



**CITY OF WASHOUGAL
CITY COUNCIL WORKSHOP
Monday, June 22, 2026
5:00 PM**

MEETING INFORMATION

Please click the link below to join the webinar:
<https://us02web.zoom.us/j/88933528557>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PUBLIC COMMENTS**
- IV. NEW BUSINESS**
 - A. City Manager's Office: *Updates to Council Rules of Procedure***
 - B. Community Services & Strategy: *Recreation and Conservation Office (RCO) Grant Authorization***
 - C. Finance: *2026 Supplemental Budget***
 - D. Community Development: *Development Code Updates — Group 5 (Impact Fee Sections)***
- V. REPORTS AND COMMUNICATIONS**
 - A. CITY MANAGER**
 - B. MAYOR**
 - C. CITY COUNCIL**
- VI. ADJOURNMENT**

UPCOMING MEETINGS: Monday, July 13, 2026 — Workshop at 5:00 PM & Council at 7:00 PM.

BUSINESS OF THE CITY COUNCIL

City of Washougal, Washington

FOR AGENDA OF:

6/22/2026

SUBJECT:

City Manager's Office: *Updates to Council Rules of Procedure*

DEPT. OF ORIGIN:

City Manager

REVIEWED AT:

TO BE RETURNED TO COUNCIL:

No

ATTACHMENTS:

1. Exhibit "A" Resolution Amending Council Rules of Procedure

SUMMARY STATEMENT

The Council's practices regarding remote attendance have evolved and the relevant *Council Rules of Procedure* should be updated to reflect current practice.

The Rules should also be updated to correct inconsistencies regarding executive sessions and the chair, and to reflect the current standing of committees.

RECOMMENDED ACTION

Exhibit A

~~1.4 Electronic Attendance:~~ Occasionally, a Councilmember will not be able to be physically present at a meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Councilmember to attend a meeting via speakerphone, video or the latest technology is contained here.

~~1.4.1 Procedure:~~

~~1.4.1.1~~ At least 24 hours prior to the starting of a meeting, the Councilmember must advise the City Clerk of the desire to attend via an electronic source to allow for preparation of the technology necessary to have them attend electronically.

~~1.4.1.2~~ The Councilmember attending electronically must be able to hear all speakers in the meeting room, and all persons in the meeting room must be able to hear the Councilmember. The audio components should be audible to all persons in the meeting room.

~~1.4.1.3~~ When the particular agenda item is ready to be discussed, the Presiding Officer should state and ask for the record:

- a. "Councilmember _____ is attending via (STATE THE TECHNOLOGY) for Agenda Item No. _____, relating to _____."
- b. "Councilmember _____, can you (see and hear me?)" (There must then be a clearly audible response in the affirmative)
- c. "Can the Council and City Clerk (see and) hear Councilmember _____?"
- d. Upon Conclusion of the particular agenda item, the Presiding _____ Officer _____ should _____ state: "Councilmember _____, discussion of Agenda Item No. _____ has concluded."

Each agenda item being attended electronically shall be introduced and acknowledged in the same manner as set forth above.

After all agenda items being attended electronically have been concluded, the Presiding Officer should state for the record:

- a. "Councilmember _____, thank you for your attendance via (STATE TECHNOLOGY USED). The remote connection will now be terminated."
- b. "Let the record reflect Councilmember _____'s attendance via (STATE TECHNOLOGY USED) has been terminated."

1.4 Remote Attendance: Councilmembers may appear via remote communication, e.g., telephonically, virtual meeting platform or other electronic means, in all or part of a Regular, Worksession, or Special Council meeting if the following conditions are met:

1.4.1. Satisfactory equipment is available. Satisfactory equipment shall mean any telephone or other device equipped with a microphone function capable of capturing and broadcasting the Councilmember's voice clearly and sufficiently enough to be heard by those in attendance at the meeting. The device must allow the Councilmember to pose and answer questions as posed from time to time.

1.4.2. During any meeting that a Councilmember is attending via remote communication, the Presiding officer shall state for the record that a particular Councilmember is attending via remote communication.

1.4.3. Councilmembers appearing via remote communication will participate and vote during the meeting as if they were physically present at the meeting.

1.4.4. Councilmembers appearing by remote communication shall comply with all OPMA regulations and the Council Policies and Procedures.

1.4.5. Remote participation in an executive session shall be conducted in a manner that promotes and protects the confidential nature of the proceeding

2.1 Executive Sessions: Executive sessions or closed meetings may be held in accordance with the provisions of the Washington State Open Meetings Act (Chapter 42.30 RCW). ~~Among the topics that may be discussed are: (1) consideration of acquisition of property for public purposes or sale of city-owned property; (2) potential or pending litigation in which the city has an interest, as provided in the Revised Code of Washington; and (3) labor negotiations.~~ The Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Chair shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session will be concluded. If the Council wishes to adjourn at the close of a meeting from executive session, that fact will be announced along with the estimated time for the executive session. The announced time limit for executive sessions may be extended to a stated later time by the announcement of the Chair.

3. Chair and Duties

3.1 Chair: The Mayor, if present, shall preside as Chair at all meetings of the Council. In the absence of the Mayor, the Mayor Pro-Tem shall preside. In the absence of both the Mayor and Mayor Pro-Tem, a Councilmember shall preside, in order of seniority.

3.2 Call to Order: The meetings of the Council shall be called to order by the Mayor or, in ~~his~~the absence ~~of the Mayor~~, by the Mayor Pro-Tem. In the absence of both the Mayor and Mayor Pro-Tem, the meeting shall be called to order by the ~~City Clerk or Clerk's designee for the election of a temporary Chair presiding councilmember~~.

9.1 Standing committees. The Council establishes ~~five-six~~ standing Council committees each consisting of three ~~or four (while there are eight council positions)~~ members of Council appointed by Council pursuant to this section. The ~~five-six~~ committees are “administrative ~~and appointment~~”, “public safety”; “finance and personnel”; “public works”; “community services and strategy” and “community development.”

9.2 Administrative and Appointment committee. The Council establishes the “administrative and appointment committee” which shall consist of the ~~then-elected appointed~~ Mayor and two individual Councilmembers selected by the council at a regular meeting in November (after council elections in a council election year) or in December of each year. The term of each Councilmember appointed to this appointment committee shall be for a period of 12 months unless reappointed by the City Council. The “administrative and appointment committee” shall make and forward recommendations for appointments pursuant to this section to council for its consideration. The “administrative and appointment committee” shall decide by a majority vote of its members the recommendations for appointments to be forwarded to the Council.

9.3 Membership and Selection: Membership and selection of members shall be as provided by the Council if not specified otherwise herein or in the city code. Any special or citizen committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No special or citizen committee so appointed shall have powers other than advisory to the Council ~~or to the Mayor~~ except as otherwise specified in the city code.

2026 Budget Amendment #2

06/22/2026 | Presented by Daniel Layer



City of Washougal

Agenda

- 2026 Supplemental Budget:
 - Supply & Contractual Amendments – General, Hotel/Motel Tax, Water & Sewer Operating, and Stormwater Funds
 - Capital Project Amendments – Parks, Facilities, Transportation, Water & Sewer Capital, Stormwater Funds **(Next Meeting)**
 - Transfers Between Funds Amendments – General & Strategic Plan Implementation Fund (SPIF)
- 2026 Supplemental Budget Summary



2026 Supplemental Budget: Supply & Contractual Amendments



City of Washougal

2026 Supplemental Budget: TruNarc Handheld Narcotics Detection Device

➤ Vendor: Thermo Fisher Scientific

<u>2026 Amended Budget:</u>		<u>Amendment</u>
General Fund \$ 0	+	\$50,758

Edward Byrne Memorial Justice Assistance Grant (JAG) \$50,758

City of Washougal local match \$0



2026 Supplemental Budget: Police Ammunition

➤ Vendor: San Diego Police Equipment

2026 Amended Budget:

Amendment

General Fund \$9,000 + \$7,500 = \$16,500

Ordered in November 2025, received in 2026.



2026 Supplemental Budget: Police Fleet Acquisition

➤ Vendor: Vancouver Toyota/Wire Works LLC

<u>2026 Amended Budget:</u>		<u>Amendment</u>
General Fund \$0	+	\$59,000 (Transfer to ER&R Fund 520)
Police Salaries/Benefits		(59,000)
Inc: ER&R Fund 520 Transfers In		59,000
Inc: ER&R Fund 520 Capital Outlay		59,000



2026 Supplemental Budget: Parks Board Discretionary Budget

➤ City of Washougal Parks & Cemetery Board

2026 Amended Budget:

Amendment

General Fund \$2,000 + \$4,000 = \$6,000

To recapture unspent appropriations from 2024 & 2025



2026 Supplemental Budget:

2025-2045 Comprehensive Plan & Capital Facilities Plan Update Professional Services Agreement (PSA)

➤ Contractor: DOWL, LLC

<u>2026 Amended Budget:</u>		<u>Amendment</u>
General Fund	\$0 +	\$397,800 (\$182,500 one-time rev.)
Water	0 +	\$ 36,300
Sewer	0 +	\$ 45,900
Stormwater	0 +	\$ 2,000
Total	\$0 +	\$482,000



2026 Supplemental Budget: Washougal Brand Strategy PSA

➤ Contractor: The MODassic Group (CivicBrand)

2026 Amended Budget:

Amendment

General Fund \$ 0 + \$83,100 (transfer from SPIF)



2026 Supplemental Budget: Small Business Education & Networking PILOT PSA

➤ Contractor: Spencer Crandall

2026 Amended Budget:

General Fund \$ 0 + Amendment
\$8,000 (transfer from SPIF)



2026 Supplemental Budget: Clark County Court Interlocal Agreement

➤ Contractor: Clark County

2026 Amended Budget: Amendment
General Fund \$64,000 + \$30,000 = \$94,000

Clark County delayed invoicing of Q3 & Q4 2025.



2026 Supplemental Budget: Stormwater Enhanced Maintenance Plan (EMP)

➤ Contractor: TBD

2026 Amended Budget: Amendment
Stormwater Fund \$0 + \$216,182

Dept. of Ecology grant \$149,898

City of Washougal local match \$66,284



2026 Supplemental Budget: 2025-27 Biennial Stormwater Capacity Grant

➤ Contractor: TBD

2026 Amended Budget: Amendment
Stormwater Fund \$0 + \$120,000

Dept. of Ecology grant \$120,000

City of Washougal local match \$0



2026 Supplemental Budget: Hotel/Motel Tax Fund

➤ The following requests were approved by the Lodging Tax Advisory Committee (LTAC):

3/25/2026			Not to exceed	
Project Name/Event	Project Cost	Requested	Awarded	Event Date
WACA 2026 Art and Music Festival	\$ 6,100.00	\$ 4,600.00	\$ 4,600.00	August 1, 2026
Camas Washougal Historical Society - Director Funding Support	\$ 43,999.92	\$ 10,000.00	\$10,000.00	2026 Annual
Artisan Guild of Camas - HeARTfest Promo Video	\$ 2,959.00	\$ 2,950.00	\$ 2,950.00	January 7, 2026
Columbia Gorge Stewardship Alliance - Stewardship in Action	\$ 7,000.00	\$ 2,500.00	\$ 2,500.00	May 6, 2026
2026 Brew Video – Visit Washougal	\$ 4,040.00	\$ 4,040.00	\$ 4,040.00	2026 Annual
2026 AD Lineup Addition - Visit Washougal	\$ 739.50	\$ 369.75	\$ 369.75	2026 Annual
	\$ 64,838.42	\$ 24,459.75	\$24,459.75	



2026 Supplemental Budget: Hotel/Motel Tax Fund

➤ <u>2026 Amended Budget:</u>	\$131,000.00
Approved by LTAC & Council:	85,069.00
To be approved by Council:	<u>24,459.75</u>
Available for Other Events	\$21,471.25

**Budget Amendment not needed at this time.



2026 Supplemental Budget: Transfers Between Funds Amendment



City of Washougal

2026 Supplemental Budget: Transfers Between Funds Amendment

Transfer From	Transfer To	Amount	Reason / Purpose
General Fund 001	ER&R Vehicles 520	\$ 64,000	Reallocation of police salaries/benefits to be used for the acquisition of police fleet
SPIF 002	General Fund 001	91,100	To fund PSAs to implement sections of the Strategic Plan
	TOTAL TRANSFERS	155,100	



2026 Supplemental Budget Summary



City of Washougal

2026 Supplemental Budget: Summary

Fund Title	Increase to Beg. Fund Balance	Increase to Revenues	Increase to Expenditures
General Fund	\$0	\$324,358	\$581,158
Strategic Plan Implementation Fund	\$0	\$0	\$91,100
Water/Sewer Fund	\$0	\$0	\$82,200
Stormwater Fund	\$0	\$269,898	\$588,182
ER&R Vehicles Fund	\$0	\$64,000	\$64,000
TOTAL	\$0	\$658,256	\$1,406,640



Next Steps

- 7/08/2026 Workshop & Council Meeting:
 - Budget Amendment #2 Update – Capital Projects
 - Approval of 2026 budget amendment ordinance



Questions



BUSINESS OF THE CITY COUNCIL

City of Washougal, Washington

FOR AGENDA OF:

6/22/2026

SUBJECT:

Community Development: *Development Code Updates — Group 5 (Impact Fee Sections)*

DEPT. OF ORIGIN:

Community Development

REVIEWED AT:

Planning Commission — June 9, 2026

TO BE RETURNED TO COUNCIL:

Yes

ATTACHMENTS:

1. CC AB - Dev Code Updates - Group 5 (06-22-2026)
2. Group 5 Presentation

EXPENDITURE REQUIRED:	BUDGETED:	APPROPRIATION REQ'D:
\$0	\$0	\$0

SUMMARY STATEMENT

The proposed amendments concern certain exemptions for the payment of impact fees such as low-income housing or early learning facilities, clarifications for consistency with State Law, deferral programs, fee management programs, and refunds. In addition, there are other smaller amendments that were identified during review against statute that will improve clarity and consistency across all the impact fee chapters.

RECOMMENDED ACTION

No formal action is requested. Just presenting the amendments for discussion.

Washougal Code Update: Group 5

WASHOUGAL MUNICIPAL CODE (WMC) TEXT AMENDMENTS

Existing WMC Section	New WMC Section	Description of Change
Title 15 Buildings and Construction		
15.45 Impact Fees for Washougal and Camas School Districts - #112 and #117		
15.45.020		<ul style="list-style-type: none"> Amendments to definitions to be consistent with state definitions as relevant to other code revisions. <i>(Periodic Update Checklist: Impact Fees (a), (d))</i>
15.45.030		<ul style="list-style-type: none"> Amendment to be consistent with other code revisions related to proportionate impact fees. <i>(Periodic Update Checklist: Impact Fees (f))</i>
15.45.050		<ul style="list-style-type: none"> Amendments to add references to RCW 82.02.050-090 and provisions pertaining to “reasonably related” system improvements, impact fee deferral, and impact fee assessment and reporting. <i>(Periodic Update Checklist: Impact Fees (a), (b))</i>
15.45.090		<ul style="list-style-type: none"> Minor text changes to update outdated references to school district capital facilities plans.
15.45.100		<ul style="list-style-type: none"> Amendments to be consistent with RCW 82.02.080 requirements related to impact fee refunds. <i>(Periodic Update Checklist: Impact Fees (a))</i>
15.45.110		<ul style="list-style-type: none"> Minor text changes for clarity and consistency with other impact fee chapters.
15.45.130		<ul style="list-style-type: none"> Amendments to be consistent with RCW 82.02.060 requirements related to impact fee reductions for accessory dwelling units. Remove exemption for low income housing. <i>(Periodic Update Checklist: Impact Fees (d), (e))</i>
15.62 Park, Open Space and Recreation Facility Impact Fees		
15.62.010		<ul style="list-style-type: none"> Minor text changes for consistent wording within chapter.

15.62.020		<ul style="list-style-type: none"> Amendments to definitions to be consistent with state definitions as relevant to other code revisions. <i>(Periodic Update Checklist: Impact Fees (a), (d))</i>
15.62.030		<ul style="list-style-type: none"> Amendment to be consistent with other chapters and sections.
15.62.050		<ul style="list-style-type: none"> Amendments to add references to RCW 82.02.050-090 and provisions pertaining to “reasonably related” system improvements, impact fee deferral, and impact fee assessment and reporting. <i>(Periodic Update Checklist: Impact Fees (a), (b))</i>
15.62.080		<ul style="list-style-type: none"> Amendments to be consistent with RCW 82.02.080 requirements related to impact fee refunds. <i>(Periodic Update Checklist: Impact Fees (a))</i>
15.62.090		<ul style="list-style-type: none"> Minor text changes for clarity and consistency with other impact fee chapters.
15.62.100		<ul style="list-style-type: none"> Amendments to reflect that the fee schedule will be housed in the capital facilities plan and based on the latest rate study.
15.62.110		<ul style="list-style-type: none"> Amendments to be consistent with RCW 82.02.060 requirements related to impact fee reductions / exemptions for accessory dwelling units and low-income housing. <i>(Periodic Update Checklist: Impact Fees (d), (e))</i>
15.62.140		<ul style="list-style-type: none"> Amendments to remove the fee schedule and reflect that the fee schedule will be housed in the capital facilities plan.
15.64 Transportation Impact Fees		
15.64.010		<ul style="list-style-type: none"> Minor text changes for consistent wording within chapter.
15.64.020		<ul style="list-style-type: none"> Amendments to definitions to be consistent with state definitions as relevant to other code revisions. <i>(Periodic Update Checklist: Impact Fees (a), (d))</i>
15.64.030		<ul style="list-style-type: none"> Amendment to be consistent with other chapters and sections.
15.64.040		<ul style="list-style-type: none"> Amendments to add references to RCW 82.02.060 provisions pertaining to

		<p>limitations on impact fees for early learning facilities. <i>(Periodic Update Checklist: Impact Fees (a), (d))</i></p>
15.64.050		<ul style="list-style-type: none"> Amendments to add references to RCW 82.02.050-090 and provisions pertaining to “reasonably related” system improvements, impact fee deferral, and impact fee assessment and reporting. <i>(Periodic Update Checklist: Impact Fees (a), (b))</i>
15.64.080		<ul style="list-style-type: none"> Amendments to be consistent with RCW 82.02.080 requirements related to impact fee refunds. <i>(Periodic Update Checklist: Impact Fees (a))</i>
15.64.090		<ul style="list-style-type: none"> Minor text changes for clarity and consistency with other impact fee chapters.
15.64.110		<ul style="list-style-type: none"> Amendments to be consistent with RCW 82.02.060 requirements related to impact fee reductions / exemptions for accessory dwelling units and low-income housing. <i>(Periodic Update Checklist: Impact Fees (d), (e))</i>
15.65 Fire Impact Fees		
15.65.020		<ul style="list-style-type: none"> Amendments to definitions to be consistent with state definitions as relevant to other code revisions. <i>(Periodic Update Checklist: Impact Fees (a), (d))</i>
15.65.030		<ul style="list-style-type: none"> Amendment to be consistent with other chapters and sections.
15.65.040		<ul style="list-style-type: none"> Amendments to clarify fire impact fee rates for middle housing and accessory dwelling units. <i>(Periodic Update Checklist: Impact Fees (a), (f))</i>
15.65.050		<ul style="list-style-type: none"> Amendments to add references to RCW 82.02.050-090 and provisions pertaining to “reasonably related” system improvements, impact fee deferral, and impact fee assessment and reporting. <i>(Periodic Update Checklist: Impact Fees (a), (b))</i>
15.65.055		<ul style="list-style-type: none"> Minor text changes for clarity and consistency with other chapters.
15.65.080		<ul style="list-style-type: none"> Amendments to be consistent with RCW 82.02.080 requirements related to impact fee refunds.

		<i>(Periodic Update Checklist: Impact Fees (a))</i>
15.65.090		<ul style="list-style-type: none"> • Minor text changes for clarity and consistency with other impact fee chapters.
15.65.110		<ul style="list-style-type: none"> • Amendments to be consistent with RCW 82.02.060 requirements related to impact fee reductions / exemptions for accessory dwelling units. • Remove exemption for low income housing.
<i>(Periodic Update Checklist: Impact Fees (d), (e))</i>		
Title 18 Zoning		
18.06 Definitions		
18.06.340		<ul style="list-style-type: none"> • Definition for “day care center” amended to include “early learning facilities” as defined in impact fee chapter WMC 15.64 to match the RCW definition.

Chapter 15.45

IMPACT FEES FOR WASHOUGAL AND CAMAS SCHOOL DISTRICTS – #112 AND

#117

Sections:

- 15.45.010 Findings and authority.
- 15.45.020 Definitions.
- 15.45.030 School impact fee – Capital facilities plan.
- 15.45.040 School impact fee component.
- 15.45.050 Assessment and deferral of impact fees.
- 15.45.060 Credits.
- 15.45.070 Appeals.
- 15.45.080 Authorization for school interlocal agreement – Establishment of schools impact account.
- 15.45.090 Capital facilities plans adopted.
- 15.45.100 Refunds.
- 15.45.110 Use of funds.
- 15.45.120 Review.
- 15.45.130 School impact fees – Reductions and eExemptions.
- 15.45.140 Existing authority unimpaired.

15.45.010 Findings and authority.

The city council ~~of the city~~ finds and determines that new growth and residential development in the city will create additional demand and need for school facilities in the city, and the council finds that new growth and development should pay a proportionate share of the cost of new school facilities needed to serve the new growth and development and school district. Therefore, pursuant to Chapter 82.02 RCW the council adopts the ordinance codified in this chapter to assess impact fees on new residential development within District 112 and District No. 117. The provisions of said ordinance shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program. (Ord. 1164 § 1, 1995; Ord. 1135 § 1, 1994)

15.45.020 Definitions.

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

“Act” means the Growth Management Act, Chapter 17, Laws of 1990, 1st Ex. Sess., Chapter 36.70A RCW et seq., and Chapter 32, Laws of

1991, 1st Sp. Sess., as now in existence or as hereafter amended.

“Building permit” means an official document or certification which is issued by the city’s building official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, placement, demolition, moving or repair of a building or structure.

“City” means the city of Washougal.

“Development activity” means any construction or expansion of a building, ~~or structure,~~ or use, any change in use of a building or structure, or any changes in the use of the land, that creates additional demand and need for school facilities. Consistent with RCW 82.02.090, "Development activity" does not include:

(a) Buildings or structures constructed by a regional transit authority; or

(b) Buildings or structures constructed as shelters that provide emergency housing for people experiencing homelessness, or emergency shelters for victims of domestic violence, as defined in RCW 70.123.020.

“Development approval” means any written authorization from the city which authorizes the commencement of a development activity.

“District No. 112” means the Washougal School District No. 112, Clark County, Washington.

“District No. 117” means the Camas School District No. 117, Clark County, Washington.

“Encumbered” means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.

“Feepayer” is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a land development activity which creates the demand for additional capital facilities, and which requires the issuance of a building permit. “Feepayer” includes an applicant for an impact fee credit.

“Impact fee” means a payment of money imposed by the city on development activity pursuant to this chapter as a condition of granting development approval in order to pay for the school facilities needed to serve new growth and development. “Impact fee” does not include a reasonable permit fee, an application fee, the administrative fee for collection and handling school impact fees, or the cost of reviewing independent fee calculations.

“Impact fee deferral program” shall mean the most current program/policy established by the city council to allow for required impact fees, associated with a permit, to be deferred or paid later at a time, as established under the program/policy, when the project is closer to completion.

“Low income housing” means:

~~— a single family or multifamily rental housing development, the construction of which is either undertaken by a housing authority operating pursuant to Chapter 35.82 RCW or financially assisted pursuant to a federal, state or local governmental low income housing program; provided, that the term shall apply only to the number of units within such housing development as are rented to low income tenants.~~

“Owner” means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

“Project improvements” mean site improvements and facilities that are planned and designated to provide service for a particular development or users of the project, and are not system improvements. ~~No improvement or facility included in a capital facilities plan adopted by the council shall be considered a project improvement.~~

“Schools” include any primary or secondary public school operated by a school district whose boundaries include incorporated areas of the city.

“System improvements” mean school facilities that are included in the city’s capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements. (Ord. 1804 § 2 (Exh. A), 2016; Ord. 1164 § 2, 1995; Ord. 1135 § 2, 1994)

15.45.030 School impact fee – Capital facilities plan.

In order to collect school impact fees on behalf of a school district, said school district’s capital facilities plan shall be adopted as a portion of the city comprehensive ~~land-use~~ plan in accordance with the provisions of this section.

(1) Plan Submittal. A school district requesting impact fees shall submit to the city every four years an updated capital facilities plan adopted by the respective school board consisting of the following elements:

- (a) The district’s capacity over the next six years based upon an inventory of the district’s facilities either existing or under construction;
- (b) A forecast of future needs for school facilities based upon the district’s enrollment projections;
- (c) At least a six-year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels;
- (d) Application of the formula set out in this chapter based upon information contained in the capital facilities plan. ~~Separate fees shall be calculated for single family and multifamily types of dwelling units, based upon the student generation rates determined by the district for each type of dwelling units. If insufficient information is available for a district to calculate a multifamily student generation rate, a county wide average shall be utilized. For purposes of this chapter, mobile homes and each unit of a duplex shall be treated as single family dwellings.~~

(2) Board Action. No new or revised school impact fees shall be effective until adopted by the respective school board following a duly advertised public hearing to consider the school district’s capital facilities plan or plan update.

(3) Interlocal Agreement. School impact fees shall not become effective until the school district has entered into an interlocal agreement with the city. (Ord. 1740 § 1 (Exh. A), 2013; Ord. 1455 § 1, 2003; Ord. 1164 § 3, 1995; Ord. 1135 § 3, 1994)

15.45.040 School impact fee component.

The impact fee component for schools shall be separately calculated for each participating school district using the following formula:

$$\text{SIF} = [\text{CS} (\text{SF}) - (\text{TC}) - (\text{SM})] \times \text{A} - \text{FC}$$

(1) “SIF” means the school component of the total development impact fee.

(2) “CS” means the cost of each type of facility listed in a school district’s capital facilities plan attributable to new growth divided by the number of students representing a six-year increase in students for each type of school facility. Each type of facility means elementary school, middle school and high school.

(3) “SF” means student factor. The student factor is the number of students typically generated from one residential unit for each type of school facility. This is determined by dividing the total number of residential units in a school district into the current enrollment numbers for each type of school facility. The student factor for each school district shall be calculated annually. Separate student factors shall be calculated for single-family and multifamily dwelling units.

(4) “SM” means state match. State match is that amount received from the state of Washington towards school construction costs. The state match component of the formula is that amount representing the per student amount of state matching funds. This is calculated for each type of facility as: student factor times Boechk index (average annual construction cost of a school facility per square foot) times square foot standard per student established by the superintendent of public instruction times state match percentage (that percentage of the total cost of a school facility funded by state funds). The state match for each school district shall be calculated each time the impact fee is revised.

(5) “TC” means tax credit. This is calculated as:

$$\frac{(1 + i)^{10} - 1}{i(1 + i)^{10}} \times \text{average assessed value for the dwelling unit within a school district} \times \text{current school district capital property tax levy rate.}$$

where i = the average annual interest rate as stated in the Bond Buyer Twenty Bond General Obligation Bond Index. The tax credit shall be calculated each time the impact fee is revised.

(6) “FC” means facilities credit. This is the value of any improvement listed in a school district’s capital facilities plan provided by the developer.

(7) “A” means an adjustment for the portion of the anticipated increase in the public share resulting from exempt residential development proratable to new residential development. This adjustment for school impact is determined to be 85 percent.

(8) As of January 1, 2023, the impact fee amount within District No. 112’s boundary will be as follows:

(a) Zero dollars per single-family residential unit, to include a manufactured or mobile home residential unit placed on an individual lot.

(b) Zero dollars per multifamily residential unit to include a manufactured or mobile home residential unit placed within a manufactured or mobile home park.

(9) As of January 1, 2023, the impact fee amount within District No. 117’s boundary will be as follows:

(a) Six thousand six hundred fifty dollars per single-family residential unit, to include a manufactured or mobile home residential unit placed on an individual lot.

(b) Six thousand six hundred fifty dollars per multifamily residential unit, to include a manufactured or mobile home residential unit placed within a manufactured or mobile home park. (Ord. 1964 § 1 (Exh. A), 2022; Ord. 1962 § 1 (Exh. A), 2022; Ord. 1849 § 1 (Exh. A), 2018; Ord. 1790 § 1, 2016; Ord. 1788 § 1, 2016; Ord. 1721 § 1 (Exh. A), 2011; Ord. 1719 § 1 (Exh. A), 2011; Ord. 1655 § 1, 2010; Ord. 1524 § 2, 2005; Ord. 1523 § 2, 2005; Ord. 1463 § 1, 2003; Ord. 1461 § 1, 2003; Ord. 1366 §§ 1, 2, 1999; Ord. 1358 § 1, 1999; Ord. 1164 § 4, 1995; Ord. 1135 § 4, 1994)

15.45.050 Assessment and deferral of impact fees.

(1) The city shall collect impact fees from any applicant seeking residential development approval from the city of any development activity within the city, where such development activity requires the issuance of a building permit. This may include the expansion of existing uses which creates a demand for additional school facilities. In addition to the impact fee, the city shall collect from the applicant an administrative service fee of one percent of the total amount of the impact fee(s), per application.

(a) Impact fees shall only be imposed for system improvements that are reasonably related to the new development. "System improvements" (in contrast to "project improvements") are public facilities included in the capital facilities plan that are designed to provide service to service areas within the community at large.

(b) A person required to pay a fee pursuant to RCW 43.21C.060 for system improvements shall not be required to pay a school impact fee under RCW 82.02.050 through 82.02.090 for those same system improvements.

(2) Impact fees shall be assessed at the time a sufficiently complete building application that complies with existing zoning ordinances and building codes is submitted for each unit in the development. Impact fees shall be collected from the feepayer at the time the building permit is issued, or at a time approved through the impact fee deferral program under WMC 15.45.050(4), for each unit in the development. In the case of manufactured homes and associated parks,

impact fees shall be collected at the time of site plan approval. When a single manufactured or mobile home is being placed on a single lot, impact fees shall be collected at the time a building permit is issued. ~~That temporary placement of a mobile home or manufactured home presently authorized under the Washougal Municipal Code shall not require payment of impact fees.~~

(3) Except if otherwise exempt pursuant to WMC 15.45.130 or an impact fee deferral is approved pursuant to WMC 15.45.050(4), the city shall not issue the required building permit unless or until the applicable impact fees ~~have~~ has been paid. (Ord. 1804 § 2 (Exh. A), 2016; Ord. 1164 § 5, 1995; Ord. 1135 § 5, 1994)

(4) Impact fees may be deferred pursuant to RCW 82.02.050. An applicant seeking deferral of applicable impact fees shall submit a written request to the Community Development Director.

(5) In accordance with RCW 82.02.070, impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account solely for school impact fees. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed. On an annual basis, the city shall provide a report on the school impact fee account, showing the source and amount of all moneys collected, earned, or received, and the system improvements that were financed in whole or in part by impact fees.

15.45.060 Credits.

A feepayer can request that a credit or credits be awarded to him/her for the value of dedicated land, improvements or construction provided by the feepayer if the land, improvements ~~and~~/or the facility constructed are included within the adopted capital facilities plan or the district makes the finding that such land, improvements, ~~and~~/or facilities would serve the goals and objectives of the capital facilities plan. The feepayer shall direct the request for a credit or credits to the district. The district shall first determine the general suitability of the land, improvements, ~~and~~/or construction for the district's adopted capital facilities plan or the board of directors for the district may make the finding that such land improvements, ~~and~~/or facilities would serve the goals and objectives of the capital facilities plan of the district. The district shall forward its determination to the city, including cases where the district determines that the dedicated land improvements ~~and~~/or construction are not suitable for the district's purposes. The city may adopt the determination of the district and may award or decline to award a credit, or the city may make an alternative determination and set forth in writing the rationale for the alternative determination. In the event the land, improvements ~~and~~/or facilities are accepted by both the district and the city, the feepayer shall be responsible for supplying an independent appraisal based on objective standards which indicates the fair market value of the dedicated land, improvements ~~and~~/or facilities. The credit amount shall be applied to the impact fee calculated for the particular development. If the amount of the credit is less than the amount of the impact fee due and owing by the feepayer, neither the district nor the city shall be liable to the feepayer for the difference. (Ord. 1164 § 6, 1995; Ord. 1135 § 6, 1994)

15.45.070 Appeals.

(1) Any feepayer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit. Appeals regarding the impact fees imposed on any development activity may only be taken by the feepayer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fees at issue have been paid.

(2) Determinations of the city staff with respect to the applicability of the impact fees to a given development activity or the availability or value of a credit, can be appealed to the city council pursuant to this section.

(3) Appeals shall be taken within 10 working days of payment of the fee or within 10 working days of the city's issuance of a written determination of a credit or exemption decision by filing with the city a notice of appeal specifying the grounds thereof, and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of land use decisions. (Ord. 1164 § 7, 1995; Ord. 1135 § 7, 1994)

15.45.080 Authorization for school interlocal agreement – Establishment of schools impact account.

(1) The city is authorized to execute, on behalf of the city, an interlocal agreement for the collection, expenditure and reporting of school impact fees; provided, that such interlocal agreement complies with the provisions of this section.

(2) School impact fees shall not be collected on behalf of the district. The district enters into an interlocal agreement with the city providing for submittal of a capital facilities plan, fund administration, report of expenditures, allocation of risk, and other appropriate matters.

(3) On an annual basis, pursuant to the interlocal agreement, the district shall provide a report to the city on the schools impact account, showing the source and amount of all moneys collected, earned, or received, and the public improvements that were financed in whole or in part by impact fees. (Ord. 1164 § 8, 1995; Ord. 1135 § 8, 1994)

15.45.090 Capital facilities plans adopted.

The ~~1994 most recently adopted~~ Capital Facilities Plans for Washougal School District No. 112, ~~on file in the office of the city clerk and incorporated herein by this reference,~~ and for the Camas School District No. 117, ~~are~~ on file in the office of the city clerk and incorporated herein by this reference, ~~is~~ These plans are approved as meeting the requirements of this chapter and are hereby adopted as a subelement of the city's comprehensive ~~land-use~~ plan. (Ord. 1164 § 9, 1995; Ord. 1135 § 9, 1994)

15.45.100 Refunds.

(1) ~~In accordance with RCW 82.02.070, if~~ a district fails to expend or encumber the impact fees within ~~the time period specified in RCW 82.02.070 ten years~~ from the date the fees were paid unless extraordinary or compelling reasons exist ~~and are identified in written findings by the district,~~ the current owner of the property on which impact fees have been paid ~~may shall~~ receive a refund of such fees.

(a) The district shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of claimants that they are entitled to a refund. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

(2b) Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the city ~~and~~/or the district, within one year of the date the right to claim the refund arises, or the date that notice is given, whichever is later.

(3c) Any impact fees for which no application for a refund has been made within this one-year period shall be retained by a district and expended on the appropriate public facilities.

(4d) Refunds of impact fees under this section shall include any interest earned on the impact fees by the city or the district. (Ord. 1758 § 1 (Exh. A), 2014; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1164 § 10, 1995; Ord. 1135 § 10, 1994)

(2) Consistent with RCW 82.02.080, if the city or the district seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this section.

(a) Upon a finding that any or all impact fee requirements are to be terminated, the district shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail to the last known address of claimants.

(b) All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the district, but must be expended for the indicated public facilities.

(c) This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

(3) Consistent with RCW 82.02.080, a developer may request and shall receive a refund, including interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted.

15.45.110 Use of funds.

(1) Pursuant to this chapter, impact fees:

(a) Shall be used for system improvements that will reasonably benefit ~~school facilities~~ the new development;

(b) Shall not be ~~imposed-used~~ to make up for deficiencies in school facilities serving existing developments; and

(c) Shall not be used for maintenance or operation.

(2) Impact fees ~~may~~ shall be spent for public improvements, including but not limited to school planning, land acquisition, site improvements, portables, necessary off-site improvements,

construction, engineering, architectural, permitting, financing and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to educational facilities, and any other expenses which can be capitalized.

(3) Impact fees may also be used to recoup public improvement costs previously incurred by the district to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

(4) In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay the principal on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. 1164 § 11, 1995; Ord. 1135 § 11, 1994)

15.45.120 Review.

Impact fees shall be reviewed by the council as it may deem necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan. (Ord. 1164 § 12, 1995; Ord. 1135 § 12, 1994)

15.45.130 School impact fees – Reductions and eXemptions.

The school impact fee set forth herein is generated from the formula for calculating impact fees as set forth in this chapter. The amount of the impact fees is determined by information contained in the capital facilities plan of the district, as appended to the city's comprehensive plan. All new residential developments in that portion of the district located in the city will be charged the school impact fee; provided, that the following exemptions shall apply.:

(1) Any development activity or project which has submitted a technically complete building permit application prior to the effective date of the ordinance codified in this chapter shall be exempted from the payment of the impact fees.

(2) The following shall be exempted from the payment of all impact fees:

(a) Replacement of a structure with a new structure at the same site or lot when such replacement is within 12 months, or for a longer time period approved by the director after consulting with the school district, of the demolition or destruction of the prior structure;

(b) Alterations or expansion or enlargement or remodeling or rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed;

(c) The construction of accessory residential structures that will not create impacts on school facilities;

(d) Miscellaneous improvements, including, but not limited to, fences, walls, swimming pools and signs;

(ee) Demolition or moving of an existing structure within the district;

(f) The temporary placement of a mobile home or manufactured home presently authorized under the Washougal Municipal Code.

(3) Accessory dwelling units shall be subject to reduced impact fees as set forth in WMC 18.46.020(4) and not to exceed 50 percent of the impact fees that would be imposed on the principal housing unit in accordance with RCW 36.70A.681.

~~(f4)~~ The school impact fee shall not apply to housing which by restrictive covenant is exclusively for persons 62 years of age or older. If the development for which approval is sought contains a mix of uses, the impact fee must be separately calculated for each ~~type of~~ use;

~~(g5) Low income housing developed by individuals, not for profits, or a housing authority may be exempted from impact fees at the discretion of the city staff. Exemptions may be granted subject to:~~

~~(i) A fiscal impact analysis of the effect of said exemption upon the low income household(s) and the public sector;~~

~~(iia) Adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sale prices, location, and number of, and~~

~~(iii) Adequate documentation that said housing will remain available to low income households for a suitable time period;~~

~~(h) The city staff may grant a total or partial exemption from impact fees for housing developments not qualifying as low income housing, but to be owned and occupied by, or leased to, low income persons; provided, any such exemption shall be subject to:~~

~~(i) Provision being made for payment of the impact fee from public funds other than impact fee accounts, and~~

~~(ii) Adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sale prices, location and number of units, and~~

~~(iii) In the case of rental dwellings, adequate documentation that such housing will remain exclusively available to low income households at affordable rents for a minimum period of 15 years, and~~

~~(iv) In the case of owner occupied dwellings, adequate documentation that such housing will only be sold or leased at affordable rents to another low income household for a minimum period of 10 years, and~~

~~(v) Adequate documentation that in the event that use of the property during the prescribed period is no longer used for low income housing, the owner shall pay the impact fee plus interest from which the owner or any prior owner was exempt;~~

~~(i65)~~ Upon application, the developer, supported by studies and data, may request from the city a reduction or elimination of the impact fee based on unusual circumstances in specific cases. The determination by the city on whether a development should be exempt from the payment of

impact fees or whether the impact fee amount should be reduced ~~shall~~may be appealed~~able~~ pursuant to WMC 15.45.070;

~~(76)~~ The impact for an exempt development shall be calculated as provided for in this chapter and paid from public funds other than impact fee accounts.

~~Such payment may be made by including such amount(s) in the public share of system improvements undertaken within the applicable service area.~~ (Ord. 1884 § 1 (Exh. A), 2019; Ord. 1164 § 13, 1995; Ord. 1135 § 13, 1994)

15.45.140 Existing authority unimpaired.

Nothing in this chapter shall preclude the city from requiring the feepayer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, ~~and/or~~ Chapter 58.17 RCW, governing plats and subdivisions; provided, that, the exercise of this authority is consistent with the provisions of Chapters 43.21C and 82.02 RCW. (Ord. 1164 § 14, 1995)

Chapter 15.62

PARK, OPEN SPACE AND RECREATION FACILITY IMPACT FEES

Sections:

- 15.62.010 Findings.
- 15.62.020 Definitions.
- 15.62.030 Park impact fee – Capital facilities plan.
- 15.62.040 *Repealed.*
- 15.62.050 Assessment and deferral of impact fees.
- 15.62.060 Credits.
- 15.62.070 Appeals.
- 15.62.080 Refunds.
- 15.62.090 Use of funds.
- 15.62.100 Review.
- 15.62.110 Parks, open space and recreation~~al~~ facilities fees – Reductions and exemptions.
- 15.62.120 Existing authority unimpaired.
- 15.62.130 Independent fee calculations.
- 15.62.140 Park impact fees.

15.62.010 Findings.

The city council ~~of the city~~ finds and determines that new growth and residential development in the city creates additional demand and need for parks, open spaces and recreation~~al~~ facilities in the city, and the council finds that new growth and development should pay a proportionate share of the costs for new parks, open space and recreation~~al~~ facilities needed to serve the new growth and development in the city. The city has conducted an extensive study documenting the procedures for measuring the impact of new residential developments on public facilities and has prepared a rate study. The city council accepts the methodology and data contained in the rate study. Therefore, pursuant to Chapter 82.02 RCW, the council adopts the ordinance codified in this chapter to assess impact fees on new residential development within the city. The provisions of this chapter shall be liberally construed in order to carry out the purposes of this council in establishing the impact fee program. (Ord. 1947 § 1 (Exh. A), 2021; Ord. 1175 § 1, 1995)

15.62.020 Definitions.

The following words and terms shall have the following meanings for the purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090 when given their usual and customary meaning:

The “Act” means the Growth Management Act, Chapter 17, Laws of 1990, First Extraordinary Session, Chapter 36.70A RCW et seq., and Chapter 32, Laws of 1991, First Special Session, as now in existence or hereinafter amended.

“Building permit” means an official document or certification which is issued by the city’s building official which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, placement, demolition, moving or repair of a building or structure.

“Capital facilities” means the facilities or improvements included in the capital facilities plan.

“Capital facilities plan” means the capital facilities plan element of the city’s comprehensive plan adopted pursuant to Chapter 36.70A RCW, and such plan as amended.

“City” means the city of Washougal.

“Development activity” means any construction or expansion of a building, ~~or~~ structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for parks, open space or recreation ~~at~~ facilities. Consistent with RCW 82.02.090, "Development activity" does not include:

(a) Buildings or structures constructed by a regional transit authority; or

(b) Buildings or structures constructed as shelters that provide emergency housing for people experiencing homelessness, or emergency shelters for victims of domestic violence, as defined in RCW 70.123.020.

“Development approval” means any written authorization from the city which authorizes the commencement of the development activity.

“Feepayer” is a person, corporation, partnership, incorporated association, or other similar entity, for the development or bureau of any government, entity or municipal corporation commencing a land development activity which creates the demand for additional capital facilities, which requires the issuance of a building permit. “Feepayer” includes an applicant for an impact fee credit.

“Impact fee” means the payment of money imposed by the city on development activity pursuant to this chapter as a condition of granting development approval in order to pay for the parks, open space and recreation ~~at~~ facilities needed to serve new growth and development. “Impact fee” does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or cost of reviewing independent fee calculations.

“Impact fee deferral program” shall mean the most current program/policy established by the city council to allow for required impact fees, associated with a permit, to be deferred or paid later at a time, as established under the program/policy, when the project is closer to completion.

“Letter encumbered” means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.

“Low-income housing” means:

(a) ~~Housing with a monthly housing expense, that is no greater than 30 percent of 80 percent of the Clark County median family income adjusted for family size, as reported by the United States Department of Housing and Urban Development, pursuant to RCW 82.02.060(2).~~

(b) ~~a single-family or multifamily r~~Rental housing ~~development~~, the construction of which is either undertaken by a housing authority, operating pursuant to Chapter 35.82 RCW or financially assisted pursuant to a federal, state or local governmental low-income housing

program; provided, that the terms shall apply only to the number of dwelling units within such housing-residential development which are rented to low-income tenants. _

(c) Other residential development with dwelling units to be owned and occupied by, or leased to, low-income persons.

(a)(d) When a development has more than one use including low-income housing, this definition shall only apply to that portion that is developed as low-income housing.

~~“Multifamily” means a detached or attached building containing three or more dwelling units. For impact fee calculations this will include triplexes, fourplexes, and apartments.~~

“Owner” means the owner of record of real property, or person with an unrestricted written option to purchase property; provided, that the real property is being purchased under a report of real estate contract, the purchaser shall be considered the owner of the property.

“Project improvements” means site improvements at facilities that are planned and designated to provide service for a particular development or users of the project, and are not system improvements. ~~Any improvement of facility included in the capital facilities plan adopted by the council should be considered a project improvement.~~

“Rate study” or “impact fee study” means the “Rate Study for Impact Fees for Parks, Open Space and Recreation Facilities,” City of Washougal, dated April 19, 2021.

~~“Single family” means single family attached and detached units as well as townhomes and mobile homes and each unit of a duplex.~~

“System improvements” means public facilities included in the capital facilities plan and designed to provide service to service areas within the community at large, in contrast to project improvements. (Ord. 1947 § 1 (Exh. A), 2021; Ord. 1664 § 1 (Exh. A), 2010; Ord. 1175 § 2, 1995)

15.62.030 Park impact fee – Capital facilities plan.

In order to collect park, open space or recreational facilities impact fees, the city’s capital facilities plan shall be adopted as a portion of the city’s comprehensive ~~land-use~~ plan.

(1) The city’s capital facilities plan shall meet the requirements of RCW 82.02.050(5) and consist of the following elements:

- (a) The city’s capacity over the next six years, based upon an inventory of the city’s facilities either existing, or under construction;
- (b) The forecast of future needs for park, open space or recreational facilities based upon the city’s residency projections;
- (c) A six-year financial plan component, updated as necessary, to maintain at least a six-year forecast for financing needed within projected funding levels. (Ord. 1947 § 1 (Exh. A), 2021; Ord. 1175 § 3, 1995)

(d) Application of the fee and/or schedule set out in the capital facilities plan based upon the latest rate study and other information in the capital facilities plan.

(2) Council Action. No new or revised park, open space and recreation facility impact fee should be effective until adopted by the council following a duly advertised public hearing to consider the city's capital facilities plan or plan update.

15.62.040 Park, open space and recreational facilities component formula.

Repealed by Ord. 1947. (Ord. 1566 § 1, 2006; Ord. 1175 § 4, 1995)

15.62.050 Assessment and deferral of impact fees.

(1) The city shall collect impact fees from any applicant seeking residential development approval from the city for any development activity within the city, where such development activity requires the issuance of a building permit. This may include the expansion of existing uses which creates the demand for additional park facilities.

(a) Impact fees shall only be imposed for system improvements that are reasonably related to the new development. "System improvements" (in contrast to "project improvements") are public facilities included in the capital facilities plan that are designed to provide service to service areas within the community at large.

(b) A person required to pay a fee pursuant to RCW 43.21C.060 for system improvements shall not be required to pay a park impact fee under RCW 82.02.050 through 82.02.090 for those same system improvements.

(2) Impact fees shall be assessed at the time a sufficiently completed building application that complies with zoning ordinances and building codes is submitted for each unit in the development. Impact fees shall be collected from the feepayer at the time the building permit is issued, or at a time approved through the impact fee deferral program under WMC 15.62.050(4), for each unit of the development. In the case of manufactured homes and associated parks, impact fees shall be collected at the time of site plan approval. When a single manufactured or mobile home is being placed on a single lot, impact fees should be collected at the time a building permit is issued.

(3) Except if otherwise exempt pursuant to WMC 15.62.110 or an impact fee deferral is approved pursuant to WMC 15.62.050(4), the city should not issue the required building permit unless or until the applicable park impact fees havehas been paid. (Ord. 1947 § 1 (Exh. A), 2021; Ord. 1664 § 1 (Exh. A), 2010; Ord. 1175 § 5, 1995)

(4) Impact fees may be deferred pursuant to RCW 82.02.050. An applicant seeking deferral of applicable impact fees shall submit a written request to the Community Development Director.

(5) In accordance with RCW 82.02.070, impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account solely for park, open space, and recreation facility impact fees. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed. On an annual basis, the city shall provide a report on the park, open space, and recreation facility impact fee account, showing the source and amount of all moneys collected, earned, or received, and the system improvements that were financed in whole or in part by impact fees.

15.62.060 Credits.

A feepayer can request that a credit, or credits, be awarded to him/her for the value of dedicated land, improvements, construction provided by the feepayer, with the land, improvements ~~and~~/or the facilities plan or the district makes the finding that such land, improvements ~~and~~/or facilities would serve the goals and objectives of the capital facilities plan. The feepayer shall direct the request for a credit or credits to the city. The city shall first determine the suitability of land, improvements ~~and~~/or construction for the city's purposes. Second, the city shall determine whether the land, improvements ~~and~~/or the facility constructed are included within the city's adopted capital facilities plan, or the council for the city may make the finding that such land, improvements ~~and~~/or facilities would serve the goals and objectives of the capital facilities plan of the city. The city will make a determination as to whether dedicated land, improvements ~~and~~/or construction are not suitable for the city's purposes. The city may decline to award a credit, or the city may make an alternative determination and set forth in writing a rationale for the alternative determination. In the event the land improvements ~~and~~/or facilities are accepted by the city, the feepayer shall be responsible for supplying an independent appraiser, based on objective standards which indicate the fair market value of the dedicated land, improvements ~~and~~/or facilities. The credited amount shall be applied to the impact fee calculated for the particular development. If the amount of the credit is less than the amount of the fee, the feepayer shall pay the difference. In the event the amount exceeds the amount of the impact fee due and owed by the feepayer, the city shall not be liable to the feepayer for the difference. (Ord. 1947 § 1 (Exh. A), 2021; Ord. 1175 § 6, 1995)

15.62.070 Appeals.

Any feepayer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit.

(1) Appeals regarding impact fees imposed on any development activity may only be taken by the feepayer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fee at issue has been paid.

(2) Determination of the city staff in respect to the applicability of impact fees to a given development activity or the availability of value of a credit can be appealed to the city council pursuant to this section.

(3) An appeal should be taken within 10 working days of payment of the fee, or within 10 working days of the city's issuance of a written determination of a credit, independent fee calculation or exemption decision, by filing with the city notice of an appeal specifying the grounds thereon and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of land use decisions. (Ord. 1947 § 1 (Exh. A), 2021; Ord. 1175 § 7, 1995)

15.62.080 Refunds.

(1) In accordance with RCW 82.02.070, if the city fails to expend or encumber the impact fees within the time period specified in RCW 82.02.070 ten years from the date the fees are paid, unless extraordinary or compelling reasons exist and are identified in written findings by the city, the current owner of the property on which impact fees have been paid shall receive a refund of such fees.

(1a) The city shall notify the potential claimants, by first class mail to the claimants, that they are entitled to a refund. In determining whether impact fees have been expended or encumbered, impact fees should be considered expended or encumbered on a first in, first out basis.

(2b) Owners seeking a refund of impact fees must submit a written request for refunds of the fees to the city within one year of the date the right to claim the refund arises or the notice is given, whichever comes later.

(3c) Any impact fees for which no application for a refund has been made within the one-year period shall be retained by the city and expended on appropriate public facilities.

(4d) Refunds of impact fees under this section shall include any interest earned on the impact fees by the city. (Ord. 1947 § 1 (Exh. A), 2021; Ord. 1758 § 1 (Exh. A), 2014; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1175 § 8, 1995)

(2) Consistent with RCW 82.02.080, if the city seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this section.

(a) Upon a finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail to the last known address of claimants.

(b) All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the indicated public facilities.

(c) This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

(3) Consistent with RCW 82.02.080, a developer may request and shall receive a refund, including interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted.

15.62.090 Use of funds.

(1) Pursuant to this chapter, ~~on~~ impact fees, ~~this chapter~~:

(a) Shall be used for parks, open spaces or recreation ~~at~~ facilities that will reasonably benefit ~~the city and its residents~~ the new development;

(b) Shall not be ~~forced-used~~ to make up for deficiencies in city park, open space, and recreation facilities serving ~~an~~ existing development; and

(c) Shall not be used for maintenance or operation.

(2) Impact fees shall be spent for public improvements, including, but not limited to, land acquisition, site improvements, construction, engineering, architectural, permitting, financing and administrative expenses, applicable impact fees and mitigation costs, capital equipment

pertaining to parks, open spaces and recreation~~al~~ facilities, and any other expenses which can be capitalized.

(3) Impact fees may also be used to recoup public improvement costs incurred by the city to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

(4) In the event that bonds or similar debt instruments are, or have been, issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay the principal on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. 1947 § 1 (Exh. A), 2021; Ord. 1175 § 9, 1995)

15.62.100 Review.

(1) The impact fee and schedule ~~in WMC 15.62.140~~ will be amended to reflect the latest rate study and changes to the capital facilities plan in WMC 15.62.030. Amendments to the impact fee rate or schedule for this purpose shall be adopted by the council as part of the capital facilities plan.

(2) The fees ~~in~~ on the schedule included in ~~WMC 15.62.140~~ the capital facilities plan shall be indexed to provide for an automatic fee increase each January 1st beginning in the year 2024.

(a) The June to June Engineering News Record Construction Cost Index for Seattle (ENR-CCI) will be used to determine the increase in fees for each year to reflect increased project costs.

(b) In the event that the fees ~~on the schedule in WMC 15.62.140~~ are increased during the preceding calendar year due to changes to the capital facilities plan pursuant to subsection (1) of this section, the fees will not be indexed the following January.

(c) The finance and administration department shall compute the fee increase and the new impact fee rate and/or schedule shall become effective immediately after the annual fee increase calculation.

(3) A new rate study, which establishes the impact fee amount and schedule in ~~WMC 15.62.140~~ the capital facilities plan, shall be updated, as it may be necessary and appropriate, in conjunction with the annual update of the capital facilities plan and the city's comprehensive plan. (Ord. 1947 § 1 (Exh. A), 2021; Ord. 1175 § 10, 1995)

15.62.110 Parks, open space and recreation~~al~~ facilities fees – Reductions and exemptions.

The parks, open space and recreation~~al~~ facilities fees set forth herein are generated from the formula for calculating the impact fees as set forth in this chapter. The amount of the impact fees is determined by information contained in the capital facilities plan of the city, as appended to the city's comprehensive plan. All new residential developments located in that portion of the city will be charged a parks, open space and recreation facilities impact fee; provided, that the following exemptions shall apply.

(1) Any development activity or project which has submitted a technically complete building permit application, prior to the effective date of the ordinance codified in this chapter, shall be exempted from the payment of impact fees.

(2) The following will be exempted from payment of impact fees:

(1a) Replacement of a structure with a new structure at the same site or lot, when such replacement is within 12 months, or for a longer time period approved by the director, of demolition or destruction of the prior structure;

(2b) Alteration, or expansion, or enlargement or remodeling or rehabilitation or conversion of an existing dwelling where no additional units are created and the use is not changed;

(c3) The construction of an accessory residential structure that will not create an impact on park facilities;

(4d) Miscellaneous improvements, including but not limited to fences, walls, swimming pools and signs;

(5e) Demolition or moving of an existing structure within the city;

(f) The temporary placement of a mobile home or manufactured home presently authorized under the Washougal Municipal Code.

(3) Accessory dwelling units shall be subject to reduced impact fees as set forth in WMC 18.46.020(4) and not to exceed 50 percent of the impact fees that would be imposed on the principal housing unit in accordance with RCW 36.70A.681.

(64) The impact fee shall not be applied to housing that, by restrictive covenants, is exclusively for persons 62 years of age or older. If the development for which approval is sought contains a mix of uses, the impact fee must be separately calculated for each ~~type of~~ use;

(75) Low-income housing as defined in WMC 15.62.020 developed by individuals, not for-profit, or housing authority, may be exempted receive a partial exemption from park, open space, and recreation facility impact fees at the discretion of the city staff. Exemptions may be granted- subject to the following:

~~(a) Fiscal impact analysis of the effect of the exemption upon the low-income household in the public sector;~~

~~(ba) Adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sale prices, locations and number of units price restrictions and household income limits;; and~~

(b) The percentage of the partial exemption in park, open space, and recreation facility impact fees for which low-income housing is eligible depends on the affordability levels of the low-income housing as described in Table 15.62-1.

Table 15.62-1 Park, Open Space, and Recreation Facility Impact Fee Reduction by Affordability Level ¹

<u>Affordability Level of Low-Income Housing Unit ^{2,3}</u>	<u>Percentage of Park, Open Space, and Recreation Facility Impact Fee Exemption</u>
<u>Units affordable at >50% to 80% Area Median Income (AMI)</u>	<u>60%</u>
<u>Units affordable at >30% to 50% AMI</u>	<u>70%</u>
<u>Units affordable at 0% to 30% AMI</u>	<u>80%</u>
<u>Permanent Supportive Housing</u>	<u>80%</u>

1. For the purposes of calculating percentage of the exemption in park, open space, and recreation facility impact fees, whenever any calculation set forth in these regulations results in a fractional value or whenever any affordability level of an affordable unit results in a fractional value, the fraction shall be rounded to the nearest whole number.

2. Affordability is determined by percentage of Area Median Income, the income of the median, or middle, household in Clark County.

3. In the case of developments with a mix of household income limits, each unit is eligible for the corresponding exemption percentage based on its individual affordability level.

~~(c) Adequate documentation that the housing will remain available to low income households for a suitable time period;~~

(c) A covenant shall be recorded with the Clark County Auditor prior to the issuance of a building permit which includes the following:

(i) A provision that prohibits using the exempted property for any purpose other than for low-income housing,

(ii) Applicable price restrictions and household income limits for the low-income housing, and

(iii) A provision for payment of the exempted portion of impact fees by the property owner if the property is converted to a use other than for low-income housing. The applicable impact fee will be based upon the adopted rate at the time of conversion.

~~(8) The city staff may grant a total or partial exemption from impact fees for housing developments not qualifying as low income housing, but to be owned and occupied by or leased to low income persons; provided, that any such exemption shall be subject to:~~

~~(a) Provision being made for payment of impact fees from public funds, other than impact fee accounts; and~~

~~(b) That adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sale price, location and number of units; and~~

~~(c) In the case of rental dwellings, adequate documentation of such housing shall remain exclusively available to low-income households at affordable rents for a minimum period of 15 years; and~~

~~(d) In the case of owner-occupied dwellings, adequate documentation that such housing will only be sold or leased at affordable rates to a low-income household for a period of 10 years; and~~

~~(e) Adequate documentation in the event that the use of the property requiring the required period is no longer used for low-income housing, the owner shall pay the impact fee, plus interest from which the owner or any prior owner was exempt;~~

(96) Upon application, the developer, supported by studies and data, may request from the city a reduction or elimination to the impact fee, based on unusual circumstances of specific cases. Determination by the city on whether development should be exempt from payment of any impact fees or whether the impact fee amount shall be reduced ~~shall~~ may be appealed pursuant to WMC 15.62.070;

(107) The impact fee for exempt or partially exempt development shall be calculated as provided for in the chapter; and paid ~~for with from other~~ public funds.

(a) Exception. Partial impact fee exemptions granted for low-income housing development will not be paid with other public funds as authorized by RCW 82.02.060(4).

~~Such payment may be made by including such amounts in the public share of the system improvements undertaken within the applicable service area.~~ (Ord. 1947 § 1 (Exh. A), 2021; Ord. 1884 § 1 (Exh. A), 2019; Ord. 1175 § 11, 1995)

15.62.120 Existing authority unimpaired.

Nothing in this chapter shall preclude the city from requiring the feepayer or the proponent of the development activity to mitigate adverse environmental impacts of a specific development, pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental developments accompanying the underlying development approval process, ~~and~~ or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with Chapters 43.21C and 82.02 RCW. (Ord. 1947 § 1 (Exh. A), 2021; Ord. 1175 § 12, 1995)

15.62.130 Independent fee calculations.

(1) If a feepayer requests not to have the impact fees determined according to the schedule in WMC 15.62.140, then the feepayer shall submit to the director an independent fee calculation for the development activity for which a building permit is sought, paid for by the applicant. The independent fee calculation shall show the basis upon which it was made.

(2) An applicant may request issuance of a building permit prior to completion of an independent fee study; provided, that the impact fee is collected based on the fee schedule in WMC 15.62.140. A partial refund may be forthcoming if the fee collected exceeds the amount determined in the independent fee calculation and the parks and community development department agrees with the independent fee calculation.

(3) Any feepayer electing an independent fee calculation shall be required to pay the city of Washougal a fee to cover the cost of reviewing the independent fee calculation. The feepayer shall remit payment for the city’s review of the independent fee calculation prior to and as a precondition of the city’s issuance of the building permit.

(4) While there is a presumption that the calculations set forth in the rate study used to prepare the fee schedule in WMC 15.62.140 are correct, the director shall consider the documentation submitted by the applicant, but is not required to accept such documentation which the director reasonably deems to be inaccurate or not reliable, and may modify or deny the request or, in the alternative, require the applicant to submit additional or different documentation. The director is authorized to adjust the impact fee on a case-by-case basis based on the independent fee calculation, the specific characteristics of the building permit and/or principles of fairness.

(5) Determinations made by the director pursuant to this section may be appealed subject to the procedures set forth in WMC 15.62.070. (Ord. 1947 § 1 (Exh. A), 2021)

15.62.140 Park impact fees.

The impact fee ~~schedule below~~ is based on the city’s latest rate study as outlined in the Capital Facilities Plan. As authorized under WMC 15.62.100, the schedule may automatically increase each January 1st, starting in 2024, based on the ENR- CCI.

Park Impact Fee Schedule

Type of Land-Use	Impact Fee 2021	Impact Fee 2022	Impact Fee 2023	Per Unit
Single family	\$3,490.66	\$4,977.43	\$6,464.19	Dwelling unit
Multifamily	\$2,529.85	\$3,607.37	\$4,684.90	Dwelling unit

(Ord. 1947 § 1 (Exh. A), 2021)

Chapter 15.64

TRANSPORTATION IMPACT FEES

Sections:

- 15.64.010 Findings.
- 15.64.020 Definitions.
- 15.64.030 Transportation impact fee – Capital facilities plan.
- 15.64.040 ~~Public streets and roads~~ Transportation impact fee component formula.
- 15.64.050 Assessment and deferral of impact fees.
- 15.64.060 Credits.
- 15.64.070 Appeals.
- 15.64.080 Refunds.
- 15.64.090 Use of funds.
- 15.64.100 Review.

- 15.64.110 ~~Public streets and roads fees and e~~ Transportation impact fees - Reductions and
exemptions.
- 15.64.120 Existing authority unimpaired.

15.64.010 Findings.

The city council finds and determines that new growth and development in the city creates additional demand and need for ~~public streets and roads~~ transportation public facilities in the city, and the council finds that new growth and development should pay a proportionate share of the costs for new ~~public streets and roads~~ transportation public facilities –needed to serve the new growth and development in the city. Therefore, pursuant to Chapter 82.02 RCW, the council adopts the ordinance codified in this chapter to assess impact fees on new residential, commercial or industrial development within the city. The provisions of this chapter shall be liberally construed in order to carry out the purposes of this council in establishing the impact fee program. (Ord. 1769 § 1 (Exh. A), 2014; Ord. 1542 § 1, 2006; Ord. 1471 § 1, 2004; Ord. 1181 § 1, 1995)

15.64.020 Definitions.

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090 when given their usual and customary meaning:

The “Act” means the Growth Management Act, Chapter 17, Laws of 1990, First Extraordinary Session, Chapter 36.70A RCW et seq., and Chapter 32, Laws of 1991, First Special Session, as now in existence or hereinafter amended.

“Building permit” means an official document or certification which is issued by the city’s building official which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, placement, demolition, moving or repair of a building or structure.

“City” means the city of Washougal.

“Development activity” means any construction or expansion of a building ~~or structure,~~ structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for ~~public streets and road~~transportation public facilities. Consistent with RCW 82.02.090, "Development activity" does not include:

(a) Buildings or structures constructed by a regional transit authority; or

(b) Buildings or structures constructed as shelters that provide emergency housing for people experiencing homelessness, or emergency shelters for victims of domestic violence, as defined in RCW 70.123.020.

“Development approval” means any written authorization from the city which authorizes the commencement of the development activity.

“Early learning facility” means a facility providing regularly scheduled care for a group of children one month of age through 12 years of age for periods of less than 24 hours. Early learning facilities are included in the definition of “day care center” in WMC 18.06.340.

“Feepayer” means a person, corporation, partnership, an incorporated association, or other similar entity, for the development or bureau of any government, entity or municipal corporation commencing a land development activity which creates the demand for additional capital facilities, which requires the issuance of a building permit. “Feepayer” includes an applicant for an impact fee credit.

“Impact fee” means the payment of money imposed by the city on development activity pursuant to this chapter as a condition of granting development approval in order to pay for the ~~public streets and road~~transportation public facilities –needed to serve new growth and development.

“Impact fee” does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or cost of reviewing independent fee calculations.

“Impact fee deferral program” shall mean the most current program/policy established by the city council to allow for required impact fees, associated with a permit, to be deferred or paid later at a time, as established under the program/policy, when the project is closer to completion.

“Letter encumbered” means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for ~~public streets and road~~transportation public facilities.

“Low-income housing” means:

(a) Housing with a monthly housing expense, that is no greater than 30 percent of 80 percent of the Clark County median family income adjusted for family size, as reported by the United States Department of Housing and Urban Development, pursuant to RCW 82.02.060(2).

(b) a single family or multifamily rental housing development, the construction of which is either undertaken by a housing authority, operating pursuant to Chapter 35.82 RCW or financially assisted pursuant to a federal, state or local governmental low-

income housing program; provided, that the terms shall apply only to the number of dwelling units within such housing-residential development which are rented to low-income tenants.

(c) Other residential development with dwelling units to be owned and occupied by, or leased to, low-income persons.

(d) When a development has more than one use including low-income housing, this definition shall only apply to that portion that is developed as low-income housing.

“Owner” means the owner of record of real property, or person with an unrestricted written option to purchase property; provided, that the real property is being purchased under a report of real estate contract, the purchaser shall be considered the owner of the property.

“Project improvements” means site improvements at facilities that are planned and designated to provide service for a particular development or users of the project, and are not system improvements. ~~Any improvement of a facility included in the capital facilities plan adopted by the council should be considered a project improvement.~~ (Ord. 1769 § 1 (Exh. A), 2014; Ord. 1664 § 1 (Exh. A), 2010; Ord. 1542 § 1, 2006; Ord. 1471 § 1, 2004; Ord. 1181 § 2, 1995)

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

“Transportation public facilities” means the following capital facilities owned or operated by government entities as defined in RCW 82.02.090(7): public streets, roads, and bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use.

15.64.030 Transportation impact fee – Capital facilities plan.

In order to collect transportation impact fees, the city’s capital facilities plan shall be adopted as a portion of the city’s comprehensive ~~land-use~~ plan.

(1) The city’s capital facilities plan shall meet the requirements of RCW 82.02.050(5) and consist of the following elements:

- (a) The city’s capacity over the next six years, based upon an inventory of the city’s facilities either existing, or under construction;
- (b) The forecast of future needs for ~~public streets and roads~~ transportation public facilities based upon the city’s residency projections;
- (c) A six-year financial plan component, updated as necessary, to maintain at least a six-year forecast for financing needed within projected funding levels;
- (d) Application of the formula set out in this chapter based upon information obtained in the capital facilities plan. A separate fee should be calculated for land use designation as

determined by the Trip Generation Manual, Current Edition. ~~For purposes of this chapter, mobile homes and each unit of a duplex should be treated as a single family dwelling.~~

(2) Council Action. No new or revised transportation impact fee should be effective until adopted by the council following a duly advertised public hearing to consider the city's capital facilities plan or plan update. (Ord. 1769 § 1 (Exh. A), 2014; Ord. 1542 § 1, 2006; Ord. 1471 § 1, 2004; Ord. 1181 § 3, 1995)

15.64.040 ~~Public streets and roads~~ Transportation impact fee component formula.

(1) The cost per trip value (CPT) is for all uses within the city UGA. Using the cost per trip value and multiplier value taken from the Trip Generation Manual, an impact fee can be calculated for a particular land use. The Trip Generation Manual, current edition, is a reference manual prepared by the Institute of Transportation Engineers, and includes trip generation rates for multiple land uses. By finding the appropriate trip generation rate in the Trip Generation Manual and multiplying that number by the cost per trip, the correct impact fee for a specific land use can be determined.

(2) The cost per daily weekday trip shall be established by the transportation capital facilities plan for the current year.

(3) The impact fee component for the purpose of public streets and roads transportation public facilities shall be calculated using the following formula:

$$\text{Impact Fee} = \text{CPT} \times \text{Number of Daily Trips}^{1, 2, 3}$$

¹For some retail commercial land uses, a “business enhancement factor (BEF)” adjustment may be provided based on the City of Washougal Traffic Impact Fee Business Enhancement Factor (BEF) Program Technical Document in effect at the time of a technically complete application.

²For some land uses (e.g., retail), a substantial amount of traffic is already passing by the property and merely interrupts a trip between two other locations. These pass-by trips do not add to the impact on the surrounding street system. As a result, pass-by trips are subtracted from the total trips generated by each type of land use. The remaining trips are considered “new” to the street system and are therefore subject to TIF calculation. Pass-by trip percentages are derived primarily from ITE data and from available surveys conducted around the country.

³The TIF fee will be reduced for the current documented transportation trips to a development site.

(4) The number of daily trips and the transportation impact fee shall be determined by the community development director or a designee, using the Trip Generation Manual, latest edition, as a guide. (Ord. 1769 § 1 (Exh. A), 2014; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1665 § 1 (Exh. A), 2010; Ord. 1636 § 1, 2009; Ord. 1613 § 1 (Exh. A), 2008; Ord. 1567 § 1, 2006; Ord. 1542 § 1, 2006; Ord. 1471 § 1, 2004; Ord. 1181 § 4, 1995)

(5) The impact fees imposed on early learning facilities are subject to the following additional restrictions consistent with RCW 82.02.060(3):

(a) The impact fee imposed on an early learning facility may not be greater than that imposed on commercial retail or commercial office development activities that generate a similar number, volume, type, and duration of vehicle trips;

(b) When a facility or development has more than one use, the limitations in this subsection only apply to that portion that is developed as an early learning facility. The impact fee assessed on an early learning facility in such a development or facility may not exceed the least of the impact fees assessed on comparable businesses in the facility or development.

15.64.050 Assessment and deferral of impact fees.

(1) The city shall collect impact fees from any applicant seeking residential, commercial or industrial development approval from the city for any development activity within the city, where such development activity requires the issuance of a building permit or is a new use of a property. This may include the expansion of existing uses which create the demand for additional transportation facilities.

(a) Impact fees shall only be imposed for system improvements that are reasonably related to the new development. "System improvements" (in contrast to "project improvements") are public facilities included in the capital facilities plan that are designed to provide service to service areas within the community at large.

(b) A person required to pay a fee pursuant to RCW 43.21C.060 for system improvements shall not be required to pay a transportation impact fee under RCW 82.02.050 through 82.02.090 for those same system improvements.

(2) Impact fees shall be assessed at the time a sufficiently completed building application that complies with zoning ordinances and building codes is submitted for each unit in the development. Impact fees shall be collected from the feepayer at the time the building permit is issued, or at a time approved through the impact fee deferral program under WMC 15.64.050(4), for each unit of the development. In the case of manufactured homes and associated parks, impact fees shall be collected at the time of site plan approval. When a single manufactured or mobile home is being placed on a single lot, impact fees should be collected at the time a building permit is issued. Impact fees shall be assessed at the time of site plan review approval for other uses subject to transportation impact fees.

(3) Except if otherwise exempt pursuant to WMC 15.64.110 or an impact fee deferral is approved pursuant to WMC 15.64.050(4), the city should not issue the required building permit unless or until the applicable transportation impact fees ~~have~~ has been paid. (Ord. 1769 § 1 (Exh. A), 2014; Ord. 1664 § 1 (Exh. A), 2010; Ord. 1542 § 1, 2006; Ord. 1471 § 1, 2004; Ord. 1181 § 5, 1995)

(4) Impact fees may be deferred pursuant to RCW 82.02.050. An applicant seeking deferral of applicable impact fees shall submit a written request to the Community Development Director.

(5) In accordance with RCW 82.02.070, impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account solely for transportation impact fees. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed. On an annual basis, the city shall provide a report on the transportation impact fee account, showing the source and amount of all moneys collected, earned, or received, and the system improvements that were financed in whole or in part by impact fees.

15.64.060 Credits.

A feepayer can request that a credit, or credits, can be awarded to him/her for the value of dedicated land, improvements, ~~and~~/or construction provided by the feepayer, with the land, improvements ~~and~~/or the facilities plan or the city makes the finding that such land, improvements, ~~and~~/or facilities would serve the goals and objectives of the capital facilities plan. The feepayer shall direct the request for a credit or credits to the city. The city shall first determine the suitability of land, improvements ~~and~~/or construction for the city's purposes. Second, the city shall determine whether the land, improvements ~~and~~/or the facility constructed are included within the city's adopted capital facilities plan, or the council for the city may make the finding that such land, improvements ~~and~~/or facilities would serve the goals and objectives of the capital facilities plan of the city. The city will make a determination as to whether dedicated land, improvements ~~and~~/or construction are suitable for the city's purposes. The city may decline to award a credit, or the city may make an alternative determination and set forth in writing a rationale for the alternative determination. In the event the land improvements ~~and~~/or facilities are accepted by the city, the feepayer shall be responsible for supplying an independent appraiser, based on objective standards which indicate the fair market value of the dedicated land, improvements ~~and~~/or facilities. The credited amount shall be applied to the impact fee calculated for the particular development. If the amount of the credit is less than the amount of the fee, the feepayer shall pay the difference. In the event the amount exceeds the amount of the impact fee due and owed by the feepayer, the city shall not be liable to the feepayer for the difference. (Ord. 1769 § 1 (Exh. A), 2014; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1542 § 1, 2006; Ord. 1471 § 1, 2004; Ord. 1181 § 6, 1995)

15.64.070 Appeals.

Any feepayer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit.

(1) Appeals regarding impact fees imposed on any development activity may only be taken by the feepayer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fee at issue has been paid.

(2) Determination of the city staff in respect to the applicability of impact fees to a given development activity or the availability of value of a credit can be appealed to the city council pursuant to this section.

(3) An appeal should be taken within 10 working days of payment of the fee, or within 10 working days of the city's issuance of a written determination of a credit or exemption decision, by filing with the city notice of an appeal specifying the grounds thereon and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of land use decisions. (Ord. 1769 § 1 (Exh. A), 2014; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1542 § 1, 2006; Ord. 1471 § 1, 2004; Ord. 1181 § 7, 1995)

15.64.080 Refunds.

(1) In accordance with RCW 82.02.070, if the city fails to expend or encumber the impact fees within the time period specified in RCW 82.02.070 ten years from the date the fees are paid, unless extraordinary or compelling reasons exist and are identified in written findings by the city, the current owner of the property on which impact fees have been paid shall receive a refund of such fees.

(1a) The city shall notify the potential claimants, by first class mail to the claimants, that they are entitled to a refund. Determining whether impact fees have been expended or encumbered, impact fees should be considered expended or encumbered on a first-in, first-out basis.

(2b) Owners seeking a refund of impact fees must submit a written request for refunds of the fees to the city within one year of the date the right to claim the refund arises or the notice is given, whichever comes later.

(3c) Any impact fees for which no application for a refund has been made within the one-year period shall be retained by the city and expended on appropriate public facilities.

(4d) Refunds of impact fees under this section shall include any interest earned on the impact fees by the city. (Ord. 1769 § 1 (Exh. A), 2014; Ord. 1758 § 1 (Exh. A), 2014; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1542 § 1, 2006; Ord. 1471 § 1, 2004; Ord. 1181 § 8, 1995)

(2) Consistent with RCW 82.02.080, if the city seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this section.

(a) Upon a finding that any or all impact fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail to the last known address of claimants.

(b) All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the indicated public facilities.

(c) This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

(3) Consistent with RCW 82.02.080, a developer may request and shall receive a refund, including interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted.

15.64.090 Use of funds.

(1) Pursuant to this chapter, ~~on~~ impact fees:

- (a) ~~This chapter shall~~ Shall be used for ~~public streets and roads~~ system improvements –that will reasonably benefit ~~the city and its residents~~ the new development;
- (b) Shall not be ~~used~~ forced to make up for deficiencies in ~~city~~ transportation public facilities serving ~~an~~ existing development; and
- (c) Shall not be used for maintenance or operation.

(2) Impact fees shall be spent for public improvements, including, but not limited to, land acquisition, site improvements, construction, engineering, architectural, permitting, financing and administrative expenses, applicable impact fees and mitigation costs, capital equipment pertaining to ~~public streets and roads~~ transportation public facilities and any other expenses which can be capitalized.

(3) Impact fees may also be used to recoup public improvements costs incurred by the city to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

(4) In the event that bonds or similar debt instruments are, or have been, issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay the principal on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. 1769 § 1 (Exh. A), 2014; Ord. 1542 § 1, 2006; Ord. 1471 § 1, 2004; Ord. 1181 § 9, 1995)

15.64.100 Review.

Impact fees shall be reviewed by the council, as it may be necessary and appropriate, in conjunction with the capital facilities plan update and the city's comprehensive plan. (Ord. 1769 § 1 (Exh. A), 2014; Ord. 1542 § 1, 2006; Ord. 1471 § 1, 2004; Ord. 1181 § 10, 1995)

15.64.110 ~~Public streets and roads fees and~~ Transportation impact fees – exemptions ~~Reductions and exemptions.~~

The ~~public streets and roads~~ transportation impact fees set forth herein are generated from the formula for calculating the impact fees as set forth in this chapter. The amount of the impact fees is determined by information contained in the capital facilities plan of the city, as appended to the city's comprehensive plan. All new developments located in the city will be charged a transportation impact fee; provided, that the following exemptions shall apply.

(1) Any development activity or project which has submitted a technically complete building permit application, prior to the effective date of the ordinance codified in this chapter, shall be exempted from the payment of impact fees.

(2) The following will be exempted from payment of impact fees:

- (1a) Replacement of a structure with a new structure at the same site or lot, when such replacement is within 12 months, or for a longer time period approved by the director, of demolition or destruction of the prior structure;

(2b) Alteration, or expansion, or enlargement or remodeling or rehabilitation or conversion of an existing dwelling where no additional units are created and the use is not changed;

(3c) The construction of an accessory residential structure that will not create an impact on transportation facilities;

(4d) Miscellaneous improvements, including but not limited to fences, walls, swimming pools and signs;

(5e) Demolition or moving of an existing structure within the city;

(f) The temporary placement of a mobile home or manufactured home presently authorized under the Washougal Municipal Code.

(3) Accessory dwelling units shall be subject to reduced impact fees as set forth in WMC 18.46.020(4) and not to exceed 50 percent of the impact fees that would be imposed on the principal housing unit in accordance with RCW 36.70A.681.

(64) The impact fee shall not be applied to housing that, by restrictive covenants, is exclusively for persons 62 years of age or older. If the development for which approval is sought contains a mix of uses, the impact fee must be separately calculated for each type of use;

~~(75) Low-income housing as defined in WMC 15.64.020 developed by individuals, not for profit, or housing authority may receive a partial exemption be exempted from transportation impact fees at the discretion of the city staff. Exemptions may be granted subject to the following:~~

~~(a) Fiscal impact analysis of the effect of the exemption upon the low-income household in the public sector;~~

~~(ba) Adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sale prices, locations and number of units, and price restrictions and household income limits.~~

~~(b) The percentage of the partial exemption in transportation impact fees for which low-income housing is eligible depends on the affordability levels of the low-income housing as described in Table 15.64-1. (c) Adequate documentation that the housing will remain available to low-income households for a suitable time period;~~

Table 15.64-1. Transportation Impact Fee Reduction by Affordability Level ¹

<u>Affordability Level of Low-Income Housing Unit ^{2,3}</u>	<u>Percentage of Transportation Impact Fee Exemption</u>
<u>Units affordable at >50% to 80% Area Median Income (AMI)</u>	<u>60%</u>
<u>Units affordable at >30% to 50% AMI</u>	<u>70%</u>
<u>Units affordable at 0% to 30% AMI</u>	<u>80%</u>
<u>Permanent Supportive Housing</u>	<u>80%</u>

1. For the purpose of calculating percentage of the exemption in transportation impact fees, whenever any calculation set forth in these regulations results in a fractional value or whenever any affordability level of an affordable unit results in a fractional value, the fraction shall be rounded to the nearest whole number.

2. Affordability is determined by percentage of Area Median Income, the income of the median, or middle, household in Clark County.

3. In the case of developments with a mix of household income limits, each unit is eligible for the corresponding exemption percentage based on its individual affordability level.

~~(c) A covenant shall be recorded with the Clark County Auditor prior to the issuance of a building permit which includes the following:~~

~~(i) A provision that prohibits using the exempted property for any purpose other than for low-income housing,~~

(ii) Applicable price restrictions and household income limits for the low-income housing, and

(iii) A provision for payment of the exempted portion of impact fees by the property owner if the property is converted to a use other than for low-income housing. The applicable impact fee will be based upon the adopted rate at the time of conversion.

~~(8) The city staff may grant a total or partial exemption from impact fees for housing developments not qualifying as low income housing, but to be owned and occupied by or leased to low income persons; provided, that any such exemption shall be subject to:~~

~~(a) Provision being made for payment of impact fees from public funds, other than impact fee accounts, and~~

~~(b) Adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sale price, location and number of units, and~~

~~(c) In the case of rental dwellings, adequate documentation of such housing shall remain exclusively available to low income households at affordable rents for a minimum period of 15 years, and~~

~~(d) In the case of owner-occupied dwellings, adequate documentation that such housing will only be sold or leased at affordable rates to a low income household for a period of 10 years, and~~

~~(e) Adequate documentation in the event that the use of the property requiring the required period is no longer used for low income housing, the owner shall pay the impact fee, plus interest from which the owner or any prior owner was exempt;~~

(96) Upon application, the developer, supported by studies and data, may request from the city a reduction or elimination of the impact fee, based on unusual circumstances of specific cases. Determination by the city on whether development should be exempt from payment of any impact fees or whether the impact fee amount shall be reduced ~~shall~~may be appealed pursuant to WMC 15.64.070.;

(107) The impact fee for exempt or partially exempt development shall be calculated as provided for in the chapter and paid for with other public funds.

(a) Exception. Partial impact fee exemptions granted for low-income housing development will not be paid with other public funds as authorized by RCW 82.02.060(4). Such payment may be made by including such amounts in the public share of the system improvements undertaken within the applicable service area. (Ord. 1884 § 1 (Exh. A), 2019; Ord. 1769 § 1 (Exh. A), 2014; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1542 § 1, 2006; Ord. 1471 § 1, 2004; Ord. 1181 § 11, 1995)

15.64.120 Existing authority unimpaired.

Nothing in this chapter shall preclude the city from requiring the feepayer or the proponent of the development activity to mitigate adverse and environmental impacts of a specific development, pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental developments accompanying the underlying development approval process, ~~and~~ or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent to Chapters 43.21C and 82.02 RCW. (Ord. 1769 § 1 (Exh. A), 2014; Ord. 1542 § 1, 2006; Ord. 1471 § 1, 2004; Ord. 1181 § 12, 1995)

Chapter 15.65

FIRE IMPACT FEES

Sections:

- 15.65.010 Findings.
- 15.65.020 Definitions.
- 15.65.030 Fire impact fee capital facilities plan.
- 15.65.040 Fire impact fee formula.
- 15.65.050 Fire impact fee assessment and deferral.
- 15.65.055 Impact fee reduction for providing residential fire sprinklers ~~to single family~~
homes.
- 15.65.060 Credits.
- 15.65.070 Appeals.
- 15.65.080 Refunds.
- 15.65.090 Use of fire impact fees.
- 15.65.100 Review.
- 15.65.110 Fire impact fees – Reductions and eExemptions.
- 15.65.120 Authority unimpaired.

15.65.010 Findings.

The city council finds and determines that new growth and development in the city creates additional demand and need for public fire safety facilities in the city, and the city council finds that new growth and development should pay its proportionate share of the costs for new fire service facilities to serve new growth and development in the city. Therefore, pursuant to Chapter 82.02 RCW, Excise Taxes, the city council adopts the ordinance codified by this chapter to assess fire impact fees on new residential, commercial, and industrial development in the city. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the city council in establishing the fire impact fee program. (Ord. 1434 § 1, 2002)

15.65.020 Definitions.

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise. Terms or words not defined herein shall be defined pursuant to RCW 82.02.090 when given their usual and customary meaning.

The “Act” means the Growth Management Act, Chapter 17, Laws of 1990, First Extraordinary Session, Chapter 36.70A RCW et seq. and Chapter 32, Laws of 1991, First Special Session, as now in existence or hereinafter amended.

“Building permit” means an official document or certification of the city of Washougal issued by the city’s building official which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, placement, demolition, moving or repair of a building or structure.

“City” means the city of Washougal, Washington, county of Clark.

“Development activity” means any construction or expansion of a building, ~~or structure, or use,~~ any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for fire safety facilities. Consistent with RCW 82.02.090, "Development activity" does not include:

(a) Buildings or structures constructed by a regional transit authority; or

(b) Buildings or structures constructed as shelters that provide emergency housing for people experiencing homelessness, or emergency shelters for victims of domestic violence, as defined in RCW 70.123.020.

“Development approval” means any written authorization from the city, which authorizes the commencement of the “development activity.”

~~“Letter encumbered” means to reserve, set aside, or earmark the fire impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for the provision of fire protective services.~~

“Feepayer” is a person, corporation, partnership, an incorporated association or governmental agency, municipality or similar entity commencing a land development activity, which requires a building permit and creates a demand for additional fire capital facilities. “Feepayer” includes an applicant for an impact fee credit.

“Fire facilities” means the following capital facilities owned or operated by governmental entities: fire protection facilities not part of a fire district.

“Impact fee” means the payment of money imposed by the city on development activity pursuant to this chapter as a condition of granting development approval in order to pay for the fire facilities needed to serve new growth and development that is a proportionate share of the cost of fire capital facilities that is used for facilities that reasonably benefit new development. Impact fees do not include a reasonable permit fee, an application fee, and the administrative fee for collecting and handling fire impact fees or cost of reviewing independent fee calculations.

“Impact fee deferral program” shall mean the most current program/policy established by the city council to allow for required impact fees, associated with a permit, to be deferred or paid later at a time, as established under the program/policy, when the project is closer to completion.

~~“Letter encumbered” means to reserve, set aside, or earmark the fire impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for the provision of fire protective services.~~

“Owner” means the owner of record of real property, as found in the records of Clark County, Washington, or a person with an unrestricted written option to purchase property; provided, that the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the property.

“Project improvements” means site improvements at facilities that are planned and designated to provide service for a particular development or users of the project, and are not system improvements.

“Proportionate share” means that portion of the cost for fire facility improvements that are reasonable related to the service demands and needs of new development.

~~“Public facilities” means the following capital facilities owned or operated by governmental entities: (1) public streets and roads, (2) publicly owned parks and open spaces and recreational facilities, (3) school facilities, (4) fire protection facilities not part of a fire district, and (5) police facilities and essential public facilities as defined by Chapter 36.70A RCW. (Ord. 1664 § 1 (Exh. A), 2010; Ord. 1434 § 1, 2002)~~ “System improvements” mean public facilities that are included in the capital facilities plan and designed to provide service to service areas within the community at large, in contrast to project improvements.

(Ord. 1664 § 1 (Exh. A), 2010; Ord. 1434 § 1, 2002)

15.65.030 Fire impact fee capital facilities plan.

In order to collect fire impact fees, the city must first adopt a fire capital facilities plan as an element of the city’s comprehensive plan.

(1) The city’s capital facilities plan for fire protection services shall meet the requirements of RCW 82.02.050(5) and consist of the following elements:

~~(1a)~~ The city’s capacity over the next six years, based on an inventory of the city’s fire facilities both existing and under construction.

~~(2b)~~ The forecast of future needs for fire facilities based upon the city’s population projections.

~~(3c)~~ A six-year financial plan component, updated as necessary, to maintain at least a six-year forecast for financing needed within projected funding levels.

~~(4d)~~ Application of the formula set out in this chapter based upon the information in the capital facilities plan.

~~(52)~~ Council Action. No new or revised impact fee shall be effective until adopted by council following a duly advertised public hearing to consider the city’s capital facilities plan or plan update. (Ord. 1434 § 1, 2002)

15.65.040 Fire impact fee formula.

Fire impact fees shall be as follows:

Table 16.65-1 Fire Impact Fee Rates

Single-Family Residential <u>and Middle Housing</u>	\$0.68 per square foot
Multifamily Residential	\$0.37 per square foot
<u>Accessory Dwelling Units (35% of single-family residential rate)</u>	<u>\$0.24 per square foot</u>
All other uses	\$0.88 per square foot

(Ord. 1966 § 1 (Exh. A), 2022; Ord. 1525 § 3, 2005; Ord. 1434 § 1, 2002)

15.65.050 Fire impact fee assessment and deferral.

(1) The city shall collect fire impact fees from applicants seeking development approvals from the city for any development activity in the city for which building permits are required. This will include the expansion of existing uses, which creates the demand for fire protection services.

(a) Impact fees shall only be imposed for system improvements that are reasonably related to the new development. "System improvements" (in contrast to "project improvements") are public facilities included in the capital facilities plan that are designed to provide service to service areas within the community at large.

(b) A person required to pay a fee pursuant to RCW 43.21C.060 for system improvements shall not be required to pay a fire impact fee under RCW 82.02.050 through 82.02.090 for those same system improvements.

(2) Fire impact fees shall be assessed at the time of a sufficiently complete building permit application that complies with the city's zoning ordinances and building and development codes. Fire impact fees shall be collected from the fee payer at the time the building permit is issued, or at a time approved through the impact fee deferral program under WMC 15.65.050(4). In the case of manufactured homes and associated parks, impact fees shall be collected at the time of site plan approval. When a single manufactured or mobile home is being placed on a single lot, impact fees should be collected at the time a building permit is issued.

(3) Except if otherwise exempt pursuant to WMC 15.65.110 or an impact fee deferral is approved pursuant to WMC 15.65.050(4), the city shall not issue the required building permit unless or until the applicable fire impact fees are has been paid. (~~Ord. 1664 § 1 (Exh. A), 2010; Ord. 1434 § 1, 2002~~)

(4) Impact fees may be deferred pursuant to RCW 82.02.050. An applicant seeking deferral of applicable impact fees shall submit a written request to the Community Development Director.

(5) In accordance with RCW 82.02.070, impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account solely for fire impact fees. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed. On an annual basis, the city shall provide a report on the fire impact fee account, showing the source and amount of all moneys collected, earned, or received, and the system improvements that were financed in whole or in part by impact fees.

(Ord. 1664 § 1 (Exh. A), 2010; Ord. 1434 § 1, 2002)

15.65.055 Impact fee reduction for providing residential fire sprinklers. ~~to single-family homes.~~

~~(1) A person required to pay a fee pursuant to RCW 43.21C.060 for system improvements shall not be required to pay a fire impact fee under RCW 82.02.050 through 82.02.090 for those same system improvements.~~

(2) A person installing a residential fire sprinkler system in a single-family home or middle housing dwelling unit shall not be required to pay the fire operations portion of the impact fee as

outlined in subsection (2) below. The exempted fire operations impact fee shall not include the proportionate share related to the delivery of emergency medical services.

~~(322)~~ Twenty percent of the Washougal-fire department's emergency responses can be considered fire operation responses. A reduction of 20 percent in fire impact fees shall be imposed on all single-family and middle housing dwellings when a residential sprinkler system is installed. (Ord. 1740 § 1 (Exh. A), 2013)

15.65.060 Credits.

A feepayer can request that a credit, or credits, be awarded to the feepayer for the value of dedicated land, improvements, and construction by the feepayer if the city finds that such improvements or facilities serves to satisfy the goals of the fire department capital facilities plan. The feepayer shall first direct the request for credits to the city with a description of why the credits should be awarded. The city shall then determine if the improvements, land or construction is included in the capital facilities plan and that the city council determines that such improvements, land and construction meets the goals of the fire department capital facilities plan. The city may decline the request or make an alternative decision. In the event that the land, improvements or facilities are accepted by the city, the feepayer shall be responsible for supplying an independent appraiser to provide an appraisal report based on objective standards which indicates the fair market value of the dedicated land improvements or facilities. The credited amount shall be applied to the impact fee calculated for the particular development sponsored by the feepayer. If the amount of the credit is less than the amount of the fee, the feepayer shall pay the difference. If the amount of the credit exceeds the value of the impact fee, the city shall not be responsible for the difference. (Ord. 1434 § 1, 2002)

15.65.070 Appeals.

Any feepayer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit.

(1) Appeals regarding fire impact fees imposed on any development activity may only be taken by the feepayer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fee at issue has been paid.

(2) Determination of the city staff in respect to the applicability of fire impact fees to a given development activity or the availability of a credit, can be appealed to city council pursuant to this section.

(3) An appeal shall be taken within 10 working days of payment of the impact fees under protest or within 10 working days of the city's issuance of a written determination of a credit or exemption decision by filing with the city a notice of appeal giving the reasons for the appeal with accompanying appeal fee set forth in the existing fee schedule for land use decisions. (Ord. 1434 § 1, 2002)

15.65.080 Refunds.

(1) In accordance with RCW 82.02.070, if the city fails to expend or encumber the impact fees within the time period specified in RCW 82.02.070 ten years from the date the fees were paid, unless extraordinary circumstances or reasons exist and are identified in written findings by the

city, the current owner of the property on which the impact fees were paid shall receive a refund of such fees.

(~~1a~~) The city shall notify potential claimants by first class mail that they are entitled to a refund. Determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis.

(~~b2~~) Owners seeking a refund must submit a written request for refunds of the fees to the city within one year of the date the right to claim a refund arises or notice is given whichever comes later.

(~~c3~~) Any impact fees for which no application has been made within the one-year period shall be retained by the city and expended on appropriate fire facilities.

(~~d4~~) Refunds of impact fees shall include any interest earned on the impact fees by the city. (Ord. 1758 § 1 (Exh. A), 2014; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1434 § 1, 2002)

(2) Consistent with RCW 82.02.080, if the city seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this section.

(a) Upon a finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail to the last known address of claimants.

(b) All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the indicated public facilities.

(c) This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

(3) Consistent with RCW 82.02.080, a developer may request and shall receive a refund, including interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted.

15.65.090 Use of fire impact fees.

(1) Pursuant to this chapter, fire impact fees:

(a) ~~shall~~ Shall be used for fire facilities that will reasonably benefit the ~~city and its residents~~ new development;:-

(~~1b~~) Fees ~~s~~ Shall not be used to make up for deficiencies in ~~city~~ fire facilities serving ~~an~~ existing development; and

(~~2c~~) Fees ~~s~~ Shall not be used for maintenance or ~~and~~ operations including personnel.;

(~~32~~) Fire impact fees shall be ~~used~~ spent for public improvements, including, but not limited to, land acquisition, site improvements, construction, engineering and architectural services,

permitting, financing and administrative expenses, ~~and~~ applicable mitigation costs, capital equipment pertaining to fire protection facilities and any other expenses which can be capitalized.

(43) Fire impact fees may also be used to recoup public improvement costs incurred by the city to the extent that new growth and development will be served by the previously constructed improvements or incurred costs. ~~and~~

(54) In the event bonds or similar debt instruments are or have been issued for fire facility improvements, impact fees may be used to pay the principal on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. 1434 § 1, 2002)

15.65.100 Review.

Impact fees shall be reviewed by the planning commission with recommendations to city council as it may be necessary and appropriate, in conjunction with the annual review and update of the capital facilities plan and the city's comprehensive plan. (Ord. 1434 § 1, 2002)

15.65.110 Fire impact fees – Reductions and eXemptions.

The fire impact fees are generated from the formula for calculating the fees as found in this chapter. The amount of the impact fees is determined by the information contained in the adopted fire department capital facilities plan, as appended to the city's comprehensive plan. All new development located in the city will be charged a fire impact fee; provided, that the following exemptions shall apply.

(1) Any development activity or project, which has submitted a technically complete building permit application prior to the effective date of this ordinance, shall be exempt from the payment of fire impact fees.

(2) The following shall be exempt from fire impact fees:

(1a) Replacement of a structure with a new structure at the same site and when such replacement is within 12 months, or for a longer time period approved by the director, of demolition or destruction of the prior preeious-structure.

(2b) Alteration or expansion of or remodeling of an existing dwelling or structure where no new units are created and the use is not changed.

(3c) Construction of an accessory residential structure that will not create an impact on fire facilities.

(4d) Miscellaneous improvements including, but not limited to, fences, walls, swimming pools, and signs.

(5e) Demolition of or moving an existing structure within the city from one site to another.

(f) The temporary placement of a mobile home or manufactured home presently authorized under the Washougal Municipal Code.

~~(65) Low income housing developed by individuals, nonprofit corporations, or housing authority may be exempted from impact fees at the discretion of city staff subject to:~~

~~(a) Fiscal impact analysis of the effect upon low income housing of impact fees and how exempting housing from impact fees would forward the goals for low income housing in the city and Clark County.~~

~~(b) That adequate documentation be provided, that the housing will remain available for low income persons for a 10 year period of time at affordable rents.~~

~~(c) Staff may make partial exemptions for market rate and low income units providing that documentation is provided for the low income units that they will meet the specifications for household income, rent levels and the affordable rent will be available for 10 years.~~

~~(d) In the case of owner occupied dwellings, that such housing will be sold or leased at affordable rates to low income households for a period of 10 years.~~

(63) Upon application, the developer, supported by studies and data, may request from the city a reduction or elimination of the impact fee, based on unusual circumstances of specific cases. Determination by the city on whether development should be exempt from payment of any impact fees or whether the impact fee amount shall be reduced may be appealed pursuant to WMC 15.65.070;

~~(74) The impact fee for exempt development shall be calculated as provided by this chapter and paid from public funds other than impact fee accounts. Such payments may be made by including such amounts in the public share of the system improvements undertaken within the city for fire protection services and facilities.~~

(Ord. 1884 § 1 (Exh. A), 2019; Ord. 1434 § 1, 2002)

15.65.120 Authority unimpaired.

Nothing in this chapter shall preclude the city from requiring the feepayer to mitigate adverse and environmental affects of a specific development pursuant to the State Environmental Policy Act, Chapters 43.21C RCW and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with Chapters 43.21C and 82.02 RCW. (Ord. 1434 § 1, 2002)

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.
- 18.06.920 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.
- 18.06.1000 Public use.

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

- 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, [including early learning facilities \(as defined in Chapter 15.64\)](#), 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, 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)

18.06.920 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)

Development Code Updates

Monday, June 22, 2026 – City Council Workshop | Presented by Jessica Herceg, DOWL
Washougal City Hall Council Chambers



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City of Washougal

Agenda

➤ Development Code Updates – Group 5

- Impact Fee Updates:
 - Recap: Impact Fee Exemptions Direction
 - Low-Income Housing Exemptions Updates
 - Other Exemptions Updates
 - Definitions
 - Miscellaneous Revisions
 - Upcoming Revisions

➤ Next Steps/Action Items

Recap: Impact Fee Exemptions Direction

What's Required:

- Exemptions may be granted for:
 - Low-income housing,
 - Early learning facilities,
 - Other development activities with broad public purposes

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

What We Heard:

- Create tiered low-income housing impact fee exemptions to incentivize deeper affordability
 - Cap exemption at 80%
 - Do not require repayment
- Mixed feedback on exemptions for early learning facilities

Low-Income Housing Exemptions Updates

Requirement: If adopted, exemptions for low-income housing development must align with amended RCW 82.02.060.

Proposed Changes:

- Provide partial exemption for parks and transportation impact fees; remove exemption for fire and schools
- Updated definition of “low-income housing”
- Simplify and standardize exemption eligibility and application requirements
- Add tiered system for exemptions to incentivize deeper affordability
- Must record covenant requiring payment of exempted impact fees if converted to use other than low-income housing
- Add exception from requirement to pay exempted fees from other public funds

Affordability Level	Impact Fee Exemption
>50% to 80% AMI	60%
>30% to 50% AMI	70%
0% to 30% AMI	80%
Permanent Supportive Housing	80%

Other Exemptions Updates

Accessory Dwelling Units

- Include impact fee costs for ADU's consistent with Title 18.

Early Learning Facilities

- The city may provide a full or partial exemption
- Up to 80% can be exempted without an obligation to pay with other public funds
- If a covenant is recorded that requires that a minimum of 25% of families served qualify for state subsidized childcare, the city can provide a full exemption with no requirement to pay with other public funds

PC Feedback:

- Provide a partial exemption;
- Require a percentage of families served qualify for state subsidized childcare
- No repayment obligation

Definitions

Primary changes:

- **Development activity:** per RCW, “development activity” does not include regional transit authority buildings or emergency shelters/housing for people experiencing homelessness or domestic violence victims.
 - Result: these facilities are no longer required to pay impact fees.
- **Early learning facility:** new definition needed regardless of whether an impact fee exemption is adopted, due to another RCW update
 - Also update WMC 18.06 definition for day care center to include these facilities
- **Low-income housing:** revised to align with RCW
- **Transportation public facilities:** public streets, roads, and bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use

Miscellaneous Revisions

- **Clarifications and RCW references:**
 - “System improvements” vs “project improvements”
 - Other updates to improve consistency with RCW and across WMC
- **Impact fee deferral program:**
 - Updates to provide more information on existing program
- **Fee program management:**
 - Account management and earmarking
 - Annual reporting
- **Refunds:** required for unexpended or unencumbered funds if:
 - 10 years without expending or encumbering the funds
 - Impact fee program termination
 - Developer does not proceed with development

Note:

Additional small text revisions were identified during review against statute.

These will improve clarity and consistency across impact fee chapters.

Upcoming Revisions

➤ Impact fee updates:

- RCW requires that impact fees are proportional to the size of the housing unit. Statute lists square footage, number of bedrooms, or trips generated
- Transportation and Parks capital plan updates will include updated project lists, costs, and funding

➤ Additional coordination:

- School impact fee updates will follow Washougal and Camas Capital Facility Plan updates.

Action Items/ Next Steps



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Action Items / Next Steps

Tentative Schedule:

- July 27: Capital Facilities and Utilities Element + Water, Sewer and Stormwater Technical Analysis
- August 10:
 - Draft Comprehensive Parks and Recreation Plan Update
 - Draft Transportation Capital Facility Plan Update
- August 24: Draft Compiled Comprehensive Plan Update Document
- September 14: Park and Transportation Impact Fee Updates
- September 28: Consolidated Development Code Updates
- November: Public Hearings
- December: Adoption