



CITY COUNCIL AGENDA

September 14, 2020

7:00 p.m.

1. **COMMUNICATIONS**
 - a. WTP Performance and Treatment Optimization
2. **PUBLIC COMMENT:** For public comment please email them to twood@cityofhoquiam.com by Monday, September 14th, 2020 at 10:00 AM.
3. **CONSENT AGENDA**
 - a. Council Minutes of August 24, 2020
4. **COUNCIL ACTION/DISCUSSION**
 - a. **COMMITTEE REPORTS**
 - b. **OFFICER REPORTS**
 1. Gable Park Lighting Project
 2. Pre-Commercial Thinning Bids
 - c. **MAYORS REPORTS**
 - d. **COUNCIL REPORTS**
5. **LEGAL BUSINESS**
 - a. **ORDINANCES**
 1. Business Licenses
 2. Zoning Map – 601 & 607 23rd Street
 3. Critical Areas
 - b. **RESOLUTIONS**
 1. Hoquiam Historic Preservation Commission – 2544 Simpson Ave
 2. Surplus Property
 - c. **OTHER LEGAL**
6. **OLD BUSINESS**
7. **NEW BUSINESS**
 1. Downtown Revitalization Plan
8. **SECOND PUBLIC COMMENT**
9. **EXECUTIVE SESSION**
10. **ADJOURN**

Regulatory Meeting at 6:15 PM – attendance only permitted via remote live stream – this meeting will be live streaming at <https://us02web.zoom.us/j/86823437244>.

Council Meeting at 7:00 PM – attendance only permitted via remote live stream – this meeting will be live streaming at, this meeting will be recorded <https://us02web.zoom.us/j/87434295316>.



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

OFFICE OF DRINKING WATER
PO Box 47822 • Olympia, Washington 98504-7822
TDD Relay Service: 1-800-833-6388

July 8, 2020

CHRISTOPHER MCMULLEN
Hoquiam Water Department
PO BOX 642
HOQUIAM, WA 98550

Dear CHRISTOPHER MCMULLEN:

I would like to recognize the staff at the **Hoquiam Water Department's** drinking water treatment plant for their contribution to outstanding performance and treatment optimization.

The Office of Drinking Water began the Treatment Optimization Program (TOP) in 2001 in an effort to recognize and improve performance of rapid rate filtration surface water treatment facilities. The objective of this voluntary program is to maximize public health protection provided by surface water filtration plants like yours.

Over the past almost two decades, participants in the program have committed themselves to attaining treatment optimization goals for particle removal and disinfection that are more stringent than existing regulatory requirements. Because turbidity is a readily measured indicator of treatment performance for conventional and direct filtration plants, TOP tracks finished water turbidity data for all of these plants in Washington.

For the calendar years 2015-2019, your plant's finished water turbidity was **0.10 NTU** or less, at least 95 percent of the time, meeting TOP's turbidity goal. Achieving consistently high drinking water quality like this is the mark of a highly dedicated and skilled water department staff.

To receive this award, a plant must also meet other stringent criteria related to public health protection. Your plant is one of eight to receive an award this year. Please accept this **Silver Certificate of Achievement** (enclosed) and my congratulations for 5 years of outstanding performance.

Sincerely,

Mike Means
Director
Office of Drinking Water

Enclosure

Cc: [Shane Peterson]

Washington State Office of Drinking Water

Treatment Optimization Program

Silver Certificate of Achievement
awarded in June 2020 to

*Hoquiam Water
Department*

for attaining the filtered water turbidity optimization goal
of 0.10 NTU or less for five continuous years, 2015—2019.



A handwritten signature in blue ink, appearing to read 'Mike Means'.

Mike Means, R.G., LHG, Director
Office of Drinking Water

CITY OF HOQUIAM
Council Meeting Minutes

August 24, 2020

CALL TO ORDER

Mayor Winkelman called the meeting to order at 7:04 p.m. Finance Director Schmid led the flag salute.

ROLL CALL

Those in attendance were Mayor Winkelman and Councilmembers Anderson, Carlstrom, Dick, George, Grun, Hinchey, McMillan, Nelson, Patterson (entered at 7:06 p.m.), Pellegrini, Puvogel and Reid.

Staff in attendance were Police Chief Jeff Myers, Fire Representative Rich Malizia, City Attorney Steve Johnson, City Administrator Brian Shay, Finance Director Corri Schmid and Council Secretary Tracy Wood

COMMUNICATIONS

Officer Breanna Cruz-Simpson

Mayor Winkelman swore in new Police Officer Breanna Cruz Simpson.

Wastewater Treatment Plant Performance Award

Included in the council packet was a letter from the Department of Ecology awarding the City of Hoquiam Wastewater Treatment Plant with an Outstanding Performance Award. Mayor Winkelman congratulated staff on this achievement.

CONSENT AGENDA

Councilmember Grun moved to approve items a and b on the consent agenda as presented. His motion was seconded. Those items appearing on the consent agenda were as follows:

- The Hoquiam City Council Minutes of August 10, 2020;
- The Regulatory Committee Report recommending approval and payment of claim check numbers 94360 through 94552 in the amount of \$542,933.61; claim check auto pay and EFT numbers 382 through 394 in the amount of \$133,125.05; payroll check numbers 29543 through 29579 in the amount of \$195,809.17; payroll ACH and EFT in the amount of \$394,065.03 and \$213,204.74 respectively; and that payroll and benefits for September 2020 be approved and issued at the proper time.

The motion for approval of the consent agenda passed by voice vote.

COMMITTEE REPORTS

Historic Preservation Commission – 2544 Simpson Avenue

The Historic Preservation Commission made a recommendation to the Council that they approve the application for 2544 Simpson Avenue to be listed in the Hoquiam Register of Historic Places. Councilmember McMillan moved for the approval of the report and his motion was seconded. Following a brief discussion, the motion passed by voice vote.

CITY OF HOQUIAM
Council Meeting Minutes

August 24, 2020

MAYOR REPORTS

- New Member of the Family Mayor Winkelman stated that they have a new dog in the family!
- School Districts – Distance Learning Local School Districts are starting school next week. There is a lot going on with trying to handle the distance learning.
- City Staff Staff is currently working on hiring an account clerk, a meter reader and testing for fire positions.
- Beautification Committee The Hoquiam Beautification Committee is doing a wonderful job. The City can't say thank you enough to all of the volunteers who have worked so hard. A Media group was in town recently and they were impressed with the quaintness and how comfortable our town is. They enjoyed their visit.
- Olympic Stadium A new entrance way is being worked on at the Stadium as well as the sprinkler system, etc.
- Dog Park Mayor Winkelman spoke briefly about looking at a dog park in Hoquiam.
- Non-Emergency Number Mayor Winkelman reminded council and citizens of the non-emergency dispatch number – 533-8765; it seems some people are reluctant to call 911 because they don't feel it is an emergency – you can use the non-emergency dispatch number. He stated he is happy to be the Mayor of Hoquiam. Enjoying this job and everyone makes it an enjoyable place to live. We should all be super proud.

COUNCIL REPORTS

- Loggers' Playday Councilmember McMillan stated that Loggers' Playday met and knows they are not going to be able to do the parade and show.
- RFA Meeting Councilmember McMillan stated that the RFA meeting will be on Thursday at 7:00 p.m.
- Hoquiam Proud The Beautification Committee has added the messages Hoquiam Strong and Hoquiam Proud on the Levee Lumber Fence.
- Councilmember Resignation Councilmember Patterson stated that she is resigning from her Ward 3 Council Seat as of this meeting. She and her family are moving to Aberdeen. She has loved the challenge of being a councilmember and stated that it was a delight to be on the council and serve with all of you. Mayor Winkelman thanked her for her service
- HBA Councilmember Carlstrom stated that HBA is still working on their website. Putting out brochure to recruit more businesses into the
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CITY OF HOQUIAM
Council Meeting Minutes

August 24, 2020

association. They have window decals for every business that is a member.

Utility Rate Webinar

Councilmember Carlstrom stated she attended a webinar from AWC regarding utility rates. It was very good information. Councilmember Anderson stated she could not get the log in to work, but she did watch the webinar today.

Employee Barbeque

Councilmember Puvogel spoke briefly regarding the employee barbeque. Due to restrictions, it will not be happening this year. Councilmember Anderson stated she has two councilmembers who have paid their \$25.

Code Enforcement

Councilmember Anderson thanked Code Enforcement for responding to the issues she spoke about at the last meeting. The problems are being dealt with.

NEW BUSINESS

Employee Barbeque

Councilmember McMillan stated that since we cannot do a barbeque for the employees that we will do a corn hole tourney. Employees can sign up with Tracy; prizes will be awarded

ADJOURN

Councilmember Hinchin moved to adjourn the meeting at 7:40 p.m. His motion was seconded and passed by voice vote.

BEN WINKELMAN, MAYOR

TRACY WOOD, COUNCIL SECRETARY



Office of the City Administrator

CITY OF HOQUIAM

609 – 8th Street, Hoquiam, WA 98550
(360) 538-3983 – FAX (360) 538-0938
Email: bshay@cityofhoquiam.com

Report From Officer

DATE: September 4, 2020
TO: Mayor Ben Winkelman and Council Members
FROM: *BS* Brian Shay, City Administrator
SUBJECT: Gable Park Lighting Project

The City staff has researched the lighting and materials necessary for the Gable Park Lighting Project which will add field lights for nighttime fast pitch games.

Attached is a quote from Columbia Electric Supply totaling \$74,832.41 for the lighting equipment and a quote from Platt Electric of \$6,549.66 for additional electrical supplies for the project.

The City received a grant for \$64,000 from the Washington State Recreation and Conservation Office to offset the majority of the expenses.

Recommendation:

Staff recommends that the Council authorize the purchase of the materials off of the state contract from CES and Platt.

COLUMBIA ELECTRIC SUPPLY
 600 E MARKET STREET
 ABERDEEN WA 98520
 TEL: 360 533-2852 FAX: 360 533-2864

CONTACT: JOEL

QUOTE FOR: CITY OF HOQUIAM
 ACCT #: LZ-19440 CITY OF HOQUIAM

609 8TH STREET
 HOQUIAM, WA 98550
 TEL: (360) 532-5700

QUOTATION			PAGE 001 OF 001	
QUOTE #	DATE	REV #	REV DATE	
1040040	08/14/20	096	08/28/20	
QUOTE EXPIRES		PREPARED BY		
09/13/2020		JP		
SLS	INSL			
5220	1010			
FOB	FREIGHT			
SHIPPING POINT	PREPAID			

CUS PO #:
JOB NAME: JOHN GABLE FIELD

LN	QTY	MFR	CATALOG #	DESCRIPTION	PRICE	UOM	EXT AMT
01	*			STATE ILLUMINATIONS SYSTEMS CONTRACT #04616			
02	1	COOPR	AIMING LASER	SEE BELOW	147.73	E	147.73
03	*		AF-0211				
04	1	COOPR	AIRMESH HUB	SEE BELOW	6,250.00	E	6,250.00
05	*		CBSSW-450-001E-DB				
06	16	COOPR	ALL FIELD 750 FIXTUR	SEE BELOW	1,411.00	E	22,576.00
07	*		AF-750-3VX-57-BLK-AM				
08	8	COOPR	ALL FIELD 750 FIXTUR	SEE BELOW	1,411.00	E	11,288.00
09	*		AF-750-4-VX-57-BLK-AM				
10	12	COOPR	ALL FIELD 750 FIXTUR	SEE BELOW	1,411.00	E	16,932.00
11	*		AF-750-5-VX-57-BLK-AM				
12	1	COOPR	MESH COMMISSIONING	SEE BELOW	1,688.00	E	1,688.00
13	*		GLP-SER-REMOTE				
14	1	COOPR	PROJECT START UP	SEE BELOW	1,350.00	E	1,350.00
15	*		EPH-PSU				
16	1	COOPR	SPORTS LIGHT STRUCT	SEE BELOW	8,540.00	E	8,540.00
17	*		EPH-LTGSTR-MSM				
18	*		LOT OF LIGHTING STRUCTURES.				

MDSE: 68,771.73
 TAX: 6,120.68
 TOTAL: 74,892.41

PLEASE NOTE: THIS IS NOT AN OFFER TO CONTRACT, BUT MERELY A QUOTATION OF CURRENT PRICES FOR YOUR CONVENIENCE AND INFORMATION. ORDERS BASED ON THIS QUOTATION ARE SUBJECT TO YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS LOCATED AT SALES.OUR-TERMS.COM, WHICH WE MAY CHANGE FROM TIME TO TIME WITHOUT PRIOR NOTICE. WE MAKE NO REPRESENTATION WITH RESPECT TO COMPLIANCE WITH JOB SPECIFICATIONS.

Description:
State Contract Bid

Quote #447418
Updated On: 07/17/2020

Company Name:
City of Hoquiam

Billing Address:
City of Hoquiam (152408)
609 8th Street
Hoquiam, WA 98550

Created Date:
7/17/20 12:04 PM

Shipping Address:
609 8th Street
HOQUIAM, WA 98550 USA

Shipping Method:
Hold For Pickup

FOB:
Destination

Sales Person:
Gina Fierro
gina.fierro@platt.com

Branch:
Aberdeen #77
(360) 533-7001

PRODUCTS	QTY	UNT PR / UOM	TOTALS
1.  2THHCSTRBLAX5000 62707 2 AWG THHN Stranded Copper, Black, 5000' MFR: Multiple	3,000	\$908.67 ⁰⁰⁰ M	\$2,726.01
2.  6THHCSTRBLAX5000 69601 6 AWG THHN Stranded Copper, Black, 5000' MFR: Multiple	2,000	\$376.10 ⁰⁰⁰ M	\$752.20
3.  10THHCSTRBLAX500 62557 10 AWG THHN/THWN Stranded Copper, Black, 500' MFR: Multiple	1,500	\$148.23 ⁰⁰⁰ M	\$222.35
4.  2P 69198 2" PVC Conduit, 10', Schedule 40 MFR: Multiple	1,500	\$62.76 ⁰⁰⁰ C	\$941.40
5.  2P90 69211 2" PVC Elbow, 90°, Schedule 40 MFR: Multiple	16	\$2.17 ⁰⁰⁰ EA	\$34.72
6.  2PTA 69202 2" PVC Male Terminal Adapter. MFR: Multiple	6	\$49.93 ⁰⁰⁰ C	\$3.00
7.  2PCP 69191 2" PVC Conduit Coupling MFR: Multiple	32	\$35.98 ⁰⁰⁰ C	\$11.51
8.  2PBE 69188 Bell End, 2", PVC MFR: Multiple	16	\$233.80 ⁰⁰⁰ C	\$37.41
9.  2LN 65918 Locknut, 2", Zinc Plated Steel MFR: Multiple	6	\$43.60 ⁰⁰⁰ C	\$2.62

10.		AMFPIB200 826097 2" Plastic Insulating Bushing MFR: American Fittings Corp	2	\$29.78 ⁰⁰⁰ C	\$0.60
11.		34P 69274 3/4" PVC Conduit, 10', Schedule 40 MFR: Multiple	200	\$20.55 ⁰⁰⁰ C	\$41.10
12.		34P90 69285 PVC 90° Elbow, 3/4", Schedule 40 MFR: Multiple	14	\$0.38 ⁰⁰⁰ EA	\$5.32
13.		34PTA 69277 3/4" PVC Male Terminal Adapter. MFR: Multiple	21	\$18.00 ⁰⁰⁰ C	\$3.78
14.		34PCP 69269 Coupling, Size: 3/4", Material: PVC MFR: Multiple	14	\$9.75 ⁰⁰⁰ C	\$1.37
15.		34PBE 159857 3/4" PVC Bell End MFR: Multiple	7	\$108.06 ⁰⁰⁰ C	\$7.56
16.		34LN 65981 3/4" Conduit Locknut MFR: Multiple	21	\$9.31 ⁰⁰⁰ C	\$1.96
17.		AMFPIB75 826093 3/4" Plastic Insulating Bushing MFR: American Fittings Corp	21	\$5.77 ⁰⁰⁰ C	\$1.21
18.		34P2H 69283 3/4" 2-Hole PVC Conduit Strap MFR: Multiple	28	\$15.84 ⁰⁰⁰ C	\$4.44
19.		12126PJ 51577 NEMA 4X, Screw Cover, Enclosure MFR: Multiple	7	\$3,086.92 ⁰⁰⁰ C	\$216.08
20.		OLD14191016 512933 Rectangular Pull Box MFR: Oldcastle Precast	7	\$26.22 ⁰⁰⁰ EA	\$183.54
21.		CUTDG221NRB 10543 Safety Switch, 30A, 2P, 240V, Type DG, Fusible, NEMA 3R MFR: Eaton	7	\$72.03 ⁰⁰⁰ EA	\$504.21
22.		CUTDS075H1 10704 Hub, 3/4", Rainproof, Conduit/Plate MFR: Eaton	7	\$6.35 ⁰⁰⁰ EA	\$44.45
23.		LFUFLNR020 32948 Fuse, 20A, 250VAC/125VDC, 200kA AC, 20kA DC, Class RK5, Time Delay MFR: Littelfuse	14	\$4.40 ⁰⁰⁰ EA	\$61.60
24.		143SOX250C 69387 S00W Portable Cord, 14/3, Black, 250' MFR: Multiple	200	\$531.59 ⁰⁰⁰ M	\$106.32

25.

**ARLLPCG507** | 375948

Cord Connector, Low Profile, 1/2", Non-Metallic

64

\$140.15⁰⁰⁰ C**\$89.70****MFR:** Arlington

Prices are subject to change without notice. Prices quoted, unless otherwise specifically noted on this quotation, are subject to availability and must be accepted and released for immediate shipment within 48 hours. Many Platt manufacturing partners have advised that until further notice they reserve the right to amend the delivery date, the price, the scope or quantity of supply and/or other terms and conditions set out in their offer or quotation to the extent affected by the COVID-19 pandemic. Be advised that Platt considers any COVID-19 related changes imposed by manufacturers as outside its reasonable control and subject to Force Majeure provisions.

Platt's Standard Terms and Condition of Sale are not included in this document, but are so here incorporated by reference within this quotation. A copy of Platt's Standard Terms and Condition of Sale is available at <https://www.platt.com/Downloads/pdfs/TermsOfSale.pdf>

Full phone support 7 days/week 4am - midnight PT, 5am - 1am MT at (800) 257-5288

Entire Quote:

Sub Total:	\$6,004.46
S/H:	Not Included
Other Charges:	\$0.00
Tax:	\$545.20
Total:	\$6,549.66



**Office of the City Administrator
CITY OF HOQUIAM**

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(360) 538-3983 – FAX (360) 538-0938
Email: bshay@cityofhoquiam.com

Report From Officer

DATE: September 4, 2020
TO: Mayor Ben Winkelman and Council Members
FROM: Brian Shay, City Administrator
SUBJECT: Pre-Commercial Thinning Bids

The City made a formal call for bids for the planned pre-commercial thinning of 450 acres in the Hoquiam Watershed. \$75,000 was included in the budget for this project.

Two bids were received as follows:

Curtis Hill Forestry	\$73,625.00
Mt. St. Helens Reforestation	\$88,385.00

Recommendation:

Staff recommends that the Council award the project to Curtis Hill Forestry.

ORDINANCE NO. 2020 ____

AN ORDINANCE relating to Business Licenses, amending Sections 4.05.005, 4.05.010, 4.04.020, 4.05.030, 4.05.040, 4.05.050, 4.05.070, 4.05.080, 4.05.085, 4.05.090, 4.08.030, 4.10.015, 4.12.020, 4.12.030, 4.60.020, 4.62.020, 4.64.015, 4.68.020, 10.05.060 and 10.09.090 to the Hoquiam Municipal Code, and adding a new section 4.05.045 to the Hoquiam Municipal Code.

THE CITY COUNCIL OF THE CITY OF HOQUIAM, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Section 4.05.005 of the Hoquiam Municipal Code is amended to read as follows:

4.05.005 Licenses – Required – Threshold exemption.

(1) No person, firm, company, nonprofit organization, or corporation shall be engaged in, prosecute or carry on any trade, business, or profession within the limits of the city, for which a license is required by this chapter, until he or they shall have obtained a license therefor.

(2) Any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than two thousand dollars and who does not maintain a place of business within the city shall be exempt from the general business license requirements in this chapter. The exemption does not apply to regulatory license requirements or activities that require a specialized permit.

SECTION 2. Section 4.05.010 of the Hoquiam Municipal Code is amended to read as follows:

4.05.010 Definitions.

As used in this title, the following definitions apply:

(1) “Business” means a profession, trade, occupation, or activity carried on for a livelihood or engaged in with the object of gain, benefit, or advantage to the participant or to another person or class, directly or indirectly, for profit, and includes the activity of renting or leasing of three or more rental units of residential real property, and any number of rental units of commercial or industrial real property but excludes the following:

(a) Municipal, state, or federal agencies or employees;

(b) A person employed in the city by a person engaged in business in the city, if the employer is licensed pursuant to this chapter to conduct a business in the city;

(c) A person transacting and carrying on a business that is exempt from city licensure by virtue of the federal or state constitution or federal or state law; and

(d) A person transacting and carrying on an activity that is illegal by virtue of the federal or state constitution, or federal law, with the exception of the operation of state-licensed marijuana retailing businesses, marijuana producing businesses and marijuana processing businesses, state law, or municipal ordinance.

(2)(a) “Engaging in business” means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

(b) This section sets forth examples of activities that constitute engaging in business in the city, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimis business activities in the city without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of “engaging in business” in subsection (2)(a) of this section. If an activity is not listed, whether it constitutes engaging in business in the city shall be determined by considering all the facts and circumstances and applicable law.

(c) Without being all inclusive, any one of the following activities conducted within the city by a person or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license:

(i) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the city.

(ii) Owning, renting, leasing, using, or maintaining an office, place of business, or other establishment in the city.

(iii) Soliciting sales.

(iv) Making repairs or providing maintenance or service to real or tangible personal property including warranty work and property maintenance.

(v) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

(vi) Installing, constructing, or supervising installation or construction of real or tangible personal property.

(vii) Soliciting, negotiating, or approving franchise, license, or other similar agreements.

(viii) Collecting current or delinquent accounts.

(ix) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

(x) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

(xi) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

(xii) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

(xiii) Training or recruiting agents, representatives, independent contractors, brokers or others domiciled or operating on a job in the city, acting on its behalf, or for customers or potential customers.

(xiv) Investigating, resolving, or otherwise assisting in resolving customer complaints.

(xv) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

(xvi) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

(d) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the city but the following, it need not register and obtain a business license:

(i) Meeting with suppliers of goods and services as a customer.

(ii) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

(iii) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of directors member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

(iv) Renting tangible or intangible property as a customer when the property is not used in the city.

(v) Attending, but not participating in, a “trade show” or “multiple vendor events.” Persons participating at a trade show shall review the city’s trade show or multiple vendor event ordinances.

(vi) Conducting advertising through the mail.

(vii) Soliciting sales by phone from a location outside the city.

(e) A seller located outside the city merely delivering goods into the city by means of common carrier is not required to register and obtain a business license; provided, that it engages in no other business activities in the city. Such activities do not include those in subsection (2)(d) of this section.

(f) The city expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the Constitutions of the United States and the state of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus-generating contact or subsequent contacts.

(3) “Landlord” means a person or entity that is in the business of renting or leasing real property, including both commercial properties and dwelling units.

(4) “Nonprofit organization” means a benevolent, philanthropic, patriotic, eleemosynary, religious, educational, social, recreational, fraternal, or other association, corporation, fund, foundation, civic league, club, or organization having or purporting to have a charitable nature and that is exempt from federal taxation pursuant to Section 501 of the Internal Revenue Code of 1954, as amended.

(5) “Person” means a domestic or foreign corporation, association, syndicate, partnership of every kind, joint venture, individual, firm, company, nonprofit organization, or group of individuals transacting or carrying on business in the city.

(6) “Rental of commercial or residential real property” means the creation of a possessory interest in commercial or residential real property in another party by a lease, sublease, expressed or implied rental agreement, or tenancy from period to period, for the purpose of gain, and includes the rental of residential units in mixed uses and the rental of mobile home spaces or sites.

(7) “Rental unit” means (a) a dwelling unit that is rented or leased to a person or group of persons who reside within the same household or (b) a commercial space that is rented or leased to a single business entity.

(8) “Special event” or “civic event” means a short term fair, show, festival, bazaar, flea market, or other publicly attended entertainment, celebration, or presentation conducted, organized, or sponsored by a nonprofit or public service organization or a business or business group that is held either upon publicly owned or private property, and that involves more than one seller, business, or vendor that engages in business as a part of the event.

(9) “Business Licensing Service” or “BLS” means the office within the Washington State Department of Revenue providing business licensing services to the city.

SECTION 3. Section 4.05.020 of the Hoquiam Municipal Code is amended to read as follows:

4.05.020 License – Application – Fee. – Not transferable – Business Changes.

(1) Except as otherwise provided in this title, every person who engages in business in this city ~~shall must apply to the finance director for~~ obtain either an annual or special event business license and pay the city license fee as provided in this chapter.

(2) No person who is required to be licensed shall engage in business in the city until he or she has paid the license fee.

(3) Once a license has been issued, the license shall be prominently displayed in the place of business for which it was issued.

(4) A license issued pursuant to this title shall be used to conduct the business or type of business at the address designated on the application only.

(5) A significant change in the nature of the business requires a new application and license.

(6) If a person conducts business in more than one location in the city, each location must be licensed separately as provided in this chapter. If two or more persons each conduct their own business at the same location, each person must obtain their own license for their respective business.

(7) A business license issued under this chapter is personal and may not be transferred to another person. No one may allow another person to operate a business under his or her license, and no one may operate a business under another person's license.

(8) If a person wishes to change the location of his or her business within the city, they must notify the Business Licensing Service sufficiently prior to the intended change to allow the city to review and approve the change. Business may not commence at the new location until the city has granted approval of the new location. Such change may require submitting a new application as provided in this chapter.

(9) In the event of the sale of a business, the new owner must obtain his or her own business license for the acquired business. The new owner may not commence business in the city under the business until their own license has been issued to them.

SECTION 4. Section 4.05.030 of the Hoquiam Municipal Code is amended to read as follows:

4.05.030 Fees.

(1) Beginning January 1, 1993, the annual city license fee for each calendar year is fifty dollars, except as provided in subsections (2) and (3) of this section.

(2) If a person engages in business in the city only during a special or civic event, the person may obtain a special event license directly from the city for a fee set by resolution of the council.

(3) If a person engages in a home occupation in the city that grosses three thousand dollars or less in a year, the annual fee is twenty-five dollars. If the business grosses more than three thousand dollars annually, the full fifty-dollar annual fee is due.

SECTION 5. Section 4.05.040 of the Hoquiam Municipal Code is amended to read as follows:

4.05.040 Application.

(1) All business licenses shall be issued by the city finance director.

(2) ~~The a~~Application for a the annual business license shall be filed with the finance director prior to commencing to engage in business in this city and shall contain the following information: is made through the Business Licensing Service (BLS) and must be approved by the city prior to

commencing to engage in business in the city. The application submitted to BLS must include all information required for all licenses requested, all fees due for each license, and the application handling fee required by RCW 19.02.075. Applications for other city licenses submitted directly to the city must include all requirements as set by the city, such as may include:

- (a) A brief description of the trade, shop, business, profession, occupation, or calling to be carried on in the city;
 - (b) The name of the owner, the name and title of the applicant if different from the owner, and the address of both persons;
 - (c) The address of the business's principal office, and if the business is a corporation, the state of incorporation;
 - (d) The location in the city where the business is to be carried on;
 - (e) The date of application;
 - (f) If the applicant is applying for a special event license, the exact dates the applicant intends to engage in business in the city, and the name and exact location of the special event in which the person will be engaging in business in the city;
 - (g) The amount of money submitted with the application; and
 - (h) The signature of the applicant.
- (3) The finance director may reject ~~an~~ any license application or postpone its issuance when a material falsification of the application is evident.

SECTION 6. Section 4.05.050 of the Hoquiam Municipal Code is amended to read as follows:

4.05.050 Notice to obtain license – Hearing.

If the finance director has reason to believe that a person is doing business in the city without first having obtained a business license, the finance director or his or her designee shall mail a notice to that person requiring the person to ~~apply to the finance director~~ submit an application as provided in this chapter within ten days of the issuance of the notice. A person who has received such a notice and who believes he or she is not subject to licensing under this title shall provide whatever information or rationale supports his or her belief to the finance director for review. If the finance director determines that the person is required to be licensed under this title and the person does not agree with the decision, the person may request a hearing before the city council. The request for a hearing must be submitted to the finance director within ten days of receipt of the notice.

SECTION 7. Section 4.05.070 of the Hoquiam Municipal Code is amended to read as follows:

4.05.070 License transactions – Public record.

The finance director shall keep a record of each person licensed to transact and carry on a business within the city. The records shall include copies of all applications for licenses, licenses issued, appropriate information concerning the action of the finance director in rejecting an application for a license, or in postponing the issuance of a license, and the action of the city council regarding a license. All such records are public records to the extent consistent with state and federal law. Some of the records listed in this section may be retained by the Business Licensing Service as part of the services provided to the city.

SECTION 8. Section 4.05.080 of the Hoquiam Municipal Code is amended to read as follows:

4.05.080 Transient merchants.

Every person, firm, company or corporation who shall engage in business as a transient merchant within the city shall apply directly to the city and pay a license fee of twenty-five dollars per day directly to the city.

SECTION 9. Section 4.05.085 of the Hoquiam Municipal Code is amended to read as follows:

4.05.085 Temporary business.

A temporary or seasonal business that plans to operate more than twenty days but less than ninety days may apply directly to the city for a temporary business license. This category applies only to nonresident businesses and will be administered by the city in conjunction with the provisions of HMC 4.05.005(2).

SECTION 10. Section 4.05.090 of the Hoquiam Municipal Code is amended to read as follows:

4.05.090 Violations.

(1) It is unlawful for any person to willfully make a false or misleading statement to either the finance director or city council for the purpose of avoiding the payment of a license fee or for the purpose of obtaining a business license.

(2) It is unlawful for a person to refuse to comply with the provisions of this chapter, to fail or refuse to pay a license fee required by this chapter, or to refuse or fail to pay a penalty that may be lawfully assessed against the person under this chapter.

(3) If a person who is required to obtain a license fails or neglects to obtain a license within fifteen days from the date he or she engages in business in the city, or fails to renew a license previously issued, if the person continues to engage in business, the finance director shall collect a penalty of ten percent of the annual license fee for each calendar month or portion of a month that the license is delinquent. This penalty is assessed by and payable to the city in addition to any other penalty that may be imposed in this chapter.

SECTION 11. Section 4.08.030 of the Hoquiam Municipal Code is amended to read as follows:

4.08.030 License – Required.

No person, firm, or corporation may maintain or operate a cabaret or public dance establishment within the city without first obtaining a cabaret license. The license required under this chapter is separate from and in addition to the business license issued under Chapter 4.05 HMC, which may also be required when applicable.

SECTION 12. Section 4.10.015 of the Hoquiam Municipal Code is amended to read as follows:

4.10.015 License required – Fee.

From and after the effective date of the ordinance codified in this section, no public place of amusement, including but not limited to places which offer adult entertainment, shall be operated or maintained in the city of Hoquiam unless the owner or lessee thereof has obtained a license from the chief of police or his designee, as hereinafter set forth; provided, that it is unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of an unlicensed public place of amusement/entertainment: The licenses required under this chapter are separate from and in addition to the business license issued under Chapter 4.05 HMC, which may also be required when applicable.

Type of Entertainment	License Fee
Adult entertainment	\$500.00 per calendar year
Penny arcades (no refund for partial year)	\$50.00 per six months

SECTION 13. Section 4.12.020 of the Hoquiam Municipal Code is amended to read as follows:

4.12.020 Merchandise machines – License required – Amount.

Every person, firm, or corporation who has, uses, operates, or maintains vending machines within the city that dispense merchandise from the machine when a coin is inserted shall pay an annual license fee of ten dollars for the first machine and an additional license fee of five dollars for each additional machine. The annual license fee for an operator shall not exceed seventy-five dollars. The operator shall submit reports as required by the finance director listing the number and location of machines operated under the operator's license. The license required by this section is separate from and in addition to the business license issued under Chapter 4.05 HMC, which may also be required when applicable.

SECTION 14. Section 4.12.030 of the Hoquiam Municipal Code is amended to read as follows:

4.12.030 Phonograph machines – License required – Amount.

Every person, firm, or corporation who has, uses, operates, or maintains jukeboxes, amusement machines or devices within the city, for which no awards are made to the player other than free games, shall pay an annual operator's license fee of fifty dollars for each machine by January 15th of each year. If an operator first begins to operate jukeboxes or amusement machines or devices within the city after July 1st, the initial license fee for each machine is twenty-five dollars for the remainder of that year only. No other proration or refund of fees shall be granted. An operator may substitute one machine for another without paying an additional fee. However, if the operator increases the number of machines operated or maintained during the year, he or she must obtain a license for each additional machine. An operator shall submit reports as required by the finance director regarding the number and location of machines used or operated under the operator's license. The license required by this section is separate from and in addition to the business license issued under Chapter 4.05 HMC, which may also be required when applicable.

SECTION 15. Section 4.60.020 of the Hoquiam Municipal Code is amended to read as follows:

4.60.020 Permit – Required.

No person or other legal entity shall knowingly allow, conduct, hold, maintain, cause to be advertised, or permit a festival or special event at Olympic Stadium unless a valid permit has been obtained from the city pursuant to this chapter. The permit required by this chapter is separate from and in addition to the business license issued under Chapter 4.05 HMC, which may also be required when applicable.

SECTION 16. Section 4.62.020 of the Hoquiam Municipal Code is amended to read as follows:

4.62.020 Permit – Required.

No person or other legal entity shall knowingly allow, conduct, hold, maintain, cause to be advertised, or permit a festival or special event unless a valid permit has been obtained from the city pursuant to this chapter. The permit required by this chapter is separate from and in addition to the business license issued under Chapter 4.05 HMC, which may also be required when applicable.

SECTION 17. Section 4.64.015 of the Hoquiam Municipal Code is amended to read as follows:

4.64.015 Vendor registration required.¹

(1) No person shall participate in a special event that affects the customary and ordinary use of public streets, rights-of-way, sidewalks or publicly owned property without having first completed and submitted the necessary permit, application or registration to the community services director.

(2) Applications that are not accepted will be notified prior to the festival and their application and entry fee will be returned.

(3) Applications that are accepted will be notified of their selection and booth assignments prior to the festival.

(4) The vendor permit registration required under this chapter is separate from and in addition to the business license issued under Chapter 4.05 HMC, which may also be required when applicable.

SECTION 18. Section 4.68.020 of the Hoquiam Municipal Code is amended to read as follows:

4.68.020 Permit – Required.

No person or other legal entity shall knowingly allow, conduct, hold, maintain, cause to be advertised, or allow a festival or special event at Gable Park unless a valid permit has been obtained from the city pursuant to this chapter. The permit required by this chapter is separate from and in addition to the business license issued under Chapter 4.05 HMC, which may also be required when applicable.

SECTION 19. Section 10.05.060 of the Hoquiam Municipal Code is amended to read as follows:

10.05.060 Home occupations.

Home occupations established after the adoption of the ordinance codified in this section shall meet the following requirements:

- (1) The occupation is incidental and accessory to the principal residential use of the residential structure or dwelling unit;
- (2) The area devoted to the home occupation occupies no more than twenty-five percent nor more than five hundred square feet of gross floor area of the residential structure or dwelling unit including all other buildings serving the home occupation;
- (3) The occupation does not create traffic to and from the residential dwelling unit that is disruptive to the residential area where it is located;
- (4) There is one off-street parking space in addition to the required parking for the residential dwelling unit;
- (5) No nonresident person works within the dwelling unit;
- (6) One sign advertising the business may be affixed to the dwelling unit with a surface area no greater than nine hundred square inches;
- (7) There is no display of merchandise outside of the dwelling unit; and
- (8) No more than twenty-five percent of a residential property shall be used for small-scale agriculture and shall comply with the provisions of Chapter [3.40](#) HMC.
- (9) A permitted home occupation must be licensed as provided by Chapter 4.05 HMC.

SECTION 20. Section 10.09.090 of the Hoquiam Municipal Code is amended to read as follows:

10.09.090 ‘H’ definitions.

- (1) “Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW [70.105.010](#)(15), or its successor, except for moderate risk waste as set forth in RCW [70.105.010](#)(17), or its successor.
- (2) “Hazardous waste storage” means the holding of hazardous waste for a temporary period as regulated by the state dangerous waste regulations, Chapter [173-303](#) WAC, or its successor.
- (3) “Hazardous waste treatment” means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the state dangerous waste regulations, Chapter [173-303](#) WAC, or its successor.

- (4) “Hazardous waste treatment and storage facility – off-site” means a facility that treats and stores hazardous wastes generated at a structure on a nonadjoining lot or parcel.
- (5) “Hazardous waste treatment and storage facility – on-site” means a hazardous waste treatment facility that treats and stores hazardous wastes generated on the same lot or parcel.
- (6) “Height.” See HMC 10.09.030(13), “Building height.”
- (7) “Height of sign” means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns.
- (8) “Home occupation” means an occupation or profession carried on by a member of the family residing within any dwelling that is clearly incidental and secondary to the use of the dwelling for residential purposes. See also HMC 10.05.060.
- (9) “Hospital” means an institution devoted primarily to the rendering of healing, curing and/or nursing care, which maintains and operates facilities for the diagnosis, treatment and care of two or more nonrelated individuals suffering from illness, injury or deformity, or where obstetrical or other healing, curing and/or nursing care is rendered over a period exceeding twenty-four hours.
- (10) “Hospital, veterinary” means an establishment in which veterinary medical services, clipping, bathing and similar services are rendered to dogs, cats and other small domestic animals and pets. This term includes veterinary clinics.
- (11) “Hotel” and “motel” means a building or buildings, or portions thereof, containing individual units which are designed and/or used primarily for the transient accommodation of tourists or travelers for compensation. This term includes motor lodge and motor inn.

SECTION 21. NEW SECTION. A new Section 4.05.045 is added to the Hoquiam Municipal Cod, to read as follows:

4.05.045 Renewal – Penalties

The general, annual business license issued under this chapter expires on the date established by the Business Licensing Service, and must be renewed on or before that date to continue to engage in business in the city after that date.

- (1) Application for renewal of the license is made through the Business Licensing Service, and must include all information required by RCW 19.02.075.

- (2) The license term and respective fee amount may be prorated as necessary to synchronize the license expiration date with the date of the business license account maintained by the Business Licensing Service.
- (3) Failure to complete the renewal by the expiration date will incur the late renewal penalty required by RCW 19.02.085.
- (4) Failure to complete the renewal within 120 days after the expiration date will result in the cancellation of the license, and will require submitting a new application as provided for in this chapter to continue to engage in business in the city.

ADOPTED by the Mayor and City Council on September 14, 2020.

BEN WINKELMAN B MAYOR

ATTEST:

CORRINE SCHMID B FINANCE DIRECTOR

PUBLISHED:

ORDINANCE NO. 2020- _____

AN ORDINANCE relating to the official zoning map; amending the official zoning map as set forth in Section 10.03.040 and Section 10.03.060 of the Hoquiam Municipal Code.

THE CITY COUNCIL OF THE CITY OF HOQUIAM, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. The Official Zoning Map of the City of Hoquiam, Washington, as set forth in Section 10.03.040 of the Municipal Code, is hereby amended as follows:

Zoned High Density Residential (R-2) District: 601 and 607 23rd Street,
Assessor's Parcel Numbers 051202200601, and 051202200602

SECTION 2. The Building Department shall correct the official zoning map to reflect these amendments and the Finance Director shall file the amendments and modified map as required by law. The Comprehensive Zoning Ordinance and the official zoning map, Title 10 and Section 10.03.040 of the Municipal Code shall, except as amended by this Ordinance, continue in full force and effect.

ADOPTED by the Mayor and City Council on September 14, 2020.

BEN WINKELMAN – MAYOR

ATTEST:

CORRINE SCHMID – FINANCE DIRECTOR

PUBLISHED:

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF HOQUIAM**

Application to *Rezone* two vacant and
adjoining properties from the current (C-1)
General Commercial zone to (R-2) High
Density Residential, submitted by the
property owner,

JOHN L. MOLER

Applicant

*(The properties are each just 3,600 sq.ft. in size,
located at 601 and 607 23rd Street on Tax Parcel Nos.
0512002200601 and 05120002200602, in the City of
Hoquiam, Washington)*

File No. RZ-2020-01

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
RECOMMENDATION OF
APPROVAL**

I. SUMMARY OF DECISION.

The requested rezone, which is fully consistent with and implements the City's
Comprehensive Plan, should be approved.

II. APPLICABLE LAW.

Jurisdiction of Hearing Examiner:

The City Code vests the Hearing Examiner with authority to conduct an open record
public hearing and issue a recommendation to the City Council on rezone applications. See
HMC 1.55.080(1); HMC 10.07.140; and RCW 35A.63.170.

1 ***Decision Criteria for a Rezone:***

2 Washington Courts apply three basic rules when reviewing appeals of rezone
3 applications: (1) there is no presumption favoring the rezone request; (2) the proponent of a
4 rezone must demonstrate that there has been a change of circumstances since the original
5 zoning, PROVIDED if a proposed rezone implements the policies of a comprehensive plan,
6 a showing of changed circumstances is usually not required¹; and (3) the rezone must have a
substantial relationship to the public health, safety, morals, or general welfare. *Woods v.*
Kittitas County, 162 Wn.2d 597 (2007), citing *Citizens for Mount Vernon*, 133 Wn.2d 861,
at 875 (1997); *Parkridge v. City of Seattle*, 89 Wn.2d 454, 462 (1978).

7
8 **III. RECORD.**

9 All exhibits entered into evidence as part of the record, and an audio recording of the
10 public hearing, are maintained by the City of Hoquiam, and may be examined or reviewed
by contacting the City’s public records officer.

11 ***Exhibits entered into evidence by the Examiner:***

12 *Staff Report* – City of Hoquiam Planning Department Report to the Hearing Examiner
13 Staff Report for the Moler Rezone, File No. RZ 2020-01, prepared by Orlando “Lon”
14 Howell, City Building and Planning Official (six pages, with attachments described
below as Exhibits);

15 *Exhibit A* – A copy of the Applicant’s Rezone Application, dated March 14, 2020,
16 received by City on March 16, 2020;

17 *Exhibit B* – SEPA Determination of Non-Significance, dated April 9, 2020;

18 *Exhibit C* – Notice of Application, issued for public comment;

19 *Exhibit D* – Duplicate label assigned to Staff Report;

20 *Exhibit E* – Zoning map, and Future Land Use Map from Comprehensive Plan (two
21 separate maps);

22 *Exhibit F* – Current city code language describing R-2 and C-1 zoning districts;

23 *Exhibit G* – Comprehensive Plan description of future Residential and Commercial
24 districts.

25 ¹ *Save Our Rural Env't v. Snohomish County*, 99 Wn.2d 363, 370-71 (1983); *Henderson v. Kittitas County*, 124 Wn. App.
747, 754 (Div. III, 2004); *Bjarnson v. Kitsap County*, 78 Wn. App. 840, 846 (Div. III, 1995).

1 *Testimony:* The following persons provided testimony under oath as part of the record during
2 the open-record hearing held on July 29, 2020:

- 3 1. Orlando “Lon” Howell, Building and Planning Official and primary Staff
4 Contact for the pending application, for the City of Hoquiam; and
- 5 2. John Moler, the applicant.

6 IV. FINDINGS OF FACT.

7 Based on the record, and following consideration of all the evidence, testimony,
8 codes, policies, regulations, and other information included therein, the undersigned issues
9 the following findings of fact:

10 1. All statements of fact included in previous or following sections of this Decision that
11 are deemed to be findings of fact are incorporated by reference into this section as findings
12 of fact issued by the Hearing Examiner.

13 2. The applicant, John L. Moler, recently purchased the two adjoining properties located
14 at 601 and 607 23rd Street on Tax Parcel Nos. 0512002200601 and 05120002200602, in the
15 City of Hoquiam, Washington. Each parcel is just 3,600 sq.ft. in size. In this application,
16 Mr. Moler is seeking a rezone for both parcels, from their current (C-1) General Commercial
17 zone to the (R-2) High Density Residential zone. (*Staff Report; Ex. A, application*).

18 3. There is no dispute that before 2005, the two parcels were zoned Residential, like
19 adjacent property to the east, north and west, with only property to the south directly across
20 an alley zoned for commercial uses. (*Staff Report; Testimony of Mr. Howell; Zoning map,*
21 *part of Exhibit E*).

22 4. In 2005, a previous owner of the two parcels obtained a rezone, from R-2 to the
23 current C-1 zone. According to the Staff Report, the properties were then offered for sale –
24 as commercially zoned land – but failed to sell (or redevelop in any way) until sold to the
25 applicant in March of this year. While a rezone is not to be decided based on an applicant’s
26 potential development plans for the site, this applicant has indicated a desire to build single
family homes on each parcel. (*Staff Report; Testimony of hearing witnesses*).

27 5. Obviously, the previous owner’s plans to see the properties redeveloped for
commercial uses were not fulfilled. With 15 years on the market for commercial uses but
with no buyer, it appears as though circumstances have changed since the C-1 zone was
assigned to the properties at issue in this rezone application. Based on such evidence, the
Examiner finds that circumstances and the open market show that the applicant’s properties
are better suited for residential instead of commercial uses.

1 6. The requested rezone would bring the north side of the entire block into the R-2
2 zoning district, instead of the current situation where the applicant’s two parcels stand alone
3 as commercially zoned lots on the 2300 block of Pacific Avenue. (*Staff Report, at page 4;*
Zoning map).

4 7. The Staff Report explains how the requested rezone would be consistent with
5 “Development Strategies for Future Residential Uses” found in the City’s Comprehensive
6 Plan, including the purpose: “Maintain a general residential district that reflects traditional
7 development patterns...”. (*Staff Report, page 2; Comp. Plan, Sec. 1.1.A*). The Examiner
8 finds and concludes that the requested rezone would implement the Comprehensive Plan’s
intent and purpose, that a residential district should reflect traditional development patterns,
by eliminating the incongruity of two commercially zoned parcels where most all other
properties are zoned for only residential uses.

9 8. The Comprehensive Plan fully addresses the need and purpose of Commercial zoning
10 districts, but it focuses upon areas where Commercial uses are best suited, like downtown
11 areas, the Simpson/Sumner SR101 couplet area, along Lincoln Street, and portions of the
12 City’s waterfront. The applicant’s properties are not located in any of these areas deemed
best suited for Commercial uses. (*Staff Report, page 4; Comprehensive Plan, Development
Strategy 2.0 and other sections addressing Future Commercial Districts*).

13 9. The Staff Report verifies that all concurrency requirements can be satisfied, including
14 without limitation the fact that adequate utilities, public services, and transportation
15 infrastructure exists to serve the properties if developed with residential uses.

16 10. The pending application was processed in compliance with all applicable notice,
17 review, and public comment requirements. (*Staff Report, Ex. C, public notice materials; Ex.
B, SEPA DNS issued for the application*).

18 11. No one submitted any written comments or testimony questioning or opposing this
19 application.

20 12. Given the ongoing Covid-19 public health emergency and associated directives and
21 proclamations issued by state and local officials, the public hearing for this matter was
22 conducted on July 29th using an electronic audio-video communication portal coordinated by
23 City staff, with call-in numbers and participation methods explained in public notices. All
24 people who provided factual information were sworn and provided testimony under oath
25 during the open-record public hearing, including Orlando “Lon” Howell, Building and
26 Planning Official for the City of Hoquiam, and the applicant, John Moler. No one else
appeared and asked to speak during the public hearing for this matter. Since the date of the
public hearing, the Examiner has not been advised that anyone stepped forward to provide
comments but found themselves unable to do so because of the ongoing public health
situation or difficulty accessing public comment venues. Several weeks have passed, so the

1 Examiner finds and concludes that members of the public have had a full and fair opportunity
2 to participate in this public hearing process, but no one offered any evidence or testimony
3 that would serve as a basis to deny the requested rezone. The record is now closed, and this
4 recommendation is now in order.

5 13. The City’s Future Land Use Map appears on page 8 of its Comprehensive Plan.
6 Unfortunately, that map is very difficult to read. This Recommendation was delayed as the
7 Examiner tried to locate a larger copy of the map and used devices and computer features to
8 ‘zoom’ in and see details on the map available on the city’s website. In any event, it is very
9 clear that large portions of adjacent parcels are identified for residential uses, and others for
10 commercial uses. The applicant’s parcels do not appear to lie in any area logically shaded
11 for Commercial uses. Instead, they appear to be located in an area where all, or most all,
12 other parcels are shaded in “orange” for Residential uses. They are nowhere near “purple”
13 shaded properties that seem to be the future Commercial or industrial land use designations,
14 and they are disconnected from a ribbon of “blue” commercially marked properties to the
15 north of the rezone site. Assuming this to be the case, the requested rezone would be
16 consistent with the Future Land Use Map, as well as the Comprehensive Plan language
17 discussed in the Staff Report and referenced above.

18 14. Based on the record, the Examiner finds and concludes that the requested rezone from
19 C-1 to R-2 in an area where most other properties are already zoned R-2, is appropriate,
20 especially given the fact that one of the stated purposes of the Comprehensive Plan is to
21 maintain residential areas that reflect traditional development patterns. The requested R-2
22 zone is not inconsistent with existing land uses located on or zoning designations assigned to
23 surrounding properties in the area. In fact, it would bring the entire north side of the block
24 into the same zoning district.

25 15. Based on findings set forth above and evidence in the record, the requested rezone
26 bears a substantial relationship to the public health, safety, and general welfare. The requested
rezone is appropriate in the context of adjacent properties.

V. CONCLUSIONS.

Based upon the record, and the Findings set forth above, the Examiner issues the following Conclusions:

1. The applicant met his burden to demonstrate that the requested rezone conforms to, and in fact implements objectives of, the City’s Comprehensive Plan. *Findings; Staff Report.*
2. The applicant met his burden to demonstrate that the requested rezone bears a substantial relationship to the public health, safety, or welfare.
3. The Staff Report and testimony on the record demonstrate that the proposed rezone

1 will not require new public facilities and that there is capacity within the transportation
2 network, the utility system, and other public services, to accommodate residential uses on the
3 rezone site. The rezone from a Commercial zoning classification to the R-2 Residential zone
4 will keep the property compatible with the character of the existing uses and zoning districts
5 surrounding the site.

6 4. The rezoned site will not be materially detrimental to uses or property in the immediate
7 vicinity of the subject property

8 5. While the pending rezone application is categorically exempt from formal SEPA review,
9 the record demonstrates that the potential for adverse impacts is very unlikely. And, despite
10 the ample public notice issued for the application, no one spoke or submitted any written
11 comments opposing the pending rezone request. The SEPA DNS issued for this application
12 was not questioned or challenged and stands as issued.

13 6. Based on the record, the applicant demonstrated that his rezone application merits
14 approval.

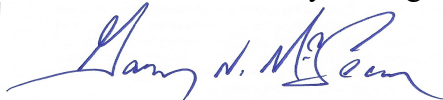
15 7. Approval of this rezone will not and does not constitute, nor does it imply any
16 expectation of, approval of any permit or subsequent reviews that may be required for
17 development or other regulated activities on the site of the subject rezone.

18 8. Any finding or other statement contained in this Recommendation that is deemed to
19 be a Conclusion is hereby adopted as such and incorporated by reference.

20 VI. RECOMMENDATION.

21 Based upon the preceding Findings and Conclusions, the Hearing Examiner
22 recommends that Mr. Moler's application (File No. RZ 2020-01) to rezone two adjacent
23 parcels located at 601 and 607 23rd Street from the current (C-1) General Commercial zone
24 to the (R-2) High Density Residential zone, should be **APPROVED**.

25 ISSUED this 25th Day of August, 2020



26 _____
Gary N. McLean
Hearing Examiner

ORDINANCE NO. 2020-_____

AN ORDINANCE OF THE CITY OF HOQUIAM, WASHINGTON, relating to the designation and protection of critical areas within the City of Hoquiam, amending Chapter 11.06 of the Hoquiam Municipal Code.

THE CITY COUNCIL OF THE CITY OF HOQUIAM, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 11.06 of the Hoquiam Municipal Code, is amended to read as follows:

Chapter 11.06

CRITICAL AREAS DESIGNATION AND PROTECTION

ARTICLE I: DEFINITIONS

11.06.010 Definitions.

As used in this chapter, unless context clearly requires otherwise, the following definitions shall apply.

(1) “Alteration” means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing of vegetation, construction, compaction, excavation, or any other activity that changes the character of the critical area.

(2) “Aquifer recharge area” means an area with a critical recharging effect on an aquifer that is vulnerable to contamination and is used as a sole source of potable water supply. Aquifer recharge areas are those areas designated pursuant to:

- (a) The Federal Safe Drinking Water Act
- (b) RCW 90.44, 90.48, and 90.54, and
- (c) WAC 173-100 and 173-200.

(3) “Best available science” means current scientific information used in the process to designate, protect, or restore critical areas; that is, derived from a valid scientific process as defined by WAC 365-195-900 through 925.

(4) “Buffer or buffer zone” means the area contiguous with a critical area that maintains the functions and/or structural stability of the critical area.

(5) “Creation” means the manipulation of the physical, chemical, or biological characteristics to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Creation results in a gain in wetland acreage and function. A typical action is the excavation of upland soils to elevations that will produce a wetland hydroperiod and hydric soils, and support the growth of hydrophytic plant species.

(6) “Critical areas” means the following areas and ecosystems as defined in RCW 36.70A.030 and ~~WAC 365-195-200~~ WAC 365-190-030:

- (a) Wetlands;
- (c) Areas with a critical recharging effect on aquifers used for potable water;
- (d) Fish and wildlife habitat conservation areas;
- (e) Frequently flooded areas; and,
- (f) Geologically hazardous areas.

(7) “Fish and wildlife habitat conservation area” means land management for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term.

Fish and wildlife habitat conservation areas contribute to the state's biodiversity and occur on both publicly and privately owned lands. Designating these areas is an important part of land use planning for appropriate development densities, urban growth area boundaries, open space corridors, and incentive-based land conservation and stewardship programs.

(a) Fish and wildlife habitat conservation areas that must be considered for classification and designation include:

- (i) Areas where endangered, threatened, and sensitive species have a primary association;
- (ii) Habitats and species of local importance, as determined locally;
- (iii) Commercial and recreational shellfish areas;
- (iv) Kelp and eelgrass beds; herring, smelt, and other forage fish spawning areas;
- (v) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
- (vi) Waters of the state;
- (vii) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; and
- (viii) State natural area preserves, natural resource conservation areas, and state wildlife areas.

~~land managed for maintaining species in ——— suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use~~

~~planning is critically important among counties and cities in a region. In some cases, intergovernmental cooperation and coordination may show that it is sufficient to assure that a species will usually be found in certain regions across the state. Fish and wildlife habitat conservation areas include areas with which endangered, threatened, and sensitive species have a primary association; waters of the State; State natural area preserves and natural conservation areas; and streams and rivers planted with game fish by a governmental agency~~

- (8) “Frequently flooded areas” means lands in the flood plain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface.
- (9) “Geologically hazardous areas” means areas that because of the susceptibility to erosion, sliding, earthquake, or other geological events, are not generally suited to locating commercial, residential, or industrial development consistent with public health or safety concerns. Geologically hazardous areas are characterized by slopes greater than fifteen (15%) and known erosion, landslides, settling, rock slide, debris flow and/or seismic hazards as defined by the US Department of Agriculture Soil Conservation Service.
- (10) “High intensity uses” means residential uses greater than one dwelling unit per acre and all other permitted or conditional uses in the Single-Family and General Residential Districts; all uses within the General Commercial, Industrial, and Heavy Commercial/Light Industrial Districts; and, all uses within Overlay Districts.
- (11) “Isolated wetland” means a wetland that is hydrologically isolated from other aquatic resources, as determined by the United States Army Corps of Engineers (USACE). Isolated wetlands may perform important functions and are protected by state law (RCW 90.48) whether or not they are protected by federal law.
- (12) “Low intensity uses” means a harvest of forestlands that do not result in a conversion; unpaved bicycling and foot trails; and utility corridors without an access/maintenance road.

~~Moderate intensity uses: Residential uses that are one (1) dwelling unit per acre or less in the Single Family, General Residential, and Natural Resource Production Districts; paved bicycling and foot trails; logging roads; and utility corridors with an access/maintenance road.~~

(13) “Mitigation” means avoiding, minimizing, or compensating for adverse critical areas impacts. Mitigation, in the following sequential order of preference, is:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- (c) Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
- (d) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and

(f) Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

- (14) “Moderate intensity uses” means the residential uses that are one dwelling unit per acre or less in the Single-Family, General Residential, and Natural Resource Production Districts; paved bicycling and foot trails; logging roads; and utility corridors with an access/maintenance road.
- (15) “Monitoring” means evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems, and assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features. Monitoring includes gathering baseline data.
- (16) “Native vegetation” means plant species that occur naturally in a particular region or environment and were present before European colonization.
- (17) “Ordinary high water mark” means that mark which is found by examining the bed and banks of water bodies and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation.
- (21) “Preservation” means the removal of a threat to or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or conservation easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acres but may result in a gain in functions over the long term.
- (18) “Re-establishment” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres and functions. Activities could include removing fill, plugging ditches, or breaking drain tiles.
- (19) “Rehabilitation” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influence to a wetland.
- (20) “Species of concern” in Washington include those species listed as State Endangered, State Threatened, State Sensitive, or State Candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service. See WAC 232-12-297 for further definition.

- (21) “Type F Water” means segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat. See WAC 222-16-030.
- (22) “Type Np Water” means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of a year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. See WAC 222-16-030.
- (23) “Type Ns Water” means all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to Type S, F, or Np Waters. See WAC 222-16-030.
- (24) “Type S Water” means all waters, within their bankfull width, as inventoried as "Shorelines of the State" under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW including periodically inundated areas of their associated wetlands. See WAC 222-16-030.
- (25) “Qualified expert” means a person who prepares a technical assessment with expertise appropriate to the relevant critical area. Expertise shall consist of professional credentials and/or certification, any advanced degrees earned in the pertinent scientific discipline from a recognized university, the number of years of experience in the pertinent scientific discipline, recognized leadership in the discipline of interest, formal training in the specific area of expertise, and field and/or laboratory experience with evidence of the ability to produce peer-reviewed publications or other professional literature. Geologists preparing technical assessments shall meet the requirements of a licensed geologist under Chapter 18.220 RCW.
- (26) “Waters of the State” means those waters defined in RCW 90.48.020 and include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and water courses in Washington.
- (27) “Wetland or wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

ARTICLE II: GENERAL PROVISIONS

11.06.020 Purpose

It is not the intent of this article to deny a reasonable use of public or private property, but to assure that land development occurs in a manner that will protect critical areas: wetlands, geologically hazardous areas, and fish and wildlife habitat conservation areas.

11.06.030 Compliance with critical areas protection

All public and private land uses in the City of Hoquiam shall comply with the requirements of this article as a condition to any project permit application granted under HMC Titles 9, 10, or 11.

11.06.040 Exempt activities in critical areas

- (1) The following uses or activities within a critical area or critical area buffer are exempt from the requirements of this Article to the extent that they are not prohibited by other state or federal laws and do not degrade the critical area:
 - (a) Conservation, enhancement, restoration, or preservation measures or projects;
 - (b) Low intensity, passive recreational uses;
 - (c) Short-term scientific studies and educational uses;
 - (d) Repair and maintenance of existing public roads, bridges and sewer, water, and storm water facilities;
 - (e) Walkways without structures;
 - (f) Public parks;
 - (g) Site investigation work necessary for land use applications; and,
 - (h) Class 1 through 3 forest practices governed by RCW 76.09.

11.06.050 Emergency work in critical areas

The mayor may authorize emergency work in critical areas without a permit if that official determines an imminent threat to public health or safety will occur before completion of normal permit procedures. Emergency work shall be limited to abating the emergency only and restoration of the critical area, if possible, shall follow the emergency.

11.06.060 Technical Assessments

- (1) Applications for any project permit approval or threshold decision in HMC-Title 9, 10, or 11 shall indicate whether any critical area is located on or within three hundred feet of the site. The administrator or designated representative shall visit the site, and in conjunction with a review of the comprehensive land use plan, information provided by the applicant, and any other suitable information, make a determination as to whether or not sufficient information is available to evaluate the proposal. If it is determined that the information presented is not sufficient, the administrator shall notify the applicant to provide additional assessments before the issuance of a determination of completeness as provided under HMC-Titles 9 and 10 or a threshold decision as provided under Chapter 11.10 HMC.

- (2). It shall be the responsibility of the applicant to provide the city with appropriate technical assessments and reports prepared by a qualified expert, if necessary, to fulfill the requirements of an application for a project permit review or threshold decision under HMC Titles 9, 10, or 11 or any other city, state or federal laws. The applicant shall pay all expenses associated with the preparation of any technical assessment required by the city. Technical assessments shall use the best science available in accordance with RCW 36.70A.172.

11.06.070 Mitigation

Development activities affecting the function and value of a critical area may require mitigation, so as to result in no net loss of critical area functions and values. Before the city may approve such development activity, the applicant shall demonstrate through a technical assessment the inability to avoid impacts to the critical area and that the action minimizes those impacts to the greatest extent practicable. The technical assessment shall evaluate the development activity as to whether it is possible to:

- (a) Avoid the impact altogether by not taking a certain action or parts of an action;
- (b) Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- (c) Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
- (d) Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action;
- (e) Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
- (f) Monitor the impact and take appropriate corrective measures.

11.06.080 Sureties for Mitigation Improvements

- (1) The city may require the applicant to submit a surety for the construction, maintenance, and/or monitoring of any mitigation measures required under this chapter for a period not to exceed five years from the date of substantial completion of work. The city may release the surety earlier than assigned if a technical assessment prepared by a qualified expert affirms that the mitigation measure is functioning in accordance with its design.
- (2) The value of a construction surety shall be not less than one hundred twenty-five percent of the contract cost for the mitigation improvement as estimated by the city engineer. The value of a maintenance surety shall be not less than fifteen percent of the total value of the mitigation improvement as estimated by the city engineer. The surety shall meet the approval of the city attorney.

11.06.090 Responsibilities for Improvements

The property owner, or his or her successors, shall be responsible for the monitoring and maintenance of any mitigation measure required under this article.

11.06.100 Monitoring

The city may require annual monitoring reports from the property owner or his/her designated representative pertaining to the performance of any improvements required under this article.

11.06.110 Reasonable Use Exceptions

- (1) The intent of protecting critical areas and its application within the city of Hoquiam is not to deny all reasonable use of private property. If an applicant demonstrates to the satisfaction of the hearing examiner that strict application of these standards would deny all reasonable use of a property, development may be permitted subject to appropriate conditions.
- (2) Any property owner requesting relief from the provision of this chapter may make application to the hearing examiner for a reasonable use exception. Applications for a reasonable use exception shall be processed as a variance permit application pursuant to HMC-Chapter 10.07. The applicant requesting relief from the strict application of this chapter shall demonstrate to the hearing examiner that the following five conditions exist:
 - (a) No reasonable use of the property is possible without some impact to the critical area.
 - (b) No feasible and reasonable onsite alternative to the proposed activities is possible, including possible changes in site layout, reductions in density, and similar factors that would allow a reasonable economic use with fewer adverse impacts.
 - (c) The proposed activities, as conditioned, will result in the minimum possible impacts to affected critical areas, considering their functions and values and/or the risks associated with proposed development.
 - (d) The inability to derive reasonable economic use is not the result of the applicant's actions or that of a previous property owner, such as by segregating or dividing the property and creating an undevelopable condition.
 - (e) Any alteration of a critical area approved under this section shall be subject to appropriate conditions and will require mitigation under an approved mitigation plan.
- (3) Approval of a reasonable use exception shall not eliminate the need for any other permit or approval otherwise required for a proposal by applicable city regulations.

11.06.120 Variances

- (1) Applications for variances from the strict application of the terms of this chapter to a specific property may be submitted to the city. The hearing examiner shall consider all variance requests pursuant to Chapter 1.55 HMC. Applications for a variance from the strict application of the terms of this chapter shall be processed as a variance permit application pursuant to Chapter 10.07 HM. Approval of variances by the hearing examiner from the strict application of the critical area requirements shall be consistent with the following criteria:
 - (a) There are unique physical conditions peculiar and inherent to the affected property that makes it difficult or impractical to comply with the provisions of this chapter;

- (b) The variance is the minimum necessary to accommodate the building footprint and access;
 - (c) The proposed variance would preserve the functions and values of the critical area, and/or the proposal does not create or increase a risk to the public health, safety, and general welfare, or to public or private property;
 - (d) The proposed variance would not adversely affect properties surrounding the subject site;
 - (e) Adverse impacts to critical areas resulting from the proposal are minimal;
 - (f) The special circumstances or conditions affecting the property are not a result of the actions of the applicant or previous owner; and,
 - (g) The variance shall not constitute a grant of special privilege.
- (2) The land use hearing examiner shall review all applications for variance from the strict application of the terms of this chapter to a specific property, conduct an open record public hearing within thirty days after the city receives a completed application for a variance, consider written and oral testimony, and make a decision to approve, approve with conditions, or deny an application within fourteen days after the open record public hearing. The land use hearing examiner shall not grant a variance unless it meets the criteria provided in subsection (1) of this section.
- (3) In granting any variance permit, the land use hearing examiner may attach any conditions to the variance permit deemed necessary to mitigate any possible adverse impacts created by the proposed use. The land use hearing examiner may require any guarantees and evidence that the applicant will comply with such conditions.
- (4) No use shall be allowed to vary from the provisions in this code until the land use hearing examiner grants a variance.
- (5) The decision of the land use hearing examiner shall be final and conclusive after twenty-one days of the notice of decision unless appealed to superior court.
- (6) An applicant granted a variance permit under this chapter must complete all associated construction activities within one year of the notice of decision. Failure to meet this requirement shall render the variance permit void.

ARTICLE III: WETLANDS

11.06.130 Wetland Designation and Protection

- (1) The City shall regulate development activities to protect the function of all wetlands, including their ability to:
- (a) Provide flood and storm water control;
 - (b) Recharge the aquifer;

- (c) Improve surface and ground water quality by trapping sediments, removing nutrients, and providing chemical detoxification;
 - (d) Stabilize the streambeds; and
 - (e) Provide habitat for species of concern.
- (2) The City adopts by reference the following maps and best available science resources for designating wetlands in the City of Hoquiam:
- (a) Designating wetlands. Wetland delineations are valid for five years; after such date the City shall determine whether a revision or additional assessment is necessary.
 - (i) National Wetlands Inventory (NWI) Maps, US Fish and Wildlife Service,. However, NWI Maps must not be a sole source in determining the absence of wetlands. .
 - (ii) Soil Survey. USDA Natural Resource Conservation Service. ~~https://websoilsurvey.nrcs.usda.gov/app/ Soil Survey of Grays Harbor County Area, Pacific County, and Wahkiakum County Washington, USDA, 1986~~
 - (iii) 1987 Corps of Engineers Wetlands Delineation Manual, U.S. Army Corps of Engineers, 1987
 - (iv) Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), U.S. Army Corps of Engineers, May 2010

~~Washington State Wetlands Identification and Delineation Manual, Washington Department of Ecology, 1997, Publication #96-94~~

- (b) Rating wetlands.
 - (i) Washington State Wetland Rating System for Western Washington, Washington Department of Ecology, 201404, #14-06-03004-06-025 , or as revised and approved by Ecology.
- (c) Mitigating wetlands
 - (i) Wetland Mitigation in Washington State, Parts 1 and 2, 2006, publication numbers 06-06-011a and 06-06-011b, or as revised and approved by Ecology.
- (d) Wetland buffers and general guidance
 - (i) Wetlands in Washington State, Volumes 1 and 2, 2005, Publications #05-06-006 and 05-06-008, or as revised and approved by Ecology;
- (e) If the location, designation, or classification of a wetland shown on any map adopted by reference under the Hoquiam City Code is in conflict with the determination of any field investigation, the latter shall prevail.

- (3) The City prohibits non-exempt development activities in wetlands and required buffers unless no reasonable alternative exists for locating the project elsewhere.

11.06.140 Buffers Required

- (1) Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands. Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland.
- (2) The total point score from the Wetland Rating Form shall determine the width of required buffers. Buffer widths are measured perpendicularly from the wetland boundary as determined through a field survey. Buffer widths shall not include those areas functionally and effectively disconnected from the wetland, such as by a road or other structures. When a buffer lacks adequate vegetation, the city may increase the standard buffer, require buffer planting or enhancement, and/or deny a proposal for buffer reduction or buffer averaging.
- (3) Buffer Dimensions
- (a) Types of proposed land use that can result in high, moderate, and low levels of impacts to adjacent wetlands.

Table 11.06.140-1: Type of Impact Based on Proposed Land Use

<u>Level of Impact from Proposed Change in Land Use</u>	<u>Types of Land Use Based on Common Zoning Designations</u>
<u>High</u>	<u>Commercial</u> <u>Urban</u> <u>Industrial</u> <u>Institutional</u> <u>Retail sales</u> <u>Residential (more than 1 unit/acre)</u> <u>Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)</u> <u>High-intensity recreation (golf courses, ball fields, etc.)</u> <u>Hobby farms</u>
<u>Moderate</u>	<u>Residential (1 unit/acre or less)</u>

	<u>Moderate-intensity open space (parks with biking, jogging, etc.)</u> <u>Conversion to moderate-intensity agriculture (orchards, hay fields, etc.)</u> <u>Paved trails</u> <u>Building of logging roads</u> <u>Utility corridor or right-of-way shared by several utilities and including</u> <u>access/maintenance road</u>
<u>Low</u>	<u>Forestry (cutting of trees only)</u> <u>Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)</u> <u>Unpaved trails</u> <u>Utility corridor without a maintenance road and little or no vegetation management.</u>

(ba) Buffer widths to protect Category IV Wetlands: In accordance with Table 11.06.140-12: (Buffer Alternative 3 for wetlands scoring less than 16 points for all functions).

Table 11.06.140-12. Buffer widths for Category IV Wetlands

Wetland Characteristic	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
<u>Score for all 3 basic functions is less than 16 points</u> Score for all 3 basic functions is less than 30 points	Low: 25 feet Medium: 40 feet High: 50 feet	None

(cb) Buffer widths to protect Category III Wetlands: In accordance with Table 11.06.140-23 (Buffer Alternative 3 for wetlands scoring 16 - 19 points for all functions).

Table 11.06.140-23. Buffer widths for Category III Wetlands

Wetland Characteristic	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
<u>Moderate level of function for habitat (score for habitat 5 - 7</u>	Low: 75 feet	None

points)* *If wetland scores 8-9 habitat points, use Table 11.06.140-4 for Category II buffers □ Moderate level of function for habitat (score for habitat 20–28 points)	Medium: 110 feet High: 150 feet	
Score for habitat 3-4 points Not meeting above characteristics	Low: 40 feet Medium: 60 feet High: 80 feet	None

(de) Buffer widths to protect Category II Wetlands: In accordance with Table 11.06.140-34 (Buffer Alternative 3 for wetlands scoring 20 - 22 points for all functions or having the “Special Characteristics” identified in the rating system).

Table 11.06.140-34. Buffer widths for Category II Wetlands

Wetland Characteristic	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
High level of function for habitat (score for habitat 8 - 9 points) □ High level of function for habitat (score for habitat 29-36 points)	Low: 150 feet Medium: 225 feet High: 300 feet	Maintain connection to other habitat areas
Moderate level of function for habitat (score for habitat 5 - 7 points) Moderate level of function for habitat (score for habitat 20-28 points)	Low: 75 feet Medium: 110 feet High: 150 feet	None
High level of function for water quality improvement and low for habitat (score for water quality 8 - 9 points; habitat less than 5 points) High level of function for water quality improvement and low for habitat (score for water quality 24-32 points; habitat less than 20 points)	Low: 50 feet Medium: 75 feet High: 100 feet	No additional surface discharges of untreated runoff
Estuarine	Low: 75 feet Medium: 110 feet High: 150 feet	None
Interdunal	Low: 75 feet Medium: 110 feet High: 150 feet	None

Wetland Characteristic	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Not meeting above characteristics	Low: 50 feet Medium: 75 feet High: 100 feet	None

(e) Buffer widths to protect Category I Wetlands: In accordance with Table 11.06.140-45 (Buffer Alternative 3 for wetlands scoring 23 points or more for all functions or having the “Special Characteristics” identified in the rating system).

Table 11.06.140-45. Buffer widths for Category I Wetlands

Wetland Characteristic	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
<u>Wetlands Of High Conservation Value</u> Natural Heritage Wetlands	Low: 125 feet Medium: 190 feet High: 250 feet	No additional surface discharges to wetland or its tributaries No septic systems within 300 feet of wetland Restore degraded parts of buffer
Bogs	Low: 125 feet Medium: 190 feet High: 250 feet	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
Forested	Buffer to be based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connections to other habitat areas Restore degraded parts of buffer
Estuarine	Low: 100 feet Medium: 150 feet High: 200 feet	None
Wetlands in Coastal lagoons	Low: 100 feet Medium: 150 feet High: 200 feet	None
<u>High level of function for habitat (score for habitat 8 - 9 points)</u> High level of function for habitat (score for habitat 29 - 36 points)	Low: 150 feet Medium: 225 feet High: 300 feet	Maintain connection to other habitat areas Restore degraded parts of buffer

Wetland Characteristic	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
<u>Interdunal wetland with high level of function for habitat (score for habitat 8 - 9 points). Moderate level of function for habitat (score for habitat 20 - 28 points)</u>	Low: <u>75-150</u> feet Medium: 110-225 feet High: <u>150-300</u> feet	<u>Maintain connections to other habitat areas</u> <u>Restore degraded parts of buffer</u> None
<u>Moderate level of function for habitat (score for habitat 5 - 7 points)</u> <u>High level of function for water quality improvement and low for habitat (score for water quality 24 - 32 points; habitat less than 20 points)</u>	Low: <u>50-75</u> feet Medium: <u>75-110</u> feet High: <u>100-150</u> feet	None <u>No additional surface discharges of untreated runoff</u>
<u>High level of function for water quality improvement (8 - 9 points) and low for habitat (less than 5 points)</u>	<u>Low: 50 feet</u> <u>Medium: 75 feet</u> <u>High: 100 feet</u>	<u>No additional surface discharges of untreated runoff</u>
Not meeting above characteristics	Low: 50 feet Medium: 75 feet High: 100 feet	None

11.06.150 Reduction of Buffer Widths

- (1) The administrator may reduce buffer widths for wetlands adjacent to high-intensity land uses to widths for moderate-intensity uses under the following conditions:
- (a) Wetlands that score moderate or high for habitat (5 points or more for the habitat functions) ~~20 points or more for the habitat functions~~ and meet the following criteria:
- (i) A relatively undisturbed, vegetated corridor at least 100-feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. ~~(“relatively undisturbed” and “vegetated corridor” are defined in questions H 2.1 and H 2.2.1 of the Washington State Wetland Rating System for Western Washington— Revised, (Hruby 2004b)).~~ Priority Habitats in western Washington described by the Washington State Wetland Rating System for Western Washington include:
- (aa) ~~Wetlands~~ Aspen Stands
 - (bb) Biodiversity Areas and Corridors
 - (cc) Herbaceous Balds
 - (dd) Old-growth/Mature forests
 - (ee) Oregon White Oak

- (ff) ~~Riparian zones~~
- (gg) ~~Cliffs~~ Westside Prairies
- (hh) ~~Old-growth forests~~ Instream
- (ii) Nearshore ~~Estuary/estuary-like~~
- (jj) ~~Marine/estuarine shorelines~~ Caves
- (kk) ~~Eelgrass meadows~~ Cliffs
- (ll) Talus slopes
- (mm) Snags and logs

- (ii) Application of measures to minimize the impacts of different land uses on wetlands as suggested in Table 11.06.150-1.
- (iii) The developer protects the corridor for the entire distance between the wetland and the Priority Habitat by some type of legal protection, such as a conservation easement.
- (b) Wetlands that score ~~less than 5 points for less than 20 points for habitat functions~~ habitat function must; ~~application include n of~~ measures to minimize the impacts of different land uses on wetlands as suggested in Table 11.06.150-1.
- (c) Table 11.06.150-1 contains suggested measures to minimize impacts from proposed change in land use that have high impacts

Table 11.06.150-1: Examples of Mitigation Measures to Reduce Buffer Widths

Examples of Disturbance	Examples of Mitigation Measures
Lights	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland
Toxic runoff	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting pesticide use within 150 feet of wetland • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enter the buffer
Change in water regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets & human disturbance	<ul style="list-style-type: none"> • Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract
<u>Dust</u>	<ul style="list-style-type: none"> • <u>Use best management practices to control dust</u>

- (2) Where a legally established, non-conforming use of the buffer exists, such as a road or structure that lies within the width of a buffer recommended for that wetland, the city will allow proposed actions in the buffer as long as they do not increase the degree of nonconformity.

11.06.160 Wetland Buffer Averaging

The city may allow the averaging of buffer widths if this will improve the protection of wetland functions, or if it is the only way to allow for reasonable use of a parcel. Buffer averaging may occur in the following situations:

- (1) Averaging to improve wetland protection when all of the following conditions are present:
 - (a) The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower rated area
 - (b) The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion
 - (c) The total area of the buffer after averaging is equal to the area required without averaging
 - (d) The buffer at its narrowest point is never less than three-quarters of the required width
- (2) Averaging to allow reasonable use of a parcel when all of the following conditions are present:
 - (a) There are no feasible alternatives to the site design that could be accomplished without buffer averaging
 - (b) The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a report from a qualified wetland professional
 - (c) The total buffer area after averaging is equal to the area required without averaging
 - (d) The buffer at its narrowest point is never less than three-quarters of the required width

(3) Averaging may not be used in conjunction with HMC

11.06.150 Reduction of Buffer Widths or when the associated wetland buffer has been increased by the City Administrator.

11.06.170 Wetland Mitigation

- (1) If an application for development activities makes it necessary to alter or eliminate a wetland, the applicant shall compensate the loss or alteration by one or more of the following actions, so as to result in no net loss of critical area functions and values:
 - (a) Restoring wetland acreage and functions to an area where those functions formerly occurred.
 - (b) Creating new wetland area and functions in an area where they did not previously occur.

- (c) Enhancing functions at an existing wetland.
 - (d) Preserving an existing high-quality wetland to protect if it from future loss or degradation.
- (2) Altered wetlands shall require mitigation to ensure the same level of wetland function that existed at the time of the permit application. Table 11.06.170-1 sets mitigation ratios for the type of action taken.
- (3) Mitigation plans shall be consistent with *Wetland Mitigation in Washington State—Part 2: Developing Mitigation Plans—Version 1*, (Ecology Publication #06-06-011b, Olympia, WA, March 2006, or as revised), and *Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)* (Publication #09-06-32, Olympia, WA, December 2009)
- (4) Location of Mitigation. Mitigation actions shall generally be conducted within the same sub-drainage basin and on the site of the alteration except when the applicant can demonstrate that off-site mitigation is ecologically preferable. The following criteria will be evaluated when determining whether the proposal is ecologically preferable.
- (a) There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and required widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);
 - (b) On-site mitigation would require elimination of high-quality upland habitat.
 - (c) Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.
 - (d) Off-site locations shall be in the same sub-drainage basin unless established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the City and strongly justify location of mitigation at another site; or
 - (e) The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland.
- (5) Timing of Mitigation. It is preferred that compensatory mitigation projects be completed prior to activities that will impact wetlands. At the least, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

Table 11.06.170-1: Wetland Compensating Mitigation Ratios

Category & Type	Re-establishment	Rehabilitation Only	Re-establishment	Re-establishment	Enhancement Only
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of Wetland Impacts	or Creation		or Creation (R/C) & Rehabilitation (RH)	or Creation (R/C) & Enhancement (E)	
All Category IV	1.5:1	3:1	1:1 R/C & 1:1 RH	1:1 R/C & 2:1 E	6:1
All Category III	2:1	4:1	1:1 RC & 2:1 RH	1:1 R/C & 4:1	8:1
Category II Estuarine	Case-by-case	4:1 Rehabilitation of an estuarine wetland	Case-by-case	Case-by-case	Case-by-case
<u>Category II Interdunal</u>	<u>2:1 Compensation has to be interdunal wetland</u>	<u>4:1 Compensation has to be interdunal wetland</u>	<u>1:1 R/C and 2:1 RH</u> <u>Compensation has to be interdunal wetland</u>	<u>Not considered an option</u>	<u>Not considered an option</u>
All other Category II	3:1	6:1	1:1 R/C & 4:1 RH	1:1 R/C & 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C & 10:1 RH	1:1 R/C & 20:1 E	24:1
<u>Category I based on score function</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C & 6:1 RH</u>	<u>1:1 R/C & 12:1 E</u>	<u>16:1</u>
<u>Category I Natural Heritage Site</u>	<u>Not considered possible</u>	<u>6:1 Rehabilitation of a Natural Heritage site</u>	<u>R/C not considered possible</u>	<u>R/C not considered possible</u>	<u>Case-by-case</u>
<u>Category I Coastal Lagoon</u>	<u>Not considered possible</u>	<u>6:1 Rehabilitation of a coastal lagoon</u>	<u>R/C not considered possible</u>	<u>R/C not considered possible</u>	<u>Case-by-case</u>
<u>Category I Bog</u>	<u>Not considered possible</u>	<u>6:1 Rehabilitation of a bog</u>	<u>R/C not considered possible</u>	<u>R/C not considered possible</u>	<u>Case-by-case</u>
Category I Estuarine	Case-by-case	6:1 Rehabilitation of an estuarine wetland	Case-by-case	Case-by-case	Case-by-case
All other	4:1	8:1	1:1 R/C & 6:1	1:1 R/C & 12:1	16:1

Category I			RH	E	
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11.06.180 Small, Isolated Wetlands

- (1) Category III and IV wetlands less than one-thousand square feet in total area and that meet the following criteria are not regulated:
- (a) The wetland is not associated with a riparian corridor;
 - (b) The wetland is not part of a wetland mosaic; and
 - (c) The wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife.
 - (d) A Jurisdictional Determination has been made by the United States Army Corps of Engineers (USACE) and submitted to the City at the time of application.

11.06.190 Wetland Technical Reports

A qualified wetlands expert shall prepare any technical assessment required by the City. The assessment shall follow the format described in Appendix H of the Washington State Department of Ecology publication Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans, 2006, publication number 06-06-011b. In addition, the report will include the following analysis:

- (1) A written assessment and accompanying maps of the wetlands and buffers within three hundred (300) feet of the project area, including the following information at a minimum:
 - (a) Wetland delineation and required buffers;
 - (b) Existing wetland acreage;
 - (c) Wetland category;
 - (d) Vegetative, faunal, and hydrologic characteristics;
 - (e) Soil and substrate conditions;
 - (f) Topographic elevations, at two-foot contours, and
 - (g) A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year – drift lines, algal layers, moss lines, and sediment deposits).
- (2) A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.

- (3) A habitat and native vegetation conservation strategy that addresses methods to protect and enhance on-site habitat and wetland functions.
- (4) Functional evaluation for the wetland and adjacent buffer using a local or state agency staff-recognized method and including the reference of the method and all data sheets.
- (5) Proposed mitigation, if needed, including a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:
 - (a) Existing and proposed wetland acreage;
 - (b) Vegetative and faunal conditions;
 - (c) Surface and subsurface hydrologic conditions including an analysis of existing and future hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
 - (d) Relationship within watershed and to existing waterbodies;
 - (e) Soil and substrate conditions, topographic elevations;
 - (f) Existing and proposed adjacent site conditions;
 - (g) Required wetland buffers (including any buffer reduction and mitigation proposed to increase the plant densities, remove weedy vegetation, and replant the buffers);
 - (h) Property ownership; and
 - (i) Associated wetlands and related wetlands that may be greater than three hundred (300) feet from the subject project.
- (6) A scale map of the development proposal site and adjacent area. A discussion of ongoing management practices that will protect wetlands after the project site has been developed; including proposed monitoring and maintenance programs.
- (7) A bond estimate for the installation (including site preparation, plant materials and installation, fertilizers, mulch, stakes) and the proposed monitoring and maintenance work for the required number of years.
- (8) Title Notification. All activity in critical area protection areas shall be accompanied by a title.

ARTICLE IV: GEOLOGICALLY HAZARDOUS AREAS

11.06.200 Geologically Hazardous Areas Designation

- (1) The City shall regulate development activities in geologically hazardous area to protect the public's health, safety, and welfare. Development activities in geologically hazardous areas shall:

- (a) Minimize erosion and movement of sediment;
 - (b) Preserve or replace vegetation in erosion hazard areas;
 - (c) Prevent increased surface water discharge to adjacent properties;
 - (d) Prevent decreased slope stability on adjacent properties; and,
 - (e) Design or mitigate projects in geologically hazardous areas to eliminate unsafe conditions to on- and off-site property owners.
- (2) Designated geologically hazardous areas are areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development occurs in areas of significant hazard. Geologically hazardous areas with significant hazard include:

- (a) Areas that are susceptible to one or more of the following types of hazards shall be classified as a geologically hazardous area:
 - (i) Erosion hazard;
 - (ii) Landslide hazard;
 - (iii) Seismic hazard;
 - (iv) Tsunami hazards; or
 - (iv) Areas subject to other geological events, including but not limited to, channel migration zones, coal mine hazards, volcanic hazards, mass wasting, debris flow, rock falls, and differential settlement.

~~such as coal mine hazards and volcanic hazards including: Mass wasting, debris flows, rockfalls, and differential settlement.~~

- (b) Designation of specific hazard areas:
 - (i) ~~Erosion hazard areas identified by the United States Department of Agriculture Soil Conservation Service~~ Natural Resources Conservation Service as having a severe to very severe erosion hazard potential ~~having a "severe" rill and inter rill erosion hazard.~~
 - (ii) Landslide hazard areas ~~potentially~~ subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. ~~Example of these may include, but are not limited to, and include, at a minimum,~~ the following:
 - (A) Areas of historic failures, such as:
 - (I) Those areas delineated by the United States Department of Agriculture ~~Soil~~ Natural Resources Conservation Service as

having a "~~severe~~" significant limitation for building site development;

~~(II)~~ Those coastal areas mapped as class u (unstable), uos (unstable old slides), and urs (unstable recent slides) in the department of ecology Washington coastal atlas; or

~~(III)~~ Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published as the United States Geological Survey or Department of Natural Resources Division of Geology and Earth Resources, Washington Department of Natural Resources

(B) Areas with all three of the following characteristics:

(I) Slopes steeper than fifteen percent; and

(II) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

(III) Springs or ground water seepage;

(C) Areas that have shown movement during the Holocene Epoch (from ten thousand years ago to the present) or which are underlain or covered by mass wastage debris of that epoch;

(D) Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

(E) Slopes having gradients steeper than eighty percent subject to rockfall during seismic shaking;

(F) Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones;~~Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action;~~

~~(G)~~ ~~Areas that show evidence of, or are at risk from snow avalanches;~~

(G) Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding;

(H). Any area with a slope of forty percent or steeper and with a vertical relief of ten or more feet except areas composed of ~~consolidated rock~~ bedrock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.

(c) Seismic hazard areas subject to severe risk of damage because of earthquake-induced ground shaking, slope failure, settlement, ~~soil liquefaction, debris flows, lahars, or tsunamis, soil liquefaction, or surface faulting.~~ Settlement and soil liquefaction conditions occur in areas underlain by cohesionless soils of low density, typically in association with a shallow ground water table. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington, and ground settlement may occur with shaking. The strength of ground shaking is primarily affected by:

- (i) The magnitude of an earthquake;
- (ii) The distance from the source of an earthquake;
- (iii) The type of thickness of geologic materials at the surface; and
- (iv) The type of subsurface geologic structure.

Settlement and soil liquefaction conditions occur in areas underlain by cohesionless soils of low density, typically in association with a shallow ground water table.

(d) Tsunami hazards areas are coastal areas susceptible to flooding and inundation as the result of excessive wave action derived from seismic or other geologic events.

(e) Volcanic hazards must include areas subject to pyroclastic flows, lava flows, and inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity.

(3) The City adopts by reference the following maps and best available science resources for geologically hazardous areas:

(a) Designating geologically hazardous areas

(i) ~~Soil Survey of Grays Harbor County Area, Pacific County, and Wahkiakum County Washington, USDA, 1986~~

(ii) ~~Geologic Map of the South Half of the Shelton and South Half of the Copalis Beach Quadrangles, Washington, Washington Division of Geology and Earth Resources, 1987; and, _____~~

(i) The Grays Harbor County Hazard Mitigation Plan;

(ii) Soil Survey. USDA Natural Resource Conservation Service.
<https://websoilsurvey.nrcs.usda.gov/app>

(iii) Washington Department of Natural Resources geologic information portal interactive maps:

(aa) Tsunami evacuation map;

(bb) Shallow landslide hazard forecast;

(cc) Seismic scenarios catalog;

(dd) Liquefaction Susceptibility;

(ee) Landslides;

- (b) If the location, designation, or classification of a geologically hazardous area shown on any map adopted by reference under the Hoquiam City Code is in conflict with the determination of any field investigation, the latter shall prevail.

11.06.210 Technical Reports

- (1) The city may require a technical assessment prepared by a qualified expert for any non-exempt development activities proposed in a geologically hazardous area. The report shall:
 - (a) Determine the exact boundaries of all geologically hazardous areas affecting the site and the impact of the proposed development on the standards set forth under Section 3.1; and,
 - (b) Recommend mitigation measures to ensure or, if mitigation is not possible, recommendations for adequate buffers from the hazard or hazards to protect public health, safety, and welfare.

11.06.220 Mitigation in Geologically Hazardous Areas

Engineering, design, or modified construction or mining practices can reduce or mitigate some geological hazards so that risks to health and safety are ~~acceptable~~ minimal. However, when technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is prohibited.

ARTICLE V: FISH AND WILDLIFE HABITAT CONSERVATION AREAS

11.06.230 Fish and Wildlife Habitat Conservation Areas Designation

- (1) Designated fish and wildlife habitat conservation areas include:
 - (a) Areas ~~with which~~ where endangered, threatened, and sensitive species have a primary association;
 - (i) Federally designated endangered and threatened species are those fish and wildlife species identified by the United States Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The United States Fish and Wildlife Service and the National Marine Fisheries Service maintains the most up to date species listing status.
 - (ii) State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state identified by Washington Department of Fish and Wildlife that are in danger of extinction, threatened to become endangered.

vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range. The Washington Department of Fish and Wildlife maintains the most up to date species listing status.

- (b) Habitats and species of local importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. Priority habitats and species are identified by the Washington Department of Fish and Wildlife.
 - (c) Commercial and recreational shellfish areas. These areas include all public and private tidelands or bedlands suitable for shellfish harvest, including shellfish protection districts established pursuant to Chapter 90.72 RCW. Washington Department of Health provides classifications of commercial and recreational shellfish growing area to determine existing conditions of these areas.
 - (d) Kelp and eelgrass beds; herring, ~~and~~ smelt, and other forage fish spawning areas. Though not an inclusive inventory, locations of kelp and eelgrass beds are compiled in the Washington coastal atlas published by the department of ecology. Herring, smelt and other forage fish spawning times and locations are outlined in WAC 220-110-240 through 220-110-271.
 - (e) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat., including those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farmponds, temporary construction ponds (of less than three years duration) and landscape amenities.
 - (f) Waters of the State including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state, as classified in WAC 222-16-030 or WAC 222-16-031, ~~and their associated riparian areas; and~~
 - (g) State natural area preserves, ~~and~~ natural resource conservation areas and state wildlife areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the Washington Department of natural Resources. State wildlife areas are defined, established, and managed by the Washington Department of Fish and Wildlife, which provides information about state wildlife areas for each county.
 - (h) Salmonid Habitat. The United States Department of the Interior Fish and Wildlife Service, National Marine Fisheries Service, the Washington Department of Fish and Wildlife, the state recreation and conservation office provide information to designate, protect and restore salmonid habitat.
- (2) The city adopts by reference the following maps and best available science resources for fish and wildlife habitat conservation areas:
- (a) Designation and protection

- ~~(i) Priority Habitat and Species Maps, Washington Department of Fish and Wildlife~~
- (i) Annual Inventory of Shellfish Harvest Areas, Washington Department of Health;
- (ii) Coastal Atlas Maps, Washington Department of Ecology;
- (iii) Management Recommendations for Washington's Priority Species, Volumes I through V, Washington Department of Fish and Wildlife.
- (iv) Natural Heritage Program mapping Data, Washington Department of Natural Resources;
- (v) Official Water Type Reference Maps, Washington Department of natural Resources;
- (vi) Priority Habitat and Species Maps, Washington Department of Fish and Wildlife;
- (vii) SalmonScape Maps, Washington Department of Fish and Wildlife;
- (viii) Shorezone inventory, Washington State Department of Natural Resources;
- (~~ix~~) Salmon and Steelhead Habitat Limiting Factors, Water Resource Inventory Areas 22 and 23, by Carol Smith PhD. and Mark Wenger
- (~~ix~~) The Chehalis Basin Salmon Habitat Restoration and Preservation Work Plan for WRIs 22 and 23, Chehalis Basin Partnership
- (iv) ~~Management Recommendations for Washington's Priority Species, Volumes I through V, Washington Department of Fish and Wildlife.~~
- (xi) Additional Management Recommendations as adopted by the State Department of Natural Resources

11.06.240 Standards for Protection of Fish and Wildlife Habitat Conservation Areas

- (1) Development activities occurring on lands and waters containing documented habitats for plant and animal species in fish and wildlife habitat conservation areas shall result in no net loss of existing function.
- (2) Development activities allowed in fish and wildlife habitat conservation areas shall be consistent with the species located there and shall be regulated additionally by restrictions defined in applicable federal, state and local regulations regarding the species.
- (3) Habitat conservation areas may overlap with other identified critical areas. Likely areas of overlap include critical drainage corridors, geologically hazardous areas and wetlands. When habitat areas overlap with other critical areas, all the performance standards established for the overlaying critical area(s) shall apply. If multiple critical areas overlap in an area, the most restrictive conditions shall apply.

11.06.250 Technical Reports – Habitat Management Plan

- (1) The city shall require a technical assessment prepared by a qualified expert for any non-exempt development activities proposed within 300 feet of a habitat conservation area and its recommended buffers. ~~proposed in or adjacent to a habitat conservation area.~~
- (2) Applications for development activities shall provide a technical assessment consisting of a habitat management plan recommending appropriate protections based on the Washington Department of Fish and Wildlife Species and Habitat Recommendations.
- (3) The technical assessment shall at a minimum provide:
 - (a) Detailed description of vegetation on and adjacent to the project area and its associated buffer;
 - (b) Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
 - (c) A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
 - (d) A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality;
 - (e) A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded before the current proposed land use activity; and,
 - (f) A discussion of ongoing management practices that will protect habitat after the project completion, including proposed monitoring and maintenance programs.

11.06.260 Requirements for Developments along Shorelines

- (1) Development activities occurring along shorelines in or adjacent to habitat conservation areas shall achieve no net loss of habitat function.
- (2) The city requires buffer corridors along shorelines to retain areas of native vegetation and to allow for habitat connectivity. Development activities shall meet the following buffer standards:
 - (a) Developments along shorelines downstream of the confluence of the East and West Forks of the Hoquiam River and adjacent to the Grays Harbor Estuary shall meet the following standards:
 - (i) Maintain a riparian corridor of at least twenty-five feet along seventy-five percent of the shoreline length measured perpendicularly from the ordinary high water mark landward.

- (ii) For water dependent developments that are unable to meet the above standard, the city shall assign required buffers on a case-by-case basis. The developer shall prepare for the administrator’s review a habitat management plan that recommends and justifies mitigation actions to compensate for the reduced buffer, including on- and/or off-site restoration and preservation actions.
- (b) Development along all other shorelines within the city not included in subsection (2)(a) of this section shall provide the following buffers by water type:
 - (i) Type S Water: one hundred fifty feet;
 - (ii) Type F Water greater than ten feet wide: one hundred fifty feet;
 - (iii) Type F Water ten feet or less in width: one hundred feet;
 - (iv) Type Np Water: seventy-five feet;
 - (v) Type Ns Water: fifty feet.

ARTICLE VI: FREQUENTLY FLOODED AREAS

11.06.270 Frequently Flooded Areas Designation and Protection

Frequently flooded areas are those same areas regulated by the Floodplain District, Chapter 11.16 of Hoquiam Municipal Code. Protection of frequently flooded areas is as provided in that chapter.

ARTICLE VII: CRITICAL AQUIFER RECHARGE AREAS

11.06.280 Critical Aquifer Recharge Areas Designation and Protection

The city does not contain any critical aquifer recharge areas. The city will enact appropriate provisions for critical aquifer recharge areas should any such areas be identified and designated in the future.

ADOPTED by the Mayor and City Council on September 14, 2020.

BEN WINKELMAN – MAYOR

ATTEST:

CORRINE SCHMID – FINANCE DIRECTOR

PUBLISHED:

RESOLUTION NO. 2020 –

A RESOLUTION listing “The Crown Drug Building,” 2544 Simpson Avenue on the Hoquiam Register of Historic Places.

WHEREAS, The Hoquiam Historic Preservation Commission considered the nomination of “The Crown Drug Building,” 2544 Simpson Avenue, to be listed on the Hoquiam Register of Historic Places at a public meeting, following the giving of notice to the public pursuant to Hoquiam Municipal Code Section 10.06.050; and

WHEREAS, the Hoquiam Historic Preservation Commission found that 2544 Simpson Avenue is eligible to be listed on the Hoquiam Register of Historic Places and made a recommendation to the Hoquiam City Council that it be so listed, **NOW THEREFORE**,

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HOQUIAM, WASHINGTON, IN REGULAR MEETING DULY ASSEMBLED, AS FOLLOWS:

SECTION 1. 2544 Simpson Avenue shall be listed on the Hoquiam Register of Historic Places pursuant to Hoquiam Municipal Code Chapter 10.06.

ADOPTED by the Mayor and City Council on September 14, 2020.

BEN WINKELMAN – Mayor

ATTEST:

CORRINE SCHMID – Finance Director

RESOLUTION NO. 2020 –

A RESOLUTION declaring certain personal property owned by the City to be surplus items pursuant to Hoquiam Municipal Code Sections 1.64.005, 1.64.010 and 1.64.020.

WHEREAS, the Hoquiam Police Department has in its possession five TASERS, which the department has determined are not material to nor needed in the operation of the department or the City of Hoquiam, and should be used as trade-ins for new TASERS;

NOW THEREFORE,

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HOQUIAM, WASHINGTON, IN REGULAR MEETING DULY ASSEMBLED, AS FOLLOWS:

SECTION 1. The TASERS in possession of the Hoquiam Police Department, listed as follows, are hereby declared to be surplus items which are not material to nor needed in the operation of the City of Hoquiam:

1. TASER Model X26, Serial Number X00-047037
2. TASER Model X26, Serial Number X00-077427
3. TASER Model X26, Serial Number X00-265423
4. TASER Model X26, Serial Number X00-392934
5. TASER Model X26, Serial Number X00-678625

SECTION 2. The Hoquiam Police Department shall be authorized to trade the listed above as credit towards the purchase of replacement TASER units.

ADOPTED by the Mayor and City Council on September 14, 2020.

BEN WINKELMAN – Mayor

ATTEST:

CORRINE SCHMID – Finance Director



August 21, 2020

Brian Shay
City Administrator
City of Hoquiam
609 8th Street
Hoquiam, WA 98550

Dear Brian,

RE: Downtown Hoquiam Revitalization Plan

We are pleased to submit our proposal for downtown revitalization planning for the City of Hoquiam. Below is a proposed budget and scope of work following the Interagency Agreement with the Washington State Department of Commerce. Attached is a sample contract which we have used in the past, although we welcome your suggestion for other formats.

Our proposed team is as follows:

- Myself, team leader, architect and urban designer
- Heather Flint Chatto, urban planner, specialist in design guidelines
- Michael Mehaffy, Ph.D., urban planner, specialist in development strategy and tools
- Sam Nielson, P.E., civil engineer, Parametrix Inc.
- Stephen Poulakos, landscape architect and consultant on design features
- Casey Roloff, Town Founder, Seabrook WA. and consultant on regional economic development issues and opportunities

We propose three phases:

- 1) Scoping:** research, analysis and stakeholder involvement;
- 2) Charrette:** design workshop, concept development, stakeholder collaboration; and
- 3) Reporting:** development of deliverables, documentation, final report and presentation.

We propose the following deliverables and budgets (based on \$200/hr rates):

- Task 1.1:** Inventory existing conditions (scoping phase). DELIVERABLE: Report on existing conditions. Deadline: December 31, 2020. FEE: \$13,640.00
- Task 1.2:** Develop downtown revitalization plan (charrette phase). DELIVERABLE: Preliminary draft downtown revitalization plan. Deadline: March 31, 2021. FEE: \$15,640.00
- Task 1.3:** Finalization and adoption of downtown revitalization plan (reporting phase). DELIVERABLE: Final plan, presentation to City Council and/or Planning Commission. Deadline: June 1, 2021. FEE: \$14,500.

Brian Shay
August 21, 2020
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- Task 2.1:** Inventory existing conditions in the Olympic Stadium complex. DELIVERABLE: Report on existing conditions (as part of report for Task 1.1). Deadline: December 31, 2020. FEE: See Task 1.1.
- Task 2.2:** Develop Olympic Stadium plan (charrette phase). DELIVERABLE: Report on Olympic Stadium plan (as part of report for Task 1.2 above). Deadline: March 31, 2021. FEE: See Task 1.2.
- Task 2.3:** Finalization and adoption of Olympic Stadium plan (reporting phase). DELIVERABLE: Adopted Olympic Stadium Plan. Deadline: June 1, 2021. FEE: See Task 1.3.

TRAVEL BUDGET: \$1,220.00

TOTAL BUDGET: \$45,000.

We assume that you will manage the bulk of the adoption process, since this could entail significant travel cost otherwise, and our role will be limited to presenting the final report and recommendations.

Please let us know if this is agreeable. We are eager to proceed. Thank you!

Sincerely,

Laurence Qamar, AIA, CNU-A

LAURENCE QAMAR - 3432 SE CARLTON STREET, PORTLAND OREGON 97202