



## Community Development Department

Building | Planning | Code Enforcement

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# REVISED STAFF REPORT AND RECOMMENDATION

Retooling Our Code – Zoning Text Amendment

<b>Land Use Application No.:</b>	WLD-2024-010 (Zoning Text Amendment – Type IV)
<b>Applicant:</b>	City of Woodland PO Box 9 Woodland WA 98674
<b>Date Application Received:</b>	March 22, 2024
<b>Date Application Complete:</b>	April 5, 2024
<b>Notice of Decision Issued:</b>	April 24, 2024
<b>DRC Recommendation:</b>	Approved
<b>Public Hearing Date and Time:</b>	April 18, 2024 @ 7 p.m.

## I. DESCRIPTION OF PROPOSAL

The city proposes to amend sections of the Woodland Municipal Code. The changes include correcting typos and inconsistencies, amending procedures for land use applications, and creating minor policy changes. As the proposal is reviewed by the Planning Commission and City Council, the scope of the proposal may change.

## II. REVIEW AUTHORITY

Per WMC 19.08.030, Zoning Text Amendments shall be approved, approved with conditions, or denied by the City Council after consideration of the Planning Commission. This staff report is a recommendation by the Development Review Committee (DRC) to the Planning Commission.

## III. FINDINGS

Within this staff report, color is used to indicate changes proposed to the Woodland Municipal Code. BLACK ink indicates existing Woodland Municipal Code. BLUE ink indicates recommended staff edits or corrections.

## Title 15 | Environment

### 15.04.180 – Public notice.

- A. Whenever the city issues a DNS under WAC 197-11-340(2), [an optional DNS under WAC 197-11-355](#), 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.

**Finding 1:** Most projects that require SEPA review with the city go through the optional DNS process before the final DNS is issued. The way the code is written, whenever staff uses the optional DNS process, this code section does not apply. While the intent of this code appears to promote public engagement by requiring that a copy of the Notice of Application is mailed to all neighbors within 300 feet, this code does not end up getting implemented because of the specific WAC numbers it references.

**Conclusion:** The minor policy change creates more public participation in the land use review process by requiring these items on the most used SEPA process.

### 15.04.195 – 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.

**Finding 2:** This section is currently found in the Public Notice Requirements chapter of Title 19 which does not make sense. The proposed amendment does not change any of the language in the existing code but moves it to be found with the rest of the SEPA procedures in Chapter 15.04.

**Conclusion:** The proposal does not change any procedures or policy but creates more seamless organization.

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## WMC Title 16 | Subdivisions

To see the proposed amendments, please see Attachment A.

**Finding 3:** The existing code refers to specific positions within the city and their specific responsibilities with regard to Subdivisions and Short Subdivisions. Some of these positions do not exist at this time, like the Clerk Treasurer or district health officer for example. Staff responsibilities and positions have fluctuated over time. Subdivision applications are currently reviewed in the Community Development department by either the Community Development Director or Associate Planner. For flexibility, it is proposed to replace specific references to job titles with “responsible official.”

**Conclusion:** The proposed code allows for a more seamless review process that is not disrupted by changes in staff positions within the city or by changes in responsibilities delegated by management. Removing the reference to a specific staff position allows management to delegate this responsibility however seen fit at the time while still being consistent with the code. The amendment removes language that is not applicable and contradicts the current process for reviewing Subdivision applications.

**Finding 4:** Per WMC 16.06.020, preapplication conferences are optional for Subdivision applications.

**Finding 5:** Resolution No. 750 was passed on May 15, 2023, and outlines the fee associated with preapplication conferences. This code section has not been updated to reflect the new ordinance.

**Conclusion:** The proposed amendment removed dated language from the code to provide clarity on what fees will be charged by making the code language consistent with Ordinance No. 750.

**Finding 6:** Per WMC 19.08.030, the Hearing Examiner has the authority to issue decisions on Subdivisions. When the code outlining review authority was updated, the individual code sections outlining the process for Subdivision applications were not updated. The current code references the Planning Commission and City Council many times throughout this chapter even though they are no longer involved in the Subdivision process. There is a separate section (WMC 17.81) in the code that outlines requirements for hearings with the Hearing Examiner. This section also outlines requirements for variance applications.

**Conclusion:** The proposal removes dated language that is not applicable but also contradicts the current process for reviewing Subdivision applications.

**Finding 7:** Currently, the city’s Building Official position is held by third-party consultants. Their responsibilities do not include reviewing Subdivisions.

**Finding 8:** The current process for submitting a Subdivision application inherently involves communicating with the Community Development Department.

**Conclusion:** The amendment removes language that is not applicable.

**Finding 9:** Preapplications are processed electronically. 6 hard copies are not necessary because applications are routed electronically to all reviewers. Applicants can submit one electronic copy online or provide staff with one hard copy to scan and upload online.

**Conclusion:** The proposed amendment removes dated language that is no longer necessary.

**Finding 10:** It does not make sense that section 16.06.060 is titled “Building Official” when the text below only refers to the Community Development Director. The city’s Building Official is currently a third-party consultant separate from the Community Development Director.

**Finding 11:** The Building Official does not coordinate preapplication conferences.

**Finding 12:** The staff responsible for coordinating preapplications for Subdivision has fluctuated and the current language does not reflect the current responsibilities of staff.

**Conclusion:** Changing the code to not refer to a specific staff position allows the code to accurately reflect the overall process while still allowing changes in the responsibilities of different staff.

**Finding 13:** Fire flow and hydrant location standards are set by Clark-Cowlitz Fire and Rescue, not Public Works.

**Finding 14:** Combining WMC 16.06.070 with the previous section allows changes in who the responsible official is without changing what actions need to be taken for a preapplication conference.

**Conclusion:** This section should be a continuation of the previous section which allows flexibility in distributing responsibilities amongst staff.

**Finding 15:** Land use applications are processed electronically. 25 hard copies are not necessary because applications are routed electronically to all reviewers. Applicants can submit one electronic copy online or provide staff with one hard copy to scan and upload online.

**Finding 16:** There is a separate section in the code (WMC 19.06.010) that outlines the requirements for the contents of a Notice of Application.

**Finding 17:** Land use applications are processed electronically. 25 hard copies are not necessary because applications are routed electronically to all reviewers. Applicants can submit one electronic copy online or provide staff with one hard copy to scan and upload online.

**Finding 18:** Since WMC 19.08.030 gives the Hearing Examiner authority to issue decisions on Subdivisions based on staff recommendation, no coordination is needed between the city's responsible official for compliance with SEPA and the Planning Commission. SEPA will still apply to the project without this section.

**Finding 19:** The code uses a male pronoun a few times rather than a gender neutral one. This decision to default to male pronouns was made in 1973. As different sections of the code are updated, it makes sense to update this language to be gender neutral.

**Conclusion:** The amendment makes the language of the code more inclusive.

**Finding 20:** WMC 16.08.290 is not consistent with RCW 58.17. The state gives a timeline of 5 years before preliminary plat approvals expire. This applies to applications approved after January 1, 2015. The city's code on this has not been updated since 1983.

**Finding 21:** Even though the same RCW 58.17 applies to short plats, no code exists in WMC to outline a timeline for expiration of preliminary short plat approval.

**Conclusion:** This minor policy change makes WMC consistent with RCW.

**Finding 22:** The current code references the city fire chief and volunteer fire department which is dated language. The current fire responsible official is Clark-Cowlitz Fire and Rescue.

**Conclusion:** Replacing these dated references with “fire responsible official” brings the current code up to date while also allowing for fluctuation in who the fire responsible official is.

**Finding 23:** The required signature block for final subdivision plats does not include a place for the fire responsible official to sign even though their approval is required in the current process.

**Conclusion:** Adding the fire responsible official to the signature blocks on the face of the plat represents the current process for approval.

**Finding 24:** The required signature block for short plats does not include a place for the fire responsible official to sign even though their approval is required in the current process.

**Finding 25:** The fire responsible official is not listed in the sequence for obtaining signatures on short plats even though their sign off is required during the review process.

**Conclusion:** Adding the fire responsible official to the signature blocks on the face of the plat represents the current process for approval.

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## Title 17 | Zoning

### 17.08.865 – Yards, types and measurements.

"Yard" means an open, unoccupied space, other than a court (as defined in the [Uniform International 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.

**Finding 26:** The current code language references the UBC which is a dated reference. Washington State and the City of Woodland have adopted the IBC.

**Conclusion:** The proposed amendment corrects this section to refer to the current code.

### 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

**Finding 27:** The text in the first row was missing the parenthesis at the end.

**Conclusion:** The proposal corrects a typo.

### 17.12.100 – Construction standards.

The construction standards for all structures and buildings in Woodland shall be the [Uniform International 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.

**Finding 28:** The current code language references the UBC which is a dated reference. Washington State and the City of Woodland have adopted the IBC.

**Conclusion:** The amendment updates WMC to reference the correct building code.

### **17.36.130.L.1 – Architectural and site design standards**

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~~ 17.36.130.N.4 and 17.36.130.N.5.

**Finding 29:** WMC 17.36.130.L.4 does not exist.

**Conclusion:** The amendment corrects a typo and refers to the correct code section.

### **17.72.100 - Criteria and standards for specific conditional uses.**

#### **D. Recreational Vehicle Camper Park.**

1. Signs. One single-faced or double-faced wall or freestanding park identification sign is permitted. 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. **Recreational Vehicle Occupancy.** No one ~~camper unit recreational vehicle shall occupy a camper site~~ be occupied in an RV park for more than ninety ~~consecutive~~ days ~~per year~~ in any six month period. ~~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.

**Finding 30:** The current code around RV occupancy is written in a way that appears it would have many loopholes to get around the intent of the code.

**Conclusion:** The proposed amendment creates a more strict regulation of occupancy in RV parks.

### 17.08.603 – Recreational Vehicle Occupancy

Recreational Vehicle Occupancy shall be defined as anyone sleeping in or using an RV overnight; daytime or nighttime use of the RV with awnings, or expansions extended; and/or any time an RV is connected to utilities including power, water, or wastewater.

**Finding 31:** There is currently no definition specific to occupancy of RV's which could create another set of loopholes to get around RV occupancy limits.

**Conclusion:** The addition of this definition provides clarity on what the RV occupancy standard applies to.

### 17.81.20 – Creation of land use hearing examiner.

- 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. Reserved.~~

- 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.

**Finding 32:** The code outlining the criteria of approval and expiration for Major Variance applications is hidden in the Hearing Examiner chapter. Later amendments propose making a new chapter for variances. No changes to the language are proposed- only a reorganization into Title 17. This organization matches how Temporary Uses, Special Uses, and Conditional Uses are organized. The process with the Hearing Examiner will still apply.

**Conclusion:** The proposed reorganization fits the current structure of WMC.

**~~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 variance 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.~~

**Finding 33:** Minor Variances are not subject to a public hearing with the Hearing Examiner. This section being included in the Hearing Examiner chapter does not make sense and makes this section difficult to find. It is proposed that this section be moved to a new chapter titled Variances in Title 17.

**Conclusion:** The proposal does not change any policy or procedure, but better organizes the code.

### ~~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.~~

**Finding 34:** Minor Variances are not subject to a public hearing with the Hearing Examiner. This section being included in the Hearing Examiner chapter does not make sense and makes this section difficult to find. It is proposed that this section be moved to a new chapter for Variances in Title 17.

**Conclusion:** The proposal does not change any policy or procedure, but better organizes the code.

#### ~~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.~~

**Finding 35:** Minor Variances are not subject to a public hearing with the Hearing Examiner. This section being included in the Hearing Examiner chapter does not make sense and makes this section difficult to find. It is proposed that this section be moved to a new chapter for Variances in Title 17.

**Finding 36:** The only difference in language proposed is the removal of the Planning Commission from the mailing list since they are not involved in the Minor Variance process or review.

**Conclusion:** The proposal restructures the code for more seamless organization.

### ~~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.~~

**Finding 37:** Minor Variances are not subject to a public hearing with the Hearing Examiner. This section being included in the Hearing Examiner chapter does not make sense and makes this section difficult to find. It is proposed that this section be moved to a new chapter for Variances in Title 17.

**Conclusion:** The proposal does not change any policy or procedure, but better organizes the code.

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## 17.74 | Variances

### 17.74.010 – 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 17.74.010.B and in accordance with the notice requirements outlined in WMC 17.74.030:
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 17.74.010.B shall be met, except where a variance 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 17.74.010.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 17.74.010.D and in accordance with the notice requirements outlined in WMC 17.74.030:
    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 17.74.010.B or concerning minor modifications to approved conditional uses or administrative conditional uses outlined in WMC 17.74.010.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 17.74.010.B or WMC 17.74.010.D, the intents of applicable standards, and applicable provisions in the Woodland Comprehensive Plan.

**Finding 38:** This is the new section proposed to move from the Hearing Examiner chapter to a new chapter in Title 17. No language changed between this new section and the old section aside from correcting the WMC references.

**Conclusion:** The proposal restructures the code for a more seamless organization without changing any procedures or policy.

### **17.74.020 - 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 17.74.010.B or WMC 17.74.010.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.

**Finding 39:** This is the new section proposed to move from the Hearing Examiner chapter to a new chapter in Title 17. No language changed between this new section and the old section aside from correcting the WMC references.

**Conclusion:** The proposal restructures the code for a more seamless organization without changing any procedures or policy.



### **17.74.030 - Minor variances or minor modifications to approved conditional uses or administrative conditional uses—Notification.**

Upon receipt of a valid application, the responsible official shall notify in writing the applicant, the owner of record of the subject property, 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.

**Finding 40:** This is the new section proposed to move from the Hearing Examiner chapter to a new chapter in Title 17.

**Finding 41:** The only difference this new section and the old section is the removal of the Planning Commission from the mailing list since they are not involved in the Minor Variance process or review.

**Conclusion:** The proposal restructures the code for a more seamless organization.

### **17.74.040 – 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.

**Finding 42:** This is the new section proposed to move from the Hearing Examiner chapter to a new chapter in Title 17. No language changed between this new section and the old section.

**Conclusion:** The proposal restructures the code for a more seamless organization without changing any procedures or policy.

### **17.74.050 – Major Variances.**

- A. 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 17.74.010.A. The examiner shall decide upon application for major variances from the terms title 17.81; 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.
- B. 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.

**Finding 43:** This is the new section proposed to move from the Hearing Examiner chapter to a new chapter in Title 17. No language changed between this new section and the old section aside from correcting the WMC references.

**Conclusion:** The proposal restructures the code for a more seamless organization without changing any procedures or policy.

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## Title 19 | Development Code Administration

### 19.08.030 – Review and appeal authority.

The current code shows a chart outline who has decision making authority. The row for Short Plats as a D for Decision in both the DRC column and the Hearing Examiner column.

**Finding 44:** This is a typo. The second D in the Hearing Examiner column should be an A for appeal.

**Conclusion:** The amendment clarifies confusion created by the typo.

**19.06.040 - ~~Appeal of administrative approvals and determinations.~~ Reserved.**

- ~~A. Administrative decisions regarding the approval or denial or applications or administrative determinations/interpretations may be appealed as set forth in WMC 19.08.030, within fourteen calendar 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.~~

**Finding 45:** This section is found in the Public Notice Requirements chapter which does not make sense. It should instead be found under the next chapter: Approval, Review and appeal authority.

**Conclusion:** The proposal does not change any procedures or policy but creates more seamless organization.

**19.06.050 - ~~Appeal of SEPA related issues/administrative matters.~~ Reserved.**

- ~~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.~~

**Finding 46:** This section is found in the Public Notice Requirements chapter which does not make sense. It should instead be found in Chapter 19.08.

**Conclusion:** The proposal does not change any procedures or policy but creates more seamless organization.

#### **19.06.060 – Reconsideration in response to SEPA comments. Reserved.**

~~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.~~

**Finding 47:** This section is found in the Public Notice Requirements chapter which does not make sense. It should instead be found in the SEPA commenting section (WMC 15.04 Article V).

**Conclusion:** The proposal does not change any procedures or policy but creates more seamless organization.

#### **19.08.050 – Appeal of administrative approvals and determinations.**

- A. Administrative decisions regarding the approval or denial or applications or administrative determinations/interpretations may be appealed as set forth in WMC 19.08.030, within fourteen calendar 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.

**Finding 48:** This section is proposed to be moved from the Public Notice Requirements chapter to Chapter 19.08. The code does not discuss public notice requirements, it discusses appeal procedures and it makes more sense for this to be found under the Approval, Review, and Appeal Authority chapter. No language was changed.

**Conclusion:** The proposal does not change any procedures or policy but creates more seamless organization.

## 15.04 Article IV – Appeals

### 15.04.270 - Appeal of SEPA related issues.

- 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.

1. 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.
2. 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:
  - d. The name and address of the party or agency filing the appeal;
  - e. 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,
  - f. A statement of the particular grounds or reasons for the appeal.
3. Procedural determinations made by the responsible official shall be entitled to substantial weight.
4. For any appeal under this subsection the city shall keep a record of the appeal proceedings, which shall consist of the following:
  - d. Findings and conclusions; and

- e. Testimony under oath; and
  - f. 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.

**Finding 49:** This section is proposed to be moved from the Public Notice Requirements chapter. It does not outline requirements for public noticing, it discusses the proves for appealing SEPA determinations. It makes more sense for it to be found with other SEPA process information in Chapter 15.04. No language was changed aside from removing “/administrative matters” from the title since the code section only discusses SEPA related issues and not other administrative decisions.

**Conclusion:** The proposal does not change any procedures or policy but creates more seamless organization.

#### **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~~ A copy 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~~ **A copy** 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.

**Finding 50:** Preapplications are processed electronically. 6 hard copies are not necessary because applications are routed electronically to all reviewers. Applicants can submit one electronic copy online or provide staff with one hard copy to scan and upload online.

**Conclusion:** The proposed amendment removes dated language that is no longer necessary.

#### **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 19.90.399400 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.

**Finding 51:** The existing code reference refers to the lien authorized section instead of the correct appeal request section.

**Conclusion:** The proposed amendment corrects a typo and refers to the correct code section.

## **IV. PUBLIC COMMENT**

A public comment period was held from April 3, 2024, through April 17, 2024. No public comments were received.

## IV. ENVIRONMENTAL REVIEW

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This Determination of Non-significance (DNS) is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

## V. RECOMMENDATION

Per WMC 19.08.030, the Development Review Committee recommends **APPROVAL** of the above application for a Zoning Text Amendment.

**Date:** 4/24/2024

**Signature:** Malene Garcia-DeBoard

*Malene Garcia-DeBoard, Associate Planner*

cc: Applicant  
Parties of Record  
File  
Website  
Mayor  
City Administrator

### ATTACHMENTS

A. Title 16 Amendments

## Title 16 SUBDIVISIONS

### *Article I. Subdivisions*

#### *Chapter 16.02 GENERAL PROVISIONS*

##### **16.02.010 – 16.02.040**

No changes proposed.

#### *Chapter 16.04 DEFINITIONS*

##### **16.04.010 – 16.04.590**

No changes proposed.

##### **16.04.595 Responsible official.**

The responsible official is the staff deemed responsible for certain actions related to Subdivisions.

##### **16.04.600 – 16.04.780**

No changes proposed.

#### *Chapter 16.06 PREAPPLICATION CONFERENCE*

##### **Sections:**

##### **16.06.010**

No changes proposed.

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### 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 sub-divider desires to have the plat considered again, he shall reapply to the city and pay new application fees.~~

### 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.

### 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. Reserved.~~

(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 responsible~~ official ~~or community development~~ to arrange for a preapplication conference. Prospective sub-dividers participating in a conference shall provide the following at the conference:
1. ~~At least six copies~~A copy 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.

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### 16.06.060 ~~Building inspector~~ Responsible official duties.

The ~~community development director~~ responsible official 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~~ Ensure 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~~ responsible official. The ~~director~~ responsible official, shall encourage participants who are not city employees to complete a checklist or submit other written summaries.

### 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:~~
- ~~K~~ 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;
- ~~L~~ C. Determine the possibility of conformance to fire flow requirements and provide fire hydrant location standards;
- ~~M~~ D. Provide standards for drainage control and review potential impacts on existing off-site drainage systems;

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- [NE.](#) Review the adequacy and desirability of the proposed circulation system and the proposal's potential impacts on existing streets;
  - [OF.](#) Determine potential need for construction, repair, expansion, improvement or other provision of off-site improvements;
  - [PG.](#) Determine the project site's location by soil map classification pursuant to Sections 16.14.110 through 16.14.160. If a geologic feasibility report is required, provide a list of consultants who may be able to prepare such report.

**16.06.080 Fire ~~chief or assistant~~ responsible official.**

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

**16.06.090**

No changes proposed.

**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~~ responsible official.

**16.06.110 County planner.**

The ~~community development director~~ responsible shall seek attendance by staff from the ~~a planner with~~ Cowlitz ~~or Clark~~ County ~~department of community development~~ when the subject property is adjacent to unincorporated area.

**16.06.120**

No changes proposed.

**16.06.130**

No changes proposed.

*Chapter 16.08 PRELIMINARY PLATS*

Sections:

**16.08.010 Application.**

- A. A prospective subdivider who wishes to have a preliminary plat considered by the ~~planning~~ ~~commission~~ responsible official 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



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~~clerk-treasurer~~ **responsible official** 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. ~~A Twenty five copies of a p~~ 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; ~~and~~
  9. Payment for ~~preliminary plat~~ **all applicable** review fees;
  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 commiss~~ **responsible official**, or hearing set, unless a complete application is submitted. The ~~city clerk-treasurer~~ **responsible official** shall assign the preliminary plat and other application materials a permanent file number. Fees shall not be refundable.

## 16.08.020

No changes proposed.

## 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. Reserved.~~

## 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 the 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~~

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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 hundred 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.

#### **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.~~  
~~Reserved.~~

#### **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. Reserved.~~

#### **16.08.070 Copies of plats—Distribution.**

- A. The ~~director~~responsible official 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 engineer;
  - ~~4.~~ City fire chiefFire responsible official;

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- ~~54.~~ City police chief;
  - ~~65.~~ Woodland parks board chairman;
  - ~~76.~~ Community development director;
  - ~~87.~~ Woodland school district;
  - ~~98.~~ Cowlitz County communication center;
  - ~~109.~~ Cowlitz-Wahkiakum health district;
  - ~~119.~~ Cowlitz County and/or Clark County department of community development, when a plat adjoins unincorporated area;
  - ~~124.~~ State Department of Transportation, when a proposed subdivision is located adjacent to a state highway right-of-way;
  - ~~132.~~ 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;
  - ~~144.~~ Soil conservation service, Kelso office;
  - ~~15.~~ Each planning commission member;
  - ~~16.~~ Planning commission secretary;
  - ~~157.~~ Natural gas company;
  - ~~168.~~ Telephone company.
- B. ~~Any plat copies remaining after distribution shall be retained by the city clerk treasurer for such additional distribution as may be called for. At the direction of city staff or the planning commission, applicants may be required to furnish copies in addition to the original twenty five.~~

#### **16.08.080 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.~~

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- 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. Reserved.

### **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.

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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. Reserved.~~

#### **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. Reserved.~~

#### **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. Reserved.~~

#### **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~~ responsible official and Hearing Examiner in review of proposed preliminary plats:
1. Public works director;
  2. ~~City fire chief~~ Fire responsible official;
  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~~ responsible official 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~~ responsible official shall consolidate the comments and recommendations into a staff report to be considered by the ~~planning commission~~ Hearing Examiner.

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### **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. Reserved.~~

### **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. Reserved.~~

### **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. Reserved.~~

### **16.08.160**

No changes proposed.

### **16.08.170 Open space, streets and utility provisions.**

The ~~planning commission and city council~~responsible official 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

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sanitary and solid waste disposal. The burden of proof shall lie with the applicant. If the ~~commission-responsible official~~ finds that a proposed plat does not make such appropriate provisions, ~~they#~~ shall recommend disapproval. ~~If the council finds that such appropriate provisions are not made, it shall disapprove the plat.~~ As provided in RCW 58.17.110, the ~~commission-responsible official~~ may recommend and the ~~council-Hearing Examiner~~ may require dedication of land to any public body as a condition of approval.

#### **16.08.175**

No changes proposed.

#### **16.08.180 Public dedications.**

The ~~commission-and-council-responsible official~~ 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-responsible official~~ finds that the public use and interest will not be served by the proposed plat, ~~they#~~ shall recommend disapproval. If the ~~council-Hearing Examiner~~ finds that the public use and interest will not be served, ~~they#~~ shall disapprove the plat.

#### **16.08.190 Physical site characteristics.**

The ~~commission-and-council-responsible official~~ shall consider the physical characteristics of the proposed subdivision site and may recommend disapproval, and in the case of the ~~council-Hearing Examiner~~, 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.

#### **16.08.200**

No changes proposed.

#### **16.08.210 Release from adjacent property owners—When required.**

As a condition of approval, the ~~commission-responsible official~~ shall not recommend and the ~~council-Hearing Examiner~~ 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.

#### **16.08.220 Effect on surrounding properties and off-site facilities.**

The ~~commission-and-council-responsible official~~ 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-responsible official~~ may recommend and the ~~council-Hearing Examiner~~ 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

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provides access to a subdivision, or replacement of inadequately sized off-site utilities whose capacity will be affected by the development.

#### **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. Reserved.~~

#### **16.08.240 Use of EIS or special studies.**

The ~~responsible official~~~~commission~~ and ~~council~~~~Hearing Examiner~~ may utilize any EIS or special study prepared in conjunction with a proposed plat in making findings.

#### **16.08.250 Attachment of conditions.**

The ~~responsible official~~~~commission~~ and ~~council~~~~Hearing Examiner~~ 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 ~~responsible official~~~~commission~~ may recommend and the ~~council~~~~Hearing Examiner~~ may require that conditions of approval be listed on the face of the final plat.

#### **16.08.260 Relationship of preliminary plat and master plan.**

The ~~responsible official~~~~commission~~ and ~~council~~~~Hearing Examiner~~ 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~~~~responsible official~~ and ~~council~~~~Hearing Examiner~~ may use the master plan to establish appropriate modifications to the preliminary plat, conditions of approval, dedications and off-site improvements.

#### **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 ~~responsible official~~~~planning commission~~ shall develop separate recommendations on variance applications and forward them to the ~~city council~~~~Hearing Examiner~~ along with the recommendation on the preliminary plat. The ~~responsible official~~~~commission~~'s recommendation and the ~~Hearing Examiner~~~~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.

#### **16.08.280 Variance standards.**

In order for a variance to be recommended by the ~~responsible official~~~~commission~~ and approved by the ~~council~~~~Hearing Examiner~~, it must be determined that:



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- 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.

### 16.08.290 Time limits and extensions.

The following time limits shall apply to review of preliminary plats:

- A. The ~~city council~~[Hearing Examiner](#) 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. ~~A City council~~ approval of preliminary plats shall expire ~~five~~[three](#) years from the date of such approval unless the final plat of the subdivision has been submitted to the city and approved within ~~five~~[three](#) years. However, if the applicant wishes to proceed with the subdivision after expiration of the ~~five~~[three](#)-year period, ~~they~~[he](#) may apply to the ~~planning commission~~[responsible official](#) 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 ~~five~~[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.~~

### 16.08.300 Effect of preliminary plat approval.

Approval of a preliminary plat by the ~~city council~~[Hearing Examiner](#) 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 ~~responsible official~~[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 ~~responsible official~~[public works director's](#) approval of detailed construction plans, to proceed with construction and installation of the required improvements.

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### 16.08.310 Submission of construction plans.

After approval of the preliminary plat and prior to the beginning of construction and installation of improvements or performance bonding or other assurance in lieu thereof, the subdivider's engineer shall submit to the ~~responsible official 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 ~~responsible official's 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.

## Chapter 16.10 FINAL PLATS

### Sections:

### 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~~Hearing Examiner and to any conditions that may have been part of the approval. Slight deviation from the approved preliminary plat may be allowed if the ~~responsible official 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.

### 16.10.020 Supplementary materials.

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

~~A. An electronic copy of the final plat provided to the City in PDF format;~~

~~B. A minimum of three paper 24 inch by 36 inch copies of the final plat;~~

~~AC.~~ A copy of any deed restrictions and restrictive covenants proposed by the subdivider;

~~BD.~~ 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;

~~CE.~~ "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;

~~DF.~~ A complete survey and field and computation notes;

~~EG.~~ If required improvements have not been completed, a plat performance bond or other security conforming to Chapter 16.12;

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~~F.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;~~

~~G.~~ Payment of the inspection fee required by Chapter 16.12 for such improvements as have been completed;

~~H.~~ 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.

### 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. Licensed Land Surveyor

~~B.~~ The owners in fee simple;

~~C.B.~~ Notary public in and for the State of Washington;

~~C.~~ ~~Licensed land surveyor;~~

D. Fire Responsible Official (Fire Marshal or Chief); Cowlitz County treasurer;

E. Public Works Director or Responsible Official;~~Public works director;~~

F. Cowlitz County or Clark County treasurer;~~Planning commission chairman;~~

~~G.~~ ~~Mayor;~~

~~H.~~ ~~City clerk-treasurer;~~

~~F.~~ Cowlitz County or Clark County auditor.

### 16.10.040 ~~Public works director~~Responsible Official.

A. The subdivider shall submit the original drawing of the proposed final plat and supplementary materials to the responsible official;~~public works director.~~ The responsible official;~~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~~responsible official's determinations shall be conclusive;

2. Inspect the final plat for conformance with the preliminary plat approved by the ~~city council~~Hearing Examiner 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 responsible official ~~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, ~~they~~he shall signify their~~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 responsible official ~~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

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improvements would be deferred, he shall withhold his signature until the matter is corrected or resolved by the subdivider to the satisfaction of the ~~responsible official~~~~public works director~~.

**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. Reserved.~~

**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. Reserved.~~

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### 16.10.070 Filing.

The subdivider shall file the original drawing of the final plat for recording with the Cowlitz County or Clark County auditor. One reproduced full copy on mylar material shall be furnished to the responsible official community development director.

### 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.

## *Chapter 16.12 IMPROVEMENTS—ASSURANCE FOR COMPLETION AND MAINTENANCE*

### Sections:

### 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 responsible official 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 responsible official city council may form a local improvement district when an improvement will serve a wider area than the subdivision alone.

### 16.12.020 Off-site improvements.

Construction, repair, expansion, improvement or other provision of off-site improvements required by the responsible official city council as part of preliminary plat approval shall be the responsibility of the applicant, unless the responsible official 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.

### 16.12.030 Future improvements.

The responsible official 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 responsible official 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 responsible official 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.

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### **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 ~~responsible official~~~~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.

### **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 ~~responsible official~~~~public works director~~, removal of the interim improvement.

### **16.12.060 – 16.12.080**

No changes proposed.

### **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 ~~responsible official~~~~public works director~~ shall be conclusive. The subdivider may provide cost estimates to the ~~responsible official~~~~public works director~~.

### **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 ~~responsible official~~~~planning commission~~ for consideration ~~at a public meeting and shall require a recommendation from the public works director~~. The ~~responsible official~~~~commission~~ shall determine whether sufficient progress has been made and good faith

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indicated to warrant an extension. ~~The commission shall forward a recommendation to the city council, which shall have sole authority to grant extensions.~~

### **16.12.100 – 16.12.110**

No changes proposed.

### **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~~ the responsible official's approval.

### **16.12.130**

No changes proposed.

### **16.12.140 Inspections.**

Improvements shall be inspected by the ~~responsible official 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 ~~responsible official public works director~~ at least twenty-four hours in advance of commencing operations or commencing any construction phase.

### **16.12.150 Inspection fee.**

After completion of improvements, the subdivider shall reimburse the city for the actual cost of the inspections. Such inspection fee shall be paid to the city prior to final plat approval for those improvements found by the ~~responsible official 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.

### **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 ~~responsible official public works director~~. If improvements are not maintained, or if defects are not corrected as requested by the ~~responsible official 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.

### **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 ~~responsible official public works director~~. If improvements are not maintained, or if defects are not corrected as requested by the ~~responsible official public works director~~, the city may invoke any

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bond or other security posted by the subdivider, may cause the work to be done, and may recover the full cost thereof from the subdivider, surety company, bank or cosigner, or may seek other remedy.

### **16.12.180**

No changes proposed.

### **16.12.190 "As-built" plans.**

After completion of all required improvements, but prior to acceptance of completed work by the ~~responsible official public works director~~, the subdivider shall furnish the ~~responsible official 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.

## *Chapter 16.14 DESIGN STANDARDS*

### **Sections:**

### **16.14.010**

No changes proposed.

### **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~~adopted building and 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:



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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 [responsible official 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 [responsible official 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 [responsible official 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

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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.

#### **16.14.040 -16.14.070**

No changes proposed.

#### **16.14.080 ~~A Council~~ authority to select names.**

The ~~responsible official city council~~ shall have the right to name subdivisions and streets.

#### **16.14.090 – 16.14.100**

No changes proposed.

#### **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.

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- 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 ~~responsible official 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.

#### **16.14.120 – 16.14.130**

No changes proposed.

#### **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 ~~responsible official community development director~~ and shall be conclusive.

#### **16.14.150 Contents of geologic feasibility reports.**

No changes proposed.

#### **16.14.160 Evaluation of geologic reports.**

The ~~responsible official community development director~~ shall be responsible for evaluating submitted geologic reports for adequacy and conformance to Section 16.18.040. The ~~responsible official 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 ~~responsible official community development director~~ may require additional information to be submitted by the applicant.

#### **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 ~~responsible official 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.

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- 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.

### **16.14.190 – 16.14.200**

No changes proposed.

### **16.14.210 Parks.**

The [responsible official](#) ~~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.

### **16.14.220 – 16.14.250**

No changes proposed.

### **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 [responsible official](#) ~~public works director~~ shall be provided at the approach to intersections.

### **16.14.280**

No changes proposed.

### **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 [responsible official](#) ~~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 [responsible official](#) ~~public works director~~.

### **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 [responsible official](#) ~~public works director~~ determines conditions allow steeper slopes.

## Chapter 16.16 IMPROVEMENTS—REQUIRED

### Sections:

#### 16.16.010 Drainage system.

- A. A drainage system satisfactory to the ~~responsible official~~ ~~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 ~~responsible official~~ ~~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 ~~responsible official~~ ~~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.

#### 16.16.020 – 16.16.060

No changes proposed.

#### 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 ~~responsible official~~ ~~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 constructed with driveway indentations at the points indicated on the plans at the same time as the street is constructed.
  - 3. Where sidewalks are to be separated from the street by the utility/planting strip, the curb shall be constructed with indentations. Construction of the sidewalk and of the portion of the driveway within the right-of-way shall be done on a lot-by-lot basis, prior to issuance of a certificate of occupancy for the lot. However, no later than three years after final plat approval or expiration of the plat performance bond or other security if one has been posted, the subdivider shall cause continuous sidewalks to be completed, including sidewalks in front of undeveloped lots. The subdivider shall be

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liable to the city for the cost of incomplete sidewalk construction as estimated by the [responsible official public works director](#).

#### **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 adopted building and fire code](#) as may be amended by the city, the requirements of the [responsible official public works Director](#), and, for streetlights, the additional documents cited in Section 16.16.090.

#### **16.16.090 Streetlight system.**

A complete street lighting system, including conduits, wiring, concrete bases, poles, junction boxes, meter base, service cabinets and luminaires, shall be installed by the subdivider throughout the subdivision. Work shall be in accordance with the "State of Washington Standard Plans for Road and Bridge Construction," 1976, as may be amended; the "State of Washington Standard Specifications for Road and Bridge Construction," 1977, as may be amended; the latest edition of the National Electrical Code, as may be amended; the standard utility location plans; and the requirements of the public works director, public utility district, and the state electrical inspector. The subdivider's contractor shall submit plans and manufacturer's technical information to the [responsible official public works director](#) and public utility district for approval of all specifications and materials used in the system.

#### **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 [responsible official 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.

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- 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.

## Chapter 16.18 SPECIFICATIONS FOR PLANS AND PLATS

### Sections:

#### 16.18.010 Sketch plan.

No changes proposed.

#### 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 [or Clark 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



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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.

### **16.18.030 – 16.18.060**

No changes proposed.

### **16.18.070 Final plat.**

The final plat shall be drawn on a sheet 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 the~~ final 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 recorder's plat sheet and all provided copies, lettered and signed:
  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.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Signed)

2. STATE OF WASHINGTON )  
 ) ss  
 COUNTY OF COWLITZ OR CLARK )

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

3. I HEREBY CERTIFY THAT the subdivision of \_\_\_\_\_ is based on actual survey and 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)

Licensed 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) (Seal)

City Responsible Official ~~Public Works Director~~

6. ~~EXAMINED AND APPROVED this \_\_\_ day of 20\_\_\_, WOODLAND PLANNING COMMISSION.~~

ATTEST:

~~—(Signed)~~

~~Secretary~~

=====

~~Chairman~~

=====

7. ~~EXAMINED AND APPROVED this \_\_\_ day of 20\_\_\_.~~

~~WOODLAND CITY COUNCIL~~

~~(Signed)~~

~~Mayor~~

ATTEST:

~~(Signed)~~

~~City Clerk-Treasurer~~

8. Filed for record at the request of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_ minutes past \_\_\_\_\_ o'clock \_\_.M., and recorded in Volume \_\_\_\_\_, of Plats, on page \_\_\_\_\_, Records of Cowlitz or Clark County, Washington.

(Signed)

Cowlitz or Clark County Auditor

(Signed)

Deputy Auditor

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*Chapter 16.22 PLANNED UNIT RESIDENTIAL DEVELOPMENTS<sup>1</sup>*

**No changes proposed.**

*Chapter 16.24 ADMINISTRATION AND ENFORCEMENT*

**No changes proposed.**

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<sup>1</sup>Editor's note(s)—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.

## **Article II. Short Subdivisions**

### **Chapter 16.32 SHORT SUBDIVISIONS**

#### **16.32.010 Applicability.**

No changes proposed.

#### **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 ~~responsible official~~ ~~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.

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"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 [or Clark](#) 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.

["Responsible official" means the staff deemed responsible for certain actions related to Short Subdivisions.](#)

"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.

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"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**

No changes proposed.

### **16.32.030 Administrator duties.**

The city council appoints ~~director of community development or authorized designee,~~ [the responsible official](#) 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 ~~they~~ [he](#) deems essential to assure compliance to this chapter. ~~If the administrator deems it to be in the public interest, he may require that the short subdivision be placed before the planning commission to be approved or denied by them pursuant to this title.~~

### **16.32.040 – 16.32.050**

No changes proposed.

### **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,~~ [responsible official](#) 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~~ [fire responsible official](#) to assure fire protection and emergency vehicle ingress and egress, and by any agency and official that the administrator deems appropriate.

### **16.32.065 – 16.32.070**

No changes proposed.

### **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.

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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;
- B. Boundary lines of the short subdivision tract, with courses and distances marked thereon, as determined by a registered survey made by a professional 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 short 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 pavements width and easements (utility, street, access, etc.);
- 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 short 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 short 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 short plat;
- M. All open space, facilities and improvements reserved for use of the short subdivision residents and restrictions on their use shown clearly and precisely on the face of the short plat;
- N. Statement of the covenants restricting use of short 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, Acknowledgement and Endorsement. The following information shall appear on the final short plat, mylar and recorder's plat sheet, lettered and signed in India ink:
  - 1. Know all men by these presents \_\_\_\_\_, the undersigned, as the owner(s) in fee simple of the land hereby short subdivided, hereby declare(s) this subdivision and dedicate(s) to the use of the public forever, all streets and easements of 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 short plat in the reasonable original grading of all streets, shown hereon.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.



(Signed)

2. STATE OF WASHINGTON )  
 ) ss  
COUNTY OF COWLITZ OR CLARK )

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

3. I HEREBY CERTIFY THAT the short subdivision of \_\_\_\_\_ is based 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~~ City Responsible Official

Fire Responsible Official

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.

7. 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)

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Cowlitz or Clark County Auditor

(Signed)

Deputy Auditor

### **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. [Professional land surveyor registered in the state;](#)
- B. [The owners in fee simple;](#)
- ~~C. [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](#)~~[City Responsible Official](#);-
- F. [Fire responsible official](#)
- ~~GF.~~ Cowlitz or Clark County auditor.

### **16.32.080**

No changes proposed.

### **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,~~ [and the city's responsible official.](#)

### **16.32.095 Time limits and extensions.**

[The following time limits shall apply to review of short plats:](#)

- A. [The responsible official shall issue preliminary approval, approval with conditions, disapproval or return to the applicant for modification all preliminary plats of proposed short subdivisions within ninety days from date of application, unless the applicant consents to an extension of such period.](#)

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B. Approval of preliminary short plats shall expire five years from the date of such approval unless the final plat of the subdivision has been submitted to the city and approved within five years. However, if the applicant wishes to proceed with the subdivision after expiration of the five-year period, they may apply to the responsible official 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 five-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.

### **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 ~~responsible official~~public works director.

### **16.32.110 Minimum standards.**

- A. ~~The method of sewage disposal shall be approved by the health district officer and D.O.E.~~responsible official 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.~~ 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.
- F. Road Surfacing. Surfacing of dedicated roads shall be required pursuant to Section 16.16.070.
- G. After consultation with the ~~responsible official city planner and other city staff~~ to ~~e~~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.

### **16.32.120**

No changes proposed.

### **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~~standards and criteria set

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[forth in WMC 17.81](#). A record shall be kept of all such grants of variances and shall be available for public inspection.

**16.32.125 – 16.32.128**

No changes proposed.

**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. Reserved.~~

## **Article III. Boundary Line Adjustments and Lot Consolidations**

### **Chapter 16.34 BOUNDARY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS**

#### **Sections:**

#### **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.

#### **16.34.020 – 16.34.050**

No changes proposed.

#### **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~~ responsible official;
- 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.

#### **16.34.070**

No changes proposed.