

CONDITIONAL USE PERMIT **MINOR CONDITIONAL USE PERMIT**

A "Minor 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 the ordinance or as required during the review process.

PROCEDURES FOR HEARING EXAMINER CONDITIONAL USE REVIEW:

This packet provides the information and forms necessary to pursue a conditional use permit for uses listed as such in the Washougal Zoning Code.

A conditional use is a use permitted in a specific zoning district that, by its nature, may have specific adverse impacts on the surrounding neighborhood that must be mitigated above the mitigation that would otherwise be provided by compliance with standard zoning provisions.

CONDITIONAL USE PERMIT PROCESS:

Following are the application steps, procedures and time lines for processing an application for a conditional use permit.

Upon receipt of an application, the Planning and Development Department will:

Technically Complete

- Within twenty-eight (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.
- Within fourteen (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 information is required to make it technically complete.

The Final Decision shall be made and mailed not more than 120 calendar days after the date of 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 remissions made or requested by an applicant, in which case the timelines 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.

Notice of Application Routing for Comments

- Within fourteen (14) calendar days after the director finds an application is technically complete, the director shall schedule the proposal for public hearing before the hearing examiner and issue the Notice of Application consistent with WMC 18.94.080. The notice 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 publication and mailing of such notice shall occur on the same date.

Environmental Review (SEPA)

- Development shall be reviewed in accordance with the policies and procedures contained in Chapter 16.36 of the Washougal Municipal Code and the State Environmental Policy Act. **The city shall not issue a SEPA threshold determination until expiration of the comment period on the notice application.**

Hearing Notice

- Publication at least ten (10) calendar days before the date of an initial public meeting, hearing or pending action in the official newspaper of the city; and
- At least ten (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 right 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;
- Posting at least ten (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.

Staff Report

- At least seven (7) calendar days prior to the public hearing, the director shall issue and mail to the applicant a staff report.

Final Notice and Order

- Within five (5) calendar days after the director receives a written final order from the hearings examiner, the director shall mail to the applicant and parties of record a copy of the order.
 - a. 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 section 18.94.140.B.

Action by the Hearing Examiner: In permitting a conditional use the Hearing Examiner may impose, in addition to regulations and standards expressly specified in title 18, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. These conditions may include:

1. Requirements increasing the required lot size or yard dimensions,
2. Requirements increasing street widths,
3. Requirements controlling the location and number of vehicular access points to the property,

4. Requirements increasing the number of off-street parking or loading spaces required,
5. Requirements limiting the number of signs,
6. Requirements limiting the coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property,
7. Requirements limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area, and
8. Requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed.

CONDITIONAL USE PERMIT CRITERIA:

In order to grant any conditional use, the Hearing Examiner must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.

In reviewing and acting upon conditional uses, the planning and development director and the Hearing Examiner shall consider whether any specific requirements for the conditional use have been made as specified elsewhere in WMC Title 18, and in addition shall consider the following as appropriate:

1. Access to the site is appropriate;
2. Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use;
3. The number, size and type of signs proposed are compatible with the surrounding area;
4. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved;
5. The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining or neighboring properties;
6. Hours and manner of operation of the proposed use are not inconsistent with the adjacent or nearby uses;
7. Public facilities and utilities are capable of adequately serving the proposed use;
8. The proposed use will not have a significant adverse effect on the health, safety and general welfare and character of adjacent land uses or the general area;
9. The physical conditions of the site, including size, shape, topography and drainage are suitable for the proposed development;
10. The proposed use is consistent with the goals and objectives of the comprehensive plan;
11. The proposed use is consistent with the goals and objectives of the Woodburn Hill Subarea Plan;
12. The proposed use is consistent with the Vision Statement of the City of Washougal;
13. Whether all pertinent and applicable laws have been met as contained in the Revised Code of Washington, the Washington Administrative Code and the Washougal Municipal Code together with all applicable federal laws;
14. Any other factors deemed relevant to the Hearing Examiner or the planning development director.

CONDITIONAL USE PERMIT APPLICANT REQUIREMENTS:

The following is a checklist of the required information for submitting a CONDITIONAL USE PERMIT application. Applications will not be processed until ALL of the following information is submitted and determined technically complete (WMC 18.72.030 & 18.94.050).

1. APPLICATION FORM completed and signed by owner(s) of record, or their authorized representative. If signed by an authorized representative, a letter of authorization, signed by the owner(s) of record shall accompany the application.
2. One (1) copy of the PRE-APPLICATION CONFERENCE SUMMARY, if completed, and a description of information submitted in response to any issues, comments, and concerns in the summary.
3. Five (5) copies of the PRELIMINARY SITE PLAN – drawn to a minimum scale of 1" = 200" on a sheet no larger than 24" x 36" (one copy is acceptable if 8 ½ x 11 inches is to scale).

If submitting large scale drawings, please submit one (1) reduced copy as well. Please include the following detail:

- a. Dimensions and orientation of the parcel.
- b. Locations of existing and proposed buildings and structures.
- c. Location and layout of off-street parking and loading areas.
- d. Curb cuts or driveway access and internal traffic circulation.
- e. Location of walls and fences, natural buffers and landscape strips.
- f. Existing and proposed exterior lighting.
- g. Location and size of exterior signs and outdoor advertising.
- h. General location and configuration of open space areas.
- i. Grading and slope conditions which may affect drainage or construction.

4. Proof of ownership, or authority to act on behalf of owners. Most recent conveyance document (recorded deed) showing current ownership.
5. Two (2) copies of a conceptual engineered stormwater plan, prepared in accordance with the provision of the city's design standards, to the degree necessary to demonstrate that increased stormwater runoff can be adequately treated and disposed of on-site.
6. Landscape Plan
7. Sign Plan (if applicable)

8. Indication of portable water supply and sewage disposal system. If individual septic systems are proposed, one (1) copy of an APPROVED SEPTIC SYSTEM FEASIBILITY APPLICATION for each proposed lot (not including existing residence(s) if applicable). Contact Southwest Washington Health District, P.O. Box 1870, 2000 Fort Vancouver Way, Vancouver, Washington 98668, phone (360) 695-9215. For existing systems, provide copy of original approval if possible (if applicable).
9. ENVIRONMENTAL CHECKLIST by SEPA (\$420.00) if in conjunction with this application, otherwise the fee as identified in Table 18.04.1. If it is determined there are environmentally sensitive areas on your property, delineation and/or assessments will be required in addition to the SEPA Checklist before your application can be processed.
10. THE CURRENT LIST OF NAMES AND ADDRESS of all property owners within 500 feet of the boundary of the subject property, as shown upon the Clark County Assessor's records. The list shall be dated and certified as being a complete list of abutting owners **by the Assessor's Office, Surveyor, or Title Company**. For purposes of notification, abutting shall include parcels within 500 feet across a right-of-way or easement from the property that is the subject to the application. You must also provide this list TYPED ON SELF-ADHESIVE LABELS (include owner, applicant, and contact person). A list is considered current if the certification date is within thirty (30) days of the application.
11. Existing and proposed CONVENTIONS OR RESTRICTIONS AND EASEMENTS that apply to the property (available from a Title Company)
12. A Traffic Study for proposed project, if required by WMC 18.90.
13. Provide a WRITTEN NARRATIVE and attached EXHIBITS which demonstrate that the proposed use complies with the following criteria or will meet the criteria by complying with suggested conditions of approval proposed by the applicant:
 - a. Access to the site is appropriate considering the anticipated volume of traffic resulting from the use;
 - b. Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use;
 - c. The number, size and type of signs proposed are compatible with the surrounding area;
 - d. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved;
 - e. The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining, or neighboring properties;
 - f. Hours and manner of operation of the proposed use are not inconsistent with the adjacent or nearby uses;
 - g. Public facilities and utilities are capable of adequately serving the proposed use;

- h. The proposed use will not have a significant adverse effect on the health, safety, general welfare, character of adjacent land uses, or the general area; (A description of any specific proposed mitigation measures that will assure compatibility with surrounding uses and the general neighborhood);
 - i. The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development;
 - j. The proposed use is consistent with the goals and objectives of the comprehensive plan;
 - k. Whether all pertinent and applicable laws have been met as contained in the revised Code of Washington, The Washington Administrative code and this code, together with all applicable federal laws;
- l. The proposal complies with all applicable standards in the Washougal Municipal Code:
 - Title 15 WMC (Impact Fees)
 - Title 16 WMC (Environmental)
 - Title 17 WMC (Land Division) (if applicable)
 - Title 18 WMC (Zoning)
 - Comprehensive Plan
- m. Any other factors deemed relevant to the **Planning and Development Department** or Hearing Examiner.

14. CONTOUR MAP. Site must be identified. (Topography maps are available from the Department of Assessment and GIS, located in the basement of the Clark County Courthouse. Engineered contours will be accepted if signed by a licensed engineer or surveyor).

15. One (1) full size copy of the ASSESSOR'S QUARTER SECTION MAP(S) with the site identified and all other property owned by the applicant within 1,000 feet of the proposed land division. (Available from the Department of Assessment and GIS).

16. One (1) copy of a ROAD MAP with the site identified (available from the Department of Assessment and GIS).

17. One (1) copy of the U.S. Soil Conservation Service SOIL SURVEY with the site identified, or other more site-specific information.

18. A map showing the existing ZONING of all adjacent properties. (This may be written on the assessor's quarter section map).

CONDITIONAL USE PERMIT FEE SCHEDULE: (See attached for fees)

19. SEPA fee, if applicable.

20. a. An conditional use application fee **or**
a. A minor conditional use application fee

The following fees are required for submittal of a conditional use permits application. These fees are to be paid at the time of application and are non-refundable.

**CITY OF WASHOUGAL
CONDITIONAL USE PERMIT APPLICATION**

PROJECT TITLE: _____

DESCRIPTION OR PROPOSAL: _____

APPLICANT:

Name _____ Phone _____

Address _____

City _____ State _____ Zip _____

PROPERTY OWNER (list multiple owners separately)

Name _____ Phone _____

Address _____

City _____ State _____ Zip _____

CONTACT PERSON (list if not same as APPLICANT) – FAX #for contact: _____

Name _____ Phone _____

Address _____

City _____ State _____ Zip _____

LOCATION OF PROJECT:

Site Address _____ **Cross Street** _____

Serial #s of parcels included: _____

Comp Plan Designation: _____ **Zoning:** _____

Overlay Zone(s): _____ **1/4 of Sec:** _____ **Township:** _____ **Range:** _____

Total Acreage of Original parcel(s): _____

AUTHORIZATION

The undersigned hereby certifies that all information submitted with this application is complete and correct. I understand that any errors and/or omissions may lengthen the time to process the request. **The information on and accompanied by this application is certified by me to be true and correct under penalty of perjury by the laws of the State of Washington.**

In addition, my signature below also grants permission for city staff to access or enter the subject property to examine the site.

Authorized Signature (Letter of authorization required of other than property owner)

Date

SUBMIT THIS APPLICATION TO THE PLANNING AND DEVELOPMENT DEPARTMENT AT CITY HALL, 1701 "C" STREET, WASHOUGAL, WA (360) 835-8501.