



**CITY OF WASHOUGAL
CITY COUNCIL WORKSHOP
Tuesday, May 26, 2026
5:00 PM**

MEETING INFORMATION

Please click the link below to join the webinar:
<https://us02web.zoom.us/j/82302786162>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PUBLIC COMMENTS**
- IV. NEW BUSINESS**
 - A. Community Development: *Code Updates Group 4 — Mitch Kneipp***
- V. REPORTS AND COMMUNICATIONS**
 - A. CITY MANAGER**
 - B. MAYOR**
 - C. CITY COUNCIL**
- VI. ADJOURNMENT**

UPCOMING MEETINGS: Monday, June 8, 2026 — Workshop at 5:00 PM & Council at 7:00 PM.

BUSINESS OF THE CITY COUNCIL

City of Washougal, Washington

FOR AGENDA OF:

5/26/2026

SUBJECT:

Community Development: *Code Updates Group 4 — Mitch Kneipp*

DEPT. OF ORIGIN:

Community Development

REVIEWED AT:

Planning Commission - May 12, 2026

TO BE RETURNED TO COUNCIL:

Yes

ATTACHMENTS:

1. WMC Updates - Group 4
2. CC Workshop Presentation (05-26-2026)

SUMMARY STATEMENT

The attached proposed code amendments are necessary to comply with the Washington State Growth Management Act. These proposed amendments pertain to corrective actions for failing septic systems, organic materials management facilities, siting of essential public facilities, bicycle and pedestrian level of service requirements, and updating the traffic level of service standards to comply with the Transportation Capital Facilities Plan.

RECOMMENDED ACTION

For review and comment only. No formal action at this time.

Washougal Code Audit: Group 4

WASHOUGAL MUNICIPAL CODE (WMC) TEXT AMENDMENTS

Existing WMC Section	New WMC Section	Description of Change
Title 14 Sewers		
14.12 Connections		
14.12.005 & 14.12.010		<ul style="list-style-type: none"> Amendments to comply with state laws that require corrective actions for failing septic systems polluting waters of the state. <i>(Periodic Update Checklist: Stormwater (b))</i>
Title 18 Zoning		
18.06 Definitions		
	18.06.915	<ul style="list-style-type: none"> New definition created for “organic materials management facilities” <i>(Periodic Update Checklist: Organic Materials Management Facilities)</i>
18.06.460		<ul style="list-style-type: none"> Definition for “essential public facilities” amended to include “organic materials management facilities” <i>(Periodic Update Checklist: Organic Materials Management Facilities)</i>
18.46 Supplementary Regulations for Specific Uses		
	18.46.106	<ul style="list-style-type: none"> New section to comply with state law requiring siting standards and procedures for essential public facilities <i>(Periodic Update Checklist: Siting Essential Public Facilities)</i>
18.90 Transportation Concurrency		
18.90.040		<ul style="list-style-type: none"> Amendments to identify that bicycle and pedestrian level of service must be addressed with a transportation impact study. <i>(Periodic Update Checklist: Concurrency and TDM (a), (b) and (c))</i>
18.90.050		<ul style="list-style-type: none"> Amendments to update traffic level of service standard to be consistent with updated Transportation Capital Facilities Plan.

		<ul style="list-style-type: none">• Amendments to add bicycle and pedestrian level of service standard per updated Transportation Capital Facilities Plan. <i>(Periodic Update Checklist: Concurrency and TDM (a) and (b))</i>
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Chapter 14.12 CONNECTIONS

Sections:

- 14.12.005 Purpose.
- 14.12.010 Public sanitary sewer required inside UGA.
- 14.12.020 Conformance to Uniform Plumbing Code required.
- 14.12.030 Made by city – Costs – Lien.
- 14.12.040 Authorized personnel required.
- 14.12.050 Out-of-town service.

14.12.005 Purpose.

The purpose of this chapter is to further the public health by providing clear rules for when connection to public sewer is required and when it is prohibited. Nothing in this chapter shall be construed to permit violation of regulations for on-site sewage disposal systems promulgated by the State of Washington Department of Public Health or the Clark County ~~Public Health Department~~^{Health Department}. On-site sewage systems inside the City of Washougal and its UGA are subject to the requirements of Clark County Code (CCC) Chapter 24.17, On-Site Sewage Systems Rules and Regulations. Failing on-site sewage systems and/or on-site sewage systems that are polluting waters of the state that are unable to be repaired may be subject to enforcement, corrective measures, and penalties enforced by the Clark County Public Health Department and the Clark County Code. Existing structures may be required to connect to the Washougal public sewer system under certain circumstances per Clark County Code Chapter 24.17. (Ord. 1451 § 1, 2003)

14.12.010 Public sanitary sewer required inside UGA.

(1) Building Permit Issuance. Inside UGAs, connection to public sewer is required as a condition of building permit issuance for any new structure unless the responsible official, utilizing a Type I review process, finds that one of the following exceptions applies:

- (a) The new structure is an alteration, expansion or replacement of an existing structure which will not entail a material increase in sewage effluent production.
- (b) The new structure lawfully incorporates an approved on-site sewage system.
- (c) The new structure is for single-family residential use, or a nonresidential use generating a projected effluent flow of not more than 700 gallons per day if:
 - (i) Such use does not generate hazardous/dangerous waste, as defined by applicable federal, state or local law; and
 - (ii) Extension of public sewer is impractical based upon the following criteria:
 - (A) Public sewer would have to be extended more than 300 feet to the nearest property lines; or
 - (B) Necessary permission cannot be obtained from intervening landowner(s); or
 - (C) Intervening property contains natural or manmade obstructions such as deep canyons, elevation changes and solid rock impediments, which make public sewer extension prohibitive and undesirable; and
 - (iii) A covenant to the city and sewer purveyor is recorded which commits the current and future property owner(s) to connect to public sewer within 12 months of sewer becoming available (“available” means within 300 feet). The covenant shall also contain a provision that commits the current and future property owner(s) to participate in a future local improvement district if this is the method used to extend sewer. Where the sewer purveyor is a city, such covenant additionally shall bind the current or future owner to support annexation to such municipality.

(2) Land Divisions within UGA. Inside UGAs connection to public sewers is required as a condition of approval of new land divisions, whether by plat, short plat or site plan application, except that this prohibition shall not apply to a two-lot land division where one of the lots is, or will be, developed in a use that generates no sewage effluent. Any plat approved under this exception shall record a covenant prohibiting the installation of plumbing fixtures for any use on the designated lot.

(3) Existing Structures. An existing structure connected to an on-site sewage system may be required to connect to the public sewer system for the reasons contained in Clark County Code Chapter 24.17, including, but not limited to, failure of an existing on-site sewage system that is polluting waters of the state.

(4) Period of Validity. A Type I decision under this chapter shall be valid for a period of one year if not associated with any other action. When such a decision is made in conjunction with another application (e.g., short plat, plat or site plan), the decision shall be valid for the same period as the decision on the related application.

It shall be the responsibility of the property owner to provide, at their expense, service laterals where none have been provided. Laterals shall be designed, approved, installed and inspected to city standards and specifications. (Ord. 1451 § 1, 2003; Ord. 1140 § 1, 1994; Ord. 1098 § 1 (Exh. A), 1993; Ord. 349 Art. 3 § 1, 1967)

14.12.020 Conformance to Uniform Plumbing Code required.

All connections shall be made to sanitary sewers in a permanent and sanitary manner in accordance with the terms and provisions of the Uniform Plumbing Code as amended, subject to the approval of the director. No storm or surface water shall be discharged into any sanitary sewer. (Ord. 1451 § 1, 2003; Ord. 1140 § 1, 1994; Ord. 1098 § 1 (Exh. A), 1993; Ord. 349 Art. 3 § 2, 1967)

14.12.030 Made by city – Costs – Lien.

If any such connections shall not be made within the time or in the manner herein provided, the director or other employee of the city, as the council may hereafter designate, is authorized and directed to cause any such connection to be made and to file a statement of the cost thereof with the city clerk, which costs shall in no event be less than the sewer connection charge hereinafter affixed for the class of buildings applicable to the building to which the connection is made, and thereupon a warrant shall be issued under the direction of the city council by the clerk and against the sewer revenue fund for the payment of such costs. The amount of such warrant together with a penalty of 10 percent plus interest at the rate of six percent per year upon the total amount of such warrant and penalty shall be assessed against the property upon which the building or structure is situated and shall become a lien thereon as herein provided.

Such total amount when collected shall be paid into the revenue fund. (Ord. 1451 § 1, 2003; Ord. 1140 § 1, 1994; Ord. 1098 § 1 (Exh. A), 1993; Ord. 349 Art. 3 § 3, 1967)

14.12.040 Authorized personnel required.

No connection to any sewer line or lateral or other part of the sanitary sewerage system of the city shall be made by any person or persons, firm, association, or corporation except those regularly licensed to perform that class of work, or those approved by the supervisor of public works, and such connections shall then only be made on the condition that the person or persons, firm, association, or corporation making such connections will indemnify and hold harmless the city from all suits, claims, accidents, and damages occasioned by opening the streets, alleys or public places for the purpose of such connection, and will replace and restore such streets, alleys or public places over such opening to the satisfaction and approval of the supervisor of public works. (Ord. 1451 § 1, 2003; Ord. 1098 § 1 (Exh. A), 1993; Ord. 349 Art. 4 § 1, 1967)

14.12.050 Out-of-town service.

The city will not provide city water and/or sanitary sewer service for any person and/or entity developing property and/or residing outside the city limits of the city, unless the person and/or entity shall agree to annex their respective property to the city as soon as such annexation is available. Each person and/or entity shall enter into a contractual agreement binding the person and/or entity to annexation of the unincorporated property when annexation is available. (Ord. 1451 § 1, 2003; Ord. 1098 § 1 (Exh. A), 1993; Ord. 295, 1982; Res. 291, 1982)

Chapter 18.06

DEFINITIONS

Sections:

- 18.06.010 Generally.
- 18.06.020 Abandonment.
- 18.06.030 Abutting.
- 18.06.040 Accessory dwelling unit (ADU).
- 18.06.050 Accessory building.
- 18.06.060 Adult family home.
- 18.06.070 Advertising off-site.
- 18.06.080 Alley.
- 18.06.090 Apartment.
- 18.06.100 Applicant.
- 18.06.110 Bed and breakfast establishment.
- 18.06.111 Bioretention facility.
- 18.06.120 *Repealed.*
- 18.06.130 Boarding house.
- 18.06.140 Buffer.
- 18.06.150 Building.
- 18.06.160 Building, principal.
- 18.06.170 Building official.
- 18.06.180 Building permit.
- 18.06.190 Building setback.
- 18.06.200 Carport.
- 18.06.210 Certificate of occupancy.
- 18.06.220 *Repealed.*
- 18.06.230 *Repealed.*
- 18.06.240 Church.
- 18.06.250 Club, nonprofit.
- 18.06.260 Commercial recreation facility, enclosed.
- 18.06.270 Commercial recreation facility, unenclosed.
- 18.06.280 Compatibility.
- 18.06.290 Comprehensive plan.
- 18.06.300 Concurrency.
- 18.06.310 Conditional use.
- 18.06.320 Condominium (residential building).
- 18.06.330 Contractor's establishment.
- 18.06.335 Cottage housing.
- 18.06.340 Day care center.
- 18.06.350 Day care, family.
- 18.06.360 Density.
- 18.06.370 Development.
- 18.06.380 Director.
- 18.06.390 Drive-in – Drive-through.
- 18.06.400 Duplex.
- 18.06.410 Dry cleaners.
- 18.06.420 Dry cleaning plant.
- 18.06.430 Dwelling unit.
- 18.06.440 Espresso – Drive-through.
- 18.06.450 Espresso – Walk-up.
- 18.06.460 Essential public facilities.
- 18.06.470 Family.
- 18.06.480 Fence.

The Washougal Municipal Code is current through Ordinance 1977, passed January 22, 2024.

- 18.06.490 Finance, insurance and real estate establishment.
- 18.06.500 Findings.
- 18.06.510 Garage.
- 18.06.520 Glare.
- 18.06.530 Guest house.
- 18.06.540 Hazardous waste.
- 18.06.550 Hazardous waste storage.
- 18.06.560 Hazardous waste treatment.
- 18.06.570 Height of a building.
- 18.06.580 Home occupation.
- 18.06.590 Hotel.
- 18.06.600 Infill development.
- 18.06.610 Junk.
- 18.06.620 Junked motor vehicle.
- 18.06.630 Junkyard.
- 18.06.640 Kennel.
- 18.06.650 Landscape strip.
- 18.06.660 Landscaping.
- 18.06.670 Laundromat.
- 18.06.680 Levels of service.
- 18.06.690 Loading and unloading space.
- 18.06.700 Lot.
- 18.06.710 Lot, corner.
- 18.06.720 Lot, flag.
- 18.06.730 Lot area, minimum.
- 18.06.740 Lot coverage, maximum.
- 18.06.750 Lot depth.
- 18.06.760 Lot frontage, minimum.
- 18.06.770 Lot, through.
- 18.06.780 Lot width.
- 18.06.790 Manufacturing.
- 18.06.800 Manufactured home.
- 18.06.805 Manufactured home designated.
- 18.06.810 Manufactured home, Class A.
- 18.06.820 Manufactured home, Class B.
- 18.06.830 Manufactured home, Class C.
- 18.06.840 Manufactured home park.
- 18.06.850 Mobile home.
- 18.06.860 Modular structure.
- 18.06.870 Motor vehicle junkyard.
- 18.06.875 Multiple-family.
- 18.06.876 Native vegetation.
- 18.06.880 Nonconforming lot.
- 18.06.890 Nonconforming structure.
- 18.06.900 Nonconforming use.
- 18.06.910 Off-street parking space.
- [18.06.915 Organic materials management facilities.](#)
- 18.06.920 Outdoor storage.
- 18.06.930 Panelized, log, prefab, or kit home.
- 18.06.940 Permitted use.
- 18.06.945 Permeable pavement.
- 18.06.950 Planned unit development.
- 18.06.960 Planning commission.
- 18.06.970 Premises.
- 18.06.980 Property line, front.
- 18.06.990 Property line, rear.

The Washougal Municipal Code is current through Ordinance 1977, passed January 22, 2024.

- 18.06.1000 Public use.
- 18.06.1005 Public use, limited.
- 18.06.1010 Recreational vehicle.
- 18.06.1020 Recycling.
- 18.06.1030 Recycling center.
- 18.06.1040 Recycling collection boxes.
- 18.06.1050 Residence.
- 18.06.1060 Restaurant, drive-in/drive-through.
- 18.06.1070 Restaurant, drive-up.
- 18.06.1080 Retail trade establishment, enclosed.
- 18.06.1090 Retail trade establishment, unenclosed.
- 18.06.1100 Screened.
- 18.06.1110 Screening.
- 18.06.1120 Semipublic use.
- 18.06.1130 Service, automotive.
- 18.06.1140 Service, business.
- 18.06.1150 Service, health.
- 18.06.1160 Service, lodging.
- 18.06.1170 Service, personal.
- 18.06.1180 Service station.
- 18.06.1183 Setback.
- 18.06.1185 Single-family.
- 18.06.1190 Site plan.
- 18.06.1200 Stick or site-built home.
- 18.06.1205 Stormwater low impact development.
- 18.06.1210 Street.
- 18.06.1220 Structure.
- 18.06.1225 Sustainable development.
- 18.06.1230 Temporary use.
- 18.06.1240 Townhouse.
- 18.06.1250 Transportation, communication and utility facilities.
- 18.06.1260 Tree.
- 18.06.1270 Use.
- 18.06.1280 Variance.
- 18.06.1290 Vehicle towing services.
- 18.06.1295 Vested application.
- 18.06.1300 Warehouse – Mini.
- 18.06.1310 Wrecking yards.
- 18.06.1320 Yard.
- 18.06.1330 Yard, front.
- 18.06.1340 Yard, rear.
- 18.06.1350 Yard, side.
- 18.06.1360 Zero lot line.

18.06.010 Generally.

For the purpose of this title, certain terms are defined in this chapter. When not inconsistent with the context, words used in the present tense include the future, words used in the singular number include the plural, and words in the plural number include the singular; the word “persons” may be taken for a person, firm, partnership or corporation; the word “structure” includes building; the word “occupied” includes premises designed or intended to be occupied; the word “used” includes designed or intended to be used; and the word “shall” is always mandatory and not merely directive. Other words and terms shall have their customary dictionary definitions. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.020 Abandonment.

“Abandonment” means the cessation of a use on the property, by the owner or lessee without any intent of transferring rights of the property to another owner or of resuming the use of the property. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.030 Abutting.

“Abutting” means having property or land use district lines in common, or having property separated by only an alley. Separation by a street right-of-way shall not be considered abutting. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.040 Accessory dwelling unit (ADU).

“Accessory dwelling unit” means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to an existing single-family detached dwelling or in a detached building on the same lot as the principal primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance. (Ord. 1632 § 1 (Exh. A), 2009; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.050 Accessory building.

“Accessory building” means an independent building, such as a garage, carport, greenhouse, or garden shed, customarily incidental to and located on the same lot occupied by the principal building. An accessory building or use is subordinate in area, extent or purpose to the principal building. (Ord. 1632 § 1 (Exh. A), 2009; Ord. 1613 § 1 (Exh. A), 2008; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.060 Adult family home.

A residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services, licensed by the state of Washington. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.070 Advertising off-site.

“Off-site advertising” means any single-faced or multi-faced sign, billboard, banner, poster or visual display whose principal use is the advertising or promotion of a service or product not for sale or rent on the immediate premises. These shall include directional signs (those meant to direct pedestrian or vehicular traffic to a facility, service or business located on other premises). (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.080 Alley.

“Alley” means a public way 20 feet or less in width, which affords only a secondary means of access to adjoining property. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.090 Apartment.

“Apartment” means any building or portion thereof, other than a townhouse or a residential condominium, used for or containing three or more dwelling units. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.100 Applicant.

“Applicant” means the record owner or owners of a unit, area or lot of land proposing land development activities covered by this title and includes the authorized representatives of the record owner or owners. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.110 Bed and breakfast establishment.

“Bed and breakfast establishment” means a dwelling unit which is utilized by the owner/operator as short-term lodging for travelers and guests. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.111 Bioretention facility.

“Bioretention facility” (bioretention) means a shallow depression or planter combining vegetation with a specified soil mix designed to filter, transpire, and infiltrate runoff in a way that mimics natural drainage functions. Bioretention facilities can be cells, swales or planters. For the purposes of this title, “bioretention facility” includes rain gardens. (Ord. 1821 § 1 (Att. A), 2016)

18.06.120 Board of adjustment.

Repealed by Ord. 1496. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.130 Boarding house.

“Boarding house” means a building other than a lodging service, where, for compensation, meals or lodging and meals are provided for four or more persons. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.140 Buffer.

“Buffer” means an open space on a given lot, not covered by buildings, pavement, or service areas, that is located between incompatible land uses for the purpose of visibly separating uses through distance and to shield and block noise, light, glare or visual or other nuisances through screening. The width of the buffer is measured from the common property line and extending the developed portion of the common property line. A buffer consists of trees, shrubs, berming, screening, other natural vegetation undisturbed and replanted vegetation where sparsely vegetated or where disturbed for approved access and utility crossings. (Ord. 1821 § 1 (Att. A), 2016; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.150 Building.

“Building” means a structure, or combination of materials to form a structure, either temporary or permanent, above or below ground, having a roof or other covering and designed, built or used as shelter for persons or animals, or property of any kind. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.160 Building, principal.

“Principal building” means a building in which is conducted the main use of the property on which the building is located. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.170 Building official.

“Building official” means the building official of the city of Washougal, who is charged to administer and enforce the building code. (Ord. 1421, 2001; Ord. 1193 § 1 (Exh. B), 1996; Ord. 1167 § 1, 1995)

18.06.180 Building permit.

“Building permit” means a permit required pursuant to the Washougal building code or this title. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.190 Building setback.

“Building setback” means a line established by the minimum yard requirement as the minimum allowable distance between the wall of a building, and the street right-of-way or property line when measured perpendicularly thereto. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.200 Carport.

“Carport” means a structure for enclosure of motor vehicles but which is not enclosed on all sides by a sight-obscuring wall and/or doors. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.210 Certificate of occupancy.

“Certificate of occupancy” means a legal statement or document issued by the building official indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such building or land may be occupied for the purpose stated thereon. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.220 Child day care.

Repealed by Ord. 1849. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.230 Child day care facility.

Repealed by Ord. 1849. (Ord. 1421, 2001; Ord. 1167 §§ 1, 1995)

18.06.240 Church.

“Church” means an institution that people regularly attend to participate in or hold religious services, meeting and other purposes, including education, day care and recreation facilities when owned and operated by such institution or sponsored by such institution. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.250 Club, nonprofit.

“Nonprofit club” means a building or facilities owned or operated by a group for social, educational or recreational purposes, but not customarily for profit nor to render a service that is customarily carried on for gain. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.260 Commercial recreation facility, enclosed.

“Enclosed commercial recreation facility” means any use of building and/or land that involves the provision of sports and leisure activities to the general public for a fee, conducted entirely within an enclosed building, including, but not limited to, billiard halls, amusement and video arcades, bowling alleys, ice and roller skating rinks, indoor physical fitness facilities and indoor racquetball courts. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.270 Commercial recreation facility, unenclosed.

“Unenclosed commercial recreation facility” means any use of building and or land that involves the provision of sports and leisure activities to the general public for a fee, conducted at least partially outside of a building and in the open air, including, but not limited to, outdoor firearms shooting ranges, golf driving ranges, miniature golf courses, batting cages, race tracks, horse and pony riding rinks, circuses and carnivals, and zoological gardens. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.280 Compatibility.

“Compatibility” means the characteristics of different uses or activities that permit such uses or activities to be located near each other in harmony and without conflict. Some elements affecting compatibility include intensity of occupancy as measured by dwelling units per acre or gross square footage per acre; pedestrian or vehicle traffic generated; volume of goods handled; and such environmental effects such as noise, vibration, odor, glare, air pollution, visual pollution and radiation. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.290 Comprehensive plan.

“Comprehensive plan” means the plans, maps, reports or any combination thereof which has been adopted in December of 1994 by the city council, including modifications which may be made from time to time and in accordance with the State Growth Management Act. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.300 Concurrency.

“Concurrency” means a condition where specified facilities and services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development project, or within the standard of the six-year capital facilities plan. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.310 Conditional use.

“Conditional use” means a use which would not be appropriate without restriction throughout a zoning district and is not automatically permitted by right within a zoning district, but which may be permitted within a zoning district subject to meeting specific conditions as contained in this title or as required during the review process. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.320 Condominium (residential building).

“Condominium” means a residential structure of two or more units, the interior space of which are individually owned. The balance of the property (both land and building) is owned in common by the owners of the individual units. The balance of the property is called the common area. (Ord. 1167 § 1, 1995)

18.06.330 Contractor’s establishment.

“Contractor’s establishment” means an establishment engaged in the provision of construction activities including but not limited to plumbing, electrical work, building, paving, carpentry and other such contracting activities, including the storage of materials and the overnight parking of commercial vehicles. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.335 Cottage housing.

“Cottage housing” means a development of detached dwellings which has the following characteristics:

- (1) Each unit is of a size and function suitable for a single person or small family;
- (2) Each unit has the construction characteristics of a single-family house;
- (3) The density is typically eight to 17 units per acre within R1 zone districts;
- (4) All units are located either on a commonly owned piece of property or individual small lots;
- (5) The development is designed with a coherent concept and includes:
 - (a) Shared usable open space;
 - (b) Off-street parking;
 - (c) Access within the site and from the site;
 - (d) Amenities such as a multipurpose room, workshop, or garden;
 - (e) Coordinated landscaping. (Ord. 1634 § 1 (Exh. A), 2009)

18.06.340 Day care center.

“Day care center” means a building and premises operated by any person, entity or agency that provides child care and early learning services outside a child’s own home for periods of less than 24 hours. A day care center shall not be located in a private family residence unless the portion of the residence to which the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual quarters of the family. As used in this title, the term is not intended to include: babysitting services of a casual, nonrecurring nature or in the child’s own home; or, cooperative, reciprocative child care by a group of parents in their respective homes. (Ord. 1849 § 1 (Exh. A), 2018; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.350 Day care, family.

“Family day care” means a residence operated by a “family day care provider” as defined by RCW 43.216.010 who provides early childhood education and early learning services for not more than 12 children in the provider’s home in the family living quarters. (Ord. 1886 § 1 (Exh. A), 2019; Ord. 1793 § 1 (Exh. A), 2016; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.360 Density.

“Density” means the number of dwelling units developed, or to be developed, per gross acre of land, or the gross square footage of a building per gross acre of land. (Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.370 Development.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to expansion and major alteration to buildings or other structures, subdivision or short subdivision, mining, dredging, filling, grading, paving, excavation or drilling operations or change in the use of the land or structure upon it. (Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.380 Director.

“Director” means the community development director of the city, who is by virtue of adoption of the regulations contained in this title authorized to administer, enforce and interpret these regulations. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1193 § 1 (Exh. E), 1996)

18.06.390 Drive-in – Drive-through.

“Drive-in – Drive-through” means a retail or service enterprise wherein service is provided to the customer within a motor vehicle on the outside of a principal building. (Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.400 Duplex.

“Duplex” means a building, on a single lot, designed or used for residence purposes by not more than two families, and containing two dwelling units. (Ord. 1637 § 1, 2009; Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.410 Dry cleaners.

“Dry cleaners” means an establishment engaged in providing laundry, dyeing, alterations, and dry cleaning services to individual customers. (Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.420 Dry cleaning plant.

“Dry cleaning plant” means an establishment engaged in providing laundry, dyeing and dry cleaning services on a large scale for institutions, businesses or other such establishments. (Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.430 Dwelling unit.

“Dwelling unit” means one or more rooms designed as a unit, with kitchen facilities, for occupancy by one household for living and sleeping purposes. (Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.440 Espresso – Drive-through.

“Drive-through espresso” means a retail service enterprise, mainly serving coffee beverages, to customers in vehicles from inside a structure. (Ord. 1465 § 1, 2003; Ord. 1421, 2001)

18.06.450 Espresso – Walk-up.

“Walk-up espresso” means a retail service enterprise mainly serving coffee beverages from inside a structure at a service window to customers that walk up to the service window. (Ord. 1740 § 1 (Exh. A), 2013; Ord. 1421, 2001)

18.06.460 Essential public facilities.

“Essential public facilities” means facilities provided by government, substantially funded by government, contracted for by government, or provided by private entities subject to public service obligations, that are typically difficult to site, such as, but not limited to, airports, state education facilities, state or regional transportation facilities, [organic materials management facilities](#), solid waste handling facilities and in-patient facilities including substance abuse and mental health facilities. Any use defined as “essential public facilities” by the Clark County comprehensive plan and/or development regulations shall also be considered an essential public facility under the terms of this title. ~~Notwithstanding any conflicting provisions of this title, essential public facilities are considered conditional uses, with the exception of solid waste transfer stations within the heavy industrial district.~~ (Ord. 1520 § 1, 2005; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.470 Family.

“Family” means individuals customarily living together as a single housekeeping unit and using common cooking facilities related by genetics, adoption, or marriage, or a group of not more than six unrelated individuals. (Ord. 1849 § 1 (Exh. A), 2018; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.480 Fence.

“Fence” means a structural barrier or enclosure, screening or demarcation, presenting a solid face or having openings amongst or between its constituent members; also, a wall separate from or extending from a building. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.490 Finance, insurance and real estate establishment.

“Finance, insurance and real estate establishment” includes, but is not limited to, banks, savings and loan institutions and credit unions; security and commodity exchanges; insurance agents, brokers and service; real estate brokers, agents, managers and developers; trusts; and holding and investment companies. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.500 Findings.

“Findings” means a written statement of facts, conclusions and determinations based on the evidence presented in relation to approval criteria and prepared in support of a decision for approval, approval with conditions, or denial. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.510 Garage.

“Garage” means an accessory building or portion of a principal building used only for the private storage of motor vehicles and other personal property as an accessory use. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.520 Glare.

“Glare” means a sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility. (Ord. 1167 § 1, 1995)

18.06.530 Guest house.

“Guest house” means a detached dwelling without any kitchen facilities, designed for and used to house transient visitors or nonpaying guests of the occupants of the principal dwelling, and are subject to WMC 18.50.070. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.540 Hazardous waste.

“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. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.550 Hazardous waste storage.

“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. (Ord. 1167 §§ 1, 1995)

18.06.560 Hazardous waste treatment.

“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, or reduced in volume, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC or its successor. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.570 Height of a building.

“Height of a building” means the vertical distance at the center of a building’s principal front, measured from the level of the first floor above grade to the highest point of the roof beams in the case of flat roofs, to the deck line of mansard roofs, or to the center height between eaves and ridges for gable, hip or gambrel roofs. For buildings set back from the street line, the height may be measured from the average elevation of the finished grade along the front of the building. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.580 Home occupation.

“Home occupation” means an occupation carried on entirely within a residence by the occupants thereof, which activity is clearly incidental to the use of the residence as a dwelling and which does not change the residential character thereof, and is conducted in a manner as to not give any outward appearance of a business in the ordinary meaning of the term. This occupation does not infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes for which purpose the residential zone was created and primarily intended. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.590 Hotel.

“Hotel” means a building that provides lodging with or without meals for the public and especially for temporary guests, but which does not have cooking facilities in individual rooms. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.600 Infill development.

“Infill development” means construction on vacant lots within previously established or approved developments that have one or more vacant lots available for the construction of new structures. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.610 Junk.

“Junk” means any scrap, waste, reclaimable material, or debris, whether or not stored, for sale, or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. Junk may

include inoperable vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood and lumber. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.620 Junked motor vehicle.

“Junked motor vehicle” means any motor vehicle not capable of being driven from the place of its location under its own power, and in addition any motor vehicle not equipped with four inflated tires, shall be considered a junked motor vehicle. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.630 Junkyard.

“Junkyard” means the use of more than 200 square feet of a place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, and yards for use of salvaged house wrecking and structural steel materials and equipment. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.640 Kennel.

“Kennel” means any lot or premises on which four or more dogs or cats over six months of age are kept for commercial or noncommercial purposes. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.650 Landscape strip.

A “landscape strip” is that portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as landscaped open space, the width of which is measured from a given property line and extending the developed portion of the property line. A landscape strip, as distinguished from a buffer, may be disturbed by grading or site development but is maintained as landscaped open space. A landscape strip may consist of grass lawns, decorative and native plantings, berms, walls, fences or other features designed and arranged to produce an aesthetically pleasing effect within and outside of the development. A landscape strip may be used to manage stormwater runoff using bioretention facilities or dispersion. (Ord. 1821 § 1 (Att. A), 2016; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.660 Landscaping.

“Landscaping” means changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.670 Laundromat.

“Laundromat” means a business that provides home-type washing and drying machines for hire to be used by customers on the premises. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.680 Levels of service.

“Levels of service” are those adopted level of service standards in the local comprehensive plan. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.690 Loading and unloading space.

“Loading and unloading space” is a space, typically with dimensions of 12 feet by 60 feet, logically and conveniently located for pickups and/or deliveries or for loading and/or unloading in such a way as it does not conflict with driveways or patron parking, scaled to the delivery vehicles to be used, and accessible to such vehicles. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.700 Lot.

“Lot” means a single parcel of property, as recorded in the county assessor’s office, which is occupied or intended to be occupied by a principal building or buildings, including such open spaces as are required by ordinance and having frontage upon a street. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.710 Lot, corner.

“Corner lot” means any lot which is located at an intersection of two or more streets. (Ord. 1421, 2001; Ord. 1167 §§ 1, 1995)

18.06.720 Lot, flag.

“Flag lot” means land of uneven dimensions in which the portion fronting on a public street is less than the required minimum width, but not less than 20 feet in width, for construction of a building or structure on that lot. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.730 Lot area, minimum.

“Minimum lot area” means the smallest permitted total horizontal area within the lot lines of a lot, exclusive of street rights-of-way but inclusive of utility easements. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.740 Lot coverage, maximum.

“Maximum lot coverage” means the largest permitted percentage of a lot occupied by the footprint of buildings and structures, including accessory buildings and structures, but not including unenclosed parking areas. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.750 Lot depth.

“Lot depth” means the horizontal distance between the front and rear property lines measured in the mean direction of the side property lines. (Ord. 1421, 2001; Ord. 1167 §§ 1, 1995)

18.06.760 Lot frontage, minimum.

“Minimum lot frontage” is the smallest permitted width in linear feet of a lot where it abuts the right-of-way of any street, but is no less than 20 feet in width. (Ord. 1167 § 1, 1995)

18.06.770 Lot, through.

“Through lot” or “double frontage lot” means a lot which has frontage on two streets which do not intersect. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.780 Lot width.

“Lot width” means the horizontal distance between the side property lines measured at right angles in the mean direction of the side property lines. (Ord. 1421, 2001; Ord. 1167 §§ 1, 1995)

18.06.790 Manufacturing.

“Manufacturing” means the converting of raw, unfinished materials or products, or any or either of them, into an article or articles or substance of a different character, or for use for a different character, or for use as a different purpose. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.800 Manufactured home.

“Manufactured home” means a home built on permanent, internal chassis in one or more pieces and moved to a dwelling site. Built for use with or without a permanent foundation. Towed to building site on its internal chassis. Constructed after 1974 MHC&SSA. Construction Code – HUD. (Ord. 1421, 2001)

18.06.805 Manufactured home designated.

Defined in RCW 35.63.160. Constructed after June 15, 1976. At least two fully enclosed parallel sections, each at least 12 feet wide by 36 feet long. Not less than 3:12 roof pitch of composition, wood shake, coated metal, or similar roof material. Exterior siding similar in appearance to conventional site-built IBC houses. Also built on permanent, internal chassis and moved to dwelling site. Construction Code – HUD. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1421, 2001)

18.06.810 Manufactured home, Class A.

“Class A manufactured home” means a manufactured home that meets or exceeds the requirements of a Class B manufactured home and in addition satisfies the following criteria:

- (1) A continuous, permanent masonry or concrete skirting, unpierced except for required ventilation and access, is installed around the perimeter of the home; and
- (2) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy. (Ord. 1421, 2001; Ord. 1214 § 1, 1996; Ord. 1167 § 1, 1995)

18.06.820 Manufactured home, Class B.

“Class B manufactured home” means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

- (1) Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
- (2) Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch;
- (3) Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences; and
- (4) Is certified by the manufacturer to have an exterior or thermal envelope meeting performance standards which reduce energy levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.830 Manufactured home, Class C.

“Class C manufactured home” means a manufactured home that does not meet the definition of a Class B manufactured home. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.840 Manufactured home park.

“Manufactured home park” means a parcel of land under single ownership which has been planned or improved for the placement of three or more manufactured homes for residential use, including land, buildings and facilities used by the occupants of manufactured homes on such property. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.850 Mobile home.

“Mobile home” means a building on permanent internal chassis in one or more pieces and moved to dwelling site. Built for use with or without a permanent foundation. Towed to building site on its internal chassis. Also known as noninsignia/pre-HUD home. Constructed prior to 1974 – Federal Manufactured Housing Construction and Safety Standards Act of 1974; passed in 1974; enacted in 1976 (the law that changed the name of mobile homes to manufactured homes, even though the terms are often casually used interchangeably to this day). Not bearing HUD insignia. (Ord. 1421, 2001)

18.06.860 Modular structure.

“Modular structure” is a factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential or commercial purposes and which complies with local building codes or applicable industrial building regulations of the state of Washington.

No chassis. Must be mounted on permanent foundation prior to occupancy. Entirely or substantially prefabricated or assembled in modules away from building site. Modules are commonly transported to final building assembly site by separate vehicle. Typically indistinguishable from site-built house once installed. Construction code – State of Washington International Building Code. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.870 Motor vehicle junkyard.

“Motor vehicle junkyard” means any property used for placement, parking, storage or dismantling of junked motor vehicles in accordance with Chapter 46.80 RCW and WAC 308-61-200. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.875 Multiple-family.

“Multiple-family” means a building or portion thereof on a single lot designed or used as a residence by three or more families, and containing three or more dwelling units. (Ord. 1637 § 1, 2009)

18.06.876 Native vegetation.

“Native vegetation” means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. (Ord. 1821 § 1 (Att. A), 2016)

18.06.880 Nonconforming lot.

“Nonconforming lot” means a lot, the area, width or other characteristic of which fails to meet the requirements of the zoning district in which it is located and which was of record as of the date of adoption of this title. Any lot which was subsequently annexed into the Washougal city limits which does not meet the requirements of the particular zoning district shall also be considered a nonconforming lot. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.890 Nonconforming structure.

“Nonconforming structure” means any building or structure which does not conform to the regulations governing the location, height, size of buildings or structures permitted in the district or of yards required for the district. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.900 Nonconforming use.

“Nonconforming use” means an activity to which a building or land was being used at the date of adoption of this title, or at the time of any amendments thereto which does not conform to the permitted use provisions of the district within which such activity is located or a use in existence precedent to annexation to the city of Washougal. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.910 Off-street parking space.

“Off-street parking space” means a permanently surfaced area of not less than 300 square feet, either within a structure or in the open, inclusive of driveway or access drives, for the parking of a motor vehicle. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.915 Organic materials management facilities.

“Organic materials management facilities” means a solid waste management facility that provides for the processing of organic materials and food waste, including composting and similar technologies. The development of such facilities shall be consistent with the most recent version of the Clark County Comprehensive Solid Waste Management Plan.

18.06.920 Outdoor storage.

“Outdoor storage” means the keeping of any goods, landscaping materials consisting of rock, gravel, or bark dust, merchandise or material outside of a business, building or establishment in the same outdoor place for more than 24 hours, including the storage of trash in dumpsters and recycling bins, and other waste/recoverable material containers; provided, however, that outdoor display shall not be construed to be outdoor storage; and provided further, that automobile dealerships and similar retail vehicle sales shall not constitute an outdoor storage use. Further, that outdoor display for sale merchandise shall not encroach, hinder, or eliminate required parking or open space areas. (Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.930 Panelized, log, prefab, or kit home.

No chassis. Must be mounted on permanent foundation prior to occupancy. Entirely or substantially prefabricated or assembled away from building site. Sections commonly transported to final building assembly site by separate vehicle (i.e., flat bed truck). Typically indistinguishable from site-built houses once installed. Construction code – State of Washington International Building Code. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1465 § 1, 2003; Ord. 1421, 2001)

18.06.940 Permitted use.

“Permitted use” means a use permitted in a district without the need for special review and approval, upon satisfaction of the standards and requirement of this title. (Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.945 Permeable pavement.

“Permeable pavement” means pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir. (Ord. 1821 § 1 (Att. A), 2016)

18.06.950 Planned unit development.

“Planned unit development” means a form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, and a mix of building types and land uses in a

more dense setting than allowable on separate zoned lots. (Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.960 Planning commission.

“Planning commission” means the planning commission of the city, as established in Chapter 35.63 RCW and RCW 35A.63.020, and Chapter 2.12 WMC. (Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.970 Premises.

“Premises” means a lot with or without buildings. (Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.980 Property line, front.

“Front property line” means the line separating the street from the front of the lot as shown on the official recorded plat of the property, and as modified by any subsequent vacation, condemnation, or conveyance for public purposes. A through lot shall be considered to have a front property line on each of the opposite streets upon which said lot has frontage. (Ord. 1465 § 1, 2003; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.990 Property line, rear.

“Rear property line” means the property line of a lot most nearly parallel to the front line of the same lot, as defined herein, except that for triangular or gore-shaped lots, the rear property line shall be represented by the point of intersection of the two property lines which are not the front property line as herein defined. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1000 Public use.

“Public use” means any building structure or use owned and/or operated by the federal government, state of Washington, Clark County, the city of Washougal or other city, or any authority, agency, board or commission of the above governments, which is necessary to serve a public purpose, such as, but not limited to, the following: government administrative buildings, police and fire stations, public health facilities and hospitals, parks and community centers, water and sanitary sewerage storage, intake, collection, treatment and pumping facilities. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1005 Public use, limited.

“Public use, limited” means any building structure or use owned and/or operated by the city of Washougal, which is necessary to serve a public purpose and limited to neighborhood parks and water and sanitary sewerage storage, intake, collection, treatment and pumping facilities. (Ord. 1758 § 1 (Exh. A), 2014)

18.06.1010 Recreational vehicle.

“Recreational vehicle” means a vehicular type portable structure which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel uses. A recreational vehicle is not considered a permanent residence. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1020 Recycling.

“Recycling” means collection and/or reclamation of any material or article having lost its value for the original purpose for which it was created or manufactured and which has a value only for the salvage of its material or parts; this definition shall not include motor vehicle recycling. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1030 Recycling center.

“Recycling center” means a facility that is used for the business of sorting, baling, processing, storing and transporting recyclable material as defined in WMC 7.06.010(7). (Ord. 1740 § 1 (Exh. A), 2013; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1040 Recycling collection boxes.

“Recycling collection boxes” are containers, for public use, made for the collection of recyclable material. (Ord. 1740 § 1 (Exh. A), 2013; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1050 Residence.

“Residence” means a building or portion thereof designed exclusively as a place of habitation for one or more persons, but excluding dormitories, motels, hotels, tourist homes, hospitals and nursing homes. Mobile homes,

house trailers, campers and similar vehicles not complying with the city building code shall not be considered a residence. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1060 Restaurant, drive-in/drive-through.

“Drive-in restaurant” means any retail establishment preparing and serving food which is not conducted entirely within the confines of the building where the food is prepared, such as serving customers from a service window to vehicles from inside a structure or service window. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1070 Restaurant, drive-up.

“Drive-up restaurant” means a retail service enterprise/establishment preparing and serving food from inside a structure at a service window to customers that walk-up to the service window. (Ord. 1421, 2001)

18.06.1080 Retail trade establishment, enclosed.

“Enclosed retail trade establishment” means any business offering goods and products for sale to the public, which operates entirely within a building, except for outdoor display or other use during normal business hours and accessory storage in enclosed, accessory buildings. Incidental repair is also included. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1090 Retail trade establishment, unenclosed.

“Unenclosed retail trade establishment” means any business offering goods and products for sale to the public, which does not operate entirely within a building, and which all or a portion of the goods and products are displayed and/or stored, or business transacted, in the open-air or other shelter not completely enclosed. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1100 Screened.

“Screened” means any object, lot or portion thereof, when screening is provided and maintained between the object, lot or portion thereof, except reasonable entrance ways, and all adjoining properties and streets as otherwise specified in this title. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1110 Screening.

“Screening” means any natural or replanted growth, including plants within a bioretention facility, or wall, fence, berm or combination thereof not less than six feet high, except as otherwise specified in this title, which is sight-obscuring in that objects beyond the screen are indistinct to the sight or not visible. Fences, walls and berms may be used as screening only in compliance with these regulations. (Ord. 1821 § 1 (Att. A), 2016; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1120 Semipublic use.

A “semipublic use” is any building, structure or use owned and/or operated by private utilities or private companies for a public purpose, or which is reasonably necessary for the furnishing of adequate service by such utilities, including but not limited to underground or overhead gas, electrical, steam or water distribution or transmission lines or systems, electric power substations, wires, towers, cables and poles, and railroad facilities. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1130 Service, automotive.

An “automotive service” is an establishment providing services and repairs to motor-driven vehicles, including but not limited to repair shops; top and body, paint, automotive glass, transmission and fire repair shops; car washes, including automated, self-service and fully-staffed facilities; and oil change and lubrication shops. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1140 Service, business.

A “business service” is a facility engaged in support functions to establishments operating for a profit on a fee or contract. (Ord. 1167 § 1, 1995)

18.06.1150 Service, health.

A “health service establishment” includes health care facilities as well as establishments providing support to the medical profession and patients. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1160 Service, lodging.

A “lodging service” is a facility that offers temporary shelter accommodations, or place for such shelter, open to the public for a fee. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1170 Service, personal.

A “personal service establishment” is a facility engaged in the provision of services to persons and their apparel. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1180 Service station.

“Service station” means a retail establishment for the sale on the premises of motor vehicle fuel and other petroleum products including convenience grocery not exceeding 3,000 square feet. (Ord. 1167 § 1, 1995)

18.06.1183 Setback.

“Setback” means the minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way or property line, to the nearest point of a foundation or supporting post or pillar of any applicable structure. (Ord. 1793 § 1 (Exh. A), 2016)

18.06.1185 Single-family.

“Single-family” means a building on a single lot designed or used for residence purposes by not more than one family, and containing one dwelling unit only. Single-family can be attached or detached. (Ord. 1637 § 1, 2009)

18.06.1190 Site plan.

“Site plan” means a graphic illustration, two-dimensional, prepared to scale, showing accurately and with complete dimensions, all proposed and existing buildings, stacks, buffers, landscaped open space structures and features, and parking proposed within accurately dimensioned boundaries of a lot, tract or specific parcel of land. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1200 Stick or site-built home.

No chassis. Assembled at the permanent dwelling site on a permanent foundation. Materials brought to permanent building site in substantially unassembled form, typically raw materials. Construction code – State of Washington International Building Code. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1421, 2001)

18.06.1205 Stormwater low impact development.

“Stormwater low impact development” means a stormwater and land development strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation of soils and trees, reduction of impervious surfaces, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design. (Ord. 1821 § 1 (Att. A), 2016)

18.06.1210 Street.

“Street” means a public or private way which provides the principal means of access to property. (Ord. 1496 § 1, 2004; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1220 Structure.

“Structure” means a combination of materials constructed or erected which has permanent or temporary location on the ground, or attached to something having permanent location on the ground. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1225 Sustainable development.

“Sustainable development” means to transform the way buildings and communities are designed, built and operated, enabling an environmentally and socially responsible, healthy and prosperous environment that improves the quality of life (USGBC). (Ord. 1630 § 1 (Exh. A), 2009)

18.06.1230 Temporary use.

“Temporary use” means a use that may be permitted, through an administrative approval process, whereby the city may permit uses to locate within the city on an interim basis without requiring full compliance with the development standards for the applicable zoning district, or by which the city may allow seasonal or transient uses not otherwise permitted, and in compliance with Chapter 18.47 WMC. (Ord. 1421, 2001)

18.06.1240 Townhouse.

“Townhouse” means a dwelling within a building containing multiple dwelling units which share one or more common walls with other dwelling units, and with each dwelling unit occupying its own lot with no side yards between adjacent dwelling units located in the same building. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1250 Transportation, communication and utility facilities.

“Transportation, communication and utility facilities” include but are not limited to the following: bus passenger stations and terminals; airports, heliports and helistops; taxicab and limousine services; radio and television broadcasting towers; recycling collection centers; truck stops, truck terminals and courier services; marinas, railroad facilities, emergency medical services. Particular districts may specify some of these uses and not others. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1260 Tree.

“Tree” means any self-supporting woody perennial plant having a trunk diameter of two inches or more which normally grows at a maturity to an overall height of a minimum of 15 feet. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1270 Use.

“Use” means a purpose for which either land or a building is or may be occupied or maintained, or for which a building is arranged, designed or intended, or for which it is occupied or maintained, let or leased. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1280 Variance.

“Variance” means a minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, or topographical condition of the property, compliance would result in a particular hardship or practical difficulty upon the owner, as distinguished from a mere inconvenience or a desire to make a profit. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1290 Vehicle towing services.

“Vehicle towing services” means land or building used for the dispatch of towing vehicles, temporary storage of damaged and or impounded vehicles for redemption by vehicle owners. (Ord. 1421, 2001)

18.06.1295 Vested application.

“Vesting” means an application which is deemed technically complete at a certain date and is to conform to the zoning, environmental, and land division ordinances of the city at the time of vesting in order to process a preliminary application. (Ord. 1496 § 1, 2004)

18.06.1300 Warehouse – Mini.

“Warehouse – mini” means building(s) with multiple spaces for rent or lease for storage of household goods, and associated secondary outdoor storage of RV, boats, and rental equipment and supplies. (Ord. 1421, 2001)

18.06.1310 Wrecking yards.

“Wrecking yards” means the storage, dismantling of salvaging, sale of wrecked vehicles, house wrecking, structural steel and equipment. (Ord. 1421, 2001)

18.06.1320 Yard.

“Yard” means a space on the same lot with a principal building, which is open, unoccupied, and unobstructed by buildings or structures from the ground to the sky except where encroachments and accessory buildings are expressly permitted. A yard may contain a parking and/or loading area unless otherwise specified by these regulations. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1330 Yard, front.

“Front yard” means a space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. In the cases of a double frontage lot, both spaces with street frontage shall be considered front yards. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1340 Yard, rear.

“Rear yard” means a space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1350 Yard, side.

“Side yard” means a space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

18.06.1360 Zero lot line.

“Zero lot line” means the location of a building on a lot in such a manner that one or more building sides have no side building setback and rest directly on a side lot line. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1421, 2001; Ord. 1167 § 1, 1995)

Chapter 18.46

SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

Sections:

- 18.46.010 Purpose.
- 18.46.020 Accessory dwelling unit (ADU).
- 18.46.030 *Repealed.*
- 18.46.040 Amusement devices.
- 18.46.045 Automotive sales lots.
- 18.46.050 Automotive service stations and gasoline sales.
- 18.46.060 Bed and breakfast establishments.
- 18.46.070 Child day care facilities.
- 18.46.080 Christmas tree lots.
- 18.46.090 Churches, temples, synagogues and places of worship.
- 18.46.100 Circuses, carnivals, fairs and exhibitions.
- 18.46.105 Enclosed retail and personal services in residential zone.
- [18.46.106 Essential public facilities](#)
- 18.46.110 Fences and hedges.
- 18.46.120 Garage sales.
- 18.46.130 Home occupations.
- 18.46.145 Manufactured homes on individual lots.
- 18.46.150 Manufactured home parks.
- 18.46.170 Swimming pools.
- 18.46.180 Taxicab operations.
- 18.46.200 Townhouses.
- 18.46.210 Travel trailers and recreational vehicles storage.
- 18.46.220 Recycling centers and motor vehicle junkyards.
- 18.46.230 Adult entertainment establishments.
- 18.46.240 Zero lot line developments.

18.46.010 Purpose.

This chapter specifies certain size, location and dimensional and other requirements that are specific to particular uses. These provisions apply to the specific use regardless of what district in which the use is located. These provisions are in addition to the use and dimensional requirements for the district in which property is located. The specific uses described and regulated below may be a permitted use, a conditional use or a nonpermitted use in any given use district. (Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.020 Accessory dwelling unit (ADU).

The purpose of these code provisions for accessory dwelling units (ADUs) is to: (1) provide homeowners with flexibility in establishing separate living quarters within or adjacent to their homes for the purpose of caring for elderly parents, providing housing for their children, companionship, security, or other purposes; (2) increase the supply of affordable housing units within the community; (3) provide for a range of choices of housing in the city and provision of additional dwelling units, thereby increasing densities with minimal cost and disruption to existing neighborhoods; and (4) ensure that the development of accessory dwelling units does not cause unanticipated impacts on the character or stability of single-family neighborhoods.

(1) Development Standards for Accessory Dwelling Units. An ADU shall comply with the following standards:

- (a) Configuration. An ADU may be located either within, attached to, or detached from the primary structure.
- (b) Density. Only one ADU may be created in conjunction with each single-family residence in the R1 and Town Center zoning districts.
- (c) ADUs are not required to comply with WMC 18.50.070.

(d) Maximum Unit Size. The gross floor area, calculated from finished wall to finished wall, of an existing structure, an addition, or a new detached structure converted to or constructed for the purpose of creating an ADU shall not exceed 40 percent of the gross floor area of the primary single-family structure, not including garage and/or detached accessory buildings, or 800 square feet (whichever is less).

(e) Minimum Unit Size. The gross floor area of an ADU shall not be less than 300 square feet, even if this exceeds the maximum requirement in subsection (1)(d) of this section, or as otherwise established by the requirements of the city's adopted building code.

(f) Setbacks and Lot Coverage. Additions to existing structures, or the construction of new detached structures, associated with the establishment of an ADU shall not encroach into required setbacks as prescribed in the underlying zone. The applicable setbacks shall be the same as those prescribed for the primary structure, not those prescribed for detached accessory structures. An ADU shall not be included in the maximum lot coverage calculation.

(g) Scale and Visual Subordination. The ADU shall be visually subordinate to the primary unit. Specifically, new detached structures, or additions to existing structures, created for the purpose of establishing an ADU, shall not comprise more than 40 percent of the total front elevation of visible structure, including the combined ADU and primary unit. This standard does not apply for internal conversions of existing structures.

(h) Parking. One additional on-site parking space is required in conjunction with the establishment of an ADU. The two required off-street parking spaces provided for the primary residence shall be maintained.

(i) Design and Appearance. An ADU, either attached or detached, shall be consistent in design and appearance with the primary structure. Specifically, the roof pitch, siding materials, color and window treatment of the ADU shall be similar to the primary structure.

(j) Construction Standards. The applicant must apply for a building permit for an accessory dwelling unit. An ADU shall comply with applicable building, fire, health, and safety codes. Addressing of the ADU shall be assigned by the community development department. An ADU cannot be occupied until a certificate of occupancy is issued by the building department. The design and construction of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

(2) Detached accessory dwelling units require Type I site plan approval; however, no application fee is required.

(3) An accessory dwelling unit shall connect to public sewer and water. A home or lot not connected to public sewer and water, which adds an accessory dwelling unit, shall connect to public sewer and water.

(4) Impact fees for ADUs shall be calculated at 35 percent of the single-family rate. (Ord. 1929 § 1 (Exh. A §§ 3 – 6), 2020; Ord. 1886 § 1 (Exh. A), 2019; Ord. 1793 § 1 (Exh. A), 2016; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1654 § 1 (Exh. A), 2010; Ord. 1632 § 1 (Exh. A), 2009; Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.030 Adult family homes.

Repealed by Ord. 1613. (Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.040 Amusement devices.

Amusement devices, where permitted, are subject to Chapter 5.16 WMC. (Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.045 Automotive sales lots.

(1) Automotive sales lots shall be processed as a Type II site plan review, subject to the following criteria:

(a) Vehicle storage and maneuvering areas shall be paved.

(b) Lighting of lots shall be designed, placed and shielded to assure no excessive glare on adjacent properties or public rights-of-way.

(c) No inoperable vehicles shall be stored in automotive sales lots.

(d) Any repairs to automobiles in inventory shall be completed within an entirely enclosed building.

(2) Screening and Buffering. Vehicle storage areas abutting public or private streets or rights-of-way shall be screened with a medium screen B-2 buffer. Vehicle storage areas abutting a property line shall be screened with a high screen, B-3 buffer.

(3) Licensing. Prior to approval, the applicant shall provide evidence of license approval from the state of Washington. (Ord. 1421 § 1, 2001; Ord. 1262 § 1, 1997)

18.46.050 Automotive service stations and gasoline sales.

The minimum lot area for such use shall be 10,000 square feet, with at least 100 feet of frontage on a public street. Gasoline pump islands shall be set back at least 20 feet from public rights-of-way, although canopies may be located within 10 feet of rights-of-way. All driveway entrances must be at least 50 feet from a street intersection. (Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.060 Bed and breakfast establishments.

A bed and breakfast establishment must be accessory to a dwelling unit as the principal use on the property. The intent is to allow for a more efficient use of homes for a purpose, which has been found to be compatible with residential uses. An individual or family who operates the bed and breakfast establishment must occupy the house as their primary residence. Bed and breakfast establishments shall be limited to a maximum of four bedrooms for guests. No more than four people shall be accommodated per night per room, and shall not stay more than 14 consecutive days per visit. Food services may be provided only to overnight guests of the bed and breakfast. Banquets, parties, weddings or meetings for guests or other nonfamily members are prohibited. Residential structures may be remodeled for the bed and breakfast, but not enlargement except for minor expansions to accommodate additional kitchen or bathroom needs. Two off-street parking spaces, plus one off-street space for each bedroom to be rented, are required. Any additional parking shall be screened from adjacent property by a B3 buffer. Prior to occupancy, evidence of compliance with all health, state, building and fire regulations will be required. (Ord. 1465 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.070 Child day care facilities.

“Family day care” and “day care centers,” as defined in this title, shall meet the following requirements:

(1) Washington State child day care licensing requirements;

(2) Lot size, building size, setbacks and lot coverage requirements of the district in which it is located unless the structure is nonconforming;

(3) All applicable building, fire safety and health codes;

(4) Possess a city business license and be in compliance with city business licensing requirements;

(5) Provide a safe parking and loading area, which complies with Chapter 18.52 WMC;

(6) For family day care facilities operated in a private family residence, no signs are permitted, and any structural alterations to the private family residence must be consistent with the residential character of the surrounding neighborhood;

(7) Day care centers shall provide a minimum outdoor play area of 75 feet per person for whom care is being provided. The outdoor play area shall be separated from adjoining lots by a sight-obscuring fence of at least four feet in height. Fences must comply with WMC 18.46.110. (Ord. 1793 § 1 (Exh. A), 2016; Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.080 Christmas tree lots.

The director may require suitable guarantees that any property used for Christmas tree sales be restored in a neat and orderly condition after termination of said use. Said use may not encroach upon required parking spaces as determined by the director. (Ord. 1421 § 1, 2001; Ord. 1193 § 1 (Exh. E), 1996; Ord. 1167 § 1, 1995)

18.46.090 Churches, temples, synagogues and places of worship.

Churches shall be located on a site of at least one-half acre. A minimum 30-foot side and/or rear yard shall be required abutting any residential district, where applicable. (Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.100 Circuses, carnivals, fairs and exhibitions.

Such uses may be permitted for a term not to exceed 21 days, with written approval of the director. All such uses shall comply with Chapter 5.20 WMC. (Ord. 1193 § 1 (Exh. E), 1996; Ord. 1167 § 1, 1995)

18.46.105 Enclosed retail and personal services in residential zone.

Specific design standards apply to enclosed retail and personal services permitted in the R1 zones. Those design standards are:

- (1) Enclosed retail and personal services are required to be placed on corner lots, unless fronted by an arterial street.
- (2) The building is to be built to the sidewalk with parking on the side or rear of the building.
- (3) Fifty percent of the street front shall be in windows.
- (4) The architectural design shall include gabled rooflines, paned window treatment and awnings.
- (5) Signs shall be fascia or wall-mounted and may not be neon or lighted in any manner including internal lighting.
- (6) Neighborhood markets shall not have gasoline or fuel pumps.
- (7) Primary building entrances shall be oriented toward the public street. Buildings on corner lots shall have frontages on both streets.
- (8) The exterior finish of buildings shall be similar to that of the residential neighborhood and shall not be corrugated metal or vertical jointed wood siding (T1-11).
- (9) Parking, driveways or auto maneuvering areas shall not separate the primary face of the building (front entry face) from the abutting street.
- (10) Enclosed retail and personal services in residential zones shall provide a B3 buffer from adjoining residential uses. (Ord. 1632 § 1 (Exh. A), 2009; Ord. 1421 § 1, 2001)

18.46.106 Essential public facilities.

The purpose of this section is to establish a process for the siting of essential public facilities (EPFs), as defined by WMC 18.06.460, that are difficult to site. Comprehensive plans and development regulations cannot preclude the siting of such facilities within the city when the EPF is consistent with the Washington State Growth Management Act and other state statutes and regulations.

(1) Applicability and exemptions.

(a) Applicability. EPFs that are determined to be difficult to site by the director are subject to this section. The director shall make a determination that application of an EPF is difficult to site if one or more of the following criteria is met per WAC 365-196-550(2):

(i) The EPF needs a specific type of site such as size, location, available public services, of which there are few choices.

(ii) The EPF needs to be located near another public facility or is an expansion of an EPF at an existing location.

(iii) The EPF has, or is generally perceived by the public, to have significant adverse impacts that make it difficult to site.

(iv) Use of the normal development review process would effectively preclude the siting of an EPF.

(v) Development regulations require the proposed facility to use an EPF siting process.

(b) Exemptions. EPFs that have been evaluated through a state or regional siting process per WAC 365-196-550(3)(d).

(2) Application and review process.

(a) Pre-application conference required. Prior to submitting an application for an EPF, applicants shall attend a pre-application conference per WMC 18.94.045. Within the staff report for the pre-application conference, the director shall make a determination of whether the proposed EPF is considered difficult to site based on the criteria contained in WMC 18.46.105(1)(a) per WAC 365-196-550(2).

(b) If the proposed EPF is determined to be difficult to site, the application shall be reviewed under this section and processed as a conditional use per WMC 18.72 and subject to the Type III procedure pursuant to WMC 18.94.

(c) If the proposed EPF is determined not to be difficult to site, the application shall be processed as a conditional use per WMC 18.72 and this section does not apply. Solid waste transfer stations proposed within the heavy industrial district are subject to Site Plan Approval, WMC 18.88 and do not require conditional use approval.

(3) Additional submittal requirements for EPFs determine to be difficult to site.

(a) A complete application for a conditional use permit for an EPF that has been determined to be difficult to site shall include all of the items required by WMC 18.72.030 and the following information:

(i) A detailed written description of the proposed and potential public services to be provided, including a proposed site plan, the proposed service area of the facility, the source or sources of funding, and identification of any applicable public regulatory agencies or regional state or federal project agency sponsors and the federal or state authority which the agency has been granted for siting decision-making;

(ii) A written statement of the need, in statistical or narrative form, for the proposed project currently and over the following ten (10) year period;

(iii) An inventory of known, existing or proposed facilities, by name and address, within Washougal, Clark County, or region, serving the same or similar needs as the proposed project;

(iv) An explanation of the need and suitability for the proposed facility in the proposed location(s);

(v) Documentation showing the minimum siting requirements for the proposed facility. Site requirements may be determined by the following factors: minimum size of the facility, access, support facilities, topography, geology, and mitigation need. The applicant shall also identify future expansion needs of the facility;

(vi) A written analysis providing documentation of alternative site investigation and indicating whether any alternative sites have been identified that meet the minimum site requirements of the facility;

(vii) An assessment of the suitability of the proposed location in terms of local, county, regional and/or state needs in order to minimize public costs (where appropriate) and environmental impacts, to discern the suitability of the facility's location in Clark County, and specifically Washougal, to determine the number of jurisdictions affected or served by the proposed EPF, and to decide what, if any, inter-jurisdictional approach is most appropriate or available;

(viii) An analysis of the environmental, social, economic, financial and infrastructure impacts of the proposed EPF, including an assessment of the proportionate financial impacts on affected jurisdictions, agreements that allocate the financial burdens of the proposed project on the city and other jurisdictions, and the approximate area in which the proposed project could potentially have adverse impacts. These

impacts may include an increase in traffic congestion, public safety risks, noise, glare, emissions, and/or other environmental impacts;

(ix) A written analysis demonstrating that the proposal is consistent with the applicant's own long-range plans for facilities and operations;

(x) A written analysis of the proposal's consistency with the Washougal Comprehensive Plan and WMC requirements, and plans and policies of other affected jurisdictions, including but not limited to the Clark County county-wide planning policies;

(xi) Documentation of public involvement efforts to date, including public and agency comments received, and plans for future public participation;

(xii) All application materials required by other chapters of the WMC for components of the project not covered by this chapter, such as platting requirements, critical area code compliance, traffic concurrency, comprehensive plan and zoning, etc., so that code compliance for all components of the project can be reviewed together;

(xiii) Such information as requested by the director as determined necessary to complete the preliminary analysis or to otherwise assist the director, staff, and the hearing examiner in making the final determination on the application.

(b) If the city has identified a preferred location for an EPF and the applicant is seeking approval for a different location, the applicant shall present information as to why the city's preferred location, rather than the location applied for, will preclude development of the project. In addition, the applicant would be responsible for providing supporting data and documentation for both their preferred site and the city's preferred location for whichever is chosen. The applicant shall provide any engineering, financial and other studies and information necessary to explain its position, unless it has already done so through the comprehensive planning process. However, financial studies will not be required for linear transportation projects, such as roads and highways, proposed by the Washington State Department of Transportation.

(4) Approval criteria. For a proposed EPF to be approved, the director shall find that the following approval criteria are met:

(a) The proposal shall be consistent with the Washougal Comprehensive Plan and types of uses allowed by the underlying zoning of the proposed site.

(b) The applicant has demonstrated a need for the project, as supported by an analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed.

(c) If applicable, the project would serve a significant share of Washougal's population, and the proposed site will reasonably serve the project's overall service population.

(d) The applicant has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology.

(e) The project is consistent with the applicant's own long-range plans for facilities and operations.

(f) The project has fewer impacts in the particular geographic area in contrast with other available locations, as evidenced by a detailed explanation of site selection methodology.

(g) The applicant has provided a meaningful opportunity for public participation in the siting decision and development of mitigation measures that is appropriate considering the project's scope, applicable requirements of the Washougal Municipal Code, and state or federal law.

(h) The proposal complies with all applicable requirements of the WMC.

(i) The project site meets the facility's minimum physical site requirements, including projected expansion needs.

(j) The proposal, as conditioned, adequately mitigates significant adverse impacts to public health and safety, property, the environment, transportation systems, economic development and other identified impacts.

(k) The proposal shall not have any probable significant adverse impact on critical areas or resource lands, except for lineal facilities, such as highways, where no feasible alternative exists.

(l) The proposal is compatible with and incorporates specific features to ensure it responds appropriately to the existing or planned character, appearance, quality of development, and physical characteristics of the site and surrounding property.

(m) EPFs which generate substantial traffic should be sited near major transportation corridors.

(n) The applicant has proposed mitigation measures that are consistent with the Uniform Relocation Assistance Act, Chapter 8.26 RCW, as now and hereafter amended when otherwise required by law.

(o) EPFs shall also comply with all other applicable state and federal siting and permitting requirements.

(5) Decision.

(a) The hearings examiner may approve an application for an EPF that is difficult to site, approve with conditions or require modification of the proposal to comply with specified requirements or local conditions. The hearing examiner may deny an application for an EPF if the placement of the use would be unreasonably incompatible with the surrounding area or incapable of meeting the criteria required for approval or with specific standards set forth in this code.

(b) The hearings examiner, giving substantial weight to the recommendations of the staff report, shall review the application under the following criteria:

(i) Whether the proposed action as recommended by city staff is consistent with the approval criteria established in WMC 18.46.106(4).

(ii) Whether modifications to recommended conditions or restrictions, if any, are adequate to mitigate impacts in a manner which meets the standards of this code and any related development agreement; and

(iii) Whether project conditions cumulatively are reasonable and would not preclude development of the EPF.

(c) If the applicant proposes siting of an EPF in a location other than the city's preferred location (if a preferred location is recommended by city staff or otherwise designated under the city's comprehensive plan or this title), the hearing examiner, with additional analysis provided by the applicant pursuant to WMC 18.46.106(3)(b) and input from city staff, shall make findings and a decision as to whether siting the EPF at the city's preferred location would be impossible, impracticable, or otherwise preclusive. This criterion shall not apply to the siting of secure community transmission facilities.

(d) If the city doesn't have a preferred location, the applicant shall be responsible for providing supporting data and documentation for both their preferred site, or any alternative sites considered pursuant to WMC 18.46.106(4)(f).

(e) As a condition of approval pursuant to this section, the hearings examiner may:

(i) Stipulate the exact location as a means of minimizing hazards to public health and safety, property damage, impacts to the environment, erosion, underground collapse, landslides, or transportation systems;

(ii) Impose conditions necessary to avoid, minimize or mitigate any adverse impacts identified as a result of the project;

[\(iii\) Require the posting of construction and maintenance bonds sufficient to secure to the city the estimated cost of construction, installation and maintenance of required improvements; and](#)

[\(iv\) Impose any requirement that will protect the public health, safety, and welfare.](#)

18.46.110 Fences and hedges.

Fences not over 48 inches may occupy a front yard. Fences not over six feet in height may occupy the rear yard, side yard, and the street side yard on corner lots in back of the front yard setback line. No fence, wall or hedge shall be erected in such a manner as to obstruct vision within a public right-of-way or vision needed for driveway access onto a public right-of-way. Barbed wire top strands six feet above the ground may be permitted in commercial, industrial, and institutional and public districts. Razor wire shall be prohibited in all zone districts within the city of Washougal with the exception of heavy industrial. (Ord. 1849 § 1 (Exh. A), 2018; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1465 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.120 Garage sales.

Garage sales must comply with Chapter 5.56 WMC. (Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.130 Home occupations.

Home occupations must comply with the following provisions:

(1) Applicants for a home occupation shall obtain a home occupation permit to ensure compliance with these standards; home offices with no perceivable impacts, as determined by the director, are exempt from obtaining said permit.

(2) There shall be no structural alteration to accommodate the occupation.

(3) Not more than 25 percent of the floor space of the main floor, which may be in the basement or on the first floor only, of such dwelling may be used, and under no circumstances shall exceed 500 square feet in area.

(4) Home occupations shall not be conducted outside or in an accessory building detached from the principal dwelling.

(5) There shall be no external features or characteristics that suggest the principal building is used for anything except a residence; there shall be no commercial advertising, no window displays, nor sample commodities displayed outside the principal building.

(6) No material or mechanical equipment shall be used which will be detrimental to the residential use of the property or surrounding residences and properties because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factor.

(7) Materials or commodities delivered to or from the residence which are of such bulk or quantity as to require delivery by a commercial motor vehicle or a trailer, or the parking of customers' motor vehicles in a manner or frequency causing disturbance or inconvenience to nearby residents, or so as to necessitate a public parking lot, shall be prima facie evidence that the occupation is a primary business, and not a home occupation. (Ord. 1849 § 1 (Exh. A), 2018; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1632 § 1 (Exh. A), 2009; Ord. 1421 § 1, 2001; Ord. 1245 § 1, 1997; Ord. 1167 § 1, 1995)

18.46.145 Manufactured homes on individual lots.

(1) Class A and manufactured homes, as defined by WMC 18.06.800 and 18.06.810, shall be permitted on individual lots within all residential districts. Manufactured homes shall meet design standard (a) and at least three of standards (b) through (h) listed in subsection (2) of this section.

(2) Design Standards for Manufactured Homes. The following design standards shall apply to manufactured homes as expressly provided for in subsection (1) of this section.

(a) Removal of Devices. All removable towing devices, such as tongues, wheels, axles, hitches and transporting lights must be removed after placement on the lot;

- (b) A covered porch or entry area;
- (c) A garage or carport, constructed of finished materials similar to the residence;
- (d) Gables;
- (e) Eaves with a minimum projection of six inches;
- (f) Dormers;
- (g) Bay windows;
- (h) Window shutters. (Ord. 1758 § 1 (Exh. A), 2014; Ord. 1421 § 1, 2001; Ord. 1214 § 1, 1996)

18.46.150 Manufactured home parks.

Manufactured home parks, where permitted, shall meet the following requirements:

- (1) Site. The site area shall be no less than five acres nor more than 20 acres.
- (2) Access. The site must have direct access to a public road which shall have suitable right-of-way, pavement width, and curb radii to accommodate the entrance and exiting of manufactured homes (typically an arterial or collector street). Interior streets shall be improved to a width of not less than 28 feet from back of curb to back of curb. They shall include sidewalks on both sides of interior streets, and properly designated signs shall be installed.
- (3) Perimeter Buffer or Screen. Where natural vegetation exists, a perimeter buffer of at least 10 feet in depth shall be required around the entire manufactured home park development, except for approved access crossings. Where natural vegetation does not exist, a landscape strip with a minimum depth of 10 feet, consisting of evergreen or other suitable screening vegetation shall be installed around the entire perimeter of the manufactured home park development, except for approved access crossings.
- (4) Maximum Density. The maximum density shall be that permitted for the district in which the manufactured home park is located.
- (5) Recreation and Open Space. Not less than five percent of the area devoted to a manufactured home park development shall be improved and maintained for recreational and/or open space purposes, exclusive of the perimeter buffer.
- (6) Individual Space Requirements. Individual manufactured home spaces within the park shall be a minimum of 3,000 square feet in area with a minimum width of 20 feet.
- (7) Community Laundry and Other Facilities. Depending upon the size of the manufactured home development, the planning commission may require laundry facilities as part of the development and other such convenience commercial facilities for which a demand will be created, to avoid unnecessary vehicle trips to and from the development.
- (8) Design and Location Standards. Manufactured homes located in a manufactured home park shall be skirted with fully sight-obscuring material (such as masonry or a material consistent in color and material with the primary siding of the manufactured home) that provides an appearance of permanency, and shall meet, at the minimum, standards (a) through (c) of WMC 18.46.145(2). New manufactured homes in manufactured home parks should, to the extent possible, be designed and placed so as to meet the definition of a Class A manufactured home. (Ord. 1758 § 1 (Exh. A), 2014; Ord. 1421 § 1, 2001; Ord. 1214 § 1, 1996; Ord. 1167 § 1, 1995)

18.46.170 Swimming pools.

Swimming pools shall meet the yard requirements of the underlying zoning district as well as the requirements of WMC 15.04.020(2). (Ord. 1886 § 1 (Exh. A), 2019; Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.180 Taxicab operations.

Taxicab operations shall comply with Chapter 5.68 WMC. (Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.200 Townhouses.

Each fee-simple townhouse shall be located on its own lot of record, and subdivision plat approval shall be required in accordance with the Washougal subdivision regulations. Each lot shall be a minimum of 2,000 square feet with a minimum lot width and frontage of 18 feet. No more than six townhouses shall be permitted to form any one building. Townhouse construction is exempt from the maximum lot coverage requirements of the underlying zone. Townhouse developments shall not exceed the maximum density permitted for the district in which they are located. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.210 Travel trailers and recreational vehicles storage.

House trailers, horse trailers, tents, automobiles and boats must meet the requirements of WMC 9.70.040(17) and they are not recognized as permanent residences and such uses may be permitted only in appropriate zones, and for a time period not to exceed 21 days. (Ord. 1886 § 1 (Exh. A), 2019; Ord. 1421 § 1, 2001; Ord. 1167 § 1, 1995)

18.46.220 Recycling centers and motor vehicle junkyards.

(1) Permit Required. It is unlawful for any person, persons, partnership or corporation to operate or maintain a recycling center or motor vehicle junkyard or engage in the business of such within the city limits, without having obtained a permit from the city to so engage in the business of recycling center or motor vehicle junkyard. Motor vehicle junkyards or recycling centers shall be located on a minimum of two acres.

(2) Permit Requirements for Recycling Collection Boxes. An annual permit is required for the installation of a recycling collection box. The application, along with a fee as identified in WMC 3.90.010 is to be signed by the property owner and submitted to the community development director, who will within 30 days, approve or deny the permit. The permit will be good for a period of one year from the date of approval and is revokable if the applicant is found to be in violation of the provisions of this section.

(3) Special Permit Application – Fee Required. Application of a special permit to conduct a business of a recycling center or motor vehicle junkyard, shall be in writing, signed by the property owner, setting out the true name of the owners of the business, the exact description of the premises upon which the applicant intends to conduct the business, the nature and kinds of material and recycling which will be collected, bought, sold and/or volume stored, the method of collection, storage and transfer, and the application shall be signed by the property owners and accompanied by a fee as identified in WMC 3.90.010 and a statement that the owner will abide by and conduct the business according to the city ordinances.

(4) Special Permit – Issuance. The application for special permit shall be promptly considered by the planning commission, which shall forward a recommendation to the city council which shall determine within 45 days whether and if the application is approved or not. If approved, a special permit shall forthwith be issued by the building official.

(5) Special Permit – Revocation. Any person, persons, partnership or corporation who has received a permit to conduct a business of a recycling center or motor vehicle junkyard who has violated this section or other code provisions two or more times within one year from the date of issuance of the permit shall be subject to revocation. The special permit may be revoked only by a two-thirds vote of the council at any regular or special meeting thereof; provided, the holder of the permit has been notified in writing of the date, time and place of hearing concerning the revocation at least five days prior to the date of the hearing.

(6) Maintenance – Fencing Standards. Any person, persons, partnership, or corporation engaging in operating or maintaining a recycling center, recycling collection box or motor vehicle junkyard within the city limits shall have the operation so operated and so maintained that if any recyclable materials, junked motor vehicles or rubbish are within 150 feet of any street or highway, they shall be enclosed by a board or metal fence eight feet in height and so constructed, built and maintained so as to present an appearance not offensive to the traveling public, and if the recyclable materials, junked motor vehicles or rubbish are 150 feet from any street or highway, they shall be kept and maintained with due regard to the appearance, health and safety of the public. It shall be unlawful for any person, persons, partnership or corporation in the city to engage in the dismantling, wrecking or breaking up of any automobile, piece of machinery or article, without complying with these fencing and maintenance standards.

(7) Junked Motor Vehicles to be Enclosed. It is unlawful for any person, persons, partnership or corporation engaged in operating a recycling center or motor vehicle junkyard in the city to place, park, store, maintain or leave

any wrecked, junked, or dismantled or abandoned motor vehicles on any street of the city, or upon any parking area along the streets or upon any public, private or railroad property or pieces of land outside an area fenced and maintained in accordance with this section.

(8) Accumulation of Scrap. It is unlawful for any person, persons, partnership or corporation so engaged in the business of maintaining or operating a recycling center, recycling collection box or motor vehicle junkyard in the city to allow, establish or maintain an accumulation of iron, tin, fencing, wire scrap, metal, rubber tires, papers or other recyclable materials or junked motor vehicles without complying with the maintenance and fencing standards of this section.

(9) Accumulation of Garbage. Any accumulation of garbage, as defined by this title, shall conform to Chapter 7.04 WMC. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1421 § 1, 2001; Ord. 1245 § 1, 1997; Ord. 1193 § 1 (Exh. A), 1996; Ord. 1167 § 1, 1995)

18.46.230 Adult entertainment establishments.

(1) Purpose. The purpose of this section is to regulate the location, licensing and operation of adult entertainment enterprises in order to promote the health, safety and welfare of all city citizens and in order to preserve and protect the quality of, and the quality of life in and around all city neighborhoods through effective land use planning and reasonable regulation in light of the findings adopted by city council and to regulate the display of adult materials by other commercial establishments.

(2) Applicability. The provisions of this section apply to any adult entertainment establishment, as defined by subsection (3)(a) of this section, within the corporate limits of the city.

(3) Definitions. Any term used in this chapter shall be defined as follows, as it is defined under Chapter 18.06 WMC.

(a) “Adult entertainment enterprise” (also “adult entertainment establishment,” “adult business,” “adult oriented business,” “sexually oriented business” or any combination thereof used in the context of this section) means an establishment including an adult arcade, adult bookstore, adult lounge, adult encounter center, adult lotion or massage parlor, adult modeling studio, adult motel, adult movie theater, adult video store, or any similar establishment to which customers are invited or permitted access and which, for consideration of any kind, offers adult materials to such customers when:

(i) Any live, video or film adult materials are displayed to customers while on the premises of the establishment; or

(ii) Adult materials, constituting either 50 percent or more of the establishment’s stock in trade, as computed by items offered for sale, or 50 percent of gross revenue, is offered for the off-premises display to customers.

(iii) “Adult entertainment enterprises” include the following uses:

(A) Adult Arcade. “Adult arcade” means an adult entertainment enterprise, or segment thereof, which provides rooms, booths or devices, whether referred to as arcades, panoramas, peep shows, preview rooms, reading rooms or viewing booths, and regardless of the method of activation or operation, in which or upon which are produced graphic displays or other pictorial or visual images of adult material for the on-premises display to five or fewer customers at any one time;

(B) Adult Bookstore. “Adult bookstore” means an adult entertainment enterprise, or segment thereof, which offers books, magazines, record or audio tape jackets, periodicals or other printed or pictorial matter constituting or containing adult material which is offered to customers;

(C) Adult Encounter Center. “Adult encounter center” means an adult entertainment enterprise, or segments thereof, whether referred to as a lotion studio, massage parlor, sexy reading room, spa, steam bath or sauna, wherein either employees or customers, or both, display and has direct physical contact

with specified anatomical areas of one another or engage in specified sexual activities with or in the presence of one another;

(D) Adult Lounge. “Adult lounge” means an adult entertainment enterprise, or segment thereof, including any bar, cabaret, lounge, tavern, theater, concert hall, auditorium or similar structure, regardless of whether such enterprise dispenses alcohol or is regulated by or under the authority of the state of Washington, wherein the live on-premises display of adult material either by employees or customers, or both, is provided or permitted;

(E) Adult Modeling Studio. “Adult modeling studio” means an adult entertainment enterprise, or segment thereof, wherein models are provided who engage in or display adult material while being observed, painted, sketched, drawn, sculptured, photographed, or otherwise depicted by customers;

(F) Adult Motels. “Adult motels” means a commercial establishment, including hotel, motel or similar public accommodation which:

(I) Display a primary or secondary sign, visible from the public right-of-way, which advertises the establishment as an “adult” facility or advertises the availability of services set forth in subsections (3)(a)(iii)(B) or (C) of this section, and

(II) Offers sleeping rooms for rent at a reduced rate for a period of time that is less than 10 hours, or

(III) Provides to its customers facilities for on-premises viewing of adult material not transmitted over the airways.

Evidence that such establishment has, on more than three occasions in any period of 10 consecutive days; engaged in conduct described in subsection (3)(a)(iii)(F)(II) of this section shall constitute prima facie evidence that such establishment is an adult motel;

(G) Adult Movie Theater. “Adult movie theater” means an adult entertainment enterprise, or segment thereof, wherein motion picture films, video cassettes, cable television, or any other such visual media in which adult material constitutes a predominant theme are regularly displayed on-premises to more than five customers at any one time;

(H) Adult Video Store. “Adult video store” means an adult entertainment enterprise, or segment thereof, which offers still photographs, motion picture film, video cassettes or other recorded visual images or pictorial representations constituting or containing adult materials for off-premises display.

(b) “Adult material” means any material, conveyed or communicated by live performance, still photograph, printed or pictorial matter, motion picture film, slide, video cassette, recorded graphic or visual imagery, human conduct, or any other medium which material is intended to provide sexual stimulation or sexual gratification and which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. “Adult material” also includes any instrument, device or paraphernalia designed for use in connection with specified sexual activities.

(c) “Council” means the city of Washougal city council.

(d) “Church” means a permanently located building primarily used for religious worship, or as defined by WMC 18.06.240.

(e) “Establishment” means any business engaged in with the object of gain, benefit or advantage, direct or indirect, to the owner, operator or another person, including any business use, commercial use, home business or home occupation regulated under this title, but excluding:

(i) Churches, as defined in this section;

(ii) Any private or public college or university, as defined in and regulated by RCW Title 28B;

- (iii) Health care professionals, as defined in RCW 18.120.020(1);
 - (iv) Hospitals, as defined in and regulated by RCW Title 70;
 - (v) Any recognized historical society or museum, any college or university library, or any other archive or library under the supervision of the state, county, a municipality or other political subdivision;
 - (vi) Nursing homes, as defined in RCW 18.51.010(1);
 - (vii) Private or public schools, as defined in and regulated by RCW Title 28A;
 - (viii) Any facility operated by the state, county, city, a municipality or other political subdivision;
 - (ix) Vocational education programs, as defined in or regulated by RCW Title 28C or by this title.
- (f) Conduct Any Business. Any person who does any one or more of the following shall be deemed to be “conducting business”:
- (i) Operates a cash register, cash drawer or other depository on the premises of an establishment where cash funds, other instruments, or records of credit card or other credit transactions generated in any manner by the operation of the establishment or the activities conducted therein are kept;
 - (ii) Displays or takes orders from any customer for any merchandise, goods, entertainment or other services offered on the premises of the establishment;
 - (iii) Delivers or provides to any customer any merchandise, goods, entertainment or other services offered on the premises of the establishment;
 - (iv) Acts as a door attendant to regulate entry of customers or other persons into the premises of the establishment; or
 - (v) Supervises or manages other persons in the performance of any of the foregoing activities on the premises of the establishment.
- (g) “Contact” means the performance of any specified sexual activity or any touching, clothed or unclothed, direct or indirect, of specified anatomical areas.
- (h) “Customer” means any person 18 years of age or older who:
- (i) Is allowed to enter a regulated establishment, in return for the payment of an admission fee or any other form of consideration or gratuity;
 - (ii) Enters a regulated establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
 - (iii) Is a member, guest or invitee of and on the premises of a regulated establishment operating as a private club.
- (i) “Day care center” means a building and premises in and on which individuals are cared for during some portion of a 24-hour period, as further defined at Chapter 18.06 WMC.
- (j) “Department” means the community development department of the city of Washougal.
- (k) “Display” means any performance or exposure of adult materials or the rendition of any services involving or relating to the performance or exposure of adult materials to customers for consideration of any kind when customers are allowed to read or view such material in its entirety or to inspect or handle such material outside of opaque sealed containers. The physical delivery of printed matter or of goods or merchandise in sealed

containers, for any consideration, to customers without on-premises performance or exposure, or rendition of services, is not a display.

(l) "Display surface" means the entire surface of a sign, on one side, devoted to exhibiting advertising. The "display surface" shall not include the sign frame and incidental supports thereto.

(m) "Employee" means any person who renders any service whatsoever to the customers of an establishment or who works in or about an establishment or who receives compensation for such services or work from the operator or owner of the establishment or from any customer therein.

(n) "Exterior portion" means any part of the physical structure of a regulated establishment, including a wall, veneer, door, fence, roof, roof covering, fascia or window, which is visible from any public property, public way, or common area.

(o) "Interior portion" means any part of the physical structure of a regulated establishment to which customers are invited or allowed access, including restrooms.

(p) "Library" means any library of any college or university, any archive or library under the supervision of the state, county, city, a municipality or other political subdivision, including any recognized historical society or museum.

(q) "License, adult entertainment license" means a current, valid document issued by the community development department of the city pursuant to this chapter to an operator of an adult entertainment enterprise.

(r) "Licensee" means the person or persons to whom an adult entertainment license is issued.

(s) "Operator" means the manager or other natural person principally in charge of a regulated establishment.

(t) "Owner" means the proprietor, if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors, and persons holding 10 percent or more of the outstanding shares of a corporation. The term owner shall not include any limited partner or shareholder who has given the operator a statement under oath that he or she does not desire to be listed on the license application and that he or she waives any right to any notice that is required or permitted to be given under this chapter.

(u) "Park" means publicly owned real property dedicated to recreational uses.

(v) "Community development director" means the community development director of the city.

(w) "Regulated establishment" means any adult entertainment enterprise as defined in this chapter.

(x) "Residential zone" means any real property zoned for urban or rural single-family or multifamily residential use pursuant to this title.

(y) "School" means a building where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term "school" is limited to public and private schools used for primary or secondary education, in which regular kindergarten or grades one through 12 classes are taught or special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of the grades one through 12. The term "school" shall be construed to encompass all associated and adjoining real property which is then dedicated and used for school purposes.

(z) "Police chief" means the police chief of the city.

(aa) "Sign," in addition to the meanings prescribed in this title, means any display, design, pictorial or other representation, which shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever so that the same is visible from the outside of a regulated establishment and that is used to seek the attraction of the public to any goods, services or merchandise available at such regulated establishment. The term "sign" shall also include such representations painted on or otherwise affixed to any

exterior portion of a regulated establishment as well as such representations on or otherwise affixed to any other part of the tract upon which such a regulated establishment is situated.

(bb) "Specified anatomical areas" means:

(i) Less than completely and opaquely covered:

(A) Human genitals, pubic region or pubic hair,

(B) Buttock,

(C) Female breast or breasts below a point immediately above the top of the areola,

(D) Any combination of the foregoing listed in this subsection; or

(ii) Human male genitals in a discernibly erect state, even if completely and opaquely covered.

(cc) "Specified sexual activities" means:

(i) Human genitals in a discernible state of sexual stimulation or arousal;

(ii) Acts of human masturbation, sexual intercourse or sodomy;

(iii) Fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock or female breast or breasts; or

(iv) Any combination of the foregoing listed in this subsection.

(4) Procedures. Requests to establish an adult entertainment establishment shall be processed as a Type II application, pursuant to Chapter 18.94 WMC.

(5) Submittal Requirements. In addition to the information required by WMC 18.94.050, the applicant shall submit the following information:

(a) A site plan, prepared in accordance with the provisions of Chapter 18.88 WMC;

(b) A written description of the proposal, including details of the type or types of adult enterprises to be operated by the prospective licensee (e.g., arcade, bookstore, lounge, encounter center, lotion or massage parlor, modeling studio, motel, movie theater, video store) and shall specify whether the enterprise will involve live on-premises display or on-premises display;

(c) Exterior, signage and interior plans drawn to scale and accurate to plus or minus six inches which cover the applicable requirements and provisions of the city sign code.

(6) Criteria. The community development director shall approve a request for an adult entertainment establishment if the applicant and proposal meets all of the following criteria:

(a) Applicant Requirements. The intended operator, any owner, or any present or intended employee shall not have, within the 24-month period preceding the filing of the application, been convicted of any of the following offenses:

(i) Promoting pornography, RCW 9.68.140;

(ii) Rape in the first degree, RCW 9A.44.040;

(iii) Rape in the second degree, RCW 9A.44.050;

(iv) Rape in the third degree, RCW 9A.44.060;

- (v) Statutory rape in the first degree, RCW 9A.44.070;
- (vi) Statutory rape in the second degree, RCW 9A.44.080;
- (vii) Statutory rape in the third degree, RCW 9A.44.090;
- (viii) Indecent liberties, under either RCW 9A.44.100(1)(a) or 9A.44.100(1)(b);
- (ix) Indecent exposure, RCW 9A.88.010;
- (x) Prostitution, RCW 9A.88.030;
- (xi) Promoting prostitution in the first degree, RCW 9A.88.070;
- (xii) Promoting prostitution in the second degree, RCW 9A.88.080;
- (xiii) Permitting prostitution, RCW 9A.88.090;
- (xiv) Distributing controlled substance, RCW 69.50.406; or
- (xv) A substantially similar offense under the laws of another state.

(b) Location Requirements. Adult entertainment establishments shall meet the following locational criteria:

- (i) Conflicting Uses. No adult entertainment enterprise shall be permitted if the same is hereinafter located within 500 feet of any residential zone, school, church, day care center, park or public service facility, such as City Hall or social service center; provided, that such distance requirement shall not apply to use separated by a limited access freeway. Measurements, for purposes of this section, shall be made on a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the adult entertainment enterprise to the nearest point on the property line of such school, church, day care center, park or residential zone.
- (ii) Other Adult Entertainment Uses. No adult entertainment enterprise shall be permitted nor conduct any business within 1,000 feet of any other adult entertainment enterprise operating under a current and valid adult entertainment license; provided, that such distance requirement shall not apply to adult entertainment enterprises separated by a limited-access freeway. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's adult entertainment enterprise to the nearest point on the property line of any other adult entertainment enterprise.

(c) Exterior Regulations. Signage shall comply with applicable requirements of WMC 18.60.120.

- (i) Visual Access. No license shall be issued or continued for an adult entertainment enterprise, if the merchandise or activities of the adult entertainment enterprise are visible from any point outside such enterprise.
- (ii) Exterior Decor. No license shall be issued or continued for an adult entertainment enterprise, if the exterior portions of such enterprise have flashing lights, or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner.

(d) Interior Regulations. The interior of the establishments shall meet the following criteria:

- (i) Lighting Requirements. No permit shall be issued or continued for an adult entertainment enterprise unless such enterprise installs or maintains, except during actual projection of films by adult movie theaters, overhead lighting fixtures of sufficient intensity to illuminate every place within the interior of the premises to which customers will be permitted access at an illumination sufficient to read 12-point type.

(ii) Interior Sight and Setback Requirements. Except for an adult motel, no license shall be issued or continued for any adult entertainment enterprise unless the floor plan, as built and maintained, provides for the following:

(A) Unobstructed Observation. Unobstructed observation, from any manager station or stations, measured in a straight line, must be possible so that all customers are visible from the waist down at all times in any portion of the interior of the enterprise. For purposes of this section, doors, curtains, partitions, racks, shelves or display racks shall be deemed obstructions. This section shall not apply to restrooms within the premises.

(B) Live Display Areas and Setbacks. In the case of adult lounges, adult modeling studios or like enterprises which provide live on-premises display of adult material, in addition to the requirements of subsection (6)(d)(ii)(A) of this section, all areas where such display will occur shall be raised to a height of not less than two feet and shall be separated by a setback area of a distance often lineal feet from any customer observation area, measured in a straight line from the nearest point of the display area to the nearest point of customer observation.

(7) Floor Plans for Permitted Establishments. No license shall be issued or continued for an adult entertainment enterprise unless a floor plan is submitted with any original, transfer or renewal application. Such floor plan shall accurately reflect the interior floor plan of the enterprise at the time of filing of the application and shall designate:

- (a) All portions of the enterprise to which customer access will not be permitted;
- (b) The location of any manager's station or stations and cash registers;
- (c) The location of all overhead lighting fixtures;
- (d) The location of all restrooms;
- (e) The location of all partitions, rooms or booths and the entrances to such rooms or booths;
- (f) The location of all fire exits;
- (g) In the case of an adult lounge or adult modeling studio or similar establishment, the location where any live on-premises display will occur and the exact distance, measured in a straight line to the nearest point for customer observation; and
- (h) The place within the interior of the establishment where the permit of occupancy and adult entertainment license shall be posted, if granted.

(8) Alterations to Permitted Establishments. No additions or alterations to any approved floor plan, other than the removal of booths, rooms or partitions, may be made without prior written approval of the community development director upon written application by the licensee, supported by a floor plan, as required by this section, showing the nature and extent of such addition or alteration. No application for a modified permit of occupancy shall be accepted for filing without payment in full of a fee of \$50.00. Alteration to floor plans of a permitted establishment shall be processed as a Type I land use action, pursuant to Chapter 18.94 WMC. (Amended during 9/08 supplement; Ord. 1613 § 1 (Exh. A), 2008; Ord. 1421 § 1, 2001; Ord. 1259 § 1, 1997)

18.46.240 Zero lot line developments.

Zero lot line development shall be permitted as provided for in Table 18.14-1, subject to the following conditions:

- (1) Dwellings shall have no more than one common wall;
- (2) There shall be no more than two dwellings per zero lot line development. Three or more dwellings with common walls is considered a townhouse development;
- (3) With the exception of the zero lot lines, all other setbacks of the underlying zone shall be met;

(4) Parking shall be provided at a ratio of two spaces per dwelling unit;

(5) The density of zero lot line development shall not exceed that permitted by the underlying zone. (Ord. 1421 § 1, 2001; Ord. 1264 § 1, 1997)

Chapter 18.90

TRANSPORTATION CONCURRENCY

Sections:

- 18.90.010 Purpose.
- 18.90.020 Applicability.
- 18.90.030 Determination of applicability.
- 18.90.040 Transportation analysis and transportation impact study.
- 18.90.050 Levels of service standards and analysis.
- 18.90.060 Concurrency test.
- 18.90.070 Exemptions from concurrency.
- 18.90.080 Provide needed transportation improvements.
- 18.90.090 Intergovernmental coordination.
- 18.90.100 Annual updates and tracking.

18.90.010 Purpose.

It is the purpose of this chapter to assure adequate levels of service on transportation facilities for existing use as well as for new development in the city and to provide adequate transportation facilities that achieve and maintain city standards for levels of service as provided in the comprehensive plan. It is also the purpose of this chapter to ensure that city level of service standards are achieved “concurrently” with development (as required by the Growth Management Act) by approving development applications that would not cause the level of service on transportation facilities to decline below city standards. Applicants for development may propose mitigation measures that will achieve and maintain the city’s standard for level of service. (Ord. 1542 § 2, 2006; Ord. 1228 § 1, 1997)

18.90.020 Applicability.

This chapter applies to development permit applications including subdivisions, short plats, site plans, shoreline development, conditional use and special use permits which have a potential vehicular impact on the level of service of a segment or intersection of any roadway with a comprehensive plan functional classification of residential collector or higher. Except as required by WMC 18.90.070, development applications that generate less than 25 total weekday morning or evening peak hour trips are not subject to concurrency review, but must prepare a transportation analysis to address safety and operational considerations. Development applications that will generate 25 or more total weekday morning or evening peak hour trips are subject to concurrency review and must prepare a transportation impact study. Requirements of a transportation analysis and a transportation impact study are described in WMC 18.90.040. (Ord. 1542 § 2, 2006; Ord. 1228 § 1, 1997)

18.90.030 Determination of applicability.

- (1) At the preapplication stage of the permit application a determination will be made as to what type of transportation study will be required and whether concurrency review is necessary based on the project size, number of trips generated and other potential impacts. The community development director may require additional information, beyond what is required by WMC 18.90.040, to be submitted with the full application.
- (2) The development is not required to meet concurrency requirements if the project meets the exemption provisions in WMC 18.90.070.
- (3) Concurrency review and test will be conducted when a complete development permit application is submitted to the city. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1542 § 2, 2006; Ord. 1228 § 1, 1997)

18.90.040 Transportation analysis and transportation impact study.

- (1) Scope and Contents of Transportation Analysis.

- (a) The study shall be prepared or certified by an engineer licensed in the state of Washington with expertise in traffic and transportation engineering.

(b) Calculation of morning peak hour, evening peak hour, and daily trip generation in accordance with WMC 18.90.060, even if the application is not subject to concurrency review. Trip generation during other peak hours may also be required if requested by the community development director.

(c) Assignment of site traffic to the surrounding street system for all examined peak hours. Show trip assignment for all intersections to which the development adds 10 or more weekday morning or evening peak hour trips.

(d) Sight distance analysis at all site access points.

(e) Examination of access spacing standards.

(f) Additional information or analysis may be required at the discretion of the community development director.

(2) Scope and Contents of Transportation Impact Study.

(a) All site accesses and any intersection to which the development adds 25 or more peak hour trips shall be included in the study and be subject to all requirements of this section.

(b) The study shall include all items contained in subsection (1) of this section.

(c) Existing peak hour traffic counts at all study area intersections. The counts shall not be more than 12 months old, as measured at the time the application is deemed technically complete.

(d) A multimodal level of service analysis consistent with the latest version of the Transportation Capital Facility Plan for: based on the latest version of the Highway Capacity Manual, published by the Transportation Research Board.

(i) Vehicle level of service per the most recent version of the Highway Capacity Manual, published by the Transportation Research Board, and

(ii) Pedestrian and bicycle level of traffic stress per the most recent version of the WSDOT Design Manual published by the Washington State Department of Transportation.

(e) Signal warrant analysis based on warrants in the Manual on Uniform Traffic Control Devices (MUTCD) if applicable. Particular attention should be given to intersections identified as “future signalized” in the adopted transportation capital facilities plan.

(f) Left- and right-turn lane analysis if applicable.

(g) Crash analysis consisting of the most recent complete three-year crash history. Safety mitigations at intersections shall be identified at any location with a crash rate in excess of one crash per million entering vehicles. Safety mitigations shall be identified for roadway sections where the crash rate is in excess of two and one-half crashes per million vehicle miles.

(3) For comprehensive plan amendments or other land use actions that increase the potential trip generation of a property, a transportation impact study will be required that includes all elements of subsection (2) of this section as well as:

(a) Trip generation calculations that compare the trip generation of the site with a reasonable worst-case development under the current land use regulations to a reasonable worst-case development under the proposed land use regulations.

(b) A full analysis of the study area intersections for conditions 20 years in the future. This analysis shall consider:

(i) Conditions under current land use regulations.

- (ii) Conditions under current land use regulations plus the net increase in trip generation resulting from the land use action.
 - (c) Mitigations shall be proposed for any intersection operational deficiencies that are a result of the potential increase in trip generation.
- (4) The community development director may modify the required contents as follows:
- (a) The community development director has the discretion to require more or less information and analysis if it is deemed appropriate based on the project's size and potential impacts. However, such modifications shall be identified at the preapplication stage or as a portion of the determination of technically complete, if the proposal is not subject to a preapplication conference. Additional addenda beyond this identification may be required only if, through the review process, the community development director is made aware of critical LOS problems or transportation safety issues.
 - (b) The community development director may waive the need for or limit the scope of a transportation impact study level of service analysis by a written determination that potentially affected intersections and arterials and/or collectors:
 - (i) Will not fall below LOS standards set forth in WMC 18.90.060; or
 - (ii) Have been adequately analyzed in research or reports available to the city, performed within one year prior to submittal of the application. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1542 § 2, 2006; Ord. 1228 § 1, 1997)

18.90.050 Levels of service standards and analysis.

Level of service standards for transportation facilities, as established in the most recent version of the Transportation Capital Facility Plan, are adopted by ordinance codified in this chapter.

(1) Vehicle level of service.

~~(1)(a) – Transportation facilities levels of service standards, as established in the city capital facility plan, are incorporated and adopted by the ordinance codified in this chapter.~~ The level of service standard for signalized intersections is level of service D or better, with all approaches operating with a volume-to-capacity (v/c) ratio of less than one. For unsignalized intersections, the critical movement on the stop-controlled approach shall operate at level of service E or better. Level of service F may be acceptable if all of the following are met:

- ~~(i)~~ (a) The critical movements operate at a v/c ratio less than one;
- ~~(ii)~~ (b) Installation of a traffic signal is:
 - ~~(A)~~ (i) ___ Not warranted; or
 - ~~(B)~~ (ii) ___ Not recommended as documented in the transportation impact study;
- ~~(iii)~~ (c) No other capacity improvements are identified that could mitigate the level of service; and
- ~~(iv)~~ (d) The intersection will operate safely.

~~(b)(2)~~ Intersections with facilities designated as “Highways of Statewide Significance” (HSS) ~~under HB 1487 (1998 legislation), codified as pursuant to RCW 47.06.140, shall be exempt from study under transportation concurrency in accordance with Chapter 36.70A.70 RCW. – The HSS was designated by the Transportation Commission through Resolution No. 660 on January 21, 2004. The Legislature concurred and adopted the HSS, including a map and route list through Engrossed House Bill 1433 on March 31, 2004.~~ This does not exempt these intersections from intersection study that may be required under the State Environmental Policy Act (SEPA). (Ord. 1542 § 2, 2006; Ord. 1228 § 1, 1997)

(2) Pedestrian and bicycle level of service Pedestrian and bicycle level of service is measured as “level of traffic stress” consistent with the latest version of the Transportation Capital Facility Plan. Level of traffic stress is a framework used to evaluate the comfort, usability, and accessibility of walking and bicycling routes and considers key factors such as vehicle proximity (buffering), path conditions, and roadway speeds.

(a) The pedestrian level of service standard for pedestrian facilities is a level of traffic stress rating of 2 or better.

(b) The bicycle level of service standard for bicycle facilities is a level of traffic stress rating of 2 or better.

18.90.060 Concurrency test.

(1) The community development director shall perform a concurrency test for each application subject to concurrency review.

(2) Applications for preliminary development permits shall be tested in the order that applications are determined by the community development director to be technically complete under Chapter 18.94 WMC. A transportation impact study, as specified in WMC 18.90.040, shall be included with the application for it to be considered technically complete.

(a) Final development permit applications that have been previously reviewed and tested, and have met all requirements for concurrency review as established by this chapter, shall not be subject to concurrency unless it is determined by the community development director that the project has changed substantially, requiring additional concurrency review and testing.

(3) The concurrency test shall be applied only to the specific scope of the development proposal. Applicants shall specify uses, densities and intensities that are consistent with the uses allowed for the property.

(4) In conducting the concurrency test, the community development director shall use standard trip generation rates or equations as set forth in the most recent edition of the ITE Trip Generation Manual. In using the manual, the community development director shall apply the land use code and trip generation rates or equations that most accurately and realistically portray the anticipated actual trip generation from the development. An applicant may submit a calculation of alternative trip generation rates for the proposed development, which must be completed or certified by an engineer licensed in the state of Washington with expertise in traffic and transportation engineering. The community development director shall review the alternative calculations and make a written determination within 20 business days of submittal as to whether such calculation will be used in lieu of the standard trip generation rates. The community development director shall adjust the trip generation forecast of proposed development to account for transportation strategies proposed by the applicant and accepted by the community development director.

(5) The community development director shall not approve a development application unless transportation facilities meet or exceed the LOS standards for existing uses or the impacts of the proposed development are mitigated to meet concurrency standards.

(a) If the LOS of transportation facilities impacted by the development meets the LOS standard with the impact of the proposed development, the development meets concurrency.

(b) If the LOS of transportation facilities impacted by the development falls below the level of service standard with the impact of the proposed development, the development does not meet concurrency and the applicant shall complete one of the following options:

(i) Propose mitigation measures that would assure concurrency is met for the development. Mitigation may include altering the development design or density, voluntarily arranging for the transportation facilities needed to meet concurrency, or other measures acceptable to the community development director;

(ii) Accept the denial of the development application; or

(iii) Appeal the denial of the application pursuant to the provisions of the Washougal Municipal Code. The community development director shall encumber any available capacity during the appeal.

(6) An existing or resultant LOS below city standards on any leg of an intersection of a city street with a state facility that is not under direct city control shall not result in a denial of the application. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1542 § 2, 2006; Ord. 1228 § 1, 1997)

18.90.070 Exemptions from concurrency.

The following applications for a development permit are exempt from the concurrency requirement, and may commence with gaining permit approvals and development without applying for concurrency review, although a transportation analysis may still be required:

(1) Any development that generates less than 25 peak hour trips to any transportation facility. At the discretion of the community development director, the threshold for concurrency review may be lowered to 10 peak hour trips if:

(a) The development contributes more than 10 peak hour trips to a transportation facility that has been identified through previous study as operating at or near the performance standards identified in WMC 18.90.050.

(2) The first renewal of a previously issued, unexpired permit; provided, that substantial progress has been made, as outlined in the applicable sections of WMC Title 17 or 18.

(3) Expansions or phases of projects that were disclosed by the applicant and subject to a concurrency test as part of the original application (i.e., phased development); provided, that concurrency review was conducted for the expansion or subsequent phases. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1542 § 2, 2006; Ord. 1228 § 1, 1997)

18.90.080 Provide needed transportation improvements.

(1) The community development director shall coordinate with the public works director to provide for adequate transportation facilities by constructing needed capital improvements and implementing transportation strategies which:

(a) Eliminate level of service deficiencies for existing use;

(b) Achieve level of service standards for anticipated future development and redevelopment caused by previously issued and new development permits; and

(c) Repair or replace obsolete or worn out facilities. Improvements to transportation facilities shall be consistent with the city's comprehensive plan and the city's engineering standards; and

(d) Give ranking priority to transportation improvements funded through the capital facilities plan and six-year transportation improvement plan (TIP) that would alleviate LOS deficiencies on facilities serving sites where essential public facilities are funded for construction.

(2) The city shall include in the capital appropriations of its budget, expenditures to meet financial commitments for all transportation improvement projects required to maintain level of service standards, except that the city may omit from its budget any capital improvements for which a binding agreement has been executed with another party to provide the same project in the same fiscal year. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1542 § 2, 2006; Ord. 1228 § 1, 1997)

18.90.090 Intergovernmental coordination.

The city may enter into agreements with other local governments and the state of Washington to coordinate the imposition of level of service standards, impact fees and other mitigations for transportation concurrency.

(1) The city may apply transportation standards, fees and mitigations to development in the city that impacts other local governments and the state of Washington. Development permits issued by the city may include conditions and mitigations that will be imposed on behalf of and implemented by other local governments and the state of Washington.

(2) The city may receive impact fees or other mitigations based on or as a result of development proposed in other jurisdictions that impacts the city. The city may agree to accept and implement conditions and mitigations that are imposed by other jurisdictions on development in their jurisdiction. (Ord. 1542 § 2, 2006; Ord. 1228 § 1, 1997)

18.90.100 Annual updates and tracking.

The public works and planning departments should provide an update or report on transportation concurrency once a year. The city's traffic information and modeling shall be updated at least once every five years or sooner if the public works director deems it necessary. The update process shall include traffic volumes (for select locations or the entire city), analysis of completion of previously approved development, improvements to transportation facilities, the effect of transportation strategies, and a review of level of service standards compared to planned transportation facility improvements. (Ord. 1542 § 2, 2006; Ord. 1228 § 1, 1997)

Development Code Updates

Tuesday, May 26, 2026 – City Council Workshop | Presented by Jessica Herceg, DOWL
Washougal City Hall Council Chambers



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Agenda

- **Countywide Process Update**
- **Development Code Updates – Group 4**
 - Siting Essential Public Facilities
 - Transportation Concurrency Updates
 - Miscellaneous Revisions
 - Impact Fee Exemptions
- **Next Steps/Action Items**

Siting Essential Public Facilities

Requirement: Fully planning cities shall include a process for identifying and siting essential public facilities (EPFs).

Applicability:

- Siting standards apply to EPFs:
 - Government operated or funded, or private facilities, that meet an essential public need
 - Must be determined to be “difficult to site”
- Siting standards must comply with WAC 365-196-550

Proposed Changes:

- Creates criteria to determine if an EPF is difficult to site
- Requires a CUP for difficult to site EPFs
- Establishes exemption for state or regionally sited EPFs

EPFs typically include airports, state education facilities, state/regional transportation facilities, solid waste facilities, and in-patient substance abuse and mental health facilities.

Transportation Concurrency Updates

Requirements:

- The City must adopt multimodal level of service (LOS) standards for pedestrian and bicycle facilities
- Concurrency provisions must incorporate any adopted LOS standards
- TIAs must include a multimodal level of service (LOS) analysis (vehicles, bike, and ped facilities)

Level of traffic stress evaluates a facility's usability, accessibility, and comfort for a user.

Proposed Changes:

- Requires TIAs to include multimodal LOS analysis consistent with Transportation Capital Facilities Plan
- Establishes LOS for pedestrian and bike transportation facilities
 - Measured as “level of traffic stress”
- Minor cleanup to concurrency exemption for intersections with designated state highways

Miscellaneous Revisions

Corrective Actions for Failing Septic Systems

- Septic systems within Washougal are regulated by the Clark County Public Health Department
- Failing septic systems are subject to enforcement, corrective measures, and penalties per Clark County Code Chapter 24.17.
- Sewer system connection requirements

Organic Materials Management Facilities

- New definition created for “organic materials management facilities”
- Existing definition for “essential public facilities” revised to include organic materials management facilities

Impact Fee Exemptions

What's Required:

- Exemptions may be granted for:
 - Low-income housing
 - Early learning facilities
 - Other development activities with broad public purposes
- Generally, impact fees waived through exemption must be paid from public funds

Options:

- Exemptions may be partial or full exemptions
- For low-income housing and early learning facilities:
 - Up to 80% of fee can be waived without city obligation to pay with other funds
 - Remaining 20% would need to be paid by City

Questions:

1. Should the City exempt low-income housing and early learning facilities?
2. If yes, should it be partial or full exemptions?
3. If a full exemption is offered, should the city pay more than the 20% required?

Action Items/ Next Steps



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Action Items / Next Steps

Upcoming Work Session Topics:

- Code Updates Group 5: Impact Fee Updates
- Draft Transportation Capital Facility Plan
- Draft Comprehensive Parks and Recreation Plan
- Capital Facilities and Utilities Element and General Sewer Plan Amendment
- Draft Compiled Comprehensive Plan Update Document