



**CITY OF WASHOUGAL  
CITY COUNCIL WORKSHOP  
Monday, April 13, 2026  
5:00 PM**

**MEETING INFORMATION**

Please click the link below to join the webinar:  
<https://us02web.zoom.us/j/86870773361>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PUBLIC COMMENTS**
- IV. NEW BUSINESS**
  - A. Police: 2025 Police Annual Report -- Chief Zane Freschette**
  - B. Community Development: Code Updates - Group 3 — Mitch Kneipp**
- V. REPORTS AND COMMUNICATIONS**
  - A. CITY MANAGER**
  - B. MAYOR**
  - C. CITY COUNCIL**
- VI. ADJOURNMENT**

UPCOMING MEETINGS: Monday, April 27, 2026 — Workshop at 5:00 PM & Council at 7:00 PM.

**BUSINESS OF THE CITY COUNCIL**

**City of Washougal, Washington**

**FOR AGENDA OF:**

4/13/2026

**SUBJECT:**

Police: *2025 Police Annual Report -- Chief Zane Freschette*

**DEPT. OF ORIGIN:**

Police

**REVIEWED AT:**

**TO BE RETURNED TO COUNCIL:**

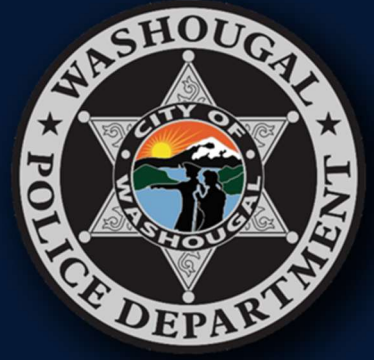
No

**ATTACHMENTS:**

1. Police 2025 Annual Report

**SUMMARY STATEMENT**

**RECOMMENDED ACTION**



# Annual Report 2025

CITY OF WASHOUGAL POLICE DEPARTMENT



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# Chief's Message

## **One Team, One Mission, One Washougal**

As we present the 2025 Annual Report and look ahead into 2026, I am filled with an overwhelming sense of pride in the men and women of the Washougal Police Department. Last year, I promised transition and strategic realignment. Today, I can confidently say that we didn't just meet those benchmarks...we exceeded them.

## **Momentum and Milestones**

2025 was defined by bringing to life the vision of becoming a premier law enforcement agency in Clark County. We streamlined our leadership by adding a second Captain's position, separating Administrative and Operational functions to ensure we are more efficient and more responsive. We didn't just grow in numbers; we grew in quality, adding incredible new talent to our ranks and refining our entire policy manual to meet the highest modern standards of policing.



Our commitment to your safety is best reflected in our results. In 2025, our team handled over 17,000 police responses. Of note, we maintained average response times of under five minutes for both Priority 1 and Priority 2 calls. In this profession, seconds save lives, and our officers proved their dedication to this community with every radio call.

## **Our North Star: The Washougal Standard**

As we move into 2026, our mission is anchored by three non-negotiable values: Respect, Character, and Honesty. We view these not as slogans on a wall, but as the standard by which we measure our success.

- Respect: Treating every person with dignity, from our neighbors on the street to our colleagues in the hallway.
- Character: Doing the right thing because it's the right thing...even when it's the hard thing.
- Honesty: Maintaining the radical transparency required to keep the public's trust and demanding that we hold ourselves to the high standards deserved by our community.

## **The Road Ahead in 2026**

Our goals for the coming year are ambitious. We are pursuing WASPC Re-Accreditation, the gold standard of professional policing, to prove that Washougal operates among the elite agencies in Washington. We are also aggressively pursuing fiscal growth through HB2015 funding to ensure our officers have the best equipment, training, and facilities without placing an undue burden on our local taxpayers.

Beyond the stats and the gear, we are doubling down on Community Engagement. From National Night Out to the Pumpkin Harvest Festival, we want to build relationships. Every contact is an opportunity to better understand the needs of our community.

## **Closing Thoughts**

To the citizens of Washougal: Thank you for your unwavering support. To my officers and staff: Thank you for your hustle, your heart, and your "A game."

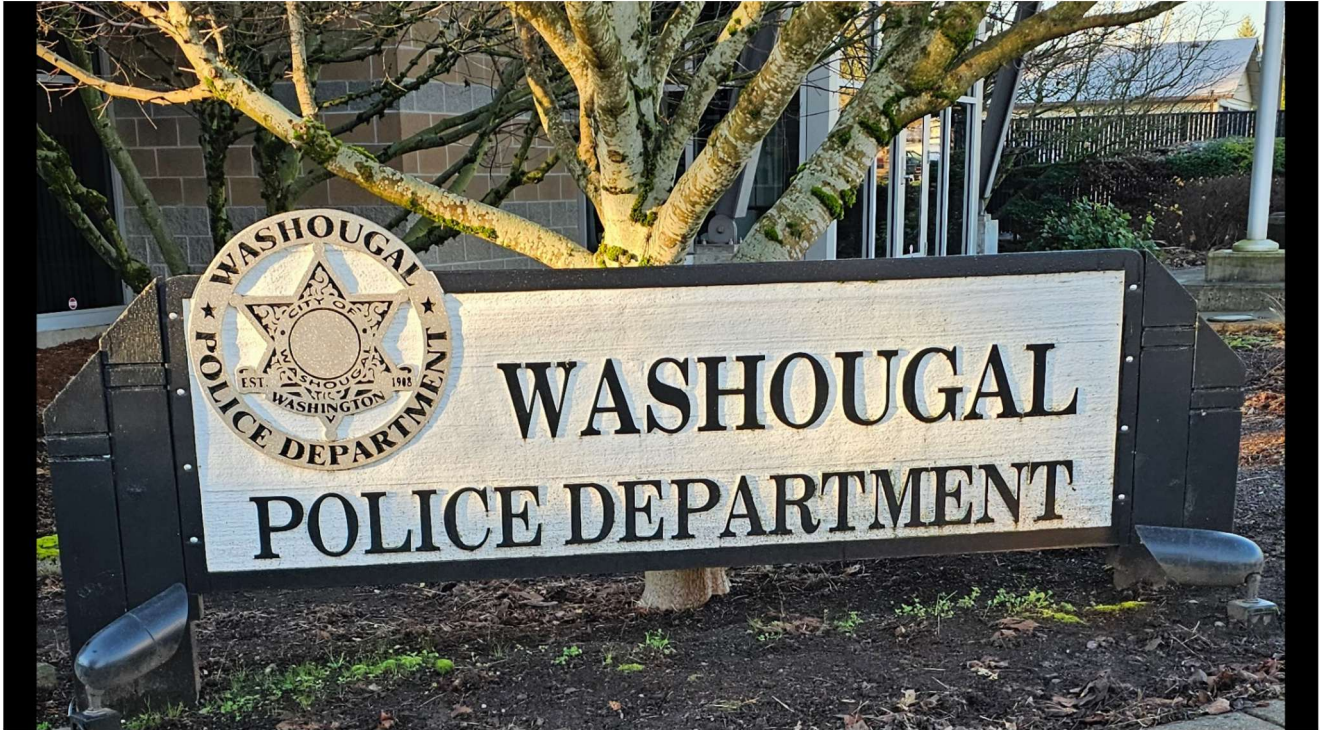
We are no longer just a police department in Clark County; we are becoming the premier law enforcement agency in the region. We move as one, or we don't move at all. Together, let's make 2026 a historic year for the safety and vibrancy of our "little corner of Washington."

With Great Pride,

*Zane Frechette*

Zane Frechette  
Chief of Police

# About Us



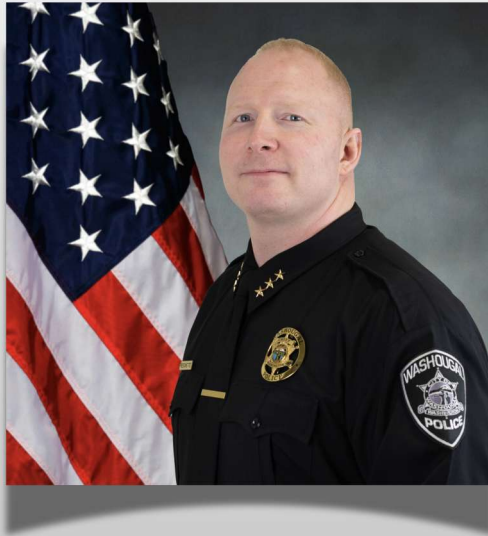
## Vision

- 
- Provide professional proactive and personable police services
  - Embrace an open relationship with our citizens and government organizations
  - Focus on improving quality of life
- 

## Mission

Maintain the trust and confidence of our citizens while delivering the highest level of service possible, enforcing the laws without bias and providing a safe environment for all.

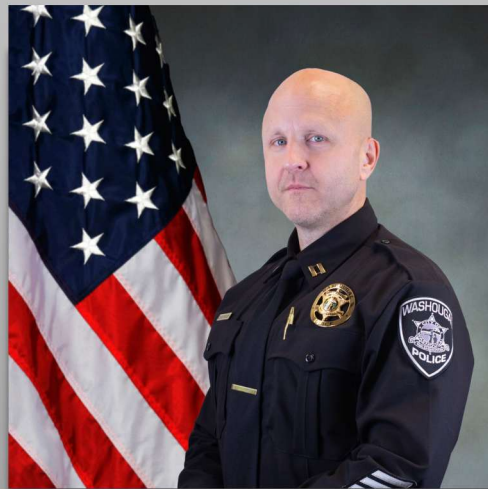
# Command Staff



**Zane Freschette**  
Chief of Police



**Kyle Kinnan**  
Administrative Captain



**Jim Quackenbush**  
Operations Captain

# Staffing Information

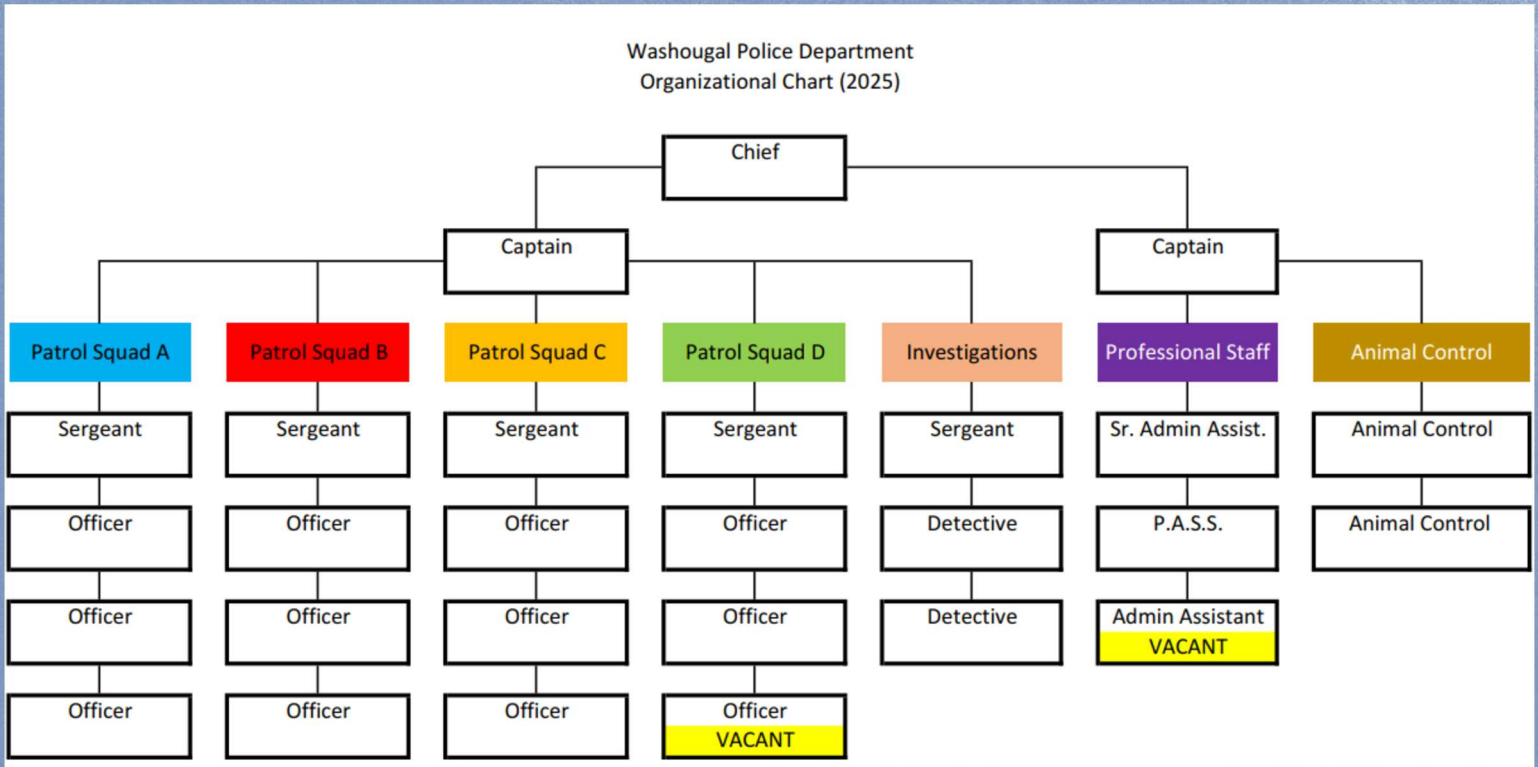
In 2025, the Washougal Police Department served a population of 18,360 citizens and consists of four (4) key areas: Patrol, Investigations, K9 and Professional Staff. Patrol officers respond to 911 dispatch calls and provide traffic enforcement in the City. Detectives investigate more involved and or serious crimes. Our K9 unit provides drug and people searches in and around the City and also serves as one of the K9 SWAT units. The Professional Staff issue concealed pistol licenses, provide fingerprinting services, process public records requests and accept prescription or over the counter (OTC) drugs for disposal.

Animal Control Services are provided by the Washougal Police Department. Two (2) Animal Control Officers provide animal control services to both Camas and Washougal. The Animal Control Officers routinely patrol both cities and investigates animal abuse, barking, loose dogs, dog bites, and vicious dog complaints.

In 2025, WPD was approved for twenty-two (22) Sworn Positions, two (2) Animal Control Positions and three (3) Professional Civilian Staff. Closing out 2025, our department staffing consisted of twenty-one (21) Sworn Positions, two (2) Animal Control Position, two (2) Professional Civilian Staff and two (2) vacancies.



# Organizational Chart



# Military Recognition

The Washougal Police Department is proud to recognize and honor the courageous men and women who have served (and who continue to serve) in the United States military. Their dedication, resilience, and sacrifice protect the freedoms we enjoy each day. We extend our sincere gratitude to all active-duty service members, veterans, and their families for their selfless service and steadfast commitment to our nation.

In 2025, the Washougal Police Department was honored to receive generous donations from American Legion Post 122 and Veterans of Foreign Wars Post 4278. These contributions made it possible to purchase a large sign for our military wall display (pictured below), which proudly honors both our active-duty service members and our retired military veterans.



Sergeant Francis Reagan  
Sergeant Tyler Trenda  
Officer Trevor Claudson  
Officer Mike Costa

Detective Suguey Lopez  
Officer Riley Miller  
Officer Greg Sulzinger  
Officer Ethan Ogdee  
Officer Luke Debiak



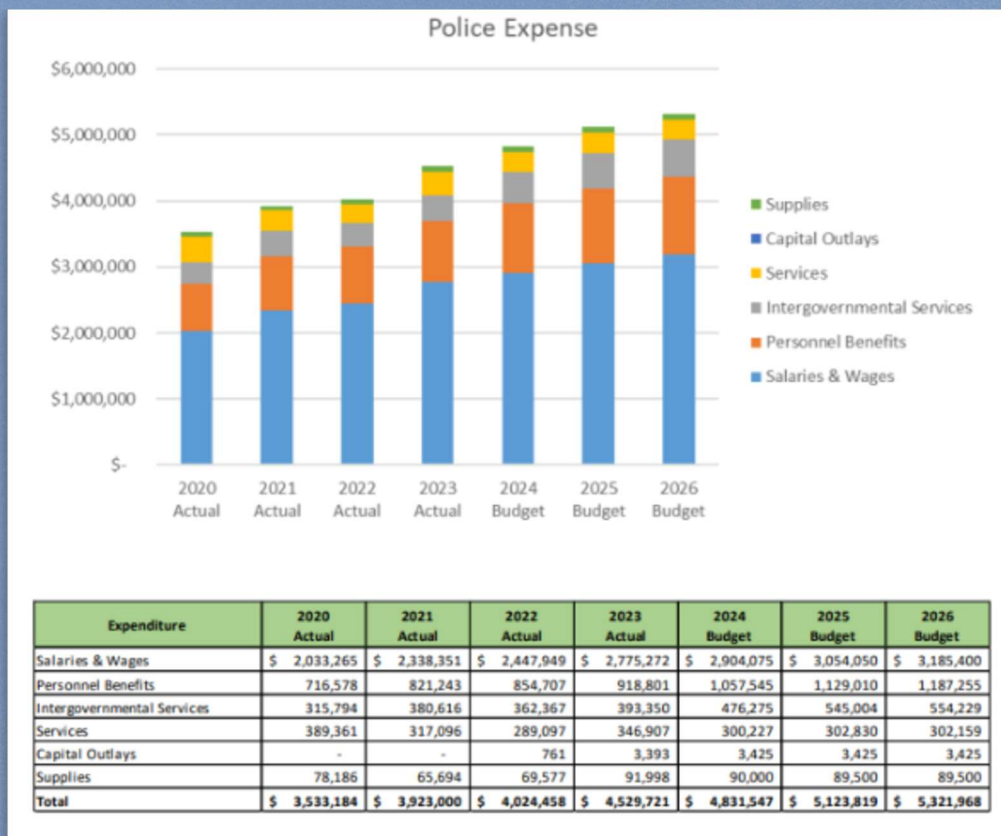
# Budget

## Budget Overview

Personnel expenses represent the largest share of the Washougal Police Department’s operating budget. These expenses include employee wages, health insurance coverage, retirement contributions, and other costs associated with maintaining the department’s workforce.

Beyond staffing costs, the department also dedicates funds to legal and judicial functions. These expenditures cover services provided by the prosecuting attorney along with costs related to detention and incarceration.

Combined, personnel and legal-related expenses make up a substantial portion of the department’s total operating commitments.

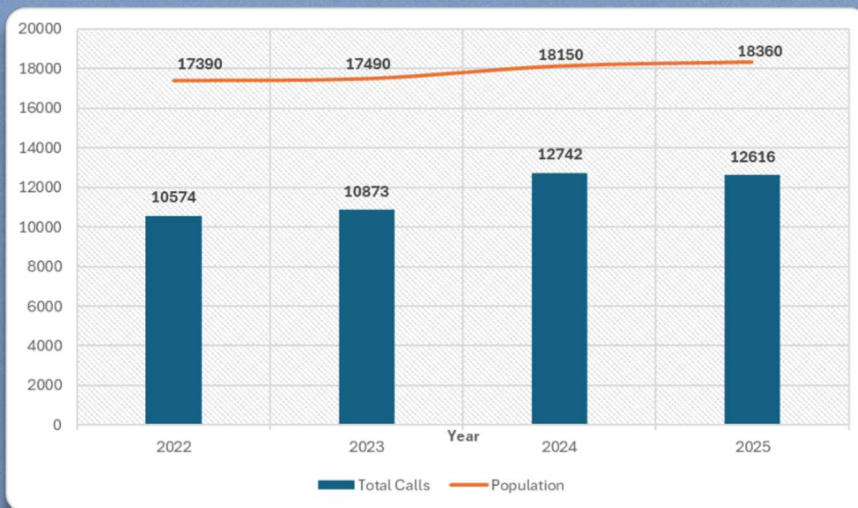


# Crime Trends & Data

## Statistical Data:

The information contained in the following pages provides an overview of the department's operational activity and highlights the dedication and professionalism demonstrated by both sworn personnel and support staff throughout the year.

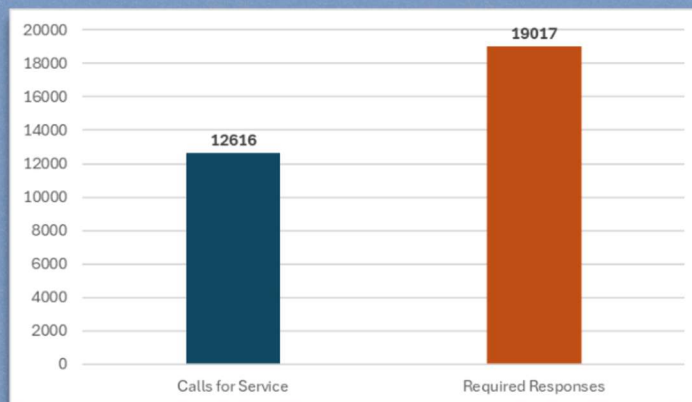
When reviewing these statistics, it is important to recognize that the figures are influenced by several operational variables. Factors such as staffing levels, the presence of officers in the field training program, and fluctuations in the number and type of calls for service can all impact the trends reflected in this report. Together, these conditions shape the overall activity levels and outcomes documented in the data.



The total calls for service for the Washougal Police Department decreased by just under 1% from 2024 to 2025

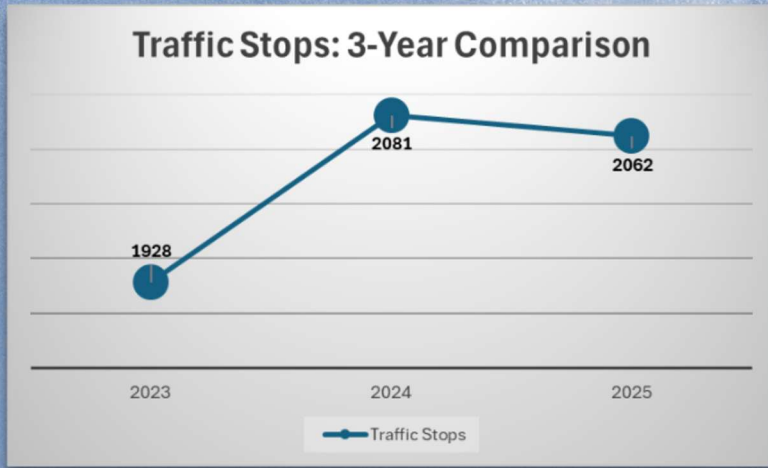
The population for the City of Washougal grew by 1.16% during the same time.

**2025  
Calls for  
Service / WPD  
Responses**



The required responses outnumber the calls for service due to certain incidents necessitating more than one responding officer.

# Crime Trends & Data

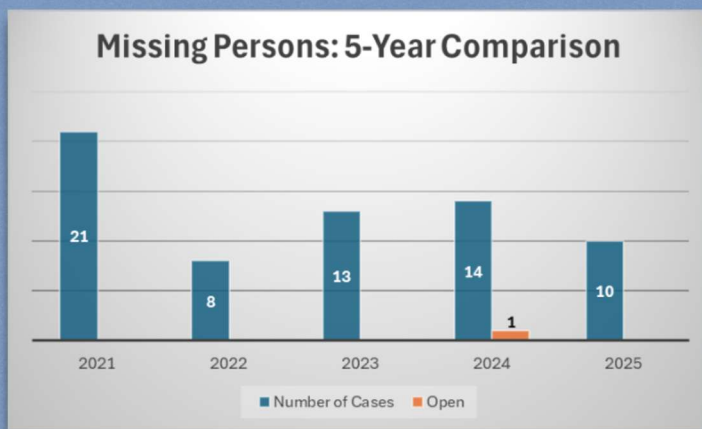
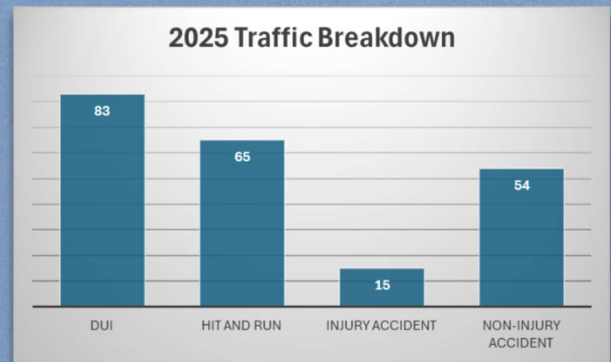


In 2025, traffic stops totaled 2,062, representing a slight decrease from the prior year while still remaining above 2023 levels.

Overall, the three-year trend indicates a sustained emphasis on traffic safety and visibility, with enforcement activity stabilizing in 2025 following the peak observed in 2024.

In 2025, Washougal Police Officers prioritized proactive traffic safety efforts, making 83 DUI arrests and investigating 65 hit-and-run incidents.

Officers also responded to a total of 69 collisions, including 15 injury accidents, while continuing to provide timely assistance and support ongoing efforts to improve roadway safety.

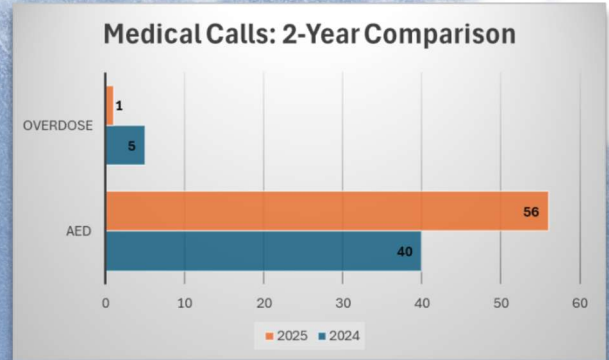


Missing persons case volumes have fluctuated over the past five years, declining from 21 cases in 2021 to 10 cases in 2025.

All cases reported in 2025 were resolved by year-end, reflecting consistent investigative follow-through and timely case management.

# Crime Trends & Data

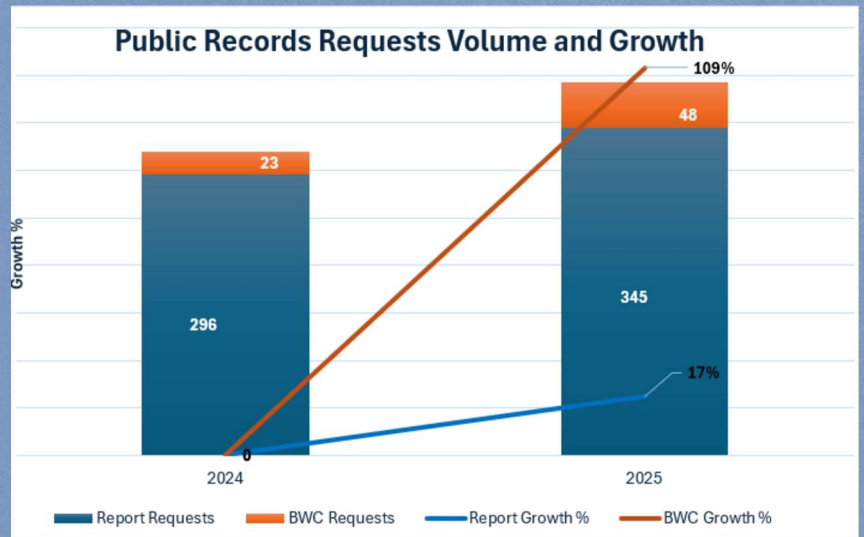
Medical-related responses shifted in 2025, with overdose calls decreasing from five to one, reflecting ongoing prevention and community awareness efforts. AED deployments increased from 40 to 56, highlighting the department's continued commitment to timely, life-saving assistance.



## Public Records and CPLs:

The Washougal Police Department remains committed to transparency and accountability by processing public records requests in accordance with Chapter 42.56 of the Revised Code of Washington (Public Records Act), as well as all applicable state and local requirements.

From 2024 to 2025, the Washougal Police Department experienced a noticeable increase in overall public records activity.



Total report requests rose from 296 to 345, representing an increase of 49 requests (approximately 17%). Requests specifically related to Body-Worn Camera (BWC) footage increased more significantly, rising from 23 to 48, which reflects an increase of 25 requests (approximately 109%).



In 2025, the Washougal Police Department successfully processed 378 Concealed Pistol License (CPL) applications through Permitium, the department's secure digital permitting platform.

Additional information about licensing requirements and application steps is readily available by scanning the QR code or by visiting <https://washougalpdwa.permitium.com/ccw/start>

# Crime Trends & Data

## 2025 Drug Take Back Events and the WPD Drug Disposal Kiosk:

The Washougal Police Department participated in its twice-yearly community prescription drug take-back events, providing residents with a safe and convenient way to dispose of unused or expired medications. These efforts support public safety by reducing opportunities for misuse, accidental ingestion, and diversion, while also promoting environmentally responsible disposal practices.

In 2025, the Washougal Police Department collected 16 boxes of unwanted/unused medications, with a total weight of 472.3 pounds, across two Take Back Events.



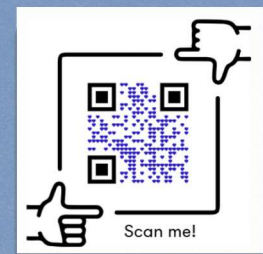
Throughout the year, community members are welcomed and encouraged to utilize the secure medication disposal kiosk located in the Washougal Police Department lobby during regular business hours. This ongoing service provides a convenient and responsible option for safely removing expired or unwanted prescription medications from homes.

### Items that are **NOT** accepted include:

- Herbal Remedies
- Vitamins/Supplements
- Cosmetics/Personal Care Products
- Sharps/Empty Medical Devices
- Batteries
- Thermometers containing Mercury
- Illicit Drugs
- Pet/Pesticide Products



**For detailed information on what items are accepted or prohibited, disposal site locations, and other program resources, please scan the QR code or visit [www.medtakebackwashington.org](http://www.medtakebackwashington.org)**



# Animal Control

The Camas-Washougal Animal Control Division—operating under the Washougal Police Department—was established to help ensure the safety and well-being of your pets.

Typical calls include but are not limited to:

- Dog bites
- Lost and found dogs
- Dogs that are neglected, abused, stray, or dangerous
- Barking dog complaints

Wildlife-related Concerns:

Animal Control Officers cannot handle or relocate wildlife due to federal and state laws, but they can answer questions and offer on-site support until wildlife authorities arrive.

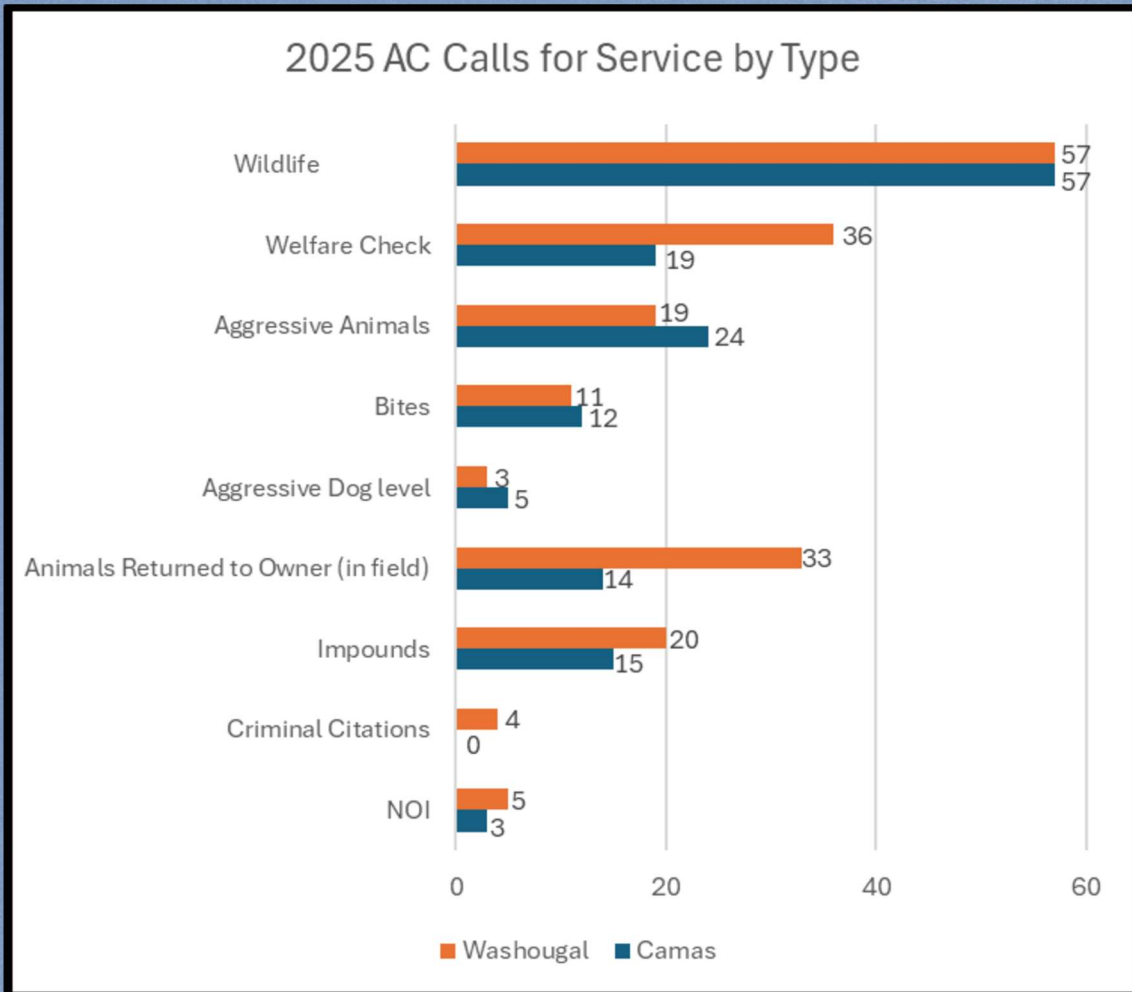
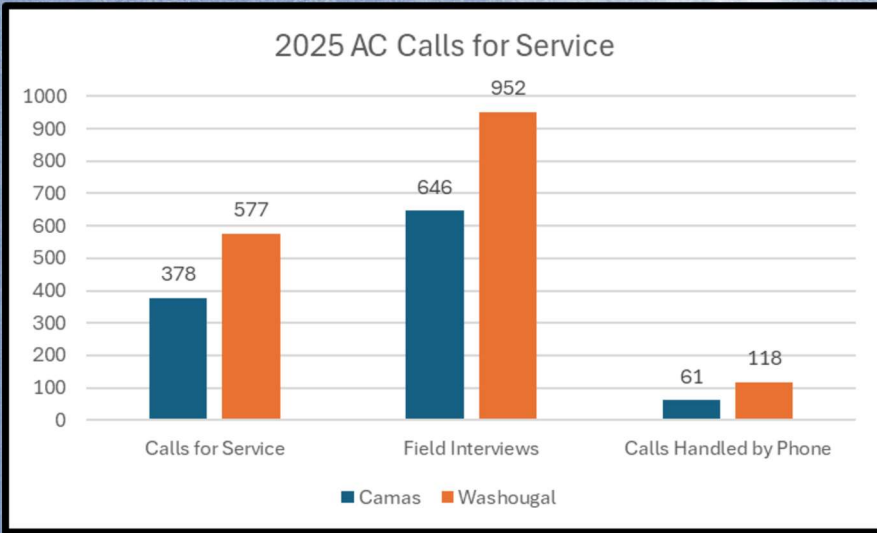


Cats:

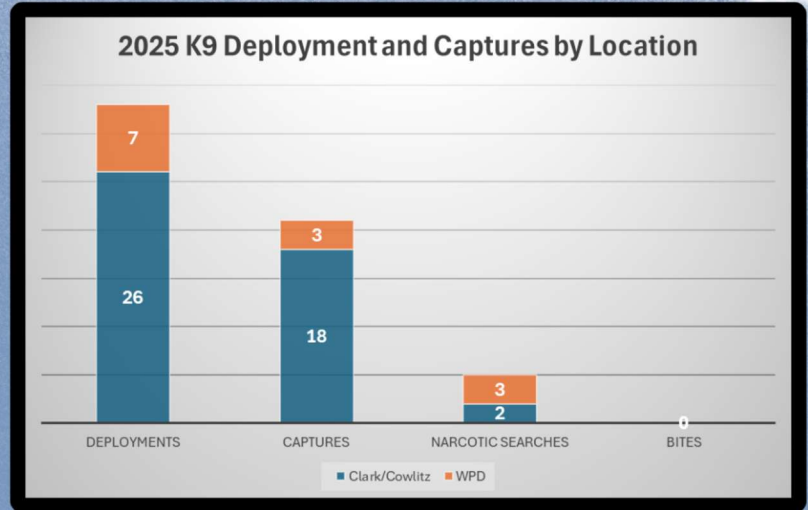
With the exception of cases involving cruelty or neglect, state law and local ordinances do not authorize Animal Control to address issues related to domestic cats.

For assistance with feline-related concerns, residents are encouraged to consult the Animal Agencies page for available resources: (<https://www.cityofwashougal.us/219/Animal-Agencies>)

# Animal Control



# WPD K9 Deployment



K9 Cassius was very busy in 2025! He was actively deployed thirty-three (33) times with twenty-one (21) successful captures. He was deployed for five (5) narcotics searches and did not have any bites!

K9 Cassius made appearances at three (3) fair demos where he got to show off his professional skills, four (4) car shows and ten (10) non-planned demo/meetings with PAL and other civic groups. Did you know K9 Cassius is sticker famous? Collect one while they last!



# Community Engagement

Throughout the year, members of the Washougal Police Department remained actively engaged with the community by participating in a wide variety of civic, charitable, educational, and public safety events. These opportunities allowed officers and staff to connect with residents, support local organizations, and strengthen relationships that are essential to effective community policing.

Department personnel participated in numerous community runs, fundraising events, and health initiatives, including the Student Stride for Education 5K, Reflection Run, Pathways Clinic Run4Life, Scary Run events, Run for the Hungry, and Pickleball for a Purpose. Officers also supported community-based fundraising and charitable efforts such as Breast Cancer Awareness, Hope for Heroes and several community fitness and recreation events throughout the year.

Officers continued to maintain a visible presence at many of Washougal's signature community gatherings and seasonal celebrations. These included the Fourth of July Parade and neighborhood block parties, the Washougal Motocross National Event, the Washougal Arts and Music Festival, Washougal Songcraft Festival, Harvest Fest, and the Lighted Christmas Parade and Tree Lighting. Additional family-focused events such as National Night Out, Family Fun Day, Pumpkin Harvest Festival, Boo Bash, and the Camas-Washougal Fire Department Open House provided opportunities for officers to interact with residents in a relaxed and positive environment.

The department also remained committed to youth engagement and education. Officers participated in school-based events including the Annual City Hall, Library, Police, and Fire Field Trip, the PAL Literacy Event at Columbia River Gorge Elementary, and other outreach efforts designed to build positive relationships with young community members.

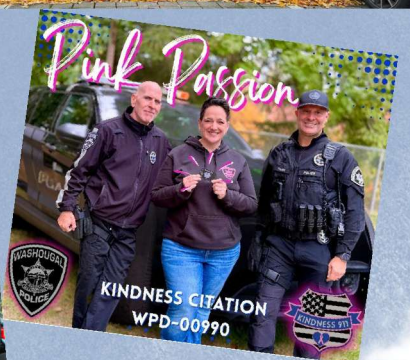
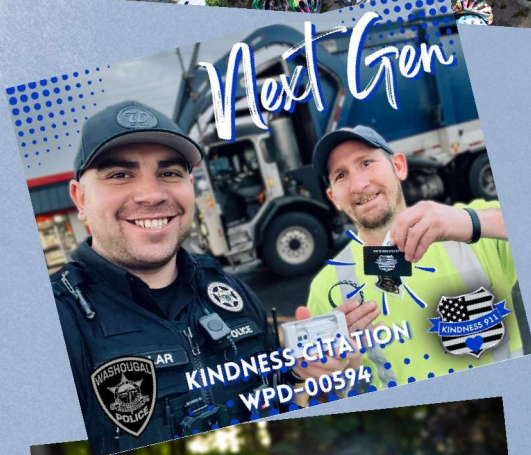
Community partnership and dialogue remained a priority throughout the year. Department representatives attended and participated in several community meetings and outreach forums, including Impactful Community Conversations - Unite! Washougal Town Hall events, parking zone engagement meetings, Citizens Academy sessions, and senior outreach gatherings.

Members of the department also participated in important civic ceremonies and recognition events such as the Memorial Day Ceremony at Washougal Cemetery, Clark County Superior Court Drug Court Graduation, the Engine 43 Push-In Celebration, and retirement celebrations recognizing years of dedicated service.

Through participation in these (and countless other) events, the Washougal Police Department continues to foster strong partnerships, promote public safety, and reinforce its commitment to serving the community with professionalism, visibility, and engagement.

**We extend our sincere thanks to the Washougal community for your support and engagement throughout 2025, helping make each event a meaningful and memorable experience.**

# Community Engagement



# New Hires

## Captain Jim Quackenbush

Captain Jim Quackenbush joined the Washougal Police Department on May 6, 2025, bringing with him extensive experience and a broad base of knowledge developed during his service with the Portland Police Bureau and the City of Boise Police Department. His background in law enforcement leadership and operations adds valuable perspective to the department and strengthens our ongoing commitment to professional policing and community service.



## Sergeant Tyler Trendera

Sergeant Tyler Trendera joined the Washougal Police Department on January 20, 2025, after serving with the Clark County Sheriff's Office. He brings with him valuable experience, professional insight, and a strong commitment to public service. His enthusiasm and depth of knowledge contribute positively to the team and support the department's mission of providing effective and community-focused policing.



## Animal Control Officer Kyra Stoiantschewsky

The Washougal Police Department welcomed Kyra Stoiantschewsky to the team October 1, 2025, as the department's new Animal Control Officer. In this role, she supports the community through animal welfare, public safety, and responsible animal management. We look forward to the positive contributions she will bring to the department and the community through her work.



# Promotions

## Chief Zane Freschette

Chief Zane Freschette assumed the role of Chief of Police following his promotion from Captain, bringing with him a strong sense of dedication, leadership, and commitment to the department. In his new position, he continues to demonstrate a deep passion for serving the community and supporting the men and women of the department, guiding the organization forward with energy, professionalism, and a clear vision for the future.



## Captain Kyle Kinnan

Captain Kyle Kinnan accepted his promotion to Administrative Captain and immediately stepped into the role with focus and dedication. Bringing a strong commitment to organizational effectiveness and departmental support, he quickly began addressing administrative priorities and working to ensure the continued efficiency and professionalism of the department's operations.



# Retirements

## Phillip Cianni

Officer Phillip Cianni served the Washougal Police Department as a Reserve Officer from January 2013 until his retirement in December 2025. As the final Reserve Officer serving the Washougal community, his role reflected a long-standing tradition of volunteer service in support of public safety. We are grateful for his many years of dedication and the commitment he showed to the Washougal community.

All of us at the Washougal Police Department extend our sincere appreciation to Officer Cianni for his years of service and wish him continued happiness and fulfillment in the years ahead.



# Contact Us



## Phone

 (360) 835-8701

## Email

 [WASPD@cityofwashougal.us](mailto:WASPD@cityofwashougal.us)

## Website

 <https://www.cityofwashougal.us/205/Police>

## Address

 1320 A Street, Washougal, WA 98671

**BUSINESS OF THE CITY COUNCIL**

**City of Washougal, Washington**

**FOR AGENDA OF:**

4/13/2026

**SUBJECT:**

Community Development: **Code Updates - Group 3** — *Mitch Kneipp*

**DEPT. OF ORIGIN:**

Community Development

**REVIEWED AT:**

Planning Commission - March 24, 2026

**TO BE RETURNED TO COUNCIL:**

No

**ATTACHMENTS:**

1. WMC Code Audit Tracking Sheet- Group 3
2. WMC 16.40 (Historic and Cultural Preservations)
3. WMC 18.06 (Title 18 - Definitions)
4. WMC 18.35 (Town Center Districts)
5. WMC 18.46 (Supplementary Regulations for Specific Uses)
6. WMC 18.76 (Comprehensive Plan Amendments)
7. WMC 18.94 (Procedures)
8. CC Workshop Presentation (04-13-2026)

**SUMMARY STATEMENT**

The attached proposed code amendments are necessary to comply with the Washington State Growth Management Act, including recent legislation regarding archaeological monitoring, affordable housing, additional housing in existing buildings, regulations for comp plan updates, and notice requirements for resource lands.

**RECOMMENDED ACTION**

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

# Washougal Code Audit: Group 3

## WASHOUGAL MUNICIPAL CODE (WMC) TEXT AMENDMENTS

Existing WMC Section	New WMC Section	Description of Change
<b>Title 16 Environmental Regulations</b>		
<b>16.40 Historic and Cultural Preservation</b>		
	16.040.060	<ul style="list-style-type: none"> <li>New section created to address requirements for archaeological monitoring <i>(Periodic Update Checklist: Regulations to Implement Optional Elements (d))</i></li> </ul>
<b>Title 18 Zoning</b>		
<b>18.06 Definitions</b>		
	18.06.071	<ul style="list-style-type: none"> <li>New definition created for "affordable housing" <i>(Periodic Update Checklist: Zoning code (m))</i></li> </ul>
	18.06.072	<ul style="list-style-type: none"> <li>New definition created for "affordable housing development" <i>(Periodic Update Checklist: Zoning code (m))</i></li> </ul>
	18.06.1041	<ul style="list-style-type: none"> <li>New definition created for "religious organization" <i>(Periodic Update Checklist: Zoning code (o))</i></li> </ul>
<b>18.35 Town Center Districts</b>		
18.35.045		<ul style="list-style-type: none"> <li>Amendments to comply with state law requirements for affordable housing programs and bonuses <i>(Periodic Update Checklist: Zoning code (m))</i></li> </ul>
<b>18.46 Supplemental Regulations for Specific Uses</b>		
	18.46.104	<ul style="list-style-type: none"> <li>New section created to address requirements for affordable housing density bonuses on religious owned properties <i>(Period Update Checklist: Zoning Code (o))</i></li> </ul>
	18.46.160	<ul style="list-style-type: none"> <li>New section created to address requirements for new housing units within existing buildings <i>(Periodic Update Checklist: Zoning Code (p))</i></li> </ul>

<b>18.76 Comprehensive Plan Amendments</b>		
18.76.030		<ul style="list-style-type: none"> <li>Amendments to comply with state law requirements on comprehensive plan and regulation amendments and emergency amendments</li> </ul> <i>(Periodic Update Checklist: Plan &amp; Regulation Amendments (a) and (b))</i>
<b>18.94 Procedures</b>		
18.94.080		<ul style="list-style-type: none"> <li>Amendments to add noticing requirements for certain actions occurring on or adjacent to natural resource lands</li> </ul> <i>(Periodic Update Checklist: Resource Lands (b))</i>

**Chapter 16.40**

**HISTORIC AND CULTURAL PRESERVATIONS**

Sections:

- 16.40.010 Purpose.
- 16.40.020 Archaeological survey required.
- 16.40.030 Exceptions.
- 16.40.040 Predetermination.
- 16.40.050 Mitigation alternatives.
- 16.40.060 Archaeological monitoring.

**16.40.010 Purpose.**

It is the city of Washougal’s policy to recognize and protect important historic and cultural resources, including those listed on the national, state and local registers of historic places; cultural resources inventoried by the State Archaeologist; and as yet unrecorded sites, objects or structures. The city adopts by this reference the “City of Washougal Archaeological Predictive Model” and associated probability maps from Clark County (which may be periodically updated to reflect the best available information), and establishes the following matrix as a guideline for when an archaeological survey is required based upon: the probability as indicated by Clark County records, the described impact potential of land use applications, and the cited exceptions. (Ord. 1477 § 1, 2004)

**16.40.020 Archaeological survey required.**

Predictive Class	Designation Probability Index	Potential for Impacts*		
		Low	Moderate	High
1	1% – 20% (Low)	No	No	No
2	21% – 40% (Low – Moderate)	No	No	Yes
3	41% – 60% (Moderate)	No	Yes	Yes
4	61% – 80% (Moderate – High)	No	Yes	Yes
5	81% – 100% (High)	No	Yes	Yes

\*Low potential impacts include those activities involving no ground disturbance, normal maintenance and repair of existing structures and facilities, lands that have been substantially disturbed to a depth of more than eight inches, and areas that have been adequately surveyed in the past with no discovery of resources.

\*Moderate potential impacts include activities involving slight ground disturbance not otherwise characterized as having low or high impact potential.

\*High potential impacts include activities involving disturbance of ore than 12 inches below the ground surface and more than 10,000 square feet of area.

(Ord. 1477 § 1, 2004)

**16.40.030 Exceptions.**

(1) A survey should be required for any high potential impact project located within one-quarter mile of a recorded site, regardless of the probability designation.

(2) A survey shall be required for any moderate through high potential impact project within 500 feet of a known unrecorded site, regardless of the probability designation.

(3) A survey shall be required upon discovery of an archaeological site during development of any permitted project, regardless of the probability designation.

(4) A site walkover shall be an adequate survey for properties in the Predictive Class 1 through 3 unless a significant archaeological site has been discovered or indicated. Any more intensive investigation shall be determined by site-specific conditions, which indicate the need for subsurface analysis. (Ord. 1477 § 1, 2004)

**16.40.040 Predetermination.**

In any case where the preceding criteria calls for an archaeological survey, the project proponent shall provide an archaeological predetermination report by an archaeologist in order to determine whether the likely presence of resources necessitates a survey. (Ord. 1477 § 1, 2004)

**16.40.050 Mitigation alternatives.**

An archaeological survey shall result in a report addressing the significance of cultural resources present on the site and recommending appropriate mitigation measures. (Ord. 1477 § 1, 2004)

**16.40.060 Archaeological monitoring.**

Archaeological monitoring by an archaeologist shall be required under the following conditions:

(1) The archeological survey required under WMC 16.40.020 determines there is a potential for adverse impacts to archaeological or cultural resources; or

(2) The Department of Archaeology and Historic Preservation (DAHP) determines that monitoring is required following review of the archaeological survey; or

(3) DAHP and any affected Tribes have discussed the project and DAHP determines that the protocols included in the survey for inadvertent discovery are insufficient.

## Chapter 18.06

### DEFINITIONS

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**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)

**18.06.071 Affordable housing.**

“Affordable housing” means residential housing with monthly costs, including utilities other than telephone, that do not exceed 30 percent of the monthly income of a low-income or moderate-income household, as defined by RCW 84.14.010, now or hereafter amended.

**18.06.072 Affordable housing development.**

“Affordable housing development” means a proposed or existing structure or structures in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit.

**18.06.080 Alley.**

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

**18.06.090 Apartment.**

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

**18.06.100 Applicant.**

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

**18.06.110 Bed and breakfast establishment.**

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

**18.06.111 Bioretention facility.**

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

**18.06.120 Board of adjustment.**

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

**18.06.130 Boarding house.**

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

**18.06.140 Buffer.**

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

**18.06.150 Building.**

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

**18.06.160 Building, principal.**

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

**18.06.170 Building official.**

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

**18.06.180 Building permit.**

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

**18.06.190 Building setback.**

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

**18.06.200 Carport.**

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

**18.06.210 Certificate of occupancy.**

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

**18.06.220 Child day care.**

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

**18.06.230 Child day care facility.**

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

**18.06.240 Church.**

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

**18.06.250 Club, nonprofit.**

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

**18.06.260 Commercial recreation facility, enclosed.**

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

**18.06.270 Commercial recreation facility, unenclosed.**

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

**18.06.280 Compatibility.**

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

**18.06.290 Comprehensive plan.**

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

**18.06.300 Concurrency.**

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

**18.06.310 Conditional use.**

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

**18.06.320 Condominium (residential building).**

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

**18.06.330 Contractor’s establishment.**

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

**18.06.335 Cottage housing.**

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

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

**18.06.340 Day care center.**

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

**18.06.350 Day care, family.**

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

**18.06.360 Density.**

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

**18.06.370 Development.**

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

**18.06.380 Director.**

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

**18.06.390 Drive-in – Drive-through.**

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

**18.06.400 Duplex.**

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

**18.06.410 Dry cleaners.**

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

**18.06.420 Dry cleaning plant.**

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

**18.06.430 Dwelling unit.**

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

**18.06.440 Espresso – Drive-through.**

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

**18.06.450 Espresso – Walk-up.**

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

**18.06.460 Essential public facilities.**

“Essential public facilities” means facilities provided by government, substantially funded by government, contracted for by government, or provided by private entities subject to public service obligations, that are typically difficult to site, such as, but not limited to, airports, state education facilities, state or regional transportation facilities, 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)

**18.06.1041 Religious organization.**

“Religious organization” means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property as defined in RCW 36.01.290(6)(c), now or hereafter amended.

**18.06.1050 Residence.**

“Residence” means a building or portion thereof designed exclusively as a place of habitation for one or more persons, but excluding dormitories, motels, hotels, tourist homes, hospitals and nursing homes. Mobile homes, house trailers, campers and similar vehicles not complying with the city building code shall not be considered a residence. (Ord. 1421, 2001; Ord. 1167 § 1, 1995)

**18.06.1060 Restaurant, drive-in/drive-through.**

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

**18.06.1070 Restaurant, drive-up.**

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

**18.06.1080 Retail trade establishment, enclosed.**

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

**18.06.1090 Retail trade establishment, unenclosed.**

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

**18.06.1100 Screened.**

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

**18.06.1110 Screening.**

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

**18.06.1120 Semipublic use.**

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

**18.06.1130 Service, automotive.**

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

**18.06.1140 Service, business.**

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

**18.06.1150 Service, health.**

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

**18.06.1160 Service, lodging.**

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

**18.06.1170 Service, personal.**

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

**18.06.1180 Service station.**

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

**18.06.1183 Setback.**

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

**18.06.1185 Single-family.**

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

**18.06.1190 Site plan.**

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

**18.06.1200 Stick or site-built home.**

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

**18.06.1205 Stormwater low impact development.**

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

**18.06.1210 Street.**

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

**18.06.1220 Structure.**

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

**18.06.1225 Sustainable development.**

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

**18.06.1230 Temporary use.**

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

**18.06.1240 Townhouse.**

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

**18.06.1250 Transportation, communication and utility facilities.**

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

**18.06.1260 Tree.**

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

**18.06.1270 Use.**

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

**18.06.1280 Variance.**

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

**18.06.1290 Vehicle towing services.**

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

**18.06.1295 Vested application.**

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

**18.06.1300 Warehouse – Mini.**

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

**18.06.1310 Wrecking yards.**

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

**18.06.1320 Yard.**

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

**18.06.1330 Yard, front.**

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

**18.06.1340 Yard, rear.**

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

**18.06.1350 Yard, side.**

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

**18.06.1360 Zero lot line.**

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

## Chapter 18.35

### TOWN CENTER DISTRICTS\*

Sections:

- 18.35.010 Purpose.
- 18.35.020 Districts described and delineated.
- 18.35.030 Use limitations.
- 18.35.040 Basic development standards – Floor area ratio, height and parking.
- 18.35.045 Affordable housing ~~density~~FAR bonus requirements.
- 18.35.050 Street types.
- 18.35.060 Definitions.
- 18.35.070 Design standards and guidelines – Sites, buildings and signs.
- 18.35.080 Administration of design review.
- 18.35.090 Approval criteria.
- 18.35.100 Existing and related new uses.

\*Code reviser's note: Ordinance 1588 corrected scrivener's errors in Ordinance 1547 with regard to the attached exhibits.

#### **18.35.010 Purpose.**

- (1) To create a distinct, strong identity for the town center, producing a heart for Washougal that is surrounded by solid, strong neighborhoods.
- (2) To provide opportunities to increase the city's tax base, thereby helping to fund public improvements and public services.
- (3) To encourage private and public investment, attract shoppers and visitors, and appeal to existing and new residents.
- (4) To produce a concentration and a mixture of commercial, office, retail, residential, and civic uses within the town center.
- (5) To develop a town center that supports pedestrian movement, bicycles and use of public transit.
- (6) To promote sustainable public and private development.
- (7) To implement both the city's comprehensive plan and downtown plan.
- (8) To preserve the ability to allow Pendleton Woolen Mills to carry on its business; and to utilize its current buildings on its site for light industrial uses that are compatible with the existing business and not injurious to the surrounding neighborhood. (Ord. 1627 § 1 (Exh. A), 2009; Ord. 1547 § 3 (Exh. A), 2006)

#### **18.35.020 Districts described and delineated.**

- (1) TC-C – Town Center Core. This district is envisioned to have the highest intensity uses, especially retail, offices, residences, and hotels contained within mid-rise buildings. Shops and restaurants would be located along key streets, particularly a principal pedestrian corridor. A major public open space would anchor the district. Over time, parking would be increasingly located within structures.
- (2) TC-EV – Town Center East Village. This district is envisioned to have a mixture of higher density housing and retail contained within low-rise buildings. Some retail uses would be auto-oriented and have somewhat large footprints. Public open spaces would be found throughout the district.
- (3) TC-WV – Town Center West Village. This district is envisioned as a predominantly residential area with some modest infill development on vacant and underutilized parcels. Any development would be low-rise. The district would also contain public buildings and uses.



(Ord. 1627 § 1 (Exh. A), 2009; Ord. 1547 § 3 (Exh. A), 2006)

**18.35.030 Use limitations.**

All uses shall be allowed, unless specifically prohibited below.

(1) Prohibited in all town center districts:

- (a) Adult establishments;
- (b) Billboards;
- (c) Industrial uses, except on property currently utilized for industrial purposes;
- (d) Outdoor storage of materials and equipment (except during construction) and minor incidental seasonal displays;
- (e) Repair of vehicles, unless entirely within a building;
- (f) Sewage treatment plants;
- (g) Work release facilities;
- (h) Wrecking yards;
- (i) New wireless monopoles;
- (j) Medical marijuana cooperatives as defined in RCW 69.51A.250;
- (k) Recreational marijuana producers, processors and retailers as defined in RCW 69.50.101.

(2) Additionally prohibited in the TC-C (town center core) district:

- (a) Vehicle washing, unless located within a building or parking structure;
- (b) Drive-through businesses, unless located within a building or parking structure;

- (c) Gasoline service stations;
- (d) Mini-storage on the street level;
- (e) Outdoor sales of boats, vehicles, or equipment.

(3) Additionally prohibited in the TC-WV (town center west village) district:

- (a) Retail, office or other commercial uses, unless as a home occupation.

(4) Any other use that the planning director determines not to comport with the intent of the district as expressed in WMC 18.35.010, Purpose. (Ord. 1807 § 2 (Exh. A), 2016; Ord. 1764 § 2 (Exh. A), 2014; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1627 § 1 (Exh. A), 2009; Ord. 1613 § 1 (Exh. A), 2008; Ord. 1547 § 3 (Exh. A), 2006)

**18.35.040 Basic development standards – Floor area ratio, height and parking.**

(1) Floor Area Ratio.

- (a) Definition: the amount of floor area within a building as a multiple of the lot area.

**Table 18.35.040-1 Floor Area Ratio (FAR)**

District	Basic Allowable Base FAR Allowance "As of Right"		Maximum FAR Allowable with Bonuses	
	Nonresidential	Residential	Nonresidential	Residential
TC-C	0.5	1.0	3.0	4.5
TC-EV	0.5	1.0	1.5	3.0
TC-WV	–	0.6	–	–

(b) Notes.

(i) Floor area is measured to the inside face of exterior walls. The following shall be excluded from floor area calculation:

- (A) Space below grade;
- (B) Space dedicated to parking;
- (C) Mechanical spaces;
- (D) Elevator and stair shafts;
- (E) Lobbies and common spaces, including atriums;
- (F) Space used for any bonus feature.

(ii) Allowable FAR for nonresidential and residential uses may be added together within a project, for a combined total.

(iii) Hotels shall be considered residential for the purpose of this chart.

(c) Bonus Features Allowing Increased Floor Area Ratio. Bonuses may not be stacked upon each other to provide more than one bonus given for the same item. Density bonuses must be acceptable to the city and are related to the value of the community benefit. Before a density incentive is granted, however, it must also be demonstrated that there is a need for the proposed improvements; that the improvements or land are needed or

desired at the proposed location; and that the land is appropriate in size and that the terrain is appropriate to accommodate the intended use. A minimum of five or more of the following shall be provided to qualify for additional floor area ratio bonuses. A lesser amount may be approved by the community development director.

**Table 18.35.040-2 Bonus Features and FAR Allowances**

Feature	Additional Floor Area Ratio
Street-level retail	100 s.f. of floor area for each linear retail frontage
Public plaza	5 s.f. of floor area for each s.f. of plaza
Canopy	4 s.f. of floor area for each s.f. of canopy
Day care	4 s.f. of floor area for each s.f. of day care
Health club	2 s.f. of floor area for each s.f. of health club
Public meeting room	5 s.f. of floor area for each s.f. of meeting room
Public art	10 s.f. of floor area for each \$100.00 of valuation
Water feature	10 s.f. of floor area for each \$100.00 of valuation
Structured parking	0.5 s.f. of floor area for each s.f. of required parking above grade
Below-grade parking	1 s.f. of floor area for each s.f. of required parking below grade
Green roof/rooftop garden	2 s.f. of floor area for each s.f. of green roof
Public restroom	10 s.f. of floor area for each s.f. of public restroom
Contribution to a park	10 s.f. of floor area for each \$100.00 of contribution to acquisition or development. This can be used to exceed the maximum FAR and maximum height by up to 25%
Contribution to, dedication, and construction of a large civic site such as an outdoor amphitheater, electric car recharge station, public tennis courts, library, senior citizen center, school <sup>1</sup>	10 s.f. of floor area for each \$100.00 value of dedication and construction. This can be used to exceed the maximum height by up to 25%
Bike corral	5 s.f. of floor area for each bike corral
On-site internal bikeway network	5 s.f. of floor area for each lineal foot of bike path
Affordable housing (as defined in WMC 18.06.071) pursuant (low/mod median income) - greater than 10 percent of the base residential density types within the development - to See additional requirements perat WMC 18.35.045.	20% <del>density-FAR</del> bonus <del>over base</del>
Installation of preferential carpool/vanpool parking facilities	1 s.f. of floor area for each s.f. of carpool/vanpool parking
Community garden	5 s.f. of floor area for each s.f. of community garden
Environmental enhancements <sup>2</sup>	5 s.f. of floor area for each s.f. of environmental enhancement beyond minimum required by critical area ordinance/shoreline program
Usable open space, beyond minimum requirements <sup>3</sup>	5 s.f. of floor area for each s.f. of usable open space beyond minimum required by critical area ordinance/shoreline program

<sup>1</sup>Dedication of large civic sites may include dedication of just the land, or the land and actual building of the civic structures.

<sup>2</sup>These include, but are not limited to, programs and improvements that will enhance existing wildlife habitat, rehabilitating wetlands disturbed by previous land use practices, measures to protect air quality and water quality, establishing fisheries in local streams, landscaping beyond code requirements and other such features. Environmental enhancements must produce benefits for the enjoyment of all residents and visitors of Washougal. Improvements that are provided largely for the enjoyment of the development and which produce only minor benefits for the general population may receive some density credit, but only to the extent that the general public benefits from the improvements.

<sup>3</sup>A trade-off for increased density and building mass, usable open space shall be provided within the development, including but not limited to commons, pocket parks, landscape features, green belts, and trail connections.

(2) Maximum Building Height.

[Table 18.35.040-3 Maximum Building Height](#)

District	Height
TC-C	55 ft.
TC-EV	45 ft.
TC-WV	35 ft.

(a) Notes.

(i) Mechanical penthouses, stair/elevator overruns, and antennas may be excluded from building height calculation, provided they are no more than 20 feet above the roof deck.

(ii) Building height may be increased by up to 20 percent if the top is designed as a nonhabitable architectural element. This element may extend above the increased height limit.

(3) Parking Ratios.

[Table 18.35.040-3 Parking Standards](#)

Use Type	Minimum	Maximum
Retail	3 stalls/1,000 n.s.f.	4 stalls/1,000 n.s.f.
Office	2 stalls/1,000 n.s.f.	4 stalls/1,000 n.s.f.
Residential	1 stall per studio unit 1.5 stalls per 1-bedroom 2 stalls per 2-bedroom and above	4 per unit
Senior housing	1 stall per unit	2 per unit
Restaurant	1 stall per 4 seats	2 stalls per 4 seats

(a) Notes.

(i) Parking requirements for uses not listed shall be determined by a study of parking demand for that use.

(ii) Uses sharing a common parking facility may reduce the required number of stalls by 25 percent.

(iii) Parking may be located off site, so long as it is within 1,000 feet of the property, is connected to the property by sidewalks or walkways, and is tied to the site by a contractual agreement that is filed with the city and deed of record at the county.

(iv) On-street parking on streets immediately adjacent to the property may be utilized to meet the parking requirements. (Ord. 1974 § 1 (Exh. A), 2023; Ord. 1793 § 1 (Exh. A), 2016; Ord. 1627 § 1 (Exh. A), 2009; Ord. 1547 § 3 (Exh. A), 2006)

**18.35.045 Affordable housing ~~density~~FAR bonus requirements.**

(1) Allowed FAR bonus. Developments may be granted a 20 percent increase in the base allowed residential FAR per WMC 18.35.040(1) provided the standards of this section are met. Any additional floor area added to a development through this section must be used for affordable housing, as defined by WMC 18.06.071.

(2) Occupancy. On-site affordable housing units must be available for occupancy either before or at the same time as the market-rate units.

(3) Design.

(a) Affordable housing units provided under this section shall be generally distributed throughout the entire development. ~~should be reasonably dispersed in the project.~~

(b) Affordable housing units ~~must be~~shall be similar in general exterior appearance to the market-rate units within the development and shall have substantially the same functionality as market-rate units ~~project.~~

(c) To the extent practicable, the number of bedrooms in the affordable housing units provided under this section must be in the same proportion as the number of bedrooms in the market-rate units within the entire development. ~~The percentage of affordable units that are efficiency, studio, or one-bedroom units should not exceed the percentage of market rate units that are efficiency, studio, or one-bedroom units.~~

(d) ~~Parking must be included in the sale price or rent of affordable units, unless the developer can demonstrate to the satisfaction of the city that at least one of the following conditions is present: the property offers less than one parking space per unit; the property is especially well served by public transportation; or there is ample and available on-street parking nearby.~~

(4) Income Limits. ~~The current HUD Income Limits for Clark County median income shall be used to determine qualifying occupancy (see 2008 table attached to the ordinance codified in this section as an example).~~

(a) Rental housing units to be developed shall be affordable to and occupied by households with an income of 50 percent or less of the Clark County median family income, adjusted for family size.

(b) Total housing costs for renter-occupied housing units, including basic utilities, may not exceed 30 percent of the income limit established under paragraph (3)(a) above.

(c) Owner occupied housing units shall be affordable to and occupied by households with an income of 80 percent or less of the Clark County median family income, adjusted for family size.

(5) A guarantee acceptable to the director is provided that such affordable housing units provided under this section will remain affordable for a period of at least 50 years even if the development and/or property is sold or changes ownership. Acceptable guarantees may include, but are not limited to, covenants, options, or other agreements to be executed and recorded by owners and developers. ~~Restrictions by deed or other desired mechanisms shall include appropriate sale and resale restrictions, rental rates restrictions, and other appropriate measures. These restrictions shall ensure that the dwelling units remain affordable.~~

(6) ~~Before restricted affordable housing density increases are granted, the ability of the local community to absorb the number and type of units proposed must be demonstrated or a phasing plan (with financial guarantees) based on absorption will be required. It is not the intent of the city of Washougal to create neighborhoods comprised of restricted affordable housing only.~~

(7) Prior to the issuance of a building permit, the developer must enter into an affordable housing agreement for affordable units and provide a letter of credit or other security to ensure construction of the affordable units. (Ord. 1627 § 1 (Exh. A), 2009)

**18.35.050 Street types.**

(1) Vehicular-Oriented Streets. These are the principal arterial streets serving the town center and connecting it to other parts of the community. While they can be visually pleasing and allow for safe and convenient pedestrian movement, their primary purpose is to move vehicular traffic.

(a) Standards.

- (i) Street: one travel lane each direction with parallel parking.
- (ii) Sidewalks: five feet wide, plus a four-foot-wide planting zone along curb.
- (iii) Street trees: equivalent of 20 to 30 feet on center, minimum of two-inch caliper (may be grouped).
- (iv) Street furnishings: lights 15 to 25 feet high.

(2) Pedestrian-Oriented Streets. These streets accommodate both vehicles and pedestrians, but provide greater accommodations for people. Vehicles move at a relatively slow speed. Sidewalks are very wide, on-street parking is present, and vegetation is emphasized. Pedestrian-oriented street furnishings are also present.

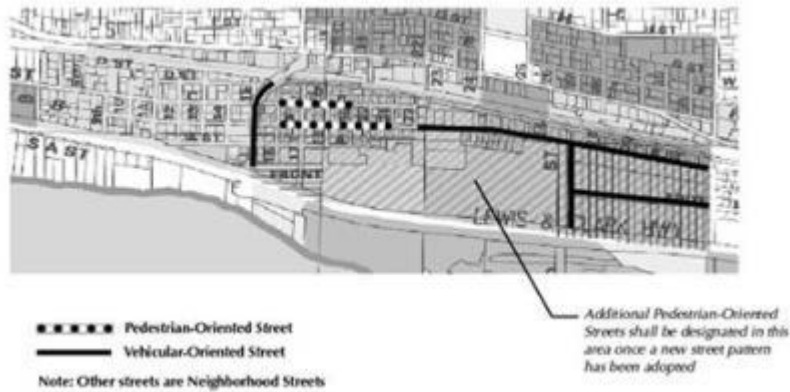
(a) Standards.

- (i) Street: one travel lane each direction with parallel parking.
- (ii) Sidewalks: six to 10 feet wide, plus a four-foot-wide planting zone along curb.
- (iii) Street trees: equivalent of 30 feet on center, minimum of three-inch caliper (may be grouped).
- (iv) Street furnishings: lighting 12 to 18 feet high, seating, waste cans, art.

(3) Neighborhood Streets. These streets provide for local vehicular access to residential development. They are visually pleasing and speeds and volumes are relatively low.

(a) Standards.

- (i) Street: one travel lane each direction, with parallel parking.
- (ii) Sidewalks: five feet wide, plus a four-foot-wide planting zone along curb.
- (iii) Street trees: equivalent of 20 to 30 feet on center, minimum of two-inch caliper (may be grouped).
- (iv) Street furnishings: lighting 12 to 18 feet high.



(Ord. 1547 § 3 (Exh. A), 2006)

**18.35.060 Definitions.**

- (1) “Affordable housing” ~~means, with respect to rental housing, housing that is affordable to households earning up to 80 percent of the Clark County defined median income, and, with respect to owner-occupied housing, housing that is affordable to households earning up to 80 percent of the Clark County defined median income~~ as defined in [WMC 18.06.071](#).
- (2) “Affordable housing [FAR](#) bonus” means additional square footage for residential development ~~in conjunction with commercial~~ in exchange for providing on-site affordable housing.
- (3) “Bike corral” means an elongated fixed bike rack. Often a staggered series of upside-down U shapes or a metal spiral<sup>1</sup> constructed in a vehicular parking space<sup>2</sup>.
- (4) “Canopy” means a cover over a sidewalk providing protection from the rain that is constructed of permanent materials. The height shall range between eight feet and 12 feet and shall be a minimum of six feet in width. Canopies (as well as awnings) are permitted to extend over the right-of-way occupied by the sidewalk.
- (5) “Community garden” means an area where plants are raised and maintained by a homeowners’ association, condominium association, or other established community association for provision of locally grown food, scientific research, education, aesthetic enjoyment and recreational purposes.
- (6) “Day care” means a use providing for the care of children or elderly people, generally during the hours of 6:00 a.m. through 7:00 p.m. Such use shall comply with all applicable state standards.
- (7) “Floor area bonus” refers to additional buildable square footage provided to developers as an economic incentive for providing affordable housing and public amenities identified at WMC 18.35.045 that improve the quality of life of city residents, employees and visitors.
- (8) “Green roof” means a roof designed with principles of environmental sustainability, involving the use of vegetation and storm water collection and cleaning. It may or may not be accessible.
- (9) “Health club” means a use that offers exercise and recreational activities for tenants and/or the general public, either with or without a fee.
- (10) “Parking, below grade” means any portion of a structure containing parking that is located below the average finished grade around a building.
- (11) “Parking, structured” means parking contained within an enclosed building, designed to appear like it is part of the larger building complex.

(12) “Public art” means any form of painting, mural, mosaic, sculpture, or other work of art, so long as it can be appraised as a work of art and its value as such documented. It must be displayed on the exterior of a building, at or near the pedestrian entrance or on a public plaza.

(13) “Public green” means an urban open space that is natural in its details. It is similar to a square, for public use, and surrounded by buildings. Greens shall be landscaped with trees at the edges and open lawns at the center. Greens shall contain no structures other than benches, pavilions, and memorials. Perimeter landscaping may include bioretention facilities.

(14) “Public meeting room” means a space that can be used by the general public and having a capacity of at least 50 people. It may operate under a reservation or nominal fee system, but must be easily accessible from a lobby or plaza.

(15) “Public plaza” means an open space that is accessible to the public at all times, predominantly open to the sky, and for use principally by people, as opposed to merely a setting for the building. It must abut and be within three feet in elevation of a sidewalk; at least 10 percent of the area shall be planted with trees and other vegetation. There must be seating, lighting and penetration of sunlight.

(16) “Street level retail” means uses providing goods and services, including food and drink, adjacent to, visible from, and accessible from the sidewalk.

(17) “Water feature” means a fountain, cascade, stream, fall, pond of water, or combination thereof that serves as a focal point. It must be located outside of a building and be publicly visible and accessible. It must be active during daylight hours. (Ord. 1821 § 1 (Att. A), 2016; Ord. 1627 § 1 (Exh. A), 2009; Ord. 1547 § 3 (Exh. A), 2006)

**18.35.070 Design standards and guidelines – Sites, buildings and signs.**

In granting and denying approval of a design in accordance with this chapter, the city shall consider, among other criteria, the criteria set forth in this section. This list is intended as a guide for prospective developers, showing representative design features. This list is not intended to be exhaustive and the administrator may address design features not included among the criteria set forth below.

(1) Site Design.

(a) Sidewalks. Intent: to provide safe, comfortable sidewalks that encourage walking.

(i) On vehicular-oriented streets, sidewalk area shall maintain a clear zone of five feet for pedestrian travel.

(ii) On pedestrian-oriented streets, sidewalk area shall maintain a clear zone of five feet for pedestrian travel. Areas outside of the pedestrian travel zone may be used for dining or display for adjacent businesses. No objects, including signs, shall be placed within the pedestrian travel zone.

(iii) On neighborhood streets, sidewalk area shall maintain a clear zone of five feet for pedestrian travel. The city shall approve paving material.

(b) Street Trees. Intent: to support the natural setting as fundamental to the character of Washougal.

(i) Street trees shall be spaced equivalent to one every 30 feet in tree grates or four-foot-wide planted area. Trees may be grouped.

(ii) The city shall approve street trees.

(iii) Tree pits may be planted or have pavers or grates.

(c) Street Furnishings. Intent: to reinforce a cohesive image and simplify maintenance and replacement.

(i) Use city-approved standardized fixtures for benches, trash receptacles and bike racks located in the public right-of-way.

- (d) Plazas, Courtyards and Seating Areas. Intent: to provide a variety of open space.
  - (i) Such space shall be located where it is visible and accessible from either a public sidewalk or a pedestrian connection.
- (e) Pedestrian Lighting. Intent: to reinforce a cohesive image and simplify maintenance and replacement.
  - (i) Use city-approved standardized fixtures for sidewalk lighting.
- (f) Screening of Trash and Service Areas. Intent: to screen trash and service areas from public view.
  - (i) Screen from view on all sides with solid evergreen plant material or architectural treatment similar to the design of the adjacent building.
- (g) Curb Cuts. Intent: to maintain a continuous sidewalk by minimizing driveway access.
  - (i) Driveways should not exceed 24 feet in width. Distance between curb cuts should not be less than 100 feet.
  - (ii) The sidewalk pattern and material shall continue across the driveway.
  - (iii) Adjacent developments should share driveways to the greatest extent possible (cross-over agreements between properties strongly encouraged).
  - (iv) Preferred access to parking and loading shall be from north-south streets.
- (h) Drive-Through Lanes. Intent: to reduce vehicle/pedestrian conflicts and improve the pedestrian environment.
  - (i) Drive-through lanes are not allowed between the building and the public right-of-way.
- (i) Location of Parking. Intent: to reduce the visual impact of parking and enhance the pedestrian experience.
  - (i) Parking should be located under, behind or to the side of buildings. On pedestrian-oriented streets parking is not permitted between the building and the street.
- (j) Parking Lot Landscape. Intent: to reduce the visual impact of surface parking lots.
  - (i) Surface parking lots shall be landscaped at a ratio of one tree to every six stalls. Trees shall have a minimum caliper of two inches at the time of planting and may be grouped.
  - (ii) Surface parking along pedestrian-oriented streets must be screened by one or a combination of the following:
    - (A) Low walls made of concrete, masonry, or other similar material and not exceeding a maximum height of three feet.
    - (B) Raised planter walls planted with a minimum of 80 percent evergreen shrubs not exceeding a total height of three feet.
    - (C) Landscape plantings consisting of trees of which at least 80 percent are deciduous and shrubs and groundcover materials of which at least 80 percent are evergreen.
  - (iii) All plant material and other physical elements used for parking lot screening shall provide clear views between three and eight feet above the ground surface for surveillance purposes.
  - (iv) Trees and shrubs planted within bioretention facilities located in or at the perimeter of a surface parking lot may count toward required trees and screening.

(k) Parking Lot Lighting. Intent: to improve safety and reduce light pollution.

(i) Lighting should have cut-off design (shields, optics) to direct light downward.

(l) Pedestrian Connections within Parking Lots. Intent: to create a network of safe and attractive linkages for pedestrians.

(i) Clearly defined pedestrian connections not less than five feet wide shall be provided through parking lots to building entrances and sidewalks.

(2) Building Design.

(a) Buildings Set to Back of Sidewalk. Intent: to reinforce an active pedestrian experience along pedestrian-oriented streets.

(i) Buildings along pedestrian-oriented streets shall be set to the back of the sidewalk, with the exception of providing open space for public use such as plazas, courtyards and seating areas.

(b) Entrances. Intent: to ensure that entrances are easily identifiable and accessible from streets and sidewalks.

(i) Locate primary entrances so that they are visible from the public right-of-way. The entry should be marked by architectural elements such as canopies, ornamental lighting fixtures and/or fixed seating that offer visual prominence.

(c) Transparency. Intent: to provide a visual connection between activities inside and outside of buildings.

(i) Along neighborhood streets, a minimum of 15 percent of any ground floor facade between two feet and 12 feet above grade and visible from any street shall be comprised of windows with clear, "vision" glass.

(ii) Along vehicle-oriented streets, a minimum of 30 percent of any ground floor facade visible from any street shall be comprised of windows with clear, "vision" glass.

(iii) Along pedestrian-oriented streets, a minimum of 60 percent of any ground floor facade facing a street or public space shall be comprised of clear, "vision" glass.

(d) Massing/Articulation. Intent: to reduce the apparent bulk of multistory buildings and maintain pedestrian scale.

(i) Buildings above 30 feet in height will distinguish a "base" at ground level using articulation and materials such as stone, masonry, or decorative concrete.

(ii) The "top" of the building will emphasize a distinct profile or outline with elements such as a projecting parapet, cornice, upper level setback or pitched roofline.

(iii) The "middle" of the building may be distinguished by a change in materials or color, windows, balconies, stepbacks and signage.

(e) Ground Level Details. Intent: to reinforce the character of the streetscape.

(i) Facades of commercial and mixed-use buildings that face the street shall be designed to be pedestrian-friendly through the inclusion of at least three of the following elements:

(A) Kickplates for storefront windows;

(B) Projecting window sills;

(C) Pedestrian-scale signs;

(D) Canopies;

- (E) Plinth;
- (F) Containers for seasonal plantings;
- (G) Ornamental tilework;
- (H) Medallions.

(f) Roofline. Intent: to ensure that rooflines present a distinct profile and appearance for the building and express the neighborhood character.

(i) Buildings with pitched roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12.

(ii) Buildings with flat roofs shall have projecting cornices to create a prominent edge when viewed against the sky. Cornices shall be made of a different material and color than the predominate siding of the building.

(g) Screening Rooftop Equipment. Intent: to screen rooftop mechanical and communications equipment from the ground level of nearby streets and residential areas.

(i) Mechanical equipment shall be screened by an extended parapet wall or other roof forms that are integrated with the architecture of the building.

(h) Blank Wall Treatment. Intent: to reduce the visual impact of blank walls by providing visual interest.

(i) Blank walls longer than 30 feet shall incorporate two or more of the following:

- (A) Vegetation, such as trees, shrubs, ground cover and/or vines adjacent to the wall surface;
- (B) Artwork, such as bas-relief sculpture, murals, or trellis structures;
- (C) Seating area with special paving and seasonal plantings; and/or
- (D) Architectural detailing, reveals, contrasting materials or other special interest.

(i) Screening of Parking Structures. Intent: to reduce the visual impact of structured parking located above grade.

(i) At ground level, parking structures shall comply with guidelines addressed under subsection (2)(e) of this section, Ground Level Details.

(ii) Upper levels of structured parking should be screened or treated architecturally by roughly square openings rather than horizontal, planting designed to grow on the facade, louvers, expanded metal panels, decorative metal grills, spandrel (opaque) glass, and other devices, as approved, that meet the intent.

(iii) Parking fixtures within garages should be screened from view from the street.

### (3) Sign Design.

(a) Creativity. Intent: to encourage interesting, creative and unique approaches to the design of signage.

(i) Signs should be highly graphic in form, expressive and individualized.

(ii) Signs should convey the product or service offered by the business in a bold, graphic form.

(iii) Projecting signs, supported by ornamental brackets and oriented to pedestrians, are strongly encouraged.

(b) Historic Signage. Intent: to preserve the unique character of the town center.

- (i) Retain existing historic signs that feature the character of the area, wherever possible.
- (c) Pedestrian-Oriented Signs. Intent: to provide signs that complement and strengthen the pedestrian realm.
  - (i) Pedestrian signs include projecting signs (blade signs), window signs (painted on glass or hung behind glass), logo signs (symbols, shapes), wall signs over entrances, sandwich board signs, and ground signs.
- (d) Ground Signs. Intent: to ensure that signs are not principally oriented to automobile traffic.
  - (i) Pole signs shall be prohibited. All freestanding signs outside of the core shall be ground signs no higher than five feet.
  - (ii) The base of any ground sign shall be planted with shrubs and seasonal flowers.
- (e) Size and Review.
  - (i) Signs shall comply with Chapter 18.60 WMC unless modified consistent with this chapter. Review of signs shall be through a Type I site plan review. (Ord. 1849 § 1 (Exh. A), 2018; Ord. 1821 § 1 (Att. A), 2016; Ord. 1547 § 3 (Exh. A), 2006)

**18.35.080 Administration of design review.**

(1) Administration.

- (a) All projects shall be subject to design review and typed consistent with Chapter 18.88 WMC, Site Plan Approval.
- (b) The community development director (hereafter referred to as “the director”) will make the decision on the community design guidelines based on written comments and its compliance with the provisions of this chapter.
- (c) Appeal of the director’s decision will be decided by the hearing examiner after a public hearing.

(2) Purpose of Review.

- (a) Design review has the following purposes:
  - (i) To review the proposal for compliance with the provisions of this chapter and all other applicable laws.
  - (ii) To help ensure that the proposal is coordinated and is reasonable and appropriate with other known or anticipated development on private properties in the area and with known or anticipated right-of-way and other public improvement projects within the area.
  - (iii) To encourage proposals that embody good design principles that will result in high quality development on the subject property.

(3) Applications.

- (a) The applicant shall file a completed application on the form provided by the planning department. The applicant shall provide all information or material that is specified in Chapters 18.35 and 18.88 WMC, and any additional information or material that the director determines is reasonably necessary for a decision on the matter.
- (b) Fees. The applicant shall submit the application fees identified in Chapter 3.90 WMC.
- (c) Additional Information. A determination of completeness shall not preclude the city from requesting additional information or studies, either at the time of the technically complete letter or subsequently, if new information is required or substantial changes in the proposed action occur.

(4) Burden of Proof.

(a) The applicant has the responsibility of convincing the director that the project meets the letter and intent of all applicable standards. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1547 § 3 (Exh. A), 2006)

**18.35.090 Approval criteria.**

(1) General Decision Criteria. The director shall use the criteria listed in the provision of this chapter describing the request decision in deciding upon the application. In addition, the director may approve the application only if:

- (a) It is consistent with the comprehensive plan;
- (b) It is consistent with all applicable provisions of this chapter;
- (c) It is consistent with the public health, safety, and welfare;
- (d) The streets and utilities in the area of the subject property are adequate to serve the anticipated demand from the proposal; and
- (e) The proposed access to the subject property is at the optimal location and configuration.

(2) Design Standards and Guidelines. If the application is subject to the requirements of design standards and guidelines, the director shall use the following criteria as well in deciding upon an application:

- (a) It is consistent with the site design, building design and sign design standards set forth in WMC 18.35.070;
- (b) It is consistent with Chapter 18.88 WMC; and
- (c) Land divisions are consistent with WMC Title 17; and
- (d) Land divisions for single-family detached within the town center designations shall comply with the minimum lot area and yard requirements of the R1-5 zoning district found in Table 18.14-2.

(3) Conditions. The director shall include in the written decision any conditions that he or she determines are reasonably necessary to eliminate or minimize any undesirable effects of granting the application. Any conditions and restrictions that are included become part of the decision. (Ord. 1547 § 3 (Exh. A), 2006)

**18.35.100 Existing and related new uses.**

(1) Development applications for remodeling or expansion of an existing development shall be fully consistent with this chapter and all other provisions of the WMC.

(2) Notwithstanding the provisions of Chapter 18.56 WMC, the following uses may be continued and expanded consistent with the provisions of WMC 18.35.070:

- (a) Existing light industrial uses.
- (b) Developments previously approved under a master plan consistent with the approvals time frame.

(3) New single-family residences and additions or alterations to existing single-family detached, duplex and triplex residential dwellings, and accessory dwelling units (ADU) within the town center designations shall be exempt from the design standards and guidelines if they adhere to the setback requirements of the R1-5 zoning district found in Table 18.14-2.

(4) Conversion of an existing residential use to a commercial use shall be fully consistent with the provisions of this chapter.

(5) For the Pendleton Woolen Mills property (tax parcel 073960-000, 074000-000, 074200-000, No. 339/071569-000, No. 101 and No. 102/071281-004, and tax lot No. 77 Richard Ougle DLC parcel No. 071397-000) the following development regulations shall apply:

(a) Any future alterations to the existing buildings that result in a square footage increase of less than 20 percent of the floor area of the combined Pendleton buildings square footage existing on May 20, 2006, shall not be subject to the provisions of this chapter. All such alterations shall be considered cumulatively, such that under no circumstance shall the total square footage of any future, or combination of future, alterations not subject to this chapter exceed 20 percent of the total combined floor area of all of the Pendleton buildings existing on May 20, 2006.

(b) Any future alterations to existing buildings that result in a square footage increase of less than 20 percent of the floor area of the combined Pendleton buildings square footage existing on May 20, 2006, shall comply with all other applicable building regulations and shall be of a design and scale that is substantially similar to the existing Pendleton buildings.

(c) Any new construction of stand-alone buildings shall comply with all applicable regulations provided for in this chapter. (Ord. 1886 § 1 (Exh. A), 2019; Ord. 1547 § 3 (Exh. A), 2006)

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<sup>1</sup> Corral's estimated cost is \$1,000; adding labor and additions for stability and safety brings an estimated total to \$3,000 – \$4,000. Safety is a concern with people and bikes in the street, so bike corral boundaries are sometimes lined with black and yellow reflective flexible poles. Usually installed in corner parking spaces. Businesses advocate for bike corrals at their storefronts because they clean up the sidewalk area.

<sup>2</sup> Twelve to 14 bicycles can be parked in one vehicular parking space (Cities Go Green)



## Chapter 18.46

### SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

Sections:

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

#### **18.46.010 Purpose.**

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

#### **18.46.020 Accessory dwelling unit (ADU).**

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

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

- (a) Configuration. An ADU may be located either within, attached to, or detached from the primary structure.
- (b) Density. Only one ADU may be created in conjunction with each single-family residence in the R1 and Town Center zoning districts.

(c) ADUs are not required to comply with WMC 18.50.070.

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

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

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

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

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

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

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

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

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

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

**18.46.030 Adult family homes.**

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

**18.46.040 Amusement devices.**

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

**18.46.045 Automotive sales lots.**

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

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

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

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

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

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

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

**18.46.050 Automotive service stations and gasoline sales.**

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

**18.46.060 Bed and breakfast establishments.**

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

**18.46.070 Child day care facilities.**

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

(1) Washington State child day care licensing requirements;

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

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

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

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

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

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

**18.46.080 Christmas tree lots.**

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

**18.46.090 Churches, temples, synagogues and places of worship.**

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

**18.46.100 Circuses, carnivals, fairs and exhibitions.**

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

**18.46.104 Density bonus for affordable housing on property owned by a religious organization.**

New affordable housing developments, or existing affordable housing developments being rehabilitated, that are located on real property owned or controlled by a religious organization, as defined by WMC 18.06.1041, are allowed a density bonus of up to 10 percent for detached single-family developments and 20 percent for middle housing and apartment developments if the following standards are met:

- (1) The zoning district where the property is located allows residential uses as a permitted or conditional use.
- (2) The affordable housing development complies with the underlying zoning district's dimensional requirements as determined through the appropriate review procedure. Additional housing units added through the density bonus may not result in a development that is nonconforming with applicable standards of this code.
- (3) If the density bonus is sought for an existing affordable housing development being rehabilitated, the density bonus does not cause the development to become nonconforming with applicable provisions of the WMC or does not move the project further from conformance with applicable provisions of the WMC if already nonconforming.
- (4) The affordable housing development is set aside or occupied exclusively by low-income households earning less than 80 percent of the Clark County median family income, adjusted for household size.
- (5) A guarantee acceptable to the director is provided that such housing units will remain affordable for a period of at least 50 years even if the religious organization no longer owns the property.
- (6) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).
- (7) The religious organization developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the project's development under the WMC.

**18.46.105 Enclosed retail and personal services in residential zone.**

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

- (1) Enclosed retail and personal services are required to be placed on corner lots, unless fronted by an arterial street.
- (2) The building is to be built to the sidewalk with parking on the side or rear of the building.
- (3) Fifty percent of the street front shall be in windows.
- (4) The architectural design shall include gabled rooflines, paned window treatment and awnings.
- (5) Signs shall be fascia or wall-mounted and may not be neon or lighted in any manner including internal lighting.

- (6) Neighborhood markets shall not have gasoline or fuel pumps.
- (7) Primary building entrances shall be oriented toward the public street. Buildings on corner lots shall have frontages on both streets.
- (8) The exterior finish of buildings shall be similar to that of the residential neighborhood and shall not be corrugated metal or vertical jointed wood siding (T1-11).
- (9) Parking, driveways or auto maneuvering areas shall not separate the primary face of the building (front entry face) from the abutting street.
- (10) Enclosed retail and personal services in residential zones shall provide a B3 buffer from adjoining residential uses. (Ord. 1632 § 1 (Exh. A), 2009; Ord. 1421 § 1, 2001)

**18.46.110 Fences and hedges.**

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

**18.46.120 Garage sales.**

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

**18.46.130 Home occupations.**

Home occupations must comply with the following provisions:

- (1) Applicants for a home occupation shall obtain a home occupation permit to ensure compliance with these standards; home offices with no perceivable impacts, as determined by the director, are exempt from obtaining said permit.
- (2) There shall be no structural alteration to accommodate the occupation.
- (3) Not more than 25 percent of the floor space of the main floor, which may be in the basement or on the first floor only, of such dwelling may be used, and under no circumstances shall exceed 500 square feet in area.
- (4) Home occupations shall not be conducted outside or in an accessory building detached from the principal dwelling.
- (5) There shall be no external features or characteristics that suggest the principal building is used for anything except a residence; there shall be no commercial advertising, no window displays, nor sample commodities displayed outside the principal building.
- (6) No material or mechanical equipment shall be used which will be detrimental to the residential use of the property or surrounding residences and properties because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factor.
- (7) Materials or commodities delivered to or from the residence which are of such bulk or quantity as to require delivery by a commercial motor vehicle or a trailer, or the parking of customers' motor vehicles in a manner or frequency causing disturbance or inconvenience to nearby residents, or so as to necessitate a public parking lot, shall be prima facie evidence that the occupation is a primary business, and not a home occupation. (Ord. 1849 § 1 (Exh. A), 2018; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1632 § 1 (Exh. A), 2009; Ord. 1421 § 1, 2001; Ord. 1245 § 1, 1997; Ord. 1167 § 1, 1995)

**18.46.145 Manufactured homes on individual lots.**

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

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

- (a) Removal of Devices. All removable towing devices, such as tongues, wheels, axles, hitches and transporting lights must be removed after placement on the lot;
- (b) A covered porch or entry area;
- (c) A garage or carport, constructed of finished materials similar to the residence;
- (d) Gables;
- (e) Eaves with a minimum projection of six inches;
- (f) Dormers;
- (g) Bay windows;
- (h) Window shutters. (Ord. 1758 § 1 (Exh. A), 2014; Ord. 1421 § 1, 2001; Ord. 1214 § 1, 1996)

**18.46.150 Manufactured home parks.**

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

- (1) Site. The site area shall be no less than five acres nor more than 20 acres.
- (2) Access. The site must have direct access to a public road which shall have suitable right-of-way, pavement width, and curb radii to accommodate the entrance and exiting of manufactured homes (typically an arterial or collector street). Interior streets shall be improved to a width of not less than 28 feet from back of curb to back of curb. They shall include sidewalks on both sides of interior streets, and properly designated signs shall be installed.
- (3) Perimeter Buffer or Screen. Where natural vegetation exists, a perimeter buffer of at least 10 feet in depth shall be required around the entire manufactured home park development, except for approved access crossings. Where natural vegetation does not exist, a landscape strip with a minimum depth of 10 feet, consisting of evergreen or other suitable screening vegetation shall be installed around the entire perimeter of the manufactured home park development, except for approved access crossings.
- (4) Maximum Density. The maximum density shall be that permitted for the district in which the manufactured home park is located.
- (5) Recreation and Open Space. Not less than five percent of the area devoted to a manufactured home park development shall be improved and maintained for recreational and/or open space purposes, exclusive of the perimeter buffer.
- (6) Individual Space Requirements. Individual manufactured home spaces within the park shall be a minimum of 3,000 square feet in area with a minimum width of 20 feet.
- (7) Community Laundry and Other Facilities. Depending upon the size of the manufactured home development, the planning commission may require laundry facilities as part of the development and other such convenience commercial facilities for which a demand will be created, to avoid unnecessary vehicle trips to and from the development.

(8) Design and Location Standards. Manufactured homes located in a manufactured home park shall be skirted with fully sight-obscurating material (such as masonry or a material consistent in color and material with the primary siding of the manufactured home) that provides an appearance of permanency, and shall meet, at the minimum, standards (a) through (c) of WMC 18.46.145(2). New manufactured homes in manufactured home parks should, to the extent possible, be designed and placed so as to meet the definition of a Class A manufactured home. (Ord. 1758 § 1 (Exh. A), 2014; Ord. 1421 § 1, 2001; Ord. 1214 § 1, 1996; Ord. 1167 § 1, 1995)

**18.46.160 New housing in existing buildings.**

New housing units added to existing buildings in zoning districts where multifamily housing is allowed subject to the following requirements:

(1) Site. New housing units at a density up to 50 percent more than what is allowed in the underlying zoning district are allowed if the following standards are met:

(a) New housing units are constructed entirely within an existing building footprint in a building located within a zoning district where multifamily housing is allowed.

(b) Housing must meet the use and minimum density requirements of the underlying zone at such time new housing units are proposed.

(c) All health and safety standards, including but not limited to building code standards and fire and life standards, must be met. The addition of new housing cannot cause the building to be noncompliant with applicable health and safety standards.

(d) Parking spaces shall be retained to the quantity already necessary to serve the existing building and existing uses. Additional parking may be added consistent with the requirements of WMC 18.52, Parking and Loading Regulations.

(e) Internal conversions for new housing units are permitted for existing, non-conforming buildings provided the conversion does not increase the degree of non-conformity, consistent with WMC 18.56, Nonconforming Lots, Buildings and Uses.

(f) Changed portions of the building shall comply with current energy code, except if any one or more of the following conditions apply:

(i) The square footage of new housing units does not exceed 2,500 square feet or 50 percent of the total building square footage, whichever is greater;

(ii) The building owner submits documentation, in a form acceptable to the director, showing the building's housing units' projected energy use intensity is less than or equal to the energy use intensity target in accordance with the clean buildings performance standard in RCW 19.27A.210; or

(iii) In all areas zoned for residential housing, an additional housing unit is created within an existing home.

(g) The city may not deny a building permit application due to nonconformance with parking, height, setbacks, elevator size for gurney transport, or modulation standards (if applicable), unless the director makes written findings that the nonconformity is causing significant detriment to the surrounding area.

(2) Review procedure. New housing units in existing buildings shall require approval through Site Plan Review pursuant to WMC 18.88.

(3) Transportation concurrency and environmental review. New housing units added to an existing building envelope are exempt from WMC 18.90, Transportation Concurrency, and WMC 16.36, Environmental Policy.

(4) For the purpose of this section, “existing building” means a building that received a certificate of occupancy at least three (3) years prior to the permit application to add new housing units.

**18.46.170 Swimming pools.**

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

**18.46.180 Taxicab operations.**

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

**18.46.200 Townhouses.**

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

**18.46.210 Travel trailers and recreational vehicles storage.**

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

**18.46.220 Recycling centers and motor vehicle junkyards.**

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

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

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

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

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

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

(7) Junked Motor Vehicles to be Enclosed. It is unlawful for any person, persons, partnership or corporation engaged in operating a recycling center or motor vehicle junkyard in the city to place, park, store, maintain or leave any wrecked, junked, or dismantled or abandoned motor vehicles on any street of the city, or upon any parking area along the streets or upon any public, private or railroad property or pieces of land outside an area fenced and maintained in accordance with this section.

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

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

**18.46.230 Adult entertainment establishments.**

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

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

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

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

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

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

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

- (A) Adult Arcade. “Adult arcade” means an adult entertainment enterprise, or segment thereof, which provides rooms, booths or devices, whether referred to as arcades, panoramas, peep shows, preview rooms, reading rooms or viewing booths, and regardless of the method of activation or operation, in which or upon which are produced graphic displays or other pictorial or visual images of adult material for the on-premises display to five or fewer customers at any one time;
- (B) Adult Bookstore. “Adult bookstore” means an adult entertainment enterprise, or segment thereof, which offers books, magazines, record or audio tape jackets, periodicals or other printed or pictorial matter constituting or containing adult material which is offered to customers;
- (C) Adult Encounter Center. “Adult encounter center” means an adult entertainment enterprise, or segments thereof, whether referred to as a lotion studio, massage parlor, sexy reading room, spa, steam bath or sauna, wherein either employees or customers, or both, display and has direct physical contact with specified anatomical areas of one another or engage in specified sexual activities with or in the presence of one another;
- (D) Adult Lounge. “Adult lounge” means an adult entertainment enterprise, or segment thereof, including any bar, cabaret, lounge, tavern, theater, concert hall, auditorium or similar structure, regardless of whether such enterprise dispenses alcohol or is regulated by or under the authority of the state of Washington, wherein the live on-premises display of adult material either by employees or customers, or both, is provided or permitted;
- (E) Adult Modeling Studio. “Adult modeling studio” means an adult entertainment enterprise, or segment thereof, wherein models are provided who engage in or display adult material while being observed, painted, sketched, drawn, sculptured, photographed, or otherwise depicted by customers;
- (F) Adult Motels. “Adult motels” means a commercial establishment, including hotel, motel or similar public accommodation which:
- (I) Display a primary or secondary sign, visible from the public right-of-way, which advertises the establishment as an “adult” facility or advertises the availability of services set forth in subsections (3)(a)(iii)(B) or (C) of this section, and
  - (II) Offers sleeping rooms for rent at a reduced rate for a period of time that is less than 10 hours, or
  - (III) Provides to its customers facilities for on-premises viewing of adult material not transmitted over the airways.
- Evidence that such establishment has, on more than three occasions in any period of 10 consecutive days; engaged in conduct described in subsection (3)(a)(iii)(F)(II) of this section shall constitute prima facie evidence that such establishment is an adult motel;
- (G) Adult Movie Theater. “Adult movie theater” means an adult entertainment enterprise, or segment thereof, wherein motion picture films, video cassettes, cable television, or any other such visual media in which adult material constitutes a predominant theme are regularly displayed on-premises to more than five customers at any one time;
- (H) Adult Video Store. “Adult video store” means an adult entertainment enterprise, or segment thereof, which offers still photographs, motion picture film, video cassettes or other recorded visual images or pictorial representations constituting or containing adult materials for off-premises display.
- (b) “Adult material” means any material, conveyed or communicated by live performance, still photograph, printed or pictorial matter, motion picture film, slide, video cassette, recorded graphic or visual imagery, human conduct, or any other medium which material is intended to provide sexual stimulation or sexual gratification and which is distinguished or characterized by an emphasis on matter depicting, describing or relating to

specified sexual activities or specified anatomical areas. “Adult material” also includes any instrument, device or paraphernalia designed for use in connection with specified sexual activities.

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

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

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

(i) Churches, as defined in this section;

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

(iii) Health care professionals, as defined in RCW 18.120.020(1);

(iv) Hospitals, as defined in and regulated by RCW Title 70;

(v) Any recognized historical society or museum, any college or university library, or any other archive or library under the supervision of the state, county, a municipality or other political subdivision;

(vi) Nursing homes, as defined in RCW 18.51.010(1);

(vii) Private or public schools, as defined in and regulated by RCW Title 28A;

(viii) Any facility operated by the state, county, city, a municipality or other political subdivision;

(ix) Vocational education programs, as defined in or regulated by RCW Title 28C or by this title.

(f) Conduct Any Business. Any person who does any one or more of the following shall be deemed to be “conducting business”:

(i) Operates a cash register, cash drawer or other depository on the premises of an establishment where cash funds, other instruments, or records of credit card or other credit transactions generated in any manner by the operation of the establishment or the activities conducted therein are kept;

(ii) Displays or takes orders from any customer for any merchandise, goods, entertainment or other services offered on the premises of the establishment;

(iii) Delivers or provides to any customer any merchandise, goods, entertainment or other services offered on the premises of the establishment;

(iv) Acts as a door attendant to regulate entry of customers or other persons into the premises of the establishment; or

(v) Supervises or manages other persons in the performance of any of the foregoing activities on the premises of the establishment.

(g) “Contact” means the performance of any specified sexual activity or any touching, clothed or unclothed, direct or indirect, of specified anatomical areas.

(h) “Customer” means any person 18 years of age or older who:

(i) Is allowed to enter a regulated establishment, in return for the payment of an admission fee or any other form of consideration or gratuity;

- (ii) Enters a regulated establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
  - (iii) Is a member, guest or invitee of and on the premises of a regulated establishment operating as a private club.
- (i) “Day care center” means a building and premises in and on which individuals are cared for during some portion of a 24-hour period, as further defined at Chapter 18.06 WMC.
- (j) “Department” means the community development department of the city of Washougal.
- (k) “Display” means any performance or exposure of adult materials or the rendition of any services involving or relating to the performance or exposure of adult materials to customers for consideration of any kind when customers are allowed to read or view such material in its entirety or to inspect or handle such material outside of opaque sealed containers. The physical delivery of printed matter or of goods or merchandise in sealed containers, for any consideration, to customers without on-premises performance or exposure, or rendition of services, is not a display.
- (l) “Display surface” means the entire surface of a sign, on one side, devoted to exhibiting advertising. The “display surface” shall not include the sign frame and incidental supports thereto.
- (m) “Employee” means any person who renders any service whatsoever to the customers of an establishment or who works in or about an establishment or who receives compensation for such services or work from the operator or owner of the establishment or from any customer therein.
- (n) “Exterior portion” means any part of the physical structure of a regulated establishment, including a wall, veneer, door, fence, roof, roof covering, fascia or window, which is visible from any public property, public way, or common area.
- (o) “Interior portion” means any part of the physical structure of a regulated establishment to which customers are invited or allowed access, including restrooms.
- (p) “Library” means any library of any college or university, any archive or library under the supervision of the state, county, city, a municipality or other political subdivision, including any recognized historical society or museum.
- (q) “License, adult entertainment license” means a current, valid document issued by the community development department of the city pursuant to this chapter to an operator of an adult entertainment enterprise.
- (r) “Licensee” means the person or persons to whom an adult entertainment license is issued.
- (s) “Operator” means the manager or other natural person principally in charge of a regulated establishment.
- (t) “Owner” means the proprietor, if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors, and persons holding 10 percent or more of the outstanding shares of a corporation. The term owner shall not include any limited partner or shareholder who has given the operator a statement under oath that he or she does not desire to be listed on the license application and that he or she waives any right to any notice that is required or permitted to be given under this chapter.
- (u) “Park” means publicly owned real property dedicated to recreational uses.
- (v) “Community development director” means the community development director of the city.
- (w) “Regulated establishment” means any adult entertainment enterprise as defined in this chapter.
- (x) “Residential zone” means any real property zoned for urban or rural single-family or multifamily residential use pursuant to this title.

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

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

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

(bb) "Specified anatomical areas" means:

(i) Less than completely and opaquely covered:

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

(B) Buttock,

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

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

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

(cc) "Specified sexual activities" means:

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

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

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

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

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

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

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

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

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

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

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

- (i) Promoting pornography, RCW 9.68.140;
- (ii) Rape in the first degree, RCW 9A.44.040;
- (iii) Rape in the second degree, RCW 9A.44.050;
- (iv) Rape in the third degree, RCW 9A.44.060;
- (v) Statutory rape in the first degree, RCW 9A.44.070;
- (vi) Statutory rape in the second degree, RCW 9A.44.080;
- (vii) Statutory rape in the third degree, RCW 9A.44.090;
- (viii) Indecent liberties, under either RCW 9A.44.100(1)(a) or 9A.44.100(1)(b);
- (ix) Indecent exposure, RCW 9A.88.010;
- (x) Prostitution, RCW 9A.88.030;
- (xi) Promoting prostitution in the first degree, RCW 9A.88.070;
- (xii) Promoting prostitution in the second degree, RCW 9A.88.080;
- (xiii) Permitting prostitution, RCW 9A.88.090;
- (xiv) Distributing controlled substance, RCW 69.50.406; or
- (xv) A substantially similar offense under the laws of another state.

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

(i) Conflicting Uses. No adult entertainment enterprise shall be permitted if the same is hereinafter located within 500 feet of any residential zone, school, church, day care center, park or public service facility, such as City Hall or social service center; provided, that such distance requirement shall not apply to use separated by a limited access freeway. Measurements, for purposes of this section, shall be made on a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the adult entertainment enterprise to the nearest point on the property line of such school, church, day care center, park or residential zone.

(ii) Other Adult Entertainment Uses. No adult entertainment enterprise shall be permitted nor conduct any business within 1,000 feet of any other adult entertainment enterprise operating under a current and valid adult entertainment license; provided, that such distance requirement shall not apply to adult entertainment enterprises separated by a limited-access freeway. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's adult entertainment enterprise to the nearest point on the property line of any other adult entertainment enterprise.

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

(i) Visual Access. No license shall be issued or continued for an adult entertainment enterprise, if the merchandise or activities of the adult entertainment enterprise are visible from any point outside such enterprise.

(ii) Exterior Decor. No license shall be issued or continued for an adult entertainment enterprise, if the exterior portions of such enterprise have flashing lights, or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner.

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

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

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

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

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

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

(a) All portions of the enterprise to which customer access will not be permitted;

(b) The location of any manager's station or stations and cash registers;

(c) The location of all overhead lighting fixtures;

(d) The location of all restrooms;

(e) The location of all partitions, rooms or booths and the entrances to such rooms or booths;

(f) The location of all fire exits;

(g) In the case of an adult lounge or adult modeling studio or similar establishment, the location where any live on-premises display will occur and the exact distance, measured in a straight line to the nearest point for customer observation; and

(h) The place within the interior of the establishment where the permit of occupancy and adult entertainment license shall be posted, if granted.

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

**18.46.240 Zero lot line developments.**

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

- (1) Dwellings shall have no more than one common wall;
- (2) There shall be no more than two dwellings per zero lot line development. Three or more dwellings with common walls is considered a townhouse development;
- (3) With the exception of the zero lot lines, all other setbacks of the underlying zone shall be met;
- (4) Parking shall be provided at a ratio of two spaces per dwelling unit;
- (5) The density of zero lot line development shall not exceed that permitted by the underlying zone. (Ord. 1421 § 1, 2001; Ord. 1264 § 1, 1997)

## Chapter 18.76

### COMPREHENSIVE PLAN AMENDMENTS\*

Sections:

- 18.76.010 Purpose.
- 18.76.020 Applicability.
- 18.76.030 Procedures.
- 18.76.040 Criteria.
- 18.76.050 Fees.

\*Prior history: Ords. 1167 and 1193.

#### **18.76.010 Purpose.**

The purpose of this section is to provide for the method and criteria by which the text and maps of the comprehensive plan may be amended. (Ord. 1233 § 1 (Exh. A), 1997)

#### **18.76.020 Applicability.**

The provisions of this section shall apply to all private or city initiated requests to amend the text, policies or maps that comprise the comprehensive plan. (Ord. 1233 § 1 (Exh. A), 1997)

#### **18.76.030 Procedures.**

Plan text, policy or map changes shall be considered as a Type IV legislative land use actions subject to the procedures in WMC 18.94.115 and the following, subject to the following:

(1) Proposed comprehensive plan amendments shall be considered collectively, once annually, consistent with the following schedule:

- (a) Between September 1st and September 15th, the director shall publish two notices that applications for plan amendments will be accepted.
- (b) Between October 1st and October 31st, the director shall accept applications for preapplication conferences on plan amendments.
- (c) Between November 1st and November 30th, the director shall hold conferences.
- (d) Between December 1st and December 31st, the director shall accept formal applications.
- (e) Between January 1st and February 15th, the amendment requests shall be heard by the planning commission.
- (f) Between February 15th and March 15th, the planning commission recommendations on plan amendments shall be forwarded to city council for final consideration.

The above time line is advisory only and does not bind the city. However, the director shall make every effort to adhere to these time lines. (Ord. 1520 § 1, 2005; Ord. 1233 § 1 (Exh. A), 1997)

(2) Timing exceptions. The following comprehensive plan changes may be reviewed more frequently than once per year:

- (a) The initial adoption of a subarea plan.
- (b) The adoption or amendment of a shoreline master program pursuant to RCW 90.58.
- (c) The adoption or amendment of the capital facilities or transportation element of the comprehensive plan if undertaken concurrently with a related budget action.

(d) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440, provided that amendments are considered in accordance with WMC 18.94.115 and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(e) The adoption of comprehensive plan amendments necessary to enact a Planned Action under RCW 43.21C.031(2).

(f) Comprehensive plan amendments concurrent and related to an annexation.

(f) The adoption or amendment of any housing element necessary to receive a determination of compliance under RCW 36.70A.835.

(g) Corrections of scrivener or mapping errors. Scrivener or mapping errors are defined as minor map or text errors in the comprehensive plan or development regulations which were clearly unintended and inconsistent with the record of their original adoption, as determined by the city. Correction of such errors shall be submitted by the city only, at no charge to parties demonstrating the error.

(h) Emergency comprehensive plan amendments, defined as a change of community wide significance, and including but not limited to the following:

(i) Action necessary to address threats to public health or safety.

(ii) Action necessary to ensure that the goals and policies of the comprehensive plan are not substantially obstructed.

(iii) Action necessary to respond to an order from the Growth Management Hearings Board or competent court of law.

(iv) Emergency comprehensive amendments are not considered to be moratoria or interim zoning controls as defined in RCW 36.70A.390.

(3) Emergency amendments. Public notice and an opportunity for public comment must precede the adoption of emergency amendments to the comprehensive plan.

#### **18.76.040 Criteria.**

Criteria for comprehensive plan amendments shall be as follows. The burden of proof that the criteria are met shall be the applicant's:

(1) Text and Policy Amendments. Amendments to the comprehensive plan text or policies shall be consistent with the procedural element (Chapter IX) of the Washougal comprehensive plan, as well as:

(a) Conditions addressed by the text or policy have changed substantially enough to warrant an alteration to the policy or text;

(b) The requested change would not be significantly detrimental to the health, safety and general welfare of the city as a whole.

(2) Plan Map Amendments. Amendments to the comprehensive plan map shall be consistent with the criteria listed in the procedural element (Chapter IX) of the comprehensive plan. (Ord. 1233 § 1 (Exh. A), 1997)

#### **18.76.050 Fees.**

Required fees as identified in WMC 3.90.010. (Ord. 1245 § 1, 1997)

## Chapter 18.94

### PROCEDURES

Sections:

- 18.94.010 Purpose.
- 18.94.020 Applicability.
- 18.94.030 Rules of interpretation.
- 18.94.035 Application types.
- 18.94.040 Roles and responsibilities.
- 18.94.045 Preapplication.
- 18.94.050 Content of technically complete applications.
- 18.94.055 Initial processing of applications.
- 18.94.060 Subsequent application processing.
- 18.94.080 Notice provisions.
- 18.94.090 Development review.
- 18.94.100 Planning commission review.
- 18.94.105 Hearing examiner review and decision.
- 18.94.110 City council actions.
- 18.94.115 Legislative actions.
- 18.94.120 Procedures for public proceedings.
- 18.94.130 Final decision – Effective date.
- 18.94.135 Post-decision review.
- 18.94.140 Appeals.
- 18.94.150 Plat alterations.
- 18.94.160 Development agreements.
- 18.94.170 Completion of public improvements.

**18.94.010 Purpose.**

The purpose of this chapter is to combine and consolidate the application, review and approval processes for land development in the city in a manner that is clear, concise and understandable. It is further intended to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans. Final decision on development proposals shall be made pursuant to the time lines set forth in WMC 18.94.130. (Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

**18.94.020 Applicability.**

(1) The provisions of this chapter apply to any action under the following titles of the Washougal Municipal Code:

- (a) WMC Title 15, Buildings and Construction;
- (b) WMC Title 16, Environmental Regulations;
- (c) WMC Title 17, Land Divisions;
- (d) WMC Title 18, Zoning.

(2) In addition, this chapter applies to any legislative amendment to the above listed titles. (Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

**18.94.030 Rules of interpretation.**

(1) For the purposes of the development code, all words used in the code shall have their normal and customary meanings unless specifically defined otherwise in this code:

- (a) Words used in the present tense include the future.

- (b) The plural includes the singular and vice versa.
- (c) The words “will” and “shall” are mandatory.
- (d) The word “may” indicates that discretion is allowed.
- (e) The word “used” includes designed, intended, or arranged to be used.
- (f) The masculine gender includes the feminine and vice versa.
- (g) The word “building” includes a portion of a building or a portion of the lot on which it stands.
- (h) All day references refer to calendar days.

(2) Distances shall be measured horizontally unless otherwise specified. (Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

**18.94.035 Application types.**

(1) The city shall consolidate the development application and review in order to integrate the development permit and environmental review process, while avoiding duplication of the review processes.

(2) All applications for development permits, site plan review approvals, variances and other city approvals under the development code shall be submitted on forms provided by the community development department. All applications shall be signed by the property owner, or accompanied by a letter of authorization signed by the property owner.

(3) There are four types of land use applications. See Table 18.94-1 for classification of the land use application types. The city shall process each type of land use application as provided in this chapter. The community development director shall classify any application not included on Table 18.94-1, subject to appeal of the classification as part of an appeal of the decision on the merits of the application. Land use applications occur in the following four types:

(a) Type I (Administrative). This application involves no or very little discretionary decision-making in application of the applicable development ordinances, and has little to no significant impact to abutting property owners or the public in general. Examples include boundary line adjustments, building permits and home occupations.

(b) Type II (Administrative). This application type requires a higher degree of discretionary decision-making in interpreting and applying the applicable development regulations, and has a greater degree of impact on abutting property owners and the general public. Examples include short plats, multifamily developments, and commercial and industrial site plans abutting residential zones.

(c) Type III (Quasi-Judicial). This application type requires a high degree of discretionary decision-making in interpreting and applying development regulations, and/or has a high degree of impact on property owners within the vicinity of the site and the public in general. Examples include subdivisions, conditional use permits (CUPs), and planned unit developments (PUDs). A complete classification of the land use application types is found in Table 18.94-1.

(d) Type IV (Legislative). This application has a high degree of impact on property owners within the vicinity of the site and the city as a whole. Examples include comprehensive plan changes and connected rezones, development of regulations and subarea plans, and comprehensive plan reviews. A complete classification of the application types is found in Table 18.94-1.

When a given development or action consists of applications subject to more than one type of review, all of the applications shall be processed concurrently at the highest review type applicable to the applications. (Amended during 9/08 supplement; Ord. 1613 § 1 (Exh. A), 2008; Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

**18.94.040 Roles and responsibilities.**

The regulation of land development is a cooperative activity including many different elected and appointed boards, city staff, the hearing examiner and the applicant. The specific responsibilities of these bodies are set forth below:

- (1) A developer is expected to read and understand the city development code and be prepared to fulfill the obligations placed on the developer by WMC Titles 15 through 18.
- (2) Community Development Director. The director shall review and act on the following:
  - (a) Authority. The community development director is responsible for the administration of WMC Titles 15 through 18.
  - (b) Administrative Interpretation. Upon request or as determined necessary, the director shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within 28 calendar days after the city receives a technically complete application. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation. Classification of land use actions that are not listed on Table 18.94-1 is an administrative interpretation.
  - (c) Type I and Type II administrative approvals as set forth in WMC 18.94.035(3)(a) and (b).
- (3) City Council. In addition to its legislative responsibility, the city council shall review and act on the following subjects, as set forth in WMC 18.94.110:
  - (a) Recommendations of the planning commission, pursuant to WMC 18.94.110.
- (4) Planning Commission. The planning commission shall review and make recommendations to city council, as appropriate, on the following applications and subjects, as set forth in WMC 18.94.100:
  - (a) Amendments to the comprehensive plan;
  - (b) Legislative proceedings relating to WMC Titles 15, Buildings and Construction, 16, Environmental Regulations, 17, Land Divisions, and 18, Zoning;
  - (c) Other actions requested or remanded by the city council.
- (5) Hearing Examiner. The hearing examiner shall review and make final decisions, unless appealed, as appropriate, on the following applications and subjects as set forth in WMC 18.94.105:
  - (a) Variances (full variance) of more than 25 percent of any numerical standard in this title, such as building height, setback or yard restrictions;
  - (b) Appeal of administrative interpretations and decisions as set forth in WMC 18.94.035(3)(a) and (b);
  - (c) Appeal of SEPA threshold determinations on any land use action associated with final decisions;
  - (d) Appeal of code enforcement officer decisions;
  - (e) Appeal of building official decisions;
  - (f) All decisions interpreting and applying development regulations and/or having a high degree of impact on property owners within the vicinity of the site and the public in general. Examples include subdivisions, conditional use permits (CUPs), code interpretations (as part of Type III actions) and planned unit developments (PUDs);
  - (g) Other actions requested by the city council or remanded by the superior court. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

**18.94.045 Preapplication.**

A preapplication conference is an opportunity for a prospective applicant to meet with city staff to discuss the requirements for a proposed development application.

(1) Applicability. All Type III applications shall be subject to preapplication review. Type II applications are subject to preapplication review except if excused by the director.

(2) Upon receipt of a preapplication conference request, the community development director shall:

(a) Schedule a date and time at which the conference will be held. The director may set a specific day of the week upon which conferences are to be held. The city will hold a preapplication conference four weeks from the date the preapplication conference submittal is made;

(b) Forward the materials submitted to the appropriate local, state or federal agencies for review and comment;

(c) Hold the conference. Conferences are attended by a representative from the community development and public works departments, fire, police, and other agencies or departments the director determines to be appropriate;

(d) One week following the conference, the community development director will issue a written report summarizing the conference including any determinations made as a result of the conference.

(3) Preapplication Conference Submittal Requirements. The following information shall be submitted:

(a) Application form completed and signed by property owner or by applicant if accompanied with an authorization letter from the property owner, accompanied by a fee as identified in WMC 3.90.010;

(b) Five copies of a site plan or proposed plat, as appropriate for the proposed land use, drawn to a minimum scale of one inch equals 200 feet on a sheet no larger than 24 inches by 36 inches (one copy is acceptable of eight and one-half inches by 11 inches if to scale). The development plan shall include sufficient information so city departments can make an adequate determination as to the potential impact of the proposal and respond accordingly. Include the following details:

(i) Proposed name of the development;

(ii) Date, north point, and scale of drawing;

(iii) Names and addresses of the owner or owners, developer, engineer or surveyor, and land planner or landscape architect;

(iv) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, railroad right-of-way or other important features, such as section lines or corners, city boundary lines and monuments;

(v) Location and direction of all watercourses;

(vi) Natural features, such as rock outcroppings, marshes, wooded areas and isolated preservable trees;

(vii) Existing uses of the property, including location of all existing structures on the property, and indication if they are to remain;

(viii) Proposed streets and their location, widths, names, approximate radii of curves, and relationship to any projected streets;

(ix) Easements. Identify location on the site or abutting property, showing the width and purpose of all existing and proposed easements;

(x) Lots. Approximate dimensions of all lots, minimum lot size, proposed lot and block number;

- (c) One full size copy of the assessor's quarter section map(s) with the site identified together with all other property owned by the applicant within 1,000 feet of the proposed site;
- (d) One copy of a road or vicinity map with the site identified;
- (e) One copy of the U.S. Soil Conservation Service soils survey with the site identified, or other more site-specific information;
- (f) A map showing the existing zoning of all adjacent properties. This may be written on the assessor's quarter section map;
- (g) A written narrative and attached exhibits that give a complete and accurate depiction of what the proposal involves, including any specific questions to be answered by the city. If any specific conditions or mitigation measures are proposed by the applicant, this should be included in the narrative;
- (h) A developer's packet obtained from Clark County community development will satisfy the technical land use demand to determine if the subject property contains such items as soils, geohazards, and critical lands. (Amended during 9/08 supplement; Ord. 1613 § 1 (Exh. A), 2008; Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1245 § 1, 1997; Ord. 1233 § 1, 1997)

**18.94.050 Content of technically complete applications.**

- (1) All applications for approval under WMC Titles 15 through 18 shall include the information specified in the applicable title. The director may require such additional information as reasonably necessary to fully and properly evaluate the proposal.
- (2) The applicant shall apply for all permits identified in the preapplication conference.
- (3) A project application shall be declared complete only when it contains all of the following materials:
  - (a) A fully completed and signed development application and all applicable review fees. The application shall be signed by the owner of record or be accompanied by a letter of authorization signed by the owner of record;
  - (b) A fully completed and signed environmental checklist pursuant to the State Environmental Policy Act, if applicable;
  - (c) The information specified for the desired project in the appropriate chapters of this code;
  - (d) Any supplemental information or special studies identified in writing by the director in the preapplication conference report. (Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

**18.94.055 Initial processing of applications.**

The director initially shall process all Type I, II, III and IV applications as follows:

- (1) Within 28 calendar days of submittal, the director shall determine if the application is technically complete and shall send to the applicant a letter stating that the application is technically complete or identifying what additional information is required to make it technically complete.
- (2) Within 14 calendar days after the city receives additional information from the applicant in response to an initial or subsequent notice that an application is technically incomplete, the city shall mail to the applicant a written statement that the application is technically complete or identifying what additional information is required to make it technically complete. When the director finds that an application is technically complete, the director shall note the date on the application form.
- (3) Except for an application subject to Type I review, within 14 calendar days after the director finds an application is technically complete, the director shall provide notice of the application. The contents of the notice of application shall be consistent with WMC 18.94.080.

(a) When the application is administrative in nature (all Type II applications), notice of the application shall be provided as follows:

(i) Post one notice of the application on the subject property for every 300 feet of frontage on a public road, or, if the property does not front on a public road, at a point abutting a public road near the subject property;

(ii) Mail written notice of the application to solicit comments from the following affected agencies: public works, fire, Northwest Natural Gas, GTE, cable, Clark Public Utilities and other affected agencies as determined by the community development director;

(iii) Mail written notice of the application to owners of property within 500 feet of the subject property as shown on the records of the county assessor, the applicant, the owners of the subject property and other persons and firms identified by the applicant;

(b) When the application is legislative in nature (all Type IV), notice of the application shall be provided as follows:

(i) Publish notice of the proposed action in the official newspaper of the city. The notice shall state the following:

(A) What chapter is proposed to be amended;

(B) A brief description of the proposed amendment;

(C) The name and telephone number of the staff contact;

(D) Where a copy of the proposed amendment may be obtained;

(E) The deadline by which comments on the proposed change may be submitted;

(ii) Mail a copy of the proposed legislation to any private industry directly affected by the proposed amendment, including a cover sheet identifying the comment period expiration date. Failure to mail such notice to everyone in an industry affected by the proposed change shall not be a violation of this section nor invalidate the process through completion.

(c) When the application is quasi-judicial in nature (all Type III applications), notice of application shall be provided as identified at WMC 18.94.080, Notice provisions.

(4) Except for a determination of significance, the city shall not issue a SEPA threshold determination until expiration of the comment period on the notice of application. The threshold determination shall be published in the official newspaper of the city. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003)

**18.94.060 Subsequent application processing.**

(1) Type I Applications. Except in the case of a building permit application, and unless accompanied with a SEPA checklist review, the director shall approve, approve with conditions, or deny a Type I application within 28 calendar days after the date the application was accepted as technically complete; provided, that an applicant may agree in writing to extend the time in which the director shall issue a decision. Time spent by the applicant to revise plans or provide additional studies or materials requested by the city shall not be included in the 28-day period. The planning official may consider new evidence the applicant introduces with or after such a written request for extension. The planning official's decision shall address all of the relevant approval criteria applicable to the development application pursuant to WMC 18.94.090 and 18.94.130. The decision of the director may be appealed pursuant to WMC 18.94.140(1).

(2) Type II Applications. The final decision on a Type II application shall be made and mailed pursuant to WMC 18.94.090 not more than 120 calendar days (90 days for short subdivisions) after the date a technically complete

determination is made that contains the decision to approve, approve with conditions or deny the application. This period shall not include:

- Time spent by the applicant to revise plans or provide additional studies or materials requested by the city.
- Substantial project revisions made or requested by an applicant, in which case the time lines set forth will be calculated from the time that the city determines the revised application to be complete.
- Projects involving the siting of an essential public facility.
- Time spent preparing an environmental impact statement.
- All time required to obtain a variance.
- Time between submittal and resolution of an appeal, including remands and determination of significance.
- Time required to process a request for reconsideration.
- Any extension of time mutually agreed upon by the applicant and the city in writing.

(a) The decision of the director may be appealed within 14 calendar days after it is issued pursuant to WMC 18.94.140(1), including an appeal of a SEPA determination.

(b) The city shall not issue a SEPA threshold determination until expiration of the comment period on the notice of application.

(3) Type III Applications.

(a) Within 14 calendar days after receipt of a technically complete application, the director shall schedule the proposal for public hearing before the hearing examiner. The final decision on a Type III application shall be made and mailed not more than 120 calendar days after the date a technically complete determination is made. This period shall not include:

- Time spent by the applicant to revise plans or provide additional studies or materials requested by the city.
- Substantial project revisions made or requested by an applicant, in which case the time lines set forth will be calculated from the time that the city determines the revised application to be complete.
- Projects involving the siting of an essential public facility.
- Time spent preparing an environmental impact statement.
- All time required to obtain a variance.
- Time between submittal and resolution of an appeal, including remands and determination of significance.
- Time required to process a request for reconsideration.
- Any extension of time mutually agreed upon by the applicant and the city in writing.

(b) The director shall give notice of the initial hearing before the examiner as provided in WMC 18.94.080(2). Where the application is an appeal of a Type I or II decision, the director also shall mail written notice of the initial hearing before the examiner to the parties of record below.

(c) At least seven calendar days prior to the public hearing, the director shall issue and mail to the applicant a staff report. Copies of the staff report and recommendation shall be available at City Hall at no charge to the public upon request. The staff report shall:

- (i) Identify the relevant standards and criteria;

- (ii) Provide proposed findings and conclusions about whether the application complies with those standards and criteria based on substantial evidence in the record;
- (iii) Recommend a proposed decision, and, if appropriate, proposed conditions of approval warranted to ensure the impacts of the proposal will be mitigated and the application does or will comply with applicable standards and criteria; and
- (iv) Contain the final SEPA determination.
- (v) In the case of a final order by the examiner, the director also shall summarize how the order can be appealed to superior court consistent with WMC 18.94.140(2).

(d) The city shall not issue a SEPA threshold determination until expiration of the comment period on the notice of application.

(4) Type IV Applications.

(a) Not sooner than the deadline specified in the notice of application required in WMC 18.94.055, the director shall schedule a work session with the planning commission to consider the contents of the draft proposal and amendments to the draft.

(b) The director shall hold a work session with the city council on the proposed amendment as revised following the planning commission work session.

(c) When the amendment is ready for a public hearing after the city council work session, the director shall schedule the proposal for public hearing before the planning commission.

(d) The director shall give notice of the initial hearing before the planning commission as provided in WMC 18.94.080(2). In addition, the director shall mail notice to any person or firm who commented on the proposed amendment.

(e) At least seven calendar days prior to the public hearing, the director shall issue and mail to the applicant a staff report. Copies of the staff report and recommendation shall be available at City Hall at no charge to the public upon request. The staff report shall:

- (i) Identify the relevant standards and criteria;
- (ii) Provide proposed findings and conclusions about whether the proposed amendment complies with those standards and criteria;
- (iii) Recommend a proposed decision and, if appropriate, any recommended changes to the draft amendment; and
- (iv) Contain the final SEPA determination.

(f) Within 14 calendar days after the director receives a recommendation from the planning commission, the director shall schedule the matter for public hearing before city council.

(g) The director shall give notice of the initial hearing before the city council as provided in WMC 18.94.080(2). In addition, the director shall mail notice to any person or firm who commented orally or in writing in the public hearing(s) before the planning commission.

(h) Review of Type IV applications also is subject to WMC 18.94.115. (Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

**18.94.080 Notice provisions.**

(1) Notice of Application for Type II, Type III and Type IV Applications. Within 14 calendar days following issuance of a technically complete letter under WMC 18.94.060, the city shall issue a notice of application and solicit comments from affected agencies and the public.

(a) The notice shall include, but not be limited to, the following:

- (i) The name of the applicant;
- (ii) Technically complete date of application;
- (iii) The location of the project (including address and legal description);
- (iv) A brief project description;
- (v) The requested approvals, actions and/or required studies;
- (vi) The deadline for submitting comments. The comment period shall be 15 calendar days following the date of notice;
- (vii) Identification of existing environmental documents to be relied upon, if any;
- (viii) A city staff contact and phone number;
- (ix) The applicant's contact name and telephone number.

(b) The notice of application for Type II applications shall be posted on the subject property in two or more locations, mailed to all property owners as shown on the records of the county assessor of properties within 500 feet of the boundary of the site, and to the applicant, property owner and engineer/consultant, and be published once in the official newspaper of the city. The posting, publication and mailing of such notice shall occur on the same date.

(c) The notice of application for Type III and IV applications shall be mailed to all property owners as shown on the records of the county assessor of properties within 500 feet of the boundary of the site, and to the applicant, property owner and engineer/consultant, and be published once in the official newspaper of the city. The posting, publication and mailing of such notice shall occur on the same date.

(d) A notice of application is not required for the following actions, when they are categorically exempt from SEPA or environmental review has been completed:

- (i) Application for building permits;
- (ii) Application for lot line adjustments;
- (iii) Application for Type I administrative approvals.

(2) Notice of Public Hearing. Notice for hearings for all Type III and Type IV land use actions and all appeals shall be given as follows:

- (a) Publication at least 10 calendar days before the date of an initial public meeting, hearing, or pending action in the official newspaper of the city; and
- (b) At least 10 calendar days before the date of an initial public meeting, hearing or pending action, mailing of written notice to all property owners as shown on the records of the county assessor within 500 feet, not including street rights-of-way, of the boundaries of the property which is the subject of the meeting or pending action, and to the applicant, property owner and engineer/consultant;

(c) Posting at least 10 calendar days before the initial meeting, hearing, or pending action, three or more notices, as determined necessary by the director, on the subject property, one in the library and one notice in City Hall;

(d) Content of Notice. The public notice shall include a general description of the proposed project, action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained;

(e) Continuations. If, for any reason, a meeting or hearing on a pending action is not completed on the date set in the public notice, the meeting or hearing may be continued to a date, time and place certain and no further notice under this section is required. If a meeting or hearing is not continued to a date, time and place certain, the director shall provide notice of the continued meeting or hearing as though it was the initial evidentiary hearing.

(3) Notice of Decision. A notice of decision shall be sent to the parties of record for any application subject to the notice provisions of subsection (1) of this section. The notice of decision shall be the appealable document in all land use actions. Notice shall be made as follows:

(a) Type II Actions. The director shall notify parties of record of an administrative decision by sending a copy of the staff report and determination for the proposal. The staff report shall indicate that the decision will become final unless an aggrieved party files an appeal pursuant to WMC 18.94.140.

(b) Type III and Type IV Actions. A written notice for all final decisions shall be sent to the applicant and all parties of record. The final decision on all Type III actions subject to review by the examiner is the signed written order of the examiner. The final decision on all Type IV actions shall consist of the resolution, ordinance or a copy of the approved minutes from the city council. However, the date of the final decision for purposes of appeal shall be the date the city mails notice of the decision.

(4) In addition to the posting and publication requirements of subsection (2) of this section, notice of appeal hearings shall be as follows:

(a) For administrative approvals, notice shall be mailed to parties of record;

(b) For planning commission recommendations, mailing to parties of record from the commission hearing.

(5) The director may approve, approve with conditions, or deny the following without notice, except to the applicant:

(a) Lot line adjustments;

(b) Extension of time for approval;

(c) Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not:

(i) Affect overall project character,

(ii) Increase the number of lots, dwelling units, or density, or

(iii) Decrease the quality or amount of open space;

(d) Director's decisions under this section may be appealed by the applicant pursuant to WMC 18.94.140.

(6) Within 14 days of a Type II, Type III, or Type IV application being deemed technically complete, the applicant shall post one four-foot by four-foot sign per road frontage. The sign shall be attached to the ground with a minimum of two four-inch by four-inch posts or better. The development sign shall remain posted and in reasonable condition until a final decision of the city is issued, and then shall be removed by the applicant within 14 days of the

notice of decision by the city. The sign shall be clearly visible from adjoining rights-of-way and generally include the following:

- (a) Description of proposal;
- (b) Types of permit applications on file and being considered by the city of Washougal;
- (c) Site plan;
- (d) Name and phone number of applicant, and city of Washougal contact for additional information;
- (e) If a Type III or Type IV application, then a statement that a public hearing is required and scheduled. Adequate space shall be provided for the date and location of the hearing to be added upon scheduling by the city. (Ord. 1886 § 1 (Exh. A), 2019; Ord. 1740 § 1 (Exh. A), 2013; Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

(7) Notice of Resource Activities. All subdivision plats, short plats, development permits and building permits approved by the City for development activities on or within 500 feet of lands designated as agricultural lands, forest lands, or mineral resource lands, must include a notice that the subject property is within or near designated agricultural lands, forestlands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

#### **18.94.090 Development review.**

##### **(1) Environmental Review.**

(a) Developments and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed in accordance with the policies and procedures contained in Chapter 16.36 WMC and this chapter.

(b) SEPA review shall be conducted concurrently with substantive development review and, where possible, integrated into the project review. Previously completed programmatic environmental reviews (i.e., comprehensive plan EIS, subarea plans, etc.) should be relied upon whenever possible. The following are exempt from concurrent SEPA review:

- (i) Projects categorically exempt from SEPA;
- (ii) Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned action.

(2) Substantive Development Review. Any application made pursuant to this chapter shall be evaluated against the applicable criteria from the applicable title (WMC Title 15, 16, 17, or 18) and relevant provisions of the comprehensive plan and other adopted plans. (Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

#### **18.94.100 Planning commission review.**

(1) Staff Report. The director shall prepare a staff report on the proposed action pursuant to WMC 18.94.090(2). The staff report shall include findings, conclusions and proposed recommendations.

(2) Hearing. The planning commission shall conduct a public hearing on proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's development code, adopted plans and regulations. Notice of the planning commission hearing shall be in accordance with WMC 18.94.080(2), and conduct of the hearing shall be in accordance with WMC 18.94.120(1).

(3) Recommendation. Upon a recommendation approving, conditionally approving or denying a proposal, the planning commission shall pass a motion by majority vote of those in attendance and participating adopting findings of fact, conclusions and recommendations to be forwarded to city council for consideration consistent with WMC

18.94.060(4)(f). (Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

**18.94.105 Hearing examiner review and decision.**

(1) Hearing. The hearing examiner shall conduct a public hearing on development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's development code, adopted plans and regulations. Notice of the hearing examiner hearing shall be in accordance with WMC 18.94.080(2). The hearing examiner shall conduct a public hearing in accordance with WMC 18.94.120(1).

(2) Required Findings. The hearing examiner shall not approve a proposed development unless it first makes the following findings and conclusions:

(a) The development is consistent with the comprehensive and other adopted plans and meets the applicable provisions of WMC Titles 15, 16, 17 and 18.

(3) Decision. The hearing examiner's decision to approve as recommended, approve with additional conditions, modify, with or without the applicant's concurrence; provided, that the modifications do not enlarge the area or scope of the project; increase the density or proposed building size; significantly increase adverse environmental impacts as determined by the responsible official, deny (reapplication or resubmittal is permitted), deny with prejudice (reapplication or resubmittal is not allowed for one year), and shall be based upon findings of fact and shall be final, unless appealed to the Clark County superior court within 21 days from the date the final decision is issued per RCW 36.70C.040(3). (Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

**18.94.110 City council actions.**

(1) Actions. Upon receiving a recommendation from the planning commission or notice of any other matter requiring the council's attention, the council shall perform the following actions as appropriate:

(a) Deliberate and make a decision on a planning commission recommendation, based upon the closed record established at the public hearing;

(b) At the council's discretion, it may hear oral argument based on the evidence in the record and make a decision on the following matters:

(i) Recommendations of planning commission;

(ii) Other matters not prohibited by law;

(c) Council, at its discretion, may accept new evidence only for the following reasons:

(i) The evidence relates to standing, notice, ex parte contact, bias or other alleged procedural irregularity or violation of the appearance of fairness doctrine or whether the record before council is complete.

(2) Decisions. The city council shall make its decision by motion, resolution, or ordinance as appropriate.

(a) A council decision on a planning commission recommendation or following a public hearing shall include one of the following actions:

(i) Approve as recommended;

(ii) Approve with additional conditions;

- (iii) Modify, with or without the applicant's concurrence; provided, that the modifications do not:
  - (A) Enlarge the area or scope of the project;
  - (B) Increase the density or proposed building size;
  - (C) Significantly increase adverse environmental impacts as determined by the responsible official;
- (iv) Deny (reapplication or resubmittal is permitted);
- (v) Deny with prejudice (reapplication or resubmittal is not allowed for one year);
- (vi) Remand for further proceedings and/or evidentiary hearing in accordance with WMC 18.94.100. (Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

**18.94.115 Legislative actions.**

The provisions of this section shall apply to all legislative amendments to WMC Titles 15, Buildings and Construction; 16, Environmental Regulations; 17, Land Divisions; and 18, Zoning; or the comprehensive plan policies or text.

(1) Legislative changes shall be considered through a Type IV process, with the exception of those provisions set forth in subsections (2) and (3) of this section.

(2) Supplemental Procedures.

(a) Upon completion of a draft of any legislative amendment to any chapter subject to this section, the director shall:

(i) Solicit comments from affected agencies, private industries and the general public. This shall be accomplished by:

(A) Sending copies of the proposed amendment to any private industry directly affected by the proposed amendment, including a cover sheet identifying the comment period expiration date. Failure to send to all industries affected by the proposed change shall not be a violation of this section, nor invalidate any process to its completion;

(B) Publishing notice of the proposed amendment, consistent with subsection (3) of this section;

(ii) Upon expiration of the initial comment period, the director shall hold a work session with the planning commission to discuss the contents of the proposed amendments. Comments that result from the work session may be incorporated into the draft amendment;

(iii) Hold a work session with city council on the proposed amendment as revised by the planning commission;

(iv) Complete the hearings process consistent with a Type IV land use action.

(3) Supplemental Notice Provisions. The following notice provisions shall be implemented in conjunction with any proposed legislative amendment:

(a) Initial Notice. Upon completion of a draft amendment, the director shall publish notice of the proposed change in the official newspaper of the city. The notice shall state the following:

(i) What chapter is proposed to be amended;

(ii) A brief description of the proposed amendment;

(iii) The name and telephone number of the staff contact;

- (iv) Where a copy of the proposed amendment may be obtained;
- (v) The deadline by which comments on the proposed change may be submitted.

(b) Hearing Notice. Once the initial comment period has expired, the director shall schedule the matter for public hearing. The notice for public hearing shall be consistent with the notice provisions for a Type IV application, except as follows:

- (i) Notice shall be sent to parties of record who responded to the initial publication or request for comments. (Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

**18.94.120 Procedures for public proceedings.**

(1) Hearings. Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The chair or hearing examiner shall open the public hearing and, in general, observe the following sequence of events:

- (a) Applicant presentation, including submittal of any materials. Members of the hearing body or hearing examiner may ask questions of the applicant;
- (b) Staff presentation, including submittal of any administrative reports. Members of the hearing body or hearing examiner may ask questions of the staff;
- (c) Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair or hearing examiner at its discretion;
- (d) Rebuttal, response or clarifying statements by the staff and the applicant or the applicant's representative;
- (e) The evidentiary portion of the public hearing shall be closed and the hearing body or hearing examiner shall deliberate on the matter before it.

(2) Procedures for Closed Record Appeals. Closed record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record appeals shall be conducted generally as provided for public hearings. Except as provided in subsection (4) of this section, no new evidence or testimony shall be given or received. The parties to the appeal may submit timely written statements or arguments addressing the evidence already in the record. In the case of a closed record appeal to council, such written comments shall be received by the director at least five calendar days prior to the hearing.

(3) Reconsideration. A party to a public hearing or closed record appeal may seek reconsideration of a final decision only by filing a written request for reconsideration with the director within five calendar days after the direct mail notice of the final decision. The request shall comply with WMC 18.94.140(4). The council, hearing body or hearing examiner shall consider the request at its next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the council, hearing body or hearing examiner may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision. The request for reconsideration stops the appeal clock from running, and the appeal clock restarts only when a decision on the reconsideration request is made.

(4) Remand. In the event the city council determines that the public hearing record is insufficient or otherwise flawed, the council may remand the matter back to the initiating hearing body to correct the deficiencies. The council shall specify the items or issues to be considered and the time frame for completing the additional work. The council may hold a public hearing on a closed record appeal only for the limited purposes identified in RCW 34.05.562(1). (Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1233 § 1, 1997)

**18.94.130 Final decision – Effective date.**

The final decision of the council, hearing body or hearing examiner shall be effective on the date stated in the decision, motion, resolution or ordinance; provided, that the date from which appeal periods shall be calculated shall

be the date a notice of decision is issued pursuant to WMC 18.94.080(3). (Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

**18.94.135 Post-decision review.**

(1) Purpose. The purpose of this section is to allow minor changes to preliminarily approved development applications in a timely and cost effective manner. Such changes may be warranted by ambiguities or conflicts in a decision and by new or more detailed information, permits, or laws. It allows for public notice and input relative to the degree and scope of the proposed changes. The director may approve some de minimis changes without a post-decision review using the final plat/final site plan review process.

(2) Applicability. An applicant who has obtained preliminary approval of a development application, including land division, site plan review, conditional use permit, or planned unit development, may file a post-decision review application requesting a minor change to aspects of the development proposal or conditions of approval. The post-decision review application may be filed at any time during the period of validity of the preliminary decision; provided:

- (a) A post-decision review application shall not be accepted for a land division after a final plat has been recorded.
- (b) A post-decision review application for a site plan review shall not be accepted for a development after issuance of a certificate of occupancy.
- (c) A post-decision review application for phased site plan review projects shall not be accepted for a phase after issuance of an occupancy permit for that phase.
- (d) Post-decision review shall not substantially change the nature of development approved under a given decision.
- (e) An application that is denied is not eligible for post-decision review.

(3) Modification of a development other than by a timely appeal or post-decision review shall be through review of a new application; provided, a new application cannot be filed within one calendar year after the date of a decision denying a substantially similar application, unless such earlier decision provides otherwise.

The director may determine that proposed changes exceed the scope of the post-decision review process and that a new development application is warranted. Such determination may be appealed to a hearing examiner in accordance with WMC 18.94.140.

(4) Vesting. Vesting for a proposed development is based on the original development application; provided, that any changes that increase impacts beyond the original development application will be subject to the applicable ordinances in effect on the day that a fully complete post-decision review application is filed.

(5) Classification. The director shall classify the application as subject to a Type I, Type II, or Type III process. This classification decision may be appealed to the hearing examiner in accordance with WMC 18.94.140.

- (a) An application for post-decision review of a Type I decision shall be subject to a Type I review process.
- (b) An application for post-decision review of a Type II decision shall be subject to a Type I review process, if the director finds that the requested change in the decision:
  - (i) Is consistent with the applicable law or variations permitted by law, including a permit to which the development is subject;
  - (ii) Involves changes to the interior of the development that will not result in impacts, to include visual impacts, beyond the perimeter of the development site;
  - (iii) Does not result in additional lots;

- (iv) Does not change the location of access ways to frontage roads where off-site traffic would be affected;
- (v) Does not locate parking closer to land zoned or used for residential purposes unless more than 100 feet remain separating the parking area and the residential properties;
- (vi) Does not increase the height or gross floor area of a structure by more than 10 percent;
- (vii) Does not require the approval of a road modification that has off-site impacts;
- (viii) Does not involve an issue of broad public interest, based on the record of the decision. An issue of public interest is one about which testimony was submitted to the record either at the public hearing or in writing;
- (ix) Proposes to phase a project that was not phased in the original review, or proposes changes to a phasing plan; and
- (x) Does not require further SEPA review.

(c) An application for post-decision review of a Type II decision shall be subject to a Type II review process if it does not qualify for Type I review under subsection (5)(b) of this section.

(d) An application for post-decision review of a Type III decision shall be subject to a Type II review process if the director finds that the requested change in the decision:

- (i) Does not increase the potential adverse impact of the development authorized by the decision or SEPA determination;
- (ii) Does not result in additional lots;
- (iii) Does not require the approval of a road modification that has off-site impacts;
- (iv) Does not reduce any transportation safety or transportation concurrency related obligations of the applicant;
- (v) Does not result in a change in the routing of off-site traffic;
- (vi) Does not delete dedications for public utilities/facilities on the site;
- (vii) Does not reduce proposed setbacks by more than 10 percent;
- (viii) Does not increase the height of a structure by more than 10 percent;
- (ix) Does not increase the gross floor area of a structure more than 10 percent;
- (x) Does not eliminate or change fences from sight obscuring to nonobscuring; and
- (xi) Does not involve an issue of broad public interest, based on the record of the decision. An issue of public interest is one about which testimony was submitted to the record either at the public hearing or in writing.

(e) An application for post-decision review of a Type III decision shall be subject to a Type III review process if it does not qualify for a Type II process under subsection (5)(d) of this section.

(f) When a post-decision review application requests a change involving a condition of approval that was imposed in the original decision to address a specific potential impact of the proposed development, that condition of approval can be changed only using the same type process as the original decision.

(6) Submittal Requirements. Application for post-decision review shall include the following:

- (a) A narrative describing the nature of the proposed change to the development and the basis for that change, including the applicable facts and law;
- (b) A copy of the approved development plan;
- (c) A copy of the original development review decision and any approved modifications;
- (d) A copy of the proposed development plan;
- (e) Application fee;
- (f) Reduced copies 11 inches by 17 inches in size shall be included for any application materials larger than 11 inches by 17 inches in size; and
- (g) Any other relevant information the applicant thinks may be helpful. (Ord. 1740 § 1 (Exh. A), 2013)

**18.94.140 Appeals.**

(1) Appeal of Administrative Interpretations and Approvals. Administrative interpretations and administrative approvals under WMC Titles 15, Buildings and Construction; 16, Environmental Regulations; 17, Land Divisions; and 18, Zoning; may be appealed by applicants or parties of record, or any person aggrieved by the interpretation or approval, to the hearing examiner, unless otherwise noticed in this chapter, within 14 calendar days after issuance of the notice of the decision or after other notice that the decision has been made and is appealable. New evidence can be introduced and new issues can be raised before the hearing examiner in an appeal of a Type I or II decision, and the examiner shall make an independent decision based on all of the evidence in the whole record.

(2) Appeal of a Hearing Examiner Decision.

- (a) A decision of the examiner shall be final and conclusive unless a land use petition is timely filed (within 21 days of the notice of decision) in superior court pursuant to RCW 36.70C.040(3); provided, that no person having actual prior notice of the proceedings of the examiner shall have standing to challenge the examiner's action unless such person is a party of record at the examiner's hearing.
- (b) Notice of the appeal and any other pleadings required to be filed with the court shall be served on the city clerk, director, and city attorney within the applicable time period.
- (c) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post with the city clerk, prior to the preparation of any records, an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.

(3) Appeal of a City Council Decision.

- (a) The decision of the city council shall be final unless appealed by applicants or parties of record, or any person aggrieved by the decision, and for which all other appeals specifically authorized have been timely exhausted, and such appeal shall be made to Clark County superior court within 21 calendar days of the date of issuance of the notice of decision, unless another time period is established by state law or local ordinance.
- (b) Notice of the appeal and any other pleadings required to be filed with the court shall be served on the city clerk, director, and city attorney within the applicable time period.
- (c) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post with the city clerk prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.

(4) Content of Appeal to Hearing Examiner. The appeal shall contain a concise statement identifying:

- (a) The decision being appealed;

- (b) The name and address of the appellant and the appellant's interest(s) in the matter;
- (c) The specific reasons why the appellant believes the decision to be in error as a matter of fact or law, and the evidence relied on to prove the error. The appellant shall bear the burden of proving the decision was wrong.

If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria identified in WMC 18.94.060(3);

- (d) The desired outcome or changes to the decision;
- (e) The appeals fee.

(5) Appeal Process to Hearing Examiner. Appeals shall be processed as a Type III action; provided, that notice of the appeal hearing shall be sent to only parties of record of the original proceeding. (Ord. 1503 § 1, 2005; Ord. 1465 § 1, 2003; Ord. 1451 § 1, 2003; Ord. 1421 § 1, 2001; Ord. 1233 § 1, 1997)

#### **18.94.150 Plat alterations.**

(1) Minor Modifications. Minor amendments or modifications to approved development, final plats, or permits are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect overall project character; increase the number of lots, dwelling units or density; decrease the quality or amount of open space; change any points of ingress or egress; conflict with any conditions of development agreement or hearing examiner approval; or vary from specified dimensional standards of this title. Minor amendments are Type I decisions and may be approved by the community development director in conjunction with the fire chief and city engineer, as needed.

(2) Major Amendments. A major amendment is any change in a plan or subdivision other than those identified at subsection (1) of this section as minor adjustments. An example of a major amendment is a request to amend a condition of approval. Major amendments must be reviewed and approved by the hearing examiner. The decision of the hearing examiner shall be considered as an amendment to the subdivision or project and fees charged accordingly for this review.

(3) Any request to modify a condition of permit approval shall be processed in the same manner, and shall be subject to the same standards, as was the original application, provided the standards and criteria used to approve the decision are consistent with the current code. The decision maker shall limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved. If the standards and criteria used to approve the original decision have been amended and are inconsistent with current code, a new application is required, rather than a plat alteration.

(4) Unauthorized Changes. Unauthorized changes from the approved development approval shall be subject to a stop work order and are subject to code enforcement action as described at Chapter 18.96 WMC. (Ord. 1613 § 1 (Exh. A), 2008; Ord. 1503 § 1, 2005; Ord. 1496 § 1, 2004)

#### **18.94.160 Development agreements.**

(1) Authorized. The city council may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. Development agreements are intended to vest zoning criteria for a particular parcel in exchange for some benefit to the city including an agreement to annex. The city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by the city.

(2) Effect. Unless amended or terminated, a development agreement is enforceable during its term by any party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulations adopted after the effective date of the agreement. Any permit or approval issued by the

county or city after the execution of the development agreement must be consistent with the development agreement.

(3) Recording Parties and Successors Bound. A development agreement shall be recorded with the real property records of Clark County. During the term of the development agreement, the agreement is binding on the parties and their successors, including the city if the city assumes jurisdiction through incorporation or annexation of the area covering the property covered by the development agreement.

(4) Public Hearing. Notwithstanding other procedural requirements of this title, the city shall only approve a development agreement by ordinance or resolution after a public hearing by the city council or the hearing examiner, as directed by city council. The city shall publish notice of the public hearing in the local paper, a minimum 10 days prior to the initial public hearing, the time, date and location of the hearing, and a general description of the location and proposal.

(5) If the development agreement relates to a project permit application, the provisions of Chapter 36.70C RCW shall apply to the appeal of the decision on the development agreement. (Ord. 1503 § 1, 2005; Ord. 1496 § 1, 2004)

**Table 18.94-1 Land Use Application Types and Approval Authority**

Application	Type				Approval Authority			Appeal to Hearing Examiner (HE) or Superior Court (SC) <sup>5</sup>
	I	II	III	IV	Director or Staff	Hearing Examiner (HE)	City Council (CC)	
Administrative Variance	X				X			HE/SC
Administrative Interpretation	X				X			HE/SC
Boundary Line Adjustment	X				X			HE/SC
Binding Site Plan Review		X			X			HE/SC
Building Permit	X				X			HE/SC
Code Interpretation	X <sup>4</sup>				X <sup>1</sup>			HE/SC
Conditional Use Permit			X		X <sup>1</sup>	X <sup>3</sup>		SC
Critical Areas Permit		X			X			HE/SC
Full Variance			X		X <sup>1</sup>	X <sup>3</sup>		SC
Home Occupation	X				X			HE/SC
Legal Lot Determination	X				X			HE/SC
Plan and Zoning Code Text Amendment				X	X <sup>1</sup>		X <sup>2</sup>	SC <sup>5</sup>
Planned Unit Development			X		X <sup>1</sup>	X <sup>3</sup>		SC
Plat Alteration Minor Major	X		X		X X <sup>1</sup>	X		HE/SC SC
Post-Decision Review Type I Type II Type III	X	X	X		X X X <sup>1</sup>	X		HE/SC HE/SC SC
Preapplication Conference	X				X			HE

Application	Type				Approval Authority			Appeal to Hearing Examiner (HE) or Superior Court (SC) <sup>5</sup>
	I	II	III	IV	Director or Staff	Hearing Examiner (HE)	City Council (CC)	
Rezoning/Plan Amendment				X	X <sup>1</sup>		X <sup>2</sup>	SC <sup>5</sup>
Road Modification	X				X			HE/SC
Shoreline Permit								
Nonsignificant		X			X			HE/SC <sup>5</sup>
Significant			X		X <sup>1</sup>	X		Department of Ecology <sup>5</sup>
Short Plat		X			X			HE/SC
Sign Site Plan Review	X				X			HE/SC
Site Plan Review (Type II)		X			X			HE/SC
Site Plan Review (Type I)	X				X			HE/SC
Subdivision			X		X <sup>1</sup>	X <sup>3</sup>		SC
Temporary Use	X				X			HE/SC
Wetland Permit		X			X			HE/SC

<sup>1</sup> Department reviews and recommends to hearing body

<sup>2</sup> Planning commission recommends to council for final determination

<sup>3</sup> Hearing examiner makes final decision

<sup>4</sup> The director makes initial interpretations when making Type I and II decisions; the examiner does so when making Type III decisions

<sup>5</sup> Based on the facts of the case, an appeal may be made to an administrative hearings body prior to superior court

(Ord. 1929 § 1 (Exh. A § 8), 2020; Ord. 1613 § 1 (Exh. A), 2008; Ord. 1503 § 1, 2005; Ord. 1496 § 1, 2004; Ord. 1465 § 1, 2003)

**18.94.170 Completion of public improvements.**

If public improvements are not fully complete and accepted by the city, an acceptable security guaranteeing the construction of such improvements shall be submitted in a form acceptable to the community development director and in an amount and with sureties commensurate with improvements to be completed plus an additional 25 percent for administrative costs, securing to the city the construction and installation of the required improvements within a time fixed by the community development director which shall include a reasonable amount of time to complete said improvements but shall not exceed 18 months or as extended by the community development director. Such guarantee shall be in the form of an escrow account, letter of credit or other form acceptable to the community development director that provides the city with the necessary funds to complete the improvements should they not be constructed within the required timeframe. (Ord. 1613 § 1 (Exh. A), 2008)

# Development Code Updates

Monday, April 13, 2026 – City Council Workshop| Presented by Jessica Herceg, DOWL  
Washougal City Hall Council Chambers



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City of Washougal

# Agenda

- **Comprehensive Plan Process Update**
- **Development Code Updates – Group 3**
  - Affordable Housing Bonus: Town Center
  - Affordable Housing Density Bonus: Religious Organizations
  - New Housing in Existing Buildings
  - Miscellaneous Revisions
- **Next Steps/Action Items**

# Affordable Housing Bonus: Town Center

## Applicability:

- Affordable housing programs may include:
  - Density bonuses within the UGA
  - Height and bulk bonuses
  - Fee waivers or exemptions
  - Parking reductions
  - Expedited permitting
- When an affordable housing program is enacted, it must comply with RCW 36.70A.540.

## Proposed Changes:

- Updates to definition for affordable housing
- Clarification of income limits
- Updates to affordable unit requirements
  - # of bedrooms
  - Amenities
  - Location of unit(s) within a development
- 50-year affordability term requirement
- Remove requirement to demonstrate need for affordable housing
- Other clarity improvements

# Affordable Housing Density Bonus: Religious Organizations

**Requirement:** *“City must allow an increased density bonus for any affordable housing development of any single family or multifamily residence located on real property owned or controlled by a religious organization.”*

## **Projects must meet specific standards:**

- Must be for low-income
- 50-year binding affordability obligation
- Must pay all applicable fees
- Cannot discriminate
- Applies to rehabilitation of existing affordable housing development
- City can develop policies to implement statute

## **Proposed updates:**

- Density bonus rates:
  - 10% for detached single family
  - 20% for multifamily
- Development must comply with underlying zone (use, dimensional standards, etc.)
- Protects against non-conformity for rehabilitation projects
- Other standards to meet the statute

# New Housing in Existing Buildings

**Requirement:** Allow up to 50% increase in housing unit density within existing buildings in commercial, mixed-use, or residential zones where multifamily housing is permitted.

## Proposed Standards:

- Must be within existing building envelope
- Must comply with:
  - Minimum use and density standards of the underlying zone
  - Building, fire and safety standards
  - Energy code compliance, with exceptions
- Cannot increase degree of non-conformity
- Existing parking must be retained, additional parking cannot be required

## Procedure:

- Site Plan Review
  - Type I – up to 6 multifamily units
  - Type II – more than 6 multifamily units
- Exempt from concurrency and SEPA review by statute

**“Existing building” is defined as a building that received occupancy at least 3 years prior to application for new housing units.**

# Miscellaneous Updates

## Archaeological Monitoring

- Institutes requirement for monitoring during construction.

## Comprehensive Plan Amendments

- Establishes exceptions for annual processing
- Includes provision for emergency amendments
- Internal cross reference to Type IV procedures

## Notice of Resource Activities

- Public notice must be issued to developments within 500 feet of land designated:
  - Agricultural,
  - Forest; or
  - Mineral resource
- Must state that resource activities which may be incompatible with residential development could occur on designated lands.
- Development includes land divisions, development permits and building permits.

# Action Items/ Next Steps



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# Action Items / Next Steps

## Tentative CC Schedule:

- Monday, May 11<sup>th</sup> – Development Code Updates Group 4