property lines or ten feet from the curb line, whichever is greater. Fences and hedges shall be no higher than three feet along the front and along the side street to a point equal to the front setback of the main building.

(Ord. 490 § 10.01(F)(1), 1979)

17.40.140 Building and yard maintenance.

- A. All buildings and yards in the C-3 district shall be maintained in a neat and orderly manner. Landscaping shall be maintained in a healthy, presentable state.
- B. Nonfunctional vehicles, machinery, appliances, steel drums, boxes, crates, pallets, and related equipment and materials shall not be openly stored in side and rear yards.

(Ord. 490 § 10.01(F)(2), 1979)

17.40.150 Lighting.

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

- A. Reflect or cast glare into any residential zone;

- B. Rotate, glitter, or flash;
 - C. Conflict with the readability of traffic signs and control signals.
- (Ord. 490 § 10.01(F)(3), 1979)

Chapter 17.44

LIGHT INDUSTRIAL DISTRICT (I-1)

Sections:

- 17.44.005 **Applicability.**
- 17.44.010 **Purpose.**
- 17.44.015 **Definitions.**
- 17.44.020 **Permitted uses.**
- 17.44.023 **Conditional uses—Administrative.**
- 17.44.024 **Administrative temporary uses.**
- 17.44.025 **Conditional uses—Hearing examiner.**
- 17.44.027 **Prohibited uses.**
- 17.44.030 **Unlisted uses—Interpretation by the planning commission.**
- 17.44.040 **Area—Minimum.**
- 17.44.050 **Minimum lot size.**
- 17.44.060 **Minimum lot width and depth.**
- 17.44.070 **Building setbacks.**
- 17.44.080 **Building height.**
- 17.44.090 **Lot coverage.**
- 17.44.100 **Off-street parking and loading.**
- 17.44.120 **Vehicular access.**
- 17.44.130 **Reserved.**
- 17.44.133 **Landscaping plan requirements.**
- 17.44.134 **Landscaping plan submittal requirements.**
- 17.44.135 **General landscaping requirements.**
- 17.44.136 **Landscape design and screening requirements.**
- 17.44.137 **Master plan required.**
- 17.44.138 **Variance from requirements.**
- 17.44.140 **Lighting.**
- 17.44.150 **Reserved.**
- 17.44.160 **Site standards.**
- 17.44.200 **Industrial off-site improvement standards—Title and purpose.**
- 17.44.210 **Industrial off-site improvement standards—Applicability.**
- 17.44.220 **Industrial off-site improvement standards—Extensions of sanitary sewer and water mains.**
- 17.44.230 **Industrial off-site improvement standards—Use of existing wells.**
- 17.44.240 **Industrial off-site improvement standards—Right-of-way dedication and half street improvements.**

17.44.005 **Applicability.**

This chapter shall apply to: (A) all new development of outright permitted uses in the I-1 zoning district including changes of use and addition of a new use, or (B) substantial additions or expansions of the existing commercial or industrial development that result in [an] increase in size by more than twenty-five percent in terms of gross square footage. Where more than one structure exists on a parcel, the threshold shall be applied cumulatively to the total gross square footage of all existing structures on the parcel. (Ord. 1128 § 1 (part), 2008)

(Ord. No. 1447, § 7, 2-3-2020)

Editor's note—Ord. No. 1447, § 7, adopted February 3, 2020, renumbered § 17.44.131 as § 17.44.005.

17.44.010 **Purpose.**

The light industrial use district (I-1) is a zoning classification providing for light manufacturing and fabrication, warehousing and storage, construction and contracting operations, wholesale distribution operations, and related activities which normally require ready access by various transportation modes for the movement of materials, goods, and the area work force. This classification is intended to minimize any undesirable impacts of these uses on other nearby uses and zoning districts. The purpose of this chapter is to mitigate the impacts of new developments in the I-1 zoning district on the existing and future nonindustrial developments by requiring appropriate screening and/or landscaping as a means of erosion control and mitigation for noise, dust, odor, glare, and vibration. This chapter helps improve the quality of life and business environments and enhance the general aesthetics of the district. (Ord. 490 § 11.01 (part), 1979)

(Ord. No. 1447, § 5, 2-3-2020)

17.44.015 **Definitions.**

As used in this chapter:

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

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

"Outdoor hardscape features" means water features, walls, patios, walkways, and other permanent man-made features in the landscape. (Ord. 1128 § 1 (part), 2008)
(Ord. No. 1447, § 8, 2-3-2020)

Editor's note—Ord. No. 1447, § 8, adopted February 3, 2020, renumbered § 17.44.132 as § 17.44.015.

17.44.020 Permitted uses.

All of the following and any additional uses shall meet the performance standard requirements of Chapter 17.48.

1. Auto and truck salvage and wrecking operations; provided, that all outdoor storage shall be enclosed by a sight obscuring fence not less than eight feet in height which shall be uniform in color and not be used for outdoor advertising display purposes;
2. Bakeries producing for the wholesale market with retail sales limited to items produced on the premises;
3. Buildings, yards, and developments necessary for the operation of a public utility, but not including thermal power generating facilities;
4. Commercial dispatch and maintenance facilities;
5. Commercial sales including wineries, breweries, distilleries, and associated uses, enclosed or unenclosed, of product being manufactured on the site or warehoused for distribution provided the retail sales are a secondary activity to the production and wholesaling of the products and materials. Such commercial sales areas shall not exceed twenty percent of the gross floor area of the building;
6. Construction and contracting offices and equipment and material storage yards;
7. Construction and logging equipment manufacture, sales, repair, and service;
8. Dwelling units for a resident watchman or custodian only;
9. Employee cafeterias as part of the permitted use;
10. Farm materials, supplies, and machinery sales and service;
11. Farm product processing, canning, packaging, and distributing, excluding large animal (sheep, goats, cattle) feedlots and slaughter facilities;
12. Farming and other agricultural uses including community gardens, equestrian fields, and nurseries, and greenhouses;
13. Feed and seed stores;
14. Heavy equipment sales, rental, storage and repair;
15. Laboratories and research organizations;
16. Light manufacturing and fabrication of raw or previously processed metals and materials, the process or end product of which conforms with applicable restrictions regarding noise, smoke, dust, odors, toxic gases, vibration, glare, and heat, and which does not create physical hazards, such as fire or explosion, to adjacent buildings and uses;
17. Major automobile and truck repair, as defined in Chapter 17.08;
18. Manufacture, wholesale and retail sales of lumber and building materials; provided the retail sales are a secondary activity to the production and wholesaling of the products and materials;
19. Petroleum, propane, liquefied gas, coal, and wood storage and distribution facilities;
20. Police and fire stations and facilities;
21. Processing, packaging, and distribution of goods and services;
22. Recreational uses requiring extensive covered facilities such as for indoor tennis, roller or ice skating, or swimming;
23. Rental and leasing services requiring extensive outdoor storage and warehousing and primarily serving other permitted uses within this zoning district;
24. Signs pursuant to Chapter 17.52;
25. Storage buildings for household goods and property, i.e. mini-storage;
26. Veterinary offices and clinics with outside animal runs; dog grooming facilities;
27. Warehousing, storage, and distribution centers, including freight handling terminals; provided that docking and loading activities do not use any public street, alley or sidewalk;

28. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully permitted in this zone, provided that such facilities must meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210 as now or hereafter amended;
29. Other uses not listed but having similar performance standards and site requirements may be permitted pursuant to the procedures of this chapter as presented in Section 17.44.030;
30. Electric vehicle infrastructure.
31. Wireless Communication Facilities. New attached facilities and colocations consistent with Section 17.71.195.

(Ord. 671 § 5, 1988; Ord. 501 § 3, 1980; Ord. 497 §§ 2, 3, 1980; Ord. 490 § 11.01(A), 1979)

(Ord. No. 1186, § 1, 6-7-2010; Ord. No. 1257, § 10, 1-7-2013; Ord. No. 1412, § 1, 6-17-2019)

17.44.023 Conditional uses—Administrative.

Vending stands or kiosk (e.g. espresso stands) to be situated in the light industrial district (I-1) require administrative conditional use permit approval from the community development director per Chapter 17.72. (Ord. 982 § 6, 2003)

(Ord. No. 1186, § 1, 6-7-2010; Ord. No. 1378, § 75, 11-21-2016)

17.44.024 Administrative temporary uses.

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

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

(Ord. 982 § 6, 2003)

(Ord. No. 1186, § 1, 6-7-2010; Ord. No. 1378, § 76, 11-21-2016)

17.44.025 Conditional uses—Hearing examiner.

The following uses in the light industrial (I-1) district and the heavy industrial (I-2) district require conditional use permit approval from the Hearing Examiner per Chapter 17.72:

- A. Sexually-oriented business as defined in Section 17.08.702;

- B. Churches;
- C. Kennels/animal shelters;
- D. Wireless Communication Facilities. New support towers consistent with Section 17.71.195;
- E. Day care centers.

(Ord. 1102 § 1 (part), 2007; Ord. 982 § 6, 2003; Ord. 905 § 2, 1998)

(Ord. No. 1186, § 1, 6-7-2010; Ord. No. 1412, § 1, 6-17-2019)

17.44.027 Prohibited uses.

The following uses are specifically not permitted in the I-1 district:

- A. Marijuana retailer;
- B. Medical marijuana cooperative.

(Ord. No. 1440, §§ 9, 10, 10-21-2019)

17.44.030 Unlisted uses—Interpretation by the planning commission.

- A. Uses proposing to locate in the I-1 district but which are not listed in this chapter shall make application to the planning commission for consideration of the compatibility of the use in the I-1 district. The planning commission shall consider such applications at a public hearing after appropriate notice has been published and posted.
- B. Upon review of the proposed use and after the public hearing, the planning commission shall determine whether the proposed use is in accord with the goals and policies of the comprehensive plan, complies with requirements of the I-1 district, whether the effect of the proposed use on the immediate vicinity will be materially detrimental and whether the proposed use can be constructed and/or maintained so as to be harmonious and appropriate in design, character and appearance with the existing or intended uses of the district.
- C. Based upon the determinations outlined in subsection B, the commission may conclude that the proposed use should be added to the permitted uses in the I-1 district and recommend the same to the city council, or it may conclude that the proposed use is included under an existing category of permitted use and approve the proposed use with or without conditions, or it may conclude that the proposed use is inappropriate in the I-1 district and deny the application.

(Ord. 490 § 11.01(B), 1979)

(Ord. No. 1186, § 1, 6-7-2010)

17.44.040 Area—Minimum.

The minimum area required for I-1 district zoning is ten acres; provided, that an area of less than ten acres is permitted if it directly abuts an existing I-1 district and meets the other requirements of the I-1 district. (Ord. 490 § 11.01(C)(1), 1979)

17.44.050 Minimum lot size.

Minimum lot size shall be ten thousand square feet. (Ord. 675 § 2, 1989; Ord. 490 § 11.01(C)(1), 1979)

17.44.060 Minimum lot width and depth.

The minimum lot width shall be sixty-five feet as measured along the front property line. There is no minimum depth requirement. (Ord. 675 § 3, 1989; Ord. 490 § 11.01(C)(3), 1979)

17.44.070 Building setbacks.

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

- A. Front Setback. The minimum front yard setback for all buildings shall be twenty-five feet.
- B. Side Setback. The minimum side yard setback for all buildings shall be ten feet; provided on corner lots the side yard setback shall be twenty-five feet; and provided where the I-1 zone abuts a residential zone, the side yard setback shall be a minimum of twenty-five feet.
- C. Rear Setback. The minimum rear yard setback for all buildings shall be ten feet; provided where the I-1 zone abuts a residential zone, the rear yard setback shall be a minimum of twenty-five feet.

(Ord. 869 § 1, 1997; Ord. 490 § 11.01(C)(4), 1979)

17.44.080 Building height.

I-1 use buildings on lots sized one acre or less shall be no more than three stories high or exceed forty-five feet in height. I-1 use buildings on lots greater than one acre shall be no more than fifty-five feet to eave height.

- A. Industrial equipment such as cranes or communication towers are exempt so long as such equipment is secondary to the use conducted on the premises.
- B. Buildings or structures may exceed height limits with a determination from the development

review committee. Approval of structures exceeding height limits shall meet the following criteria and shall also comply with fire and safety criteria established, in each case, by the development review committee:

1. Mitigation of view obstruction shall offset any potential loss of view which may occur as a result of the proposal, and
2. Structures over the height limit may increase the height of the structure by providing for one additional foot of setback from all yards (front, rear and sides) for each additional one foot of height of structure.

(Ord. 869 § 2, 1997; Ord. 490 § 11.01(C)(5), 1979)

17.44.090 Lot coverage.

There are no lot coverage limitations; provided where the I-1 use abuts a residential zone, the supplementary provisions of this chapter shall be observed for screening and landscaping in front, side, and rear yards. (Ord. 490 § 11.01(C)(6), 1979)

17.44.100 Off-street parking and loading.

Off-street parking and loading in the I-1 district shall be pursuant to Chapter 17.56. (Ord. 490 § 11.01(D), 1979)

17.44.120 Vehicular access.

Access to I-1 zones and property shall occur via an arterial or system of arterials so that industrial use traffic will not be directed through residential areas. Within the industrial district, access roads intersecting the arterial or arterials will be minimized and shall serve the greatest number of uses possible. (Ord. 490 § 11.01(E)(2), 1979)

17.44.130 Reserved.

Editor's note—Ord. No. 1447, § 6, adopted February 3, 2020, repealed § 17.44.130, which pertained to title and purpose and derived from Ord. No. 490, 1979; Ord. No. 869, 1997 and Ord. No. 1128, 2008.

17.44.133 Landscaping plan requirements.

A landscaping plan, guaranteeing the healthy growth of proposed landscaping and compliance with the provisions of this chapter, and signed by a certified

landscaping professional (CLP) is required prior to issuance of the preliminary site plan approval or landscaping plan approval when preliminary site plan approval is not required for the proposed development. (Ord. 1128 § 1 (part), 2008)

17.44.134 Landscaping plan submittal requirements.

The proposed landscaping plan shall be part of the proposed preliminary site plans. When preliminary site plans are not required for the proposed development, eight copies of the full-size and reduced (eleven-inch by seventeen-inch) proposed landscaping plans that are to scale shall be submitted to the city planning department. The proposed landscaping plan shall, as applicable, include the tabulation showing the area and percentage of the following:

- A. Entire site;
- B. Total landscaping areas;
- C. Areas covered by groundcover;
- D. Areas covered by nonplant materials;
- E. Areas covered by tree canopy and shrubs;
- F. Each required setback area;
- G. Total parking area;
- H. Parking area landscaping; and
- I. Other landscaping areas.

(Ord. 1128 § 1 (part), 2008)

17.44.135 General landscaping requirements.

All landscape plans shall comply with the following requirements:

- A. Landscape Materials. The proposed landscaping shall only include the following permitted landscape materials: trees, shrubs, groundcover plants, nonplant groundcovers, and outdoor hardscape features, as described below.
- B. Coverage. The proposed landscaping shall cover not less than ten percent of the entire site. The landscaping in the required setback areas and parking areas can be counted to satisfy this requirement. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three or more years after planting.
- C. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and groundcovers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage condi-

tions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.

- D. Requirements for Groundcover. All landscaped area, whether or not required, that is not planted with trees and shrubs or not covered with nonplant material, shall have groundcover plants that are indigenous as follows: planting pattern that is designed to achieve fifty percent coverage of the area not covered by tree canopy and shrubs.
- E. Tree Size and Spacing. Trees shall have a minimum diameter or caliper measured at four feet above grade of two inches or greater at time of planting and shall be densely planted as certified by a certified landscaping professional (CLP).
- F. Shrub Size and Spacing. Shrubs shall be planted from five-gallon containers or larger at the recommended spacing as certified by a certified landscaping professional (CLP).
- G. Nonplant Groundcovers. Bark dust, chips, aggregate, or other nonplant groundcovers may be used, but shall be confined to areas underneath plants and within the drip lines. Nonplant groundcovers cannot be used to satisfy the coverage requirements.
- H. Landscaping for Stormwater Facilities. When such facilities are required for the development, water tolerant and/or native plants may be used to landscape the stormwater treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment). However, these plants shall not be counted towards the landscaping coverage calculations.
- I. Requirements for Maintenance and Irrigation. The use of drought-tolerant plant species are encouraged, and shall be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All man-made features required by this chapter shall be maintained in good condition, or otherwise replaced by the owner. The property owners shall maintain any landscape materials required by this chapter in a way that they do not adversely impact the usage of any off-site solar panels and windmills that exist at the time of issuance of the landscaping plan approvals. (Ord. 1128 § 1 (part), 2008)
- 17.44.136 Landscape design and screening requirements.**
- All required setback areas, parking lots, and planter strips in the right-of-way shall be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria (See also WMC Chapter 12.28, Woodland Street Trees):
- A. Required Setback Area Landscaping. To increase the compatibility and appearance of commercial and/or industrial uses with that of other adjacent and nearby uses, all required setback areas, excluding ingress and egress points, shall be landscaped and maintained in a neat and orderly manner as more specifically set forth in this section. Landscaping in required setback areas shall retain natural vegetation and use a combination of plants for year long color and interests.
- B. Required Front Yard Landscaping. Trees, shrubs, and plant groundcover should be planted along the entire road frontage area and shall meet the criteria of this chapter. This area can be counted toward the coverage requirements calculations in Section 17.44.135(B). Additional landscaping shall be located within the front yard setback area in accordance with the criteria in this chapter, while providing reasonable opportunity for signage, entrance features, parking, and ingress and egress areas.
- C. Corner Lots. Corner lots requiring or desiring to construct fencing along property lines shall utilize a nonsight-obscuring fence along the front and the appropriate side street property lines according to the following standards: (1) such nonsight-obscuring portion shall be a minimum of twenty feet in length along those property lines from the street corner of the lot, and (2) if a hedge or wall is utilized, such hedge or wall shall be no higher than three feet along the front and side street property lines within twenty feet from the street corner of the lot.

Equipment and materials shall not be stored on corner lots so as to create sight obstructions at intersections.

- D. **Abutting Nonindustrial Zoning District(s) and/or Use(s).** Commercial and industrial uses which abut nonindustrial zoning district(s) and/or use(s) on side and rear property lines shall provide a sight-obscuring fence or wall a minimum of six feet in height. A chain link fence containing slats does not qualify as a sight-obscuring fence for the purposes of this section. In addition, evergreen trees, shrubs, and similar vegetation not less than six feet shall be densely planted along the full frontage of the outer side of such fence or wall.
- E. **Industrial Uses Adjacent to Nonindustrial Zoning District(s) and/or Use(s) But Divided by a Street.** Such uses shall provide and maintain a landscaped planting strip a minimum of five feet in width along the full length of applicable property lines. The plantings shall be comprised of a largely view-obscuring arrangement of evergreen trees, shrubs, and similar vegetation not less than six feet in height.
- F. **Landscaping in Parking Areas.**
 - 1. **Coverage Requirements.** A minimum of ten percent of the total surface area of all proposed parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of "evenly distributed" shade trees with shrubs and/or groundcover plants that conform to the criteria in this chapter. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. These requirements can be included in the coverage requirement outlined in Section 17.44.135(B).
 - 2. **Tree Requirements.** At a minimum, one tree per five parking spaces shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than twenty spaces shall include landscape islands with trees at the both ends and in between to break up the parking area into rows of not more than

ten contiguous parking spaces. All parking area landscape islands shall have dimensions of not less than twenty-four square feet of area, or not less than four feet in width by six feet in length, to ensure adequate soil, water, and space for healthy plant growth.

- 3. **Parking/Maneuvering Area Within Required Setback Areas.** Where a parking or maneuvering area is proposed to be located within the required setback areas, such parking/maneuvering area shall not be located within the five feet from the property lines. An evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure that is a minimum of four feet in height shall be established between the proposed parking/maneuvering area(s) and street. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative groundcover.
- G. **Screening Requirements.** All mechanical equipment, outdoor storage and manufacturing areas, service and delivery areas, garbage receptacles and recycling containers shall be fully screened from view from all public streets and adjacent nonindustrial zoning district(s) and/or use(s) in a manner which is architecturally integrated with the structure. Such screening shall be a minimum of six feet provided by a decorative wall (i.e., masonry or similar quality material), evergreen hedge, opaque fence complying with the standards of this section, or a similar feature that provides an opaque barrier.

(Ord. 1128 § 1 (part), 2008)

17.44.137 Master plan required.

Every industrial park, industrial subdivision, or binding site plan located within this zoning district shall contain covenants establishing a master landscaping plan so the entire industrial park project, upon completion, exhibits conformity in landscaping style. Any part or phase of the development proposal for the industrial park, industrial subdivision, or binding site plan shall exhibit conformance with the approved mas-

ter plan. A copy of the recorded covenants shall be submitted with the proposed landscaping plan. (Ord. 1128 § 1 (part), 2008)

17.44.138 Variance from requirements.

Whenever there are difficulties that result from physical peculiarities of the property which make it difficult to implement these standards, the hearing examiner or development review committee shall have the authority to grant a variance from strict compliance with specific standards or requirements. The hearing examiner shall review applications for major variances at an open record public hearing in accordance with the procedure outlined in WMC Chapter 17.81 and render decisions based on the criteria outlined in WMC Section 17.81.020.B and provisions in the Woodland Comprehensive Plan. The DRC shall review applications for minor variances based on approval criteria outlined in WMC 17.81.180.B and provisions in the Woodland Comprehensive Plan. Any such deviation so granted shall be specifically identified in the approved site plan and landscaping plan. (Ord. 1128 § 1 (part), 2008) (Ord. No. 1219, 2-6-2012)

17.44.140 Lighting.

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

- A. Reflect or cast glare into any residential zone;
- B. Rotate, glitter, or flash; and
- C. Conflict with the readability of traffic signs and control signals.

(Ord. 490 § 11.01(E)(4), 1979)

17.44.150 Reserved.

Editor's note—Ord. No. 1256, § 2, adopted January 7, 2013, repealed § 17.44.150, which pertained to storm drainage and derived from Ord. No. 869, 1997 and Ord. No. 490, 1979.

17.44.160 Site standards.

- A. All buildings and yards in the I-1 district shall be maintained in a neat and orderly manner. Landscaping shall be maintained in a healthy, presentable state.
- B. All structures, buildings, fences, and walls shall be kept free of rust, corrosion, peeling paint and other surface deteriorations.

C. Site improvements are to be designed to result in a natural appearance that will blend with the surroundings and be compatible with neighboring developments.

1. Buildings shall be designed and constructed to reduce noise impacts on interior occupied spaces and adjacent property. Outdoor ground level mechanical equipment, garbage receptacles and recycling containers shall be fully screened from public view in a manner which is architecturally integrated with the structure. If deemed necessary by the building official, other mechanical equipment shall be screened or otherwise baffled to insure that noise levels do not adversely affect adjacent properties. Screenings shall be constructed to a finished standard using materials and finishes consistent with the rest of the building. Building designs shall consider potential visibility of the equipment from adjoining properties.
2. Building/Transition.
 - a. A large structure shall contain design elements which create a transition to the human scale, particularly near the ground;
 - b. If a development is larger or smaller than its adjacent physical surroundings, the design shall provide transitional scaled elements at the perimeter to integrate it with its surroundings;
 - c. Transition, using a variety of scales, patterns and textures of buildings and landscaping elements is encouraged to make a more visually interesting project;
 - d. The proposed building orientation shall respect the orientation of surrounding buildings and streets, and shall relate to other buildings in the same project in regards to traffic and pedestrian circulation. The proposed building should also respect the scale of those buildings located on adjacent properties, and where desirable, serve an orderly transition to a different scale;
 - e. Facade Detail. Fifteen percent of any street facing building elevations shall be in permeable surfaces (e.g., windows and pedestrian entrances) or permanent architectural features (e.g., wall plane projections,

recesses, etc.) or a combination of both approximately equally distributed across a building facade to break up the monotony of large blank walls or facades. This requirement shall also apply to new building elevations that are located fifty feet or less from a residential zoning district. Where existing dense vegetation exists or to account for unique site circumstances or architectural design, an applicant may request a deviation to these standards by utilizing the process set forth in WMC Section 17.44.138.

(Ord. 1128 § 1 (part), 2008; Ord. 869 § 5, 1997; Ord. 490 § 11.01(E)(6), 1979)

17.44.200 Industrial off-site improvement standards—Title and purpose.

The purpose of this chapter is to ensure that public facilities and services necessary to support proposed developments are adequate or will be provided in a timely manner consistent with the Public Facilities and Services Planning Goals of the Washington State Growth Management Act (GMA) and provisions in the Woodland Comprehensive Plan.

(Ord. No. 1158, § 1, 6-15-2009)

17.44.210 Industrial off-site improvement standards—Applicability.

Any of the following developments within the light industrial (I-1) in the city limit shall be subject to the requirements in this chapter.

- (1) Any new development with a human-occupied structure larger than two thousand square feet;
- (2) Change of use to a commercial and/or industrial use resulting in increase in traffic volume according to the latest edition of the Institute of Transportation Engineers (ITS) Trip Generation Manual;
- (3) Addition of a commercial and/or industrial use larger than two thousand square feet; or
- (4) Expansion of any existing structure that is larger than two thousand square feet by more than fifty percent in terms of gross square footage. Where more than one structure exists

on a parcel, the threshold shall be applied cumulatively to the total gross square footage of all existing structures on the parcel.

(Ord. No. 1158, § 1, 6-15-2009)

17.44.220 Industrial off-site improvement standards—Extensions of sanitary sewer and water mains.

All proposed developments listed in WMC 17.44.210 shall extend the sanitary sewer and water mains from the existing end points of such mains along the full frontage of the subject property per the applicable city plans and standards, unless the applicant demonstrates to the approving authority that: 1) the proposed development will have no impact on the city's water and sanitary sewer systems, or 2) such extension is undesirable, impractical, or unfeasible, and connect to them prior to the issuance of certificate of occupancy (C of O).

(Ord. No. 1158, § 1, 6-15-2009)

17.44.230 Industrial off-site improvement standards—Use of existing wells.

Existing properties with domestic well(s) at the time of application may continue to use them until required otherwise by provision(s) of WMC and other applicable county, state, and federal laws. Upon the connection to the city water services, such well(s) shall be disconnected for the purpose of potable usage.

(Ord. No. 1158, § 1, 6-15-2009)

17.44.240 Industrial off-site improvement standards—Right-of-way dedication and half street improvements.

All roads and accesses required for all proposed developments listed WMC 17.44.210 shall be dedicated and constructed in accordance with the applicable city plans and standards along the full frontage of the subject property, including, but not limited to, pavement, curb, gutter, planter strips, sidewalks, and street lights, prior to the issuance of certificate of occupancy (C of O), unless the applicant demonstrates to the approving authority that: 1) the proposed development will have no impact on the city's transportation systems, or 2) such extension of street is undesirable, impractical, or unfeasible. When the subject property does not abut a fully-constructed public street per the

city plans and standards, applicant shall be responsible for constructing street(s) per the city plans and standards from the existing end point of a fully-constructed public street to the subject property. A latecomer agreement may be made with the city council's authorization per WMC 12.14.020 and 12.14.030.

(Ord. No. 1158, § 1, 6-15-2009)

Chapter 17.46**HEAVY INDUSTRIAL DISTRICT (I-2)****Sections:**

17.46.010	Purpose.
17.46.020	Zones designated.
17.46.030	Permitted uses.
17.46.031	Conditional uses—Administrative.
17.46.035	Conditional uses—Hearing examiner.
17.46.037	Prohibited uses.
17.46.040	Area—Minimum.
17.46.050	Lots—Minimum size.
17.46.060	Lots—Width and depth.
17.46.070	Building setbacks.
17.46.080	Building height.
17.46.090	Lot coverage.
17.46.100	Off-street parking.
17.46.110	Vehicular access.
17.46.120	Title and purpose.
17.46.121	Applicability.
17.46.122	Definitions.
17.46.123	Landscaping plan requirements.
17.46.124	Landscaping plan submittal requirements.
17.46.125	General landscaping requirements.
17.46.126	Landscape design and screening requirements.
17.46.127	Master plan required.
17.46.128	Variance from requirements.
17.46.130	Sign requirements.
17.46.140	Lighting.
17.46.150	Reserved.
17.46.160	Building and yard maintenance.
17.46.200	Industrial off-site improvement standards—Title and purpose.
17.46.210	Industrial off-site improvement standards—Applicability.
17.46.220	Industrial off-site improvement standards—Extensions of sanitary sewer and water mains.
17.46.230	Industrial off-site improvement standards—Use of existing wells.
17.46.240	Industrial off-site improvement standards—Right-of-way dedication and half street improvements.

17.46.010 Purpose.

The I-2 heavy industrial use district is a zoning classification providing a use district for the establishment of heavy industrial and manufacturing uses and activities not otherwise prohibited by law and satisfying the criteria of the zoning code. This classification is intended to minimize any undesirable impacts of the permitted uses on other nearby uses and zoning districts, but also to provide space and the opportunity for those intensive uses and activities which normally require ready access to various transportation modes for the movement of materials, products, and the area work force. (Ord. 638 § 2, 1987)

17.46.020 Zones designated.

The areas of the city designated I-2 heavy industrial use district are shown on the map labeled Exhibit A attached to the ordinance codified in this chapter. (Ord. 638 § 3, 1987)

17.46.030 Permitted uses.

All of the following uses shall meet the performance standard requirements of Chapter 17.48 of this code:

1. All uses permitted in I-1 zoning district;
2. All other uses, except single-family dwellings, duplexes, triplexes, multiple-family dwellings, mobile homes, hotels, boardinghouses, churches, schools, hospitals, sanitariums, rest homes, homes for the aged, nursing or convalescent homes, and recreational vehicle parks. A caretaker's apartment shall be allowed for any business except a gasoline service station, provided the apartment is within the same structure as the business and is occupied by the owner or his employee whose duty it shall be to care for, watch and guard the property. The apartment shall not be rented or occupied by any party not employed in the main business occupying the property;
3. On-site and off-site hazardous waste treatment and storage facilities, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210 as now or hereafter amended.

4. Wireless Communication Facilities. New attached facilities and colocations consistent with Section 17.71.195.

(Ord. 671 § 6, 1988; Ord. 638 § 4, 1987)

(Ord. No. 1186, § 1, 6-7-2010; Ord. No. 1412, § 1, 6-17-2019)

17.46.031 Conditional uses—Administrative.

Vending stands or kiosk (e.g. espresso stands) to be situated in the heavy industrial district (I-2) require administrative conditional use permit approval from the community development director per Chapter 17.72. (Ord. 982 § 7, 2003)

(Ord. No. 1186, § 1, 6-7-2010; Ord. No. 1378, § 77, 11-21-2016)

17.46.035 Conditional uses—Hearing examiner.

The following uses in the light industrial (I-1) district and the heavy industrial (I-2) district require conditional use permit approval from the hearing examiner per Chapter 17.72:

- A. Sexually-oriented business as defined in Section 17.08.702;
- B. Churches;
- C. Wireless Communication Facilities. New support towers consistent with Section 17.71.195.

(Ord. 1102 § 1 (part), 2007; Ord. 982 § 7, 2003; Ord. 905 § 3, 1998)

(Ord. No. 1186, § 1, 6-7-2010; Ord. No. 1412, § 1, 6-17-2019)

17.46.037 Prohibited uses.

The following uses are specifically not permitted in the I-1 district:

- A. Marijuana retailer;
- B. Medical marijuana cooperative.

(Ord. No. 1440, §§ 11, 12, 10-21-2019)

17.46.040 Area—Minimum.

The minimum area required for the I-2 zoning district is ten acres, provided that an area of less than ten acres is permitted if it directly abuts an existing I-2 district and meets the other requirements of the I-2 district. (Ord. 638 § 5, 1987)

17.46.050 Lots—Minimum size.

There are no minimum lot size limitations. (Ord. 638 § 6, 1987)

17.46.060 Lots—Width and depth.

There are no minimum lot width and depth limitations. (Ord. 638 § 7, 1987)

17.46.070 Building setbacks.

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

- A. Front Setback. The minimum front yard setback for all buildings shall be thirty feet.
- B. Side Setback. The minimum side yard setback for all buildings shall be ten feet; provided, on corner lots the side yard setback shall be thirty feet; and provided, where the I-2 zone abuts a residential zone, the side yard setback shall be a minimum of twenty-five feet.
- C. Rear Setback. The minimum rear yard setback for all buildings shall be ten feet; provided, where the I-2 zone abuts a residential zone, the rear yard setback shall be a minimum of twenty-five feet.

(Ord. 638 § 8, 1987)

17.46.080 Building height.

There is no limitation on building height in the I-2 zoning district. (Ord. 638 § 9, 1987)

17.46.090 Lot coverage.

There are no lot coverage limitations in the I-2 zoning district; provided, where the I-2 use abuts a residential zone, the supplementary provisions of this chapter shall be observed for screening and landscaping in front, side and rear yard. (Ord. 638 § 10, 1987)

17.46.100 Off-street parking.

Off-street parking in the I-2 district shall be pursuant to Chapter 17.56. (Ord. 638 § 12, 1987)

17.46.110 Vehicular access.

Access to I-2 zones and property shall occur via an arterial or system of arterials so that industrial traffic will not be directed through residential areas. Within the I-2 district, access roads intersecting arterials will be minimized and shall serve the greatest number of uses possible. (Ord. 638 § 14, 1987)

17.46.120 Title and purpose.

The purpose of this chapter is to mitigate the impacts of new developments in the I-2 zoning district

on the existing and future nonindustrial developments by requiring appropriate screening and/or landscaping as a means of erosion control and mitigation for noise, dust, odor, glare, and vibration. This chapter helps improve the quality of life and business environments and enhance the general aesthetics of the district. (Ord. 1128 § 1 (part), 2008; Ord. 638 § 15, 1987)

17.46.121 Applicability.

This chapter shall apply to: (A) all new development of outright permitted uses in the I-2 zoning district including changes of use and addition of a new use, or (B) substantial additions or expansions of the existing commercial or industrial development that result in increase in size by more than twenty-five percent in terms of gross square footage. Where more than one structure exists on a parcel, the threshold shall be applied cumulatively to the total gross square footage of all existing structures on the parcel. (Ord. 1128 § 1 (part), 2008)

17.46.122 Definitions.

As used in this chapter:

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

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

"Outdoor hardscape features" means water features, walls, patios, walkways, and other permanent man-made features in the landscape. (Ord. 1128 § 1 (part), 2008)

17.46.123 Landscaping plan requirements.

A landscaping plan, guaranteeing the healthy growth of proposed landscaping and compliance with the provisions of this chapter, and signed by a certified landscaping professional (CLP) is required prior to issuance of the preliminary site plan approval or landscaping plan approval when preliminary site plan approval is not required for the proposed development. (Ord. 1128 § 1 (part), 2008)

17.46.124 Landscaping plan submittal requirements.

The proposed landscaping plan shall be part of the proposed preliminary site plans. When preliminary site plans are not required for the proposed development, eight copies of the full-size and reduced (eleven-inch by seventeen-inch) proposed landscaping plans that are to scale shall be submitted to the city planning department. The proposed landscaping plan shall, as applicable, include the tabulation showing the area and percentage of the following:

- A. Entire site;
- B. Total landscaping areas;
- C. Areas covered by groundcover;
- D. Areas covered by nonplant materials;
- E. Areas covered by tree canopy and shrubs;
- F. Each required setback area;
- G. Total parking area;
- H. Parking area landscaping; and
- I. Other landscaping areas.

(Ord. 1128 § 1 (part), 2008)

17.46.125 General landscaping requirements.

All landscape plans shall comply with the following requirements:

- A. Landscape Materials. The proposed landscaping shall only include the following permitted landscape materials: trees, shrubs, groundcover plants, nonplant groundcovers, and outdoor hardscape features, as described below.
- B. Coverage. The proposed landscaping shall cover not less than ten percent of the entire site. The landscaping in the required setback areas and parking areas can be counted to satisfy this requirement. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three or more years after planting.
- C. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and groundcovers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.
- D. Requirements for Groundcover. All landscaped area, whether or not required, that is not planted with trees and shrubs or not covered with

nonplant material, shall have groundcover plants that are indigenous as follows: planting pattern that is designed to achieve fifty percent coverage of the area not covered by tree canopy and shrubs.

- E. Tree Size and Spacing. Trees shall have a minimum diameter or caliper measured at four feet above grade of two inches or greater at time of planting and shall be densely planted as certified by a certified landscaping professional (CLP).
- F. Shrub Size and Spacing. Shrubs shall be planted from five-gallon containers or larger at the recommended spacing as certified by a certified landscaping professional (CLP).
- G. Nonplant Groundcovers. Bark dust, chips, aggregate, or other nonplant groundcovers may

be used, but shall be confined to areas underneath plants and within the drip lines. Nonplant groundcovers cannot be used to satisfy the coverage requirements.

- H. Landscaping for Stormwater Facilities. When such facilities are required for the development, water tolerant and/or native plants may be used to landscape the stormwater treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment). However, these plants shall not be counted towards the landscaping coverage calculations.
- I. Requirements for Maintenance and Irrigation. The use of drought-tolerant plant species are encouraged, and shall be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All man-made features required by this chapter shall be maintained in good condition, or otherwise replaced by the owner. The property owners shall maintain any landscape materials required by this chapter in a way that they do not adversely impact the usage of any off-site solar panels and windmills that exist at the time of issuance of the landscaping plan approvals.

(Ord. 1128 § 1 (part), 2008)

17.46.126 Landscape design and screening requirements.

All required setback areas, parking lots, and planter strips in the right-of-way shall be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria (See also WMC Chapter 12.28, Woodland Street Trees):

- A. Required Setback Area Landscaping. To increase the compatibility and appearance of commercial and/or industrial uses with that of other adjacent and nearby uses, all required setback areas, excluding ingress and egress

points, shall be landscaped and maintained in a neat and orderly manner as more specifically set forth in this section. Landscaping in required setback areas shall retain natural vegetation and use a combination of plants for year long color and interests.

- B. Required Front Yard Landscaping. Trees, shrubs, and plant groundcover should be planted along the entire road frontage area and shall meet the criteria of this chapter. This area can be counted toward the coverage requirements calculations in Section 17.46.125(B). Additional landscaping shall be located within the front yard setback area in accordance with the criteria in this chapter, while providing reasonable opportunity for signage, entrance features, parking, and ingress and egress areas.
- C. Corner Lots. Corner lots requiring or desiring to construct fencing along property lines shall utilize a nonsight-obscuring fence along the front and the appropriate side street property lines according to the following standards: (1) such nonsight-obscuring portion shall be a minimum of twenty feet in length along those property lines from the street corner of the lot, and (2) if a hedge or wall is utilized, such hedge or wall shall be no higher than three feet along the front and side street property lines within twenty feet from the street corner of the lot. Equipment and materials shall not be stored on corner lots so as to create sight obstructions at intersections.
- D. Abutting Nonindustrial Zoning District(s) and/or Use(s). Commercial and industrial uses which abut nonindustrial zoning district(s) and/or use(s) on side and rear property lines shall provide a sight-obscuring fence or wall a minimum of six feet in height. A chain link fence containing slats does not qualify as a sight-obscuring fence for the purposes of this section. In addition, evergreen trees, shrubs, and similar vegetation not less than six feet shall be densely planted along the full frontage of the outer side of such fence or wall.
- E. Industrial Uses Adjacent to Nonindustrial Zoning District(s) and/or Use(s) But Divided by a Street. Such uses shall provide and maintain a landscaped planting strip a minimum of five

feet in width along the full length of applicable property lines. The plantings shall be comprised of a largely view-obscuring arrangement of evergreen trees, shrubs, and similar vegetation not less than six feet in height.

F. Landscaping in Parking Areas.

1. Coverage Requirements. A minimum of ten percent of the total surface area of all proposed parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of "evenly distributed" shade trees with shrubs and/or groundcover plants that conform to the criteria in this chapter. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. These requirements can be included in the coverage requirement outlined in Section 17.46.125(B).
2. Tree Requirements. At a minimum, one tree per five parking spaces shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than twenty spaces shall include landscape islands with trees at the both ends and in between to break up the parking area into rows of not more than ten contiguous parking spaces. All parking area landscape islands shall have dimensions of not less than twenty-four square feet of area, or not less than four feet in width by six feet in length, to ensure adequate soil, water, and space for healthy plant growth.
3. Parking/Maneuvering Area Within Required Setback Areas. Where a parking or maneuvering area is proposed to be located within the required setback areas, such parking/maneuvering area shall not be located within the five feet from the property lines. An evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure that is a minimum of four feet in height shall be established between the proposed parking/

maneuvering area(s) and street. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative groundcover.

- G. Screening Requirements. All mechanical equipment, outdoor storage and manufacturing areas, service and delivery areas, garbage receptacles and recycling containers shall be fully screened from view from all public streets and adjacent nonindustrial zoning district(s) and/or use(s) in a manner which is architecturally integrated with the structure. Such screening shall be a minimum of six feet provided by a decorative wall (i.e., masonry or similar quality material), evergreen hedge, opaque fence complying with the standards of this section, or a similar feature that provides an opaque barrier.

(Ord. 1128 § 1 (part), 2008)

17.46.127 Master plan required.

Every industrial park, industrial subdivision, or binding site plan located within this zoning district shall contain covenants establishing a master landscaping plan so the entire industrial park project, upon completion, exhibits conformity in landscaping style. Any part or phase of the development proposal for the industrial park, industrial subdivision, or binding site plan shall exhibit conformance with the approved master plan. A copy of the recorded covenants shall be submitted with the proposed landscaping plan. (Ord. 1128 § 1 (part), 2008)

17.46.128 Variance from requirements.

Whenever there are difficulties that result from physical peculiarities of the property which make it difficult to implement these standards, the hearing examiner or development review committee shall have the authority to grant a variance from strict compliance with specific standards or requirements. The hearing examiner shall review applications for major variances at an open record public hearing in accordance with the procedure outlined in WMC Chapter 17.81 and render decisions based on the criteria outlined in WMC Section 17.81.020.B and provisions in the Woodland Comprehensive Plan. The DRC shall review applications for minor variances based on approval criteria outlined in WMC 17.81.180.B and provisions in the Woodland

Comprehensive Plan. Any such deviation so granted shall be specifically identified in the approved site plan and landscaping plan. (Ord. 1128 § 1 (part), 2008) (Ord. No. 1219, 2-6-2012)

17.46.130 Sign requirements.

All business identification and other signs shall meet the requirements of Section 17.52.080: I-1 district, signs, standards. (Ord. 638 § 16, 1987)

17.46.140 Lighting.

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

- A. Reflect or cast glare into any residential zone;
- B. Rotate, glitter, or flash; and
- C. Conflict with the readability of traffic signs and control signals. (Ord. 638 § 18, 1987)

17.46.150 Reserved.

Editor's note—Ord. No. 1256, § 3, adopted January 7, 2013, repealed § 17.46.150, which pertained to storm drainage and derived from Ord. No. 638, 1987.

17.46.160 Building and yard maintenance.

- A. All buildings and yards in the I-2 district shall be maintained in a neat and orderly manner. Landscaping shall be maintained in a healthy, presentable state.
- B. All structures, buildings, fences, and walls shall be kept free of rust, corrosion, peeling paint and other surface deterioration.
- C. Facade Detail. Fifteen percent of any street facing building elevations shall be in permeable surfaces (e.g., windows and pedestrian entrances) or permanent architectural features (e.g., wall plane projections, recesses, etc.) or a combination of both approximately equally distributed across a building facade to break up the monotony of large blank walls or facades. This requirement shall also apply to new building elevations that are located fifty feet or less from a residential zoning district. Where existing dense vegetation exists or to account for unique site circumstances or architectural design, an applicant may request a deviation to these standards by utilizing the process set forth in WMC Section 17.46.128.

(Ord. 1128 § 1 (part), 2008; Ord. 638 § 20, 1987)

17.46.200 Industrial off-site improvement standards—Title and purpose.

The purpose of this chapter is to ensure that public facilities and services necessary to support proposed developments are adequate or will be provided in a timely manner consistent with the Public Facilities and Services Planning Goals of the Washington State Growth Management Act (GMA) and provisions in the Woodland Comprehensive Plan. (Ord. No. 1158, § 1, 6-15-2009)

17.46.210 Industrial off-site improvement standards—Applicability.

Any of the following developments within the heavy industrial (I-2) in the city limit shall be subject to the requirements in this chapter.

- (1) Any new development with a human-occupied structure larger than two thousand square feet;
- (2) Change of use to a commercial and/or industrial use resulting in increase in traffic volume according to the latest edition of the Institute of Transportation Engineers (ITS) Trip Generation Manual;
- (3) Addition of a commercial and/or industrial use larger than two thousand square feet; or
- (4) Expansion of any existing structure that is larger than two thousand square feet by more than fifty percent in terms of gross square footage. Where more than one structure exists on a parcel, the threshold shall be applied cumulatively to the total gross square footage of all existing structures on the parcel.

(Ord. No. 1158, § 1, 6-15-2009)

17.46.220 Industrial off-site improvement standards—Extensions of sanitary sewer and water mains.

All proposed developments listed in WMC 17.46.210 shall extend the sanitary sewer and water mains from the existing end points of such mains along the full frontage of the subject property per the applicable city plans and standards, unless the applicant demonstrates to the approving authority that: 1) the proposed development will have no impact on the city's water and sanitary sewer systems, or 2) such extension

is undesirable, impractical, or unfeasible, and connect to them prior to the issuance of certificate of occupancy (C of O).

(Ord. No. 1158, § 1, 6-15-2009)

17.46.230 Industrial off-site improvement standards—Use of existing wells.

Existing properties with domestic well(s) at the time of application may continue to use them until required otherwise by provision(s) of WMC and other applicable county, state, and federal laws. Upon the connection to the city water services, such well(s) shall be disconnected for the purpose of potable usage.

(Ord. No. 1158, § 1, 6-15-2009)

17.46.240 Industrial off-site improvement standards—Right-of-way dedication and half street improvements.

All roads and accesses required for all proposed developments listed WMC 17.46.210 shall be dedicated and constructed in accordance with the applicable city plans and standards along the full frontage of the subject property, including, but not limited to, pavement, curb, gutter, planter strips, sidewalks, and street lights, prior to the issuance of certificate of occupancy (C of O), unless the applicant demonstrates to the approving authority that: 1) the proposed development will have no impact on the city's transportation systems, or 2) such extension of street is undesirable, impractical, or unfeasible. When the subject property does not abut a fully-constructed public street per the city plans and standards, applicant shall be responsible for constructing street(s) per the city plans and standards from the existing end point of a fully-constructed public street to the subject property. A latecomer agreement may be made with the city council's authorization per WMC 12.14.020 and 12.14.030.

(Ord. No. 1158, § 1, 6-15-2009)

Chapter 17.48

PERFORMANCE STANDARDS

Sections:

- 17.48.010 **Scope, application.**
- 17.48.020 **Sound measurement.**
- 17.48.030 **Exempt noise sources.**
- 17.48.040 **Sound pollution.**
- 17.48.050 **Construction and equipment activities.**
- 17.48.060 **Vibration.**
- 17.48.070 **Air emissions—Standards cited.**
- 17.48.080 **Smoke.**
- 17.48.090 **Dust—Particulates.**
- 17.48.100 **Odors.**
- 17.48.110 **Miscellaneous emissions.**
- 17.48.120 **Industrial wastes—Prohibited emissions.**
- 17.48.130 **Application of State Building Code Act.**
- 17.48.140 **Detonable materials.**
- 17.48.150 **Fire hazards—Solids.**
- 17.48.160 **Fire hazards—Liquids and gases.**
- 17.48.170 **Glare.**
- 17.48.180 **Heat.**
- 17.48.190 **Radioactivity—Electrical disturbances.**
- 17.48.200 **Radio, television transmitters.**
- 17.48.210 **Monitoring equipment.**

17.48.010 Scope, application.

- A. The performance standards that are included within this chapter are to be considered maximum standards and shall apply to all home occupations, commercial, and industrial development in all zones and in certain zoning districts as noted.
- B. Performance of these uses will be of such a nature that they do not inflict upon the surrounding residential, commercial, and industrial areas and uses smoke, dirt, glare, odors, vibration, noise, excessive hazards or air and water pollution detrimental to the public health, safety, and welfare and causing injury to human, animal, or plant life and property. After appropriate measurements have been taken and found that the results exceed these maximum

standards, the violation shall be considered a nuisance, declared in violation of the standards, and ordered abated by the city.

(Ord. 490 § 12.01(part), 1979)

17.48.020 Sound measurement.

- A. Sound shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. The measurement of sound shall be as noted in the following table and shall be measured in decibels with a sound level meter and associated octave band filter, manufactured according to standards prescribed by the American Standards Association. Measurements for alleged violations shall be made on at least three nonconsecutive days. Maximum permissible sound pressure levels shall comply with the following:

**Table 1
Pre-1960 Octave Band Method**

Octave Band in Cycles/Seconds (Pre-1960)	Maximum Permitted Sound Level (In Decibels) Along Residence District Boundaries	Maximum Permitted Sound Pressure Level (In Decibels) Along Commercial District Boundaries
0		
0-75	72	79
75-150	59	70
150-300	52	64
300-600	46	59
600-1200	42	53
1200-2400	39	47
2400-4800	29	41
Above 4800	20	34

- B. Octave band analyzers manufactured after 1960 and calibrated in the Preferred Frequencies (American Standards Association 51.6-1960, Preferred Frequencies for Acoustical Measurements) shall be used according to the following table:

Table 2

Center Frequency Cycles per Second	Maximum Permitted Sound Pressure Level (in decibels) Along Residence District Boundaries	Maximum Permitted Sound Pressure Level (in decibels) Along Commercial District Boundaries
31.5	65	72

Center Frequency Cycles per Second	Maximum Permitted Sound Pressure Level (in decibels) Along Residence District Boundaries	Maximum Permitted Sound Pressure Level (in decibels) Along Commercial District Boundaries
63	67	70
125	66	68
250	59	63
500	52	57
1000	46	52
2000	37	45
4000	26	38
8000	17	32

- C. Impact noise shall be measured using the fast response of the sound level meter. Measurements are to be made at any point along district boundaries as indicated in Tables 1 and 2. Impact noises are intermittent sounds such as from a punch press or drop forge hammer.

(Ord. 490 § 12.02(1), 1979)

17.48.030 Exempt noise sources.

The following noise sources are exempt from these regulations:

- A. Devices which are maintained and utilized solely for warning, safety, or emergency purposes and whose use is temporary and infrequent;
- B. Transient noises of moving sources such as automobiles, trucks, airplanes, and railroads;
- C. Aircraft noise shall be subject to the Federal Aviation Administration (FAA) and applicable rules of the Civil Aeronautical Board (CAB);
- D. Sources and activities not under the direct control of the use.

(Ord. 490 § 12.02(2), 1979)

17.48.040 Sound pollution.

Notwithstanding the standards established in Sections 17.48.020 and 17.48.030, the production of sound frequencies, levels, or quality of sound found to be injurious to health or destructive to property may be summarily caused to be abated. (Ord. 490 § 12.02(3), 1979)

17.48.050 Construction and equipment activities.

In areas where noise and vibration from construction activities is an irritant or nuisance to the surroundings, these activities shall be limited to the hours between seven a.m. and eight p.m. on weekdays, and prohibited on Sundays. (Ord. 490 § 12.02(4), 1979)

17.48.060 Vibration.

Uses shall not create continuous or intermittent vibrations, either earthborne or airborne, which becomes a nuisance or hazard beyond property lines. (Ord. 490 § 12.02(5), 1979)

17.48.070 Air emissions—Standards cited.

All emissions to the air shall be governed by the State of Washington Clean Air Act (Ch. 70.94 RCW), the implementing administrative codes, and the rules and standards of the Southwest Air Pollution Control Authority (SWAPCA). If any of the standards contained in Sections 17.48.080 through 17.48.110 conflict with state

or SWAPCA standards, the regulation of the latter shall apply. (Ord. 490 § 12.03 (part), 1979)

17.48.080 Smoke.

Smoke shall not be emitted from any source in a greater density of grey than that described as No. 1 on the Ringlemann Chart, except that visible grey smoke of a shade not darker than that described as No. 2 on the Ringlemann Chart may be emitted for not more than four minutes in any thirty minutes. The provisions applicable to visible grey smoke shall also apply to visible smoke of different color, but with an equivalent apparent opacity. (Ord. 490 § 12.03(1), 1979)

17.48.090 Dust—Particulates.

The emission of dust, particulates, and any airborne solids shall be governed by Washington State and Southwest Air Pollution Control Authority standards and regulations. Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles of bulk material such as coal, sand, cinders, slag, sulfur, etc. (Ord. 490 § 12.03(2), 1979)

17.48.100 Odors.

Odors from gases or other odorous matter shall not be in such quantities as to be detectable beyond the exterior property lines of the lot or site. (Ord. 490 § 12.03(3), 1979)

17.48.110 Miscellaneous emissions.

No visible or invisible noxious gases and fumes shall be discharged into the atmosphere from any continuous or intermittent operation except as is common to the normal operation of a heating plant or motor vehicle, railroad, and aircraft engines. (Ord. 490 § 12.03(4), 1979)

17.48.120 Industrial wastes—Prohibited emissions.

No use shall discharge into the air, storm drains, sewer systems, or across lot boundaries any toxic or noxious gases or matters in any concentrations as to be detrimental to or endanger the public health, safety or welfare, or cause injury or damage to animals, vegetation, property, or adjacent and nearby businesses. The disposal of industrial wastes shall be governed by the regulations and standards of applicable state and federal agencies. (Ord. 490 § 12.04, 1979)

17.48.130 Application of State Building Code Act.

In addition to the provisions of Sections 17.48.140 through 17.48.160, the storage, utilization, and manufacture of any explosive or flammable materials, liquids, or gases shall be governed by the State Building Code Act (Ch. 19.27 RCW) and all codes and regulations adopted thereto. If there is any conflict between standards, the more restrictive shall apply. (Ord. 490 § 12.05 (part), 1979)

17.48.140 Detonable materials.

The storage, utilization and manufacture of detonable materials, as defined in Chapter 17.08, is permitted only in the I-1 district and is limited to five pounds. Quantities in excess of five pounds may be stored or transported but not manufactured and only when permitted in writing by the Woodland fire department. (Ord. 490 § 12.05(1), 1979)

17.48.150 Fire hazards—Solids.

- A. The storage, utilization or manufacture of solid materials and products ranging from incombustible to moderate burning is permitted in C-1, C-2, and I-1 districts.
- B. The storage, utilization, or manufacture of solid materials and products ranging from active to intense burning is permitted in the I-1 district only, and shall be within a building or space within a building having fire-resistant construction of no less than two hours and protected with an automatic fire-extinguishing system.
- Said materials or products may be stored outdoors; provided such storage is set back at least fifty feet from all property lines.
- (Ord. 490 § 12.05(2), 1979)

17.48.160 Fire hazards—Liquids and gases.

- A. The storage and utilization of flammable liquids or gases is permitted in the C-2 district, and the storage, utilization and manufacture of flammable liquids or gases is permitted in the I-1 district in accordance with the State Building and Fire Codes and other applicable standards. The storage of finished products in original sealed containers of fifty-five gallons or less shall be unrestricted in both districts and shall be stored in conformance with the State Fire Code.
- B. Materials or products which produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted in any district, except such materials as are used or required in emergency or standby equipment or in secondary

processes auxiliary to the principal operation such as paint spraying of finished products.

(Ord. 490 § 12.05(3), 1979)

17.48.170 Glare.

Any operation or activity producing glare shall direct or shield such glare so that it will not be directly or indirectly cast into adjacent or nearby residential districts. Artificial lighting shall be hooded or shaded so that direct light of such high intensity lamps will not cast glare into adjacent or nearby residential districts. (Ord. 490 § 12.06(1), 1979)

17.48.180 Heat.

Heat from any source shall not be produced beyond the property lines of the operation or activity. (Ord. 490 § 12.06(2), 1979)

17.48.190 Radioactivity—Electrical disturbances.

Radioactivity and electrical disturbances shall be limited to measuring, gauging, and calibration devices such as tracer elements in x-ray and like apparatus, and in connection with the processing and preservation of foods. The use of radioactive materials shall be strictly governed by applicable federal and state guidelines and regulations. In all cases, no radiation or radio emission shall be permitted that may produce a public danger or nuisance beyond property lines. (Ord. 490 § 12.07, 1979)

17.48.200 Radio, television transmitters.

Radio and television transmitters shall be operated at the regularly assigned wave length (or within the authorized tolerances thereof) as assigned by the appropriate governmental agency. Subject to such exception, all electrical and electronic devices and equipment shall be suitably wired, shielded and controlled so that they shall not emit any electrical impulses or waves which will adversely affect the operation and control of any other off-site electrical or electronic devices or produce any hazards or nuisances to the public. (Ord. 490 § 12.08, 1979)

17.48.210 Monitoring equipment.

Wherever appropriate and reasonable, the planning commission may require the owner or lessee to install, maintain, and operate continuous measuring and recording instruments to monitor the operation or effect the operation of any machines, devices, or instruments used to control noise, glare, heat, air pollution, smoke, hazardous gases and liquids, or vibration. (Ord. 490 § 12.09, 1979)

Chapter 17.50

RECREATIONAL MARIJUANA

Sections:

- 17.50.010 Findings and purpose.**
- 17.50.020 Definitions.**
- 17.50.030 Location criteria for recreational marijuana uses.**
- 17.50.040 Marijuana uses allowed in identified zones.**
- 17.50.050 Signs and advertising.**
- 17.50.060 Security requirements.**
- 17.50.070 Report of disturbances and unlawful activity.**
- 17.50.080 Visibility of activities; control of emissions.**
- 17.50.090 Enforcement.**

17.50.010 Findings and purpose.

- A. The purpose of this chapter is to establish where marijuana producers, processors, and retail outlets may locate in the city, and to define the restrictions upon such uses.
- B. No part of this chapter is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 et seq., the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state, or federal law, statute, rule or regulation. Nothing in this chapter shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana in any manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. Nothing in this chapter shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein. It is the intention of the city council that this chapter be interpreted to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass.

(Ord. No. 1312, § 1, 12-1-2014)

17.50.020 Definitions.

"Child care center" means an entity that regularly provides child day care and early learning services for a

group of children for periods of less than twenty-four hours licensed by the Washington State Department of Early Learning, under chapter 170-295 WAC.

"Cultivation" means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

"Deliver" or "delivery" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

"Elementary school" means a school for early education that provides the first four to eight years of basic education and recognized by the Washington State Superintendent of Public Instruction.

"Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

"Indoors" means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the city, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two inches by four inches or thicker studs overlain with three-eighths-inch or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

"Marijuana" means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. For the purposes of this chapter, "cannabis" or "marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature

stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

"Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

"Marijuana, useable" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

"Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.

"Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision of agency or any other legal or commercial entity.

"Playground" means a public outdoor recreation area for children, usually equipped with swings, slides and other playground equipment, owned and/or managed by a city, county, state or federal government.

"Process" means to handle or process cannabis in preparation for use.

"Processor, marijuana" means a person licensed by the State Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products as wholesale to marijuana retailers.

"Produce" or "production" means to manufacture, plant, grow or harvest cannabis or marijuana.

"Producer, marijuana" means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

"Public park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, state, federal government or metropolitan park district. Public park does not include trails.

"Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings,

public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

"Public transit center" means a facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

"Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state or federal government.

"Retail outlet" means a location licensed by the State Liquor Control Board for the retail sale of useable marijuana and marijuana-infused products.

"Retailer, marijuana" means a person licensed by the State Liquor Control Board to sell useable marijuana and marijuana-infused products in a retail outlet.

"Secondary school" means a high and/or middle school. A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington State Superintendent of Public Instruction.

"Useable cannabis or useable marijuana" means dried flowers of the cannabis plant. The term "useable cannabis or useable marijuana" does not include marijuana-infused products or cannabis products. (Ord. No. 1312, § 1, 12-1-2014)

17.50.030 Location criteria for recreational marijuana uses.

- A. No recreational marijuana producer, processor, or retail outlet may be located within one thousand feet of the perimeter of the grounds of any of the following:
1. Elementary or secondary school;
 2. Playground;
 3. Recreation center or facility;
 4. Child care center;
 5. Public park;
 6. Public transit center;
 7. Library;
 8. Any game arcade (where admission is not restricted to persons age twenty-one or older).
- B. No marijuana producer, processor or retail outlet may locate within any residentially zoned district or within any residential unit in the city.
- C. The distances described in subsections (A) and (B) above shall be computed by direct measurement as follows: the distance shall be measured as the shortest straight line distance from the property line of the licensed premises to the property line of the above listed facility or facilities.

(Ord. No. 1312, § 1, 12-1-2014)

17.50.040 Marijuana uses allowed in identified zones.

- A. Recreational marijuana production and processing is a permitted use for those properties in the light industrial (I-1) and the heavy industrial (I-2) zoning districts that are located west of the railroad tracks, subject to compliance with this chapter and all other applicable Woodland Municipal Code requirements.
- B. Recreational marijuana retail outlets and retail uses are prohibited in all zoning designations.

(Ord. No. 1312, § 1, 12-1-2014)

17.50.050 Signs and advertising.

All signage and advertising for a recreational marijuana processor, producer or retail outlet shall comply with the applicable provisions of this code, the sign code, zoning code and WAC 314-55-155 (and all applicable rules for city, state, and federal regulations).

(Ord. No. 1312, § 1, 12-1-2014)

17.50.060 Security requirements.

Security measures at all licensed premises shall comply with the requirements of WAC 314-55-083 (and all applicable rules for city, state and federal regulations).

(Ord. No. 1312, § 1, 12-1-2014)

17.50.070 Report of disturbances and unlawful activity.

- A. All licensees and any agent, manager or employee thereof shall immediately report to the City of Woodland Police Department any disorderly act, conduct or disturbance and any unlawful activity committed in or on the licensed and permitted premises, including, but not limited to, any unlawful resale of marijuana, and shall also immediately report any such activity in the immediate vicinity of the business.
- B. Each licensee shall post and keep at all times visible to the public in a conspicuous place on the premises a sign with a minimum height of fourteen inches and a minimum width of eleven inches with each letter to be a minimum of one-half-inch in height, which shall read as follows:

WARNING:

The City of Woodland Police Department must be notified of all disorderly acts, conduct or disturbances and all unlawful activities which occur on or within the premises of this licensed establishment.

- C. It shall not be a defense to prosecution of a code enforcement action under this section that the licensee was not personally present on the premises at the time such unlawful activity, disorderly act, conduct or disturbance was committed; however, no agent or employee of the licensee shall be personally responsible for failing to report any disorderly act, conduct, or disturbance and any unlawful activity hereunder if such agent, servant or employee was absent from the premises at the time such activity was committed.

(Ord. No. 1312, § 1, 12-1-2014)

17.50.080 Visibility of activities; control of emissions.

- A. A marijuana business must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.

- B. No recreational marijuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.
- C. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the recreational marijuana business must be in effect at all times. In the event that any odors, dust, fluids or other substances exit a recreational marijuana business, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for the immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

(Ord. No. 1312, § 1, 12-1-2014)

17.50.090 Enforcement.

- A. Violation of this chapter including the sign code or zoning code shall result in a Class 1 civil infraction as defined by RCW 7.80.120, with each day of violation being a separate infraction. The city may enforce this section pursuant to Chapter 7.80 RCW. For violations of WAC 314-55-155 and 314-55-525, the city may report the violation to the State Liquor Control Board.
- B. In addition to any other applicable remedy and/or penalty, any violation of this chapter is declared to be a public nuisance per se, and may be abated by the city under the applicable provisions of the Woodland Municipal Code or state law.
- C. Nothing in this chapter shall be construed as a limitation on the city's authority to abate any violation which may exist from the cultivation of marijuana from any location.

(Ord. No. 1312, § 1, 12-1-2014)

Chapter 17.52

SIGN REQUIREMENTS

Sections:

17.52.010	Purpose.
17.52.020	Applicability.
17.52.030	General requirements.
17.52.040	Prohibited signs.
17.52.050	Definitions.
17.52.060	Residential (LDR, MDR and HDR) districts.
17.52.070	Commercial (C-1, C-2 and C-3) districts.
17.52.080	Industrial (I-1 and I-2) districts.
17.52.090	Temporary signs.
17.52.100	Conditional uses.
17.52.110	Signs as public nuisance.
17.52.120	Maintenance of nonconforming signs.
17.52.130	Exemptions.
17.52.140	Permit requirements.
17.52.150	Review procedures.

17.52.010 Purpose.

The purpose of this chapter is to create a more attractive economic and business climate while improving the overall quality in the city. It is to promote and protect the public health, safety, welfare and aesthetics by regulating outdoor signs of all types and to encourage the installation of advertising signs that harmonize with buildings, natural settings, neighborhoods, and other signs in the area. (Ord. 1015 § 1 (part), 2004)

17.52.020 Applicability.

This chapter applies to all signs that are visible from the public right-of-way, built or altered after the effective date of the ordinance codified in this chapter. No sign, unless exempted by this chapter, shall be constructed, displayed or altered without a sign permit issued by the city. (Ord. 1015 § 1 (part), 2004)

17.52.030 General requirements.

- A. Sign standards and conditions shall be as follows:
1. The structure and installation of all signs shall comply with the latest adopted edition of the

building code and sign code and with all applicable state, county, and city building and fire codes;

2. Awnings, bulletin boards, canopies, display cases and marquees shall be subject to standards outlined in the latest adopted edition of the building code, and shall require, a building permit and inspection by the city building official;
3. All electrically illuminated signs shall have electrical components, connections and installations that conform to all federal, state and local requirements;
4. All signs, including all of their supports, braces, guys and anchors shall be maintained in good repair and in a safe, neat, clean and attractive manner.
5. All sign permit applications shall be signed by the owner of the property, in addition to the applicant. It is the property owner's responsibility to ensure all tenants follow the criteria as outlined in this chapter. Further, for those multi-tenant buildings who must share allowable sign size, it is the property owner's responsibility to ensure all tenants are aware of this criteria and to ensure allowable sign size is divided amongst all tenants.

- B. Illumination. The light directed on, or internal to any sign shall be shaded, shielded or directed so that its brightness or glare does not adversely affect the safe vision of drivers or pedestrians to an unreasonable degree. Lighted signs visible from nearby residences shall be shielded in such a way to prevent glare and reduce brightness.

(Ord. 1015 § 1 (part), 2004)

(Ord. No. 1277, § 1, 10-6-2014)

17.52.040 Prohibited signs.

The following types of signs and advertising displays or structures are not permitted, except as indicated. Prohibited signs are subject to removal at the owner's expense after appropriate notification by the city:

- A. Off-premise Signs. Any second party sign that advertises goods, products, services or facilities, or directs persons to a location different from where the sign is installed, and that does not relate strictly to the lawful use of the prem-

- ise on which it is located. Lawful use is defined as a sign which indicates the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of person, firm or corporation occupying the premises (exception: off-premise signs as allowed in Section 17.52.070).
- B. Flashing, animated, rotating, moving or audible signs.
 - C. Billboards. Billboards are prohibited in all zones.
 - D. Signs that Obstruct. Any sign that substantially obstructs free and clear vision of an exit, traffic intersection entrance, traffic sign or signal or constitutes a traffic hazard by reasons thereof.
 - E. Signs Containing Unwarranted Content. Any sign, which contains statements, words and pictures of an obscene nature.
 - F. Window signs containing material unrelated to the merchandise for sale or service performed by the person or business on whose premises or property the sign is located; provide, however, on-premises signs may call the attention of the public to public holidays or community events.
 - G. Miscellaneous Signs and Poster. The tacking, pasting, painting or otherwise affixing of any sign or signs of a miscellaneous character, visible from a public right-of-way, located on exterior walls of any building, barn, shed, tree, pole, post, fence or other structure is prohibited unless otherwise permitted as official sign.
 - H. Signs which purport to be, or are in imitation of, or resemble an official traffic sign or signal, or which bear the words, "stop," "caution," "danger," "warning," or similar words.
 - I. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be construed as a traffic-control sign, signal or device, or the light of an emergency or radio equipment vehicle; or which obstruct the visibility of any traffic or street sign or signal device.
 - J. Signs which, by reason of their size, location, movement or manner of illumination, obstruct the visibility of any aviation flight path.
 - K. Any sign or advertisement on a vehicle, trailer, or cart visible from the public right-of-way and parked for the primary purpose of gaining signage not allowed by this chapter. This provision shall not be construed as prohibiting the identification of a firm or its principal products on a vehicle used in the normal course of business, or preventing the normal travel of fleet vehicles to and from places of employment and employee places of residence. Violation shall be evidenced by either of the following:
 - a. The vehicle, trailer, or cart is parked further than one hundred feet from the space occupied by the business being promoted and such vehicle, trailer, or cart is parked for a period exceeding twenty-four consecutive hours; or
 - b. The advertising is promoting a business with no valid City of Woodland business license.
 - L. Any other sign that does not conform to all provisions of this code.
(Ord. 1015 § 1 (part), 2004)
(Ord. No. 1277, §§ 2, 3, 10-6-2014)

17.52.050 Definitions.

The following definitions and terms shall be used in the interpretation of this chapter:

"Advertising copy" means any letters, figures, symbols, logos, trademarks or similar devices which identify or promote the sign user or any product or service; or which provides information about the sign user, the premises, the building or the products or services available.

"Awning, retractable" means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported by that wall and that is collapsible, retractable, or capable of being folded against the face of the supporting building.

"Awning, fixed" means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported by that wall, and is held in place with rigid frames and covered with a flexible material.

"Banner" means an on-site sign such as those used to announce an open house, a grand opening or to make a special announcement. Normally, it is con-

structured of cloth, canvas, or similar material and is without a rigid frame. It will be considered either as a fascia or freestanding sign, depending on the method of attachments, and will have to comply with the normal zone requirements.

"Billboard" means a sign, including both the supporting structural framework and attached billboard faces, use principally for advertising a business activity, use, product, or service unrelated to the primary use or activity of the property on which the billboard is located; excluding off-premises direction, or temporary real estate signs.

"Building code" means the current building code as adopted by the state and Woodlands Municipal Code.

"Building frontage—Primary" means as follows:

1. In a building containing only one business, primary frontage shall be the width, as defined in this section, of that side of the building, which contains the main public entrance to that business.
2. In a building containing more than one business, all of which businesses have their main public entrances on the same side, primary frontage shall be the width, as defined in this section, of that side of the building, which contains those public entrances.
3. In a building containing more than one business, where those businesses have their main public entrances on more than one side of the building, each such side shall constitute a primary frontage. Each primary frontage shall be the width, as defined in this section, of that frontage.

"Building frontage—Secondary" means as follows:

1. In a building containing one or more businesses, and having all main public entrances on one side, one secondary frontage may be designated by the building owner. That frontage shall be the width, as defined in this section, of that side of the building so designated.

"Bulletin board" means a board utilized for posting public notices, i.e. garage sales, for sale, etc.

"Business complex" means two or more commercial businesses on a lot or contiguous lots with common access and parking.

"Canopy" means a freestanding permanent structure providing protection from the elements, such as a service station gas pump island.

"Changing image sign" means any sign that, through the use of moving elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement, or change of sign image or text. Changing image signs do not include otherwise static signs where illumination is turned off and back on not more than once every twenty-four hours.

"Directional sign" means any sign which is designed and erected solely for the purpose of traffic or pedestrian direction (i.e. menu boards, bank machines, height warning) and which are placed on the property to which the public is directed.

"Facade" means the entire building front or the street sidewall of a building from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

"Flashing sign" means an illuminated sign, which changes intensity of lighting and/or switches on and off in a constant pattern or in which lighting is not maintained stationary and constant intensity and color.

"Freestanding sign" means a sign or advertising display which is not supported by a building, but which is supported by one or more upright poles or braces which are in or on the ground.

"Gross area of a sign" means the area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements, which are not a part of the display. The gross area of a two-faced sign equals the area of one side. The gross area of a spherical, cubical or polyhedral sign equals one-half the total surface area.

"Marquee" means a permanent roof or hood structure attached to, supported by, and projecting from a building over the public right-of-way or public place. It provides protection from weather elements, but does not include a projecting roof.

"Monument sign" means 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, nonhollow, unbroken mass.

"Nameplate sign" means a sign, which indicates no more than the name, address and home occupation of the resident of the premises.

"Off-premise sign" means any sign that draws attention to or communicates information about business establishment (or any other enterprise) that exists at a location other than the location of that which the sign has been placed.

"On-premise sign" means a sign which carries only advertisements strictly related to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises.

"Outdoor advertising" means all publicly displayed messages such as signs, placards, pennants or posters whose purpose is to provide official or commercial information, direction and advertising.

"Political signs" means a sign that is deemed to include information pertaining to levies, nonpartisan, partisan, initiative and/or referendum elections.

"Projecting sign" means a sign attached to and supported by a wall of a building or structure which projects more than one foot horizontally from the vertical face of a building, awning, canopy or parapet.

"Public or semipublic sign" means a sign, which directs attention to public or semipublic buildings, including but not limited to churches, schools, libraries and hospitals.

"Real estate sign" means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

"Roof sign" means a sign or advertising display supported by and erected on or above a roof or parapet of a building or similar structure.

"Sign" means a display or device affixed to the ground, attached to a building, or other structure using graphics, logos, symbols, and/or written copy designed specifically for the display of a commercial or other advertisement to the public.

"Street frontage—Primary" means the property width as measured along the street right-of-way at the primary entrance to the property. In cases of pipestem lots or similar reduction in street right-of-way, the lot width which is most parallel to the primary building frontage.

"Street frontage—Secondary" means the property width at the street frontage that is not the primary frontage as measured along the street right-of-way.

"Temporary sign" means a sign that is (1) used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (2) is intended to remain on the location where it is erected or placed for a period of not more than thirty days. In case of construction project signs, they may be maintained for the duration of the construction. If a sign display area is subject to periodic changes, that sign shall not be regarded as temporary.

"Wall sign" means a sign attached to and supported by a wall of a building or structure, with the exposed face of the sign parallel to the wall. Any sign placed behind glass, or affixed to a window of a building and located in such a manner as to have an obvious intent to capture interest of persons outside the building, shall be considered a wall sign and shall be treated in the same manner.

"Width" means the horizontal distance measured in a straight line between any two corners of a building, exclusive of corners having an angle of greater than ninety degrees.

"Window sign" means a sign attached to or otherwise obscuring vision, in whole or in part, through a window. It is intended to be viewed by persons outside of the building. (Ord. 1015 § 1 (part), 2004) (Ord. No. 1277, § 4, 10-6-2014)

17.52.060 Residential (LDR, MDR and HDR) districts.

The following signs are permitted in the LDR, MDR and HDR zoning districts with an approved building permit:

A. Public or Semipublic Uses.

1. Public or semipublic use freestanding identification sign and/or bulletin board. Such signs shall not exceed sixty square feet in gross area per face, shall be placed a minimum of ten feet behind all property lines, and shall not be over sixteen feet in height from ground level to sign top. No more than one double-faced freestanding sign shall be allowed per use. Such sign shall be located on the premises of the use to which the sign refers and shall be unobtrusive and in keeping with the character of the neighborhood.

2. Wall, Roof or Projecting Signs. Public or semipublic use, wall, roof or projecting identification sign and/or bulletin board shall not exceed six percent of the building face to which the sign is attached and in no event shall there be more than a total of two signs of either the freestanding, wall, roof or projecting type allowed per use.
- B. Residential.
1. A sign advertising a subdivision, housing development or construction thereof; no more than two double-faced signs shall be allowed per subdivision or housing development. Such signs shall be located on the premises, of the use, to which the sign refers and shall be unobtrusive and reflect the character of the neighborhood. Such signs shall not exceed thirty-two square feet, shall be setback a minimum of ten feet behind all property lines, and shall be no more than ten feet in height from ground level. Once all lots or units have been sold or otherwise disposed of, the sign or signs shall be removed by the original owner, property developer, builder or agent.
 2. A permanent sign identifying a subdivision, multifamily complex or building, mobile home park or subdivision, or similar housing development and located on the premises of the development. Such sign shall not exceed sixteen square feet in gross area per face, shall be placed a minimum of ten feet from all property lines, and shall not be over ten feet in height from ground level if a wall sign or five feet in height from ground level if freestanding. Each entrance is allowed one sign of either the freestanding or wall type, to a maximum of two per subdivision and/or development. Freestanding signs shall be set in a landscaped setting and designed and constructed of materials compatible with the development and the neighborhood and shall be unobtrusive.
 3. For sale, lease or rent signs—One unlighted sign not exceeding six square feet, sign shall be located inside property lines as not to restrict site distance and shall be considered a temporary sign to be removed upon the sale, rental, or lease of said property. Sign shall be located on property for which the sale, lease, or rental is referring. Such signs shall pertain to the sale, lease, rent, or hire of only the particular building, property, or premises upon which displayed.
 4. Directional signs; for real estate purposes (open house or special sale)—One four square foot sign per function per street frontage, which shall be removed at completion of open house or special sale or a maximum of seven continuous days.
 5. Illumination of signs in any residential district shall be limited to ground or sign level flood lighting, illuminating only the sign and not casting glare or light into neighboring properties. With the exception of individual residence nameplates and permanent development identification signs, all lighting of signs shall terminate at ten p.m.
 6. Identifying home occupation signs shall not exceed four square feet in gross area, shall be limited to one per property, and shall be set back a minimum of ten feet from all property lines. The style and materials used shall be in keeping with the character of the neighborhood.
- (Ord. 1015 § 1 (part), 2004)
(Ord. No. 1277, § 5, 10-6-2014)

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

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

- A. On-premise Freestanding Signs.
1. Allowable Area. Primary frontage within the C-1 and C-3 districts shall be calculated at one square foot per linear foot of street frontage of the premises up to a maximum of one hundred square feet, provided that premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign. Secondary frontage shall be cal-

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

two signs per business; shall not exceed sixteen square feet in area and eight feet in height.

B. Off-premise Signs.

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

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

1. Allowable Area. Primary frontage within the C-1 and C-3 districts shall be calculated at one square foot per linear foot of building frontage as measured horizontally along the side building elevation at the appropriate frontage, up to a maximum of one hundred square feet total sign area. Primary frontage within the C-2 district shall be calculated at one square foot per linear foot of building frontage as measured horizontally along the side building elevation at the appropriate frontage, up

to a maximum of two hundred square feet total sign area; provided that a building elevation with less than thirty-two feet of horizontal length shall be allowed a maximum of thirty-two square feet of sign area. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of building frontage up to a maximum of fifty square feet.

2. Number of Signs. Three per primary frontage; one per secondary frontage; and in no event shall there be more than a total of four wall, roof or projecting signs per business.
 3. In any building occupied by more than one business, the maximum sign area on each primary frontage shall be shared proportionally by those businesses whose main public entrance is along that frontage. Where applicable, the sign allowed on the secondary frontage shall be a joint use sign.
 4. The maximum sign area per primary frontage may be divided between projecting, wall and first floor window signs. The total sign area per frontage shall be determined by adding together the area for all types of signs.
 5. Each business shall be allowed one painted window sign in addition to the maximum number of signs and square footage allowed by this chapter for the limited purpose of identifying the business owner, business name and hours of operation. The sign shall not cover more than six square feet of window area where it is located.
 6. For buildings located on or within one foot of the street right-of-way line, projecting signs shall project no more than five feet from the walls to which they are attached.
 7. All projecting signs shall be at least ten feet above sidewalks and walkways.
- D. Awnings and Canopies.**
1. Awnings and canopies shall not be considered signs, except that the area of any awning or canopy, which displays advertising copy, shall be considered a sign.

2. Advertising copy, which appears on any side of an awning, or canopy, which most nearly parallels the side of the building, shall be treated as a wall sign, and shall be subject to all the requirements of this chapter which apply to wall signs affixed directly to a building.
 3. Advertising copy which appears on any side of an awning or canopy which is generally perpendicular to the side of the building, shall be treated as a projecting sign, and shall be subject to all of the requirements of this chapter which applies to projecting signs affixed directly to a building. In the event advertising copy appears on two sides of an awning or canopy which are perpendicular to the same wall, those sides shall be considered one projecting sign.
 4. Marquees, awnings, and canopies shall not extend further than the curb of the street.
- E. Sign Illumination. The light from any illuminated sign shall be shaded, shielded or directed so that the light will not be objectionable to surrounding uses, residential areas and public safety. No sign shall have rotating, flashing or blinking lights or other illuminating device that changes in lights or other illuminating device that changes in light intensity, brightness or color except as follows:
1. In the central business (C-1) district and the highway commercial (C-2) district one changing image sign shall be allowed per business.
 2. In the central business (C-1) district and the highway commercial (C-2) district, changing image signs are allowed for alphanumeric messages. Changing image signs may scroll, travel and may not change information more frequently than once every two seconds.
 3. In the central business (C-1) district changing image signs shall not exceed eight square feet in area and the lighting of the message area and lighting of the background shall not consist of more than one color each, for a possible two color chang-

ing image sign. The allowed changing image sign area is to be included in the total allowed sign area, not in addition to.

4. In the highway commercial (C-2) district changing image signs shall not exceed eight square feet in area and the lighting of the message area and lighting of the background shall not consist of more than one color each, for a possible two color changing image sign. The allowed changing image sign area is to be included in the total allowed sign area, not in addition to.
 5. Rotating barber poles are allowed in all commercial districts.
- F. For Sale, Lease or Rent Signs. No more than one double-face sign thirty-two square feet in area shall be allowed. The sign shall be located inside property lines as not to restrict site distance and shall be considered a temporary sign to be removed upon the sale, rental, or lease of said property. Sign shall be located on property for which the sale, lease or rental is referring and shall be no more than ten feet in height from ground level and more than ten feet from all property lines.

(Ord. 1015 § 1 (part), 2004)

(Ord. No. 1277, §§ 6—11, 10-6-2014; Ord. No. 1378, § 78, 11-21-2016)

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

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

- A. On-premise Freestanding Signs.
 1. Allowable Area. Primary frontage shall be calculated at one square foot per linear foot of street frontage of the premises up to a maximum of two hundred square feet, provided that premises with less than thirty-two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign.
 2. Secondary frontage shall be calculated at one-half square foot of sign area for each linear foot of street frontage up to a maximum of one hundred square feet, provided that a premises with less than thirty-

two feet of linear street frontage shall be allowed a maximum of a thirty-two square foot sign.

3. Number of Signs. Each industrial business shall have not more than one free-standing business identification sign, located on the primary or secondary frontage. An industrial complex shall have not more than two freestanding signs; one to be located on a primary frontage and the second sign located on the secondary frontage. Entrance, delivery, warning and other strictly directional signs are permitted; provided each sign does not exceed sixteen square feet in area and eight feet in height.
 4. Height of Sign. Maximum height shall not exceed thirty feet.
 5. The placement of freestanding signs or pole signs shall be in such a fashion and location as to not unreasonably obstruct the safe vision of motorists and pedestrians, nor unreasonably obstruct the view of signs of adjacent property owners.
 6. Freestanding or pole signs shall not be located closer than one hundred feet to another freestanding sign along the same side of the street or right-of-way, except if the establishment's lot width would result in less than one hundred feet, the distances between signs shall be the maximum possible.
 7. Each freestanding or pole sign shall have a landscaped area twice the size of the sign face around the base of the sign. Pre-existing developments may be exempt from the landscape requirement subject to the approval of the community development director or his or her designee.
 8. If more than one business in a complex where businesses share the use of a parking lot, structure, parcel or facility, has the need of a freestanding, pole sign or monument type sign, all signs shall be located together on the same joint use sign.
 9. One sandwich board or A frame sign is allowed. The sign shall be situated on the private property of the location of the business or that portion of public right-of-way immediately at the front of said business, and is erected only during hours of operation. Such signs shall not be placed so as to obstruct traffic or visibility. A minimum of forty-four inches of pedestrian travel area, or current ADA standard, whichever is greater, must be maintained at all times.
- B. On-premises Wall, Window, Roof Projecting.
1. Allowable Area. One square foot per linear foot of building frontage as measured horizontally along a side building elevation, at the appropriate frontage, up to a maximum of two hundred square feet per sign; provided that a building elevation with less than thirty-two feet of horizontal length shall be allowed a maximum thirty-two square foot sign.
 2. Number of Signs. One per primary frontage; one per secondary frontage; and in no event shall there be more than a total of two wall, roof or projecting signs per business.
 3. In any building occupied by more than one business, the maximum sign area on each primary frontage shall be shared proportionally by those businesses whose main public entrance is along that frontage. Where applicable, the sign allowed on the secondary frontage shall be a joint use sign.
 4. Each business shall be allowed one painted window sign in addition to the maximum number of signs and square footage allowed by this chapter for the limited purpose of identifying the business owner, business name and hours of operation. The sign shall not cover more than six square feet of window area where it is located.
- C. Awnings and Canopies.
1. Awnings and canopies shall not be considered signs, except that the area of any awning or canopy, which displays advertising copy, shall be considered a sign.
 2. Advertising copy, which appears on any side of an awning, or canopy, which most nearly parallels the side of the building,

shall be treated as a wall sign, and shall be subject to all the requirements of this chapter which apply to wall signs affixed directly to a building.

3. Advertising copy which appears on any side of an awning or canopy which is generally perpendicular to the side of the building, shall be treated as a projecting sign, and shall be subject to all of the requirements of this chapter which apply to projecting signs affixed directly to a building. In the event advertising copy appears on two sides of an awning or canopy which are perpendicular to the same wall, those sides shall be considered one projecting sign.
 4. Marquees, awnings and canopies shall not extend further than the curb of the street.
- D. Sign Illumination. The light from any illuminated sign shall be shaded, shielded or directed so that the light will not be objectionable to surrounding uses, residential areas and public safety. No sign shall have rotating, flashing or blinking lights or other illuminating device that changes in lights or other light intensity, brightness or color.
- E. For Sale, Lease or Rent Signs. No more than one, double-faced sign, thirty-two square feet in area shall be allowed. The sign shall be located inside property lines as not to restrict site distance and shall be considered a temporary sign to be removed upon the sale, rental or lease of said property. Sign shall be located on property for which the sale, lease or rental is referring, and shall be no more than ten feet in height from ground level and more than ten feet from all property lines.

(Ord. 1015 § 1 (part), 2004)

(Ord. No. 1277, §§ 12—14, 10-6-2014; Ord. No. 1378, § 79, 11-21-2016)

17.52.090 Temporary signs.

- A. Signs endorsing bond elections, levies, fairs, political signs, little league sign up, and similar activities shall be removed within five days following the election, event and/or last showing of any fair, show or similar activity. It shall be the joint responsibility of the property owner or tenant and the

party or parties who initiated the placement of the sign or signs to remove said sign or signs, within five days after the election or event for which the sign(s) are displayed. Failure to comply with this requirement shall be deemed a violation of this chapter and each and every day for which said violation continues shall be deemed a distinct and separate violation (See Section 17.52.130).

- B. Political signs shall be deemed to include those pertaining to nonpartisan, partisan, initiative and/or referendum elections. Political signs shall not exceed four feet in height or width and eight feet in length, shall not be placed or situated in such a manner to obstruct or impede the sight distance of those using the public streets and shall not be erected on public right-of-way.
- C. Outdoor Sale and Temporary Advertising Signs: Individual business establishments may utilize special but temporary advertising signs or displays related only to the services and goods offered by the business. No more than two signs are to be used and the gross areas of each sign will not exceed twenty-five square feet with the total area of all signs, not exceeding fifty square feet, shall be placed in such a fashion and location as to not unreasonably obstruct the safe vision of motorists and pedestrians, and shall not exceed fifteen days unless through an approved temporary use or conditional use permit. All such advertising materials shall be located on the premises being advertised.
- D. Displays utilizing banners, flags, pennants, streamers, twirlers or propellers, strings of light, flares, balloons and similar devices are permitted as seasonal decorations, grand openings or special sales. Such signs may be used for a maximum of thirty consecutive days with no more than three events per year, provided it does not adversely affect the safe vision of drivers, pedestrians or aviation traffic. All such advertising materials shall be located on the premises being advertised and shall be removed immediately upon expiration of the thirty-day period, or conclusion of the sale, whichever occurs first.
- E. Beacon and Searchlights. Individual business establishments may utilize special but temporary beacons or search lights for special sales, and/or grand openings and may be used for a maximum of three

consecutive days provided it does not adversely affect the safe vision of drivers, pedestrians or aviation traffic.

(Ord. 1015 § 1 (part), 2004)

(Ord. No. 1277, §§ 15, 16, 10-6-2014)

17.52.100 Conditional uses.

Signs for all conditional uses in all zoning districts will be permitted as part of the conditional use approval. The sign code applicable to that zoning district, in which the conditional use is approved, shall designate the size, number and location of each sign unless otherwise noted on the conditional use allowed.

(Ord. 1015 § 1 (part), 2004)

17.52.110 Signs as public nuisance.

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

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

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

C. Voluntary Correction.

1. General. The community development director shall attempt to secure voluntary correc-

tion by contacting the person responsible for the violation when practical, explaining the violation and requesting correction.

2. Issuance of Voluntary Correction Agreement. A voluntary correction agreement to abate the violation within a specified time and according to specified conditions may be entered into between the person responsible for the violation and the city acting through the public works director or designee.

a. Right to a Hearing Waived. Upon entering into a voluntary correction agreement, the person responsible for the violation waives the right to an administrative appeal of the violation and of the corrective action.

b. Extension—Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the community development director if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation but unforeseen circumstances render correction under the original conditions unattainable.

c. Abatement by the City. The city may abate the violation if the terms of the voluntary correction agreement are not met or performed in a timely manner.

d. Collection of Costs. If the terms of the voluntary correction agreement are not met the person responsible for the violation shall be responsible to reimburse the city for the cost of abatement.

D. Notice of Civil Infraction.

1. Issuance.

a. Except as set forth in subsection (B), when the community development director determines that a violation has occurred or is occurring, and is unable to secure voluntary correction, the community development director may issue a notice of civil violation to the person responsible for the violation pursuant to WMC 1.12.020.

b. The community development director may issue a notice of civil violation without

having attempted to secure voluntary correction under the following circumstances:

- i. When an emergency exists;
 - ii. When a repeat violation occurs;
 - iii. When the person knows or reasonably should have known that the action is in violation of a city regulation;
 - iv. When the sign impairs the vision of operators of motor vehicles.
2. Monetary Penalty.
- a. The monetary penalty for each violation per day or portion thereof as well as the other relief set forth in WMC 1.12.020 shall be as set forth in WMC 1.12.020:
 - i. First Violation—Class 4 Civil Infraction;
 - ii. Second Violation—Class 3 Civil Infraction;
 - iii. Third Violation—Class 2 Civil Infraction;
 - iv. Fourth and Subsequent Violations—Class 1 Civil Infraction.
 - b. Examples.
 - i. An illegal sign is displayed for three consecutive days. The sign owner could be cited for a first, second and third violation.
 - ii. An illegal sign is displayed but voluntarily corrected, another illegal sign is displayed a day later but not corrected. The sign owner could be cited for a first violation for the sign displayed a day later.
 - iii. Three illegal signs are displayed for several days and the sign owner is cited for only one violation for each sign. Each separate sign is a Class 4 infraction.
 - iv. Three illegal signs are displayed for three (3) days and the sign owner is cited for each day the signs are displayed. The sign owner could be cited for three separate Class 4, Class 3 and Class 2 violations.
3. Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does not

relieve the person to whom the notice of civil violation was issued of the duty to correct the violation.

- E. Abatement by the City [See WMC 8.12].
1. The city may abate a condition which was caused by or continues to be a civil violation when:
 - a. The terms of voluntary correction agreement have not been met; or
 - b. A notice of civil violation has been issued and the required correction has not been completed by the date specified in the hearing examiner's order; or
 - c. The condition is subject to summary abatement in subsection (F); or
 - d. When the sign impairs the vision of operators of motor vehicles.
- F. Summary Abatement. Whenever the placement or presence of an unpermitted sign impairs the vision of operators of motor vehicles or causes a condition the continued existence of which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the city may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. In addition to any fine, the person in violation shall reimburse the city for all costs of abatement including costs of enforcement and hearing.

(Ord. No. 1277, § 17, 10-6-2014; Ord. No. 1378, § 80, 11-21-2016)

Editor's note—Ord. No. 1277, § 17, adopted October 6, 2014, repealed the former § 17.52.110, and enacted a new § 17.52.110 as set out herein. The former § 17.52.110 pertained to abandoned or illegal signs and derived from Ord. No. 1015, 2004.

17.52.120 Maintenance of nonconforming signs.

Except as restricted in specific zoning districts, legally pre-existing nonconforming signs may be maintained, or altered if:

- A. Structural revisions or alterations will not increase the sign's nonconformity with the provisions of this chapter.
- B. Such alteration or relocation is required because of government action.

- C. The sign is not changed to another nonconforming sign.
- D. The sign is not reestablished after discontinuance for ninety days or more.
- E. The sign is in full compliance with all other ordinances of the city.

(Ord. 1015 § 1 (part), 2004)

17.52.130 Exemptions.

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

- A. A residential nameplate sign not to exceed two square feet and bearing only the name and address of the occupant.
- B. A sign announcing a product is being offered for sale at a reduced price for a limited period, provided that the sign is located within the building where the product is sold, to include the interior surface of windows and doors.
- C. Special Event and Other Time-Limiting Signage.

1. Special event signs are allowed, provided that all of the following conditions are met:

- a. The promoter of the event receives annual permission from the public works director or his/her designee that the event meets the following criteria for a special event, 1) the event is open to the general public, and 2) the event has broader benefits related to tourism, promotion of a charitable or civic cause, or fostering community pride and identity. Events such as the Planters Days Festival, the Farmers Market, the Lilac Festival, and the Tulip Festival are examples of special events;
- b. No such sign shall include moving parts or flashing lights;
- c. No such sign shall be erected or displayed more than ten days before the special event it announces;
- d. Special event signs less than six square feet in size and no more than three feet in height above ground may be placed in planting strips within the public right-of-way or with permis-

sion on private property. Special event signs can also be situated on the public sidewalk where the sidewalk is six feet wide or greater as long as forty-eight inches of pedestrian travel area, or current ADA standard, whichever is greater, is maintained at all times. Signs shall not be placed so as to obstruct traffic or visibility in street medians or sidewalks within the public right-of-way;

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

- tion. Christmas tree farm signs have a maximum of ten signs that are allowed per Christmas tree farm.
- e. Christmas tree farm signs shall be erected no sooner than the Wednesday immediately before Thanksgiving Day. These signs shall be removed on or before December 28.
 - D. Temporary signs to indicate that the premises are for sale or rent. Such signs using terms such as quitting business, open for business, for sale, inquire within, for rent, open house, sold, may also include a telephone number and insignia. These signs shall not exceed two square feet.
 - E. Signs erected by a public official in the performance of his or her duty, on property under the jurisdiction of that official shall be allowed without a permit.
 - F. Campaign political signs are permissible providing the sign copy is limited to information about a candidate, political party or public issue in a current election campaign. They shall be removed within five days after the applicable election.
 - G. Public service directional signs for public buildings such as public schools, libraries, hospitals and similar public services facilities placed within public rights-of-way.
 - H. Signs of a public, noncommercial nature including, but not limited to, safety, direction, danger, and no trespassing.
 - I. Traffic signs, traffic control devices, traffic signals and markings installed by the city.
 - J. "No hunting," "no trespassing," "no dumping," "no parking," "private" and other informational warning signs, shall not exceed four square feet in gross area per sign.
 - K. Plaques, tablets or inscriptions indicating the name of a building, its date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are non-illuminated, and which do not exceed three square feet in surface area.
 - L. Product Dispensers.
 - M. Sandwich board or A Frame.
 - N. Reasonable seasonal decorations within the appropriate public holiday season. However, such displays shall be removed promptly at the end of the public holiday season.
 - O. The Flag of a Commercial Institution. No more than one flag is permitted per business premises, the flag shall not exceed twenty square feet in surface area, and shall be left loose to fly in the breeze.
 - P. Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification.
 - Q. Advertisement on existing theater marquees (freestanding and/or building-mounted).
 - R. Repair, maintenance and/or modification of existing conforming or pre-existing nonconforming signs; provided the sign's conformance or nonconformance is not structurally altered and/or increased.
- (Ord. 1015 § 1 (part), 2004)
(Ord. No. 1277, §§ 18—21, 10-6-2014; Ord. No. 1337, § 1, 10-19-2015)
- 17.52.140 Permit requirements.**
- A. A sign permit shall be required before the placing, erecting, moving, reconstructing, altering or displaying of any sign within the city, unless expressly exempted by Section 17.52.130 of this chapter. Signs requiring permits shall comply with this chapter and all other applicable laws and ordinances.
 - B. Sign permit applications shall be made on forms provided by the city of Woodland, public works department. The completed application form and plans shall be accompanied by the required fee as set forth from time to time by the Woodland city council by resolution.
- (Ord. 1015 § 1 (part), 2004)
- 17.52.150 Review procedures.**
- A. All sign permit applications shall be reviewed to comply with this chapter by the community development director or designee as provided in this section:
 1. Name, address and telephone number of sign owners;
 2. Name, address and telephone number of sign contractor or erectors;
 3. Address of sign by site location;

4. Two site plans showing locations of proposed sign(s);
 5. Two plans of the proposed sign with sign style and size included with a scaled design;
 6. Type of sign, whether illuminated or non-illuminated;
 7. Electrical permit for the sign, if illuminated.
- (Ord. 1015 § 1 (part), 2004)
(Ord. No. 1378, § 81, 11-21-2016)

Chapter 17.56

OFF-STREET PARKING AND LOADING REQUIREMENTS*

Sections:

- 17.56.005** **Off-street parking—General requirement.**
- 17.56.010** **Number of parking spaces required.**
- 17.56.020** **Flexibility in administration allowed.**
- 17.56.030** **Off-street parking—Commercial districts.**
- 17.56.035** **Off-street parking—Floodway use district.**
- 17.56.040** **Off-street parking—Light industrial district.**
- 17.56.045** **Off-street parking—Heavy industrial district.**
- 17.56.050** **Off-street parking—Requirements for designated uses.**
- 17.56.060** **Parking space dimensions.**
- 17.56.070** **Required widths of parking area aisles.**
- 17.56.080** **General design requirements.**
- 17.56.090** **Materials—Design—Lighting.**
- 17.56.100** **Joint use of required parking spaces.**
- 17.56.110** **Satellite parking.**
- 17.56.120** **Special provisions for lots with existing buildings.**
- 17.56.130** **Temporary use of parking spaces for nonparking use.**
- 17.56.140** **Parking facility plans.**
- 17.56.150** **Landscaping—Screening.**
- 17.56.160** **Electric vehicle charging station spaces.**
- 17.56.170** **Loading requirements—Number/area.**

17.56.005 **Off-street parking—General requirement.**

Every building hereafter erected shall be provided with parking spaces, and such parking spaces shall be made permanently available and be permanently maintained for parking purposes and, except for parking areas used for playground purposes in connection with schools, shall be used only for the parking of automobiles or trucks. Any areas used to provide required

*Prior ordinance history: Ords. 490, 622, 638, 654, 675 and 683.

off-street parking shall be of such size and shape and so designed that the area will accommodate the number of cars to be provided for. If structural alterations or additions to a building or use result in additional floor space, seats, beds, employees, users, or students, as the case may be, parking shall be provided as required in this chapter according to the total development, the existing, plus the addition. (Ord. 863 § 1 (part), 1997)

17.56.010 **Number of parking spaces required.**

- A. All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.
- B. The presumptions established by this chapter are that:
 - 1. A development must comply with the parking standards set forth in Sections 17.56.030 through 17.56.060 to satisfy the requirement stated in subsection A of this section; and
 - 2. Any development that does meet these standards is in compliance. However, Sections 17.56.030 through 17.56.050 are only intended to establish a presumption and should be flexibly administered, as provided in Section 17.56.020.
- C. When determination of the number of parking spaces required by Sections 17.56.030 through 17.56.050 results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- D. The council recognizes that the minimum space standards given in Sections 17.56.030 through 17.56.050 cannot and do not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit issuing authority is authorized to determine the parking requirements using the minimum space standards as a guide. (Ord. 863 § 1 (part), 1997)

17.56.020 **Flexibility in administration allowed.**

- A. The city recognizes that, due to the particularities in any given development, the inflexible application of the parking standards set forth in Sections 17.56.030 through 17.56.050 may result in a development either with inadequate parking space or

parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The permit-issuing authority may permit deviations from the presumptive standards of Sections 17.56.030 through 17.56.050 and may require more parking or less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in subsection 17.56.010(A).

- B. Without limiting the generality of the foregoing, the permit-issuing authority may allow deviations from the parking requirements set forth in Sections 17.56.030 through 17.56.050 when it finds that:
 - 1. A residential development is irrevocably oriented toward the elderly;
 - 2. A business is primarily oriented to walk-in trade.
- C. In the event the permit-issuing authority authorizes a deviation from the presumptive standards, the occupancy permit for the use or structure shall contain language describing the nature of the use and the parking required. Such deviation shall only be authorized during the period in which the stated use is in effect. Prior to undertaking any change in use, the owner or tenant shall request amendment of the occupancy permit to reflect the new use and shall comply with such modified parking requirements.
- D. If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by Sections 17.56.030 through 17.56.050 for a particular use classification is erroneous, it shall initiate a request for an amendment to the table of parking requirements in accordance with the procedures set forth in Chapter 17.84.

(Ord. 863 § 1 (part), 1997)

17.56.030 Off-street parking—Commercial districts.

Off-street parking requirements in commercial districts shall be as follows:

- A. C-1 Central Business District. Parking requirements shall be based on the number of trips generated by the use.
 - 1. Thirty trips or fewer: No off-street parking required.

- 2. Greater than thirty trips: One parking space for each four hundred square feet of the total floor area within all buildings to be served.

- B. C-2 Highway Commercial District. Food stores, markets, and shopping centers having a gross floor area of less than three thousand square feet, exclusive of basement areas, one parking space for each three hundred square feet of total floor area of the building(s). Food stores, markets, and shopping centers having a gross floor area of three thousand square feet or more, exclusive of basement areas, one parking space for each two hundred square feet of total floor area of the building(s). For all other C-2 uses, one parking space for each three hundred square feet of gross floor area with a minimum of four customer parking spaces per use.
- C. C-3 Neighborhood Commercial District. One parking space for each two hundred square feet of gross floor area with a minimum of five customer parking spaces.
- D. The foregoing shall not apply to the Davidson Street, at blocks 100, 200, 300 and Park Street at block 500. This exemption shall be in effect for five years from the effective date of this ordinance, and shall be revisited for reconsideration in five years by the city council.
- E. This code change will supersede the current WMC for off-site parking requirements in WMC 17.20.060, except for the residential portion. In the residential portion of the downtown Commercial (C-1) blocks identified in "D" above, one parking space will be required for each unit.

(Ord. 1101 § 1, 2007; Ord. 863 § 1 (part), 1997)

(Ord. No. 1164, § 1, 9-8-2009; Ord. No. 1356, § 1, 4-18-2016)

17.56.035 Off-street parking—Floodway use district.

All developments in the floodway use district shall provide adequate off-street parking for visitors, employees and delivery vehicles. The number of off-street parking spaces for developments in this district shall be determined by the public works director and based upon the information in the proponent's SEPA check-

17.56.035

list or impact statement. Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08. (Ord. 892 § 3, 1998)
(Ord. No. 1253, § 4, 11-19-2012)

17.56.040 Off-street parking—Light industrial district.

Off-street parking in the light industrial district shall be as follows:

- A. Parking and loading facilities shall be located at the side or rear of buildings; provided, that necessary parking and loading may be permitted at the front only when appropriately landscaped according to the standards set out in Chapter 17.44.
- B. To insure adequate overall parking facilities, space for parking must be related to both the size of the building and number of expected employees using the same size building, depending on the nature of the operation or building use. Owners must provide parking facilities either on-site or at a satellite facility, based on either subsection (B)(1) or (B)(2) of this section, whichever provides the most parking spaces.
 - 1. Parking in relation to personnel:
 - a. One space for each two plant employees on maximum shift;
 - b. One space for each managerial personnel;
 - c. One visitor parking space for every ten managerial personnel;
 - d. No less than four per plant site.
 - 2. Parking in relation to floor area (worker density):
 - a. One space for each one thousand two hundred fifty square feet of gross floor

- area used for warehousing and distribution; see Section 17.56.050 if warehousing is the only use;
- b. One space for each seven hundred square feet of gross floor area used for manufacturing;
- c. One space for each four hundred square feet of office floor area.
- C. Up to thirty-five percent of the employee parking spaces may be compact spaces.
- D. In addition to the standards set forth in subsection B of this section, every owner of a facility in the light industrial district shall maintain enough parking spaces for personnel either on-site or at a satellite parking facility so as to prevent personnel from parking in unauthorized locations either in or adjacent to the light industrial district.

(Ord. 863 § 1 (part), 1997)

17.56.045 Off-street parking—Heavy industrial district.

All developments in the heavy industrial district shall provide adequate off-street parking for employees, delivery vehicles and visitors. The number of off-street parking spaces for developments in this district shall be determined by the public works director and based upon information in the proponent's SEPA checklist or impact statement. Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08. Up to thirty-five percent of the employee parking spaces may be compact spaces. (Ord. 863 § 1 (part), 1997)

(Ord. No. 1253, § 5, 11-19-2012)

17.56.050 Off-street parking—Requirements for designated uses.

The following uses, wherever located, shall provide off-street parking facilities as follows:

A. Bowling alleys	Five parking spaces per alley.
B. Churches	One parking space for each five seats in the principal place of assembly or worship, including balconies, and choir loft. Where fixed seats consist of pews or benches, the seating capacity shall be computed upon not less than twenty lineal inches of pew or bench length per seat. If there is no fixed seats, then one parking space for each forty square feet of gross floor area in such principal place of assembly or worship shall be provided.
C. Commercial recreation excluding floor area bowling alleys; community clubs and community recreation centers	One parking space for every four hundred square feet of gross facilities.

D. Dance halls	One parking space for every forty square feet of gross floor area.
E. Dwellings	
1. Single-family dwellings and duplex dwellings	Two parking spaces per unit including the garage or carport space.
2. Multifamily dwellings	One and one-half parking spaces per one and two-bedroom apartment/condominium unit; two parking spaces per three or more bedroom apartment/condominium unit.
3. Mobile home dwellings	Two parking spaces per unit, including the garage or carport space.
F. Hospitals, sanitariums	One parking space for every three patient beds, plus one space for each staff doctor and one space for every three employees.
G. Hotels/motels	One parking space for each sleeping or dwelling unit.
H. Libraries	One parking space for each two hundred fifty square feet of gross floor area.
I. Lodges, rooming houses and boarding houses containing sleeping quarters; fraternities; sorority and group student housing	One parking space for each two sleeping rooms or one parking space for each four beds, whichever is greater.
J. Medical-dental offices and clinics	One parking space for each two hundred square feet of gross floor area.
K. Mortuaries	One parking space for each forty square feet of floor area within the chapel.
L. Museums	One parking space for each two hundred fifty square feet of gross floor area.
M. Pleasure craft moorage	One parking space for each two moorage stalls.
1. Boat launching facilities	Area and design for vehicle and boat trailer parking shall be reviewed and determined by the planning commission on a case-by-case basis; in no case shall there be fewer than six parking spaces per launch site.
N. Rest homes, nursing and convalescent homes; homes for the retired; children's institutions	One parking space for each four beds, plus one space for every three employees.
O. Retreat center	One parking space for every guest bedroom plus one parking space per employee including the owner/proprietor.
P. Schools: Day care centers, pre-schools, elementary and junior high, public and/or parochial	One parking space for each employee and each faculty member plus one space for each twenty students of design capacity with a minimum of two parking spaces.
Q. Schools: High schools, public, private or parochial	One parking space for every five students and one parking space for each employee. Where parochial schools and churches are on the same site, the required church parking facilities shall be considered as contributing to the school parking requirement.

R. Stadiums, sports arenas, auditoriums (including school auditoriums) and other places of public assembly (other than churches) and clubs and lodges having no sleeping quarters	One parking space for each three fixed seats in all parking-generating areas used simultaneously for assembly purposes. Where fixed seats consist of pews or benches, the seating capacity shall be computed upon not less than twenty lineal inches per pew or bench length per seat. If there are no fixed seats, there shall be provided one parking space for each forty square feet of gross floor area used for assembly purposes. For school facilities, parking spaces needed to meet the number for subsections O and P of this section can also be used to meet with requirement provided they are on the same school grounds.
S. Storage and warehousing, comprising employees on maximum working shift only activity on premises	One parking space for each terminals: (freight) One parking space for each two employees on maximum working shift. (passenger) One parking space for each one hundred square feet of waiting room.
T. Theaters	One parking space for each three seats.
U. Bed and breakfast inns	For establishments with three or fewer sleeping units, no off-street parking space. For establishments with four sleeping units, one parking space for the fourth sleeping unit in addition to those parking spaces otherwise required for primary use of the structure.
V. Unspecified uses	The parking requirements for a use not provided for in this section shall be determined by the city's development review committee to be the requirements for the most comparable use specified in this section. In the case of conflicting use determinations by the applicant and development review committee, or if the use is to be allowed by rezone procedure, the planning commission shall determine what use and their requirements are most similar.

(Ord. 863 § 1 (part), 1997; Ord. 809 § 6, 1996)

(Ord. No. 1232, 3-19-2012)

17.56.060 Parking space dimensions.

- A. Subject to subsections B and C of this section, each parking space shall have an area of not less than one hundred eighty square feet exclusive of drives and aisles, and a width of not less than nine feet. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.
- B. Where otherwise allowed in this chapter, the allowed percentage of parking spaces need contain a rectangular area of only seven and one-half feet in width by fifteen feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
- C. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two feet by nine feet.

(Ord. 863 § 1 (part), 1997)

17.56.070 Required widths of parking area aisles.

Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

Aisle Width	Parking Angle				
	0°	30°	45°	60°	90°
One-way traffic	13'	11'	13'	18'	24'
Two-way traffic	19'	20'	21'	23'	24'

(Ord. 863 § 1 (part), 1997)

17.56.080 General design requirements.

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

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

(Ord. 863 § 1 (part), 1997)

17.56.090 Materials—Design—Lighting.

- A. Vehicle accommodation areas, including lanes for drive-in windows, shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Design of pavement section for vehicle accommodation areas shall be approved by the director of public works. The parking area shall be graded and drained so as to dispose of surface water to the satisfaction of the director of public works.
- B. Parking spaces in areas surfaced in accordance with subsection A of this section shall be appropriately demarcated with painted lines or other markings.
- C. Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, weeds, dust, trash, and debris, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

(Woodland Supp. No. 24, 4-13)

- D. Any lighting used to illuminate any off-street parking facility shall be arranged so as to reflect light away from any adjoining residential area.

(Ord. 863 § 1 (part), 1997)

17.56.100 Joint use of required parking spaces.

- A. One parking area may contain required spaces for different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.
- B. To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally ninety percent vacant on weekends, another development that operates only on weekends could be credited with ninety percent of the spaces on that lot. Or, if a church parking lot is generally occupied only to fifty percent of capacity on days other than Sunday, another development could make use of fifty percent of the church lot's spaces on those other days.
- C. If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 17.56.110 are also applicable.

(Ord. 863 § 1 (part), 1997)

17.56.110 Satellite parking.

- A. If the number of off-street parking spaces required by this chapter cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.
- B. All such satellite parking spaces (except spaces intended for employee use) must be located within eight hundred feet of a public entrance of a principal building housing the use associated with such parking, or within eight hundred feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable

distance. Satellite parking shall not be located across a minor arterial or larger street unless provisions are made for shuttle service.

- C. The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that permission from the owner or other person in charge of the satellite parking spaces to use such spaces in perpetuity for the life of the development for which the parking spaces will be shared. The developer must also sign an acknowledgment that the continuing validity of the development's permit depends upon the continuing ability to provide the requisite number of a parking space.
- D. Persons who obtain satellite parking spaces in accordance with this section shall not be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this chapter.

(Ord. 863 § 1 (part), 1997)

(Ord. No. 1447, § 9, 2-3-2020)

17.56.120 Special provisions for lots with existing buildings.

Notwithstanding any other provisions of this chapter, whenever: (A) there exists a lot with one or more structures on it constructed before the effective date of this chapter, and (B) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (C) the parking requirements of Section 17.56.010 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section 17.56.010 to the extent that (i) parking space is practicably available on the lot where the development is located, and (ii) satellite parking space is reasonably available as provided in Section 17.56.100. However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available. (Ord. 863 § 1 (part), 1997)

17.56.130 Temporary use of parking spaces for nonparking use.

- A. For special events or sales, a business may temporarily use some of its parking spaces for nonpark-

ing use provided the use meets the criteria of this section. Only the business for which the parking spaces are intended may use their spaces for temporary non-parking use. A business cannot lease or otherwise allow their parking spaces to be used by another entity unless it is a non-profit charity organization or is in conjunction with a community-wide festival, such as Planter's Day.

- B. No more than two parking spaces or fifteen percent of the parking spaces for the business, whichever is greater, shall be used for the temporary event. The use of the parking space will not impede safe traffic circulation or sight-distance, block or impede fire lanes, create other hazards, or cause a situation where neighboring businesses or uses unwillingly bear the brunt of providing parking during the event. Temporary uses lasting ten days or less do not need to receive prior approval from the city. However, the city, upon determining the temporary use of the parking space is causing a hazard or routing parking to unwilling neighboring businesses or uses, may direct the business to modify the temporary use or remove it.
- C. For special events or sales lasting longer than ten days but no longer than one hundred fifty days, the business must receive prior approval from the city's development review committee (DRC). The applicant must submit a master land use application, site plan and pay the site plan review fee. The DRC may permit the temporary use upon determining the use of the parking spaces meets the criteria given in the above paragraph.
- D. Any nonparking use of parking spaces longer than one hundred fifty days or which uses more parking spaces than allowed above must receive a temporary use permit per subsection 17.81.020(C).

(Ord. 863 § 1 (part), 1997)

17.56.140 Parking facility plans.

Site plans for any multifamily (MDR and HDR), commercial, industrial or conditional use (as required by Chapter 17.72) shall include the location, dimension, and number of parking spaces required by this title. Any proposed change to existing buildings or uses in floor area, seating, number of beds, or use shall include with their plans the location, dimension and number of parking spaces required by this title. (Ord. 939 § 17, 2000; Ord. 863 § 1 (part), 1997)

17.56.150 Landscaping—Screening.

Landscaping and screening of parking facilities shall be those specified in the standards of each appropriate zoning district or conditional use requirements, whichever applies. (Ord. 863 § 1 (part), 1997)

17.56.160 Electric vehicle charging station spaces.

- A. Purpose. For all parking lots or garages.
- B. Number. No minimum number of charging station spaces is required.
- C. Minimum Parking Requirements. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces that are required pursuant to other provisions of code.
- D. Location and Design Criteria. The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional locational and design criteria are provided in recognition of the various parking lot layout options.

- 1. Where provided, parking for electric vehicle charging purposes is required to include the following:
 - a. Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
 - b. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.
 - c. Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.
 - d. Lighting. Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.

- 2. Parking for electric vehicles should also consider the following:

- a. Notification. Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.
- b. Signage. Installation of directional signs at the parking lot entrance and at appropriate decision points to effectively guide motorists to the charging station space(s).

- E. Data Collection. To allow for maintenance and notification, the local permitting agency will require the owners of any private new electric vehicle infrastructure station that will be publicly available (see definition "electric vehicle charging station — public") to provide information on the station's geographic location, date of installation, equipment type and model, and owner contact information.

(Ord. No. 1257, § 11, 1-7-2013)

17.56.170 Loading requirements—Number/area.

- A. All uses in the C-2 (highway commercial) zone, freight terminals or railroad yards, hospitals, sanitariums, schools and other institutional uses, or any similar use which has or is intended to have an aggregate gross floor area of ten thousand square feet or more, shall provide loading and unloading spaces in accordance with the following table:

Square Feet of Aggregate Gross Floor Area	Required Number of Spaces
10,000 up to and including	1
16,001 up to and including	2
40,001 up to and including	3
64,001 up to and including	4
96,001 up to and including	5
128,001 up to and including	6
160,001 up to and including	7

For each additional 36,000 1 additional

Every auditorium, convention hall, exhibition hall, sports arena, hotel, office building, restaurant, or

similar use, which has or is intended to have an aggregate gross floor area of forty thousand square feet or more, shall provide off-street loading or unloading spaces in accordance with the following table:

Square Feet of Aggregate Gross Floor Area		Required Number of Spaces
40,000 up to and including	60,000	1
60,001 up to and including	160,000	2
160,001 up to and including	264,000	3
264,001 up to and including	388,000	4
388,001 up to and including	520,000	5
520,001 up to and including	652,000	6
652,001 up to and including	784,000	7
784,001 up to and including	920,000	8

For each additional 140,000 1 additional

- B. All other commercial, institutional, or similar uses which have or intend to have an aggregate gross floor area of less than ten thousand square feet and requires the loading or unloading of goods and materials shall provide an off-street loading area with access to a public thoroughfare. All uses in the light industrial district (I-1) and heavy industrial district (I-2) shall provide adequate off-street loading to meet the needs of each use. In no case shall loading/unloading areas abut or have immediate access to any public street right-of-way or private thoroughfare that provides access to other properties.
- C. Each loading space shall measure not less than thirty feet by twelve feet, and shall have an unobstructed height of fifteen feet and shall be made permanently available for such purpose and shall be surfaced with concrete or asphalt, and maintained. Such facilities shall be so located that trucks using same shall not interfere with areas reserved for off-street parking nor project into any public right-of-way, nor block any street or sidewalk, and shall be adjacent to the building to be served thereby. If the loading space located is incorporated with a building, the requirements of this section shall not apply. In all cases, loading spaces and areas shall be

of adequate size and area for accommodating the maximum number and size of vehicles simultaneously loading or unloading in connection with the business or businesses conducted in the building or facility.

- D. Any floor area provided by additions to, or structural alterations to a building shall be provided with loading space or spaces as set forth in this chapter, whether or not loading spaces have been provided for in the original floor space. The required loading area(s) shall be the number and area required for the entire building, existing, plus the addition.

(Ord. 863 § 1 (part), 1997)

Chapter 17.60

PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS*

Sections:

- 17.60.010 Purpose.**
- 17.60.020 Definitions.**
- 17.60.030 Abatement of illegal non-conforming use, structure or lot.**
- 17.60.040 Completion of structure.**
- 17.60.050 Non-conforming uses.**
- 17.60.060 Non-conforming structures.**
- 17.60.070 Non-conforming lots.**
- 17.60.080 Single-family dwellings.**
- 17.60.090 Inquiries concerning non-conforming status.**

17.60.010 Purpose.

The purpose of this chapter is to establish regulations applicable to non-conforming lots, uses and structures. These regulations distinguish legally established non-conforming lots, uses and structures from illegal non-conforming lots, uses and structures. The intent of this chapter is to discourage the expansion, enlargement or intensification of legal non-conforming uses and to establish a procedure to recognize legal non-conforming lots, uses and structures (provided they are not expanded, enlarged, intensified, removed or abandoned). The intent is not to discourage owners from performing routine maintenance or making improvements to a structure or a lot. Furthermore, with respect to illegal non-conforming lots, uses and structures, the intent of this chapter is to prohibit and abate illegal non-conforming lots, uses and structures. (Ord. No. 1278, § 1, 9-8-2015)

17.60.020 Definitions.

"Alteration of non-conforming structures" means any change or rearrangement in the supporting members of existing buildings, such as bearing walls, columns, beams, girders, or interior partitions, as well as any changes in doors, windows, means of egress or

***Editor's note**—Ord. No. 1278, § 1, adopted September 8, 2015, repealed the former Chapter 17.60, §§ 17.60.010—17.60.080, and enacted a new Chapter 17.60 as set out herein. The former Chapter 17.60 pertained to pre-existing uses and structures and derived from Ord. No. 490, 1979; Ord. No. 939, 2000; Ord. No. 940, 2000 and Ord. No. 1055, 2005.

ingress or any enlargement to or diminution of a building or structure, horizontally or vertically, or the moving of a building from one location to another. This definition excludes normal repair and maintenance, such as painting or roof replacement, but includes more substantial changes.

"Expansion," "enlargement," or "intensification" means any increase in a dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such a deck, patio, fence, driveway or parking area, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original and historical nature, function or purpose of the non-conforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, noise, area of operation, number of employees, and other factors deemed relevant by the city.

"Intensification of use, non-residential" includes, in addition to the description in WMC 17.60.020(5), any change or expansion of a non-residential use that results in both a greater than ten percent increase in parking need or the director of public works determines there is a material likelihood the use will have a negative impact regarding traffic generation, noise, smoke, glare, odors, hazardous materials, water use, and/or sewage generation, shall be an "intensification of use" for the purposes of this chapter.

"Intensification of use, residential" includes, in addition to the description in WMC 17.60.020(5), any change to a residence use which will result in an increase in the number of bedrooms is an "intensification of use" for the purposes of this chapter.

"Lot of record" means (a) an undeveloped lot, tract or parcel of land shown on an officially recorded short plat or subdivision or (b) a parcel of land officially recorded or registered as a unit of property with the county auditor, assessor or treasurer and described by platted lot number or by metes and bounds and lawfully established for conveyancing purposes on the date of recording of the instrument that first references the lot. Use of the term "lot of record" does not mean

that the lot was created in conformity with the legal regulatory requirements for subdivision of property in accordance with Chapter 58.17 RCW.

"Non-conforming lot" means a lot that, at the time of its establishment, met the minimum lot size requirements for the zone in which it is located but which, because of subsequent changes to the minimum lot size applicable to that zone, no longer complies with requirements.

"Non-conforming structure" means structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies with those regulations in regards to height, setbacks, lot coverage, size, or area.

"Non-conforming use" means a use of property that was allowed at the time the use was established but which, because of changes in zoning regulation, is no longer permitted.

"Pre-existing" means that which existed prior to the adoption of the ordinance codified in this title. (Ord. No. 1278, § 1, 9-8-2015)

17.60.030 Abatement of illegal non-conforming use, structure or lot.

The city may take such action as it deems necessary to abate or to enjoin any illegal non-conforming use, structure, lot or other site improvement when the owner or the owner's agent, successor, tenant, occupant or assignee fails to discontinue such use or fails to remove such non-conforming structure after written notice from the city. Such notice shall be sent to the owner at the address shown in the current online records of the county treasurer and assessor. (Ord. No. 1278, § 1, 9-8-2015)

17.60.040 Completion of structure.

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 ordinance codified in this title and subsequent amendments thereto. (Ord. No. 1278, § 1, 9-8-2015)

17.60.050 Non-conforming uses.

A. A non-conforming use may not increase in intensity or be made more non-conforming without

special permission from the hearing examiner set forth in a conditional use permit obtained as per Chapter 17.72.

- B. A structure containing a non-conforming use may be enlarged or extended only by special permission of the hearing examiner through a conditional use permit as per Chapter 17.72. The extension of a non-conforming use within a structure existing on the date the ordinance codified in this chapter was amended that was built for the non-conforming use is not considered an extension of a non-conforming use. For example, if a building was constructed for the non-conforming use, but the use did not fill the entire building, expanding the use into the empty portion of the building does not constitute the extension of the non-conforming use.
- C. No non-conforming use shall be moved in whole or in part to any other portion of the lot or zoning district in which it is located. If moved, it must be to a district in which the use is permitted.
- D. If any non-conforming use ceases for any reason for a period of one year, any subsequent use shall conform to the regulations specified by this title for the district in which such use is located.
1. Standard evidence that the use has been maintained over time includes:
 - a. Utility bills;
 - b. Income tax records;
 - c. Business licenses;
 - d. Listings in telephone, business, and Polk directories;
 - e. Advertisements in dated publications, e.g. trade magazines; and/or
 - f. Building, land use, or development permits.
- E. The hearing examiner may recognize a legal non-conforming use and/or may authorize reinstatement of a non-conforming use. The procedure for recognizing and/or reinstatement shall be the same as for conditional use permits as outlined in Chapter 17.72 and conditions may be imposed as part of reinstatement.
- F. A non-conforming use cannot be changed to another kind of non-conforming use. The non-conforming use must remain either the prior non-conforming use legally established or a use permitted in the zoning district. If a non-conforming use is

changed to a conforming use, the use cannot be changed back to the prior non-conforming use, unless permitted by the hearing examiner.

- G. If a structure containing a non-conforming use is destroyed by any cause to an extent exceeding fifty percent of the cost of replacement of the structure, using new materials, a future use of the property shall conform to the provisions of this title. See Section 17.60.080 for single-family dwelling exemptions.

(Ord. No. 1278, § 1, 9-8-2015)

17.60.060 Non-conforming structures.

- A. A non-conforming structure may be continued and maintained in reasonable repair and safe condition, provided that the structure is not enlarged, extended, or increased without special permission from the hearing examiner through a conditional use permit as per Chapter 17.72. A non-conforming structure may not be made more non-conforming.
- B. A non-conforming structure may not be moved in whole or part to any other portion of the lot of zoning district in which it is located, unless the move brings the structure into conformance.
- C. A non-conforming structure may be used for a use permitted in the zoning district where the structure is located. In order to accommodate a permitted use, the structure may be repaired, modified, or altered, internally and externally; provided such repairs and modifications (1) do not increase the non-conformance of the structure and (2) that such repairs and modifications satisfy the International Building Code standards.
- D. In addition, a non-conforming structure as described in subsection (C) may be modified or altered in such a manner that it conforms to the standards of the district, this title, and the International Building Code.
- E. If a non-conforming structure is destroyed by any cause to an extent exceeding fifty percent of the cost of replacement of the structure, using new materials, a future structure of the property shall conform to the provisions of this title. See Section 17.60.080 for single-family exemptions.

- F. A non-conforming structure that is made conforming will not be allowed to become non-conforming again, without following the variance process outlined in Chapter 17.81.

(Ord. No. 1278, § 1, 9-8-2015)

17.60.070 Non-conforming lots.

Any permitted use may be established on an undersized lot that cannot satisfy lot size or width requirements of this title, provided that:

- A. All other applicable zoning development standards, such as building setback requirements and lot coverage requirements, are met or a variance has been granted;
- B. The lot was legally created and satisfied the lot size and width requirements applicable at the time of creation;
- C. No unsafe condition is created by permitting development on the non-conforming lot; and
- D. The lot was not created as a "special tract" to protect critical areas, provide open space, or as a public or private access tract.

(Ord. No. 1278, § 1, 9-8-2015)

17.60.080 Single-family dwellings.

- A. Single-family dwellings, including manufactured homes, existing in the C-1, C-2, C-3, I-1, or I-2 districts at the time of passage of the ordinance codified in this title shall be allowed to remain, and any addition or improvements thereto shall meet the standards of the LDR-6 zoning district.
- B. In any zone, a single-family dwelling destroyed by any cause to any extent, shall be allowed to be improved or reconstructed, provided the setback standards of the LDR-6 district are maintained or provided that the original footprint of the destroyed dwelling is maintained.

(Ord. No. 1278, § 1, 9-8-2015)

17.60.090 Inquiries concerning non-conforming status.

- A. An owner or agent claiming a legal non-conforming use, structure or lot may petition the city to formally recognize the legal non-conforming use, structure or lot. Initial city review will be by the development review committee and is the sole method to obtain recognition. The owner/agent

has the burden of showing legal non-conforming status. Establishing legal non-conforming status is done by application to the City of Woodland and shall be accompanied by the following:

1. A narrative including the following information:
 - a. Date the use was established, or lot was created, and date the structure was completed;
 - b. Initial use at time of establishment, creation, or completion;
 - c. Chronological list of subsequent uses;
 - d. Other information as determined by the DRC or the applicant that is necessary to demonstrate non-conforming status.
 2. Proof of business operation if a business use is claimed. Proof of business operation includes, but is not limited to, state and local business licenses, state business and occupancy tax returns, and state sales tax returns.
 3. Certificate of occupancy.
 4. If the property has been leased, a copy of the leases.
 5. Any advertisement for sale of the property; any advertisement for lease of the property.
 6. If multi-family use is claimed, proof of use as a multi-family unit during the prior twenty-four months and proof of compliance with WMC Title 17.
 7. A filing fee as determined by the city council.
- B. The owner/agent may provide narrative statements to establish facts for which there is insufficient documentary evidence. Narrative statements shall be provided in affidavit or certificate form.
- C. Once the application packet is deemed complete, a Notice of Application will be published in the newspaper of record, posted on site, and sent to all adjacent property owners within three hundred feet of the subject property. A fourteen-day public comment period is provided. The development review committee will issue a notice of decision at the close of the fourteen-day comment period, after considering all documentation provided by the applicant and any comments or documentation provided by the public or other agency.
- D. Official written recognition by city officials or the planning staff of legal non-conforming shall be given greater weight than informal oral statements

by city officials or the planning staff. Oral statements which identify the date and time of the oral statement, the persons present, the question asked will be given greater weight than general statements lacking such details. There is a rebuttable presumption that a business was not operated on the property and the business use was abandoned unless the documentary proof described in subsection (A) is provided. "Leasing" property is not a separate independent business use for purposes of this chapter but is considered a form of title.

- E. The owner/agent shall have twenty days to appeal the decision to the hearing examiner. The hearing examiner shall review the decision based on the materials submitted by the owner/agent at the time of application and on any supplementary material provided by the city. The petitioner shall pay a filing fee in an amount set by city council resolution. The petitioner shall reimburse the city for fifty percent of the hearing examiner expense for this or any other review, application or petition under this chapter.
- F. No building permit will be issued on a non-recognized non-conformity.

(Ord. No. 1278, § 1, 9-8-2015)

Chapter 17.64

WATER SUPPLY AND SEWAGE DISPOSAL

Sections:

17.64.010 Approval of Cowlitz-Wahkiakum or Clark-Skamania Health District.

17.64.010 Approval of Cowlitz-Wahkiakum or Clark-Skamania Health District.

- A. No building or structure to be used for human habitation or commercial enterprise shall be erected, nor shall any such building or structure be moved, altered, enlarged, or rebuilt unless said building or structure has adequate provision for domestic water supply and sewage disposal. The water supply and sewage disposal system shall be approved by the Cowlitz-Wahkiakum or Clark-Skamania Health District before occupancy of said building or structure.
- B. All new commercial and residential construction shall connect to Woodland's public sewer and water systems. Industrial development's sewer service and water supply shall be approved by the city and the appropriate health district if such service or supply is other than the city's public system.

(Ord. 490 § 16.07, 1979)

Chapter 17.70

TEMPORARY USES

Sections:

17.70.010	Purpose.
17.70.020	Permit required.
17.70.030	Permit—Application.
17.70.040	Exemptions.
17.70.050	Criteria for approval.
17.70.060	Time limitation.
17.70.070	Abatement.
17.70.080	Assurance device.

17.70.010 Purpose.

It is the purpose of this chapter to provide an administrative approval process whereby the city may permit uses to locate within the city on an interim basis without requiring full compliance with the development standards for the applicable zoning district, or by which the city may allow seasonal or transient uses not otherwise permitted. (Ord. 980 § 1, 2003)

17.70.020 Permit required.

- A. No temporary use shall be permitted within the city except in accordance with the provisions of this chapter. Uses which may be authorized as temporary uses are enumerated in various zoning districts and specified in other chapters of this title. A temporary use permit is required for temporary uses except those specifically exempted pursuant to Section 17.70.040.
- B. Written permission shall be provided from the owner of the property upon which the temporary use is proposed to be located authorizing the proponent to use the subject property for the stated purposes and time period. (Ord. 980 § 1, 2003)

17.70.030 Permit—Application.

The application for a temporary use permit shall be submitted on forms obtained from the public works department. The application shall contain all the information required by the city. The public works department shall verify that the application is consistent with the requirements of this chapter. Temporary uses shall be reviewed and processed in accordance with Sections 17.70.050 and 19.06.030. (Ord. 980 § 1, 2003)

17.70.040 Exemptions.

The following temporary uses, when located in the Central Business district (C-1) and Highway Commercial district (C-2) for not longer than the time periods specified below, are exempt from the permit requirements of this section:

1. Christmas tree lots (not to exceed thirty days);
2. Fireworks stands (not to exceed ten consecutive days);
3. Amusement rides, carnivals and circuses, (not to exceed ten consecutive days);
4. Parking lot sales, which are ancillary to the indoor sale of similar goods and services (not to exceed ten consecutive days);
5. City sponsored uses and activities not occurring within a structure, and occurring at regular periodic intervals (i.e. weekly, monthly, yearly, etc.).

(Ord. 980 § 1, 2003)

17.70.050 Criteria for approval.

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

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

(Ord. 980 § 1, 2003)

17.70.060 Time limitation.

A temporary use is valid for up to one hundred eighty calendar days from the effective date of the permit; however, the director may establish a shorter time frame. The director may grant one extension not to exceed sixty days, upon the applicant showing compliance with all conditions of permit approval. The property owner or holder of a temporary use permit may not file an application for a successive temporary use permit for sixty days following the expiration of an approved permit applying to that property. Within five days of the expiration of the temporary use permit, the applicant shall have the use and all physical evidence removed from the site. (Ord. 980 § 1, 2003)

17.70.070 Abatement.

Prior to the approval of a temporary use permit, the applicant shall submit to the director an irrevocable, signed and notarized statement granting the city permission to summarily enter the applicant's property with reasonable notice and abate the temporary use, and all physical evidence of that use if it has not been removed as required by the terms of the permit. The statement shall also indicate that the applicant will reimburse the city for any expenses incurred in abating a temporary use under the authority of the chapter. (Ord. 980 § 1, 2003)

17.70.080 Assurance device.

In appropriate circumstances the director may require a reasonable performance of maintenance assurance device, in a form acceptable to the finance department, to assure compliance with the provisions of this title and the temporary use permit as approved. (Ord. 980 § 1, 2003)

Chapter 17.71

SPECIAL USES

Section:

17.71.195 Wireless communications facilities.

17.71.195 Wireless communications facilities.

A. Applicability and Exemptions.

1. Applicability. All wireless communications facilities (WCFs) that are not exempt pursuant to this section shall conform to the standards specified in this section.
2. Exemptions. The following are exempt from the provisions of this section and shall be allowed in all zoning districts:
 - a. Wireless communications facilities that were legally established prior to the effective date of the ordinance codified in this section;
 - b. Temporary facilities used on the same property for seven days or less;
 - c. Temporary facilities that are used solely for emergency communications in the event of a disaster, emergency preparedness, or public health or safety purposes;
 - d. Two-way communication transmitters used for:
 - i. Emergency services including, but not limited to, fire, police, and ambulance services, and
 - ii. Essential public utility services, including but not limited to electric, water and wastewater;
 - e. Licensed amateur (ham) radio stations and citizen band stations;
 - f. Any maintenance, repair, replacement, or upgrade of previously approved wireless communications facilities, support structures, and support towers; provided:
 - i. Such activities do not increase the overall height of the facility by more than ten percent or twenty feet, whichever is greater, and any additional height meets the allowable height requirements in Section 17.71.195(E);

- ii. None of the activities causes a light to be required where none was previously approved;
- iii. Expansion or replacement of support structures may be subject to site plan review under Section 19.10;
- iv. An existing wireless carrier may add antennas to its facility, but the collocation of an additional wireless carrier is not exempt from review under this title;
- v. Replacements and upgrades under this subsection shall require building safety review; and
- vi. The addition of generators and ground equipment that were not previously approved are not exempt activities.
- g. Roof-mounted dish antennas used for residential purposes, and VHF and UHF receive-only television antennas, provided they are fifteen feet or less above the existing or proposed roof of the associated residential structures; and
- h. The installation and use of an antenna or antennas smaller than one meter in diameter for use by a private dwelling occupant for personal, home business, utility metering or private telecommunications purposes.

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

"Amateur radio station" means a personal radio station licensed by the FCC, governed by Part 97 of the FCC's rules and regulations, and operated by a duly authorized person interested solely with a personal aim and without pecuniary interest.

"Antenna" means any pole, panel, rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), microcell, and parabolic antenna (dish). The antenna does not include the support structure or tower.

"Antenna array" means any system of poles, panels, rods, discs or similar devices used for the transmis-

sion or reception of radio frequency signals. An antenna array can be made up of one or more antennas including but not limited to the following:

1. Directional antennas (also known as panel antenna) which transmit signals in a directional pattern of less than three hundred sixty degrees;
2. Omni-directional antennas (also known as a whip antenna) which transmit signals in a three hundred sixty degree pattern; or
3. Parabolic antennas (also known as a dish antenna) which are bowl shaped devices that receive and transmit signals in a specific directional pattern (e.g., point to point).

"Auxiliary support equipment" means all equipment necessary to process wireless communication signals and data, including, but not limited to, electronic processing devices, air conditioning, emergency generators, and cabling interface devices. For the purposes of this section, auxiliary equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary equipment does not include support towers or structures.

"Collocation" means use of a common wireless communications support structure or tower for two or more antenna arrays.

"Federal Aviation Administration (FAA)" is the federal regulatory agency responsible for the safety of the nation's air traffic control system, including airspace impacted by wireless communications support structures and towers.

"Federal Communications Commission (FCC)" is the federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.

"Height," when referring to a wireless communications facility, means the distance measured from the original grade at the base of the support tower or structure to the highest point on the support tower or structure, including the antenna(s) and lightning rods.

"Infrastructure provider" means an applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by service providers.

"Monopole" means a support tower composed of a single pole used to support one or more antenna(s) or arrays.

"Radiofrequency energy (RF)" is the energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video and other data information.

"Residential district" means any zoning district which has as its primary purpose single or multifamily residences.

"Setback" means the required distance from any structural part of a wireless communications facility (including support wires, support attachments, auxiliary support equipment and security fencing) to either the property line of the parent parcel on which the wireless communications facility is located or to the nearest dwelling, depending on location.

"Support structure" means an existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and signs. Support structures do not include support towers, or any building or structure used for residential purposes in the low-density residential zoning districts.

"Support tower" means a structure designed and constructed exclusively to support a wireless communications facility or an antenna array, including monopoles, self-supporting towers, guy-wire support towers, and other similar structures, excluding existing utility poles in any dedicated right-of-way.

"Temporary facility" means any wireless communications facility which is not deployed in a permanent manner, and which does not have a permanent foundation.

"Utility pole placement/replacement" means the placement of antennas or antenna arrays on existing or replaced structures such as utility poles, light standards, and light poles for streets and parking lots.

"Wireless communications" mean any personal wireless services as defined by the Federal Telecommunications Act of 1996, including but not limited to cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar FCC licensed commercial wireless telecommunications services that currently exist or that may in the future be developed.

"Wireless communications facility (WCF)" means any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals for the provision of wireless communications.

- C. Site Location of Wireless Communications Facilities. Wireless communications facilities are permitted in any zone in the city subject to the following preferences and the limitations. New wireless communications facilities shall be in conformance with all applicable standards as provided by this section.
1. Facility Priorities. The city's preferences for WCFs are listed below in descending order with the highest preference first.
 - a. Collocation with legally existing WCFs on support structures or support towers in nonresidential districts;
 - b. Collocation with legally existing WCFs on support structures or support towers in residential districts;
 - c. New attached WCFs on support structures in nonresidential districts;
 - d. New attached WCFs on support structures in residential zones;
 - e. New support towers.
 2. Utility Pole Placement/Replacement. Placement of antennas or antenna arrays on existing structures such as utility poles, light standards, and light poles for street and parking lots is preferred over new towers. Utility poles may be replaced for purposes of adding WCFs. Such replacements shall not be considered new support towers, and parcel size, setback, landscaping, and screening requirements of this section shall not apply. Unless SEPA review is required, utility pole placements/replacements require a Type I review and are subject to the following:
 - a. The existing pole may be replaced with a similar pole not exceeding twenty additional feet in height. Such increase in height shall only be allowed for the first replacement of the pole.
 - b. A pole extension may not exceed the diameter of the pole at the mounting point for the antennas.
 - c. For placement or replacement in public rights-of-way, auxiliary support equipment shall be mounted within the pole or placed underground. No at-grade support equipment in the right-of-way is permitted.
 - d. Replacements in public rights-of-way are subject to review and approval by the public works director for consistency with city codes including Title 12 and Title 13.
3. Location Priorities for New Towers. The city's preferences for new support tower locations in the city are listed below in descending order with the highest preference first.
- a. Order of preference for new support towers:
 - i. Heavy industrial (I-1);
 - ii. Light industrial (I-2);
 - iii. Highway commercial (C-2);
 - iv. Central business district (C-1);
 - v. High density residential (HDR);
 - vi. Medium density residential (MDR);
 - vii. Neighborhood commercial (C-3);
 - viii. Low density residential (LDR-6, LDR-7.2, and LDR-8.5);
 - ix. Public zones (P/Q-P/I);
 - x. Floodway use (FW); and
 - xi. Unzoned (UZ).
4. Lease Areas.
- a. Except as otherwise required in this section, lease areas for new support towers shall be exempt from all lot standards of the zone in which they are permitted.
 - b. Approval of a tower site under this section shall not be construed as creating a separate building lot for any other purpose unless it is created through platting or binding site plan approval.
- D. Development Standards.
1. Collocation. Wireless communications facilities shall be collocated to the greatest extent possible to minimize the total number of support towers throughout the city. To this end, the following requirements shall apply:
 - a. The city shall deny an application for a new support tower if the applicant does not demonstrate a good faith effort to collocate on an existing facility. Applicants for new support towers shall demon-

strate to the responsible official that collocation is infeasible by showing that at least one of the following conditions exists:

- i. No existing towers or structures are located within the applicant's projected or planned service area for their facility;
 - ii. According to a qualified RF specialist, existing towers or structures cannot be reconfigured or modified to achieve sufficient height;
 - iii. According to a qualified RF specialist, collocation would result in electronic, electromagnetic, obstruction or other radio frequency interference with existing or proposed installations;
 - iv. According to a structural engineer, existing towers or structures do not meet minimum structural specifications or structural integrity for adequate and effective operations to meet service objectives;
 - v. Collocation would cause a nonconformance situation (e.g., exceeding height restrictions); or
 - vi. A reasonable financial arrangement between the applicant and the owner(s) of existing facilities could not be reached.
- b. Carriers who collocate on existing towers or structures shall be allowed to construct or install accessory equipment and shelters as necessary for facility operation. Such development shall be subject to regulations under the International Building Code (IBC), applicable development standards of the underlying zone, and applicable development standards pursuant to this section (e.g., lighting, security, signage).
2. New Support Towers. The following standards shall apply to new support towers:
- a. New support towers allowed under this section shall be designed to accommodate collocation. The following provisions shall apply:
 - i. All new support towers shall accommodate collocation opportunities for a minimum total of two antenna ar-

rays. A height bonus of up to twenty percent of the maximum tower height allowed in Section 17.71.195(E)(1)(b)(1) is allowed with one or more additionally proposed antenna arrays if the screening requirements of Section 17.71.195(E)(3) are met.

- ii. A support tower owner approved under this section shall not deny a wireless provider the ability to collocate on their facility at a fair market rate or at another cost basis agreed to by the affected parties.
- b. Unless the State Historic Preservation Officer determines there is no material impact, new support towers shall be a minimum of one thousand feet from all sites listed on the National Register of Historic Places or the Cowlitz County Heritage Register.
 - c. New support towers within six hundred sixty feet of a shoreline subject to review under Section 15.06 (Shorelines Management) or within one thousand feet of critical areas identified in Title 15 shall be reviewed for possible impacts to wildlife and critical areas.
 - d. New support towers shall comply with all FAA and state aeronautics requirements and regulations. Upon request, the applicant must provide evidence or certification of such compliance.
 - e. Building permits for support towers shall not be issued to infrastructure providers until one or more wireless communications service providers that will use the support tower are identified.
3. Signage. Support towers and antenna(s) shall not be used for signage, symbols, banners, or other devices or objects attached to or painted on any portion of a WCF. Any emergency information, public safety warnings, or additional signage required by a governmental agency shall be displayed in an appropriate manner.
4. Noise. Wireless communications facilities shall not generate noise levels in excess of maximum standards set forth in Chapter 173-60 WAC.

Generators may be operated only for emergency purposes. If air conditioning or other noise-generating equipment is proposed, the applicant shall provide information detailing the expected noise level and any proposed abatement measures. This may require noise attenuation devices or other mitigation measures to minimize impacts.

E. Design Standards.

1. Height.

- a. Support Structures. Attached WCFs shall not add more than twenty feet in height to the support structure (including utility pole replacements) to which they are attached.
- b. New Support Towers.
 - i. Subject to height bonus allowances in Sections 17.71.195(D)(2)(a)(1) new support tower heights including all attachments are limited to the following:
 - (A) Nonresidential districts: One hundred twenty feet.
 - (B) Nonresidential districts: One hundred fifty feet when the tower setback is greater than twice the total tower height or the parcel is surrounded by industrial parcels.
 - (C) Residential districts: One hundred feet.

2. Setbacks.

- a. All new support towers shall maintain a setback as described below, whichever is greater:
 - i. A minimum fifty-foot setback from the property line of the parent parcel or from a right-of-way line; or
 - ii. A distance equal to or greater than the total tower height from the nearest residence located on another parcel.
- b. Setbacks for auxiliary support equipment shall be those of the underlying zoning district.
- c. An exception may be granted for a location within the setback which is clearly preferable based on a review by the responsible official and provided such location

has written approval from the property owners adjacent to the effected setback line.

- d. Setbacks shall not apply to easements established solely for access to the WCF.
- #### 3. Landscaping and Screening.
- a. A landscaping and screening plan shall be submitted with all new support tower applications.
 - b. Screening. Screening of new towers with existing tower-obscuring vegetation or buildings is preferred. If this requirement cannot be met, new support towers shall be screened with vegetation appropriate to the site, unless incompatible with the general surroundings and environment in the area. Such vegetation shall consist of a mix of native tree species that will reach a height of thirty feet or more and be eighty percent opaque year-round. Planted evergreen species shall be fully branched and a minimum of six feet high when planted. The required screening shall be permanently maintained in a manner that meets the screening standards.
 - c. Landscaping. All new support towers and associated structures shall be fully enclosed within a minimum six-foot high gated and locked security fence that is earth toned or that is either green or black coated vinyl chain link. A minimum five-foot landscape buffer shall be established surrounding the enclosure, containing landscape plantings that maintain a shrub screen six feet high and ninety-five percent opaque year-round (within two years of installation); one tree per thirty lineal feet of landscaped area as appropriate to provide a tree canopy over the landscaped area; and groundcover plants that fully cover the remainder of the landscaped area. A wall or fence may be substituted for the required shrubs where compatible with the general surroundings and environment of the area. Fencing, and landscaping, and screening are not required on any side of the site made up by existing buildings. The required landscaping shall be permanently

maintained so that the landscaping meets standards. The responsible official may waive all or portions of this requirement subject to the following findings:

- i. The electrical equipment control box is fully enclosed and secured from access by the public.
- ii. The waiver will encourage support tower design that is more compatible with the site setting and surrounding uses.
- d. Owner Assurances. To assure continued compliance with landscaping and screening requirements, a covenant or other appropriate instrument may be required from the property owner.
- 4. Color. For all new wireless communications facilities, the following criteria shall apply:
 - a. Unless otherwise required by the FAA, all support towers and antennas shall have a non-glare finish and blend with the natural background.
 - b. Attached WCFs shall be of a color that matches the color of the supporting structure to the greatest extent to minimize visual impacts.
- 5. Lighting. Except as required by the FAA, artificial lighting of wireless communications tow-

ers shall be prohibited. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment is allowed; provided, that lighting is shielded to keep direct light within the site boundaries. Strobe lighting is prohibited unless required by the FAA.

- 6. Variances. Any applicant may request a variance from the standards of this section. Requests for variance shall be made in accordance with Section 19.08 of this code. In addition, the applicant shall demonstrate that strict adherence to the provisions of this section will result in an inability of the applicant to provide adequate WCF services within the City.

F. Permit Process.

- 1. Process Review. Table 17.71.195-1 shows required levels of WCF application review in terms of district location. Each type is subject to Section 19.10, Site Plan Review, and Chapter 19.08 for Approval, Review and Appeal Authority. Facilities exempt from threshold determination and EIS requirements under SEPA are listed in WAC 197-11-800(25).

The preferred district locations for WCFs are in order from top to bottom. The preferred WCF types are in order from left to right.

Table 17.71.195-1. Processing Requirements for Wireless Communications Facilities

	Collocation ¹ on Existing Support Towers or Support Structures	New ² Attached WCFs on Existing Support Structures (including utility poles ⁴) Review Type ³	New Support Towers
Right-of-Way/City-Owned Property	1	1 ⁴	CUP (3)
Heavy Industrial (I-2)	1	1	CUP (3)
Light Industrial (I-1)	1	1	CUP (3)
Highway Commercial (C-2)	1	1	CUP (3)
Central Business (C-1)	1	2	CUP (3)
High Density Residential (HDR)	1	1	CUP (3)
Medium Density Residential (MDR)	1	2	CUP (3)
Neighborhood Commercial (C-3)	1	2	CUP (3)
Low Density Residential			

	Collocation ¹ on Existing Support Towers or Support Structures	New ² Attached WCFs on Existing Support Structures (including utility poles ⁴) Review Type ³	New Support Towers
(LDR-6)	1	3	CUP (3)
(LDR-7.2)	1	3	CUP (3)
(LDR-8.5)	1	3	CUP (3)
Public Zones (P/Q-P/I)	1	1	CUP (3)
Floodway Use (FW)	2	2	CUP (3)
Unzoned (UZ)	2	2	CUP (3)

¹Adding WCFs such as antennas to previously approved WCFs.

²Adding WCFs to structures where none were previously approved.

³Type 1s become Type 2s if the facility is not categorically exempt under WAC 197-11-800(25).

⁴Small cell nodes on city owned structures or poles.

2. Application Submittal. Applications for the location and development of wireless communications facilities shall include the following:
 - a. For wireless collocation applications:
 - i. A written narrative that addresses the following:
 - (A) How the application meets or exceeds each of the applicable approval criteria and standards;
 - (B) How the proposed plan meets the minimum area and dimensions of the base zone;
 - (C) A comprehensive description of the existing or proposed facility including the technical reasons for the design and configuration of the facility, design and dimensional information, anticipated coverage of the facility, and the ability to accommodate future collocation opportunities;
 - (D) If camouflage technology is proposed, the applicant shall provide a complete description of the suggested camouflage, including style and materials to be used, a photographic depiction of the proposed facility, and a maintenance plan detailing provisions for the continued effectiveness of the suggested camouflage for the life of the facility; and
 - (E) The proposed frequency of vehicular trips the proposal could be expected to generate.
 - ii. A site plan that is drawn to a minimum engineer's scale of one inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches. The following information shall be clearly depicted:
 - (A) Applicant's name, mailing address and phone number;
 - (B) Owner's name and mailing address;
 - (C) Contact person's name, mailing address, and phone number;
 - (D) North arrow (orientated to the top, left or right of page), scale and date;
 - (E) Proposed name of project;
 - (F) Vicinity map covering one-quarter mile radius from the development site; and
 - (G) Area of the site in acres or square feet.
 - (H) Existing Conditions on the Site. A copy of the previously approved site plan and elevation drawings for the existing facility, or a site plan depicting:
 - (1) The entire parcel, drawn to scale, with property lines, north arrow (orientated to the

- top, left or right of page), footprint of existing structures and driveways, parking spaces, abutting streets (name, centerline, curb and sidewalk), and existing fire hydrants; and
- (2) Elevation drawings of existing site and facility, including the tower, equipment structures, antennas, mounts and, if applicable, existing structures. Other applicable features, including but not limited to security fencing and screening, shall be included.
- (I) Proposed Improvements.
- (1) Show the location of all proposed structures, driveways and roads, easements, number and layout of proposed parking spaces (as applicable) and proposed location of fire hydrants;
 - (2) Landscape plan if landscaping is proposed; and
 - (3) Elevation drawings of the proposed site and facility changes.
- iii. Documentation that establishes the applicant's right to use the site shall be provided at the time of application by a copy of the proposed lease agreement, easement agreement, license agreement or letter of authorization to use the facility from the owner of the support structure.
- iv. Submit an original letter, signed and stamped by an engineer licensed in the State of Washington, certifying that the existing cell tower or support structure is of sufficient structural capacity to support the addition of the proposed collocation based on Telecommunications Industry Association Standard TIA/EIA-222.
- b. For new support tower applications:
- i. A written narrative that addresses the following:
 - (A) How the application meets or exceeds each of the applicable approval criteria and standards;
 - (B) How the proposed plan meets the minimum area and dimensions of the base zone;
 - (C) How the issues identified in the pre-application conference have been addressed, and generally, how services will be provided to the site;
 - (D) A comprehensive description of the existing or proposed facility including the technical reasons for the design and configuration of the facility, design and dimensional information, anticipated coverage of the facility and the ability to accommodate future collocation opportunities;
 - (E) If camouflage technology is proposed, the applicant shall provide a complete description of the suggested camouflage, including style and materials to be used, a photographic depiction of the proposed facility, and a maintenance plan detailing provisions for the continued effectiveness of the suggested camouflage for the life of the facility;
 - (F) An analysis of the proposal area and discussion of factors influencing the decision to target the proposed location. Such analysis shall include the good faith efforts and measures taken to secure a higher priority location; how and why such efforts were unsuccessful; and how and why the proposed site is essential to meet service demands for the geographic service area;
 - (G) An analysis of existing WCFs within the intended service area,

- describing the status of collocation opportunities at these sites; and
- (H) The proposed frequency of trips the proposal could be expected to generate.
 - (I) An analysis of qualification under 47 CFR 1.40001 for treatment as a qualifying modification to an existing tower and base station that does not substantially change the physical dimensions of such tower or base station.
- ii. A site plan that is drawn to meet the standards in Section 17.71.195 (F)(2)(a)(2) above, and:
- (A) An aerial photograph, which clearly indicates the location of the proposed facility in relation to:
 - (1) Significant features within one thousand three hundred twenty feet including, but not limited to, existing and/or proposed site structures, public rights-of-way, residential developments, adjacent land uses, and properties used for public purposes;
 - (2) Governmental jurisdictional boundaries within five hundred feet of the proposal boundaries; and
 - (3) Critical areas within one thousand feet of the proposal boundaries.
 - (B) A photographic analysis of the proposed site, including a representation of existing conditions and photographic simulations depicting views of any new support structures or towers.
 - (C) Elevation drawings of the proposed site and facility, including the tower, equipment structures, antennas, mounts and, if applicable, any existing structures. Other applicable features, including but not limited to security fencing and screening, shall be included.
- (D) A detailed landscaping and screening plan, including existing and proposed vegetation, installation procedures, and landscaping/screening maintenance plans in accordance with Section 17.71.195(E)(3).
 - (E) Any additional applicable information the responsible official deems necessary to adequately review the proposal.
- iii. Documentation that establishes the applicant's right to use the site shall be provided at the time of application by a copy of the proposed lease agreement, easement agreement, or license agreement.
- iv. Evidence that a neighborhood meeting has been held in compliance with the neighborhood meeting requirements set forth in Section 17.71.195(F)(3).
- v. The application materials shall include a report stamped, dated and signed by a licensed professional engineer registered in the State of Washington demonstrating the following:
- (A) The facility complies with all requirements of the International Building Code;
 - (B) The structural capability of the facility will support collocated antennas (if applicable);
 - (C) The facility complies with all applicable standards of the FAA and FCC, including RF energy standards; and
 - (D) The basis for the calculation of capacities.
- vi. Applicants shall provide evidence of compliance with FAA requirements at the time of application.
3. Neighborhood Meeting.
- a. The applicant shall hold a neighborhood meeting no more than ninety days prior to

the submission of an application for a new support tower. The sole purpose of the neighborhood meeting is to exchange information on the siting and design of the new support tower and should be scheduled to allow maximum flexibility for review of issues and alternatives prior to the application. The neighborhood meeting shall be held at a location within a reasonable distance of the proposed development site on a weekday evening at a reasonable time. A pre-application conference is not a substitute for the required neighborhood meeting.

b. Requirements.

- i. The applicant shall send a notice of the meeting at least fifteen days prior to the scheduled meeting to:
 - (A) The Chamber of Commerce;
 - (B) The Port of Woodland;
 - (C) Cowlitz Diking District 2;
 - (D) All landowners within a radius of six hundred sixty feet (one-eighth-mile) from the boundary of the property. The mailing list used for notification shall be based on the most recent property tax assessment rolls within thirty days of mailing of the Cowlitz or Clark County Assessor. At the request of the applicant, and upon payment of an applicable fee, the county will provide the required mailing list.
- ii. Coincidental with the notification mailing, the applicant shall post the meeting notification in the neighborhood news section of the city's paper of record and shall post a sign within the neighborhood notification in a conspicuous location near the edge of the property containing the proposed development. These notices must each be completed at least fourteen days prior to the meeting.
- iii. The notice must identify the date, time and place of the meeting and provide a brief description of the proposed development.

- iv. A copy of the notice, mailing list and the proposed development plan as presented at the meeting, as well as minutes and the sign-in sheet from the meeting, shall be submitted with the application.

4. Third Party Review. The review authority may require a technical review by a third party of the applicant's justification under Section 17.71.195(E) for a new tower location as part of the conditional use or site plan review process. The first two thousand dollars of cost of the technical review shall be borne by the applicant, and such cost will be adjusted annually after 2018 based on the Consumer Price Index (CPI-U) rate used for Portland-Salem, OR-WA.
5. Wireless Facility Modifications. Applicants who demonstrate qualification as a modification to an existing tower and base station that does not substantially change the physical dimensions of such tower or base station will be processed in accordance with 47 CFR 1.40001.
- G. Temporary Facilities. In order to facilitate continuity of services during maintenance or repair of existing installations, or prior to completion of construction of a new WCF, temporary facilities shall be allowed subject to a Type I administrative review. Temporary facilities shall not be in use more than sixty days at any one location during in any given one hundred eighty day period. Temporary facilities shall not have a permanent foundation and shall be removed within thirty days of suspension of services they provide.
- H. Removal for Discontinuance of Service.
 1. WCFs which have not provided service for one hundred eighty days shall be removed, and the site re-vegetated, unless an application is pending for service provision.
 2. Permits for new towers shall contain a provision requiring written notice to the department of any discontinuance of service which exceeds ninety consecutive days.

(Ord. No. 1412, § 2, 6-17-2019)

Chapter 17.72

CONDITIONAL USES

Sections:

- 17.72.010 Purpose.**
- 17.72.015 Conditional uses designated—Administrative.**
- 17.72.020 Conditional uses designated—Hearing examiner.**
- 17.72.030 Permit—Application.**
- 17.72.040 Permit—Public hearing and/or administrative decision.**
- 17.72.050 Permit—Criteria to grant.**
- 17.72.060 Conditions of approval.**
- 17.72.070 Performance security.**
- 17.72.080 Reapplication after permit denial.**
- 17.72.090 Expiration of approval.**
- 17.72.100 Criteria and standards for specific conditional uses.**

17.72.010 Purpose.

It is the purpose of this chapter to establish review and permit approval procedures for unusual or unique types of land uses, which, due to their nature, require special consideration of their impact on the neighborhood, and land uses in the vicinity. Administrative conditional uses or conditional uses may be located by special permission of the director and/or the hearing examiner under such conditions as the director or the hearing examiner as the case may be may impose. (Ord. 981 § 1, 2003; Ord. 939 § 20 (part), 2000)

17.72.015 Conditional uses designated—Administrative.

The administrative conditional uses listed in each district shall require an administrative conditional use permit in order to locate or operate in an appropriate zoning district within the city. An administrative conditional use permit runs with the land; compliance with the conditions of such a permit is the responsibility of the current owner of the property, whether that be the applicant or a successor. (Ord. 981 § 2, 2003)

17.72.020 Conditional uses designated—Hearing examiner.

The conditional uses listed in each district shall require a conditional use permit in order to locate and

operate in an appropriate zoning district within the city. A conditional use permit runs with the land; compliance with the conditions of such a permit is the responsibility of the current owner of the property, whether that be the applicant or the successor. (Ord. 981 § 3, 2003; Ord. 939 § 20 (part), 2000)

17.72.030 Permit—Application.

A. Application for administrative conditional use permits or conditional use permits shall be made in accordance with Chapter 17.81 of this code. An application shall not be considered unless and until a written application for said request is submitted to the city containing the following:

1. Vicinity map;
2. Name, address, phone number of property owner;
3. Name, address, phone number of engineer or agent;
4. Boundaries and dimensions of property;
5. Adjacent public street;
6. Easements, existing and proposed;
7. Location of building, including setbacks;
8. Location and layout of off-street parking;
9. Location and size of signs;
10. Landscape detail;
11. A narrative statement demonstrating that the requested conditional use conforms to the standards as set forth in Section 17.72.050.

B. The site plan shall be properly dimensioned and drawn at a scale not less than one inch equals fifty feet. The site plan must be easily reproducible. Two copies of the site plan shall be submitted at the time of application.

C. The site plan shall be made part of the permit and subsequent building permits and construction activity shall be in accordance with the approved site plan. The director may approve minor adjustments to the site plan.

(Ord. 981 § 4, 2003; Ord. 939 § 20 (part), 2000)

17.72.040 Permit—Public hearing and/or administrative decision.

Administrative decisions, public hearing(s) and public notice shall be made in accordance with Chapter 17.81 of this code. (Ord. 981 § 5, 2003; Ord. 939 § 20 (part), 2000)

17.72.050 Permit—Criteria to grant.

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

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

(Ord. 981 § 6, 2003; Ord. 939 § 20 (part), 2000)
(Ord. No. 1232, 3-19-2012)

17.72.060 Conditions of approval.

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

- A. Limiting the hours, days, place, and manner of operation;
- B. Requiring design features, which minimize environmental impacts such as, noise, vibration, air pollution, glare, odor, and dust;
- C. Requiring additional setback areas, lot area, or lot depth or width;
- D. Limiting the building height, size or lot coverage, or location on the site;
- E. Designating the size, number, location, and design of vehicle access points;
- F. Requiring street right-of-way to be dedicated and the street to be improved;
- G. Requiring landscaping, screening, drainage and surfacing of parking and loading areas;

(Woodland Supp. No. 36, 4-20)

- H. Limiting the number, site location, height, and lighting of signs;
- I. Limiting or setting standards for the location and intensity of outdoor lighting;
- J. Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- K. Requiring and designating the size, height, location, and materials for fences;
- L. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

(Ord. 981 § 7, 2003; Ord. 939 § 20 (part), 2000)
(Ord. No. 1232, 3-19-2012)

17.72.070 Performance security.

A performance bond or other adequate and appropriate security may be required by the director or hearing examiner as the case may be for any elements of the proposed project which the director and/or hearing examiner determines are crucial to the protection of the public welfare. Such bond shall be in an amount equal to one hundred percent of the cost of the installation or construction of the applicable improvements.
(Ord. 981 § 8, 2003; Ord. 939 § 20 (part), 2000)

17.72.080 Reapplication after permit denial.

An application for a conditional use permit which has been denied may not be resubmitted within six months from the date of the director's or hearing examiner's disapproval. (Ord. 981 § 9, 2003; Ord. 939 § 20 (part), 2000)
(Ord. No. 1447, § 10, 2-3-2020)

17.72.090 Expiration of approval.

- A. Approval of a conditional use by the director and/or hearing examiner shall be void if:
 1. Initial construction of the approved plan has not been started within a one-year period; or
 2. Construction on the site is a departure from the approved plan.
- B. The development review committee, upon written request by the applicant, may grant one extension of the approval period not to exceed one year provided that:
 1. No changes are made on the original conditional use plan as approved by the director and/or hearing examiner;

2. The applicant can demonstrate that construction will be substantially complete on the site within the one year extension period; and
 3. There have been no changes to the applicable comprehensive plan policies and zoning ordinance provisions on which the approval was based.
- C. A conditional use permit shall be reviewed annually by a designated city official to ensure proper compliance with all permit provisions and conditions. At any time, if a permit is found to be in violation of permit conditions, the director and/or hearing examiner is empowered to review the permit and findings of the appropriate city official and, if deemed necessary, issue an order requiring compliance with the permit or revoke the permit.
- D. Notice of the decision shall be provided to the current permit holder and or owner of the property.
- (Ord. 981 § 10, 2003; Ord. 939 § 20 (part), 2000)

17.72.100 Criteria and standards for specific conditional uses.

- A. Adult Day Care Home Facilities Serving More than Six Adults and Day Care Facilities.
1. Meet all applicable Washington Association of Adult Day Center and Child Day Care guidelines;
 2. Comply with all building, fire, safety, health code and business licensing requirements;
 3. Conform to lot size, building size, setbacks, and lot requirements of this chapter except if the structure is a legal nonconforming structure;
 4. Comply with the applicable provisions of the sign code of this title;
 5. Make no structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure which would make it incompatible with surrounding residences, if located in a residential structure;
 6. When a day care facility is proposed to be located in the light industrial (I-1) or heavy industrial (I-2) zoning district, it shall be approved only when: (a) it is located in a building that has in it one or more of the outright permitted uses in the light industrial (I-1) zoning district as outlined in Section 17.44.020; and (b) it is used only for the on-site employees so it does not generate additional traffic. Provide a site access to the day care facility that is separate from the access to the industrial use(s) to ensure the safety of facility users.
- B. Churches, convents, monasteries and other religious institutions and associated accessory structures including, but are not limited to, assembly rooms, kitchen, library room or reading room, nurseries, recreation hall, adult day care, child day care, Sunday school rooms, private primary and secondary school facilities, and a one-family dwelling unit for use by church officials. In addition to meeting the criteria of Chapter 17.72 of this code, new accessory one-family dwelling units shall be placed on-site with sufficient distance between structures and in a manner that would allow for future subdivisions that would result in separate lots for the dwelling and church;
- C. Duplex on an individual lot that meets the following criteria in addition to the criteria of Chapter 17.72 of this code:
1. No duplex shall neighbor another except a duplex lot can share a rear lot line with another duplex lot. A single-family dwelling that adds an accessory dwelling unit is not considered a duplex;
 2. The duplex lot shall be one hundred forty percent of the minimum lot size of the LDR district where the property is located;
 3. No more than twenty percent of the lots in a new subdivision shall be duplex lots;
 4. Duplex lots formed as part of a subdivision (Title 16, Article I) shall meet the criteria of this section but shall be approved as part of the subdivision application and do not need to receive a conditional use permit. No duplex can be located on an existing lot nor can a duplex lot be created by a short subdivision (Title 16, Article II) without a conditional use permit;
 5. A duplex shall be designed in a manner to complement the surrounding single-family homes in terms of scale, bulk, height, etcetera.
- D. Recreational Vehicle Camper Park.
1. Signs. One single-faced or double-faced wall or freestanding park identification sign is per-

- mitted. Such sign shall be a maximum of thirty-six square feet in gross area per face and may be illuminated by indirect lighting only. Additional entrance and exit signs, one per entrance/exit and two square feet in area, each are permitted;
2. Camper Space. There shall be a minimum of seven hundred fifty square feet of site per camper vehicle space;
 3. Sewer and Water. In all cases, camper parks shall be required to be served by public sewer and water systems. Restrooms, bath, and shower facilities shall be provided and shall meet all State Department of Social and Health Services standards;
 4. Open Space. Camper parks shall allocate at least twenty percent of the total site as usable open space or recreation area for use by the park's patrons;
 5. Residences. One residence or residential structure is allowed for use by the owner or manager of the camper park;
 6. Occupancy. No one camper unit shall occupy a camper site for more than ninety consecutive days per year. This standard shall not permit a camper to be moved off-site for one day or so and moved back in thereafter;
 7. Camper parks must meet all applicable state regulations and standards related to the operation and maintenance of recreational vehicle facilities.
- E. Veterinary Offices and Clinics with Outside Animal Runs.
1. All buildings and structures shall meet the dimensional standards, parking requirements, and applicable supplementary provisions of the C-2 district;
 2. Outside animal runs are considered to be an integral part of the main office or building on the property and shall meet the appropriate setbacks;
 3. Animals, especially dogs, shall be kept indoors between the hours of eight p.m. and eight a.m. As determined by the hearing examiner, offices and clinics with outside animal runs which are adjacent to any residential district may be required to take special soundproofing measures and/or additional fencing or screening to minimize disturbance of nearby residents.
- F. Bed and Breakfast Inns.
1. The owner of the property shall be the operator of the bed and breakfast inn and shall reside in the dwelling unit. No person other than members of the immediate family residing in the dwelling unit are to be engaged in the operation of the bed and breakfast inn;
 2. Travelers or transient guests may not stay longer than thirty consecutive days;
 3. The owner/operator of the bed and breakfast inn shall comply with the requirements and regulations of Chapter 70.62, Revised Code of Washington, "Transient Accommodations—Licensing—Inspections," Chapter 212-52, Washington Administrative Code, "Transient Accommodations, Standards for Fire Protection," and Chapter 248-144, Washington Administrative Code, "Transient Accommodations";
 4. No entrance to the space devoted to lodging units other than from within the dwelling unit shall be allowed except when otherwise required by law;
 5. Food shall be served only to registered overnight guests of the bed and breakfast inn. The owner/operator shall acquire the applicable permits and licenses related to preparing, storing and serving food from the Cowlitz health department.
- G. Sexually-Oriented Businesses.
1. Conditions of Approval. Sexually-oriented businesses may be permitted as indicated in Sections 17.44.025 and 17.46.035 of this code but only if the following conditions are met:
 - a. No sexually-oriented business shall be located east of the Northern Pacific Railroad Mainline or within two thousand feet of Dike Road;
 - b. No sexually-oriented business shall be located closer than one thousand feet to another sexually-oriented business whether such facility is located within or outside the city limits. Such distance shall be measured by following a straight line from the nearest point of entry into the structure

- which will house the proposed sexually-oriented business to the nearest point of entry into the structure housing another sexually-oriented business;
- c. No sexually-oriented business shall be located closer than five hundred feet to any of the following uses whether such use is located within city corporate limits or within Cowlitz county:
 - i. Public or private primary or secondary schools, colleges and universities,
 - ii. Preschool facility,
 - iii. Day care center,
 - iv. Public library,
 - v. Church, temple or synagogue or other facility primarily devoted to the teaching or practice of religious beliefs,
 - vi. Public parks,
 - vii. Bike or pedestrian paths or trails not associated with vehicle right-of-way,
 - viii. Any residential use;
 - d. In the event one or more of the uses denominated in subsection (G)(1)(c) of this section locates within five hundred feet of a sexually-oriented business after the sexually-oriented business has commenced operation, such sexually-oriented business shall be deemed a nonconforming use only if the subsequently established use is situated within three hundred feet of a sexually-oriented business;
 - e. Such distance shall be measured by a straight line distance between the point of public entry into the structure housing the sexually-oriented business and:
 - i. The nearest point on the property line of a public park or bike or pedestrian path or trail; or
 - ii. The nearest point of public entry or point on a property line, whichever is closer, of public or private primary or secondary schools, colleges and universities, a preschool facility, day care center, public library, church, temple or synagogue or other facility primarily devoted to the teaching or practice of religious beliefs, or any residential use.
- In the case of any use utilizing leased area or facilities, "property line," shall refer only to such leased area or facility;
2. **Building Facade.** All sexually-oriented business building facades, exteriors, and exits must be indistinguishable from surrounding buildings. Illustrations depicting partially or totally nude males and/or females shall not be posted or painted on any exterior wall or sign of a building used for a sexually-oriented business, or on any door, sign or apparatus attached or pertaining to such building;
 3. **Signs.** Signs shall be permitted as allowed in accordance with Section 17.46.130 and Chapter 17.52 of this code with the following exceptions:

Height. No sign for a sexually-oriented business shall exceed a height of twenty feet from ground level to the top of the sign;
 4. **Parking and Lighting Regulations.** On-site parking shall be required and regulated in accordance with Chapter 17.56 of this code, and in addition shall meet the following requirements:
 - a. All on-site parking areas and premise entries of sexually-oriented businesses shall be illuminated from dusk until an hour past closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot candle of light on the parking surface and/or walkways. An on-premise exterior lighting plan shall be presented to the city building department for approval prior to the operation of any sexually-oriented business;
 - b. All parking must be visible from the fronting street. Access to the exterior rear of the building shall be denied to any persons other than employees and public officials during the performance of their respective duties and tasks by means of fencing as approved by the city building department;

5. Number of Permitted Uses Per Structure. There shall be no more than one sexually-oriented business operating in the same building, structure, or portion thereof. In addition, there shall be no other nonsexually-oriented business operating in the same structure, building, or portion thereof in which a sexually-oriented business is currently operating;
 6. Sexually-Oriented Business—Forbidden in Other Zones. The allowance of adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motion picture theaters, adult theaters, sexual encounter establishments, nude or semi-nude model studios, escort agencies or adult motels shall be limited to the light industrial and heavy industrial districts and such uses are forbidden in all other zoning districts within the city;
 7. Sexually-Oriented Business—Pre-existing Sexually-Oriented Businesses. Sexually-oriented businesses existing prior to the adoption of the ordinance codified in this chapter shall be considered a nonconforming use and shall not be subject to the distance requirements set forth in subsection (G)(1) of this section, but shall be subject to the provisions of Chapter 17.60 of this code.
- H. Vending Stand or Kiosk. Vending or kiosk (e.g., espresso stands), either portable or permanent may be permitted with an approved administrative conditional use permit to site in the Highway Commercial (C-2) District, the Neighborhood Commercial (C-3) District, the Light Industrial (I-1) District, and the Heavy Industrial (I-2) District subject to the following conditions:
1. Portable vending stands, permitted under this subsection shall not exceed one hundred square feet in area. All vending stands shall provide adequate trash receptacles and shall not be located within any required yard area;
 2. Placement of any vending stand or kiosk shall not be located on an established site which is nonconforming with this title's parking standards as to required dimensions or access/egress configurations such that siting the stand may exacerbate a substandard vehicle circulation situation. Further no vending stand shall occupy any parking stall of an establishment which is now nonconforming with this title's parking standards for number of stalls so as to result in a net loss of parking;
 3. Any such vending stand or kiosk, which is intended to cater to motorists, shall be located on a site in a manner so as to allow safe and convenient vehicular access and egress.
- I. Commercial Vehicle Dispatch and Maintenance Facility.
1. All buildings and structures shall meet the dimensional standards, parking requirements, and applicable supplementary provisions of the C-2 district;
 2. Commercial dispatch and maintenance facilities may be permitted in the Highway Commercial (C-2) District with an approved conditional use permit and shall be required to meet the requirements of Chapter 17.36, together with conditions as set forth by the hearing examiner.
- J. Retreat Center.
1. Food and beverage service shall be for registered and invited individuals and groups only. The owner/operator shall acquire the applicable permits and license related to preparing, storing and serving food from the county health department.
 2. Retreat centers shall have immediate and direct ingress and egress access to no less than one publicly dedicated road. Patron, delivery and service access to the site shall be from such ingress and egress access.
 3. The retreat center shall be located on a single lot or multiple lots under single ownership of no less than two acres.
 4. A maximum of six guest bedrooms shall be allowed for a retreat center situated on two acres. For every additional acre of land, one additional guest bedroom is allowed.
 5. The owner or proprietor of the retreat center must reside on the premises.
 6. Signage shall be that allowed to a home occupation business as regulated under WMC 17.52.
 7. Retreat center guests shall not stay more than seven consecutive days at the facility.
- (Ord. 981 § 11, 2003; Ord. 941 § 3, 2001; Ord. 939 § 20 (part), 2000)
 (Ord. No. 1186, § 1, 6-7-2010; Ord. No. 1232, 3-19-2012; Ord. No. 1437, 7-1-2019)

Chapter 17.76

EXCEPTIONS AND SIMILAR USE AUTHORIZATION

Sections:

- 17.76.004 Auctions as retail activities.**
- 17.76.010 Double frontage—Reversed corner lots.**
- 17.76.020 Building height.**
- 17.76.030 Projections from buildings.**
- 17.76.040 Authorization of similar uses.**
- 17.76.050 Lot size requirements.**
- 17.76.060 Yard requirements.**
- 17.76.070 Height and setback requirements—
Fire stations exempt.**

17.76.004 Auctions as retail activities.

Auctions are retail activities subject to the use limitations set by each zoning district in which the auction is proposed to occur. The sale of wholesale items by auction shall be treated like wholesale sales per the zoning district in which the auction is proposed to occur.

(Ord. No. 1427, 2-19-2019)

17.76.010 Double frontage—Reversed corner lots.

- A. Double Frontage Lots. In the case of double frontage lots, buildings shall be located no closer to either street lot line than the depth of the required front yard on either street.
- B. Reversed Corner Lots. In the case of a reversed corner lot, buildings located in the required rear yard of such a lot shall be located no closer to the side street lot line than the required front yard of the adjoining interior lot.

(Ord. 490 § 16.01, 1979)

17.76.020 Building height.

Unless otherwise stated in this title, the following types of structures or structural parts are not subject to the building height limitations of this title: aerials, belfries, chimneys, church spires, cupolas, domes, elevator shafts, fire and hose towers, flagpoles, monuments, observation towers, radio and television towers, smokestacks, transmission towers, water towers, windmills, and other similar projections. (Ord. 490 § 16.02, 1979)

17.76.030 Projections from buildings.

Cornices, eaves, gutters, sunshades and other similar architectural features may not project more than three feet into a required yard. (Ord. 490 § 16.03, 1979)

17.76.040 Authorization of similar uses.

The planning commission may rule that a use not specifically named in the allowed uses of a district shall be included among the allowed uses, if the use is of the same general type and is similar to the allowed uses. However, this section does not authorize the inclusion of a use in a district where it is not listed, when the use is specifically listed in another district. (Ord. 490 § 16.04, 1979)

17.76.050 Lot size requirements.

If a lot or the aggregate of contiguous lots or land parcels held in single ownership and recorded in the office of the Cowlitz County or Clark County auditor at the time of passage of the ordinance codified in this title has an area or dimension which does not meet the lot size or lot width requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the district subject to the other requirements of the district. (Ord. 801 § 4, 1995; Ord. 490 § 16.05, 1979)

17.76.060 Yard requirements.

- A. In the commercial and industrial districts, all free-standing gasoline pumps and automobile service station pump islands may be located in a required yard; provided, that they are not less than fifteen feet from a lot line.
- B. The front yard may be reduced to twenty feet from the street right-of-way or fifty feet from the street centerline, whichever distance is greater, when the natural slope of the front fifty feet of the lot equals or exceeds one foot of fall in seven feet of distance from the front property line.
- C. In the LDR districts only, if a front yard abuts on a cul-de-sac street or the other permanently closed street with a right-of-way of fifty feet, the front yard requirements may be reduced to twenty feet from the front property line.

(Ord. 939 § 21, 2000; Ord. 490 § 16.06, 1979)

17.76.070

17.76.070 Height and setback requirements—Fire stations exempt.

The city shall be exempt from compliance with the city zoning ordinance with respect to height and setback requirements for fire stations only. (Ord. 560 § 1, 1983)

Chapter 17.81

HEARING EXAMINER

Sections:

17.81.010	Purpose.
17.81.020	Creation of land use hearing examiner.
17.81.030	Appointment and term.
17.81.040	Qualifications.
17.81.050	Removal.
17.81.060	Freedom from improper influence.
17.81.070	Conflict of interest.
17.81.080	Rules.
17.81.090	Powers.
17.81.095	Takings and substantive due process review and modifications.
17.81.100	Applications.
17.81.110	Report of staff planner.
17.81.120	Public hearing.
17.81.125	Dismissals.
17.81.130	Examiner's decision.
17.81.140	Notice of examiner's decision.
17.81.150	Appeal from examiner's decision.
17.81.160	City council consideration/procedural rules.
17.81.170	Judicial appeals.
17.81.180	Minor variances or minor modifications to approved conditional uses or administrative conditional uses—Review and appeal authority.
17.81.190	Minor variances or minor modifications to approved conditional uses or administrative conditional uses—Procedure.
17.81.200	Minor variances or minor modifications to approved conditional uses or administrative conditional uses—Notification.
17.81.210	Minor variances—Expiration of approval.

17.81.010 Purpose.

The purpose of this chapter is to establish a system of applying land use regulatory controls which will best satisfy the following basic needs:

- A. To ensure procedural due process and appearance of fairness in certain land use regulatory hearings; and

- B. To provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making process for certain land use matters.

(Ord. 567 § 3, 1984)

17.81.020 Creation of land use hearing examiner.

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

- A. Conditional uses per Chapter 17.72. Applications for conditional uses when the zoning ordinance sets forth the specific uses to be made subject to conditional use permits.
- B. Major Variances. A major variance shall be defined as a variance to a measurable zoning standard which does not fall under a category of minor variances as outlined in WMC 17.81.180.A. The examiner shall decide upon application for major variances from the terms of this title; provided that any variance granted shall be subject to such conditions as will assume that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and:
 1. That such variance is necessary, because of special circumstances or conditions relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use, rights, and privileges, permitted to other properties in the vicinity and in the zone in which the subject property is located;
 2. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;
 3. If such permit for variance is denied, no reapplication shall be made within one year from the date of denial;

4. An approved variance will go with or be assigned to the subject property and shall not be transferable to another property; and
5. No use variance shall be granted except for lawfully created pre-existing uses in accordance with WMC 17.60.

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

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

(WMC) issued by the development review committee (DRC) or community development director.

- G. All city applications for any type of project proposal. (Ord. 981 § 12, 2003; Ord. 939 § 22, 2000; Ord. 817 § 6 (part), 1996; Ord. 801 § 8, 1995; Ord. 720 § 1, 1991; Ord. 567 § 4, 1984) (Ord. No. 1219, 2-6-2012; Ord. No. 1300, § 1, 10-6-2014; Ord. No. 1303, § 2, 10-6-14; Ord. No. 1378, § 82, 11-21-2016)

17.81.030 Appointment and term.

The examiner shall be appointed by the mayor with the consent of the city council and shall serve at the mayor's discretion. The mayor may also appoint, for terms and functions deemed appropriate, examiners pro tem to serve in the event of the examiner's absence or inability to act. (Ord. 817 § 6 (part), 1996; Ord. 567 § 5, 1984)

17.81.040 Qualifications.

Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon them. Examiners shall hold no other elective or appointive office or position in city government. (Ord. 567 § 6, 1984)

17.81.050 Removal.

An examiner may be removed from office for cause or convenience by the affirmative vote of a majority of the city council. (Ord. 817 § 6 (part), 1996; Ord. 567 § 7, 1984)

17.81.060 Freedom from improper influence.

No person, including city officials, elective or appointive, shall attempt to influence an examiner in any matter pending before him except at a public hearing duly called for such purposes or to interfere with an examiner in the performance of his duties in any other way; provided, that this section shall not prohibit the city attorney from rendering legal services to the examiner upon request or prohibit other persons from responding in writing to requests for information from the examiner. (Ord. 567 § 8, 1984)

17.81.070 Conflict of interest.

No examiner shall conduct or participate in any hearing, decision or recommendation in which the examiner has a direct or indirect substantial financial or familial interest; or concerning which the examiner has had substantial prehearing contacts with proponents or opponents. (Ord. 567 § 9, 1984)

17.81.080 Rules.

The examiner shall have the power to prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of his office. Such rules may provide for cross-examination of witnesses. (Ord. 567 § 10, 1984)

17.81.090 Powers.

- A. The examiner shall receive and examine all available information, conduct public hearings and prepare a record thereof and enter decisions as provided in Sections 17.81.020 and 19.08.030.
 - B. The decision of the hearing examiner shall be final unless such decision is appealed to the city council or superior court as set forth herein.
- (Ord. 817 § 6 (part), 1996; Ord. 567 § 11, 1984)

17.81.095 Takings and substantive due process review and modifications.

- A. In addition to the powers described in Sections 17.81.020 and 19.08.030, the hearing examiner is hereby authorized to hear, by way of appeal or upon review of a project permit application, all assertions of project-specific taking of property for public use without just compensation and/or the denial of substantive due process of law, and all challenges to imposition of conditions on a project of a similar nature, whether based on constitutional, statutory or common law. Failure to raise a specific challenge to such condition or exaction shall constitute a waiver of such issue and a failure to exhaust an administrative remedy.
- B. In deciding and resolving any such issue, the examiner may consider all law applicable to the city. Should the examiner determine that, but for a taking without just compensation or a violation of substantive due process of law, imposition of any such condition would be required by standard, regulation, or ordinance the examiner shall so state

in the decision and so report to the city council. In lieu of failing to impose such condition, the examiner shall first provide the city with due opportunity to provide just compensation. The examiner shall specify a time period in which the council shall elect to or not to provide just compensation. Upon notice of the election of the city council not to provide such compensation, the examiner is authorized to and shall, within fourteen days, issue a decision modifying to whatever degree necessary such condition to eliminate the taking or violation of substantive due process.

(Ord. 817 § 6 (part), 1996)

17.81.100 Applications.

Applications for permits or approvals within the jurisdiction of the hearing examiner shall be presented to the city clerk-treasurer. The clerk-treasurer shall accept such applications only if applicable filing requirements are met. The clerk-treasurer shall be responsible for assigning a date for and assuring due notice of public hearing for each application, which date and notice shall be in accordance with the statute or ordinance governing the application. (Ord. 567 § 12, 1984)

17.81.110 Report of staff planner.

The staff planner shall coordinate and assemble the reviews of city departments and governmental agencies having an interest on the subject application and shall prepare a report summarizing the factors involved and the staff planner's findings and recommendations. Such report shall be sent to the applicant and the examiner by letter seven calendar days prior to the hearing, or by personal delivery five calendar days prior to the hearing. At the same time the report shall also be made available for inspection by the public and copies thereof shall be provided to interested persons upon payment of reproduction costs. (Ord. 620 § 2, 1986; Ord. 567 § 13, 1984)

17.81.120 Public hearing.

- A. Prior to rendering a decision on any application, the examiner shall hold an open record hearing thereon. Notice of the time and place of the hearing shall be published in the city's official newspaper at least ten days prior to the date of the hearing.

- B. Once legal notice has been given, no matter shall be postponed over the objection of any interested party, except for good cause shown. Continuances may be granted at the discretion of the examiner; provided, the interested parties in attendance shall be given an opportunity to testify prior to the continuance. The applicant shall pay an amount equal to one-half the original application fee for any hearing postponed or continued by request of the applicants after legal notice has been given; provided, that this requirement shall not apply where the request is based upon new information presented at the hearing.

(Ord. 817 § 6 (part), 1996: Ord. 567 § 14, 1984)

17.81.125 Dismissals.

A petitioner's failure to state specific grounds of the appeal and relief sought may result in dismissal of such appeal. The city staff or any party may request dismissal of an appeal at any time with notice to all parties. Upon finding that the appeal fails to state cause to reverse or modify the decision or that the examiner lacks jurisdiction to grant relief, the examiner may dismiss such appeal without hearing. The examiner shall state in writing whether such dismissal is with or without prejudice. (Ord. 817 § 6 (part), 1996)

17.81.130 Examiner's decision.

- A. Within ten working days of the conclusion of a hearing, unless a longer period is agreed to in writing by the applicant, the examiner shall render a written decision which shall include at least the following:
1. Findings based upon the records and conclusions therefrom which support the decision. Such findings and conclusions shall also set forth the manner by which the decision would carry out and conform to the city's comprehensive plan, other official policies and objectives, and land use regulatory enactments;
 2. A decision on the application which may be to grant, deny or grant with such conditions, limitations, modifications and restrictions as the examiner finds necessary to make the application compatible with its environment, the comprehensive plan, other official policies and objectives, and land use regulatory enactments;

3. A statement as to appeal rights of any party (quasi-judicial or judicial) including the jurisdictional time limits for such appeal. See Sections 17.81.150, 17.81.160 and 17.81.180.

- B. Except where the parties have agreed to extend time periods, the time period for consideration and decision on appeals shall not exceed:

1. Ninety days for open record hearings; and
2. Sixty days for a closed record appeal.

(Ord. 817 § 6 (part), 1996: Ord. 567 § 15, 1984)

17.81.140 Notice of examiner's decision.

Not later than five working days following the rendering of a written decision, copies thereof shall be personally delivered or mailed to the applicant, community development director, public works director, and to other parties of record in the case. "Parties of record" shall include all persons who specifically request notice of decision by signing a register provided for such purpose at the public hearing. (Ord. 817 § 6 (part), 1996: Ord. 567 § 16, 1984) (Ord. No. 1378, § 83, 11-21-2016)

17.81.150 Appeal from examiner's decision.

- A. In cases where the examiner's jurisdictional authority is to render a decision (following an open record predecision), the decision of the examiner shall be final and conclusive unless within fourteen days following rendering of such decision an appeal therefrom is filed with the clerk-treasurer by the applicant, a department of the city or county, or other interested person or agency. Such appeal shall be in writing, shall contain all grounds on which error is assigned to the examiner's decision and shall be accompanied by a fee as established by resolution of the city council; provided, that such appeal fee shall not be charged to a department of the city or to other than the first appellant.
- B. The timely filing of an appeal shall stay the effective date of the examiner's decision until such time as the appeal is adjudicated by the city council or is withdrawn.
- C. Within fourteen days following the timely filing of an appeal, notice thereof and of the date, time and place for city council consideration shall be mailed to the applicant and to all other parties of record.

Such notice shall additionally indicate the deadline for submittal of written comments as prescribed in Section 17.81.160.

(Ord. 817 § 6 (part), 1996)

17.81.160 City council consideration/ procedural rules.

An examiner's decision which has been timely appealed pursuant to Section 17.81.150 shall come on for city council consideration as a closed record appeal hearing within thirty days from the date the examiner's decision was rendered. The city council shall consider the matter based upon the written record before the examiner, the examiner's decision, and the written appeal of the petitioner.

Parties of record wishing to make oral and/or written argument before the city council must file a notice of intent to make argument with the clerk-treasurer no later than five working days preceding the next city council meeting at which the matter is scheduled to be heard. Written documentation must be filed with the notice of intent. Oral argument and written documentation not within the scope of the record made before the examiner is inadmissible and shall be excluded.

At least five days prior to such hearing, the parties shall meet and confer with the city attorney. The purpose of the meeting shall be to discuss the procedure and legal issues involved and to agree on a stipulated statement of issues which would govern the appeal. The hearing before the council shall be held in accordance with the following appeal procedures:

1. The development services staff/examiner shall present a summary of the findings, conclusions and decision, as well as the alleged errors forming the basis of the appeal.
2. The parties to the appeal will have the opportunity to present oral arguments before the council, provided they have complied with the notice of intent requirements noted above. Such oral argument shall be confined to the record and to any alleged errors therein or to any allegation of irregularities in procedure before the examiner. The council may request additional information from any staff member or party which relates to evidence on the record. Such additional information shall be part of the record.

(Ord. 817 § 6 (part), 1996)

(Woodland Supp. No. 32, 6-17)

17.81.170 Judicial appeals.

Final decisions, (after exhausting administrative remedies) may be appealed by a party of record with standing to file a land use petition in the Cowlitz County superior court. Such petition must be filed within twenty-one days of issuance of the decision as provided in RCW Chapter 36.70C. (Ord. 817 § 6 (part), 1996)

17.81.180 Minor variances or minor modifications to approved conditional uses or administrative conditional uses—Review and appeal authority.

- A. The following variances shall be deemed minor in nature and may be approved, approved with conditions, or denied by the development review committee (DRC) without a public hearing based on the approval criteria outlined in WMC 17.81.180.B and in accordance with the notice requirements outlined in WMC 17.81.200:
 1. A reduction in lot area, setbacks, lot dimensions; and, an increase in lot coverage and building height, all by not more than thirty percent of that required by the applicable standard of the zoning district in which the proposal is located;
 2. Any reduction in a side or rear yard setback below the minimum setback required by the applicable standard in the light industrial (I-1) or heavy industrial (I-2) zoning district; or
 3. The modification of pre-existing nonconforming structures housing permitted uses, to the extent that the modification will not cause a greater infringement than exists of any standard of the zoning district in which the proposal is located.
 4. The enlargement, addition, or modification to any non-conforming single-family residence built prior to 1968.
- B. Approval Criteria for Minor Variances.
 1. No variance shall be approved by the DRC which will allow an increase in the number of dwelling units on a parcel greater than that permitted by the applicable zoning district, or which will permit the reduction in area of any lot created after the adoption of the ordinance codified in this chapter;
 2. All major variance criteria outlined in WMC 17.81.020.B shall be met, except where a vari-

- ance is proposed to side or rear setback standards applicable to the light industrial (I-1) or heavy industrial (I-2) zoning districts. In these cases, the DRC shall consider criteria 2—5 outlined in WMC 17.81.020.B. The DRC shall also consider whether or not the requested minor variance is necessary due to the unique physical characteristics of the existing site configuration, building, and/or use and consistent with the intent of applicable standard to which the minor variance is sought.
- C. The following modifications to approved conditional uses or administrative conditional uses shall be deemed minor in nature and may be approved, approved with conditions, or denied by the DRC without a public hearing based on the approval criteria outlined in WMC 17.81.180.D and in accordance with the notice requirements outlined in WMC 17.81.200:
1. Construction of accessory buildings which will not alter or affect the permitted conditional use of the property.
- D. Approval criteria for minor modifications to approved conditional uses or administrative conditional uses:
1. No minor modifications to an approved conditional use or administrative conditional use shall be approved by the DRC which will allow an increase in the number of dwelling units on a parcel greater than that permitted by the applicable zoning district, or which will permit the reduction in area of any lot created after the adoption of the ordinance codified in this chapter; and
 2. Granting of the proposed minor modification to the approved conditional use or administrative conditional uses is consistent with the applicable zoning district requirements, and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.
- E. The DRC may solicit advice from the planning commission as part of a public meeting and/or qualified professionals without a public meeting, to help determine whether the proposed minor variance or minor modification to the approved conditional use or administrative conditional use meets the approval criteria.
- F. The DRC shall develop a written decision including the DRC's response to each applicable approval criteria concerning minor variances outlined in WMC 17.81.180.B or concerning minor modifications to approved conditional uses or administrative conditional uses outlined in WMC 17.81.180.D.
- G. The DRC's decisions concerning minor variances or minor modifications to approved conditional uses or administrative conditional uses can be appealed to the planning commission within ten days from the date the DRC's written decision is issued. The planning commission shall review such appeals at an open record public hearing in accordance with the notice requirements outlined in WMC 19.06.070 and 19.06.080 and render decisions based on the applicable review criteria outlined in WMC 17.81.180.B or WMC 17.81.180.D, the intents of applicable standards, and applicable provisions in the Woodland Comprehensive Plan. (Ord. 600 § 2, 1985)
(Ord. No. 1219, 2-6-2012; Ord. No. 1369, § 1, 8-1-2016)

17.81.190 Minor variances or minor modifications to approved conditional uses or administrative conditional uses— Procedure.

- A. Valid Applicant. The proper owner or the owner's authorized agent, or a non-owner resident may file an application for a minor variance or minor modification to an approved conditional use or administrative conditional use. Where the applicant is a non-owner resident, the owner or owner's agent shall co-sign the application.
- B. An application for a minor variance or minor modification to an approved conditional use or administrative conditional use shall be accompanied by the following:
1. A site plan of the property involved that is to scale showing all property lines, existing and proposed structures and off-street parking;
 2. In the case of a variance from the height limitations, front and side or longitudinal cross-sections of the proposed structure(s) showing grade and building elevations;
 3. A filing fee as determined by the city council;

4. The applicant's response to each applicable approval criteria outlined in WMC 17.81.180.B or WMC 17.81.180.D; and
5. Other information as determined by the DRC that is necessary to demonstrate the proposed minor variance or minor modification to the approved conditional use or administrative conditional use permit meets the approval criteria and other applicable standards in the Woodland Municipal Code and policies and goals in the comprehensive plan.

(Ord. 600 § 3, 1985)
 (Ord. No. 1219, 2-6-2012)

17.81.200 Minor variances or minor modifications to approved conditional uses or administrative conditional uses— Notification.

Upon receipt of a valid application, the city clerk-treasurer or designee shall notify in writing the applicant, the owner of record of the subject property, the planning commission, and the owners of record of all properties located within three hundred feet that the requested minor variance or minor modification to an approved conditional use or administrative conditional use is being reviewed and approved, approved with conditions, or denied by the DRC based on the applicable approval criteria. The city shall mail such notices at least fourteen days prior to the date the DRC makes the final decision on the proposal. Such notices shall provide a fourteen-day public comment period. Not later than five days following the rendering of the DRC's written decision, copies thereof shall be mailed to the applicant, the owner of record of the subject property, and those who have submitted to the city a non-anonymous written comment during the fourteen-day comment period. (Ord. 600 § 4, 1985)

(Ord. No. 1219, 2-6-2012)

17.81.210 Minor variances—Expiration of approval.

Approval of a minor variance shall be void after three years, unless a building permit has been issued and substantial construction has taken place. The community development director, for good cause, may extend approval for no more than one year. If a variance is specifically related to an approved phasing program, the validity of the variance shall be limited only by the

phasing plan. Approval expiration shall apply to all applications deemed complete on or after the effective date of the ordinance from which this section is derived.

(Ord. No. 1300, § 2, 10-6-2014; Ord. No. 1378, § 84, 11-21-2016)

Chapter 17.84

AMENDMENTS AND REVIEW PROCEDURES

Sections:

- 17.84.010** Amendments—Permitted conditions.
- 17.84.020** Initiation.
- 17.84.030** Public hearing and notification required.
- 17.84.040** Planning commission—Decision on applications—Time limit.
- 17.84.050** Planning commission—Notice of decision.
- 17.84.100** Appeal—Council decision.
- 17.84.110** Zone changes, development proposals requiring specific procedures—Designated.
- 17.84.120** Zone changes, development proposals requiring specific procedures—Site development plan—Content.
- 17.84.130** Site plan review and decision procedures—Development proposals.
- 17.84.140** Site plan review and decision procedures—Zone changes.

17.84.010 Amendments—Permitted conditions.

Whenever public necessity, convenience and general welfare require, the boundaries of the zones established on maps by the ordinance codified in this title, the classification of property uses in this title, land use designations established by the comprehensive plan, or other provisions of this title or the plan may be amended as follows:

- A. By amending the zoning map; or
- B. By amending the text of the zoning ordinance codified in this title; or
- C. By amending the comprehensive plan map; or
- D. By amending the comprehensive plan text; or
- E. By amending all or several of the above documents.

(Ord. 490 § 19.01, 1979)

17.84.020 Initiation.

Amendments of the ordinance codified in this title, zoning map, or comprehensive plan, and/or comprehensive plan map may be initiated by:

- A. The verified application of one or more owners of the property which is proposed to be changed or reclassified; or

- B. By the adoption of a motion by the council requesting the commission to set a matter for hearing and recommendation; or

- C. By adoption of a motion by the commission.
(Ord. 490 § 19.02, 1979)

17.84.030 Public hearing and notification required.

- A. The commission shall hold at least one public hearing before taking action on any amendment to the ordinance codified in this title or the comprehensive plan. In all cases, notice of the time and place of this public hearing, with a description of the proposed amendments, shall be published at least once and not less than ten days prior to the date of the hearing in a regular issue of the newspaper designated as the legal newspaper of the city.
- B. For amendments to the zoning ordinance map and/or comprehensive plan map initiated by the property owner(s), written notice thereof shall be addressed through the United States mail to all property owners of record of the property and within three hundred feet of the exterior boundaries of the subject property. Said notice shall set forth the purpose of the hearing and the time, date, and place of the hearing. The written notice shall be mailed no less than twelve days prior to the hearing.
- C. In addition, a minimum of two notices shall be posted on the subject property in conspicuous locations visually accessible to passersby.
- D. For amendments to the zoning ordinance map and/or comprehensive plan map initiated by the planning commission, the commission shall elect to do one of the following:
 1. Publish appropriate notice in the legal newspaper of the city and send written notice of proposed amendments through the United States mail to all property owners of record of the subject property; or
 2. If the zoning and/or comprehensive plan map amendment involves a significant area of the city, as determined by the planning commission chairman, the commission may publish appropriate notice in the legal newspaper of the city and, if deemed necessary, determine and take other means of effective public and property owner notification.

(Ord. 490 § 19.03, 1979)

17.84.040 Planning commission—Decision on applications—Time limit.

Planning commission action on an application by property owners shall be based on consideration of the comprehensive plan; other plans of the city; the standards of this title and other ordinances and codes; and other factors necessary for consideration to protect the public health, safety, convenience, and general welfare. The planning commission shall be assisted in its deliberations by findings and recommendations prepared by staff, and action taken shall be based on written findings and conclusions supporting the decision. The commission may require such information as it deems necessary to judge the merits of the proposal, and may continue the hearing to later dates without further notice if the date, time, and place of the continuation is announced at the previous meeting. Conclusive action on an application shall be taken by the commission within ninety days from the date of the initial hearing upon the matter. The matter may be continued for a longer period of time with the written consent of the applicant. (Ord. 536 § 16, 1982; Ord. 490 § 19.04, 1979)

17.84.050 Planning commission—Notice of decision.

When the commission's action is to recommend approval or denial of an amendment, the commission shall, within fourteen days from the date of the action on such matter, notify the applicant by mailing a notice of the action of the commission to the applicant at the address shown on the application. Other persons at the hearing requesting notice of the action shall be notified in the same manner as the applicant. If the action of the commission is to recommend approval of an amendment, a copy of the action, together with staff reports, findings and any special conditions considered by the commission to be controlling and necessary shall be forwarded to the city council within fourteen days of said action. (Ord. 490 § 19.05, 1979)

17.84.100 Appeal—Council decision.

Enactment of an ordinance by the council approving an amendment shall constitute final action. When the action of the council is to deny a request for an amendment, the adoption of the motion shall constitute final action. Written notice of the action shall be forwarded to the commission to be attached to the permanent file of the case, and the city shall notify the

applicant of the final action of the council. (Ord. 708 § 2, 1990; Ord. 490 § 19.10, 1979)

17.84.110 Zone changes, development proposals requiring specific procedures—Designated.

The following amendments to the city zoning map and certain development proposals shall require the applicant to adhere to certain procedures as presented in the remainder of this chapter.

- A. Proposed zone change to:
 - MDR Any size and density
 - HDR Any size and density
 - C-1 Over one acre in area
 - C-2 Any size and density
 - C-3 Any size and density
 - I-1 Any size and density
- B. Development proposals, initiated by application for a building permit for a use permitted in one of the following districts:
 - MDR Over one acre in area
 - HDR Over one acre in area
 - C-1 Any size and density
 - C-2 Any size and density
 - C-3 Any size
 - I-1 Any size and density
 - I-2 Any size and density.

(Ord. 939 § 23, 2000; Ord. 638 § 17, 1987; Ord. 536 § 17, 1982; Ord. 490 § 19.11(A), 1979)

17.84.120 Zone changes, development proposals requiring specific procedures—Site development plan—Content.

- A. The applicant for a zone change or development proposal specified in Section 17.84.110 shall prepare and submit to the city a site development plan drawn to a scale of not more than fifty feet to the inch showing at a minimum:
 1. Identification of the proposed use;
 2. Boundaries of the site;
 3. Adjacent streets, properties, and land uses;
 4. Site topography;
 5. Proposed points of entrance and exit;

6. Interior streets and circulation pattern, if any;
 7. Off-street parking and outdoor storage areas;
 8. Railway sidings and loading areas, if any;
 9. Location of all buildings and pertinent structures;
 10. Horizontal (plan view) and vertical (elevation view) views of all buildings and pertinent structures, showing all dimensions and setbacks;
 11. Location and, for development proposals, design of sewer lines and connection, drainage facilities and storm sewers, water lines, and fire hydrants;
 12. Plans for general site grading, landscaping, signs and outdoor advertising structures, site screening, and other pertinent features required by this title and of the zoning district.
- B. Recognizing that providing all of the information designated in this section for certain sizes and categories of rezone proposals may be a hardship for the applicant and may not be necessary for rezone consideration, zone amendments at a minimum should provide items 1 through 6, 9 (if known), 10 (if known), 11 (indication of proposed service connections), and 12, (as much as possible).
- (Ord. 536 § 18, 1982; Ord. 490 § 19.11(B)(1), 1979)

17.84.130 Site plan review and decision procedures—Development proposals.

The site development plan for development proposals shall accompany application for the building permit and shall be reviewed by the community development director, building official, public works director and other affected agencies for conformance to standards, ordinances, and codes. The city staff will work with the applicant to correct any site plan deficiencies, if necessary. Approval of site plans for development proposals shall be by the community development director, who shall denote approval on the face of the site plan for filing in city records. The approved site plan shall be binding on the ultimate design and construction of the project. Prior to decision, the community development director may refer site plans for development proposals to the planning commission for review and comment and shall make such referral when requested by the planning commission. (Ord. 536 § 19, 1982; Ord. 490 § 19.11(B)(2), 1979)
(Ord. No. 1378, § 85, 11-21-2016)

17.84.140 Site plan review and decision procedures—Zone changes.

- A. The site development plan for zone change proposals shall accompany the application for the zone change and shall be reviewed initially by the community development director, building official, public works director and other affected agencies for conformance to standards, ordinances and codes. City staff will work with the applicant to correct any site plan deficiencies, if necessary. Staff findings and recommendations to the planning commission should address the merits of the site plan as well as of the proposed zone change.
- B. The planning commission shall review the zone change application and site development plan together according to normal rezone procedures. The commission's findings and recommendations to the city council should address the merits of the site plan as well as of the zone change. City council approval of the site development plan at the time of rezone approval shall be considered as binding on the development design.
- C. The community development director, public works director, and building official shall check building and construction plans for basic consistency with the approved site development plan prior to issuing permits. If the building and construction plans indicate significant differences in dimensions, setbacks, points of ingress/egress, parking and loading spaces and areas, or other pertinent features from the approved site plan, a revised site development plan shall be required and reviewed and acted on by the city council.

(Ord. 536 § 20, 1982; Ord. 490 § 19.11(B)(3), 1979)
(Ord. No. 1378, § 86, 11-21-2016)

Chapter 17.88

ENFORCEMENT PROVISIONS*

Sections:

- 17.88.010** **Permits—Requirement—Term.**
- 17.88.020** **Authority.**
- 17.88.030** **Waiver of violations.**
- 17.88.040** **Appeal hearings—Fees.**
- 17.88.050** **Penalty.**

17.88.010 **Permits—Requirement—Term.**

No person, agency, company, or corporation shall erect a building, or structure of any kind, or alter any building or structure already erected when said alteration is made for the purpose of changing the use or purpose of occupancy, or institute or change a property use, within the incorporated area of the city without first obtaining a permit or certificate of occupancy in writing from the community development department.

(Ord. No. 1448, § 1, 2-3-2020)

17.88.020 **Authority.**

It shall be the duty of the code enforcement officer and the responsible official to enforce this title through proper legal channels. The responsible official shall issue no permits for the construction, alteration, or repair of any building or part thereof unless such plans and intended use of such building or land conform in all respects with the provisions of this title and the land use development codes of the city.

(Ord. No. 1448, § 1, 2-3-2020)

17.88.030 **Waiver of violations.**

Recognizing the fact that a building may be erected in good faith with every intent to comply with the provisions of this title in respect to the location of the building upon the lot and the size and location of required yards, and that it may later be determined that such building does not comply in every detail with such requirements, although not a violation of the spirit and intent of the zoning ordinance codified in this title, the

***Editor's note**—Ord. No. 1448, § 1, adopted February 3, 2020, repealed the former Chapter 17.88, §§ 17.88.010—17.88.050, and enacted a new Chapter 17.88 as set out herein. The former Chapter 17.88 pertained to similar subject matter and derived from Ord. No. 490, 1979; Ord. No. 569, 1984 and Ord. No. 708, 1990

hearing examiner may issue a waiver of violation in accordance with the provisions of Chapter 17.81.020(C). (Ord. No. 1448, § 1, 2-3-2020)

17.88.040 **Appeal hearings—Fees.**

Whenever an appeal hearing is required by this title, in addition to other required data accompanying a request involving an appeal hearing, the person or persons whose request involves an appeal hearing shall pay a fee, according to the adopted fee schedule, to the city to help defray expenses of giving notice, holding the hearing, and preparing necessary reports. Once paid, this fee shall be nonrefundable.

(Ord. No. 1448, § 1, 2-3-2020)

17.88.050 **Penalty.**

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this title is guilty of a misdemeanor and shall be fined in accordance with this title for each offense. Each day that a violation is permitted to exist constitutes a separate offense.

(Ord. No. 1448, § 1, 2-3-2020)

Chapter 17.92

RESERVED*

***Editor's note**—Ord. No. 1447, § 15, adopted February 3, 2020, repealed Chapter 17.92, §§ 17.92.010—17.92.250, which pertained to enforcement provisions—land use and derived from Ord. No. 556; Ord. No. 640, 1987 and Ord. No. 1378, adopted November 21, 2016.

Chapter 17.96

RESERVED*

***Editor's note**—Ord. No. 1440, § 13, adopted October 21, 2019, repealed Chapter 17.96, §§ 17.96.010 and 17.96.020, which pertained to medical marijuana collective gardens and derived from Ord. No. 1326, adopted April 6, 2015.

Title 18

ANNEXATIONS

Chapters:

18.04 Application Fees



Chapter 18.04**APPLICATION FEES****Sections:**

18.04.010	Petitions.
18.04.020	Filing fee.
18.04.030	Additional fees.

18.04.010 Petitions.

The method of handling petitions for annexations of property into the city shall be prescribed by RCW Chapter 35A.14 as currently enacted or as the same may hereinafter be amended. (Ord. 473 § 2, 1979)

18.04.020 Filing fee.

In addition to the requirements of RCW Chapter 35A.14, any petition seeking the annexation of any property to the city shall be accompanied by a filing fee, as prescribed by resolution. Such filing fee shall be payable at the time the petition is presented to the council for consideration and is levied to offset the administrative, publication, copying, postage and other miscellaneous costs applicable to the processing of the petition. (Ord. 979 § 7, 2003; Ord. 473 § 3, 1979)

18.04.030 Additional fees.

In addition to the fee provided in Section 18.04.020, the petitioner shall be responsible for any fee required by the county boundary review board, and the fees prescribed by Section 15.04.140. (Ord. 473 § 4, 1979)



Title 19

DEVELOPMENT CODE ADMINISTRATION

Chapters:

- 19.02 Project Permit
Processing/Applications**
- 19.04 Project Consistency/Time Limits**
- 19.06 Public Notice Requirements**
- 19.08 Approval, Review and Appeal
Authority**
- 19.10 Site Plan Review**
- 19.90 Enforcement Provisions**

Chapter 19.02

PROJECT PERMIT PROCESSING/ APPLICATIONS

Sections:

- 19.02.010 Intent/applicability.
- 19.02.020 Definitions.
- 19.02.030 Development review committee established.
- 19.02.040 Application.
- 19.02.050 Exempt actions.
- 19.02.060 Feasibility review.
- 19.02.070 Preapplication conferences—When required.
- 19.02.080 Project permit application.
- 19.02.090 Submission and acceptance of application.
- 19.02.100 Optional consolidated permit processing.
- 19.02.110 Use of consultants.
- 19.02.115 Inspections of development projects and subject sites.
- 19.02.120 Recovery of construction administration and inspection services costs.

19.02.010 Intent/applicability.

The purpose of this title is to combine and consolidate the application, review, and approval processes for land development in the city in a manner that is clear, concise, and understandable. It is further intended to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans. Final decision on development proposals shall be made within one hundred twenty days of the date of the determination of completeness except as provided in Section 19.02.050. The provisions apply to all land use permits under Titles 14, 15, 16, and 17, and to the related regulation implementing these provisions or any other ordinance or law. Unless another department is the primary agency in a permit process, the department of public works shall administer the provisions hereof and may adopt such rules as will assist in administering these provisions.

Notwithstanding the city's authority to issue development permits within a one-hundred-twenty-day

period, staff should strive to process such permits as soon as possible. Provided, however, permit processing should not be conducted so as to adversely effect the public's right to provide appropriate input to the process and exercise appeal rights. (Ord. 817 § 1 (part), 1996)

19.02.020 Definitions.

"City" means the City of Woodland, Washington.

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

"Commercial/noncommercial ventures" means any person engaged in the development, management, sale, rental or use of property solely for the purpose of residential occupancy by the person or such person's immediate family shall be deemed to be engaged in a noncommercial venture. All other persons shall be deemed to be engaged in commercial ventures.

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

"Department" means the community development department.

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

"Development review committee" (DRC) means a group of city and fire agency staff composed of the community development director, public works director, building official and fire chief or designee who conduct preapplication conferences and review and/or approve development permit applications.

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

"Feasibility review" means an optional preapplication meeting between a prospective applicant or devel-

opment proponent and the DRC to provide limited information on applicable development and site requirements as a precursor to a "preapplication conference."

"Hearing examiner" means the person or tribunal appointed by the city council to hear appeals or any appeal under this chapter or his duly authorized representative.

"Land use ordinance" means this chapter and any other existing or future ordinance or resolution of the city which regulates the use and development of land, including but not limited to zoning regulations, subdivision regulations, short subdivision regulations, signing regulations, land and vegetative disturbing activity, erosion control and water quality regulations, and all building, fire and construction codes found in Titles 5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, and 19. "Land use ordinance" also includes any existing or future law of the state legislature which regulates the use and development of land, including but not limited to the State Subdivision Law, RCW Chapter 58.17; the Shorelines Management Act, RCW Chapter 43.51; and the Solid Waste Management Act, RCW Chapter 70.95. This chapter shall be construed as, and is intended to be enacted as, a regulation adopted pursuant to any such state law and pursuant to Art. II, Sec. 11, Washington State Constitution.

"Nuisance" means unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs, or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life or in the use of property.

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

"Person" means any natural person, organization, corporation or partnership and their agents or assigns.

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

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

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

"Public nuisance" means a nuisance which affects the rights of an entire community or neighborhood, although the extent of the nuisance may be unequal.

"Responsible official" as used in this title shall mean the director of public works, director of community development, or director of public health, or such other person as the mayor or city council shall by ordinance authorize to utilize the provisions of this title and shall also include any duly authorized representative of such responsible official. "Responsible Official" shall also mean the "local health officer" as that term is used in Chapter 70.05 RCW. (Ord. 817 § 1 (part), 1996) (Ord. No. 1262, § 1, 2-19-2013; Ord. No. 1378, § 88, 11-21-2016; Ord. No. 1448, § 2, 2-3-2020)

19.02.030 Development review committee established.

- A. There is hereby established a development review committee (DRC) as defined in WMC 19.02.020. Normally the community development director will chair DRC meetings. The primary purpose of such committee is to make such decisions as are dele-

gated to it by ordinance and administrative directive, conduct preapplication conferences and make post application determinations in conjunction with the issuance of project permits as well as staff recommendations where the hearing examiner, planning commission or city council is charged with approval authority.

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

(Ord. 817 § 1 (part), 1996)

(Ord. No. 1262, § 1, 2-19-2013; Ord. No. 1378, § 89, 11-21-2016)

19.02.040 Application.

By the adoption of this title, the city has consolidated development application and review procedures in order to integrate the development permit and environmental review process, while avoiding duplication of the review processes. (Ord. 817 § 1 (part), 1996)

19.02.050 Exempt actions.

- A. The following actions are exempt from the project permit application process:
 - 1. Zoning code text amendments;
 - 2. Adoption of development regulations and amendments;
 - 3. Area-wide rezones to implement new city policies;
 - 4. Adoption of the comprehensive plan and any plan amendments;
 - 5. Annexations;
 - 6. Street vacations;
 - 7. Street use permits.
- B. Pursuant to RCW 36.70B.140(2), building permits, boundary line adjustments, and other construction permits, or similar administrative approvals which are categorically exempt from environmental review under SEPA (Chapter 43.21C RCW), or permits/approvals for which environmental review has been completed in connection with other project permits are exempt from the following procedures:
 - 1. Determination of completeness;
 - 2. Notice of application;

- 3. Except as provided in RCW 36.70B.140, optional consolidated project permit review processing;
- 4. Joint public hearings;
- 5. Single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing;

6. Notice of decision;
7. Completion of project review within any applicable time periods (including the one-hundred-twenty-day permit processing time).

(Ord. 817 § 1 (part), 1996)

19.02.060 Feasibility review.

At the option of the development proponent, the city will provide limited information through a feasibility review as a precursor to a formal preapplication conference. For such review, the development proponent need not have available all the information required on the DRC application. It should be recognized that the information supplied will be verbal only and limited by the detail of the information provided by the development proponent. (Ord. 817 § 1 (part), 1996)

19.02.070 Preapplication conferences—When required.

- A. Application for all project permits with the exception of minor development proposals such as fences, small detached buildings, individual single family residences and duplexes, shall not be accepted for processing until the applicant has scheduled and attended a preapplication conference.
- B. At such meeting, the developer or his representative shall present to the DRC preliminary studies or conceptual sketches which contain in a rough and approximate manner all of the information required on the DRC application. The purpose of the preapplication review is to enable the developer presenting the plan to obtain the advice of the DRC as to the intent, standards and provisions of the applicable development regulations.
- C. The DRC shall make available all pertinent information as may be on file relating to the general area. It is the purpose of this conference to eliminate as many potential problems as possible in order for the preliminary development plan to be processed without delay or undue expense. The conference should take place prior to detailed work by an engineer or surveyor. Discussion topics at this time would include such things as:
 1. The comprehensive plan;
 2. The transportation plan;
 3. The shoreline master plan;
 4. Zoning ordinance;

5. Availability of sewer and water, or need for utility oversizing;
6. Storm drainage and erosion control;
7. Latecomer charges;
8. Features of the development, and the rationale behind them;
9. Sidewalk requirements;
10. Bike paths;
11. Bus stops;
12. Phasing of off-site requirements such as sidewalks, street lights, traffic signals, utilities or improvement of adjacent streets;
13. The regulatory requirements of Chapter 15.04, "Environmental Policy";
14. Design concepts (architectural goals and themes);
15. Other city requirements and permits;
16. If the applicant owns adjacent land, the possibilities of future development shall be discussed;
17. Process and timelines.

- D. The DRC will also furnish to the developer comments on how the proposed development conforms to city policies and regulations, and the committee's requirements for development approval.

(Ord. 817 § 1 (part), 1996)

19.02.080 Project permit application.

Applications for project permits shall be submitted upon forms provided by the department. An application shall consist of all materials required by the city's applicable development regulations, and shall include the following general information:

- A. A completed project permit application form and site plan checklist;
- B. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all the owners of the affected property;
- C. A property and/or legal description of the site for all applications, as required by the applicable development regulations;
- D. The applicable fee;
- E. Evidence of adequate water supply as required by RCW 19.27.097;

- F. Evidence of sewer availability, or approval and authorization to construct a community or individual sewer or septic system.

(Ord. 817 § 1 (part), 1996)

19.02.090 Submission and acceptance of application.

- A. Determination of Completeness. Within twenty-eight days after receiving a project permit application or sooner, if completed, the department shall mail or personally provide a written determination to the applicant which states either: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete. (RCW 36.70B.070).
- B. Identification of Other Agencies With Jurisdiction. To the extent known by the city, other agencies with jurisdiction over the project permit application shall be identified in the city's determination required by Section 19.02.090(A). (RCW 36.70B.070).
- C. "Complete" Application/Additional Information. A project permit application is complete for purposes of this section when it meets the requirements of Section 19.02.080, as well as the submission requirements contained in all other applicable development regulations of the city. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The city's determination of completeness shall not preclude the city from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action. (RCW 36.70B.090(1)).
- D. Incomplete Application Procedure.
1. If the applicant receives a determination from the city that an application is not complete, the applicant shall have ninety days to submit the necessary information to the city. Within fourteen days after an applicant has submitted the requested additional information or sooner if completed, the city shall make the determination as described in Section 19.02.080(A), and notify the applicant in the same manner.

2. If the applicant either refuses or fails to submit the required information or additional information or does not submit such information within the ninety-day period, the application shall lapse. Upon failure to cure any deficiency the department shall refund fifty percent of the filing or application fees submitted with the incomplete application.

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

(Ord. 817 § 1 (part), 1996)

19.02.100 Optional consolidated permit processing.

An applicant may submit complete construction permit applications (building and/or engineering) simultaneously with or during the period of review of a required land use approval application. When an applicant elects to submit a land use approval application together with construction applications, such applications shall be reviewed and processed as one application and subject to all notices, review and appeals as if one consolidated and integrated application. (RCW 36.70B.060(3), RCW 36.70B.120). (Ord. 817 § 1 (part), 1996)

19.02.110 Use of consultants.

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

bursement for such costs. (Ord. 1097 § 1, 2007)
(Ord. No. 1157, § 1, 5-18-2009; Ord. No. 1378, § 90,
11-21-2016)

19.02.115 Inspections of development projects and subject sites.

- A. **Right to Inspect.** The city of Woodland is authorized to inspect all on site, civil, and frontage improvements as needed to enforce applicable standards, and ensure the quality and integrity of development improvements. Development shall be as defined in WMC Section 17.08.232. Development improvements shall be inspected by either the public works director, their designee, city staff, or consultants retained by the city for this purpose. Inspections shall be conducted at the start of, during and at completion of installation of development improvements. The city is also authorized to inspect the subject property as needed to review technical studies and reports including, but not limited to, transportation impact analyses, critical area reports, and utility-related reports required to review land use applications.
- B. **Notification Required.** The person, firm or contractor actually performing the work shall not begin without securing necessary right-of-way permits and other required approvals; and receiving approval for a traffic control plan, and providing at least forty-eight hours notice to the city.

(Ord. 1112 § 1 (part), 2007)

(Ord. No. 1157, § 1, 5-18-2009)

19.02.120 Recovery of construction administration and inspection services costs.

- A. **Cost Recovery Authorized for Development Project Construction Administration and Inspection Costs.** The city is authorized to recover all costs as required to administer and inspect all on site, civil and frontage improvements for all development projects. The developer is liable for such costs, and these costs are due and payable to the city as follows:
1. **Residential or Multifamily Projects.** Prior to receiving final plat or short plat approval;
 2. **Commercial, Industrial or Other Projects.** Prior to receiving a building occupancy, and always prior to the installation of the water meter.
- In order to make sure the city recovers these project related costs, the city is authorized to

require the applicant to deposit an amount with the city estimated at the discretion of the public works director. The amount deposited shall be whatever amount is deemed sufficient to cover anticipated costs of providing construction administration and inspection services. This shall apply regardless of how the services are provided, whether by retaining professional consultant services, or by use of city staff or their representatives.

- B. **Retention of Consultants.** Whenever the construction administration or inspection of a development project requires the retention by the city for professional consulting services, the applicant shall reimburse the city, the cost of such professional consulting services. Such costs are due and payable to the city as stated in subsection A of this section.
- C. **Authority for Legal Remedies.** The city shall have authority to invoke any bond or other security posted by the developer to recover construction administration and inspection costs from the developer, the surety company, bank, or cosigner, or to seek other remedy as needed to recover developer project costs.

(Ord. 1112 § 1 (part), 2007)

Chapter 19.04

PROJECT CONSISTENCY/TIME LIMITS

Sections:

- 19.04.010** **Determination of consistency.**
19.04.020 **Initial SEPA analysis.**
19.04.030 **Categorically exempt and
planned actions.**
19.04.040 **Determining time limits.**

19.04.010 **Determination of consistency.**

A. Purpose. When the city receives a project permit application, consistency between the proposed project and the applicable regulations and comprehensive plan should be determined through the process in this chapter and the city's environmental policy ordinance.

B. Consistency. During project permit application review, the city shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project. In the absence of applicable development regulations, the city shall determine whether the items listed in this subsection are defined in the city's adopted comprehensive plan. This determination of consistency shall include the following:

1. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied; and
2. The level of development, such as units per acre, density of residential development in urban growth areas, or other measures of density; and
3. Availability and adequacy of infrastructure and public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by RCW Chapter 36.70A; and
4. Character of the development, such as development standards. (RCW 36.70B.030, 36.70B.040).

(Ord. 817 § 2 (part), 1996)

19.04.020 **Initial SEPA analysis.**

A. The city shall also review the project permit application under the requirements of the State Environmental Policy Act ("SEPA"), RCW Chapter 43.21C, the SEPA Rules, WAC Chapter 197-11, and the city's environmental policy ordinance, Chapter 15.04, and shall:

1. Determine whether the applicable regulations require studies that adequately analyze all of the project permit application's specific probable adverse environmental impacts;
 2. Determine if the applicable regulations require measures that adequately address such environmental impacts;
 3. Determine whether additional studies are required and/or whether the project permit application should be considered with additional mitigation measures;
 4. Provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level.
- B. In its review of a project permit application, the city may determine that the requirements for environmental analysis, protection and mitigation measures in the applicable development regulations, comprehensive plan and/or in other applicable local, state or federal laws provide adequate analysis of and mitigation for the specific adverse environmental impacts of the application.
- C. If the city bases or conditions its approval of the project permit application on compliance with the requirements or mitigation measures described in subsection (A) of this section, the city shall not impose additional mitigation under SEPA during project review.
- D. A comprehensive plan, development regulation or other applicable local, state or federal law provides adequate analysis of and mitigation for the specific adverse environmental impacts of an application when:
1. The impacts have been avoided or otherwise mitigated; and
 2. The city has designated as acceptable certain levels of service, land use designations, development standards or other land use planning required or allowed by RCW Chapter 36.70A.
- E. In its decision whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the city shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the city shall base or condition its project approval on compliance with these other existing rules or laws.

F. Nothing in this section limits the authority of the city in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by RCW Chapter 43.21C.

(Ord. 817 § 2 (part), 1996)

19.04.030 Categorically exempt and planned actions.

A. Categorically Exempt. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement. An action that is categorically exempt under the rules adopted by the Department of Ecology (WAC Chapter 197-11) may not be conditioned or denied under SEPA. (RCW 43.21C.031).

B. Planned Actions.

1. A planned action does not require a threshold determination or the preparation of an environmental impact statement under SEPA, but is subject to environmental review and mitigation under SEPA.
2. A "planned action" means one or more types of project action that:
 - a. Are designated planned actions by an ordinance or resolution adopted by the city;
 - b. Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with:
 - i. A comprehensive plan or subarea plan adopted under RCW Chapter 36.70A; or
 - ii. A fully contained community, a master planned resort, a master planned development or a phased project;
 - c. Are subsequent or implementing projects for the proposals listed in subsection (B)(2)(b) of this section;
 - d. Are located within an urban growth area, as defined in RCW 36.70A.030;
 - e. Are not essential public facilities, as defined in RCW 36.70A.200; and
 - f. Are consistent with the city's comprehensive plan adopted under RCW Chapter 36.70A. (RCW 43.21C.031).

C. Limitation on Planned Actions. The city shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the city, and may limit a planned action to a time period identified in the environmental impact statement or in the ordinance or resolution designating the planned action under RCW 36.70A.040. (RCW 43.21C.031).

D. Limitations on SEPA Review. During project review, the city shall not reexamine alternatives to or hear appeals on the items identified in Section 19.04.010(B), except for issues of code interpretation. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts. (RCW 36.70B.030(3)).

(Ord. 817 § 2 (part), 1996)

19.04.040 Determining time limits.

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

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

- record appeal. The parties to an appeal may agree to extend these time periods; and
4. Any extension of time mutually agreed upon by the applicant and the director.
- B. The time limits established by subsection (A) of this section do not apply if a project permit application:
1. Requires an amendment to the comprehensive plan or a development regulation;
 2. Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or
 3. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete. An application is substantially revised if proposed changes would have affected decisions in the approval process.
- C. If the director is unable to issue its final decision within the time limits provided for in this section, he/she shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.
- (Ord. 817 § 2 (part), 1996)

Chapter 19.06

PUBLIC NOTICE REQUIREMENTS

Sections:

- 19.06.010** **Notice of application.**
- 19.06.020** **Referral and review of project permit application.**
- 19.06.030** **Notice of application/distribution.**
- 19.06.040** **Appeal of administrative approvals and determinations.**
- 19.06.050** **Appeal of SEPA related issues/administrative matters.**
- 19.06.060** **Reconsideration in response to SEPA comments.**
- 19.06.070** **Notice of open record hearing.**
- 19.06.080** **Notice of appeal hearings.**
- 19.06.090** **Notice of decision.**

19.06.010 **Notice of application.**

- A. Generally. A notice of application shall be issued on all project permit applications for which the hearing examiner has decision making authority, or SEPA is required or an administrative conditional use permit is required.
 - B. SEPA Exempt Projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required.
 - C. Contents. The notice of application shall include:
 - 1. The date of application, the date of the notice of completion for the application and the date of the notice of application;
 - 2. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070;
 - 3. The identification of other permits not included in the application, to the extent known by the city;
 - 4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
 - 5. A statement of the limits of the public comment period, which shall not be less than fourteen nor more than thirty days following the date of notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
 - 6. The date, time, place and type of hearing, if applicable and scheduled at the date of notice of the application;
 - 7. A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and of consistency as provided in Chapter 19.04;
 - 8. Any other information determined appropriate by the department, such as the city's threshold determination, if complete at the time of issuance of the notice of application. (RCW 36.70B.110).
- D. Time Frame for Issuance of Notice of Application.
- 1. Within fourteen days after the city has made a determination of completeness of a project permit application, the city shall issue a notice of application.
 - 2. If any open record predecision hearing is required for the requested project permit(s), the notice of application shall be provided at least fifteen days prior to the open record hearing. (RCW 36.70B.110).
- E. Public Comment on the Notice of Application. All public comments received on the notice of application must be received by the department of public works by five p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible.
- F. A SEPA threshold determination may be made at the time the notice of application is issued and the comment periods run concurrently. (RCW 36.70B.110).
- (Ord. 983 § 1 (part), 2003; Ord. 959 § 1, 2002; Ord. 817 § 3 (part), 1996)

19.06.020 Referral and review of project permit application.

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

- A. Transmit a copy of the application, or appropriate parts of the application, to each affected agency and city department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have fifteen days to comment. The referral agencies or city departments are presumed to have no comments if comments are not received within the specified time period. The director shall grant an extension of time for comment only if the application involves unusual circumstances. Any extension shall only be for a maximum of three additional days. (RCW 36.70B.070).
- B. If hearing examiner approval is required, notice and hearing shall be provided as set forth in Chapter 17.81.

(Ord. 817 § 3 (part), 1996)

19.06.030 Notice of application/distribution.

- A. The notice of application shall be posted on the subject property and published once in a newspaper of general circulation in the city.
- B. The notice of application shall be issued prior to and is not a substitute for any other required notice of a public hearing.
- C. A notice of application is not required for the following actions, when they are categorically exempt from SEPA or environmental review has been completed:
 - 1. Application for building permits;
 - 2. Application for boundary line adjustments;
 - 3. Application for administrative approvals.

(Ord. 817 § 3 (part), 1996)

19.06.040 Appeal of administrative approvals and determinations.

- A. Administrative decisions regarding the approval or denial or applications or administrative determinations/interpretations may be appealed to the hear-

ing examiner, planning commission, or city council as set forth in WMC 19.08.030, within fourteen days of the final staff decision.

- B. Appeal of any administrative decisions or determinations/interpretation not specifically listed in WMC 19.08.030 may be appealed to the hearing examiner.
- C. Appeals concerning SEPA related determinations shall be reviewed as set forth in WMC 19.06.050, 19.08.030, and 17.81.110 through 17.81.150.
- D. Appeals concerning non SEPA related matters shall be filed with the city community development department within fourteen days after the final written administrative interpretation/determination date and shall be initiated by filing a written notice of appeal accompanied with the applicable appeal fee. Such a written notice of appeal shall include:
 - 1. The name and address of the party or agency filing the appeal;
 - 2. An identification of the specific administrative interpretation or determination of which appeal is sought; and
 - 3. A statement of the particular grounds or reasons for the appeal.
- E. Appeals concerning enforcement matters shall be reviewed by the hearing examiner as set forth in WMC 19.90.140 and 19.90.400.

(Ord. No. 1253, § 6, 11-19-2012; Ord. No. 1447, § 11, 2-3-2020)

Editor's note—Ord. No. 1253, § 6, adopted November 19, 2012, in effect repealed the former § 19.06.040, and enacted a new § 19.06.040 as set out herein. The former § 19.06.040 pertained to administrative approvals and derived from Ord. No. 817, 1996; Ord. No. 983, 2003 and Ord. No. 1219, adopted February 6, 2012.

19.06.050 Appeal of SEPA related issues/administrative matters.

- A. The city establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:
 - 1. Any agency or person may appeal the city's procedural SEPA decision or threshold determination, such as a determination of significance (DS), determination of non-significance (DNS), mitigated determination of non-significance (MDNS), or adoption or issuance of a final environmental impact statement (EIS), or substantive SEPA decision which consists

of any non-elected official's action with respect to conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11.

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

Except as provided in WMC 19.06.050(A)(2), the appeal shall consolidate any allowed appeals of procedural and substantive determinations under SEPA with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before the hearing examiner. The hearing or appeal shall be one at which the hearing examiner will consider either the city's decision or a recommendation on the proposed underlying governmental action. If no hearing or appeal on the underlying governmental action is otherwise provided, then no administrative SEPA appeal is allowed, except as allowed under WMC 19.06.050(A)(2). Any appeal of a procedural or substantive determination under SEPA issued at the same time as the decision on a project action shall be filed within fourteen days after a notice of decision under RCW 36.70B.130 or after other notice that the decision has been made and is appealable. In order to allow public comment on a DNS prior to requiring an administrative appeal to be filed, this appeal period shall be extended for an additional seven days if the appeal is of a DNS for which public comment is required. For threshold determinations issued prior to a decision on a project action, any administrative appeal shall be filed within fourteen days after notice that the determination has been made and is appealable.

2. SEPA appeals that are not required to be consolidated with a hearing or appeal on the underlying governmental action include:
 - a. An appeal of a determination of significance (DS);

- b. An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review, including any appeals of its procedural determinations, prior to submitting an application for a project permit;
 - c. An appeal of a procedural determination made by an agency on a nonproject action; and
 - d. An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes.
3. All procedural and substantive SEPA appeals shall be initiated by filing a written notice of SEPA administrative appeal, accompanied with the applicable appeal fee. The written notice of appeal shall include:
 - a. The name and address of the party or agency filing the appeal;
 - b. An identification of the specific proposal and specific SEPA actions or determinations related to conditioning, lack of conditioning or denial of an action for which appeal is sought; and,
 - c. A statement of the particular grounds or reasons for the appeal.
4. Procedural determinations made by the responsible official shall be entitled to substantial weight.
5. For any appeal under this subsection the city shall keep a record of the appeal proceedings, which shall consist of the following:
 - a. Findings and conclusions; and
 - b. Testimony under oath; and
 - c. A taped or written transcript.
- B. The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

(Ord. 817 § 3 (part), 1996)

(Ord. No. 1253, § 7, 11-19-2012)

19.06.060 Reconsideration in response to SEPA comments.

Any interested person may submit written comments and request reconsideration by the community development director within fifteen days of the date any final recommendation or decision attached to a SEPA threshold determination. Unless further action is taken by the development review committee in response to such comments, the period in which to file an appeal shall terminate twenty-one days after the date such final recommendation or decision is issued. SEPA exempt actions shall not be subject to reconsideration and shall be subject to only a fourteen-day appeal period. (Ord. 817 § 3 (part), 1996) (Ord. No. 1378, § 91, 11-21-2016)

19.06.070 Notice of open record hearing.

Notice of a public hearing for all development applications and all open record appeals shall be given as follows:

- A. Time and Form of Notices. Except as otherwise required, public notification of meetings, hearings, and pending actions under Titles 14 through 18, shall be made at least ten days before the date of the public meeting, hearing, or pending action by:
 - 1. Publication in the official newspaper if one has been designated or a newspaper of general circulation in the city; and
 - 2. Posting on the subject property; and
- B. Content of Notice. The public notice shall include:
 - 1. The address and location, and/or a vicinity map or sketch of the property which is the subject of the public hearing; and
 - 2. The date, time, location, and purpose of the public hearing; and
 - 3. A general description of the proposed project or action to be taken; and
 - 4. A place where further information about the hearing may be obtained.
- C. Continuations. If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required.

(Ord. 817 § 3 (part), 1996)

19.06.080 Notice of appeal hearings.

In addition to the posting and publication requirements of Section 19.06.070(A), notice of appeal hearings shall be as follows:

- A. For administrative approvals, notice shall be mailed to adjacent property owners.
- B. For planning commission recommendations, mailing to the applicant from the commission hearing.

(Ord. 817 § 3 (part), 1996)

19.06.090 Notice of decision.

A written notice for all final decisions shall be sent to the applicant and all parties of record. (Ord. 817 § 3 (part), 1996)

Chapter 19.08

APPROVAL, REVIEW AND APPEAL AUTHORITY

Sections:

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

19.08.010 **Department staff approval authorities.**

As outlined in Section 19.08.030, department staff as assigned by the director or the DRC shall have the authority to review and approve, deny, modify, or conditionally approve, land use or environmental permits or licenses required from the city for a project action, including, but not limited to, site plan review, boundary line adjustments, administrative temporary and conditional use permits, building permits and other construction permits, SEPA procedural and substantive determinations, short plats, binding site plans, minor variances, minor modifications to approved administrative conditional use permits and conditional use permits, phasing and expiration extensions of subdivision preliminary plats, sign permits, certificates of occupancy, critical area permits, floodplain development permits, and shoreline exemptions, and to provide interpretations of codes and regulations applicable to such projects. (Ord. 983 § 2, 2003; Ord. 817 § 4 (part), 1996) (Ord. No. 1219, 2-6-2012; Ord. No. 1253, § 8, 11-19-2012)

19.08.020 **Consolidation of review and appeal process.**

- A. A written notice of final decision concerning project permits shall be issued within one hundred twenty days of the date of the complete application. The one hundred twenty-day limit may be extended by agreement between the applicant of the project and city. The following periods of time shall be excluded from the one hundred twenty days.
1. The city requires the applicant to correct plans, perform required studies, or provide additional information concerning the project;

2. An environmental impact statement (EIS) is being prepared;
3. Any administrative appeal of project permits is being processed; or
4. Exemption from the above timelines is specifically allowed in accordance with city, state, or federal law.

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

(Ord. 1087 § 1, 2006; Ord. 817 § 4 (part), 1996)

(Ord. No. 1219, 2-6-2012; Ord. No. 1253, § 8, 11-19-2012)

19.08.030 **Review and appeal authority.**

The following table describes development permits and the final decision and appeal authorities.

All applicable administrative appeals shall be exhausted prior to initiation of judicial review. All judicial appeals shall be made to county superior court in accordance with RCW 36.70.C except comprehensive plan policy decisions or updates which may be appealed to the State Growth Management Hearings Board and final shoreline permit actions which may be appealed to the Shoreline Hearings Board. As per WMC 19.06.050, appeal of the city's procedural SEPA decision or threshold determination shall be consolidated with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before the hearing examiner and any further appeal shall be made to Cowlitz or Clark County Superior Court. When decision making authority rests with the city council, appeal shall be to the county superior court. Appeal procedures for decisions and interpretations of the fire chief and building official are set forth in WMC 14.48. City applications for any project proposal will go before the Hearing Examiner with a staff recommendation and report.

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

	Public Works Department Staff	Development Review Committee	Hearing Examiner	Planning Commission	City Council
ZONING					
ADMINISTRATIVE CONDITIONAL USE PERMITS	D		A (ORH)		
CONDITIONAL USE PERMITS		SR	D (OP)		A (C)
MINOR MODIFICATION TO APPROVED CONDITIONAL USES AND ADMINISTRATIVE CONDITIONAL USES		D		A (ORH)	
ADMINISTRATIVE TEMPORARY USE PERMITS	D		A (ORH)		
MAJOR VARIANCE		SR	D (OP)		A (C)
MINOR VARIANCE		D		A (ORH)	
SITE SPECIFIC ZONE CHANGES		SR		R (OP)	D
ZONING TEXT AMENDMENT (DEVELOPMENT REGULATION CHANGES)		SR		R (OP)	D
AREA WIDE MAP AMEND		SR		R (OP)	D
COMPREHENSIVE PLAN					
COMPREHENSIVE PLAN TEXT AMENDMENT		SR		R (OP)	D
COMPREHENSIVE PLAN MAP AMENDMENT		SR		R (OP)	D
LAND DIVISION					
RE-PLAT	SR		D (OP)		A (C)
PLAT VACATION	SR		D (OP)		A (C)
BOUNDARY LINE ADJUSTMENT	D				A (ORH)
PRELIMINARY PLAT		SR		R (OP)	D
VARIANCE RELATED TO PRELIMINARY PLAT		SR		R (OP)	D
PHASING AND EXPIRATION EXTENSION OF APPROVED PRELIMINARY PLAT		D			A (ORH)
SHORT PLAT	D				A (ORH)
VARIANCE RELATED TO SHORT PLAT		SR			D (OP)
FINAL PLAT		SR		R	D
PLANNED UNIT RESIDENTIAL DEVELOPMENT		SR		R (OP)	D
BINDING SITE PLAN (UNDER 5 ACRES)		D	A (ORH)		

	Public Works Department Staff	Development Review Committee	Hearing Examiner	Planning Commission	City Council
BINDING SITE PLAN (5 ACRES OR LARGER)		SR		R (OP)	D
ENVIRONMENTAL					
CRITICAL AREAS PERMIT	D		A (ORH)		
SEPA PROCEDURAL DETERMINATION					
1. DNS	D		A (ORH) ^{*1}		
2. MDNS	D		A (ORH) ^{*1}		
3. DS/EIS	D		A (ORH) ^{*1}		
SHORELINES					
SUBSTANTIAL DEVELOPMENT PERMIT		SR	D (OP) ^{*2}		
CONDITIONAL USE PERMIT		SR	D (OP) ^{*2}		
VARIANCE		SR	D (OP) ^{*2}		
EXEMPTION	D		A (ORH) ^{*2}		
EXTENSION OF SHORELINE RELATED PERMIT	D		A (ORH)		
SITE PLAN REVIEW					
TYPE I SITE PLAN REVIEW	D		A (ORH)		
TYPE II SITE PLAN REVIEW		D	A (ORH)		
OTHER					
BUILDING/GRADING/FILL PERMIT W/SEPA	Building Official				
SIMILAR USE DETERMINATION		SR		D	A (ORH)
FLOODPLAIN DEVELOPMENT PERMIT	D ^{*4}		A (ORH)		
APPEAL OF ENFORCEMENT ACTION PER WMC 19.90		SR	A (ORH)		
APPEAL OF ADMINISTRATIVE DECISIONS UNRELATED TO SEPA OR ENFORCEMENT ACTION PER WMC 19.90		SR	D (OP)		A (C)
APPEAL OF DECISIONS RELATED TO TAKINGS OR SUBSTANTIVE DUE PROCESS RELATED ISSUES AS OUTLINED IN WMC 17.81.095		D	A (ORH)		
WAIVER OF VIOLATION AS OUTLINED IN WMC 17.81.020.C			D (OP)		

^{*1} See WMC 19.06.040 and 19.06.050.

^{*2} Appeals of the hearing examiner's decisions shall be reviewed by the Shoreline Hearings Board. Shoreline conditional use permits and variances must also be approved by the Department of Ecology.

^{*3} Unless the appeal includes SEPA related matters in which case appeal is to hearing examiner as set forth in WMC 19.06.050.

^{*4} Preferably the city's floodplain manger.

(Ord. 983 § 2, 2003; Ord. 817 § 4 (part), 1996)

(Ord. No. 1219, 2-6-2012; Ord. No. 1253, § 8, 11-19-2012; Ord. No. 1276, 9-3-2013; Ord. No. 1303, § 1, 10-6-2014; Ord. No. 1447, §§ 12—14, 2-3-2020)

19.08.040 Conflicts.

In the event of conflicts between the procedural requirements of this title and other development regulations of the city, the provisions of this title shall control. (Ord. 817 § 4 (part), 1996)
(Ord. No. 1219, 2-6-2012)

Chapter 19.10

SITE PLAN REVIEW

Sections:

- 19.10.010 Purpose.**
- 19.10.020 Applicability.**
- 19.10.030 Exemptions.**
- 19.10.040 Site plan review types and procedures.**
- 19.10.050 Submittal requirements.**
- 19.10.060 Criteria for site plan approval.**
- 19.10.070 Preliminary site plan approval—Final civil plan approval.**
- 19.10.080 Appeal.**
- 19.10.090 Modifications to approved site plan.**
- 19.10.100 Compliance required and expiration.**
- 19.10.110 Completion prior to occupancy.**
- 19.10.120 Phasing.**

19.10.010 Purpose.

The purpose of site plan review 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, the Woodland Municipal Code, and city development standards in order to create healthful and safe conditions. Site plan review 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. Site plan review is required for all developments as specified in this chapter.

(Ord. No. 1276, 8-3-2013)

19.10.020 Applicability.

The provisions of this chapter shall apply to all changes of use, new construction, and expansion or alteration of a land use unless expressly exempted by this chapter. No use shall be established, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved plan that is in conformance with the requirements set out in this chapter.

(Ord. No. 1276, 8-3-2013)

(Woodland Supp. No. 36, 4-20)

19.10.030 Exemptions.

The following are exempt from the site plan review provisions of this chapter unless otherwise classified as a Type I or II site plan review or a binding site plan:

- A. New construction of or modification to existing single-family detached and duplex residential dwellings within an approved plat.
- B. Modifications to the interior of an existing structure that does not change the use or the degree of a use.
- C. Subdivisions, short plats, boundary line adjustments, and lot consolidations subject to WMC Title 16.
- D. The installation or replacement of underground utilities.
- E. Any change in commercial or industrial land use to another commercial or industrial land use permitted in the applicable zoning district.
- F. Landscaping or landscape alterations, unless such landscaping or alterations would modify or violate a condition of approval or landscaping requirements.
- G. Normal or emergency repair or maintenance of public or private buildings, structures, landscaping, or utilities.
- H. New parking lots having ten or fewer parking spaces.
- I. On-site utility permits, e.g., sewer hook-ups, water hook-ups.
- J. Comprehensive plan map and text amendments and associated zoning changes and site-specific rezoning requests not associated with any other land use permit.
- K. Fire and life safety permits.
- L. Other development determined by the development review committee to be exempt because it does not result in an appreciable increase in land use activity or intensity or in adverse off-site impacts, does not trigger review under the adopted stormwater ordinance, and because the city can assure the development complies with applicable standards without site plan review.

(Ord. No. 1276, 8-3-2013)

19.10.040 Site plan review types and procedures.

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

1. Type I Site Plan Review. Type I site plan reviews are typically relatively minor in nature, consistent with the zoning of surrounding land uses, and do not have a substantial impact on the natural and built environment. Type I applications are approved by the community development director or his/her designee without public notice and without a public hearing. A pre-application conference is not required unless requested by the applicant. The following are classified as Type I site plan reviews:

- a. Changes in use of an existing structure or site not exempt under WMC 19.10.030.
- b. Any development or change of use that will result in thirty or fewer PM peak trips and that requires payment of a traffic impact fee. Trips shall be based on the latest edition of the International Transportation Engineer's Trip Generation Manual or substantial evidence by a professional engineer licensed in the State of Washington with expertise in traffic engineering.
- c. New construction or expansions of existing construction that does not exceed any of the following:
 - i. Four thousand square feet of additional floor area;
 - ii. Twenty new parking spaces; or
 - iii. Four new multifamily residential units, except as provided for in WMC 19.10.030.

2. Type II Site Plan Review. Type II site plan reviews are typically more substantial in nature and may have potential incompatibility with surrounding zoning or land uses or may have a more substantial impact on the natural and built environment. Type II reviews are approved by the development review committee with public notice and an opportunity for

comment. A pre-application conference is required. The following are classified as Type II site plan reviews:

- a. Any development which is not listed as a Type I site plan in subsection (A)(1) of this section or listed as exempt under WMC 19.10.030.
 - b. Any development subject to SEPA pursuant to WMC Chapter 15.04 (Environmental Policy).
 - c. Any development or change of use that will result in thirty-one or more PM peak trips, based on the latest edition of the International Transportation Engineer's Trip Generation Manual, or substantial evidence by a professional engineer licensed in the State of Washington with expertise in traffic engineering.
3. Binding Site Plan Reviews. A binding site plan functions as an alternative to dividing commercial or industrial property through the platting process. A binding site plan is required for any proposal which involves the division of commercial or industrial property for the purposes of sale, lease, or transfer of ownership without completing the platting process pursuant to WMC Title 16 and RCW Chapter 58.17.
- a. There are two types of binding site plans:
 - i. Binding Site Plan—New Developments. This type of binding site plan includes all applications to create legal lots in conjunction with a new development. Any binding site plan of this type less than five acres in size shall be administratively approved by the development review committee. Land division associated with any binding site plan of this type five acres or greater in size shall first be approved by city council with a recommendation by the planning commission (preliminary binding site plan approval). Following preliminary approval of the proposed land division, staff shall administratively approve proposed site improvements.
 - ii. Binding Site Plan—Existing Developments. This type of binding site plan

includes all applications to create legal lots in conjunction with an existing development or when no development is proposed. Any binding site plan of this type that is less than five acres shall be administratively approved by the development review committee. Any binding site plan of this type five (5) acres or greater shall be approved by city council with a recommendation by the planning commission.

- b. A pre-application conference is required for all binding site plan applications. Binding site plans shall be completed consistent with the requirements and provisions of RCW 58.17.035 and this chapter and shall be valid for the same period as a Type I or II site plan.
 - c. Revisions to a binding site plan are permitted so long as any revisions are made through the site plan review process and are consistent with the regulations in effect at the time of application for revisions. If a binding site plan expires or is vacated, the parcel boundaries shall return to the original configuration. Vacation of a binding site plan shall require the signatures of all current owners of the parcels involved.
- B. If a site plan review is part of an overall application that is subject to a higher approval authority, site plan review shall be considered in conjunction with the overall application by that higher review authority.

(Ord. No. 1276, 8-3-2013; Ord. No. 1378, § 92, 11-21-2016)

19.10.050 Submittal requirements.

- A. Applicants shall submit the information:
 - 1. A completed land-use application.
 - 2. Written narrative and phasing plan, if applicable, that includes a description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries, and construction schedule including project phasing.
 - 3. Payment of all applicable application fees.

- 4. Five copies of an existing conditions plan drawn to scale on a sheet no larger than twenty-four inches by thirty-six inches and one reduced eleven-by-seventeen-inch copy showing the following (not required for Type I reviews):
 - a. Vicinity map showing location of subject site within the city 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 adjacent to the subject site.
 - e. Current structural setbacks.
 - f. Location of on-site driveways and access points 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, centerline, and dimensions of existing public rights-of-way and easements on-site and within one hundred feet of the site.
 - k. Locations, centerlines, and dimensions of existing private streets on-site and within one hundred feet of the site.
 - l. Approximate on-site slopes and grades within one hundred feet of the site.
 - m. Approximate location of significant natural conditions such as rock outcroppings; floodplain and floodway boundaries; drainage patterns and courses; slopes in excess of fifteen 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; and areas known to have historic, cultural, or archaeological resources.
- 5. Five copies of a site plan drawn to a minimum scale on a sheet no larger than twenty-four

inches by thirty-six inches and one reduced eleven-by-seventeen-inch 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 and location and dimensions of existing buildings to remain on site.
 - c. Proposed building setbacks.
 - d. Proposed project-phasing boundaries, if applicable.
 - e. Legend indicating total site area, the total square footage of proposed buildings or structures including percentage of total site area, the total square footage amount of impervious area 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, the number of handicapped-accessible parking spaces, and the required number of parking spaces.
 - f. Location of proposed access points including vehicular driveways and designated pedestrian access points.
 - g. 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. On-site drive aisles and circulation areas shall be indicated including their dimensions.
 - h. Location and dimensions of proposed on-site pedestrian connections between the public street and buildings, between on-site buildings, and between on-site buildings and on-site or off-site parking areas.
 - i. 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 drive aisles and circulation areas including dimensions.
 - j. Locations, centerlines, and dimensions of proposed on-site public or private streets and public and private easements.
 - k. Location, centerlines, 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.
 - l. The location and dimensions of loading and service areas, recreational or open space features, aboveground utilities, location of fences and signs, and the size and location of solid waste and recyclable storage areas.
 - m. Specialized site treatments including but not limited to pedestrian plazas, bicycle parking, and outdoor seating areas.
 - n. Environmental features including critical areas and their buffers, the ordinary high water mark, shorelines jurisdiction, the one hundred-year floodplain, and floodway location.
 - o. Applicants for binding site plan shall also show proposed lots including dimensions and total acreage.
6. If applicable, a preliminary utility plan indicating the proposed location, size, connection points to existing public systems, and terminus points for sanitary sewer, water, and stormwater drainage and control. Public and private easements for sanitary sewer, water, and stormwater shall also be indicated.
 7. If applicable, stormwater information shall be provided in conformance with WMC Chapter 15.12.
 8. If applicable, a preliminary grading and erosion control plan shall be provided consistent with WMC Chapter 15.10.
 9. If applicable, a preliminary landscape plan shall be submitted at the time of application for site plan review. The preliminary landscape plan need not include the detail required for final approval, although areas of proposed landscaping must be shown. Final civil plan approval cannot be given until a final landscape plan is submitted and approved. The

final plan shall show 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.

10. If applicable, architectural elevations, showing north, south, west and east elevations and specifying a measurable scale, structural dimensions, and structural heights.
11. If applicable, lighting plan indicating the location, height, and type of proposed exterior lighting fixtures (pole-mounted or wall-mounted). Photometric point or curve detail shall be provided for the subject site, abutting properties, and abutting public streets or rights-of-way at final civil plan review.
12. A certified document, typically a title report that is provided by a title company and issued within the last sixty days that details all encumbrances, easements, and ownership (not required for Type I site plan reviews).
13. If applicable, a State Environmental Policy Act (SEPA) checklist.
14. Completed critical areas identification checklist.
15. Signed agreement to reimburse the city for professional services used in the processing of applications for site plan review and site inspections.
16. If applicable, a traffic study.
17. Any additional items requested by the city during the pre-application conference.

(Ord. No. 1276, 8-3-2013)

19.10.060 Criteria for site plan approval.

- A. In approving site plans, it shall be the responsibility of the community development director to review each plan for compliance with all provisions of this chapter and any other applicable regulations that may affect the final plan as submitted or revised. The community development director shall coordinate

review with the public works director, building official, staff or contract fire professionals, and the city's reviewing consultants.

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

(Ord. No. 1276, 8-3-2013; Ord. No. 1378, § 93, 11-21-2016)

19.10.070 Preliminary site plan approval—Final civil plan approval.

- A. Where a site plan is issued subject to conditions that require the submittal of additional materials or changes to existing plans (preliminary approval), the community development director may require that the applicant submit for final civil plan approval to determine if the revised plans comply with the conditions of approval. If so required, the proponent must submit final civil construction drawings for review and approval. Unless waived by the community development director, the final civil plan set shall include the following elements:
 1. Overall site plan that is substantially the same as that preliminarily approved.
 2. Final grading plan.
 3. Final stormwater plan and report pursuant to WMC Chapter 15.12.
 4. Erosion control plan pursuant to WMC Chapter 15.10.
 5. Final landscaping plan.
 6. Final utilities plan.

- 7. Additional information as required by the community development director or his/her designee.
- B. In addition to the requirements of a standard final civil plan submittal, a final binding site plan application shall also contain a survey prepared and stamped by a land surveyor or engineer licensed in the State of Washington showing land division lines, area of the lots created expressed in square footage, property addresses, future buildings, setbacks, parking areas, roads, stormwater detention, and other proposed site improvements. The name of the proposed development, the land use number, and the title "Binding Site Plan" shall be at the top of the plan along with the following statement:

The use and development of this property must be in accordance with the plan as represented herein or as hereafter amended, according to the provi-

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

In addition, the following information shall appear on the face of binding site plan survey:

DEDICATION:

We, the undersigned owner(s) of interest in the land hereby divided by use of a binding site plan, hereby declare this drawing to be the graphic representation of the binding site plan made hereby, and do hereby dedicate to the use of the public forever, all streets and avenues not shown as private hereon and dedicate the use thereof for all public purposes not inconsistent with the use thereof for public highway purposes, and also the right to make all necessary slopes for cuts and fills upon the lots shown thereon in the original reasonable grading of said streets and avenues, and further dedicate to the use of the public all easements and tracts shown on this short plat for all public purposes as indicated thereon, including but not limited to parks, open spaces, utilities and drainage unless such easements or tracts are specifically identified on this binding site plan as being dedicated or conveyed to a person or entity other than the public, in which case we do hereby dedicate such streets, easements, or tracts to the person or entity identified and for the purpose stated.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this ____, day of _____, 20__.

(Signed) _____

STATE OF)
WASHINGTON)

COUNTY OF COWLITZ)

ss

THIS IS TO CERTIFY THAT on _____ the day of _____ 20____, before me, the undersigned, a Notary Public, personally appeared _____, to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that (he/she/they) signed and sealed the same as (his/her/their) free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year last above written.

NOTARY PUBLIC in and for the State of Washington, residing at _____

CITY OF WOODLAND:

Examined and Approved:

This _____ Day of _____, 20____.

(Signed) _____
Public Works Director

AUDITOR:

Filed for Record at the Request of: _____

This _____ Day of 20____, and Recorded in Volume _____ of _____, on Page _____
Records of Cowlitz County, Washington.

(Signed) _____
Cowlitz County Auditor

(Signed) _____
Deputy Auditor

TREASURER:

I hereby certify that the taxes on the land described hereon have been paid to date.

Dated: _____

(Signed) _____

SURVEYOR:

I hereby certify that the Binding Site Plan shown herein and known as _____ is based on actual survey and land division in Section(s) _____, Township _____ North, Range _____, W.M., City of Woodland, Cowlitz County, Washington, and that the distances, courses and angles are shown thereon correctly and that proper monuments have been set.

(Seal)
Professional Land Surveyor

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

requested by the planning commission or as the Community Development Director or Public Works Director deems appropriate.

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

(Ord. No. 1276, 8-3-2013; Ord. No. 1378, § 94, 11-21-2016)

19.10.080 Appeal.

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

(Ord. No. 1276, 8-3-2013)

19.10.090 Modifications to approved site plan.

No approved site plan shall be modified or amended except after reapplication for site plan review and approval. The determination of the application type (Type I or Type II site plan review) for site plan modifications will be based upon the criteria in WMC 19.10.040.

(Ord. No. 1276, 8-3-2013)

19.10.100 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. An approved site plan (without phasing) shall be null and void if:
1. Complete building permit applications for all proposed structures are not submitted to the Woodland Building Department within three years of site plan review approval.
 2. Construction does not commence within four years of site plan review approval.
- C. A site plan review approval with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan.
- D. Once expired, an applicant must re-apply for site plan review and receive approval before further development of the site proceeds. Expiration of

site plan approval shall not apply to applicants with complete applications before the effective date of the ordinance from which this chapter is derived, September 16, 2013. The community development director or his/her designee may approve up to two, one-year extensions if:

1. There have not been any substantial changes in the laws governing the development of the site with which lack of compliance would be contrary to the changed laws;
2. Approved building permits have been issued to the applicant; and
3. The applicant has pursued development in good faith where good faith is evidenced by progress on final permitting, surveying, engineering, and construction of improvements.

(Ord. No. 1276, 8-3-2013; Ord. No. 1378, § 95, 11-21-2016)

19.10.110 Completion prior to occupancy.

- A. All required public and site improvements and other conditions of site plan approval shall be met prior to occupancy of any site unless required sooner as a condition of approval provided that completion and occupancy may be accomplished in phases if approved by the community development director or his/her designee as part of the site plan review process. Incomplete items may be secured by the issuance of a performance bond or other suitable security as a condition of approval to secure an applicant's obligation to complete the provisions and conditions of the approved site plan.
- B. For binding site plans, the roads and utilities shown on the plan need not be constructed and/or installed at the time the property is divided. However, no permit required to build permanent structures upon any portion of the property, other than for site preparation (including grading and infrastructure installations), shall be issued until the roads and utilities necessary to serve that portion of the property have been constructed and installed or until arrangements acceptable to the city have been made to ensure that the construction and installation of such roads and utilities will be accomplished.

(Ord. No. 1276, 8-3-2013; Ord. No. 1378, § 96, 11-21-2016)

19.10.120 Phasing.

- A. Upon written request, the community development director or his/her designee may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than eight years without reapplying for site plan review.
- B. The criteria for approving a phased site plan review application shall be as follows:
 - 1. All public facilities necessary to serve a phase shall be completed prior to or with the development of the phase.
 - 2. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable city standard.
 - 3. The phased development shall not result in requiring the city, other property owners, or latecomers, to construct public facilities that were required as part of the approved development proposal.

(Ord. No. 1276, 8-3-2013; Ord. No. 1378, § 97, 11-21-2016)

Chapter 19.90

ENFORCEMENT PROVISIONS

Sections:

Article I. Purpose and Authority

- 19.90.010 Permit required.
 19.90.020 Declaration of intent.
 19.90.030 Authority and administration.

Article II. Enforcement Process

- 19.90.100 Commencement of proceedings.
 19.90.110 Right of entry.
 19.90.120 Notice and order.
 19.90.130 Method of service.
 19.90.140 Final order.
 19.90.150 Supplemental notice and order.
 19.90.160 Enforcement of final order.

Article III. Additional Enforcement

- 19.90.200 Additional enforcement.
 19.90.210 Civil penalty.
 19.90.220 Abatement.
 19.90.230 Suspension of permits.
 19.90.240 Revocation of permits.
 19.90.250 Personal obligation authorized.

Article IV. Liens

- 19.90.300 Lien authorized.
 19.90.310 Notice lien may be claimed.
 19.90.320 Claim of lien—General.
 19.90.330 Recording.
 19.90.340 Duration of lien—Limitation of action.
 19.90.350 Priority.
 19.90.360 Foreclosure—Parties.
 19.90.370 Settlement of civil penalty claims.

Article V. Appeal of the Notice and Order

- 19.90.400 Appeal request.
 19.90.410 Appeal hearing fees.
 19.90.420 Notice required.
 19.90.430 Appeal hearing.
 19.90.440 Written appeal decision.
 19.90.450 Appeal timeline.

Article I. Purpose and Authority

19.90.010 Permit required.

No person, agency, company, or corporation shall erect a building, or structure of any kind, or alter any building or structure already erected when said alteration is made for the purpose of changing the use or purpose of occupancy, or institute or change a property use, within the incorporated area of the city without first obtaining a permit or certificate of occupancy in writing from the community development department.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.020 Declaration of intent.

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

(Ord. No. 1448, § 3, 2-3-2020)

19.90.030 Authority and administration.

Responsible officials are authorized to utilize the procedures of this chapter in order to enforce any land use ordinance.

(Ord. No. 1448, § 3, 2-3-2020)

Article II. Enforcement Process

19.90.100 Commencement of proceedings.

- A. Whenever the responsible official has reason to believe that a use or condition exists in violation of any land use ordinance, or rules and regulations adopted thereunder, the responsible official may initiate enforcement action under this title and/or may commence an administrative notice and order proceeding under the sections to follow to cause the enforcement and correction of each violation.
- B. Pending commencement and completion of the notice and order procedure provided for in this chapter, the responsible official may cause a "stop work order" to be posted on the subject property or served on persons engaged in any work or activity in violation of a land use ordinance. The effect of

such a "stop work order" shall be to require the immediate cessation of such work or activity until authorized by the responsible official to proceed.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.110 Right of entry.

Whenever necessary to make an inspection to enforce the provisions of any land use or public health ordinance, or whenever the responsible official has reasonable cause to believe that any building, structure, property or portion thereof is being used in violation of any land use or public health ordinance, the responsible official may seek permission to enter such building, structure, property or portion thereof at all reasonable times to inspect the same. If permission to inspect is denied by the owner or person in possession of property, or reasonable attempts to contact the owners or persons in possession are unavailing, the responsible official may apply to the court for an order authorizing entry upon the land for the performance of the inspection.

If the responsible official issues an order requiring abatement and no appeal is taken from the order or the responsible official prevails on appeal, the responsible official may seek permission to enter the land and undertake abatement. If, however, permission to enter is denied, the responsible official may apply to a court of competent jurisdiction for authority to enter the property in order to perform the abatement as provided in the responsible official's order.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.120 Notice and order.

A. Whenever the responsible official has reason to believe that a violation of a land use ordinance, rule, or regulation will be most promptly and equitably terminated by an administrative notice and order proceeding, a written notice and order shall be directed to the person in possession of the property where the violation originates, or the person otherwise causing or responsible for the violation. The notice and order shall contain:

1. The street address when available and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;

2. A statement that the responsible official has found a person to be in violation of a land use ordinance with a brief and concise description of the conditions found to be in violation;
3. If corrective action is required to be taken, the order shall identify the permits to be secured and a timeline for application. If necessary, the order shall identify a timeline for work to physically commence and a timeline for completion based on what the responsible official has determined is reasonable under the circumstances;
4. A statement specifying the amount of any civil penalty assessed if applicable, and the conditions on which assessment of such civil penalty is applied;
5. Statements advising that: (1) if any assessed civil penalty is not paid, the responsible official will charge the amount of the penalty as a lien against the property and as a joint and separate personal obligation of any person in violation; and (2) if any required work is not commenced or completed within the time specified, if abatement is determined necessary per WMC 17.925.060, the responsible official may proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation.
6. A statement advising that the order shall become final unless appealed by an aggrieved person. Notice and order appeals must be filed in writing no later than ten working days after the notice and order are served.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.130 Method of service.

- A. The notice and order shall be posted on the site.
- B. Service of the notice and order shall be made upon all persons identified in the notice and order either by personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested.
 1. If the address of any such person cannot reasonably be ascertained, then a copy of the notice and order shall be mailed to such person at the address of the location of the violation.

2. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner provided shall be effective on the date of mailing.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.140 Final order.

- A. Any order duly issued by the responsible official pursuant to the procedures contained in this chapter shall become final ten working days after service of the notice and order unless a written appeal meeting WMC 19.90.300 is received by the city within that period.
- B. An order which is subjected to the appeal procedure shall become final twenty calendar days after mailing of the hearing examiner's decision unless an aggrieved person initiates an appeal under RCW 36.70C.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.150 Supplemental notice and order.

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

(Ord. No. 1448, § 3, 2-3-2020)

19.90.160 Enforcement of final order.

- A. If, after any order duly issued by the responsible official has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, the responsible official may:
 1. Cause such person to be prosecuted under this chapter;
 2. Institute any appropriate action to collect a civil penalty assessed under this chapter;
 3. Abate the land use or health violation using the procedures of this chapter;
 4. File in the county auditor's office a certificate describing the property and the violation and stating that the owner has been so notified; and/or

5. Pursue any other appropriate remedy at law or equity under this chapter.

- B. Enforcement of any notice and order that the responsible official issued pursuant to this chapter shall be stayed during the pendency of any appeal under this chapter, except when the responsible official determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued. Mitigation measures may be imposed by the responsible official during the pendency of an appeal in superior court to minimize the impact of the alleged violation. The accrual of penalties assessed in the notice and order are stayed and will not continue to aggregate during the appeal period.

(Ord. No. 1448, § 3, 2-3-2020)

Article III. Additional Enforcement

19.90.200 Additional enforcement.

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this title is guilty of a civil infraction and shall be fined in accordance with this title. Notwithstanding the existence or use of any other remedy, the responsible official may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of any land use ordinance or rules and regulations adopted thereunder.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.210 Civil penalty.

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

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

(Ord. No. 1448, § 3, 2-3-2020)

19.90.220 Abatement.

- A. In addition, or as an alternative to any other judicial or administrative remedy provided herein or by law, a responsible official may order a land use or public health ordinance violation to be abated.
- B. The responsible official may order any person who creates or maintains a nuisance, violation of any land use or public health ordinance, or rules and regulations adopted thereunder, to commence corrective work and to complete the work within such time as a responsible official determines reasonable under the circumstances. The person, subject to the responsible official's order, shall either complete the corrective work or timely file an appeal pursuant to this chapter. If the required corrective work is not commenced or completed within the time specified, the responsible official may proceed to abate the violation and cause the work to be done, upon receipt, by a court of competent jurisdiction, of an order authorizing the same. The responsible official is expressly authorized to enter the property of the person committing the violation for the purpose of abatement of said violation.
- C. The actual cost of abatement, including incidental costs such as staff time, legal costs, costs of postage and any other reasonable costs shall be included as abatement costs.
- D. The responsible official will charge the costs thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation. All challenges to the reasonableness of the cost charged may be raised at such time as the city undertakes a lien foreclosure.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.230 Suspension of permits.

- A. The responsible official may temporarily suspend any permit issued under a land use ordinance for:
 - 1. Failure of the holder to comply with the requirements of any land use ordinance or rules and regulations promulgated thereunder, or

- 2. Failure to comply with any notice and order issued pursuant to this chapter.

- B. Such permit suspension shall be carried out through the notice and order provisions of this chapter, and the suspension shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such suspension as provided for in this chapter.
- C. Notwithstanding any other provision of this chapter, whenever the responsible official finds that a violation of any land use ordinance or rules and regulations has created or is creating an unsanitary, dangerous or other condition which, in their judgment, constitutes an immediate and irreparable hazard, they may, without service of a written notice and order, suspend and terminate operations under the permit immediately.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.240 Revocation of permits.

- A. The responsible official may permanently revoke any permit issued by the city for:
 - 1. Failure of the holder to comply with the requirements of any land use ordinance or rules and regulations promulgated thereunder,
 - 2. Failure of the holder to comply with any notice and order issued pursuant to this chapter,
 - 3. Interference with the responsible official in the performance of their duties, or
 - 4. Discovery of the responsible official that a permit was issued in error or on the basis of incorrect information supplied to the city.
- B. Such permit revocation shall be carried out through the notice and order provisions of this chapter and the revocation shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such revocation, as provided by this chapter.
- C. A permit may be suspended pending its revocation or a hearing relative thereto.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.250 Personal obligation authorized.

The civil penalty and the cost of abatement are also joint and separate personal obligations of any person in violation. The city attorney on behalf of the

city may pursue collection of the civil penalty and the abatement costs by use of all appropriate legal remedies.

(Ord. No. 1448, § 3, 2-3-2020)

Article IV. Liens

19.90.300 Lien authorized.

The city shall have a lien for any civil penalty imposed or for the cost of any work of abatement done pursuant to this chapter against the real property on which the civil penalty was imposed or any of the abatement work was performed.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.310 Notice lien may be claimed.

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

(Ord. No. 1448, § 3, 2-3-2020)

19.90.320 Claim of lien—General.

A. The responsible official shall cause a claim for lien to be filed for record in the county auditor's office within ninety days from the date the civil penalty is due or within ninety days from the date of completion of the work or abatement performed pursuant to this title.

B. Contents. The claim of lien shall contain the following:

1. The authority for imposing a civil penalty or proceeding to abate the violation, or both;
2. A brief description of the civil penalty imposed, or the abatement work done, or both, including the violations charged and the duration thereof, including the time the work is commenced and completed and the name of the persons or organizations performing the work;
3. A description of the property to be charged with the lien;
4. The name of the known owner or reputed owner, and if not known, the fact shall be alleged; and
5. The amount, including lawful and reasonable costs, for which the lien is claimed.

C. Verification. The responsible official shall sign and verify the claim by oath to the effect that the affiant believes the claim is just.

D. The claim of lien may be amended in case of action brought to foreclose same, by order of the court, insofar as the interests of third parties shall not be detrimentally affected by amendment.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.330 Recording.

The responsible official shall ensure that all claims of liens are promptly with the Cowlitz County Auditor and shall determine which notices and orders are to be so recorded.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.340 Duration of lien—Limitation of action.

No lien created by this chapter binds the property subject to the lien for a period longer than three years after the claim has been filed unless an action is commenced in the proper court within that time to enforce the lien.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.350 Priority.

The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state and county taxes with which it shall be on a parity.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.360 Foreclosure—Parties.

A. Foreclosure. The lien provided by this title may be foreclosed and enforced by a civil action in a court having jurisdiction.

B. Joinder. All persons who have legally filed claims of liens against the same property prior to commencement of the action shall be joined as parties, either plaintiff or defendant.

C. Actions Saved. Dismissal of an action to foreclose a lien at the instance of a plaintiff shall not prejudice another party to the suit who claims a lien.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.370 Settlement of civil penalty claims.

The responsible official is authorized to settle and compromise claims for civil penalties accruing pursu-

ant to this chapter where such settlement is clearly in the interests of the city; provided, that the responsible official shall periodically report such settlements and compromises to the city council. Payments for settled penalties and claims shall be made to the city clerk/treasurer unless legal processes and procedures provide for an alternative settlement method.

(Ord. No. 1448, § 3, 2-3-2020)

Article V. Appeal of the Notice and Order

19.90.400 Appeal request.

Any person aggrieved by the order of the responsible official may request in writing within ten working days of the service of notice and order an appeal hearing before the hearing examiner. The request shall include the following:

- A. The code enforcement case number being appealed.
- B. A complete statement of the reasons for seeking the appeal hearing.
- C. A completed land-use application.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.410 Appeal hearing fees.

Whenever an appeal hearing is required by this title, in addition to other required data accompanying a request involving an appeal hearing, the person or persons whose request involves an appeal hearing shall pay a fee, according to the adopted fee schedule, to the city to help defray expenses of giving notice, holding the hearing, and preparing necessary reports. Once paid, this fee shall be nonrefundable.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.420 Notice required.

Written notice meeting WMC 19.06 and stating the time and place of the hearing will be sent to each appealing party, to the responsible official whose order is being appealed, and interested persons who have requested in writing that they be so notified.

- A. The notice, in addition to meeting the notice standards in WMC 19.06 shall include a statement describing the appeal process and noting that all appeals shall be conducted in accordance with the applicable sections of WMC 19.06 and 19.08.

(Ord. No. 1448, § 3, 2-3-2020)

(Woodland Supp. No. 36, 4-20)

19.90.430 Appeal hearing.

The appeal hearing shall be conducted on the record and the hearing examiner shall have such rule making and other powers as were available to the responsible official originally. Such appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal as outlined in WMC 19.90.360. In addition, the hearing examiner may promulgate and adopt such additional rules as are necessary for the conduct of a hearing and as provided in WMC 17.81.

A. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut evidence;
6. To represent oneself or choose to be represented by anyone who is lawfully permitted to do so.

(Ord. No. 1448, § 3, 2-3-2020)

19.90.440 Written appeal decision.

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

(Ord. No. 1448, § 3, 2-3-2020)

19.90.450 Appeal timeline.

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

(Ord. No. 1448, § 3, 2-3-2020)

**STATUTORY REFERENCES
FOR
WASHINGTON CITIES AND TOWNS**

The statutory references listed below refer the code user to state statutes applicable to Washington cities and towns. They are up to date through Chapter 9 of the 2019 Regular Session of the Washington Legislature.

General Provisions	RCW 35.23.440(29); 35.21.163 and 35.21.165
Incorporation Wash. Const. Art. XI § 10 and RCW ch. 35.02	Penalties for ordinance violations in towns RCW 35.27.370(14); 35.21.163 and 35.21.165
Classification of municipalities RCW chs. 35.01 and 35.06	Civil infractions RCW ch. 7.80
Annexations RCW ch. 35.13	Elections RCW title 29A
First class cities RCW ch. 35.22	Campaign finances and disclosure RCW ch. 42.17A
Second class cities RCW ch. 35.23	Official newspaper RCW 35.21.875
Towns RCW ch. 35.27	Administration and Personnel
Unclassified cities RCW ch. 35.30	Commission form of government RCW ch. 35.17
Miscellaneous provisions applicable to all cities and towns RCW ch. 35.21	Council-manager plan RCW ch. 35.18
Adoption of codes by reference RCW 35.21.180	City council in second class cities RCW 35.23.181 et seq.
Codification of ordinances RCW 35.21.500 through 35.21.580	Town council RCW 35.27.270 et seq.
Penalties for ordinance violations in first class cities RCW 35.22.280(35); 35.21.163 and 35.21.165	Officers in second-class cities RCW 35.23.021 et seq.
Penalties for ordinance violations in second class cities	Officers in towns RCW 35.27.070 et seq.

STATUTORY REFERENCES

Local government whistleblower protection

RCW ch. 42.41

Code of ethics for officers

RCW ch. 42.23

Open Public Meeting Act of 1971

RCW ch. 42.30

Municipal courts

RCW chs. 3.46, 3.50, 35.20

Planning commissions

RCW ch. 35.63

Hearing examiner system for zoning amendments

RCW 35A.63.170

Emergency management

RCW ch. 38.52

Revenue and Finance

Budgets

RCW chs. 35.32A, 35.33, 35.34

Bonds

RCW chs. 35.36, 35.37, 35.41

Depositories

RCW ch. 35.38

Investment of funds

RCW ch. 35.39

Accident claims and funds

RCW ch. 35.31

Validation and funding of debts

RCW ch. 35.40

Local improvements

RCW chs. 35.43—35.56

Retail sales and use taxes

RCW ch. 82.14

Leasehold excise tax

RCW ch. 82.29A

Real estate excise tax

RCW ch. 82.46

Tax on admissions

RCW 35.21.280

Property tax in first class cities

RCW 35.23.845

Property tax in second class cities

RCW 35.23.440(46)

Property tax in towns

RCW 35.27.370(8)

Lodging tax

RCW 67.28.180 et seq.

Gambling taxes

RCW 9.46.110 et seq.

State preemption of certain tax fields

RCW 82.02.020

Business Licenses and Regulations

First class city licenses

RCW 35.22.280(32) and (33)

Second class city licenses

RCW 35.23.440(2)—(8)

Town licenses

RCW 35.27.370(9)

Municipal business and occupation tax

RCW ch. 35.102

Uniform license fee or tax rate
RCW 35.21.710 and 35.21.711

License fees or taxes on telephone businesses
RCW 35.21.712—35.21.715

Ambulance business taxes
RCW 35.21.768

Freight carrier taxes
RCW 35.21.840—35.21.850

Gambling
RCW chs. 9.46, 9.47

Liquor
RCW 66.08.120 and 66.44.010

Auctioneers
RCW 35.21.690

Cabarets
RCW 66.28.080

Cable television
RCW ch. 35.99

Massage practitioners
RCW 35.21.692

Newspaper carriers
RCW 35.21.696

Animals

Power of second class cities to regulate
RCW 35.23.440(11)

Power of towns to regulate
RCW 35.27.370(7)

Cruelty to animals
RCW ch. 16.52

Dangerous dogs
RCW 16.08.070 et seq.

Health and Safety

Generally
RCW Title 70

Local health boards and officers
RCW ch. 70.05

Garbage collection and disposal
RCW 35.21.120 et seq. and RCW ch. 35.67

Litter control
RCW ch. 70.93

Fireworks
RCW ch. 70.77

Public Peace, Morals and Welfare

Crimes and punishments
RCW Title 9

Washington Criminal Code
RCW Title 9A

Drunkenness and alcoholism
RCW 71.24.575

Discrimination
RCW ch. 49.60

Juvenile curfew
RCW 35.21.635

Vehicles and Traffic

Motor vehicles
RCW title 46

Model traffic ordinance
RCW ch. 46.90

STATUTORY REFERENCES

Penalties for driving while intoxicated

RCW 35.21.165

Accident reports

RCW ch. 46.52

Streets, Sidewalks and Public Places

Local improvements

RCW chs. 35.43—35.56

Metropolitan park districts

RCW ch. 35.61

Street construction and maintenance

RCW chs. 35.72—35.79

Sidewalk construction

RCW chs. 35.68—35.70

Public Services

Municipal utilities

RCW ch. 35.92

Municipal Water and Sewer Facilities Act

RCW ch. 35.91

Sewer systems

RCW ch. 35.67

Water or sewer districts, assumption of jurisdiction

RCW ch. 35.13A

Buildings and Construction

State building code

RCW ch. 19.27

Unfit dwellings, buildings and structures

RCW ch. 35.80

Energy-related building standards

RCW ch. 19.27A

Electrician and electrical installations

RCW ch. 19.28

Electrical construction

RCW ch. 19.29

Development impact fees

RCW 82.02.050 et seq.

Subdivisions

Subdivisions generally

RCW ch. 58.17

Short plats and short subdivisions

RCW 58.17.060 et seq.

Hearing examiner system for plat approval

RCW 58.17.330

Zoning

Generally

RCW 35.63.080 et seq.

Hearing examiner system for zoning applications

RCW 35.63.130

Growth management

RCW ch. 36.70A

Judicial review of land use decisions

RCW ch. 36.70C

**RESOLUTION LIST AND DISPOSITION TABLE
FOR
THE CITY OF WOODLAND, WASHINGTON**

Resolution Number		Resolution Number	
158	(Repealed by 744)	219	Rules of procedure for city council meetings (Repealed by 292)
164	Amends items 94, 95, 118, 119, 120 and 123 of § 2.03, and Art. II of Ord. 307, zoning (Repealed by 490)	220	Industrial cost recovery system development and adoption (Not codified)
177	Amends Ord. 307 § 2.03(26), (27), (92), § 4.01(A), (C), § 5.01(D)(1), § 7.01(B), § 12.09(A), zoning (Repealed by 490)	221	Procedure for securing quotations from vendors (3.20)
185	Amends Ord. 307 § 17.06, zoning (Repealed by 490)	222	Application for federal disaster relief funds (Special)
196	(Repealed by 744)	223	Six-year comprehensive street program (Not codified)
198	Declares intent to form ULID No. 1 (Special)	224	Abatement of nuisances on certain property (Special)
199	Abatement of nuisances on certain property (Special)	225	Cowlitz County housing assistance plan (Not codified)
200	Establishes affirmative action program (Repealed by Ord. 843)	226	Endorsement of retired senior volunteer program (Special)
201	Comprehensive street and highway program (Special)	227	Commendation of Suzanne Bishop, crime prevention officer (Special)
202	Exchange of property (Special)	228	Abatement of nuisances on certain property (Special)
203	Public hearing on street vacation (Special)	229	Six-year comprehensive street program (Special)
204	Amends comprehensive water and sewer plan (Special)	230	Changes speed limit on State Route 503/Lewis River Drive (Not codified)
205	Amends comprehensive solid waste management plan (Special)	231	Authorizes implementation of pacific northwest electric power and planning conservation act (Special)
206	Rezone (Special)	232	Acquisition of federal surplus property (Special)
207	Comprehensive street and highway program (Special)	233	Authorizes implementation of urban growth management program (Special)
208	Abatement of nuisances on certain property (Special)	234	Rezone (Special)
209	Commends work of city councilman (Special)	235	Withdrawal from Social Security System (Special)
210	Rezone (Special)	236	Commending Wayne H. Mitchell for service (Special)
211	Rezone (Special)	237	Commending Russell W. Glaser for service (Special)
212	Abatement of nuisances on certain property (Special)	238	Adopts sewage facilities plan (Special)
213	Amends comprehensive water and sewer plan (Special)	239	Increase of clerk-treasurer's change fund (Repealed by 744)
214	Gasoline conservation program (Not codified)	240	Authorizes grant offer (Special)
215	Amends comprehensive plan (Not codified)	241	Supports application of Pacific Power and Light Company (Special)
216	Establishes six-year comprehensive street program (Special)		
217	Disbursements from petty cash fund (Repealed by 744)		
218	Speed limit revision approval (Not codified)		

TABLES

**Resolution
Number**

242 Provides for abatement of nuisances (Special)
 243 Requests inclusion of city into boundaries of Cowlitz County emergency service district (Special)
 244 Adopts comprehensive street and highway program (Special)
 245 Approves special election for special tax levy (Special)
 246 Provides zoning classification for newly annexed property (Special)
 247 Abatement of nuisances on certain property (Special)
 248 Adopts policy of recording proceedings (Not codified)
 249 Supports water and sewer system grant application (Special)
 250 Comprehensive street and highway program (Special)
 251 Expresses appreciation for Senator Jackson's service (Special)
 252 Supports recommendations of Mount St. Helens comprehensive plan (Special)
 253 Rezone (Special)
 254 Requests approval to participate in deferred compensation plan (Special)
 255 Authorizes disposal of surplus property (Special)
 256 Supports Washington committee on Oregon tax inequities (Special)
 257 Abatement of nuisances on certain property (Special)
 258 Provides zoning classification for newly annexed property (Special)
 258.5 Provides for comprehensive street and highway program (Special)
 259 Deferral of employee pension system contributions for federal income tax purposes (Special)
 260 Adoption of the Cowlitz-Wahkiakum solid waste management plan, 1984 update (Special)
 261 Adopts amended six-year street plan (Special)
 262 Abatement of nuisances on specified properties (Special)
 263 Referendum election on repeal of Ord. 591, gambling (Special)
 264 Adopts 1986—1991 comprehensive street plan (Special)

**Resolution
Number**

265 Supports Washington State House Joint Resolution 23 (Special)
 266 Approves revenue bond issuance (Special)
 267 Requests alternate Emergency Broadcast Station (Special)
 268 Indemnification of fire department (Not codified)
 269 Supports county spring clean-up and beautification (Special)
 270 Establishes local agency to coordinate emergency management department (Not codified)
 271 Adopts six-year comprehensive street program (Not codified)
 272 Nuisance abatement for specific property (Special)
 273 Street construction loan authorization (Repealed by 275)
 274 Establishes cash reward for information leading to arrest of vandals (2.72)
 275 Street construction loan authorization; rescinds Res. 273 (Special)
 276 Exempts certain employees from provisions of Fair Labor Standards Act (Special)
 277 Rezone (Special)
 278 Accepts donated real property (Special)
 279 State refuse collection tax (Repealed by Ord. 913)
 280 Industrial development bonds (Special)
 281 Authorizes loan application to Community Economic Revitalization Board (Special)
 282 Authorizes loan application for Excelon, Incorporated Development Loan Fund Project (Special)
 283 Intent to vacate street (Special)
 284 Reimbursement for travel expenses (Repealed by Ord. 843)
 285 Six-year comprehensive street program (Special)
 286 Notice to abate nuisance (Special)
 287 Authorizes signing of hazardous materials incident assistance agreement with Clark County fire district No. 5 (Special)
 288 Intent to participate in FHA Discount Purchase Program (Special)
 289 Adopts jail facilities operating standards by reference (1.20)
 290 Bond issuance (Special)

RESOLUTION LIST AND DISPOSITION TABLE

Resolution Number		Resolution Number	
291	Commends William K. Mills for services to the city (Special)	317	Adopts Cowlitz-Wahkiakum moderate risk hazardous waste management plan (Special)
292	Rules of procedure for city council meetings; repeals Res. 219 (Not codified)	318	Installation of sidewalks (12.06)
293	Provides for increase in petty cash fund (Repealed by 744)	319	Intent to vacate property (Special)
294	Fire department (Repealed by Ord. 843)	320	Nuisance abatement (Special)
295	Authorizes member of city council to serve as a volunteer in the fire department (Special)	321	Adopts comprehensive street program (Special)
296	Adopts six-year comprehensive street program (Special)	322	Authorizes charges for police or fire report reproduction (Not codified)
297	Nuisance abatement (Special)	323	Commendation of John J. Stark for service (Special)
298	Authorizes Longview housing authority to provide housing assistance in accordance with RCW 35.82 (Special)	324	Commendation of Walter Church Jr. for service (Special)
299	Amends Resolution 221, procedure for securing quotations from vendors (3.20)	325	Authorizes investment in local government investment pool (Special)
300	Names and dedicates portion of street (Special)	326	Nuisance abatement (Special)
301	Fee for checks returned by bank for nonpayment (Not codified)	327	Amends wage schedule for city employees (Not codified)
302	Includes city in a park and recreation district (Special)	327-1	Adopts six-year comprehensive street program (Special)
303	Endorses Clark County parks bond measure (Special)	328	Annexation (Special)
304	Contract with Cities Insurance Association of Washington (Special)	329	Amends wage schedule for city employees (Not codified)
305	Fire department (Repealed by Ord. 843)	330	Amends wage schedule for city employees (Not codified)
306	Adopts amendment to capital improvement plan (Special)	331	Acceptance of grant conditions (Special)
307	Adopts six-year comprehensive street program (Special)	332	Adopts solid waste management plan (Special)
308	Nuisance abatement (Special)	333	Per diem reimbursement rates (Special)
309	Establishes Horseshoe Lake management committee (2.80)	334	Establishes procedure for securing telephone and/or written quotations from vendors (Special)
310	Amends § 1 of Res. 284, travel reimbursement (Repealed by Ord. 843)	335	Abatement of nuisances (Special)
311	Authorizes application for local development matching funds (Special)	336	Adopts regional strategy and accepts grant funds to implement the Growth Management Act of 1990 (Special)
312	Authorizes preparation of solid waste management plan (Special)	337	Adopts six-year comprehensive street program (Special)
313	Expression of interest for siting agreement with metals recycler (Special)	338	Employee whistleblower policy (Special)
314	Nuisance abatement (Special)	339	Approves application for CERB funds (Special)
315	Adopts comprehensive street program (Special)	340	Authorizes filing of a grant application with the Bureau of Justice Assistance, Police Hiring Supplement Program (Special)
316	Commendation of Honorable Ronald Huntington for service (Special)	341	Authorizes the research necessary to improve space requirements at city hall (Special)
		342	Amends salary and wage schedule (Not codified)

TABLES

**Resolution
Number**

343 Authorizes the filing of an application with the Public Works Trust Fund Program (Special)
 344 (Not used)
 345 Commendation for service to city (Special)
 346 Commendation for service to city (Special)
 347 Commendation for service to city (Special)
 348 Creates local improvement district (Special)
 349 Creates local improvement district (Special)
 350 Annexation (Special)
 351 Amends Res. 349 (Special)
 352 Accepts grant funds to implement Growth Management Act (Special)
 353 Use of tobacco products on city property (Not codified)
 354 Expresses support for pacific northwest rail objectives (Special)
 354-1 Authorizes contract between city and state community economic revitalization board (Special)
 355 Authorizes contract between city and state community economic revitalization board (Special)
 356 Authorizes filing of application with timber public works trust fund program (Special)
 357 (Void)
 358 (Void)
 359 Declares need for housing authority to operate within city boundaries (Special)
 360 Six-year street plan (Special)
 361 Establishes fees for the use of the Woodland Community Center and covered area in Horseshoe Park (Not codified)
 362 Designates Lewis River News as the official newspaper (Special)
 363 Authorizes mayor to sign an applicant certification for public works trust fund loan (Special)
 364 Water rates, charges and fees (Special)
 365 Amends Res. 364, water rates, charges and fees (Special)
 366 Rules of procedure for city council meetings (Not codified)
 367 Adopts comprehensive plan (Special)
 368 Authorizes city council members to serve as reserve police officers (Special)
 369 Supports city of Bremerton's campaign to keep U.S.S. Missouri in Kitsap County (Special)

**Resolution
Number**

370 Designates various fees and charges for services, copies, etc. (Special)
 371 Amends salary and wage schedule for city employees (Special)
 372 Amends salary and wage schedule for city employees (Special)
 373 Requesting United States Postal Service to exercise its best efforts to attempt to locate and acquire a site within area for development of new post office facility (Special)
 374 Waives certain building permit requirements and fees due to flood conditions and property loss suffered in early February, 1996 (Special)
 375 Authorizes mayor as designated representative for obtaining federal and/or emergency or disaster assistance funds (Special)
 376 CDBG national community development week (Special)
 377 Safe kids week, May 4-11 (proclamation) (Special)
 378 Consent agenda/amends Resolution 366 § 6 to add Fort Vancouver Regional Library annexation (Not codified)
 379 Emergency repairs to lift station # 6 & 7 (Special)
 380 Park and recreation plan (updates 1995 comp. plan, Resolution 367) (Special)
 381 Fort Vancouver Regional Library placement on November 5 ballot (Special)
 382 1995 winter storms, designating mayor as authorized agent (Special)
 383 Motor vehicle excise tax; ad valorem property tax levy (Special)
 384 Final assessment 94-01 (road) LID (Special)
 385 Final assessment 94-02 (water/sewer) LID (Special)
 386 School speed zones (Not codified)
 387 Howard annexation (Special)
 388 1997 salaries (Not codified)
 389 Woodland High School State Volleyball Champs (Proclamation) (Special)
 390 Street vacation hearing (Special)
 391 Street vacation hearing (Special)
 391A PURD subdivision, six month moratorium (Special)
 392 Capital facilities plan update (Special)

RESOLUTION LIST AND DISPOSITION TABLE

**Resolution
Number**

- 393 Recovery plan salmon/steelhead, Endangered Species Act (Special)
- 394 Woodland community swim pool committee feasibility study (Special)
- 395 Amends land use element of comprehensive plan (Special)
- 396 Extension of water/sewer to Hamilton Materials at Pekin Road (Special)
- 397 Segregation of LID assessment (Special)
- 398 Extension of six month moratorium imposed by Resolution 391A (Special)
- 399 Amends Res. 388, salary and wages (Not codified)
- 400 Water rates, charges and fees (Not codified)
- 401 Sewer rates, charges and fees (Not codified)
- 402 Annexation (Special)
- 403 Amends Res. 380, park and recreation plan (Special)
- 404 Submission to voters to approve use of property at Horseshoe Lake Park for indoor swimming pool and recreation facility (Not codified)
- 405 Submission to voters to approve use of property at Horseshoe Lake Park for indoor swimming pool and recreation facility (Not codified)
- 406 Appointments to committee to prepare arguments advocating voters' approval of measures (Resos. 405 and 406) (Special)
- 407 Establishes various city service fees and charges (Not codified)
- 408 Garbage collection and disposal rates (Not codified)
- 409 Extends six-month moratorium imposed by Res. 391A and 398 (Special)
- 410 Supports formulation and implementation of CC 2010 and Pathways 2020 (Special)
- 411 Schedules street vacation hearing (Special)
- 412 Amends salary and wage schedule for city employees (Special)
- 413 Amends Res. 401, sewer service rates (Not codified)
- 414 1999 National Community Development Week (Special)
- 415 Garbage and recycling rates (Not codified)
- 416 Segregation within CLID assessment (Special)

**Resolution
Number**

- 417 Segregation within CLID assessment (Special)
- 418 Adds land to urban growth area (Special)
- 419 Watershed management plan (Special)
- 420 Transfer of control of television franchise (Special)
- 421 Authorizes mail ballot election (Special)
- 422 Authorizes mail ballot election (Special)
- 423 Amends Res. 413, sewer service rates (Not codified)
- 424 Adds land to urban growth area (Special)
- 425 Adopts employee/volunteer recognition program (Special)
- 426 Adopts six-year transportation improvement program (Special)
- 427 Amends Res. 413, sewer service rates (Not codified)
- 428 Amends Res. 415, garbage and recycling rates, and Res. 427, sewer service rates (Not codified)
- 429 Amends Res. 407, city service fees and charges (Not codified)
- 430 Property tax levy (Special)
- 431 Declares emergency to include school district's 1999 capital facilities plan within comprehensive land use plan (Special)
- 432 Amends Res. 429, city service fees and charges (Not codified)
- 433 Authorizes execution and delivery of lease (Special)
- 434 Amends Res. 412, salary and wage schedule (Special)
- 435 Declares intention to create and reserve portion of a newly created sewer capacity (Special)
- 436 Amends Res. 432, city service fees and charges (Not codified)
- 437 Adopts 2000 comprehensive flood hazard and drainage management plan (Not codified)
- 438 Segregates assessments of particular parcel (Special)
- 439 (Not available)
- 440 (Not available)
- 441 Authorizes mayor to sign documents to accept state revolving fund loan for wastewater treatment plan upgrade (Special)

TABLES

**Resolution
Number**

- 442 Authorizes negotiations for annexation into Cowlitz County Fire District (Not codified)
- 443 Authorizes property tax levy increase (Special)
- 444 Supports Lewis River Rural Partial-County Library District (Special)
- 445 Adopts Fixed Assets Policy and Procedures (Special)
- 446 Ratifies and re-enacts Res. 428, 429 and 432, city service fees and charges (Not codified)
- 447 Amends Res. 434, salary and wage schedule (Special)
- 448 Segregation of CLID assessments (Special)
- 449 Segregation of CLID assessments (Special)
- 450 Authorizes mail ballot election (Special)
- 451 Authorizes disposal of surplus property (Special)
- 452 Amends Res. 423, sewer service rates (Not codified)
- 453 Segregation of CLIS assessments (Special)
- 454 Segregation of CLIS assessments (Special)
- 455 Appoints an agent to receive claims for damage (Not codified)
- 456 Property tax levy (Special)
- 457 Amends Res. 436, city service fees and charges (Not codified)
- 459 Amends Res. 447, salary and wage schedule (Special)
- 460 Adopts a six-year transportation improvement program (Special)
- 461 Amends Res. 459, salary and wage schedule (Special)
- 462 Amends Res. 428, sewer and service rates (Repealed by 475)
- 463 City Council's intent to convey certain real property located in Horseshoe Lake Park (Special)
- 466 Authorizing preparation of a solid waste management plan (Special)
- 467 Amends Res. 457, plumbing fees and charges (Not codified)
- 468 Supports raising tax on cellular telephone monthly billings (Special)
- 469 Segregation of CLIS assessment (Special)
- 470 Supports state referendum bill 51 (Special)
- 471 Amends land use element of comprehensive plan (Special)
- 472 Sewer service moratorium; repeals city policy no. 98-01 (Special)

**Resolution
Number**

- 473 Annexation (Special)
- 474 Property tax levy (Special)
- 475 Repeals Res. 462, sewer and service rates (Special)
- 476 Water rates, charges, and fees (Special)
- 477 Annexation (Special)
- 478 Adopts transportation improvement program (Special)
- 479 Annexation (Special)
- 480 Amends Res. 467, fees and charges (Special)
- 481 Adds land to urban growth area (Special)
- 482 Authorizes mail ballot election (Special)
- 483 Agreement with swimming pool and recreation district (Special)
- 484 Segregation of assessments (Special)
- 485 Supports feasibility study for ferry service (Special)
- 486 Adopts transportation improvement program (Special)
- 487 Authorizes mail ballot election (Special)
- 488 Amends land use element of comprehensive plan (Special)
- 489 Property tax levy (Special)
- 490 Amends land use element of comprehensive plan (Special)
- 491 Authorizes reimbursement of expenditures from purchase of police vehicles (Special)
- 492 Supports entry into Great American Main Street Awards Competition (Special)
- 493 Approves preliminary plat for Raspberry Park Subdivision (Special)
- 494 Annexation (Special)
- 495 Adopts six-year transportation improvement program (Special)
- 496 Amends Res. 367, land use element of comprehensive plan (Special)
- 497 Amends Res. 380, park and recreation plan (Special)
- 498 Approves preliminary plat for Hillshire Manor subdivision (Special)
- 499 Amends Res. 467, land use fees (Special)
- 500 Segregation within CLID assessment (Special)
- 501 Approves revenue bond issuance (Special)
- 502 Amends Res. 480 and 499, city service fees and charges (Special)
- 503 Supports skate park construction (Special)

RESOLUTION LIST AND DISPOSITION TABLE

Resolution Number		Resolution Number	
504	Authorizes disposal of surplus property (Special)	525	Adopts National Incidence Management System (Special)
505	Authorizes property tax levy increase (Special)	526	Adopts formula to determine impact of new development on services (Special)
506	Annexation (Special)	527	Adopts formula to determine impact of new development on parks and recreation (Special)
507	Annexation (Special)	528	Annexation (Special)
508	Amends Res. 367, comprehensive plan (Special)	529	Approves preliminary plat for Meriwether Subdivision (Special)
509	Extension of water across the Lewis River to supply NW 411th Circle and Bridge Road (Special)	530	Water rates, charges and fees (Special)
510	Authorizes reimbursement of expenditures from purchase of police vehicles (Special)	531	Authorizes property tax levy increase (Special)
511	Approves preliminary plat for River Mist (PURD) Subdivision (Special)	532	Approves preliminary plat for Cedar Glenn Subdivision (Special)
512	Annexation (Special)	533	(Pending)
513	Supports CDBG program to urge congress to preserve funding (Special)	534	Supports funding for CDBG program (Special)
514	Declares reimbursement of expenditures in acquisition of real property (Special)	535	Per diem reimbursement rates (Special)
515	Authorizes mail ballot election (Special)	536	Requires consolidated hearings before a hearings examiner (Special)
516	Establishes various city service fees and charges (Not codified)	537	Approves preliminary plat for Harmony Park Subdivision (Special)
517	Annexation (Special)	538	Annexation (Special)
518	Adopts six-year transportation program (Special)	539	Adopts six-year transportation improvement program (Special)
519	Authorizes disposal of surplus property (Special)	540	Amends Ord. 1001, personnel policy (Not codified)
520	Authorizes disposal of surplus property (Special)	541	Supports passage of safe streets initiative (Special)
521	Authorizes disposal of surplus property (Special)	542	Authorizes property tax levy increase (Special)
522	Amends land use element of comprehensive plan (Special)	543	Amends Res. 445, Fixed Assets Policy and Procedures (Special)
523	Garbage and recycling rates (Not codified)	544	Adopts standards for the delivery of public defense services to indigent persons accused of crimes (Special)
524	Recommends aggressive vaccination to all residents (Special)	545	Authorizes street name change (Special)

Resolution Number		Resolution Number	
546	Amends Res. 523, garbage and recycling rates (Not codified)	555	Annexation (Special)
547	Authorizes disposal of surplus property (Special)	556	Adopts 2007 Cowlitz County solid waste management plan (Special)
548	Approves preliminary plat and variance for Meriwether Hilltop Subdivision (Special)	557	Army corps of engineer's proposed mitigation plan for the Columbia River channel deepening project (Special)
549	Authorizes disposal of surplus property (Special)	558	Approves plan to introduce sterile grass carp into the Horseshoe lake to control milfoil (Special)
550	Amends Ord. 516, various city service fees and charges (Not codified)	559	Adopts a six-year transportation improvement program for years beginning 2009 and ending 2014 (Special)
551	Supports Washington State Coalition to reduce underage drinking (Special)	560	(Still outstanding)
552	Requests Secretary of Interior reject the draft EIS (Special)	561	(Still outstanding)
553	Adopts six-year transportation improvement program (Special)	562	Amends Res. 546, garbage and recycling rates (Not codified)
554	Authorizes property tax levy increase (Special)	563	Authorizes property tax levy increase (Special)

Resolutions beginning with Supp. No. 16.

Resolution Number	Date	Description	Section	Section this Code
564	2- 2-2009	A resolution relating to fees and charges imposed by the City of Woodland and amending Resolution No. 502 — General Fees & Charges by establishing the following fees and charges and incorporating Resolution No. 550 — WMC 14.32 Fire Code and Resolution No. 566 — WMC 5 - Business Licenses and Regulations		Still outstanding
565	2- 2-2009			Still outstanding
566	2- 2-2009	Amends Res. 502, fees and charges		Omitted
567	2- 2-2009	Rescinds Res. 463 and 483, transfer of real property to Woodland Swimming Pool and Recreation District		Omitted
568	2- 2-2009	Adopts updated Cowlitz County comprehensive management plan		Omitted
569	2- 2-2009	Declares local emergency		Omitted
570	2- 2-2009	A resolution of the City Council of the City of Woodland establishing certain rates, charges and fees relating to the city's water service		Omitted
571	2- 2-2009	A resolution of the City Council of the City of Woodland establishing certain rates, charges and fees relating to the city's sewer service and rate schedule for low income senior citizens and low income disabled persons		Omitted

RESOLUTION LIST AND DISPOSITION TABLE

Resolution Number	Date	Description	Section	Section this Code
573	2-17-2009	A resolution providing for the disposal of certain inventory items deemed to be surplus to the reasonably foreseeable needs of the City of Woodland		Omitted
574	3- 2-2009	Cowlitz Wahkiakum Council of Government (CWCOG) and Parametrix regarding the Woodland Transportation Infrastructure Plan		Omitted
575	3- 2-2009	A resolution of the City of Woodland, Washington, providing for the submission to the voters of the City, at the next General Election held on November 2, 2009, of the proposition that the City should adopt the Council/Manager form of government and abandon the Council/Mayor form of government; and, further, requesting the Cowlitz County Auditor to place such proposition on the ballot at the next general election in the City of Woodland		Omitted
576	3-16-2009	Phased subdivision developments		Omitted
577	5- 4-2009	A resolution relating to fees and charges imposed by the City of Woodland and amending Resolution No. 564 — General Fees and Charges by changing Section 4, relating to the due dates for dog licenses		Omitted
578	6- 1-2009	A resolution adopting a six-year transportation improvement program for years beginning 2010 and ending 2015		Omitted
579	7-20-2009	A resolution of the Woodland City Council censuring the mayor		Omitted
580	11-16-2009	A resolution of the City Council of the City of Woodland, Washington, pursuant to Section 209 of Referendum No. 47 of the State of Washington, authorizing an increase in the regular property tax levy, in addition to any amount resulting from new construction, improvements and any increase in the value of state-assessed property, from the amount that was levied in 2009 to an amount which is 1.00000% thereof		Omitted
581	11- 2-2009	A resolution recognizing the thirty-year anniversary of Woodland Mobile Meals, a non-profit community organization and expressing the city's appreciation for the work of past and present volunteers and for the financial contributions of the community		Omitted
582	12- 7-2009	A resolution establishing a time and place for holding a public hearing for the purpose of considering the vacation of a portion of a public street in the City of Woodland concerning Land Use Application No. 209-920		Omitted
583	12- 7-2009	A resolution establishing the scope of work and public participation process concerning the 2011 Comprehensive Plan and Development Regulation Update mandated by the State Growth Management Act (GMA)		Omitted
584	3-15-2010	Community planning assistance program		Omitted
585	3-15-2010	Disposal of certain inventory items deemed to be surplus		Omitted
586	5-17-2010	Urges Clark and Cowlitz County residents to buy local business services		Omitted
587	6-21-2010	Adopts six-year transportation improvement program for years 2011—2016		Omitted
588		(Failed)		
589	11- 1-2010	Provides for the disposal of certain inventory items		Omitted
590	11- 1-2010	Water rates, charges and fees		Omitted

TABLES

Resolution Number	Date	Description	Section	Section this Code
591	11- 1-2010	Sewer rates, charges and fees		Omitted
592	11-15-2010	Tax levy		Omitted
593	12- 6-2010	Six-year transportation improvement program		Omitted
594	12- 6-2010	Provides for the disposal of certain inventory items		Omitted
595	2-22-2011	Purchasing policies		Omitted
596	2- 7-2011	Citizen communication ad-hoc committee		Omitted
597	2-22-2011	Authorizes Colitz County to prepare a solid waste management and moderate risk waste plan		Omitted
598		(Failed, 3/21/2011)		
599	7-19-2010	Ratifies Ord. No. 1187, approving annexation of real property		Omitted
600		(Failed, 10/18/2010)		
601	4-20-2011	Subdivisions and approves preliminary plat and variance		Omitted
602	6-20-2011	Amends capital facilities project listing and the capital facilities element of the 2005 comprehensive plan		Omitted
603	7-18-2011	Adopts a six-year transportation improvement program		Omitted
604	9- 6-2011	Joins the National Moment of Remembrance of the 10th Anniversary of September 11th		Omitted
605	11- 7-2011	Property tax levy		Omitted
606	12-19-2011	A resolution to thank the non-profit community organizations and the 2011 outstanding volunteers of the year		Omitted
607	12-19-2011	Requests the Cowlitz County Commissioners that the county portion of the Woodland public safety tax be dedicated evenly to the Cowlitz-Wahkiakum Drug Task Force and to the Children's Justice Advocacy Center		Omitted
608	2- 6-2012	Development of a draft plan for the formation of regional fire authority		Omitted
609	3-19-2012	Endorses support of the Woodland School District April 17, 2012 high school bond measure		Omitted
610	6-18-2012	Disposal of certain inventory items deemed to be surplus		Omitted
611	5- 7-2012	Interim and long term measures to improve the administration of city business by creating a structure to have a full time person responsible for administering and managing city business		Omitted
612	6- 4-2012	Adopts a six-year transportation improvement programs for years 2013—2018		Omitted
613	6- 4-2012	Adopts the 2011 Cowlitz County solid waste management plan and moderate risk hazardous waste management plan		Title 8, editor's note
614	8-20-2012	Adopts greenhouse gas reduction policies		Omitted
615	9-17-2012	Disposal of real property deemed to be surplus		Omitted
616	9- 4-2012	Amends Res. No. 562, garbage and recycling rates		8.08.105
617	9-17-2012	Public hearing on street vacation		Omitted

RESOLUTION LIST AND DISPOSITION TABLE

Resolution Number	Date	Description	Section	Section this Code
618	10- 1-2012	Interim and long term measures to improve the delivery of fire and emergency services		Omitted
619	12- 3-2012	Fees and charges imposed by the city and amending Res. No. 577		Omitted
620	11-19-2012	Tax levy		Omitted
621	11- 5-2012	Set guidelines for the purchase of used equipment		Omitted
622	1- 7-2013	Establishes certain water service rates and fees		Omitted
623	12-17-2012	Establishes certain water service rates and fees		Omitted
624	1-22-2013	Adopts a six-year transportation improvement programs for years 2013—2018		Omitted
625	1-22-2013	Approves the Scott Avenue reconnection project		Omitted
626	2- 4-2013	Ratifies Ord. No. 1260, extending moratorium on marijuana collective gardens		Omitted
627	3- 4-2013	Fees and charges imposed by the city and amends Res. No. 619		Omitted
628	3- 4-2013	Defense of 2nd Amendment rights		Omitted
629	4- 1-2013	Fees and charges imposed by the city and amends Res. No. 627		Omitted
631	4-15-2013	Disposal of certain inventory items deemed to be surplus		Omitted
632	4-15-2013	Approves Woodland Safe Walking Route Project		Omitted
633	6- 3-2013	Adopts a six-year transportation improvement program for years beginning in 2014 and ending in 2019		Omitted
635	6- 3-2013	Temporary suspension of city council standing committees to test a new method for handling communications		Omitted
636	1-21-2014	Policy and procedures for fixed assets		Omitted
637	8-19-2013	Stops fluoridation of the municipal drinking water system		Omitted
638	11-18-2013	Authorizes property tax levy increase		Omitted
639	1-21-2014	Provides for the disposal of certain inventory items		Omitted
640	11- 4-2013	AWC Benefit Trust and Interlocal Agreement (2014 Self Insurance)		Omitted
641	2- 3-2014	City council standing committees		Omitted
642	3- 3-2014	Authorizes monies in the local government investment pool		Omitted
643	3-17-2014	Surplus (March 2014)		Omitted
644	5- 5-2014	Surplus (P4 police vehicle) (2014)		Omitted
645	6- 2-2014	Adopts a transportation improvement program		Omitted
646	6-16-2014	Adopts a public participation plan		Omitted
647	8-18-2014	Provides for the disposal of certain inventory items		Omitted
648	8-18-2014	Changes to the by-laws and interlocal agreement to the Cities Insurance Association of Washington (CIAW)		Omitted
649	11-24-2014	Authorizes property tax levy increase		Omitted
650	12-15-2014	Suspension of the 2015 and 2016 site-specific annual plan amendment cycles		Omitted
651	1-20-2015	Forming a regional fire protection service authority		Omitted

TABLES

Resolution Number	Date	Description	Section	Section this Code
652	2-17-2015	Sewer charges and fees		Omitted
653	3-16-2015	Support of the Fort Vancouver Regional Library District's efforts to construct a new public library in the city		Omitted
654	3-16-2015	Continuation of a utility tax on water, sewer, garbage and recycling services		Omitted
655	6- 1-2015	Adopts a transpiration improvement program for years beginning 2016 and ending 2021		Omitted
656	5- 4-2015	Street vacation		Omitted
657	9- 8-2015	Approves the 2015 park and recreation plan		Omitted
658	6-15-2015	Intent to adopt an update of the shoreline master program		Omitted
659	7-20-2015	Approves a local community solar project with Inovus Solar		Omitted
660	10- 5-2015	Provides for the disposal of certain inventory items		Omitted
661	10-19-2015	Extend the preliminary plat approval for the Meriwether Planned Unit Residential Development		Omitted
662	11- 2-2015	Approves the final plat for a 12 lot subdivision		Omitted
664	11-16-2015	Consolidation of fire and emergency services		Omitted
665	12- 7-2015	Extend the preliminary plat approval for the Meriwether Subdivision Phase 2		Omitted
666	1- 4-2016	Approves the final plat for the Meriwether Planned Unit Residential Development		Omitted
667	1- 4-2016	Approves the final plat for the Meriwether Hilltop Subdivision Phase 1A		Omitted
668	1- 4-2016	Approves the final plat for the Meriwether Hilltop Subdivision Phase 2		Omitted
669		(Pending)		
670	6- 6-2016	Adopts a transportation improvement program for 2017—2022		Omitted
671	7- 5-2016	Authorizes the submission of an application for a community economic revitalization board grant		Omitted
672	6- 6-2016	Annexation		Omitted
673	6-20-2016	Fees and charges imposed by the city and amends Res. No. 629		Omitted
674		(Pending)		
675	8- 1-2016	Supports the men and women who serve as law enforcement officers		Omitted
676	11-21-2016	Authorizes property tax levy increase		Omitted
677	12-19-2016	Fees and charges imposed by the city and amends Res. No. 673		Omitted
678	1- 3-2017	Approves the assignment of a non-exclusive telecommunications franchise		Omitted
680	3-20-2017	Authorizes the submission of an application for a community economic revitalization board grant		Omitted
681	3- 6-2017	Adopts the Association of Washington Cities (AWC) Strong Cities Program and Cowlitz-Wahkiakum Council of Governments (CWCOG) Area Cities Priorities		Omitted

RESOLUTION LIST AND DISPOSITION TABLE

Resolution Number	Date	Description	Section	Section this Code
682	5- 1-2017	Designates an official to sign and authorize legally binding non-federal entity documents		Omitted
683	7-17-2017	Adopts a transportation improvement program		Omitted
684	6- 5-2017	Approves preliminary plat for Sequoia Park Subdivision		Omitted
686	7-3-2017	Approves the final plat for the Meriwether Planned Unit Residential Development (PURD)		Omitted
687	7-17-2017	Authorizes the adoption of the Clark Regional Natural Hazard Mitigation Plan		Omitted
688	7-17-2017	Disposal of certain inventory items deemed to be surplus		Omitted
689	7-17-2017	Regular property taxes		Omitted
690	11-20-2017	Authorizes increase in property tax levy		Omitted
691	11-20-2017	Approves the final plat for the Meriwether Hilltop Subdivision, Phase 1B		Omitted
696	3- 5-2018	Approves final plat for Sequoia Park Subdivision		Omitted
697	2-20-2018	Supports a passage of an ordinance and the adoption of a charter by the Cowlitz County Board of Commissioners Re-establishing the Cowlitz County Public Safety Answering Point (PSAP)		Omitted
698	2-20-2018	Supporting the submission of an application for the creation of the Cowlitz-Wahkiakum Economic Development District		Omitted
699	6-18-2018	Adopts a six-year transportation improvement program for years 2019—2024		Omitted
700	4-16-2018	Approves addition of a project to the comprehensive plan amendment docket		Omitted
701	6- 4-2018	Hearing concerning the council's proposed assumption of the rights, powers, functions, and obligations of the transportation benefit district		Omitted
702	6-18-2018	Assumes the rights, powers, immunities, functions, and obligations of the transportation benefit district		Omitted
703	6-18-2018	Abolishes the transportation benefit district		Omitted
704	6- 4-2018	Honors the Woodland High School girls softball team state championship		Omitted
706	7-16-2018	Fees and charges imposed by the city and amends Res. No. 677		Omitted
707	11-19-2018	Authorizes property tax levy increase		Omitted
708	11- 5-2018	Authorizes mayor to sign letter regarding 2% lodging tax collection		Omitted
709	4- 1-2019	Authorizes the public works director and city administrator as signatories for grant administration		Omitted
710	7-22-2019	Adopts a transportation improvement program for years 2020—2025		Omitted
711	7-15-2019	Proposition authorizing the city to levy regular property taxes in excess of the limitations of RCW 84.55		Omitted
712	7-15-2019	Per diem reimbursement rates		Omitted
716	1-21-2020	Adopts legislation to authorize a sales and use tax for affordable and supportive housing		Omitted

ORDINANCE LIST AND DISPOSITION TABLE

As of Supplement No. 16, this table will be replaced with the Code Comparative Table and Disposition List.

Ordinance Number		Ordinance Number	
1	Council meeting time and place (Repealed by 373)	22	Establishes fire district (Repealed by 373)
2	Sale of intoxicating liquors (Repealed by 120)	23	Amends Ord. 2 § 2, sale of intoxicating liquor (Repealed by 120)
3	Town clerk (Repealed by 373)	24	Horses and cows running at large (Repealed by 373)
4	Town marshal (Repealed by 373)	25	Hours for saloons, licensing of billiard, pool and card tables (Repealed by 120)
5	Circuses, shows, peddlers and agents (Repealed by 112)	26	Water service franchise (Special)
6	Electric light plant franchise (Special)	27	Defines nuisances (Repealed by 120)
7	Defining misdemeanors (Repealed by 373)	28	Provoking an assault (Repealed by 373)
8	Dog licensing (Repealed by 111)	29	Nuisance abatement (Repealed by 221)
9	Working prisoners (Repealed by 373)	30	Council meeting time and place (Repealed by 373)
10	Street poll tax (Repealed by 36)	31	Town marshal (Repealed by 373)
11	Street and highway improvement procedure (Repealed by 373)	32	Town clerk (Supersedes Ord. 3) (Repealed by 373)
12	Sidewalk construction and repair procedure (Repealed by 118)	33	Defines crimes only § 10, valid blocking sidewalks (Repealed by 373)
13	Telephone service franchise (Special)	34	Licensing of circuses, shows, peddlers, auctioneers and agents (Repealed by 88, 112)
14	Long distance telephone service franchise (Special)	35	Prohibits sale of intoxicating liquors (Repealed by 373)
15	Curfew for minors under fifteen years of age (Not codified)	36	Poll tax (Repealed by 120)
16	Water service franchise (Special)	37	Prohibits certain activities on Sunday (Repealed by 125)
17	Prohibits deposit of garbage and refuse on streets and sidewalks (Repealed by 373)	38	Establishes LID No. 1 (Special)
18	Prohibits bicycle riding on sidewalks (Repealed by 373)	39	Sidewalk construction on Davidson Avenue (Special)
19	Penalty for nonpayment of poll tax (Repealed by 36)	40	Load limits on Davidson Avenue (Repealed by 368)
20	Amends Ord. 2 § 2, sale of intoxicating liquors (Repealed by 120)	41	Establishes LID No. 2 (Special) (Repealed by 43)
21	Amends Ord. 2 § 1, sale of intoxicating liquors (Repealed by 120)	42	Establishes LID No. 3 (Special) (Repealed by 43)

TABLES

Ordinance Number		Ordinance Number	
43	Repeals Ords. 41 and 42 (Repealer)	69	Bond issuance for LID No. 5 (Special)
44	Lot vacation (Special)	70	Bond issuance for LID No. 6 (Special)
45	Street name changes (Not codified)	71	Amends Ord. 58 § 11, local improve- ments (Repealed by 373)
46	Approves and confirms assessments for LID No. 1 (Special)	72	Bond issuance for LID No. 4 (Special)
47	Waterworks construction (Special)	73	Bond issuance for LID No. 5 (Special)
48	Confirms loan for waterworks con- struction (Special)	74	Bond issuance for LID No. 6 (Special)
49	Salary of town clerk (Repealed by 110)	75	Speed limits (Repealed by 115)
50	Establishes place for holding elections (Repealed by 120)	76	Fire limits (Repealed by 373)
51	Amends Ord. 50 § 1, place for holding elections (Repealed by 120)	77	Regulates storage of combustible mate- rials (Repealed by 825)
52	Telephone service franchise (Special)	78	Business licenses (Repealed by 112)
53	Council meeting time and place (Re- pealed by 373)	79	Street improvement procedure (Re- pealed by 373)
54	Water service and rates (Not codified)	80	Prohibits accumulations of combustible materials (Repealed by 373)
55	Prohibits dogs running at large without muzzles during certain months (Re- pealed by 111)	81	Business license for vehicles (Repealed by 82, 112)
56	Amends Ord. 33 § 7, speed limits for horses and mules (Repealed by 115)	82	Business license for vehicles, repeals Ord. 81 (Repealed by 112)
57	Motorcycle and bicycle regulation (Re- pealed by 115)	83	Amends Ord. 82 § 1, business license for vehicles (Repealed by 95)
58	Local improvements (Repealed by 373)	84	Protection of improved streets (Re- pealed by 373)
59	Establishes LID No. 4 (Special)	85	Contract with Independent Electric Company (Special)
60	Official newspaper (Repealed by 120)	86	Licensing of fairs (Repealed by 112)
61	Establishes LID No. 5 (Special)	87	Authorizes historical marker (Special)
62	Establishes LID No. 6 (Special)	88	Repeals Ord. 34 (Repealed by 112)
63	Prohibits certain animals running at large (Repealed by 373)	89	Amends Ord. 78 § 10, business licenses (Repealed by 112)
64	Water system regulations and rates (Re- pealed by 356)	90	Vehicle mufflers (Repealed by 115, 368)
65	Approves and confirms assessments for LID No. 4 (Special)	91	Special election (Special)
66	Approves and confirms assessments for LID No. 5 (Special)	92	Bonds issuance (Special)
67	Approves and confirms assessments for LID No. 6 (Special)	93	Establishes LID No. 7 (Special)
68	Bond issuance for LID No. 4 (Special)	94	Approves and confirms assessments for LID No. 7 (Special)
		95	Repeals Ords. 81 and 83 (Repealed by 112)

ORDINANCE LIST AND DISPOSITION TABLE

Ordinance Number		Ordinance Number	
96	Motor vehicle operation (Repealed by 115)	117	Authorizes sale of property in LID No. 7 (Special)
97	Nuisance abatement (Repealed by 373)	118	Sidewalk construction, repeals Ord. 12 (Repealed by 373)
98	Establishes LID No. 8 (Special)		
99	Establishes LID No. 9 (Special)		
100	Franchise to construct railway track (Special)		
101	Council meeting time and place (Repealed by 373)		
102	Amends Ord. 96 § 3, vehicle operation (Repealed by 115)		
103	Amends Ord. 54 §§ 2 and 39, water system (Repealed by 373)		
104	Electric light franchise (Special)		
105	Authorizes contract with Puget Sound Power and Light Company (Special)		
106	Electric power line construction franchise (Special)		
107	Prohibits dogs running at large (Repealed by 111)		
108	Approves and confirms assessments for LID No. 7 (Special)		
109	Prohibits catching or killing birds (Repealed by 852)		
110	Compensation of town clerk (Repealed by 119)		
111	Dog licensing, repeals Ords. 8, 55 and 107 (Repealed by 272)		
112	Business licenses, repeals Ords. 5, 34, 78, 81, 82, 83, 86, 88, 89, and 95 (Repealed by 124)		
113	Compensation of police judge (Repealed by 119)		
114	Amends Ord. 54 § 6, water rates (Repealed by 373)		
115	Vehicle operation, repeals Ords. 7 § 7, 33 § 7, 56, 57, 75, 90, 96 and 102 (Repealed by 197)		
116	Payment of assessments for LID No. 7 (Special)		

ORDINANCE LIST AND DISPOSITION TABLE

Ordinance Number		Ordinance Number	
119	Compensation of certain city officers (Repealed by 153)	147	Licenses sale of beverages (Repealed by 373)
120	Repeals Ords. 2, 20, 21, 23, 25, 36, 51, 60 and 7 with the exception of § 11 and 12 (Repealer)	148	License fee for places where draft beer is sold (Repealed by 373)
121	Place for holding elections (Repealed by 373)	149	Hours for sale of intoxicating beverages (Repealed by 373)
122	Privies (Repealed by 373)	150	Vending machines and skill games (Repealed by 373)
123	Placement of dog license receipts in park fund, repeals § 7 of Ord. 111 (Repealed by 272)	151	Volunteer firemen's relief and compensation fund (Repealed by 373)
124	Business licenses, repeals Ord. 112 (Repealed by 295)	152	Council meeting time and place (Repealed by 373)
125	Repeals Ord. 37 (Repealer)	153	Salaries of certain officers (Repealed by 179)
126	Prohibits certain activities on Sunday (Repealed by 373)	154	Pinball and music machine licensing (Repealed by 176)
127	Street grades, special election (Special)	155	Water system bonds (Special)
128	Repeals § 39 of Ord. 54 and § 2 of Ord. 130 (Repealer) (Repealed by 373)	156	Building permits (Repealed by 373)
129	Penalty for illegal possession of intoxicating liquor (Repealed by 373)	157	Impoundment of dogs running at large (Repealed by 272)
130	Issuance and sale of general obligation bonds (Special)	158	Water system regulations and rates (Repealed by 356)
131	Milk and milk products (Repealed by 373)	159	Special bond election (Special)
132	Garbage collection and disposal (Repealed by 373)	160	Fire limits (Repealed by 373)
133	Authorizes construction of a building by Inland Power and Light Company (Special)	161	Purchase of firefighting equipment, special election (Special)
134	Amends Ord. 132 § 4, garbage (Repealed by 373, 378)	162	(Number not used)
135	Compensation of town officers (Repealed by 139)	163	Confirms result of special election for purchase of firefighting equipment (Special)
136	Amends Ord. 124 §§ 3 and 4, business licenses (Repealed by 295)	164	Water revenue bonds, special election (Special)
137	Parking limitations (Repealed by 368)	165	Confirms result of special election for issuance of water revenue bonds (Special)
138	Amends Ord. 129 § 3, penalty for possession of intoxicating liquor (Repealed by 373)	166	Reappropriation (Special)
139	Compensation of certain town officers (Repealed by 144)	167	Amends Ord. 165 §§ 2 and 3, adds § 8 to Ord. 165, water revenue bonds (Special)
140	Place of maintenance of offices and town treasurer and town clerk (Repealed by 373)	168	Amends Ord. 124 § 3, business licenses (Repealed by 532)
141	Telephone service franchise (Special)	169	Authorizes franchise granted by Ord. 106 (Special)
142	Business license fees (Repealed by 295)	170	Reimbursement of councilmen and mayor (Repealed by 373)
143	Prohibits vehicles driving over fire hose (Repealed by 373)	171	Creates town defense council (Repealed by 699)
144	Salaries of certain town officers (Repealed by 153)	172	Blackout regulations (Repealed by 373)
145	Creates special welfare script relief fund (Repealed by own terms)	173	Blackout regulations (Repealed by 373)
146	Business license fees (Repealed by 295)	174	Admissions tax (Repealed by 373)
		175	Garbage collection and disposal system (Repealed by 373)

TABLES

Ordinance Number		Ordinance Number	
176	License fee for location of pinball and music machines, repeals Ord. 154 (Repealed by 373)	207	Building permit fee schedule (Repealed by 373)
177	License fee for selling or furnishing electric light and power for hire (Repealed by 373)	208	Vicious dogs (Repealed by 272)
178	Punchboard license fees (Repealed by 373)	209	Appropriation (Special)
179	Salaries of town officers (Repealed by 195)	210	Appropriation (Special)
180	Street vacation (Special)	211	Grants permission to Fraternal Order of Eagles to hold dances and levies license fee (Repealed by 322)
181	Parking (Repealed by 368)	212	Prohibits dumping of refuse (Repealed by 373)
182	Taxicabs (Repealed by 373)	213	Sewage treatment rates, repeals § 2 of Ord. 191 (Repealed by 373)
183	Adopts Building Code, 1949 Edition (Repealed by 266)	214	License fees for conducting business (Repealed by 295)
184	Adopts plan for construction of sanitary sewage disposal system (Special)	215	Public library (2.20)
185	Water and sewer revenue bonds (Special)	216	Establishes cumulative reserve fund for library purposes (3.08)
186	Amends Ord. 158 §§ 14, 29, 32 and 34, water system (Repealed by 356)	217	Appropriation (Special)
187	Caucus for election of town officers (Repealed by 336)	218	Appropriation (Special)
188	Amends Ord. 175, garbage collection and disposal (Repealed by 373, 378)	219	Council meeting time and place (Repealed by 373)
189	Amends Ord. 158 § 29, water system (Repealed by 356)	220	Form for plats, subdivisions and dedications (Repealed by 373)
190	General obligation bonds, special election (Special)	221	Nuisance abatement (Repealed by 373)
191	Sewer connections (Repealed by 376)	222	Nuisance abated (Special)
192	General obligation bonds (Special)	223	Public dance licensing (Repealed by 322, 373)
193	Curfew for minors (Repealed by 373)	224	Appropriation (Special)
194	Prohibits hitching sporting devices to motor vehicles (Repealed by 368, 373)	225	Peddling, soliciting or hawking (Repealed by 373)
195	Salaries of town officers (Repealed by 200, 373)	226	Volunteer fire department membership limitation (Repealed by 665)
196	Employee pensions and retirement (Repealed by 843)	227	Gas service franchise (Special)
197	Traffic, repeals Ord. 115 (Repealed by 368)	228	Property condemnation (Special)
198	Appropriation (Special)	229	Appropriation (Special)
199	Appropriation (Special)	230	Fluoridation of town water supply (Repealed by 373)
200	Salaries of town officers (Not codified)	231	Abandoned vehicles (Repealed by 368, 373)
201	Grants permission to Fraternal Order of Eagles to hold dances (Repealed by 211)	232	Appropriation (Special)
202	Cumulative reserve fund for park development (3.08)	233	Annexation (Special)
203	Board of park commissioners (Repealed by 670)	234	Appropriation (Special)
204	Salary of police judge (Repealed by 373)	235	Sale and distribution of fireworks (Repealed by 373)
205	Sidewalk construction regulations (Repealed by 373)	237	Public utilities license tax (Repealed by 350)
206	Approves and confirms assessments (Special)	238	Regulation of establishments where intoxicating liquor is served (Not codified)
		239	Appropriation (Special)
		240	Sale and distribution of fireworks (Repealed by 373)

ORDINANCE LIST AND DISPOSITION TABLE

**Ordinance
Number**

241 Sidewalk, curb and gutter construction
(Repealed by 509)

242 Business and occupation tax
(Repealed by 251)

243 Sewer connection and permit fees
(Repealed by 376)

244 Amends Ord. 158 § 29, water rates
(Repealed by 356)

245 Amends Ord. 191 § 2, sewer rates
(Repealed by 373)

246 Vegetation nuisances (Repealed by
866)

247 Sidewalk and curb maintenance and
repair (Repealed by 358)

248 Creates planning commission (2.32)

249 Sale and distribution of fireworks
(Repealed by 373)

250 Amends Ord. 227 § 18, franchise tax
on sale and distribution of natural gas
(Repealed by 373)

251 Repeals Ord. 242 (Repealer)

252 Prohibits operation of motor vehicles
on sidewalks (Repealed by 368)

253 Licenses games of skill (Repealed by
309)

254 Annexation (Special)

255 Amends Ord. 183 § 3, building permit
fees (Repealed by 266)

256 Subdivision ordinance (Repealed by
373)

257 Trailer houses (Repealed by 857)

258 Annexation (Special)

259 Appropriation (Special)

260 Operation of motorboats (Repealed by
662)

261 Subdivision ordinance (Repealed by
355)

262 Amends Ord. 236 § 1, garbage
collection rates (Repealed by 373,
378)

263 Compensation of town officers
(Repealed by 373)

264 Establishes arterial street and highway
fund (Repealed by 719)

265 Amends Ord. 257 § 2, trailer houses
(Repealed by 857)

**Ordinance
Number**

266 Adopts Building Code, 1955 Edition,
establishes fire limits, repeals Ords.
183 and 255 (Repealed by 624)

267 Zoning ordinance (Repealed by 307
and 490)

268 Annexation (Special)

269 Amends Ord. 177 § 3, public utility
license fee (Repealed by 373)

270 Annexation (Special)

271 Amends Ord. 158 §§ 14 and 29, water
system (Repealed by 324)

272 Dog licensing, repeals Ords. 111, 157
and 208 (Repealed by 349)

273 Amends Ord. 267 § 5.06, zoning,
rezones certain territory (Special)

274 Appropriation (Special)

275 Amends Ord. 191 § 2, sewer service
rates (Repealed by 387)

276 Water connection charges (Repealed
by 356)

277 Amends Ord. 276 § 6, water rates,
repeals portion of Ord. 244 (Repealed
by 356)

278 Regulates operation and use of boats
on portion of Lewis River (Repealed
by 662)

279 Burning regulations, adopts Fire
Prevention Code, 1965 Edition
(Repealed by 373)

280 Prohibits use of motor vehicle brakes
operated by compression (Repealed by
368)

281 Amends Ord. 276 § 3, water rates
(Repealed by 373)

282 Property tax, special election (Special)

283 Participation in state retirement system
(Repealed by 843)

284 Appropriation (Special)

285 Creates municipal court (Repealed by
366)

286 Penal code (8.12)

287 Vehicle operation (Repealed by 368)

288 Amends Res. 141 § 11, penalty for
violation of town ordinances (1.12)

289 Rezone (Special)

290 Caucus for nomination of town
officers (Repealed by 336)

TABLES

Ordinance Number		Ordinance Number	
291	Water revenue bonds (Special)	318	Issuance of general obligation bonds (Special)
292	Alcoholic beverages (Repealed by 825)	319	Amends Ord. 310, salary of town treasurer and town clerk (Repealed by 1119)
293	Motorboat operation on Horseshoe Lake (Repealed by 373)	320	Appropriation (Special)
294	Compensation of mayor and councilmen (Repealed by 373)	321	Intoxicated minors in public (Repealed by 825)
295	License tax for operating a business (Repealed by 532)	322	Dance licensing (5.12)
296	Licensing of peddlers (Repealed by 373)	323	Amends Ord. 377 § 1, water service (Repealed by 356)
297	Adopts comprehensive plan (Repealed by 451)	324	Disconnection of utility services, repeals Ord. 271 (Repealed by 356)
298	Amends Ord. 285 § 7, compensation of municipal judge (Repealed by 373)	325	Sale of certain property (Special)
299	Regulates use and operation of motorcycles (Repealed by 368)	326	Regulates use of firearms (Repealed by 825)
300	Property conveyance (Special)	327	Lists misdemeanors (Repealed by 825)
301	Council meeting time and place (2.04)	328	1971 taxation (Special)
302	Adopts Uniform Building Code, 1967 Edition (Repealed by 405)	329	Amends Ord. 303 § 1, Uniform Mechanical Code (Repealed by 405)
303	Adopts Uniform Mechanical Code, 1967 Edition (Repealed by 405)	330	1971 budget (Special)
304	Amends Ord. 296 § 2, peddlers (Repealed by 373)	331	Amends Ord. 303 § 1, Uniform Mechanical Code (Repealed by 405)
305	Adopts Uniform Plumbing Code, 1967 Edition (Repealed by 405)	332	Sales or use tax (3.12)
306	Water service connections (Repealed by 373)	333	Establishes town as a noncharter code city (1.08)
307	Zoning ordinance, repeals Ord. 267 (Repealed by 490)	334	Amends Ord. 262 § 1, garbage collection rates (Repealed by 373)
308	Licensing of peddlers (5.16)	335	Amends Ord. 306 § 2, water connection fees (Repealed by 356)
309	Licenses amusement devices, repeals Ord. 253 (5.08)	336	Nomination of officers, repeals Ord. 290 (Repealed by 639)
310	Salary of town treasurer (Repealed by 319)	337	Amends Ord. 305 § 1, Uniform Plumbing Code (Repealed by 405)
311	Implied consent test for motor vehicle operators (Not codified)	338	Amends Ord. 261 §§ 6.02, 6.07 and 7.06, adds §§ 6.08, 6.09 and 6.10 to Ord. 261 (Repealed by 355)
312	General obligation bonds, special election (Special)	339	1972 taxation (Special)
313	Amends Ord. 286 § 4, penal code (Repealed by 825)	340	Sale, distribution and possession of controlled substances (Repealed by 825)
314	Exemption from building permit requirements (Repealed by 405)	341	Civil service commission for police department (2.28)
315	Amends Ord. 308 § 2, peddlers (5.16)	342	1972 budget (Special)
316	1970 taxation (Special)	343	Transfer of funds (Special)
317	Amends Ord. 262 § 1, garbage collection (Repealed by 373)	344	Compensation of mayor (Repealed by 383)
		345	Annexation (Special)

ORDINANCE LIST AND DISPOSITION TABLE

**Ordinance
Number**

346 Annexation (Special)
 347 Pay draws for municipal employees (2.48)
 348 Adopts 1969 Standard Specifications for Municipal Public Works Construction (14.12)
 349 Regulates dogs, repeals Ord. 272 (Repealed by 852)
 350 Business and occupation tax for public utilities, repeals Ords. 237, 242 and § 18 of Ord. 250 (Repealed by 526)
 351 Amends Ord. 262 § 1, garbage collection rates (8.12) (Repealed by 379)
 352 Floodplain management plan (Repealed by 460)
 353 Regulates boat operation and use on Horseshoe Lake (Repealed by 662)
 354 Transfer of property (Special)
 355 Subdivisions (Repealed by 509)
 356 Water service rates, repeals Ords. 158, 271, 276, 277, 323, 324, 335 (Repealed by 377)
 357 Property tax (Special)
 358 Sidewalk maintenance, repeals Ord. 247 (12.08)
 359 Amends Ord. 391 §§ 3, 4, 5, 6 and 9, revenue bonds (Special)
 360 Repayment of loan schedule (Special)
 361 Making city attorney city prosecutor (Repealed by 1119)
 362 Curb construction (Repealed by 856)
 363 Budget (Special)
 364 Garbage appropriation (Special)
 365 Sewer appropriation (Special)
 366 Amends Ord. 285, municipal court (2.56)
 367 Amends Ord. 307 and § 3.04, zoning (Repealed by 490)
 368 Vehicle operation, repeals Ords. 40, 90, 137, 181, 194, 197, 231, 252, 280, 287, 299 (10.36, 10.40, 10.64, 10.68)
 369 Right of entry (1.16)
 370 City officers, officials (Repealed by 843)
 371 Amends Ord. 308, § 7 peddlers' license fee (Repealed by 392)
 372 General provisions (1.04)

**Ordinance
Number**

373 Repeals Ords. 1, 3, 4, 7, 9, 11, 17, 18, 22, 24, 27, 28, 30, 31, 32, 33, 35, 40, 53, 58, 63, 71, 76, 79, 80, 84, 94, 101, 103, § 2 of 109, 114, 118, 121, 122, 126, 128, 129, 131, 132, 134, 138, 140, 143, 147, 148, 149, 150, 151, 152, 156, 160, 168 (excepting §§ 3, 4), 170, 172, 173, 174, 175, 176, 177, 178, 182, 188, 193, 194, 195, 200, 204, 205, 207, 212, 213, 219, 220, 221, 223, 225, 230, 231, 235, 236, 240, 245, § 2 of 246, 249, 250, 256, §§ 2, 3, 4, 7 of 260, 262, 263, 266 (excepting § 4), 269, 279, 281, 293, 294, § 3 of 295, 296, 298, 304, 306, § 4 of 309, 317, § 3 of 321, § 12 of 322, § 6 of 332, 334 (Repealer)
 374 Amends Ord. 366, § 7 of city's share of district court costs (2.56)
 375 City Hall office hours, holidays (2.44)
 376 Sewer connection and permit fees, repeals Ords. 191, 243 (13.08)
 377 Water system rates and charges, repeals § 9 of Ord. 54 and Ord. 356 (13.04)
 378 Garbage service, repeals Ords. 134, 188, 262 (8.08)
 379 Garbage service rates, repeals Ord. 351 (Repealed by 898)
 380 Quit claim deed for certain real estate (Special)
 381 Duties of the city attorney (Repealed by 1119)
 382 1974 tax levy (Special)
 383 Compensation for mayor and councilmen, repeals Ord. 344 (2.04)
 384 1974 budget (Special)
 385 Code adoption (1.01)
 386 Amends § 2.44.010, city holidays (2.44)
 387 Sewer rates, repeals Ord. 275 (Repealed by 467)
 388 Amends § 2(f) of Ord. 387, sewer rates (Repealed by 403)
 389 Amends §§ 8.08.140 and 8.08.150, garbage pickup service (Repealed by 469)
 390 Fire code (Repealed by 1037)

TABLES

Ordinance Number		Ordinance Number	
391	No parking zone for Planters Day (Not codified)	414	1976 ad valorem property tax (Special)
392	Amends §§ 5.16.040 and 5.16.050; repeals and replaces §§ 5.16.060, 5.16.070, 5.16.080 and 5.16.090, and also adds §§ 5.16.100, 5.16.110, 5.16.120, 5.16.130 and 5.16.140, peddlers (5.16)	415	ULID No. 1 (Special)
393	Council work meetings (Repealed by 754)	416	1976 budget (Special)
394	Rezone (Special)	417	Emergency expenditure (Special)
395	Alley vacation (Special)	418	Emergency expenditure (Special)
396	Amends § 17.68.020, zoning (Repealed by 490)	419	Emergency expenditure (Special)
397	Repeals §§ 17.64.020, 17.64.030, 17.64.040, 17.64.060, 17.64.070, 17.64.080, 17.64.090 and 17.68.010, zoning board (Repealed by 490)	420	Amends subsection H of § 8.08.010 and §§ 8.08.140 and 8.08.150; adds two sections, garbage rates (8.08)
398	Adds chapter to Title 17, zoning (Repealed by 490)	421	Annexation (Special)
399	Abatement of dangerous buildings (Repealed by 717)	422	Amends § 14.12.010, municipal public works construction (14.12)
400	Ad valorem property tax (Special)	423	Adopts 1973 Uniform Sign Code (Repealed by 897)
401	Driveway construction (12.16)	424	Adds subsection to § 13.04.170, water service rates (13.04)
402	1975 budget (Special)	425	Amends § 2.16.010, volunteer fire department (Repealed by 665)
403	Amends § 13.08.120, sewer rates; repeals Ord. 388 (Repealed by 467)	426	Rezone (Special)
404	Property auction (Special)	427	Adds to § 13.04.040, historical site assessment charge (13.04)
405	Adopts 1973 building, mechanical and plumbing codes and standards for buildings for handicapped; repeals §§ 14.04.010, 14.04.020, 14.04.030, 14.08.010, 14.16.010, 14.16.020, 14.16.030, 14.16.040, 14.24.010, 14.24.020, 14.24.030 (Repealed by 810)	428	Adopts State Environmental Policy Act (Repealed by 581)
406	Quit claim deed (Special)	429	Amends § 14.12.020, municipal public works code (14.12)
407	Short subdivision (16.32)	430	Amends subsection A of § 1.12.010; adds subsection B to § 1.12.010, general penalty (1.12)
408	Advanced travel fund (3.02)	431	1977 ad valorem property tax (Special)
409	Sewers and drains (13.12)	432	Amends § 2.44.010, city hall office hours, holidays (2.44)
410	Adds § 13.04.045, water service (13.04)	433	Approves and confirms assessments for LID No. 1 (Special)
411	Repeals § 17.64.050, zoning (Repealer)	434	1977 budget appropriation (Special)
412	Waterworks and sewage disposal system improvements (Special)	435	Amends § 2 of Ord. 360, water and sewer bond (Special)
413	Amends §§ 17.20.100 and 17.24.090, zoning (Repealed by 490)	436	Emergency expenditure (Special)
		437	Amends § 9 of Ord. 435 and § 2 of Ord. 360, water and sewer bonds (Special)
		438	Rezone (Special)
		439	Amends § 13.04.080, water connections (13.04)
		440	Street vacation (Special)
		441	Water and sewer bond (Special)

ORDINANCE LIST AND DISPOSITION TABLE

**Ordinance
Number**

442 Police residence requirements (2.26)
 443 Rezone (Special)
 444 Amends § 13.08.030(A), sewer
 connection charge (13.08)
 445 1978 ad valorem property tax
 (Special)
 446 Amends § 12.16.030, driveway widths
 (12.16)
 447 Emergency expenditure (Special)
 448 1978 budget (Special)
 449 CATV franchise (Special)
 450 Flood damage prevention (Repealed by
 813)
 451 Adopts new comprehensive plan and
 repeals Ch. 17.12 (Repealed by 490)
 452 Creates antirecession fiscal assistance
 fund (Repealed by 558)
 453 Reappropriation of funds (Special)
 454 Emergency expenditure (Special)
 455 Amends § 13.04.050, water
 connection fees (13.04)
 456 Adds subsection E to § 13.04.050 and
 amends § 13.04.030, water connections
 (13.04)
 457 Amends §§ 13.08.020, 13.08.030 and
 13.08.050; repeals § 13.08.100, sewer
 rates (13.08)
 458 Adds § 13.04.045(D), temporary fire
 hydrant connection (13.04)
 459 Water system rates and charges
 (13.04)
 460 Repeals Ord. 352 as codified in
 Ch. 17.60 (Repealer)
 461 Adds § 15.04.031; amends §§ 2, 3, 7, 13
 and 14 of Ord. 428, SEPA Guidelines
 (15.04)
 462 Ad valorem property tax (Special)
 463 Annexation (Special)
 464 Adds §§ 7.04.240 and 7.04.250;
 amends §§ 7.04.020, 7.04.030,
 7.04.140, 7.04.150, 7.04.160,
 7.04.170, 7.04.180, 7.04.210 and
 7.04.230 and §§ 2, 3, 14, 15, 16, 17,
 18, 21 and 23 of Ord. 349, dogs
 (Repealed by 852)
 465 1979 budget (Special)
 466 Emergency expenditure (Special)

**Ordinance
Number**

442 Police residence requirements (2.26)
 467 Adds Ch. 13.08, sewer rates; repeals
 Ords. 387 and 403 (13.08)
 468 Moratorium on granting of variances
 (Special)
 469 Adds §§ 8.08.141, 8.08.151, 8.08.161
 and 8.08.181; amends § 9 of Ord. 378,
 and §§ 4 and 5 of Ord. 420, codified in
 §§ 8.08.100, 8.08.200 and 8.08.210
 respectively; repeals § 1 of Ord. 379
 as amended by § 1 of Ord. 389 and § 2
 of Ord. 420; § 2 of Ord. 379 as
 amended by § 2 of Ord. 389; § 3 of Ord.
 379



ORDINANCE LIST AND DISPOSITION TABLE

**Ordinance
Number**

as amended by § 3 of Ord. 420; and § 5 of Ord. 379 (8.08)

470 Requirements for granting of variances (Repealed by 813)

471 Creates budgetary fund (Special)

472 Annexation (Special)

473 Adds Title 18, Ch. 18.04, annexations (18.04)

474 Amends §§ 1 and 2 of Ord. 442, codified in §§ 2.26.010 and 2.26.020 respectively (2.26)

475 Residence requirements for city employees (2.48)

476 Adopts water system plan as element of comprehensive plan (17.12)

477 Amends § 17.16.060, zoning (17.16)

478 Amends § 13.08.030, sewer connection and permit fees (13.08)

479 Amends §§ 13.04.180, 13.04.190 and 13.04.220, water and sewer rates (13.04)

480 Fixes ad valorem taxes for 1980 (Special)

481 Adds Ch. 15.06, shorelines management (15.06)

482 Amends § 2.08.010, city council meetings (Repealed by 754)

483 Confirms appointment of city attorney (Not codified)

484 Confirms appointment of supervisor of public works (Not codified)

485 Authorizes loan from current expense fund (Special)

486 Fixes budget for 1980 (Special)

487 Amends §§ 5.04.010, 5.08.020, 5.12.030, license tax on businesses, amusement devices and dances (5.08, 5.12)

488 Emergency expenditure (Special)

489 Emergency expenditure (Special)

490 Adopts zoning provisions; repeals Ords. 267 and 307 (17.04, 17.12, 17.32, 17.36, 17.40, 17.44, 17.48, 17.52, 17.56, 17.60, 17.64, 17.76, 17.84, 17.88)

491 Emergency expenditures (Special)

492 Amends § 2.48.010, employees' mid-month pay draw (2.48)

493 Amends §§ 1 and 2 of Ord. 475, public works department (2.48)

494 Amends § C2a. of Ord. 490, zoning (Repealed by 942)

495 Sale of malt liquor (Repealed by 825)

**Ordinance
Number**

496 Amends §§ 2 and 3 of Ord. 474, police department (2.28)

497 Adds (24) to, and amends (23) of, § 11.02A of Ord. 490, zoning (17.44)

498 Amends §§ 13.04.045, 13.04.050, 13.04.170 and 13.08.120, water and sewer rates (13.04, 13.08)

499 Amends § 13.04.140, senior citizens' sewer charge discount (13.08)

500 Amends § 8.08.210, senior citizens' garbage service charge discount (Repealed by 898)

501 Amends §§ 9.02A and 11.02A of Ord. 490, zoning (17.36, 17.44)

502 Emergency expenditure (Special)

503 Excise tax on business of constructing residential structures (Repealed by 557)

504 Amends § 5.16.070, peddler's license (5.16)

505 Repeals subsection B of § 2 of Ord. 499, senior citizen discount for sewer service (Repealer)

506 Ad valorem property tax (Special)

507 Park acquisition and improvement fund (3.24)

508 Reimbursement for travel and related expenses (Repealed by 642)

509 Subdivisions, repeals Ords. 241 and 355 (16.02, 16.04, 16.06, 16.08, 16.10, 16.12, 16.14, 16.16, 16.18, 16.20, 16.22, 16.24)

510 Emergency expenditure (Special)

511 Adds §§ 10A.04.020 and 10A.04.030, state traffic regulations; repeals § 10.04.020 (Repealed by 839)

512 1981 budget (Special)

513 Emergency expenditure (Special)

514 Utility service to property outside city limits (13.16)

515 Amends § 6 of Ord. 349, dog license fees (Repealed by 852)

516 Payroll clearing fund (3.28)

517 Adds subsection E to § 14.04.010, Washington State Energy Code (Repealed by 810)

518 Adds § 13.08.115, sewer regulations (13.08)

519 Annexation (Special)

520 Amends § 9.02(C) and adds § 15.14 to Ord. 490, zoning (17.36)

521 Portland General Electric Company franchise (Special)

TABLES

**Ordinance
Number**

- 522 Amends § 12.16.070, street curb cut permit fees (12.16)
- 523 Amends §§ 13.08.020 and 13.08.070; adds new section to Ch. 13.08; duties subsection B of § 13.08.030, sewer regulations (13.08)
- 524 Adds section to Ch. 16.32, short subdivisions (16.32)
- 525 Amends §§ 10 and 12 of Ord. 449, CATV franchise (Special)
- 526 Business and occupation tax on utilities; repeals Ord. 350 (5.10)
- 527 Amends §§ 2.04.010 and 2.04.020, compensation of mayor and council (2.04)
- 528 Amends § 13.04.220, water and sewer rates (13.04)
- 529 Fee for checks returned by bank for nonpayment (Repealed by 681)
- 530 Limits duck population of Horseshoe Lake Park (8.16)
- 531 1982 ad valorem taxes (Special)
- 532 Business licenses, repeals Ords. 168, 295 and 487 (5.04)
- 533 Amends § 13.08.115, lien foreclosure on local improvement assessments (13.08)
- 534 1982 budget (Special)
- 535 Regulations on parking for handicapped (10.56)
- 536 Amends §§ 17.08.505, 17.12.090, 17.12.100, 17.28.010, 17.28.020, 17.28.230, 17.28.240, 17.28.250, 17.28.290, 17.36.020 (26, 32), 17.80.060, 17.80.080, 17.84.040, 17.84.110, 17.84.120, 17.84.130 and 17.84.140, zoning; repeals §§ 17.36.090(19) and 17.44.110 (17.12, 17.36, 17.84)
- 537 Adds Ch. 3.36, special excise tax (3.36)
- 538 Adds new section to Ch. 14.40, flood damage prevention (Repealed by 813)
- 539 Amends §§ 13.04.040, 13.04.045(C) and (D), 13.04.050(C) and (E), 13.04.060, 13.04.170, 13.08.030 and 13.08.120, water and sewer rates (13.04, 13.08)
- 540 Adds new sections to Ch. 14.04; amends §§ 14.04.010, 14.04.045, 14.04.050, 14.04.080, 14.04.110, 14.04.120(D) and 14.04.130; repeals and replaces §§ 14.04.090 and 14.04.140, uniform codes; repeals §§ 14.04.060, 14.04.070, 14.04.100, 14.04.150 and 14.04.160 (Repealed by 810)
- 541 Emergency expenditure (Special)

**Ordinance
Number**

- 542 Adds new section to Ch. 8.08; amends §§ 8.08.141, 8.08.151, 8.08.181 and 8.08.200, garbage rates (8.08)
- 543 Adopts certain RCW offenses (Repealed by 825)
- 544 Adds § 2.56.025, municipal court (2.56)
- 545 Annexation (Special)
- 546 1983 ad valorem taxes (Special)
- 547 1983 budget (Special)
- 548 Fire Department officers' compensation (Not codified)
- 549 Adds new section to Ch. 14.32; amends §§ 14.32.010, 14.32.040, 14.32.050, 14.32.060, 14.32.080, 14.32.090, 14.32.100, 14.32.150 and 14.32.160, fire code (Repealed by 1037)
- 550 Amends § 2 of Ord. 515, dog license fees (Repealed by 852)
- 551 Adds new section to Ch. 14.40, floodplain management (Repealed by 813)
- 552 Amends § 16.08.290, subdivisions (16.08)
- 553 Extends preliminary plat approvals (Special)
- 554 Posting city notices (1.04)
- 555 Adopts comprehensive plan update supplement (Repealed by 760)
- 556 Enforcement provisions for land use violation (17.92)
- 557 Repeals Ord. 503 as codified in Ch. 5.07 (Repealer)
- 558 Repeals Ord. 452 as codified in Ch. 3.16 (Repealer)
- 559 Adopts state traffic statutes (Repealed by 839)
- 560 Exempts fire station from height and setback requirements (17.76)
- 561 Amends §§ 16.02.040, 16.08.040, 16.08.050 and 16.24.020, subdivisions (16.02, 16.08, 16.24)
- 562 Amends §§ 13.04.050(B), 13.04.170(D), (E) and (G), and 13.04.180, water rates and charges (13.04)
- 563 Adds subsection to § 17.52.030; amends § 17.52.030(H), temporary political signs (17.52)
- 564 1984 ad valorem taxes (Special)
- 565 1984 budget (Special)
- 566 Arterial street fund expenditures (Special)

ORDINANCE LIST AND DISPOSITION TABLE

**Ordinance
Number**

567 Adds Ch. 17.81, zoning (17.81)
 568 Adds subsection to § 17.80.040, zoning (Repealed by 708)
 569 Amends § 17.88.040, zoning (17.88)
 570 Amends § 13.04.250, water service rates and regulations (13.04)
 571 Adopts certain chapters of the Washington State Game Code (Repealed by 852)
 572 Annexation (Special)
 573 Adds subsection to §§ 17.32.020 and 17.36.020; amends §§ 17.32.030 and 17.36.030, zoning (17.32, 17.36)
 574 Amends § 17.80.040, zoning (Repealed by 708)
 575 Adds § 2.56.105, municipal court (2.56)
 576 Amends §§ 17.16.040, 17.16.060, 17.16.070, 17.16.080, 17.16.110, 17.20.040, 17.20.060, 17.20.070, 17.20.080 and 17.20.120, zoning (Repealed by 939)
 577 Amends § 16.32.065, short subdivisions (16.32)
 578 Repair and demolition fund (3.40)
 579 Amends § 2.32.010, planning commission (2.32)
 580 1985 ad valorem taxes (Special)
 581 Adopts State Environmental Policy Act; repeals Ord. 428 (15.04)
 582 Amends § 14.40.040, flood damage prevention (14.40)
 583 Grievance procedure for handicapped individuals (Repealed by 843)
 584 Repeals and replaces Ch. 9.36, gambling (Repealed by 825)
 585 Amends §§ 2 and 3 of Ord. 584, gambling (Repealed by 825)
 586 1985 budget (Special)
 587 Authorizes the dissolution of 1969 general obligation bond redemption fund (Special) (Vetoed)
 588 Cardroom taxes; repeals subsection C of Ord. 584 (Repealed by 825)
 590 Gambling; repeals § 2 of Ord. 584 (Repealed by Ord. 603)
 591 Cardrooms (Repealed by 825)
 592 Adds definition to Ch. 17.08, adds §§ 17.16.020(K) and 17.28.030(2—7), §§ 17.16.050(E)(4), 17.20.050, 17.24.050,

**Ordinance
Number**

17.28.020, 17.28.040, 17.28.050, 17.28.070, 17.28.080, 17.28.100, 17.28.110, 17.28.120, 17.28.160, 17.28.170, 17.28.180, 17.28.200, 17.28.210, 17.28.230, 17.28.250, 17.28.270 and 17.28.290; repeals § 17.28.280, zoning (Repealed by 939)
 593 Adds § 2.20.095; repeals §§ 2.20.100 and 2.20.110, public library (2.20)
 594 Adds to Ch. 16.32; amends §§ 16.32.020, 16.32.030, 16.32.040, 16.32.060, 16.32.070, 16.32.110, 16.32.120 and 16.32.140, subdivisions (16.32)
 595 Amends § 2.50.010, expense reimbursement (Repealed by 642)
 596 Mobile home placement code (14.22)
 597 Amends §§ 14.04.010, 14.04.045, 14.04.090, 14.04.130 and 14.20.060, building codes (Repealed by Ords. 810 and 857)
 598 Amends § 14.40.030, flood hazard areas (Repealed by 813)
 599 Amends §§ 3.04.020 and 3.04.030, arterial street fund (Repealed by 719)
 600 Adds to Ch. 17.81, variance and conditional use applications (17.81)
 601 Amends §§ 2.04.010 and 2.04.020, compensation (2.04)
 602 Amends § 13.04.020, water, sewer rates (13.04)
 603 Repeals § 2 of Ord. 584 and Ord. 590, gambling (Repealer)
 604 Annexation (Special)
 605 Amends 1985 budget (Special)
 606 1986 ad valorem taxes (Special)
 607 Amends 1985 budget (Special)
 608 Littering (Repealed by 825)
 609 Water and sewer lines; amends §§ 13.04.060 and 13.08.050 (13.04, 13.08)
 610 Amends 1985 budget (Special)
 611 Amends §§ 8.08.141, 8.08.151, 8.08.181, 8.08.200, 8.08.161 and 8.08.060, garbage collection and disposal (8.08)
 612 Amends §§ 13.04.170 and 13.08.120, water and sewer rates (13.04, 13.08)
 613 Real estate excise tax (3.44)
 614 Fund transfer (Special)
 615 Street fund expenditure (Special)

TABLES

**Ordinance
Number**

616 1986 budget (Special)
 617 Adds subsection E to § 17.68.020, zoning (Repealed by 761)
 618 Adopts Washington State Energy Code (Repealed by 1018)
 619 Adds § 17.28.105 and H to § 17.28.020; amends §§ 16.14.180, 17.28.050—17.28.080 (Repealed by 939)
 620 Amends § 17.81.110, zoning (17.81)
 621 Adds § 10.56.130, trailer parking (10.56)
 622 Adds material to § 17.32.020; amends § 17.56.070, zoning (17.32, 17.56)
 623 1987 tax levy (Special)
 624 Repeals Ch. 14.28 (Repealer)
 625 Amends §§ 14.32.010 and 14.32.150, uniform fire code (Repealed by 761)
 626 Sales and use tax (3.12)
 627 Amends §§ 14.04.010 and 14.04.140; adds § 14.14.040, uniform codes (14.14)
 628 Amends 1986 budget (Special)
 629 Amends § 17.52.080D2, zoning (17.52)
 630 Adopts 1987 budget (Special)
 631 Amends 1986 budget (Special)
 632 Amends 1986 budget (Special)
 633 Amends 1986 budget (Special)
 634 Amends 1986 budget (Special)
 635 Claims clearing fund (3.30)
 636 Annexation (Special)
 637 Amends §§ 14.40.010, 14.40.080, 14.40.120, 14.40.130, 14.40.170, 14.40.190, 14.40.200, 14.40.220, 14.20.230, 14.40.250, 14.40.260, 14.40.270 and 14.40.280, flood damage prevention (Repealed by 813)
 638 I-2 heavy industrial use district; amends §§ 17.56.020, 17.56.060, 17.84.110 and the comprehensive plan, zoning (17.46, 17.56, 17.84)
 639 Repeals and replaces § 2.40.010, election of city officials (Repealed by 843)
 640 Amends § 17.92.060, zoning (17.92)
 641 Annexation (Special)
 642 Repeals Ch. 2.50, reimbursement for travel expenses (Repealer)
 643 Amends §§ 16.32.040, 16.32.078 and 16.32.100, short subdivisions (16.32)
 644 Amends effective date of Ord. 637 (Repealed by 648)

**Ordinance
Number**

645 Amends § 17.32.070(C), zoning (17.32)
 646 Street vacation (Special)
 647 1988 ad valorem taxes (Special)
 648 Amends effective date of portions of Ord. 637; repeals Ord. 644 (Not codified)
 649 Authorizes execution of final contract between community economic revitalization board and city (Special)
 650 Amends § 10.56.130(B), stopping, standing, parking (10.56)
 651 Amends 1987 budget (Special)
 652 Amends §§ 13.04.040 and 13.08.030, water and sewers (13.04, 13.08)
 653 Adds language to Ch. 3.36, special excise tax (3.36)
 654 Adds V to § 17.32.020, 34 to § 17.36.020, U to § 17.56.070 and a new section to Ch. 17.72; amends §§ 17.16.030, 17.20.030, 17.24.030 and 17.28.030, zoning (17.32, 17.36, 17.56)
 655 Amends § 17.24.070, zoning (Repealed by 942)
 656 Amends § 17.36.020, zoning (17.36)
 657 Fund transfer (Special)
 658 Fund transfer (Special)
 659 Adopts 1988 budget (Special)
 660 Amends § 5.20.040, public utilities (5.20)
 661 Amends §§ 2.26.010 and 2.26.020, police department (2.26)
 662 Water safety regulations; repeals Ords. 260, 278 and 353 (Repealed by 838)
 663 Amends § 15.06.030, shorelines management (15.06)
 664 Amends § 9.76.020, liquor and tobacco (Repealed by 825)
 665 Volunteer fire department—pension plan; repeals Ords. 226 and 425 (2.16)
 666 Adds §§ 13.08.120(D) and 13.08.130(B); amends §§ 13.04.170(A)—(G), 13.04.210, 13.08.120(A)—(F) and 13.08.140, water and sewer rates (13.04, 13.08)
 667 Amends 1988 budget (Special)
 668 1989 ad valorem taxes (Special)
 669 Adds subsections to §§ 13.04.040 and 13.08.030; amends §§ 13.04.040 and 13.08.030, water and sewer rates (13.04, 13.08)

ORDINANCE LIST AND DISPOSITION TABLE

**Ordinance
Number**

670 Parks and recreation board; repeals Ord. 203 (2.24)

671 Adds definitions to Ch. 17.08; amends §§ 17.32.020, 17.36.020, 17.44.020 and 17.46.030, zoning (17.32, 17.36, 17.44, 17.46)

672 Amends §§ 14.40.010, 14.40.250, 14.40.260, 14.40.270 and 14.40.280, flood damage prevention (Repealed by 813)

673 1989 budget (Special)

674 Emergency 1988 appropriations (Special)

675 Adds a new section to Ch. 17.56; amends §§ 17.44.050, 17.44.060 and 17.56.060, zoning (17.44, 17.56)

676 Adds a new section to T. 12; amends §§ 12.16.010, 16.14.250, 16.32.015 and 16.32.110(G), streets and sidewalks and subdivisions (12.10, 12.16, 16.14, 16.32)

677 Amends § 13.08.030, sewer service rates and regulations (13.08)

678 Investment of city funds (3.10)

679 Amends 1988 budget (Special)

680 Amends 1989 budget (Special)

681 Repeals § 3.32.010 (Repealer)

682 Annexation (Special)

683 Leasehold excise tax (3.38)

684 Subdivisions (16.19)

685 Amends § 5.20.030, public utilities (5.20)

686 Subdivisions; amends §§ 16.14.260, 16.14.270, 16.14.280 and 16.18.050 (16.08, 16.14, 16.16, 16.18)

687 Amends § 3 of Ord. 676 and illustrations codified in § 12.16.100 and Chs. 12.08 and 12.16, streets and sidewalks (12.08, 12.10, 12.16)

688 Amends § 13.12.190, sewer construction and use (13.12)

689 Amends § 8.08.220, solid waste collection (Repealed by 913)

690 Tax levy (Special)

691 Rezone (Special)

692 Amends 1989 budget (Special)

693 Storm drainage discharges (12.20)

694 1990 budget (Special)

695 Terminates 1977 water/sewer revenue bond refunding fund (Special)

696 Amends §§ 8.08.141, 8.08.151, 8.08.161, 8.08.181, 8.08.200 and 8.08.205, garbage collection and disposal (Repealed by 898)

**Ordinance
Number**

697 Amends § 2.26.010, police department (2.26)

698 Amends §§ 2.48.020 and 2.48.030, city employees (2.48)

699 Repeals Ch. 2.60 (Repealer)

700 Adopts certain statutory traffic provisions (Not codified)

701 Rezone (Special)

702 Extension of water and sewer lines (13.20)

703 Amends § 9.36.040, gambling (Repealed by 825)

704 Rezone (Special)

705 Amends 1990 budget (Special)

706 Amends §§ 9.20.010, 9.20.030(C) and (J), and 9.20.100, water safety regulations (Repealed by 838)

707 Rezone (Special)

708 Review of land use decisions; amends §§ 17.84.100 and 17.88.040, zoning; repeals Ch. 17.80 and §§ 17.81.150, 17.81.160, 17.81.170, 17.84.060, 17.84.070, 17.84.080 and 17.84.090 (17.84, 17.88)

709 Amends 1990 budget (Special)

710 Tax levy (Special)

711 Grants franchise to Cascade Natural Gas (Special)

712 Street construction (12.14)

713 Sales of secondhand merchandise (5.04)

714 Amends 1990 budget (Special)

715 1991 budget (Special)

716 Junk and junk vehicles (8.20)

717 Adds § 14.04.070 and sections to Ch. 14.32; amends §§ 14.04.010, 14.04.140, 14.08.010, 14.32.040, 14.32.050 and 14.32.060; repeals and replaces § 14.04.045, buildings and construction; repeals §§ 14.04.100, 14.04.105, 14.08.020, Ch. 14.10, §§ 14.32.080, 14.32.085, 14.32.090, 14.32.120, 14.32.130, 14.32.140 and 14.32.160 (Repealed by 1037)

718 Amends § 17.68.010 and renumbers Ch. 17.68 to be Ch. 14.32, fire extinguishing systems (Repealed by 761)

719 Repeals Ch. 3.04 (Repealer)

720 Amends § 17.81.020, zoning (17.81)

721 Property vacation (Special)

722 Adopts Washington State Ventilation and Indoor Air Quality Code (Repealed by 1018)

TABLES

**Ordinance
Number**

- 723 Amends 1991 budget (Special)
- 724 1992 ad valorem taxes (Special)
- 725 Adds new sections to Ch. 17.08; amends §§ 17.08.505, 17.08.510, 17.08.515, 17.12.100, 17.16.020(K), 17.16.050(B), 17.20.050(B), 17.24.050(B), 17.28.010, 17.28.050, 17.28.080, 17.28.100, 17.28.105, 17.28.130, 17.28.190, 17.28.200, 17.28.230, 17.28.240, 17.28.270, 17.28.290, 17.28.020, 17.28.040, 17.28.060, 17.28.070, 17.28.120, 17.28.140, 17.28.160, 17.28.170, 17.28.180, 17.28.210, 17.28.220 and 17.28.250; renames Ch. 17.28, mobile, manufactured and modular homes (17.12)
- 726 Repeals § 2 of Ord. 701, rezone (Special)
- 727 Annexation (Special)
- 728 Amends 1991 budget (Special)
- 729 Annexation (Special)
- 730 Adopts 1992 budget (Special)
- 731 Zoning (Special)
- 732 Adopts 1985 Criteria for Sewage Works Design and 1991 Standard Specifications and Standard Plans for Road, Bridge and Municipal Construction (12.02, 13.10)
- 733 Appointment and employment of city officers and employees (Repealed by 843)
- 734 Amends §§ 1, 2 and 4 of Ord. 733; repeals §§ 3 and 5 of Ord. 733, appointment and employment of city officers and employees (Repealed by 843)
- 735 Amends § 3.10.030, investment of city funds (3.10)
- 736 Emergency 1992 appropriation (Special)
- 737 Amends 1992 budget (Special)
- 738 Establishes fund 312, Third Street reconstruction (Special)
- 739 1993 tax levy (Special)
- 740 Amends 1992 budget (Special)
- 741 Adds Ch. 3.26, municipal court suspense fund (3.26)
- 742 Adds Ch. 3.27, cash bond trust fund (3.27)
- 743 Authorizes interfund loan (Special)
- 744 Adds Ch. 3.05, petty cash and change revolving funds (3.05)
- 745 Adds Ch. 2.60, employees' salaries and wages (2.60)
- 746 Adopts 1993 budget (Special)

**Ordinance
Number**

- 747 Adds Ch. 3.25, debt service funds (3.25)
- 748 Street vacation (Special)
- 749 Amends § 17.57.050(A) [17.52.050(A)], zoning (17.52)
- 750 Adds § 17.72.180, zoning (Repealed by 939)
- 751 Amends 1992 budget (Special)
- 752 Amends §§ 2.16.020—2.16.050, 2.16.070 and 2.16.080, fire department (2.16)
- 753 Amends § 1.12.010(B) [and (A)], general penalty (1.12)
- 754 City council meetings; repeals Ords. 393 and 482 (2.04)
- 755 Amends § 15.04.050, state environmental policy (15.04)
- 756 Amends §§ 14.04.090, 14.04.140(D), 14.04.040 [14.04.140] (304)(c)(2) and 14.32.080; repeals § 14.04.140(304)(c)(1), buildings and construction (Repealed by 1037)
- 757 Adds § 9.52.035 and amends § 9.52.030, shoplifting (Repealed by 825)
- 758 Amends § 14.32.100(2), fireworks (Repealed by 819)
- 759 Amends 1993 budget (Special)
- 760 Adopts comprehensive plan; repeals Ord. 555 (Special)
- 761 Adds sections to Ch. 14.32 and repeals and replaces § 14.32.010 and repeals §§ 14.32.020, 14.32.040, 14.32.050, 14.32.060, 14.32.070, 14.32.090, 14.32.170, 14.32.180, 14.32.182, 14.32.184 and 14.32.186, fire code (Repealed by 1037)
- 762 Ad valorem taxes (Special)
- 763 Adds § 17.12.070 and repeals § 3.08 of Ord. 490, zoning (17.12)
- 764 Mayor's and council's compensation; repeals §§ 2.04.010 and 2.04.020 (2.04, 2.06)
- 765 Drug paraphernalia (Repealed by 825)
- 766 Amends 1993 budget (Special)
- 767 Adopts 1994 budget (Special)
- 768 Amends § 2.04.050, legal holidays (2.04)
- 769 Orders construction of roadway improvements; establishes local improvement district (Special)

ORDINANCE LIST AND DISPOSITION TABLE

Ordinance Number		Ordinance Number	
770	Establishes local improvement district (Special)	800	Adds Ch. 2.30, police reserve pension (2.30)
771	Annexation (Special)	801	Amends §§ 17.16.080, 17.20.080, 17.28.020, 17.28.040 and 17.28.105, zoning; repeals §§ 17.28.110, 17.76.050(B) and 17.81.020(D) (17.76, 17.81)
772	Adds § 13.08.065, standby sewer charges (13.08)	802	Backflow and cross-connection prevention (13.28)
773	Amends § 5.20.040, public utilities (5.20)	803	Ad valorem taxes for 1996 (Special)
774	(Defeated)	804	Adds § 10(g) to Ord. 782, personnel policies (Not codified)
775	Contracts for public facilities; repeals § 13.04.270 (12.24)	805	Grants nonexclusive cable communication system franchise to Cowlitz Cablevision, Inc. (Special)
776	Budget amendment (Special)	806	Adopts 1996 budget (Special)
777	Annexation (Special)	807	Adds § 2.16.015; amends § 2.28.010, police and fire chief exemptions from civil service (2.28)
778	Adopts state model traffic ordinance (10.04)	808	Amends 1996 budget (Special)
779	Street vacation (Special)	809	Amends §§ 17.24.020, 17.24.060, 17.24.070, 17.24.080, 17.24.100 and 17.57.070(E) [17.56.070(E)], zoning (17.24, 17.56)
780	Amends 1995 budget (Special)	810	Repeals and replaces Ch. 14.04, uniform codes (Repealed by 897)
781	Amends § 17.36.030 and repeals § 17.72.160, zoning (17.36)	811	Adds Ch. 14.34, false alarms (14.34)
782	Personnel policies (Not codified)	812	Adds § 14.32.170; amends §§ 14.32.010, 14.32.030, 14.32.040, 14.32.050, 14.32.060, 14.32.070, 14.32.080, 14.32.090, 14.32.120 and 14.32.160; repeals § 14.32.130, fire code (Repealed by 1037)
783	Adds Ch. 13.10 (13.24), sewer and water system development charges (13.24)	813	Repeals and replaces Ch. 14.40, flood damage prevention (14.40)
784	Bond issuance (Special)	814	Adds Ch. 14.46 [14.48], appeals and Ch. 14.48 [14.50], penalties; repeals § 14.32.150, ad hoc appeals board (14.48, 14.50)
785	Ad valorem taxes (Special)	815	Adds § 1.12.020, civil infractions (1.12)
786	(Failed)	816	Amends § 17.36.020, zoning (17.36)
787	Amends 1994 budget (Special)	817	Adds Title 19, development code administration, Chs. 19.02, 19.04, 19.06 and 19.08; amends §§ 15.04.040, 15.04.050, 15.04.080, 15.04.180, 15.04.220, 15.04.225, 17.81.020, 17.81.030, 17.81.050, 17.81.090, 17.81.095, 17.81.120, 17.81.125, 17.81.130, 17.81.140, 17.81.150, 17.81.160 and 17.81.170, project permit applications;
788	1995 budget (Special)		
789	Mayoral compensation (Special)		
790	Annexation (Special)		
791	Amends § 2.04.050, city council (2.04)		
792	Amends 1995 budget (Special)		
793	Amends § 2.36.010, city officers (Repealed by 843)		
794	Adds Ch. 15.08, critical areas regulations (Repealed by 1069)		
795	Repeals and replaces Ch. 9.72, parental responsibility (Repealed by 880)		
796	Amends §§ 5.04.100, 5.08.020, 5.16.060, 5.16.070, 7.04.060, 12.16.070, 13.04.045(C), 13.04.220, 13.04.230, 14.32.100(3), 15.04.260(A), 16.19.030(C) and 17.52.030(J), various fees and charges (5.04, 5.08, 5.16, 12.16, 13.04, 15.04, 16.19, 17.52)		
797	Adds § 13.04.290; amends §§ 13.04.040, 13.04.050 and 13.04.170, water service rates and regulations (13.04)		
798	Adds §§ 13.08.160 and 13.08.170; amends §§ 13.08.030, 13.08.070 and 13.08.120, sewer service rates and regulations (13.08)		
799	Adds § 13.04.300, notice of rate change (13.04)		

TABLES

**Ordinance
Number**

repeals § 17.81.220 (15.04, 17.81, 19.02, 19.04, 19.06, 19.08)

818 Annexation with Fort Vancouver Regional Library District (Special)

819 Adds Ch. 14.34 [Ch. 14.28], fireworks regulations; repeals § 14.32.100 (14.28)

820 Rezone (Special)

821 Adds § 16.22.120; amends §§ 16.22.030, 16.22.090, 16.22.140 and 16.22.280; renumbers § 16.22.210 as § 16.22.260, § 16.22.220 as § 16.22.270, § 16.22.230 as § 16.22.280, § 16.22.240 as § 16.22.290, § 16.22.250 as § 16.22.300, § 16.22.260 as § 16.22.310, § 16.22.270 as § 16.22.320, § 16.22.280 as § 16.22.330, § 16.22.290 as § 16.22.340, § 16.22.300 as § 16.22.350, § 16.22.310 as § 16.22.350, § 16.22.320 as § 16.22.370 and § 16.22.330 as § 16.22.380; repeals and replaces §§ 16.22.040, 16.22.050, 16.22.060, 16.22.070, 16.22.080, 16.22.100, 16.22.110, 16.22.170, 16.22.180, 16.22.190, 16.22.200, planned unit residential development (16.22)

822 Authorizes extension of bond note for local improvement districts (Special)

823 Amends § 17.16.020(F), zoning (17.16)

824 (Number not used)

825 Adds Ch. 9.26, liquor offenses; repeals and replaces Chs. 9.04, 9.08, 9.12, 9.24, 9.25, 9.36, 9.52, 9.72 and 9.80; repeals Chs. 9.16, 9.22, 9.28, 9.32, 9.40, 9.44, 9.48, 9.56, 9.60, 9.64, 9.68, 9.76, 9.84 and 9.88; public peace, morals and welfare (9.04, 9.08, 9.12, 9.24, 9.25, 9.36, 9.52, 9.80)

826 Adds Ch. 5.50, sexually oriented businesses (5.50)

827 1997 ad valorem taxes (Special)

828 Amends § 17.52.030(J), zoning (17.52)

829 Amends §§ 3.05.020 and 3.05.030, revolving funds (Repealed by 886)

830 Approves interfund loan (Special)

831 Assessments, local improvement district No. 94-01 (Special)

832 Assessments, local improvement district No. 94-02 (Special)

833 1997 budget (Special)

834 Amends § 14.32.160, fire code (Repealed by 1037)

**Ordinance
Number**

835 Amends Ord. 783 §§ 1 and 2 (§§ 13.24.010 and 13.24.020), sewer, water development charges (13.24)

836 Adds Ch. 2.46, defense of officials, employees and volunteers (2.46)

837 Amends 1996 budget (Special)

838 Repeals and replaces Ch. 9.20, water safety regulations (9.20)

839 Amends titles of Chs. 10.04, 10.08 and 10.60; renumbers § 10.56.130 as § 10.56.010; repeals and replaces §§ 10.60.010—10.60.030; repeals Chs. 10.12, 10.16, 10.20, 10.24, 10.28, 10.32, 10.44, 10.48 and 10.52; repeals §§ 10.04.010, 10.04.020, 10.04.030, 10.08.010—10.08.130, 10.36.020, 10.36.030, 10.56.010—10.56.120, 10.60.040 and 10.60.050, traffic (10.04, 10.08, 10.56, 10.60)

840 Amends § 9.12.110; repeals §§ 9.12.070 and 9.24.040, harassment (9.12)

841 Amends Ord. 831, assessments, local improvement district No. 94-01 (Special)

842 Authorized extension of bond note for local improvement districts (Special)

843 Adds Chs. 2.06, 2.08, 2.10, 2.62, 2.88; amends Chs. 2.04, 2.20, 2.24, 2.26, 2.28, 2.32, 2.44, 2.72; amends §§ 2.48.010, 2.60.010; repeals Chs. 2.10, 2.36, 2.40, 2.50, 2.52, 2.64, 2.68, 2.76 and 2.84; repeals § 2.16.015, administration and personnel (2.04, 2.06, 2.08, 2.10, 2.20, 2.24, 2.26, 2.28, 2.32, 2.44, 2.48, 2.60, 2.62, 2.72, 2.88)

844 Adds Ch. 3.48, registration of bonds and obligations of city (3.48)

845 Amends Ords. 831 and 832, assessments, local improvement districts (Special)

846 Interfund loan (Special)

847 Amends Chs. 3.24 and 3.27; amends §§ 3.05.010, 3.05.020, 3.05.030; repeals Chs. 3.08, 3.25, 3.40 and § 3.12.070, revenue and financing (3.12, 3.24, 3.27)

848 1996 budget amendment (Special)

849 Annexation (Special)

ORDINANCE LIST AND DISPOSITION TABLE

**Ordinance
Number**

850 Street vacation (Special)
 851 Street vacation (Special)
 852 Repeals and replaces Ch. 7.04, dogs, cats and other pets; repeals Chs. 7.08 and 7.12 (7.04)
 853 Adds § 12.16.035; amends §§ 12.10.010, 12.10.020, 12.16.010, 12.16.030, 16.14.260, streets (12.10, 12.16, 16.14)
 854 Adds § 12.16.035; amends §§ 12.10.010, 12.10.020, 12.16.010, 12.16.030 and 16.14.260, streets (12.10, 12.16, 16.14)
 855 Amends 1997 budget (Special)
 856 Amends Chs. 12.06 and 12.08; amends § 12.14.020; repeals and replaces Ch. 12.04, streets (12.04, 12.06, 12.08, 12.14)
 857 Adds Chs. 14.20 and 14.46; adds §§ 14.10.020, 14.10.030, 14.10.040 and 14.10.050; amends §§ 14.08.010, 14.08.020, 14.10.010, 14.12.010, 14.12.020, 14.36.010, 14.36.020, 14.36.030, 14.36.040, 14.36.050, 14.36.060 and 17.12.100; repeals Ch. 14.20, uniform codes (14.12, 14.20, 14.46, 17.12)
 858 Adds § 9.20.135 [9.20.050], water skiing prohibitions (9.20)
 859 Amends § 9.20.135 [9.20.050], water skiing prohibitions (9.20)
 860 Interfund loan (Special)
 861 1997 budget amendment (Special)
 862 Interfund loan (Special)
 863 Amends Ch. 17.56, off-street parking, loading (17.56)
 864 Amends § 9.72.090, tobacco (Repealed by 880)
 866 Repeals and replaces Ch. 8.04, weed control (8.04)
 867 Closing designated funds (Special)
 869 Amends §§ 17.44.070, 17.44.080, 17.44.130, 17.44.150 and 17.44.160, zoning (17.44)
 870 Rezone (Special)
 871 Rezone (Special)
 872 Adds Ch. 3.22, small works roster (3.22)
 873 1997 budget amendment (Special)
 874 1998 ad valorem taxes (Repealed by 878)
 875 Interfund loan (Special)
 876 Interfund loan (Special)
 877 Funds creation (Special)

**Ordinance
Number**

878 1998 ad valorem taxes; repeals Ord. 874 (Special)
 879 Adds Ch. 3.04, gambling tax (3.04)
 880 Repeals Ch. 9.72 (Repealer)
 881 1998 budget (Special)
 882 Repeals § 16.22.120 (Repealer)
 883 Amends 1997 budget (Special)
 884 Amends § 17.32.020, zoning (17.32)
 885 Amends 1997 budget (Special)
 886 Amends § 3.05.030, petty cash (Repealed by 909)
 887 Adds Ch. 5.21, natural or manufactured gas use tax (5.21)
 888 Adds § 13.12.265, sewers (13.12)
 889 Adopts municipal code (1.01)
 890 Creates Fund No. 406 (Repealed by 1051)
 891 Amends § 14.28.070, fireworks (14.28)
 892 Adds Ch. 17.30, floodway use district; adds §§ 17.52.085 and 17.56.035, zoning (17.30, 17.52, 17.56)
 893 Amends § 10.04.010, traffic (10.04)
 894 Amends 1998 budget (Special)
 895 Authorizes extension for interfund loan (Special)
 896 Adds §§ 9.72.070—9.72.090, parental responsibility (9.72)
 897 Amends § 14.08.010, energy code; repeals and replaces Ch. 14.04, uniform codes, Ch. 14.10, abatement of dangerous buildings code and Ch. 14.36, sign code (Repealed by 1018)
 898 Adds §§ 8.08.140—8.08.190; renumbers § 8.08.190 as § 8.08.200; repeals §§ 8.08.141, 8.08.151, 8.08.161, 8.08.170, 8.08.181, 8.08.200, 8.08.205 and 8.08.210, garbage collection rates (8.08)
 899 Amends §§ 14.32.010, 14.32.030—14.32.090, 14.32.120, 14.32.160 and 14.32.170, fire code (Repealed by 1037)
 900 Ad valorem taxes (Repealed by 910)
 901 Personnel policy (Not codified)
 902 Amends 1998 budget (Special)
 903 Adopts 1999 budget (Special)
 904 Street vacation (Special)
 905 Adds §§ 17.08.702, 17.44.025, 17.46.035 and 17.72.175, sexually oriented businesses (17.44, 17.46)
 906 Annexation (Special)

TABLES

**Ordinance
Number**

- 907 Amends § 7.04.040, pet licensing and registration (7.04)
- 908 Amends § 3.44.010, excise tax on real estate sales (3.44)
- 909 Amends § 3.05.030, petty cash funds (3.05)
- 910 Ad valorem taxes; repeals Ord. 900 (Special)
- 911 Amends 1998 budget (Special)
- 912 Amends § 13.08.140, sewer service rates (13.08)
- 913 Amends §§ 8.08.010, 8.08.060, 8.08.090, 8.08.105 and 8.08.110, garbage collection and disposal (8.08)
- 914 Amends 1999 budget (Special)
- 915 Amends § 17.32.030, zoning (17.32)
- 916 Authorizes interfund loan (Special)
- 917 Amends §§ 13.08.140, sewer service rates, and 8.08.190, garbage collection and disposal (8.08, 13.08)
- 918 Amends § 9.80.040, offenses against government (9.80)
- 919 Adds Ch. 1.10, official newspaper (1.10)
- 920 Amends 1999 budget (Special)
- 921 Authorizes city attorney to prosecute an action for eminent domain (Special)
- 922 Ad valorem taxes (Special)
- 923 Amends 1999 budget (Special)
- 924 Adopts 2000 budget (Special)
- 925 Adds Ch. 3.40, school impact fees (3.40)
- 926 Amends § 17.36.130, zoning (17.36)
- 927 Amends 2000 budget (Special)
- 928 Authorizes city attorney to prosecute an action for eminent domain (Special)
- 929 Adds § 9.20.055; amends § 9.20.010, water safety (9.20)
- 930 Repeals and replaces § 9.36.010, disorderly conduct (9.36)
- 931 Amends 2000 budget (Special)
- 932 Amends §§ 17.08.725 and 17.52.060, zoning (17.52)
- 933 Amends 2000 budget (Special)
- 934 Adopts 2001 budget (Special)
- 935 2001 ad valorem taxes (Special)
- 936 Annexation to Cowlitz County Fire Protection District (Special)
- 937 Authorizes interfund loan (Special)

**Ordinance
Number**

- 938 Amends §§ 16.22.020—16.22.040 and 16.22.100; repeals § 16.14.180, subdivisions (16.22)
- 939 Amends §§ 17.12.010, 17.12.060, 17.12.100, 17.32.020, 17.40.020, 17.52.030—17.52.040, 17.52.080, 17.56.140, 17.60.070, 17.76.060, 17.81.020, 17.84.110; repeals and replaces Chs. 17.08, 17.16, 17.20, 17.28, 17.72 and zoning map, zoning (17.08, 17.12, 17.16, 17.20, 17.28, 17.32, 17.40, 17.52, 17.56, 17.60, 17.72, 17.76, 17.81, 17.84)
- 940 Adds § 17.60.080, zoning (17.60)
- 941 Adds § 17.72.190 [17.72.110]; amends §§ 17.12.100 and 17.36.030, zoning (17.12, 17.36, 17.72)
- 942 Repeals Ch. 17.24, zoning (Repealer)
- 943 Amends 2001 budget (Special)
- 944 Authorizes interfund loan (Special)
- 945 Amends § 2.26.080, response time requirements (2.26)
- 946 Amends § 2.04.010, council's compensation (2.04)
- 947 Amends 2001 budget (Special)
- 948 2002 ad valorem taxes (Special)
- 949 Amends § 5.20.030, public utilities (5.20)
- 950 Personnel policy (Not codified)
- 951 Adopts 2002 budget (Special)
- 952 Amends 2001 budget (Special)
- 953 Moratorium (Repealed by 966)
- 954 Amends 2002 budget (Special)
- 955 Street vacation (Special)
- 956 Interfund loan (Special)
- 957 Interfund loan (Special)
- 958 Amends 2002 budget (Special)
- 959 Amends § 19.06.010, notice of application (19.06)
- 960 Repeals and eliminates Fund No. 309 (Special)
- 961 Amends 2002 budget (Special)
- 962 Amends personnel policy (Not codified)
- 963 Amends §§ 14.04.050, 14.04.060 and 14.08.010, uniform plumbing code (Repealed by 1018)
- 965 Adds § 9.36.070, pedestrian interference (9.36)
- 966 Amends §§ 14.32.050, 14.32.060; repeals Ord. 953 (Repealed by 1037)

ORDINANCE LIST AND DISPOSITION TABLE

**Ordinance
Number**

967 Amends 2002 budget (Special)
 968 Annexation (Special)
 969 2003 ad valorem taxes (Special)
 970 Amends § 17.52.060, C-2 district standards (17.52)
 971 Amends zoning map (Special)
 972 Amends § 3.05.030, petty cash and change revolving fund (3.05)
 973 Amends § 14.28.070, fireworks (14.28)
 974 Adopts 2003 budget (Special)
 975 Amends 2003 budget (Special)
 976 Adds § 17.08.702, sexually oriented businesses (17.08)
 977 Annexation (Special)
 978 Adds §§ 17.08.187, 17.08.188, 17.08.197, 17.08.233, 17.08.234, 17.08.234.1, 17.08.292, 17.08.388, 17.08.494.1, 17.08.526, 17.08.630, 17.08.652, 17.08.737, 17.08.828 and 17.08.863, 17.08.864, definitions (17.08)
 979 Amends §§ 5.04.110, 5.04.120, 5.04.130 and 5.04.140, business licenses, § 14.04.030, uniform codes, § 14.22.040, mobile home placement code, § 16.08.020, preliminary plats, § 16.10.020, final plats, § 16.32.065, short subdivisions and § 18.04.020, filing fee (5.04, 14.22, 16.08, 16.10, 16.32, 18.04)
 980 Adds Ch. 17.70, temporary uses (17.70)
 981 Adds § 17.72.015, conditional uses designated; amends § 17.72.010, purpose, §§ 17.72.020 and 17.72.100, conditional uses, §§ 17.72.030, 17.72.040, 17.72.050 and 17.72.080, permits, §§ 17.72.060 and 17.72.090, approval, § 17.72.070, performance security and § 17.81.020, land use hearing examiner (17.72, 17.81)
 982 Adds §§ 17.20.037, 17.32.028, 17.36.025, 17.36.026, 17.40.025, 17.44.023, 17.44.024 and 17.46.031, residential, business, commercial and industrial districts; amends § 17.16.040, hearing examiner,

**Ordinance
Number**

§§ 17.20.040, 17.32.030, 17.36.030, 17.40.030, 17.44.030, 17.46.035, residential, business, commercial and industrial districts and § 17.12.100, construction standards (17.12, 17.20, 17.32, 17.36, 17.40, 17.44, 17.46)
 983 Amends §§ 19.06.010 and 19.06.040, applications, §§ 19.08.010 and 19.08.030, permits (19.06, 19.08)
 984 Interfund loan (Special)
 985 Interfund loan (Special)
 986 Closing fund (Special)
 987 Amends 2003 budget (Special)
 988 Amends § 17.08.215, day care facility and § 17.36.030, conditional uses (17.08, 17.36)
 989 Annexation (Special)
 990 Annexation (Special)
 991 Rezone (Special)
 992 Tax levy (Special)
 993 Rezone (Special)
 994 (Unused)
 995 Adds §§ 9.08.035, 9.12.180, 9.12.095, 9.24.100, 9.36.070, 9.52.035, 9.52.075, 9.52.160; amends §§ 9.12.010, 9.12.020, 9.12.040, 9.12.060, 9.12.080, 9.12.150, 9.12.180, 9.12.190, 9.12.200, 9.12.210, 9.52.020, 9.52.030, 9.52.055, 9.52.060; repeals § 9.25.040, public peace, morals and welfare (9.08, 9.12, 9.24, 9.36, 9.52)
 996 Establishes Fund Number 307/Dike Interchange Project (Special)
 997 Amends 2003 budget (Special)
 998 Interfund loan (Special)
 999 Interfund loan (Special)
 1000 Adopts 2004 budget (Special)
 1001 Repeals and replaces Ord. 950, personnel policy (Not codified)
 1002 Adds §§ 10.56.020—10.56.030; repeals § 17.56.160, stopping, standing, parking (10.56) (Not received)
 1003 Amends § 5.04.150, license fee (5.04)
 1004 Amends 2003 budget (Special)
 1005 Interfund loan (Special)
 1006 Annexation (Special)

TABLES

Ordinance Number		Ordinance Number	
1008	Interfund loan (Special)	1039	Amends §§ 3.05.020 and 3.05.030, petty cash and change revolving funds (3.05)
1009	Acquisition of property (Special)	1040	(Pending)
1010	Interfund loan (Special)	1041	(Void)
1011	Amends 2004 budget (Special)	1042	Adds Ch. 3.52, domestic violence advocacy, prevention, prosecution fund (3.52)
1012	Interfund loan (Special)	1043	Amends Ord. 1033, 2005 budget (Special)
1013	(Not received)	1044	Amends 2005 budget (Special)
1014	(Not received)	1045	Annexation (Special)
1015	Repeals and replaces Ch. 17.52, sign requirements (17.52)	1046	Appropriation of funds (Special)
1016	(Not received)	1047	Annexation (Special)
1017	(Not received)	1048	Adds Ch. 10.26, motorized foot scooters (10.26)
1018	Repeals and replaces Ch. 14.04; repeals Chs. 14.08, 14.10, 14.36 and 14.44, international building, property maintenance, and related codes adopted (Repealed by 1103)	1049	Authorizes interfund loan (Special)
1019	(Not received)	1050	Annexation (Special)
1020	(Not received)	1051	Repeals and eliminates Fund No. 406 (Special)
1021	(Not received)	1052	Annexation (Special)
1022	Interfund loan (Special)	1053	Amends Ch. 14.22, mobile home placement code (14.22)
1023	Adds Ch. 17.24; amends zoning map, public/quasi-public/institutional (PQPI) (17.24)	1054	Amends § 14.40.020, flood damage prevention (14.40)
1024	Grants franchise to Walt's Wholesale Meats, Inc. (Special)	1055	Adds § 17.08.491.1; amends §§ 17.08.491, 17.08.493, 17.08.505, 17.08.785, 17.16.020, 17.16.080, 17.20.020, 17.20.090 and 17.60.080, zoning (17.08, 17.16, 17.20, 17.60)
1025	Amends Ord. 1000, 2004 budget (Special)	1056	Amends 2005 budget (Special)
1026	Authorizes interfund loan (Special)	1057	Rezone (Special)
1027	Amends § 14.40.050, flood damage prevention (14.40)	1058	Amends § 2.06.010, mayor (2.06)
1028	Authorizes interfund loan (Special)	1059	Adds Ch. 3.41, development impact fees (3.41)
1029	Fixes ad valorem taxes for 2005 (Special)	1060	Authorizes interfund loan (Special)
1030	(Void)	1061	Amends § 13.04.220, water service rates and regulations (13.04)
1031	Amends § 5.20.030, public utilities (5.20)	1062	Amends § 2.26.080, police department (2.26)
1032	Amends § 3.12.060, sales tax (3.12)	1063	Annexation (Special)
1033	Adopts 2005 budget (Special)	1064	(Not sent)
1034	Amends Ord. 1000, 2004 budget (Special)	1065	Fixes ad valorem taxes for 2006 (Special)
1035	Amends § 17.24.050, zoning (17.24)	1066	(Pending)
1036	Authorizes acquisition of personal property (Special)	1067	Adopts 2006 budget (Special)
1037	Repeals and replaces Ch. 14.32, fire code (14.32)	1068	(Not sent)
1038	General obligation bonds, special election (Special)		

ORDINANCE LIST AND DISPOSITION TABLE

Ordinance Number		Ordinance Number	
1069	Amends Ch. 15.08; repeals Ord. 794 (15.08)	1097	Adds § 19.02.110, project permit processing/applications (19.02)
1070	Amends 2006 budget (Special)	1098	Amends § 17.16.040, zoning (17.16)
1071	Amends § 17.30.030, zoning (17.30)	1099	Amends Ord. 1089, 2007 budget (Special)
1072	Adds § 1.01.110, code adoption (1.01)	1100	Amends Ord. 1063, annexation (Special)
1073	Adds § 1.04.070, general provisions (1.04)	1101	Amends § 17.56.030, zoning (17.56)
1074	(Not sent)	1102	Amends §§ 17.44.025 and 17.46.035, zoning (17.44, 17.46)
1075	(Not sent)	1103	Repeals and replaces Ch. 14.04, international building, property maintenance, and related codes adopted (14.04)
1076	Amends 2006 budget (Special)	1104	(Not used)
1077	Establishes Fund Number 408/Water Pumping Treatment (Special)	1105	Amends §§ 14.28.050 and 14.28.060, fireworks regulations (14.28)
1078	Amends 2006 budget (Special)	1106	Extends Ord. 1082, interfund loan (Special)
1079	Amends §§ 17.12.010 and 17.16.070, zoning (17.12, 17.16)	1107	(Pending)
1080	Authorizes interfund loan (Special)	1108	Adopts 2008 budget (Special)
1081	Amends § 14.32.130, fire code (14.32)	1109	PURD six month moratorium (Special)
1082	Authorizes interfund loan (Special)	1110	(Failed)
1083	PURD six month moratorium (Special)	1111	Amends comprehensive plan and zoning map (Special)
1084	Amends 2006 budget (Special)	1112	Adds §§ 19.02.115 and 19.02.120, project permit processing/applications (19.02)
1085	Fixes ad valorem taxes for 2007 (Special)	1113	Adds §§ 13.04.300—13.04.360 [§§ 13.04.310—13.04.360]; amends §§ 13.04.040 and 13.08.030, water and sewage (13.04, 13.08)
1086	Repeals and eliminates Fund Nos. 318 and 631 (Special)	1114	Authorizes interfund loan (Special)
1087	Amends § 19.08.020, approval, review and appeal authority (19.08)	1115	Fixes ad valorem taxes for 2008 (Special)
1088	Amends 2006 budget (Special)	1116	Adds Ch. 12.40 [12.28], Woodland street trees (12.28)
1089	Adopts 2007 budget (Special)	1117	Amends Ord. 1089, 2007 budget (Special)
1090	Adds § 1.01.120, code adoption (1.01)	1118	Amends Ord. 1089, 2007 budget (Special)
1091	Establishes drug and alcohol fund (3.56)		
1092	Amends comprehensive plan and zoning map (Special)		
1093	Amends comprehensive plan and zoning map (Special)		
1094	Amends comprehensive plan (Special)		
1095	Annexation (Special)		
1096	Repeals and eliminates Fund No. 310 (Special)		

TABLES

Ordinance Number		Ordinance Number	
1119	Repeals Ch. 2.12 (Repealer)	1133	(Failed)
1120	Annexation (Special)	1134	(Pending)
1121	Amends § 2.04.050, city council (2.04)	1135	Amends §§ 10.56.020 and 10.56.030, stopping, standing, parking (10.56)
1122	(Pending)	1136	Establishes authority of city fire chief to designate and enforce fire lanes (14.33)
1123	(Pending)	1137	Amends Ord. 1108, 2008 budget (Spe- cial)
1124	Amends Ord. 1108, 2008 budget (Spe- cial)	1138	Authorizes extension of interfund loan (Special)
1125	Revision of city limit (Special)	1139	Authorizes interfund loan (Special)
1126	Adds Ch. 15.10, erosion control ordi- nance (15.10)	1140	Fixes ad valorem taxes for 2009 (Spe- cial)
1127	PURD six-month moratorium (Spe- cial)	1141	Extends PURD moratorium (Special)
1128	Adds §§ 17.44.131—17.44.138 and 17.46.121—17.46.128; amends §§ 17.44.130, 17.44.160, 17.46.120 and 17.46.160, zoning (17.44, 17.46)	1142	(Still in process)
1129	Authorizes interfund loan (Special)	1143	Grants nonexclusive communication system franchise to Cascade Networks, Inc. (Special)
1130	Amends §§ 9.20.020 and 9.20.055, water safety regulations (9.20)		
1131	Reduction of maximum speed limit on SR 503 (Not codified)		
1132	Amends §§ 9.20.020 and 9.20.055; re- peals Ord. 1130, water safety regula- tions (9.20)		

As of Supplement No. 16, this table will be replaced with the Code Comparative Table and Disposition List.

CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a chronological listing of the ordinances of Woodland, Washington beginning with Supplement No. 16, included in this Code.

Ordinance Number	Date	Description	Section	Section this Code
1144				Failed
1145	12-15-2008	An ordinance of the City of Woodland, Washington adopting the budget of the City for the fiscal year ending December 31, 2009 and providing for the appropriation of funds into such accounts and authorize publication by summary		Omitted
1147	12-15-2008	An ordinance amending WMC 5.12.030(b) to authorize setting license fees by resolution for public dances and juvenile dances and approving an ordinance summary for publication	2	5.12.030 B.
1148	12-22-2008	An ordinance amending the allocation and distribution of sales and use tax receipts as codified in Woodland Municipal Code 3.12.060 and authorizing publication by summary	2	3.12.060
1149				Failed
1150	10-19-2009	An ordinance relating to finance and authorizing an interfund loan from Fund 302 - Capital Reserve: Utilities to Fund 227 - CERB #t93-028 Sewer Loan and approving an ordinance summary for publication as more particularly set forth herein		Omitted
1151				Pending
1152				Pending
1153	4-20-2009	An ordinance amending City of Woodland Ordinances 839, 650 and 621, codified as WMC 10.56.010, regarding the regulations of the parking of commercial trailers in the City of Woodland	1	10.56.010
1154	1- 5-2009	An ordinance of the City Council of the City of Woodland, Washington, amending the 2008 budget adopted by Ordinance No. 1108, to revise the revenues to and appropriations from certain funds and approving an ordinance summary for publication		Omitted
1155	5- 4-2009	An ordinance of the City Council of the City of Woodland, Washington, amending the 2009 budget adopted by Ordinance No. 1145, to revise the revenues to and appropriations from certain funds and approving an ordinance summary for publication		Omitted
1156	5-18-2009	An ordinance extending the Moratorium (Ordinance No. 1141) on the acceptance of applications for Planned Unit Residential Development (PURD) applications and permits based thereon, by a period of not longer than six (6) months from the effective date of this ordinance, or until said ordinance is amended, whichever occurs first; and authorize publication by summary		Omitted
1157	5-18-2009	An ordinance of the City of Woodland, WA, amending the Woodland Municipal Code Chapter 19.02.110, Use of Consultants, and Chapter 19.02.115, Inspection of Development Projects and authorize publication by summary	1	19.02.110, 19.02.115

Ordinance Number	Date	Description	Section	Section this Code
1158	6-15-2009	An ordinance relating to industrial off-site improvement standards and addition to WMC 17.44 and 17.46, applicable to Light Industrial (I-1) and Heavy Industrial (I-2) Zoning Districts	1 Added	17.44.200— 17.44.240, 17.46.200— 17.46.240
1159	10-19-2009	An ordinance of the City Council of the City of Woodland, Washington, amending the 2009 budget adopted by Ordinance No. 1145, to revise the revenues to and appropriations from certain funds and approving an ordinance summary for publication		Omitted
1160	7-20-2009	An ordinance amending City of Woodland Ordinance 368, codified as WMC 10.40.070, regarding the regulations of merchandise for sale on streets and sidewalks	1	10.40.070
1161	10- 5-2009	An ordinance of the City Council of the City of Woodland, Washington relating to sewage pre-treatment facilities and amending Title 13 Chapter 12 of the Woodland Municipal Code to revise Section 13.12.260 public sewer-interceptors constructed and repealing Section 13.12.265 provisions for implementation of Section 13.12.260 and Section 13.12.70 public sewer-interceptor maintenance as more particularly set forth herein and authorize publication by summary	1	13.12.260
			2 Rpld	13.12.265, 13.12.270
1162	8- 3-2009	An ordinance amending Title 2 "Administration and Personnel" of the Woodland Municipal Code to add a new Chapter 2.28 Lodging Tax Advisory Committee ("LTAC") and establishing provisions that govern the committee, including term limits for committee members	1 Added	2.82.010— 2.82.060
1164	9- 8-2009	An ordinance of the City of Woodland relating to parking restrictions and creating specific exemptions for certain portions of downtown Woodland	1 Added	17.56.030 D., E.
1165				Pending
1166	11-16-2009	An ordinance of the City Council of the City of Woodland, Washington fixing the amount to be provided by ad valorem taxes upon the property in the City of Woodland in 2010		Omitted
1167	10-19-2009	An ordinance relating to finance and authorizing an interfund loan from Fund 302 - Capital Reserve: Utilities to Fund 226 - CERB #C93-098 Water Loan and approving an ordinance summary for publication as more particularly set forth herein		Omitted

CODE COMPARATIVE TABLE AND DISPOSITION LIST

Ordinance Number	Date	Description	Section	Section this Code
1168	11-16-2009	An ordinance of the City of Woodland, Washington, granting to Comcast of Florida/Washington, LLC, its successors and assigns, the right, privilege, and franchise for the term of five years, to erect, maintain, and operate a cable system in the City of Woodland, Washington; the erect, maintain and operate its poles, towers, anchors, wires, cables, electronic conductors, conduits, manholes, and other structures and appurtenances in, over, under, along, and across the present and future public rights-of-way in the city; prescribing compensation for the rights, privileges, and franchise conferred hereunder; prescribing the conditions governing the operations of the business insofar as it affects the use of public property for the purpose of such business; installation, upgrade, maintenance, and operation of said system and business; containing other provisions relating to the subject; providing for severability; and providing and effective date		Omitted
1169	11-16-2009	Permissible time of payment of impact fees	1	3.40.030, 3.41.030
1170	12- 7-2009	An ordinance of the City of Woodland, Washington adopting the budget of the city for the fiscal year ending December 31, 2010 and providing for the appropriation of funds into such accounts as more particularly set forth herein		Omitted
1171	12- 7-2009	An ordinance relating to utility taxes and amending section Chapter 5.20.030 of the Woodland Municipal Code to increase the percentage of tax levied on telephone utilities, electric utilities and natural, manufactured or mixed gas utilities; and approving publication by summary as more particularly set forth herein	1	5.20.030
1172	4- 5-2010	Phased subdivision developments	1	16.14.030— 16.14.050, 16.18.030
1173	12-21-2009	An ordinance of the City Council of the City of Woodland, Washington relating to the parks and recreation board amending Title 2 Chapter 24 to revise Sections 2.24.010 city parks and recreation board created, 2.24.030 organization, 2.24.040 quorum and meetings, and 2.24.050 powers and duties as more particularly set forth herein and approving an ordinance summary for publication	1	2.24.010
			2	2.24.030
			3	2.24.040
			4	2.24.050.A.
1174	10-21-2009	An ordinance relating to finance and authorizing an additional \$20,000 interfund loan from Fund 302 - Capital Reserve: Utilities to Fund 227 - CERB #T93-028 Sewer Loan and approving an ordinance summary for publication as more particularly set forth herein		Omitted
1175	12-21-2009	An ordinance of the City Council of the City of Woodland, Washington, amending the 2009 budget adopted by Ordinance No. 1145, to revise the revenues to and appropriations from certain funds and approving an ordinance summary for publication		Omitted

TABLES

Ordinance Number	Date	Description	Section	Section this Code
1176	1- 4-2010	An ordinance relating to Highway Commercial (C-2) Architectural and site standards and amending 17.36.070 through 17.36.160	1 Added	17.36.070— 17.36.130
1177	1-19-2010	An ordinance vacating a portion of the public right-of-way located on West Scott Avenue pursuant to Chapter 35.79 of the Revised Code of Washington (RCW) as more particularly set forth herein		Omitted
1178	4- 5-2010	Purchasing policy and public work process	1(A) Rpld	3.20.010
			Added	3.20.010
			1(B) Rpld	3.22.010— 3.22.030
			Added	3.22.010— 3.22.030
			2(A) Added	3.60.010— 3.60.070,
			2(B) Added	3.64.010— 3.64.090
1179	1-19-2010	Council standing committee	1 Rpld	2.04.070
			2 Added	2.04.070
1180	4- 5-2010	Procedures for city council meeting and rescinds Res. Nos. 292, 366 and 378		Omitted
1181	2-16-2010	Interfund loan		Omitted
1182	3- 1-2010	Repeals and eliminates fund 409		Omitted
1183	3-15-2010	Public sewer	1	13.12.280
1184		(Pending)		
1185	3-15-2010	Amends 2009 budget		Omitted
1186	6- 7-2010	Zoning	1	17.44.020— 17.44.030, 17.46.030— 17.46.035, 17.72.100
1187	10-18-2010	Annexation		Omitted
1188	12- 6-2010	Gambling tax	1 Rpld	3.04.020
1189	7-19-2010	Interfund loan		Omitted
1190		(Void)		
1191	8-23-2010	Stopping standing parking	1 Rpld	10.56.030
			Added	10.56.030
1192	8-23-2010	International Building, Property Maintenance, and related codes adopted	1 Rpld	14.04.010— 14.04.190
			Added	14.04.010— 14.04.190
1193	9- 7-2010	Water safety regulations	1 Rpld	9.20.020
			Added	9.20.020
			2 Rpd	9.20.050
			Added	9.20.050
1194		(Void)		

CODE COMPARATIVE TABLE AND DISPOSITION LIST

Ordinance Number	Date	Description	Section	Section this Code
1195	12- 6-2010	Interim zoning control		Omitted
1196	12- 6-2010	Stopping standing parking	1—3 Added	10.56.040
1197	11-15-2010	Amends 2010 budget		Omitted
1198	12- 6-2010	Adopts the Southwest Woodland Industrial Sub-area Transportation Plan into the city comprehensive plan		Omitted
1199	1- 3-2011	The Old Apostolic Lutheran Church (OALC)'s proposed latecomer's agreement		Omitted
1200	11-11-2010	Ad valorem taxes		Omitted
1201	11-15-2010	Interfund loan		Omitted
1202		(Tabled)		
1203	12- 6-2010	Adopts 2011 budget		Omitted
1204	12-20-2010	Land use and zoning, amending the comprehensive plan and zoning map		Omitted
1205	12-20-2010	Land use and zoning, amending the comprehensive plan and zoning map		Omitted
1206	2-22-2011	Planned unit residential development standards	1	16.22.010— 16.22.400
1207		(Pending)		
1208	6- 6-2011	Amends 2010 budget		Omitted
1209	3-21-2011	Authorizes interfund loan		Omitted
1210		(Tabled)		
1211	7-18-2011	Financial management policies	1—14 Added	3.08.010— 3.08.140
1212	6- 6-2011	Zoning	1 Added	17.08.350.1 17.16.080, 17.20.100
1213	6- 6-2011	Interim zoning control		Omitted
1214	6-20-2011	Zoning	1	17.16.100.E
1215	7- 5-2011	Business licenses	1 Rpld Added	5.04.090 5.04.090
1216	8- 1-2011	Provides for the submission to voters a proposition authorizing an additional sales and use tax		Omitted
1217	8- 1-2011	Gambling tax	1	3.04.010
1218	9- 6-2011	Amends 2011 budget		Omitted
1219	2- 6-2012	Defines major and minor variances, clarifies approval and appeal authority for minor variances and minor modifications to approved conditional uses, and establishes review criteria for minor variances and minor modifications to approved conditional uses and authorize publication of summary		17.44.138 17.46.128 17.81.020, 17.81.180— 17.81.200 Rpld 17.81.210 19.06.040

TABLES

Ordinance Number	Date	Description	Section	Section this Code
				19.08.010— 19.08.040
1220		(Tabled)		
1221	11- 7-2011	Petty cash and change revolving funds	2	3.05.030.A
1222	1-17-2012	Adopts a moratorium on the establishment of collective gardens		Omitted
1223	11-21-2011	Ad valorem taxes		Omitted
1224	11- 7-2011	Finance/budge, establishing fund no. 404		Omitted
1225	12- 5-2011	Sales tax	2, 3 Added	3.12.100
1226	12- 5-2011	Amends 2011 budget		Omitted
1227	12-19-2011	Adopts 2012 budget		Omitted
1228	9-4- 2012	Public utilities	2	5.20.030
1229	2- 6-2012	Procedures for city council meeting, amends Ord. No. 1180		Omitted
1230	1-17-2012	Adjusts the wages of appointive employees by authorizing step increases		Omitted
1231	3- 5-2012	Amends 2011 budget		Omitted
1232	3-19-2012	Retreat centers	Added	17.08.619
				17.16.040
				17.56.050
				17.72.050, 17.72.060, 17.72.100
1233	3- 5-2012	Interfund loan		Omitted
1234	3- 5-2012	Revenue and finance, formally repeals and eliminates funds		Omitted
1235	4- 2-2012	Interfund loan		Omitted
1236	3-19-2012	Council standing committees adding facilities	1	2.04.070
1237	5- 7-2012	Bond for new police facility		Omitted
1238	5- 7-2012	Petty cash and change revolving funds	2	3.05.030.A
1239	8-20-2012	Boundary line adjustments		16.02.030.C
				16.32.020.D
			Added	16.34.010— 16.34.070
1240		(Pending)		
1241	5-21-2012	Interfund loan		Omitted
1242	6-18-2012	Amends 2012 budget		Omitted
1243	7- 2-2012	Amends 2012 budget		Omitted
1244		(Failed)		
1245	7-16-2012	Renews a moratorium on the establishment of collective gardens		Omitted
1246	10- 1-2012	Development impact fees	1 Rpld	3.41.030
			2 Added	3.41.030
1247	9- 4-2012	Sewer service rates and regulations		13.08.140.A

CODE COMPARATIVE TABLE AND DISPOSITION LIST

Ordinance Number	Date	Description	Section	Section this Code
1248	9- 4-2012	Interfund loan		Omitted
1249	10- 1-2012	Pets and domestic animals	1 Added	17.08.500
			2	17.16.100.F
			3	17.20.100.D
			4—8	7.04.050
			9	7.04.080
1250	10- 1-2012	Adjusts rates for garbage and refuse collection and disposal		Omitted
1251	11- 5-2012	Amends 2012 budget		Omitted
1252	11- 5-2012	Vacates a portion of Park Road		Omitted
1253	11-19-2012	Administrative and SEPA appeal procedures	1 Rpld	15.04.225
			2	16.19.100
			3	16.32.080
			4	17.56.035
			5	17.56.045
			6 Rpld	19.06.040
			Added	19.06.040
			7	19.06.050
			8	19.08.010— 19.08.030
1254	11-19-2012	Ad valorem taxes		Omitted
1255	12- 3-2012	Adopting 2013 final budget		Omitted
1256	1- 7-2013	Stormwater management	1 Rpld	17.36.110
			2 Rpld	17.44.150
			3 Rpld	17.46.150
			4 Rpld	17.28.190
			5 Added	15.12.010— 15.12.190
1257	1- 7-2013	Development of electric vehicle infrastructure	1 Added	17.08.076, 17.08.076.3, 17.08.155, 17.08.276, 17.08.277, 17.08.278, 17.08.278.3, 17.08.278.5, 17.08.590
			2 Added	17.16.020.H
			3 Added	17.16.030.N
			4 Added	17.20.020.J
			5 Added	17.20.030.F
			6 Added	17.24.020.H
			7 Added	17.32.020.24
			8 Added	17.36.020.36

TABLES

Ordinance Number	Date	Description	Section	Section this Code
			9 Added	17.40.020.4
			10 Added	17.44.020.30
			11 Added	17.56.160
			12	15.04.100
1258		(Failed, 12/17/2012)		
1259	1- 7-2013	New funds 421 water reserve and 422 sewer reserve		Omitted
1260	1-22-2013	Renews a moratorium on the establishment of collective gardens		Omitted
1261	2- 4-2013	Amends 2012 budget		Omitted
1262	2-19-2013	Development review committee	1	19.02.020, 19.02.030
1263	4-15-2013	Central business district (C-1)	1	17.32.020
			2	17.32.028
			3	17.32.030
			4 Added	17.32.32
			5	17.32.040
			6 Added	17.08.037, 17.08.047, 17.08.242, 17.08.243, 17.08.288, 17.08.392, 17.08.393, 17.08.497, 17.08.864.3, 17.08.864.5
1264	5- 6-2013	Development impact fees, transportation	1 Added	3.42.010— 3.42.190
1265	6- 3-2013	Procedures for city council meeting, amends Ord. No. 1229		Omitted
1266	6- 3-2013	Grants Zayo Group, LLC a non-exclusive franchise to construct, operate and maintain a telecommunications network		Omitted
1267	6-17-2013	International Building, Property Maintenance, and related codes adopted	1 Rpld	14.04.010— 14.04.190
			Added	14.04.010— 14.04.190
1268		(Failed)		
1269	6-17-2013	Liquor offenses	1	9.26.080
			2	9.26.100
			3	9.26.110
			4	9.26.115
1270	7-15-2013	Contracting indebtedness; providing for the issuance, sale and delivery of limited tax general obligation bonds		Omitted
1271	7-15-2013	Renews a moratorium on the establishment of collective gardens		Omitted

CODE COMPARATIVE TABLE AND DISPOSITION LIST

Ordinance Number	Date	Description	Section	Section this Code
1272	8-19-2013	Establishes fund no. 324		Omitted
1273	8-19-2013	Authorizes interfund loan from fund no. 301		Omitted
1274	8-19-2013	Establishes fund no. 325		Omitted
1275	8-19-2013	Amends 2013 budget		Omitted
1276	9- 3-2013	Site plan review	Rpld	16.19.010— 16.19.100
			Added	19.10.010— 19.10.120
				19.08.030
1277	10- 6-2014	Signs	1 Added	17.52.030(A)(5)
			2, 3	17.52.040
			4	17.52.050
			5	17.52.060(B)(3)
			6—11	17.52.070
			12—14	17.52.080
			15, 16	17.52.090
			17 Rpld	17.52.110
			Added	17.52.110
			18—21	17.52.130
1278	9- 8-2015	Pre-existing non-conforming uses, structures and lots	1 Rpld	17.60.010— 17.60.080
			Added	17.60.010— 17.60.090
1279	8-19-2013	Authorizes interfund loan from fund no. 401		Omitted
1280	9- 3-2013	Repeals and eliminates fund no. 305		Omitted
1281	11-18-2013	Adopts a moratorium upon the establishment, location, operation, licensing, maintenance or continuation of marijuana related uses		Omitted
1282	11- 4-2013	Amends comprehensive plan map		Omitted
1283	11- 4-2013	Amends comprehensive plan map		Omitted
1284	11- 4-2013	Amends comprehensive plan map		Omitted
1286	11-18-2013	Ad valorem taxes		Omitted
1287	12-16-2013	Adopts budget for the fiscal year ending December 31, 2014		Omitted
1288	11-18-2013	Emergency medical services	Added	11.04.010— 11.04.270
1289	1- 6-2014	Liquor offenses	1	9.26.115
1290	1-21-2014	Amends 2013 budget		Omitted
1291	1-21-2014	Renews a moratorium on the establishment of collective gardens		Omitted
1292	3-17-2014	Misuse of the 911 emergency response system	1 Added	9.40.010— 9.40.070
1293		(Pending)		Omitted
1294	3-17-2014	Interfund loan		Omitted

TABLES

Ordinance Number	Date	Description	Section	Section this Code
1295	3-17-2014	Avoidance of intersection	1 Added	10.40.090
1296	3-17-2014	Adjusts rates for garbage and refuse collection and disposal		Omitted
1297	7- 7-2014	Amends 2014 budget		Omitted
1298	5-19-2014	Renews a moratorium upon the establishment, location, operation, licensing, maintenance or continuation of marijuana related uses		Omitted
1299	6-16-2014	Amends the River Mist planned unit residential development recorded plat map		Omitted
1300	10- 6-2014	Variance expirations	1	17.81.020(B)
			2 Added	17.81.210
1301	7-21-2014	Amends the zoning map		Omitted
1302	7-21-2014	Renews a moratorium on the establishment of collective gardens		Omitted
1303	10- 6-2014	Hearing examiner review of city initiated land use applications	1	19.08.030
			2 Added	17.81.020(G)
1304	10- 6-2014	Accessory structures	1	17.16.070(K)(1)
			2 Rpld	17.08.015
			Added	17.08.015
			3 Added	17.08.016
1305	10- 6-2014	Condominiums	1 Rpld	16.20.010— 16.20.120
1306	5-18-2015	Streets and sidewalks; water and sewage; municipal public works code	1	14.12.010
			2	14.12.020
			3	13.12.030
			4	13.12.160
			5	13.12.220
			6	13.12.230
			7	13.12.250
			8	13.12.260(C)
			9	13.12.300
			10	13.12.330
			11	13.12.340
			12	13.12.350
			13	12.02.010
			14 Added	12.02.020
			15	12.04.020
			16	12.04.070
			17 Added	12.04.090(E)
			18	12.04.110

CODE COMPARATIVE TABLE AND DISPOSITION LIST

Ordinance Number	Date	Description	Section	Section this Code
			19 Rpld	12.04.150— 12.04.170, 12.04.190
			20	12.06.040
			21 Rpld	12.06.050
			22	12.08.020
			23 Rpld	12.10.010, 12.10.020
			24	12.14.010
			25 Rpld	12.16.010— 12.16.110
			26	12.24.020
			27	12.24.040
			28	12.24.050
			29	12.28.020
1307	10- 6-2014	Street numbering	1 Added	12.30.010— 12.30.030
1308	10- 6-2014	Gambling tax	1, 2	3.04.010
1309	10- 6-2014	Police department	1 Added	2.26.090
1310	11-24-2014	2015 property tax levy		Omitted
1311	11- 3-2014	Amends 2014 budget		Omitted
1312	12- 1-2014	Recreational marijuana	1 Added	17.50.010— 17.50.090
1313		(Void)		
1314	12-15-2014	Adopts 2015 budget and changes fund numbers		Omitted
1315	12-15-2014	Amends comprehensive plan map		Omitted
1316	12-15-2014	Amends comprehensive plan map		Omitted
1317	12-15-2014	Amends comprehensive plan map		Omitted
1318	12-15-2014	Amends comprehensive plan map		Omitted
1319	3- 2-2015	Amends 2014 budget		Omitted
1320	1-20-2015	Adopts interim zoning controls to prohibit medical marijuana collective gardens within the city		Omitted
1321	2-17-2015	Water and sewage	1	13.08.120
			2	13.12.160
			3	13.12.230
			4 Rpld	13.12.240
			Added	13.12.240
			5 Rpld	13.12.250
			Added	13.12.250
			6	13.12.260
			7 Rpld	13.12.280
			8 Rpld	13.12.290
			Added	13.12.290

TABLES

Ordinance Number	Date	Description	Section	Section this Code
			9 Rpld	13.12.300
			Added	13.12.300
			10 Rpld	13.12.310
			Added	13.12.310
			11 Rpld	13.12.320
			12	13.12.350
1322	3- 2-2015	Comcast Cable franchise		Omitted
1323	2-17-2015	Grants preliminary approval to a six lot binding site plan		Omitted
1324	3- 2-2015	Amends the zoning map		Omitted
1325	4- 6-2015	Business licenses	1, 2	5.04.090
1326	4- 6-2015	Medical marijuana collective gardens	2, 3 Added	17.96.010, 17.96.020
1327	4-20-2015	Petty cash and change revolving funds	1, 3	3.05.020
			2, 4	3.05.030(A)
1328	5- 4-2015	Interfund loan		Omitted
1329	6-15-2015	Amends 2015 budget		Omitted
1330	5-18-2015	City council	1, 2 Added	2.04.005
1331		(Pending)		
1332	8- 3-2015	City council	1, 2	2.04.070
1333	6-15-2015	Vacates certain right-of-way		Omitted
1334	9- 8-2015	Golf carts	1 Added	10.30.010— 10.30.070
1335	7-20-2015	City council	1, 2	2.04.005
1336	10- 5-2015	Public utilities	2	5.20.010, 5.20.020
			Added	5.20.025
				5.20.030
			Added	5.20.032, 5.20.035 5.20.038
1337	10-19-2015	Special event signs	1	17.52.130(C)
1338	11-16-2015	Flood damage prevention	1	14.40.020
			2	14.40.030(B)
			3—5	14.40.050
			6 Added	14.40.060
1339	10- 5-2015	Personnel policty		Omitted
1340	11- 2-2015	Personnel policies		Omitted
1341	12- 7-2015	Adopts 2016 budget		Omitted
1342	10- 5-2015	Interfund loan		Omitted
1343	12- 7-2015	Lodging tax advisory committee	1	2.82.010— 2.82.060
1344	11-16-2015	Ad valorem taxes		Omitted

CODE COMPARATIVE TABLE AND DISPOSITION LIST

Ordinance Number	Date	Description	Section	Section this Code
1345	11-16-2015	Identification and marking of city police vehicles	1—3	10.12.010— 10.12.030
1346	11-16-2015	City administrator	1—5	2.07.010— 2.07.050
1347	11- 2-2015	Interfund load		Omitted

CODE COMPARATIVE TABLE AND DISPOSITION LIST

Ordinance Number	Date	Description	Section	Section this Code
1348		(Pending)		
1349	11-16-2015	Amends 2015 budget		Omitted
1350	12- 7-2015	Grants Cascade Natural Gas Corporation a non-exclusive franchise		Omitted
1351	11-16-2015	Interfund loan		Omitted
1352	12-21-2015	Chief of police	1, 2	2.26.090
1353	12-21-2015	Interfund loan		Omitted
1354	12-21-2015	Revenue and finance		Omitted
1355	3-21-2016	Adopts an updated comprehensive plan		Omitted
1356	4-18-2016	Off-street parking and loading requirements	1	17.56.030(A)
1357	11-21-2016	Golf cart zone	1	10.30.030
			2	10.30.040
			3	10.30.050
1359	4-18-2016	Adjusts rates for garbage and refuse collection and disposal		Omitted
1360	5- 2-2016	Amends 2016 budget		Omitted
1361	6- 6-2016	School impact fees	1	3.40.060
			2	3.40.100
1362		(Failed)		
1363	6-20-2016	Transportation benefit district	3 Added	3.16.010— 3.16.060
1364	8- 1-2016	Adopts shoreland master program		Omitted
1365		(Failed)		
1366		(Cancelled)		
1367	6-20-2016	International Building, Property Maintenance, and related codes adopted; fire code	1	14.04.010
			2	14.04.020
			3	14.04.030
			4	14.04.060
			5	14.04.070
			6	14.04.080
			7	14.04.100
			8	14.32.010
			9	14.32.060
1368	8- 1-2016	Impact fees	1	3.41.030
			2	3.40.030
			3	3.42.030
1369	8- 1-2016	Variances for nonconforming single-family residences	1 Added	17.81.180(A)(4)
1371	8-15-2016	Stopping, standing, parking	1	10.56.040(C)
1372	7- 5-2016	Salary commission	1 Added	2.84.010— 2.84.070

TABLES

Ordinance Number	Date	Description	Section	Section this Code
1373	7-18-2016	Amends 2016 budget		Omitted
1374	8-15-2016	Amends the zoning map		Omitted
1375		(Pending)		
1376	1-23-2017	Central business district (C-1)	1 Added	17.32.030(11)
			2	17.32.080
			3 Added	17.32.020(52)
1377	11- 7-2016	Repeals and eliminates fund no. 225		Omitted
1378	11-21-2016	Creates the community development department, community development director position, and clarifying job duty responsibilities	1	2.08.010
			2	2.10.010
			3 Rpld	2.10.090
			Added	2.10.090
			4 Added	2.10.100
			5	15.04.040
			6	15.04.050
			7	15.08.030
			8	15.08.090
			9	15.10.030
			10	15.10.040
			11	15.10.100(E)
			12	15.10.110(A), (B)
			13	16.04.050
			14	16.04.710
			15 Rpld	16.04.750
			16	16.06.040
			17	16.06.050(A)
			18	16.06.060
			19	16.06.070(A)
			20	16.06.080
			21 Rpld	16.06.090
			22	16.06.100
			23	16.06.110
			24	16.08.070(A)
			25	16.08.120
			26	16.08.175
			27	16.08.300
			28	16.08.310
			29	16.10.010(B)
			30	16.10.030(E)

CODE COMPARATIVE TABLE AND DISPOSITION LIST

Ordinance Number	Date	Description	Section	Section this Code
			31	16.10.040
			32	16.10.050(A)
			33	16.10.060(A)
			34	16.10.070
			35	16.12.030(B)
			36	16.12.040(A)
			37	16.12.050
			38	16.12.080
			39	16.12.090
			40	16.12.140
			41	16.12.150
			42	16.12.160
			43	16.12.170
			44	16.12.190
			45	16.14.110(E)
			46	16.14.140
			47	16.14.160
			48	16.14.270
			49	16.14.290
			50	16.14.300
			51	16.16.010
			52	16.16.040
			53	16.16.070
			54	16.16.080(D)
			55	16.16.090
			56	16.16.100(A)
			57	16.18.070(P)(5)
			58	16.22.290
			59	16.24.040
			60	16.32.015
			61	16.32.078(P)(5)
			62	16.32.079(E)
			63	16.32.100
			64	16.34.050
			65	17.08.233
			66	17.24.100(B)
			67	17.28.200
			68	17.28.230(D)
			69	17.30.100
			70	17.32.028

TABLES

Ordinance Number	Date	Description	Section	Section this Code
			71	17.32.032
			72	17.36.025
			73	17.36.026
			74	17.40.025
			75	17.44.023
			76	17.44.024
			77	17.46.031
			78	17.52.070(A)(7)
			79	17.52.080(A)(7)
			80	17.52.110
			81	17.52.150
			82	17.81.020(B)
			83	17.81.140
			84	17.81.210
			85	17.84.130
			86	17.84.140
			87	Rpld 17.92.010(B)
			88	19.02.020
			89	19.02.030
			90	19.02.110
			91	19.06.060
			92	19.10.040(A)(1)
			93	19.10.060
			94	19.10.070
			95	19.10.100(D)
			96	19.10.110(A)
			97	19.10.120(A)
1379	11-21-2016	Ad valorem taxes		Omitted
1380	12-19-2016	Adopts 2017 budget		Omitted
1381	11-21-2016	Amends 2016 budget		Omitted
1382	11-21-2016	Closure of balance of interfund loan		Omitted
1383	1- 3-2017	Gambling tax	2	3.04.010(F)(4)
1384	2-21-2017	Critical areas regulations	1—10	15.08.030
			11	15.08.100
			12	15.08.110
			13	15.08.180(A)
			14	15.08.200(A)
			15	15.08.350(B)
			16	15.08.380(B)
			17	15.08.400

CODE COMPARATIVE TABLE AND DISPOSITION LIST

Ordinance Number	Date	Description	Section	Section this Code
			18	15.08.410(B), (D)
			19	15.08.430
			20	15.08.700(A)(2), (8)
			21 Rpld	15.08.730 (A)(3)
			22	15.08.730(E)
1385	3-20-2017	Amends 2016 budget		Omitted
1386	3-20-2017	Contracting indebtedness; providing for the issuance, sale and delivery of limited tax general obligation bonds		Omitted
1387	5-15-2017	Establishes fund no. 230		Omitted
1388	5-15-2017	Amends 2017 budget		Omitted
1389	6-19-2017	City council	1, 2	2.04.005
1390	7- 3-2017	Closure of balance of interfund loan		Omitted
1393	7-17-2017	Adopts a six-month moratorium on the establishment, siting, location, permitting, licensing, or operation of medical marijuana cooperatives		Omitted
1394	8-21-2017	Interfund loan		Omitted
1395	8-21-2017	Amends 2017 budget		Omitted
1396	9-18-2017	Liquor offenses	1	9.26.100
			2	9.26.110
			3	9.26.115
1397	11-20-2017	Ad valorem taxes		Omitted
1399	11-20-2017	Interfund loan		Omitted
1402	6- 4-2018	City council	1	2.04.010
1403	2-20-2018	Amends 2017 budget		Omitted
1404	1-16-2018	Adopts a six-month moratorium on the establishment, siting, location, permitting, licensing, or operation of medical marijuana cooperatives		Omitted
1405	3-19-2018	Horseshoe Lake Management Committee	1 Rpld	2.80.010— 2.80.030
			Added	2.80.010— 2.80.060
1406	3-19-2018	Adjusts rates for garbage and refuse collection and disposal		Omitted
1407	3-19-2018	City council	1, 2	2.04.005
1408	7- 2-2018	Grants Mcimetro Access Transmission Services Corp., d/b/a Verizon Access Transmission Services, a non-exclusive franchise		Omitted
1409	8- 6-2018	Accumulation of garbage		8.08.120
1410	7-16-2018	Amends 2018 budget		Omitted
1411	7-16-2018	Water service rates and regulations		13.04.240
1412	6-17-2019	Wireless communications facilities regulations	1 Added	17.16.020(I)
				17.16.040(C)

TABLES

Ordinance Number	Date	Description	Section	Section this Code
			Added	17.20.020(K)
				17.20.040(D)
			Added	17.24.020(I), 17.24.040(E)
			Rpld	17.24.050(A)
			Added	17.30.020(5), 17.32.020(53)
				17.32.030(10)
			Added	17.36.020(37), 17.36.030(12), 17.40.020(5), 17.40.030(D), 17.44.020(31),
				17.44.025(D)
			Added	17.46.030(4), 17.46.035(C)
			2 Added	17.71.195
1413	7-16-2018	Adopts a six-month moratorium on the establishment, siting, location, permitting, licensing, or operation of medical marijuana cooperatives		Omitted
1414	10-15-2018	Fireworks	Rpld	14.28.010— 14.28.090
			Added	14.28.010— 14.28.100
			Rpld	14.32.110
1415	8-20-2018	Amends 2018 budget		Omitted
1416	9-17-2018	Adjusts rates for garbage and refuse collection and disposal		Omitted
1417	10-15-2018	Repeals and eliminates fund no. 325		Omitted
1418	10-15-2018	Nonuse of city utility service		13.04.240
1419	10-15-2018	Petty cash/change fund	3	3.05.020
			4	3.05.030(A)
1420	11-19-2018	Ad valorem taxes		Omitted
1421	11- 5-2018	Finance/budget, establishing fund no. 414		Omitted
1422	12-17-2018	Amends 2018 budget		Omitted
1423	12-17-2018	Business licenses	1	5.04.020
			2 Added	5.04.022
			3	5.04.050
			4	5.04.060
			5	5.04.120
			6	5.04.220(E)
1424	12- 3-2018	Adopts 2019 budget		Omitted
1425	12- 3-2018	Public utilities	1	5.20.010, 5.20.020
			Added	5.20.025

CODE COMPARATIVE TABLE AND DISPOSITION LIST

Ordinance Number	Date	Description	Section	Section this Code
				5.20.030
			Added	5.20.032, 5.20.035 5.20.038
1426	12-17-2018	Grants preliminary approval to a ten lot binding site plan		Omitted
1427	2-19-2019	Auctions as retail activities	Added	17.76.004
1428	2-19-2019	City council	1, 2	2.04.005
1429	2-19-2019	Highway Commercial District (C-2)		17.36.030, 17.36.040
1430	5- 6-2019	Amends 2018 budget		Omitted
1431	8-19-2019	School impact fees	1	3.40.020
			2	3.40.050(B)(1)
			3	3.40.100
1432	6-17-2019	City approved beer gardens and or/wine tasting areas	1	9.26.115
1433	7-15-2019	Adopts an updated comprehensive land use plan		Omitted
1436	9-16-2019	Grants preliminary approval to the Woodland Corporate Center binding Site Plan Revision 2		Omitted
1437	7- 1-2019	Conditional uses		17.72.100(D)
1438	6-17-2019	Amends 2019 budget		Omitted
1439	6-17-2019	Repeals and eliminates Fund 300, park acquisition/improvement		Omitted
1440	10-21-2019	Prohibition of medical marijuana cooperatives and clarification of the retail prohibition	1, 2 Added	17.08.209
			1, 3 Added	17.08.613
			4	17.24.050
			5	17.30.030
			6	17.32.040
			7	17.36.040
			8	17.40.050
			9, 10 Added	17.44.027
			11, 12 Added	17.46.037
			13 Rpld	17.96.010, 17.96.020
1441	8-19-2019	Horseshoe Lake Management Committee	2	2.80.020, 2.80.030, 2.80.060
1443	10-21-2019	Amends 2019 budget		Omitted
1445	12- 2-2019	Adopts 2020 budget		Omitted
1446	12- 2-2019	Declares an emergency and imposes a temporary moratorium for the duration of six months on the acceptance and processing of applications for permits for the development or expansions of self-service storage structures		Omitted
1447	2- 3-2020	Minor non-policy corrections to the development code	1	14.32.150

TABLES

Ordinance Number	Date	Description	Section	Section this Code
			2	14.40.040 (C)(3)(b)(i)
			3	16.08.070(A)
			4	17.36.020(29)
			5	17.44.010
			6 Rpld	17.44.130
			7 Rnbd	17.44.131
			as	17.44.005
			8 Rnbd	17.44.132
			as	17.44.015
			9	17.56.110(C)
			10	17.72.080
			11	19.06.040
			12—14	19.08.030
			15 Rpld	17.92.010— 17.92.250
1448	2- 3-2020	Minor non-policy corrections to the development code and the code enforcement process	1 Rpld	17.80.010— 17.80.050
			Added	17.80.010— 17.80.050
			2	19.02.020
			3 Added	19.90.010— 19.90.220
1450	12-16-2019	Tax levy		Omitted
1451	1- 6-2020	Adjusts rates for garbage and refuse collection and disposal		Omitted
1452	1- 6-2020	Repeals and eliminate Fund 319 and Fund 324		Omitted
1453	2-3-2020	Interfund loan		Omitted

INDEX

— A —

ABANDONED ICEBOXES, REFRIGERATORS

Unlawful acts, nuisance when 9.52.140

ABANDONED WELLS, CISTERNS

Unlawful acts, nuisance when 9.52.130

ACCESSORY BUILDINGS

LDR districts 17.16.030

Manufactured home parks

buildings, materials 17.28.170

uses 17.28.020

MDR, HDR districts 17.20.030

ADDRESSES

Street numbering

See STREETS Ch. 12.30

AD HOC BUILDINGS AND CONSTRUCTION

APPEALS BOARD

Appeals fees 14.48.020

Authority restrictions 14.10.040

Composition 14.48.030

Scope of authority 14.48.010

Written decisions, findings required 14.48.020

AD HOC BUILDINGS AND CONSTRUCTION BOARD

Flood damage prevention variance requests
14.40.040

ADULT BUSINESSES

See SEXUALLY ORIENTED BUSINESSES Ch.
5.50

ADVANCE TRAVEL FUND

Advances requests

funds use restrictions 3.02.060

funds withheld in case of lien 3.02.050

information required 3.02.030

itemized travel voucher submittals 3.02.040

Check writing procedure 3.02.020

Created 3.02.010

Custodian designated 3.02.020

ADVERTISEMENTS

Bill posting, distribution unlawful when 9.52.080

ADVERTISING, OUTDOOR

C-1 district 17.32.020

AIR POLLUTION

Air emissions standards 17.48.070

Dust particles, emission restrictions 17.48.090

Industrial wastes emissions prohibitions 17.48.120

Noxious gases, fumes emission restrictions
17.48.110

Odors, emission restrictions 17.48.100

Smoke restrictions 17.48.080

ALCOHOLIC BEVERAGES

C-1 district regulations 17.32.020

City-approved beer gardens and/or wine tasting
areas 9.26.115

Dances

license fee 5.12.030

prohibited when 5.12.020

Definitions 9.26.010

False identification to obtain prohibited 9.26.030

Horseshoe Lake limitations 9.26.110

Minors

on premises liquor establishment, prohibited
9.26.060

possession, consumption unlawful 9.26.070

prohibitions generally 9.26.120

sale to prohibited 9.26.020

supplying to prohibited 9.26.040

taverns, prohibited 9.26.050

Open container prohibitions 9.26.100

Opening, consuming in public prohibited 9.26.080

Operation of vessels, watercrafts while under
influence prohibited 9.20.160

Parks, unlawful acts designated 9.52.150

Sales to persons under influence prohibited
9.26.090

AMUSEMENT DEVICES

Definitions 5.08.010

Permit, required, application, issuance 5.08.030

AMUSEMENT DEVICES TAX

Levied, applicability, refunds 5.08.020

ANIMALS

Abandoned, impoundment, adoption authority
7.04.060

Confinement, restraint regulations 7.04.054

Cruelty to prohibited 7.04.052

Dangerous, potentially dangerous dogs,
regulations, restrictions 7.04.070

Definitions 7.04.030

Dog kennels

C-1 district prohibitions 17.32.040

ANIMALS

- Dogs
 - running at large prohibited 7.04.050
 - Enforcement authority 7.04.020
 - Exotic, keeping restrictions 7.04.040
 - Horseshoe Lake Park, waterfowl population limitations, removal, destruction authority 8.16.010
 - Household pets, number allowed
 - LDR districts 17.16.100
 - MDR, HDR districts 17.20.100
 - Humane care required 7.04.050
 - Impoundment, authority, when 7.04.060
 - License
 - required 7.04.040
 - tag
 - issuance 7.04.040
 - removal unlawful 7.04.040
 - term 7.04.040
 - Nuisance declaration when 7.04.050
 - Purpose of provisions 7.04.010
 - Redemption of impounded animal 7.04.060
 - Regulations, generally 7.04.050
 - Running at large prohibited 9.52.150
 - Sick, injured, euthanization authority 7.04.060
 - Sterilization requirements 7.04.050
 - Trapping, restrictions 7.04.054
 - Unlawful release 7.04.058
 - Venomous, constrictor reptiles, regulations generally 7.04.056
 - Violations
 - dangerous, potentially dangerous dogs, penalty 7.04.070
 - infractions designated 7.04.080
- ### ANNEXATIONS
- Additional fees responsibility 18.04.030
 - Filing fees 18.04.020
 - Petitions 18.04.010
- ### APPEALS
- Building demolition 14.46.100
 - Critical areas development interpretation, decisions 15.08.250
 - Flood damage prevention 14.40.040
 - Land development project permits, SEPA related issues 19.06.050
 - Land use hearing examiner decision 17.81.150
 - Manufactured home placement 14.22.080
- Sexually oriented business license/permit denial 5.50.230
 - revocation, suspension 5.50.240
 - Short subdivision denial 16.32.080
 - Sidewalks construction, placement, etc. 12.06.060
 - Water, sewer line extension denial 13.20.040
 - Zoning
 - amendments 17.84.100
- ### AQUIFER RECHARGE AREAS
- Critical areas classifications, regulations 15.08.440
- ### ARCADE, ADULT
- See SEXUALLY ORIENTED BUSINESSES Ch. 5.50
- ### ARCHERY RANGE
- FW district 17.30.020
- ### ART GALLERIES
- C-1 district 17.32.020
- ### ASSAULT
- Provoking unlawful 9.12.030
 - Simple assault, unlawful 9.12.020
 - Unlawful 9.12.010
- ### ASSAULT, BATTERY
- Violations, state statutes adopted by reference 1.12.020
- ### ATTORNEY, CITY
- Appointment, duties 2.10.030
 - Office designation 2.10.010
- ### AUTOMOBILE
- Car wash
 - C-2 district 17.36.020
 - Dealerships
 - C-1 district prohibitions 17.32.040
 - C-2 district 17.36.020
 - Repair
 - C-2 district 17.36.020
 - Repair facilities
 - C-1 district prohibitions 17.32.040
 - Salvage, wrecking
 - I-1 district 17.44.020
 - I-2 district 17.46.030
 - Service stations
 - C-2 district 17.36.020

AUTOMOBILE (Cont'd.)

- Tire sales, repair
 - C-2 district 17.36.020
- Truck, repair
 - I-1 district 17.44.020
 - I-2 district 17.46.030

— B —

BAKERY

- I-1 district 17.44.020
- I-2 district 17.46.030

BANK, FINANCIAL SERVICES

- C-1 district 17.32.020
- C-2 district 17.36.020

BED AND BREAKFAST

- C-1 district 17.32.020
- C-2 district 17.36.020
- LDR districts 17.16.040
- MDR, HDR districts 17.20.040
- Zoning, conditional use requirements 17.72.100

BILL POSTING

- Unlawful when 9.52.080

BOARDS AND COMMISSIONS

- Ad hoc buildings and construction appeals board
 - See AD HOC BUILDINGS AND CONSTRUCTION APPEALS BOARD Ch. 14.48
- Civil service commission
 - See CIVIL SERVICE COMMISSION Ch. 2.28
- EMS administrative board
 - See EMERGENCY MEDICAL SERVICES Ch. 11.04
- Parks and recreation board
 - See PARKS AND RECREATION BOARD Ch. 2.24
- Planning commission
 - See PLANNING COMMISSION Ch. 2.32

BOAT RAMP

- FW district 17.30.020

BOATS

- See WATER SAFETY Ch. 9.20

BONDS

- See also CITY BONDS, OBLIGATIONS REGISTRATION Ch. 3.48

- Building demolition 14.46.040
- Peddlers, solicitors license, when 5.16.100

BOOKSTORE, ADULT

- See SEXUALLY ORIENTED BUSINESSES Ch. 5.50

BOWLING ALLEY

- C-1 district prohibitions 17.32.040

BUILDING CODE

- Adopted by reference 14.04.010
- Air pollution, applicability 17.48.130
- Construction standards, applicability 17.12.100

BUILDING DEPARTMENT

- Created 2.08.010

BUILDING OFFICIAL

- Appointment, duties generally 2.10.070

BUILDINGS

- Appeals
 - See AD HOC BUILDINGS AND CONSTRUCTION APPEALS BOARD Ch. 14.48
- Building demolition
 - appeals 14.46.100
 - applicability of provisions 14.46.010
 - completion date requirements 14.46.050
 - definitions 14.46.020
 - failure to complete, penalty 14.46.070
 - final inspections 14.46.060
 - order to complete, issued when 14.46.080
 - permit
 - application requirements, fees 14.46.035
 - bond requirements 14.46.040
 - inspection requirements 14.46.045
 - public notice posting requirements 14.46.045
 - required 14.46.030
 - severability of provisions 14.46.110
 - violations, penalties 14.46.090
- Building code
 - adopted by reference 14.04.010
- Documents availability 14.04.110
- Energy code, adopted by reference 14.04.080
- Fees
 - assessment 14.04.140
 - assignment 14.04.130
 - building permit 14.04.150
 - mechanical permit 14.04.180

BUILDINGS

- plan review 14.04.160
- plumbing code permit 14.04.190
- schedule 14.04.170
- Fire code, adopted by reference 14.32.010
- Fuel gas codes
 - adopted by reference 14.04.040, 14.04.060
 - permit fees 14.04.180
- Government, quasi-public
 - C-1 district regulations 17.32.020
 - zoning, conditional use requirements 17.72.100
- Liquefied petroleum gas code
 - adopted by reference 14.04.050
 - permit fees 14.04.180
- Mechanical code
 - adopted by reference 14.04.030
 - permit fees 14.04.180
- Mobile home placement code
 - See MOBILE HOME PLACEMENT CODE Ch. 14.22
- Moving buildings
 - enforcement officers, authority 14.20.140
 - fees, deposits, bonds
 - deposit requirements 14.20.050
 - expense, written statement required 14.20.070
 - refunds, generally 14.20.060, 14.20.070
 - inspections 14.20.100
 - objections by property owners, generally 14.20.110
 - original premises, safety requirements 14.20.160
 - permit
 - application requirements 14.20.020
 - conditions required 14.20.080
 - expense deposit requirements 14.20.030
 - issuance conditions 14.20.090
 - liability insurance requirements 14.20.040 required 14.20.010
 - security deposit requirements 14.20.040
 - permittee
 - duties designated 14.20.130
 - excess expenses liability 14.20.150
 - streets designation authority 14.20.120
 - violations, penalties 14.20.170
- Plumbing code
 - adopted by reference 14.04.070
 - permit fees 14.04.190

- Property maintenance code, adopted by reference 14.04.100
- Public works code, adopted by reference 14.12.010
- Residential code
 - adopted by reference 14.04.020
 - permit fees 14.04.180
- Street numbering
 - See STREETS Ch. 12.30
- Violations, penalties 14.04.120, 14.50.010

BURNING

- Reckless, unlawful 9.52.100

BUSINESS LICENSES

- Adult cabaret managers, entertainers 5.50.080
- Branch establishments, separate business designation 5.04.160
- Business premises inspection authority 5.04.210
- Display requirements 5.04.080
- Engaging in business definitions 5.04.020
- Escorts 5.50.090
- Exemptions 5.04.022
- Fees
 - additional, designated 5.04.120
 - annual rate, designated by resolution 5.04.100
 - businesses not operating from regular place of business 5.04.110
 - contractors, subcontractors 5.04.130
 - deemed independent, separate 5.04.010
 - due when 5.04.150
 - transient merchants 5.04.140
 - transient workmen 5.04.140
 - two or more state licensed firm members 5.04.190
- License
 - application 5.04.060
 - compliance with other applicable laws 5.04.090
 - fee—additional fees 5.04.120
 - issuance 5.04.050
 - issuance upon fee payment—display 5.04.080
 - transferability 5.04.070
 - year designated 5.04.200
- Models, nude or semi-nude 5.50.090
- Nonresident proprietors, agent liability 5.04.030
- Nontransferable 5.04.070
- Persons engaging in more than one business, separate business designation 5.04.170
- Purpose of provisions 5.04.010

Required when 5.04.040
Secondhand merchandise sales, exemption
qualifications 5.04.025

BUSINESS LICENSES (Cont'd.)

- Separate locations, separate business designation
5.04.160
- Subcontractors, applicability of provisions
5.04.180
- Violations
 - additional remedies designated 5.04.230
 - penalties 5.04.220

— C —

CABLE TELEVISION

- Franchise fee
- See CATV Ch. 5.22

CAFE

- C-1 district 17.32.020
- C-2 district 17.36.020

CAFETERIA

- Employee
 - I-1 district 17.44.020
 - I-2 district 17.46.030

CAMPING

- Overnight, prohibitions 9.52.150

CAR WASH

- C-2 district 17.36.020

CARPORT

- LDR districts 17.16.030

CASH BOND TRUST FUND

- Created, purpose 3.27.010
- Default, procedure 3.27.050
- Deposit, agreement requirements 3.27.020
- Recordkeeping requirements 3.27.030
- Release procedures 3.27.040

CASH REWARDS

- Information leading to arrest of vandals 2.72.010

CATS

- See ANIMALS Ch. 7.04

CATV

- Franchise fee, rate, due when 5.22.010

CEMETERY

- MDR, HDR districts 17.20.040

CHECKS, DRAFTS

- Issuance when insufficient funds unlawful
9.52.070

CHURCH

- C-1 district 17.32.020
- C-2 district 17.36.020
- C-3 district 17.40.030
- LDR districts 17.16.040
- MDR, HDR districts 17.20.040
- Zoning, conditional use requirements 17.72.100

CITY ADMINISTRATOR

- Compensation 2.07.030
- Conflict of provisions 2.07.040
- Duties 2.07.020
- Position created 2.07.010
- Severability 2.07.050

CITY BONDS, OBLIGATIONS REGISTRATION

- Definitions 3.48.010
- Purpose, council findings 3.48.020
- Registrar appointment, duties 3.48.030
- Registration system procedure 3.48.030
- Transfer restrictions statement 3.48.040

CITY COUNCIL

- See COUNCIL, CITY Ch. 2.04

CITY EMPLOYEES

- See PERSONNEL Ch. 2.48

CITY HALL

- Hours of operation 2.44.010
- Legal holidays 2.44.010

CIVIL SERVICE COMMISSION

- Adoption authority 2.28.030
- Composition, term, vacancies 2.28.020
- Copies of provisions availability 2.28.030
- Police and fire departments, created 2.28.010

CLAIMS AGAINST CITY

- See PERSONNEL Ch. 2.46

CLAIMS CLEARING FUND

- Created, purpose 3.30.010
- Expenditures purpose 3.30.030
- Funds transfers, authority, procedure 3.30.020
- Warrants issuance, procedure, authority 3.30.040

CLERK-TREASURER

- Appointment, duties generally 2.10.020

CLERK-TREASURER

Department created 2.08.010
Office designation 2.10.010

COAL STORAGE, DISTRIBUTION

I-1 district 17.44.020
I-2 district 17.46.030

CODE

Adoption 1.01.010
Citations 1.01.020
Constitutionality, severability of provisions
1.01.080
Definitions
generally 1.04.010
grammatical interpretation 1.04.020
Effect on past actions, obligations 1.01.070
Effective date 1.01.100
Grammatical interpretation of terms 1.04.020
Interpretation of provisions 1.04.040
Noncharter code city classification adoption
1.08.010
Notices, location for posting 1.04.060
Ordinances
adoption by two readings 1.01.110
passed prior to adoption, effect 1.01.060
reference to specific, effect 1.01.050
repeal does not revive 1.04.050
Prohibited acts include causing, permitting
1.04.030
Reference
applies to amendments 1.01.030
generally 1.01.020
prior code 1.01.090
Right of entry 1.16.010
Service of process, acceptance of claims 1.04.070
Title 1.01.020
Title, chapter, section headings, effect 1.01.040
Vote by less than the entire council, quorum
1.01.120

COERCION

Unlawful 9.12.060

COMMUNITY CLUB

C-1 district 17.32.020
LDR districts 17.16.030
MDR, HDR districts 17.20.030

COMMUNITY DEVELOPMENT DIRECTOR

Appointment, duties generally 2.10.090

CONSTRUCTION

Noise, vibration, hours limited 17.48.050
Vibration restrictions 17.48.060

CONSTRUCTION, CONTRACTING OFFICE, YARD

I-1 district 17.44.020
I-2 district 17.46.030

CONSTRUCTION, LOGGING EQUIPMENT

I-1 district 17.44.020
I-2 district 17.46.030

CONTROLLED SUBSTANCES

Violations, state statutes adopted by reference
1.12.020

CONVALESCENT HOME

C-1 district 17.32.030
LDR districts 17.16.040
MDR, HDR districts 17.20.040

COUNCIL, CITY

Mayor pro tem designation, generally 2.04.040
Meetings
procedures 2.04.005
regular, holidays 2.04.050
special 2.04.060
Members
alternative appointments, generally 2.04.040
compensation 2.04.010
forfeiture of office, when 2.04.030
Powers designated 2.04.020
Standing committees created, composition
2.04.070

COURT, MUNICIPAL

See MUNICIPAL COURT Ch. 2.56

COURTYARDS

C-1 district 17.32.020

CRIMINAL CODE

Applicability of provisions 9.04.010
Decency, public, offenses against
definitions 9.24.010
indecent exposure unlawful 9.24.090
prostitution
loitering unlawful 9.24.030
no defense 9.24.060
patronizing unlawful 9.24.050
permitted unlawful 9.24.070

unlawful 9.24.020
urinating in public unlawful 9.24.080
Definitions 9.04.090
Drugs, drug paraphernalia
See DRUGS Ch. 9.25
False reporting unlawful 9.08.050
Firearms, dangerous weapons
discharge prohibitions 9.80.040
drawing, carrying, display unlawful when
9.80.050
loaded, carrying in vehicles unlawful 9.80.030

manufacture, sale, possession, unlawful acts designated 9.80.020
 state statutes adopted by reference 9.80.010
 Government, offenses against
 obstructing law enforcement officer 9.08.010
 refusing to summon aid for peace officer 9.08.020
 resisting arrest unlawful 9.08.030
 Impersonating public officer unlawful 9.08.060
 Interfering with firemen unlawful 9.08.080
 Intoxicating liquor offenses
 See ALCOHOLIC BEVERAGES Ch. 9.26
 Jurisdiction, generally 9.04.030
 Malicious prosecution unlawful 9.08.090
 Obstructing fire extinguishment unlawful 9.08.070
 Offenses
 affirmative defenses, generally 9.04.060
 aiding, abetting 9.04.080
 applicability 9.04.050
 criminal liability, generally 9.04.070
 definitions 9.04.070
 designations generally 9.04.040, 9.04.050
 presumption of innocence 9.04.060
 punishment, generally 9.04.040
 Persons, offenses against
 assault unlawful 9.12.010
 coercion unlawful 9.12.060
 harassment
 no contact orders, generally 9.12.100
 no contact orders, violations, penalties 9.12.110
 reasonable fear defined 9.12.090
 unlawful 9.12.080
 hate crimes
 gross misdemeanor designation 9.12.170
 unlawful, penalties 9.12.160
 intimidating phone calls
 location of committed acts designated 9.12.140
 permitting prohibited acts unlawful 9.12.130
 unlawful acts designated 9.12.120
 provoking assault unlawful 9.12.030
 reckless endangerment unlawful 9.12.150
 simple assault, unlawful 9.12.020
 stalking unlawful 9.12.040
 Principles of construction 9.04.020
 Property offenses
 abandoned wells, cisterns, unlawful 9.52.130

bill posting, distribution unlawful when 9.52.080
 checks, drafts issuance, nonsufficient funds unlawful 9.52.070
 conversion of personal property unlawful when 9.52.110
 hotel, motel, restaurant, fraud unlawful 9.52.120
 iceboxes, refrigerators, unlawful acts 9.52.140
 littering unlawful, violation, penalty 9.52.090
 malicious mischief unlawful 9.52.060
 parks, unlawful acts 9.52.150
 possession of stolen property unlawful 9.52.040
 reckless burning unlawful 9.52.100
 shoplifting unlawful 9.52.010
 theft unlawful 9.52.010
 trespass
 buildings 9.52.020
 property 9.52.030
 vehicle prowling unlawful 9.52.050
 Public peace offenses
 disorderly conduct unlawful 9.36.010
 disrupting meetings, processions 9.36.030
 failure to disperse unlawful 9.36.040
 loitering on school grounds unlawful 9.36.050
 noise disturbances 9.36.020
 obstructing highways unlawful 9.36.060
 obstruction public passages unlawful 9.36.060
 pedestrian interference 9.36.070
 Purpose of provisions 9.04.020
 Rendering criminal assistance unlawful 9.08.040
 Severability of provisions 9.04.010
 Title of provisions 9.04.010

CRITICAL AREAS DEVELOPMENT

See also ENVIRONMENT Ch. 15.04
 Activities allowed in wetlands 15.08.370
 Allowed activities 15.08.630
 Appeals 15.08.250
 Applicability of provisions 15.08.090
 Aquifer recharge areas
 additional requirements 15.08.450
 generally 15.08.440
 Authority 15.08.020
 Best available science 15.08.080
 Bonds 15.08.310
 City review process 15.08.130
 Definitions 15.08.030

CRITICAL AREAS DEVELOPMENT

Determination
 favorable 15.08.220
 review 15.08.210
 unfavorable 15.08.230
Erosion, landslide hazard areas 15.08.610
Exceptions, reasonable use 15.08.110
Exemptions 15.08.100
Fees 15.08.050
Fish and wildlife habitat conservation areas
 15.08.700
Frequently flooded areas 15.08.500
Geologically hazardous areas 15.08.600
Identification checklist 15.08.140
Jurisdiction 15.08.060
Mapping of hazards 15.08.620
Markers, signs 15.08.280
Mitigation
 plan requirements 15.08.200
 requirements, generally 15.08.180
 sequencing 15.08.190
Notice on title 15.08.290
Performance standards
 general requirements 15.08.720
 generally 15.08.460
 specific habitats 15.08.730
 specific uses 15.08.470
Preapplication conference 15.08.120
Prohibited uses 15.08.480
Protection 15.08.070
Public notice of initial determination 15.08.150
Purpose of provisions 15.08.010
Regulation 15.08.640
Relation to other regulations 15.08.040
Reports
 additional requirements for habitat
 conservation areas 15.08.710
 modifications 15.08.170
 requirements
 generally 15.08.160
 wetlands 15.08.380
Review
 complete 15.08.240
 initial project 15.08.360
Setbacks 15.08.300
Stormwater management 15.08.420
Unauthorized critical area alterations, enforcement
 15.08.270
Variances 15.08.260

Wetlands
 buffers 15.08.400
 generally 15.08.350
 mitigation 15.08.430
 performance standards 15.08.390
 signing, fencing 15.08.410

CURBS

See SIDEWALKS Ch. 12.08

CUSTOM REPAIR, WORK

C-1 district 17.32.020

— D —

DANCE STUDIO

C-1 district 17.32.020

DANCES

Alcoholic beverages prohibited when 5.12.090
Chaperones required 5.12.020
Compliance required 5.12.050
Definitions 5.12.010
Juvenile, regulations generally 5.12.020
Licenses
 application information, fees 5.12.030
 exempt dances designated 5.12.030
 premises requirements 5.12.080
 refusal when 5.12.060
 restrictions, generally 5.12.110
 revocation when 5.12.070
Passouts prohibited 5.12.020
Private, regulations generally 5.12.020
Public, hours permitted 5.12.040
School, regulations generally 5.12.020
Smoking prohibitions 5.12.100

DAY CARE CENTER

LDR districts 17.16.040
MDR, HDR districts 17.20.040
Zoning, conditional use requirements 17.72.100

DEFENSE OF CITY OFFICERS, EMPLOYEES, VOLUNTEERS

See PERSONNEL Ch. 2.46

DEVELOPMENT CODE ADMINISTRATION

See LAND USE Title 19

DEVELOPMENT IMPACT FEES

Appeals 3.41.130
Authority 3.41.005

Collection of impact fees 3.41.030
 Computing based on independent fee calculation 3.41.060
 Computing using adopted impact fee schedules 3.41.050
 Credits 3.41.070
 Definitions 3.41.020
 Exemptions 3.41.040
 Formula for determining fire impact fees 3.41.150
 Formula for determining park, recreation, open space or trail impact fees 3.41.160
 Impact fee as additional and supplemental requirement 3.41.170
 Impact fee fund 3.41.080
 Modification of fee 3.41.120
 Penalty provision 3.41.180
 Purpose of provisions 3.41.010
 Refunds 3.41.090
 Review and revision 3.41.110
 Severability 3.41.190
 Transportation impact fees, coordination with Chapter 3.42 3.41.140
 Use of funds 3.41.100

DEVELOPMENT IMPACT FEES—

TRANSPORTATION

Appeals 3.42.130
 Authority 3.42.005
 Computing required impact fees using trip generation manual rates 3.42.050
 Computing required transportation impact fees based on an independent fee calculation 3.42.060
 Credits 3.42.070
 Definitions 3.42.020
 Determining transportation impact fee schedules 3.42.160
 Exemptions 3.42.040
 Fire and park, recreation, open space or trail impact fees, coordination with chapter 3.41 3.42.140
 Modification of fee 3.42.120
 Payment required 3.42.030
 Penalty provision 3.42.180
 Project list 3.42.165
 Purpose 3.42.010
 Refunds 3.42.090
 Review and revision 3.42.110
 Severability 3.42.190

State environmental policy act (SEPA), relationship to 3.42.170
 Transportation impact fee fund 3.42.080
 Transportation service areas and fee schedules, establishment of 3.42.150
 Use of funds 3.42.100

DEVELOPMENT REVIEW COMMITTEE

Established, composition 19.02.030
 Purpose 19.02.030

DISORDERLY CONDUCT

Unlawful 9.36.010

DOGS, CATS, PETS

See ANIMALS Ch. 7.04

DOMESTIC VIOLENCE

Prevention, prosecution fund 3.52.010
 RCW provisions adopted by reference 9.12.050

DRUG AND ALCOHOL FUND

Created 3.56.010
 Expenditures 3.56.030
 Seizure, forfeiture of currency 3.56.040
 Source of monies 3.56.020

DRUGS

Controlled substances possession unlawful 9.25.030
 Operation of vessels, watercrafts while under influence prohibited 9.20.160
 Paraphernalia
 advertising unlawful 9.25.060
 manufacture, delivery unlawful 9.25.050
 possession unlawful 9.25.040
 seizure, forfeiture, authority 9.25.070
 Possession unlawful 9.25.020
 State statutes adopted by reference 9.25.010
 Under the influence unlawful 9.25.020

DRY CLEANING, PRESSING

C-2 district 17.36.020

DUPLEX

See DWELLINGS Ch. 17.20

DWELLINGS

C-1 district 17.32.020
 Duplex
 LDR districts 17.16.040
 Multifamily, apartments
 MDR, HDR districts 17.20.020

DWELLINGS

- Single-family
 - C-1 district 17.32.020
 - C-2 district 17.36.020
 - C-3 district 17.40.020
- Single-family detached
 - LDR districts 17.16.020
- Watchman, custodian
 - I-1 district 17.44.020
 - I-2 district 17.46.030

— E —

ELECTRIC

- Radio transmitters 17.48.200
- Radioactivity, electrical disturbances, restrictions 17.48.190
- Television transmitters 17.48.200

ELECTRICITY

- Business tax
 - administration, enforcement authority 5.20.100
 - annexation to city, applicability 5.20.090
 - computation 5.20.050
 - credit, refunds, generally 5.20.080
 - due when 5.20.040
 - nonpayment penalty 5.20.070
 - rate 5.20.030
 - recordkeeping requirements 5.20.060

EMERGENCY MEDICAL SERVICES

- See also EMERGENCY RESPONSE SYSTEM Ch. 9.40
- Administrative rules 11.04.080
- Ambulance service license
 - denial, suspension and revocation
 - appeal 11.04.160
 - conditions 11.04.140
 - notice 11.04.150
 - issuance 11.04.120
 - required 11.04.110
 - term 11.04.130
- Certification for certain personnel 11.04.180
- Certifications and permits
 - denial, suspension and revocation
 - appeals procedure 11.04.200
 - conditions 11.04.190
- Contract administration 11.04.040
- Definitions 11.04.020

- EMS administrative board
 - membership 11.04.050
 - powers and duties 11.04.070
 - terms and conduct 11.04.060
- Exclusive ambulance service provider 11.04.025
- Exemptions to chapter provisions 11.04.220
- Permits for certain vehicles 11.04.170
 - See also Certifications and permits
- Prohibited activities 11.04.210
- Purpose 11.04.010
- Regulatory administration 11.04.030
- System standard of care
 - medical program director's duties 11.04.090
 - upgrades
 - conditions 11.04.095
 - review required 11.04.100
- Violations
 - civil when; continuing 11.04.250
 - notice, penalties and appeal 11.04.260
 - misdemeanor when; penalties 11.04.240
 - other penalties 11.04.270

EMERGENCY RESPONSE SYSTEM

- See also EMERGENCY MEDICAL SERVICES Ch. 11.04
- 911 emergency response system, misuse of
 - definitions 9.40.020
 - discontinuation of services 9.40.050
 - fees, imposition of 9.40.040
 - purpose 9.40.010
 - resumption of service 9.40.070
 - unlawful acts designated/affirmative defense 9.40.030
 - violation—penalty 9.40.060

EMPLOYEES, CITY

- See PERSONNEL Ch. 2.48
- Compensation
 - See PERSONNEL Ch. 2.60

ENTERTAINMENT FACILITY

- C-1 district 17.32.020

ENVIRONMENT

- Agency compliance 15.04.240
- Categorical exemptions
 - determination, effect 15.04.120
 - exemption levels 15.04.110
 - purpose, adoption 15.04.100

Commenting

consulting agency responsibilities 15.04.190

public notice requirements 15.04.180

requirements generally 15.04.170

Critical areas

See CRITICAL AREAS DEVELOPMENT

Ch. 15.08

Definitions, additional 15.04.040

Determination of nonsignificance 15.04.140

- Environmental
 - checklist requirements 15.04.130
 - documents, existing, use 15.04.200
 - impact statements, generally 15.04.160
 - review coordination 15.04.090
 - Environmentally sensitive areas, generally 15.04.250
 - Fees adopted by resolution 15.04.260
 - Information availability 15.04.060
 - Lead agency determination, responsibilities 15.04.070
 - Mitigated determination of nonsignificance 15.04.140
 - Notice, statute of limitations 15.04.230
 - Purpose, adoption by reference
 - See also Purpose of provisions 15.04.030
 - agency compliance 15.04.240
 - categorical exemptions, threshold determinations 15.04.100
 - commenting 15.04.170
 - environmental impact statements 15.04.150
 - existing environmental documents, uses 15.04.200
 - general requirements 15.04.030
 - substantive authority 15.04.210
 - Purpose of provisions
 - See also Purpose, adoption by reference 15.04.030
 - generally 15.04.020
 - Responsible official
 - agency compliance 15.04.240
 - categorical exemptions, determination 15.04.120
 - consulting agency responsibilities 15.04.190
 - designated 15.04.050
 - environmental impact statements preparation 15.04.160
 - lead agency determination 15.04.070
 - Shorelines management
 - See SHORELINES MANAGEMENT Ch. 15.06
 - Statute of limitations 15.04.230
 - Statutory authority 15.04.010
 - Substantive authority
 - adoption by reference 15.04.210
 - generally 15.04.220
 - Time limits designated 15.04.080
- EROSION CONTROL**
- Appeal 15.10.140
 - Applicability 15.10.020
- Applicable minimum requirements
 - large parcel developments 15.10.110
 - small parcel developments 15.10.100
 - Authority to enforce, inspect 15.10.120
 - Authority, general requirements 15.10.030
 - Critical areas development regulations 15.08.600, 15.08.610
 - Definitions 15.10.040
 - Exemption 15.10.050
 - General approval procedure 15.10.090
 - Penalty 15.10.130
 - Purpose of provisions 15.10.010
 - Required submittals 15.10.060
- ESCORT AGENCY**
- See SEXUALLY ORIENTED BUSINESSES Ch. 5.50
- EXCISE TAX**
- Real estate sales
 - applicability 3.44.020
 - Clark County, applicability 3.44.040
 - compliance requirements 3.44.030
 - Cowlitz County, applicability 3.44.050
 - due when 3.44.070
 - imposed 3.44.010
 - interest, generally 3.44.070
 - proceeds distribution 3.44.060
 - refunds, procedure 3.44.080
- EXCISE TAX, LEASEHOLD**
- Administration, collection authority 3.38.030
 - Contract with Department of Revenue 3.38.060
 - Exemptions, generally 3.38.040
 - Levied 3.38.010
 - Rate designated 3.38.020
 - Records inspection 3.38.050
- EXCISE TAX, SPECIAL**
- Collection, administration agent designated 3.36.030
 - Definitions 3.36.020
 - Imposed 3.36.010
 - Partial invalidity of provisions, effect 3.36.060
 - Rate 3.36.010
 - Special fund created, purpose 3.36.040
 - Violations, penalties 3.36.050
- EXPLOSIVES**
- I-1 district restrictions 17.48.140
 - Prohibited, limited acts 14.32.060
 - Transporting restrictions 10.68.010
- EXPOSURE, INDECENT**
- Unlawful 9.24.090

EXPOSURE, INDECENT

— F —

FALSE ALARMS

- Audible, visual alarms, deactivation requirements 14.34.070
- Automatic telephone alarm, unlawful 14.34.030
- Corrective measures required 14.34.090
- Definitions 14.34.010
- Directed connected electronic alarms, deactivation requirements 14.34.050
- Disconnection required when 14.34.090
- Misuse of 911 emergency response system
See EMERGENCY RESPONSE SYSTEM Ch. 9.40
- Response discontinuance, when 14.34.090
- Violations, penalties 14.34.090

FAMILY DAY CARE HOME

- LDR districts 17.16.030
- MDR, HDR districts 17.20.030

FARM

- I-1 district 17.44.020
- I-2 district 17.46.030

FARM MACHINERY SALES, SERVICE

- C-2 district 17.36.020

FEED, SEED STORE

- C-2 district 17.36.020
- I-1 district 17.44.020
- I-2 district 17.46.030

FEES

- Adult cabaret
 - business license 5.50.070
 - managers, entertainers business license 5.50.080
- Amusement devices permit 5.08.020
- Annexation filing 18.04.020
- Appeals 14.48.020
- Building code
 - permits 14.04.020
 - plan review 14.04.030
- Building demolition permit application 14.46.035
- Business licenses
 - additional, designated 5.04.120
 - businesses not operating from regular place of business 5.04.110
 - contractors, subcontractors 5.04.130
 - transient merchants 5.04.140
 - two or more state licensed firm members 5.04.190
- Comprehensive plan map amendment 16.08.020
- Conditional use permits 17.88.040
- Dances, alcoholic beverage license 5.12.030

- Dances, license 5.12.030
- Escorts, business license 5.50.090
- Fire code plan review, inspections 14.32.080
- Manufactured home placement appeals 14.22.080
- Models, nude or semi-nude, business license 5.50.090
- Preliminary plat review 16.08.020
- Public facilities construction contract application, processing 12.24.040
- Sexually oriented business
 - license 5.50.070
 - permit 5.50.040
- Short subdivision application 16.32.065
- Subdivision variance 16.08.020
- Zoning
 - amendments, variances, public hearing fees 17.88.040
 - map amendment 16.08.020

FINANCE COMMITTEE

- Created 2.04.070

FINANCES

- Investments
 - amount determination 3.10.010
 - limitations, generally 3.10.030
 - recordkeeping requirements 3.10.020

FINANCIAL MANAGEMENT POLICIES

- Accounting, auditing and financial reporting 3.68.140
- Budget management 3.68.020
- Capital improvements 3.68.080
- Expenditures 3.68.040
- Fixed assets 3.68.050
- Fund balance 3.68.060
- General information 3.68.010
- Investments 3.68.130
- Latecomer agreements 3.68.100
- Local improvement districts (LID) 3.68.090
- Long term debt 3.68.120
- Purchasing 3.68.070
- Revenues 3.68.030
- Short term debt 3.68.110

FIRE

- Fire station, zoning exemptions 17.76.070
- Hazards
 - gases 17.48.160
 - liquids 17.48.160
 - solid materials 17.48.150

FIRE CHIEF

- Appointment, duties generally 2.10.060

FIRE CHIEF (Cont'd.)
 Duties, responsibilities 2.16.030
 Office designation 2.10.010

FIRE CODE
 Administration 14.32.020
 Adopted 14.32.010
 Fees
 inspection 14.32.080
 permit 14.32.070
 plan review 14.32.090
 Filed documents available for inspection 14.32.160
 Fire
 apparatus access road 14.32.100
 extinguishing systems required 14.32.130
 hydrants 14.32.120
 Hazardous goods, materials storage 14.32.060
 Inspections 14.32.040
 Key box required 14.32.140
 Retroactive application to existing conditions
 14.32.050
 Violation, penalty 14.32.150

FIRE DEPARTMENT
 Civil service commission
 See CIVIL SERVICE COMMISSION Ch. 2.28
 Created 2.08.010
 False alarms
 See FALSE ALARMS Ch. 14.34
 Fire
 extinguishing systems, required where 14.32.130
 hydrants, requirements 14.32.120
 lanes access 14.32.100
 Interfering with firemen unlawful 9.08.080
 Key box access requirements 14.32.140
 Obstructing fire extinguishment unlawful 9.08.070
 Temporary fire hydrant water connection
 13.04.045
 Volunteer Firefighter's Relief and Pension Act,
 administration authority 2.30.030

FIRE DEPARTMENT, VOLUNTEER
 Apparatus, generally 2.16.040
 Bylaws, special organization 2.16.060
 Equipment, generally 2.16.040
 Financial requirements, generally 2.16.050
 Informational releases, generally 2.16.070
 Members, generally 2.16.020
 Membership 2.16.020

Mutual aid systems, contracts with other
 jurisdictions 2.16.080
 Organization 2.16.020
 Recognition 2.16.010
 Relief and Pension Act, generally 2.16.090

FIRE IMPACT FEE
 Appeals 3.41.130
 Authority to assess, collect, use 3.41.005
 Collection of impact fees 3.41.030
 Computation
 fee schedule 3.41.050
 independent fee calculation 3.41.060
 Defined 3.41.020
 Exemption 3.41.040
 Formula for determining 3.41.150
 Modification 3.41.120
 Refund 3.41.090
 Review, revision 3.41.110
 Use 3.41.100

FIRE LANES
 Alternate materials, methods 14.33.050
 Appeals 14.33.120
 Definitions 14.33.020
 Effective date 14.33.130
 Establishment 14.33.010
 Existing signs, markings 14.33.060
 Impoundment 14.33.110
 Maintenance 14.33.070
 Marking 14.33.030
 Obstruction prohibited 14.33.040
 Property owner responsibility 14.33.090
 Towing notification 14.33.080
 Violation, penalty 14.33.100

FIRE STATION
 C-2 district 17.36.020
 C-3 district 17.40.030

FIREARMS
 See WEAPONS Ch. 9.80

FIREWORKS REGULATIONS
 Adoption of state law by reference 14.28.010
 Fireworks
 discharge, sale and purchase 14.28.070
 stands 14.28.060
 Inspection of proposed fireworks stands, locations
 and award process 14.28.050

FIREWORKS REGULATIONS

- Penalty 14.28.080
 - Permit
 - fees 14.28.040
 - limitations 14.28.030
 - sale by permit only 14.28.020
 - Public display of fireworks 14.28.100
 - Third party liability 14.28.090
- FISH, WILDLIFE HABITAT**
- Conservation areas 15.08.700
- FISHING AREA**
- FW district 17.30.020
- FLAMMABLE, COMBUSTIBLE LIQUIDS**
- Storage regulations 14.32.050
- FLAMMABLES**
- Transporting restrictions 10.68.010
- FLOOD DAMAGE PREVENTION**
- Abrogation, greater restrictions 14.40.030
 - Anchoring requirements 14.40.050
 - Applicability of provisions 14.40.030
 - Areas of special flood hazard
 - establishment basis 14.40.030
 - floodways, restrictions, requirements 14.40.050
 - Construction materials, methods, generally 14.40.050
 - Critical areas development, frequently flooded areas 15.08.500
 - Critical facilities requirements 14.40.050
 - Definitions 14.40.020
 - Development permit
 - administrative authority designated, duties 14.40.040
 - base flood elevation data requirements 14.40.040
 - establishment, requirements 14.40.040
 - watercourse alteration, requirements 14.40.040
 - Encroachments, requirements 14.40.050
 - Findings of fact 14.40.010
 - Flood hazard reduction, requirements generally 14.40.050
 - Floodways, restrictions, requirements 14.40.050
 - Interpretation of provisions 14.40.030
 - Liability disclaimer and warning 14.40.030
 - Manufactured homes standards 14.40.050
 - Noncompliance, penalties 14.40.030
 - Nonresidential construction standards 14.40.050

- Purpose of provisions 14.40.010
- Recreational vehicles standards 14.40.050
- Reduction in flood loss methods, generally 14.40.010
- Residential construction standards 14.40.050
- Severability 14.40.060
- Shallow flooding areas standards 14.40.050
- Statutory authority 14.40.010
- Subdivision requirements, generally 14.40.050
- Utilities, requirements generally 14.40.050
- Variances, procedure generally 14.40.040

FLOODWAY USE DISTRICT

See ZONING Ch. 17.30

FOOD LOCKER

C-2 district 17.36.020

FOURPLEX

See DWELLINGS Ch. 17.20

FRAUD

Unlawful acts designated 9.52.120

FUNDS

See Specific Subject

FUNERAL HOME

C-2 district 17.36.020

FUNERALS

See TRAFFIC Ch. 10.40

FURNITURE, HOME FURNISHINGS

C-2 district 17.36.020

— G —

GAMBLING TAX

- Administrative authority designated 3.04.040
- Applicability
 - generally 3.04.010
 - of tax 3.04.030
- Collection authority designated 3.04.040
- Computation 3.04.010
- Delinquent, penalty 3.04.070
- Due when 3.04.030, 3.04.070
- Financial records access requirements 3.04.060
- Imposed 3.04.010

GAMBLING TAX (Cont'd.)

- Rules, regulations, enforcement authority 3.04.050
- Violations, penalties 3.04.080

GARAGE

- C-2 district 17.36.020
- LDR districts 17.16.030
- Sales 5.04.020, 5.04.025

GARBAGE

- Collection, disposal system
 - accumulations, city action, effect 8.08.120
 - cans, containers, regulations generally 8.08.110
 - collector
 - recordkeeping requirements 8.08.190
 - rights, duties generally 8.08.130
 - contractor
 - duties, generally 8.08.040
 - equipment requirements 8.08.050
 - route requirements 8.08.050
 - established 8.08.020
 - fees, collection by city 8.08.060
 - frequency 8.08.100
 - rates
 - commercial 8.08.140
 - compacted 8.08.150
 - extra cans, refuse material 8.08.170
 - loose, bulky material 8.08.160
 - low income seniors, disabled persons 8.08.190
 - noncompacted material 8.08.150
 - record of collection 8.08.200
 - residential 8.08.140
 - return trips 8.08.180
 - recyclable materials 8.08.105
 - regulatory authority designated 8.08.030
 - use required 8.08.090
- Definitions 8.08.010
- Disposal fund created, purpose 8.08.080
- Recycling
 - See Collection, disposal system

GARBAGE DISPOSAL FUND

- Created, purpose 8.08.080

GARDENS, ORCHARDS

- FW district 17.30.020

GAS, NATURAL, MANUFACTURED, MIXED

- Business tax
 - administration, enforcement authority 5.20.100
 - annexation to city, applicability 5.20.090
 - computation 5.20.050
 - credit, refunds, generally 5.20.080
 - due when 5.20.040
 - nonpayment penalty 5.20.070
 - rate 5.20.030
 - recordkeeping requirements 5.20.060

GAS, NATURAL, MANUFACTURED, USE TAX

- Administrative authority 5.21.060
- Applicability 5.21.030
- Collection
 - authority 5.21.060
 - contracting with state 5.21.080
- Credit, generally 5.21.040
- Exemption, generally 5.21.030
- Levied 5.21.010
- Payment responsibility 5.21.050
- Rate designated 5.21.020
- Records inspection 5.21.070
- Violation, penalty 5.21.090

GENERAL PENALTY

- See PENALTY, GENERAL Ch. 1.12

GOLF CART ZONE

- Authorization, applicability 10.30.010
- Golf carts
 - defined 10.30.020
 - operation of on public roads 10.30.030
- Registration 10.30.050
- Required equipment 10.30.040
- Severability 10.30.070
- Violation
 - penalty 10.30.060

GOLF COURSE, DRIVING RANGE

- FW district 17.30.020

GREENHOUSE

- C-2 district 17.36.020
- I-1 district 17.44.020
- I-2 district 17.46.030

GROCERY STORE

- C-2 district 17.36.020
- C-3 district 17.40.020

HARASSMENT

— H —

HARASSMENT

- No contact orders
 - generally 9.12.100
 - violation, penalties 9.12.110
- Reasonable fear defined 9.12.090
- Unlawful 9.12.080

HATE CRIMES

- Unlawful
 - gross misdemeanor designation 9.12.170
 - violation, penalties 9.12.170

HAY, FIELD CROPS

- FW district 17.30.020

HAZARDOUS WASTE

- On-site treatment
 - C-1 district 17.32.020
 - C-2 district 17.36.020
 - I-1 district 17.44.020
 - I-2 district 17.46.030

HEALTH SPA

- C-1 district 17.32.020

HEARING EXAMINER, LAND USE

- Appeals
 - city council review 17.81.160
 - generally 17.81.150
 - judicial, when 17.81.170
- Applications
 - decision
 - in writing 17.81.130
 - notice requirements 17.81.140
 - dismissals 17.81.125
 - procedure, generally 17.81.100
 - public hearing 17.81.120
 - staff planner reports 17.81.110
- Appointment, term 17.81.030
- Attempts to influence prohibited 17.81.060
- Conflict of interest resolution 17.81.070
- Due process review, modification authority 17.81.095
- Duties, powers 17.81.020
- Office created 17.81.020
- Powers, generally 17.81.090
- Purpose of provisions 17.81.010
- Qualifications 17.81.040
- Removal 17.81.050

- Rules, regulations promulgation authority 17.81.080

HOLIDAYS, CITY

- Designated 2.44.010

HOME FOR THE AGED

- C-1 district 17.32.030
- LDR districts 17.16.030
- MDR, HDR districts 17.20.040

HOME OCCUPATIONS

- LDR districts 17.16.030
- MDR, HDR districts 17.20.030

HORSES

- Riding, prohibitions 9.52.150

HORSESHOE LAKE

- See also WATER SAFETY Ch. 9.20
- Alcoholic beverages limitations 9.26.110
- Entertainment permit required when 9.20.110
- Littering prohibited 9.20.120
- Motor-powered skis, sleds prohibited 9.20.100
- Water skiing, prohibition authority 9.20.135

HORSESHOE LAKE MANAGEMENT

COMMITTEE

- Composition 2.80.020
- Established 2.80.010
- Members
 - terms of office 2.80.030
- Organization 2.80.040
- Powers, duties 2.80.060
- Quorum, meetings 2.80.050

HORSESHOE LAKE PARK

- Waterfowl population limitations, removal, destruction authority 8.16.010

HOSPITAL

- C-1 district 17.32.030
- MDR, HDR districts 17.20.040

HORTICULTURE

- FW district 17.30.020

HOTEL

- C-1 district 17.32.020
- C-2 district 17.36.020
- Fraud, unlawful acts designated 9.52.120

HUMAN RESOURCES/GOVERNMENT
COMMITTEE
Created 2.04.070

— I —

ICE SKATING

- I-1 district 17.44.020
- I-2 district 17.46.030

IMPERSONATING PUBLIC OFFICER

- Unlawful 9.08.060

INDECENT EXPOSURE

- Unlawful 9.24.090

INTIMIDATING TELEPHONE CALLS

- Location of committed acts designated 9.12.140
- Permitted prohibited acts unlawful 9.12.130
- Unlawful acts designated 9.12.120

INTOXICATING LIQUOR

- See also ALCOHOLIC BEVERAGES Ch. 9.26
- Operation of vessels, watercrafts while under influence prohibited 9.20.160

— J —

JAIL

- Facilities operating standards, state statutes adopted 1.20.010

JUDGE, MUNICIPAL

- See MUNICIPAL JUDGE Ch. 2.56

JUNK

- Accumulation, nuisance declaration 8.12.020
- Defined 8.20.010

JUNK VEHICLES

- See VEHICLES Ch. 8.20

— L —

LABORATORY

- I-1 district 17.44.020
- I-2 district 17.46.030

LAND USE

- Land development project permits
 - appeals
 - SEPA related issues 19.06.050
 - applicability of provisions 19.02.010

application

- acceptance criteria 19.02.090
- administrative approval, requirements 19.06.040
- appeal hearings notice 19.06.080
- categorically exempt actions 19.04.030
- completeness determination 19.02.090
- consistency determination 19.04.010
- decision notice 19.06.090
- distribution requirements 19.06.030
- incomplete, procedure 19.02.090
- notice, posting requirements 19.06.030
- notice requirements 19.06.010
- open record hearing, notice 19.06.070
- optional processing 19.02.100
- public comment, generally 19.06.010
- referral when 19.06.020
- review, generally 19.06.020
- SEPA analysis requirements 19.04.020
- SEPA comments reconsideration 19.06.060
- submittal requirements 19.02.080
- time limits determination 19.04.040
- application, review procedures adoption 19.02.040
- approval, review and appeal authority
 - conflicts 19.08.040
 - consolidation of review and appeal process 19.08.020
 - department staff approval authorities 19.08.010
 - review and appeal authority 19.08.030
- definitions 19.02.020
- enforcement provisions
 - additional enforcement 19.90.200
 - abatement 19.90.220
 - civil penalty 19.90.210
 - personal obligation authorized 19.90.250
 - revocation of permits 19.90.240
 - suspension of permits 19.90.230
- appeal of the notice and order
 - hearing fees 19.90.410
 - hearing 19.90.430
 - notice required 19.90.420
 - request 19.90.400
 - timeline 19.90.450
 - written appeal decision 19.90.440
- liens
 - authorized 19.90.300

LAND USE

- claim—general 19.90.320
- duration—limitation of action 19.90.340
- foreclosure—parties 19.90.360
- notice lien may be claimed 19.90.310
- priority 19.90.350
- recording 19.90.330
- settlement of civil penalty claims 19.90.370
- process
 - commencement of proceedings 19.90.100
 - enforcement of final order 19.90.160
 - final order 19.90.140
 - method of service 19.90.130
 - notice and order 19.90.120
 - right of entry 19.90.110
 - supplemental notice and order 19.90.150
- purpose and authority
 - authority and administration 19.90.030
 - declaration of intent 19.90.020
 - permit required 19.90.010
- exempt actions designated 19.02.050
- feasibility review, generally 19.02.060
- inspections of development projects and subject sites 19.02.115
- planned actions threshold determinations 19.04.030
- preapplication conference
 - discussion topics 19.02.070
 - required when 19.02.070
- public notice, generally 19.06.010
- purpose of provisions 19.02.010
- recovery of construction administration, inspection services costs 19.02.120
- review committee
 - See DEVELOPMENT REVIEW COMMITTEE 19.02.030
- SEPA
 - exempt projects 19.06.010
 - review limitations 19.04.030
- site plan review
 - appeal 19.10.080
 - applicability 19.10.020
 - completion prior to occupancy 19.10.110
 - compliance required and expiration 19.10.100
 - criteria for site plan approval 19.10.060
 - exemptions 19.10.030

- modifications to approved site plan 19.10.090
- phasing 19.10.120
- preliminary site plan approval—final civil plan approval 19.10.070
- purpose 19.10.010
- submittal requirements 19.10.050
- types and procedures 19.10.040
- use of consultants 19.02.110

LEASEHOLD EXCISE TAX

See EXCISE TAX, LEASEHOLD Ch. 3.38

LIBRARY

- C-1 district 17.32.020
- C-3 district 17.40.030

LIBRARY, PUBLIC

- Fort Vancouver regional library district
 - liaison appointment, term, expense reimbursements 2.20.020
 - merger with, effective date 2.20.010

LICENSES

- Ambulance service license
 - See EMERGENCY MEDICAL SERVICES Ch. 11.04
- Peddlers 5.16.020
- Public utilities 5.20.020
- Solicitors 5.16.020
- Utilities, public 5.20.020

LIQUEFIED GAS STORAGE, DISTRIBUTION

- I-1 district 17.44.020
- I-2 district 17.46.030

LIQUEFIED PETROLEUM GAS

- Storage regulations 14.32.050

LITTERING

- Horseshoe lake prohibitions 9.20.120
- Nuisance declaration when 8.12.020
- Parks, unlawful acts designated 9.52.150
- Unlawful, violation, penalty 9.52.090

LIVESTOCK

- FW district prohibitions 17.30.020

LIVING QUARTERS, ACCESSORY

- LDR districts 17.16.030

LODGING TAX ADVISORY COMMITTEE

- Advisory committee
 - associated organizations 2.82.040
 - created 2.82.010
 - membership 2.82.020
 - pretreatment facilities 13.12.260
 - public meeting 2.82.060
 - taxing proposal review 2.82.050
 - term of membership 2.82.030

LOITERING

- Prostitution unlawful 9.24.030
- School grounds, unlawful acts 9.36.050

LUMBER

- I-1 district 17.44.020
- I-2 district 17.46.030

LUMBER, BUILDING SUPPLY YARDS

- C-2 district 17.36.020

— M —

MALICIOUS MISCHIEF

- Unlawful 9.52.060

MALICIOUS PROSECUTION

- Unlawful 9.08.090

MANUFACTURED HOME

- LDR districts 17.16.020
- MDR, HDR districts 17.20.040
- New
 - See ZONING 17.08.491.1
- Sales 17.28.150
- Size, design 17.28.080

MANUFACTURED HOME PARK

- See ZONING Ch. 17.28

MANUFACTURED HOME PLACEMENT CODE

- Administrative authority 14.22.070
- Appeals, generally 14.22.080
- Applicability of provisions 14.22.010
- Definitions 14.22.020
- Exemptions, generally 14.22.090
- Mobile home standards 14.22.060
- Occupancy restrictions 14.22.050
- Permit
 - application
 - requirements 14.22.030
 - review, approval 14.22.040

- certificate of final inspection required 14.22.050

- Placement, requirements generally 14.22.050

- Variances, generally 14.22.080

MANUFACTURED HOME SUBDIVISIONS

- Development standards 17.28.300

MAYOR

- Appointive powers 2.06.020
- Compensation 2.06.050
- Oath, affidavit administration powers 2.06.030
- Ordinances, signature duties 2.06.040
- Powers, duties, generally 2.06.010
- Signature powers 2.06.030

MECHANICAL CODE

- International Code adopted by reference 14.04.030

MEETINGS

- Disrupting unlawful 9.36.030

METALS, RAW, MANUFACTURING, FABRICATING

- I-1 district 17.44.020
- I-2 district 17.46.030

MINORS

- Alcoholic beverages
 - on premises liquor establishment, prohibited 9.26.060
 - possession, consumption unlawful 9.26.070
 - prohibitions generally 9.26.120
 - sales to prohibited 9.26.020
 - supplying to prohibited 9.26.040
- Dances, restrictions generally 5.12.020
- False identification to obtain alcoholic beverages prohibited 9.26.030
- Firearms, sales or furnishing to unlawful 9.72.080
- Parental responsibility
 - violations
 - firearms sales, furnishing to 9.72.080
 - leaving children unattended in parked vehicle 9.72.070
 - tobacco sales, furnishing to 9.72.090
- Taverns, prohibited 9.26.050

MODEL STUDIO

- Semi-nude
 - See SEXUALLY ORIENTED BUSINESSES Ch. 5.50

MODULAR HOME

MODULAR HOME

See ZONING 17.08.515

MORTUARY

C-2 district 17.36.020

MOTEL

Adult

See **SEXUALLY ORIENTED BUSINESSES**

Ch. 5.50

C-2 district 17.36.020

Fraud, unlawful acts designated 9.52.120

MUNICIPAL COURT

Authority 2.56.020

Court of record designation 2.56.105

Created 2.56.010

Establishment, operation 2.56.025

Jurisdiction

generally 2.56.020

original violations 2.56.030

Sessions 2.56.090

Statutes, rules governing procedure, generally
2.56.100Violations bureau, establishment authority
2.56.040

Violations, penalties 2.56.110

MUNICIPAL COURT SUSPENSE FUND

Created, purpose 3.26.010

Disbursements, procedure 3.26.030

Reporting requirements 3.26.020

MUNICIPAL JUDGE

Appointment, term 2.56.060

Compensation, salary 2.56.070

Expense reimbursement 2.56.070

Judges pro tem, appointment, qualifications
2.56.080

Qualifications 2.56.050

MUNICIPAL PUBLIC WORKS CODE

Adopted by reference 14.12.010

Compliance required 14.12.020

MUSEUMS

C-1 district 17.32.020

— N —

NATURAL OR MANUFACTURED GAS USE TAXSee **GAS, NATURAL, MANUFACTURED,
USE TAX** Ch. 5.21**NEWSPAPER**

Offices, C-1 district 17.32.020

Official, designated 1.10.010

NOISE

Disturbances, unlawful acts designated 9.36.020

Exemptions, generally 17.48.030

Radio transmitters 17.48.200

Radioactivity, electrical disturbances, restrictions
17.48.190

Sound

measurements 17.48.020

pollution, generally 17.48.040

Television transmitters 17.48.200

NUISANCE

Abandoned

iceboxes, refrigerators 9.52.140

wells, cisterns 9.52.130

Abatement

by police department

due care requirement 8.12.070

when, effect 8.12.060

costs responsibility 8.12.080

failure, effect 8.12.040

failure, penalty 8.12.050

Animals, declaration when 7.04.050

Applicability of provisions 8.12.090

Creating, permitted unlawful 8.12.030

Definitions 8.12.010

Designations, generally 8.12.020

Junk vehicles, keeping, storage, declaration when
8.20.040

Sexually oriented business violations 5.50.290

Street excavations, when 12.04.130

NURSERY

C-2 district 17.36.020

I-1 district 17.44.020

I-2 district 17.46.030

NURSING HOME

C-1 district 17.32.030

LDR districts 17.16.040

MDR, HDR districts 17.20.040

— O —

OBLIGATIONS OF CITYSee **CITY BONDS, OBLIGATIONS****REGISTRATION** Ch. 3.48

OBSTRUCTING LAW ENFORCEMENT OFFICER

OBSTRUCTING LAW ENFORCEMENT OFFICER

- Prohibited acts designated 9.08.010
- Refusal to summon aid unlawful 9.08.020
- Resisting arrest unlawful 9.08.030

OFFICERS, CITY

- Designations 2.10.010
- Employment contracts, generally 2.10.100

OFFICES

- Professional, business
 - C-1 district 17.32.020
 - C-2 district 17.36.020

OFF-STREET PARKING

- See ZONING Ch. 17.56

OPEN BURNING

- Reckless, unlawful 9.52.100

OPEN SPACE

- C-1 district 17.32.020
- FW district 17.30.020

ORDINANCES

- Mayor signature requirement 2.06.040
- Passed prior to adoption of code, effect 1.01.040
- Reference, specific, effect on code 1.01.070
- Repeal does not revive 1.04.050

— P —

PARK ACQUISITION, IMPROVEMENT FUND

- Established 3.24.010
- Receipts, expenditures, procedure 3.24.020

PARKING

- See also TRAFFIC Title 10
- Commercial lots, garages
 - C-2 district 17.36.020
- Commercial vehicles, tractors, trailers
 - See Truck tractors, truck tractor trailers, commercial vehicles
- Loading
 - requirements, zoning regulations Ch. 17.56
 - spaces requirements Ch. 17.56
- Manufactured home park 17.28.120
- Off-street
 - C-1 district 17.32.020, 17.32.100
 - C-2 district 17.36.100
 - C-3 district 17.40.120

- city employees 10.56.040
- I-1 district 17.44.100
- I-2 district 17.46.100
- LDR districts 17.16.060
- MDR, HDR districts 17.20.060
- zoning regulations Ch. 17.56
- Planned unit residential developments 16.22.170
- Recreational vehicles, boats, campers, trailers 10.56.020
- Truck tractors, truck tractor trailers, commercial vehicles
 - provisions re 10.56.010
 - residential areas 10.56.030
- Violations
 - notice, ticket
 - issuance, generally 10.64.020
 - no response, effect 10.64.030
 - vehicle owners presumed operator 10.64.040

PARKS

- C-1 district 17.32.020
- C-2 district 17.36.020
- Unlawful acts designated 9.52.150

PARKS AND RECREATION BOARD

- Composition 2.24.010
- Created 2.24.010
- Employees, supervisory director designated 2.24.060
- Members
 - appointment, compensation 2.24.010
 - term 2.24.010
- Organizational meetings 2.24.030
- Powers, duties 2.24.050
- Quorum 2.24.020
- Regular meetings 2.24.040

PARKS AND RECREATION COMMITTEE

- Created 2.04.070

PAYROLL CLEARING FUND

- Created 3.28.010
- Funds transfers, authority, procedure 3.28.040
- Purpose 3.28.020
- Warrants issuance, procedure, authority 3.28.030

PEDDLERS, SOLICITORS

- Definitions 5.16.010

- License
 - application
 - investigation 5.16.060
 - physician statement waiver when requirements 5.16.040
 - bond requirements 5.16.100
 - carrying on person, display when requested 5.16.080
 - each individual required 5.16.130
 - exemptions, generally 5.16.030
 - issuance 5.16.070
 - physician statement required when required 5.16.050
 - revocation when 5.16.090
 - term 5.16.070
 - vehicles requirements 5.16.040
 - Orders, information requirements, duplicates 5.16.110
 - Severability of provisions 5.16.140
 - Violations, penalty 5.16.120
- PEDESTRIAN TRAIL**
- FW district 17.30.020
- PENALTY, GENERAL**
- Civil infractions designated 1.12.020
 - Designated 1.12.010
 - Information leading to arrest of vandals, cash reward 2.72.010
 - Prohibited acts include causing, permitting 1.04.030
- PERFORMANCE STANDARDS**
- See ZONING Ch. 17.48
- PERMIT**
- Amusement devices 5.08.030
 - Building
 - demolition 14.46.030
 - sewer construction 13.12.160
 - Emergency medical services
 - See EMERGENCY MEDICAL SERVICES Ch. 11.04
 - Fireworks sales 14.28.020
 - Flood hazards, development permit 14.40.040
 - Hazardous materials 14.32.070
 - Horseshoe Lake, entertainment permit 9.20.110
 - Mobile home placement 14.22.030
 - Moving buildings 14.20.010
 - Private sewage system construction 13.12.100
- Sewer connection 13.08.010
 - Sexually oriented business 5.50.040
 - Street excavations 12.04.020
 - Water connection 13.04.020
- PERSONAL SERVICES**
- C-1 district 17.32.020
- PERSONNEL**
- Benefits, generally 2.62.010
 - Compensation, salaries, mid-month pay draws 2.48.010
 - Defense of city officers, employees, volunteers
 - amendments to provisions 2.46.110
 - applicability of provisions 2.46.050
 - claims payment, conditions 2.46.050
 - collective bargaining agreement applicability 2.46.120
 - compliance requirements 2.46.060
 - definitions 2.46.010
 - exclusions
 - designated 2.46.030
 - determination 2.46.040
 - expense reimbursement 2.46.080
 - failure to comply, effect 2.46.070
 - insurance policies conflict resolution 2.46.090
 - legal representation, generally 2.46.020
 - pending claims, applicability of provisions 2.46.100
 - Hiring policy 2.62.020
 - Recruitment policy 2.62.020
 - Residence requirements, public works department 2.48.020, 2.48.030
 - Salary, wage schedule
 - copy availability 2.60.030
 - designated 2.60.010
 - revisions, authority 2.60.020
- PET**
- See also ANIMALS Ch. 7.04
 - Store
 - C-2 district 17.36.020
- PETROLEUM STORAGE, DISTRIBUTION**
- I-1 district 17.44.020
 - I-2 district 17.46.030
- PETTY CASH REVOLVING FUNDS**
- Clerk-treasurer change fund
 - created, purpose 3.05.020

PETTY CASH REVOLVING FUNDS

- expenditures, replenishment 3.05.030
 - initial amounts designated 3.05.030
 - Clerk-treasurer petty cash revolving fund
 - created, purpose 3.05.010
 - expenditures, replenishment 3.05.030
 - initial amounts designated 3.05.030
 - Custodian designated 3.05.040
 - Municipal court change fund
 - created, purpose 3.05.020
 - expenditures, replenishment 3.05.030
 - initial amounts designated 3.05.030
 - Police change fund
 - created, purpose 3.05.020
 - expenditures, replenishment 3.05.030
 - initial amounts designated 3.05.030
 - Prohibited uses designated 3.05.060
 - Receipts, reimbursement vouchers 3.05.050
 - Reconciliations 3.05.040
- PLANNED UNIT RESIDENTIAL DEVELOPMENT**
- LDR districts 17.16.020
 - MDR, HDR districts 17.20.020
- PLANNED UNIT RESIDENTIAL DEVELOPMENTS (PURD)**
- Abandonment, effect 16.22.380
 - Allowed uses designated 16.22.030
 - Applicability of provisions 16.22.020
 - Base zone standards compliance 16.22.040
 - Building permit application requirements 16.22.340
 - Certification of occupancy, issuance requirements 16.22.330
 - Classifications, incentives and required qualifying criteria points 16.22.025
 - Criteria necessary to qualify 16.22.075
 - Density calculations 16.22.060
 - Easements, service facilities, public 16.22.190
 - Enforcement authority designated 16.24.040
 - Final plats
 - approval
 - filing requirements 16.22.310
 - submission requirements 16.22.300
 - building permit issuance restrictions 16.22.320
 - Final site plan applicability 16.22.350
 - Groundwater control requirements 16.22.240
 - Interpretation of provisions 16.24.010
 - Lot sizes 16.22.070
 - Open space ownership and maintenance 16.22.160
 - Ownership change, requirements 16.22.360
 - Parking requirements 16.22.170
 - Preapplication conference 16.22.250
 - neighborhood meeting required 16.22.255
 - Preliminary plat, approval expiration 16.22.370
 - Preliminary site plan
 - approval
 - considerations 16.22.280
 - effect 16.22.290
 - information required, submittal 16.22.260
 - recommendations, findings preparation 16.22.280
 - review requirements 16.22.270
 - Purpose of provisions 16.22.010
 - Relationship between PURD and preliminary plat, explained 16.22.257
 - Sanitary sewage disposal requirements 16.22.230
 - Service facilities
 - private, requirements, generally 16.22.200
 - public
 - dedications, requirements 16.22.180
 - standards designated 16.22.190
 - Size requirements 16.22.050
 - Stormwater control requirements 16.22.240
 - Street requirements 16.22.210
 - Violations
 - penalties generally 16.24.020
 - prevention, generally 16.24.030
 - Walkways requirements 16.22.220
 - Zero lot line sample lot design 16.22.400
- PLANNING COMMISSION**
- Established 2.32.010
 - Membership, composition, term, vacancies 2.32.010
 - Powers, duties 2.32.020
 - Quorum 2.32.060
 - Recommendations to city council 2.32.030
 - Rules of procedure, generally 2.32.050
 - Subdivision recommendations 2.32.040
- PLAYHOUSE**
- C-1 district 17.32.020
- PLUMBING CODE**
- Permit
 - application requirements 14.04.190
 - Uniform Code adopted by reference 14.04.070

POLICE CHIEF

Appointment

duties generally 2.10.050

generally 2.26.020

Office designation 2.10.010

Powers, duties generally 2.26.060

Residency requirements 2.26.090

POLICE DEPARTMENT

Civil service commission

See CIVIL SERVICE COMMISSION Ch. 2.28

Created 2.08.010

False alarms

See FALSE ALARMS Ch. 14.34

Management authority designated 2.26.030

Members

compensation 2.26.050

duties, generally 2.26.070

removal when 2.26.040

Officer, assistance to fire department, generally

2.16.100

Reserve pension

See POLICE RESERVE PENSION Ch. 2.23

Response time requirements 2.26.080

Sworn officers

designated 2.26.010

response time requirements 2.26.080

POLICE RESERVE PENSION

Definitions 2.30.010

Plan administration 2.30.030

Volunteer Firefighters' Relief and Pension Act,
participation authority 2.30.020**POLICE STATION**

C-2 district 17.36.020

PROCESSIONS

See TRAFFIC Ch. 10.40

Disrupting unlawful 9.36.030

PROPANE STORAGE, DISTRIBUTION

I-1 district 17.44.020

I-2 district 17.46.030

PROPERTYLeased, rented, encumbered unlawful acts
designated 9.52.110**PROSECUTOR, CITY**

Appointment, duties generally 2.10.040

Office designation 2.10.010

PROSTITUTION

Loitering unlawful 9.24.030

No defense 9.24.060

Patronizing unlawful 9.24.050

Permitting unlawful 9.24.070

Unlawful acts designated 9.24.020

PUBLIC FACILITIES

Construction contracts

application, processing fees 12.24.040

compliance requirements 12.24.050

latecomer reimbursement, disclaimer 12.24.030

liability disclaimer 12.24.010

limitations generally 12.24.010

procedures, policies promulgation authority
12.24.020**PUBLIC FACILITIES COMMITTEE**

Created 2.04.070

PUBLIC LIBRARY

See LIBRARY, PUBLIC Ch. 2.20

PUBLIC RECORDS

Disclosure regulations

access for inspection, copying 2.88.050

commercial purposes prohibitions 2.88.090

criminal history records 2.88.060

custodian designated 2.88.040

definitions 2.88.020

fee schedules 2.88.070

property of city 2.88.030

purpose 2.88.010

retention, destruction schedule 2.88.080

PUBLIC SAFETY COMMITTEE

Created 2.04.070

PUBLIC SERVICES

Emergency medical services

See EMERGENCY MEDICAL SERVICES

Ch. 11.04

PUBLIC UTILITIES

See UTILITIES, PUBLIC Ch. 5.20

PUBLIC WORKS

Bidding procedures

bid inspection 3.64.040

change orders on construction contracts

3.64.060

PUBLIC WORKS

definitions 3.64.010
emergencies 3.64.070
limited public works process 3.64.030
lowest responsible bidder 3.64.050
public inspection of purchase, small works
roster, or limited public works awards 3.64.080
severability 3.64.090
small works roster 3.64.020
Personnel residence requirements 2.48.020,
2.48.030

PUBLIC WORKS DEPARTMENT

Created 2.08.010
Divisions created 2.08.010

PUBLIC WORKS DIRECTOR

Appointment, duties generally 2.10.080

PUBLIC/QUASI-PUBLIC/INSTITUTIONAL (PQPI)

See ZONING Ch. 17.24

PURCHASING

See also SMALL WORKS ROSTER Ch. 3.22
Purchasing, credit card policy and payment of
claims
approval of payment of claims 3.60.050
city credit cards, usage 3.60.060
contracts, leases or rental agreements, authority
to enter into 3.60.070
preparation of claims vouchers 3.60.030
review and approval of purchase orders
3.60.010
small purchase contracts 3.60.020
validity of checks 3.60.040
Vendors
solicitation by telephone, generally 3.20.010
written quotations, generally 3.20.010

— R —

RADIO ANTENNAE

LDR districts 17.16.080
MDR, HDR districts 17.20.090

RAILROAD

Jacobs brakes use prohibited 10.40.080
Trains blocking streets, prohibitions 10.40.080

REAL ESTATE OFFICE

C-2 district 17.36.020

RECKLESS ENDANGERMENT

Unlawful 9.12.150

RECREATIONAL FACILITY

C-1 district 17.32.020
C-2 district 17.36.020

RECREATIONAL MARIJUANA

Definitions 17.50.020
Enforcement 17.50.090
Findings and purpose 17.50.010
Location criteria for recreational marijuana uses
17.50.030
Marijuana uses allowed in identified zones
17.50.040
Report of disturbances and unlawful activity
17.50.070
Security requirements 17.50.060
Signs and advertising 17.50.050
Visibility of activities; control of emissions
17.50.080

RECREATIONAL VEHICLE PARK

C-2 district 17.36.030
Zoning, conditional use requirements 17.72.100

RECYCLING

See GARBAGE Ch. 8.08

RENTAL, LEASING SERVICES

I-1 district 17.44.020
I-2 district 17.46.030

RESEARCH ORGANIZATION

I-1 district 17.44.020
I-2 district 17.46.030

REST HOME

C-1 district 17.32.030
LDR districts 17.16.040
MDR, HDR districts 17.20.040
Zoning, conditional use requirements 17.72.080

RESTAURANT

C-1 district 17.32.020
C-1 district prohibitions 17.32.040
C-2 district 17.36.020
Fraud, unlawful acts designated 9.52.120

RESTAURANT, HOTEL SUPPLY

C-2 district 17.36.020

RETAIL STORE

- C-1 district 17.32.020
- C-2 district 17.36.020

RETREAT CENTER

- Zoning, conditional use requirements 17.72.100

ROAD, BRIDGE AND MUNICIPAL
CONSTRUCTION SPECIFICATIONS AND
PLANS

- Public works engineering standards 12.02.020
- Standard specifications, plans adopted by reference
12.02.010

ROLLER SKATING

- I-1 district 17.44.020
- I-2 district 17.46.030

— S —

SALARY COMMISSION

- Definitions 2.84.020
- Duties 2.84.050
- Meetings, operations and expenses 2.84.060
- Membership, appointment, compensation, term
2.84.010
- Referendum 2.84.070
- Removal 2.84.040
- Vacancies 2.84.030

SALES TAX

- Additional local sales and use tax 3.12.100
- Administration, collection
authority 3.12.030
contract with Department of Revenue 3.12.050
- Imposed 3.12.010
- Provisions subject to referendum procedure
3.12.080
- Rate designated 3.12.020
- Receipts allocation, distribution designation
3.12.060
- Records inspection 3.12.040
- Violations, penalties 3.12.090

SANITARIUM

- C-1 district 17.32.030

SATELLITE DISH

- LDR districts 17.16.080
- MDR, HDR districts 17.20.090

SCHOOL

- C-2 district 17.36.030
- LDR districts 17.16.040
- MDR, HDR districts 17.20.040

SCHOOL IMPACT FEES

- Additional to other requirements 3.40.160
- Agreements, existing 3.40.090
- Appeals 3.40.150
- Authority 3.40.005
- Calculation 3.40.060
- Capital facilities plan 3.40.100
- Credits 3.40.070
- Definitions 3.40.020
- Eligibility 3.40.050
- Exemptions 3.40.040
- Fund created, purpose 3.40.080
- Impact mitigation required 3.40.030
- Modification 3.40.140
- Purpose of provisions 3.40.010
- Refunds 3.40.110
- Review, revision 3.40.130
- Use of revenue 3.40.120

SEWAGE

- Building sewer
connection
drain, requirements 13.12.210
gas, water-tight 13.12.220
construction materials 13.12.190
separate per building 13.12.180
size, slope requirements 13.12.200
- Construction
permit classes designated 13.12.170
permit required 13.12.160
- Definitions 13.12.030
- Depositing on property unlawful 13.12.040
- Discharge standards, prohibited 13.12.240
- Discharging, natural outlet, into, prohibited
13.12.050
- Entry of private property 13.12.300
- Grease, oil interceptors requirements 13.12.260
- Inspections, finding habitation unfit, effect
13.12.070
- Premises unfit for human habitation, effect
13.12.070
- Private system
abandonment, fill requirements 13.12.130
allowed when 13.12.090

SEWAGE

- maintenance, operation expense responsibility 13.12.140
- permit
 - inspection requirements 13.12.110
 - required, application 13.12.100
- specifications, construction compliance 13.12.120
- Privies, cesspools prohibited when 13.12.080
- Public sewer
 - damage
 - repair by entity 13.12.330, 13.12.340
 - discharges
 - commercial/industrial waste 13.12.250
 - septage dumping 13.12.230
 - interceptors
 - conformance requirements 13.12.265
 - construction requirements 13.12.260
 - inspections 13.12.265
 - maintenance requirements 13.12.270
- Purpose of provisions 13.12.020
- Right of revision 13.12.290
- State health requirements, compliance 13.12.150
- Title of provisions 13.12.010
- Toilet facilities required 13.12.060
- Violations
 - correction, abatement by city 13.12.360
 - generally 13.12.310
 - penalties 13.12.350

SEWER

- Backflow prevention
 - See WATER Ch. 13.28
- Charges
 - cross-references fees, charges 13.08.190
 - standby, unconnected structures 13.08.065
- Connection
 - damages to streets, sidewalks, liability 13.08.040
 - fees, charges
 - lien enforcement authority 13.08.115
 - lien when 13.08.110
 - inspection required 13.08.070
 - lateral/service line responsibility 13.08.075
 - permit
 - application, issuance 13.08.020
 - established 13.08.010
 - fee payment when 13.08.050
 - required when 13.08.060

- violation, water service withholding authorized when 13.08.090
- Construction specifications 13.08.080
- Cross-connection prevention
 - See WATER Ch. 13.28
- Extensions
 - late-comer fee
 - city reimbursement 13.08.180
 - owner reimbursement 13.08.170
 - operational, maintenance standards 13.08.160
- Rates
 - change, notice requirements 13.08.200
 - designated 13.08.120
 - low income, senior citizen, disabled persons' discount 13.08.140
 - outside city limits 13.08.130
 - payment due when 13.04.220
 - unspecified property 13.08.150
- Service
 - application fees generally 13.08.030
 - fees, charges
 - lien enforcement authority 13.08.115
 - lien when 13.08.110
- Zoning provisions 17.64.010

SEWER, WATER SYSTEM DEVELOPMENT CHARGES

- See WATER, SEWER SYSTEM DEVELOPMENT CHARGES Ch. 13.24

SEWER WORKS DESIGN CRITERIA

- Adoption by reference 13.10.010

SEXUALLY-ORIENTED BUSINESSES

- Adult
 - arcades, regulations generally 5.50.160
 - bookstores, regulations generally 5.50.160
 - cabaret
 - business license
 - fee 5.50.070
 - entertainers, required 5.50.080
 - managers, required 5.50.080
 - manager on premises required 5.50.110
 - premises requirements 5.50.140
 - standards of conduct designated 5.50.150
 - video stores, regulations generally 5.50.170
- Applicability of provisions 5.50.030
- Business license
 - denial, appeals procedure 5.50.230

expiration 5.50.070
fees
 designated 5.50.070, 5.50.090
 due when 5.50.100
display, posting requirements 5.50.130
name restrictions 5.50.190
nontransferable 5.50.120
revocation, suspension
 appeals procedure 5.50.240

- duration designated 5.50.250
 - Definitions 5.50.020
 - Escorts, business license required, fee 5.50.090
 - Exemptions, generally 5.50.180
 - Hours of operation 5.50.210
 - Inspection authority 5.50.200
 - Liability disclaimer 5.50.270
 - Manager on premises required 5.50.110
 - Models, business license required, fee 5.50.090
 - Permit
 - application requirements 5.50.040
 - investigation 5.50.050
 - issuance 5.50.060
 - required 5.50.040
 - Purpose of provisions 5.50.010
 - Recordkeeping requirements 5.50.200, 5.50.220
 - Severability of provisions 5.50.260
 - Violations
 - penalties 5.50.280
 - public nuisance declaration when 5.50.290
 - Zoning, conditional use requirements 17.72.100
- SHOPLIFTING**
- Unlawful 9.52.010
- SHOPPING CENTER**
- C-2 district 17.36.020
- SHORELINES MANAGEMENT**
- See also ENVIRONMENT Ch. 15.08
 - Applicability 15.06.030
 - Master program adopted by reference 15.06.010
 - Urban environmental designation adoption 15.06.020
- SHRUBS**
- See VEGETATION CONTROL Ch. 8.04
- SIDEWALKS**
- Appeals, generally 12.06.060
 - Construction standards, generally 12.06.040
 - Curbs and sidewalks maintenance
 - abutting property owner liability 12.08.070
 - inspection requirements 12.08.010
 - notice to repair
 - actions by city when 12.08.050
 - contents 12.08.030
 - issuance authority 12.08.020
 - lien assessments, when 12.08.060
 - posting, service requirements 12.08.040
- reimbursement for city work 12.08.020
 - Existing, replacement, generally 12.06.030
 - Placement requirements 12.06.020
 - Required 12.06.010
- SIGNS**
- C-1 district 17.32.020
 - C-2 district 17.36.020
 - C-3 district 17.40.020
 - I-1 district 17.44.020
 - I-2 district 17.46.030, 17.46.130
 - Zoning regulations Ch. 17.52
- SMALL WORKS ROSTER**
- Advertising requirements 3.22.020
 - Established 3.22.010
 - Procedures, generally 3.22.030
- SMOKE**
- Emission restrictions 17.48.080
- SMOKING**
- Dances, prohibitions generally 5.12.100
- SOLICITORS**
- See PEDDLERS, SOLICITORS Ch. 5.16
- SOLID WASTE**
- See GARBAGE Ch. 8.08
 - Manufactured home park 17.28.210
- SOLID WASTE COLLECTION TAX**
- Imposed, rate Ch. 8.08
- SPECIAL EXCISE TAX**
- See EXCISE TAX, SPECIAL Ch. 3.36
- SPEED LIMITS**
- See TRAFFIC Ch. 10.08
- STALKING**
- Persons, offenses against, domestic violence
 - unlawful 9.12.050
 - Unlawful 9.12.040
- STOLEN PROPERTY**
- Possession unlawful 9.52.040
- STORAGE**
- C-2 district 17.36.020
 - I-1 district 17.44.020
 - I-2 district 17.46.030

STORM DRAINS

STORM DRAINS

Discharges

- prohibited designated 12.20.010
- violation, penalties 12.20.020

STORMWATER MANAGEMENT

Applicability 15.12.030

Contents of

- abbreviated preliminary stormwater plan 15.12.190
- preliminary and final stormwater plans—
technical information report (TIR) 15.12.180

Definitions 15.12.040

Enforcement 15.12.050

Exceptions and special cases

- basin plans 15.12.110
- other exemptions 15.12.170
- other governmental agency projects 15.12.140
- regional and subregional facilities 15.12.120
- single-family home construction 15.12.150
- small residential projects 15.12.160
- variances 15.12.130

Findings 15.12.010

Purpose 15.12.020

Standard requirements

- maintenance and ownership 15.12.090
- other requirements 15.12.100
- quantity control 15.12.080
- submittal requirements 15.12.060
- water quality treatment 15.12.070

STREETS

Arterial, designated 10.36.010

Construction regulations

- cost reimbursement to developers 12.14.020
- facilities conveyance to city 12.14.010
- late-comer fee program
 - contracts, generally 12.14.030
 - generally 12.14.020
- new streets, generally 12.14.010

Discharges

- prohibited, designated 12.20.010
- violation, penalties 12.20.020

Excavations

- attractive nuisance declaration when 12.04.130
- completion of work, requirements 12.04.200
- definitions 12.04.010
- disruption fees, required when, computations 12.04.060

easements designations on plan 12.04.140
emergency

- actions, authority 12.04.220
- work, authority 12.04.210

fire equipment clearance requirements 12.04.100

inspections 12.04.250

leaving unguarded unlawful 12.04.130

liability disclaimer 12.04.270

monuments preservation requirements 12.04.240

noise, dust, debris regulations generally 12.04.230

permit

- application requirements 12.04.040
- exemptions, generally 12.04.030
- fee established by resolution 12.04.050
- insurance requirements 12.04.080
- required 12.04.020
- site security requirements 12.04.070

plans, drawings, profiles, maintenance requirements 12.04.260

property lines designations on plan 12.04.140

surface restoration

- by city when, cost liability 12.04.180

traffic

- control devices, erection, maintenance requirements 12.04.110
- rerouting requirements 12.04.090

utility removal, protection requirements 12.04.120

violations, penalties 12.04.280

Merchandise for sale, unlawful acts 10.40.070

Manufactured home park 17.28.180

Obstructing unlawful 9.36.060

Road, bridge and municipal construction specifications and plans

See ROAD, BRIDGE AND MUNICIPAL CONSTRUCTION SPECIFICATIONS AND PLANS Ch. 12.02

Sewer connections, damage liability 13.08.040

Sidewalks

See SIDEWALKS Ch. 12.06

Street numbering

- address system 12.30.010
- assignment of addresses 12.30.030
- house numbers 12.30.020

STREETS (Cont'd.)

system of numbering for multi-tenant and multiple structure complexes 12.30.025

Trees

applicability 12.28.015
 definitions 12.28.020
 penalties 12.28.110
 permission, procedure to remove 12.28.050
 permitted 12.28.025
 planting restrictions 12.28.030
 prohibited 12.28.100
 protection 12.28.080
 remedies not exclusive 12.28.120
 responsibilities
 property owner 12.28.060
 utility maintenance 12.28.070
 safety provisions 12.28.090
 title, purpose 12.28.010
 work permit 12.28.040

SUBDIVISIONS

Applicability of provisions 16.02.030

Block designs

commercial, industrial uses 16.14.200
 generally 16.14.190

Boundary line adjustments and lot consolidations

appeals 16.34.070
 applicability 16.34.010
 application Requirements 16.34.040
 approval Criteria 16.34.050
 definitions 16.34.020
 purpose 16.34.030
 recording 16.34.060

Clearing, grubbing, grading requirements
16.16.020

Compliance required 16.02.040

Construction plans

conformance requirements 16.08.310
 requirements 16.18.050

Cul-de-sacs requirements 16.14.260

Curbs, sidewalks, requirements generally
16.16.070

Cut, fill embankments requirements 16.14.300,
16.16.030

Definitions

article, section, subsection headings, effect
16.04.010
 designated terms 16.04.040—16.04.780

generally 16.04.030

mandatory, discretionary usage 16.04.020

tense usage 16.04.020

Design standards

applicability of provisions 16.14.010

block designs

commercial, industrial uses 16.14.200
 generally 16.14.190

compliance requirements 16.14.020

cul-de-sacs requirements 16.14.260

cut, fill embankments requirements 16.14.300

environment impact minimization 16.14.100

geologic report

contents, generally 16.14.150
 evaluation, generally 16.14.160
 required when 16.14.130
 requirements 16.14.120

hazards considerations 16.14.110

lot design

commercial, industrial uses 16.14.200
 general requirements 16.14.170

master plan

phased developments requirements
16.14.050

preparation, generally 16.14.030

purpose 16.14.040

name selection authority 16.14.080

naming restrictions 16.14.060

natural features preservation, generally
16.14.090

park land dedications 16.14.210

right-of-way

requirements, generally 16.14.240
 width requirements 16.14.250

soil, geologic considerations 16.14.110

soil maps applicability 16.14.140

street

curves requirements 16.14.290
 generally 16.14.240

grades 16.14.270

intersections 16.14.280

naming restrictions 16.14.070

utility easements 16.14.230

watercourse easements 16.14.220

Drainage system requirements 16.16.010

Easements

utilities 16.14.230

watercourse 16.14.220

SUBDIVISIONS

- Environment impact minimization 16.14.100
- Fences, hedges, generally 16.16.060
- Final plat
 - filing requirements 16.10.070
 - general content requirements 16.18.070
 - information requirements 16.10.010
 - review
 - city council 16.10.060
 - planning commission 16.10.050
 - public works director 16.10.040
 - signatures required, procedure 16.10.030
 - supplementary information requirements 16.10.020
 - term, expiration, reactivation 16.10.080
- Flood damage prevention requirements, generally 14.40.050
- Geologic report
 - contents, generally 16.14.150
 - evaluation, generally 16.14.160
 - feasibility report contents 16.18.040
 - required when 16.14.130
 - requirements 16.14.120
- Hazards considerations 16.14.110
- Improvements
 - as-built plans requirements 16.12.190
 - building permit, final plat approval required 16.12.180
 - future planning considerations 16.12.030
 - inspections
 - fee payment 16.12.150
 - generally 16.12.140
 - interim
 - completion options 16.12.050
 - maintenance, removal requirements 16.12.170
 - off-site, requirements 16.12.020
 - performance, security bonds
 - applicability 16.12.060
 - approval requirements 16.12.120
 - binding upon applicant 16.12.110
 - completion time period 16.12.090
 - default declaration 16.12.100
 - information required 16.12.070
 - inspections, maintenance, removal costs inclusion 16.12.130
 - monetary amount determination 16.12.080
 - refund 16.12.100
 - permanent
 - completion options 16.12.040
 - maintenance requirements 16.12.160
 - within plat boundaries, responsibility 16.12.010
- Improvements required
 - clearing, grubbing, grading requirements 16.16.020
 - cut, full embankments requirements 16.16.030
 - drainage system 16.16.010
 - fences, hedges, generally 16.16.060
 - landscaping, generally 16.16.060
 - monuments, property markers 16.16.100
 - planting strips grass 16.16.040
 - screening requirements 16.16.060
 - streetlights 16.16.090
 - streets, curbs, sidewalks 16.16.070
 - tree planting 16.16.050
 - utilities installation 16.16.080
- Landscaping, generally 16.16.060
- Lot design
 - commercial, industrial uses 16.14.200
 - density average in R-1 zone 16.14.180
 - general requirements 16.14.170
- Manufactured home park standards 17.28.300
- Map, approval required 16.02.040
- Master plan
 - information requirements 16.18.030
 - phased developments requirements 16.14.050
 - preparation, generally 16.14.030
 - purpose 16.14.040
 - submission requirements 16.18.030
- Monuments, property markers 16.16.100
- Name selection authority 16.14.080
- Naming restrictions 16.14.060
- Natural features preservation, generally 16.14.090
- Park land dedications 16.14.210
- Plan, approval required 16.02.040
- Planned unit residential developments
 - See **PLANNED UNIT RESIDENTIAL DEVELOPMENTS (PURD)** Ch. 16.22
- Plans, sketch plans requirements 16.18.010
- Planting strips grass requirements 16.16.040
- Plat, approval required 16.02.040
- Preapplication conference
 - applicability of provisions 16.06.020
 - building inspector participation 16.06.060
 - county planner participation 16.06.110
 - effect, disclaimer 16.06.130

- fee exemption 16.06.030
- fire chief, assistant, participation 16.06.080
- information required from applicant 16.06.050
- notice exemption 16.06.030
- public works supervisor participation 16.06.070
- PUD participation, generally 16.06.100
- purpose of provisions 16.06.010
- referrals to appropriate officer 16.06.040
- sketch plan submittal requirements 16.18.010
- soil conservation service representative participation 16.06.120
- Preliminary plats
 - adjacent property owner releases 16.08.210
 - application requirements 16.08.010
 - approval
 - conditions, generally 16.08.250
 - consolidated staff report required 16.08.230
 - construction plans submission 16.08.310
 - effect, generally 16.08.300
 - approval, denial recommendations 16.08.170
 - city council review 16.08.140
 - curbs, sidewalks, generally 16.08.175
 - distribution requirements 16.18.020
 - drainage, generally 16.08.175
 - EIS, special studies 16.08.240
 - fees 16.08.020
 - flood control zones, generally 16.08.200
 - hearing, draft EIS 16.08.100
 - hearing, initial
 - additional applications notice 16.08.060
 - application review coordination 16.08.080
 - date setting 16.08.030
 - notice, publication, mailing 16.08.040
 - notice contents 16.08.050
 - plat review, SEPA processes coordination 16.08.090
 - plats, copies distribution 16.08.070
 - purpose 16.08.080
 - hearing on merits, purpose 16.08.110
 - information required 16.18.020
 - irrigation districts, generally 16.08.200
 - master plan relationship, generally 16.08.260
 - off-site facilities, generally 16.08.220
 - open space, generally 16.08.170
 - physical site characteristics, generally 16.08.190
 - plans, ordinance conformance required 16.08.160
 - public dedications, generally 16.08.180
 - recommendations
 - basis, factors 16.08.150
 - requirements 16.08.130
 - review, comments, recommendations 16.08.120
 - roadway improvements, generally 16.08.175
 - streets, utilities, generally 16.08.170
 - surrounding properties consideration 16.08.220
 - time limitations, extensions 16.08.290

SUBDIVISIONS (Cont'd.)

- variances
 - approval requirements 16.08.280
 - generally 16.08.270
- Preliminary site plan, requirements generally 16.18.060
- Purpose of provisions 16.02.020
- Replat, approval required 16.02.040
- Right-of-way
 - requirements, generally 16.14.240
 - width requirements 16.14.250
- Screening requirements 16.16.060
- Short subdivisions
 - administrator designated, duties 16.32.030
 - administrator review 16.32.150
 - applicability of provisions 16.32.010
 - application
 - contents required 16.32.040
 - fees 16.32.065
 - filing notice 16.32.050
 - review authority, requirements 16.32.060
 - approval procedure 16.32.078
 - boundary markings, monuments 16.32.100
 - definitions 16.32.015
 - denial
 - appeal procedure 16.32.080
 - procedure generally 16.32.078
 - enforcement authority 16.32.140
 - exemptions, generally 16.32.020
 - final short subdivision plat
 - information requirements 16.32.078
 - signatures required 16.32.079
 - innocent purchaser for value
 - exceptions 16.32.125
 - violations relief 16.32.128
 - lot size, generally 16.32.110
 - recording requirements 16.32.090
 - resubdivision allowed when 16.32.070
 - sewage disposal requirements 16.32.110
 - street requirements 16.32.110
 - utilities requirements 16.32.120
 - variance, procedure generally 16.32.123
 - violations, penalties 16.32.130
- Sketch plan requirements 16.18.010
- Soil, geologic considerations 16.14.110
- Soil maps applicability 16.14.140
- Street name
 - restrictions 16.14.070

- selection authority 16.14.080
- Streetlights requirements 16.16.090
- Streets
 - curves requirements 16.14.290
 - general requirements 16.14.240
 - grading requirements 16.14.270
 - intersections requirements 16.14.280
 - requirements generally 16.16.070
- Title of provisions 16.02.010
- Tree planting requirements 16.16.050
- Utilities installation 16.16.080
- Utility easements 16.14.230
- Variances, preliminary plats
 - approval requirements 16.08.280
 - generally 16.08.270
- Watercourse easements 16.14.220

SWIMMING

- C-1 district 17.32.020
- Indoor facility
 - I-1 district 17.44.020
 - I-2 district 17.46.030

SWIMMING POOLS

- C-1 district 17.32.020
- LDR districts 17.16.030
- MDR, HDR districts 17.20.030

— T —

TAXES

- See Specific Subject

TELEPHONE BUSINESS

- Business tax
 - administration, enforcement authority 5.20.100
 - annexation to city, applicability 5.20.090
 - computation 5.20.050
 - credit, refunds, generally 5.20.080
 - due when 5.20.040
 - nonpayment penalty 5.20.070
 - rate 5.20.030
 - recordkeeping requirements 5.20.060

TEMPORARY USES

- Abatement 17.70.070
- Assurance device 17.70.080
- Criteria for approval 17.70.050
- Exemptions 17.70.040

TEMPORARY USES

Permit

application 17.70.030

required 17.70.020

Purpose 17.70.010

Time limitation 17.70.060

TENNIS FACILITY

I-1 district 17.44.020

I-2 district 17.46.030

THEATER, INDOOR

C-1 district 17.32.020

THEFT

Unlawful 9.52.010

TOBACCO

Dances, prohibitions generally 5.12.100

Minors, sales or furnishing to unlawful 9.72.090

TOWN

Right of entry for inspection, enforcement

1.16.010

TOWNHOUSES

MDR, HDR districts 17.20.020

TRAFFIC

Alleys, backing prohibitions 10.40.030

Avoidance of intersection; penalty 10.40.090

Boarding, alighting from vehicle in motion
prohibited 10.40.050

Control devices placement authority 10.60.020

Curbs, sidewalks, driving over prohibited
10.40.040

Engineer designated 10.60.010

Explosives, flammables, transporting restrictions
10.68.010

Funerals, processions

drivers, operational requirements 10.40.020

driving through prohibited 10.40.010

Load, use restrictions

promulgation authority 10.60.020

violations, penalties 10.60.030

Model traffic ordinance, adopted by reference
10.04.010

Railroad trains blocking streets, prohibitions
10.40.080

Speed limits designated 10.08.010

Stopping, standing, parking

See PARKING Ch. 10.56

Streets

See STREETS Ch. 10.36

U-turns, prohibitions 10.40.040

Unlawful riding designated 10.40.060

Violations

arrest procedures, general penalty 10.64.010

state statutes adopted by reference 1.12.020

TRANSPORTATION BENEFIT DISTRICT

Authority of the district 3.16.030

Dissolution of district 3.16.050

Established 3.16.010

Governing board 3.16.020

Liberal construction 3.16.060

Use of funds 3.16.040

TRANSPORTATION SYSTEM TERMINAL, PUBLIC

C-2 district 17.36.020

TREES

See also STREETS

Obstructing sidewalks, streets, removal authority
8.04.010

Subdivision planting requirements 16.16.050

TRESPASSING

Buildings, unlawful when 9.52.020

Property, unlawful when 9.52.030

TRIPLEX

See DWELLINGS Ch. 17.20

TRUCKS

Parking

truck tractors, truck tractor trailers, commercial
vehicles

provisions re 10.56.010

residential areas 10.56.030

Sales, repair, dealerships

C-2 district 17.36.020

— U —

URINATING IN PUBLIC

Unlawful 9.24.080

UTILITIES, PUBLIC

Business tax

administration, enforcement authority 5.20.100

annexation to city, applicability 5.20.090

applicability 5.20.030

computation 5.20.050
credit, refunds, generally 5.20.080
due when 5.20.040
nonpayment penalty 5.20.070
recordkeeping requirements 5.20.060

License

applicability 5.20.010
application requirements 5.20.020
nontransferable 5.20.020
required 5.20.020

Street excavations, removal, protection
requirements 12.04.120

UTILITY, PUBLIC

Buildings

I-1 district 17.44.020
I-2 district 17.46.030
C-1 district 17.32.030
C-2 district 17.36.030
Flood damage prevention requirements 14.40.050
LDR districts 17.16.020
Manufactured home park 17.28.200
MDR, HDR districts 17.20.040

UTILITY, PUBLIC (Cont'd.)

- Offices
 - C-1 district 17.32.020
- Outside city limits
 - annexation
 - approval required 13.16.060
 - covenant required service application 13.16.010
 - continuation of current service 13.16.070
 - denial authorized 13.16.080
 - expanded services defined 13.16.050
 - outside city limits, proposed LID 13.16.020
 - reimbursement contract 13.16.030
 - subdivision 13.16.040

— V —

VANDALS

- Information leading to arrest of vandals, cash reward 2.72.010

VARIANCES

- See ZONING Ch. 17.81

VEGETATION CONTROL

- Nuisance declaration when 8.12.020
- Obstructing streets, sidewalks
 - failure to remove, penalty 8.04.070
 - hearing 8.04.040
 - notice to remove
 - contents 8.04.020
 - service requirements 8.04.030
 - removal
 - authority 8.04.010
 - costs lien, when 8.04.060
 - reimbursement to city 8.04.050
- Trees, shrubs, obstructing sidewalks, streets, removal authority 8.04.010
- Violations, failure to remove penalty 8.04.070

VEHICLES

- City police vehicles, identification and marking of
 - exempt vehicles 10.12.020
 - severability 10.12.030
 - vehicle identification, marking 10.12.010
- Firearms, dangerous weapons, loaded, carrying in unlawful 9.80.030
- Junk
 - abatement, generally 8.20.070
 - applicability of provisions 8.20.050

- defined 8.20.020
- inspection, certification authority 8.20.030
- keeping, storage, nuisance declaration when 8.20.040
- notice of certification
 - contents required, service 8.20.060

Motorized foot scooters

- definitions 10.26.020
- generally 10.26.010
- hearing to reclaim device 10.26.080
- helmets required 10.26.040
- noise restrictions, mufflers 10.26.050
- operation regulations 10.26.030
- required equipment 10.26.060
- severability 10.26.090
- violation, penalty 10.26.070

Prowling unlawful 9.52.050

Recreation, flood damage prevention requirements 14.40.050

VETERINARY OFFICE, CLINIC

- C-2 district 17.36.020, 17.36.030
- I-1 district 17.44.020
- I-2 district 17.46.030
- Zoning, conditional use requirements 17.72.100

VIDEO STORE

- Adult
 - See SEXUALLY ORIENTED BUSINESSES Ch. 5.50

— W —

WAREHOUSING

- I-1 district 17.44.020
- I-2 district 17.46.030

WATER

- Backflow prevention
 - See Cross-connections, backflow prevention Ch. 13.28
- Connection
 - assessment charges 13.04.040
 - contract required when 13.04.070
 - installation fee 13.04.050
 - interference, tampering unlawful 13.04.140
 - permission required 13.04.150
 - permit
 - established 13.04.020
 - issuance 13.04.030

WATER

- temporary fire hydrant 13.04.045
- unlawful when 13.04.130
- Cross-connections, backflow prevention
 - approval requirements 13.28.030
 - backflow prevention devices
 - approval requirements 13.28.030
 - compliance, failure, effect 13.28.060
 - testing, inspections 13.28.040
 - compliance required 13.28.060
 - definitions 13.28.010
 - duty of care, not created 13.28.070
 - enforcement authority 13.28.030
 - inspections
 - backflow prevention devices 13.28.040
 - right of entry 13.28.050
 - purpose of provisions 13.28.020
 - testing requirements 13.28.040
- Cross-referencing fees, charges, generally 13.04.290
- Definitions 13.04.010
- Extensions
 - late-comer fee, city reimbursement 13.04.280
 - standards, operation, maintenance 13.04.260
- Hearing examiner authority filing period 13.04.360
- Meter
 - accessibility 13.04.110
 - complaint, testing, adjustments 13.04.230
 - plumbing alterations required when 13.04.120
- Notices prior to shutoff
 - metered dwelling 13.04.330
 - multiple dwelling meter 13.04.340
- Rates
 - changes, notice, hearing requirements 13.04.300
 - chargeable against property 13.04.160
 - payment due when 13.04.220
 - schedule 13.04.170
 - service outside city 13.04.210
- Service
 - deposit
 - refund when 13.04.190
 - required 13.04.080
 - required when 13.04.180
 - extension, charges 13.04.060
 - nonuse, notice requirements 13.04.240
 - not required when 13.04.200
 - pipe, owner responsibility 13.04.090
 - temporary 13.04.045

- withholding authorized when 13.08.090
- State health rules adopted by reference 13.04.250
- Termination of service before transfer of account 13.04.320
- Transfer of account to tenant, costs 13.04.350
- Use restrictions, generally 13.04.100
- Utility account landlord's name transfer to tenant's name 13.04.310
- Zoning provisions 17.64.010

WATER SAFETY

- Emergency lake closure 9.20.050
- Horseshoe Lake no wake area 9.20.020
- Motorboat operation
 - limitations 9.20.055
 - radio-controlled 9.20.040
 - special event permit 9.20.030
- Statutory provisions adopted 9.20.010
- Violation, penalty 9.20.060

WATER, SEWER LINE EXTENSIONS

- Appeals, generally 13.20.040
- Required when 13.20.010
- To adjoining lot, required when 13.20.030
- To road frontage, required when 13.20.020
- Waiver when 13.20.040

WATER, SEWER SYSTEM DEVELOPMENT CHARGES

- Assessments
 - applicability 13.24.020
 - funds disposition 13.24.040
 - payment due when 13.24.030
- Purpose of provisions 13.24.010

WATERCRAFT

- See WATER SAFETY Ch. 9.20

WEAPONS

- Dangerous, manufacture, sale, possession, unlawful acts designated 9.80.020
- Discharge prohibitions 9.80.040
- Drawing, carrying, display unlawful when 9.80.050
- Firearms
 - dangerous weapons, loaded, carrying in vehicles unlawful 9.80.030
 - selling, furnishing to minors unlawful 9.72.080
- State statutes adopted by reference 9.80.010

WEEDS

See VEGETATION CONTROL Ch. 8.04

WILDLIFE HABITAT

Conservation areas 15.08.700

WOOD STORAGE, DISTRIBUTION

I-1 district 17.44.020

I-2 district 17.46.030

— Y —

YARD, GARDEN SUPPLY

C-2 district 17.36.020

I-1 district 17.44.020

I-2 district 17.46.030

YARDS

Storage

C-1 district 17.32.120

LDR districts 17.16.080

MDR, HDR districts 17.20.090

Zoning requirements, generally 17.76.060

— Z —

ZONING

Accessory uses, regulations

C-3 district 17.40.040

LDR districts 17.16.030

manufactured home parks

buildings, materials 17.28.170

uses 17.28.020

MDR, HDR districts 17.20.030

public quasi-public/institutional (PQPI)
17.24.030

Adoption of provisions 17.04.020

Amendments

appeals, generally 17.84.100

applicability of provisions 17.84.010

initiation procedure, generally 17.84.020

planning commission

application decisions 17.84.040

decision notice 17.84.050

public hearing requirements 17.84.030

rezones

applicability 17.84.110

procedure, generally 17.84.120

site plan review, development proposals
17.84.130

Annexations Ch. 18.04

requirements 17.12.070

Archery range

FW district 17.30.020

Area, minimum

I-1 district 17.44.040

I-2 district 17.46.040

Authority 17.88.020

Bicycle trail

FW district 17.30.020

Boat

parking facilities required 17.56.010

ramps

FW district 17.30.020

Buildings

height

applicability 17.76.020

C-1 district 17.32.080

C-2 district 17.36.080

C-3 district 17.40.100

FW district 17.30.070

I-1 district 17.44.080

I-2 district 17.46.080

LDR districts 17.16.070

manufactured home parks 17.28.090

MDR, HDR districts 17.20.070

maintenance

C-1 district 17.32.120

C-2 district 17.36.120

C-3 district 17.40.140

I-2 district 17.46.160

FW district 17.30.110

projections from, generally 17.76.030

size

C-3 district 17.40.090

Business districts

See C-1 district Ch. 17.32

C-1 district

administrative temporary uses 17.32.032

buildings

height 17.32.080

maintenance 17.32.120

conditional uses 17.32.030

designated 17.12.010

fire hazards, solids 17.48.150

landscaping 17.32.110

lighting 17.32.130

location designated 17.32.010

ZONING

- lot
 - coverage 17.32.090
 - depth, width 17.32.060
 - minimum size 17.32.050
- off-street parking 17.32.100, 17.56.030
- permitted uses 17.32.020
- prohibited uses 17.32.040
- purpose of provisions 17.32.010
- screening 17.32.110
- setbacks designated 17.32.070
- single-family dwellings, nonconforming structure, continuance 17.60.080
- yards maintenance 17.32.120

C-2 district

- building
 - height 17.36.080
 - setbacks 17.36.070
- building and yard maintenance 17.36.120
- conditional uses 17.36.030
- designated 17.12.010
- fire hazards
 - gases 17.48.160
 - liquids 17.48.160
 - solids 17.48.150
- loading spaces requirements 17.56.170
- lot
 - coverage 17.36.090
 - depth, width 17.36.060
 - minimum size 17.36.050
- off-street parking 17.36.100, 17.56.030
- permitted uses 17.36.020
- prohibited uses 17.36.040
- purpose of provisions 17.36.010
- setbacks 17.36.070
- single-family dwellings, nonconforming structure, continuance 17.60.080
- yard maintenance 17.36.120

C-3 district

- accessory use regulations 17.40.040
- buildings
 - height 17.40.100
 - maintenance 17.40.140
 - size 17.40.090
- conditional uses 17.40.030
 - administrative 17.40.025
- designated 17.12.010
- landscaping 17.40.130
- lighting 17.40.150

- lot
 - coverage 17.40.110
 - depth, width 17.40.070
 - minimum size 17.40.060
- off-street parking 17.40.120, 17.56.030
- permitted uses 17.40.020
- prohibited uses 17.40.050
- purpose of provisions 17.40.010
- screening 17.40.130
- setbacks 17.40.080
- yards maintenance 17.40.140

Central business district

- See C-1 district Ch. 17.32

Chapter, section headings, applicability 17.04.050

Commercial districts

- See C-2 district Ch. 17.36
- C-3 district Ch. 17.40

Conditional uses

- administrative 17.36.025
 - temporary 17.36.026
- administrative, approved
 - minor modifications
 - notification requirements 17.81.200
 - procedure requirements 17.81.190
 - review, appeal authority 17.81.180
- adult day care home requirements 17.72.100
- approval
 - conditions 17.72.060
 - expiration 17.72.090
- approved, conditional
 - minor modifications
 - notification requirements 17.81.200
 - procedure requirements 17.81.190
 - review, appeal authority 17.81.180
- bed and breakfast requirements 17.72.100
- C-1 district 17.32.030
- C-2 district 17.36.030
- C-3 district 17.40.030
- church, convent, monastery requirements 17.72.100
- designated 17.72.020
 - administrative 17.72.015
- duplex on individual lot requirements 17.72.100
- LDR districts 17.16.040
- MDR, HDR districts 17.20.040
- performance bond 17.72.070
- permit
 - application 17.72.030

- denial, reapplication 17.72.080
- hearing 17.72.040
- issuance criteria 17.72.050
- public/quasi-public/institutional (PQPI) 17.24.040
- purpose of provisions 17.72.010
- recreational vehicle park requirements 17.72.100
- retreat center requirements 17.72.100
- sexually oriented business requirements 17.72.100
- vending stand, kiosk 17.72.110
- veterinary clinic requirements 17.72.100
- Construction standards
 - exceptions, generally 17.12.100
 - Uniform Building Code Standards applicability 17.12.100
- Definitions
 - specific terms Ch. 17.08
 - tense generally 17.04.060
- Development code administration
 - See LAND USE Title 19
- Districts designated 17.12.010
- Dwellings
 - single-family, nonconforming structure, continuance 17.60.080
- Fences, hedges
 - FW district 17.30.100
 - LDR districts
 - performance standards 17.16.080
 - manufactured home parks 17.28.110
 - MDR, HDR districts 17.20.080
- Fire station exemptions 17.76.070
- Fishing area
 - FW district 17.30.020
- Floodway (FW) use district
 - boundaries 17.30.130
 - building
 - height 17.30.070
 - maintenance 17.30.110
 - designated 17.12.010
 - fences, hedges 17.30.100
 - lighting 17.30.120
 - lot
 - coverage 17.30.080
 - minimum size 17.30.040
 - width, depth 17.30.050
 - off-street parking 17.30.090, 17.56.035
 - permitted uses 17.30.020
 - prohibited uses 17.30.030
 - purpose of provisions 17.30.010
 - setbacks 17.30.060
 - yard maintenance 17.30.110
- Garden
 - FW district 17.30.020
- Golf course
 - FW district 17.30.020
- Hay, field crops
 - FW district 17.30.020
- HDR district
 - See MDR, HDR districts Ch. 17.20
- Hearing examiner
 - See HEARING EXAMINER, LAND USE Ch. 17.81
- Heavy industrial use district
 - See I-2 district Ch. 17.46
- High density residential district
 - See MDR, HDR districts Ch. 17.20
- Highway commercial use district
 - See C-2 district Ch. 17.36
- Horticulture
 - FW district 17.30.020
- I-1 district
 - area 17.44.040
 - buildings height 17.44.080
 - conditional uses 17.44.025
 - administrative 17.44.023
 - temporary 17.44.024
 - designated 17.12.010
 - detonable materials restrictions 17.48.140
 - fire hazards
 - gases 17.48.160
 - liquids 17.48.160
 - solids 17.48.150
 - industrial screening and landscaping standards
 - applicability 17.44.005
 - definitions 17.44.015
 - landscape design requirements 17.44.136
 - landscaping plan
 - general requirements 17.44.135
 - requirements 17.44.133
 - submittal requirements 17.44.134
 - master plan required 17.44.137
 - prohibited uses 17.44.027
 - variance from requirements 17.44.138
 - lighting 17.44.140

ZONING

- loading spaces requirements 17.56.170
- lot
 - coverage 17.44.090
 - depth, width 17.44.060
 - minimum size 17.44.050
- off-street parking 17.44.100, 17.56.040
- permitted uses 17.44.020
- purpose of provisions 17.44.010
- setbacks 17.44.070
- single-family dwellings, nonconforming
 - structure, continuance 17.60.080
- site standards 17.44.160
- unlisted uses, interpretation 17.44.030
- vehicular access 17.44.120
- I-2 district
 - area, minimum 17.46.040
 - buildings
 - height 17.46.080
 - maintenance 17.46.160
 - conditional uses 17.46.035
 - administrative 17.46.031
 - industrial off-site improvement standards
 - applicability 17.46.210
 - existing wells, use 17.46.230
 - extensions
 - sanitary sewer and water mains 17.46.220
 - half street improvements 17.46.240
 - right-of-way dedication 17.46.240
 - title and purpose 17.46.200
 - industrial screening and landscaping standards
 - applicability of provisions 17.46.121
 - definitions 17.46.122
 - landscape design requirements 17.46.126
 - landscaping plan
 - general requirements 17.46.125
 - requirements 17.46.123
 - submittal requirements 17.46.124
 - master plan required 17.46.127
 - title, purpose of provisions 17.46.120
 - variance from requirements 17.46.128
 - lighting 17.46.140
 - loading spaces requirements 17.56.170
 - lot
 - coverage 17.46.090
 - depth, width 17.46.060
 - minimum size 17.46.050
 - off-street parking 17.46.100, 17.56.045
 - permitted uses 17.46.030
 - prohibited uses 17.46.037
 - purpose of provisions 17.46.010
 - setbacks 17.46.070
 - signs 17.46.130
 - vehicular access 17.46.110
 - yards maintenance 17.46.160
 - zones designated on map 17.46.020
- Industrial use districts
 - See I-1 district Ch. 17.44
 - I-2 district Ch. 17.46
- Interpretation of provisions 17.04.070
- Land use limitations, generally 17.12.090
- Landscaping
 - C-1 district 17.32.110
 - C-3 district 17.40.130
 - I-2 district 17.46.120
 - manufactured home park 17.28.130
 - parking facilities 17.56.150
- LDR districts
 - accessory uses
 - criteria, standards 17.16.100
 - administrative 17.16.030
 - conditional uses 17.16.040
 - development standards
 - generally 17.16.070
 - traditional neighborhood design options 17.16.090
 - parking 17.16.060
 - performance standards 17.16.080
 - permitted uses 17.16.020
 - administrative 17.16.015
 - prohibited uses 17.16.050
 - purpose of provisions 17.16.010
 - Light industrial use district
 - See I-1 district Ch. 17.44
 - Lighting
 - C-1 district 17.32.130
 - C-3 district 17.40.150
 - FW district 17.30.120
 - glare restrictions 17.48.170
 - I-1 district 17.44.140
 - I-2 district 17.46.140
 - manufactured home park 17.28.130
 - off-street parking 17.56.090
 - public/quasi-public/institutional (PQPI) 17.24.130
 - Loading spaces
 - C-2 district 17.56.170

- I-1 district 17.56.170
- I-2 district 17.56.170
- Lot
 - auctions as retail activities 17.76.004
 - coverage
 - C-1 district 17.32.090
 - C-2 district 17.36.090
 - C-3 district 17.40.110
 - FW district 17.30.080
 - I-1 district 17.44.090
 - I-2 district 17.46.090
 - LDR districts 17.16.070
 - manufactured home park 17.28.100
 - MDR, HDR districts 17.20.070
 - public/quasi-public/institutional (PQPI) 17.24.090
 - depth, width
 - C-1 district 17.32.060
 - C-2 district 17.36.060
 - C-3 district 17.40.070
 - FW district 17.30.050
 - I-1 district 17.44.060
 - I-2 district 17.46.060
 - manufactured home park 17.28.050
 - MDR, HDR districts 17.20.070
 - public/quasi-public/institutional (PQPI) 17.24.060
 - double frontage, generally 17.76.010
 - minimum size
 - C-1 district 17.32.050
 - C-2 district 17.36.050
 - C-3 district 17.40.060
 - FW district 17.30.040
 - I-1 district 17.44.050
 - I-2 district 17.46.050
 - LDR districts 17.16.070
 - manufactured home park 17.28.040
 - MDR, HDR districts 17.20.070
 - reversed corner, generally 17.76.010
 - size requirements generally 17.76.050
- Low density residential districts
 - See LDR districts Ch. 17.16
- Manufactured home
 - construction standards, generally 17.12.100
 - installation 17.28.160
 - sales 17.28.150
 - subdivision standards 17.28.300
- Manufactured home park
 - accessory
 - buildings, materials 17.28.170
 - uses 17.28.020
 - area 17.28.080
 - density 17.28.030
 - development plans 17.28.230
 - fences, hedges 17.28.110
 - generally 17.28.005
 - height limits 17.28.090
 - location in relation to C-1 district 17.28.010
 - lot
 - coverage 17.28.100
 - frontage 17.28.060
 - width, depth 17.28.050
 - maintenance 17.28.220
 - parking 17.28.120
 - recreation areas, facilities 17.28.140
 - screening, landscaping 17.28.130
 - setbacks 17.28.070
 - size 17.28.040
 - solid waste containers 17.28.210
 - streets, lighting, sidewalks 17.28.180
 - utilities 17.28.200
- Map
 - amendments, copy availability 17.04.030
 - I-2 district designation 17.46.020
 - interpretation 17.12.050
 - rights-of-way classifications 17.12.080
 - zone boundaries
 - changes, generally 17.12.030
 - determination procedure 17.12.040
 - locations designated 17.12.020
- MDR, HDR districts
 - accessory buildings, uses
 - criteria, standards 17.20.100
 - designated 17.20.030
 - conditional uses 17.20.040
 - development standards
 - generally 17.20.070
 - townhouses, individually-owned lots 17.20.080
 - parking 17.20.060
 - performance standards 17.20.090
 - permitted uses 17.20.020
 - prohibited uses 17.20.050
 - purpose of provisions 17.20.010

ZONING

- Medium density residential district
 - See MDR, HDR districts Ch. 17.20
- Mobile homes, construction standards, generally 17.12.100
- Multifamily residential districts
 - See MDR, HDR districts Ch. 17.20
- Neighborhood commercial use district
 - See C-3 district Ch. 17.40
- Non-conforming uses, structures, lots, pre-existing
 - abatement of illegal 17.60.030
 - completion of structure 17.60.040
 - definitions 17.60.020
 - inquiries concerning non-conforming status 17.60.090
 - non-conforming lots 17.60.070
 - non-conforming structures 17.60.060
 - non-conforming uses 17.60.050
 - purpose 17.60.010
 - single-family dwellings 17.60.080
- Off-street parking
 - aisles widths 17.56.070
 - C-1 district 17.32.100, 17.56.030
 - C-2 district 17.36.100, 17.56.030
 - C-3 district 17.40.120, 17.56.030
 - commercial districts, requirements generally 17.56.030
 - design requirements, generally 17.56.080
 - designated requirements 17.56.050
 - deviations, variances, allowed when 17.56.020
 - electric vehicle charging station spaces 17.56.160
 - existing buildings, generally 17.56.120
 - FW district 17.30.090, 17.56.035
 - I-1 district 17.44.100, 17.56.040
 - I-2 district 17.46.100, 17.56.045
 - LDR districts 17.16.060
 - lighting requirements 17.56.090
 - materials allowed 17.56.090
 - MDR, HDR districts 17.20.060
 - requirements generally 17.56.005
 - satellite parking requirements 17.56.110
 - space
 - dimensions 17.56.060
 - joint use, generally 17.56.100
 - number requirements 17.56.010
 - temporary, nonparking use 17.56.130
- Parking facilities
 - landscaping 17.56.150
 - manufactured home park 17.28.120
 - plan requirements 17.56.140
 - public/quasi-public/institutional (PQPI) 17.24.110
 - screening 17.56.150
- Pedestrian trail
 - FW district 17.30.020
- Performance standards
 - air emissions 17.48.070
 - applicability of provisions 17.48.010
 - construction noise, vibration 17.48.050
 - detonable materials restrictions 17.48.140
 - dust particles 17.48.090
 - fire hazards
 - liquids 17.48.160
 - solids 17.48.150
 - glare restrictions 17.48.170
 - heat production restrictions 17.48.180
 - industrial wastes, prohibited emissions 17.48.120
 - LDR districts 17.16.080
 - MDR, HDR districts 17.20.090
 - monitoring equipment 17.48.210
 - noise source exemptions 17.48.030
 - noxious gases, fumes emission restrictions 17.48.110
 - odors, restrictions 17.48.100
 - radio transmitters 17.48.200
 - radioactivity, electrical disturbances 17.48.190
 - smoke restrictions 17.48.080
 - sound
 - measurement 17.48.020
 - pollution 17.48.040
 - State Building Code Act applicability 17.48.130
 - television transmitters 17.48.200
 - vibration 17.48.060
- Permits, required when, term 17.88.010
- Permitted uses
 - C-1 district 17.32.020
 - C-2 district 17.36.020
 - C-3 district 17.40.020
 - FW district 17.30.020
 - I-1 district 17.44.020
 - I-2 district 17.46.030
 - LDR districts 17.16.020
 - MDR, HDR districts 17.20.020
- Pre-existing structures
 - See Nonconforming structure Ch. 17.60

- Pre-existing uses
 - See Nonconforming use Ch. 17.60
- Prohibited uses
 - C-1 district 17.32.040
 - C-2 district 17.36.040
 - C-3 district 17.40.050
 - FW district 17.30.030
 - LDR districts 17.16.050
 - MDR, HDR districts 17.20.050
 - public/quasi-public/institutional (PQPI) 17.24.050
- Public hearings fees 17.88.040
- Public/quasi-public/institutional (PQPI)
 - accessory uses 17.24.030
 - buildings
 - height 17.24.080
 - setbacks designated 17.24.070
 - conditional uses 17.24.040
 - landscaping 17.24.100
 - lighting 17.24.130
 - lot
 - coverage 17.24.090
 - depth, width 17.24.060
 - parking 17.24.110
 - principal uses 17.24.020
 - prohibited uses 17.24.050
 - purpose of provisions 17.24.010
 - screening 17.24.100
 - signs 17.24.120
- Purpose of provisions 17.04.040
- Recreational areas
 - FW district 17.30.020
 - manufactured home park 17.28.140
- Recreational marijuana
 - See RECREATIONAL MARIJUANA Ch. 17.50
- Recreational vehicle
 - allowed when 17.12.100
- Residential use districts
 - See LDR-6, LDR-7.2, LDR-8.5 districts Ch. 17.16
 - MDR, HDR districts Ch. 17.20
- Rezones
 - applicability 17.84.110
 - procedure, generally 17.84.120
 - site plan review 17.84.140
- Rights-of-way classifications 17.12.080
- Scope of provisions 17.04.010
- Screening
 - C-1 district 17.32.110
 - C-3 district 17.40.130
 - FW district 17.30.060
 - I-2 district 17.46.120
 - manufactured home park 17.28.130
 - parking facilities 17.56.150
 - public/quasi-public/institutional (PQPI) 17.24.100
- Setbacks
 - designated
 - C-1 district 17.32.070
 - C-2 district 17.36.070
 - C-3 district 17.40.090
 - FW district 17.30.060
 - I-1 district 17.44.070
 - I-2 district 17.46.070
 - minimum
 - LDR districts 17.16.070
 - manufactured home park 17.28.070
 - MDR, HDR districts 17.20.070
 - public/quasi-public/institutional (PQPI) 17.24.070
- Sewer system, connection required when 17.64.010
- Sexually-oriented business 17.72.175
- Signs
 - applicability of provisions 17.52.020
 - commercial
 - C-1 district 17.52.070
 - C-2 district 17.52.070
 - C-3 district 17.52.070
 - conditional uses 17.52.100
 - definitions 17.52.050
 - exemptions, generally 17.52.130
 - industrial
 - I-1 district 17.52.080
 - I-2 district 17.46.130, 17.52.080
 - LDR districts 17.16.070
 - maintenance of nonconforming 17.52.120
 - MDR, HDR districts 17.20.070
 - prohibited 17.52.040
 - public nuisance 17.52.110
 - public/quasi-public/institutional (PQPI) 17.24.120
 - purpose of provisions 17.52.010
 - requirements
 - general 17.52.030
 - permit 17.52.140

ZONING

- residential
 - LDR, MDR, HDR districts 17.52.060
 - review procedures 17.52.150
 - temporary 17.52.090
- Similar use authorization, generally 17.76.040
- Site standards
 - I-1 district 17.44.160
- Solid waste
 - MHPS district 17.28.260
- Special uses
 - wireless communications facilities 17.71.195
- Swimming pools
 - community
 - C-1 district 17.32.020
 - residential
 - LDR districts 17.16.080
 - MDR, HDR districts 17.20.090
- Title of provisions 17.04.010
- Unlisted uses, interpretation
 - I-1 district 17.44.030
- Variances
 - minor
 - approval procedure 17.81.190
 - expiration of approval 17.81.210
 - notification requirements 17.81.200
 - review, appeal authority 17.81.180
- Vehicular access
 - I-1 district 17.44.120
 - I-2 district 17.46.110
- Violations
 - penalties 17.88.050
 - waiver, allowed when 17.88.030
- Water system, connection required when 17.64.010
- Yards
 - maintenance
 - C-1 district 17.32.120
 - C-2 district 17.36.120
 - C-3 district 17.40.140
 - FW district 17.30.110
 - I-2 district 17.46.160
 - requirements generally 17.76.060
 - size
 - LDR districts 17.16.070
 - MDR, HDR districts 17.20.070